



**IN THE MATTER OF THE INJURY OF A FEMALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN BELLA COOLA, BRITISH COLUMBIA
ON JULY 24, 2022**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

2022-190

Date of Release:

February 9, 2023

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INTRODUCTION

On the morning of July 24, 2022, RCMP members responded to a 911 call about an incident at a residence in Bella Coola. Upon arrival, they found the Affected Person ('AP') sitting with a knife to her own throat. A Conducted Energy Weapon ('CEW' or 'Taser') was deployed and AP was then taken to the floor and placed under arrest. She sustained an injury to her left arm, so the Independent Investigations Office ('IIO') was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of AP, three other civilian witnesses and one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of a 911 call and police radio transmissions;
- CEW data download report;
- scene investigation; and
- medical evidence.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, the Subject Officer declined to provide any account to the IIO.

NARRATIVE

The complaint to which police responded was that AP had pinned another female down with a knife at her throat or chest. AP had consumed a large quantity of alcoholic beverages, and was described by one civilian witness as "hammered". The evidence is that all civilians involved in the incident had been consuming alcohol at the time.

When he arrived on scene, the Subject Officer ('SO') found AP sitting on a couch holding a large knife to her own throat. He radioed to the Witness Officer ('WO'), who was on her way to assist, and told her "I need you here now. She is holding a knife against her neck".

WO told IIO investigators that as she approached the residence, she saw SO standing by the door of AP's unit holding his arms in a manner consistent with gripping a pistol in a 'low ready' position. WO heard SO say, "Put the knife down", and she took out her CEW.

WO told the IIO that AP was sitting on the couch, crying and holding the tip of a large knife up against her neck. WO said she tried to de-escalate the situation by talking calmly to AP, but AP was not responding rationally, and WO was concerned she was going to stab herself.

WO deployed the CEW and activated it a total of four times, in five-second bursts. She said that only after the last activation did she see any significant change in AP, who lowered the knife. At this point, WO said, SO quickly moved in, grabbed the knife and threw it aside. WO said that SO then pulled AP off the couch by her left arm and took her to the floor in an “arm bar [manoeuvre]”, telling her she was under arrest. WO said that both officers heard a “pop” from AP’s arm, and said she thought a joint had been dislocated. As the officers took control of AP and moved her to a police vehicle for transport to hospital, she was complaining about discomfort in her arm. There were superficial cuts on the side of her neck.

The IIO received an account of the incident from a civilian eyewitness, one of AP’s relatives, who said that it was WO who was armed with a pistol and SO who deployed the CEW (the evidence overall shows the opposite). He said that AP was “Tasered” initially while on the couch, but then got up and was walking calmly towards the front door after dropping the knife when SO “whipped” her right arm forcefully behind her and took her down to the floor.

AP was interviewed by the IIO, but said that she had no memory of the interaction with police, as she had “blacked out” at the time.

At hospital, a doctor attempted to assess AP under the *Mental Health Act*, but was unable to because of the level of her intoxication. She was found to have what was described as a “minimally displaced spiral fracture of the left humerus”.

LEGAL ISSUES AND CONCLUSION

The Independent Investigations Office of British Columbia has been given the task of investigating any incident that occurs in the province, in which an Affected Person has died or suffered serious physical harm and there appears to be a connection to the actions (or sometimes inaction) of police. The aim is to provide assurance to the public that when the investigation is complete they can trust the IIO’s conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In the majority of cases, those conclusions are presented in a public report such as this one, which completes the IIO's mandate by explaining to the public what happened in the incident and how the Affected Person came to suffer harm. Such reports are generally intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

In a smaller number of cases, the evidence gathered may give the Chief Civilian Director reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

In a case such as this one, involving the use of force by officers, one of the threads of the IIO investigation will be the gathering of evidence about potential justifications for that use of force. The CCD will then apply legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers' actions were lawful, or whether an officer may have committed the offence of assault.

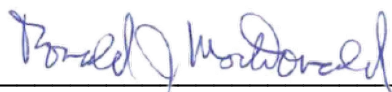
Both involved officers were acting lawfully in attending at AP's residence in response to a 911 call saying AP had committed an assault with a weapon. The subsequent warrantless arrest in a dwelling house was justified under Canadian criminal law by the exigent circumstances that existed. The evidence is clear that police found AP apparently threatening suicide and with the ability to carry out that threat at any moment. In those circumstances, the officers' entry into the residence was appropriate and lawful.

WO's use of the CEW was also appropriate, as a means of temporarily disabling AP without going 'hands on' with her while she was holding a large knife. WO's statement and the data download from the CEW show that it was cycled four times before the desired effect was achieved.

At that point, it was appropriate for SO to move in quickly, disarm AP and place her under control on the floor. Taking her down with one arm behind her back would be a standard and acceptable technique for doing this. That is so whether AP was still seated on the couch or walking towards the exit door at the time. It was necessary and reasonable to ensure she could not cause harm to herself, to the officers, or to anyone else, and that required using a level of force sufficient to bring her under control and into handcuffs. Quite apart from that, of course, she was also being arrested and taken into custody for a serious alleged assault with a weapon.

While it is unfortunate that AP was injured in the process, the injury was a relatively minor one, and is not suggestive of the use of extreme force. The only other injury to her was the collection of self-inflicted wounds on her neck. There is no suggestion that any other force was used on AP by either officer at any point. The bottom line is that the harm AP suffered was purely as a result of two officers preventing potentially far greater harm to her from her own actions.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.



Ronald J. MacDonald, KC
Chief Civilian Director

February 9, 2023

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