



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE BEING APPREHENDED BY A MEMBERS OF THE RCMP  
IN KAMLOOPS, BRITISH COLUMBIA  
ON FEBRUARY 17, 2023**

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

Interim Chief Civilian Director:

Sandra J. Hentzen

IIO File Number:

2023-079

Date of Release:

September 16, 2024

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## **INTRODUCTION**

On February 17, 2023, the Subject Officer ('SO') arrested the Affected Person ('AP') for uttering threats and public intoxication. The AP was non-compliant, and was apparently injured while struggling with officers. He was kept in custody until sober, and said he would seek medical treatment upon release, but did not do so. A little over a month later, on March 22, 2023, the AP informed police that he had suffered a dislocated shoulder, which would require surgery. At that point, 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 the AP and three witness officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- dash camera video recordings from two police vehicles;
- security camera video recordings from the RCMP detachment; and
- medical evidence.

## **NARRATIVE**

On February 17, 2023, Kamloops RCMP received a call from a doctor's office complaining of a male who was intoxicated and aggressive. Responding to the call, the Subject Officer ('SO') found the Affected Person ('AP'), who fit the description of the suspect, slouched at a bus stop near the doctor's office. The AP's arrest by the SO was captured on video by police dash camera systems. From the AP's demeanour as recorded in the video, including physical movements and slurred speech, he appeared to be heavily intoxicated.

At the detachment, cell block video demonstrates that the AP continued to be physically resistant, and was ultimately dragged to a cell to have his handcuffs removed. The video shows him pulling away from officers as they attempt to remove the cuffs.

Interviewed subsequently by the IIO, Witness Officer 1 ('WO1') recalled that despite a concern that the AP might have been injured in the struggle, the AP said he did not want an ambulance to be called, and was not willing to go to hospital. Later, when released from cells sober, the AP said he would seek medical treatment, but he did not.

On March 22, 2023, the AP telephoned WO1 to say that his shoulder had been dislocated, and would require surgery. Accordingly, police reported the matter to the IIO, and an

investigator contacted the health authorities and the AP. It was discovered that AP had not attended at any medical facility and there was no confirmation of his alleged injury, so the IIO file was closed.

In June, 2023, the AP again contacted the IIO, and the file was re-opened. After some difficulty establishing contact with the AP, he was finally interviewed by telephone. By this time, the AP had been to a doctor, and so medical information was available.

The AP said that the incident began after he went to see his doctor. He said he argued with the doctor, and the police were called, so he left the office. He said he was “a little intoxicated” but not drunk, as he had only drunk “a couple of beers”. He described walking out into the parking lot and encountering two officers, one of whom was the SO.

The AP said that aggressive words were exchanged between himself and the SO, and then “They handcuffed me and threw me into a cell”. In the course of his arrest, the AP said, he was thrown to the ground, where the SO put his knee hard into the AP’s shoulder and chest. He said he was then rolled over and handcuffed. At the detachment, the AP said, he was dragged from the police vehicle by his feet, and was then stood up and walked into a cell.

Asked by the IIO investigator how he had managed the approximately seven weeks between the time of the injury and his attendance at hospital, with a dislocated shoulder, the AP said he had a “high pain threshold”. Asked if the injury might actually have been caused by some other event, weeks after his arrest, the AP responded, “Nope”.

Police dash camera video of the AP’s arrest significantly contradicts the AP’s account (there were no civilian eyewitnesses). It shows the SO approaching the AP, who is collapsed on a bench in a bus shelter. The SO addresses the AP in a respectful and friendly manner, telling him he is under arrest and asking him to accompany the SO. It is apparent from the video that the AP is incoherently intoxicated, and is completely uncooperative. He is a large man, and the SO has difficulty trying to help him to his feet. After a few minutes, a second officer arrives to assist, and the AP is lifted and helped to walk unsteadily to the SO’s police vehicle, where he is placed carefully into the rear. His hands can be seen to be cuffed in front of him.

The police vehicle’s interior camera shows the AP lying on his back or side along the rear seat, occasionally kicking at the door and passenger compartment divider as he is transported.

Video from the RCMP detachment shows officers trying to persuade the AP to come out of the police vehicle, and finally pulling him out and dragging him backwards into the booking area and into a ‘drunk tank’ cell by his arms, his feet trailing on the ground. There

appears to be some resistance and struggling by the AP as the officers search him on the cell floor and remove the handcuffs.

## **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 ('CCD') 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 an officer, 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 the officer's actions were lawful, or whether the officer may have committed the offence of assault.

Simply put, there is no credible evidence in this case that any of the involved officers used unnecessary, excessive or unreasonable force against the AP at any point. They were acting in lawful execution of their duty in arresting the AP, who had allegedly uttered threats against a doctor and who they found clearly intoxicated in a public place. They were authorized to use a reasonable level of force in effecting the arrest, and the video demonstrates there was nothing untoward or culpable in the way they did that. At the detachment, when the AP was either unwilling or unable to walk to the cell, it was not unreasonable for the officers to drag him by his arms, and to use a degree of restraint in order to search the AP and remove the handcuffs.

The following morning, on the evidence, there were signs that the AP might have been injured, but he was not willing to be seen by paramedics or to get treatment in hospital, and that was his choice to make.

It will be seen from the timeline set out above that there is at least some doubt about the AP's claim that the dislocation of his shoulder occurred during his arrest and detention in February, 2023, with a realistic possibility that it may have actually occurred at some point closer to his attendance for treatment several weeks later. If it did indeed happen at the time of his arrest, there is no credible evidence that it was the result of any unjustifiable use of force by any of the involved officers.

Accordingly, as Interim 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.



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Sandra J. Hentzen  
Interim Chief Civilian Director

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