



**IN THE MATTER OF THE INJURY OF A FEMALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON AUGUST 12, 2023**

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

Chief Civilian Director:

Sandra J. Hentzen

IIO File Number:

2023-314

Date of Release:

May 14, 2024

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INTRODUCTION

In the early morning hours of August 12, 2023, the Affected Person ('AP') was arrested by two Vancouver police officers after refusing to leave a downtown restaurant patio when requested to do so by staff at that location. On October 19, 2023, AP contacted the Independent Investigations Office ('IIO'), reporting that she had been injured in the arrest and would require surgery. On October 20, 2023, the IIO 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 four police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- video evidence from the arrest location and from police cells;
- jail arrest report and assessment notes; and
- medical evidence.

NARRATIVE

On October 20, 2023, the Affected Person ('AP') spoke with a Primary Investigator ('PI') at the IIO and provided details regarding an injury she said was sustained on August 12, 2023, when she was arrested by two officers of the Vancouver Police Department.

Interviewed by IIO investigators, AP said that she was sitting alone on the outside patio of a downtown restaurant, smoking a cigarette, when she was asked to leave by security staff. AP described her condition at the time as being "drunk" and said she was having a bad night. AP did not leave, and staff called police. AP said she was initially spoken to by one officer (subsequently identified by the IIO investigation as a Witness Officer ('WO')). When other officers joined WO, she said, she was grabbed and lifted off the ground, her arms twisted behind her. She identified this as the moment her right shoulder was injured. AP said that she had had previous shoulder injuries and had surgery on her right shoulder about thirty years ago, resulting in limited mobility of that joint.

AP stated that officers put her in a "mobile drunk tank" and drove her around for a while before taking her to the police station where she was informed that she was going to be released without charge. She said that she told police that she needed medical attention for her shoulder, but they detained her under the *Mental Health Act* and took her to a hospital on that basis, leaving her with hospital security. She said she told a doctor her

shoulder was injured, but he did not order any tests or treatment. She said she returned about one or two days later but was only given mild pain medication. Two further days later, she said, she went to another hospital where she believed X-rays were taken and she was told the shoulder was in place but might need physiotherapy. A few days after this, AP said, she went to a third hospital and was referred to a private sports injury surgeon. She said that physician noted that the shoulder appeared to be unstable and ordered an MRI scan, saying it was likely that surgery would be required.

AP told the IIO that the attending officers were “like raging animals”. She said she froze in fear and put her hands out in front of her as she thought the officers were going to shoot her. She said the officers grabbed her and put her down in a prone position with her arms behind her back. AP said that WO grabbed her left arm and the Subject Officer (‘SO’) grabbed her right arm. AP claimed that the officers did not ask her to leave before grabbing her, with no attempt at de-escalation. She said she was “screaming in pain” and told the officers she had been injured. She also said she had an audio recording of the interaction but declined to provide it to investigators when requested.

AP said that the confrontation continued with her being put up against a police car and having her pants pulled down for her to be searched. She said she was left in the police wagon at the police station for over an hour, screaming in agony, before finally being taken to hospital, where she was left handcuffed for an hour and a half in the emergency department.

Having been referred to see a shoulder specialist, AP subsequently declined to sign a release for medical information requested by the IIO, and investigators have determined that she discontinued her appointments for treatment.

Investigators obtained reports relating to the 911 calls made in connection with the incident. AP telephoned police herself, shortly after security staff asked them to attend. AP told the call taker that she was engaged in “a peaceful protest” and that she had mental health issues. Shortly after this, a staff member notified police that AP had a sharp, knife-like object in her possession, and said it was on a table on the restaurant patio.

Security camera video from the location captured AP’s arrest and is the most reliable evidence of what actually happened, although there is no audio on the video. When police arrive, AP is seen in conversation with SO while WO goes to check the area of the patio from which AP had come (he did not find any knife, or any other item of concern). As the two officers then stand talking with AP, SO appears to gesture for AP to take her hands out of her pockets. She raises her hands towards the officers, and each of them takes hold of one of her arms, SO to her right and WO on her left. They take both arms behind her back and handcuff her, with no evidence of unusual technique or excessive force.

Both officers appear calm. She is walked off the patio area, and a police van subsequently arrives to transport her, again without any significant issue.

WO told IIO investigators that he recalled AP telling the officers, when they asked her to move off the restaurant's property, that she was engaged in a "political protest" and that she refused to comply. He said she appears to be intoxicated, so he thought that an arrest for being intoxicated in public would be the best way to deal with the situation, as it would not involve a criminal record but would allow police to find AP a safe place to sober up. He did not recall any indication from AP at any point that she was injured or in pain. He said AP was searched by a female officer before being placed in the police van for transport to the station. A little later, he said, he understood that AP was to be taken to hospital for attention as she had made comments about self-harming.

The jail intake notes record AP's arrival and that she had been detained for being intoxicated in public, but she was ordered released at the jail as she was found to be able to take care of herself. The document indicates that the only medical complaint from AP was that she had mental health concerns and wanted to harm herself. The note records that the van was re-directed to the hospital shortly after it arrived at the jail, as AP was now apprehended under the *Mental Health Act*. Multiple police records such as logs and vehicle data downloads confirm that the travel time from arrest location to the jail was approximately six minutes, and travel time to the hospital was ten minutes.

AP's medical records do not indicate that she made any complaint about her shoulder, or any other injury, when she was taken to hospital by police.

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 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.

As set out above, AP has made a number of allegations of inappropriate behaviour by officers, and specifically an allegation that could amount to unjustified and excessive force used in her arrest, by both WO and SO.

However, objective video evidence shows that the two officers approached AP to ask her to leave private property where she was not welcome, and she did not do so. Based on her self-acknowledged state of intoxication and/or mental health difficulties, she was placed under arrest without any excessive force being applied, was transported without incident to the jail and was then apprehended for mental health concerns based on her statements about self harm. The available evidence does not support any allegation of improper acts by any officer.

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.



Sandra J. Hentzen
Chief Civilian Director

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