



**IN THE MATTER OF THE INJURY OF A WOMAN
WHILE BEING ARRESTED BY MEMBERS OF THE
RCMP IN
THE CITY OF LANGLEY, BRITISH COLUMBIA
ON JANUARY 12, 2024**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2024-016

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Introduction

On the evening of January 12, 2024, Langley RCMP officers responded to several calls about a disturbance in an apartment building. Officers attended the apartment building, arrested the Affected Person (“AP”), and transported her to cells within the RCMP detachment. The AP suffered a fracture to her knee (tibial plateau) as a result of her interaction with officers on that evening.

The Independent Investigations Office (“IIO”) was notified of this incident by the RCMP and commenced an investigation.

The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- the AP’s statement;
- statements of three civilian witnesses;
- statements of two first responders;
- statements of three witness police officers;
- Police Computer-Aided Dispatch (“CAD”);
- Police Records Information Management Environment (“PRIME”) records;
- BC Emergency Health Services records;
- police radio to radio transmissions;
- 911 calls;
- medical records;
- RCMP policy and training records; and
- CCTV video from cells.

Narrative

On January 12, 2024 at 6:31 p.m., the RCMP received several calls regarding an escalating disturbance at an apartment building in the City of Langley. Reports included that people were arguing, and objects were being thrown.

Three officers were dispatched to attend the disturbance. Witness Officer 1 (“WO1”) arrived first at 8:12 p.m. and knocked on the AP’s door. The AP answered the door.

When interviewed by IIO investigators, WO1 said that the AP was very intoxicated and reported “there was a heavy odour of liquor” coming from her as she talked to him. WO1 said the AP had bloodshot eyes, her speech did not make sense, and she was slurring her words. WO1 described that the AP’s motor function was affected and said that “she

was doing a lot of pointing, and it wasn't controlled it was kind of like she was just flinging her arms." The AP said that she was not intoxicated.

The Subject Officer ("SO") and Witness Officer 2 ("WO2") arrived a short time later. According to WO2, the AP was yelling and kept coming in and out of the hallway. WO2 said that the AP was swearing, yelling and screaming.

The AP told officers on scene that she had been punched by someone and had called the police for assistance. The IIO investigation verified that the AP had called 911 that day. A review of the recorded call indicated that the AP was difficult to understand. In the call, the AP said the word "assault" and "just hit me in the head." The AP did not provide officers with further details of who hit her in the head once they arrived.

The officers commenced an investigation into what happened by speaking to others within the building. WO1 learned that the escalation started because the AP had insisted some people in the building go drinking with her. The AP said that someone came out and punched her when she was in the hallway because she was being loud. When interviewed by IIO investigators, the AP admitted she was "getting loud" and "yelling" in the hallway and she confirmed that she had been punched by someone.

One witness said that the AP was outside in the hallway banging on an apartment door before the police arrived. The witness described the AP as intoxicated, belligerent and fighting in the hallway, commenting that the AP "seemed to be the aggressor."

Once officers arrived, WO1 said that the AP was escalating her behaviour and was not listening to the officers, despite attempts by the SO to de-escalate her. The AP was told that she was under arrest by the SO for causing a disturbance, to which she responded "no, I'm not arrested." When interviewed by IIO investigators, the AP confirmed that she was trying to run away from the officer by going into her bathroom.

WO2 said that he came into the room as the AP was on the ground. WO2 said he assisted by holding the AP's legs in order for the AP to be handcuffed, as the AP was struggling with the SO. WO2 said that the AP was trying to move her legs and arm during the handcuffing process.

A witness present during the arrest ("CW3") and the AP described the arrest process differently from WO2. The AP said that she was being compliant by lying on the floor and that the SO "pounced" on her by putting her knee on the AP's knee. CW3 said that the AP was not resisting, and that the SO was using force to keep the AP down and pushing her face into the ground. The AP said that the officers had difficulty handcuffing her and that they beat her up.

WO1 said that he was not present for the arrest, but heard yelling so came back and saw the SO and WO2 on the ground with the AP, who was resisting arrest by kicking and trying to get up.

Once in handcuffs, the officers stood the AP up. The AP limped while walking to the elevator with the officers, complaining of knee pain.

The AP was transported to police cells. As she arrived, the SO opened the door of the police vehicle, and the AP fell to the ground while still in handcuffs, striking the left side of her body and head in the process. The AP did not recall this part of the evening. Paramedics were called and examined the AP, recommending further assessment at hospital which the AP refused. The AP was cleared to be moved to cells and later released with no charges.

The AP went to the hospital the following day. X-rays confirmed that she had a fractured tibial plateau. The tibial plateau is the flat top of the tibia, the larger of the two bones in an individual's calf, where it meets the knee.

Legal Issues and Conclusion

The Independent Investigations Office of British Columbia is mandated to investigate 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.

A police officer must be acting in the lawful execution of their duties when they arrest or detain someone. In this case, officers had received several 911 calls that there was a disturbance in an apartment building. Upon arrival, they discovered the AP who was reported by others in the building to be yelling, belligerent and disruptive. Several calls to

911 had been made, and one caller reported that they did not feel safe to enter the hallway of their building. Officers reported that the AP's behaviour was escalating as they were speaking to her, and that she was screaming and yelling despite their attempts to de-escalate. Officers needed to take action to respond to the situation, as the AP's behaviour was disruptive and presenting a safety issue for the other residents in the building.

The AP suffered a fractured knee (tibial plateau) during the incident and alleged that it was due to the SO's use of force. In a case such as this one, one of the avenues of the IIO investigation is gathering evidence about the use of force. This evidence is then analyzed by applying legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers' actions were lawful or not.

It was reasonable for the SO and WO2 to use some force to arrest the AP and put her into handcuffs, including grabbing her and holding her down to put handcuffs on her. Although CW3 and the AP said that the AP was being compliant with the SO, there is other evidence to suggest that the AP was not, including AP's own admission that she was trying to get away from the SO and did not want to be arrested. WO1 and WO2 also observed the AP resisting.

Officers are permitted by law to use force to put someone into handcuffs, so long as the force used is necessary, reasonable and proportionate. I have determined that there is not sufficient evidence to suggest that the level of force used by the SO was excessive in this case, given the evidence that the AP was resisting arrest.

After the AP was arrested, she was taken to the RCMP detachment cells. The cell video shows that the AP fell out of the police vehicle as she was getting out of it. It is unfortunate that better care was not taken to ensure that the AP was transported safely, and that more careful handling failed to occur as she was being removed from the vehicle. This is especially true considering that the AP was handcuffed and believed to be intoxicated. However, that failure does not appear to be intentional, and it does not amount to a criminal offence.

It is unfortunate the AP became injured as a result of her interactions with police that evening. The exact timing of when the AP was injured could not be determined as there was more than one instance where the injury could have occurred.

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.



Jessica Berglund
Chief Civilian Director

February 12, 2025

Date of Release