



**IN THE MATTER OF THE INJURY OF A WOMAN
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON MARCH 7, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-055

Date of Release:

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This report details situations that may be distressing to some readers. If you are in crisis, help is available:

- Call 310-6789 to be connected to the crisis centre nearest you (no area code required)
- Crisis Services Canada: crisisservicescanada.ca
- British Columbia: crisislines.bc.ca
- Vancouver and surrounding areas: crisiscentre.bc.ca
- Vancouver Island: vicrisis.ca
- VictimLinkBC: 1-800-563-0808

INTRODUCTION

On the evening of March 7, 2024, police officers responded to a Vancouver residence following a report that a woman was in crisis. They located the Affected Person (“AP”) in the residence and spoke with her. The AP was holding a knife and would not drop it despite being told by police to do so. She then advanced towards the officers, still holding the knife. One officer deployed a Conducted Energy Weapon (“CEW” or “Taser”) and, simultaneously, the Subject Officer (“SO”) fired a beanbag shotgun. The AP suffered a broken arm caused by a beanbag round fired by the 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 the AP, one civilian witness, two first responders and four witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of a 911 calls and radio transmissions by police and fire department personnel;
- CEW data download;
- police training materials; and
- medical evidence.

The IIO does not require an officer who is the subject of an investigation to provide evidence. In this case, the SO has not given an account to investigators.

NARRATIVE

The AP told IIO investigators that on March 7, 2024, she was feeling suicidal, and was holding a knife against herself in the kitchen. She said that the kitchen was filling with smoke because she had attempted to set the house on fire. The AP said that police officers came to the kitchen door, asking to talk to her. She said she heard the sound of weapons being cocked, and decided to give up and go to the police. When she went towards the door still holding the knife, she recalled, she was shot with a “Taser” in the abdomen and fell to the floor. The AP said she was turned over and handcuffed, and felt a lot of pain in her left arm. She was taken to hospital where a bone in her arm was found to be broken. The arm was set in a cast, without surgery.

While the AP was in the kitchen, a 911 call had been made, reporting that the house was “on fire” and that “a girl’s got a knife.” Both firefighters and police responded, the fire personnel arriving first. Police were on scene about seven minutes later, and were informed that firefighters had attempted to engage with the AP, but that she had run at them holding the knife over her head. The firefighters had retreated, closing the kitchen door behind them to contain the AP.

Witness Officer 1 (“WO1”) told the IIO that as he arrived with the SO, he smelled burning. He said he went to the kitchen and attempted to communicate with the AP, hoping to de-escalate the situation and safely apprehend the AP under the *Mental Health Act*. He said that the AP would not engage with him, and continued to hold a knife against her abdomen.

WO1 said he, the SO and Witness Officer 2 (“WO2”), were positioned at the kitchen door. WO1 was equipped with a CEW, the SO was carrying a beanbag shotgun and WO2 had drawn his service pistol. The AP was sitting on the kitchen floor with her back against the stove, holding the point of a large chef’s knife against herself.

Witness Officer 3 (“WO3”) told IIO investigators that he was stationed outside the house with a view into the kitchen through a patio door. He said he could hear the other officers telling the AP, “Hey, this is the Vancouver police, we’re here, we want to help you out. Come out with nothing in your hands and you won’t be hurt.”

WO1 described the AP standing up and walking towards the officers at the kitchen door. He said she was holding the knife by her side in her left hand, and was ignoring police commands to drop it. WO1 said he deployed his CEW at the AP and she fell backwards,

dropping the knife. At the same time, he said, the SO fired a round from the beanbag shotgun. WO3 told the IIO that the CEW and beanbag deployments were simultaneous.

WO1 said that the officers “swarmed” into the kitchen and handcuffed the AP. He recalled that she complained of having a sore wrist, and the two CEW barbs were lodged in the skin of her abdomen. He said she was helped to her feet and escorted out to a waiting ambulance.

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.

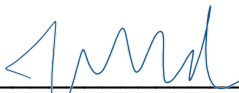
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director (“CCD”) reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

In a case such as this one, involving the use of force by officers, the IIO investigators collect evidence with respect to potential justifications for that use of force. The IIO then analyzes this evidence using 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.

The attending officers were acting lawfully in taking steps to apprehend the AP under the *Mental Health Act*. Based on the information they had received, as well as their observations of the AP when they arrived, they had reasonable grounds to believe that she was a person apparently suffering from a mental disorder who posed a risk of serious harm to herself and to others.

The evidence, including the account given by the AP, establishes that the officers attempted to resolve the incident without any use of force, but that the AP would not communicate with them and did not comply with instructions to drop the knife and come out peacefully. When she stood up and walked towards police, still holding the knife, it was reasonable for them to conclude they were at risk of serious harm and to use proportionate (“less lethal”) force in response. Given the restricted space in which the incident occurred, there would not have been time for the SO to wait to see if the CEW was effective before using his own “less lethal” force option. While it is unfortunate that the SO’s beanbag round caused an injury to the AP’s arm, the force used by both the SO and WO1 was reasonably necessary in the circumstances, and was not excessive.

Accordingly, as 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 the matter will not be referred to Crown counsel for consideration of charges.



Jessica Berglund
Chief Civilian Director

Date of Release