



**IN THE MATTER OF THE INJURY OF A WOMAN  
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP  
IN NANAIMO, BRITISH COLUMBIA  
ON SEPTEMBER 26, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-226

Date of Release:

March 25, 2025

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## **INTRODUCTION**

On the evening of September 26, 2024, the Affected Person (“AP”) was arrested in Nanaimo by RCMP members for causing a disturbance. She was uncooperative with officers and there was a struggle at the detachment while the AP was undergoing a routine search before being placed in cells. In the course of the struggle, the AP suffered a fracture to her left arm.

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, six civilian witnesses, two paramedics and two witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of a 911 call and police radio transmissions;
- video recordings from the Nanaimo RCMP detachment;
- scene photographs;
- RCMP cells documentation;
- RCMP policies; and
- medical evidence.

The IIO does not require officers who are the subject of an investigation to provide evidence. In this case, neither subject officer agreed to be interviewed. Subject Officer 2 (“SO2”) provided access to the brief entry he had authored on PRIME.

## **NARRATIVE**

At 8:58 p.m. on September 26, 2024, Civilian Witness 1 (“CW1”) called 911 requesting an ambulance for the Affected Person (“AP”), advising the call-taker, “She’s trying to kill herself.” On the recording of the 911 call, the AP can be heard screaming in the background that she was going to kill herself “right now.” CW1 told the call-taker that the AP was “smashing her head against the window” and that she was holding a knife. About five and a half minutes into the call, CW1 stated that the AP was leaving the apartment, and that she no longer had the knife with her.

The AP later told IIO investigators that she went outside to wait for the ambulance. She said that a police vehicle arrived instead, and that a police officer moved towards her and “slammed” her down onto the concrete. The AP described the officer dragging her by her legs and snapping her arms back, causing blood to spill from her left arm, before she was “tossed” into the back of a police vehicle.

Civilian Witness 2 (“CW2”) told IIO investigators that he was sitting in the lobby of the apartment building when he saw the AP come out of the elevator and leave the building, crying. When three police officers arrived, looking for the AP, CW1 directed them across the street to a park where he said the AP often went. After a while, CW1 told the IIO, he saw two police vehicles depart, and one remaining officer re-entered the lobby and went to the elevator.

Security camera video recordings from the AP’s apartment building show the AP walking in the company of the arresting officers with no obvious injuries or difficulty. Civilian Witnesses 3 and 4 (“CW3,” and “CW4”) both saw the AP with the officers and told IIO investigators she appeared uninjured. CW4 recalled seeing the AP screaming at an officer, who appeared to be calm, while standing next to the open door of a police vehicle. CW4 said the officer protected the AP’s head as she got into the rear seat.

Witness Officer 1 (“WO1”), one of the first officers to respond to CW1’s 911 call, told the IIO that when he was told the AP had left the apartment, he went to search for her in the park across the street. After a few minutes, alerted by a radio call from Subject Officer 1 (“SO1”), WO1 found SO1 a short distance away with the AP. WO1 said that SO1 was placing the AP into handcuffs. He said she was physically compliant, but was complaining about being detained. WO1 told IIO investigators that he believed the AP was arrestable for breaching a no-contact order with CW1 and for causing a disturbance.

WO1 said that as he was transporting the AP to cells, the AP started to bang her head against the “silent patrolman” (the partition between front and rear seats in the police vehicle). WO1 called ahead for a female member to be made available to conduct a safety search of the AP upon arrival at the detachment.

In response to that call, Witness Officer 2 (“WO2”) met the arresting officers and the AP in the cells’ booking area. WO2 said she found the AP “thrashing around” in the back of WO1’s police vehicle. WO2 described the AP as sweating profusely and apparently heavily intoxicated, but with no sign of injury. WO2 said she was able to calm the AP down, and accompanied the AP as she walked unsteadily to the booking area.

Video recordings from the RCMP cell block show the AP walking unassisted from WO1’s police vehicle. She can then be seen to become agitated when WO2 attempts to search her, twisting her body and attempting to turn back towards WO2. With difficulty, WO2

removes the handcuffs, but the AP's struggles then increase. As the AP bucks against the officers' grip, WO1 is holding her left arm and SO1 is holding her right arm. Subject Officer 2 ("SO2") then takes the AP's left arm, apparently attempting to bring it behind the AP's back. At the same time, SO1 moves to lift the AP by her armpits. WO1 told the IIO that at that moment he heard a clearly audible snapping sound, and saw the AP's left arm go limp.

WO2 also recalled hearing a snapping sound. She said that she was behind the AP at that moment, attempting with the other officers to control the AP, who she said was becoming "out of control." WO2 said the decision was made to move the AP to a cell, where she could be contained more safely. WO2 was not able to identify any specific movement that appeared to cause the AP's arm to break, but said that SO2 was holding the AP's left arm at the time. WO2 recalled seeing SO1 holding the AP upright in "a kind of bear hug" and carrying her into a cell, where she was laid on the floor.

Paramedics were summoned to attend to the AP, and she was transported to hospital, where she was diagnosed with a fractured humerus. No other injury was noted in the AP's medical records. She was recorded as saying she had "no recollection of the evening."

## **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.

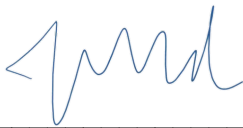
In a case such as this one, involving the use of force by officers, the IIO investigators collect evidence with respect to potential justifications for that use of force. The IIO then

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.

Based on the information available to the responding officers, the AP was arrestable when they located her, and they were acting in the lawful execution of their duty when they detained her and took her to the detachment, potentially to charge her and at least to hold her until she had sobered up. As part of the booking-in process, a search was required for the purpose of ensuring her safety and the safety of jail staff, and when the AP was uncooperative, the officers were justified in using a necessary degree of force to permit WO2 to carry out the search.

It is unfortunate that in the course of the AP's struggles and the subject officers' attempts to control her, recorded as noted above on video, her left arm was twisted in a manner that caused it to be injured. There is no evidence, though, that the injury was caused by any excessive or unreasonable force applied by any officer.

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.



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Jessica Berglund  
Chief Civilian Director

March 25, 2025  
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