



**IN THE MATTER OF THE INJURY OF A WOMAN
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN DUNCAN, BRITISH COLUMBIA
ON NOVEMBER 29, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-279

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INTRODUCTION

On the afternoon of November 29, 2024, North Cowichan/Duncan RCMP received multiple 911 calls reporting that a woman was waving a handgun in the air and pointing it at passing vehicles. Responding officers located the Affected Person (“AP”), who matched the description of the suspect, lying in a grassy area near the Cowichan River. The AP was uncooperative with police attempts to communicate with her and to have her show her hands. While she was engaged with one group of police, other officers approached without her noticing and took her to the ground. The AP resisted arrest, but officers were able to handcuff her after OC (pepper) spray was used. She was found to be in possession of a novelty cigarette lighter that closely resembled a firearm. The AP suffered a shoulder injury during her struggle with the arresting officers.

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 from the AP and four witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of 911 calls and police radio transmissions;
- video recordings from police vehicle dash camera systems;
- video recordings from the RCMP detachment cells;
- scene and exhibit examinations and photographs; and
- medical evidence.

The IIO does not require officers who are the subjects of an investigation and who have been designated as “subject officers” to provide evidence. In this case, two officers were designated as “subject officers,” and both declined to give any account of their actions.

NARRATIVE

On November 29, 2024, several North Cowichan/Duncan RCMP members responded to a series of 911 calls reporting that a woman (the AP) was waving a handgun and pointing it at passersby. After she was pointed out to them by civilians, officers located the AP close to the Cowichan River. The AP was sitting against a tree, facing the river, with her hands in her pockets.

Because the presence of a weapon had been reported, the officers drew their firearms and stood back from the AP, directing her verbally to show her hands. The AP did not comply, though at one point she appeared to throw something to one side, on the grass.

The AP stood and faced the officers, but as they prepared to deploy “less lethal” force options (a 40 mm less-lethal round and a conducted energy weapon, or CEW, also known as a “Taser”), one of the subject officers ran at the AP from behind and tackled her to the ground. This action was captured on a video recording by police vehicle Watchguard dash camera equipment.

The AP then struggled hard against the efforts of multiple officers to control her arms and legs and restrain her in handcuffs. During this struggle, one witness officer deployed a burst of oleoresin capsicum (“OC” or pepper) spray against the AP’s face, but this did not appear to have any effect.

When the AP was told that she was being arrested for pointing a firearm and possession of a weapon for a dangerous purpose, the AP stated that the item was a lighter that someone had given her as a present. Police located the lighter on the ground, close to the spot where the AP had been sitting and noted that it was a lighter that looked like a real handgun.



A lighter resembling a firearm held by the AP.

There is no evidence that any blows were struck by police during the AP's arrest, but because of a concern that she may have suffered an injury to her shoulder in the course of the struggle to restrain her, she was transported to hospital, where it was confirmed that the shoulder had been dislocated, causing a fracture.

The AP's medical reports indicate that surgery was required to repair damage associated with the shoulder injury.

The AP was interviewed by IIO investigators but appeared to have limited recollection of the incident.

ANALYSIS

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.

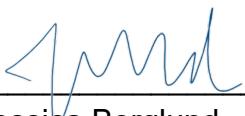
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ("CCD") reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration 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 911 calls police had received prior to encountering the AP provided reasonable grounds to believe both that she was arrestable for weapons offences and that she posed a threat of violence and potential bodily harm. In the circumstances, while it is unfortunate that the AP suffered an injury during the struggle to arrest her, there is no evidence that the injury was caused by any unjustified or excessive force applied by any officer.

It is also worth noting, considering that police involved in this incident believed that they were dealing with an individual who was armed and potentially dangerous, and who was not cooperating with their commands, that the level of force used was at the very lowest end of the scale. In particular, the action by one officer in taking advantage of the AP's distraction to approach her directly and go "hands on" without the deployment of any weapon against her demonstrated both commendable initiative and restraint.

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

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