



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING ARRESTED BY MEMBERS OF THE RCMP IN
NORTH VANCOUVER, BRITISH COLUMBIA
ON DECEMBER 29, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-299

Date of Release:

October 29, 2025

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INTRODUCTION

On the evening of December 29, 2024, the Affected Person (“AP”) was arrested by North Vancouver RCMP members for urinating in public and for assaulting a peace officer. There was a struggle during the arrest and the AP suffered a broken 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 and two witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- security camera video evidence;
- audio recordings of a 911 call and police radio transmissions; and
- medical evidence.

The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, the Subject Officer (“SO”) has not given any account.

NARRATIVE

On the afternoon of December 29, 2024, the Affected Person (“AP”) was arrested by North Vancouver RCMP members for causing a disturbance. When initially found by police, he was unconscious, and officers were told he had been assaulted by another individual. The AP was taken to Lions Gate Hospital and released into the care of hospital staff. Later that evening, police were called to assist security staff with the AP’s discharge from the hospital.

Witness Officer 1 (“WO1”) told the IIO that the AP left the hospital, crossed the street and disappeared in the direction of the main entrance of the nearby RCMP detachment. WO1, Witness Officer 2 (“WO2”) and the Subject Officer (“SO”) followed the AP, and WO1 said they found him exposing himself, urinating on a wall.

The officers attempted to lead the AP away from the entrance area, and there was a scuffle, in which the AP and the SO fell on a flight of steps. The AP can be seen on security camera footage standing up afterwards, and his right arm appears to be uninjured at that time. WO2 described the AP exhibiting “threat cues,” stepping towards the officers

angrily with his fists clenched (the video shows the AP moving around in an agitated manner, but one of the officers is between the AP and the camera, and his hands are not visible).

The AP was holding a bag he had brought from the hospital with him, containing personal effects. Both witness officers described him swinging the bag at the police in an assaultive manner, and the video, though unclear, appears to confirm this. WO1 said the bag would have hit him if he had not stepped back quickly. WO2 also said that the AP swung the bag at them from arm-length away.

WO1 told the IIO that he concluded the AP was now arrestable for assault. All three officers moved in to take hold of the AP and force him down onto the ground. He landed on his left side, and in the video, the SO can be seen taking the AP's right arm. WO2 is seen to deliver three knee strikes to the AP's buttocks.

WO2 described the AP as resisting the officers' efforts to get his arms behind his back for handcuffing, and said that as the SO was moving the AP's right arm back, there was a cracking sound. WO2 heard the SO say, "I think I broke his arm."

The AP was taken back to the hospital, where he was treated for a fracture of his right arm, just above the elbow.

Interviewed later by IIO investigators, the AP acknowledged having been intoxicated on the day of the incident. He recalled waking up in hospital later with a cast on his arm and not knowing what had happened. He told the interviewers that he remembered being tackled to the ground, and fighting as police were trying to handcuff him. He said he thought that was when his arm must have been broken, as he heard an officer say, "Oh sh*t, I think we broke his arm."

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 most 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

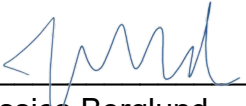
to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

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 CCD 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 witness officer accounts, there were grounds for the AP’s arrest when he was taken to the ground by the three officers. As mentioned above, the video evidence appears to corroborate the allegation that he attempted to strike the officers with the bag he was carrying, which was an assault. In his own interview, as set out above, the AP acknowledged that he was fighting the officers’ attempts to handcuff him, and there is nothing in the evidence to suggest that the SO used either unnecessary or excessive force, or indeed that he used any greater force than either of the witness officers. The knee strikes by WO2 were justifiable as a relatively low-level force applied to obtain compliance from a non-compliant individual.

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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