



**IN THE MATTER OF THE INJURY OF A MAN
IN AN INCIDENT INVOLVING MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON JANUARY 25, 2025**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2025-023

Date of Release:

October 17, 2025

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INTRODUCTION

On the evening of January 25 2025, the Affected Person (“AP”) became involved with police officers conducting an unrelated drug arrest in downtown Vancouver. The Subject Officer (“SO”) led the AP away from the scene, there was a physical interaction and the SO took the AP to the ground. The AP suffered an injury to his leg, which caused the Independent Investigations Office (“IIO”) to be notified. The narrative that follows is based on evidence collected and analyzed during the IIO investigation, including the following:

- statements of the AP, two paramedics and four witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of police radio transmissions;
- a video recording from a transit bus (did not provide any useful evidence); and
- medical evidence.

The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, the SO has not given any information to investigators.

NARRATIVE

The AP’s Account

The AP told IIO investigators that he had consumed “10 beers” during the evening leading up to the incident in which he was injured. He said he was walking along the street when he saw police officers apparently arresting an acquaintance of his. He said he decided to stop and ask the officers why they were arresting the man. The AP said he approached an officer (the SO) from behind and thought he may have startled him. The AP said the SO “got all hussy and fussy” and told him to leave because he was interfering. The AP said that as he was about to walk away, the SO then kicked him without warning in the side of his right leg, causing him to fall to the ground. The AP stated that he was the only person to fall, and that no one fell on top of him. The AP said he only recalled two male officers being present and said he did not fight or resist either of them.

The Police Account

There were five officers involved in the incident. PRIME reports filed afterwards described the AP approaching Witness Officer 1 (“WO1”) in an inappropriate manner and being told to leave by the SO. WO1 described the encounter in this way:

I was met by a man who began to harass me at the back of my police car, basically saying a lot of crude and sexual remarks to me. I've told him a couple times just to go away, keep walking, not interested. I then shut the back of my police car, and I went to walk to the front of my police car where this male continued to follow me. He came to... he continued to make gestures, put his hands out in front of himself, “arrest me, touch me”, all kinds of very crude and sexual remarks. Again I told him to stop, just keep walking. At that point I opened my police door and not known to my knowledge at that time, when I went to open my door, my back was turned to him. The male approached me from behind.

Witness Officer 2 (“WO2”) stated that the AP:

...kinda creepily walked up behind [WO1] making some kind of comments like “oh baby” or “oh, sexy”, something along those lines. As I saw him approaching her, like, he probably, he got within inches of her.

WO1 said the SO told the AP to get away from WO1, and to “keep walking.” WO2 described the SO then taking the AP by his shoulder and walking him away. Witness Officer 3 (“WO3”) said that he saw the SO taking the AP away from WO1’s police vehicle “in what I would describe as an escort position.” WO3 said that the AP was trying to pull away from the SO.

WO3 said he then saw the AP draw back a fist as if intending to punch the SO, and saw the SO take the AP down to the ground. Witness Officer 4 (“WO4”) told the IIO that the SO had said after the incident that the AP had “cocked back to throw a punch” before the SO took him down. WO3 said that the AP was pulled down to the ground and was not punched or kicked.

WO4 said the SO had fallen to the ground with the AP and was kneeling beside him. WO4 ran to help handcuff the AP, but the SO told him he was going to “send [the AP] on his way.” WO4 said the two officers helped the AP to his feet and pushed him in the direction they wanted him to take. WO4 said the AP seemed unsteady, but they attributed that to intoxication and did not initially think he was injured. However, the AP staggered and fell, and WO4 realized his leg was broken. WO4 informed WO3, who called for an ambulance to attend.

Questioned specifically about it, none of the witness officers recalled seeing the SO strike or kick the AP in the leg at any point.

Medical Evidence

First Responder 1 (“FR1”), one of the two paramedics who assisted the AP at the scene, recalled that the AP “smelled strongly of alcohol”, and noted that as they were applying a splint to the AP’s leg, he did not appear to feel pain from the process, possibly due to his level of intoxication:

When we put [the leg] slightly back into realign position, he didn't breathe differently, he didn't flinch, didn't make a single movement. So that is another reason I believe he would be quite intoxicated.

First Responder 2 (“FR2”) recalled the AP saying that his leg had been broken as a result of someone falling on top of him (“somehow, someone landed on him”). FR2 did not recall the AP saying anything about having been kicked. FR1 told the IIO that in his experience, the weight of a person falling on another person’s leg would be consistent with the type of injury suffered by the AP.

The AP’s medical records noted multiple displaced fractures of the shafts of both the tibia and the fibula, as well as fractures of both the inner and outer ankle bones. There was also a small puncture wound on the back of the calf where one of the broken bone ends had poked through the skin, consistent with the force that caused the fracture having been applied from the front of the leg, rearward. The records do not include any complaint from the AP about being kicked, but do record an account in which the AP was taken down to the ground:

[The patient] was taken down to the ground. At the time one of the officers landed on [the patient's] leg leading to an open fracture.

The AP also apparently reported to medical staff that his leg had been stepped on while he was on the ground.

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 an investigation 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.

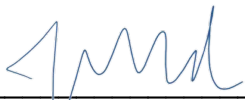
If that analysis were to proceed based solely on the AP's account, the conclusion would likely be that the SO struck the AP in an unprovoked and unjustified manner, so committed an assault—in this case an assault causing bodily harm.

The AP's account, though, is inconsistent with the officers' accounts, with the physical evidence and with statements the AP made to medical personnel after the incident. While the AP has alleged that the SO kicked his leg from the side, the nature of the injury does not appear to support that allegation. It is more consistent, in fact, with the police version of events, in which the SO pulled the AP down onto the ground (in response to what he apparently interpreted as an imminent assault by the AP), and that the AP's injury occurred in that manner.

Considering the AP's state of intoxication at the time, it appears likely that his recollection is less reliable than that of the involved officers, and that the SO was intervening in inappropriate behaviour by the AP towards WO1 while she was in the lawful execution of her duty. In those circumstances, the SO was acting lawfully in using a low level of force simply to move the AP away and have him leave the scene. It appears that the AP was resistant and potentially assaultive, and the SO felt it advisable to control him by putting him down on the ground. There is no persuasive evidence that the SO used any excessive force in doing so, or that he struck the AP at any point. The only reasonable conclusion

is that the AP's leg was injured accidentally, by the way in which he fell or by the SO falling with him.

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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