



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING ARRESTED BY A MEMBER OF THE RCMP
IN MAPLE RIDGE, BRITISH COLUMBIA
ON AUGUST 12, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-240

Date of Release:

May 28, 2025

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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 morning of August 12, 2024, the Subject Officer (“SO”) arrested the Affected Person (“AP”) for shoplifting in Maple Ridge. In the course of the arrest, the AP was taken to the ground and suffered an injury to his right arm.

When the matter was brought to the attention of the Independent Investigations Office (“IIO”), the office commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of the AP, two civilian witnesses and three witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of police radio transmissions;
- security video recordings from commercial premises and the RCMP cell block; 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 did not give an account of his actions.

NARRATIVE

Interviewed by the IIO, the AP acknowledged that on August 12, 2024, he shoplifted at a department store in Maple Ridge. He said that a Loss Prevention Officer (“LPO”) tried to

stop him, but he ignored the LPO and walked away from the store. A police officer then also told him to stop, he said, but he kept walking. The AP said he took the item he had stolen out of his backpack and put it on the ground which should, he said, have ended the incident. It did not, however, as the police officer used what the AP called a “leg sweep” to take the AP down, causing him to fall onto the sidewalk. The AP said that he felt pain when his arm was twisted behind his back for handcuffing, but he did not know whether the injury he was later found to have suffered was caused by the fall or the twisting of the arm. Several days after the incident, on August 19, 2024, the AP told Civilian Witness 1 (“CW1”) that a police officer had arrested him for shoplifting and had caused the injury by using more force than was necessary.

Civilian Witness 2 (“CW2”), the LPO who had seen the AP’s theft and had tried to stop him in the store, told investigators that he told the SO, who happened to be present at the time, what the AP had done. CW2 said he saw the SO follow the AP away from the store, telling him repeatedly to stop. CW2 saw the AP place the stolen item on the ground, and CW2 picked it up and continued to follow the AP and the SO.

CW2 said he heard the SO tell the AP that if he did not stop he would be arrested. At that point, CW2 said, the AP started to run, and the SO grabbed him from behind in a “bear hug.” CW2 said that the AP fell to the ground, landing on his right side with the SO on top of him. He said the SO placed the AP in handcuffs and other officers arrived to assist. At one point in his IIO interview, CW2 described the AP as having been “gently assisted to the ground.”

CW2 said that the AP told the SO to “leave him alone” and complained that his shoulder hurt. CW2 said the officers stood the AP up and sat him on a bench. CW2 then returned to the store.

Witness Officer 1 (“WO1”) described hearing the SO on the radio, asking for assistance, and seeing the AP walking away from the SO “at a brisk pace.” WO1 said he saw the SO apparently telling the AP to stop, and then taking him to the ground using what WO1 described as an “arm bar.” WO1 said that, once the AP was in cells, an ambulance was called, because the AP complained of pain in his shoulder.

Witness Officer 2 (“WO2”) said that he arrived at the scene in time to witness the SO handcuffing the AP, and said he did not observe any wrenching of the AP’s arm.

The Prisoner Report completed when the AP was booked into cells does not note any injury to the AP. Video recordings of his movements in the detachment do not show any visible injury, but it is apparent that the AP has difficulty using his right arm, which appears to be causing him discomfort.

The AP was subsequently diagnosed with a fracture of the humerus in his upper right arm, which was repaired surgically.

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.

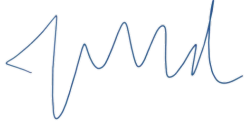
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ("CCD") reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

In a case such as this one, involving the use of force by an officer, 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 the officer's actions were lawful, or whether the officer may have committed the offence of assault.

The SO was acting lawfully in arresting the AP for a reported shoplifting offence (dropping a stolen item on the ground as the AP did here does not, of course, negate the theft), and in using a reasonably necessary degree of force to do so. If the AP had stopped when directed by the SO, the arrest could have been completed with no significant force and no injury to the AP. When the AP failed to stop, and then began to run, the SO was left with little choice but to lay hands on him and overpower him, so he could be taken into custody. It is unfortunate that the AP suffered an injury, apparently caused in the course of being taken to the ground by the SO, but there is no evidence that the force used by the officer was unnecessary, excessive or unreasonable.

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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