



**IN THE MATTER OF THE DEATH OF A MALE
AFTER BEING RELEASED FROM THE CUSTODY OF THE RCMP IN
THE CITY OF KAMLOOPS, BRITISH COLUMBIA
ON OCTOBER 27, 2016**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
Director of Legal Services:	Clinton J. Sadlemyer, Q.C.
IIO File Number:	2016-214
Date of Decision:	DECEMBER 13, 2017

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Introduction

On October 26, 2016, the Affected Person (AP) was arrested by Officer 1, taken to the detachment and questioned. Although a witness had stated concern that AP previously made expressions of self-harm, AP denied any intention of self-harm and was issued a promise to appear in court with certain conditions and released.

The next afternoon a note from AP was found in which he indicated he was considering taking his own life. Later that afternoon, AP was found deceased. The local coroner determined the injuries were self-inflicted.

The Independent Investigations Office (IIO) was notified by the RCMP at 5:20 p.m. that afternoon. The IIO commenced its investigation as AP was deceased and a determination was required whether there were any wrongful actions or inactions on the part of Officer 1 in connection with the death of AP.

Facts

Evidence collected during the investigation included the following:

- 1) Evidence of six civilians: This included family members and other witnesses;
- 2) Statements or other information from seven officers;
- 3) Copies of text messages between AP and his former-spouse;
- 4) RCMP policy surrounding apprehension and detention of people suffering from mental health issues;
- 5) Audio of Officers 1, 2, and 3 checking the welfare of AP;
- 6) Audio of AP's arrest;
- 7) Video of AP's interview; and
- 8) Video from CCTV cameras at the detachment;

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, officers who are the subject of an investigation are not compelled to submit their notes, reports and data. In this case, Officer 1 declined to provide her statement or notes, reports and data to the IIO.

During the early evening of October 26, 2016, Kamloops RCMP was advised by AP's former spouse that, due to issues within his family, AP had made a comment about self-harm.

Later that evening Officers 1, 2, and 3 attended AP's residence to check on his well-being. AP spoke with the officers and during the conversation denied any intent of self-harm. Officers 1 and 2 went outside for a discussion while Officer 3 remained in the residence with AP. Officers 1 and 2 determined there were no grounds to apprehend AP under the *Mental Health Act*, but that grounds did exist to arrest him in relation to a complaint of criminal conduct made against AP. As a result, Officers 1 and 2 rejoined

AP and Officer 3 inside the residence and AP was arrested by Officer 1. In anticipation of the conditions of AP's release from custody (which would typically include a condition that an accused not possess firearms) the officers seized all the firearms and ammunition in the residence. AP was taken to the detachment where his interactions with police were video recorded. AP's demeanour was cooperative and his voice was calm throughout.

AP's former spouse came to the detachment while AP was in custody. She told Officer 1 that AP had threatened self-harm in the past. The former spouse told the IIO that Officer 1 was also told, after the recording device had been stopped, that, "*I foresee that he will want to kill himself, or he will harm himself...*"

Officer 1 interviewed AP about the charges he was facing. He denied the allegations and also dismissed concerns of self-harm. AP told Officer 1 that he had a good life, a good job and good friends. AP was released at 1:08 a.m. on October 27, 2016. He declined a ride home and chose to walk. The interview was video and audio recorded. That recording again showed AP's demeanour as being cooperative and his voice calm.

Officer 1 went to AP's residence at 4:30 a.m. to confirm AP had arrived home. Once there, she could see that the lights and the television were turned on which was not the case when she had left the property previously.

Officer 1 requested that a further welfare check be performed by Car 40, which is a special program that assists where mental health is an issue. It is not in operation at night, however. The car was staffed by Officer 4 and a mental health worker. Officer 5, independent of Officer 1, also requested that Car 40 perform a welfare check given he was facing new criminal charges.

At 10:00 a.m., Car 40 attended AP's residence. AP did not respond to their attempts to contact him. AP's new partner was contacted and reported she had received five missed telephone calls from a friend's number who lived 60 kilometres away. Another friend of AP had also received missed calls from the same number.

AP's new partner and the friend went to the residence connected to that number and found a note from AP which threatened self-harm.

At 1:11 p.m., AP's new partner advised RCMP of her belief that AP had made the missed calls from the location 60 kilometers away and that AP was not in the residence. It was also related to RCMP that the gun cabinet was insecure and tire tracks were seen leading into the bush.

Officers 6 and 7 attended and located AP's truck at 3:34 p.m. in an isolated location on a logging road. AP was deceased within the vehicle along with two rifles that had been removed from the friend's residence. The Coroner attended the scene and confirmed AP died from a self-inflicted gunshot wound.

Relevant Legal Issues and Conclusion

The purpose of any IIO investigation is to determine whether an officer, through an action or inaction, may have committed any offence in relation to the incident that led to the death of AP.

More specifically, the issue to be considered in this case was whether Officer 1 may have committed an offence through action or inaction, in her dealings with AP.

The *Mental Health Act* provides for the apprehension of a person by a police officer to immediately take that person to a physician for examination if the officer is satisfied from personal observations, or information received, that the person is acting in a manner likely to endanger his or her safety or the safety of others.

Upon concerns being expressed that AP had indicated he may harm himself, Officer 1 was dispatched to check AP's welfare. There was no indication of mental illness or that AP was acting in a self-endangering way or likely to endanger others at that time.

Officer 1 acted in the usual course of duty by arresting AP and returning him to the detachment for an interview on his outstanding charges. Release upon conditions is required where an accused person does not otherwise pose a threat. As the officers had already seized the firearms from inside AP's residence it was reasonable to release AP from custody.

Officer 1 offered AP a ride home, which AP declined. Officer 1 later went by AP's residence to ensure AP had arrived home safely. This was an example of the appropriate efforts Officer 1 took to ensure AP was safe.

Authority to detain pursuant to the *Mental Health Act* was never apparent. Officer 1 acted appropriately and met all her duties as a police officer.

Therefore, the evidence collected does not provide grounds to consider any charges against any officer.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that an officer may have committed an offence under any enactment and therefore, the matter will not be referred to the Crown Counsel for consideration of charges.

Clinton J. Sadlemyer, Q.C.
Director of Legal Services

December 13, 2017
Date of Decision

Ronald J. MacDonald, Q.C.
Chief Civilian Director

December 13, 2017
Date of Decision