



**IN THE MATTER OF THE DEATH OF A FEMALE ON MAY 12, 2018  
FOLLOWING HER RELEASE FROM THE CUSTODY OF THE RCMP  
IN SURREY, BRITISH COLUMBIA**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

General Counsel:

Clinton J. Sadlemyer, Q.C.

IIO File Number:

2018 - 053

Date of Release:

August 17, 2018

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## **Facts**

On May 05, 2018, a female Affected Person (AP) was arrested for three outstanding arrest warrants. On May 06, 2018, AP received a bail hearing where she was remanded into custody. On May 07, 2018, AP was in cells when staff discovered her not to be breathing and called Emergency Health Services (EHS). She was assessed as having a weak pulse but was not breathing and was taken to hospital. She was pronounced deceased on May 12, 2018.

Due to death occurring shortly after being in the custody of police, the Independent Investigations Office (IIO) was notified of this incident by the RCMP and commenced its investigation. The details of the incident and the IIO's investigation are provided below.

Evidence collected during the investigation included the following:

- 1) CCTV footage from the RCMP detachment cells;
- 2) Statements from involved officers;
- 3) Statements of civilian Jail Guards;
- 4) Scene examination;
- 5) Drug testing;
- 6) Statements from EHS responders; and
- 7) Medical evidence.

On May 05, 2018, a Surrey RCMP officer arrested AP for three outstanding arrest warrants. At the time of the arrest, AP admitted that she had used fentanyl recently. The officer escorted AP to hospital where she was assessed, cleared and released into police custody. At 6:12 p.m., AP arrived at the Surrey RCMP Detachment where she was searched (wand and pat down) and placed in cells.

On May 06, 2018, AP saw a nurse who conducted an examination and provided AP with 400 mg of Advil to help with pain to a finger. AP was also moved to a different cell due to a toilet blockage. At 2:40 p.m., AP participated in a bail hearing by phone where she was remanded into custody.

According to a Civilian Witness (CW) in the detachment, AP's chart showed she had consumed heroin and alcohol the day prior to her arrest and that she was a daily drinker. The CW conducted rounds every hour.

On May 07, 2018 at 9:23 a.m., in line with procedure, a jail guard checked on AP and noted she appeared to be sleeping. He could see her breathing. Prior to this, appropriate and regular checks were made on AP to confirm she was healthy. Video evidence confirmed that on this morning AP seemed to be alert, and was moving within her cell until 8:41 a.m. when she lay down and appeared to go to sleep.

Just prior to this, on careful examination of the video, it appears that AP had something white in her hand. It is believed this is the white paper wrap later found by a Fire Service

member, referred to below. She was facing away from the camera and it is not possible to see what she did with the paper. It is assumed she ingested drugs given the presence of amphetamine and fentanyl in her system after she was taken to hospital.

At 9:38 a.m., as part of the next check, the jail guard knocked on the cell door and when AP did not rouse, an RCMP officer was called to facilitate entry to the cell.

A further check was conducted and AP was found to be not breathing. The sergeant on duty tried to wake up AP, who lay face down, and did not receive a response. The nurse on duty went to the cell with an oxygen (O2) monitor and turned AP over with the help of a police member. The O2 monitor registered AP had 57% oxygen but her lips were turning blue. The nurse could not find a pulse and started CPR which she passed over to the officer and the Jail Guard. The nurse called the doctor and subsequently administered 0.08 mg of Narcan to AP's left thigh. She was authorized to administer another 3mg of Narcan.

The jail guards administered CPR and used an Automated External Defibrillator (AED) until Surrey Fire Service arrived and took over patient care and CPR. Shortly after, BCEHS arrived and AP was removed from cells to Surrey Memorial Hospital.

While in the cell, Fire Service located a small white paper wrap containing traces of white powder which was secured by RCMP for forensic testing. AP was pronounced deceased at 8:27 p.m. on May 12, 2018.

Examination of the contents of the paper wrap recovered from the cell was conducted and the contents tested positive for fentanyl.

Medical records indicated AP had taken amphetamines and fentanyl.

### **Relevant Legal Issues and Conclusion**

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

More specifically, the issue to be considered in this case is whether the officers provided the necessary standard of care while AP was in their custody at the detachment. Furthermore, consideration must be given to how AP retained drugs while in custody.

It is not known how AP had retained the drugs. It would appear she had hid them somewhere on her person when she was placed in cells. By her own account, AP used fentanyl prior to her arrest and the arresting officer conveyed AP to hospital where she was medically assessed prior to AP being detained in cells.

However, there was no evidence to suggest she was still in possession of any drugs when she was taken to hospital and certainly not when she was released after having been examined by the medical staff.

A question to be considered is whether a strip search of AP upon being taken into cells was warranted, which may have found what now appears to have been drugs containing fentanyl, wrapped in the small white wrapper. The law allows for such invasive measures for the purposes of seizing weapons or evidence related to the offence for which the detainee was arrested, but only where the police have reasonable grounds to believe the person is hiding such items in a way that could only be discovered by conducting a strip search. Routinely conducting strip searches prior to lodging a person in police cells is not permitted. Thus, while AP was searched in the normal fashion once she arrived in the detachment, there were no grounds for a strip search.

CCTV footage, corroborated with medical evidence, does not suggest that officers used any force on AP at any point in their interaction with her.

Police action in apprehending AP was necessary as she was wanted on three outstanding arrest warrants. While AP was in custody, the officers acted as required by their duties and in accordance with the law. This included regular checks on AP to ensure she was safe and healthy. Video evidence confirmed those checks were properly made. AP seemed throughout to be healthy and well.

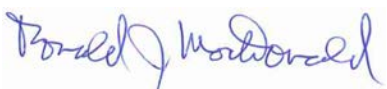
The evidence collected does not provide grounds to consider any charges against any officer. Furthermore, it does not appear there was any causal connection between AP's death and any action or inaction on the part of the police.

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 Crown counsel for consideration of charges.



**Clinton J. Sadlemyer, Q.C.**  
**General Counsel**

August 17, 2018  
**Date of Release**



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

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