



IN THE MATTER OF THE DEATH OF A MALE  
WHILE IN THE CUSTODY OF THE RCMP  
IN THE CITY OF KAMLOOPS, BRITISH COLUMBIA  
ON MARCH 12, 2019

DECISION OF THE CHIEF CIVILIAN DIRECTOR  
OF THE INDEPENDENT INVESTIGATIONS OFFICE

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-052

Date of Release:

July 26, 2019

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## **Introduction**

On the evening of March 12, 2019, the Affected Person (“AP”) was taken into custody by Kamloops RCMP members for being intoxicated in public. He was detained in cells through the night, with regular checks by jail guards. At 5:46 a.m. he was seen to be in medical distress and paramedics were called. Unfortunately, AP was pronounced deceased shortly after their arrival. As the death had occurred while AP was in police custody, 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:

- statement of one civilian witness;
- digital video recordings from a civilian location, from a police vehicle and from the RCMP detachment;
- RCMP detachment prisoner log book and “C-13” prisoner report;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- RCMP officers’ notes and reports;
- RCMP policies;
- Kamloops Fire Department incident report;
- B.C. Emergency Health Services records;
- RCMP guard training records;
- relevant scene photographs; and
- autopsy report.

## **Narrative**

On March 12, 2019, AP was arrested for public intoxication, and was transported to the RCMP detachment. The arrest was recorded on video surveillance at the civilian location, and the transport was recorded by video equipment in the police vehicle. Both appeared uneventful. In particular, no significant force was required during the arrest.

Video from the booking area of the police detachment shows AP being processed, and he can be seen to sway and stumble, and to have trouble removing items of clothing. Two police officers are seen dealing with him in what appears to be a careful and respectful manner, and steadying him on several occasions to prevent him from falling. He is then walked by the officers to a cell and is left sitting on the floor in a corner.

IIO investigators interviewed a civilian witness (“CW”), employed by the RCMP as a civilian cell guard at the Kamloops detachment. The account given by CW was checked against the cell block log book, and against CCTV video evidence, both of which corroborated his evidence.

CW said that when he came on duty a little before midnight, AP was already booked into cells. CW checked regularly on AP and other occupants of the cells, and when he roused AP “he was good” and asked when he could go. CW told him “not yet,” as AP still appeared intoxicated. Shortly before 1:00 a.m., CW, monitoring the cell video, saw AP sway and fall backwards onto the cell floor. CW went to check on AP, who rolled over onto his side and told CW he was fine. CW talked with him, and was reassured that AP had not injured himself. About an hour later, said CW, he roused AP again, and he appeared fine. After this, CW recalled seeing AP moving around and using the toilet, and noted that everything appeared alright. At about 3:00 a.m., he said, AP laid down, and CW assumed he was “sleeping it off.”

After that, CW said he conducted checks, either by video or through the cell door window, about every fifteen minutes, and each time noted that AP was breathing or otherwise moving slightly. During the time of AP’s custody, video and log book evidence confirms that detachment police officers also completed routine checks in accordance with policy.

Shortly before a 6:00 a.m. shift change, though, CW told investigators, it struck him that AP had not moved noticeably for some time, so he went to the cell door and turned on the overhead light. Seeing that “[AP’s] colour wasn’t right,” and that there seemed to be a small amount of liquid coming from AP’s mouth, CW called for an RCMP officer to come down to cells.

The officer entered the cell and immediately decided to call for paramedics, who “came very quickly,” said CW.

On July 2, 2019, the IIO was provided with a Postmortem Examination Report from the B.C. Coroners Service. The reported cause of death was lymphocytic myocarditis (inflammation of the heart muscles that can cause sudden death even in otherwise healthy individuals). Methamphetamine toxicity was reported as another “significant condition contributing to the death”—the level of methamphetamine in AP’s body was reported as “in the lethal range.” According to the report, AP had also been suffering from several other serious medical conditions. Importantly, the autopsy showed that “no significant injuries” were observed.

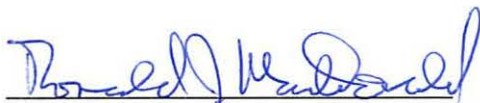
## **Legal Issues and Conclusion**

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 death of AP. More specifically, the issue to be considered in this case is whether any action by an officer may have directly harmed AP, or whether inaction or neglect may have caused AP to be denied timely attention and medical treatment that could have prevented his death. To constitute an offence by inaction or neglect, the evidence would have to show that the inaction or neglect of police was a marked departure from the reasonable standard of care that would be expected in these circumstances.

The investigation has not raised any concerns in relation to direct or indirect actions of police. Police interactions with AP were recorded by video at the arrest location, in the police vehicle, throughout the transportation and booking-in process, and in police cells. During all of that, there was no inappropriate use of force at any stage. While AP was in the cell, appropriate monitoring was carried out, as recorded and corroborated by video and logbook evidence. As soon as there was a reasonable basis for concern, guard and officer responses were timely and appropriate.

Unfortunately, AP suffered from a health condition that caused his death. The actions of police during his time in custody were reasonable and fell well within the standard of care expected.

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.



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

July 26, 2019

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