



**IN THE MATTER OF THE DEATH OF A MALE  
IN CONNECTION WITH AN INVESTIGATION  
BY MEMBERS OF THE RCMP  
IN THE CITY OF WILLIAMS LAKE, BRITISH COLUMBIA  
ON JANUARY 5, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-019

Date of Release:

August 02, 2019

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## **Introduction**

On January 5, 2019, the Affected Person in this case (“AP”) was found deceased of natural causes in his residence in Williams Lake. A police officer (“Officer 1”) had gone to the residence on two occasions earlier that day in response to a “check well-being” dispatch. The officer had attempted unsuccessfully to obtain a response by knocking at the front door, but had decided not to force entry. AP was not found until the evening, when another officer broke into the home through the front door. Because there was a potential connection between AP’s death and the action or inaction of a police officer, the IIO was notified and commenced an investigation.

The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of three civilian witnesses;
- police Computer-Aided Dispatch (“CAD”), Mobile Data Terminal (“MDT”) and Police Records Information Management Environment (“PRIME”) records;
- recorded audio from 911 calls and police dispatch radio; and
- medical evidence, including autopsy report.

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 did not provide access to her notes or duty reports, and did not give an IIO interview.

## **Narrative**

On January 5, 2019, Civilian Witness 1 (“CW1”), the manager of a place of work in Williams Lake, called 911, concerned about an employee (AP).

CW1 subsequently told IIO investigators that AP had gone home the previous night at midnight. AP, said CW1, was “a punctual guy” who was due at work at 8:00 a.m., but had not showed up. After a while CW1 had gone to AP’s home and knocked at the door and called for AP over a period of about ten minutes without getting any response, so he had called 911.

CW1 told the 911 operator that he was concerned because the night before AP “had his hand on his chest, and he wasn’t feeling well.” CW1 gave AP’s address to the police operator, and told her that AP did not have a working phone. AP had taken CW1’s car home, and CW1 found it parked at the house.

Officer 1 was dispatched to AP’s home to check on him. She went there, arriving about ten minutes after the 911 call, and knocked on the apartment door. CW1 told investigators that Officer 1 had knocked repeatedly without any response. She subsequently told

dispatch that there was no answer at the door but added “there were noises in the residence when I was knocking, so I’ll go back in a few hours.”

CW1 had passed on to Officer 1 the information that AP “had his hand on his chest” the night before, and that CW1’s car was still parked by the residence. Despite this, Officer 1 told CW1 that she considered she had no legal justification for entering the home by force at this point, and said she would return later to check on AP again. CW1 said that both he and the officer had heard “minor” sounds from inside the apartment, but CW1 was not able to describe the sounds in any greater detail. CW1 left Officer 1 at the scene, and returned to his place of work.

When Officer 1 left AP’s residence, she went to the hospital to check whether AP had been admitted, and found he had not.

At about 2 p.m., CW1 finished his shift at his place of work and called back to the RCMP to see if there was an update regarding AP. He was told that police had not yet gone back to check on AP. Officer 1 went to the residence a second time in mid-afternoon and knocked again, but again received no response and left.

On the evening of January 5, another RCMP officer went to AP’s residence to follow up on the “check well-being” call, and told Dispatch “we’re going to be kicking the door in here.” A few minutes later he called again: “Page the Coroner for me please.” At about 10 p.m. an RCMP officer came to CW1’s home to tell him that police had found AP deceased in his residence.

AP had been found on the bathroom floor dressed in pajama pants and slippers. There was no evidence of violence or of self-harm. Time of death was estimated as between 6 a.m. and 10 a.m. At autopsy it was reported that AP had been suffering from 85% blockage of his arteries.

In an interview with an investigating police officer, CW2, a neighbour, said that AP had mentioned a heart attack he had suffered “years ago.”

## **Legal Issues and Conclusion**

The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that 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 Officer 1 may have committed the offence of criminal negligence causing death by failing to force entry into AP’s home when she received no response from him.

At the time Officer 1 first went to AP’s residence there were indicators giving rise to some concern about his welfare. He had exhibited signs of feeling unwell when he left after the previous shift at his place of work, and was now significantly late for the morning shift. This,

coupled with CW1's statement that AP was usually very punctual and the fact that CW1's car was still parked at AP's home, made it plausible that AP had suffered—or was currently suffering—a medical emergency.

Many police officers might have decided that this combination of circumstances provided sufficient grounds to break into AP's apartment to check on him. The law allows such entry into a private dwelling in cases referred to as "exigent circumstances", which includes situations where a person's life may be in danger without such action. However, any action of that sort by a police officer is a very significant intrusion upon the privacy rights of an individual in his own home. Both Officer 1 and CW1 had heard some sort of sounds from inside the residence, which could reasonably have been interpreted as being consistent with AP being home and simply unwilling for some reason to respond to the door.

In order for Officer 1's actions to be considered the offence of criminal negligence, her actions would have to constitute a wanton and reckless disregard for human life. Even if it could be said it was an error not to enter the dwelling when she first attended in the morning, that failure cannot be said to amount to criminal negligence. It must be remembered that her actions cannot be judged solely in hindsight. She had to weigh AP's privacy rights with the information before her. At most it was an error in judgement. It was not a wanton and reckless disregard for the life of AP. To the contrary, Officer 1 was genuinely concerned for AP's welfare, as evidenced by her repeated attempts to obtain a response on her first visit, by her going to the hospital to check for him there, and by her returning to the residence a second time.

In addition, in order to constitute an offence, Officer 1's inaction would have to have led to AP's death. In other words, on the evidence it would have to be clear that had she entered in the morning AP would not have died. Given the autopsy's estimated time of death it was more likely than not that AP was deceased before that first attendance, so it appears highly unlikely that intervention at the time of Officer 1's first attendance would have saved AP's life. Thus even if it could be said that Officer 1 made an error it cannot be said her inaction led to AP's death.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are grounds to believe that an officer committed an offence under any enactment. Therefore the matter will not be referred to Crown counsel for consideration of charges.



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

August 02, 2019  
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