



**IN THE MATTER OF THE DEATH OF A FEMALE
WHILE IN THE CUSTODY OF THE RCMP
IN THE CITY OF DAWSON CREEK, BRITISH COLUMBIA
ON APRIL 14, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-067

Date of Release:

December 16, 2019

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Introduction

In the early morning hours of April 13, 2019, the Affected Person ('AP') in this case was arrested and taken to RCMP cells in Dawson Creek. During the booking-in process she was strip-searched by the Subject Officer ('SO'), a female RCMP member, because there was reason to suspect AP might be in possession of drugs. No drugs were found, and AP was placed in a cell. At 7:30 a.m. the same morning, officers attended to AP in her cell in response to a change in her behaviour, and paramedics were called. AP's condition deteriorated rapidly as she was being transported to hospital and she was declared deceased early the next morning.

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:

- statements of three civilian witnesses and three witness police officers;
- RCMP guard schedules, prisoner records and logbooks;
- scene examinations, photos and video recordings;
- controlled substance analysis evidence;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- police dispatch channel audio recordings;
- RCMP training records;
- RCMP policies;
- medical records; and
- 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, SO provided a brief written statement.

Narrative

At about 3:00 a.m. on April 13, 2019, AP was a passenger in a vehicle driven by Civilian Witness 1 ('CW1') that was pulled over by members of the RCMP. Drugs and drug paraphernalia were found in it, and both occupants were arrested. They were transported to the Dawson Creek RCMP detachment and lodged in cells. Video from the cell block when AP arrived at cells shows her behaviour to be unremarkable. She can be seen to be physically coordinated and is communicating normally with officers.

Because the circumstances of the arrest gave rise to concerns about illicit drugs, the Watch Commander authorized strip searches of both detainees. The search of AP was conducted by SO. For privacy reasons, the search was carried out in an area of the cell block not covered by video. As SO was relatively inexperienced in the procedure, she received instruction on conducting a strip search from an experienced female jail guard and from a more senior male member. The male officer was not within sight of AP as the search was conducted.

The search appears to have been undertaken in a normal manner, and as set out in RCMP policy. It did not include a body cavity search—to conduct that type of search, Canadian law and RCMP policy require the police to have reasonable grounds to believe specifically that drugs are being hidden inside the body. Those grounds did not exist in this case. No drugs were found in the strip search.

AP was lodged in a cell at 3:50 a.m., and was subsequently given access to legal advice by telephone. During this process, video recordings show she appeared alert and physically normal, and she remained so over the next several hours. IIO investigators have confirmed from witness statements, as well as video and written records that during the night prisoner checks were conducted on AP, by guards and officers, in accordance with police policy. Throughout all those checks, AP's behaviour remained unremarkable. She appears to have been awake, sometimes moving around but mostly lying on a mattress in the cell.

At about 7:00 a.m., the cell block video shows AP becoming restless, moving her hands around her abdomen and groin area. At 7:18 a.m., she appears to push her hand down inside the front of her jeans and then takes the hand to her mouth.

By 7:30 a.m., the on-duty guard, concerned by AP's behaviour, informed the Watch Commander. That officer finished dealing with other prisoners and obtained the assistance of a female member to accompany him into AP's cell. They tried to speak with AP, but found she was having trouble communicating. They called for paramedics to attend, and they did so at 8:13 a.m. They loaded AP onto a gurney to move her to a waiting ambulance, but by that time they were no longer able to detect a pulse, and commenced CPR with the assistance of police officers.

On April 14, 2019 at 1:38 a.m., AP was pronounced deceased at the Prince George Hospital.

CW1 was interviewed by IIO investigators. He said that AP had been complaining of pain in her left side during the day they spent together. Regarding drug use, he said AP was relatively new to taking methamphetamine, but had been consuming the drug that day.

He said he did not know where she kept her store of methamphetamine, but when asked if she might have kept it inside her own body, he responded “I could see her doing that.”

A toxicology screen from AP’s initial admission into hospital showed positive for amphetamine, methamphetamine and naloxone. The level of amphetamine was said to be within the level associated with fatalities. At autopsy, a urine drug screen tested positive for amphetamine, MDMA and THC. The cause of death was determined to be methamphetamine toxicity.

A small plastic bag and some scraps of an unknown substance were found on the cell floor beside the mattress. The substance was tested and found to be methamphetamine.

Legal Issues and Conclusion

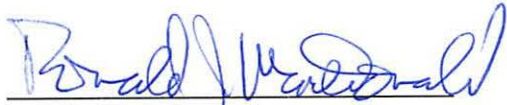
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to the incident that led to AP’s serious injury or death. More specifically, the issue to be considered in this case is whether any negligence or neglect of duty resulted in AP being able to smuggle a lethal dose of drugs into the cell despite the strip search.

The evidence collected does not provide grounds to consider any charges against any officer. There is nothing in the evidence to suggest that the search conducted by SO, supervised by an experienced officer, was anything less than sufficient. It stopped short of a body cavity search (and it appears probable that this is why AP was still in possession of contraband in the cell), but SO was complying appropriately with the law and with police policy in this respect. That law is clear: there must be specific reason to believe that a person has hidden drugs or other contraband within a body cavity to allow such a search to be carried out. This additional legal requirement is in place to protect the personal security of persons arrested by police, and to prevent what might otherwise become the routine performance of a very invasive search of persons in custody.

There is also no evidence to suggest wrongdoing in any officer’s dealings with AP, or any shortfall in proper monitoring or supervision. Given AP’s normal demeanour up until the time she put her hand inside the front of her jeans and then up to her mouth, and her rapid deterioration afterwards, the conclusion is unavoidable that she took a significant dose of methamphetamine orally at that time—one that resulted very rapidly in distress and death. Civilian staff, police members and paramedics reacted quickly and appropriately.

Unfortunately, and tragically, AP's death was caused only by her decision to consume the lethal dose of methamphetamine. It did not result from the actions or inactions of 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.

A handwritten signature in blue ink, appearing to read "Ronald J. MacDonald".

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

December 16, 2019

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