



**IN THE MATTER OF THE DEATH OF A FEMALE  
AND AN ASSOCIATED INVESTIGATION BY RCMP OFFICERS IN  
THE CITY OF NORTH VANCOUVER, BRITISH COLUMBIA  
ON OR ABOUT SEPTEMBER 3, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-165

Date of Release:

February 6, 2020

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## **Introduction**

On the afternoon of September 3, 2019, RCMP received a call on the non-emergency line from Civilian Witness 1 ('CW1'). CW1 was concerned for the well-being of the Affected Person ('AP') in this case, who was not responding to communications. Between September 3 and September 5, police officers took quite extensive steps in attempting to locate AP, including a search of her apartment by the Subject Officer ('SO') shortly after CW1's initial call. On September 5, AP was discovered deceased in the apartment by another officer. Because of the connection between the death of AP and police activity, 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 nine witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of telephone calls and police radio traffic;
- scene examination and photographs;
- AP's cell phone records;
- key fob records for AP's apartment building; and
- post-mortem examination 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 declined, through legal counsel, to provide evidence to the IIO.

## **Narrative**

At 3:49 p.m. on September 3, 2019, CW1 called the RCMP non-emergency line to request that police conduct a well-being check on the AP. AP lived alone in a one-bedroom apartment in a highrise building. Police were told that AP had multiple health issues and was prone to falling down. AP had been due to go to CW1's residence that day with movers, as she was moving out of her apartment, but she had not arrived. She was not responding to texts and her voice mailbox was full. The last contacts with her had been via text on the previous day.

RCMP Dispatch contacted the local hospital with negative results, and sent SO to AP's address. Dispatch records show SO arriving on scene at 4:23 p.m. SO spoke with a neighbour, CW2, who told SO that he had seen AP taking out garbage some time before

midnight the evening before. SO obtained an entry fob to the building and keys to AP's apartment from the building manager, CW3.

At 7:59 p.m., SO was noted by Dispatch as available for another call. IIO investigators were not provided with any evidence directly from SO as to his actions during the time (approximately three and a half hours) that he was reported as being on scene. During that time, he was in contact several times with Dispatch. At 5:18 p.m., he reported that the residence had been cleared, and subsequently reported that AP had last been seen the night before and was now considered missing.

At 8:15 p.m., CW1 called again and informed the RCMP Watch Commander that AP was in the habit of taking walks on nearby wooded trails. This information was passed on to Witness Officer 1 ('WO1'), who was assigned to search the area with a Police Service Dog ('PSD') and with North Shore Search and Rescue. WO1, WO2 and WO3 searched with WO2's PSD and a search team until 00:52 a.m. the next morning, September 4. Further actions taken by the RCMP included production of a missing person poster and a media release, and requests to transit and taxi companies to be on the lookout for AP.

Shortly after 9:00 a.m. on September 4 three other officers, WO4, WO5 and WO6, went to the apartment to search for AP. They did not find AP, and noted that the apartment appeared undisturbed. When they left, WO5 placed a police exhibit sticker across the door frame so that it would be obvious if AP came back. Later that morning and into the afternoon, WO6 and WO7 continued the search of the nearby trail system with North Shore Search and Rescue, without success. The next morning, September 5, 2019, at about 2:00 a.m., WO1 also returned to the apartment building looking for AP.

At about 1:00 p.m. that day, WO8 and WO9 went to AP's apartment. They found that the police exhibit sticker on the door was intact, and that another officer had left a business card between the door and the frame. The apartment keys had been passed on to the two officers, and they entered the apartment.

Inside, they saw numerous large bags of belongings placed around the apartment, which was not surprising to them as the information provided was that AP was moving out. The bags, though, were labelled with people's names. The two officers checked around the apartment, including looking through cupboards and noting keys, eyeglasses, a wallet and a phone on an end table in the living room. They spoke with a neighbour who agreed to show them where the storage lockers were located, but before going to check the lockers, WO8 decided to check the bedroom again.

Several of the bags of belongings were on and around the bed, so it was very difficult to see under the bed. WO8 went around to the far side of the bed, by the window, and saw the corners of sheets and a pillow under the bed. She called WO9, who said she thought

she could see hair or a wig. The two witness officers moved some of the bags and boxes of belongings away, and WO8 saw what she believed to be a leg. After moving more bags, they were able to move the bed itself, and discovered AP underneath it. It was clear AP was deceased.

The Coroner attended and coordinated post mortem requirements. It was noted that AP had no physical injuries, and death was determined as having occurred between 24 and 48 hours before AP was discovered. The report from a subsequent autopsy examination lists cause of death as “diphenhydramine toxicity.” Diphenhydramine is an antihistamine used in many common allergy, motion sickness, and sleep medications that are available over-the-counter.

IIO investigators were able to determine that AP’s access fob had last been used to enter the building at 11:05 p.m. on September 2, 2019, at a door near the garbage area. Her phone had last been used earlier the same day. Security cameras in the building were not functioning, so no video of AP’s movements in or out of the building were available.

The RCMP had been asked on an earlier occasion, in February 2019, to check on AP’s well-being. Responding officers had entered the apartment and had found AP in very poor physical condition. On that occasion, too, they had found large quantities of AP’s belongings packed and addressed to family members. They understood she had stopped taking prescribed anti-depression medication and believed she was in the process of committing suicide. They had apprehended her under the *Mental Health Act*. This might explain why she went to extra lengths on this occasion to hide herself so she would not be found.

## **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 an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether any officer may have committed an offence through negligent performance of duty.

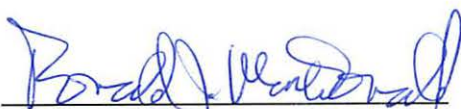
The evidence leads to a conclusion that AP’s death occurred on September 3 or 4, possibly before SO’s attendance at the apartment on the afternoon of September 3, or possibly afterwards. Although there is no direct evidence that SO took all appropriate steps to search and clear the apartment, there is no reason to conclude that he did not. He was at the location for a considerable time, obtained the necessary keys, and questioned at least one neighbour about AP’s movements. Dispatch records show that he reported his findings by radio at various points during the time he was on scene.

SO would have found AP's keys, wallet and phone in the apartment, and her belongings packaged and addressed as police had observed at the time of the earlier apparent suicide attempt. This would have been likely to heighten his concerns—and presumably was the basis for the call being upgraded by SO from a well-being check to a missing person—but would be consistent with AP having left the apartment to self-harm in another location.

The arrangement of the bags and boxes blocking any view under the bed was a clear indication that AP was determined not to be discovered there. The next morning, as set out above, three other officers searched the apartment and none of them found AP. Even WO8, who eventually located AP's body, did not do so until a second search of the bedroom. In those circumstances, SO cannot be faulted for failing to find AP in this deliberately hidden location.

On the evidence, the RCMP as an organization did everything that could reasonably be expected of them in response to the reported concerns about AP. As set out above, several officers followed up diligently with the investigation, including searches of the surrounding area, which the information in their possession suggested was the most likely place to find her, and repeated visits to her apartment. In addition, they took appropriate steps to notify the public and transportation companies in the hope that any sightings would be reported.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe that any 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

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