



**IN THE MATTER OF THE DEATH OF A FEMALE
AND AN ASSOCIATED INVESTIGATION BY RCMP OFFICERS IN
THE CITY OF FORT ST. JAMES, BRITISH COLUMBIA
ON OR ABOUT DECEMBER 31, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-006

Date of Release:

March 6, 2020

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Introduction

On the afternoon of December 31, 2019, Fort St. James RCMP received a call from Civilian Witness 1 ('CW1'). CW1 was concerned that a person [the Affected Person, or 'AP'] was intoxicated in public and may not be able to care for herself. RCMP were dispatched and Officer 1 responded by taking AP to a local shelter. On January 2, 2020, AP was reported missing and she was found deceased six days later by the RCMP. There were no signs of trauma or injury. 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 from three civilian witnesses;
- Police Records Information Management Environment ('PRIME') records;
- review of national and provincial RCMP policies; and
- review of information received from the post-mortem examination.

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.

Narrative

At 12:03 p.m. on December 31, 2019, RCMP received a call that AP was intoxicated in public and may not be able to care for herself. Officer 1 was dispatched and responded.

Officer 1 gave AP an option of sobering up at the RCMP detachment in cells or at a shelter where AP was staying. AP requested a ride to the shelter.

At 12:30 p.m., Officer 1 transported AP to the shelter without issue. Once at the shelter, Officer 1 met with Civilian Witness 2 ('CW2'), who worked at the shelter and helped AP inside. AP was provided with a bed where she fell asleep, and Officer 1 had no further contact with AP.

Approximately two hours later, Civilian Witness 3 ('CW3'), another worker at the shelter, reported that AP left the shelter on her own accord. CW3 said she asked AP to stay, but that she refused. AP left with another individual and they were staggering.

At approximately 6:00 p.m., AP was seen by Civilian Witness 4 ('CW4') in the downtown area of Fort St. James. CW4 knew AP well, and reported that she was "fine." CW4 said that AP was not overly intoxicated and was able to take care of herself at that time.

The AP was reported missing on January 2, 2020 and the RCMP commenced an investigation. Her body was discovered outside in the snow by Civilian Witness 5 ('CW5') and Civilian Witness 6 ('CW6') on January 8, 2020 and reported to the RCMP.

In hindsight, CW2 and CW3 thought it may have been a better idea for Officer 1 to have taken the AP to RCMP cells in the first instance, but CW2 did not voice those thoughts to Officer 1 at the time, and CW3 did not call police to express concern when AP left the shelter.

The BC Coroners Service conducted a post mortem examination and an IIO investigator was present. Toxicology results from the autopsy are still pending.

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.

Although the IIO does not have direct evidence from Officer 1 about their interactions with AP, there is reason to conclude that they acted reasonably in the circumstances.

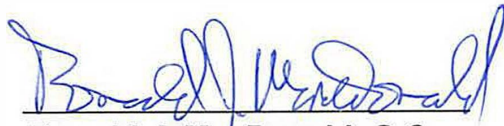
There is evidence that Officer 1 gave AP an option as to whether she wanted to sober up at the RCMP detachment or at the shelter. AP requested the shelter, and Officer 1 provided a ride there. Once there, Officer 1 communicated with shelter employees and left her in their care and supervision.

AP then chose to leave the shelter on her own accord, despite the care she had received at the shelter. She was then seen approximately five hours after her initial interaction with Officer 1, and it was reported that she was able to take care of herself.

The decision to take AP to the shelter is consistent with RCMP Policy, which requires officers to consider alternatives to incarceration if there is an adult capable of taking care of a person. It is also consistent with the RCMP response to concerns identified by the Civilian Review and Complaints Commission in February of 2017 pertaining to the over incarceration of individuals for public intoxication ('CRCC Report').¹

¹ *Chairperson-Initiated Complaint and Public Interest Investigation Regarding Policing in Northern British Columbia*, Civilian Review and Complaints Commission for the RCMP, February 2017

On the evidence, Officer 1 did everything that could reasonably be expected of them in these circumstances. 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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