



**IN THE MATTER OF THE DEATH OF A MALE FOLLOWING  
INTERACTIONS WITH RCMP  
IN THE CITY OF COURTENAY, BRITISH COLUMBIA  
ON AUGUST 17, 2020**

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

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

IIO File Number: 2020-211

Date of Release: April 1, 2021

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## **Introduction**

On August 17, 2020, RCMP officers executed a search warrant on a residence in Courtenay, British Columbia. Twelve hours following the execution of the warrant, the RCMP were called back to the residence, and the Affected Person ('AP') was found to have committed suicide.

Because the suicide occurred following interaction with police officers, 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 four civilian witnesses;
- statements of three witness police officers;
- audio recording from the search warrant execution;
- Police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of the 911 calls and police radio transmissions;
- scene photos;
- paramedic records; and
- autopsy report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, Subject Officer 1 ('SO1') did not provide evidence directly to the IIO.

## **Narrative**

On August 17, 2020 at 8:10 a.m., Subject Officer 1 ('SO1'), Witness Officer 1 ('WO1') and Witness Officer 2 ('WO2') executed a search warrant on a residence in Courtenay, British Columbia. The officers were investigating a range of offences. It was alleged that a cell phone in the residence had evidence related to their investigation.

Shortly after officers entered the residence, the Affected Person ('AP') told the officers that the search warrant was for him, which prompted WO1 to turn on his audio recorder and pass it to SO1. WO1 and WO2 commenced a search of AP's bedroom while AP stayed in the living room and spoke to SO1. The conversation between SO1 and AP was recorded on audio. SO1 gave AP an opportunity to speak to a lawyer and made it clear to AP that he was not required to speak to SO1.

The conversation between SO1 and AP turned deeply personal in nature. During that conversation, AP remarked that he wanted to kill himself. SO1 addressed the suicidal thoughts of AP directly, stating:

*“When you say these thing to me as a police officer I have to take these things very seriously, okay? So when you make those comments to me I have to act upon them. And if you really feel that way, then it's my obligation as a human being and as a police office to make sure that you are safe. Because above and beyond any of this, you're still a human.”*

Further conversation between SO1 and AP ensued, and at the end of the fifty-two minutes of conversation, AP stated that he no longer intended to commit suicide. AP said that he had reasons to live, and gave concrete and compelling examples of those reasons.

All three officers left the residence at approximately 9:06 a.m. Before departing in their vehicles, SO1 advised WO2 that AP had expressed suicidal thoughts, but that SO1 felt it was safe to leave, which they did. Neither WO1 nor WO2 observed AP to be emotional or distraught throughout their time at the residence.

Civilian Witness 1 ('CW1') and Civilian Witness 2 ('CW2') were roommates to AP and were home at the time that police executed the search warrant. Neither one overheard the conversation between SO1 and AP.

Shortly after the officers left the home, CW1 called police to inquire whether they were coming back to the residence. SO1 confirmed they were not, and spoke to AP to get his date of birth.

Approximately twelve hours later, CW1 called the police after not having seen AP all day. CW1 was concerned for AP's wellbeing.

Police attended and located AP in his bedroom deceased. A suicide note was found near AP's body, which included the words "I told Blond cop this was going to happen." AP died of an overdose.

## **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 SO1 may have committed any offence in connection with AP's death by not apprehending AP and taking him to the hospital pursuant to the *Mental Health Act* once he said that he was going to kill himself.

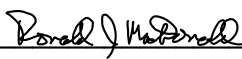
In these circumstances, all officers were acting lawfully, in execution of their duties when they entered the residence and executed a search warrant as part of their investigation.

Once AP disclosed that he was thinking of killing himself, SO1 properly talked to AP to assess his mental health. It was clear from the audio recording that SO1 was concerned for AP's safety, and SO1 asked many questions to probe AP and to gauge the seriousness of AP's thoughts. By the end of the conversation, AP made it clear to SO1 that he had reasons to live.

The challenge in a case such as this is that in hindsight it appears that AP was not being truthful with the officer when he said he did not actually wish to take his own life. However, this case must be based on what the officer knew at the time. A police officer is not held to a legal standard of perfection when making assessments about a person's mental health. Instead, their decisions are assessed based on reasonableness, and any departures from the standard of reasonableness must be marked and substantial in order to be a criminal offence.

SO1 spent close to an hour with AP, and their conversation is audio recorded. Although initial information suggested AP may be suicidal, the reasons that AP gave to SO1 that AP wanted to live were significant, and could have been believed by anyone, including a reasonable police officer. AP, sadly and for his own reasons, chose a tragic alternative. However, in these circumstances, SO1 actions were reasonable, and certainly do not constitute a marked and substantial departure from the appropriate standard of care.

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

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

April 1, 2021  
**Date of Release**

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- Call 310-6789 to be connected to the crisis centre nearest you (no area code required)
- Crisis Services Canada: [crisisservicescanada.ca](https://www.crisisservicescanada.ca)
- British Columbia: [crisislines.bc.ca](https://www.crisislines.bc.ca)
- Vancouver and surrounding areas: [crisiscentre.bc.ca](https://www.crisiscentre.bc.ca)
- Vancouver Island: [vicrisis.ca](https://www.vicrisis.ca)
- VictimLinkBC: 1-800-563-0808