



**IN THE MATTER OF THE DEATH OF A MALE
IN WILLIAMS LAKE ON JUNE 27, 2020,
AFTER HAVING EARLIER BEEN IN THE CUSTODY OF THE RCMP
AT 100 MILE HOUSE, BRITISH COLUMBIA**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-144

Date of Release:

June 21, 2021

INTRODUCTION

On June 25, 2020, the Affected Person ('AP') was arrested with his girlfriend, Civilian Witness 1 ('CW1'), and both spent the night and most of the following day in police custody at the 100 Mile House RCMP detachment. CW1 was subsequently taken by police for a psychiatric evaluation at the local hospital, and then transferred to Kamloops for further assessment. When AP was released by the RCMP, he was transported by an officer to a homeless shelter in Williams Lake. Unable to contact CW1, AP subsequently became distressed and, on the afternoon of June 27, was found deceased in his room from a self-inflicted hanging. Because of AP's recent interactions with police, 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 seven civilian witnesses and seven witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 calls and police radio communications;
- data downloads from an involved police vehicle;
- scene photographs;
- written materials produced by AP;
- Closed-Circuit Television ('CCTV') recordings from the RCMP detachment and a civilian location;
- RCMP cell logs and prisoner reports;
- RCMP policies and training records;
- toxicology reports; and
- BC Emergency Health Services ('BCEHS') patient care report and audio recordings.

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') gave access to his written PRIME report. Neither SO2 nor SO3 provided any evidence to the IIO.

NARRATIVE

On the evening of June 25, 2020, AP and his girlfriend, Civilian Witness 1 ('CW1'), were arrested in Lone Butte, BC, for theft of vehicles and possession of a controlled substance. A quantity of methamphetamine was found in AP's possession, and both he and CW1 appeared to be under the influence of illicit substances. The couple were transported to police cells in 100 Mile House. Officers planned to release them once they were sober,

and to find temporary accommodation for them. AP's stay at the RCMP detachment was recorded on CCTV video, which has been reviewed in detail by IIO investigators.

Upon arrival at the detachment, AP and CW1 were lodged in separate cells. The video from the detachment front desk area shows that AP was unsteady on his feet during the booking-in process, but does not otherwise record anything of concern. AP was placed in his cell at 12:45 a.m.

At 9:46 a.m., AP is seen to stand up, walk over to the cell door and kneel down. He then takes off his tank top and wraps it around his neck. He appears to be pulling on the shirt to tighten it, and as he lies down on the cell floor his face can be seen to redden. Very quickly, the jail guard on duty raises the alarm and two officers enter the cell. The officers remove the shirt from around AP's neck, and also remove his pants and socks. They then move him to another cell. They wrap AP in a blanket and he sits against the cell wall. The cell log entry regarding this incident prepared by SO2, who was the officer in charge at the time, reads as follows:

[AP] shirt tied around neck through sleeves and pulled tight. Never passed out. No sign of oxygen deprivation. Members called to cell and remove immediately. Observed on floor trying to [sic] more tight. Talk and breathing fine. Moved to cell 1 with no bench and clothing removed. Long string left in pants while in cell.

The concluding sentence apparently relates to the finding by officers that AP had been placed in the cell wearing sweat pants from which the waist cord had (presumably through inadvertence) not been removed.

The attending jail guard told investigators that AP was sobbing emotionally and saying that he was trying to get attention from officers in an attempt to be permitted to be with CW1.

During AP's stay in cell 1, at a little after noon on June 26, the CCTV recording shows that he experienced what appeared to be an interruption of consciousness, possibly in the nature of a seizure. After apparently lying asleep under a blanket, he can be seen to convulse on the cell floor for a short period before sitting up and looking around as if confused. An officer is seen opening the door briefly. The corresponding cell log entry reads as follows:

1216 hours: [AP] laying next to door shivering. Then stops and asks where he is and why he is here. Laying down again.

Several witness police officers made observations of AP while he was in custody:

- Witness Officer 1 ('WO1') was involved in AP's arrest and booking-in. Speaking with IIO investigators later, she described AP's demeanour as cooperative and emotionally subdued. She said that AP did not show any suicidal ideation during the time she was observing him.
- WO2 described AP upon arrest as looking "defeated", and at the detachment as "very sad". WO2 said that nothing in AP's behaviour aroused any significant concerns for his wellbeing.
- WO3 said he was told during the day on June 26 about apparent suicide attempts by both AP and CW1. He described CW1 as "hallucinating" and "detached from reality", whereas AP was "calm and compliant".

At about 7:15 p.m. that day, CW1, whose erratic behaviour while in custody was raising concerns, was apprehended by officers under the *Mental Health Act* and was taken to hospital for a psychiatric evaluation. She was subsequently committed to hospital in Kamloops for further assessment.

At 7:31 p.m., after being woken up and displaying signs of anger and distress, AP was released on an Undertaking to attend court at a later date. Attached conditions included a 'no contact' term with respect to CW1 and a 'no go' to an area within fifty kilometres of 100 Mile House. AP was taken out to a police vehicle by SO1. The 'booking out' section of AP's Prisoner Report indicates that AP was "very sad, confused, sleepy, wobbling balance. Possible cause of impairment: liquor, meth. Time of last consumption: unknown".

SO1 had discussed with SO3 where AP should go upon release. In his written PRIME report, he states:

[SO1] spoke to [SO3] about the potential of taking [AP] to hospital with [SW1]. [SO1] and [SO3] decided against this as [AP] was being released on conditions not to be in 100 Mile House and he would be released into 100 Mile then and it was believed to be very unlikely that medical staff would be willing to have [AP] hanging around and/or be willing to transport [AP] anywhere with his girlfriend out of 100 Mile House.

[SO1] called the homeless shelter in Williams Lake and they agreed to shelter [AP], pending that he follow their rules.

[SO1] spoke to [AP] who agreed to the ride to Williams Lake so he could stay at the shelter in Williams Lake and wait for his girlfriend there.

SO1's report describes AP's formal release from police custody and then continues:

[SO1] transported [AP] to Williams Lake. Enroute, [AP's] mood improved significantly, he was polite and talkative and asked to stop somewhere to buy cigarettes. [SO1] stopped at the 150 Mile store where [AP] purchased 2 packs of smokes and snacks.

[AP] expressed concern over how his girlfriend would find him in Williams Lake. [SO1] informed [AP] that she was already informed that [AP] would be waiting for her at the Williams Lake shelter so that she could meet him there when she was released from hospital. [AP] appreciated this forethought. [SO1] then dropped [AP] off at the Friendship society, homeless shelter in Williams Lake at 2126 hours. [AP] thanked [SO1] for the ride and gave him a fist bump. Before leaving Williams Lake, [SO1] spoke to Williams Lake RCMP and let them know why he was in the area, to drop off an individual at the Friendship Society, homeless shelter. Members indicated that they had an information package they provided to new individuals to Williams Lake and would bring one to [AP] at the shelter. [SO1] returned to 100 Mile House.

Data downloaded from SO1's police vehicle corroborate the account he provided in his PRIME report, in that he is recorded leaving 100 Mile House at 8:00 p.m. and stopping at 150 Mile House for eight minutes on the way to Williams Lake. The data show that at 9:44 p.m. SO1 was heading back towards 100 Mile House.

CCTV recordings from the shelter show SO1 arriving with AP at 9:27 p.m. It can be seen on the video that AP is not handcuffed. After a short conversation on the sidewalk he and SO1 'bump' fists and SO1 drives away while AP goes into the lobby and is taken to his room.

Shortly afterwards, at 9:41 p.m., three officers from the Williams Lake RCMP detachment, WO4, WO5 and WO6, arrived at the shelter and spoke with AP. CCTV recordings show them in conversation with him and examining his release documents. At 9:59 p.m. the officers left and AP, after a further conversation with shelter staff, returned to his room. At 10:36 p.m., the video shows that the lights in AP's room were turned off.

The three Williams Lake officers were interviewed by the IIO and stated that they had not been aware of any medical or addiction issues regarding AP, or of any suicidal or other mental health concerns. They indicated that AP appeared to be tired and dishevelled but that he was calm and cooperative, and said nothing to give rise to any concern about suicide. The purpose of their interaction with AP, they said, was to let him know that they were aware of his presence in the town, and to warn him against engaging in any criminal activity there.

Staff members from the shelter were interviewed. They described AP as having been emotional and "on the verge of crying" during the time they were with him during his stay.

They said they had received no warning from police of any concern about possible suicidal ideation. They told IIO investigators that AP had learned after contacting the hospital in 100 Mile House that CW1 had been transferred to Kamloops, and that he had become more agitated and emotional after receiving that news. When staff expressed concerns about his mental state, he told them that he would be “okay”, and asked that they wake him “if they call”. He was said to have accepted an offer of an introduction to local resources to assist with his emotional and addiction issues.

On the morning of June 27, at 11:51 a.m., AP can be seen on shelter video to leave the premises for a short time, returning at 12:00 p.m. A minute later, AP is seen going to use the communal telephone. At 12:19 p.m., he appears to be crying as he returns to his room. He is seen to go out again between 12:35 and 12:46 p.m.

At 5:15 p.m., a shelter staff member went to AP’s room with his dinner and found AP deceased from ligature strangulation. Police and the Coroner’s office were called. Evidence at the scene was consistent with self-inflicted hanging. AP had written suicide notes and had placed them in his pocket.

The toxicology report indicated a concentration of methamphetamine consistent with recreational use, a lower level of MDMA and a low level of THC. There was no other significant finding.

Interviewed by IIO investigators, CW1 said that both she and AP were under the influence of drugs at the time they were arrested. She stated that the couple had previously entered into a “suicide pact”, by which they agreed they would both commit suicide if facing arrest. She said that she did not recall telling any police officer about AP’s drug use or mental state, or about the suicide pact.

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 a negligence-based offence in their dealings with AP while he was in police custody and before his suicide.

If an officer who dealt with AP while he was in police custody had grounds to believe that he was at risk of self-harm, it would have been appropriate to apprehend him under the *Mental Health Act* and take him to hospital for an assessment. This is, in fact, what members did with CW1. It is important to note, though, that CW1 appeared, on the evidence, to be behaving in a manner that was clearly disordered and incoherent. While

it is true that AP had been seen to pull his shirt tight around his neck as if to attempt suicide, he indicated that this was actually just intended to draw attention to his distress at being separated from his girlfriend. He did not make any further attempts at self-harm while in police custody, and he appeared subsequently to be in a generally calm and cooperative mood; the evidence that he can be seen on CCTV to give SO1 an apparently cheerful 'fist bump' when they parted company at the Williams Lake shelter is significant in this regard.

Certainly, there is no doubt that AP was unwell, in that he was suffering from the effects of drug consumption, and unhappy, in that he missed being with CW1. It was not unreasonable, though, for any concerns the subject officers may have had about suicide risk to be diminished by AP's rational demeanour in the hours following his apparently feigned attempt in the cell.

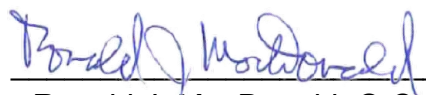
On the evidence, in fact, it appears that AP's motivation to kill himself actually crystallized after he had left police custody, when he encountered difficulties communicating with CW1 and was told she had been taken to Kamloops. As recounted above, witnesses who observed him at the shelter described him as particularly upset at that point, before he returned to his room for the last time.

In the circumstances of this case, in order for any negligence of the police to rise to the level of a criminal offence, there must be grounds to find the officers acted with a wanton and reckless disregard for AP's life. Some might suggest that it was an error of judgement for the subject officers not to take AP to hospital for a professional assessment after his apparently feigned suicide attempt—or in fact simply in relation to his general physical condition. That may well have been a reasonable course of action. However, as noted, after that attempt there was much about AP's behaviour that showed he was not a risk to his own life, including his own words, improved demeanour, and discussions about staying in Williams Lake to wait for CW1. An officer must balance an individual's right not to be placed in custody and taken to hospital against concerns about that person's wellbeing.

In this case, it can not be said the decision to allow AP to be released from custody was unreasonable given the facts noted. However, even if one were to consider that decision to be an error, it was made in good faith and with a plan to find AP a supportive place to reside at the shelter in Williams Lake, and to drive him there. These were actions that showed a strong consideration for the wellbeing of AP. Thus, if there were an error, it certainly cannot be said to rise to the level of wanton or reckless disregard for AP's wellbeing that would be sufficient to form the basis for a criminal charge.

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.



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

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