



**IN THE MATTER OF THE DEATH OF A MALE
FOLLOWING CONTACT WITH A MEMBER OF THE RCMP
IN PENTICTON, BRITISH COLUMBIA
ON OCTOBER 2, 2021**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2021-267
<u>Date of Release:</u>	<u>July 20, 2022</u>

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INTRODUCTION

On the morning of October 2, 2021, the Subject Officer ('SO') conducted a wellness check at the home of the Affected Person ('AP'). SO spoke with AP, and was satisfied that arrangements had been made to care for his children, and that there were no grounds to believe that either the children or AP were in danger. That afternoon, AP was found deceased from an apparent suicide. 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 nine civilian witnesses and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of a 911 call and police radio transmissions;
- scene photographs;
- examination of AP's cell phone; and
- toxicology report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, SO attended for interview and provided a statement to the IIO.

NARRATIVE

At 7:24 a.m. on October 2, 2021, SO responded to a 911 call requesting police to check on the wellbeing of AP and two young children. SO arrived at AP's home just after 8:00 a.m., and he let her in. She talked with AP, who seemed highly agitated, for an extended period, and she was present when the children's grandfather arrived. The grandfather collected the children and left with them after about ten to fifteen minutes, without having expressed any concern about AP's well-being or safety.

SO told IIO investigators that while the children were getting ready to leave, AP went out to a detached garage in the back yard and was making loud banging noises. After the children left, SO went out to the garage, where she found AP had damaged some shelving, and was sitting crying. SO said she stayed with AP for some time, talking with him, and offered several times to find help for him or to take him to the hospital, which he refused. He told her that his boss was going to come over to pick him up, and he was going to pack. He denied feeling suicidal or needing psychiatric treatment. SO said she believed AP was hurt and sad, but not suicidal or otherwise a danger to himself.

SO told investigators that she was shocked and distressed when she heard a call, at approximately 6:00 p.m. that day, about a sudden death at AP's address. She said that if she had had any suspicion that AP was in danger, she would have apprehended him under the *Mental Health Act*.

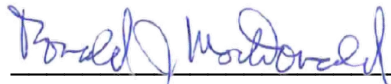
LEGAL ISSUES AND CONCLUSION

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 SO may have committed an offence of criminal negligence by failing to apprehend AP and take him to hospital for evaluation.

B.C.'s *Mental Health Act* empowers a police officer to apprehend a person if there are grounds to believe that the person is suffering from a mental disorder and is acting in a manner likely to endanger their own safety or the safety of others. In this case, IIO investigators gathered a body of evidence around those issues that is of a private and personal nature for the individuals involved, and that evidence will not be shared in detail in this public report.

The conclusions I draw from that body of evidence, however, are that SO acted properly and professionally in her dealings with AP on the day in question, and that the circumstances with which she was presented, including the demeanour of AP and the assurances he provided, did not give her reason to believe that AP was apprehendable under the *Mental Health Act*. SO was not negligent in her handling of the wellness check on AP, and certainly not criminally so.

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

July 20, 2022

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