



**IN THE MATTER OF THE DEATH OF A MALE  
WHILE BEING APPREHENDED BY MEMBERS  
OF THE COMOX VALLEY RCMP  
IN THE CITY OF COURTENAY, BRITISH COLUMBIA  
ON APRIL 23, 2022**

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

Chief Civilian Director: Ronald J. MacDonald, KC

IIO File Number: 2022-084

Date of Release: February 23, 2023

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## Introduction

In the early morning hours of April 23, 2022, the RCMP received a call about a suspicious male in the yard of a residence with a stick. RCMP officers attended and arrested the Affected Person ('AP'). AP was taken to RCMP cells, where he subsequently died.

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;
- statements of two witness police officers;
- CCTV video from RCMP cell block;
- Prisoner logs from RCMP cell block;
- Watchguard videos from police officers' vehicles;
- police Computer-Aided Dispatch ('CAD');
- Police Records Information Management Environment ('PRIME') records;
- BC Emergency Health Services records;
- medical records; and
- autopsy report.

## Narrative

On April 23, 2022 at 4:32 a.m., the Comox Valley RCMP received a call from Civilian Witness 1 ('CW1'), who had reported a suspicious person in his yard in Courtenay (the Affected Person or 'AP').

CW1 said AP was acting strangely and in possession of a stick. AP told CW1 that he had "*seen about 15 people in your front yard in the bushes over here*". CW1 said there was no one else in the yard.

Two RCMP officers were dispatched and while in the yard searching for the male, AP emerged and attempted to get into one of the cruiser cars. Witness Officer 1 ('WO1') spoke to AP who was talking "*a mile a minute*". WO1 described that AP appeared to be intoxicated by drugs.

Witness Officer 2 ('WO2') also concluded that AP was intoxicated by drugs due to how quickly he was speaking and jumping between subjects. AP was covered in dirt and mud and told WO2 that he was "*there to fall trees*", which made no sense. WO2 said

that AP was not aggressive, rude, or angry and there was not a problem or any resistance between AP and the officers. The watchguard video obtained from the police vehicle also confirms that AP appeared to be cooperating with the officers and there was no use of force. WO2 said that AP identified himself, but would not state where he lived.

Officers arrested and transported AP to the RCMP detachment in Courtenay. AP was lodged in cells for being intoxicated in public and was set to be released with no charges once he sobered up. Watchguard video from within the police car showed AP awake with his head bowed and looking out the window as he was being transported to the detachment.

At 5:19 a.m., AP arrived to the RCMP detachment. The CCTV video recordings show that he was awake and active, interacting with WO1 and WO2. The only injury noted by WO1 was that AP had bruised knees, which WO1 suspected was a result of AP hitting them on something. AP said he had fallen down a hill and was very dirty and full of twigs.

AP was placed into a cell and remained there where he was conscious and continued to change positions, pace about the cell, talk, and eventually remove his clothing.

The jail cell was monitored by a civilian guard (Civilian Witness 2 or 'CW2') who checked on all prisoners four times per hour. AP's cell was also monitored by video. A review of the prisoner logbooks showed that the required checks were performed throughout the night by the guards. A detailed review of the CCTV video from the cell shows AP awake and moving throughout the morning hours.

At 12:50 p.m., AP stumbled and fell into an upright seated position in the corner of the cell where he continued to move around. AP's last movement was at 1:05 p.m. according to the video evidence.

At 1:15 p.m., an officer checked on AP and found him unresponsive in the cell. Other officers were subsequently summoned and Emergency Health Services ('EHS') was called. Officers performed CPR on AP until the arrival of EHS who transported AP to hospital. AP was pronounced deceased the following day in hospital.

AP was an alcoholic who was seeking help to stop drinking at the time of his death. This included taking medication to assist in weening off alcohol. Multiple civilian witnesses provided details to the IIO about his struggles with alcoholism leading up to his death.

An autopsy was performed and the cause of death was determined to be complications from acute alcohol withdrawal, with steatosis of the liver also contributing to AP's death.

## Legal Issues and Conclusion

The purpose of any IIO investigation is to determine whether an officer, through an action or inaction, may have committed any offence in relation to the death of AP. More specifically, the issue to be considered in this case is whether an officer may have committed any negligence-based offence in the course of AP's custody with the RCMP.

To constitute an offence by inaction or negligence, the evidence would have to show that the inaction or neglect of police was a marked departure from the reasonable standard of care that would be expected in these circumstances.

The investigation has not raised any concerns in relation to the actions of police. Police interactions with AP were largely captured on video, including throughout the transportation and booking-in process, and in RCMP cells. During all of those interactions, there was no inappropriate use of force at any stage, and officers acted in a professional manner.

While AP was in the cell, appropriate monitoring was carried out, as recorded and corroborated by video and prisoner logbook evidence. As soon as there was a reasonable basis for concern, guard and officer responses were timely and appropriate. Officers provided medical assistance immediately upon discovering that AP was unresponsive.

Unfortunately, AP suffered from complications from acute alcohol withdrawal that caused his death. Officers cannot be expected to know a person's full medical history prior to interacting with them. They can only know what they are told by the person and what they observe themselves. The actions of police during his time in custody were reasonable and fell well within the standard of care expected.

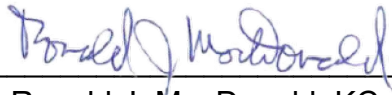
Accordingly, as the Chief Civilian Director of the IIO, I do not consider that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.

Although officers met all legal standards, this case still raises concerns about how intoxicated prisoners are housed generally in British Columbia. Officer and jail guards are not trained medical personnel, and jail cells are not the best place for such prisoners.

Holding intoxicated persons in police cells, ostensibly for their own protection, guarded by persons who are not trained health professionals, is an outdated practice, and proven not to adequately guarantee their safety and health. There are other options, including sobering centres, and having health professionals on site to assist with the care of

intoxicated persons. Both of these options are already utilized in various locations in British Columbia.

I have been involved in the investigative oversight of police for over 11 years. I have seen too many persons die in police custody through no fault of the police. The care of intoxicated persons should not be a police responsibility. It is a health care issue. It is time for government to take steps to facilitate the changes necessary to ensure intoxicated persons who need care receive it from trained health care professionals.



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Ronald J. MacDonald, KC  
Chief Civilian Director

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