



**IN THE MATTER OF A MALE'S DRUG OVERDOSE
WHILE IN THE CUSTODY OF THE RCMP
IN RIDGE MEADOWS, BRITISH COLUMBIA
ON THE NIGHT OF MAY 11-12, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

2022-106

Date of Release:

January 24, 2023

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INTRODUCTION

On the evening of May 11, 2022, the Affected Person ('AP') was taken into custody by Ridge Meadows RCMP. Upon arrival at cells, he was searched and found to be in possession of narcotics, which were taken from him. A strip search was not conducted. AP was checked routinely through the night, and appeared to be asleep, breathing normally and moving occasionally. In the morning the Subject Officer ('SO') tried to wake AP and found he could not be roused. AP was transported to hospital suffering from a drug overdose. 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 two civilian cell guards, four first responders, two witness officers and SO;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- RCMP cell block video;
- RCMP Guard Log and Prisoner C13 form;
- RCMP policies; and
- medical evidence.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, SO gave a full account to the IIO. AP did not provide a statement.

NARRATIVE

At about 10:16 p.m. on May 11, 2022, SO responded to a complaint that a male (AP) was outside a residence in an agitated state, taking his clothes off and spraying a parked car with bear spray. AP was arrested for assault with a weapon, breach of probation and mischief. He was taken to RCMP cells to await an appearance before a Justice of the Peace. SO later told the IIO that he did not have any concerns about AP's medical condition at the time of the arrest. Witness Officer 1 ('WO1'), who observed AP shortly after his arrest, told investigators that AP appeared calm, lucid and cooperative, and his condition did not give rise to any concerns.

While being booked in, AP was searched by SO, who located 1.5 grams of methamphetamine and some small packages of what was believed to be benzodiazepine,

which were seized. SO told the IIO that he ensured there were no more drugs in AP's pockets. At the same time, WO2 searched AP's backpack and did not find any contraband. SO said he questioned AP as to whether he was in possession of any more drugs, for example hidden in a body cavity, and AP categorically denied it. WO2 recalled AP saying that he "doesn't do that shit". Both WO2 and SO concluded that there were insufficient grounds to conduct a strip search, and AP was lodged in a cell. The cell guard present during this process told the IIO that AP seemed "okay" at the time, although he was evasive in answering questions about whether he had consumed drugs that day. The booking in process was recorded on video, but without an audio track. The video appears to corroborate the officers' account of the process.

The interior of AP's cell was also under video surveillance. Immediately after he enters the cell, AP can be seen on the video to be reaching with both hands down inside the back of his pants, and then appears to be putting something into his pocket. He then gets onto the bench facing the wall with his back to the camera. Unfortunately the quality of the video recording is very poor. It is low resolution and lacking in detail, but also suffers from low exposure levels as if the lighting is very dim. For both reasons, it is difficult to determine exactly what AP is doing at the critical moments.

During the night, routine checks were conducted, and AP was noted as apparently asleep facing the wall on the bench, breathing normally and moving occasionally.

At 5:13 a.m., SO went to the cell intending to fingerprint AP and was not able to rouse him. AP was in the same sleeping position facing the wall. When SO leaned over AP he noticed that AP appeared to have vomited a small amount, but was still breathing normally. Attending in response to a call from SO, WO2 checked AP's pulse and found it strong but slightly elevated in rate.

A call went out for paramedics to attend, and SO searched AP's pockets again. He told the IIO that he found more packets of what appeared to be benzodiazepine, sealed in cellophane wrapping, in the same pocket he had searched earlier. WO2 tried administering Naloxone, with no effect. An ambulance arrived and paramedics worked on AP for twenty minutes before transporting him to hospital.

At the hospital, AP was intubated and taken to the intensive care unit in serious but stable condition. His blood was tested, with positive results for methadone, fentanyl, amphetamines, benzodiazepines and cannabinoids. He was finally discharged from hospital on June 30, 2022.

LEGAL ISSUES AND CONCLUSION

The Independent Investigations Office of British Columbia has been given the task of investigating any incident that occurs in the province, in which an Affected Person has died or suffered serious physical harm and there appears to be a connection to the actions (or sometimes inaction) of police. The aim is to provide assurance to the public that when the investigation is complete they can trust the IIO's conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In the majority of cases, those conclusions are presented in a public report such as this one, which completes the IIO's mandate by explaining to the public what happened in the incident and how the Affected Person came to suffer harm. Such reports are generally intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

In a smaller number of cases, the evidence gathered may give the Chief Civilian Director reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

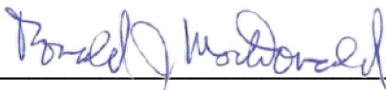
In a case such as this one, involving a potential negligence offence, one of the threads of the IIO investigation will be the gathering of evidence about whether officers met the relevant standard of care. Where there has been harm apparently caused by the ingestion of drugs while in custody, the focus will generally be on two areas of concern: how the detainee was able to access the drugs; and whether in-custody supervision was adequate.

The video evidence here establishes that AP very likely smuggled the drugs that almost killed him into the cell secreted in a body cavity. There was no negligence in SO's failure to discover them during a search of AP's clothing. While SO had the power to insist on a strip search of AP including a cavity search if sufficient grounds existed, those grounds did not exist here. While the evidence is that the involved officer had prior experience with AP, there is no suggestion that he had previously been known to secrete contraband inside his body. The fact that a small quantity of drugs were found in his pocket would not justify the extremely intrusive search that would have been required to find the rest, and SO was correct in concluding that.

More video evidence, this time from the cell, shows that AP recovered the drugs as soon as he was placed inside, apparently consumed some while turned away from the camera, and then presented simply as asleep for the next several hours. There was no reason to suspect that at some point he began to suffer the effects of an overdose.

The bottom line is that AP was the direct cause of the harm he suffered, and no blame can reasonably be placed on SO or any other officer or guard for either AP's access to the drugs or for his use of them.

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, KC
Chief Civilian Director

January 24, 2023

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