



**IN THE MATTER OF THE DEATH OF A MALE
AFTER SUFFERING A DRUG OVERDOSE
WHILE IN THE CUSTODY OF THE RCMP
IN CAMPBELL RIVER, BRITISH COLUMBIA
ON JUNE 23, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

2022-142

Date of Release:

March 17, 2023

THIS PAGE INTENTIONALLY LEFT BLANK

INTRODUCTION

On June 23, 2022, when he was arrested by the RCMP and taken into custody in Campbell River, the Affected Person ('AP') smuggled fentanyl into cells, on his person. He subsequently overdosed on the drug. Despite first aid attempts by police and transport to hospital, AP did not recover and was later declared deceased. 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:

- RCMP notification, police notes, and arrest/detention records;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of a 911 call and police radio transmissions;
- RCMP detachment video recordings;
- scene photographs;
- RCMP search policies;
- medical records; and
- autopsy and toxicology reports.

NARRATIVE

At 10:27 a.m. on June 23, 2022, Campbell River RCMP received a 911 call about a male (AP) who was breaching court conditions. The caller said that AP was not attending an addictions centre as ordered, and was using drugs. AP was running around in the downtown area, but was not being violent or aggressive.

Officer 1 arrested AP for causing a disturbance, and transported him to the RCMP detachment. The booking sheet indicated that AP was possibly impaired by drugs, with time of last consumption unknown. He was recorded as having poor balance, slurred speech and a sleepy demeanour. Officer 1 indicated on the form that he conducted a search of AP before he was lodged in a cell.

AP's stay at the detachment was recorded on video, as follows:

- 10:52 a.m.: AP arrives in the back of Officer 1's police vehicle and is brought into the booking area. His handcuffs are removed, and he is told to remove his coat.

AP is now wearing a hoody over a tee shirt, and long pants. Officer 1 suggests that he take off the hoody, but AP apparently prefers to keep it on, so Officer 1 removes its hood drawcord. AP is asked to remove his hat, shoes and belt, and Officer 1 goes through AP's pockets, turning them inside out. Officer 2 asks AP to stand for a booking photograph. The interactions are calm, respectful and professional, and AP is cooperative throughout.

- 11:00 a.m.: AP is placed in a cell. After about ten minutes, he lies down on the bench at the back of the cell and pulls the thin foam mattress over on top of himself.
- 1:21 p.m.: Officer 1 enters the cell to give AP a blanket. AP moves on top of the mattress and covers himself with the blanket.
- AP can be seen to be moving under the blanket until 7:48 p.m., when the light is turned down.
- Guards then conduct routine cell checks as required by RCMP policies. AP is lying under the blanket and is recorded in the log as sleeping and breathing or snoring.
- 11:02 p.m.: a guard approaches the cell for a check, kneels to listen at the door, then brings a loudspeaker, which he holds against the door, playing music and shouting in an attempt to rouse AP. The log documents these attempts to wake AP (civilian jail guards in RCMP detachments are not permitted to open cells to interact with detainees, without an officer).
- 11:08 p.m.: the guard goes to the custody desk area to get assistance.
- 11:10 p.m.: an officer enters the cell, takes the blanket off AP and removes what appears to be a small butane lighter.

Once he was found to be in medical distress, AP received immediate first aid treatment from officers, including Narcan, use of a defibrillator and chest compressions. Paramedics arrived at 11:18 p.m., and fire personnel attended shortly afterwards. AP was removed from the cell at 11:50 p.m.

An examination of the cell resulted in the discovery of a butane lighter, a small circular container and an unidentified brown substance. Subsequent analysis showed that the brown substance contained fentanyl and a benzodiazepine.

Aggressive cardiac life support protocols were applied to AP by hospital staff and he was eventually stabilized, but the prognosis was that he would not recover brain activity, and life support was discontinued at 9:50 a.m. on June 24, 2022. His death was attributed to fentanyl toxicity.

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 ('CCD') 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.

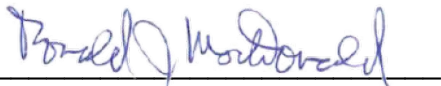
Where there has been harm apparently caused by the ingestion of drugs while in custody, the focus will generally be on two areas of concern: how the detainee was able to access the drugs; and whether in-custody supervision was adequate.

There seems no doubt that the drugs responsible for AP's death were brought by him into the cell. Searches of detainees during the booking process are intended to ensure that substances of that sort, as well as items that could be used as weapons or for self-harm, are located and seized. That process evidently failed in this case. While that is unfortunate, the video evidence demonstrates that Officer 1 conducted a reasonably thorough search. Finding the drugs would have required him to go further and perform a strip search, forcing AP to remove his clothing. Under Canadian law, such an intrusive search is only justified where there are reasonable grounds to believe the detainee is hiding contraband in a way that would defeat a conventional search of his person while still clothed. Those grounds were not present in this case, so it cannot be said that Officer 1 was negligent or that he committed any offence by not removing AP's clothing for a more complete search. AP's death was not the result of any culpable failure of the part of Officer 1. It was the result of AP's decision to smuggle lethal substances into his cell, and his subsequent decision to consume them.

AP was able to do that without being detected by hiding himself under the foam mattress initially, and then under the blanket. The evidence shows that monitoring of him was conducted properly, and that the alarm was raised as soon as a guard noted that he was

not breathing and could not be roused. Officers then responded promptly and provided appropriate assistance.

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.

A handwritten signature in blue ink, reading "Ronald J. MacDonald", is written over a horizontal line.

Ronald J. MacDonald, KC
Chief Civilian Director

March 17, 2023

Date of Release