



**IN THE MATTER OF THE DEATH OF A MALE
AND AN ASSOCIATED INVESTIGATION BY MEMBERS OF THE RCMP
IN DUNCAN, BRITISH COLUMBIA
ON DECEMBER 4, 2022**

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

Chief Civilian Director:	Ronald J. MacDonald, KC
IIO File Number:	2022-322
<u>Date of Release:</u>	<u>April 13, 2023</u>

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INTRODUCTION

Late on the evening of December 3, 2022, the Affected Person ('AP') suffered a medical emergency in his home and called 911. The call was cut off, and when an operator tried calling back there was no answer. RCMP were advised about the dropped call, but were given incomplete information. Officers looked for AP at his home, and also in an area where they were mistakenly told his cell phone had been located. They were not able to get any response at the home, and did not find AP at the other location they had been provided. Later that morning, AP was found in his home, deceased from natural causes.

Because there was a connection between the death and police actions, 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:

- statement of a civilian witness;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of police radio transmissions;
- officers' cell phone logs;
- scene photographs;
- BC Emergency Health Service ('BCEHS') records;
- RCMP policies; and
- medical information from the BC Coroner's Service.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, the involved officers were potentially Subject Officers, and were not interviewed by the IIO, as sufficient reliable independent evidence was available for the investigation to be completed satisfactorily.

NARRATIVE

At 11:27 p.m. on December 3, 2022, the Affected Person ('AP') sent a text message to a Civilian Witness ('CW'), who lived in the suite above AP. The text asked CW to call an ambulance, and added, "I can't breathe". Unfortunately, CW was already asleep, and did not read the message until the following morning.

At 11:38 p.m., AP called 911 himself. He told the 911 call taker that he needed an ambulance, and was told he would be transferred to BC Ambulance. After several

seconds, he was presented with a recorded message listing symptoms about which he should advise the call taker if applicable. When a call taker came on the line, AP was able, with difficulty, to communicate to her that he was suffering from breathing difficulties. She told him that she would connect him with another person and told him to stay on the line. The line then went dead (it is not possible to determine which end dropped the call).

The matter was then passed on to a police call taker (though only after a canned message advising, "We continue to experience heavy call volume" had played for approximately two minutes). The vital information that the caller was having trouble breathing was not passed on, and police received the file as a simple "dropped 911 call", with "no voice contact". The initial address given to police was in Kamloops, based on subscriber data. A call was made by EHS to that address, and they were told that AP no longer lived there. EHS then reported that the phone had been located to an address several houses away from AP's home. Police tried calling back to AP's number, but did not get a response.

At 12:03 a.m. on December 4, two police officers were dispatched to investigate. They were told only that the file concerned an abandoned 911 call. In due course, a driver's licence check on AP returned his correct address in Duncan, together with a vehicle description and plate number.

An officer arrived at AP's residence at 12:17 a.m. He noted that no vehicle registered to AP was present, and the home was in darkness with no interior lights visible. The officer knocked repeatedly at the front door and rang the door bell, but there was no response. Then, at 12:24 a.m., the officer was advised that AP's cell phone had been 'pinged' by the phone's service provider to an area several kilometres from the residence, so he drove to that area and patrolled, searching for AP or his vehicle. At 12:28 a.m., the location information for the phone was confirmed as still current. Calls by police to AP's phone went unanswered and voice messages were left. At 1:03 a.m., the search was discontinued.

Shortly after 7:00 a.m. that morning, CW found AP's text message on her cell phone, and went to his suite. She found AP lying on his bed, evidently deceased. His cell phone was close to him. Paramedics were called to the residence, but found that AP had been dead for a significant time, and police were called back to investigate. They found nothing out of the ordinary or suspicious. The cause of death was subsequently classified by the BC Coroner's Service as "natural".

Two vehicles owned by AP were later found, parked several properties away from his residence (evidently because parking at his home was limited), out of sight around a bend in the road.

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.

If there were to be any reasonable complaint about the police response here, it would be in the nature of a negligence allegation. If negligence were found, further, such negligence would need to reach a level of wanton and reckless disregard for human life before it would qualify as criminal. The facts of the case, though, do not suggest even simple negligence. The attending officers carried out their duties reasonably and properly.

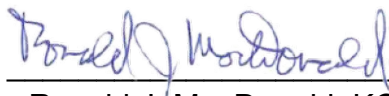
The officers were at the downstream end of an information chain that was defective. The 911 operator was given a clear indication that the caller was in the throes of a medical emergency. The system currently in place, unfortunately, does not include any conduit by which such information is passed on to the ambulance service. AP's call was simply transferred to a second operator with no verbal interaction between operators and with no information recorded in a shared database. When the call failed to connect, either because AP, for some reason, hung up, or because of a technical glitch, the information AP had provided about his condition was simply lost.

This resulted in police responding to nothing more than a disconnected 911 call from a cell phone. They found AP's home locked and dark, and his vehicle not parked in the driveway. Despite that, they still attempted diligently to determine if anyone was home. When they were then provided an approximate location for the phone, a significant distance away, they responded appropriately by searching in that area. As noted above, attempts were also made to contact AP on the number from which the 911 call had come.

The only additional step that officers could theoretically have taken would have been to force entry into AP's home. Forced entry by police into a private residence is, of course, a very significant intrusion, and is only justified in exigent circumstances. Such circumstances could include a dropped 911 call, but only (naturally) where there are reasonable grounds to believe that the call came from inside the home. RCMP policy, quite appropriately, requires an officer responding to a dropped 911 call from a cell phone to take steps "to determine the specific location of the call". That is what was done here, but unfortunately the location provided led officers away from the home on a fruitless search of an area some kilometres distant¹.

The evidence as a whole strongly suggests that AP died within a short time of his truncated 911 call, so it is unlikely that failure by police to locate him and render assistance upon their arrival at his address would have changed the unfortunate outcome in this case. Having noted that, though, it is also important to underline that there is no reason to conclude that the involved officers were negligent in any respect in their response.

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

April 13, 2023
Date of Release

¹ While cell tower 'pinging', at its best, only gives an approximate location, the degree of error in this example was significantly greater than usual. The technique uses triangulation based on the relative signal strengths of responses received at nearby towers when they 'ping' the cell phone. AP's phone was in a partly above-ground basement in a building that backs into rising ground to its south. Because of this, the signal strength received by a cell tower to the south would likely be attenuated by concrete foundation walls and earth, causing the apparent distance of the phone from the tower to be artificially exaggerated. That, in turn, would cause the estimated location of the phone to be shifted northward, and that is exactly what appears to have happened in this case – the estimated position was several kilometres north of the phone's actual location.