



**IN THE MATTER OF THE DEATHS OF THREE PEOPLE
IN LOGAN LAKE, BRITISH COLUMBIA, FOLLOWING AN EARLIER
INCIDENT INVOLVING MEMBERS OF THE MERRITT RCMP
ON JULY 23, 2023**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2023-212

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Introduction

On the early morning of July 23, 2023, a hotel employee in Merritt called the RCMP for assistance to help remove one of their guests. Officers arrived to the Affected Person's ('AP') hotel room several hours later and assisted staff with removing him. An hour and a half after the AP's interaction with officers, he was involved in a fatal collision outside of Logan Lake which resulted in his death, along with the deaths of two other people.

Because the collision occurred following the AP's interaction with police officers, the Independent Investigations Office ('IIO') was notified and commenced an investigation. The following narrative is based on evidence collected and analyzed during the investigation, including the following:

- statements of five civilian witnesses;
- statements of two witness police officers;
- Police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of the 911 calls;
- scene photos; and
- toxicology analysis.

Narrative

On July 23, 2023 at approximately 6:24 a.m., Civilian Witness 1 ('CW1') contacted the Merritt RCMP to ask for assistance. CW1 was a hotel employee and asked for police assistance because a hotel guest had flooded one of their hotel rooms. CW1 reported a guest (the Affected Person or 'AP') had damaged his hotel room and asked officers assist CW1 in removing the AP.

At 8:22 a.m., Witness Officer 1 ('WO1') and Witness Officer 2 ('WO2') arrived at the hotel. They met with Civilian Witness 2 ('CW2') and Civilian Witness 3 ('CW3'), who were employees of the hotel and then went to the AP's room.

The AP came to the door after prolonged loud knocking. The floor and toilet were flooded with water, toilet paper and fecal matter. There was vomit on one of the beds, empty over-the-counter medications, a broken toilet cistern, and a broken sink faucet. There was also blood smeared on the bathtub wall and soiled clothes in the bathtub.

The AP explained to the officers he had been sick most of the night and believed he had been sleepwalking. The AP admitted to taking Advil and smoking marijuana from a vape pen the previous evening, but before midnight. CW2 described the AP as "zombie-ish".

The AP said he wanted to clean up his mess, but CW2 advised the AP he needed to leave the hotel immediately.

The officers cautioned the AP for the offence of mischief and watched the AP pack up his belongings. WO1 described the AP as *“agitated”* and *“nervous”*. CW2 recalled one officer asking the AP *“What have you taken?”*

WO2 completed a police record check on the AP and noted there had been recent mental wellness checks on him. WO1 and WO2 engaged the AP in a conversation regarding his mental health status. The AP explained he suffered from paranoia and anxiety. WO2 explained, *“nothing from talking to him made it appear that he was planning to harm himself or harm others”*. WO2 said the AP told him he was going to drive to his relative’s home. WO2 asked the AP whether he had taken anything and the AP told WO2 he did not drink, and had taken *“a bunch”* of Advil. The AP also told WO2 he had not used marijuana since the previous evening.

WO1 also engaged in a conversation with the AP. WO1 asked the AP questions about whether there were any issues going on in his life. WO1 explained he was trying to verify whether the AP was suffering from mental health issues but did not see evidence the AP was planning to harm himself, and WO1 stated the criteria for any apprehension under the *Mental Health Act* were not met in his view.

The officers escorted the AP out of the hotel and to his vehicle. As WO1 described, the AP was *“walking and talking fine”*. WO2 said:

“I specifically was engaging him, talking wise and watching him carry his stuff to see if he was exhibiting any symptom of intoxication, which he wasn’t, he was very fluid, wasn’t slurring his speech at all, he carried both his bags well without any struggle or without any sway in his step or anything like that”.

CW3 also did not believe the AP was under the influence of any substances.

After the AP left, hotel staff located a cell phone and vape pen belonging to the AP which had been left behind. WO2 drove after the AP and conducted a traffic stop to pull over the AP. The AP agreed to follow WO2 back to the hotel to retrieve his belongings. WO2 observed the AP’s driving on the way back to the hotel, noting *“I had no reason to even read him a breath demand or anything like that or engage in an impaired operation whatsoever”*. The AP stopped at the hotel, picked up his cell phone and vape pen, then drove away. WO2 said the AP was friendly and more relaxed than the previous encounter. The last contact the AP had with WO2 was at 9:59 a.m.

At 11:30 a.m., Logan Lake RCMP received a report of a fatal collision on Highway 97D outside of Logan Lake. Civilian Witness 4 ('CW4') reported the AP was speeding and weaving into the oncoming lane of traffic. CW4 saw a motorbike take action to avoid collision with the AP after which she lost sight of the AP's vehicle at a curve in the road.

RCMP conducted an examination of the scene and concluded the following:

- The AP was driving his vehicle recklessly and at a high rate of speed eastbound in the wrong lane;
- Affected Person 2 ('AP2') was driving westbound, with Affected Person 3 ('AP3') as his passenger;
- AP2 moved out of the westbound lane to avoid a collision with the AP;
- The AP moved back into the eastbound lane and collided with AP2 and AP3's vehicle;
- The collision was head-on and catastrophic to both vehicles; and
- The AP was at fault for the collision.

Family members of the AP explained to IIO investigators that in the months leading up to the interaction, the AP's mental health had deteriorated and he was suffering from paranoia. Attempts were made by family members to try to medically assist the AP with his mental health, but those efforts were not successful.

A toxicology analysis was conducted and the AP was above the legal driving limit for Tetrahydrocannabinol (THC), which is the principle psychoactive ingredient in cannabis. The AP also had diphenhydramine in his system, beyond the typical therapeutic range, which is an antihistamine drug used as a sleep aid and to treat allergic reactions.

Legal Issues and Conclusion

The Independent Investigations Office of British Columbia is mandated to investigate any incident that occurs in the province in which an Affected Person ('AP') 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 Persons 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.

Officers were acting lawfully, in execution of their duties, when they responded to the call to assist hotel staff with removal of a guest. Officers are often asked to assist businesses in dealing with difficult customers. In this case, the AP had flooded and damaged the hotel room and the employees did not feel comfortable asking him to leave without police assistance.

The legal issue to be considered in this case is whether the officers may have committed any offence in connection with the AP and two other people's deaths by not apprehending the AP and taking him to the hospital, pursuant to the *Mental Health Act*, or failing to prevent him from operating a motor vehicle due to suspected impairment, under the *Criminal Code*.

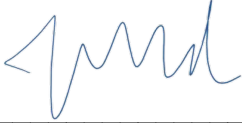
A police officer is not held to a legal standard of perfection when making assessments about a person's mental health or impairment. Officers would have to show a wanton or reckless disregard for the lives or safety of others in order to be criminally liable. Their decisions are assessed based on reasonableness, and any departures from the standard of reasonableness must be marked and substantial in order to be a criminal offence.

The officers spent approximately 20-30 minutes with the AP. Both officers stated they were doing continuous assessments related to both his mental health and impairment. Neither officer felt the AP was impaired at the time they dealt with him. CW3 was present for the interaction between officers and the AP and also said he did not believe the AP was impaired. Based on the available information, the decisions to not apprehend or arrest the AP were reasonable.

In this case, I must also consider the length of time that elapsed between the officers' last contact with the AP and the collision itself, which was approximately one and a half hours. There is no evidence to confirm or refute whether the AP consumed drugs or whether his mental health deteriorated between his last contact with police and the collision, but it remains a possibility given that time period.

The AP made a critical decision which resulted in a collision, killing both himself and two other people. This is a very tragic case for the family and friends of all those involved. However, the officers were not responsible for these tragic deaths, and no criminal liability flows to them as a result. In these circumstances, the officers' decisions were reasonable, and do not constitute a marked and substantial departure from the appropriate standard of care required in the circumstances.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider there are reasonable grounds to believe 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.



Jessica Berglund
Chief Civilian Director

November 14, 2024

Date of Release