

# ***FINAL REPORT: IIU concludes investigation into in-custody death***

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April 11, 2016

On July 19, 2015, the Independent Investigation Unit (IIU) was formally notified by the RCMP that at 12:27 a.m. that same day, Oakbank RCMP officers received a report of a single vehicle motor vehicle accident with a suspected impaired driver in the Anola area. The initial complaint was made by an anonymous male who called 911. Police officers arrived at the scene to find a lone individual, a 73 year old female (the affected person), with her vehicle in the ditch.

Based on observations at the scene, officers formed the opinion that the affected person's ability to operate a motor vehicle was impaired and demanded a roadside alcohol screening test. The affected person attempted to blow but failed to provide an adequate breath sample for the screening device. While officers were reading her the Refusal Demand/and Caution, the affected person suddenly collapsed and struck her head on the gravel road. Officers performed CPR and called for an ambulance and further assistance. The affected person was transported to Beausejour hospital by ambulance. She was pronounced dead at hospital. A team of IIU investigators was assembled, attended the scene and commenced the investigation.

The investigation revealed the affected person had driven her truck northbound on Pinewood Road and went through the "T-intersection" of Maplewood Road into the ditch. There were no traffic control signals on any of the roads. A traffic accident analyst advised that he did not believe the vehicle had been travelling at an excessive speed and it appeared the vehicle was driven straight into the ditch. The airbag did not deploy and there was no sign of blood in the cab of the truck.

Further investigation disclosed the affected person was in poor health and had been undergoing cancer chemotherapy treatments. She was described as lately acting in an unusual manner spending money in a frivolous fashion, and was often disoriented, collapsing and falling down.

A post mortem was conducted. It was determined that she was in very poor health prior to death. Heart disease was prevalent. She had multiple body and joint issues, in addition to many recent cuts and contusions about her body. All these signs were consistent with her being prone to falling and also consistent with her poor circulation and physical condition. There was no indication of physical trauma which could have caused her death. Toxicology results confirmed there was no alcohol or drugs (aside from a small amount of Tylenol) in the affected person's blood.

The pathologist's findings relating to cause of death were consistent with a pre-existing heart condition coupled with poor health as the primary cause for the arrhythmia which caused her death.

According to s.70(1) of *The Police Services Act*, the IIU was required to seek the appointment of a civilian monitor as this matter involved the death of a person. On July 20, 2015 the IIU requested the appointment of a civilian monitor. A civilian monitor was appointed by the Manitoba Police Commission on July 21, 2015 and the IIU has conducted monthly briefings with the civilian monitor since that date.

Investigators conducted interviews with nine civilian witnesses from the neighbourhood of the traffic accident and friends and relatives of the affected person. Two witness officers were also interviewed. Three experts (pathologist, traffic accident reconstruction analyst, and emergency medical service personnel) were involved and interviewed; they offered valuable opinions that assisted in this investigation.

Furthermore, RCMP police reports relative to this incident, together with telephone and radio recordings, were received and reviewed by IIU investigators.

On July 31, 2015, the two officers having contact with the affected person at the scene of the accident were designated as Subject Officers, and two other RCMP officers having contact with her earlier in the evening were designated as Witness Officers.

Each of the subject officers declined to provide his notes and declined to participate in an interview. As outlined under *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding the incident.

The traffic accident reconstruction analyst's findings were:

The affected person had been driving at approximately 90 KPH as she approached the "T" intersection, applied her brakes but failed to make the turn. She drove straight into the ditch at a fairly slow speed without causing more than superficial damage to the vehicle. Nothing in the accident analysis relates to the cause of death. The analyst's report includes a scene guide, scene photographs and drone photographs.

Issue: Does the investigation disclose any causal link between the actions of the subject officers and the affected person's death?

Following a detailed review of the investigative file materials, I am satisfied there is no evidence of the officers being in any way responsible for the death in what they did or failed to do. The pre-existing heart condition and poor health of the affected person was the major cause for the arrhythmia which caused her death. There are no grounds for proceeding with any charges in this case.

**Final report prepared by:**

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