

SIRT

Serious Incident Response Team

Investigation Summary:

Incident Type: In-Custody Death

SIRT File No.: 2023-15

Incident Date: July 16, 2023

Agency Involved: RCMP

Civilian Executive Director: Greg Gudelot

Date of Report: February 24, 2025

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Introduction

On Sunday, July 16, 2023 at approximately 4:00 p.m., the Saskatchewan Serious Incident Response Team (SIRT) received a notification from the Saskatchewan Royal Canadian Mounted Police (RCMP) regarding an in-custody death at the Pelican Narrows RCMP Detachment. SIRT's Civilian Executive Director accepted the notification as within SIRT's mandate and directed an investigation by SIRT.

On July 15, at approximately 2:21 a.m., Pelican Narrows RCMP responded to a 911 hangup call, and while responding to that call encountered a 34-year-old man, subsequently referred to as the affected person, who was wanted in relation to an ongoing Break and Enter and Weapons investigation. The man was arrested and transported to the Pelican Narrows RCMP Detachment where he was searched, lodged in cells, and later remanded into custody to appear in court.

On July 16, at approximately 2:35 p.m., the man went into medical distress in his cell. Pelican Narrows RCMP entered the cell and provided first aid to the man. EMS transported the man to the Pelican Narrows Medical Centre where, at 3:27 p.m., he was pronounced deceased.

Timeline

SIRT was notified of the incident on July 16, 2023 at approximately 4:00 p.m. and a SIRT team consisting of the Civilian Executive Director and three SIRT Investigators was deployed to Pelican Narrows to begin the investigation. On December 4, 2024, the completed investigation was submitted to the Civilian Executive Director for review.

The Investigation

SIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of Major Case Management (MCM). During the course of the investigation, all relevant police and civilian witnesses were interviewed, scene examinations were conducted at two locations relevant to the incident, within the Pelican Narrows RCMP Detachment and the location of the affected person's initial arrest. All relevant audio, video, and documentary evidence was seized, along with several pieces of physical evidence obtained from the two incident scenes.

Four members of the Pelican Narrows RCMP were designated as Witness Officers pursuant to *The Police Regulations* and were interviewed during the course of SIRT's investigation. On the basis of their role in the search of the affected person, two members of the RCMP were designated as Subject Officers in SIRT's investigation. As is their right, both members declined to participate in an interview with SIRT investigators, or to provide access to their notes related to the incident.

Nine civilian witnesses were identified and interviewed by SIRT during the investigation. Those witnesses consisted of the detachment's civilian guard staff, the EMS staff who responded to provide care and transportation to the affected person, and another individual who was lodged in cells at the same time as the affected person.

Documentary evidence confirmed the timing of various events during the incident, including dispatch and response times, as well as the timing and observations recorded during the regular checks of the affected person in his cell.

Extensive video footage was seized from the detachment's CCTV recording system. This footage captures nearly every aspect of the affected person's time in RCMP custody, and provides significant detail and certainty with regard to the affected person's movements and actions. The footage depicts the affected person's arrival at the RCMP detachment, his time in custody, and his eventual transport from the detachment by EMS. Only two brief aspects of the affected person's time in custody are not depicted on the video footage, those being the period where he was placed in the detachment's phone room and provided with privacy to contact legal counsel, and his appearance before a justice of the peace for a remand hearing.

Several physical exhibits were seized during the course of SIRT's investigation, with some submitted for further analysis as the investigation proceeded. These exhibits included trace amounts of a white powder substance seized from the affected person's cell, as well as a bag of white powder seized from the cell directly opposite the affected person. Both of these exhibits were sent for laboratory analysis and confirmed to be cocaine.

An autopsy was conducted, which determined that the affected person had died as a result of combined drug toxicity, with the drugs in question being cocaine and methamphetamine. Toxicology results confirmed the presence of both cocaine and methamphetamine in the affected person's body, with the cocaine noted to be at a level which could have contributed to death.

At the outset of the investigation, as required by S.91.12(1) of *The Police Act, 1990*, a community liaison was appointed to assist the investigation. The liaison was provided with regular updates on the investigation, and at the conclusion of the investigation, was provided the opportunity to review the investigation in its entirety, and to make comments and recommendations as necessary.

Summary

On July 15, 2023, two members of the Pelican Narrows RCMP were dispatched to a 911 hang-up call at an address near the village of Pelican Narrows. Upon arrival, the members encountered the affected person, whose identity was known to them and who was the subject of an outstanding warrant for break and enter as well as weapons offences. When the affected person observed the RCMP, he entered a travel trailer parked on the property. The two RCMP members surrounded the trailer and spoke to the affected person, encouraging him to come out to deal with the outstanding warrant. The affected person initially agreed, exited the trailer voluntarily and began walking towards a police vehicle, but changed course and fled on foot. The two RCMP members followed the affected person, who ultimately reached an area of thick bush that he was unable to run through and turned back towards police, with his fists in what was described as a raised position. One member of the RCMP drew a conducted energy weapon (CEW) and deployed it, causing the affected person to fall to the ground where, at approximately 2:59 a.m., he was handcuffed and taken into custody without serious injury or further incident.

The affected person was transported to the Pelican Narrows RCMP Detachment where one of the arresting officers completed booking paperwork while two other members of the RCMP searched the affected person. The search of the affected person was conducted by two RCMP members, with each searching one side of his body, followed by one member scanning the affected person with a handheld metal detector. Following the search, the affected person was placed in the detachment's phone room to contact a lawyer and was subsequently placed inside cell #3 at approximately 3:17 a.m.

The affected person remained in cell #3 until approximately 2:05 p.m., when he was removed from his cell and placed in another room within the detachment's cellblock area for a remand hearing before a justice of the peace. At approximately 2:19 p.m. on July 15, the affected person was remanded into custody, with his next court appearance set for July 17, 2023 at 10:00 a.m. in Pelican Narrows Provincial Court. Following the remand hearing, the affected person was immediately returned to cell #3 and on several occasions between 2:20 p.m. and 2:24 p.m., placed his hands into his groin area, sweatpants pocket, and sock, and appeared to look at an object in his hand. The affected person then went to sleep on the bench in his cell, rising on several occasions during this time to use the washroom, take a drink, or eat the meal that was provided for him. At 4:39 a.m. on July 16, the affected person removed an object from his sweatpants pocket and placed it on the ledge of the sink inside his cell. At 4:52 a.m., the affected person removed a substance from the sink ledge and brought his hand to his face. The substance remained visible on the sink ledge until 11:55 a.m., when the affected person removed it and brought his hand to his nose. At 1:48 p.m., the affected person looked through the meal slot of his cell door and threw a small white object out of the slot and under the door of cell #2. The object was later recovered from cell #2 by SIRT investigators and confirmed to be a small bag of cocaine.

At approximately 2:35 p.m., nearly 36 hours after his initial arrest, an RCMP member heard noises from the affected person's cell and observed the affected person's body shaking and his hands in the air. A second RCMP member was summoned for assistance and together they entered cell #3, where the affected person was kicking his legs and stated that he was running. As the two members entered the cell, the affected person stated words to the effect of "I took too much coke." The members left the cell and contacted EMS for assistance, before returning and to the cell, where the affected person was still breathing and communicating. Shortly thereafter, the affected person began convulsing and was placed into the recovery position. EMS was updated on the affected person's condition, and the members administered NARCAN, which was ineffective. Upon the arrival of EMS, the affected person had a pulse and was breathing, and the two members removed the affected person from his cell and placed him on a stretcher, at which time he was immediately transported for medical care. Upon arrival at the medical centre, the affected person was no longer breathing and had no pulse. At 3:27 p.m., the affected person was pronounced deceased by a doctor.

Analysis

Following an assessment of the evidence obtained during SIRT's investigation, there is no reasonable basis to suggest that any use of force by police, either during the affected person's arrest or during his time in custody, caused or contributed to his death. Rather, based on the totality of the evidence, including in particular the significant volume of video footage obtained and reviewed and the results of the postmortem examination, the affected person's death was the result of an overdose, brought on by drugs self-administered by the affected person during his time in custody.

While two members of the RCMP were designated as Subject Officers during the course of SIRT's investigation, as previously noted, this designation was based primarily on the role of those officers in conducting the search of the affected person upon his arrival at the RCMP detachment. A review of the totality of the evidence related to the conduct of the search reveals that the search was reasonably conducted within the limits of the law. Although a more extensive search, such as a strip search, may have located any drugs hidden on or in the affected person's body, courts in Canada have been clear that due to their invasive nature, such searches require situation-specific grounds, and cannot be conducted as a matter of routine policy. Neither the nature of the affected person's charges nor the circumstances of his arrest were sufficient to constitute such grounds.

It is important to note that while the extensive CCTV footage obtained from within the detachment and reviewed during the course of SIRT's investigation provides significant detail and certainty on the affected person's actions while in custody, those same actions were not necessarily contemporaneously observed by either the detachment's civilian guard staff or by RCMP members as they were occurring. The totality of the video footage represents hundreds of hours of recordings obtained from numerous camera angles and capturing the actions of multiple prisoners.

The evidence gathered during this investigation, including the video footage, confirms that the affected person was reasonably monitored during his time in custody, by both civilian guard staff and RCMP members. Upon the discovery that the affected person was experiencing medical distress, assistance was provided immediately, and EMS was contacted to attend the detachment. As the affected person's condition deteriorated, EMS was updated as regards the urgency of the situation, while the involved RCMP members continued to provide care.

Following a review of the totality of the evidence in this case, and considering in particular the issues of the search of the affected person upon his entry into custody, the ongoing monitoring of the affected person while he remained in custody, and the reaction of police once it was determined that the affected person was in medical distress, there are no grounds to believe any police officer committed any *Criminal Code* offence during the course of this incident and no charges will be laid.

Decision

There being no grounds to believe an offence was committed by any police officer, SIRT's involvement with this matter is concluded without referral to the Attorney General for Saskatchewan in accordance with S.91.08(10)(a) of *The Police Act, 1990*.

Original Signed

Greg Gudelot
Civilian Executive Director
Serious Incident Response Team (SIRT)

February 24, 2025

Date of Report