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COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

CHAIR'S FINAL REPORT AFTER COMMISSIONER'S NOTICE

Royal Canadian Mounted Police Act
Subsection 45.46(3)

Complainant

Chair of the Commission for Public
Complaints Against the RCMP

File No.: PC-2008-1680

CHAIR'S FINAL REPORT AFTER COMMISSIONER'S NOTICE

The Complaint

In the early morning hours of June 26, 2008, Constable Nathan Christopher Adam Poyzer of the Prince George RCMP Detachment in British Columbia responded to an emergency call concerning an intoxicated man. Upon arrival, Constable Poyzer found Mr. Colin Mamela and Ms. Cheryl Anne Bouey in an intoxicated state, and arrested them for being drunk in a public place. They were both escorted to the Prince George Detachment cell block. Ms. Bouey was searched by Constable Carissa Hornoi and placed in cells. Approximately 40 minutes later, Ms. Bouey was found deceased in her cell, apparently as a result of hanging herself from the cell door's bars.

On June 27, 2008, the then Chair of the Commission for Public Complaints Against the RCMP (Commission) initiated a complaint into the in-custody death of Ms. Cheryl Anne Bouey in Prince George, British Columbia, pursuant to subsection 45.37(1) of the *Royal Canadian Mounted Police Act* (RCMP Act). The complaint focused on the conduct of all RCMP members or other persons appointed or employed under the authority of the RCMP Act involved in the incident, as well as matters of general practice applicable to situations in which persons are held in the custody of the RCMP, specifically:

1. whether the RCMP members or other persons appointed or employed under the authority of the RCMP Act involved in the events of June 26, 2008, from the moment of initial contact and arrest, through to the subsequent detention and death of Ms. Bouey, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons held in RCMP custody;
2. whether the RCMP members at the Prince George Detachment provided adequate supervision and direction to the guard or guards who were charged with the care and handling of prisoners in the custody of the Prince George RCMP during the period of Ms. Bouey's detention and subsequent death; and
3. whether the RCMP national, divisional and detachment-level policies, procedures and guidelines relating to the monitoring and treatment of persons detained in RCMP custody are adequate to ensure the proper care and safety thereof.

The RCMP's Final Report

As required by the RCMP Act, the RCMP investigated the complaint. The public complaint investigation was conducted by the "E" Division North District Major Crime Unit, and the primary investigator was Corporal Gary Heebner. On March 9, 2010, the RCMP issued its Final Report into this matter.

The Commission's Review and Interim Report

On May 26, 2011, the Commission concluded in its Interim Report (**Schedule 1**) that Ms. Bouey's warrantless arrest for causing a disturbance was reasonable, as would have been her arrest for public intoxication pursuant to British Columbia's *Liquor Control and Licensing Act*, and that the force used by Constable Dan Eccleston while escorting Ms. Bouey to the cell block was reasonable in the circumstances. The Commission further concluded that Constable Hornoi treated Ms. Bouey in a respectful and professional manner, failed to locate a string attached to Ms. Bouey's pants when searching her prior to her being lodged in cells, adequately assessed her responsiveness at the time of booking, and completed the associated section of the Prisoner Report, as required.

With respect to the guard on duty, the Commission found that he did not receive refresher training as prescribed by RCMP policy, his first aid training was up to date, and that his delay in seeking assistance was inconsistent with RCMP policy. Further, the Commission found that monitoring of prisoners was inadequate on the relevant date, that the prisoner log book contained very little information and was not sufficiently detailed as to meet policy requirements, that medical assistance was immediately requested, and that the members did not provide first aid to Ms. Bouey.

The Commissioner's Notice

Pursuant to subsection 45.46(2) of the RCMP Act, the Commissioner is required to provide written notification of any further action that has been or will be taken in light of the findings and recommendations contained in the Interim Report.

On January 18, 2012, the Commission received the Commissioner's Notice (**Schedule 2**). The Commissioner agreed with the Commission's findings that Ms. Bouey's arrest was reasonable, the force used by Constable Eccleston while escorting Ms. Bouey to the cellblock was reasonable and Constable Hornoi treated Ms. Bouey in a respectful and professional manner. The RCMP Commissioner further agreed that Constable Hornoi failed to locate the string attached to Ms. Bouey but that it was an inadvertent mistake.

The Commissioner disagreed with the Commission recommendation that a "checklist" be added to the Prisoner Report as a reminder to check for hidden cords or other potentially dangerous items. It should be noted that while the word "checklist" appeared in the Commission's recommendation, the report in fact referred to a "check box", which was the original intent of the recommendation. A member may conduct an adequate search and yet, in the everyday routine, miss an important element. I agree with the Commissioner that a separate checklist would be unnecessary, and reiterate my recommendation, as corrected, that a check box be added to the Prisoner Report.

The Commissioner agreed with the Commission's conclusion that Constable Hornoi adequately assessed Ms. Bouey's responsiveness, and completed the Prisoner Report. The Commission also recommended that the wording of the assessment portion of the Prisoner Report be clarified, in particular the term "depressed", which the Commissioner disagreed with. Nevertheless, I reiterate my recommendation, given that the case at hand demonstrated that the term was subject to confusion and was inconsistently interpreted by the different interveners.

With respect to the training provided to guards, the RCMP Commissioner agreed with the Commission's finding that Mr. Roy Reznechenko did not receive refresher training, contrary to RCMP policy. The Commissioner supported the Commission's recommendation that all RCMP members and guards receive mandatory annual refresher courses with respect to cell block security and the guarding of prisoners, as prescribed by RCMP policy, and that an adequate recording and tracking be developed for same.

Further, the RCMP Commissioner agreed with the Commission's findings that Mr. Reznechenko's delay in seeking assistance for Ms. Bouey was inconsistent with RCMP policy and that the monitoring of prisoners was inadequate on the day of the incident. The Commissioner also agreed with the finding that the entries in the prisoner log book did not meet the standard established in RCMP policy. As a result, the Commissioner agreed with the Commission's recommendation that Watch Commanders review cell log books intermittently throughout and at the end of their shifts to ensure compliance with RCMP policy regarding checking and monitoring prisoners as well as recording same. The Commissioner noted that the national policy had been amended since the incident.

The Commission recommended that the Detachment Commander evaluate the time spent by guards on non-guarding duties in order to assess the adequacy of the current guard-to-prisoner ratio and to ensure that allowances are made in accordance with RCMP policy. While the Commissioner's disagreement with the Commission's position is duly noted, the Commissioner nonetheless directed that such a review be conducted. The Commissioner also noted that he would direct that the Watch Commander conduct periodic checks to ensure that guards are carrying their portable police radios and that notes be made of such checks, as per the Commission's recommendation.

The Commissioner further agreed with the Commission's findings that medical assistance was immediately requested once it was determined that Ms. Bouey was unresponsive, and that RCMP members did not provide first aid. The Commission noted that it was satisfied with the RCMP's disposition of this allegation, and the Commissioner was equally satisfied.

In response to the Commission's recommendation that the RCMP review the current video system used to determine whether it should be upgraded or replaced with a system that would allow for a visual or audio sound to alert guards and security

personnel if the system stops recording, and to inform the municipality of the results of such review, the Commissioner noted that the Prince George Detachment is preparing to move to a new facility in the fall of 2013 and that none of the video equipment will be included in the move. The Commissioner noted that the Commission's recommendation will be considered in the planning of the move to the new facility.

Finally, the Commissioner agreed with the Commission's recommendation that Staff Sergeant Tom Bethune receive training with respect to the public complaint investigation process and noted that he will direct that such training be provided to the member. However, the Commissioner disagreed with the Commission's recommendation that the RCMP clarify in policy the roles and the responsibilities of supervisors and subject witness members within the public complaint process. Nevertheless, as per the reasons outlined in my report, I reiterate my recommendation.

The Commission's Findings and Recommendations

In light of the foregoing, the Commission reiterates its findings and recommendations as amended.

Findings:

FINDING NO. 1: Ms. Bouey's warrantless arrest for causing a disturbance was reasonable, as would have been her arrest for public intoxication pursuant to British Columbia's *Liquor Control and Licensing Act*.

FINDING NO. 2: The force used by Constable Eccleston while escorting Ms. Bouey to the cell block was reasonable under the circumstances.

FINDING NO. 3: Constable Horno treated Ms. Bouey in a respectful and professional manner.

FINDING NO. 4: Constable Horno failed to locate a string attached to Ms. Bouey's pants when searching her prior to her being lodged in cells.

FINDING NO. 5: Constable Horno adequately assessed Ms. Bouey's responsiveness at the time of booking, and completed the associated section of the Prisoner Report, as required.

FINDING NO. 6: Mr. Reznechenko did not receive refresher training as prescribed by RCMP policy.

FINDING NO. 7: Mr. Reznechenko's first aid training was up to date.

FINDING NO. 8: Mr. Reznechenko's delay in seeking assistance once it had been determined that Ms. Bouey was unresponsive was inconsistent with RCMP policy.

FINDING NO. 9: Monitoring of prisoners was inadequate on June 26, 2008.

FINDING NO. 10: The prisoner log book contained very little information and was not sufficiently detailed as to meet policy requirements.

FINDING NO. 11: Medical assistance was immediately requested once it had been determined that Ms. Bouey was unresponsive.

FINDING NO. 12: The members did not provide first aid to Ms. Bouey; the RCMP adequately addressed this issue in its Final Report.

Recommendations:

RECOMMENDATION NO. 1: That a check box be added to the prisoner form as a reminder to check for hidden cords or other potential dangerous items.

RECOMMENDATION NO. 2: That the RCMP consider clarifying the wording on the assessment portion of the prisoner form, specifically the term "depressed."

RECOMMENDATION NO. 3: That the Prince George RCMP Detachment Commander ensure that all RCMP members and guards working at the detachment receive mandatory annual refresher courses with respect to cell block security and the guarding of prisoners, as prescribed by RCMP policy, and that an adequate recording and tracking be developed for same.

RECOMMENDATION NO. 4: That Watch Commanders review cell log books intermittently throughout and at the end of their shifts to ensure compliance with RCMP policy regarding checking and monitoring prisoners as well as recording same.

RECOMMENDATION NO. 5: That the Detachment Commander evaluate the time spent by guards on non-guarding duties in order to assess the adequacy of the current guard-to-prisoner ratio and to ensure that allowances are made in accordance with RCMP policy.

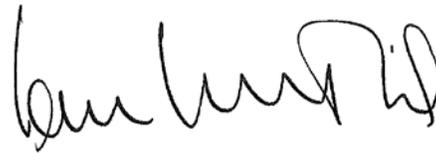
RECOMMENDATION NO. 6: That the Watch Commander periodically check the guards to ensure that they are carrying a portable police radio while on duty, and make note of such checks.

RECOMMENDATION NO. 7: That the RCMP review the current system used to determine whether it should be upgraded or replaced with a system that would allow for a visual or audio sound to alert guards and security personnel if the system stops recording, and to inform the municipality of the results of such review.

RECOMMENDATION NO. 8: That Staff Sergeant Bethune receive training with respect to the public complaint process.

RECOMMENDATION NO. 9: That the RCMP clarify in policy the roles and the responsibilities of supervisors and subject witness members within the public complaint process.

Pursuant to subsection 45.46(3) of the RCMP Act, I respectfully submit my Final Report and, accordingly, the Commission's mandate in this matter is ended.



Ian McPhail, Q.C.
Interim Chair

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