



**IN THE MATTER OF AN IN-CUSTODY DEATH OF A MALE INVOLVING OFFICERS  
OF THE CALGARY POLICE SERVICE IN CALGARY, ALBERTA ON OCTOBER 23,  
2020**

**DECISION OF THE EXECUTIVE DIRECTOR OF THE ALBERTA SERIOUS  
INCIDENT RESPONSE TEAM**

**Executive Director:**

**Michael Ewenson**

**ASIRT File Number:**

**2020-64(S)**

**Date of Release:**

**August 15, 2022**

## **Introduction**

On October 23, 2020, pursuant to section 46.1 of the *Police Act*, the Alberta Serious Incident Response Team (ASIRT) was directed to investigate the circumstances surrounding the death of a male individual, hereinafter referred to as the affected person (AP) while in the custody of the Calgary Police Service (CPS).

This case, and the nature of the police involvement being examined, differs from many ASIRT investigations, and as such, it is important to clarify the role of ASIRT in relation to this matter. Commonly, ASIRT is ordered to investigate a direct or overt action by a police officer which may have caused or contributed to a death. In these cases, ASIRT's approach is straightforward, determining first if the action occurred, and if so, determining whether that action was lawful, and if not, assessing whether grounds exist to lay a *Criminal Code* charge. In this case, there is no overt action or use of force on the part of police. While the approach to this case is different, ASIRT's mandate, and the goal of the investigation, remains the same, to determine whether grounds exist to lay a *Criminal Code* charge. Questions such as whether the death of the affected person could have been prevented through changes in policy, resourcing, or the like, are not within ASIRT's mandate, and are issues commonly examined through another external process, such as a Fatality Inquiry. Regardless of the nature of the event being examined, the ultimate goal of an ASIRT investigation must remain a determination on whether *Criminal Code* charges are appropriate.

## **ASIRT's Investigation**

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of Major Case Management. ASIRT interviewed all relevant civilian and police witnesses, obtained and reviewed all available relevant video evidence and considered the findings of the medical examiner.

## **Overview of the Circumstances Surrounding the Death of the Affected Person**

On October 23, 2020, officers with the Calgary Police Service (CPS) were dispatched to a 911 weapons complaint at the Marlborough C-Train station. The complaint involved a report that a male individual (the affected person - AP) had been displaying a firearm. CPS officers attended the location and located the suspect. The AP was arrested and found to be in possession of an airsoft pistol, slingshot and alcohol.

Computer checks revealed that the AP was on probation, and that one of his conditions prohibited him from consuming or possessing alcohol. The arrest of the AP was captured on body-worn cameras by the arresting officers. The AP was cooperative during his arrest, and no use of force occurred in taking the AP into custody.

The AP was transported to the CPS Arrest Processing Section (APS) for lodging on his arrest. While at APS, the AP was video recorded within his holding cell. The AP was observed at one point to be eating a sandwich he had been provided. The AP was also observed to be holding something in the palm of his hand, and raising that hand to his

mouth, apparently ingesting something. The AP is then observed apparently discarding something into the toilet and flushing it. The AP then laid down on the bench, and a little more than 10 minutes later his right arm fell from his chest and dangled down from the bench. He remained in this position for some period of time. Subsequently, he was observed unresponsive by APS staff. Emergency Medical Services (EMS) were requested to attend APS. While waiting for EMS, staff within APS began providing emergency first aid to the AP. EMS arrived at APS, but they were unable to revive him, and he was declared dead in the holding cell.

An autopsy was subsequently conducted on the AP, and the medical examiner determined the immediate cause of his death to be ethanol, fentanyl and methamphetamine toxicity.

## **Investigation**

### *Comment*

ASIRT investigators spoke with civilian witnesses that observed the initial incident that led to CPS being called, and thereafter officers attending the C-Train station. All CPS officers that interacted with the AP at the time of his arrest, and all staff within APS that had contact with the AP were also interviewed. Video from the transit station, CPS body-worn cameras and video from CPS APS were all obtained. Most important of the video obtained was that which showed the AP alone in his cell.

Often ASIRT sets out the observations and actions of what each of the persons interviewed stated to investigators. Similarly, summaries of the relevant aspects of videos are provided. However, in this particular incident, the APS video of the AP in his cell is so germane to the disposition of the matter, that no further summaries are necessary. To do so, would unnecessarily lengthen this report, without adding any value to it.

### *CCTV from APS of the AP in his cell*

After being checked into APS, which involved a pre-admission medical screening by a medic within APS, the AP was ultimately taken to a holding cell without incident. He entered the cell at approximately 6:37 p.m. on October 23, 2020. Once inside his holding cell he can be seen eating a sandwich he had been given and sitting down on the bench immediately within the cell. At approximately 6:38 p.m. the AP can be seen with the sandwich in his left hand. He opens the palm of his right hand, briefly looks at it and raises the palm to his mouth, apparently ingesting something that had been contained in his right hand. The AP then stands to his feet and walks over to the cell door with the sandwich now in his right hand. While standing up against the cell door looking out of the window, his hands are in front of him and remain very close to his body. Given the way the AP is standing, it is not possible to see exactly what he is doing with his hands. He appears to look down in front of him and at his hands, as if he is holding something. At approximately 6:39 p.m., he holds up the sandwich beside his head with his right hand,

and his left hand then comes up towards and near his mouth and appears to put something into it from his left hand.

The AP then walks a few steps over to the toilet with his left hand somewhat clenched. He pushes the flush button, and then appears to drop something into the toilet as he walks back to the cell bench. The AP then lies down on the bench on his back with his left leg crossed over his right knee. His left hand is covering his forehead, while his right hand is holding the sandwich. At approximately 6:40 p.m., he brings the sandwich to his mouth while lying on his back. At approximately 6:41 p.m., he appears motionless with the sandwich resting on his chest and his left hand still covering his eyes. The AP remains in this position until approximately 6:51 p.m. when his right arm falls down and dangles over the edge of the bench. At approximately 7:39 p.m., his head does a very noticeable drop/adjustment to one side. At approximately 7:51 p.m., an APS staff member does a welfare check through the cell door. At approximately 8:06 p.m., another welfare check is conducted, and it is noted that the AP has not moved from his position when last observed. At approximately 8:08 p.m., the cell door is opened and the staff member appears to try and verbally rouse the AP. When there was no response, a request for medical assistance was made.

From this point forward, the video of the cell evidences the efforts made to resuscitate the AP by APS staff and thereafter by EMS. At approximately 8:42 p.m., EMS declares the AP deceased.

#### *Autopsy Report*

As previously noted, an autopsy was conducted on AP, and the medical examiner determined the immediate cause of death to be ethanol, fentanyl and methamphetamine toxicity.

#### **Conclusion**

ASIRT was directed to investigate the death of the AP as it occurred in circumstances involving him being in the custody of the CPS, at the time he went into medical distress, and ultimately passed away.

In this case, it is clear that the only physical contact by police on the AP was in the process of arresting him. Throughout his dealings with officers and staff with CPS, the AP was reported as being very cooperative and that he never presented as being in any form of medical distress. He had been medically cleared for entry into APS at the time he was brought there. No "force" was applied to AP, and the finding of the medical examiner confirms that while AP's death was untimely and tragic, there are no reasonable grounds, nor reasonable suspicion, to believe that any officers committed an offence(s).

#### **Collateral Issue**

During our investigation, a medic within APS raised concerns with the way in which he felt the responding EMS attendants had responded to the AP's medical condition. He was

of the opinion that they did not provide the level of treatment one would expect given how the AP was presenting.

Given this information, ASIRT contacted the investigations unit with Alberta Health Services (AHS) and provided them with the details of the concerns raised by the APS medic. It was left with AHS to determine whether to commence an investigation into the reported actions of the attending EMS members.

ASIRT's investigation having been completed and our mandate fulfilled, I have concluded our file. As previously noted, a Fatality Inquiry may very well be ordered, but that is for the appropriate agency to decide.

***Original signed by***  
**Michael Ewenson**  
**Executive Director**

**August 15, 2022**  
**Date of Release**