

Feb.9, 2017

EPS officers cleared of any wrongdoing in in-custody death

On May 19, 2016, the Alberta Serious Incident Response Team (ASIRT) was directed by the Director of Law Enforcement to investigate the circumstances surrounding an in-custody death of a 47-year-old man.

At approximately 12:36 a.m., a 47-year-old man, under arrest for theft under \$5,000 and two breaches of bail condition, was taken to the Detainee Management Unit (DMU) at the Edmonton Police Service (EPS) headquarters and placed into a holding cell. Although the 47-year-old man showed signs of intoxication at the time of the arrest, he was cooperative, functionally well, and physically coordinated. Shortly before 2 a.m., a 39-year-old man was placed into the same holding cell as the first man.

At approximately 3 a.m., two community peace officers (CPO) attended the cell to take the 47-year-old man for his bail hearing and discovered him on the floor in medical distress. Emergency Medical Services were immediately called and upon arrival, treated and transported the man to hospital where he was pronounced deceased.

As the unexplained death of the 47-year-old man occurred while in police custody, ASIRT was directed to investigate the circumstances to determine whether police conduct caused or contributed to the death. It should be noted that there was no evidence of injury or police use of force.

During the course of the investigation, closed-circuit television video (CCTV) recordings from the DMU were seized and reviewed. Based on evidence from this video, ASIRT immediately notified EPS of its findings, and EPS commenced a concurrent homicide investigation into the actions of the 39-year-old man.

An autopsy was conducted by the Chief Medical Examiner's office, and it was determined that the cause of death was fentanyl and alcohol toxicity.

ASIRT executive director, Susan D. Hughson, Q.C., having received and carefully reviewed the completed ASIRT investigation, has concluded that neither the conduct of involved police officers, or community peace officers caused or significantly contributed to the death of the man. Searches of the 39-year-old man, short of a strip search, were conducted prior to his being lodged in cells. These searches were reasonable having regard to the circumstances surrounding the man's detention. Additionally, the condition of those detained within the DMU, including the 47-year-old man, was reasonably monitored having regard to the circumstances, including physical checks and video monitoring.

This finding in no way diminishes the sad fact that a family has lost their loved one in another senseless fentanyl death. On behalf of ASIRT, the executive director extends condolences to the family and friends of the deceased in relation to this tragic event.

ASIRT's mandate is to effectively, independently, and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person, as well as serious or sensitive allegations of police misconduct.

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