



Report to the Minister of Justice

Fatality Inquiries Act

Public Fatality Inquiry

WHEREAS a Public Inquiry was held at the Edmonton Law Courts

in the City of Edmonton, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)

on the 20 day of March, 2023, (and by adjournment
year

on the 29 day of September, 2023),
year

before Justice J. J. Moher, of the Alberta Court of Justice,

into the death of Briella Johanne Brooks 1 month
(Name in Full) (Age)

of 11823-129 St. NW Edmonton and the following findings were made:
(Residence)

Date and Time of Death: July 24, 2019 at approximately 9:00 am

Place: 11823-129 St. NW Edmonton Alberta

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – *Fatality Inquiries Act*, Section 1(d)).

Methamphetamine toxicity

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – *Fatality Inquiries Act*, Section 1(h)).

Accidental death

Introduction

A Public Fatality Inquiry (*Fatality Inquiry or Inquiry*) was ordered by the Fatality Review Board in the aftermath of the death of Briella Johanne Brooks (*Briella*) pursuant to section 33(2) of the *Fatality Inquiries Act*, RSA 2000, c F-9 (*Fatality Inquiries Act or Act*). A public inquiry was recommended by the Fatality Review Board “to educate the public to prevent similar deaths” specifically “infant deaths related to meth/fentanyl/other drug toxicity”.

The Fatality Inquiry was held on March 20, 2023. The Fatality Inquiry was adjourned to September 29, 2023 to accommodate the Edmonton Police Service (*EPS*) animal cruelty investigation regarding the death of one of Briella’s parents’ Rottweiler dogs.

Mr. Peter Buijs acted as Inquiry counsel, appointed pursuant to section 35.1 of the *Act*. At the Pre-Inquiry Conference, it was contemplated that Alberta Health Services (*AHS*) would apply for interested party status pursuant to section 49(2) (d) of the *Act*. *AHS* was represented by Ms. Shalee Kushnerick. The application was ultimately abandoned. Mr. John Benkendorf, counsel for the *EPS*, was present only for first day of the Inquiry.

Exhaustive efforts were made to contact Briella’s parents as Briella’s next-of-kin under the *Act* regarding the Inquiry. Briella’s mother, Denise Lee Anne Letendre, was contacted by Inquiry counsel. She was aware of the dates of the Pre-Inquiry Conference and the Inquiry. Ms. Letendre declined the opportunity to participate in the Inquiry. Briella’s father, Steven Lyle Brooks, could not be contacted directly despite exhaustive efforts over several months. None of Briella’s family members participated in the Inquiry.

The Inquiry heard from four witnesses over the course of the Inquiry:

1. Cst. Corey Dickinson, the *EPS* officer who was initially responded to the residence following Briella’s death;
2. Detective Jonathan Henderson, the *EPS* Homicide detective assigned to investigate Briella’s death after the toxicology results were released by the Office of the Chief Medical Examiner (*OCME*);
3. Cst. John Bohanek, the *EPS* officer responsible for the animal cruelty investigation, and,
4. Dr. Craig Chatterton, Chief Toxicologist in the Alberta *OCME*.

The Inquiry also reviewed an Exhibit Binder comprised of more than 300 pages of documents. The documents included, but were not limited to, the materials from the *OCME*, *AHS* records, and portions of the *EPS* files related to the homicide and animal cruelty investigations.

Circumstances under which Death occurred

Briella Johanne Brooks was born on June 21, 2019. Briella was born healthy after an uneventful pregnancy. Thirty-three days later Briella died of methamphetamine poisoning.

On July 23, 2019 Briella and her parents lived in a bungalow in the Sherbrooke neighborhood in Edmonton. There were no other adults or children in the residence. There were 2 adult Rottweiler dogs. Briella's mother and father went to bed at around midnight. They were sleeping in their bedroom. Briella was sleeping in a bassinet in their bedroom. She was breast and bottle fed. Briella was just one month old; she was a perfect baby girl.

On the early morning of July 24, 2019 Briella first woke up at about 2:00 am. She was fed and changed by her mother and placed back in her bassinet in her parents' bedroom. When Briella woke up again at about 5:00 am, Briella was fed by her mother on the couch in the living room. Denise Letendre then fell asleep with Briella on the couch. They were covered by a light blanket.

At 8:40am Briella's father woke up and then woke up Briella's mother. Briella was found unconscious and unresponsive on the couch beside her mother.

The parents attempted CPR and 911 was called at 8:57 am. Many first responders from Emergency Medical Services (EMS) and Edmonton Fire Department (EFD) arrived at the residence at approximately 9:05 am to provide emergency medical assistance.

When assessed by EMS and the EFD, Briella was in cardiac arrest with no detectable heartbeat. She was unresponsive and not breathing. Extensive resuscitative efforts were undertaken, all without any effect.

Briella Brooks was pronounced dead by medical staff from the Stollery Children's Hospital at approximately 9:30 am on July 24, 2019.

The preliminary conclusion at the time of Briella's death was that Briella accidentally suffocated as she lay on the couch with her mother. It was unclear whether anything was obstructing Briella's mouth and nose.

There was an initial investigation into Briella's death by the OCME and the EPS. EPS Det. Henderson, the primary Homicide detective involved in the investigation of Briella's death, indicated the police investigation was significantly delayed when toxicology results were not available to EPS until months after Briella's death.

The Aftermath of Briella's Death

An autopsy was performed by Dr. Cecilia Wu, a forensic pathologist with the OCME of Alberta on July 25, 2019. Dr. Wu's post-mortem examination of the baby revealed no external or internal evidence of injury. Histological examination revealed no infections. Toxicology samples were collected and immediately forwarded to the OCME Toxicology Laboratory.

Several weeks after Briella's death, toxicology results revealed "a high level of methamphetamine and its metabolite amphetamine in [cardiac] blood and vitreous samples". Dr. Wu concluded the immediate cause of Briella's death was "methamphetamine toxicity" with "possible unsafe sleep environment" playing a potential role.

In her final autopsy report dated November 24, 2021, Dr. Wu concluded that the cause of death was best attributed to methamphetamine toxicity. Dr. Wu indicated there was a possibility of an unsafe sleep environment.

Dr. Wu reported, in part, that "the level [of methamphetamine] detected in the infant was high. There is no safe level of methamphetamine in an infant. ...It is likely that the infant consumed the methamphetamine either via a contaminated bottle, via breastmilk or a combination of both formula and breastmilk. It is less likely that this level of methamphetamine can be entirely attributed to breastmilk. ...It is unknown at this time if the methamphetamine ingestion was accidental...or intentional."

Dr. Chatterton has been a forensic toxicologist with the OCME in Edmonton for more than a decade and the Chief Toxicologist with the OCME since December of 2017.

The first toxicology report was dated September 20, 2019 and the final report dated April 13, 2020. Dr. Chatterton testified at the Inquiry, explaining Briella's toxicology results in detail. The initial toxicology report indicated that the concentration of methamphetamine in Briella's cardiac blood was 0.0.152mg/L and 0.231mg/L in vitreous (eye) samples. Amphetamine, a metabolite of methamphetamine, levels were 0.102 mg/l in her cardiac blood and 0.120mg/l in vitreous samples.

Dr. Chatterton concluded that the toxicology findings proved unequivocally that Briella ingested methamphetamine sometime in the hours prior to her death. Dr. Chatterton also advised that it is not possible to state with certainty, what a fatal dose of methamphetamine would be for a one-month-old infant. He repeatedly affirmed that there is **no** safe amount of methamphetamine for an infant.

Dr. Chatterton confirmed that methamphetamine is illegal in Canada and is neither produced nor sold legally. It is not available in any pharmaceutical or prescribed medication. It is an illicit substance: a potent and highly addictive central nervous system stimulant. The effects of ingestion of methamphetamine include euphoria, pupil dilation, perspiration, rapid breathing, hyperactivity, agitation, wakefulness, and cardiac arrhythmias. At high levels the effects can include muscle breakdown, coma, and death. Dr. Chatterton confirmed there is no known antidote or mechanism of reversal for methamphetamine.

According to Dr. Chatterton, peak concentrations of methamphetamine are typically seen within minutes to hours of ingestion depending upon the mechanism of ingestion. He provided a detailed explanation of the pharmacokinetics of methamphetamine use and distribution throughout the body both *in vivo* and post-mortem circumstances. The half-life, or the time after which the concentration of methamphetamine is reduced by one-half, is 6 to 15 hours according to the scientific literature. He opined that the time of ingestion was "likely within a few hours" prior to Briella's death.

Dr. Chatterton concluded that "[b]ased on Briella's weight (and considering the way in which methamphetamine distributes in the human body, it is possible that the ingestion of a very small amount (less than 1 mg) of this drug could account for the results."

Dr. Chatterton explained that the presence of methamphetamine in Briella's body could be the result of intentional or inadvertent oral ingestion of a very small quantity of methamphetamine. Potential mechanisms of ingestion include oral, dermal, nasal including inhalation (secondhand smoke), anal and vaginal administration. Breast milk is one possible mechanism of ingestion. Contamination of hands or infant care items (ie., bottle or pacifier/soother) could also be mechanisms of ingestion. Deliberate or inadvertent oral contact could include methamphetamine contaminated finger(s) placed in or near a baby's mouth.

Dr. Chatterton concluded that it is "highly unlikely" that breast milk alone would account for the post-mortem methamphetamine concentration detected in Briella's blood results. An additional mechanism of ingestion would have been necessary to account for the levels of methamphetamine detected. Dr. Chatterton also concluded that "a heavy oral dose would be required" to result in the levels found after Briella's death.

Dr. Chatterton was not able to determine the exact amount of methamphetamine Briella ingested with scientific certainty. Dr. Chatterton stated that in his opinion, based on Briella's weight (4kg) and considering the amount of breast milk typically required by an infant, it is possible that "Briella ingested a larger quantity of methamphetamine than would typically be available via breast milk." He also testified that "secondhand smoke is also highly unlikely to produce [Briella's] levels", even if someone was smoking methamphetamine in the immediate presence of the baby.

Considering all of the evidence adduced, this Inquiry accepts that it is not possible to determine how Briella ingested a fatal quantity of methamphetamine or the exact amount ingested.

Animal Cruelty Investigation

On December 17, 2022 a Rottweiler dog owned by Steven Brooks died. Results of toxicology testing immediately undertaken by staff at the veterinary clinic when the dog was brought into the clinic revealed methamphetamine. The dog was *in extremis* when it was brought to a veterinary clinic for treatment by Ms. Letendre and Mr. Brooks' new girlfriend. Mr. Brooks admitted to veterinary staff at the clinic that he gave the dog CBD oil (cannabidiol) with THC (tetrahydrocannabinol), however testing at the clinic revealed only methamphetamine and amphetamine in the dog's blood and urine. A subsequent forensic examination of the dog also revealed a number of comorbidities or pre-existing medical conditions.

Recommendations for the prevention of similar deaths:

Briella Brooks' death was profoundly tragic. The poisoning death of any child by illegal drugs is made more tragic by the undeniable fact that by their very nature such deaths are preventable.

As contemplated by section 53(2) of the *Fatality Inquiries Act*, two recommendations are appropriate in terms of possibly preventing similar deaths and given the stated rationale of the Fatality Inquiry Review Board when this Fatality Inquiry was recommended following Briella's death.

First, it is recommended the OCME and the associated Toxicology Laboratory be adequately resourced given current and anticipated drug poisoning deaths investigated by the OCME in Alberta to provide timely drug screening test results and/or toxicology results for unexplained deaths to families and police agencies. This will ensure prompt investigation of drug related deaths as well as hopefully increase public awareness of the risk and consequences to any child exposed to illegal drugs.

The OCME provided recent statistical information regarding the number of infant deaths in Alberta resulting from drug toxicity. There were 16 deaths of children (under the age of 10 years) involving drug toxicity investigated by the OCME in the past 13 years. It is most concerning that nine of those deaths included children under the age of 2 yrs. The circumstances which led to the death of each infant or child were varied and the cause of death was frequently multifactorial. There is no unifying theme or pattern discernable from the OCME investigations of these drug toxicity deaths involving children in Alberta except the obvious conclusion that each child's death is heartbreaking.

The Alberta Substance Use Surveillance Data Report (updated to June 30, 2023) <https://healthanalytics.alberta.ca/> provides current data regarding unintentional acute drug poisoning deaths certified by the OCME from 2016 to the present. The data reveals an alarming increase in the number of drug poisoning deaths in Alberta. In 2016 the average number of drug poisoning deaths per 100,000 person years was 13.2. In the first 6 months of 2023 the average was 40.7 deaths per 100,000 person years.

During his *viva voce* evidence at the Inquiry, Dr. Chatterton was asked about the prevalence of methamphetamine as a finding in toxicology reports in Alberta last year. He summarized the results of toxicology reports completed by his office in 2022. His office prepared in excess of 4700 toxicology reports last year. Approximately one third of those reports revealed fentanyl positive tests. Of those toxicology results positive for fentanyl, 80 to 90% were also positive for methamphetamine. Dr. Chatterton noted that for the first time in his tenure at the OCME, illegal drugs have exceeded alcohol as a positive finding in toxicology reports.

The Alberta Substance Use Surveillance Data Report illustrates the increasing magnitude of methamphetamine related deaths in Alberta. The data confirms that in 2016 the number of acute accidental drug poisoning deaths was 23% of the total, 55 % in 2022 and 62% in the first 6 months of 2023.

Dr. Chatterton was the lead author of a recent report regarding the increasing prevalence of fentanyl related deaths in Alberta. In the report entitled "Fentanyl Concentrations in ligated femoral blood in the presence and absence of NPS benzodiazepine drugs: A Review of over 1250 benzodope/fentanyl toxicity cases in Alberta, Canada" was most recently published in Forensic Science International vol. 350 September 2023. According to the report, in the 3 yr period from 2020-2022, the OCME issued 2812 case reports where fentanyl was detected. The report goes on to address the higher fentanyl concentrations noted in cases where there is concurrent use of benzodiazepines, another central nervous system ("CNS") depressant, and the resultant increased risk of overdose.

Dr. Chatterton also highlighted the significant increase in toxicology tests ordered as part of death investigations, both as Alberta's population increases and as opioid and illegal drug deaths increase. Family members of loved ones dying of possible or suspected drug toxicity are often desperate for answers in the immediate aftermath of the death of a family member. This is especially true with the unexplained death of an infant or child. The police investigation of Briella's death was significantly delayed when the toxicology results were not available shortly after Briella's death. According to Dr. Chatterton, "best practice" would be for toxicology results to be available to families and police agencies shortly after an unexplained death.

Second, it is recommended that the Government of Alberta increase public awareness and funding for programs addressing substance misuse including increasing public awareness and education focused on the dangers of any exposure of infants and children to any amount of methamphetamine or other illegal drugs.

It may seem self-evident that exposure of a child to any amount of methamphetamine or any illegal drug by any mechanism could cause harm or even death to an exposed child. However, given the prevalence of infant deaths attributable to drug toxicity in Alberta in the past decade, more public education is clearly necessary.

There is little research regarding drug related infant deaths. In a recent report prepared in 2021 by the U.S. Department of Health and Human Services Centres of Disease Control and Prevention, American National Centre for Vital Statistics, in the National Vital Statistics Reports Volume 70, Number 7 June 3, 2021, entitled "Drug-involved Infant Deaths in the United States, 2015–2017", the authors set out statistics regarding drug involved infant mortality for infants less than 1 yr of age. Not surprisingly, methamphetamine was the most prevalent finding, followed by opioids, cocaine, opioid treatment drugs and cannabis. The article also noted that these deaths are largely avoidable.

A number of "tip sheets" are readily accessible from the US National Centre on Substance Abuse and Child Welfare including 'Supporting Children Affected by Parental Methamphetamine Use' at [Supporting Children Affected by Parental Methamphetamine Use | National Center on Substance Abuse and Child Welfare \(hhs.gov\)](#) and 'Strategies to support Parents with Methamphetamine Use Disorder and Their Families' at [Strategies to Support Parents with Methamphetamine Use Disorder and Their Families | National Center on Substance Abuse and Child Welfare \(hhs.gov\)](#). These publications explain in plain language the dangers of prenatal methamphetamine use and effects of methamphetamine use, production and trafficking on infants and children in the home. Similar publicly available documents should be tailored to and accessible in Alberta.

Materials provided by AHS to the Inquiry included printed resources available to front line healthcare providers caring for women and families during pregnancy regarding the risks of illegal drugs for infants. "Comprehensive, evidence-informed health care information" can be made available to expectant parents, and parents of children up to 6 years of age through resources readily available to public health nurses, early childhood educators and primary care providers, both in written hard copy format and on the AHS website. These resources have been available since 2013. Dissemination of these resources includes distribution to physicians, Community/Public Health Centers, Primary Care Networks, the First Nation and Inuit Health Branches, public libraries, school divisions, midwives, and acute care facilities.

Currently, a number of public health programs in Edmonton and elsewhere in the province specifically support families at risk for illegal substance use. These programs include the Healthy Beginnings Postpartum Program, Health for Two, and the EMBRACE (Empowering Mothers and Families, Mentorship, Building Healthy Relationships, Respect, Actively Listen and Learn, Collaboration and Engagement) in the Red Deer region. These programs for vulnerable families and at-risk children must continue to be adequately funded and promoted in all of our communities.

Briella is undeniably an innocent victim of the methamphetamine ‘epidemic’ overtaking our communities in Alberta. It is naïve and beyond the scope of this Fatality Inquiry to believe that any single recommendation could alleviate the suffering associated with methamphetamine related deaths in Alberta. A comprehensive long-term approach is necessary. As a society we all share responsibility for implementing measures to prevent similar deaths.

Briella Johanne Brooks, a perfect baby girl with blue eyes and fine dark hair, who was only 33 days old on the day she died, cannot have died without all of us knowing of her loss. We must all stand for her so that the profound tragedy of her death from methamphetamine poisoning is known. WE must do more.

All of which is respectfully submitted.

DATE October 10, 2023

at Edmonton, Alberta.

Original Signed

A Justice of the Alberta Court of Justice