



Report to the Minister of Justice and Solicitor General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Provincial Courthouse
in the City of Drumheller, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the 30th & 31st day of January, 2017, (and by adjournment
year
on the 1st day of February, 2017),
year
before The Honourable Judge George J. Gaschler, a Provincial Court Judge,
into the death of Derek Brian Upton 35
(Name in Full) (Age)
of The Drumheller Correctional Institution (Canada) and the following findings were made:
(Residence)

Date and Time of Death: 24 December 2011 @ 10:37 hours

Place: Drumheller Health Centre, Drumheller, 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 – *The Fatality Inquiries Act*, Section 1(d)).

Polypharmacy Toxicity (fentanyl, norfentanyl)

Manner of Death:

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

Accidental

Circumstances under which Death occurred:

Mr. Upton ingested the fatal dosage found in his body which had been illicitly obtained within the Drumheller Penitentiary.

Recommendations for the prevention of similar deaths:

No Recommendations

I – Since 2011 Fentanyl has been identified as a drug which obtained and ingested from non-medically prescribed sources to be dangerous to health and fatal because of the unknown concentration of the drug so obtained.

Subsequent to 2011, Narcan nasal spray (Naloxone hydrochloride) has been made available and placed with Corrections Canada personnel. Narcan is used to temporarily reverse the effects of an opioid overdose until emergency services arrive. A Naloxone Guideline for Correctional Service Canada, 14 September 2016, has been provided together with training and policy for corrections personnel to identify the possible need for and use of Narcan in medical emergency situations arising from opioid overdoses.

II – Witness testimony was heard from Canada Corrections officials in respect of security measures at Correction Facilities directed to prevention of illicit drugs entering into the institutions, and as to the regular monitoring of inmates when in cells.

The Inquiry has been presented Commissioner's Directives:

585 – National Drug Strategy

566-1 – Control of entry to and exit from Institutions

566-7 – Searching Offenders

566-8 – Searching of staff and visitors

566-8-1 – Use of non-intrusive search tools

566-9 – Searching of cells/rooms, vehicles and other areas

And

566-4 Inmate counts and security patrols

And

1410-2-2001-50 – Board of Investigation into Overdoses and Related Deaths of two inmates and Drumheller Institution December 24, 2011

The evidence heard and considered at the Fatality Inquiry held before me 30 & 31 January, and 1, February, 2017, did not suggest a criticism, review or recommendation in respect of the Commissioner's Directives nor Board of Investigation Report as presented.

DATED _____ March 9, 2017 _____,

at _____ Calgary _____, Alberta.

Original signed by

George J. Gaschler
A Judge of the Provincial Court of Alberta