

REPORT TO THE MINISTER OF JUSTICE
AND ATTORNEY GENERAL
PUBLIC FATALITY INQUIRY
RUPERT HARRY LIZOTTE
Fatality Inquiries Act

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CANADA
PROVINCE OF ALBERTA

WHEREAS a Public Inquiry was held at the Court House in the Hamlet of Ft. Vermilion, in the Province of Alberta on the 22nd day of October, 2003, and by adjournment on the 22nd day of October, 2003 at the Court House in the Town of High Level, in the Province of Alberta, before The Honourable E.J. Simpson, a Judge of the Provincial Court of Alberta.

A jury **WAS NOT** summonsed and an Inquiry was held into the death of:

RUPERT HARRY LIZOTTE, of Ft. Vermilion, in the Province of Alberta, age **65 years, 2 months**. The following findings were made:

Date and Time of Death: **November 10, 2002 at 06:40 hours**

Place: **Queen Elizabeth II Hospital, Grande Prairie, 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))

Chronic Ethanol abuse

Manner of Death ("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental or undeterminable -- The Fatalities Inquiries Act, Section 1(g))

Unclassified

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Circumstances under which death occurred:

See attached.

No. of additional pages attached 10

Recommendations for the prevention of similar deaths:

See attached.

No. of additional pages attached 2

INTRODUCTION:

1. This is a fatality inquiry into the death of **RUPERT HARRY LIZOTTE** (hereinafter referred to as Mr. Lizotte), who died in the City of Grande Prairie, in the Province of Alberta, on November 10th, 2002 at 06:40 hours.

2. Throughout this report:
 - (a) all dates are in 2002, unless otherwise indicated;

 - (b) all events and locations referred to in this report occurred in Ft. Vermilion, Alberta, unless otherwise specified;

 - (c) all times are on the 24 hour clock;

 - (d) references may be made to the following persons:
 - (i) Calvin Dean Zacharias, friend of Mr. Lizotte (hereinafter referred to as "Zacharias")

 - (ii) Gladys Viola Martha Utinowatun, friend of Mr. Lizotte (hereinafter referred to as "Utinowatun")

 - (iii) Constable Sidney Joseph Michael Boucher, a member of the Royal Canadian Mounted Police at Ft. Vermilion, Alberta (hereinafter referred to as Cst. Boucher)

 - (iv) Constable Shaun Haubrick, a member of the Royal Canadian Mounted Police, Ft. Vermilion, Alberta (hereinafter referred to as Cst. Haubrick)

 - (v) Constable Brent Edward Johan Clark, a member of the Royal Canadian Mounted Police, Ft. Vermilion, Alberta (hereinafter referred to as Cst. Clark)

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- (vi) Sergeant Jan Veronica Lipscombe, a member of the Royal Canadian Mounted Police, Ft. Vermilion, Alberta (hereinafter referred to as Sgt. Lipscombe)
- (vii) Nick Flooren, a civilian guard at the Royal Canadian Mounted Police Detachment, Ft. Vermilion, Alberta (hereinafter referred to as Flooren)
- (viii) Joe Ferdais, a civilian guard at the Royal Canadian Mounted Police Detachment, Ft. Vermilion, Alberta (hereinafter referred to as Ferdais)
- (ix) Iola Ducharme, a civilian guard at the Royal Canadian Mounted Police Detachment, Ft. Vermilion, Alberta (hereinafter referred to as Ms. Ducharme)
- (x) George Garnet Lizotte, a relative of Mr. Lizotte (hereinafter referred to as Garnet Lizotte)
- (xi) Gregory Colin Turner, a Registered Paramedic (hereinafter referred to as Turner)
- (xii) Johannes Christian Venter, Medical Doctor at St. Theresa General Hospital, Ft. Vermilion, Alberta (hereinafter referred to as Dr. Venter)
- (xiii) Yolande Westra, Medical Doctor, Queen Elizabeth II Hospital, Grande Prairie (hereinafter referred to as Dr. Westra)
- (xiv) Harvey Bulldog, friend of Mr. Lizotte (hereinafter referred to as Bulldog)
- (xv) Graeme P. Dowling, Chief Medical Examiner (hereinafter referred to as Dr. Dowling)
- (xvi) Kerry L. Blake, Alcohol Specialist, Toxicology Service, Forensic Laboratory Services, R.C.M.P., Edmonton, Alberta (hereinafter referred to as Blake)

PRELIMINARY MATTERS:

3. At the commencement of the Inquiry, and before any evidence was heard, those present were advised of the provisions of s. 49 of the *Fatality Inquiries*

Act, R.S.A. 2000, c. F-9, and the right of interested persons to apply for standing in the Inquiry. No one indicated a desire for standing.

4. **ADJOURNMENT** - Corporal Ross Gear, of the Royal Canadian Mounted Police, investigated the death of Mr. Lizotte. At the time of the preparation of his report, he was stationed at Peace River, Alberta, and at the time of the Hearing, at Fox Lake, Alberta. Weather conditions prevented an aircraft from transporting him from Fox Lake to Ft. Vermilion to testify. The Court House in Ft. Vermilion did not have telephone facilities which would allow Corporal Gear to address the hearing by telephone. Accordingly, I canvassed the members of the public in attendance and suggested that unless there was good reason to require Corporal Gear to attend in person, I would hear from him later in the day by telephone at the Court House in High Level. All members of the public were invited to attend.

A short adjournment was taken, and the information that he would be providing to the Court was made available for review by the members of the public. After that adjournment, no member of the public advised that they wished to have Corporal Gear attend in person. Accordingly, the Hearing was adjourned from Ft. Vermilion to High Level, and continued on the same day at 16:15 hours.

Upon hearing from Corporal Gear by telephone, I advised that his evidence could be presented by way of Affidavit. An Affidavit was prepared and sworn. It included as attachments, a Continuation Report, Weather Reports,

photographs, correspondence from the Chief Medical Examiner, a statement of Iola Ducharme, a statement of Constable Harbrick, and a statement from Constable Clark. The Affidavit was forwarded to me by correspondence dated December 8, 2003 from Sean McDonough, counsel for Alberta Justice in this matter, and I accepted it into evidence in this Hearing.

5. **ALCOHOL SPECIALIST** - During the Hearing, Dr. Venter, of Ft. Vermilion, Alberta, testified as to the treatment received by Mr. Lizotte while hospitalized in Ft. Vermilion. Part of Dr. Venter's testimony concerned the level of alcohol in Mr. Lizotte's blood. He provided a reading of blood alcohol content in medical terms. I inquired of Dr. Venter as to whether he could calculate the blood alcohol content in the terms which the Court usually hears such readings, being milligrams of alcohol per 100 millilitres of blood. Dr. Venter did not, in the time available, feel comfortable providing the calculations. Accordingly, I requested that a member of the Ft. Vermilion R.C.M.P. Detachment contact the R.C.M.P. Alcohol Section in Edmonton and provide the readings given by Dr. Venter. I further requested that an expert in the Alcohol Section perform the calculations requested of Dr. Venter. Sergeant Lipscombe of the R.C.M.P. in Ft. Vermilion forwarded that information on October 22, 2003, and a faxed report was provided to the Hearing when it reconvened in High Level. The faxed report was marked as an Exhibit for Identification, and the original report, provided by Kerry Blake, Forensic Alcohol Specialist, R.C.M.P., Forensic Laboratory, Edmonton, Alberta, was forwarded to me by Sean McDonough, counsel for Alberta Justice under cover of his correspondence dated December 8th, 2003, and received as evidence in this Hearing.

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6. **CIRCUMSTANCES UNDER WHICH DEATH OCCURRED:** On November 3rd, Mr. Lizotte was at an area approximately 200 metres south of the hotel in Ft. Vermilion, Alberta, referred to by the local residents as Orangetown. There is a fire pit for warmth, a teepee and a tarp for a wind break. It is a place where people commonly go to drink alcoholic beverages and visit. People will also often sleep in the area.
7. Zacharias indicated that he drank with Mr. Lizotte for 2 or 3 days. He had made a visit or two to a local liquor store to pick up liquor for Mr. Lizotte. His best recollection is that it was three 26-ounce bottles of vodka.
8. Other individuals known to Zacharias and Mr. Lizotte came and went over the period of time that Mr. Lizotte was at Orangetown. Although Zacharias did not stay overnight with Mr. Lizotte, he believes that Mr. Lizotte did remain overnight. The weather at the time was below freezing. The temperature over the period of time that Mr. Lizotte was at Orangetown, ranged from minus 1 to minus 10 degrees Centigrade.
9. Mr. Lizotte spent much of his time sitting or lying on the ground, getting up on occasion to relieve himself. There is some uncertainty as to how Mr. Lizotte was dressed, but it is consistent that he had a pair of ski pants, a light jacket and winter boots, but was without a hat.
10. The amount of alcohol consumed by Mr. Lizotte is not known, but he was drinking heavily. Zacharias does not recall seeing Mr. Lizotte eat during the time that he was at Orangetown.

11. On the afternoon of November 5th, Mr. Lizotte arrived at the residence of Utinowatun. Mr. Lizotte was her friend. He arrived in a pickup truck owned by Ephram Mitchell and driven by Calvin Bownoskiye. Mr. Lizotte appeared to be somewhat intoxicated, but Utinowatun did not consider him to be drunk. He did not appear ill, but he did say he was cold. Mr. Lizotte, Ephram Mitchell, Terry Lizotte, Norman Lambert and Norman Lizotte continued drinking alcohol at this residence with Utinowatun. Mr. Lizotte began to become more intoxicated. He began to have difficulty controlling his bodily functions. He urinated and defecated in his clothing.
12. Mr. Lizotte stayed overnight with the other individuals at the residence, except Norman Lambert, who was removed by the R.C.M.P. In the morning he indicated to Utinowatun that he was cold. She offered him water or coffee, but he preferred another drink of alcohol. She provided him with a drink of water and vodka mixed. Utinowatun left that morning for an appointment at 10:30 hours. When she left, she recalls that Mr. Lizotte was sitting shivering in the residence. When she returned, he was gone.
13. At 10:45 hours on November 6th, Cst. Boucher and Cst. Haubrick attended at the residence of Utinowatun in response to a complaint, and removed Mr. Lizotte from the residence. He was taken to the Ft. Vermilion detachment and placed in cells, it being intended that he be held until he was sober.
14. It was Cst. Boucher's opinion that Mr. Lizotte was intoxicated. He formed this opinion as Mr. Lizotte had urinated on himself, needed help in dressing, required assistance to walk to the police vehicle and there was a strong odour of alcohol about Mr. Lizotte.
15. Mr. Lizotte was arrested for public intoxication and disturbing the peace.

He was booked into cells by Constables Boucher and Haubrick. It did not appear to Cst. Boucher that Mr. Lizotte was experiencing any health problems.

16. There were no other prisoners in cells at the time. Mr. Lizotte was provided with a mattress. There is some uncertainty as to whether he was issued a blanket, but if he was issued one, it appears that he used it as a pillow and did not cover himself with it. It was warm in the cell area. Cst. Boucher estimated the temperature to be approximately 22 degrees Centigrade.
17. Cst. Boucher finished his shift at 17:00 hours on November 6th and had no further contact with Mr. Lizotte until the morning of November 7th, when he came on shift at 09:00 hours.
18. Flooren guarded Mr. Lizotte from 11:00 hours November 6th until 20:00 hours November 6th. Flooren considered Mr. Lizotte to be quite intoxicated.
19. Mr. Lizotte slept until 18:30 hours, when he was up drinking water. At 18:45 hours he was on his feet, to be dressed, and was released from cells. Flooren noted in the ledger maintained by the guards that Mr. Lizotte at release did not feel well. Flooren recalls the temperature in the cell area as quite comfortable.
20. Cst. Clark came on duty at the Ft. Vermilion detachment at 17:00 hours on November 6, 2002. He checked on Mr. Lizotte and noted that he was walking around. He spoke with him and inquired as to whether Mr. Lizotte felt that he was sober enough to be released. Mr. Lizotte advised that he was.

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21. Cst. Clark advised Mr. Lizotte that he could not return to the residence or he would be arrested again. Mr. Lizotte told him that he would find another place to go.
22. Cst. Clark was not certain that Mr. Lizotte was completely sober, and discussed the matter with Sgt. Lipscombe. Sgt. Lipscombe's conclusion was that he had been there for 8 hours and should be released.
23. Cst. Clark was assisted by Sgt. Lipscombe in releasing Mr. Lizotte. They assisted him in putting on his boots and sweater. He had a pair of ski pants which they did not put on him, as he was not being co-operative, in particular, grabbing at Sgt. Lipscombe. Mr. Lizotte advised that he was going to the hotel to make a telephone call. Mr. Lizotte was released at 19:00 hours on November 6th.
24. Sgt. Lipscombe was concerned about Mr. Lizotte's mental capacity and decided that she would check on Mr. Lizotte before going home.
25. Approximately 15 minutes after completing some errands she returned and found Mr. Lizotte standing in the middle of a roadway approximately 2 blocks from the detachment. His jacket was only half on, and he had dropped his ski pants. She spoke with him and advised him that she thought he should go back to cells. While she was talking to him, he slipped and fell backwards into the snow. She has no recollection of him striking his head.

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26. Cst. Clark arrived on the scene after having received a telephone call from a female individual in Ft. Vermilion, advising that there was an intoxicated male wandering on a street. He arrived just as Sgt. Lipscombe was helping Mr. Lizotte out of the snow. He noted the ski pants approximately 40 metres away from Mr. Lizotte.
27. Cst. Clark indicates that he arrested Mr. Lizotte under the *Mental Health Act* because he feared for the safety of Mr. Lizotte. Both Cst. Clark and Sgt. Lipscombe agreed that Mr. Lizotte should be returned to cells for his own safety, considering both his condition and the weather at the time. The temperature was approximately minus 10 degrees Centigrade.
28. Approximately one-half hour after his release, Mr. Lizotte was returned to cells. Sgt. Lipscombe returned with Cst. Clark and Mr. Lizotte to the cells. She noted that at the time, it was quite warm in the cell block area. She particularly noted the temperature, because a repairman had been in to fix the furnace the previous day. She checked both the thermostat and temperature. It was at that time she noted the temperature to be 22 degrees Celsius. She considered turning it down, but because the prisoner and the guard were the only ones in the area, she left without adjusting it.
29. Ferdais came on duty as guard at 20:00 hours on November 6th. He noted that Mr. Lizotte was in cell number 1. At 20:18 Mr. Lizotte was curled up with his knees drawn upwards, lying on his side. He recalls that Mr. Lizotte was lying on a mattress, using a blanket for a pillow. He did not notice him shivering.

30. Ferdais remained on duty until 04:00 hours, November 7th. During the night he made entries in the guard ledger regarding Mr. Lizotte. From 20:18 until 23:30 Mr. Lizotte was awake, standing, getting drinks of water and lying or sitting on his bunk. From 23:45 hours until 04:00 hours, Mr. Lizotte was lying on his bunk. Ferdais considered Mr. Lizotte to be intoxicated, and noticed that when he walked he was teetering. He noted the room temperature to be comfortable. He was working in his shirt.
31. Ms. Ducharme came on shift at 04:00 hours on November 7th. She noted Mr. Lizotte sleeping on his back. At 05:15 hours, she noted that he was sleeping on his right side and he remained in that position until 09:00 hours, except for a brief period from 08:00 to 08:15, when she noted that he was again sleeping on his back before returning to his right side at 08:30 hours.
32. At 08:00 hours, Ms. Ducharme telephoned Garnet Lizotte, a relative of Mr. Lizotte, to inquire whether he could bring a change of clothing for Mr. Lizotte because Ms. Ducharme did not want to leave him there with the clothes he was wearing.
33. Garnet Lizotte arrived at about 09:00 hours on November 7th with the clothing. When Ms. Ducharme tried to awaken Mr. Lizotte she was unable to do so and she noted that his hands and arms felt cold. She tried taking his pulse.
34. Garnet Lizotte advised that Mr. Lizotte would go on drinking binges and after, he would sleep for up to 5 days without drinking, eating or going to the bathroom.

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35. Ms. Ducharme continued to be concerned about the condition of Mr. Lizotte. She advised Cst. Boucher, who had returned to shift at 09:00 hours that morning, that she believed an ambulance should be called. Cst. Boucher called an ambulance.
36. Two attendants from Aeromedical Emergency Services responded to the call.
37. Turner found Mr. Lizotte lying on a bed in the cells, upon a mattress. His skin felt cool to the touch. He was unresponsive and did not arouse to painful stimuli. Mr. Lizotte was breathing, had a pulse, and there were no signs of trauma. Turner did note that there was some dried blood around Mr. Lizotte's nose. Mr. Lizotte also exuded a heavy smell of alcohol, feces and urine.
38. At 09:27 hours, Mr. Lizotte was taken to St. Theresa General Hospital in Ft. Vermilion where he came under the care of Dr. Venter.
39. Mr. Lizotte arrived at 09:34 hours, November 7th. Dr. Venter saw him approximately 10 minutes thereafter. He was unconscious, with extremely low blood sugar, intoxicated, hypothermic and severely dehydrated. Lab tests indicated that his blood alcohol level was 41 millimoles per litre at between 09:30 hours and 10:00 hours on that morning.
40. Dr. Venter's final diagnosis with respect to Mr. Lizotte was alcohol intoxication, binge drinking for 1 week, alcoholic, hepatitis, liver failure, hypothermia, hypoglycemia, pancreatitis. Dr. Venter testified that it is very difficult to distinguish between acute intoxication and an underlying disease.

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41. Mr. Lizotte had an elevated blood clotting time, which meant Mr. Lizotte would bleed easily. Upon his eventual transport to Grande Prairie he was starting to bleed from his rectal opening.
42. Mr. Lizotte was given intravenous doses of sugar and fluids to correct his blood sugar level and dehydration. To raise his low body temperature, he was placed in a piece of equipment called a bear hugger, which covers the patient fully and circulates warm air around him.
43. With treatment, Mr. Lizotte seemed to improve, although he remained unconscious. At one point, although not fully conscious, he postured himself to sleep. He responded to pain and began trying to sit up.
44. There was improvement over the next 36 hours, then he began to deteriorate, developing signs of acute pancreatitis, acute renal failure, acute liver failure and pneumonia.
45. By the afternoon of November 8th, Dr. Venter decided that Mr. Lizotte should be placed on life support and transferred by air medical transport to the Queen Elizabeth II Hospital in Grande Prairie.
46. At 19:19 hours on the 8th of November, he was turned over to the Paramedics. Turner was again one of the individuals who was involved with the medical evacuation of Mr. Lizotte from Ft. Vermilion to Grande Prairie.
47. The flight was approximately 1 hour and 10 minutes. During the flight, and just prior to landing in Grande Prairie, it was noted that Mr. Lizotte's blood pressure was dropping. He was administered the drug *Dopamine* to bring up

his blood pressure, which had the desired effect. He was turned over to the care of Dr. Westra.

48. Dr. Westra's Discharge Summary with respect to Mr. Lizotte indicates that upon his arrival in Grande Prairie he was completely unresponsive to any neurological stimuli. Dr. Westra's diagnosis was severe alcohol hepatitis and pancreatitis, with complications of acute renal failure.
49. Mr. Lizotte continued to deteriorate and died at 06:40 hours, November 10, 2002.
50. On the day of Mr. Lizotte's funeral, Garnet Lizotte and Harvey Bulldog viewed the body of Mr. Lizotte. There was some concern about marks on the face, neck and head of Mr. Lizotte, and photographs were taken of this area of Mr. Lizotte's body.
51. None of the individuals in contact with Mr. Lizotte at Orangetown, nor the individuals at the residence of Utinowatun, the guards, nor any R.C.M.P. officer involved with Mr. Lizotte noted any injury or trauma to him. Neither of the Doctors noted any injury to Mr. Lizotte.
52. On January 15, 2003, Dr. Dowling forwarded correspondence to Sgt. J.V. Dunn, K Division Headquarters, Royal Canadian Mounted Police, in Edmonton, Alberta. After having reviewed the Medical files, R.C.M.P. Investigative files and photographs taken of Mr. Lizotte, Dr. Dowling's conclusion was that Mr. Lizotte died as a result of chronic ethanol abuse, the manner of death being unclassified. An unclassified death is used when the underlying cause of death is a result of abuse of a drug, including alcohol. In

his opinion, he found no evidence of any trauma contributing to Mr. Lizotte's death. It was his conclusion that the medical problems developed by Mr. Lizotte were a result of alcohol abuse.

53. Cpl. Gear had an opportunity to interview Morris Anderson, a resident of the Ft. Vermilion area, who had known Mr. Lizotte for many years. Mr. Lizotte was a cousin to Morris Anderson's wife. Mr. Anderson described Mr. Lizotte as a kind, gentle person, without any enemies. He also noted that Mr. Lizotte was a long-time alcoholic.
54. The report prepared by Blake regarding Mr. Lizotte's blood alcohol content, stated that at 11:00 hours on November 6th, it would be between 391 and 651 milligrams of alcohol in 100 millilitres of blood. As a reference point, in the Province of Alberta, one may not operate a motor vehicle with a blood alcohol content exceeding 80 milligrams of alcohol per 100 millilitres of blood.
55. At 270 to 400 milligrams of alcohol per 100 millilitres of blood, signs and symptoms include apathy, general inertia, approaching paralysis, marked decreased response to stimuli, marked muscular unco-ordination, inability to stand or walk, vomiting, incontinence of urine and feces, impaired consciousness, sleep or stupor.
56. At 350 to 500 milligrams of alcohol per 100 millilitres of blood, signs and symptoms include complete unconsciousness, coma, anaesthesia, depressed or abolished reflexes, subnormal temperature, incontinence of urine and feces, embarrassment of circulation and respiration, and possible death.

PARTICULARS REGARDING DEATH

57. In my opinion, Rupert Harry Lizotte died at 06:40 hours on November, 2002 at the Queen Elizabeth II Hospital in Grande Prairie, Alberta. He died from medical complications arising from chronic ethanol abuse.

The manner of death was unclassified.

RECOMMENDATIONS

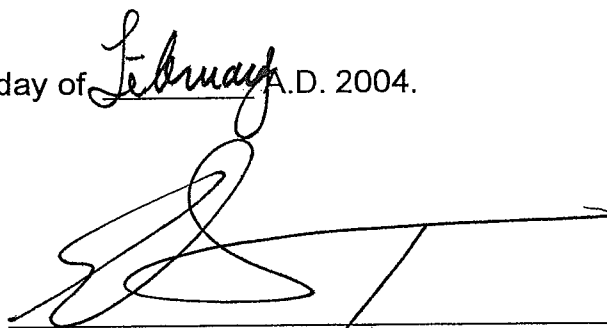
58. Having heard the evidence at this Inquiry, I am not able to offer any recommendations which might be made to prevent a similar death in the future.
59. Sgt. Lipscombe testified that the policy with respect to prisoners is to call for medical attention if it appears that the individual is in need of medical attention, either by way of observation or by request of the individual.
60. Guards observing a prisoner are required to make entries every 15 minutes into a ledger. A review of the evidence of the guards who testified, and a review of the ledger, shows that procedures were followed. Each of the guards checked regularly on Mr. Lizotte. He appeared to each of them to be sleeping off the effects of severe intoxication. It was not until 09:00 hours on November 7th that the guard, Ducharme, with Cst. Boucher, noticed that when she tried to rouse Mr. Lizotte to present him with clothes that he was unresponsive. It was at that time that medical assistance was requested.

61. Mr. Lizotte's presence in R.C.M.P. cells, from the evening of November 6th to the morning of November 7th, was as a result of Sgt. Lipscombe going out of her way while off duty to make certain that Mr. Lizotte was safe. His return to the cell area was as much for humanitarian reasons as for concerns under the *Mental Health Act*.

It is beyond the capacity of a Fatality Inquiry to produce recommendations to the Government of Alberta which would make a difference with respect to an individual who has been a chronic abuser of alcohol.

Accordingly, I make no recommendations as a result of this Fatality Inquiry.

DATED this 3 day of February A.D. 2004.

A handwritten signature in black ink, appearing to read 'Eldon J. Simpson', written over a horizontal line. The signature is stylized and cursive.

ELDON J. SIMPSON,
A JUDGE OF THE PROVINCIAL COURT OF ALBERTA