



ALBERTA

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

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Calgary Courts Centre

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

on the twenty-third day of November, 2022, (and by adjournment
year

on the twenty-fourth day of November, 2022),
year

before H. M. Van Harten, a Provincial Court Judge,

into the death of Jack Wesley Stanley HAMILTON 37
(Name in Full) (Age)

of No Fixed Address and the following findings were made:
(Residence)

Date and Time of Death: November 2, 2017, at 0415 HRS

Place: Foothills Medical Centre, Calgary, 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)).

Undetermined

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)).

Undetermined

Circumstances under which Death occurred:

1. At the pre-inquiry conference held June 13, 2022, I was asked to consider whether this Inquiry could be stayed under s. 37(3)(b) of the *Fatality Inquiries Act*. Because it was not certain whether any next-of-kin would participate, the Inquiry proceeded. No next-of-kin participated or were represented.
2. The deceased Mr. Hamilton attended the Alpha House located at 203 - 15 Ave. SE in Calgary, Alberta on October 28, 2017. Alpha House is a residence operated by its Society, a non-profit, charitable agency providing safe and caring environments for individuals struggling with alcohol and other substance dependencies.
3. Mr. Hamilton was known to the Alpha House staff. On that evening, he was in an agitated state. He told a staff member that people were shooting at him from the roof. The staff member thought Mr. Hamilton was high on drugs. Mr. Hamilton began flailing and kicking at the staff member who tried to restrain him on the floor. Closed circuit television depicts this activity.
4. Staff made a 911 call and two members of the Calgary Police Service responded. They observed the struggle and restrained and handcuffed Mr. Hamilton. That ended the struggle but shortly later, Mr. Hamilton became unresponsive. The police removed the handcuffs about two minutes after they were applied because the police noticed that his breathing had become shallow, and his pulse was weak. They began administering CPR and asked for EMT assistance. EMT attended and continued CPR and then transported Mr. Hamilton to the Foothills Medical Centre. The CPS officers followed along. Mr. Hamilton was admitted to the Intensive Care Unit where he remained until his death five days later.
5. During his stay, Mr. Hamilton's medical condition gradually worsened. The medical records from both EMT and the hospital were presented to this Inquiry.
6. An autopsy conducted by a medical examiner concluded that the cause of death was undetermined. On examination, Mr. Hamilton appeared to be generally in good health which likely led to the medical examiner's conclusion. A forensic toxicology report found trace amounts of methamphetamine in Mr. Hamilton's blood. The toxicologist opined that in the absence of adequate tolerance, the concentrations of methamphetamine were sufficient to be considered potentially life-threatening.
7. A superior police officer, acting under the *Police Act*, conducted a review of the Alpha House staffs' and the attending police officers' use of force in restraining Mr. Hamilton. He concluded that the force used by both was appropriate. The staff use of force was minimal and appeared to be compassionate to protect Mr. Hamilton from harming himself. The police use of force was the minimum required to handcuff and secure Mr. Hamilton. When they quickly noted he was in medical distress, they immediately un-handcuffed him began administering first aid.

8. The use of force here was very reasonable in the circumstances and administered to Mr. Hamilton for his own protection. The medical examiner found that it did not contribute in any way to his eventual death.

Recommendations for the prevention of similar deaths:

9. In view of the medical examiner's conclusions and those of the superior police officer's review on the use of force, I am unable to and do not make any recommendations for the prevention of similar deaths. Everyone involved with Mr. Hamilton before his death and the subsequent investigations clearly did everything they could to prevent his death and to consider how things might have done differently.

DATED January 20, 2023

at Calgary, Alberta.

Original Signed



H. M. Van Harten
A Judge of the Provincial Court of Alberta