

Royal Canadian Mounted Police
Commissioner



Gendarmerie royale du Canada
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le professionnalisme, la compassion, le respect et la responsabilisation

Protected "A"

JAN 07 2013

Mr. Ian McPhail, Q.C.
Interim Chair
Commission for Public Complaints
Against the RCMP
P.O. Box 1722, Station "B"
Ottawa, Ontario
K1P 0B3

Dear Mr. McPhail:

I acknowledge receipt of the Commission's Interim Report dated May 26, 2011, on the investigation into the Chair-initiated public complaint concerning the in-custody death of Ms. Cheryl Ann Bouey, file reference PC-2008-1680.

I have completed a review of this matter, including the findings and recommendations set out in the Commission's interim report. I acknowledge the delay in responding to the interim report. Addressing the backlog of reports from the Commission and improving the timeliness of the RCMP's analysis and response to the Commission's findings and recommendations is a priority, and I can advise that revised processes have been put in place.

I agree with the finding that Ms. Bouey's warrantless arrest for causing a disturbance was reasonable, as would have been her arrest for public intoxication pursuant to British Columbia's *Liquor Control and Licensing Act*.

I agree with the finding that the force used by Constable Dan Eccleston while escorting Ms. Bouey to the cell block was reasonable under the circumstances.

I agree with the finding that Constable Carissa Hornoi treated Ms. Bouey in a respectful and professional manner.

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I agree with the finding that Constable Horno failed to locate a string attached to Ms. Bouey's pants when searching her prior to her being lodged in cells. However, I conclude that Constable Horno was not negligent or that her performance otherwise fell short in some way. I support your comments on page 15 of the interim report that Constable Horno acted in a professional, respectful and patient manner towards Ms. Bouey and that the video demonstrates that Constable Horno adequately performed the search. As you indicated, there is no doubt that the string that was attached to Ms. Bouey's pants was missed inadvertently.

I do not support the recommendation that a checklist be added to the prisoner form as a reminder to check for hidden cords or other potential dangerous items. This recommendation does not fit the circumstances of this case. As I have just noted in the related finding above, Constable Horno's search of Ms. Bouey was adequately performed and the string was missed inadvertently. Furthermore, I find that current RCMP policy provides sufficient direction to members for the removal of personal effects and anything a prisoner could use to aid in an escape or to injure himself/herself or another person. Finally, the Prisoner Report (Form C-13-1) includes a checklist of the routine items seized from prisoners.

I agree with the finding that Constable Horno adequately assessed Ms. Bouey's responsiveness at the time of booking and completed the associated section of the Prisoner Report, as required.

I do not support the recommendation that the RCMP consider clarifying the wording on the assessment portion of the Prisoner Form, specifically the term "depressed." Upon review of the Prisoner Report, I conclude that changes to the form are not required. The form, in its totality, documents the details of the prisoner and highlights potential areas of risk. The prisoner screening portion allows for members to add comments in relation to the prisoner, including his or her state of mind, possible impairment and unusual actions.

I agree with the finding that Mr. Reznechenko did not receive refresher training as prescribed by RCMP policy.

I agree with the finding that Mr. Reznechenko's first aid training was up to date.

In support of the recommendation that the Prince George RCMP Detachment Commander ensure that all RCMP members and guards working at the detachment receive mandatory annual refresher courses with respect to cell block security and the guarding of prisoners, as prescribed by RCMP policy, and that an adequate recording and tracking be developed for same. I will direct that the detachment commence a policy review and make appropriate changes to implement a recording and tracking system.

I agree with the finding that Mr. Reznechenko's delay in seeking assistance once it had been determined that Ms. Bouey was unresponsive was inconsistent with RCMP policy.

I agree with the finding that monitoring of prisoners was inadequate on June 26, 2008.

I agree with the finding that the prisoner log book contained very little information and was not sufficiently detailed as to meet policy requirements.

I support the recommendation that Watch Commanders review cell log books intermittently throughout and at the end of their shifts to ensure compliance with RCMP policy regarding checking and monitoring prisoners, as well as recording same. The national policy has been amended to reflect this requirement. On July 9, 2012, *Operational Manual 19.3* was finalized and sent for publication.

With respect to the recommendation that the Detachment Commander evaluate the time spent by guards on non-guarding duties in order to assess the adequacy of the current guard-to-prisoner ratio and to ensure that allowances are made in accordance with RCMP policy, I do not agree with your view that the change in the guard-to-prisoner to one guard for every twelve prisoners is "arbitrary". There is no clear information on file that would support that assumption, nor is there any information available to suggest that the new ratio does not adequately address "the reality of a busy cell block".

I generally agree with the assertion that clerical responsibilities are sufficiently demanding that guards cannot be entirely focused on cell security while they tend to situations in which they are confronted with difficult prisoners or unexpected prisoner behaviour. As you have acknowledged in the interim report, national operational policy provides that a guard must not be assigned any additional tasks that would interfere with performing guard duties. I also note from my review of Superintendent Butterworth-Carr's correspondence in August 2010 that the intention is that guards are to consult with the Watch Commander in the event that a high risk prisoner is brought into custody requiring additional supervision. The number of prisoners is not meant to always reach twelve prior to an additional guard being called in for duty should the circumstances necessitate it.

While I do not agree with the analysis related to your recommendation, I conclude that it would be beneficial to review the guard-to-prisoner ratio currently being implemented to ensure that it continues to meet the demands of its cell block operations. I will direct that this be done.

I support the recommendation that the Watch Commander periodically check the guards to ensure that they are carrying a portable police radio while on duty, and make note of such checks. I will direct that this be done.

I agree with the finding that medical assistance was immediately requested once it had been determined that Ms. Bouey was unresponsive.

I agree with the finding that the members did not provide first aid to Ms. Bouey and I am equally satisfied that the RCMP adequately addressed this issue in its Final Report. In particular, my delegate recognized that the members did not comply with RCMP policy to initiate first aid once a prisoner is found unresponsive. Constable Hornoi was provided with operational guidance.


With respect to the recommendation that the RCMP review the current system used to determine whether it should be upgraded or replaced with a system that would allow for a visual or audio sound to alert guards and security personnel if the system stops recording, and to inform the municipality of the results of such a review, I note that the Prince George Detachment is currently planning to move to a new facility in the fall of 2013. I can inform the Commission that none of the present cell block video equipment will be moved to the new building. In the circumstances, I will direct that your recommendation be considered in the planning of the move to the new facility.

I support the recommendation that Staff Sergeant Bethune receive training with respect to the public complaint process. Staff Sergeant Bethune's comment in his correspondence to the Officer in charge of the Professional Standards Unit in "E" Division that he considers this public complaint initiated by the Commission's Chair to be an "abuse of authority" and "unreasonable" creates a perception of bias. I will direct that Staff Sergeant Bethune receive training with respect to the public complaint process, which will include improving his appreciation of the process as an essential mechanism in ensuring public accountability.

I do not support the recommendation that the RCMP clarify in policy the roles and responsibilities of supervisors and subject witness members within the public complaint process. I find that the implementation of your recommendation that Staff Sergeant Bethune receive training with respect to the public complaint process appropriately addresses the issues concerning Staff Sergeant Bethune's apparent attitude. I conclude that a change to RCMP policy is not necessary to address the specific circumstances of this file.

I look forward to receiving your final report on this matter.

Yours sincerely,



Bob Paulson
Commissioner