



VERDICT AT INQUEST

File No.: 2009:0588:0077

An Inquest was held at the Supreme Court, in the municipality of Kamloops in the Province of British Columbia, on the following dates October 13 - 15, 2010 before Mr. Jeffrey Michael Dolan, Presiding Coroner, into the death of CARDINAL, Stanley Steven 44 [X] Male [] Female (Last Name, First Name Middle Name) (Age) and the following findings were made:

Date and Time of Death: August 4, 2009 1658 hours

Place of Death: Royal Inland Hospital Kamloops, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Multi Organ Failure DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) Cardiac Arrest DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c) Mixed Methadone & Alcohol Intoxication

(2) Other Significant Conditions Contributing to Death:

Classification of Death: [X] Accidental [] Homicide [] Natural [] Suicide [] Undetermined

The above verdict certified by the Jury on the 15th day of October AD, 2010.

Jeffrey Michael Dolan Presiding Coroner's Printed Name

Handwritten signature of Jeffrey Michael Dolan Presiding Coroner's Signature

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FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

FILE No.: 2009:0588:0077

CARDINAL

SURNAME

Stanley Steven

GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Mr. Jeffrey M. Dolan
Inquest Counsel: Mr. Rodrick MacKenzie
Court Reporter/ Recording Agency: Ms. Joann Watson/ Verbatim Words West Ltd.
Participant/Counsel: Royal Canadian Mounted Police, Attorney General of Canada/ Mr. David Kwan
City of Kamloops/ Mr. Jeffrey Locke

The Sheriff took charge of the jury and recorded three exhibits. Twenty-two witnesses were duly sworn in and testified

PRESIDING CORONER'S COMMENTS:

The following is a brief summary of the circumstances of the death as set out in the evidence presented to the jury at the inquest. The summary is provided to assist the reader to more fully understand the verdict and recommendations of the jury. This summary is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.

The inquest heard that Stanley Steven Cardinal had a lengthy history of substance abuse. Following his release from prison on April 30, 2009, Mr. Cardinal returned to his family residence in Penticton. He had been sober for approximately six weeks when he was arrested for violating his parole by consuming alcohol. Whenever Mr. Cardinal's spouse of 25 years suspected he was drinking she would call the police to pick him up and keep him safe. Mr. Cardinal was incarcerated for 30 days and released on July 22, 2009 to a Kamloops halfway house operated by the John Howard Society.

Mr. Cardinal's parole officer testified that Mr. Cardinal was on a waiting list for a Vancouver Island treatment centre. It was expected that a bed would become available at the treatment centre within one month. A supervisory plan was in place for Mr. Cardinal while he resided in the community which included drug and alcohol counseling provided by the Indian Friendship Centre.

On July 31, 2009 Mr. Cardinal attended Pow Wow Days in Kamloops with a fellow halfway house resident. The resident testified that the two attended the event until approximately 9:30 PM that evening.

The resident did not observe Mr. Cardinal consume any drugs or alcohol while at the Pow Wow. The day prior he witnessed Mr. Cardinal receive a small nondescript bottle from two unknown males in the downtown area of Kamloops.

In the early morning hours of August 1, 2009 Mr. Cardinal broke into the neighbouring unit at the halfway house and stole money from the resident. He was confronted by security and fled prior to the arrival of the police. His whereabouts and activities for the remainder of August 1st are not known.

At 12:30 AM on August 2nd, Kamloops RCMP officers observed Mr. Cardinal lying on the ground in the 900 block of Victoria Avenue. Mr. Cardinal appeared to be sleeping and was awakened by the patrol officers.

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The Kamloops RCMP constable testified that Mr. Cardinal appeared sweaty and had an odour of liquor about him. It was suspected the sweating may have been a result of drug use. During his conversations with police Mr. Cardinal was able to provide his name and date of birth and was not slurring his words.

A check of the RCMP information system revealed that there was a warrant for Mr. Cardinal's arrest. BC Ambulance Service (BCAS) paramedics were called to assess Mr. Cardinal before he was transported to the Kamloops RCMP detachment.

A BCAS paramedic testified that Mr. Cardinal was examined at the scene and it was determined there was no need for him to be transported to the hospital to be examined by a physician. Mr. Cardinal denied using drugs or alcohol and he voiced no health complaints.

The paramedic testified that deeming a patient 'fit for cells' is not an official topic, further stating that it is something that paramedics are instructed against doing. The police officers were told to call the paramedics if there were any further concerns regarding Mr. Cardinal's health. A second paramedic testified that Mr. Cardinal would have been transported to the hospital if he so requested.

Police transported Mr. Cardinal to the Kamloops RCMP detachment where he was lodged into cells at 12:42 AM. The prisoner report stated that Mr. Cardinal was possibly impaired by alcohol, causing him to be wobbly and fumbling with slurred speech and an odour of liquor on his breath. Drugs were not indicated on the report as a possible cause of the impairment. The arresting officer wrote on the report that the prisoner was checked by paramedics and cleared to lodge. The BCAS crew report was attached to the prisoner report in the guard office.

It was the belief of the Kamloops RCMP detachment cell guards and RCMP officers who testified that Mr. Cardinal was mildly intoxicated and was polite and compliant.

The jury heard that a prisoner becomes the responsibility of the guards once he or she is lodged in cells. Mr. Cardinal was assessed as per RCMP rousability policy and placed in a cell. He was visually checked at regular intervals by the guards and officers who observed him through the cell door port hole and on closed circuit video. Each check confirmed that Mr. Cardinal was breathing and he appeared to be sleeping soundly. For the next 12 hours Mr. Cardinal was heard to snore loudly. The video showed to the inquest revealed that he remained the same supine position for 12 hours with only slight movement of his left arm.

Guards are often able to rouse a prisoner by turning on the lights, opening the food tray or banging on the cell door. If for any reason a guard requires access to a cell, they are to do so only when accompanied by a police officer. Mr. Cardinal did not rouse when guards brought food to the cell shortly after noon on August 2nd.

When he could not be roused, officers were notified and the ambulance was summoned. Moments later Mr. Cardinal went into cardiac arrest and CPR was initiated. Resuscitative efforts were taken over by members the Kamloops Fire Department and BCAS advanced life support paramedics upon their arrival. Paramedics were able to regain a heartbeat and Mr. Cardinal was transported to Royal Inland Hospital (RIH).

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When examined in the emergency department, Mr. Cardinal was unresponsive, requiring intubation and ventilation. Toxicology screens confirmed the presence of alcohol and methadone. Mr. Cardinal was transferred to the intensive care unit (ICU) where he continued to decline and died at 4:58 PM on August 4, 2009.

The ICU physician testified that methadone causes gradual respiratory depression leading to hypoxia, resulting in a decreased level of consciousness and eventually cardiac arrest. By the time Mr. Cardinal arrived at the hospital he was no longer salvageable. The ICU physician was confident Mr. Cardinal would have survived had he been transported to the hospital when first checked by police on the street 12 hours earlier or at some point while in custody prior to his cardiac arrest.

The forensic pathologist testified that autopsy and toxicology examinations determined Mr. Cardinal died of multi-organ failure due to cardiac arrest caused by mixed intoxication of methadone and alcohol. Mr. Cardinal was not being prescribed methadone and was therefore considered to be a naïve user of the drug.

The acting Officer in Charge of Kamloops RCMP operations testified that the detachment was in the process of reviewing and revising its cell policies which were to be finalized pending any recommendations made by the inquest jury. The detachment was open to considering the possibility of training guards to recognize and assess the signs of a prisoner whose health may be deteriorating during their time in custody.

The Southeast District RCMP Major Crime Unit conducted an investigation into the death of Stanley Steven Cardinal and determined that it was not the result of a criminal act.



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Pursuant to Section 38 of the *Coroners Act*, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

JURY RECOMMENDATIONS:

To: Mayor Peter Milobar
City of Kamloops
7 Victoria Street West
Kamloops BC V2C 1A2

1. We recommend that guard training be upgraded to include recognition of abnormal breathing and sleeping patterns.
2. We recommend that guards receive verbal and physical acknowledgement of consciousness from prisoners at reasonable intervals (e.g. 4 to 6 hours)

Coroner's comments: The ICU physician testified that someone in Mr. Cardinal's condition of questionable consciousness needed to be awakened on a regular basis as is the practice for patients who are in the hospital. Prisoners who appear to be sleeping and snoring may in fact be in medical distress. Snoring can be an indication of a person who is under the influence of a central nervous system depressant such as alcohol or methadone. It is highly abnormal for a person to lie in one position while sleeping for a period of 12 hours.

To: Superintendent Yves Lacasse
Officer in Charge, RCMP
560 Battle Street
Kamloops, BC V2C 6N4

3. We recommend a complete and thorough review of the Surrey RCMP Detachment policy in regards to prisoners in custody and apply anything that would improve any existing Kamloops policies.

Coroner's comments: The current policy of the Surrey RCMP detachment for persons in custody was entered as an exhibit at this inquest. The Surrey detachment policy was recently revised with respect to medical treatment for persons in custody specifically the rousability of the prisoner, the ability of the prisoner to respond to questions and commands and the possibility of the presence of an illness, injury or medical condition. Guards are to be made aware if a prisoner has received medical aid prior to incarceration and this should be noted on the prisoner report. If there is any indication that a person in custody is sick or injured, medical attention is to be sought immediately.