



VERDICT AT CORONER'S INQUEST

File No.:2008-0225-0815

An Inquest was held at Chief Coroners Courtroom, in the municipality of Burnaby

in the Province of British Columbia, on the following dates APRIL 26-28, 2010

before Vincent M. Stancato, Presiding Coroner,

into the death of WHITELAW Brandon Norman 22 Male Female
Last Name, First Name (Age)

Date and Time of Death: 31 JULY 2008 @ 18:52 Hours

Place of Death: Surrey Memorial Hospital Surrey, BC
(13750 - 96th Avenue)
(Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Choking From Object in Airway During Restraint

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b)

DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death: Acute Methamphetamine Toxicity

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

The above verdict certified by the Jury on the

28 day of April AD, 2010

VINCENT M. STANCATO

Presiding Coroner's Printed Name

Handwritten signature of Vincent M. Stancato

Presiding Coroner's Signature



VERDICT AT CORONER'S INQUEST

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

FILE No.:2008-0225-0815

WHITELAW
SURNAME

BRANDON NORMAN
GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Mr. Vincent M. Stancato

Inquest Counsel: Mr. Rodrick MacKenzie

Court Reporting/Recording Agency: Verbatim Words West Ltd.

Counsel/Participants: Mr. David Kwan, counsel for the RCMP/Attorney General of Canada

The Sheriff took charge of the jury and recorded 7 exhibits as entered. 18 witnesses were duly sworn in and testified. The evidence of one witness was provided through a statement and read for the record.

PRESIDING CORONER'S SUMMARY:

The following is a brief summary of the circumstances of the death as presented to the jury at the inquest. The summary and my comments respecting the recommendations, if any, are only 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.

On July 31, 2008 at approximately 1625 hours, two police officers working with the Surrey RCMP Drug Section were watching a known drug residence located in Surrey. The officers were driving an unmarked police cruiser. While patrolling the area near the drug residence the two officers testified that they observed a vehicle leave the drug residence and engage in a number of motor vehicle infractions near the intersection of 132nd Street and 108 Avenue. The officers testified that they attempted to pull over the vehicle for the traffic violations by activating their lights and siren. The driver of the vehicle did not respond initially and kept driving along 132nd Street. The vehicle briefly pulled over and then continued onwards until the driver finally stopped seconds later at 132nd Street and 106th Avenue in Surrey. The driver's testimony was consistent with this version of events, noting that his initial reason for not stopping was because he was startled.

Both officers approached the vehicle on foot. There were two occupants in the vehicle, a driver and a front seat passenger who was identified as Mr. Brandon Norman Whitelaw. The officers testified that while questioning the occupants, a 'roach' was observed in the vehicle in plain view. Both occupants were requested to exit the vehicle. Mr. Whitelaw was handcuffed and searched by a police officer. Mr. Whitelaw was questioned about possessing any drugs and he denied having any drugs aside from a partial marijuana cigarette in his ball cap. The other police officer escorted the driver away from Mr. Whitelaw and his vehicle and questioned him for a brief moment. Shortly thereafter, one of the police officers initiated a search of the vehicle while the other officer retained custody of the driver and Mr.



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Whitelaw. The officer maintaining custody of the two individuals then witnessed Mr. Whitelaw contort his body in such way to allow for him to place an unknown item (suspected to be drugs) into his mouth.

Although unclear, it appears that he had been hiding the item in his underwear. The police officer that witnessed this action quickly advised her partner who had been searching the vehicle. Both officers testified that Mr. Whitelaw attempted to flee after concealing the item in his mouth and a struggle ensued. One of the officers testified that he attempted to prevent Mr. Whitelaw from swallowing the item by grabbing him around the neck area. The manoeuvre he used was referred to as the "claw", "tiger claw", or "tiger". The officer testified that he applied pressure to the neck by using this manoeuvre for a matter of seconds; however, the driver of the vehicle testified that the officer applied this pressure during the course of the entire struggle for a period of approximately 4 minutes.

Right after control of Mr. Whitelaw was achieved other police officers arrived and assisted. They immediately noticed that Mr. Whitelaw was in medical distress. The officers believed that he may have been choking on the object he placed in his mouth so they placed him in the recovery position. They contacted emergency medical support. The officers testified that Mr. Whitelaw was conscious the entire time although his breaths were shallow and there were episodes when he was turning blue. The officers tried to keep him alert by talking to him while waiting for the paramedics. They did not initiate CPR because he was conscious. Fire crews attended the scene within minutes and on their arrival Mr. Whitelaw was not breathing and did not have a pulse. They did not notice anything obstructing his airway. Firefighters initiated CPR prior to the arrival of the BC Ambulance Service. The Basic Life Support Unit (primary care paramedics) arrived at 1644 hours and assumed care for Mr. Whitelaw. He remained pulseless, but they were able to establish an oral airway and transferred him into their vehicle. At 1653 hours, the Advanced Life Support Unit (ALS) arrived to the scene - they initiated the cardiac protocol. With the use of a laryngoscope an ALS paramedic was able to detect a foreign object lodged in the airway and he used McGill forceps to remove it.

Following removal of the foreign object, Mr. Whitelaw was transported to Surrey Memorial Hospital (SMH). ALS paramedics continued to administer the cardiac protocol (including administration of epinephrine and atropine) and they got a pulse back at 1703 hours. They arrived at SMH at 1710 hours and upon assessment by hospital staff Mr. Whitelaw had a Glasgow Coma Scale of 3/15 (lowest rating), worsening blood pressure and decreasing oxygen saturation. Despite aggressive treatment Mr. Whitelaw was pronounced dead at 1852 hours.

The item lodged in Mr. Whitelaw's throat was later examined. It was a wedge shaped plastic bag (measuring 7.5 x 4.5 x 2.5 cm) containing 11 individually wrapped plastic packets of a gray-white crystalline substance (determine to be cocaine, cocaine related compounds and levamisole). At autopsy, the presence or location of the object within the airway could not be confirmed nor could the amount of airway obstruction produced by the object be assessed. The pathologist was reliant on the information



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provided by the paramedics at the scene regarding the location from which the object was retrieved within the airway. The extracted intact object was produced to the pathologist at the time of autopsy. The pathologist concluded that the "dimensions of the object were substantially greater than the diameter of Mr. Whitelaw's airway in the region from where the object was reportedly recovered". Furthermore, the minimal dimensions of some of the individual packets comprising the larger object approached the diameter of Mr. Whitelaw's lower airway. The pathologist also noted in his report that "while the intact object was somewhat flexible, it is hard to conceive of a configuration assumable by the intact object that would not mostly or completely obstruct Mr. Whitelaw's airway."

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Pursuant to Section 38 of the Coroner's 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: Royal Canadian Mounted Police
Gary Bass, Deputy Commissioner - "E" Division
5255 Heather Street
Vancouver, BC V5Z 1K6

1. That the RCMP undertakes a review of the use of force as applied to the neck area of individual's attempting to swallow evidence (i.e. drugs). In doing so, it is recommended that the RCMP consults with field experts, medical experts and legal experts to decide on the best practice to deal with such situations. Until this review is completed it is recommended that the RCMP cease to employ any such use of force.

Coroner's Comment: The jury heard that this manoeuvre is not part of the current RCMP training regimen. The specific officer that employed it had learned it from more experienced officers during his "on the job" training. The jury also heard from Sgt. Brad Fawcett, a use of force expert, who provided evidence that this technique is not taught at the Justice Institute of BC and it has been prohibited by the Vancouver Police Department since 1990. He testified that the use of the manoeuvre requires examination by field, legal and medical experts prior to being something the police should consider.

To: British Columbia Ambulance Service
Mr. Les Fisher, A/Chief Operating Officer
PO BOX 9600, STN PROV GOVT.
Victoria, BC V8W 9P1

2. Consider equipping Primary Care Paramedics with laryngoscopes and McGill forceps such that they are able to facilitate extraction of foreign objects in patients believed to be choking. An adequate level of training and ongoing re-certification would be mandatory.

Coroner's Comment: The jury heard evidence that primary care paramedics are not currently equipped with or trained in the use of a laryngoscope or McGill forceps. The jury also heard from a primary care paramedic, an ALS paramedic and Dr. Golden (Emergency Physician) that equipping primary care paramedics with a laryngoscope and McGill forceps, and providing them with the required training, would be beneficial and could save lives. All agreed that the sooner an individual in

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medical distress is provided with appropriate medical attention the higher the likelihood of survival. In the case of a choking incident this would certainly be beneficial. The jury also heard that there is only one ALS Crew covering Surrey, Langley and Delta which may hinder their ability to react to a scene in a timely manner.

3. Consider increasing ALS units within the Surrey coverage area to be proportionate to the size of the geographic region and population.

Coroner's Comment: The jury heard evidence from both an ALS paramedic and a Primary Care paramedic that there is only one Advanced Life Support (ALS) Unit on duty at any given time with the responsibility of covering Surrey, Langley and Delta. The availability of only one highly specialized unit assigned to provide service to such a geographically large and heavily populated area may hinder their ability to react to a scene in a timely manner.

To: Royal Canadian Mounted Police
Gary Bass, Deputy Commissioner - "E" Division
5255 Heather Street
Vancouver, BC V5Z 1K6

To: All Municipal Police Departments

4. Consider providing additional First Aid training to police officers in specialized high risk units where the nature of their duties would require them to perform life saving procedures.

Coroner's Comment: Self explanatory.