



VERDICT AT CORONER'S INQUEST

File No.:2010:0273:0284

An Inquest was held at Coroners Courtroom, in the municipality of Burnaby in the Province of British Columbia, on the following dates September 10-14, 2012

before Marj Paonessa, Presiding Coroner,

into the death of ERSLAVAS John Jason 35 Male Female Last Name, First Name (Age) and the following findings were made:

Date and Time of Death: December 13, 2010 at 0008 hours

Place of Death: 1055 Canada Place Vancouver, British Columbia (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Drowning and Hypothermia 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: Methamphetamine and Cocaine Intoxication

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

The above verdict certified by the Jury on the 14th day of September AD, 2012.

MARJ PAONESSA

Presiding Coroner's Printed Name

Handwritten signature of Marj Paonessa

Presiding Coroner's Signature



VERDICT AT CORONER'S INQUEST

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

FILE No.:2010-273-0284

ERSLAVAS

SURNAME

JOHN JASON

GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Ms. Marj Paonessa

Inquest Counsel: Mr. Chris Godwin

Court Reporting/Recording Agency: Verbatim Words West Ltd.

Counsel/Participants: Mr. Cameron Ward, counsel for the Erslavas family
Mr. Bronson Toy, counsel for the Vancouver Police Department

The Sheriff took charge of the jury and recorded 14 exhibits as entered. Twenty-seven witnesses were duly sworn and testified.

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.

At approximately 2218 hours on December 12, 2010, Greater Vancouver Transit Authority Police (GVTAPS) and Vancouver Police Department (VPD) dispatch received calls from Transit security officers about a suspicious person in the West Coast Express Station. It was reported that the person was acting erratically at the top of a closed escalator near the train tracks. Minutes later, Canada Place security reported to police that a man was in apparent distress with a possible weapon on Waterfront Road, immediately adjacent to the train station. The man, later identified as John Jason Erslavas, was observed pacing back and forth and yelling that someone was trying to kill him. A VPD Emergency Response Team (ERT) supervisor heard the radio broadcast and advised that he would attend with his team due to the possible presence of a weapon.

This area of Waterfront Road is a two lane asphalt roadway that runs east and westbound directly in front of Canada Place at the dock level. On the east side of Canada Place, the roadway widens to accommodate a series of marked parking stalls on the north shoulder. The south side of the roadway is an open loading dock for the Province building. There is no direct overhead lighting. The roadway and parking stalls in this location were partially built over the harbor and are supported by large wooden pilings. The parking area is bordered on the north side by a length of cement no post barriers. At the water's edge on the outermost side of the barrier is a narrow (approximately one metre) of asphalt.

The Jury viewed video footage obtained from the Province building security cameras which captured this incident. GVTAPS and VPD, including ERT officers, arrived on Waterfront Road at 2223 hours and parked their vehicles at an angle so that their headlights shone towards the location where Mr. Erslavas was seen pacing back and forth and ducking behind the cement barrier. Officers testified that he was yelling for help and that the police were bikers. They observed that he was holding something in his hand. One of the ERT members was carrying a



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bean bag shotgun and another officer was providing coverage for him with his side arm at the ready. Mr. Erslavas appeared anxious and in distress and continued to state that the police were going to kill him. The officers testified that they identified themselves and made efforts to calm Mr. Erslavas down, to come back over the concrete barrier and talk to them. At 2226 hours, Mr. Erslavas suddenly turned and jumped into the harbor. The VPD Marine Squad, BC Ambulance and Fire Department personnel were summoned.

Officers on the roadway above immediately called to Mr. Erslavas directing him to go to one of the wooden pilings and hold on until rescuers could arrive. Mr. Erslavas was heard in the water still yelling for help and that someone was going to kill him. He was observed to dive and then resurface. He told the officers his name when asked and confirmed he had recently used cocaine. He was witnessed to swim a short distance out into the harbor away from the pilings. A life preserver was thrown down to him; however, officers testified that Mr. Erslavas swam away from it, but continued to call out for help.

The VPD Marine Unit Rigid Hull Inflatable Boat (RHIB), or zodiac as it is known, arrived on scene at 2232 hours with two officers on board. As the craft attempted to get close to Mr. Erslavas, he would swim away from them and cling onto the wooden pilings under the roadway. A buoyant line was also thrown from the zodiac but Mr. Erslavas did not grab on to it. The ERT Supervisor on the roadway above instructed the Marine Unit to go to the adjacent dock a short distance to the east in the harbor to collect ERT members who could assist in recovering Mr. Erslavas into the zodiac. The officers on the roadway testified that they observed Mr. Erslavas go below the surface of the water twice and then resurface, calling for help. At 2239 hours, just as the zodiac returned to the area where Mr. Erslavas was located, he disappeared below the surface.

The officers in the zodiac commenced a search of the area. The Coast Guard aluminum hull vessel, 'Osprey', arrived on scene at 2251 hours and assisted with the search. Mr. Erslavas' jacket was recovered floating on the surface. The Coast Guard Hovercraft 'Penac' with a full crew including a diver arrived from Sea Island at approximately 2323 hours. The diver located Mr. Erslavas' body approximately ninety minutes after he disappeared under the surface. He was brought to shore at 0003 hours where resuscitative efforts were initiated by Advanced Life Support paramedics and continued at St. Paul's Hospital Emergency. Despite all efforts, Mr. Erslavas could not be resuscitated.

The Jury heard expert evidence that erratic and paranoid behavior displayed by Mr. Erslavas was consistent with someone under the influence of methamphetamine and cocaine. Mr. Erslavas struggled for a number of years with drug addiction and had been in a treatment centre just prior to his death.

Marj Paonessa
Marj Paonessa
Presiding Coroner



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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: Chief Constable Jim Chu	Chief Coroner Lisa Lapointe
Vancouver Police Department	Office of the Chief Coroner
3585 Graveley Street	Metrotower II
Vancouver, BC V5K 5J5	Suite #800 – 4720 Kingsway
	Burnaby, BC V5G 4L9

1. The Jury recommends that in the future, when criminal charges are not being considered or have been ruled out, the VPD and Coroners Service consult with the family as soon as information is available. Long delays have caused needless stress on the family.

Coroner's Comments: The Jury heard evidence from the Erslavas family that the length of time from this incident in December of 2010 until the completion of the inquest in September of 2012 has caused them additional stress.

To: Chief Constable Jim Chu
 Vancouver Police Department
 3585 Graveley Street
 Vancouver, BC V5K 5J5

2. The Jury recommends that the Regulations and Procedures Manual (RPM) of the VPD should be updated to provide clear guidelines to the Marine Division. Priority should be given to updating the RPM as to Search and Rescue operations. The RPM should be regularly reviewed so as to be kept up to date and current.
3. The Jury recommends that whenever possible the crew of the Rigid Hull Inflatable Boat be increased to three persons to facilitate safer and more efficient Search & Rescue operations.

Coroner's Comments: The Jury heard evidence that VPD Marine Unit and Coast Guard officer training for a marine recovery is that they do not enter the water because of the high risk of endangering their own safety, even if the subject is willing to be rescued. The VPD Marine Unit typically dispatched their crafts with one operator and one other officer and evidence was given that one officer on board a watercraft would risk personal safety attempting to effect a water recovery alone.



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To: Honourable Keith Ashfield
Minister of Fisheries and Oceans
200 Kent Street
13th Floor, Station 13E228
Ottawa, Ontario K1A 0E6

4. The Jury recommends that the Kitsilano Coast Guard Station not be closed. Evidence was heard from a variety of sources that the Kitsilano Coast Guard Station provided valuable and useful additional resources for search and rescue operations.

Coroner's Comments: The jury heard from a number of witnesses about the invaluable assistance provided by the Coast Guard in marine incidents in the Vancouver area, and the potential risk of delay in response to future incidents with the impending closure of the Kitsilano Station.

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