



**“E” DIVISION CRIMINAL OPERATIONS
CORE POLICING**

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CHIEF CORONER

March 3, 2021

Ms. Lisa Lapointe, Chief Coroner
Chief Coroner's Office
Metrotower II
Suite 800 - 4720 Kingsway
Burnaby, BC
V5H 4N2

RE: Corey SCHERBEY
Coroner's Inquest into the Death of
BCCS Case File: 2011:0228:0077

Dear Ms. Lapointe:

As a result of the tragic death of Mr. Scherbey, we undertook a review of related RCMP policy and training, and wish to respond to the Coroner's Jury's single recommendation to the “E” Division RCMP:

Recommendation 1

“Review policy or procedures to ensure the collection of all possible evidence in death investigations”

Response:

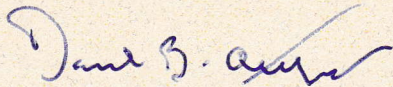
As was articulated by members of the RCMP under oath at the inquest, absent a reasonable belief that an offence had been committed against Mr. Scherbey and that “things” at the scene would afford evidence of that offence, they did not have the authority to seize anything at the scene nor, by extension, to send it to National Forensic Lab Services for testing. That authority would have been granted by *section 489(2)(c) Criminal Code* if the members had had that reasonable belief. Instead, the members, the community coroner, forensic pathologist and the Coroner's Jury concluded that there was no offence and that Mr. Scherbey's death was accidental and caused by Mr. Scherbey himself. In the end, then, the RCMP's own policy and procedure on the seizure of evidence was inapplicable to the incident.

However, the RCMP does not wish to base its response to the Coroner solely on trite law. Instead, the RCMP has also examined its own homicide investigation directives and procedures in order to satisfy the public interest under which this Inquest was held and to address the noble Jury's recommendation. Indeed, the review was given to a senior NCO subject matter expert from the Lower Mainland's Integrated Homicide Investigation Team's (IHIT) File Coordination Support Unit.

He in turn confirmed, following a review of numerous historical homicide investigations, that IHIT follows policy, procedure, case law and current best practices in the seizing of crime scene exhibits. And he further confirmed that IHIT investigators submit those exhibits to National Forensic Lab Services in a timely manner and in consultation with the Forensic Lab Strategist, IHIT Crime Scene Managers and Team Leaders.

Thank you for bringing this recommendation to my attention. The RCMP is committed to learning from tragic incidents such as these and to ensuring that its investigative policies and procedures are constantly being informed by the law and current best practices in the policing community at large.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dave B. Attfield".

C/Supt. Dave Attfield
Deputy Criminal Operations Officer (Core Policing)
"E" Division RCMP

cc: A/Commr. Eric Stubbs, Criminal Operations Officer (Core Policing)
C/Supt. Maureen Levy, Acting Lower Mainland District Commander
Supt. Bryon Massie, OIC UFVRD
Supt. Dave Chauhan, Acting OIC Integrated Teams, Lower Mainland District