



VERDICT AT INQUEST

File No.: 2012:0607:0096

An Inquest was held at Prince George Courthouse, in the municipality of Prince George
in the Province of British Columbia, on the following dates October 7 - 11, 15-18, 2013 & January 27-30, 2014
before T E Chico Newell, Presiding Coroner,
into the death of Matters Gregory John 40 ☒ Male ☐ Female
(Last Name, First Name, Middle Name) (Age)
and the following findings were made:

Date and Time of Death: September 10th, 2012 at 19:29

Place of Death: 10680 Pinko Rd, Hydro Pole 29 Prince George, BC
(Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) 2 Gunshot wounds to the left posterior chest

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:

Classification of Death: ☐ Accidental ☒ Homicide ☐ Natural ☐ Suicide ☐ Undetermined

The above verdict certified by the Jury on the 30th day of January AD, 2014.

T E Chico Newell

Presiding Coroner's Printed Name

Presiding Coroner's Signature

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

MATTERS

Surname

Gregory John

Given Names

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: T.E. Chico Newell
Inquest Counsel: Rodrick H. Mackenzie

Participants/Counsel: Mrs. Lorraine Matters & Ms. Tracey Matters/Cameron Ward
Attorney General of Canada/Andrew Kemp
Independent Investigations Office of British Columbia/Henry Waldock
Dr. Gregory Passey/ David Pilley

Court Recording: Verbatim Words West

The Deputy Sheriff took charge of the jury and recorded 36 exhibits.
31 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 following summary of the evidence as presented at the inquest is 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 Gregory John Matters grew up on his family's rural farm in the vicinity of Prince George. He enjoyed sports and was well liked. At the approximate age of 16 years, Greg knew he wanted to make a difference and considered joining the RCMP as well as becoming a firefighter. He went on to decide that he would be a Canadian peacekeeper. Once in the military, he became an outstanding soldier who rapidly progressed through the ranks. He was spoken highly of and seen as a natural leader. He sustained a significant back injury that resulted in chronic pain, and he was later honourably discharged in 2009 with a nominal pension. Testimony revealed Mr. Matters subsequently withdrew from his personal relationship and friends. Alcohol use became an issue. He lived for a time in New Brunswick and it was there, through encounters with the police, that he developed an aversion to the RCMP.

Mr. Matters' sister testified regarding significant change in his behaviour following his return from

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

military deployment and initiated his relationship with a clinical psychiatrist that specialized in supporting Veterans' mental health. Mr. Matters was diagnosed with Post Traumatic Stress Disorder (PTSD), the underlying cause of which was attributed to an assault he experienced while serving on a peacekeeping mission in Bosnia. With support he made tremendous progress over time. Mr. Matters had been seeing the clinician for about nine months at the time of his death.

Testimony from his psychiatrist revealed Mr. Matters sustained physical and psychological injuries through multiple contacts with the RCMP in BC and New Brunswick. Mr. Matters developed a severe mistrust of police as a result of the combined effects of PTSD and these particular encounters. His transition to civilian life after serving in Bosnia was difficult. This evidence included his struggles with depression and alcoholism, insomnia, nightmares, his fear and mistrust of police, and his inability to find and maintain employment or healthy personal relationships.

It was heard that Mr. Matters had a history of sending angry and threatening correspondence to people he believed had wronged him in some way. These actions resulted in Mr. Matters being investigated by police for uttering threats on multiple occasions. His psychiatrist described that the poorly thought-out communications were manifestations of PTSD. Though the correspondence often contained themes of violence, the clinical psychiatrist insisted that Mr. Matters was very unlikely to resort to violence except to protect himself or his family from harm. Mr. Matters had no known history of violent behavior, nor had he ever been found in possession of a weapon when he had contact with police.

Mr. Matters progressed in his transition, and was involved in the community. He also spoke of becoming a counsellor to assist other veterans who had difficulties. All the while, there was significant tension between him and his brother. Peace bonds had been issued by the courts restricting their contact with each other.

At Christmas 2011, Mr. Matters seemed to be confident, optimistic and was becoming comfortable with himself. He lived with his mother and his dog. It was noted that he was right handed.

The inquest heard that on September 9, 2012 Prince George RCMP received a report of a physical altercation involving Mr. Matters and his brother. It was alleged by Mr. Matters that his brother had come onto their mother's property at approximately 03:00 hours, 'did doughnuts' in his vehicle and drove off.

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

Subsequent investigation indicated that Mr. Matters pursued his brother and, using his vehicle, intentionally collided with his brother's vehicle, causing it to leave the roadway and come to rest in a roadside ditch. It was alleged that Mr. Matters got out of his vehicle, went over to his brother's vehicle and punched his brother in the face. An off-duty police officer living in the vicinity heard the commotion and attended. The brothers were separated and the off-duty officer called the RCMP to report the disturbance. Meanwhile, Mr. Matters returned to his home and called 9-1-1 to report the incident himself.

In subsequent calls with the investigating officers, Mr. Matters agreed to provide a statement at the local detachment the following day. Though Mr. Matters wanted his brother investigated for violating the conditions of a peace bond, the RCMP were instead formulating charges against Mr. Matters for '*assault with a weapon*' and '*assault*' against his brother.

Mr. Matters failed to attend the RCMP detachment on September 10, 2012 as had been agreed. At approximately 16:40 hours, he called police to advise that his vehicle was not in working condition, and as such he was willing to meet them at his residence to provide a handwritten statement about the incident involving his brother.

One of the responding RCMP officers checked a police information database and found records suggesting Mr. Matters had been flagged as a potential risk of violence, and violence towards police officers in particular. The member also reviewed other database entries about Mr. Matters having mental health issues and potential access to firearms. The member testified he was aware Mr. Matters had received military training, and that he considered this too could be a potential risk to his safety.

At approximately 17:39 hours the RCMP officers attended the property with the intention of arresting Mr. Matters for the alleged assaults against his brother. The officers met Mr. Matters near the end of the driveway and attempted to lure him out into the open using the pretext that they were investigating his brother. Mr. Matters caught on to the deception and retreated inside his home.

Over the next several hours, several RCMP personnel were deployed to monitor the roadways around the family's acreage to ensure Mr. Matters did not flee the area. Police had telephone contact with Mr. Matters and his mother on multiple occasions. At one point, Mrs. Matters advised RCMP of her intention to drive her son Greg to the detachment later that day. Before doing so, Mrs. Matters had to first leave the property

to obtain vehicle insurance.

Upon returning from this task, she determined that Mr. Matters had departed from their residence with their dog, and surmised that he had gone to the old family homestead on an adjacent parcel of land, a place he routinely visited to reduce stress, read books and gather his thoughts. Mrs. Matters proceeded to drive from her residence towards the homestead but was intercepted by police along the way. There was an altercation between Mrs. Matters and the police, resulting in her arrest and removal to the local RCMP detachment. Mr. Matters was unaware of his mother's whereabouts and left her a voice mail message stating he was concerned for her welfare.

As time progressed, significant police resources were deployed in the vicinity of the Matters' residence and adjoining homestead. A command post was established at the roadside, and the North District Emergency Response Team (ERT) team was assembled to effect the arrest of Mr. Matters. A police helicopter was summoned to complete an aerial search of the property for Mr. Matters and a vehicle he was believed to have access to. Additional RCMP officers were stationed on the surrounding roadways. The BC Ambulance Service was also called to stage an ambulance nearby.

It was heard that a staff sergeant from Prince George RCMP detachment negotiated with Mr. Matters by telephone and developed some rapport over a period of several hours. The staff sergeant was not a trained negotiator, but was assisted and supervised by a trained negotiator from the North District ERT. During the negotiations, Mr. Matters agreed to exit the homestead and surrender to police at the edge of the property. He was subsequently alarmed by the presence of the helicopter overhead and retreated to the homestead once again. In response to this, police recalled the helicopter from the area.

Testimony revealed that a short time later, Mr. Matters informed the Staff Sergeant he had made alternate arrangements to surrender with the assistance of a neighbour who was going to drive him to the detachment. The Staff Sergeant testified that he encouraged Mr. Matters to proceed with this plan as part of a ruse to draw him out of the homestead to be arrested by the ERT team.

It was heard that when the neighbour drove towards the Matters property, she was stopped on the road by the RCMP and informed she was not permitted to enter the area. It was also heard that a close friend of Mr. Matters attended the police command post, but his offer of assistance was declined.

VERDICT AT INQUEST

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

FILE No.: 2012:0607:0096

Mr. Matters' clinical psychiatrist was contacted by the RCMP. The psychiatrist advised of Mr. Matters' history of PTSD, and advised that Mr. Matters would defend himself if he felt threatened. The psychiatrist requested to communicate with Mr. Matters but was not invited to do so.

The inquest heard four ERT officers were deployed to arrest Mr. Matters on his property. A fifth, the ERT team leader, provided instructions by radio from the command post. An operational plan was drafted but was never signed for approval. The officers were dressed in camouflage clothing. They were equipped with an array of lethal and non-lethal force options, including a police service dog. The four officers entered the property with a large truck, parking at the end of a lengthy driveway leading a few hundred metres east to the homestead. They moved on foot through knee-high grass towards the homestead along a channel that was parallel to the driveway, but separated and concealed from view by a row of bush.

The ERT officers testified that they observed Mr. Matters and his dog walking down the driveway toward their location. As he drew closer, the ERT team emerged from the bushes, with two officers presenting themselves to southwest of his position, and two others appearing south / southeast. One ERT member told Mr. Matters to stop, identified himself as 'police' and advised he was under arrest.

Testimony was heard describing how Mr. Matters produced a hatchet from his jacket. There were varying accounts as to which hand he held it with. The police service dog was initially ordered to subdue Mr. Matters, but was called back almost immediately once the hatchet was produced. Mr. Matters was instructed to drop the weapon. An ERT member east of Mr. Matters' position called over the radio for one of his colleagues to the west to come forward with his conducted energy weapon (CEW). That officer testified that he sprinted forward approximately 50 metres and while attempting to gain his footing deployed the weapon against Mr. Matters. The CEW deployment was not successful. Mr. Matters was said to move toward the member who had deployed the CEW.

One member who was armed with an M-16 rifle described to the jury that his colleague with the CEW was approximately twelve to fourteen feet from Mr. Matters and facing imminent risk of grievous bodily harm or death. This member discharged his rifle twice at Mr. Matters, who then fell to the ground. He believed he was about 10 metres south / southeast of Mr. Matters at the time he fired his rifle. A "shots fired" call was broadcast over the ERT team radio at 19:11 hours.

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

Two ERT officers handcuffed Mr. Matters with his arms behind his back, then moved him a short distance onto the driveway for first aid purposes and undertaking cardiopulmonary resuscitation. One ERT member moved the hatchet from the immediate vicinity, leaving it on the ground.

A paramedic testified seeing two ERT officers doing cardiopulmonary resuscitation before reaching Mr. Matters' side at 19:14 hours. There were no signs of life. Mr. Matters' death was established at 19:29 hours. The scene was secured. The coroner and investigators from the Independent Investigations Office later attended. Mr. Matters' body was removed to Prince George for forensic autopsy examination. Mrs. Matters was notified of her son's death while she was at the Prince George RCMP Detachment.

The jury heard testimony from the pathologist. He described receiving Mr. Matters' body with the handcuffs in place. There was no evidence of the conductive energy weapon probe penetrating the skin. Two gunshot wounds were described. What was felt to likely be the first gunshot wound was largely horizontal with the entrance at the left lower chest and the exit at the right lower chest. There were associated injuries of the diaphragm, spleen, stomach and liver. There was a re-entry wound at the right forearm and no exit. The projectile was recovered. The other projectile entered the lower left back and exited the right upper chest and had a rising trajectory. There were associated injuries to the left lung, heart, esophagus and right lung. The cause of death was described as gunshot wounds to the chest.

The toxicologist testified that no alcohol or illicit drugs were detected. There were therapeutic levels of prescription medication present.

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

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 the Minister of Justice and Director of Police Services, Province of British Columbia and the Commanding Officer of the RCMP

1. *Audio/Visual Recording device be worn by all ERT officers upon deployment.*

Presiding Coroner's Comments: The jury heard inconsistencies in the testimony as well as the exhibits presented. Records of audiovisual recordings would help in clarifying the circumstances and protect civilians as well as RCMP officers.

2. *The Arwen Gun be included in the RCMP's less-lethal weapons.*

Presiding Coroner's Comments: The jury heard the evidence describing the Arwen gun as a less-lethal use of force option. Testimony revealed the responding Emergency Response Team did not have access to an Arwen gun.

3. *A program be developed to effectively train and qualify ALL ERT officers in the proper use of all less-lethal weapons. This would be completed with a view to ensure that ERT teams have a variety of less-lethal force options. This must include ongoing training and qualification at appropriate intervals.*

Presiding Coroner's Comments: The jury heard evidence that none of the Emergency Response Team officers were trained on the less-lethal use of force option of the 'bean bag' shotgun and only one was trained in the use of the conducted energy weapon commonly referred to as the "Taser".

VERDICT AT INQUEST

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

FILE NO.: 2012:0607:0096

4. *A qualified Mental Health Professional be made available (possibly on-call) to all ERT deployment situations, similar to the Vancouver Police Department 'Car 87'.*

Presiding Coroner's Comments: The jury heard evidence that Mr. Matters repeatedly tried to contact several mental health professionals, as did the RCMP.

5. *Mental Health Training be required for RCMP officers and be completed within the first year of active duty. Such a program would include ongoing training and re-qualification.*

Presiding Coroner's Comments: The jury heard testimony by the police officers explaining that encounters with mentally ill subjects continue to increase and that mental health training would have helped in this situation.

6. *RCMP police dogs be trained and utilized in apprehending armed subjects, and the K9 Officers be prepared to deploy their service dog in such situations.*

Presiding Coroner's Comments: The jury heard testimony that the RCMP dog handler was not prepared to release his dog on a subject with an edged weapon. Additional testimony revealed that police service dogs are deployed in situations involving subjects with edged weapons.

7. *RCMP Cell Phones issued and used during a critical incident have all data collected and preserved to assist in a subsequent investigation.*

Presiding Coroner's Comments: Testimony revealed that the responding officers' communicated via cell phone messaging (BBM). The corresponding records were pursued to assist in the investigation but done so at a time beyond the three day message retention period. Ultimately, no cell phone messaging (BBM) records were obtained.

VERDICT AT INQUEST

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

FILE No.: 2012:0607:0096

To the Minister of National Defence, Government of Canada and Veterans Affairs

8. *Programs be developed to monitor the physical, emotional and financial health and well-being of all officers of the Canadian Armed Forces. This would include veterans following their discharge or dismissal.*

Presiding Coroner's Comments: The jury heard testimony from the family, friends and the clinical psychiatrist describing Mr. Matters' circumstance following his honourable discharge from the Canadian Military as such that required resources that were not available to him as a veteran. This allowed for significantly harmful stress on Mr. Matters and his immediate family officers. This stress and its resultant interpersonal conflict were at the core of the circumstances that ultimately led to Mr. Matters' death.

9. *Adequate support and education for Post-Traumatic Stress Disorder (PTSD) be made available to families and loved ones of officers and veterans of the Canadian Armed Forces. This could be in the form of a resource package, website, or hotline.*

Presiding Coroner's Comments: The jury heard testimony describing the changes the family saw in Mr. Matters following his return home. Also heard were the great lengths to which the Matters family went to over time, to find provide help and find support for Mr. Matters.