



CORONER'S COURT OF BRITISH COLUMBIA

held at Victoria, British Columbia

VERDICT AT CORONER'S INQUEST

We, the Jury, having been duly sworn and serving at the inquest, commencing on May 29, 2007 at

Victoria, British Columbia, and continued on the following dates May 30 & 31, 2007

into the death of Tracee Anne RICHES find she came to her death at approximately 1800 hours

on the 7th day of February AD, 2006 at or near Victoria, British Columbia

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) Undetermined

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 THE EVENT ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

The above verdict certified by the Jury on the 31st day of May AD, 2007.

ROSE STANTON

Presiding Coroner's Printed Name

Presiding Coroner's Signature

TO BE COMPLETED BY PRESIDING CORONER

Age: 48 Gender: Male Female
Date of Birth: May 18, 1957 Native: Yes No
Coroner's Case No.: 2006-0168-0022 Post Mortem: Full External None
Police File No.: 2006- 6083 Toxicology: Yes No
Police Department: Victoria City Identification Method: Visual Other (specify below)
Court Reporter: Verbatim Words West Identified by: Self
Phone: 604-591-6677 Premise of Injury: Unknown
Premise of Death: Victoria City Jail

POSTED



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TRACEE ANNE

GIVEN NAMES

INTRODUCTION

This inquest into the Death of Tracee Anne Riches commenced on May 29, 2007, at 0950 hours, and continued on May 30 and 31, 2007. John Orr was counsel to the coroner and Bruce Jordan appeared on behalf of The Corporation of the City of Victoria and the Victoria Police Department. Sheriff Cleo Spencer took charge of the jury and recorded the following exhibits:

1. Registration of Death
2. Photo
3. Provincial Toxicology Report
4. Chronology of Movement prepared by Senior Deputy Sheriff Jeff Norton
5. Report of Post Mortem Examination
6. 3 Photos of Sheriff's Cell
7. 2 Photos of Victoria Police Cells
8. Letter to Victoria Police from Dr. Andrew MacPherson re: AED Analysis
9. Recommendations from Investigation and Standards Report

The following witnesses testified:

1. Dr. Walter Martz, Provincial Toxicologist
2. Steve Morden, Community Probation
3. Cst Kerrilee Jones
4. Cst Andre Almeida
5. Cst Cliff Watson
6. Matron Lisa Wickstrom
7. Dr. James Laing
8. Senior Deputy Sheriff Jeff Norton
9. Dr. Dan Straathof, Forensic Pathologist
10. Sheriff Joanne St. Gelais
11. Deborah Francis, Legal Services Society
12. Rolfe Horne, Lawyer
13. Sheriff Clive Smith
14. Sheriff Erin Turner
15. A/Sgt Colin Watson
16. Matron Paula Ronald
17. Cst Brett Stewart



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18. Ken Snider, BC Ambulance
19. Marty Taulu, BC Ambulance
20. Inspector Jim Shalkowsky, Investigations and Standards Office
21. Det Terry Albrecht
22. Det Rob Biefeld
23. Sgt Kerry Panton

PRESIDING CORONER'S COMMENTS

The following is a brief synopsis of the issues reviewed during the inquest. The purpose of these comments is to assist the reader to more fully understand the Verdict and Recommendations of the jury. It is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.

Cst Kerrilee Jones and Cst Andre Almeida arrested Tracee Anne Riches on February 6, 2006 for breach of a Conditional Sentence Order, specifically being in a geographical area called the "Red Zone" without the written permission of her probation officer. Cst Jones found no drugs on Ms. Riches during a pat down search of her person at the site of the arrest.

Cst Cliff Watson transported Ms. Riches to the Victoria City Police jail and placed her in an interview room so she could make a phone call. All three officers involved in Ms. Riches's arrest describe her as exhibiting no medical distress. Her demeanour is described as being normal for her and she did not appear to be under the influence of drugs or alcohol.

After making two phone calls in the interview room, Ms. Riches was searched by Matron Lisa Wickstrom with Cst Almeida in attendance. Matron Wickstrom had Ms. Riches remove her outer layers of clothing down to one layer and her shoes and searched them before patting her down. Ms. Riches's hair, mouth and feet were also checked. The search of her person was negative for drugs or other contraband. A quantity of used and unused needles were found in her purse and destroyed.

Matron Wickstrom knew Ms. Riches from previous encounters. It was her evidence that Ms. Riches may have been intoxicated when she arrived at the jail but not to a great extent. All jail staff are required to hold a level 2 Occupational First Aid certificate. On February 6, 2006, Matron Wickstrom was qualified as a Level 3 Occupational First Aid attendant. It was her evidence that Ms. Riches demonstrated no medical concerns and she did not exhibit any symptoms of drug withdrawal. She was taken to a cell, given a blanket and some lunch and slept most of the afternoon.



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Dr. Jim Laing gave evidence that at the time of her death, Ms. Riches was off work for medical reasons. She had no history of seizures, no major life threatening illnesses, no gastrointestinal issues and no history of coughing up blood. She had admitted to using cocaine and heroin in the past and had been on the methadone program in 2004 but had stopped taking methadone at some point since then. She was not on the Methadone Maintenance Program at the time of her death.

Deputy Sheriff Joanne St. Gelais transported Ms. Riches from Victoria City Jail to the Victoria Court House. All prisoners are searched when custody is transferred from one agency to another and Ms. Riches was searched by Sheriff St. Gelais at the jail before taken into her custody. No drugs or contraband were located on her person.

There are 48 cameras in the Victoria Court and all recordings of Ms. Riches movements were reviewed by Senior Deputy Sheriff Jeff Norton who noted no medical emergencies, no vomiting and no behaviour suggestive of drug use. Ms. Riches was able to descend stairs unassisted and without incident. While in her cell, she mostly slept.

Ms. Riches was housed in a cell with another female for part of the day. She was escorted from the cells to court twice, to a meeting with legal services once and to two meetings with a lawyer. The only time a prisoner is not monitored by a video recording system is when they are in the interview rooms.

Deborah Francis, an intake worker from Legal Aid Services, met with Ms. Riches in an interview room. She described her as being angry at being in court but otherwise well. Ms. Riches did not appear to be in any medical distress or under the influence of drugs.

Mr. Rolfe Horne was duty counsel in the Victoria Court on February 7, 2006 and met with Ms. Riches twice that day. He had no direct recall of his meetings with her but his notes suggest to him that she was competent to give instructions and therefore not under the influence of drugs or alcohol. He made no note of her being in distress or suffering from a medical condition or that he called a doctor.

Deputy Sheriff Clive Smith was on duty in the Court house on February 7, 2006 and spoke with Ms. Riches when he removed her cell mate to another cell at approximately 1300 hours. The other prisoner was upset and Ms. Riches was trying to sleep. She was appreciative of the other prisoner being moved to a different cell.



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Deputy Sheriff Erin Turner escorted Ms. Riches back to the Victoria City Jail in a Sheriff's car. She describes Ms. Riches as alert and responsive. She made no health complaints other than she was cold. She walked unescorted into the jail area from the car.

Matron Paula Ronald was on duty Feb 7, 2006 from 6 am to 6 pm. The Matron coming off night shift reported no problems with Ms Riches during the night and Matron Ronald checked her at the start of her shift and found her sleeping. She delivered breakfast to Ms. Riches and came to get her to go to court with Deputy Sheriff St. Gelais. Ms. Riches was roused from sleep and a bit wobbly walking to the Sheriff's vehicles but otherwise seemed fine.

When Ms. Riches returned from court, Matron Ronald searched her and booked her back into cells at 1631 hours. Approximately 15-20 minutes after being booked in, Ms. Riches called Matron Ronald to her cell and reported that she had vomited blood. When asked where it was, she stated she had flushed it down the toilet.

Sounds from the cells are easy to hear and neither Matron Ronald nor her male counterpart had heard a toilet flush. Matron Ronald advised Ms. Riches to call her immediately if she vomited again. Ms. Riches was seated on her bed during this discussion and did not appear to be in medical distress.

A few minutes later, Matron Ronald heard moaning and returned to Ms. Riches's cell to find her on the floor lying on her side, facing away from the door. Policy does not allow her to enter a cell unescorted so she returned to the booking desk and called A/Sgt Colin Watson, who was the Watch Commander on duty that shift.

Cst Watson attended the cells area and he and Matron Ronald went to check on Ms. Riches. They opened the cell door. Ms. Riches hadn't moved from her earlier position. Cst Watson called her name and shook her shoulder. He reports she moaned and pulled away when he applied pressure below her ear.

Cst Watson held a Level 2 Occupational First Aid certificate at the time and assessed Ms. Riches as having a pulse, respirations and a decreased level of consciousness. He directed 911 to be called Code 3 and he left the cell to obtain latex gloves. When he returned to the cell, he assessed Ms. Riches again and couldn't find a pulse. He moved her to her back and pulled her into the hallway and called for first aid equipment.



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The Automatic External Defibrillator was brought to Cst Watson and he hooked it up to Ms. Riches. Initial analysis indicated a shock was advised. He shocked her once and the AED prompted him to check for a pulse.

Cst Stewart had arrived at the jail with a prisoner at approximately 1710 hours to discover an emergency situation underway in the female cells area. He secured his prisoner and went to assist by providing chest compressions. Cst Watson was hooking up the AED and Matron Ronald was retrieving the first aid kit and an oxygen bottle when he arrived and started chest compressions.

Matron Ronald returned to Ms. Riches and provided respirations through an unfiltered mask after being unable to attach the oxygen bottle to the mask.

A Basic Life Support Ambulance was dispatched at 1709 hours and arrived at cells at 1711 hours. Primary Care Paramedic Ken Snider, his partner, and a student assisted with resuscitative efforts. Mr. Snider checked that Ms. Riches's airway was clear and took over respirations from Matron Arnold using a bag valve mask. He confirmed that Ms. Riches did not have a pulse in the absence of CPR. He noted no signs of life.

An Advanced Life Support ambulance was also dispatched to police cells at 1711 arriving at Ms. Riches's side at approximately 1718 hours. Paramedic Marty Taulu intubated Ms. Riches to protect her airway and administered drugs to stimulate her heart.

Mr. Snider and Mr. Taulu noted significant scarring on Ms. Riches's arms consistent with a history of intravenous drug use. The scarring made it more difficult to establish an intravenous access. Unsuccessful attempts were made in both arms and her neck before access was obtained on her left foot. Efforts to resuscitate Ms. Riches continued with no signs of life until they were discontinued at 1800 hours.

Steve Morden, Ms. Riches's Probation Officer, stated Ms. Riches had a history of drug use but was currently trying to reduce her use and hoping to return to work. At the time of her arrest, she was on probation from a drug related offence and in breach of a condition of her probation that she not enter the "Red Zone" without his permission. She did not have that permission on February 6, 2006.

Forensic Toxicologist Dr. Walter Martz interpreted the Toxicology Analysis performed on Ms. Riches. Thirty hours should have been sufficient time to metabolize any drugs taken prior to Ms. Riches's arrest. The presence of cocaine's metabolite, benzoylecgonine, in her blood suggests Ms. Riches had



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access to cocaine while in custody. Determination of a more exact time requires knowledge of route of administration and dosage. Dr. Martz stated that although low levels of cocaine have been associated with death, the levels found in Ms. Riches are not typically associated with death.

Forensic Pathologist Dan Straathof stated cocaine is a stimulant that can cause ventricular fibrillation which would stop blood flow to the brain and ultimately cause death. He was unable to determine what role, if any, recent cocaine use may have played in her death and stated her cause of death was undetermined. Post mortem investigations identified no injury or disease to explain Ms. Riches's death. His principal findings included evidence of long term chronic cocaine use and he stated it would be reasonable to attribute her death to complications of chronic cocaine use. He found no evidence of internal hemorrhage and no blood was found in her stomach.

Detective Terry Albrecht viewed the cell video from the police jail for February 7th and noted a period shortly after Ms. Riches was booked into cells at 1631 hours when she may have been concealing an activity under a blanket.

Det Rob Biefeld investigated the incident for the Victoria City Police and found no evidence of criminal activity in relation to Ms. Riches death.

Sgt Kerry Panton gave evidence that the jail staff have the highest level of First Aid Training in the building and serve as first aid attendants for the building. Sgt Panton reported that the Victoria Police are currently making improvements to their VIGIL system of electronic video recording which will improve the quality of their video recordings.

Ms. Riches was searched by a police officer, two matrons, and two sheriffs. At the time of her autopsy, her clothing was searched and documented and two quarters were found in the right front pocket of her pants. There was no evidence as to how she acquired the coins and all witnesses who searched her believed they would have located the quarters if they had been on her person when she was searched.

Inspector Jim Shalkowsky reviewed this incident on behalf of Sheriff Services. Mr. Shalkowsky reviewed Ms. Riches's movements in the Victoria Court as captured on video. He also reviewed some of the video recordings from the Victoria City Police jail. He reported two incidents when Ms. Riches may have been concealing her actions from the camera and could have ingested drugs. One incident took place in a 30 minute period at 1200 hours in her cell at the courthouse when she sat with her back to the camera and her cellmate. The other opportunity occurred in the interview room of the



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Victoria Police cells when she was first arrested where she is seen removing items from inside her coat and concealing them when staff enter the room.

There is no evidence on camera that she vomited or that she was passed drugs from another person. Inspector Shalkowsky interviewed Ms. Riches's cellmate from the courthouse who reported Ms. Riches did not have drugs on her in the cell or she would have shared them. Inspector Shalkowsky noted the cell mate's behaviour in cells on February 7, 2006 was suggestive of someone going through withdrawal from drugs. Ms. Riches did not demonstrate similar behaviour.

Inspector Shalkowsky reviewed the Sheriff searches conducted on Ms. Riches. It was his finding that the searches could have been more thorough and that she should have been searched an additional time when she was booked into cells at the courthouse. His report included six recommendations, two of which addressed search standards and policy.

Police and jail staff gave evidence of problems with first aid equipment, specifically a breathing mask and oxygen tanks. Paramedics at the scene gave evidence that the equipment was designed to be used differently than police and jail staff were trying to use it. Matron Ronald stated that since Ms. Riches's death, maintenance of first aid equipment has been added to the duties of one of the jailers.

Mr. Snider stated that the current emphasis in CPR is to focus more on chest compressions. Breathing should be done when possible but compressions are more critical. He commented that the mask used by Matron Ronald was not intended to be used as a direct breathing mask. It was designed as part of an oxygen delivery system to be used with a ventilation bag and an oxygen container. The oxygen container does not connect directly to the mask.

Emergency Room Physician Dr. Andrew MacPherson reviewed the data captured by the Automatic External Defibrillator used on Ms. Riches and reported in a letter to Victoria Police Chief Paul Battershill that the sensors were applied at 17:09:27, that the machine directed CPR to be started which it was 5 seconds later. It was Dr. MacPherson's interpretation that the information downloaded from the AED reflected a higher level of care than would normally be expected from layperson resuscitation.

Several witnesses gave evidence about the legal limits of prisoner searches. A strip search can only be performed if there are reasonable grounds to believe a person is hiding something on their person. A cavity search can only be performed by a medical professional. The thoroughness of pat



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down searches may be affected by thickness and tightness of clothing, type of gloves worn by searcher, and the searcher's familiarity with the person being searched.

Small quantities of drugs secreted in a person's clothing would be difficult to detect in a pat down search. The larger the quantity of drugs, the higher the likelihood they will be discovered in a search.

Pursuant to Section 3(2)(d) 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:

.....
Rose Stanton
Presiding Coroner



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RECOMMENDATIONS OF THE JURY

To: Chief Constable Paul Battershill
Victoria City Police
850 Caledonia Avenue
Victoria BC V8T 5J8

1. Provide police issued clothing to all prisoners that are booked into cells. Return clothing (subject to search) at time of release.
2. Ensure all relevant personnel are trained at recommended frequency in the use of all first aid equipment.
3. Create a policy to have trained personnel maintain first aid equipment on a regular basis.
4. Reinforce search procedures with all relevant personnel.

To: Helen Pednault
Assistant Deputy Minister
Court Services Branch
Ministry of the Attorney General
6th Floor
850 Burdett Avenue
Victoria BC V8W 2B4

5. Ensure recommendations from the report by Inspector Jim Shalkowsky, Investigations and Standards Office, are implemented.