



VERDICT AT CORONER'S INQUEST

File No.:2008-0228-0303

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

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

before Vincent M. Stancato, Presiding Coroner,

into the death of MILLER Christine Bernadette 39 [] Male [X] Female
Last Name, First Name (Age)

and the following findings were made:

Date and Time of Death: August 8, 2008 at 05:37 hours

Place of Death: MSA HOSPITAL Abbotsford, BC
(Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death:

a) Acute codeine, acetaminophen, ethanol, diphenhydramine and diazepam toxicity

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: [X] Accidental [] Homicide [] Natural [] Suicide [] Undetermined

The above verdict certified by the Jury on the 28th day of October AD, 2010

VINCENT M. STANCATO

Presiding Coroner's Printed Name

Handwritten signature of Vincent M. Stancato

Presiding Coroner's Signature



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

FILE NO.:2008-0228-0303

MILLER

SURNAME

CHRISTINE BERNADETTE

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 Crossin, QC - counsel for Constable Nina Brah

Mr. James Yardley, counsel for The City of Abbotsford/Abbotsford Police Department

The Sheriff took charge of the jury and recorded 8 exhibits as entered. Twenty witnesses were duly sworn in 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.

On August 7, 2008, Ms. Christine Bernadette Miller (aka: Christine Williams) was impaired by alcohol. Ms. Miller's common law spouse testified that they had been drinking for the past three days and often drank until they passed out.

At approximately 18:04 hours on August 7th, 2008, Ms. Miller was witnessed by a concerned citizen to be in distress. The citizen called 911 to report his concerns. At approximately 18:20 hours, a police officer attended and found Ms. Miller lying down on a patch of grass with a liquor bottle near her. Two police officers testified that Ms. Miller appeared intoxicated and she was taken into custody for being drunk in a public place.

A female police officer testified that she searched Ms. Miller at the roadside and found a prescription pill bottle concealed in her bra. The pill bottle was labelled for 60 Ibuprofen tablets dispensed on August 5, 2008. The officer seized the bottle and noted that there were two different types of pills within it. Ms. Miller was then placed into the police cruiser.

Ms. Miller was transported to Abbotsford Police Department cells without incident. The jury viewed video evidence depicting Ms. Miller's booking process. Ms. Miller showed signs of impairment on the video, including unsteady gait and slurred speech. At one point during the booking process, the police officer conducted a secondary "pat down" search of Ms. Miller. This search was conducted in the booking area and not in private. Unlike the search at the roadside, this one yielded negative results.

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At one point during the search, Ms. Miller attempted to lift up her shirt and the female officer informed her that she did not need to. Ms. Miller was subsequently placed in cell #5 at approximately 18:36 hours.

The jury was able to view video footage of Ms. Miller while in her cell. The video footage (from approximately 18:46 and 18:55 hours) showed Ms. Miller consuming the contents of yet a second pill bottle which had also been concealed in her bra. The exact quantity or type of pills that were in the bottle remains unknown; however, the toxicology report revealed that Ms. Miller had taken codeine, acetaminophen, diphenhydramine and diazepam.

The jail guard that assisted with Ms. Miller's booking testified that he did not witness Ms. Miller ingesting the contents of the pill bottle either by cell check or by closed circuit video. He testified that he was pre-occupied with a number of other duties, and did not conduct regular cell checks. The jail guard testified that he was approximately 2 hours behind his usual routine. When the guard did conduct a check of Ms. Miller's cell she appeared to be resting. He testified that he was the only guard on duty 14:30 – 22:30 hours.

A new jail guard came on shift at 22:30 hours. During the shift change he was not alerted to any potential problems with Ms. Miller. The jail guard testified that he conducted routine prisoner checks (by video and at the cell door) throughout the evening. The jail guard believed that Ms. Miller was resting. At one point he became concerned about her position and attempted to rouse her by hitting the cell door. According to him, she responded with a subtle movement of the head. At approximately 04:40 hours on August 8, 2008, the guard checked on Ms. Miller again as he was concerned that she had not moved since his last check. When she did not respond, he summoned the watch commander to the cell area.

Several officers attended to Ms. Miller's cell and initiated resuscitation. Emergency services were called. The Abbotsford Fire Department attended and took over resuscitation. During the resuscitation, one of the firefighters testified that he located an empty pill bottle under Ms. Miller's clothing, beneath her breast. He, and a number of police witnesses, testified that the bottle was labelled as containing sixty (60) Tylenol #3 tablets dispensed on August 5, 2008. The jury viewed a photograph of the bottle.

Paramedics continued resuscitation efforts and transported Ms. Miller by ambulance to the MSA Hospital where, despite medical intervention, she was pronounced dead at 05:37 hours on August 8, 2008.

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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: Bob Rich, Chief Constable
Abbotsford Police Department
2838 Justice Way
Abbotsford, BC V2T 3P5

1. That the Abbotsford Police considers developing a more intensive training program respecting prisoner searches. The training should concentrate on mock scenarios, the application of relevant case law and hands on techniques.

Coroners Comment: The jury were provided with a copy of the new search policy developed by the Abbotsford Police Department. They heard testimony from various officers, including the Deputy Chief Constable, that all police members are required to take a two hour training session on the new policy. The policy is extensive and includes 134 line items with reference to complex case law. According to the officers that testified the training session is provided by power point and focuses on the policy itself. The officers testified that there is no practical component (hands on techniques or mock scenarios) to the training.

2. In circumstances where the prisoner is known or suspected to have ingested drugs and/or alcohol, that there be a cell entry with rousability assessed every two hours following book in until the person responsible for the check is satisfied that the prisoner is recovering from the effects of the substance(s).

Coroners Comment: The jury viewed video evidence depicting Ms. Miller as impaired. The jury also heard testimony from the police members and jail guard on duty that Ms. Miller was impaired. The jury viewed video evidence showing Ms. Miller in a similar position (sitting on bed with upper body bent forward) with very limited movement for approximately 9 hours. Both jail guards testified that policy requires prisoner checks to be conducted every 15-20 minutes by either viewing the prisoner on video or by observing the prisoner from outside the cell. The jury heard that there is currently no requirement for "physical" checks (with cell entry) of prisoners that are known to be or suspected of

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being intoxicated by drugs or alcohol.

3. Prison guards be instructed and trained to accurately record the state of prisoners following every physical check. Those checks should be performed every 15 minutes.

Coroners Comment: The jury heard that the jail was very busy on August 7, 2008. The jury heard from the jail guards that the Abbotsford Police Jail Policy requires that prisoner checks are conducted by the guards every 15-20 minutes. Despite this policy, the jail guard on duty in the early evening of August 7, 2008 testified that he was two hours behind his normal routine and he was unable to conduct any prisoner checks during that time. The prison logbook (specific to the time Ms. Miller was in custody) was entered as an exhibit for the jury to review - the logbook was not regularly updated and the entries were brief and rarely stated the prisoner's condition.

To: Dr. Nigel Murray, President and CEO
Fraser Health Authority, Province of BC
300 - 10334 152A Street
Surrey, B.C. V3R 7P8

To: Mr. George W. Peary, Mayor
City of Abbotsford
32315 South Fraser Way
Abbotsford, BC V2T 1W7

4. That the Fraser Health Authority and City of Abbotsford considers developing a sobering centre, such that police and first responders have an alternative to hospital or jail.

Coroners Comment: The jury heard evidence that there is currently no such facility in Abbotsford. A number of witnesses both from law enforcement and the medical profession informed the jury that the jail was not the right place for intoxicated people. The jury heard that individuals displaying signs of extreme intoxication require continual observation and their ongoing condition is best assessed by a trained medical professional.

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To: Honourable Colin Hansen
Minister of Health Services
Province of British Columbia
1515 Blanshard Street
Victoria, BC V8W 3C8

5. That the Ministry of Health mandate that all physicians in the province of British Columbia obtain ready on-site access to PharmaNet records.

Coroners Comment: The physician that was treating Ms. Miller prior to her death testified that the Clinic he works out of does not have ready access to patient PharmaNet profiles. He testified that this information would be invaluable to physicians dispensing medications – especially in a Walk-in Clinic environment where patients are often transient and there is a high incidence of multi-doctoring by drug seekers.

6. Creation of a public awareness campaign across all media to educate about the lethal combination of prescription drugs, such as codeine mixed with alcohol.

Coroners Comment: The jury heard evidence from medical professionals that the use of prescription medication in combination with alcohol can have lethal consequences.