



Ministry of Justice
VERDICT AT CORONERS INQUEST
 FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE
 CORONER'S INQUEST INTO THE DEATH OF

File No.: 2011:0729:0020

ZINSER
 SURNAME

JUSTIN LARRY JAMES
 GIVEN NAMES

An Inquest was held at Williams Lake Courthouse, in the municipality of Williams Lake

in the Province of British Columbia, on the following dates Aug. 6-8, 2013

before: Donita L. Kuzma, Presiding Coroner.

into the death of ZINSER JUSTIN LARRY JAMES 23 Male Female
(Last Name) (First Name) (Middle Name) (Age)

The following findings were made:

Date and Time of Death: September 24, 2011 3:11 AM

Place of Death: Anahim Lake Nursing Station Anahim Lake, BC
(Location) (Municipality/Province)

Medical Cause of Death:

(1) Immediate Cause of Death: a) Exsanguination
 Due to or as a consequence of

Antecedent Cause if any: b) Gunshot wounds to torso (back)
 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: Alcohol intoxication

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 8th day of August AD, 2013

Donita L. Kuzma
 Presiding Coroner's Printed Name

Presiding Coroner's Signature



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PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Donita L. Kuzma
Inquest Counsel: Rodrick MacKenzie
Court Reporting/Recording Agency: Verbatim Words West Ltd.
Participants/Counsel: David Kwan counsel for the Attorney General of Canada, David Pilley
counsel Dr. Hicks and Dr. Widajewicz.

The Sheriff took charge of the jury and recorded 6 exhibits. 14 witnesses were duly sworn 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.

On the evening of September 23, 2011, Justin Larry James Zinser and a friend left Williams Lake for Bella Coola in Mr. Zinser's vehicle. The friend explained to the jury that the intent of the trip was to get together and go hiking in Bella Coola. The road to Bella Coola was subsequently closed due to heavy snowfall and bad weather conditions so the couple checked into a cabin at Nimpo Lake. Over the course of the evening, the couple walked up to the store and purchased some alcohol. They spent the evening together; however, Mr. Zinser was not acting like himself that night. He told his friend that he was on medication for a bipolar condition, but she did not observe him taking any that evening. He wanted to talk about their past relationship and she did not want to. She went up to the bedroom, but he still wanted to talk and followed her up. Mr. Zinser became visibly upset and started to throw things. He had a shotgun with him and told her life wasn't worth living. She became scared when she received a small injury from an object thrown by Mr. Zinser and made several attempts to leave the cabin. At midnight she was eventually able to go out the front door and then walked up to the highway.

The friend told the jury that once she reached the highway, she waved a car down. The driver happened to be a relative of hers who reported the situation to the RCMP. She was taken to the Anahim Lake Nurses Station where she met with the on duty RCMP officer from the Anahim Detachment at 0030 hours on September 24. She told the officer that Mr. Zinser had not hurt her intentionally. She was concerned because she knew Mr. Zinser was very distrustful of RCMP because of an altercation he had with them in the past and she warned the officer about this. She also told the officer that Mr. Zinser was off his bipolar medication and that he had a shotgun with him. A second RCMP officer had been called in and arrived at the clinic. The friend wanted to go back to the cabin but the officers refused her request as they thought it was not safe for her to return there. While still at the clinic, RCMP Dispatch radioed to the two officers that a male, determined to be Mr. Zinser, had called in to 911. Mr. Zinser said to the Dispatch operator

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that he was suicidal but, also said to not send police. Dispatch called Mr. Zinser back and told him RCMP officers would have to attend and were on their way.

Shortly after 0100 hours, the two RCMP officers left Anahim Lake in separate vehicles for Nimpo Lake. At 0120 hours, Mr. Zinser was again on line with 911 Dispatch saying he was suicidal, but he had no weapons and again, not to send the RCMP. Dispatch provided several more updates over the radio to the officers as they were driving about Mr. Zinser's calls to Dispatch. The officers were provided with information that included Mr. Zinser's past altercation with RCMP officers and that he was prohibited from having weapons. After the officers arrived at the cabin at 0128 hours, they got out to their vehicles and spent the next 30 minutes observing the movements inside the cabin. One officer called out to Mr. Zinser through the front door, but got no answer. Mr. Zinser was then observed through the window to be lacing up his boots and putting ammunition into a backpack. One officer asked Dispatch to activate the RCMP Emergency Response Team (ERT). The officers assumed that Mr. Zinser was armed and not coming out of the cabin, so they advised Dispatch at 0203 hours that they were going back up the hill to a safer position. During this time it appeared that Mr. Zinser was attempting to contact his mother by text message, but the messages failed to send.

At the top of the hill in the parking lot across the highway there was a parked dump truck. The officers felt the dump truck could provide cover so they pulled their vehicles up beside it. They were standing behind their vehicles, when at 0219 hours, they saw Mr. Zinser walking towards them, carrying a shotgun. He appeared to be limping. Both officers called out for him to put his gun down. Mr. Zinser called back, but did not put his gun down. The officers made several more verbal requests for him to put the gun down. The police officer testified that when Mr. Zinser was about 20 meters away he turned his back to them, took something from his pocket, and appeared to be loading it into the chamber of his shotgun. Mr. Zinser started to pump the action. It was then that one of the officers fired his shotgun at Mr. Zinser, who then collapsed on the pavement. The officers radioed Dispatch at 0222 hours that shots had been fired and requested an ambulance. Both officers then went to Mr. Zinser. One of the officers told the jury that he had first aid training. He rolled Mr. Zinser from side to side to check for injuries. Although he knew Mr. Zinser had been hit, he could not see any injuries, but did not check his back.

The jury heard an audio recording of the conversation between the officers that took place while they were near the dump truck and when the shooting occurred. The recording was inadvertently made when one of the officers left his audio recorder, located in his pocket, on 'record'. The officers were heard on the recording to ask Mr. Zinser several times to put his gun down before the shooting occurred.

Two additional RCMP officers from the Anahim Lake Detachment had been called in and arrived after the shooting occurred. On their arrival, they found Mr. Zinser handcuffed and laying on the pavement, bleeding. Dispatch informed the officers that there was no ambulance available in the Nimpo Lake area and one would have to come from Williams Lake – a 2.5 hour drive away. Mr. Zinser was then placed into the back seat of one of RCMP vehicles that had just arrived. One of the recently arrived officers then

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drove Mr. Zinser in the back of his vehicle to the Anahim Lake Nursing Station. The other officer followed in his vehicle, leaving the original two responding officers at the scene.

The trip to the medical clinic took longer than usual because of the road conditions and the vehicle transporting Mr. Zinser arrived at the Nursing Station at 0258 hours. Shortly after arrival, a nurse checked Mr. Zinser in the back of the vehicle and found him breathing but not alert. He was lifted into a wheel chair and was taken into the treatment room. At that time, he was not responding; his pupils were not reactive to light and his breaths were very shallow at 10 respirations per minute. The handcuffs were removed and Mr. Zinser was placed on his back onto a stretcher. An oral airway was put in place and respirations were then assisted with a bag valve mask. Clothing was removed and at approximately 0311 hours, a pulse could not be detected and cardiopulmonary resuscitation (CPR) was started. The second officer had arrived and both officers assisted with CPR. One did chest compressions and the other continued to assist with respirations. A nurse started an interosseous infusion (intravenous into the bone of the lower leg) and started an infusion of normal saline under pressure. Four wounds were noted: in the right axilla, by the 10th rib on the right side, on the right lateral side and on the right lower buttock; all had been bleeding. The jury heard that at that time, the nearest available doctor was in the Tatla Lake area, located a one hour drive away from the clinic. A request for air ambulance was made by Dispatch. CPR continued until 0340 hours but vital signs never returned. All resuscitation attempts and CPR were then discontinued upon a verbal phone order from a doctor at the emergency room at the hospital in Williams Lake. As Mr. Zinser was deceased, the air ambulance request was cancelled. The nurses told the jury that there was no Automated External Defibrillator (AED) in the Anahim Lake Nursing Station at the time of Mr. Zinser's death.

The forensic pathologist testified that she conducted a full post mortem examination on September 27, 2011, at the Vancouver General Hospital. The autopsy revealed shotgun wounds to the torso; an entry wound to the lateral right upper back, an entry wound to the lateral mid back, and an entry wound that entered the right hip and exited on the medial right buttock. These wounds caused massive internal hemorrhaging. The forensic pathologist reported the cause of death was exsanguination due to gunshot wounds to the torso. Other injuries noted were a small red abrasion on the forehead, a small brown bruise on the right chest, multiple small faint red abrasions on the left hip and small abrasions on both hands. The pathologist said there was also a fracture in the right foot that could have occurred within 6 hours prior Mr. Zinser's death.

The forensic toxicologist testified that toxicology testing was done on body fluids from Mr. Zinser collected at the autopsy. The testing revealed that at the time of Mr. Zinser's death, he had a blood alcohol level of 0.16%; a level that showed a moderate to heavy level of intoxication. No other drugs or medications were detected.

The jury heard testimony from Mr. Zinser's family doctor, his parole officer and two psychiatrists. The jury heard that Mr. Zinser had been arrested in February 2011 and sustained head injuries from the



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altercation with the police officers involved. After this incident he was very distrustful of any police and verbalized a strong dislike for them. He was given a suspended sentence with conditions that he saw a parole officer and was not to possess any weapons. The parole officer told the jury that Mr. Zinser wanted to have the firearms restrictions lifted so he could go hunting. The family doctor explained that Mr. Zinser was subject to mood changes - high to low. One of the psychiatrists to whom Mr. Zinser was referred to, told the jury that alcohol use aggravated these mood swings. On September 21, 2011, he had an appointment with one of the psychiatrists and was prescribed a mood stabilizing medication.



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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: Royal Canadian Mounted Police

1. RCMP members working alone in remote locations such as Anahim Lake BC shall have Level 2 Responder Training including the ability to look for and identify injuries and to provide first aid to the best of their ability until a higher level of medical care is available.

Presiding Coroner Comment: *The jury heard that Mr. Zinser was not given any first aid by the RCMP officers present immediately after he was shot.*

To: British Columbia Ambulance Services

2. When there is an anticipated absence of ambulance services in remote communities such as Anahim Lake BC, an action plan shall be in place to ensure there will be alternative coverage.

Presiding Coroner Comment: *The jury heard that ambulance personnel located in Anahim Lake were away from the area and no replacement personnel were available.*

To: Royal Canadian Mounted Police and 911 Dispatchers

3. When the RCMP in remote locations are responding to a potentially volatile incident and or request the Emergency Response Team (ERT), 911 dispatch will always call an ambulance to be staged at a safe location in anticipation of injury(s).

Presiding Coroner Comment: *The jury heard that when the RCMP officers asked RCMP Dispatch to mobilize the ERT team, no call was made the B.C. Ambulance Service to stage an ambulance.*

To: Ministry of Justice - Community Corrections and Corporate Programs

4. When an individual who is involved with the courts is identified as having a strongly held dislike/fear of authority (i.e RCMP), a client-specific program be implemented to assist the individual in working through their issues which could include a variety of strategies not limited to counselling or mediation.

Presiding Coroner Comment: *The jury heard that Mr. Zinser had expressed his dislike and fear of RCMP officers and there was no support program available to assist him.*

To: Royal Canadian Mounted Police

5. a) Improve technology to ensure better communication between RCMP members in remote communities and their external resources that otherwise would not be easily accessible.



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b) RCMP will carry and use personal audio and/or video recording equipment during all encounters with the public.

Presiding Coroner Comment: *The jury heard an audio recording of the conversation of the two RCMP officers that took place in the moments leading up to the shooting and of the shooting incident. The recording assisted them in understanding the circumstances that lead to Mr. Zinser's death.*