

# VERDICT AT INQUEST

File No.: 2012:228:0027

An Inquest was held at Coroner's Court, in the municipality of Burnaby  
in the Province of British Columbia, on the following dates March 24th - March 26th 2014

before Tara Devine, Presiding Coroner,

into the death of Cuthbertson, Kevin Neil 32  Male  Female  
(Last Name, First Name, Middle Name) (Age)

and the following findings were made:

Date and Time of Death: March 25th 2012 10:36am

Place of Death: Matsqui Institution Abbotsford, BC  
(Location) (Municipality/Province)

## Medical Cause of Death

(1) Immediate Cause of Death: a) Acute Methadone Intoxication

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

26 day of March AD, 2014.

Tara Devine

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.: 2012:2288:0027

CUTHBERTSON

Surname

Kevin Neil

Given Names

#### **PARTIES INVOLVED IN THE INQUEST:**

Presiding Coroner: Mrs. Tara Devine

Coroner Counsel: Mr. Christopher Godwin

Court Reporting/Recording Agency: Verbatim Words West Ltd.

Participants/Counsel: Correctional Service of Canada/Mr. Paul Singh and Ms. Alison Brown

The Sheriff took charge of the jury and recorded three exhibits. Sixteen 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 March 22, 2012, Mr. Kevin Neil Cuthbertson was admitted to the Temporary Detention Unit (TDU) in Matsqui Correctional Institution in Abbotsford, BC. The jury heard that prior to being admitted to the TDU, Mr. Cuthbertson was on statutory release from Federal Corrections since February 1, 2012. The TDU at Matsqui Institution provides temporary custody for individuals that violate parole conditions while on release. Individuals are then re-assessed as to whether they can return to the community or if they will be remanded into Federal Custody. The jury heard that Mr. Cuthbertson's release was revoked for breaking curfew at his community residential facility.

The TDU is comprised of twenty-seven cells and holds a maximum of fifty-four inmates. TDU inmates are kept separate from the general population. The jury heard that when inmates are admitted to the TDU, they are searched and changed into correctional wear. If there are any concerns that the inmate may bring drug contraband into the institution, then additional means of drug detection are employed. The jury heard that Mr. Cuthbertson recently had three negative toxicology screens and Correctional staff did not have any concerns of him bringing contraband into the institution. Mr. Cuthbertson was placed in a double bunked cell. The jury heard that there were no concerns with him being double bunked.

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On March 25, 2014 at 0955 am, the TDU correctional officer testified that he noted that a group of inmates were gathered in front of Mr. Cuthbertson's cell. The inmates told him that Mr. Cuthbertson was unresponsive. The correctional officer testified that he came out of the office and radioed for immediate medical assistance. When he went to the cell, Mr. Cuthbertson was found sitting on the top bunk with his shoulders slouched up against the wall. The correctional officer testified that he appeared pale and grey with no signs of life.

The jury heard that 911 was called and the institution nurse and correctional officers entered the cell and assisted moving Mr. Cuthbertson to the bottom bunk to initiate CPR. The nurse testified that Mr. Cuthbertson was not breathing and there was no pulse or pain response. The BC Ambulance Service attended the institution and took over resuscitative efforts. The jury heard that despite medical intervention, Mr. Cuthbertson remained unconscious with no vital signs. The Emergency doctor at Abbotsford Regional Hospital was contacted and death was pronounced at 1036 am.

The jury heard that at the time of the incident, Mr. Cuthbertson's cell was locked down immediately by correctional staff and was later searched with no evidence of drugs or drug paraphernalia. Shortly after Mr. Cuthbertson's death, all the other cells in TDU were also searched with no drugs or drug paraphernalia being found.

The jury heard from the pathologist that the cause of death was due to acute methadone intoxication. The pathologist testified that there was no evidence of injuries or natural disease that contributed to the death. Evidence presented by the forensic toxicologist, Dr. Schreiber, indicated that methadone and its metabolite were detected at levels that would be toxic in a non-tolerant user. No other drugs or alcohol were identified.

The jury heard evidence pertaining to the daily schedule and general functioning of the TDU. The Correctional Officer testified that in the TDU rounds are conducted every hour (minimum) and counts are also conducted throughout the day. The jury heard that the purpose of rounds and counts are to ensure order in the unit and that all inmates are present and alive and breathing. The correctional officer testified that rounds/counts are recorded in a log book and any additional unusual behaviors or incidents are recorded separately. Correctional officers are briefed during shift changeover each day. The correctional officer testified that on March 25, 2012 all inmates were accounted for in their cells the night before and that there were no reported incidents overnight. The jury heard that Mr. Cuthbertson was seen to change body positions during the morning, including when he was last seen during rounds at 0925 am. All cells in the TDU are routinely searched (randomly) over the course of a month.

Evidence presented at the Inquest revealed that the cells in TDU were open daily between 0830-1100 am for the exception of when the "methadone line" was taking place at approximately 0845 am. Methadone is a narcotic medication prescribed to treat narcotic dependence or chronic pain. The jury heard that due to potential risks of illicit methadone usage, health care nurses at Matsqui Institution dispense methadone separately from other prescribed medications in a "methadone line". Evidence during the Inquest confirmed that during the methadone line, all inmates are locked in their cells. Inmates prescribed methadone are then taken to a separate area for witnessed ingestions. The facility nurse testified that Methadone is dispensed in a liquid form. Inmates are given a glass of water to drink after

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taking their methadone and then taken to a secured area for twenty minutes. The facility nurse testified that prescribed methadone is kept in a safe in the pharmacy room located in Health Services. The Chief of Health Services testified that Mr. Cuthbertson was not prescribed methadone and there was no evidence to suggest that Mr. Cuthbertson obtained methadone from the methadone line.

Evidence presented at the Inquest focused greatly on issues and policies related to the challenges of keeping illicit drugs out of the institution. The Correctional manager testified that drug contraband can enter the institution by outsiders throwing it over the fence, through visitors, and through newly admitted inmates bringing it in. The assistant warden testified that multi-faceted strategies are used to try to stop drugs from entering the institution. Evidence presented during the Inquest indicated that Matsqui Institution has made multiple changes over the years to attempt to reduce this problem. It remains unknown as to how Mr. Cuthbertson got access to methadone and where it came from.

CUTHBERTSON

Surname

KEVIN NEIL

Given Names

*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:**

No Recommendations.