



**VERDICT AT CORONERS INQUEST**

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE CORONER'S INQUEST PURSUANT TO SECTION 38 OF THE CORONERS ACT, [SBC 2007] c 15, INTO THE DEATH OF

**MAXWELL**

SURNAME

**JEFFERY RICHARD**

GIVEN NAMES

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

in the Province of British Columbia, on the following dates: July 4<sup>th</sup> 2022 to July 12<sup>th</sup> 2022

before: Larry Marzinzik, Presiding Coroner.

into the death of Maxwell Jeffery Richard 30  Male  Female  
(Last Name) (First Name) (Middle Name) (Age)

The following findings were made:

Date and Time of Death: December 16<sup>th</sup> 2016 PM hours  
(Date) (time)

Place of Death: North Fraser Pretrial Centre Port Coquitlam, BC  
1451 Kingsway Ave, (Municipality/Province)  
(Location)

Medical Cause of Death:

(1) Immediate Cause of Death: a) ACUTE MIXED DRUG 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:  Accidental  Homicide  Natural  Suicide  Undetermined

The above verdict certified by the Jury on the 12 day of July AD, 2022

LARRY MARZINZIK  
Presiding Coroner's Printed Name

Presiding Coroner's Signature



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#### PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Larry Marzinzik

Inquest Counsel: Christopher Godwin

Court Reporting/Recording Agency: Verbatim Words West Ltd.

Participants/Counsel: Rolf Warburton and Ira Tee, counsel for the Ministry of Attorney General and Ministry of Public Safety and Solicitor General

David McKnight and Naomi Krueger, counsel for the Chief Constable of the Vancouver Police Department

The Sheriff took charge of the jury and recorded 25 exhibits. 27 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. This is to assist in understanding, but does not replace, the jury verdict and recommendations. This summary is not evidence.*

Jeffery Richard Maxwell came to his death while transported by BC Sheriff Service personnel from the Vancouver Jail facility to the North Fraser Pretrial Centre on the afternoon of December 16, 2016.

Prior to December 16, 2022, Jeffery Maxwell was residing at a Vancouver halfway house as he was on day parole, under the supervision of a parole officer. The jury heard evidence from the parole officer that Mr. Maxwell was under her supervision since October 2022 and was following the conditions of his release from federal custody, including abstinence from alcohol and drug use. The parole officer advised Mr. Maxwell had made a request to stay overnight at his sister's family residence during Christmas 2022 and the decision had been pending at the time of his death. The parole officer testified the delay was due to "vetting" of Mr. Maxwell's sister's partner. Although this person was also his employer while Mr. Maxwell was on day parole, the partner had not been previously vetted. The jury heard testimony from Mr. Maxwell's sister that he believed his request was denied days before his death. A statement from a person he was in a relationship with prior to his death supported that he believed his request was denied and became very depressed. The person did not specify whether it was on the day or in the days before his death. The statement also indicated this person was contacted by Mr. Maxwell the evening prior to his death to advise he was "heading downtown to meet a friend" and then received a call from Mr. Maxwell later that evening indicating "his



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phone was going to die, he screwed up and drank a beer and that he was late for curfew, and he was in big trouble.”

At 0117 hours on December 16, 2022, Mr. Maxwell was arrested by Vancouver Police officers in relation to an attempted robbery at a Burrard / Cornwall area bar. Mr. Maxwell was located by a police service dog hiding in a nearby residential yard. Mr. Maxwell was injured during the apprehension as the police service dog bit him on the left forearm. Mr. Maxwell also had a head injury that was allegedly as the result of being struck with a bar stool by one of the bar patrons during the attempted robbery. Mr. Maxwell was transported by Vancouver Police officers to St. Paul's Hospital at 0226 hours for medical treatment relating to his injuries.

Mr. Maxwell received medical treatment from St. Paul's Hospital Emergency Department staff under the oversight of a physician who testified he received staples for his head laceration after a computed tomography scan indicated no fractures or internal injury. The dog bite on Mr. Maxwell's left arm was cleaned and he received three stitches to close the wound. Mr. Maxwell also had a swollen right hand; however, refused treatment for this injury. A neurological examination was conducted revealing no deficiencies. The physician noted no comments in relation to intoxication and believed Mr. Maxwell was sober while receiving treatment. Mr. Maxwell was prescribed pain medications as well as an antibiotic. He was cleared by the physician for incarceration and released from the hospital after 0600 hours.

Mr. Maxwell was transported to the Vancouver Jail facility, at 222 Main Street, arriving at 0640 hours. A Special Constable testified Mr. Maxwell was searched and processed for temporary lodging in the Vancouver Jail facility with no complications. Mr. Maxwell was also assessed by a registered nurse and then lodged in a cell. Testimony from jail officers and the involved nurses confirmed Mr. Maxwell was compliant and acting normally during his time within the Vancouver Jail facility. The testimony of the witnesses was supported by video evidence presented to the jury. Two arrest records that indicated different and conflicting information were entered as evidence. The booking documents for Mr. Maxwell flagged him as being "Violent." The witnesses could only suggest this was related to his arrest and previous agency interactions.

While in custody in the Vancouver Jail facility, Mr. Maxwell was offered the opportunity to contact legal counsel, which he declined. Mr. Maxwell was provided required prescription medications by the facility staff nurses. Excess medications were secured with his personal belongings. The jury heard evidence that although contraband, including illicit drugs, did enter the facility only frisk or pat searches were conducted, unless there were reasonable grounds to conduct a strip search on a certain individual. Testimony also indicated that the Vancouver Jail facility did not have body scanners to detect contraband hidden in body cavities.

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At 0847 hours Mr. Maxwell was transferred from the custody of the Vancouver Police Jail staff to the custody of the BC Sheriff Service within the same holding facility complex. Mr. Maxwell's personal belongings were also transferred to the custody of the BC Sheriff Service. Sheriffs testified that he was searched and placed in a holding cell. During his time within the Sheriff's holding facility, he was brought before a judge and remanded in custody to appear in court on December 21, 2022. The facility staff nurses provided his prescription medications prescribed by the Emergency Department physician.

While being held in the BC Sheriff Service holding facility Mr. Maxwell was lodged in two different cells. The first was with another male in custody. Later Mr. Maxwell was moved to a second cell by himself, for security reasons that none of the witnesses could articulate.

Mr. Maxwell was taken from his cell at 1459 hours to be transferred to the custody of two sheriffs transporting persons in custody from the facility to North Fraser Pretrial Centre. Mr. Maxwell was transported in isolation, although no witness could articulate the reason for this decision. During the custody transfer no search was conducted on Mr. Maxwell and he was directed into an isolation compartment of transport vehicle Zulu 9 at 1502 hours. The interior screen door to the compartment was secured; however, the exterior compartment door was left ajar. During the next 31 minutes the two transport sheriffs directed twelve additional male inmates into four other compartments in the transport vehicle. The sheriffs also loaded all the inmates' personal effects in a separate vehicle compartment. At 1533 hours, the sheriff who testified closed and secured the open exterior door to Mr. Maxwell's compartment. This evidence was entered by two of the involved sheriffs and confirmed by video of the custody transfer area and the transfer vehicle loading area.

The second sheriff, who was the passenger and responsible for monitoring the in-vehicle video of each compartment, was not able to testify due to a medical condition. Video of Mr. Maxwell's vehicle compartment was shown to the jury. Mr. Maxwell was observed to be seated on the compartment bench seat fidgeting with his hands around his face. At 1530 hours he was observed to slump over from his seated position. Although the sheriff who closed the exterior door to Mr. Maxwell's compartment at 1533 hours could not recall Mr. Maxwell's position at that time, they indicated it was common for inmates to slump over or reposition themselves to sleep while in transport.

Video shown to the jury confirmed the sheriff's transport vehicle arrived at the North Fraser Pretrial Centre at 1638 hours and parked in the secured loading bay area. The other prisoners and their effects were taken from the transport vehicle into the booking in area of the facility prior to Mr. Maxwell's door being opened by the transport sheriffs at 1654 hours. Mr. Maxwell was found slumped over and unresponsive. Medical staff of the North Fraser Pretrial Center were requested as the sheriff's removed Mr. Maxwell from the transport vehicle compartment and place him supine on the ground beside the vehicle. The facility medical staff attended, administered Narcan, and began CPR. BCEHS assistance was requested.



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Primary Care paramedics attended the scene at 1705 hours and took over resuscitation efforts. At 1710 hours Advanced Life Support (ALS) paramedics attended and continued treatment. All the witnesses who testified to their participation in this period of resuscitation efforts indicated at no point did they observe any sign of life. The resuscitation efforts continued until the ALS paramedics were advised remotely by a physician to discontinue.

Witnesses from the North Fraser Pretrial Centre testified that no information relating to Mr. Maxwell's medical history, including the injuries received earlier in the day, had been received from the BC Sheriff Service prior to the transport vehicle arriving at the North Fraser Pretrial Centre.

RCMP Major Crime Unit investigators attended the scene to investigate. A search of the BC Sheriff Service transport vehicle compartment revealed a small tinfoil ball containing an unknown substance on the floor of the compartment occupied by Mr. Maxwell. Subsequent analysis of the substance within the tin foil revealed traces of heroin and fentanyl.

The involved pathologist testified that an autopsy was performed on Mr. Maxwell on December 21, 2022, with no anatomical cause of death determined. Toxicology samples were submitted for analyses and the subsequent report of the forensic toxicologist identified a potentially lethal level of fentanyl as well as levels of morphine, codeine, heroin, and cocaine. The forensic toxicologist testified and verified the information within their report. The pathologist testified that after reviewing the autopsy and toxicology results their conclusion was the cause of death was acute mixed drug toxicity.



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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: Minister of Public Safety Canada

1. Consider the timely documentation and vetting of parolee's employers within the Parole Service's information system.

**Presiding Coroner Comments:** *The jury heard testimony that the parole officer was not aware that Mr. Maxwell's employer was the intimate partner of Mr. Maxwell's sister and that he was yet to be vetted causing the delay in Mr. Maxwell's overnight stay with his sister's family during Christmas.*

2. Provide sensitivity training for parole officers on parolee pass requests, the approval process, and understanding possible outcomes for the parolees.

**Presiding Coroner Comments:** *The jury heard conflicting evidence as to whether Mr. Maxwell's request to stay overnight with his sister's family had been denied. Both his sister and the person he was in a relationship with indicated he believed the request was denied, while the parole officer advised the request was still under review.*

#### To: Chief Constable, Vancouver Police Department

3. Install a body scanner at the Vancouver Police Department Jail

**Presiding Coroner Comments:** *The jury heard evidence that contraband frequently enters the Vancouver jail facility without detection and that Correctional facilities do have body scanners which reduce the amount of contraband entering those facilities. The jury believed a body scanner in the Vancouver jail facility would assist in better contraband detection, thus making the facility safer for the large transient inmate population moving through the facility.*

4. Ensure arrest reports include consistent hospital/medical treatment documentation and have supplemental arrest reports clearly labelled.

**Presiding Coroner Comments:** *The jury heard and saw evidence that Mr. Maxwell was identified as "violent" on police arrest reports but that was contradicted and unexplained by the involved witnesses. Evidence of two arrest reports which were not consistent in their information, were noted by the jury to not include relevant detailed medical information.*



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**To: Chief Constable, Vancouver Police Department and Chief Sheriff, Sheriff Services**

5. Consider transferring pertinent intake medical documentation from the police personnel to the sheriff personnel and subsequently to the designated holding facility prior to the intake of the person in custody to the holding facility.

**Presiding Coroner Comments:** *The jury heard that North Fraser Pretrial Centre could have received Mr. Maxell's medical history information, especially related to the injuries received and treated previously that day, to prepare for his arrival.*

**To: Chief Sheriff, Sheriff Services**

6. Consider developing policy to require searches when persons in custody enter and exit a Sheriff Services holding facility.

**Presiding Coroner Comments:** *The jury heard testimony and saw (transfer area) video that no search was conducted by the BC Sheriff Service staff when his custody was transferred from the facility staff to the transport personnel. Sheriff testimony indicated that there was an assumption that a search prior to transport was not conducted due to the previous searches by the Vancouver jail facility staff and the Sheriff facility staff. Evidence also indicated that multiple searches within the same agency is not policy, only best practice, especially since pat frisks/searches are not time consuming.*

7. Consider requiring more detailed individual cell check log sheets, including specific observation of detainee status by code.

**Presiding Coroner Comments:** *Exhibits entered demonstrated the Vancouver jail facility documented detailed observations of individual inmate with observation codes, whereas the sheriffs utilized one-line time entries for all inmates with limited detail.*

8. Require by policy, health and safety checks of detainees while in transport vehicles immediately prior to departure and upon arrival at the designated holding facility.

**Presiding Coroner Comments:** *The jury viewed video evidence that showed no physical prisoner checks were conducted of each transport vehicle compartment immediately prior to departure of the transport vehicle or at the arrival of the transport vehicle at the destination.*