



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

Edey

SURNAME

Waylon Jesse

GIVEN NAMES

An Inquest was held at Nelson Law Courts, in the municipality of Nelson

in the Province of British Columbia, on the following dates: August 28 – 31 and September 1, 2023

before: Kimberly Isbister, Presiding Coroner.

into the death of Edey Waylon Jesse 39 Male Female
(Last Name) (First Name) (Middle Name) (Age)

The following findings were made:

Date and Time of Death: January 29, 2015 2035 hours
(Date) (time)

Place of Death: Kootenay Boundary Regional Hospital 1200 Hospital Bench Trail, BC
(Location) (Municipality/Province)

Medical Cause of Death:

(1) Immediate Cause of Death: a) Gunshot wound to head
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 1st day of September AD, 2023

Kimberly Isbister
Presiding Coroner's Printed Name

Presiding Coroner's Signature

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PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner:	Kimberly Isbister
Inquest Counsel:	John McNamee
Court Reporting/Recording Agency:	Verbatim Words West Ltd. David Kwan and Ryan Grist
Participants/Counsel:	Counsel for the Attorney General of Canada representing the interests of the RCMP

The Sheriff took charge of the jury and recorded 11 exhibits. 16 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.

Waylon Jesse Edey (Edey) was a 39-year-old male who lived in the Castlegar area. He spent time working for an electrical union and owned a small handyman business. A family member described how he enjoyed spending time with his children, including various outdoor activities, and had an enjoyment and appreciation for life. Edey had a history of alcohol misuse and was reportedly abstinent in the two months prior to the incident, with a recent relapse. He was also known to use prescription medication as a sleep aid due to ongoing chronic pain as the result of a prior workplace injury.

On January 29, 2015, Edey and a female friend attended a bar and grill in the City of Nelson. Edey was described as loud and intoxicated with slurred speech and erratic behaviour. At approximately 1430 hours the bartender, with the assistance of the bar owner, refused to continue serving Edey and his female friend after being served a single drink. They were asked to leave the bar.

The owner watched Edey and the friend leave the bar, to determine where they might go or if they were going to leave in a vehicle. Edey and the female walked to a blue-coloured pickup truck. The owner of the bar told Edey that Edey was too intoxicated to drive, and a bar employee was asked to contact police. The bar owner also contacted police and provided real-time information about the direction that the pick-up truck was traveling in. The bar owner testified that he could not legally physically detain Edey.

Later that evening, at approximately 1910 hours, Edey attended an A&W restaurant in Castlegar. An employee of the restaurant testified that Edey pulled up to the drive-thru and had a difficult time verbally placing an order. He then pulled up to the restaurant drive-thru window, told the employee he could not locate his wallet and continued driving through.

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Shortly after, Edey returned to the drive-thru lane, indicated that he had found his wallet and wanted to proceed with the order. Edey came to the restaurant window and was described as slurring his words and disorganized with his actions. The employee also saw what appeared to be an open can of alcohol in the centre console. An employee of the restaurant called police to report him as an intoxicated driver. When Edey drove away from the restaurant, police were advised as to the direction Edey was travelling in.

One of the officers (Officer A) testified that his first involvement with Edey, on that day, was with a "be on the lookout" notice issued for a reported intoxicated driver that was refused service at a bar in Nelson. At approximately 1920 hours, Officer A received a call over his police radio, regarding a report from an A & W restaurant of an intoxicated driver. Officer A radioed Officer B to ask if he required his assistance. Officer B confirmed that he did need assistance.

Officer A then conducted his own background research for the reported vehicle, learning that the vehicle was registered to Edey and there were fifty-seven entries on Edey's driving record. These entries included driving while prohibited and failure to stop. It was further reported that Edey had not held a driver's license for nine years.

A short time later, Officer A was traveling slowly eastbound on Highway 3 as he checked the plates of approaching vehicles from the opposite direction. Officer A confirmed Edey's plate and made a U-turn to follow the pickup truck.

Officer A testified that he activated his emergency lights and siren and came up behind the blue pickup truck. While behind the truck, Officer A testified that he saw a single male in the vehicle, matching the description of Edey. Officer A testified that there were no efforts by the truck to slow down or stop because its brake lights were not activated.

After he was briefly positioned behind the truck, Officer A overtook the truck, in the oncoming traffic lane. The officer testified that he was trying to get ahead of the pickup truck to cut him off prior to the truck traveling across the bridge. He was worried about public safety if the truck crossed the bridge into the community of Castlegar.

After passing the truck, and shortly after an overpass, Officer A turned his vehicle perpendicular in front of the approaching pickup truck and blocked most of the westbound lane, in an effort to stop the truck. The pickup truck continued in a forward motion towards the passenger side of Officer A's police vehicle and Officer A got out of his vehicle. The interior dashcam video showed that when Officer A got out of his truck, his police vehicle began to roll backwards. As the police vehicle was rolling backwards, the pickup truck hit the rear of it.

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Officer A testified that he proceeded past the yellow line, changed lanes, yelled "Stop, Police", and drew his firearm. Officer A testified that he ran as fast as he could for the side of the roadway, was blinded by the headlights, raised his firearm, and intentionally fired it four times towards the approaching pickup truck that was heading towards him.

Officer A continued to the side of the roadway, narrowly missing the approaching pickup truck and was grazed on the back of his uniform by the truck's side mirror. Officer A testified that he yelled "shots fired".

Witness A testified that he was traveling in the westbound direction towards the bridge in a semi-truck when he saw police lights in his mirror and pulled over, onto the shoulder. He testified that the unmarked police vehicle had pulled perpendicular across the westbound travel lane and the police officer had exited the vehicle, made his way to the rear of the police vehicle with his weapon drawn and pointed in an easterly direction. Witness A saw the police vehicle slowly moving backwards.

Witness A testified that as the officer continued to move backwards, the pickup truck contacted the police vehicle, which caused the truck to almost stop; however, it continued in a forwards direction. At the same time, the police vehicle rolled backwards and entered a ditch on the southside of the highway and Witness B heard three shots, and saw the truck continue to meander down the highway.

Officer A testified that his gun had jammed and proceeded with a "tap and rack" to clear the jam but it jammed again. After another attempt, Officer A was able to get the gun working and ran after the truck, which was on the bridge deck by then. Officer A caught up to the truck along the driver's side with his gun in a ready position. Officer A testified that when he approached the driver side door, he saw the male driver slumped forward and unresponsive. Officer A broke the driver's side window and opened the driver side door. Officer B then arrived.

Witness A also testified that shortly after the shots, another police vehicle driven by Officer B came onto the scene. Witness A approached Officers A and B and offered to assist with first aid, was initially turned down but was later asked to assist.

Officer A and B testified that they moved Edey from the driver seat onto the bridge deck and, while doing so, noted two beer cans inside the truck. They applied first aid and conducted a physical examination of Edey. They observed a gunshot wound to the left temple and Edey became pulseless shortly thereafter. Witness A, with his seven years of occupational first aid, testified that he identified an injury to the left temporal area, and noted there was no pulse, no pupil reactions, but there was a smell of alcohol coming from Edey.

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Officer A testified that, while chest compressions were being applied, he could smell a strong odour of alcohol. BC Ambulance Service (BCAS) paramedics attended the scene and continued to apply resuscitative efforts, at which time Officer A & B removed themselves.

Two additional witnesses (Witnesses B and C) that were traveling in a vehicle, in an eastbound direction, on the bridge stopped as the incident was unfolding. They witnessed a pickup truck that was on a diagonal roll coming towards them. Witness B reported seeing an individual (assumed to be a police officer) running up to the truck and breaking out a window.

The witnesses saw Edey being moved from the truck onto the bridge deck and efforts to resuscitate Mr. Edey, initially by the police officers and then by BC Ambulance Service (BCAS) paramedics when they arrived.

A BCAS paramedic confirmed that and testified that Edey was transported for approximately twenty minutes to the Emergency Room (ER) at the Kootenay Boundary Regional Hospital in Trail. At 2018 hours, when Edey arrived at the hospital, resuscitative efforts were taken over by hospital staff. After an assessment and consultation with the Intensive Care unit physician, death was pronounced at 2035 hours.

An autopsy, conducted by a forensic pathologist on February 2, 2015, found the cause of death to be a gunshot wound to the head. The autopsy found a single bullet inside Edey's head with the point of entry on the left side of the head, behind the left eye area, with no exit wound present. No other significant injuries were identified.

Toxicological analysis detected a blood alcohol concentration (BAC) of 0.24 (240 mg/L), which is associated with a heavy level of intoxication with alcohol. Amitriptyline was also detected, within a range considered therapeutic for clinical use.

A forensic toxicologist explained that with high levels of intoxication with alcohol, various aspects, such as walking, standing, and balance, can be affected. He said that with intoxication, the ability to operate a motor vehicle can be affected, such as attention, choice reaction time, risk assessment, and judgement of speed and distance, along with steering, braking, and changing of gears.



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The toxicologist explained that the operation of a motor vehicle is a complex task and requires a higher level of concentration. Some degree of impairment is present with a BAC of 0.015 (15 mg/L), with more significant impairment starting at 0.05 (50 mg/L). The Criminal Code of Canada prohibits operating a motor vehicle with a BAC over 0.08 (80 mg/L). As alcohol concentrations go up, the ability to manage divided attention goes down, resulting in slowed processing of information and reduced reaction times. The BAC at the time of collection, would have been equivalent to approximately 11.5 standard beverages (a bottle of beer, a glass of wine or an ounce of liquor), and associated with a significant level of intoxication.

A use of force expert testified about the theory of use of force by police officers. He provided information about the Incident Management Intervention Model used by police to assess and manage risk in all encounters with the public. He discussed the different types of behaviours, situations, and tactical considerations an officer may encounter with a subject and various interventions available to an officer. He provided information regarding the BC Crisis Intervention and De-escalation training; however, it was not in effect in 2015 when this incident occurred. The expert stated that reality-based training with various scenarios is conducted yearly.

A representative from the Independent Investigations Office (IIO) testified about the IIO investigation of this incident and confirmed that the investigation found that Officer A's vehicle had been in reverse gear when Officer A got out of it and it had rolled across the highway until it became stuck with the rear wheels spinning. The Chief Civilian Director of the IIO testified that, in his opinion, body cameras and dashcams in police vehicles would provide neutral evidence in use of force situations and also provides a view from other vantage points that may have not otherwise been available.



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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: Insurance Corporation of British Columbia (ICBC)

1. Review and implement policy changes regarding the insuring of motor vehicles by Court prohibited drivers.

Presiding Coroner Comment: *The jury heard evidence that the deceased was prohibited from driving by the Court but was still able to insure the vehicle.*

**To: Minister of Public Safety and Solicitor General (lead agency)
E Division, Royal Canadian Mounted Police**

2. Explore options for sharing information regarding severe intoxication of patrons with other establishments and police.

Presiding Coroner Comment: *The jury heard evidence that the deceased visited and drank at four different establishments prior to the incident. However, it was confirmed that only one establishment refused service.*

3. Investigate, implement and augment training standards for policing with emphasis on the following:

- Critical incident thinking;
- De-escalation and risk interpretation; and
- Improved reality-based training (focusing on high stress scenarios).

Presiding Coroner Comment: *The jury heard from the use of force expert about current training standards and programs and from the Chief Civilian Director of the IIO regarding the need for more critical-thinking training, reality-based training, and illustrating other jurisdictions' implementation of new types of de-escalation tactics.*

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4. Expedite the implementation of video recording devices, such as body cameras for all frontline officers, and dashcams in all frontline vehicles with the suggestion of front, rear, and side view recording devices.

Presiding Coroner Comment: *The jury heard from Officer A and other witnesses that the implementation and use of a body camera and dash camera footage would have significantly aided the investigation.*

5. Expedite the implementation of current and upcoming technologies being explored that would aid in the de-escalation of critical situations, such as vehicle immobilization technologies.

Presiding Coroner Comment: *The jury heard from Officer A and other witnesses that new and upcoming technologies are always being considered.*

To: Attorney General of British Columbia

6. Review the current *Motor Vehicle Act* to ensure a more robust means to prevent serious and repeat prohibited drivers from operating a motor vehicle, such as monitoring, tracking, incarceration, court ordered treatment, restorative justice, counselling, etc.

Presiding Coroner Comment: *The jury heard multiple times during testimony that the deceased was prohibited from operating a motor vehicle and it was noted on the driver's extract that he had an extensive list of driving prohibitions.*

7. Review the *Criminal Code* to ensure a more robust means to prevent serious and repeat prohibited drivers from operating a motor vehicle, such as monitoring, tracking, incarceration, court ordered treatment, restorative justice, counselling, etc.

Presiding Coroner Comment: *The jury heard multiple times during testimony that the deceased was prohibited from operating a motor vehicle and it was noted on the driver's extract that he had an extensive list of driving prohibitions.*

To: Municipality of Castlegar

8. Review staffing levels on a regular basis to ensure the community is adequately policed.

Presiding Coroner Comment: *Testimony from Officer A noted the low level of staffing at the Castlegar detachment available to assist in the incident and that the nearest police support would need to be deployed out of the Trail detachment.*