



Royal Canadian
Mounted Police

Gendarmerie royale
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CRCC File - Votre référence

Our File - Notre référence

Superintendent Mike Gibbs
"F" Division RCMP
OIC Central District
Saskatoon, SK
S7J 5L6

2016-1490415

Date

October 19, 2017

REGISTERED

Mr. Alvin Baptiste
1882 – 101st Street
Battlefords, SK
S9A 1B1

**RE: Public Complaint – Part VII of the *RCMP Act*
Mr. Alvin Baptiste vs. Sergeant Brent Olberg, Corporal Jeff Carter, Corporal Jason Olney, Corporal Melvin Sansome, Constable Chad Doucette, Constable Michelle Ahlers, Constable Justin Blacklock, Constable Laura Cockrum, Constable Andrew Park, and Constable Mark Wright**

Dear Mr. Alvin Baptiste:

This letter is in reference to your concerns as expressed to the Royal Canadian Mounted Police on December 16, 2016. It refers to allegations against Sergeant Brent Olberg, Corporal Jeff Carter, Corporal Jason Olney, Corporal Melvin Sansome, Constable Chad Doucette, Constable Michelle Ahlers, Constable Justin Blacklock, Constable Laura Cockrum, Constable Andrew Park, and Constable Mark Wright of the Biggar, Battlefords, and Saskatoon Royal Canadian Mounted Police (RCMP). This letter will constitute a final report as required by section 45.64 of the *Royal Canadian Mounted Police Act*.

A thorough investigation has been conducted into your allegations by Inspector Teddy Munro who is an experienced investigator. I had an opportunity to review the investigator's report and, accordingly, I am now in a position to comment on your concerns.

A. Background Information

On August 9, 2016, Colton Boushie was shot just outside of Biggar, Saskatchewan, on a rural farm property. The police officers attending to the scene identified that another male had fled on foot and was subsequently taken to a trailer, matching that of Mrs. Baptiste's residence, on Red Pheasant First Nation. Based on evidence at the scene, there was a possibility that the male could have been in possession of a firearm.

Several officers attended the village of Red Pheasant First Nation to conduct the Next-Of-Kin notification (NOK) and to determine if the other male was in the residence. Upon arrival, officers surrounded the residence on foot while Corporal Olney, Corporal Sansome and Constable Doucette approached the front door of house #555. Ms. Baptiste, along with her son, William Boushie, met the officers on the front steps where members delivered the next-of-kin notification in respects to the passing of Colton. The three officers and the family went back into the residence. The residence was checked and cleared by the remaining officers and within twenty minutes the three officers exited and departed the residence.

B. Nature of Your Complaint

You have alleged the following concerns with regards to Sergeant Sawrenko, Sergeant Olberg, Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock, Constable Cockrum, Constable Park, and Constable Wright:

Allegation #1: Improper Attitude – That the manner in which Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum surrounded Ms. Debbie Baptiste’s home on the night of her son’s death seemed out of the ordinary and was insensitive.

Allegation #2: Improper Attitude – That the manner in which Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum completed the Next-Of-Kin notification (NOK) to Ms. Baptiste on the night of her son’s death was insensitive and unacceptable.

Allegation #3: Improper Search of Premises – That the search conducted by Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum at Ms. Baptiste’s residence on the night of August 9, 2016, was illegal.

Allegation #4: Irregularity in Procedure – That the media release disseminated on August 10, 2016, by Sergeant Brent Olberg was inaccurate and caused further anguish for the family as it made her son appear as a thief.

Allegation #5: Driving irregularity – That Constable Park and Constable Wright put two females, who were taken into police custody and put in a marked police vehicle, at risk by pursuing other vehicles that were near the location of the scene in an effort to locate one of the other persons that had fled the scene.

C. Findings of the Investigation

Allegation #1: Improper Attitude – That the manner in which Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum surrounded Ms. Debbie Baptiste’s home on the night of her son’s death seemed out of the ordinary and was insensitive.

The investigator met and interviewed the family members that were present when police attended the residence on August 9, 2016. The interviews included Ms. Debbie Baptiste, Mr. William Baptiste, Jase Boushie, Skylar Brown, Natasha Baptiste and Marie Baptiste. Every family member felt that there was no need for the police to surround the residence in the manner that they did and it was out of the ordinary and, based on the circumstances, insensitive.

The investigator interviewed the officers that attended Ms. Baptiste’s residence on that evening. From their statements, it was determined that the officers had received information that a male, who fled the homicide investigation, had been dropped off at Red Pheasant First Nation at a trailer matching that of Mrs. Baptiste’s residence. Based on evidence at the scene, there was a possibility that the male could be in possession of a firearm. As a result, the officers attending had two tasks; one was to deliver the NOK notification to Ms. Debbie Baptiste and the other was to safely locate this male. The fact that both tasks were to take place at the same residence at the same time was, as expressed by the investigator, was extremely “unique” in nature. This situation made it difficult and not possible to deal with both tasks separately.

Based on the information available at the time, and for officer and public safety, seven officers attended and stationed themselves around Ms. Baptiste residence. Upon arrival at the residence, Corporal Olney, Corporal Sansome and Constable Doucette approached the front door and spoke to Ms. Baptiste to deliver the tragic news of her son’s death.

Mr. Baptiste, the officers determined that the safety of the public and of themselves was a priority when delivering the NOK notification and, as a result, several officers attended to the residence. Given this information, for safety and tactical reasons, I support the number of officers who attended. After reviewing all of the information, I do not support your allegation.

Allegation #2: Improper Attitude – That the manner in which Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum completed the Next-Of-Kin notification (NOK) to Ms. Baptiste on the night of her son’s death was insensitive and unacceptable.

During their interview, Ms. Baptiste and her son, William Boushie, explained that when the police showed up at their residence that evening, with five to seven police cars, they met the police on the deck and were told of Colton Boushie’s passing. In Ms. Baptiste’s words, she indicated that the male officer asked her, “If she was Debbie Baptiste” and when she replied, “Yes” the officer asked, “What Colton Boushie was to her?” She replied, “My son.” The officer

told her, "He was dead." She fell to the floor and was later helped back into the house by the officers where she, again, fell back to the floor. That is when the officer told her, "Get it together" and asked her, "Have you been drinking?" Both Ms. Baptiste and her son, William, said that those comments were cold and insensitive.

Marie Baptiste indicated, in her statement, that when she arrived at the Baptiste residence she observed an older female officer rubbing William Boushie's back and consoling him. As she was leaving the residence, she noticed an older female officer being compassionate towards everybody. However, Marie also felt that the other officers were not sensitive based on her perspective, but could not provide a specific example during her statement.

When interviewing the officers that were present that evening, Corporal Olney, Corporal Sansome and Constable Doucette advised that they approached the front door where they were met by Ms. Baptiste. Corporal Olney asked, "If she was the mother of Colton Boushie?" and when she indicated, "Yes" he informed her that, "Colton had passed away." Corporal Olney said that Ms. Baptiste took it extremely hard and, shortly after, one of her sons came out to the porch and then ran back into the residence. Corporal Olney asked Ms. Baptiste if she wanted to go inside, to which the officers indicated she did. Once inside the residence, the family occupied the living room with Corporal Olney speaking with Ms. Baptiste and Corporal Sansome speaking to Ms. Baptiste's sons.

Constable Cockrum indicated that she asked Ms. Baptiste if she would like Victim Services to which Ms. Baptiste replied, "No." None of the members interviewed, who were at Ms. Baptiste's residence, recall hearing anyone ask Ms. Baptiste if she had been drinking, nor did they hear anyone tell her to "get it together".

Corporal Olney acknowledged that the situation was "unique" to him; "Trying to be sensitive with the next of kin [notification], but at the same time trying to keep the high risk situation safe was an extreme challenge." Corporal Olney understood that telling someone that their loved one was deceased was a hard thing to hear. However, at the same time, there were so many questions that they could not answer, given that the investigation was underway and it was still unfolding. Corporal Olney understood how their approach could have been perceived as insensitive.

Mr. Baptiste, based on the unique set of circumstances, I can acknowledge how the officer's approach could have been perceived as insensitive and for this the RCMP apologizes. However, given the safety risks involved, the on-going homicide investigation, and the limited information that could be provided by and to the officers, the approach the RCMP had to take was tactical in nature and in this situation it was acceptable. Mr. Baptiste, I know from personal experience that next of kin notifications are never easy to deliver, nor are they to hear.

However, based on the investigation, I do not support your allegation.

Allegation #3: Improper Search of Premises – That the search conducted by Corporal Carter, Corporal Olney, Corporal Sansome, Constable Doucette, Constable Ahlers, Constable Blacklock and Constable Cockrum at Ms. Baptiste’s residence on the night of August 9, 2016, was illegal.

The investigator met and interviewed those that were present when the police attended the residence on August 9, 2016. This included Ms. Debbie Baptiste, William Boushie and Jase Boushie. In the interviews, they indicated that they did not recall giving the police permission to search the residence on the night of August 9, 2016.

The investigator also interviewed every police officer that attended Ms. Baptiste’s residence on that evening. In their interviews, the officers had received information that a male, who had fled the scene of the homicide, had been driven to Red Pheasant First Nation and dropped off at a trailer matching that of Mrs. Baptiste’s residence. There was also a suggestion that, based on evidence located at the scene of the homicide, he may have been in possession of a firearm. As a result, the officers attending had two tasks; one was to deliver the Next of Kin notification to Ms. Baptiste and the second was to safely locate this male. As mentioned, the fact that both tasks were to take place at the same residence, at the same time, was unique in nature. Again, this situation made it difficult and not possible to deal with both tasks entirely separate.

Based on the information and for officer and public safety, seven police officers attended to and stationed themselves around Ms. Baptiste’s residence. Upon arrival at the residence, Corporals Olney and Sansome, along with Constable Doucette approached the front door and spoke to Ms. Baptiste and delivered the tragic news of her son’s death. Corporal Olney stated that he asked Ms. Baptiste to go into the residence after he had delivered the news of her son’s death. Corporals Olney, Sansome and Constable Doucette followed Ms. Baptiste and her son, William Boushie, back into the residence. In the latter part of the conversation, Corporal Olney stated that he was speaking with Ms. Baptiste and her son, who were on the floor, but he was not sure which son he was speaking to as he gets them mixed up. In Corporal Olney’s statement, he asked, “If he could take a quick look around to see if anybody else was in the residence?” Corporal Olney indicated that he remembers the son replying, “Go ahead, take a look, there is nobody here”. Corporal Carter also stated, in his interview, that he recalled either Corporal Olney or Corporal Sansome getting permission to search the residence. The members cleared the residence, room by room, ensuring the male was not present and that the residence was safe. The members also remained with the Baptiste family for twenty minutes.

In this incident, there was no definitive evidence other than the word of the witnesses and the police. While the family were adamant that they did not provide consent to search the residence, Corporal Olney indicated that he received verbal permission from either William or Jase Boushie and this was later confirmed by Corporal Carter. Based on the difference in the recollection of the events by witnesses and that of the officers, I am unable to support your allegation.

Allegation #4: Irregularity in Procedure – That the media release disseminated on August 10, 2016, by Sergeant Brent Olberg was inaccurate and caused further anguish for the family as it made her son appear as a thief.

In their statements, the family members involved felt the media release(s) by the RCMP made Colton Boushie look like a criminal and he '*deserved what he got*'. Their perception was that it created racial tensions and a division between local Aboriginal and non-Aboriginal citizens in the area. On-line social media comments were both supportive and racial in nature.

The investigator reviewed the RCMP National Policy, which stated that a media release should contain the "who, what, where, when, why, and how" without compromising the investigation or privacy interests of the parties involved in the incident. RCMP National Communications also looked at the media releases and determined that RCMP followed the protocols outlined.

Regardless, I apologize if you felt the media releases depicted your son as a thief, and caused your family further anguish, as that was never the intent.

The process, as to how RCMP media releases are created, was also examined by the investigator to ensure that they were approved by the delegated authorities. Initially, media releases begin with a draft by the Major Crimes Team Commander, in consultation with the Communications Unit. Once a final media release has been agreed upon, it is then reviewed and approved by the Officer in Charge of Major Crimes. In reference to this incident, it was determined that the media releases followed this protocol.

In September 2016, the RCMP "F" Division established new procedures in the Communications Unit. Aboriginal Police Services now reviews all media releases regarding serious or sensitive matters that involve Aboriginal people or communities and our officer in charge of our Operations Strategy Branch has final approval of all media releases.

The results of the investigation determined that there were no breaches in the policy nor in the privacy interests of those involved pertaining to the media releases. Based on these results, I do not support your allegation.

Allegation #5: Driving irregularity – That Constable Park and Constable Wright put two females, who were taken into police custody and put in a marked police vehicle, at risk by pursuing other vehicles that were near the location of the scene in an effort to locate one of the other persons that had fled the scene.

The investigation included an interview with a passenger that was in the police vehicle when it left the scene of the homicide. This passenger stated that she had been taken into custody earlier in the day and later placed in the back of the police vehicle. She then indicated that two RCMP officers jumped in the vehicle and drove at a high rate of speed, chasing two other vehicles. The passenger did not know the speed of the vehicle, but believes the chase lasted

over ten minutes. She further indicated that both officers knew she was in the vehicle when they left the homicide scene earlier.

The investigation also included interviews with Constable Park, Constable Wright, Sergeant Sawrenko and Corporal Sansome. The interviews determined that Sergeant Sawrenko was not involved in the pursuit, as you had initially indicated in your allegation.

In their interviews, both Constables Park and Wright indicated that they got into the police vehicle to locate and stop two vehicles that approached the scene. Both officers indicated that they were in a rush and did not notice the female in the backseat of the police vehicle. When they had originally parked their vehicle, they did not have a prisoner. Later, the two female prisoners were separated and one was put into their vehicle. Both RCMP officers indicated that they reached a speed of 90-100 kilometers an hour over a distance of approximately one kilometer, before they were advised by Sergeant Sawrenko to stop. Both Constables Park and Wright stated they terminated the pursuit. The officer's statements were verified by Corporal Sansome, who was in another vehicle in front of the Constables'.

Section 5.4 of the RCMP Operational Manual defines a pursuit as, "the operation of any emergency vehicle for the purpose of apprehending a person/suspect who refuses to stop their vehicle as directed by a peace officer, and attempts to evade apprehension." Based on the investigation, the other vehicles near the location did not refuse to stop as directed by an officer. Rather, it is suggested that Constables Park and Wright were attempting to 'close the distance' between themselves and to direct the vehicles to stop. Closing the distance in the RCMP policy manual is defined as, "catching up to a vehicle, but does not include a pursuit."

Mr. Baptiste, the investigation determined that while the two Constables referred to their actions as a pursuit, albeit not declaring it as a pursuit (in accordance with section 5.4 of the RCMP Operational Manual), their actions could have placed the passenger at risk. Fortunately, Sergeant Sawrenko radioed to the Constables and they resumed an appropriate driving behaviour.

The public complaint process determines whether an allegation is supported or not based upon the concept of balance of probability. In layman's terms, while a Judge or jury in a criminal trial can convict an offender if the Crown has proven beyond a "reasonable doubt", the decision maker in a public complaint has to be satisfied on a balance of probability ("50% +1") that an allegation is or is not supported.

Mr. Baptiste, I take your concern seriously, and based on the investigation, the actions of Constable Park and Constable Wright were not appropriate with a prisoner in the back seat.

As a result of this investigation, I support your allegation. On August 9, 2016, Constable Park and Constable Wright received operational guidance pertaining to RCMP Policy on Emergency Vehicle Operations and safe handling of our prisoners.

D. Conclusion

Please be advised that pursuant to Section 45.64 of the *RCMP Act*, I am notifying you that the investigation into this complaint has now been concluded. Furthermore, according to section 45.7(1), if you are not satisfied with the manner in which your complaint has been disposed by the RCMP, you may request a review by the CRCC for the RCMP by writing to them within 60 days after receiving this RCMP Final Report, at the following address:

Civilian Review and Complaints Commission for the RCMP
P.O. Box 1722, Station B
Ottawa, Ontario
K1P 0B3
Tel: 1-800-267-6637 Fax: 1-613-952-8045
www.crcc-ccetp.gc.ca/en/request-review-form

Yours truly,



Mike Gibbs, Superintendent
OIC Central District
"F" Division RCMP

CC: Sergeant Olberg
Corporal Carter
Corporal Olney
Corporal Sansome
Constable Doucette
Constable Ahlers
Constable Blacklock
Constable Cockrum
Constable Park
Constable Wright
 Mr. Christopher R. Murphy, Barrister and Solicitor
"F" Division Professional Responsibility Unit
National Public Complaints Directorate
Civilian Review and Complaints Commission