



June 8, 2010

Ian McPhail, Chair  
Commission for Public Complaints Against the RCMP  
7337 137 Street  
Suite 102  
Surrey, BC  
V3W 1A4

BY FAX: 604-501-4095

Dear: Mr. McPhail

**RE: RCMP complaint regarding RCMP negligence in Whitehorse**

I am writing on behalf of the BC Civil Liberties Association to initiate a complaint under the *Royal Canadian Mounted Police Act* against the relevant member(s) of the Whitehorse RCMP detachment involved in the detention of Robert Stone, a 34-year old First Nations man, who died on May 2, 2010. We understand that Mr. Stone's family has also made a complaint.

According to media reports, Mr. Stone was initially detained by the RCMP due to intoxication. Mr. Stone was taken to hospital after he complained he did not feel well. It is unclear why Mr. Stone was subsequently transferred to a detoxification centre, but it is there where he passed away.

The BC Civil Liberties Association often makes complaints with regards to deaths in custody in order to seek transparency and accountability. It is particularly concerning that this case in many ways resembles the death of Raymond Silverfox. Mr. Silverfox died in 2008 after spending 13 hours in Whitehorse RCMP custody. Testimony from a coroners' inquest appears to show that RCMP officers and guards did not secure medical attention for Mr. Silverfox as he lay in a pool of his own vomit and excrement. Silverfox died in hospital of acute pneumonia, apparently caused by Mr. Silverfox's inhalation of his own vomit. The inquest also heard that some officers and guards mocked and jeered at Silverfox prior to his death. It is an understatement to call such conduct callous.

A coroner's inquest is supposed to inform the community how a death can be prevented in the future. The lesson that the medical concerns of those in the care of the RCMP supersede policing concerns appears not to have been learned. The BCCLA seeks an investigation to determine whether Robert Stone's transfer from medical care to a detoxification centre was due

to inappropriate influence by RCMP officers to prioritize detention. The BCCLA questions the longstanding unwritten policy of placing those suffering from acute intoxication in police cells rather than hospital beds. As such, the BCCLA is concerned that RCMP member(s) failed to meet appropriate and professional standards in discharging their duty of care towards Robert Stone.

To maintain and enhance the public's confidence in the RCMP, we request that your office monitor this investigation to the extent of your statutory authority.

Sincerely,

A handwritten signature in black ink, appearing to be 'DE', with a long horizontal stroke extending to the right.

David Eby,  
*Executive Director*