

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2016-016

Referral from

Halifax Regional Police

June 16, 2016

John L. Scott
Interim Director
November 3, 2017

Facts

On June 15, 2016, shortly after 10:30 p.m., Halifax Regional Police (HRP) attended the IWK hospital in response to a 911 call from hospital security about an unwanted male. They found Corey Rogers outside of the hospital at the University Avenue entrance and arrested him under the provisions of the *Liquor Control Act* for being intoxicated in a public place. Rogers was taken to HRP headquarters and lodged in cells around 11 p.m. At approximately 1:45 a.m., HRP officers found Rogers unresponsive in his cell. EHS was called and attended the scene. Corey Rogers was pronounced deceased at 1:53 a.m. on June 16, 2016.

In accordance with the requirements of the *Police Act*, shortly after Corey Rogers died, the Halifax Regional Police referred the matter to SiRT, which immediately assumed responsibility for the investigation. The investigation was completed on October 30, 2017.

During the investigation SiRT interviewed six civilian witnesses and reviewed police notes and reports. SiRT obtained and reviewed relevant video, HRP files and policies, and cell block photos. SiRT also acquired 911 and police radio transmissions.

The arrest and placing of Corey Rogers in cells creates a “duty” on the booking officers of HRP to evaluate his medical condition prior to being placed in police cells and to be adequately observed while in cells for the purpose of maintaining his personal safety and well being. Corey Rogers, like any person placed in police cells following an arrest, inherits this “duty” regardless of his state of sobriety.

On November 7, a charge of criminal negligence causing death will be laid against Special Constable Dan Fraser and Special Constable Cheryl Gardner.

Relevant Legal Issues

Did the two booking officers, Special Constable Dan Fraser and Special Constable Cheryl Gardner discharge their legal duty in their dealings with Cory Rogers on the night in question?

According to the Criminal Code of Canada, Criminal Negligence / Definition of “duty” is as follows:

219. (1) Every one is criminally negligent who
- (a) in doing anything, or
 - (b) in omitting to do anything that it is his duty to do,
- shows wanton or reckless disregard for the lives or safety of other persons.
- (2) For the purposes of this section, “duty” means a duty imposed by law.

Where reasonable grounds exist to believe a criminal offence has been committed, the Interim Director may charge the peace officers. Any offence must be proven beyond a reasonable doubt before any accused can be found guilty.

Conclusion

This investigation has led to the conclusion that there are sufficient grounds to lay the charge of criminal negligence causing death against the two special constables. However, as this matter is currently before the courts, in accordance with SiRT policy this report will not discuss the facts of that matter in any further detail. To do otherwise might compromise the fair trial interests of the accused.

The Serious Incident Response Team Regulations under the *Police Act* state that the Director may choose to provide a supplemental summary of the investigation at the conclusion of the prosecution.