



22 May, 2009

Paul Kennedy, Chair  
Commission for Public Complaints Against the RCMP  
PO Box 3423, Station 'D'  
Ottawa, Ontario  
K1P 6L4

Dear Mr. Kennedy,

I am writing on behalf of the BC Civil Liberties Association to initiate a complaint under the *Royal Canadian Mounted Police Act* regarding the in-custody death of 39 year old Derek Welton on March 1, 2009.

Based on media reports, it is to our understanding that five RCMP officers were dispatched in response to a dropped 911 call from a trailer at the Duncan RV Park at approximately 6:00pm on March 1, 2009. Five officers were sent out based on the history of contact the police has had with Mr. Welton as detailed within the RCMP database. Subsequent to the officers' arrival, it was reported that Mr. Welton brandished a knife. The attending officers reportedly used a variety of methods to diffuse the situation including verbal communication and the deployment of a Taser. Ultimately, Mr. Welton was shot and killed by one of the attending officers. This confrontation reportedly took place inside Mr. Welton's trailer.

The BC Civil Liberties Association is concerned about RCMP policy with regards to the information contained in RCMP information databases and how that information affects police conduct. As a consequence of our policy concerns, the BCCLA would like to initiate a conduct complaint against the five attending officers.

The BCCLA understands that it is important for the safety and well-being of RCMP officers to be prepared for adverse scenarios when interacting with persons that have a history of violent behaviour. However, the BCCLA is concerned that such information may negatively influence officer conduct and attitude towards the person in question. In situations where prior violent behaviour is documented, officers ought to exercise a higher level of caution when attempting to diffuse a confrontation. As a corollary, attending officers should take care not to provoke an

individual with a history of violence or otherwise escalate the degree of confrontation. The BCCLA questions whether current policy sufficiently addresses our concerns.

Our policy concerns emanate from the reported conduct by RCMP members in dealing with Mr. Welton. Specifically, the BCCLA is concerned that the five officers, attending only to investigate a dropped 911 call, escalated the degree of confrontation. It falls upon the officers to establish that the reinforced response was coupled with a cautious and careful strategy not to provoke Mr. Welton. Notably, the officer who shot Mr. Welton did so from within Mr. Welton's residence. The BCCLA questions whether the officer had legal authority to enter the residence, and if so, whether the entry unnecessarily escalated the degree of confrontation. Violence and threatening behaviour on the part of Mr. Welton should not be condoned, but Mr. Welton may have found reason to restrict entry to his residence if he found such entry to be without lawful cause.

We understand that there is an investigation initiated by Vancouver Island Integrated Major Crime Unit with cooperation from the Victoria Police Department. As per your recent ruling, we trust that the existence of this investigation will not serve as reason for the RCMP to dismiss this complaint.

In order to enhance public confidence in the RCMP, we respectfully request that your office monitor this investigation to the extent of your statutory authority.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Eby', with a long horizontal flourish extending to the right.

David Eby  
Executive Director  
BC Civil Liberties Association