



CANADA
Province of Alberta

Report to the Minister of Justice and Attorney General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Calgary Court House
in the City of Calgary, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the 22 day of August, 2007, (and by adjournment
year
on the 1st and 2nd day of October, 2007),
year
before Judge Marlene Graham, a Provincial Court Judge,
into the death of Carrie Anne Rivait 27
(Name in Full) (Age)
of 11419 - 8 Street S.W., Calgary, Alberta and the following findings were made:
(Residence)

Date and Time of Death: November 11, 2004 at 1920 hours

Place: Foothills Medical Centre, Calgary, Alberta

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – The Fatality Inquiries Act, Section 1(d)).

Cocaine and Morphine Toxicity

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – The Fatality Inquiries Act, Section 1(h)).

Unclassifiable

Circumstances under which Death occurred:

Refer to pages 3 to 9

Recommendations for the prevention of similar deaths:

Refer to page 9

DATED 31st day of July, 2009

at Calgary, Alberta.

Original signed by

Judge Marlene Graham
A Judge of the Provincial Court of Alberta

Summary

Carrie Anne Rivait, at the age of 27 years, died on November 11, 2004. At the time of her death, she was a resident at a half way house in Calgary, Alberta, having been released from the Edmonton Institute for Women (“EIFW”) approximately 10 days earlier. She passed away as a result of a drug overdose. She was found dead, or close to death in the home of a previous boyfriend, approximately 24 hours after she failed to return to her half way house, November 10, 2004, in accordance with her curfew. She was declared dead at the Emergency Unit of the Foothills Medical Centre on November 11, 2004 at 1920 hours.

By Order signed by the Deputy Attorney General on August 15, 2005, a public fatality inquiry was ordered to be conducted by a provincial court judge without a jury.

This Fatality Inquiry is a mandatory one under the Fatality Inquiries Act, as the deceased died while a prisoner and died off the premises and while not in the official custody of the penitentiary.

Edmonton Institution For Women

Carrie Anne Rivait (“Rivait”), born on July 26, 1977, was a first time federal offender, serving a 2 year, 3 month, 28 day sentence at the EIFW for robbery, trafficking, assault with intent to resist arrest, soliciting, theft under, obstruct peace officer, failure to comply, failure to attend court (x2), and possession of property obtained by crime. She had a prior Criminal Record which commenced while she was a youth of 15 years. Her adult record commenced at age 21 years. Her sentence commenced on October 16, 2002 when she was 25 years old.

While no birth registration documents were put before the Court, I accept that Rivait was a Canadian citizen, with a date of birth of July 26, 1977, as this date was consistently recorded on all of the Correctional Service of Canada documents from the EIFW and on the Certificate of Medical Examiner.

Rivait was a known drug user and her crimes were directly related to her substance abuse issues. She had also been a known prostitute who worked in order to buy drugs for personal use.

While Rivait was described as high functioning, she struggled throughout her life to abstain from drugs. While she had periods of success in this regard, she could not maintain long term abstinence.

Her drug use intensified some five years before her death, when her young daughter was apprehended and later adopted by a family. She coped with her grief and quilt with drugs.

Throughout her life her parents were supportive of her, particularly her mother.

At the time of her death, she was actively job hunting and intended to pursue the Horticultural Program at Olds College.

Rivait was paroled on June 9, 2003, to Horizon House, a half way house in Red Deer, Alberta, but soon thereafter Rivait breached her parole conditions. Day parole was suspended on July 8, 2003 when she failed to return to Horizon House. She had relapsed into drug use when an inmate brought drugs into the house and she was unable to resist using. She was apprehended later in the year after incurring further criminal charges and returned to the Edmonton Institution for Women on October 31, 2003 when her parole was revoked.

A review of Rivait's Correctional Service of Canada file shows that she signed up for and successfully completed substance abuse programs, and attended Narcotics Anonymous meetings while an inmate at EIFW. She also completed Module I and II of the Community Maintenance Relapse Prevention programs and the Women Offenders Substance Abuse Program offered at the Institution. She was participating in Module III when she was released on Statutory Release November 1, 2004. Plans were in place for her to continue with Module III in the community while she was at Berkana House. Maintenance and relapse prevention, sponsored by Correctional Service of Canada were to be continued in the community.

The staff at EIFW was optimistic about Rivait's prospects. Although they were aware that Rivait had a severe and long standing drug abuse problem, she had abstained from using drugs while in prison and presented as high functioning, stable, sincere and motivated when it came to continuing her sobriety while on release. She seemed to understand the effort that would be required to abstain from the consumption of illicit drugs once she was released into the community. She had also applied herself diligently to the substance abuse programs while in the Institution.

EIFW staff was involved in assisting Rivait in formulating a plan to assist her to the extent possible with her transition from the Institution into the community.

Rivait's initial release plan was to be assigned a parole officer out of the Kamloops, British Columbia office and to reside with her mother in the B.C. interior. Shortly before her release date, Rivait informed staff that she had changed her mind and now wanted to modify her release plan and reside in Calgary, Alberta. She had arranged to reside with a male friend.

There was a great deal of concern and reservation about Rivait's change of plan and residence proposal. Calgary was the location where the crimes, drug abuse and unhealthy criminal lifestyle had taken place. Also in Calgary were a number of undesirable people and negative associates, who had been instrumental in condoning her previous criminal lifestyle. Rivait was also familiar with Calgary and the undesirable locations in the city where having contact those undesirable people would be likely, and where there would be easy access to drugs.

The male friend with whom she wanted to live was assessed as completely inappropriate.

The staff at EIFW, after discussions with Rivait, were instrumental in supporting Rivait's decision to reside as a client at a half way house, namely, Berkana House in Calgary. This was a voluntary placement. Rivait was not compelled to live at a half way house. Having decided to do so, and hoping to take advantage of the opportunities available at Berkana House, she signed on. As a volunteer client of a half way house, she would be compelled, nonetheless, to follow the house rules. Failure to do so could result in her being re-incarcerated.

Approximately 10 days prior to her death, on November 1, 2004, she was released from EIFW on Statutory Release. She was now 27 years old.

In addition to the mandatory release conditions affecting all offenders on statutory release, Rivait was subject to a special condition imposed by the National Parole Board that required her to abstain from all intoxicants.

Berkana House

Upon release from the EIFW on November 1, 2004, Rivait boarded a bus and traveled to Calgary, Alberta. She was met at the bus station by Gwendolyn Tennent (“Tennent”), a counselor from Berkana House. Rivait’s boxed possessions arrived on a different bus and Tennent and Rivait had to wait for her luggage to arrive. This delay was communicated to Rivait’s parole officer, Leigh Saxton (“Saxton”), such that her initial meeting with Saxton, which was to take place immediately upon her arriving in Calgary, was delayed until the next morning.

Once her possessions arrived by bus, Tennant and Rivait drove to Berkana House, located in south Calgary where Rivait commenced setting up residence.

Berkana House is a residential setting where the residents have their own self contained apartments, with access to a common area and a kitchen. There are two offices for staff and a reception area where the residents sign out when they leave and sign in when they return.

Rivait, similar to other new arrivals, was placed under a house curfew, whereby she was not allowed to leave Berkana House, unaccompanied, for a 7 day period.

Once the house curfew was lifted, if she chose to leave Berkana House to seek employment, shop or do other approved activities, Rivait was to telephone into the residence every two hours. She was also on a curfew that required her to be back in Berkana House by 6:00 p.m. every evening.

She also had a restriction on visitors, including three males her parole officer identified and determined were counter productive to Rivait’s successful reintegration into the community. One of those males who was not allowed to visit Rivait at Berkana House was John B. who was identified as an “ex-partner.” Another ex-partner on the list was identified as “Paul”, who was currently on parole. Rivait’s family was encouraged and allowed to visit her.

At Berkana House, Rivait was assigned a Case Worker, also referred to as a Case Manager, named Cindy Holmes (“Holmes”). Other staff would also supervise Rivait and the other clients or residents around the clock, making brief notes of their activities and interactions with Berkana House staff.

Carrie Anne Rivait’s 10 Days on Statutory Release

Rivait’s days in Calgary after being released from EIFW, and her brief residency at Berkana House, were unremarkable. After spending her first night at Berkana House, Rivait met with her parole officer Saxton. Conditions of her release were discussed and initial plans were formulated to assist Rivait with her transition into the community.

Immediately upon becoming a client or resident of Berkana House, she completed orientation, met with her Case Manager Holmes, and reviewed the goals and objectives for her stay at Berkana House.

All reasonable efforts were made by her parole officer and Berkana House staff to ensure Rivait connected with the people in the community that would enhance her transition. She was encouraged to be open and honest with her case workers, and residential counselors should she have any difficulty adjusting to her new residence and situation. They spoke about what had triggered her drug use in the past and discussed how to either avoid those triggers or cope with them if they arose.

Programming was being put in place to allow Rivait to continue with her relapse prevention program that she had successfully completed while in the EIFW. Rivait had access to programs, support personnel and other resources to assist her in connecting with the Calgary community. On November 5, 2004 she completed a Case Plan that set out her goals of obtaining independent housing and employment. An application for Calgary Housing was filled out and faxed. The activities she would have to undertake to reach her goals were discussed and Rivait had prepared a resume to assist in her job search.

Rivait's house curfew was lifted quickly. Typically, house curfew lasts approximately one week. The Berkana House log shows she signed out, apparently unaccompanied, on November 3, 2004 in order to go to an interview at a temporary agency in the downtown area.

Saxton advised Berkana House staff that they were to watch closely Rivait's associates, especially her ex partner John and two other males. As stated earlier in this report, these three undesirable contacts were prohibited from visiting Rivait at Berkana House.

Rivait had some geographical restrictions and was not allowed to be downtown or travel to known drug use areas in the city. There appears to have been some exceptions if Rivait needed to be downtown to go to interviews for potential employment.

On November 3, 2004, Rivait, upon being asked, reported that she had "bumped" into her ex-partner Paul with whom she still wanted to have a relationship. Paul was on parole and not allowed to visit Rivait at Berkana House. Regardless, Rivait visited with Paul at Boston Pizza. This contact with an identified "undesirable" took place only 48 hours after Rivait's release.

The next day, Saxton assured Rivait she would speak to Paul's parole officer, and assuming Paul was stable, there would be further discussion about facilitating a safe meeting. Saxton wanted to avoid putting Rivait in a difficult situation where she may be tempted to use drugs again. Subsequently Rivait asked her Case Worker Holmes for a bus ticket so she could visit Paul, despite knowing that this contact was not presently possible.

A review of the house log and counselor's notes show that Rivait may have been beginning or continuing to reconnect with some of her negative associates from her days before she was imprisoned for her numerous crimes. On November 5, 2004, there is a note in the Berkana House log that Rivait was dropped off by a friend. Other entries show she was using the telephone and there were suspicions that she was arranging to meet someone.

On November 6, 2004 the log states that Rivait received a telephone call from an unknown male caller.

Most of the suspicions recorded in the log were not investigated and remained just suspicions.

There was very little direct evidence about Rivait's contacts and activities between November 2 and November 10, 2004, when she failed to return to Berkana House at 6:00 p.m.. Approximately 24 hours later, she would be declared dead at the Foothills Emergency Unit, having suffered a fatal drug overdose.

November 10, 2004

On November 10, 2004, Rivait left Berkana House at 10:35 a.m. when she signed out. She wrote on the sign out sheet a brief note, stating that it was her intention to drop off her resumes, suggesting continuing job search efforts. Gwendolyn Tennent was on reception and accepted her plan.

Based on an entry made at 3:45 p.m. in the daily log that “Carrie called in at 1:00 p.m.”, Tennent strongly believed that Rivait had called in both at 1:00 p.m. and at 3:45 p.m.. Tennent stated that she had no suspicions based on the calls.

Rivait was required to be back at Berkana House at 6:00 p.m.. She did not return. At 6:10 p.m., Devon Read, a residential counselor called the parole duty office and reported that Rivait, a Berkana House client or resident, failed to return that day.

A warrant was issued for Rivait’s arrest at 6:25 p.m. for non-compliance with her statutory release conditions.

Shortly thereafter, the residential counselor prepared an Incident Report, telephoned Rivait’s parole officer, Saxton, and left a voice message. He also faxed the Incident Report advising Saxton of the breach of curfew by Rivait.

November 11, 2004 was a statutory holiday in Alberta. Many of the Corrections staff would not be made aware of the breach, warrant for arrest or Rivait’s death until November 12, 2004.

November 11, 2004 (Including Date and Time of Death)

At approximately 9:00 p.m., November 10, 2004, Rivait arrived at the home of John B., one of the males who was not allowed to visit her at Berkana House, and asked if she could spend the night at his house. John B. agreed, as did his brother Nick B., who owned the home in northwest Calgary.

Neither John B. nor Nick B. testified at the Fatality Inquiry. However, according to the witness statements, on November 11, 2004, at around 6:00 a.m., John B. drove his brother Nick to work. At approximately 3:00 p.m. John B. left the home to go pick up his brother from work. As he left, he noticed Rivait sleeping on the couch. When both brothers returned home later in the afternoon, Rivait was still apparently sleeping on the couch.

At approximately 5:00 p.m., John B. checked on Rivait, tried to awaken her and found her unresponsive and not breathing. He called 911 and asked that EMS attend. He was instructed to begin administering CPR on Rivait, which he did. EMS arrived and took over the resuscitation efforts and transported Rivait to Foothills Medial Centre Emergency, where she was found to be in full cardiac arrest. She was declared deceased at 7:20 p.m., or 1920 hours, when she was taken off the ventilator. Foothills Emergency telephoned the Medical Examiner’s office as Rivait was identified as a person on Statutory Release who had passed away. The Medical Examiner’s office telephoned the Calgary Police Service Communications. Both the Medical Examiner’s staff and CPS thereafter attended the house where Rivait had earlier been found by EMS.

Constable Russell saw drug paraphernalia, including a syringe, in the home where Rivait was found. Knowing that Rivait’s death was caused by cocaine and morphine toxicity and considering his observations and investigation, Constable Russell concluded that her death was

not caused by foul play, but was either the result of a conscious drug overdose decision (suicide) or an accidental drug overdose.

Notes, apparently in the handwriting of Rivait, along with her typed resume, were found in the residence. They included a list of businesses and addresses likely used for job hunting. There were also pages of prose referencing lost love and regrets. The last page bears the date of September 2003, and thus, I find it is unlikely that they constitute a suicide note.

Autopsy and Toxicology

Autopsy

The autopsy of Rivait took place on November 12, 2004 and identified her immediate cause of death as Cocaine and Morphine Toxicity.

While there was no evidence of significant recent injury consistent with long-term substance abuse, her lungs had foreign material in the blood vessels consistent with intravenous substance abuse. The weight of the heart was significantly increased.

She had a fresh needle puncture mark on the inside of her left elbow that may have been caused by the treatment she received from EMS or Emergency unit staff. She also had evidence of a red needle puncture lesion on her right foot that may have been caused when she was injected with the drugs that caused her death.

Toxicology

Drugs were found in the specimens of Rivait's blood. The toxicology report states

*Blood concentrations of cocaine resulting from non-fatal recreational abuse are generally less than 0.5mg/l; concentrations greater than 1 mg/l are potentially life-threatening. However, cocaine has a plasma half-life of 30 – 90 minutes, therefore postmortem blood cocaine concentrations may not be a reliable indicator of the dose ingested/injected. Benzoyllecgonine and methylecgonine are major chemical/metabolic breakdown products of cocaine. **The amounts of benzoyllecgonine in this case are significantly high.***

In layman's terms, Dr. Peter Singer, Deputy Chief Toxicologist at the Medical Examiner's office testified and explained that the Alberta toxicology lab received specimens of Rivait's blood and the initial screening showed the sample was positive for cocaine metabolites and morphine and its metabolites. Thereafter, a more precise testing was done on the specimen.

Those further tests showed that the drugs in her system showed a "significant dose" but the test results were unable to quantify the dose the deceased received. He explained in some detail that the effects of the morphine component in her blood would act as a depressant, whereas the cocaine would act as a stimulant, in other words, one drug would counter the effects of the other drug. The combination would affect the oxygen available to her brain, resulting in her death.

Manner of death

Dr. Singer offered the opinion that her history showed Rivait did not use drugs while in prison. Her tolerance to illicit drug consumption would have decreased as a result. Assuming she voluntarily took the drugs that ultimately killed her, she may have over estimated the amount of drug her body could tolerate, resulting in an accidental overdose.

While it appears likely the overdose was accidental, the mode or manner of death could not be determined for certain. Thus, according to the Certificate of Medical Examiner, the manner of death was deemed “unclassifiable”.

Other findings and conclusions

There were changes that occurred in the practices, under new management, at Berkana House after Rivait's death. These changes included extending house curfew beyond seven days until staff and resident were comfortable, limiting the number and location of community meetings, enforcement of the signing in and out and calling in by residents as well as better communication between Berkana House and the Calgary Parole Office.

While these changes would no doubt enhance the supervision of future residents, I do not find that the procedures in place at Berkana House at the time contributed to Rivait's death.

Likewise, I agree with the finding of the internal review by J. Timothy Fullerton, District Director, Southern Alberta District Parole, that Rivait's case was managed in an appropriate manner and in compliance with the policy framework in place at the time.

In conclusion, Rivait was doing reasonably well in her first week of mandatory supervision, seeing her parole office, job hunting, getting a Narcotics Anonymous sponsor and attending the first meeting of relapse prevention.

However, she had a history of relapsing and she was at high risk back in the city of Calgary, as previously described.

Charlene Douglas, parole supervisor with Corrections Canada, who gave evidence about the policies and protocols of Corrections Canada and how they were applied in Rivait's case, captured the essence of Rivait's problem when she expressed the view that when you are dealing with addicts, they can change in an instant. This will always be a possibility, despite the implementation of all conditions, policies, programs and resources to help addicts remain clean.

Recommendations

Thus, there are no recommendations arising out of this Fatality Inquiry that would serve to prevent similar deaths.