

Manitoba Ombudsman

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June 10, 2008

The Honourable Raymond E. Wyant
Chief Judge
Provincial Court of Manitoba
5th floor – 408 York Avenue
Winnipeg MB R3C 0P9

Dear Chief Judge Wyant:

Re: Inquest into the Death of Dennis Junior St. Paul

I am writing to advise of the results of the inquiries made by my office concerning the inquest report recommendations dated July 14, 2006, issued by the Honourable Judge B. Stewart into the death of Dennis Junior St. Paul.

Mr. St. Paul came to his death in Norway House, Manitoba on January 3, 2005 by means of a gunshot wound to the chest causing massive hemothorax. This death resulted during the execution of a warrant of apprehension whereby a member of the Royal Canadian Mounted Police (RCMP) discharged his service firearm.

The Chief Medical Examiner called for an inquest pursuant to subsection 19(3) of *The Fatality Inquiries Act*. The inquest report was released on July 19, 2006.

As you are aware, it is the practice of my office to follow up on inquest recommendations if they involve a provincial department, agency or municipality. In this case my office made inquiries with Manitoba Justice and consulted with the RCMP. The following are the recommendations and the responses received.

RECOMMENDATION ONE:

One of the most obvious conclusions this inquest can come to after listening to the evidence of both the community and the various RCMP witnesses is that Norway House has been and is grossly understaffed for both the size of the community and the number of files processed yearly. This Judge has seen in the circuits served by the northern judiciary an alarming trend to such understaffing/funding in many of our northern First Nations communities.

The one conclusion which is apparent is that these communities, and especially Norway House citizens, are at greater risk of having less effective law enforcement and personal safety due to the understaffing of the RCMP detachments. In addition,

RCMP members are not only subject to burnout due to the number of files for which they have responsibility at any one time, but more importantly they risk personal safety and ultimately life due to such circumstances. This inquest recommends that the RCMP through its Division "D" executive committee meet with the Province of Manitoba, and thereafter the Government of Canada, to immediately fund an increase in resources to provide the community of Norway House and those other northern communities which have been identified under Band A Resource Division Priority with full police resources to augment the safety of those communities and the RCMP members serving there.

RESPONSE:

It would appear that the current RCMP member establishment in those communities identified under the Band A Resource Division Priority, with the exception of Norway House, is reasonably consistent with the 2008 resource estimate. The current needs assessment for Norway House remains at 19 members.

To date, the RCMP has increased its policing resources in Norway House to 14 members from the 9 member establishment which was in place at the time of the shooting as indicated in the inquest report. Manitoba Justice advised my office that it is the intention of the RCMP to add two more officers in 2008/09.

We are advised that one of the difficulties involved in increasing the member establishment in Norway House is the on-site infrastructure. In response to recommendation #3 of the Sherrill Wilfred Forbister Inquest Report, the Department of Justice indicated that on-site infrastructure continues to be an issue at Norway House. To assist in addressing the situation, two duplexes were designed and underwent the tendering process. When this process was finished, the duplexes were then transported to Norway House for member occupancy. We were recently informed that the duplexes are anticipated to be ready for member occupancy at the end of June 2008.

The Department of Justice provided my office with clarification respecting the estimated number of members required for each community listed in the Band A Resource Division Priority, and advised that the Band A Resource Division Priority list is one of many tools that the RCMP uses to assess its resource needs. The RCMP explained that the estimated number of members for each community is not static and can increase or decrease on a yearly basis depending on a number of factors.

Although the Province provides funding to the RCMP through the Provincial Police Service Agreement (PPSA), the Province does not dictate to the RCMP the allocation of its human resources within the various detachment areas. It is also our understanding that between 2005 and 2008, the PPSA complement increased from 622 to 654 members. This increase to policing resources has permitted the RCMP to adjust the member complement in many of the communities listed in the Band A Resource Division Priority.

Both the Department of Justice and RCMP have advised that they remain committed to enhancing policing resources in those northern communities that continue to experience shortages.

RECOMMENDATION TWO:

Finally, from a procedural view I want to compliment inquest counsel, Mr. Minuk, in the organization and filing of computer friendly exhibits, statements and documents under an Adobe Reader/PDF format which allowed all participants ease of access. It is finally recommended that all future inquests be funded sufficiently by the Province of Manitoba to provide resources sufficient for future inquests with such ability to format their exhibit documentation in this format.

RESPONSE:

We were advised that as a result of the disclosure related recommendations of the Driskell Inquiry, Prosecutions has significantly improved its scanning capacity. While circumstances may not allow inquest counsel to provide electronic documents in every case (e.g. the preference of the presiding judge or counsel for paper materials), over the long term as Prosecutions moves to electronic disclosure, they will endeavor to ensure that inquest materials are put into electronic format. Given the relatively small number of inquests, they do not feel that this should be a significant resource issue.

Based on our review of this matter, it would appear that reasonable consideration has been given to the above noted recommendations. As such, our file concerning the Dennis Junior St. Paul Inquest Report has been closed.

Yours truly,

Original Signed by

Irene A. Hamilton
Manitoba Ombudsman

cc Mr. Ron Perrozo, Deputy Attorney General, Deputy Minister of Justice
Dr. A. Thambirajah Balachandra, Office of the Chief Medical Examiner