

Manitoba Ombudsman

750 – 500 Portage Avenue
Winnipeg, MB R3C 3X1
Telephone: 204-982-9130
Toll Free in Manitoba: 1-800-665-0531
Fax: 204-942-7803
E-mail: ombudsma@ombudsman.mb.ca
www.ombudsman.mb.ca

August 20, 2018

Danny Smyth
Chief of Police
Winnipeg Police Service
P.O. Box 1680
Winnipeg, MB R3C 2Z7

500 av. Portage, Pièce 750
Winnipeg, MB R3C 3X1
Téléphone : 204-982-9130
Sans frais au Manitoba : 1-800-665-0531
Télécopieur : 204-942-7803
Courriel : ombudsma@ombudsman.mb.ca
www.ombudsman.mb.ca

Inquest into the Death of Daniels, Eric Our file: 2018-0326

Dear Chief Smyth:

As you are aware, the Manitoba Ombudsman has a procedure for monitoring inquests called by the Chief Medical Examiner (CME) under the Fatality Inquiries Act. A Provincial Court Judge is assigned conduct of the inquest proceedings and following completion of the inquest, we obtain a copy of the inquest report issued by the Judge.

If the inquest report contains recommendations directed at or within the jurisdiction of a Manitoba government department or agency, or a municipal authority, we make inquiries to determine what action that office may be taking with respect to the recommendations.

The inquest report into the death of Eric Daniels was released on July 3, 2018 and based on the findings of the Honourable Provincial Judge Sandra Chapman, no recommendations were made in this instance. In the report, Judge Chapman outlined the circumstances that led to the death of Eric Daniels. A summary is as follows:

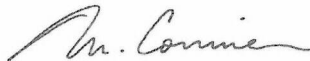
On the night of March 6, 2010, in Winnipeg, Eric Daniels was observed by Cst. McLeod and Cst. Lofto waving his arms, while holding up a machete in a threatening manner. The two police officers stopped, exited their police vehicle and gave verbal commands to Mr. Daniels to drop the machete. Mr. Daniels ignored the commands and quickly advanced towards the police officers with the machete still raised in a threatening manner. As Mr. Daniels advanced towards both officers, they drew their pistols and fired at Mr. Daniels, hitting him and causing his death. The force used by Cst. McLeod and Cst. Lofto in the totality of the circumstances was a justified use of force. Mr. Daniels's very unfortunate demise was wholly due to his actions and the officers had no option but to fire their weapons as they did.

Judge Chapman held that, having heard all of the evidence from the inquest and having reviewed the documents filed, there were no recommendations she could make to prevent a similar death from occurring in the future.

In light of the above, this letter is for notification purposes only, as we have no further action(s) to take regarding this inquest. Accordingly, we will not be providing any report on the matter to the Provincial Court Chief Judge. However, we will note on our website that no recommendations were issued on this inquest, and that our office is taking no further action and closing our file.

If you have any questions or require clarification, please contact me directly at (204) 982-9164.

Yours truly,



Marc Cormier
Acting Manitoba Ombudsman

cc: David Kuxhaus, Manager of Ombudsman Investigations
Kim Carswell, Legal Counsel, Winnipeg Police Service