

Manitoba Ombudsman

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February 14, 2019

The Honourable Chief Judge Margaret I. Wiebe
Provincial Court of Manitoba
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RE: Inquest into the Death of Christopher Chastellaine

Dear Chief Judge Wiebe:

As you are aware, it is the practice of our office to follow up on inquest recommendations when they relate to a Manitoba government department, agency or municipality. I am writing to advise you of the results of the inquiries made by our office concerning the recommendations made by Associate Chief Judge Anne Krahn in her report regarding the Inquest into the Death of Christopher Chastellaine, issued on February 12, 2018.

BACKGROUND

Christopher Chastellaine was arrested by the Winnipeg Police Service on May 22, 2014. While in custody, he was involved in an altercation involving six police officers and subsequently lost consciousness. It was later determined that he suffered irreparable brain damage and he stopped breathing. Mr. Chastellaine died on May 26, 2014 at the age of 40 years old.

RESPONSE TO INQUEST RECOMMENDATIONS

In the inquest report, the judge made four recommendations. We made inquiries with the WPS and Manitoba Justice on May 2, 2018 to determine what steps they had taken to implement the recommendations in this matter. Manitoba Justice's initial response was received by our office on June 4, 2018. The WPS's response to the recommendations was received on June 21, 2018.

In response to Recommendations #1, 2 and 4 in this matter, Manitoba Justice advised that it has distributed a Manitoba Police Information Note (MPIN) to all police agencies aside from the WPS. This MPIN is dated January 30, 2019 and a copy is enclosed with this letter for your reference.

The detailed responses received are set out under each recommendation below.

Recommendation #1

That the circumstances of this Inquest be used in scenario-based training to demonstrate that backing away from a confrontation is an option to be considered and can be a useful de-escalation technique.

In its response to our office, the WPS advised that it provides mandatory training to all police officers. A major component of this training is tactical communication and de-escalation techniques. These skills are taught in both classroom and live scenario-based training. The WPS also provides specific de-escalation tactics for cell extractions. The WPS further stated that de-escalation and tactical communication are also part of regular mandatory training provided to officers every other year.

The WPS advised our office that since 2015, it has provided scenario-based training on the Chastellaine fatality in the Criminal Investigators and Risk Management courses.

Recommendation #2

That the Winnipeg Police Service's training reflect that police officers should consider in what circumstances it is necessary to seize clothing from a suspect incident to arrest.

The WPS stated that as per its response to Recommendation #1, this training has been provided since 2015. The training has since been added to the Search and Seizure lecture presented during various WPS training in subjects such as Uniform Operations Investigative Techniques, Major Sex Crimes Investigators, Criminal Investigators, Child Abuse Investigators, Newly Promoted, Police Recruits, Central Processing Officers and Field Training courses, in order to reach a broad scope of officers.

Recommendation #3

That the Manitoba Government study the feasibility of legislation which would allow for confidential debriefing processes for police services to promote candid analysis of the circumstances surrounding a death to promote self-assessment and continuous education.

Manitoba Justice's response to our office advised that, as noted in the inquest report, this recommendation stems from Justice Frank Iacobucci's report to the Toronto Police Service (TPS) entitled *Police Encounters with People in Crisis*. Justice Iacobucci recommended the creation of a service-wide procedure for debriefing, including the debriefing of incidents

involving people in crisis and incidents involving use of force. He further recommended that “[t]he TPS develop a procedure that permits debriefing to occur on a real-time basis despite the existence of a Special Investigations Unit investigation”, and that the procedure should be crafted so as “not to interfere with external investigations, and maintain the confidentiality of the debriefing process in order to promote candid analysis and continuous education”.

The department further advised that the TPS did not implement the debriefing recommendations from the Iacobucci Report due to the potential for adverse outcomes, including putting the psychological well-being of members at risk and undermining members’ capacity to provide accurate first-hand testimony. Instead, they relied on established systems and processes to achieve the intent of the recommendation, which the TPS concluded was for the police service to learn from critical incidents.

Manitoba Justice stated that, in its view, the intent of the inquest judge’s recommendation is not unlike Justice Iacobucci’s – continuous learning. It explained that in Manitoba, there are a number of opportunities for police services to learn from critical incidents and major events, including:

- Reviews by a police service’s Professional Standards Unit
- Independent Investigation Unit investigations of police-involved incidents resulting in serious injury or death
- The ability of the Chief Medical Examiner to make recommendations to the Minister of Justice to prevent deaths in similar circumstances
- Operational debriefing
- Scenario-based training debriefs

The department stated that inquests under the Fatality Inquiries Act and the recommendations made by inquest judges to help prevent similar occurrences are also instructive. In this case, Associate Chief Judge Krahn identified opportunities to enhance the scenario-based training delivered by municipal police services to minimize physical confrontations in certain situations.

Recommendation #4

That the facts of this Inquest be used in scenario-based training to exemplify circumstances where it would not have been necessary to seize the actual clothing from a suspect.

The WPS advised that, as indicated in its response to Recommendations #1 and #2, this scenario-based training has been implemented in a number of WPS training courses.

CONCLUSION

Given that each of the recommendations have been implemented or responded to by Manitoba Justice or the Winnipeg Police Service, our office is concluding our monitoring of this matter at this time.

Please note that an electronic copy of this report will be posted on the Manitoba Ombudsman website at www.ombudsman.mb.ca.

Yours truly,



Marc Cormier
Acting Manitoba Ombudsman

cc: Dave Wright, Deputy Minister, Manitoba Justice
Danny Smyth, Chief of Police, Winnipeg Police Service
Dr. John Younes, Chief Medical Examiner, Manitoba Justice

Enclosure

Manitoba Police Information Note

Christopher Chastellaine Inquest

01/30/19

Manitoba
Justice

Report on Inquest and Recommendations of Associate Chief Judge Ann Krahn Released on February 12, 2018

In the afternoon of May 22, 2014 Christopher Chastellaine went to the liquor store. A cashier at the liquor store noticed that Mr. Chastellaine had been drinking and appeared intoxicated. As a result, the cashier refused to sell Mr. Chastellaine any more liquor. Mr. Chastellaine became angry and left the store. As Mr. Chastellaine was leaving, he spit on the back of the cashier. This was captured on the store's surveillance cameras. The police were called because the cashier wished to press charges.

Members of the Winnipeg Police Service investigated and decided to charge Mr. Chastellaine with assault. They went to Mr. Chastellaine's residence which was nearby and arrested him. He was taken to the Hartford Street police station at approximately 7:00 P.M. Mr. Chastellaine was lodged in a holding room. At midnight the two investigating officers decided to seize Mr. Chastellaine's clothing incident to his arrest. The officers had noted Mr. Chastellaine was wearing the same clothes as they had seen on the video from the liquor store. The officers felt that the clothes would be important evidence to help establish identification. The two officers entered the room with paper clothes, intending that this paper clothing would be given to Mr. Chastellaine when his t-shirt and shorts were seized. Mr. Chastellaine became very upset when officers explained that they were there to seize his clothes. Mr. Chastellaine rose to his feet quickly. He lunged forward and made contact with the head area of Cst. Saurette. Both officers and other officers who had come to offer assistance grabbed Mr. Chastellaine and took him down to the floor. A struggle ensued while six police officers tried to secure Mr. Chastellaine with handcuffs, ankle shackles and a spit sock. An officer cut his t-shirt off. After Mr. Chastellaine was handcuffed, he became non-responsive. Officers called 911 and began to administer chest compressions.

A forensic pathologist testified that Mr. Chastellaine died of Hypoxic-ischemic brain damage due to transient cardiorespiratory arrest due to excited delirium. In other words, he died of irreversible brain damage caused when his heart stopped beating and he stopped breathing when he was in an altered mental state. A contributing cause of death may have been cardiomegaly (an enlarged heart) which can predispose the heart to develop a fatal rhythm.

In her report on the inquest into the death of Christopher Chastellaine, Associate Chief Judge Anne Krahn made the following recommendations:

Recommendation #1: That the circumstances of this Inquest be used in scenario-based training to demonstrate that backing away from a confrontation is an option to be considered and can be a useful de-escalation technique.

Recommendation #2: That the Winnipeg Police Service's training reflect that police officers should consider in what circumstances it is necessary to seize clothing from a suspect incident to arrest.

Recommendation #3: That the Manitoba Government study the feasibility of legislation which would allow for confidential debriefing processes for police services to promote candid analysis of the circumstances surrounding a death to promote self-assessment and continuous education.

Recommendation #4: That the facts of this Inquest be used in scenario-based training to exemplify circumstances where it would not have been necessary to seize the actual clothing from a suspect.

The full inquest report can be accessed at:

http://www.manitobacourts.mb.ca/site/assets/files/1051/chastellaine_inquest_report.pdf

If you have any questions, please contact Owen Fergusson at 204-945-5556 or Owen.Fergusson@gov.mb.ca

Manitoba Police Information Notes are prepared by the Community Safety Division to disseminate information to police services on new initiatives, training opportunities, as well as legislative and other developments related to policing.

Community Safety Division