

Manitoba Ombudsman

May 9, 2018

The Honourable Margaret Wiebe
Chief Judge
Provincial Court of Manitoba
5th Floor – 408 York Avenue
Winnipeg, MB R3C 0P9

Inquest into the death of Jeffrey Ray Mallett
Public Bodies: Manitoba Justice, City of Thompson
Our Files: 2014-0541 and 2014-0542

Dear Chief Judge Wiebe:

As you are aware, it is the practice of my office to follow up on inquest recommendations when they relate to a provincial department, agency or municipality.

I am writing to advise you of the results of the inquiries made by my office concerning the inquest report recommendations into the death of Mr. Jeffrey Ray Mallett. The December 2, 2014 inquest report of Honourable Judge Doreen Redhead was issued on December 5, 2014.

Mr. Mallett, 37, died of pneumonia on July 19, 2008, while in custody at the Thompson Royal Canadian Mounted Police (RCMP) Holding Cells, a day after he had been picked up and lodged under the Intoxicated Persons Detention Act (IPDA). The Honourable Judge Redhead made two recommendations in the inquest report.

Given that the first recommendation was related to procedures under the IPDA, an act that the Minister of Justice is responsible for, and due to the provincial contractual relationship with the RCMP for policing services, we directed the recommendation to Manitoba Justice for follow-up. We noted that the second recommendation was directed to the City of Thompson, therefore we addressed the matter with the City of Thompson. The recommendations are as follows:

Recommendation One

Before lodging an individual in the Thompson Cells under the IPDA, a medical clearance for the individual be obtained, to rule out any pre-existing medical conditions.

On June 4, 2015, we received the following response to our inquiry, regarding Recommendation One, from Manitoba Justice:

In response to the death of Mr. Mallett in 2008, the RCMP ordered an administrative review to examine the incident including: employee's actions, application of policy and adherence to established procedures.

The recommendation as formulated could not be practically implemented, however, the RCMP have implemented changes in policy with respect to prisoner handling and assessing prisoner responsiveness that address the themes underlying the recommendation, specifically:

- *Prisoners lodged under the IPDA be physically contacted every four hours to determine state of health, in addition to mandatory 15 minute visual checks.*
- *Relevant policies be made available electronically to ensure accessibility and adherence.*
- *'Assessing Prisoner Responsiveness Checklist' now prominently displayed in the cell block area.*
- *Enhanced learning opportunities, including regular presentations on symptoms of substance abuse from Addictions Foundation of Manitoba.*
- *Additional Cameras installed in the cell block area.*

In 2009, prior to the inquest being ordered into Mr. Mallett's death, both National and Division RCMP policies were amended. Through the RCMP policy change, all members in "D" Division¹ were provided clear guidelines to follow in determining a prisoner's responsiveness and subsequent actions to take if a detained person is in distress. These policy amendments also addressed the responsibility of guards and matrons when assessing prisoner responsiveness. Further, applicable training ensures that RCMP members and its employees recognize the signs of medical distress and are able to provide the appropriate level of response and medical aid.

The changes in operations, policy and procedures implemented since 2008 provide an improved level of response that mitigates risk. Thompson Detachment will continue to take the prescribed steps to ensure any prisoner that requires medical treatment receives the care they need.

In addition, Manitoba Justice, in partnership with the City of Thompson and the RCMP has developed the Community Safety Officer (CSO) program. Under the Police Services Amendment Act, CSOs will give municipalities a new resource and another avenue to address public safety concerns.

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The CSOs, while not involved in criminal matters, will work in collaboration with the RCMP to support the work of law enforcement and enhance public safety.

...

CSOs will also have the authority as peace officers to enforce selected provincial laws, including the IPDA. CSOs will be required to complete both academy and field training with a focus on the handling of and interaction with intoxicated persons; and required to have and maintain First Aid and CPR certification.

¹ The D Division of the RCMP is headquartered in Winnipeg, and it carries out the RCMP's federal policing responsibilities in Manitoba. (Source: RCMP official website)

While we noted the detailed actions that had been implemented by Manitoba Justice, given that the substance of Recommendation One pertained to medically clearing an individual, prior to detaining them at the Thompson Holding Cells, we sought clarification from Manitoba Justice as to how the actions taken had met the intent of the recommendation. In response, Manitoba Justice provided further explanation in their letter dated March 5, 2018:

As the learned inquest judge notes in her report, there is a high volume of persons who are picked up and lodged under the IPDA. Given the number of persons detained under IPDA in Thompson, obtaining a medical clearance in every instance would have a detrimental impact on RCMP resources and impede the availability of members to respond to other calls for service. While it is not practical for the RCMP to implement the recommendation as envisaged, it is imperative that the RCMP identify prisoners who are in need of medical assistance before they are taken into custody and, where medical intervention is required, that it is provided without hesitation.

Recommendation Two

That Thompson establishes a detoxification centre, similar to the Main Street Project, with rehabilitative services and programs to provide long term support to individuals with substance abuse issues.

On September 30, 2016, we received the following response to our inquiry, regarding Recommendation Two, from the City of Thompson:

The City of Thompson, through community partnerships, has developed a long-term strategy by adopting a Community Mobilization Model which has a vision of creating a Main Street North Facility based on Winnipeg's Main Street program. Some of the progress and successes where community organizations have come together for this common goal are:

- *Project Northern Doorway (PND) was initiated in 2011 to work with and improve supports for the vulnerable and high needs population in Thompson.*

...

PND uses a community mobilization approach to support individuals with the highest needs. The project brings together the City's emergency shelter (Nanatowiho-Wikamik), affordable housing, mental health, health, social services and emergency service providers. It is designed to help individuals with significant barriers to permanent housing and community participation find and maintain accommodations with the help of a network of community agencies that will provide them with 24/7 supports and supervision.

- *The creation in 2013 of Men Are Part of The Solution (MAPS), A 12 bed sober housing living facility called Phoenix House that increases options for men by developing*

initiatives to assist them in forming healthy alternatives in their relationships in an environment based on a holistic model where true healing can occur.

- *In 2013, the Addictions Foundation of Manitoba converted 6 of its beds to be used in a detoxification program. The purpose of this program is to provide supervised, non-medical withdrawal management services to individuals with addictions or substance use issues who voluntarily choose to use such services to ready themselves for entering into, or considering addictions treatment and support.*
- *The establishment in 2014 of a 16 bed supportive damp² housing facility which is a component of Project Northern Doorway. Aimed at ending homelessness under the Housing First Model, this facility focuses on reducing harm and risk to individuals and the community through the provision of programs, services and supports which will assist with improving the overall health of participants engaged in the project. The creation of this “home” has enabled support providers, such as Addictions Foundation of Manitoba and other agencies, to meet with the clients in a home based environment, providing encouragement and hope. There have been many successes that have come out the home. Individuals have been able to move out of this supportive housing and have been able to find housing and sustainable employment. This may not have been possible without this facility and support providers.*
- *The most recent success took place in May 2015. The City of Thompson became the first municipality in Manitoba to establish a 2 year pilot project creating a Community Safety Officer (CSO) program. This was made possible by working in a partnership with Manitoba Justice and the RCMP. The CSO’s patrol the downtown area and assist the community’s most vulnerable population, as well as patrolling the surrounding areas of the community. A report is listed on the City of Thompson website regarding the success of the program so far.*

...

The City’s long-term goal is to centralize all components into one facility, to be more effective under the Main Street North concept, which is intended to have the capacity to provide wrap around services in a multi-agency approach under one roof. The City of Thompson continues to work with our partners towards the establishment of this facility.

We sought clarification from the City of Thompson, regarding their anticipated timeline for when the Thompson Main Street North concept will be established and commence operation. In response, the City of Thompson provided further explanation in their letter dated March 9, 2018:

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² According to information from Addictions Foundation of Manitoba, damp housing refers to a model of housing support provided to individuals with substance use issues, where the approach is that, it is preferable that the individuals do not consume or abuse substances. In such houses, there is no outright ban from drinking alcohol or using substances, in moderation, as the goal is harm reduction. Individuals with these issues are supported through services such as counselling, which can be provided by social workers, whose goal is to assist the individuals choose to refrain from substance use.

Although our mission remains the same, we continue to strive towards developing this facility.

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The Canadian Mental Health Association (CMHA) in September 2017, with the support from the City of Thompson's Homelessness Partnering Strategy and the Thompson Community Advisory Board, took the lead on the development of a study focused on the feasibility of a multi-function building to service the most vulnerable within our community. Through this initiative, CMHA commissioned MNP LLP (a Canadian accounting, tax and business consulting firm, formerly Myers Norris Penny) to prepare a feasibility study for a facility that can accommodate a variety of housing, programming and wellness components, support the homeless and those at risk of homelessness. MNP have met with multiple stakeholders and collected data over the last 6-8 months. This report will include a description of the proposed model including governance, service delivery and financial analysis.

...

Throughout the discussions of the construction of this type of facility, it is clear that it will require funding from senior levels of government.

In addition, the March 9, 2018 letter provided an update on the ongoing efforts of the community organizations (PND, MAPS, Nanatowihio-Wikamik and the Addictions Foundation of Manitoba) which provide housing, harm reduction and rehabilitative supports to individuals in Thompson, with substance use issues. The City of Thompson further noted that its CSO pilot program continues, with an extension to March 31, 2023.

Given that Manitoba Justice and the City of Thompson have provided their full response to the inquest recommendations, we will conclude our monitoring of the implementation of the recommendations.

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

Yours truly,



Charlene Paquin
Manitoba Ombudsman

cc: Mr. Dave Wright, Deputy Minister of Justice and Deputy Attorney General
Mr. Gary Ceppetelli, City Manager, City of Thompson
Dr. John K. Younes, Chief Medical Examiner