

Manitoba Ombudsman

750 – 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Telephone: (204) 982-9130
Toll Free in Manitoba:
1-800-665-0531
Fax: (204) 942-7803
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

May 28, 2009

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 Matthew Dumas

I am writing to advise of the results of the inquiries made by my office concerning the inquest report recommendation dated December 4, 2008, issued by the Honourable Judge K. M. Curtis into the death of Matthew Dumas.

Mr. Dumas came to his death on January 31, 2005, at or about 3:00 p.m. in the City of Winnipeg, in Manitoba. The cause of death was a gunshot wound to the abdomen.

The Chief Medical Examiner called for an inquest pursuant to Section 19(3) of *The Fatality Inquiries Act*. The inquest report was issued on December 9, 2008.

As you are aware, it is the practice of this office to follow up on inquest recommendations when they relate to a provincial department, agency or municipality. In this case, Judge Curtis made one recommendation concerning scenario based police training that is directed at the Winnipeg Police Service.

My office made inquiries with the Winnipeg Police Service and other police agencies that provide this type of training to police officers in Manitoba. The following is the recommendation within my purview and the responses received.

RECOMMENDATION ONE

Counsel for Winnipeg Police advised recruits get two days of dynamic scenario training. This training is also available on an elective basis for officers who make a specific request.

Winnipeg Police Service should evaluate situations such as this and develop scenario-based training that follows a similar fact-based pattern in order to assess different techniques that may be of use in a similar kind of situation. This kind of training should be available/required at intervals during an officer's career.

WINNIPEG POLICE SERVICE RESPONSE

The Winnipeg Police Service has developed and implemented comprehensive training in response to a multitude of varying scenarios that include a similar fact base pattern to the Matthew Dumas incident.

This training is provided to each class of recruits and is a mandatory training requirement for all other police officers. The training is divided into two components, Classroom and Scenario training.

The classroom time teaches and reinforces the theory behind all Use of Force issues which is driven by Winnipeg Police Service Policy and the Criminal Code.

Officers and recruits are then subjected to more than a dozen differing dynamic scenario training events that are individually monitored with a full debriefing or coaching assessment completed at the conclusion of each incident. This assessment includes the examination of justification in using varying levels on the Force Continuum and whether the appropriate control technique was utilized given the scenario as presented.

The scenarios are decision or judgment based where officers are exposed to situations when the suspect is armed with various weapons comprising different levels of Threat Assessment. Some are unarmed where the suspect simply presents a danger to themselves or others. These scenarios incorporate real life events as they are based on actual incidents taken from Use of Force Reports.

The Winnipeg Police Service Officer Safety Unit is recognized as a leader in this field, with officers from Brandon and Edmonton Police Services attending Winnipeg to take part in our training.

In the interests of Public and Officer Safety, the Winnipeg Police Service trains vigorously to ensure that officers are able to make the best possible choices when presented with situations where Use of Force may be implemented.

BRANDON POLICE SERVICE RESPONSE

The Brandon Police Service has utilized a Control Tactics Training Program since the early 1990's that is a scenario based program. The program encompasses a range of scenario based exercises ranging from very simple "flash" scenarios that take a few seconds to complete to more complex scripted scenarios that run for an extended period of time.

The “flash” scenarios are used for the primary purpose of giving Officers a frame of reference and can be used to evaluate or test simple skills, techniques and/or perceptions. Examples of “flash” scenario training would be a response to a spontaneous edged weapon attack, response to an armed subject or response to a disarming attempt. The scripted scenarios are used primarily for decision making and tactical applications.

The Police Service in the last several years has run a ten hour “Active Shooter” response training that all Members received. This Active Shooter training would be an example of scenario based training as a response to an armed actively shooting subject in schools or other institutions. The Police Service also runs a number of scenarios at the recruit level during the Phase B, Control Tactics Officer Safety Training. The anticipated responses of the recruits include all options from disengagement and containment, verbal control, to the use of lethal force.

For In-Service Training, the Police Service has not utilized scenario based training for several years. In the past years however, scenarios were set up every couple of years. This has been recognized as a deficiency and as a result three Members from our Police Service recently attended and received certification as Simunition Scenario Instructors. Arrangements have also been made in response to concerns over spontaneous edged weapons defense for additional instructor level training to develop this scenario based training.

The Police Service plans to continue to evaluate situations and develop appropriate ongoing scenario based training that will be included in our yearly In-service Use of Force Training to all serving Members.

RCMP RESPONSE

From the onset of training, cadets are introduced to the Incident Management Intervention Model (IMIM) in the Police Defensive Tactics program where they learn the 7 stages of continuous risk assessment as part of the IMIM. They also receive training on the various intervention options available to them. Cadets are exposed to a wide variety of practical scenarios throughout the entirety of the Cadet Training Program where they have an opportunity to interact with subjects who are exhibiting the various behaviours as outlined in the IMIM. They are able to practice the risk assessment process by taking into account the various situational factors and the totality of the situation and finally choosing the appropriate level of intervention. The scenario based training is integrated in the various program areas, including Police Defensive Tactics, Applied Police Sciences, Police Driving and Firearms Training. Cadets are also formally assessed in the application of the IMIM during scenario based testing in Police Defensive Tactics program.

I have also consulted with the “D” Division (Manitoba) RCMP Learning and Development office and determined that Conducted Energy Weapon (CEW) training to use the CEW has a component that incorporates Scenario Based

training. The candidate is required to successfully pass this training in order to be re-certified as a CEW user. The Instructor will vary the degree of difficulty of each scenario, having the actor be passive in one situation then resistant/combatative in the next. This then requires that the candidate decide on the response from empty handed control through to the tools available (i.e. OCS, Baton, or the CEW).

Block Training is conducted tri-annually with all members of the Division. During block training, scenarios are an integral part of the syllabus, in which a candidate would have to take part in three to four scenarios including high risk vehicle stops. These scenarios vary having the actors simulate situations to which a member could be dispatched (i.e. domestic disputes, bar fights, break and enters in progress etc). In each scenario, the actors would be given specific instructions regarding actions they may/may not take in response to commands given by the candidate in order to keep the scenario unpredictable. The actors may also be provided with a simulated weapon (i.e. shock knife, bar, bat or a simmunition firearm). The candidate is then required to pick the appropriate response to the threat being presented with the options that are available to them. Debriefings are conducted by the instructor after the scenario to allow the candidate to review the rationale for the response to the situation that had been presented. As you will note, scenario based training is imbedded in the RCMP's Learning and Development strategies. The scenarios presented are most often generated in response to incidents that have occurred in the law enforcement community. The RCMP Learning and Development section continuously evaluates and modifies the training programs to provide the best possible product to our members.

Based on our review of this matter, it would appear reasonable consideration has been given to the above noted recommendation. As such, our files concerning Matthew Dumas have been closed.

Yours truly,

Original Signed by

Irene A. Hamilton
Manitoba Ombudsman

c: Mr. Jeffrey Schnoor QC, Deputy Attorney General and Deputy Minister of Justice
Dr. A. Thambirajah Balachandra, Office of the Chief Medical Examiner
Chief Keith McCaskill, Winnipeg Police Service
Chief Superintendent Peter Hourihan, RCMP
Inspector S. F. Corley, Brandon Police Service