

# Manitoba Ombudsman

November 25, 2016

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

Dear Chief Judge Wiebe:

**Inquest into the death of Robert Wood**  
**Department: Manitoba Justice**  
**Our file 2014-0276**

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. Robert Wood. The inquest report, dated May 26, 2014, was issued on May 29, 2014 by the Honourable Judge Brian Colli.

Mr. Wood died on January 3, 2010 in Winnipeg, Manitoba, after being detained on December 30, 2009, by the RCMP Nelson House, Manitoba detachment. He was placed in a holding cell with other inmates until one or more falls resulted in a decision that Mr. Wood needed emergency medical assistance. Mr. Wood was transported to the nursing station, then to Thompson General Hospital and finally, to the Health Sciences Centre in Winnipeg, where he died after being removed from life support. The cause of death was identified as acute cranio-cerebral trauma due to one or more falls.

In his inquest report, Judge Colli indicates that the inquest into the death of Robert Wood, although mandatory, seemed unnecessary<sup>1</sup> because the circumstances of the death were well known and because none of Mr. Wood's family, no government agencies other than the R.C.M.P., and no member of the public expressed interest in obtaining standing or attending any part of the hearing.<sup>2</sup> (para. 44, inquest report)

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<sup>1</sup> Para 46, inquest report

<sup>2</sup> Para 44, inquest report

The judge made one recommendation:

### **SUMMARY OF RECOMMENDATION**

1. The Province consider making an amendment to The Fatality Inquiries Act, to permit the assigned inquest judge to cancel a mandatory inquest under s. 26(1) of the Act arising from the direction of the Chief Medical Examiner under s. 19(2) of the Act where:
  - (a) person, other than a police force or provincial government department or agency, has applied for standing at the inquest;
  - (b) No member of the public has expressed an interest in attending the inquest, and;
  - (c) The inquest judge determines after review of the investigative material collected under s. 9(1) of the Fatality Inquiries Act and any submissions by inquest counsel or any party having standing that an inquest is unlikely to result in recommendations under s. 33(1) of the Act.

We made inquiries with Manitoba Justice (the department) on August 7, 2014, and were advised that the department was undertaking a review of the Fatality Inquiries Act, which would include consideration of Judge Colli's recommendation.

Follow up inquiries with the department were made in February 2014 and in August 2016.

Manitoba Justice has recently advised me that it has refined its review of the Act taking into account physician assisted death, the demands inquests make on the criminal court system, and recommendations by Judge Colli and other judges presiding at inquests.

As a legislative review of this scope will likely take some time, my office will be concluding our monitoring of the Robert Wood inquest recommendation. However, my office will continue to monitor any proposed amendments to the Fatality Inquiries Act.

Please note, an electronic copy of this report will be posted on the Manitoba Ombudsman website: [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca).

Yours truly,

Charlene Paquin  
Manitoba Ombudsman

cc: Julie Frederickson, Deputy Minister of Justice and Deputy Attorney General  
Dr. John Younes, A/Chief Medical Examiner, Manitoba Justice