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INQUEST RECOMMENDATION MONITORING REPORT

Winnipeg Police
Service &
Department of
Justice - Winnipeg
Remand Centre

Inquest into the
death of Russell
Andrew Spence

Issue Date:
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MANITOBA OMBUDSMAN

300 - 5 Donald Street, Winnipeg, MB R3L 2T4

204-982-9130 | 1-800-665-0531 | ombudsman@ombudsman.mb.ca

www.ombudsman.mb.ca

MANITOBA OMBUDSMAN ROLE: MONITORING INQUEST RECOMMENDATIONS

Since 1985, Manitoba Ombudsman has been responsible for following up with provincial public bodies that are the subject of inquest recommendations made under the Fatality Inquiries Act. This responsibility arises from an agreement between Manitoba Ombudsman, the Chief Medical Examiner, and the Chief Judge of the Provincial Court.

Manitoba Ombudsman monitors and reports publicly on the implementation of inquest recommendations when they relate to provincial public bodies subject to The Ombudsman Act. Through our follow-up, we determine what action has been taken to give effect to inquest recommendations and then report the outcome to the Chief Justice and the public.

Our monitoring and reporting process supports transparency and promotes accountability in provincial public systems.

BACKGROUND

On April 24, 2020, the Honourable provincial Judge Brent Stewart issued an inquest report with recommendations into the death of Russell Andrew Spence. His report outlines the circumstances of Mr. Spence's death and made three recommendations to prevent a death in similar circumstances.

On the night of October 11, 2016, Russell Andrew Spence entered a Winnipeg store and asked an employee to call the police on his behalf. He placed a knife and scissors on the counter and told the employee he was not there to hurt anyone and wanted help. When the officers arrived, Mr. Spence dropped to his knees and put his hands behind his back.

He was placed in handcuffs, moved to the police vehicle, and charged with possession of weapons. He was transported to the Winnipeg Police Headquarters.

Mr. Spence was held at the Winnipeg Police Central Processing Unit for about four hours, then transferred to the Winnipeg Remand Centre. While in police holding, Mr. Spence disclosed he consumed methamphetamine and alcohol earlier that day. Officers noted he was cooperative and polite and described him as exhibiting no signs of intoxication. Because Mr. Spence self-declared drug and alcohol consumption, his prisoner log sheet indicated he was impaired and recommended a psychiatric assessment.

At the Winnipeg Remand Centre, Mr. Spence became involved in a physical struggle with guards during a strip search. Mr. Spence was reportedly struck in the torso multiple times with a closed fist. He was eventually subdued by guards with the assistance of Winnipeg Police Service officers and had a “spit sock” placed over his head. Four minutes after the struggle began, he became unresponsive. Resuscitation efforts at the scene and at the Health Sciences Centre were unsuccessful.

At the inquest hearing, Judge Stewart heard expert testimony from Dr. Gary Glavin, an international expert in pharmacology. His report on the makeup and effects of methamphetamine in general and in specific to the death of Mr. Spence was filed as an exhibit. The report noted if there is an underlying or undiagnosed cardiovascular disease, it can easily be unmasked by the greatly increased load on the system caused by meth and lead to serious medical consequences, including death. His report also spoke more specifically to Mr. Spence’s personal circumstances and medical history.

Judge Stewart found the witnesses who testified reflected “a complete lack of knowledge as to the effects and indicia of methamphetamine on individuals who they deal with such as Mr. Spence.” Judge Stewart wrote in his inquest report that Dr. Glavin’s report should be read by all involved with the criminal justice system, which has exponentially become embroiled with the use of methamphetamine in criminal activities, especially in Manitoba.

RECOMMENDATIONS AND RESPONSES

The Honorable Judge Stewart made three recommendations in light of the prevalence of methamphetamine on Winnipeg streets. Both the Winnipeg Police Service and Manitoba Justice provided our office responses to the recommendations. Their responses, and our assessment of the implementation status of each recommendation, are below.

Recommendation One

That mandatory methamphetamine training should be in place for all Winnipeg Police members and Correction Officers who deal with the arrest and processing of charged individuals who are in custody either at police headquarters or the Remand Centre. This training should educate these officers on the signs and symptoms of a prisoner who has consumed methamphetamine or other amphetamines. It should also include information on how to process such individuals while in custody including the force used to control such individuals.

We assessed this recommendation as implemented.

Winnipeg Police Service Response

The Winnipeg Police Service provided us with the following response to this recommendation in November 2020:

The Winnipeg Police Service (WPS) provides mandatory training to all police officers. Training related to Excited Delirium has been provided to police members for approximately 20 years, in the last five years the connection between methamphetamine use and Excited Delirium has been noted as the use of that drug has increased in Winnipeg. In February of 2016, all police, cadet, and central processing officers started receiving training on Excited Delirium and by 2017 the effects of methamphetamine was highlighted in classes to all of these members of the WPS.

In June 2020, as a result of the above recommendation, the WPS has revised its training material to clearly and definitely link the usage of this drug to Excited Delirium. This includes information on what the drug looks like, how it is used and how it works on the brain as well as appropriate control tactics. This training has been expanded by adding it to regular mandatory Use of Force training provided to all officers every other year.

The WPS has also increased the focus on methamphetamine during training by the Organized Crime Unit and all groups receive instruction from the Addictions Foundation of Manitoba who instruct on the pharmacology of methamphetamine, the intoxicating effects, acute and post-acute withdrawals symptoms, and intervention and support services.

In April 2024, the Winnipeg Police Service advised our office mandatory training is regularly updated. We received information which demonstrates training is continually

updated on how to process individuals who may have consumed methamphetamines or amphetamines.

Department of Justice Response

The Department of Justice provided our office with the following response to this recommendation in October 2020:

This recommendation is accepted and was implemented prior to the inquest report being released.

In late 2018 and early 2019, the Management of the Winnipeg Remand Centre distributed educational and guidance information to staff specific to methamphetamine:

- "Interacting with Inmates Affected by Meth" - this was also sent out to all Winnipeg Remand Centre staff on February 28, 2019;
- "Crystal Methamphetamine - Government of Canada";
- "Fact Sheet on Methamphetamine - Canadian Centre on Substance Abuse";
- "Methamphetamine - The Basics (Fact Sheet from the Addictions Foundation)"; and
- "Intox Process and Methamphetamine Information".

In a follow up discussion with the Department of Justice in June 2022, departmental officials confirmed the above noted materials are part of mandatory training for staff at the Winnipeg Remand Centre.

The department also pointed to a key procedural change since this recommendation was issued. This change is referred to as the elimination of direct lock-up process.

Prior to April 2020, the Winnipeg Police Service had the ability to bring arrested individuals directly to the Winnipeg Remand Center while the arrested individual awaited their first appearance before a justice of the peace.

As of April 2020, police services are required to hold arrestees until a remand warrant is issued. Correctional centres, including the Winnipeg Remand Centre, now only accept individuals where a bail hearing and a remand warrant issued by a judicial officer has occurred.

The risk factors this recommendation seeks to address - serious medical consequences in persons experiencing excited delirium combined with an underlying or undiagnosed cardiovascular disease - is reduced in the correctional centre setting and has largely shifted to police forces who are holding arrestees for longer periods of time. We heard that, with the elimination of direct lock-up, the Winnipeg Remand Centre does not generally admit individuals who are under the influence of drugs or other substances.

Recommendation Two

The transfer of prisoners from the Winnipeg Police Central Processing Unit and the Remand Centre should ensure that all officers involved are aware of the risk factors reflected in the prisoner's log sheet. It is especially important that note is made of the prisoner's alleged use of street drugs prior to arrest and medical conditions which may require the handling of the prisoner in a manner different than the norm. Upon any such aberrations a nurse should review the accused prior to being lodged to determine if hospitalization is necessary.

We assessed this recommendation as implemented.

Winnipeg Police Service Response

The Winnipeg Police Service provided us with the following response to this recommendation in November 2020:

The WPS Prisoner Log Sheet is sent to the Remand Centre via facsimile transmission prior to the transportation of the prisoner. The Log Sheet is then brought to the Remand Centre and provided to Corrections staff as the prisoner is processed. The Log Sheet contains sections for members to record both street drug use as well as medical conditions which are reported by the prisoner or known to police. The evidence was in this case, paragraph 11 of His Honour's report, confirms this information was available on the Prisoner Log Sheet. The WPS believes that His Honour's recommendation was directed at the Remand Centre as the content of the Log Sheet was not shared with all of the Corrections Officers who dealt with Mr. Spence.

Department of Justice Response

The Department of Justice provided our office with the following response to this recommendation in October 2020:

This recommendation is accepted and implemented.

Staff working in the Admissions area of the Winnipeg Remand Centre now and at the time of the inquest review the prisoner log and pass along any pertinent information to the nurse. Each admission to the Winnipeg Remand Centre is interviewed by our nursing staff.

As of the start of the pandemic in April 2020, the Winnipeg Remand Centre no longer accepts those inmates without a remand warrant who have not been before a judicial officer. This means that no intoxicated individuals are admitted to the Winnipeg Remand Centre.

Correctional Officers assess coherence, compliance and physical risk upon admission. Nurses assess coherence and medical risk upon admission. Once placed into the Winnipeg Remand Centre, there is an ongoing process of observation that takes place through security rounds. If an inmate presents with bizarre behaviour and/or verbalizes a medical concern post admission, the expectation is that staff will consult with Medical who will take appropriate action.

Recommendation Three

The video units located in the CPU and Remand Centre should be upgraded to provide for a better quality of picture and audio to more clearly record all events of a prisoner's arrest.

We assessed this recommendation as implemented.

Winnipeg Police Service Response

The Winnipeg Police Service provided us with the following response to this recommendation in November 2020:

All of the institutional video evidence offered at the inquest was from the Remand Centre. A video surveillance system is in place at CPU [Central Processing Unit] which was installed during the renovation to the WPS Headquarters building. The video from this system clearly would depict events in the CPU. As such the WPS believes that this recommendation was meant to be directed solely at the Remand Centre and not the WPS CPU.

We accept this response, and, in our view, no further action is required by the Winnipeg Police Service on this recommendation.

Department of Justice Response

The Department of Justice confirmed the existing Winnipeg Remand Centre equipment cannot be upgraded because it is outdated and obsolete; it must be fully replaced.

The Department provided our office with the following response to this recommendation in October 2020:

The recommendation is accepted and implementation is in progress.

Manitoba Corrections is in process of refreshing the Video Monitoring Systems throughout the Division. The Winnipeg Remand Centre is scheduled to be completed in March 2022 however, the Department is exploring options to have the Admissions area completed before then.

However, in June 2022, we found the technological update did not proceed as planned at the Winnipeg Remand Centre, because other institutions were prioritized. In May 2024, the department confirmed to us that the tendering process was underway to complete the Winnipeg Remand Centre technological refresh.

In January 2025, the department confirmed the contract was tendered and awarded to replace the Video Monitoring Systems at the Winnipeg Remand Centre. The installation of the new cameras will commence in spring 2025 and will take approximately 6-12 months to complete the entire centre.

CONCLUSION

Judge Stewart's inquest report and recommendations are intended to promote administrative changes to programs, policies, and practices of provincial and municipal departments, agencies, and institutions to reduce the likelihood of death in a similar circumstance.

The information in this report highlights the significant challenges resulting from methamphetamine use in our province, the risk faced by those who consume the drug, and the difficulties faced by police services and correctional centre staff in providing safe and responsive services.

This report concludes our monitoring of the Honorable Judge Stewart's recommendations.