

RELEASE DATE: December 5, 2024



Manitoba

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: *The Fatality Inquiries Act C.C.S.M. c. F52*

AND IN THE MATTER OF: An Inquest into the Deaths of Adam Monias and  
Max Maurice Richard

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**Report on Inquest**  
**Senior Judge Robert Heinrichs**  
**Issued this 2<sup>nd</sup> day of December 2024**

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Appearances:

Matthew Armstrong, Inquest Counsel

Erica Haughey, Counsel for Correctional Service of Canada

Keith McCullough, Counsel for Correctional Service of Canada

Kylie Campbell, Representative for Adam Monias' Family



Manitoba

***THE FATALITY INQUIRIES ACT, C.C.S.M. c.F52***

**REPORT BY PROVINCIAL JUDGE ON AN INQUEST  
INTO THE DEATHS OF:  
ADAM MONIAS AND MAX MAURICE RICHARD**

An Inquest respecting the deaths of Adam Monias (DOB: March 10, 1993) and Max Maurice Richard (DOB: May 26, 1975) was held on May 26 to May 30, 2024 in the City of Winnipeg, Province of Manitoba.

This report contains my findings and observations. Attached is a list of witnesses who testified at the Inquest as well as a list of the exhibits which were filed. Pursuant to the provisions of *The Fatality Inquiries Act*, I am ordering that all the exhibits be returned to the Exhibit Officer, Provincial Court of Manitoba, to be released only upon application with notice to any party with a privacy interest.

Dated at the City of Winnipeg, in Manitoba, this 2<sup>nd</sup> day of December 2024.

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Senior Judge Robert Heinrichs

**Copies to:**

1. Dr. John Younes, Chief Medical Examiner (2 copies)
2. Chief Judge Ryan Rolston, Provincial Court of Manitoba
3. Honourable Matt Wiebe, Minister Responsible for *The Fatality Inquiries Act*
4. Mr. Jeremy Akerstream, Deputy Minister of Justice & Deputy Attorney General
5. Michael Conner, Assistant Deputy Attorney General
6. Michele Jules, Executive Director of Manitoba Prosecution Service
7. Matthew Armstrong, Inquest Counsel
8. Erica Haughey, Counsel for Correctional Service Canada
9. Keith McCullough, Counsel for Correctional Service Canada
10. Kylie Campbell, Representative for Adam Monias' Family
11. Exhibit Coordinator, Provincial Court of Manitoba
12. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



Manitoba

REPORT BY PROVINCIAL JUDGE ON AN INQUEST  
INTO THE DEATHS OF:  
ADAM MONIAS AND MAX MAURICE RICHARD

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Appendix A – WITNESS LIST

Appendix B – EXHIBIT LIST

[1] In 2018, there were two separate group assaults on an inmate at the Stony Mountain Institution (SMI); each assault resulted in the inmate's death.

## **I. A BRIEF INTRODUCTION ON THE DEATH OF MAX RICHARD**

[2] On January 7, 2018, Max Richard was attacked in the Maximum Security Unit (MSU). After being stabbed with a prison-made weapon, he was thrown over the railing in the upper tier, falling to the floor of the main common area. There he was stabbed and stomped on by several inmates. As soon as Correctional Officers (CO) were able to secure the area, Max Richard was assessed and given first aid. He was taken by ambulance to the Health Sciences Centre (HSC) and was pronounced dead shortly after arrival.

[3] On January 9, 2018, an autopsy was conducted on the body of Max Richard, and on June 26, 2018, Dr. Rhee issued an Autopsy Report, which confirmed that the immediate cause of death was multiple stab wounds.

[4] The Royal Canadian Mounted Police (RCMP) investigated Max Richard's death and by January 11, 2018, four inmates were charged with second degree murder and three inmates were charged with attempted murder for their roles in his death. The criminal cases with respect to the inmates who were charged worked their way through the courts and took until September 17, 2019, to finally all be concluded.

[5] On March 18, 2018, the Board of Investigation for the Correctional Service of Canada (CSC) began to look into the death of Max Richard. Their final report included a summary, an explanation of their investigation process and the focus of their investigation, background information, chronology of events, and findings.

## **II. A BRIEF INTRODUCTION ON THE DEATH OF ADAM MONIAS**

[6] On August 16, 2018, an inmate was attacked by several others in the breezeway outside Unit 1, just as other inmates were returning from the outdoor recreation yard. That initial group attack led to another inmate coming to the victim's rescue. He, in turn, was attacked by several other inmates. In order to assist the two inmates who had been assaulted and were now seriously injured, the COs in the breezeway closed off the barrier between the recreation yard and the fenced in corridor, thereby preventing the remaining 74 inmates still in the yard, many of whom were congregating close to the barrier, from joining in the ongoing attacks.

[7] While the COs were attempting to gain control of the situation and attending to the injured inmates, a group of inmates still in the yard approached Adam Monias. He was punched in the head by three members of the group and then struck two times with a baseball bat by a fourth inmate, causing him to fall to the ground. He was then kicked and struck in the head with the baseball

bat. When a CO in the tower overlooking the yard was unable to gain compliance from the inmates in the yard, she charged and pointed her rifle at the inmates, resulting in the end of the attack on Adam Monias. COs then rushed to assess and assist Adam Monias, giving him first aid until the paramedics arrived. He was taken to the HSC and treated for his severe head injuries. Adam Monias died shortly after being taken off life support on August 18.

[8] On August 20, 2018, an autopsy was performed on Adam Monias' body. On May 10, 2019, Dr. Rivera issued an Autopsy Report, which confirmed that the immediate cause of death was blunt force head injuries.

[9] On November 8, 2018, the Board of Investigation (BOI) for CSC began to look into the death of Adam Monias. Their final report included a summary, an explanation of their investigation process and the focus of their investigation, background information, chronology of events, findings, key underlying issues, and conclusion.

[10] The RCMP investigated the death of Adam Monias. In March 2019, four inmates were charged with second degree murder for causing his death. Their criminal cases proceeded through the court process and were all concluded by April 22, 2020.

### **III. THE INQUEST IS DIRECTED TO BE HELD AND THE TIMELINE OF PROCEEDINGS**

[11] After the Office of the Chief Medical Examiner (OCME) concluded its investigations into the deaths of Max Richard and Adam Monias, three letters were sent to Chief Judge Wiebe (as she then was) of the Provincial Court of Manitoba, on December 7, 2021. In those letters, the OCME directed that an Inquest be held into the deaths of Max Richard and Adam Monias, pursuant to section 19(5)(b)(ii) of *The Fatality Inquiries Act (TFIA)*, as both were residents of a custodial facility at the time of their deaths. The third letter from the OCME recommended that one Inquest be held, instead of two separate Inquests, pursuant to section 19.1(2) of *TFIA*, which states that a single Inquest may be directed to be held into two – or more – deaths “if the facts or circumstances relating to those deaths are the same or sufficiently similar that separate Inquests are not required.”

[12] In addition to fulfilling the requirement of an Inquest as set out in section 19 of *TFIA*, the OCME letters directed that the Inquest determine the circumstances relating to the deaths of Max Richard and Adam Monias, and to determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[13] No explanation was given for the delay between the conclusion of all the related criminal court proceedings in September 2019 and April 2020, and the December 2021 letters directing that the Inquest(s) be held. However, that period of time coincided with the start of the COVID–19 pandemic in March 2020, and the gradual resumption of some court proceedings in the summer of 2021.

[14] Early in 2022, Chief Judge Wiebe (as she then was) put a hold on proceeding with any Inquest until after October 2023. This was due to the significant Provincial Court backlog which had been increasing due to the COVID-19 pandemic. The backlog had placed a significant strain on the Court’s resources and the decision was made to prioritize the criminal cases before the Provincial Court – particularly for the accused who were in custody.

[15] On August 3, 2023, Senior Judge Robert Heinrichs agreed to preside over the Inquest. A standing hearing was held on November 22, 2023, at which time Kylie Campbell was confirmed as the representative for Adam Monias’ family. Inquest Counsel had been in contact with Max Richard’s sister, Monica Richard, and he was hoping that she would come forward and be her family’s representative, but it did not happen at this time. Inquest Counsel did reach out to her again, prior to the start of the Inquest hearing evidence, but she declined to participate in the proceedings.

[16] Evidence was called and submissions were given at the Inquest hearing, which took place from May 27 to 30, 2024. Inquest Counsel, counsel for the CSC and Kylie Campbell all participated in the proceedings; all of them had excellent questions, keen observations and significant input for the Inquest. This was greatly appreciated by the court.

#### **IV. JURISDICTION OF THE PROVINCIAL COURT OF MANITOBA**

[17] Judge Lerner, in the September 12, 2005 Inquest Report on the death of Glenn Fiddler, was confronted with some jurisdictional questions. He had to first determine if a Provincial Court could conduct an Inquest which dealt with a death in a place which fell under Federal jurisdiction (in this case, the death had occurred on a First Nation territory). While there was some initial opposition to the Provincial Court being able to conduct the Inquest at all, it was eventually agreed by counsel that the Inquest could proceed, with certain limitations.

[18] The first limitation was as follows: representatives of the Federal Crown were not compelled to abide by a Provincial Court subpoena; however, they could voluntarily testify at an Inquest.

[19] Second, while *TFIA* mandated the Provincial Court to conduct an Inquest and complete a report, there was an issue with the recommendations that could be made pursuant to section 33 of *TFIA* (as it then read). At that time, it stated

that the presiding provincial judge “. . . may recommend changes in the programs, policies or practices of the government and the relevant public agencies or institutions . . .” Judge Lerner concluded that, “a Provincial judge presiding at a provincial Inquest is without jurisdiction to make recommendations to the Federal government specifically directed to the policies, procedures, and management of Federal departments and agencies.”

[20] The issue of the recommendations to be made has now been rectified with the amendments to *TFIA* which has been in effect since May 2023.

Section 33 (1.1) now reads as follows:

“The report under subsection (1) may contain recommendations on changes to **provincial laws** or the programs, policies and practices of the **provincial** government or of public agencies or institutions to prevent deaths in similar circumstances.”

[21] Therefore, as the Stony Mountain Institution is a federally run correctional facility, this Inquest is without jurisdiction to make recommendations to the federal government with respect to anything that is directed at the policies, procedures and management of the SMI. However, what Judge Lerner decided in his report was that this:

. . . does not restrict the fact finding aspect of the inquiry. Similarly, the jurisdictional limitation does not prevent the inquiry from identifying, without recommendation, the problems or deficiencies within federal departments and agencies that may have formed a part of the material circumstances of death. It remains the purview of the federal government to determine what action it will take as a result of the findings of the provincial inquiry in that regard. (Paragraph 303)

[22] Associate Chief Judge Lord issued her Inquest Report on the death of Lewis Sitar on September 29, 2020. He was housed in the J-Range of the Maximum Security Unit of SMI at the time of his death in early in 2017. Associate Chief Judge Lord noted the jurisdictional concerns outlined by Judge Lerner in his earlier report and so she detailed the circumstances of Lewis Sitar's death in detail, and after noting two procedural changes that had occurred at SMI since his death, she concluded her report with findings and observations without making any specific recommendations. That is what this report will do as well.

## **V. THE CIRCUMSTANCES AND TIMELINE OF MAX RICHARD'S DEATH**

[23] The circumstances and timeline of Max Richard's death are precisely documented, due to the fact that the minutes leading up to and the actual attack on Max Richard which led to his death were recorded on several different videos from the SMI Closed Circuit Television (CCTV).

[24] Max Richard was serving a life sentence for second degree murder as of January 2017. Upon his admission to SMI, he was placed in the MSU. At the time of his initial assessment and placement at SMI, he was not seen to be a part of any active Security Threat Group (STG) and was not considered

“incompatible” with any population group at SMI. As of January 2018, he was housed in MSU’s H-Range.

[25] In October and November of 2017, Eric Stevens and William Gunn were transferred from the Saskatchewan Penitentiary to SMI and housed in the H-Range. They were both active members of the Saskatchewan Warriors STG.

[26] Victor Ross, affiliated with the Gangster Crips STG, Wilfred Cook and Anthony Mitchell, affiliated with the Indian Posse STG, and Stephen Houle, affiliated with the Ruthless Crips STG were also housed in the H-Range.

[27] Michael Okemow, Michael Roulette and James Sinclair, all affiliated with the Indian Posse, were housed in the MSU’s G-Range.

[28] While inmates were forbidden from entering the other inmates’ ranges, the inmates from both ranges were sharing exercise time in January 2018. On January 7 at 8:55 pm, inmates from both the G-Range and the H-Range were returning from that shared exercise time. Wilfred Cook and Anthony Mitchell returned to their range, the H-Range. At this time, Max Richard was in cell H2-12 with Victor Ross; William Gunn was using the telephone in H-Range’s common area.

[29] Michael Okemow, Michael Roulette and James Sinclair, however, did not return to their range, the G-Range, but instead followed the others into the H-Range. Within seconds of their entry, at 8:55:26, Stephen Houle attacked

William Gunn with a stabbing weapon. Michael Okemow and William Cook joined in on the attack shortly after.

[30] While this attack was happening, at 8:55:32, Anthony Mitchell, James Sinclair and Michael Roulette entered H1-04 and attacked Eric Stevens. After receiving several blows, Eric Stevens fought back, pushing the fight out of his cell and into the lower range. He fought his way to the front of the lower H-Range barrier as the three attackers pursued him and stabbed him with prison-made stabbing weapons.

[31] With these two attacks happening, at 8:55:37, Max Richard left cell H2-12. Victor Ross following him out of the cell.

[32] At 8:55:40, the MSU's sub control closed the H-Range upper tier and lower tier barrier doors. As that was happening, Victor Ross attacked Max Richard with a stabbing weapon and pushed him into the common area through the barrier door which was closing in on them.

[33] At 8:55:44, Correctional Officers deployed Oleoresin Capsicum Spray (OC spray) through the range barrier, causing Stephen Houle, Wilfred Cook and Michael Okemow to disperse, stopping their assault on William Gunn.

[34] At 8:55:49, Victor Ross threw Max Richard over the upper tier railing, causing him to fall on the floor of the first tier. Victor Ross ran down the stairs and continued his attack on Max Richard. Wilfred Cook and Michael Okemow

joined in on the attack. Max Richard was stomped and kicked in the head and stabbed numerous times.

[35] At 8:56:11, the Gallery CO deployed OC spray into the common area from a raised gallery window. It did not stop the assault on Max Richard. The CO then attempted to use a 40 mm launcher but could not get a clear shot, so he did not fire.

[36] At 8:56:37, when Eric Stephens fell to the floor near the H-Range barrier, Anthony Mitchell, James Sinclair and Michael Roulette stopped their attack on him.

[37] At 8:56:40, a CO charged their firearm and called for all the inmates to lay down on the floor. Realizing that the CO had charged their firearm, the inmates complied with the command to lay down. This ended the attack on Max Richard.

[38] The attacks on William Gunn, Eric Stevens and Max Richard all started within 15 seconds of each other and lasted less than 90 seconds.

[39] At 8:57:11, William Gunn exited the H-Range when ordered to do so by the COs. Seconds later, a CO reached Max Richard and began to assist him. He was unable to stand as he had puncture wounds to his torso and had suffered a traumatic head injury. A couple of minutes later the barrier door was opened so

that COs could reach Eric Stephens. He was able to exit the range on his own and was provided first aid.

[40] MSU sub control requested an ambulance, and then requested two ambulances. COs carried Max Richard off the range into an interview room where they were able to provide further first aid. At 9:18, outside medical staff arrived and began treatment on both Max Richard and Eric Stephens.

[41] Within the hour, Max Richard, accompanied by a physician and a nurse and armed escorts from SMI left for the HSC. At 10:23 Max Richard arrived at the HSC and at 10:49 he was pronounced dead.

## **VI. THE CIRCUMSTANCES AND TIMELINE OF ADAM MONIAS'**

### **DEATH**

[42] The circumstances and timeline of Adam Monias' death are also mostly recorded on the SMI CCTV.

[43] Adam Monias was serving a life sentence for second degree murder as of June 2015. He was admitted to the SMI on June 8, 2015, and was housed in the Medium Security Unit. He was not affiliated with any STG and was not considered "incompatible" with any population at SMI.

[44] Steven Taylor, an active member of the B-side STG, was admitted to the SMI in November 2016 for an assault with a weapon conviction and was housed in Medium Security. Steven Taylor was housed in a sub-population with

the Manitoba Warriors STG, as they were compatible with the B-Side STG. As a youth, several years earlier, he had served a sentence for manslaughter in relation to a gang-motivated killing of an Indian Posse gang member.

[45] Braiden Garand, an active member of the B-Side STG, was also housed in Medium Security. Braiden Moneyas, Kane Moar, Michael Oksasikewiyin, and Raymond McDonald, all affiliated with the Manitoba Warriors STG, were housed in Medium Security as well.

[46] Daniel Snooks, Michael Kelly, Warner Flett, Christopher Brass, Christian Boyd and Cheyenne Nelson, were all affiliated with the Indian Posse STG or another STG that was allied with the Indian Posse STG. Tristan Seguin, was not affiliated with an STG, but was assessed as being friendly with the Indian Posse STG. All seven of them were also housed in Medium Security.

[47] In August 2018, SMI was in the final stage of re-integrating the Manitoba Warriors and B-Side sub-population into the general population of the Medium Security Unit. This meant that the Manitoba Warriors STG and the B-Side STG affiliated inmates were exercising at the same time as the general population.

[48] On August 16, 2018, at 7:50 pm, Medium Security began exercise changeover. Adam Monias, Braiden Moneyas, Kane Moar, Michael Oksasikewiyin and Raymond McDonald all went to the outdoor recreation yard for their exercise time.

[49] At 7:57, Steven Taylor left the outdoor recreation yard and was walking through the breezeway toward Unit 1 in the Medium Security Unit. Once in the breezeway, he was attacked by Daniel Snooks, Michael Kelly, Warner Flett, Christopher Brass and Christian Boyd. They kicked, punched and stabbed Steven Taylor multiple times.

[50] A minute later, Braiden Garand, armed with a stabbing weapon, rushed to Steven Taylor's aid. He, in turn, was attacked by Michael Kelly, Christopher Brass and Tristan Seguin. The fighting moved into the fenced-in corridor that connects the breezeway with the outdoor recreation yard.

[51] At 7:59:40, the COs standing at the barrier gate deployed OC spray into the fenced-in corridor. Two other inmates pulled Steven Taylor away from the fighting, which now stopped due to the OC spray. The three of them retreated into Unit 1 and a CO who had arrived on scene began to administer first aid to Steven Taylor.

[52] Some of the inmates still in the outdoor recreation yard began gathering at the entrance to the fenced-in corridor, in order to see what was going on. And so, at 7:59:58, COs locked the barrier between the outdoor recreation yard and the fenced-in barrier, so that none of the 74 inmates still in the yard could join in the fighting.

[53] The inmates remaining in the yard and watching what was happening in the fenced-in corridor included Braiden Moneyas. They eventually retreated into the yard, but did not resume exercising or participating in any sporting activities.

[54] There were now no Indian Posse STG affiliated inmates remaining in the yard, however, Adam Monias, considered to be “friendly” with the Indian Posse, was standing on the basketball court in the outdoor recreation yard.

[55] At 8:06, Braiden Moneyas - carrying a baseball bat, Kane Moar, Michael Oksasikewiyin, Raymond McDonald and some other inmates approached Adam Monias.

[56] At 8:06:39, Adam Monias turned to run away from the inmates approaching him. The CO on the walkway of the South Tower saw this happening and issued an order for the inmates to stop and lie down on the ground. The inmates ignored the order. Michael Oksasikewiyin, Kane Moar and Raymond McDonald punched Adam Monias in the head. At 8:06:41, Braiden Moneyas then struck Adam Monias in the head with the baseball bat, causing him to fall to the ground. In the next few seconds, Braiden Moneyas struck him two more times with the baseball bat while Kane Moar kicked him in the head two times.

[57] While the assault was happening, the CO on the South Tower walkway continued to order the inmates to stop and lay down on the ground. The CO, believing that Adam Monias' life was in danger, charged her rifle, released the safety and pointed it at the inmates. The inmates attacking Adam Monias then stopped the attack and dispersed.

[58] At 8:09:05, additional COs entered the outdoor recreation yard and ran to assist Adam Monias. They did not attempt to move him due to the visible trauma to his head. However, they provided first aid to stabilize his body as best as they could and stayed with him, awaiting the arrival of paramedics.

[59] By 8:09:43, all of the remaining inmates in the outdoor recreation yard had complied with the orders to lay down on the ground.

[60] At 8:27, Steven Taylor was transported to HSC by STARS air ambulance. He had sustained 26 stab wounds, a collapsed lung, a fractured neck and a fractured rib.

[61] Paramedics had also arrived to assess and assist Adam Monias. At 8:31:40, they took him by stretcher to a waiting ambulance and he was transported to HSC. Adam Monias had suffered multiple fractures to his skull, resulting in extensive damage to his brain.

[62] At 8:44, Braiden Garand was also taken by ambulance to the HSC. He had a lacerated lung from the stab wounds he had received.

[63] On August 18, 2018, Adam Monias was taken off life support and was pronounced dead.

## **VII. THE BOARD OF INVESTIGATION MANDATE AND INVESTIGATION PROCESS**

[64] With respect to the deaths of Max Richard and Adam Monias, the BOI of the CSC investigated and reported on each death. They had several advantages over this Inquest.

[65] The first advantage was that the BOI investigation and reports were timely. Two months and a day after Max Richard's death, the Interim Commissioner of the CSC appointed the members of the BOI and gave them specific instructions on the focus of the investigation into his death. Less than three months after Adam Monias' death, the Commissioner for CSC appointed the members of that BOI and gave them specific instructions on the focus of the investigation into his death. This Inquest on the deaths of Max Richard and Adam Monias first heard evidence at the end of May 2024, more than six years after Max Richard's death and more than five years and nine months after Adam Monias' death.

[66] The second advantage was that the BOI was able to conduct a more comprehensive investigation into the deaths of Max Richard and Adam Monias than what this Inquest did - or could have reasonably done. The BOI, for

example, was able to, “search any building, receptacle or thing on the property of and in the possession of the CSC, and to seize and retain such books, documents or things as the Board may deem, on reasonable grounds, necessary for the successful execution of its mandate.” Here is what their report noted with respect to their investigation into Max Richard’s death:

During this investigation the BOI interviewed 17 staff including Correction Managers, Correctional Officers, Parole Officers, Nurses, Chief Health Services, Security Intelligence Officers and the Assistant Wardens Operations. The principal inmates involved in the incident were not interviewed. The BOI toured the site and location of the incident and reviewed CCTV recordings of the incident. The review of CCTV includes all footage of the actual incident as well as footage from the ranges and weight room in Unit 6 for the hours leading up to the incident. Footage of Security Patrols in Unit 6 for the day of the incident were also reviewed.

[67] Here is what the BOI investigation report on Adam Monias’ death noted:

During this investigation, the BOI interviewed 39 individuals (11 of whom were consults) including: Correctional Officers, Parole Officers, Security Intelligence Officers, Correctional Managers, Aboriginal Program Officer, Aboriginal Liaison Officer, Manager of Aboriginal Programs, Regional Project Officer, Aboriginal Initiatives, Critical Incident Stress Management Team Leader, and a Manager of Assessment and Interventions. As well, the BOI sought the participation of the inmates involved in the incident; however, only one inmate involved in the incident agreed to participate in the interview process. The chairs of the Inmate Welfare Committee (two inmates) also agreed to be interviewed by the BOI. Policy instruments (e.g. Commissioner’s Directives, Standing Orders, Post Orders and all components of the Engagement and Intervention Model) were reviewed. A tour of SMI (medium-security) was conducted including the areas in which the incident unfolded: Unit 1, the walkway outside of Unit 1 referred to as the Breezeway, and the outdoor fenced-in corridor that connected to the Breezeway to the recreation yard and the recreation yard itself.

[68] The third advantage is that the BOI could make recommendations after reporting their finding on each investigation area. The BOI report on Max Richard’s death had no recommendations to make after reporting their findings

with supporting facts. The BOI report on Adam Monias' death made three recommendations after reporting their finding on each investigation area. As was discussed in Part IV, this Inquest is without jurisdiction to make recommendations directed at the policies, procedures and management at the SMI.

[69] Given the advantages the BOI had, this report will first review their investigations, findings and recommendations.

## **VIII. THE CSC MANDATE FOR THE BOI INVESTIGATING MAX RICHARD'S DEATH**

[70] After providing the background into the incident and the chronology of events surrounding Max Richard's death, the BOI was mandated to specifically analyze the following four issues:

- a.) The existence of pre-incident indicators, precipitating events or contributing risk factors to the incident under investigation, including Security Intelligence information; and if so, were they known by staff and was any attention provided or action taken by them.
- b.) The security classification of the principal inmates involved in this incident and their placement at SMI and whether the Aboriginal social histories of the inmates were considered in the decision-making process as per Commissioner's Directive (CD) 702, *Aboriginal Offenders*, CD 705-7, *Security Classification and Penitentiary Placement*, and CD 710-6, *Review of Inmate Security Classification*.
- c.) The staff presence in the area where the incidents occurred, including the monitoring of inmate activities.
- d.) The staff response to the incidents, including, but not limited to, the use of force as well as the interventions and medical care that were provided to the inmates following the incident.

## **IX. THE BOI'S FINDING IN MAX RICHARD'S DEATH**

[71] With respect to the first issue, the BOI concluded that the Security Intelligence Officer (SIO) had no information to suggest that there was a risk of violence such as what occurred on January 7, 2018. The SMI's gradual move to having a joint recreation time had been a work in progress for over two years and there had been no serious incidents during this time. This joint recreation time allowed the inmates more recreation time and as they viewed this as a benefit; they had been respectfully abiding by the conditions and expectations of it.

[72] In their investigation, the BOI found out that several events had led up to the assault on Max Richard that January. All of this was unknown to the COs or the SIO, as it was something the inmates were not prepared to share with any staff at SMI. In the fall of 2017, CSC had initiated the movement of some prisoners from another institution. Several members of the Saskatchewan Warriors STG were transferred to SMI. When they arrived in at SMI and were housed in the MSU, they began recruiting new members., including Max Richard, and were enforcing a "range tax". This upset the other STGs in the MSU.

[73] As well, the BOI found out that a former SMI inmate who had been a member of the Saskatchewan Warriors STG, had owed a debt to the Indian

Posse STG, but had refused to pay before being transferred out of SMI. As a result of this, the Indian Posse STG allocated this debt to other Saskatchewan Warriors STG members – but they had refused to pay it.

[74] As can be seen from the circumstances and timeline of Max Richard's death as detailed in Part V of this report, the attacks on William Gunn, Eric Stevens and Max Richard on January 7 were planned and coordinated attacks. The BOI found that the attacks were sanctioned by all of the STG's on G-Range and H-Range. However, this was also information which was withheld from the COs and the SIO.

[75] The BOI made the following finding with respect to the second issue they were to address:

The BOI found no issues of concern with the security classification or placement of the inmates involved in the incident. All inmates were appropriately classified as Maximum Security and they were all appropriately placed in the MSU at SMI. All of the inmates involved in this incident, with the exception of Eric Stevens, were Aboriginal (First Nations) and the Aboriginal Social History for each of the inmates was duly considered as part of the decision-making process for all of the Aboriginal inmates involved in this incident.

[76] With respect to the third issue they were to address, the BOI concluded that the staffing level in the area where the incident occurred was appropriate as was their monitoring of the inmate activities.

[77] The BOI's fourth issue to address was twofold. First, was their use of force an appropriate and timely response to the incident as it unfolded? The

BOI found that the use of OC spray when verbal orders were ineffective was appropriate at that point in time and that when the Gallery CO realized that Max Richard's life was in danger, the attempt to deploy the 40mm launcher was correct – as was abandoning that plan when he was unable to get a clear and properly aimed shot. As well, the COs charging of his carbine at that point in time was the correct next step in the use of force continuum. Secondly, the COs emergency medical response to Max Richard – and to William Gunn and Eric Stevens – was prompt and appropriate, in assessing the extent of their injuries, in administering first aid, and in what to do and what not to do while waiting for the paramedics to arrive.

## **X. THE CSC MANDATE FOR THE BOI INVESTIGATING ADAM MONIAS' DEATH**

[78] After providing the background into the incident and the chronology of events surrounding Adam Monias' death, the BOI was mandated to specifically address the following four issues:

- a.) The existence of any security intelligence information in relation to the incidents, as well as the dynamics of the STGs involved in the incidents and information related to the same, and if so, were they known by staff and was any attention provided or action taken by them.
- b.) The population management strategies at SMI (Medium), relative to the management of the various STGs, as well as the correctional interventions for Aboriginal Offenders who are affiliated/associated with STGs.
- c.) The staff presence in the area where the incident occurred, including the frequency and monitoring of inmate activities, inmate movement and searches prior to the incidents.

- d.) The staff response and management of the incidents, including but not limited to:
- application of the Engagement and Intervention Model including the uses of force; deployment of a chemical agent and the charging of a firearm,
  - the security measures taken, institutional searches, including the searching of Steven Taylor prior to his medical escort; and, the preservation of evidence, and
  - the interventions and medical care that were provided to the inmates.

## **XI. THE BOI'S FINDINGS IN ADAM MONIAS' DEATH**

[79] With respect to the first issue, the BOI's finding was as follows:

Prior to August 16, 2018, there was no security intelligence information available to suggest any inmates in general population at SMI (Medium) were targeted for an assault. SMI (Medium) was in the final stages of integrating a STG sub-population with the general population. The dynamics of the STGs involved in the incidents (and, the integration efforts) were well known to security intelligence, security operations and management. Significant undertakings occurred prior to and during the integration efforts of the sub-population with the general population. There were no contraindications to the continuation of the integration efforts undertaken, prior to the incidents.

[80] With respect to the second issue, the BOI found that, at the time of the incident, the population management strategy for the STGs within the Medium Security Unit was focussed on the reintegration of a STG sub-population into general population, and that the strategy was logical and well thought out – with a great deal of flexibility built in. With respect to correctional interventions for Aboriginal Offenders associated or affiliated with STGs, the BOI found SMI staff that were interviewed were expressing an interest in training specific to this issue. As a result, the BOI made two recommendations. First, that management within SMI “consider expanding the current population management strategy for STGs to include an interventionist component and

consider piloting an intervention program for Aboriginal inmates who are STG involved.” Second, that following this pilot program, that management at SMI consider developing an STG specific training for a wide audience of frontline staff, with respect to engagement, intervention and disaffiliation principles that are relevant to inmates/offenders who are STG affiliated (Aboriginal and non-Aboriginal STG members).

[81] The third issue which the BOI addressed was the question of staff presence, the monitoring of inmate activities and movement, and searches where the incidents occurred. The BOI found that, “at the time of the incidents, inmate monitoring and physical presence and supervision by COs was consistent with institutional policy.” COs had conducted a formal security patrol of the exercise yard and sports shack prior to the start of the evening exercise period as well as a subsequent security patrol at 7:10 pm, less than an hour prior to the start of the assault on Steven Taylor. As well, the SMI’s Institutional Search Plan had been followed with respect to routine searches of all cells, common areas and the exercise yard prior to the incidents on August 16.

[82] With respect to fourth issue, the BOI addressed this as follows:

The response of the COs to the incidents, including the uses of force were done in accordance with the Engagement and Intervention Model. However, given the time between the assaults (*the BOI noted that the time between Braiden Garand being cleared from the breezeway until Adam Monias first being struck by the*

*baseball bat was 3 minutes and 21 seconds*), although not explicit in policy, there was an opportunity for direction to be given to the inmates in the yard to “prone out” thereby ensuring containment and control over the inmates in the yard. From a “lessons learned” approach, the BOI made a recommendation to share this information with all sites.

In addition to sharing the “lessons learned”, the BOI recommended that this somehow be integrated into training materials and procedures.

[83] Concerning the searching of Steven Taylor prior to his medical escort, the BOI did receive some information which was classified and not available in their report filed at this Inquest. The BOI observed that the medical interventions for all three injured inmates was timely and appropriate.

[84] The BOI also reported that following the incidents, the RCMP and an SMI Security Intelligence Officer searched the recreation yard and seized approximately 30 prison-made stabbing weapons, a bludgeoning weapon and the baseball bat used in the assault. A search of the fenced-in corridor and breezeway where Steven Taylor was attacked resulted in an additional nine stabbing weapons being found and seized.

## **XII. THE WITNESS EVIDENCE AT THE INQUIRY**

[85] As noted in Part VII, the BOI had several advantages over this Inquest. In particular, five of the witnesses at the Inquest, presently staff at SMI, were working at SMI in 2018, although some are now serving in a different capacity. The sixth witness, Christer McLaughlin, was employed at SMI in 2018, but now works as a Senior Project Officer for the CSC National Headquarters in

the Preventative Security Intelligence Branch. Being called upon to look back and answer questions about what was happening in 2018 was clearly challenging for the witnesses at times. This was particularly true when specific details around the events were being asked about. However, without having notes from 2018 to rely on, the witnesses were still able to provide a fair amount of detail about what they were doing and what they were responsible for during the time period of the deaths of Max Richard and Adam Monias. All six witnesses agreed that things had changed at SMI in the past six years; this lapse of time was one advantage the witnesses had over the BOI, as they could talk about what was done after the two deaths in 2018 and what changes have been implemented as a result.

### **PAUL THOMPSON**

[86] Paul Thompson has worked at SMI for 24 years. He is currently the Correctional Manager (CM) of Unit 2 in Medium Security. Prior to this, he was a CM in the MSU, he was working there in January 2018 when the attack on Max Richard happened. He recalled that they had no issues with Max Richard, as he was a very good, reasonable inmate and well liked by everyone. He was housed in H-Range, but as he was not affiliated with any STG, he was not considered incompatible with any STG in G-Range or H-Range.

[87] Paul Thompson explained that the goal for the MSU, when it first was opened, was to have the best maximum security facility in the country. This meant that they were attempting to give the inmates as much time out of their cells as possible – including as many programs, as much school, cultural activities and exercise time as possible. Exercise time, therefore, was combined for G and H ranges, as this allowed double the amount of outside time or weight pit time for inmates. This was a benefit to the inmates, and they valued this greatly. The joint exercise time had been happening for some time, without any major incidents. There had been some minor incidents like assaults, but nothing unusual or significant up until the attacks on January 7, 2018.

[88] Paul Thompson testified that there had been various members of STGs transferred into SMI over the years. However, the Saskatchewan Warriors members that were being transferred in over the Fall of 2017 was the largest transfer of inmates from a STG up until that point in time. He personally met with the Saskatchewan Warriors inmates as they were being transferred to SMI that fall. He explained his expectations to them, they told him that it was all “going to be good” and there were not going to be any issues. No security concerns were expressed by William Gunn and Eric Stevens and all of the Saskatchewan Warriors settled into the MSU without any incidents happening at all.

[89] Unknown to Paul Thompson and his staff in the MSU, the Saskatchewan Warriors inmates who had been transferred in began charging a range tax. A range tax, like any “debts” that were owed by one inmate to another were normally paid through items that could be purchased through the canteen; however, the inmates would rarely keep any physical evidence of this – like a debt sheet – but instead would just know how much was owed by whom. This was not information that would normally be shared with any SMI staff.

[90] Paul Thompson explained that anytime the staff heard anything about possible tension between the inmates or that there was potential trouble arising, the COs would speak to the inmates to try and sort out what the issues were. In January 2018, however, they had no knowledge that a coordinated planned attack was about to take place.

[91] Immediately after the incident on January 7, MSU cancelled the shared exercise time. With separate exercise times, there was minimal direct contact between the G-Range and H-Range inmates. Eventually, after many conversations with the inmate groups, MSU gradually reintroduced the shared exercise time.

[92] When asked, Paul Thompson agreed that more staffing during weekend and evening times, when the inmates have the free time outside of their cells,

would be appreciated and helpful, as it is during these times that the most incidents between the inmates happen.

[93] Paul Thompson noted that outside STG inmates have not been brought into SMI since then and so there have been no other incidents like what happened on January 7, 2018.

**LAURA KIRBY**

[94] Laura Kirby has worked at SMI for 22 years. She is currently the Manager of Assessment and Intervention. She explained how the Offender Management System works, including reviewing any STG affiliation, assessing who an inmate is incompatible with, and any no-contact orders the inmate may have had while his charges were proceeding through the court system.

[95] Laura Kirby was asked specifically about Steven Taylor and the information they might have had about his earlier conviction for his role in the death of an Indian Posse gang member. She testified that Steven Taylor had B-Side STG affiliation and was placed with members of the Manitoba Warriors STG as they were compatible. They would have known about the previous offence relating to an Indian Posse gang member and that is something that they would have taken into consideration when he was being placed in a unit at SMI.

[96] Steven Taylor had been at SMI since 2016 and he had never, to Laura Kirby's knowledge, come to any member of the Case Management Team or to a SIO or a CO to advise that he had any concerns about receiving any threats from any inmate. So now, in the summer of 2018, the ongoing population management effort to bring more inmates together to increase access to programming and recreation was allowing for more contact between the various STGs in medium security. That is, until the incident on August 16.

[97] When asked what changes she had seen since the death of Adam Monias, Laura Kirby answered that she had seen the SMI inmate population go back to more sub-populated units with the different groups on the ranges having more restricted controlled access to their program areas, including the recreation time.

### **BONNIE NORDIN**

[98] Bonnie Nordin has worked at SMI for 23 years and is currently the Correctional Manager of Operations. She was employed in that capacity at the time of Adam Monias' death. When Max Richard died, she was the Unit 4 Correctional Manager.

[99] Bonnie Nordin explained the steps SMI was taking in 2018 to reintegrate Manitoba Warriors and B-side STG inmates into the general population, thereby allowing for more fresh air and exercise times. As SMI is required by

law to provide fresh air and exercise times, they were always looking at ways to maintain and improve on this. The Population Management Committee, the Inmate Welfare Committee and members of the STGs were meeting regularly. Slow and gradual integration efforts were to take place in three phases over a 10-month period. Everything was going relatively well with the reintegration efforts.

[100] On August 16, 2018, they were at the latter end of Phase 1, which meant that there were two evenings a week and Saturdays where the Manitoba Warriors and B-Side sub-populations were having access to the recreation yard at the same time as the general population. As a result of the attacks on that day, the reintegration efforts were halted and not started up again for some time.

[101] Bonnie Nordin was asked if there was anything, in her opinion, that the COs could have done differently in the breezeway or in the recreation yard that would have minimized or prevented the attacks on Steven Taylor, Braiden Garand and Adam Monias. Her answer was, “No”. She explained that the speed with which and the way the incident unfolded meant that the COs could only react to the threat they were facing at each step of the attacks. The layout of the yard, the short time span between the events and the chaotic nature of all that was happening was a lot to assess and react to. She believed that the officers had followed their training for a situation like this. First, locate and verify, then

control, contain and isolate. Then call for assistance or evacuate if necessary. And, finally, resolve and reassess.

[102] Bonnie Nordin explained that it is the Commissioner's Directive – CD004 - that sets the national deployment standard for staffing. It sets the number of COs and that is all that SMI is budgeted for. This means that SMI does not have control over the number of COs that are on duty during the day, evening and overnight shifts. So, even though there are more inmates out and about and moving in large groups to and from the recreation areas during the evening and weekend times, SMI is required to have less staff on duty. And it is during those evening and weekend times when there tends to be more violence between the inmates. She agreed that all of the staff at SMI would like to have more evening and weekend staff.

[103] Bonnie Nordin explained that during the medium security exercise times when inmates are able to go out into the recreation yard, SMI has two COs who act as inmate movement control officers out in the yard and two COs up in the towers overlooking the recreation yard.

[104] Bonnie Nordin testified that at this time SMI has medical staff on site seven days a week from 7 am to 7 pm. She said that up until approximately 20 years ago, nurses would work until 11 pm. She was not sure if it was nursing standards or their union which changed that at the time. For now, though, this

means that during the evening and weekend exercise times when the most incidents of violence happen with the inmates, there are no medical staff working at SMI. When a medical incident involving an inmate occurs during these times, the Duty Correctional Officer (DCM) will make a determination about whether or not the inmate requires a further medical assessment or emergency care. Emergency Medical Services (EMS) may be called in and they would assess whether or not a trip to a hospital is necessary. If that is necessary, two COs are required to make the trip with the inmate to the hospital. This then necessitates adjustments in staffing, and this usually means shutting down some inmate activities.

[105] On August 16, 2018, prior to the assaults on Steven Taylor, Braiden Garand and Adam Monias happening, there had been a medical emergency involving another inmate. Bonnie Nordin said that when this earlier medical emergency took place, two COs escorted the inmate to the hospital, resulting in the gymnasium being shut down. The staffing in the recreation yard, however, was not affected by this.

[106] Bonnie Nordin testified that at SMI daily efforts are made to search out, identify and locate prison-made weapons. There is an SMI policy on frisk searching and pat down searching and regular searching of cells and any other possible hiding places within the institution. They find clubbing style weapons,

poking weapons and slashing weapons. Pieces of metal, razors, sticks, socks, and hockey tape are all items that are used to make weapons. As the *Charter of Rights and Freedoms* applies to all individuals - even if they are in custody - the COs have to balance the rights of inmates with the frequency of searching inmates and their cells for prison-made weapons. SMI, she added, has also acquired some additional tools to help with searches. She thought that a tool called “Cell Sense”, which is sort of like a mobile walk-through metal detector, has been a fantastic addition. It can be moved around easily and used almost anywhere.

[107] Bonnie Nordin testified that in the all the years she had been working at SMI, she could only recall a few instances where sporting equipment was used as a weapon. There was an incident where an inmate had his hands purposely crushed by a free weight. One time a pool ball went missing, but was quickly found, without incident, and one time a rake was used in an assault. So the baseball bat attack on Adam Monias was the most serious incident ever where sporting equipment was used in an assault. She explained that the inmates understand that if equipment is misused, they will lose it.

### **SERENA BOUDREAU**

[108] Serena Boudreau has been working at SMI for 13 years. She is currently the Indigenous Correctional Program Officer. She explained that SMI is bound

by policy to provide sports, leisure and hobby time to inmates. She said that food and sports are two of the most important things to inmates while they are incarcerated.

[109] Summertime sports include baseball, soccer and football, but baseball is the most popular. The equipment for the summertime sports includes baseball bats. At the time of Adam Monias' death, they had four composite bats available to be used. Other tools available to assist in summertime sports included rakes, shovels and spades. In the wintertime, hockey is popular and so skates and hockey sticks are available, with shovels and a small Zamboni are used as snow clearing equipment.

[110] Serena Boudreau testified that during the 13 years she had been working at SMI, she could recall two instances where sporting equipment was used as a weapon. Aside from the baseball bat that was used in assaulting Adam Monias, she recalled a skate being used as a weapon right around the time she had started work at SMI. She explained that because the playing of sports and the use of recreational equipment is so important to the inmates, there is an understanding that the inmates do not ever want to abuse that privilege. She thought that if inmates were ever not allowed access to any sporting equipment it would create a very hostile work environment for the COs. As a result of the

baseball bat being used in the attack on Adam Monias, the baseball bats were taken away for a period of time, though she could not recall for how long.

### **JARED KAUBLE**

[111] Jared Kauble has worked at SMI since 2011. He is currently the Correctional Manager on the Operational Desk. He testified about how many inmates there are at SMI and where they are housed. At the time he was testifying in May of this year, there were over 500 inmates in Medium Security. He explained what the sub-populations currently were, based on the different STGs and their incompatibilities. He outlined the number of staff on during the various shifts throughout the day and on the weekends.

[112] Jared Kauble testified that on August 16, 2018, they were at minimum compliment for staffing, so when two COs were needed for a medical escort, the recreation hall was closed in order to keep up the staffing requirements elsewhere. Then the assaults in the breezeway took place, and the COs in the yard came to assist. When asked, if this scenario had occurred with more staffing available, including more COs in the yard, he stated that he thought that all of the COs in the yard would still have come to assist in the breezeway, as it was now a matter of preservation of life.

[113] Jared Kauble explained that one change has come about since Adam Monias' death, in how COs are deployed in medium security during recreation

periods. SMI now has a CO posted at the Unit 1 door in the breezeway as a physical presence. The CO is there to break up groups from just standing there.

If there is loitering, the CO will tell the inmates to move along and keep going.

[114] Jared Kauble also spoke about their new search tool, “Cell Sense”, to help in the search for metal objects – weapons – that inmates may be carrying on them during recreation times, and that it is now sometimes used in the breezeway. It is normally placed outside a unit and used as the inmates are going to the recreation hall or weight pit or to the yard.

[115] When asked about staffing levels, Jared Kauble agreed that having more staff available for the recreation times – and for all areas of SMI - would be appreciated and helpful. He acknowledged that the national deployment standards, staffing directives and budgets are such that SMI does not have control over this.

### **CHRISTER McLAUGHLIN**

[116] Christer McLaughlin has worked for CSC for 28 years. For 24 years he worked at SMI as a CO, detector dog-handler, search specialist and SIO. For the past four years, he has worked as a Senior Project Officer in the CSC - Preventative Security Intelligence Branch. In this role he is working nationally on how to manage STGs and incompatibles across Canada, including at SMI.

[117] While at SMI, Christer McLaughlin was an SIO for 14 years. In that role, he would collect information about STGs and would be assessing the overall STG dynamics, both within the institution and in the community.

[118] Christer McLaughlin testified about what led up to the death of Max Richard in January 2018. In 2017, the planning process was initiated by CSC with respect to an inmate transfer from the Saskatchewan Penitentiary to SMI. At the time there were two larger STGs within that penitentiary that were incompatible with the Saskatchewan Warriors. It was believed that the Saskatchewan Warriors, though, were compatible with the Manitoba Warriors housed at SMI and so the Saskatchewan Penitentiary reached out to SMI to ask about integrating the Saskatchewan Warriors into the STG population.

[119] Consultations took place between the SIO departments of the two institutions both with respect to a potential transfer to the medium security and maximum security units at STG. It was eventually determined that there wouldn't be any integration issues and so around 12 Saskatchewan Warriors were initially transferred to STG late in 2017 and were housed with Manitoba Warriors in the medium and maximum security units at SMI. There was an understanding, as well, that there were around six more inmates in remand in Saskatchewan that would likely come at a later date.

[120] Christer McLaughlin noted that SMI had taken in an outside subpopulation some years prior to this when a number of Saskatchewan Indian Posse had transferred in. It had not gone well as there were some violent incidents that occurred when they came. As a result, the security intelligence office was well aware of the potential for problems to arise, however CSC sometimes makes these decisions through a national lens, and this was apparently the best solution possible. So, a lot of information gathering, and groundwork went into making this integration process work. It was a resource intensive process.

[121] Christer McLaughlin met with the Saskatchewan Warriors inmates as they arrived at SMI and expectations were discussed. The message was, “mind your own business, take care of yourself and don’t cause any problems with the other groups.” He believed that the message was received; they agreed with this.

[122] However, they did not comply with these expectations. Unknown to Christer McLaughlin, the Security Intelligence Office and the COs, the Saskatchewan Warriors began recruiting members and this included recruiting Max Richard. If the security intelligence office had received any information about this happening, they would have immediately taken action. As well, the other STGs that knew about what the Saskatchewan Warriors were doing,

planned a revenge attack in secret. This was primarily instigated by the Indian Posse and the Gangster Crips STG members, but other STGs - notably the Manitoba Warriors - were present but did not participate. Christer McLaughlin and the security intelligence office did not know this was going to take place, but how it played out suggested to them that this had been planned and discussed amongst all of the STGS on the Unit. He had, as a SIO, been proactively communicating with the STGs reminding them regularly to talk to him if they had any concerns; unfortunately, in this case they chose to not to talk to him, rather they planned an assault and carried through with it.

[123] Christer McLaughlin also testified about what was happening later on in 2018, prior to the death of Adam Monias. He explained that the attempt to reintegrate the sub-populations in medium security in 2018 was a very lengthy process. There were daily and weekly meetings. There were consultations with inmates and meetings with the staff, the Inmate Welfare Committee and the leaders of the various STGs over a number of months. Progress was monitored on an ongoing basis. The intelligence information they were receiving was that it was going better than anticipated. The inmates were saying that everything was good, and the staff observations confirmed this.

[124] By August 16, 2018, they were nearing completion of the reintegration. There had been no issues with the shared recreation times. There had been no

information received that the Warriors of B-Side STGs were being targeted. And then the unexpected, premeditated attack on Steven Taylor happened. Up until that point in time, the security intelligence office had received no information that he might be under threat and was targeted for an assault.

[125] Christer McLaughlin testified that if the security intelligence office had received any such information at all, they would have tried to corroborate the information and would have recommended to the senior management team that Steven Taylor be removed from general population for his own protection, particularly since he was close to his release date. After the incident, he was able to learn that this particular attack on Steven Taylor was not sanctioned by the leadership of the STG. Instead, a faction within that group saw an opportunity to unilaterally assault Steven Taylor prior to his release date.

### **XIII.SOME FINDINGS AND OBSERVATIONS AT THIS INQUEST**

#### **The availability and use of SMI's Intelligence Information on STG's**

[126] In reviewing the BOI reports on the deaths of Max Richard and Adam Monias, and in hearing from the witnesses at the Inquest, it is clear that SMI has a comprehensive plan and ever evolving task in identifying the dynamics of the various STGs within the institution. It is a major undertaking, consuming lots of resources and time. However, given the selective and secretive nature of how STGs operate within an institution, cooperating with the COs and SIOs

from time to time, and then not disclosing information and plans at other times makes it impossible to prevent every instance of violence that occurs. The attack on Max Richard is an example of this. The joint recreation time between the G-Range and H-Range was what the inmates wanted and appreciated; it appeared to be going well. However, at the same time there was an undercurrent of tension with those same inmates because of what the newly admitted Saskatchewan Warriors STG members were doing. There were no obvious deficiencies in what the Offender Management System had collected and documented and what the Security Intelligence Office had uncovered or been made aware of.

[127] SMI knew there were potential risks in accepting the inmates from the Saskatchewan Warriors STG. This was a planned move by CSC and SMI was thorough in their preparation for the placement of these inmates at STG. Paul Thompson testified that he personally met with the new inmates when they arrived from the Saskatchewan Penitentiary and clearly set out the expectations for each of them. It appeared to be as smooth a transition as could be expected, however, in hindsight it is easy to reflect on what could have been done differently. Perhaps a return to not having shared exercise times while the Saskatchewan Warriors were being introduced and integrated into the unit could have prevented these attacks on William Gunn, Eric Stevens and Max

Richard. However, as SMI is always managing a balancing act with the respect to the safety and security of the inmates and staff verses the providing of maximum fresh air and exercise time for the inmates, SMI cannot be faulted for carrying on with the joint exercise time that had so far been a success. As noted by Paul Thompson in his evidence, outside STG inmates have not been brought into SMI to be housed there since the incident in 2018.

[128] Similarly, there was no deficiency in what the Offender Management System and the Security Intelligence Office knew about the spontaneous attack on Steven Taylor on the day of Adam Monias' death. They were aware of Steven Taylor's youth conviction for manslaughter relating to an Indian Posse STG member's death, and it had been taken into consideration in when he was placed in a unit at SMI.

### **The Search and Seizure of Weapons at SMI**

[129] In January 2018, Max Richard died as a result of multiple stab wounds made by prison-made stabbing weapons. In August 2018, Steven Taylor was attacked and stabbed with prison-made stabbing weapons in the breezeway before Braiden Garand came to the rescue also armed with a stabbing weapon. It is perhaps surprising that a controlled and confined space like SMI would have so many inmates carrying and stashing weapons, and that it should be possible to simply reduce, if not eliminate, them from SMI. However, several

witnesses at this Inquest testified to the ongoing challenges SMI has with respect to searching for and finding inmate weapons. It is a daily and time-consuming task. Bonnie Nordin testified about the variety of prison-made weapons that are found and the variety of ways in which inmates use any possible material or substance to make these weapons. SMI has an extensive search policy in place, with respect to searching inmates, cells and common areas to find weapons. The frequency of the cell searches and frisk searches of inmates, though, always has to be balanced by the inmates' rights under the *Charter of Rights and Freedoms*.

[130] As well, SMI is always looking for new tools to assist in searching out weapons. One recently acquired tool is a mobile walk-through metal detector called "Cell Sense". It can be moved to different locations easily, set up and used. Ideally it would always be used to screen all inmates as they leave their cell units to attend to any activities – especially the shared recreation times. The complication for SMI if they were considering this is that this is a time-consuming undertaking. This means that it is always in conflict with the inmates' rights to not be searched continuously and the mandate to provide inmates with sufficient fresh air and access to recreation time.

## **The SMI Sporting Equipment**

[131] A baseball bat from the outdoor recreation yard was used in the attack on Adam Monias. Serena Boudreau testified that the inmates' most popular outdoor summertime sport is baseball. In addition to the baseball bats – usually four composite bats - available to the inmates in the recreation yard, there are rakes, shovels and spades that are used during the summertime activities. In the wintertime, there are skates, hockey sticks, shovels and a small Zamboni available to the inmates. Even with all of these potential weapons available to inmates, it is extremely rare for this equipment and these tools to be misused as inmates understand and greatly appreciate the privilege to have these things available to them.

[132] On that day in August when Adam Monias was attacked, it would appear that Braiden Moneyas just happened to have ready access to a baseball bat when he and several other inmates impulsively launched a retaliatory attack on Adam Monias because of what was happening in the breezeway. The others who joined him in the attack did not use any weapons, even though there may have been other sporting equipment available to them to use as a weapon, and there were dozens of prison-made weapons hidden in the recreation yard that day, as was discovered in the subsequent search. The use of the baseball bat in

this attack resulted in an immediate consequence for the other inmates – the baseball bats were taken away for a period of time.

[133] It would appear that the policies and safeguards in place at SMI with respect to the sporting equipment is such that it balances the safety and protection of the inmates and staff with the need to have equipment available for meaningful sporting activities for the inmates.

### **The Gap in time between the Breezeway Incident and the attack on Adam Monias in the Recreation Yard**

[134] The COs on duty at the time of the assaults on Steven Taylor and Braiden Garand in the breezeway on August 16 were dealing with two severely injured inmates and other inmates possibly joining in on the assaults in progress or starting yet another assault. It was a chaotic incident that happened very quickly. As the COs on the ground were dealing with this, they were able to prevent the other inmates still in the recreation yard from joining in by locking the barrier between them and the fracas happening in the breezeway. The BOI noted, however that more than three minutes passed between the removing of the injured Braiden Garand from the breezeway and the start of the assault on Adam Monias in the yard. The two COs on the tower did have the time and opportunity during those minutes to engage with the remaining inmates in the yard and could have asked them to “prone out” which would have allowed for

better control of everyone remaining in the yard. It might have prevented the unforeseen attack on Adam Monias. The BOI wisely recommended the sharing this information with all SMI staff from a “lessons learned” standpoint. It is clear that this incident was one of those unique situations where one assault led to two other assaults, which led to yet another assault. When a situation is spiralling out of control, there is much wisdom in proactively trying to contain and control every other inmate not yet involved in the initial assaults.

### **Evening and Weekend Staffing at SMI**

[135] The assaults on William Gunn, Eric Stevens and Max Richard happened during the evening hours when shared exercise time was ending for the G-Range and H-Range in the MSU. The assaults on Steven Taylor, Braiden Garand and Adam Monias happened during the evening hours when Medium Security was beginning their exercise changeover. As several witnesses at this Inquest testified to, staffing is at a minimum for evening, nighttime and weekend hours. As Bonnie Nordin explained, it is the Commissioner’s Directive that set the national deployment for staffing and SMI is required to follow it. Her experience, as observed by other witnesses, is that it is in the evening and weekend hours – particularly during the recreation times and the movement of inmates from cells to recreation locations – that the most violence happens between inmates. All of the witnesses who were asked agreed that

having more staff working during those times would be helpful. One helpful change that has been made since Adam Monias' death in August 2018 is that COs are deployed differently during the Medium Security recreation periods, as a CO is posted outside the door of Unit 1, standing in the breezeway as a physical presence.

### **Medical Staff on duty during evening hours**

[136] Bonnie Nordin testified in years gone by – perhaps up to 20 years earlier, medical staff – nurses would be working at SMI until 11 pm seven days a week. That ended and now there is medical staff on duty at SMI from 7 am until 7 pm daily. This is not something within the control of the SMI or CSC. As has previously been discussed, it is during the evening hours (as well as during the daytime on the weekends) that the inmates are out in the exercise pit and in the recreation yard and that it is during these times that the most incidents of violence between the inmates tend to occur. Obviously, it would be most helpful to have nursing staff on duty during those times to assess, assist and provide first aid when there are injured inmates. While there is no question that the COs on duty on January 7 and August 16 provided excellent first aid to all of the injured inmates, having medical staff on hand would have been valuable.

I respectfully conclude and submit this report on this 2<sup>nd</sup> day of December 2024, at the City of Winnipeg, in the Province of Manitoba.

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Senior Judge Robert Heinrichs  
Provincial Court of Manitoba



Manitoba

REPORT BY PROVINCIAL JUDGE ON AN INQUEST  
INTO THE DEATHS OF:  
ADAM MONIAS AND MAX MAURICE RICHARD

**APPENDIX “A” - WITNESS LIST**

These are the witnesses who testified at the Inquest:

1. Paul Thompson
2. Laura Kirby
3. Christer McLaughlin
4. Bonnie Nordin
5. Serena Boudreau
6. Jared Kauble



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**APPENDIX “B” - EXHIBIT LIST**

1. Book of Adam Monias Inquest Material
2. Book of Max Richard Inquest Material
3. Statement of Facts Regarding Adam Monias
4. Statement of Facts Regarding Max Richard
5. Disc of Surveillance Videos - Max Richard
6. Disc of Surveillance Videos – Adam Monias
7. Recommendations, Action Plans, Supporting Facts and Corrective Measures (Grid)