

RELEASE DATE: September 29, 2010



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: **RANDY GEORGE KRASNESKY**
(DOD: MARCH 16, 2007)

**Report on Inquest and Recommendations of
Associate Chief Judge Michel Chartier
Issued this 24th day of September 2010**

APPEARANCES:

MR. MARTIN MINUK, Inquest counsel
MR. SCOTT FARLINGER, Counsel for the Royal Canadian Mounted Police

RELEASE DATE: September 29, 2010



Manitoba

**THE FATALITY INQUIRIES ACT
REPORT BY PROVINCIAL JUDGE ON INQUEST**

RESPECTING THE DEATH OF: RANDY GEORGE KRASNESKY

Having held an inquest respecting the said death on January 4, 5, 6, 8, 2010 and April 1, 2010, at the City of Winnipeg in Manitoba, I report as follows:

The name of the deceased is: RANDY GEORGE KRASNESKY.

The deceased came to his death on the 16th day of March 2007 at the City of Selkirk, in the Province of Manitoba.

The deceased came to his death by the following means:
Acute cocaine overdose (resulting from oral ingestion).

I hereby make the recommendations as set out in the attached report.

Attached hereto and forming part of my report is a list of exhibits required to be filed by me.

Dated at the City of Winnipeg, in Manitoba, this 24th day of September 2010.

“Original signed by:”

Associate Chief Judge Michel Chartier

Copies to: Dr. A. Thambirajah Balachandra, Chief Medical Examiner
Chief Judge Ken Champagne, Provincial Court of Manitoba
The Honourable Andrew Swan, Minister of Justice
Mr. Jeffrey Schnoor, Deputy Minister of Justice
Mr. Larry Hodgson, Acting Director of Regional Prosecutions
Mr. Martin Minuk, Inquest counsel
Mr. Scott Farlinger, Counsel for the Royal Canadian Mounted Police



Manitoba

THE FATALITY INQUIRIES ACT
REPORT BY PROVINCIAL JUDGE ON INQUEST

RESPECTING THE DEATH OF: RANDY GEORGE KRASNESKY

TABLE OF CONTENTS

Paragraphs

I.	THE CALLING OF THIS INQUEST-----	1-2
II.	MANDATE OF THE INQUEST AND STANDING -----	3-7
III.	THE INQUEST	
	A. Summary of the Events of March 16, 2007 -----	8-12
	B. Cause of Death -----	13
IV.	WITNESSES CALLED AT THE INQUEST	
	A. Judith Winnifred Frost -----	14-19
	B. Jonathan James Paul Oakes -----	20-49
	C. Tara Edith Bolin -----	50-66
	D. Craig Michael Lickers-----	67-91
	E. Jennifer Kociuba-----	92-100
	F. Roxine Marie Wright -----	101-106
	G. John Marshall McLaughlan -----	107-119
	H. Constable Kevin Kauk-----	120-124
	I. Andrew Christianson-----	125-130
	J. Jessica Shumilak -----	131-135
	K. Kate Loewen-----	136-142
	L. Dr. Thambirajah Balachandra -----	143-148
	M. Kimberly Easter -----	149-162
	N. Sgt Christopher William Ballard-----	163--173
	O. Corporal Rhonda Seitz -----	174-193
	P. John Thomas Jones -----	194-199
V	RECOMMENDATIONS-----	200-203

I. THE CALLING OF THIS INQUEST

[1] The Chief Medical Examiner for the Province of Manitoba, Doctor A. Thambirajah Balachandra, sent a letter bearing date December 7, 2007 to the Chief Judge of the Provincial Court directing that, in accordance with *The Fatality Inquiries Act* (the “Act”), an inquest be held into the death of Randy George Krasnesky for the following reasons:

1. to fulfill the requirement for a mandatory inquest as defined in section 19(3) of the legislation;
2. to determine the circumstances relating to Mr. Krasnesky’s death; and
3. to determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[2] Section 19(3) of the *Act* provides:

19(3) Where as a result of an investigation, there are reasonable grounds to believe

(a) that a person while a resident in a correctional institution, jail or prison or while an involuntary resident in a psychiatric facility as defined in *The Mental Health Act*, or while a resident in a developmental centre as defined in *The Vulnerable Persons Living with a Mental Disability Act*, died as a result of a violent act, undue means or negligence or in an unexpected or unexplained manner or suddenly of unknown cause; or

(b) that a person died as a result of an act or omission of a peace officer in the course of duty;

the chief medical examiner shall direct a provincial judge to hold an inquest with respect to the death.

II. MANDATE OF THE INQUEST AND STANDING

[3] Inquests in Manitoba are governed by the *Act* and are presided over by judges of the Provincial Court of Manitoba. The duties and limitations of a judge presiding at an inquest are set out in s. 33 of the *Act*. The primary role of the judge at an inquest is to determine the identity of the deceased, when, where, and by what means, the deceased person died, the cause of death, the material circumstances under which the death occurred and whether the death could have been prevented. Further, a judge may recommend changes in the programs, policies or practices of the government and relevant public agencies or institutions or in the laws of the province, where the judge is of the opinion that such changes would serve to reduce the likelihood of deaths in similar circumstances in the future. There is no authority under the *Act* for a judge to make recommendations to private individuals, businesses or corporations.

[4] There is a statutory limitation placed on a judge presiding at an inquest in Manitoba. Section 33(2) of the *Act* prohibits a judge from expressing any opinion on or making a determination with respect to culpability in respect of the death that is the subject of the inquest. In other words, a judge at an inquest is not permitted to make a finding or express an opinion that someone is responsible for or legally blameworthy in the death of the person that is the subject of the inquest.

[5] The mandate of this inquest is to determine the material circumstances relating to Randy Krasnesky's death and to determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[6] The *Act* provides in section 28 (1) that a person who "is substantially and directly interested in the inquest" may attend in person or by counsel and may examine or cross-examine the witnesses called. A Standing Hearing was held on June 6, 2008.

[7] Standing was granted to The Royal Canadian Mounted Police. No further individuals or organizations made application for standing.

III. THE INQUEST

A. Summary of the Events of March 16, 2007

[8] On March 16, 2007 at approximately 7:27 p.m., the Selkirk RCMP Detachment was involved in a traffic stop involving a vehicle containing two occupants, namely Kimberly Easter (aka "Valdez") and Randy Krasnesky, as part of a drug investigation. Information had recently been received by the RCMP to the effect that Kimberly Easter may be trafficking drugs in Selkirk, Manitoba.

[9] Kimberly Easter and Randy Krasnesky were subsequently detained and searched incidental to their detention. A small amount of a substance, believed to be marijuana, was found on the person of Mr. Krasnesky. He was handcuffed and placed in the rear of the police cruiser, without incident. Mr. Krasnesky, at this point, was described as being cooperative with the police and showed no signs of requiring medical attention.

[10] Once seated in the rear of the police cruiser, Mr. Krasnesky almost immediately began to complain about not feeling well and made demands that he be taken to the hospital. Mr. Krasnesky's demeanour was noted to have changed dramatically at this time. He vomited over himself and in the rear of the police cruiser. His situation deteriorated quickly to the point of convulsing and losing consciousness. Police on the scene removed Mr. Krasnesky from the rear of the police cruiser and placed him in a recovery position outside.

[11] At approximately 7:43 p.m., EMS was contacted and requested to attend the scene to render medical assistance. Once outside of the police cruiser, Mr. Krasnesky had further convulsions and/or seizures. Members at the scene cared for Mr. Krasnesky and monitored his condition.

[12] At approximately 7:49 p.m., EMS arrived on the scene. Mr. Krasnesky was placed in the ambulance and escorted to Selkirk General Hospital. At approximately 8:41 p.m., Mr. Krasnesky was pronounced dead.

B. Cause of Death

[13] On March 19, 2007, an autopsy was performed on Mr. Krasnesky by Dr. Balachandra at the Health Sciences Centre. The final autopsy report revealed Mr. Krasnesky's cause of death was the result of an acute cocaine overdose.

IV. WITNESSES CALLED AT THE INQUEST

A. Judith Winnifred Frost

[14] Ms Frost testified that on March 16, 2007, she resided at 471 Main Street, Selkirk, Manitoba. She stated that on the day in question her friend, Kimberly Easter, and an unknown male came to her residence. She had known Ms Easter for 20 years but had never before met the male who accompanied her.

[15] Ms Frost confirmed that the couple attended her residence between 7:30 p.m. and 7:45 p.m. and stayed for approximately 30 minutes.

[16] She recalled that they simply chatted and had coffee during the visit. Ms Frost's son, Darren Morrisseau, and her grand-daughter were also present during this visit.

[17] The witness confirmed that although she did, at one time, have a crack addiction, she was no longer involved with crack cocaine, nor was there any discussion with Ms Easter or the unknown male, during the visit, regarding drugs. Ms Frost confirmed that the unknown male was not there to sell drugs and that Ms Easter had just "dropped in", as is sometimes the case. Ms Easter's visit to Ms Frost's residence on that date was not planned.

[18] Ms Frost confirmed that the unknown male did not leave any drugs at her residence (either with her or with her son). In fact, she stated that her son, Darren Morrisseau, was in his room during the entire visit.

[19] Ms Frost testified that a couple of hours after Ms Easter's departure (with the unknown male), the RCMP (one officer) came to her residence and took her to the Detachment for questioning.

B. Jonathan James Paul Oakes

[20] Constable Oakes is a member of the Royal Canadian Mounted Police. He is currently stationed at "D" Division, in Winnipeg, in the drug section. In March 2007, he had been in the service of the RCMP for six years and was in the general investigation section of the Selkirk Detachment. Most of his responsibilities in Selkirk were dedicated to drug investigations in and around Selkirk, Manitoba. He first started in the general investigation section of the Selkirk Detachment on October 16, 2006.

[21] During the course of Constable Oakes' examination, reference was made to a service training record (Exhibit #6). In reference to his training, generally, and his service training record, specifically, Constable Oakes testified that he had not received a lot of "drug training" save and except for limited training in this regard at "Depot" and a general investigation course which he had subsequently completed.

[22] On March 16, 2007, Constable Oakes was "partnered up" with Constable Rhonda Seitz. He confirmed that she had been in the general investigation unit of the Selkirk approximately six months prior to his posting.

[23] Constable Oakes testified that on the day in question, he was working the evening shift (5:00 p.m. to 2:00 a.m.). He and Constable Seitz always worked together.

[24] He confirmed that prior to the commencement of his shift he had received information from a civilian employee at the RCMP Detachment, RCMP clerk Alita Fillion. The information which was conveyed to Constable Oakes from Ms Fillion had been received anonymously by the RCMP and was to the effect that Kimberly Easter was in Selkirk selling drugs (selling "rock"). In order to corroborate the tip received, Ms Fillion conducted a CPIC and Pros check regarding Ms Easter's licence plate (based on the information received by the anonymous tipster). The anonymous tip also included information regarding the potential whereabouts of Ms Easter, specifically that she may be at Clifford Robinson's residence.

[25] Constable Oakes testified that, following receipt of this information, he immediately went to Clifford Robinson's residence and determined that Ms Easter's vehicle was not there.

[26] After receiving the tip information from Ms Fillion, Constable Oakes texted Constable Seitz on her "work issued cellular telephone". He called Constable Seitz at 6:08 p.m. on his way to Clifford Robinson's residence and texted Constable Seitz at 6:31 p.m.

[27] Constable Oakes confirmed that he received confirmation from Constable Seitz to the effect that she had received reliable source information two weeks earlier that Kimberly Easter was selling drugs in Selkirk.

[28] Constable Oakes stated that the anonymous tip information received through the RCMP clerk further indicated that Kimberly Easter may also be selling drugs at Judith Frost's residence. The tip information, however, did not confirm that Ms Easter would be in the company of anybody else.

[29] Following the unsuccessful attempt of locating Ms Easter at Clifford Robinson's residence, Constable Oakes parked his vehicle across the street from Judith Frost's residence in Selkirk. Constable Seitz, on the other hand, was going to get the other unmarked police cruiser and the "encrypted" portable radio with a view to later meeting up with Constable Oakes.

[30] Constable Oakes testified that he took up surveillance at a location east of Ms Frost's residence at approximately 6:31 p.m. He parked his unmarked police cruiser one

city block east of 471 Main Street (the “Frost residence”) to survey the situation. He noticed that a van bearing licence plate number EBE 299 was, in fact, parked west of Main Street on Robinson Street, in proximity of 471 Main Street. It was still daylight at the time.

[31] Constable Oakes confirmed that at 7:05 p.m., he saw activity at Judith Frost’s residence. A male and a female left Judith Frost’s residence and entered the van (bearing Manitoba licence plate number EBE 299). Constable Oakes knew neither person at the time. He was basing his actions on “plate information” alone.

[32] Constable Oakes stated that the van went from 471 Main Street to the Riverboat Restaurant located just south of the Eaton and Main Street intersections, in Selkirk.

[33] The van remained at the Riverboat Restaurant for a few minutes. Although Constable Oakes did not see the female enter the restaurant (because of his vantage point) he did observe both of the van’s occupants leaving the restaurant following their brief stay.

[34] Constable Oakes testified that he was informed by Constable Seitz that she had communicated with Constable Bolin (who was driving a marked police cruiser car at the time) in order to brief her as to what was transpiring. The intention was to ultimately request that Constable Bolin conduct a traffic stop of the van with a view to assisting in the drug investigation.

[35] After leaving the Riverboat Restaurant, the van returned to Main Street and headed south. It travelled a short distance and parked at McMillan Insurance at approximately 7:19 p.m. The van’s occupants then crossed the street and entered the Chicken Chef Restaurant. Constable Oakes confirmed that, at this point, he handed over the observation responsibilities to Constable Seitz. He then met up with Constable Bolin and updated her as to the status of the investigation.

[36] Constable Oakes was informed that the van’s occupants remained in Chicken Chef for two to three minutes and quickly returned to their van. The van continue to travel south on Main Street and entered the Tim Horton’s drive-through.

[37] Constable Oakes testified that he waited for the van to exit the Tim Horton’s property via the drive through and at 7:24 p.m. instructed Constable Bolin to complete the traffic stop. Immediately thereafter the van was stopped at the intersection of Schultz and Main Street in Selkirk.

[38] Constable Oakes pulled up behind Constable Bolin’s police cruiser which had been parked immediately behind the van east on Schultz. He went to the passenger side of the van with Constable Bolin. Mr. Krasnesky was detained as part of the investigation but he was not immediately arrested. Constable Oakes asked him to exit the vehicle for officer safety reasons. He was then patted down for weapons. During the pat down, a plastic bag of marihuana was discovered and Mr. Krasnesky was arrested for possession of said drug.

[39] Constable Oakes testified that Mr. Krasnesky was cooperative; he was handcuffed and placed in the backseat of Constable Bolin's police cruiser.

[40] Constables Seitz and Lickers were, during this time, dealing with Kimberly Easter who was in the driver seat of the van. Once Mr. Krasnesky was secured in the backseat of Constable Bolin's police cruiser, Constable Oakes returned to Constables Seitz and Lickers and informed them as to what had transpired regarding Mr. Krasnesky's arrest.

[41] Constable Oakes then advised Kimberly Easter that he would be searching the passenger side of the van. The van was searched by Constables Oakes and Seitz and nothing was found. Following the search they heard a banging sound coming from Constable Bolin's police cruiser.

[42] Constable Oakes testified that he immediately saw that Mr. Krasnesky was in a distressed situation. Constable Bolin indicated that Mr. Krasnesky wanted to be taken to the hospital. Constable Oakes indicated that Mr. Krasnesky was loud, abrupt and angry. His demeanour had changed almost instantaneously.

[43] Constable Oakes immediately requested that Constable Bolin communicate with ambulance services. He assumed, at that point, that Mr. Krasnesky had swallowed cocaine.

[44] In light of Mr. Krasnesky's physical state he was removed from the police vehicle, and placed in a recovery position on the ground. Mr. Krasnesky was described as convulsing and unresponsive (the convulsions coming at approximately 30 second intervals.) He was, however, breathing.

[45] While Constables Bolin, Seitz and Lickers remained with Mr. Krasnesky, Constable Oakes went to Kimberly Easter and pleaded with her to confirm what Mr. Krasnesky had ingested. Kimberly Easter was uncooperative.

[46] Constable Oakes confirmed that the ambulance arrived at 7:45 p.m. The police assisted in loading Mr. Krasnesky into the ambulance.

[47] Constable Oakes testified that following the departure of the ambulance, both he and Constable Seitz went to Ms Frost's residence. She was described as being uncooperative. However, Mr. Morriseau (Kimberly Frost's son) who was present, informed Constable Oakes, while Constable Seitz was talking to Ms Frost, that there was "crack . . . a lot".

[48] Constable Oakes testified that it is their policy not to transport individuals with medical emergencies directly by police cruiser to the hospital.

[49] He further confirmed that, at that time, he had not yet taken any courses regarding drug investigations. Since the incident he has taken courses relating to drug investigations. He indicated that "body packing" was not covered off in the course. In hindsight, he confirmed that it would be a good thing if "body packing" would be covered

off in the course in order to identify symptoms of ingestion and measures to take in this regard.

C. Tara Edith Bolin

[50] Constable Bolin is a member of the Royal Canadian Mounted Police. She is currently stationed in God's Lake, in the Province of Manitoba. In March 2007, she was stationed in Selkirk, working what is commonly known as general duties. She worked at "Selkirk Municipal" between 2004 and 2008. On March 16, 2007, she was with her partner, Constable Lickers.

[51] Constable Bolin testified that she received a request (broadcast to any available police cruiser) at approximately 7:00 p.m. The request was that a vehicle, which was currently parked at the mall, be stopped when it was on the "move". The information received by Constable Bolin was that the persons in the van may be trafficking in crack cocaine and prescribed medication. She did not recall whether or not the information received was from Constable Oakes or Constable Seitz. She does, however, recall receiving instructions from Constable Oakes at one point during the investigation that she and Constable Lickers make the vehicle stop.

[52] Constable Bolin stated that she met with Constable Oakes for a short period of time when the van was parked in proximity of the Chicken Chef Restaurant. Instructions received were that the stop be affected as soon as it was practicable.

[53] Constable Bolin confirmed that her first contact with the van would have been immediately after it had left the mall as it was driving south on Main Street. Constable Lickers was driving the police cruiser; Constable Bolin was "jumping" (in the passenger seat).

[54] Constable Bolin could not recall whether Kimberly Easter's name was mentioned as the target of the investigation; however, both occupants were to be detained for investigation purposes.

[55] The grey Dodge Caravan was stopped shortly after it exited the Tim Horton's drive-through. Constable Bolin went to the passenger side of the van. She recalled that there was a big ice and snow bank between the van and the curb and she needed to shimmy her way to the passenger side window. The passenger appeared to be drinking chocolate milk. She pulled on the door handle and it was locked. The passenger of the van continued to drink the chocolate milk. She knocked on the window and the passenger again continued to drink his chocolate milk. Ultimately, the passenger did open the door.

[56] Once the door was opened, the passenger of the van was asked to step to the rear of the van. Constable Bolin immediately advised Mr. Krasnesky that he was being detained for drug investigation. Constable Oakes was standing at the rear of the van by this time.

[57] Constable Bolin confirmed that Constable Oakes introduced himself to Mr. Krasnesky and then searched him for officers' safety. This was done in front of

Constable Oakes' vehicle. Constable Bolin was present when the search was conducted. She confirmed that Constable Oakes discovered marihuana on Mr. Krasnesky's person.

[58] Mr. Krasnesky was described as cooperative, laughing and in good spirits. Mr. Krasnesky was handcuffed by Constable Oakes (hands behind his back) and was seated in the back of Constable Bolin's cruiser car.

[59] Constable Bolin recalled that she was tasked with reading Mr. Krasnesky his Charter Rights and warnings; however, as she was pulling out the card to read same, Mr. Krasnesky informed her that he was going to throw up. At this point Constable Bolin rolled down the rear window in the police cruiser. Mr. Krasnesky threw up in the car all over his jacket. Immediately thereafter Mr. Krasnesky said: "Take me to the hospital bitch." His demeanour changed instantaneously and worsened thereafter.

[60] Constable Bolin testified that she got out of the police cruiser, called Constable Lickers and told Constable Seitz that she was going to take Mr. Krasnesky to the hospital. Constable Seitz told Constable Bolin to call for an ambulance. Constable Bolin immediately called for an ambulance.

[61] Constable Bolin acknowledged that taking an individual directly to the hospital in the police cruiser was not a good idea.

[62] Once the ambulance was called, Constable Bolin noticed that Mr. Krasnesky was in and out of consciousness, he was breathing deeply and he was spitting vomit from his mouth. She immediately walked out of the car and headed to the back of the police cruiser. At this point she noted that Mr. Krasnesky was, when conscious, angry, kicking the rear passenger side of the police cruiser with his foot, shaking, yelling and calling Constable Bolin a "bitch".

[63] Constable Bolin recalls informing Telecoms that she "thinks he must have swallowed something". Constable Lickers was also present during this time. A decision was therefore made to remove him from the car. Mr. Krasnesky's handcuffs were moved to the front; he was removed from the car and placed in a recovery position outside of the police cruiser. When on the ground, Mr. Krasnesky continued to have seizures and convulsions. These seizures were described as episodes of vibrating, then stiffening, each episode lasting between 8 and 10 seconds.

[64] Constable Bolin confirmed that the ambulance arrived at 7:49 p.m. She stated that she spoke to the ambulance attendants and told them that "we believe he swallowed something", that he was vomiting and having seizures and convulsions.

[65] Constable Bolin confirmed that Constable Lickers accompanied the ambulance attendants to the hospital. The ambulance arrived at the hospital at 8:04 p.m. She was informed by the attending doctor at 8:42 p.m. that Mr. Krasnesky had died.

[66] Constable Bolin testified that although she saw the driver of the van at all times material, she did not have any dealings with her directly.

D. Craig Michael Lickers

[67] Constable Lickers is a member of the Royal Canadian Mounted Police and was, on March 16, 2007, Constable Bolin's partner. He has been posted at the Selkirk Detachment and this since his graduation. On the evening in question, both he and Constable Bolin were in uniform and were driving a marked police cruiser. He and Constable Bolin were scheduled to work the night shift (7:00 p.m. to 5:00 a.m.).

[68] Constable Lickers testified that they received a general request to assist in a traffic stop. The request was acknowledged and he confirmed that they would assist Constables Oakes and Seitz. It was their first task on the evening in question.

[69] The information received from Constables Seitz and Oakes related specifically to the description of the van which was being targeted and the fact that it was involved in a crack cocaine investigation. No information was provided regarding the description of the suspects or the number of occupants in the vehicle.

[70] Constable Lickers testified that they attended the Selkirk Town Plaza following the request for assistance and observed the van leave the mall parking lot. They followed the vehicle south on Main Street to the Chicken Chef and continued through when the van stopped in proximity of McMillan Insurance. They drove the police cruiser around the block and simply waited for the van to continue moving again. Shortly thereafter, they received instructions from Constable Seitz or Oakes to initiate the traffic stop.

[71] Following the receipt of this directive, they followed the van south on Main Street, from Chicken Chef; however, it quickly turned into the Tim Horton's restaurant drive-through. Constables Bolin and Lickers rolled by and parked at the Deerwood School in proximity of the Tim Horton's with a view to waiting for the van to leave this restaurant. Once it did, they followed it. They pulled the van over at Shultz and Main Street, in Selkirk. Constables Seitz and Oakes quickly pulled in behind them in a marked police cruiser once the traffic stop had been affected.

[72] Constable Lickers attended to the driver's side of the van and asked the female driver to turn off the vehicle and exit same. He testified that she failed to comply on the first two requests but did comply on the third.

[73] Constable Lickers informed the female driver that she was being detained for a drug investigation (which information was provided to her when she physically accompanied Constable Lickers to the rear of the van.)

[74] Constable Lickers recalled that the female's hands were placed onto the window of the van and she was handcuffed. This was followed up with a pat down officer safety search by Constable Seitz. Following the search, Constable Seitz asked the female driver if she had any drugs on her or in the van. The response was "no".

[75] During this time, Constables Bolin and Oakes had detained the passenger of the van and had escorted him to Constable Lickers' police cruiser.

[76] Constable Lickers confirmed that the driver of the van was advised that marihuana was found on the male passenger and that she and the whole vehicle were going to be searched. Ms Easter stated that she would not give her permission to search the vehicle. Constable Oakes then replied that since marihuana was found on the person of the passenger and based on information received leading into the investigation, no permission was required to search the vehicle.

[77] During the search of the van, Constable Lickers could see that the male passenger was in the police cruiser with Constable Bolin. Constable Kociuba, who arrived on scene, took care of Kimberly Easter while the search of the van was being conducted.

[78] Constable Lickers testified that the search of the van was never fully completed as the medical emergency interrupted it. The male passenger was convulsing and having seizures in Constable Bolin's car. The rear window of Constable Bolin's police cruiser was open which drew Constable Lickers' attention (the rear window was not supposed to be open).

[79] Constable Lickers immediately went to Constable Bolin and inquired as to why the rear window of the police cruiser was open. She responded that the male had thrown up and he could lean out of same if he needed to. Constable Lickers stated that he then went back to the van to continue observing the search. However, Constable Lickers observed that the male was leaning towards the open window and it made him nervous that he would try to escape. Constable Lickers returned to Constable Bolin's police cruiser and stood near the window in order to ensure that nothing untoward was going to happen.

[80] Constable Lickers stated that the male passenger looked angry, threatened to kill Constable Lickers and said he would "take a shit in the car". The male then tried to put his handcuffs in front of him and hit his head on the silent patrolman four to five times. Prior to this he had told Constable Bolin to "take me to the hospital bitch."

[81] Constable Bolin then made the decision to call the ambulance and Constable Oakes made the decision to remove the male from the back of the police cruiser.

[82] Constable Lickers entered the rear of the police cruiser, rolled up the window and then asked Constable Bolin (called on his portable radio) to once again call ambulance services and put a rush on the ambulance (he noticed that Mr. Krasnesky was shaking violently).

[83] Constable Oakes came over to the police cruiser and steps were taken to remove Mr. Krasnesky from the car as he was convulsing and unresponsive. Constable Lickers initially tried to remove Mr. Krasnesky on his own; however, he was in an awkward position, large and uncooperative and could not comply with Constable Lickers' requests. Constable Lickers thought, at that point, that Mr. Krasnesky may have been "faking it". After his first seizure outside of the vehicle, Constable Lickers' views in this regard changed. Constable Lickers described the seizure outside of the vehicle as one which resulted in Mr. Krasnesky's eyes rolling to the back of his head. It took approximately 20 seconds for Constables Oakes and Lickers to remove Mr. Krasnesky

from the car and place him on the road on his left side, in a recovery position. They had taken his handcuffs off and placed his hands in front of his body and re-cuffed same in that new position.

[84] Constable Lickers confirmed that, while on the ground, Mr. Krasnesky continued to have seizures. He described approximately 10 seizures (10 to 20 seconds each) where Mr. Krasnesky's body would shake, his eyes would roll back into the back of his head and his breathing would become shallow (laboured and difficult breathing in between seizures).

[85] Constable Lickers also confirmed that, while Mr. Krasnesky was on the ground, he made sure his head was safe, that he was not thrashing about and reminded him to breath between seizures.

[86] Constable Lickers testified that the ambulance arrived "very quickly". He recalls the police briefing the ambulance attendants regarding the circumstances (however does not recall who from the RCMP briefed which of the ambulance attendants).

[87] He recalls that the ambulance attendants were informed of the reasons for the traffic stop (suspected trafficking of crack cocaine) and that the male may have ingested crack cocaine. Mr. Krasnesky was put onto a stretcher and placed into the ambulance. Constable Lickers attended with the ambulance to the hospital.

[88] Constable Lickers recalls that prior to the ambulance actually arriving, he pleaded with Kimberly Easter; he told her "your friend is dying, tell us what he took." The response from Kimberly Easter was that "she didn't know."

[89] Constable Lickers stayed at the Selkirk Hospital until the other RCMP officers arrived.

[90] Constable Lickers testified that, while in the ambulance, the paramedics had cut off Mr. Krasnesky's shirt and had put three tubes down his throat. Mr. Krasnesky continued to have seizures all the way to the hospital. He recalls that one tube may have been to facilitate breathing. The drive to the hospital took approximately four minutes and Mr. Krasnesky may have had three more seizures while in the ambulance.

[91] Finally, Constable Lickers confirmed that he never took any courses regarding drug investigations prior to March 16, 2007.

E. Jennifer Kociuba

[92] Constable Kociuba is a member of the Royal Canadian Mounted Police and has been since October 2006. On March 16, 2007, she was posted in the Selkirk Detachment (Selkirk being her first assignment).

[93] Constable Kociuba testified that on March 16, 2007, she heard a message over the radio from General Investigations regarding assistance for a stop in the context of a drug investigation. She was, at that time, patrolling, alone, in her police cruiser. She had started her shift at 7:00 p.m. A request was made by General Investigations to conduct

a traffic stop. The target was a Dodge Caravan bearing Manitoba licence plate number EBE 299.

[94] Constable Kociuba heard, over the radio, that Constables Bolin and Lickers had pulled over the vehicle at Schultz and Main, in Selkirk. When the initial call for assistance came over the airwaves she recalled hearing that the request was to pull over a “vehicle of interest”.

[95] Constable Kociuba testified that she could not pull over the vehicle as she was alone in her own police cruiser. Although she does not know at what time the van was pulled over by Constables Bolin and Lickers, she does recall receiving, at 7:30 p.m. on the evening in question, a request that she come to Schultz and Main to assist.

[96] Constable Kociuba arrived on the scene at approximately 7:30 p.m. Constable Seitz instructed her to supervise Ms Easter. She received Ms Easter’s driver’s licence at 7:35 p.m. and compared Ms Easter to the photo ID and confirmed that they were one and the same. She remained in her police cruiser with Ms Easter, which police cruiser was parked in front of the van on Schultz Street.

[97] Constable Kociuba confirmed that between 7:40 p.m. and 7:55 p.m., she overheard, on the police radio, that an ambulance was required at the scene and that a male needed urgent medical attention. Through the rear window of her police cruiser she could see commotion. Constable Kociuba then turned to Kimberly Easter and asked the following questions: “Does he have a medical condition? Is there anything I should know? Did he swallow anything?” She also confirmed that Constables Oakes and Seitz came to the vehicle and also asked Kimberly Easter questions along the same lines. Ms Easter’s response to Constable Kociuba’s questions was “I don’t know.” Constables Oakes and Seitz’ questions of Kimberly Easter were met with belligerence on the part of Ms Easter.

[98] Constable Kociuba testified that she kept urging Ms Easter to talk and to give information; however, her efforts were fruitless. She could see from the rear window of her police cruiser that the situation was worsening. She then heard a second call over the radio regarding the timing of the ambulance arrival. At that point Kimberly Easter indicated the following:

“We just went to Tim Horton’s and perhaps the food could have affected him.”

“We don’t know each other and we only met two weeks ago.”

[99] Constable Kociuba could see that the male was in a prone position and that the attending officers were monitoring the breathing.

[100] Constable Kociuba stayed with Kimberly Easter the entire time of the incident. At approximately 8:00 p.m. however, Constable Seitz instructed Constable Kociuba to place Kimberly Easter under arrest for possession of drugs and to wait for the tow truck (regarding the van).

F. Roxine Marie Wright

[101] Sergeant Wright was posted at the Selkirk Detachment of the RCMP in a supervisory role on March 16, 2007. She has been an RCMP officer for 20 years. She had been in Selkirk for approximately six to eight months, at that time.

[102] On March 16, 2007, Sergeant Wright was the watch commander and in charge of front line supervision. She was informed of the investigation being conducted by Constables Oakes and Seitz.

[103] Sergeant Wright testified that at 7:40 p.m. she heard Constable Bolin over the radio confirm that a male was in custody in her police cruiser, vomiting and in need of an ambulance. Sergeant Wright also recalls hearing the second call regarding the timing of the ambulance arrival. She instructed the clerks to call the hospital and requested that the ambulance arrival be stepped up.

[104] Once she had received confirmation that the male had passed away, she communicated with the Winnipeg Police Service, IDENT Unit of the RCMP, Major Crimes Unit of the RCMP and the Medical Examiner. She also made a call to the RCMP member in the hospital regarding the collection of evidence. All calls were made in accordance with the RCMP procedure manual.

[105] Sergeant Wright recalled that, on the night in question, Sergeant Pollack and Corporal Charest from Major Crimes, attended to Selkirk. Statements were obtained and notes taken from the members.

[106] Sergeant Wright also confirmed that she assisted Constable Kociuba with processing Kimberly Easter with the possession of drugs charge.

G. John Marshall McLaughlan

[107] Mr. McLaughlan is a senior EMT with the Interlake Regional Health Authority. He is qualified as a "level 2 advanced". He has been an ambulance attendant with the Interlake R.H.A. in Selkirk for 25 years. His training has been described as on-going with over 200 hours of classroom training.

[108] On March 16, 2007, Mr. McLaughlan had been on day shift and was on call for the night. He confirmed that at 7:45 p.m. (corresponding with a shift change) a call came in. The attendants who had commenced their shift asked Mr. McLaughlan to join them with the "ALS truck" (Advanced Life Support). Mr. McLaughlan was responsible for the ALS truck while on call during the night. He confirmed that ambulance attendants Jessica Shumilak and Kate Loewen were the responding paramedics. Mr. McLaughlan attended to the scene in the ALS truck (by himself) and was 30 seconds to 1 minute behind the responding ambulance.

[109] Once he arrived the patient was unresponsive (to verbal or pain stimulation). He was, however, breathing and had a pulse.

[110] Mr. McLaughlan stated that the attendants wanted the patient off of the road; therefore, they put him on a stretcher and placed him into the ambulance. Once into the ambulance, the patient immediately had a seizure. The seizure was described as general body shaking or "grand mal" seizure lasting approximately 20 seconds. Mr. McLaughlan confirmed that the patient had a few seizures while in the ambulance. Further, and shortly after being placed in the ambulance, the patient stopped breathing.

[111] The attendants placed an OPA in the patient's mouth to prevent him from swallowing his tongue. Further, they placed a bag onto his mouth in order to pump oxygen into his lungs. Their first concern was to look after the airway; their second concern was to look at the seizures. Once the airway was addressed, ambulance attendant Kate Loewen attempted a first IV in one arm and was unsuccessful. Mr. McLaughlan then got an IV successfully placed into his other arm. No drugs were actually administered into the IV as the seizures were short and in proximity of the hospital.

[112] Mr. McLaughlan confirms that the following information was received by the ambulance attendants from the police:

- the patient was in the back seat of a police cruiser;
- the patient had ingested something orally;
- drugs were not mentioned but Mr. McLaughlan assumed it was given the RCMP involvement.

[113] Mr. McLaughlan heard no mention of crack cocaine by the RCMP while on scene; the first mention of crack cocaine was at the hospital after he had been there for some time. In any event, had he known that there was a risk that the patient had swallowed crack cocaine, the treatment administered by the ambulance attendants would have been the same.

[114] Mr. McLaughlan testified that the ambulance attendants also hooked up a heart monitor to the patient's chest.

[115] The attendants spent approximately ten minutes at the scene with the patient when they made the decision to leave for the hospital. They had done as much as they could at the scene. It was therefore decided to immediately attend to the hospital. In this regard, Mr. McLaughlan stated that all tasks performed at the scene could have been done in the ambulance on route to the hospital but some of the tasks performed by the attendants in the ambulance could have been rendered more difficult if done on route. He confirmed that had the ambulance attendants known that cocaine had been ingested, they would not have done things differently (i.e. they would not have moved to the hospital immediately without having performed the tasks which were performed at road side). The objective is to keep the patient alive to allow for a chance for care at the hospital.

[116] Two ambulance attendants (and one police officer) made their way to the hospital in the ambulance. Mr. McLaughlan and Jessica Shumilak were in the

ambulance. The patient had short seizures on route. Mr. McLaughlan stated that from the time of the initial call to the time of return to the hospital, it took 20 minutes.

[117] Upon arrival at the hospital, the EMT's transferred the patient to the attending physician. They conveyed all information known by them to the physician; nothing however was mentioned regarding crack cocaine. They simply confirmed that something had been ingested by the patient. "Bagging" continued into the resuscitation room at the hospital.

[118] With respect to the call made by the police to request the services of an ambulance, Mr. McLaughlan confirmed the following as the dispatch process:

- Police call RCMP telecoms;
- RCMP telecoms communicates directly with MTCC (Brandon);
- MTCC (Brandon) dispatches Selkirk Ambulance Services.

[119] Mr. McLaughlan advised that the ambulance attendants have their portable radios at all times when not in the truck or the ambulance.

H. Constable Kevin Kauk

[120] Constable Kauk is an RCMP IDENT officer at RCMP "D" Division in Winnipeg. He has been working in this capacity for approximately three years. Prior to moving to Winnipeg, he was doing identification work in Alberta for two years.

[121] On March 16, 2007, at 11:00 p.m., he received a call from Sergeant Roxine Wright, Watch Commander in Selkirk, regarding an in-custody death. He was asked to attend to Selkirk and examine the vehicle which was the subject of the police stop.

[122] On March 17, 2007, Constable Kauk attended to Selkirk and inspected both the RCMP vehicle in which Mr. Krasnesky was placed and the civilian vehicle which had been the subject to the stop. Constable Kauk took photographs of the RCMP vehicle only. He is not sure if anyone took any pictures of the civilian vehicle.

[123] Constable Kauk testified that he also attended the autopsy and took photos at the autopsy. Photographs were taken of both the body and the clothing.

[124] Constable Kauk confirmed that there had been "vomit" in the back area of the police cruiser. He took no sample of this vomit as apparently the Detachment members had already taken a sample of same.

I. Andrew Christianson

[125] Mr. Christianson is the regional emergency medical services manager for the relevant Health Authority. He is also a disaster management officer for the region in question.

[126] Mr. Christianson's evidence focused on the dispatch process relating to ambulance calls. It is a process, he confirmed, that has been in development for the last 15 years. This process was developed with a view to establishing a process for 911 calls outside of the City of Winnipeg. It culminated in a formalized provincial dispatch centre operated out of Brandon, Manitoba. High speed telephone lines have been dedicated for this purpose.

[127] Mr. Christianson testified that if a 911 call is made outside of the City of Winnipeg, it is made directly to Brandon, Manitoba (Provincial Dispatch Centre). Therefore, when a 911 call is placed by a caller, the Dispatch Centre answers and inquires as to whether police, fire or ambulance services is required by the caller. Depending on the nature of the call, a connection is made to the dispatcher of the specified service. The mandate is to find, in the event of an ambulance call, the ambulance which can attend to the scene the fastest (as opposed to the closest). In this regard, electronic mapping assists with locating an ambulance which can attend the fastest to the scene.

[128] If a 911 call is made for an ambulance, it goes to general dispatch in Brandon; the specific service (ambulance) is responsible for the dispatch. Selkirk ambulance would normally be called in the circumstances. If the RCMP make the request for an ambulance service, the officer makes the call to RCMP telecoms, which contacts the specific service dispatcher which, in turn, contacts Selkirk ambulance.

[129] In response to the question as to why centralized dispatching was developed over the last years, Mr. Christianson responded that prior to centralization, services were fragmented and was unable, as a result, to analyze important relevant information. The centralized system helps coordinate the use of ambulances more efficiently. The centralized system breaks down boundaries and focuses on the "fastest" rather than "closest" ambulance.

[130] Mr. Christianson testified that had the police called the hospital directly to request an ambulance, they may have gotten a clerk who would have been unable to coordinate matters or even be able to determine where the ambulance was located (usually ambulances are on the road). The central dispatch centre, however, has a complete overview of the area and the province. The focus is on patients, not on geography.

J. Jessica Shumilak

[131] Ms Shumilak is an EMT with the relevant regional Health Authority and was on scene on the evening in question. She was the primary EMT who attended the scene. Her partner was Kate Loewen.

[132] Ms Shumilak testified that she received a call regarding an "overdose" (she did not know what the nature of the overdose was). Following the receipt of the dispatch call, Ms Shumilak testified that she immediately called Jack McLaughlan (advance life support) to request that he also attend at the scene.

[133] Ms Shumilak recalled that her shift was just beginning and that this was the first call of the evening. Once she attended at the scene with Ms Loewen, the patient was placed on a stretcher. Their goal was to keep him alive until he was transported to the hospital. They focused on securing the airway and ensuring that his tongue was secure. She was aware that this was a possible drug overdose.

[134] Ms Shumilak testified that once in the ambulance, the patient vomited, continued to have seizures and eventually stopped breathing. She confirmed that the attendants' efforts to treat for the seizures were abandoned inasmuch as they were only four minutes from the hospital.

[135] Ms Shumilak recalls speaking with the officers briefly at the scene but does not recall what in fact was said by the officers to the attendants regarding the patient's situation at that time.

K. Kate Loewen

[136] Kate Loewen is an EMT with the relevant Regional Health Authority. Her partner on the evening in question was Jessica Shumilak.

[137] Ms Loewen testified that she was driving the ambulance; Ms Shumilak was in the passenger seat. The passenger is assigned the role of "attending paramedic" and is responsible for coordination.

[138] Ms Loewen testified that the attendants' primary concern was basic life support (breathing and adequate airway).

[139] Ms Loewen recalled that once they attended at the scene, she remembered seeing the patient on the ground. Attempts were immediately made to place him on the stretcher; however, the patient went limp as he was being picked up and slipped to the ground (at a short distance from the ground).

[140] Ms Loewen also recalled that the patient had seizures in the ambulance. She tried to get an IV started, while in the ambulance. It ultimately was not used.

[141] Ms Loewen confirmed that the ambulance driver is responsible for getting additional information on the scene. She did not do so in this case because of the particular circumstances of this matter (i.e. it was her understanding from the start that the patient had ingested a drug).

[142] Ms Loewen testified that the patient stopped breathing almost immediately upon being transferred into the ambulance. She also confirmed that a member of the RCMP came along with them in the ambulance because the patient was under arrest.

L. Dr. Thambirajah Balachandra

[143] Dr. Balachandra is the Chief Medical Examiner for the Province of Manitoba. He has a specialty in pathology. On March 19, 2007, he conducted the autopsy of Randy George Krasnesky. In addition to the autopsy, a toxicology report was also

ordered by him. Without the toxicology report, the cause of death could not be determined.

[144] The toxicology report confirmed that a significant amount of cocaine was present in Randy Krasnesky's system; the quantity of cocaine in his system caused his death (a condom containing cocaine was swallowed and it ruptured during or following ingestion).

[145] The cocaine levels in Mr. Krasnesky were extremely high. Death, in Dr. Balachandra's view, would have arrived very quickly. Dr. Balachandra confirmed that it would have been almost impossible to treat this patient given the amount of cocaine in his system.

[146] Dr. Balachandra testified that he has seen persons with ten times less cocaine than Mr. Krasnesky in their system die as a result of the ingestion.

[147] Dr. Balachandra stated that the only way to treat the ingestion of cocaine in amounts such as these is to medically remove it by inducing vomiting or to place a tube inside the stomach and suck it out.

[148] He confirmed that there was nothing that the ambulance attendants could have done in the circumstances any different than what they did. The window of opportunity to induce vomiting or to place a tube inside of the patient is five to ten minutes from ingestion. However, in the circumstances, because of the seizures, the hyperthermia and the agitated state of the patient, little or nothing could be done.

M. Kimberly Easter

[149] Ms Easter testifies that she resides in Winnipeg, Manitoba, and is a social work student at the University of Manitoba. She is in the fourth year of her program.

[150] She confirmed that she knows Judith Winnifred Frost and has known her for the better part of her life.

[151] On March 16, 2007, Ms Easter attended Ms Frost's home with Randy Krasnesky. She met Mr. Krasnesky through a friend and had only known him for a short period of time.

[152] She testified that on the day in question she drove her gray mini-van to Ms Frost's residence on two occasions. During the first visit, she took her cousin, Mitchell and Randy Krasnesky along with her. She stayed at Ms Frost's residence for approximately 30 minutes and left without Mitchell. Her plans on the day in question were to go to the Forks for a powwow. On the way back to Winnipeg, she and Mr. Krasnesky ran errands and made a number of stops.

[153] Mr. Krasnesky wanted to return to Selkirk because he wanted to "make money". While in Winnipeg, however, they stayed at Mr. Krasnesky's residence on Aberdeen for a while. Mr. Krasnesky then took Ms Easter's van to run some errands, alone.

[154] Ms Easter testified that she and Mr. Krasnesky returned to Selkirk, for a second time, at around supper time.

[155] Ms Easter was not suspicious, at first, that Mr. Krasnesky was selling drugs. However, she confirmed that it became clear to her that he was doing so when they returned to Ms Frost's residence the second time as she saw drugs taken out by Mr. Krasnesky. She saw powder placed on the table in a plastic bag. Ms Easter could not confirm whether Mr. Krasnesky left any drugs behind at Ms Frost's residence.

[156] Once they left the Frost residence (the second time), they parked the van at the mall. Ms Easter went to ExtraFoods and Mr. Krasnesky went to the Riverboat Restaurant. From there, both Ms Easter and Mr. Krasnesky went to the Chicken Chef. They attended the Chicken Chef because Mr. Krasnesky was driving, he did not have a license and wanted to switch drivers (the police had pulled up behind him and he was getting nervous).

[157] After leaving Chicken Chef they attended the Tim Horton's where Mr. Krasnesky purchased Tim bits, a hot chocolate and a chocolate milk. Following the purchase at Tim Horton's, they returned to Main Street, travelled briefly in a southerly direction at which point the police pulled them over.

[158] Ms Easter confirmed, at that point, that Mr. Krasnesky told her to "take this". She knew he was trying to pass her drugs and she did not want to be involved.

[159] Ms Easter testified that she got out of the vehicle within a minute of the police asking her to exit. She recalls the police asking her to exit. She recalls the police telling her that this is a drug investigation. She confirmed that she was handcuffed and placed inside a police cruiser.

[160] Ms Easter recalled that the police had asked her what Mr. Krasnesky had swallowed. She confirmed that she did not know what he "ate". She did not tell the police that it could have been drugs. In this regard, Ms Easter confirmed that the reason she did not describe to the police that Mr. Krasnesky may have consumed drugs, is that she was in "shock".

[161] Ms Easter confirmed that she was aware that Mr. Krasnesky had become sick; she was informed by the police that he had vomited. She heard the police call for an ambulance on the radio in the police cruiser.

[162] She testified that everything happened very quickly. Although she did not know he had cocaine in his possession, she suspected that he did. She did, however, know that he was in possession of "weed".

N. Sgt Christopher William Ballard

[163] Sgt Ballard is a member of the Royal Canadian Mounted Police. He is currently a policy analyst with the Criminal Operations Section at "D" Division, in Winnipeg.

[164] As a policy analyst, his responsibilities entail reviewing and assisting in the development of policies for "D" Division which are also reflective of and in compliance with the national policies for the Royal Canadian Mounted Police.

[165] In terms of policies, Sgt Ballard confirmed that there is a national policy, a divisional policy and a local policy (unit supplements).

[166] In reference to the Operations Manual (which is filed as an exhibit in this inquest), he advised that it is maintained on-line and is used as a guide and reference for front line policing matters (day-to-day business). He informed that it is updated continuously and under continuous review and change as it is a "live document".

[167] Sgt Ballard confirmed that there are both external and internal factors which drive changes to the Operational Manual; examples of these factors are legislative changes, inquest recommendations and case law changes.

[168] Sgt Ballard confirmed that not all inquest recommendations are implemented by the Royal Canadian Mounted Police. He informed that there are sometimes practical issues that prevent the implementation of inquest recommendations.

[169] In reference to paragraph 4.1.1 of the National Policy (See Medical Assistance), Sgt Ballard confirmed that members who have any suspicion regarding a drug overdose are to seek immediate medical attention. He reminded that RCMP members are not trained medical professionals; they are not doctors or paramedics. They do not transport patients to the hospital as transport may aggravate the injury to the patient. Police cruisers are not a suitable transportation method for patients. The backseat of a police cruiser is a small space with a shield and is difficult to monitor the patient.

[170] Sgt Ballard confirmed that exhibit 10 (the Operational Manual) was in effect on March 16, 2007.

[171] Sgt Ballard testified that if the police who were investigating on March 16, 2007 knew that the investigation was in relation to crack, cocaine or marijuana, this particular information should have been passed on to the medical professionals (the paramedics). This would have been in compliance with the operation's policy.

[172] Sgt Ballard admitted, during examination, that there may be some shortcomings regarding the mandatory ongoing education relating to the manual. In this regard, he confirmed that there was no mandatory review of the policy by the RCMP members. The review of the policy is basically done as situations present themselves.

[173] Sgt Ballard further confirmed that there is no specific training at Depot or otherwise regarding body stuffing or body packing. Any specific training regarding the detection of overdose and symptoms of overdose are limited to First Aid training courses taken by the members of the RCMP.

O. Corporal Rhonda Seitz

[174] Corporal Seitz is a member of the Royal Canadian Mounted Police and was, on March 16, 2007, stationed in Selkirk, Manitoba.

[175] Corporal Seitz was Constable Oakes' partner on the evening in question. Shortly after 6:00 p.m. on said date, she received a text from Constable Oakes, which indicated that the RCMP had obtained an anonymous tip that Kimberly Easter was transporting crack cocaine by van and that she was in Selkirk.

[176] Corporal Seitz confirmed Constable Oakes' observations that Ms Easter's van was parked at Judith Frost's home. Corporal Seitz had no prior dealings with Ms Easter; however, she did know Ms Frost. Constable Oakes inquired as to whether Corporal Seitz would be joining him in a surveillance operation.

[177] Corporal Seitz had received a "coded" memo regarding Ms Easter's drug activity in town. This information had been received by Corporal Seitz prior to her receipt of Constable Oakes' text message.

[178] Both Corporal Seitz and Constable Oakes agreed to meet at Piston Ring in Selkirk and exchanged radios. Corporal Seitz drove around and waited while Constable Oakes conducted "static surveillance".

[179] Corporal Seitz reported to Constable Oakes that two people were leaving Ms Frost's residence (one male and one female). The two got into a van which was parked on the street and travelled down Main Street and parked in front of the Riverboat Restaurant. Corporal Seitz did not see anyone get out of the van while same was parked at the Riverboat Restaurant. She was informed, however, that Constable Oakes did see the male get out of the van.

[180] Constable Oakes then reported that the van was moving once again and was proceeding down Main Street in Selkirk in a southerly direction.

[181] Corporal Seitz testified that, at that point, she asked Constables Bolin and Lickers for "take down" assistance.

[182] Corporal Seitz observed the van park on Main Street in front of McMillan Insurance for a short period of time after which it left and entered the drive-through at Tim Horton's, south of McMillan Insurance. The van came out of the Tim Horton's drive-through and once again proceeded in a southerly direction on Main Street.

[183] Corporal Seitz and Constable Oakes took turns "eye-balling" the van. Corporal Seitz testified that she never saw any individuals get out of the van at any time at any of the stops along the route which it took.

[184] Corporal Seitz testified that Constables Bolin and Lickers were driving a marked police cruiser and they were directed to conduct a traffic stop in the context of a drug investigation. The basis for the traffic stop was the anonymous tip received by Constable Oakes and the coded message received earlier by Corporal Seitz.

[185] Constables Bolin and Lickers conducted the traffic stop and informed Corporal Seitz of same. Corporal Seitz immediately proceeded to the location of the traffic stop.

[186] Upon arriving on location, Corporal Seitz noticed that both Constables Bolin and Lickers were already at the van. Corporal Seitz went to the driver's side window and advised Kimberly Easter that she was conducting a drug investigation. Corporal Seitz searched Kimberly Easter and cuffed her (the search was for officers' safety). Corporal Seitz testified that she and Constable Lickers stayed with Ms Easter while Constables Oakes and Bolin remained with the male who had been sitting in the passenger seat of the van.

[187] Corporal Seitz was informed by Constable Oakes that he had searched the male, found marijuana, and placed him under arrest for possession.

[188] Shortly thereafter, Corporal Seitz heard someone hit the silent partner in the police cruiser; she immediately attended to see what had transpired. Constable Bolin informed Corporal Seitz that the male requested that he be taken to the hospital.

[189] Corporal Seitz observed that the male was slumped over with his hands under his legs and he was shaking. The male was unresponsive to any questions asked by Corporal Seitz at that time. She requested that Constable Bolin call an ambulance. She testified that she witnessed Constable Bolin key her portable, and call for an ambulance.

[190] Corporal Seitz and Constables Lickers and Oakes removed the male from the police cruiser. Corporal Seitz was looking after the male's head while he was physically removed from the car. The male was convulsing. Corporal Seitz kept holding his head and she kept speaking to him to breathe. She tried to "reassure" him. The male was placed in a recovery position on the ground along side the police cruiser.

[191] Corporal Seitz thought that the ambulance was taking a little bit of time; she requested that Constable Bolin call for an "update" regarding anticipated arrival time. As Constable Bolin called again to check on the location of the ambulance, Corporal Seitz could hear the sirens.

[192] During the wait, Corporal Seitz went to Kimberly Easter on more than one occasion and asked whether she knew whether the male had taken any drugs. Ms Easter was not very cooperative and responded that she did not know if the male had consumed any drugs. Corporal Seitz pleaded with her to tell her anything that she might know; however, Ms Easter did not cooperate.

[193] Corporal Seitz assumed that he had taken drugs because of his conduct and demeanour.

P. John Thomas Jones

[194] Mr. Jones is a coordinator with the Medical Transportation Coordination Centre in Brandon, Manitoba. This centre is responsible for medical transportation services for

the Province of Manitoba (which does not include the City of Winnipeg). The command centre is in Brandon, Manitoba.

[195] Mr. Jones testified that the MTCC is and was an initiative of the Province of Manitoba and all of the RHA's in the Province of Manitoba. To summarize, all calls are made and received through one centre. One of the objectives is to identify and dispatch the closest available resource.

[196] Mr. Jones confirmed that all medical emergency vehicles have had GPS units installed, and this since 2007.

[197] The principle purpose of a centralized dispatch centre is to deal with, amongst other things, impedance factors, such as road blocks and the reality that not all ambulances in the Province of Manitoba are manned 24/7. The goal, in the Province of Manitoba (rural), is to have a maximum response time of 30 minutes.

[198] RCMP members have direct access to the COM centre. The police can call directly to the emergency line (or Sentinel Tele-system) which will allow them to directly request the availability of an ambulance. However, calls are all answered in a "queue". The police do not have the ability to "jump the line".

[199] Mr. Jones analyzed the transcript of the communications between the police and the coordination centre in Brandon on the evening in question. Taking into account the triage process, the response time in question was, in his view, "pretty quick".

V RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

[200] Following a detailed review of the evidence and the circumstances relating to Mr. Krasnesky's death there is nothing, in my view, that can be recommended to prevent similar deaths from occurring in the future.

[201] Given the amount of cocaine that was detected in Mr. Krasnesky's system, it is highly unlikely that even the most expeditious and perfectly executed "on site" care and medical treatment would have been successful in saving his life. The toxicology report confirmed that the following was identified in Mr. Krasnesky's system:

▪ cocaine	7047 ng/mL	
▪ benzoylecgonine	3352 ng/mL	Inactive cocaine metabolite
▪ methylecgonine	2370 ng/mL	Inactive cocaine metabolite

[202] Notwithstanding the foregoing, I direct the following comments to the RCMP in relation to its Operations Manuals. Although I am mindful of the fact that nothing, in the circumstances, could have changed the unfortunate outcome in this matter, I have heard evidence from Sergeant Ballard which merits mentioning and which is summarized below:

" . . . there may be some shortcomings regarding the mandatory ongoing education relating to the manual . . . there was no mandatory review of the policy

by the RCMP members. The review of the policy is basically done as situations present themselves.”

[203] It would be highly important, in my view, to ensure that a strategy is implemented which directs RCMP members to be knowledgeable of the policies that govern their conduct and sensitize themselves on an ongoing basis so as to become aware of any and all changes thereto.

Dated at the City of Winnipeg, in Manitoba, this 24th day of September 2010.

“Original signed by:”

Associate Chief Judge Michel Chartier



Manitoba

THE FATALITY INQUIRIES ACT **REPORT BY PROVINCIAL JUDGE ON INQUEST**

RESPECTING THE DEATH OF: RANDY GEORGE KRASNESKY

EXHIBIT LIST

Description

1. Letter dated December 7, 2007 signed by Doctor Thambirajah Balachandra;
2. Preliminary Report of death signed by Doctor Thambirajah Balachandra;
3. Out patient, ER report and patient file regarding Randy Krasnesky bearing date March 16, 2007;
4. Autopsy Report prepared by Chief Medical Examiner, bearing date March 19, 2007 and June 6, 2007 (with Toxicology Report attached);
5. Medical Certificate of Death bearing date June 27, 2007;
6. Service Training Record for Constable Jonathan James Paul Oakes to December 2006;
7. "Google" map of the City of Selkirk, in the Province of Manitoba;
8. CD of photographs;
9. Ambulance Patient Care Report;
10. Excerpts from Royal Canadian Mounted Police Operations' Manual regarding "medical assistance" (current);
11. Booklet of photographs (autopsy);
12. Booklet of photographs (RCMP cruiser);

Description

13. Agreed Statement of Facts regarding the evidence of Constable David Portelance;
14. Correspondence bearing date January 6, 2010 from Doctor Alireza Bagherli;
15. Excerpt from Royal Canadian Mounted Police Operations' Manual regarding "medical assistance" (Policy which was in place on March 16, 2007).
16. Medical Transportation Coordination Centre transcription of calls (March 16, 2007).
17. Correspondence bearing date March 31, 2010 from Sergeant C.W. Ballard re: Medical Assistance Policy.