

2024 CarswellOnt 7507

Ontario Coroner

Romanick, Re

2024 CarswellOnt 7507

## Inquest into the Death of Chad William Romanick

Selwyn A. Pieters Presiding Officer

Judgment: March 27, 2024

Docket: None given.

Counsel: Roger Shallow, Philip Tsui — Inquest Counsel

Shannon Tompkins, for Hotel Dieu Grace Healthcare

Aislinn Reid, Lipi Mishra, for Windsor Regional Hospital

Claudia Brabazon, Alice Yun Liu, for Ministry of the Solicitor General and the Ontario Provincial Police

Bryce Chandler, for Windsor Police Service Chief and Board, Sergeant John MacDougall, Sergeant James Hladki, Constable Steven Gawadzyn

Subject: Civil Practice and Procedure

### Related Abridgment Classifications

Judges and courts

[VII Coroners](#)

[VII.2 Coroner's inquest](#)

[VII.2.b Practice and procedure](#)

[VII.2.b.i Standing](#)

### Headnote

Judges and courts --- Coroners — Coroner's inquest — Practice and procedure — Standing

### Table of Authorities

#### Statutes considered:

*Coroners Act*, R.S.O. 1990, c. C.37

s. 10

s. 31(1)

s. 41

s. 41(1)

s. 41(2)

*Police Services Act*, R.S.O. 1990, c. P.15

s. 31

s. 41

#### *Selwyn A. Pieters Presiding Officer:*

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**Applications to be designated as a Person With Standing or Person Permitted to Make Submissions**

## I OVERVIEW

1 This inquest concerns the death of Chad Romanick who died in Windsor, Ontario on September 15, 2017. Chad Romanick was 34 years old when he died at his residence at 1502 Betts Ave, Windsor, ON N9B 3L3.

2 Mr. Romanick did not have a criminal record.

3 Mr. Romanick appear to have been taken to various hospitals between 2012 to 2017 for mental health reasons. On July 12, 2012 he was taken to Hotel-Dieu Grace Healthcare (HDGH) due to alcohol use disorder. Then he returned to Windsor Regional Hospital (WRH) on July 11, 2017 for substance use disorder due to multiple drug use and psychoactive substance use disorder. He was subsequently taken WRH on Wednesday September 12, 2017.

4 On Wednesday September 12, 2017, Mr. Romanick had been taken to WRH escorted by a police officer Nigel Ramcharran from the Windsor Police Service (WPS) because of a mental health crisis. It was described in medical notes that Mr. Romanick was suffering from an adjustment disorder. He sought treatment from the Transitional Stability Centre which is a crisis wellness centre. He was seen by a doctor and was released the same day.

5 Amherstburg police alleged that a 31-year-old man was taken to hospital with life-threatening injuries after a shooting on Sandwich Street North around 2:30 a.m. on Saturday September 15, 2017. Mr. Romanick was the suspect and the vehicle believed to be driven by Mr. Romanick at the time of the incident was in the driveway of his address on Betts Ave.

6 In the morning hours of Saturday September 15, 2017, members of the Amherstburg Police Service and Windsor Police Service attended 1502 Betts Avenue, Windsor, to locate Chad Romanick and arrest him for attempted murder. Members of the Emergency Services Unit (ESU) of WPS and a team from the Provincial ROPE (Repeat Offender Parole Enforcement) Squad, which included an officer from WPS, were in the area and attended to provide assistance and support. There were reasonable grounds to arrest Mr. Romanick and the shotgun used during the commission of the offence remained outstanding.

7 The involved police agencies set up a perimeter around the home to contain Mr. Romanick. The plan was to contact him by telephone and have him surrender to police.

8 The initial call was made at approximately 10:30 am; an officer contacted Mr. Romanick's cell phone, but the call went unanswered.

9 At approximately 11:30 a.m., nine additional police officers from the ESU arrived on scene at Mr. Romanick's residence to assist.

10 Over the next two hours, an ESU Officer, John MacDougall, who was the team leader, attempted to communicate with Mr. Romanick to negotiate an arrest. The ESU Officer phoned Mr. Romanick's cellphone 20 times, leaving one voicemail and one text message identifying himself and asking Mr. Romanick to call him. This ESU Officer also addressed Mr. Romanick by utilizing their vehicle's airhorn followed by the use of a loudspeaker, stating there were grounds to arrest him for attempted murder and asking him to come out of his home. Some of this interaction was recorded on video.

11 Mr. Romanick did not respond to the ESU Officer's text message or phone calls, and he is not believed to have verbally refused to exit or respond to the officer's directions, although he did not exit the residence at any point as directed.

12 Through telephone contact with Clare Romanick, the father of Mr. Chad Romanick, and ESU Officer John MacDougall, police were made aware that Mr. Romanick had texted his father. The nature of the text message raised concern that Mr. Romanick was suicidal. Mr. Romanick's father told police that his son was decompensating, was seeing and hearing things, acting paranoid, and using illicit drugs.

13 Police also spoke to a family member of Mr. Romanick who advised that they had recently found Mr. Romanick sleeping in the garage with a shotgun.

14 At approximately 1:00 pm, an officer who had taken up a southwest position to the address, heard a "thud" coming from the garage area of the residence, officers closer to the house believed it could have been a gunshot.

15 Believing that Mr. Romanick had potentially discharged a firearm, Sgt. James Hladki contacted Sherry Lamas, Mr. Romanick's spouse and was advised that, at 12:54 pm, Mr. Romanick texted that he was going to heaven.

16 Based on the information they had received, at 2:00 pm, officers breached the garage portion of the residence and located Mr. Romanick with an apparent self-inflicted gun shot wound. Emergency Medical Service (EMS) responded and death was pronounced.

17 This inquest is mandatory under [Section 10 of the Coroners Act](#) because Mr. Thompson died while he was being detained by police. The purpose of an inquest is to answer the five mandatory questions set out in [s. 31\(1\) of the Coroners Act](#):

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death; and
- (e) by what means the deceased came to his death.

18 A pre-Inquest meeting took place on January 10, 2024, by videoconference where several parties identified as potentially having an interest in the inquest attended. All were invited to apply for standing at the inquest, however only the following opted to apply at this time:

- a. Hotel Dieu Grace Healthcare
- b. Ministry of the Solicitor General and the Ontario Provincial Police
- c. Windsor Police Service Chief and Board
- d. Involved Officers Sergeant John MacDougall, Sergeant James Hladki,

19 The inquest ~~is scheduled to start~~ commenced on March 25, 2024. It is scheduled to be completed by April 5, 2024. These dates will *exclude* March 29 and April 1, 2024.

20 At the time of this revised ruling Windsor Regional Hospital has also been granted standing for reasons stated in my March 12, 2024 standing ruling.

21 The issues to be explored at this inquest are contained in the scope of the inquest. As presiding officer, I have carefully reviewed the results of the coroner's investigation, and consulted with inquest counsel and the interested parties who attended the pre-inquest meeting to develop a scope for this inquest. The scope helps to ensure that we identify and maintain focus on important and relevant issues surrounding Mr. Romanick's death and helps parties to properly prepare for the inquest. The interested parties were invited to provide input regarding the scope at and following the pre-inquest meeting. Input was not received from the interested. The scope of this inquest is attached to this decision as an Appendix.

22 The family of Chad Romanick was contacted. Sherry Lamas, a family member of Mr. Romanick attended the Pre-Inquest Meeting. While interested in the outcome the family have not sought standing at this inquest and will communicate with Inquest Counsel if a question or issue arise that needs to be addressed from the family perspective. At the time of this amended ruling Ms. Lamas has appeared before the jury and provided evidence in this inquest.

23 For the reasons given below, and subject to the qualifications and restrictions in this ruling, all of the applicants listed above are designated as parties to the inquest.

## II THE TEST TO BE DESIGNATED AS A PARTY TO AN INQUEST

24 [Section 41\(1\) of the Coroners Act, RSO 1990, c C.37](#) provides that:

41 (1) On the application of any person before or during an inquest, the coroner shall designate the person as a person with standing at the inquest if the coroner finds that the person is substantially and directly interested in the inquest. [R.S.O. 1990, c. C.37, s. 41 \(1\)](#); 1993, c. 27, Sched.; 1999, c. 12, Sched. P, s. 2.

(2) A person designated as a person with standing at an inquest may,

(a) be represented by a person authorized under the [Law Society Act](#) to represent the person with standing;

(b) call and examine witnesses and present arguments and submissions;

(c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. [R.S.O. 1990, c. C.37, s. 41 \(2\)](#); 2006, c. 21, Sched. C, s. 104 (1).

25 A person is designated as a party to an inquest under the *Chief Coroner's Rules of Procedure* ("CCRoP") either as a Person with Standing or as a Person Permitted to Make Submissions:

### A. Person with Standing

Under *CCRoP* Rule 2.1(ii), pursuant to [s. 41 of the Coroners Act](#), the Presiding Officer shall designate a person as a person with standing ("PWS") he finds that the person is substantially and directly interested in the inquest. In order to be designated as a PWS, the applicant must satisfy at least one of two tests, the Private Law test or the Public Interest test.

i. Private Law Test - The Private Law test is met when the applicant satisfies one or more of the following components:

1. Personal - Close personal connection to the deceased,
2. Reputational - Exposure to implicit criticism through the inquest process; or,
3. Implementational - Responsibility for implementation of jury recommendations.

ii. Public Interest Test - The Public Interest test is met when the applicant demonstrates that it satisfies all of the following components:

1. The applicant legitimately represents a group of persons,
2. The group of persons share a commonality of identity with the deceased,
3. The group of persons will be acutely affected by the recommendations; and,
4. The applicant brings unique expertise and perspective to the inquest.

In order to be granted standing, the applicant must fully meet criteria for either the Private Law or Public Interest test. An applicant will not be granted standing where it only partially satisfies each of the Private Law and Public Interest tests.

The participatory rights of a PWS are specified in [Section 41](#) and are limited to the areas in which the PWS is substantially and directly interested.

### B. Person Permitted to Make Submissions

Under CCRoP Rule 2.1(iii), pursuant to [s. 50.1 of the Coroners Act](#), the coroner may designate a person as a person permitted to make submissions ("PPS") where the coroner finds that the designation is in the interests of the inquest. The basis for the person's participation, and the degree and manner to which the person may participate in the inquest, arise from and are limited to the Presiding Officer's order.

### III ANALYSIS AND RULING

#### *Involved Windsor Police Service Officers, Windsor Police Service Chief & Board*

26 Sergeant James Hladki and Constable John MacDougall of Windsor Police Service were responding officers to the call for service on Sept 15, 2017 as part of a team from the ESU. The involved officers have a direct and substantial interest in the inquest given their specific involvement.

27 The Involved Officers, the Chief of Police and the Board all have different responsibilities which may affect their interests in this inquest.

a. A police officer's duties, as enumerated in [s. 41 of the Police Services Act \(PSA\)](#), include but are not limited to preserving the peace, preventing crimes, assisting victims, apprehending criminals and others who may lawfully be taken into custody, and executing warrants.

b. The [PSA](#) provides, in [section 41](#), that a chief of police duties includes ensuring that members of the police force carry out their duties in accordance with the [PSA](#) and its regulations and in a manner that reflects the needs of the community, and that discipline is maintained in the police force. A chief of police has an operational role, reporting to and following a board's lawful directions.

c. [Section 31](#) provides that a board is responsible, among other duties, for the provision of adequate and effective police services in the municipality. Included in a board's additional statutory responsibilities is the establishment of policies for effective management of the force and the recruitment, direction and performance management of the chief of police.<sup>1</sup>

28 Windsor Police Service ESU members were present and actively engaging with Mr. Romanick at the time of his death whilst attempting to lawfully apprehend him. The inquest will examine the actions of the officers as well as the policies, training and other supports provided to the officers to address the situation that unfolded on September 15, 2017.

29 The Windsor Police Services Board and Chief, given their statutory responsibilities, may both be subject to implicit criticism through the evidence before the jury, and therefore meet the reputational component of the private law test. In addition, Windsor Police Services Board and the Chief may each bear direct responsibility for implementing jury recommendations, and therefore, meet the implementational test. At this stage, their interests appear to overlap. Standing is granted to the Windsor Police Services Board and Chief in the following area of interest: **The reputational and implementational interest of Windsor Police Service in the circumstances of the death of Mr. Romanick, police training, police operations and interaction with, and potential apprehension of, emotionally disturbed persons will be an area of interest, scope 1, 2, and 4.**

30 The involved police officers who attended the scene, and who are anticipated to be witnesses during the inquest, have retained counsel to represent their interest at the inquest. As it relates to reputational interest, it is possible that the Inquest may raise issues and concerns that may affect the officer's reputation and professional standing. It is also possible given the scope of this Inquest that the involved officers training concerning interaction with, and potential apprehension of, emotionally disturbed persons will be an area of interest. Standing is granted to the Involved Officers in the following area of interest, **scope 1, 2, and 4**. I pause to note that counsel for the officers is the same person representing the Windsor Police Service Chief and Police Service Board. Having regard to the issues in this inquest and my assessment, I am satisfied that counsel's joint representation in this circumstance is not problematic. In the unlikely event that changes, the issue will be revisited.

#### *Ministry of the Solicitor General and the Ontario Provincial Police (OPP)*

31 Recommendations made by the jury may impact the Ministry. The Ministry is therefore substantially and directly interested in the inquest as required under [s. 41 of the Coroners Act](#).

32 Further, Detective Sergeant Charles Lorway from the Ontario Provincial Police was on scene on September 15, 2017 as part of the ROPE Squad. He has provided evidence before the jury in this inquest.

33 Part of the proposed scope of the inquest includes police training concerning interaction with, and potential apprehension of, emotionally disturbed persons, and availability of MCIT teams. Recommendations in these areas may be directed to or impact the Ministry. ~~OPP officers also attended the scene, and some may be called to give evidence. There may also be witnesses from the Ontario Police College or the Ontario Provincial Police called to testify.~~

34 Standing is granted to the Ministry and the OPP in the following area of interest: **"Police training concerning interaction with, and potential apprehension of, emotionally disturbed persons and availability of MCIT teams as opposed to ESU in these circumstances." Scope 1, 2, and 4.**

#### ***Hotel-Dieu Grace Healthcare (HDGH)***

35 Mr. Romanick attended HDGH twice in 2017 between July and September for mental health issues.

36 HDGH submits that it does not have access to any historical patient charts at this time as a result of a cyber attack and without the brief it is unsure of their involvement with the deceased. However, that Mr. Romanick attended and received mental health care services at HDGH is not in dispute and is reported in his OHIP chart. The service Mr. Romanick received is part of clause three of the scope document.

37 HDGH is substantially and directly interested in the inquest in the following ways:

- i. Reputational Interest — deceased sought treatment from the Transitional Stability Centre which is a crisis wellness centre associated psychiatry clinic at the Hospital/
- ii. Implementational interest - could be responsible for implementing recommendations
- iii. Brings unique perspective and expertise to the inquest with respect to outpatient and crisis mental health services

38 Standing is granted to HDGH in the following area of interest reputational interest and implementational interest as per para. 37 above and **scope 3**.

#### ***Windsor Regional Hospital (WRH)***

39 WRH is substantially and directly interested in the inquest in the following ways:

- i. Reputational Interest — deceased sought treatment from WRH in July and September 2017 in respect to mental health issues.
- ii. Implementational interest - could be responsible for implementing recommendations and brings unique perspective and expertise to the inquest with respect to outpatient and crisis mental health services.

40 Standing is granted to WRH in the following area of interest reputational interest and implementational interest as per para. 39 above and **scope 3**.

#### ***Participatory rights & overlapping interests***

41 I remind all PWS that their participatory rights arise from, and are limited to the areas of interest in which, standing was granted. There is a potential for overlap among the interests of some of the PWS at this inquest. Except with my prior

permission, those with overlapping interests may not duplicate each other's areas of questioning of a given witness. This may be achieved by working together to avoid duplication. If a PWS is of the view that duplication is required, they must seek my leave in advance of the witness testifying.

42 I thank all parties and counsel for their applications and participation in this inquest proceeding.

## Appendix

### STATEMENT OF SCOPE

#### **Inquest into the death of Chad William Romanick**

This inquest will look into the circumstances of the death of Chad William Romanick and examine the events of his death on or about September 15, 2017, to assist the jury in answering the five mandatory questions set out in [s. 31\(1\) of the Coroners Act](#) and to help the jury make recommendations to prevent further deaths, should the jury decide to make recommendations. The following are the five mandatory questions for the jury:

- (a) who the deceased was;
- (b) how the deceased came to his or her death;
- (c) when the deceased came to his or her death;
- (d) where the deceased came to his or her death; and
- (e) by what means the deceased came to his or her death

Specifically, beyond the facts required to accurately answer the five questions and understand the circumstances of the death, we will be addressing the following issues to the extent that these issues may have relevance to potential recommendations:

1. The circumstances surrounding the death of Mr. Chad William Romanick;
2. Police training concerning interaction with, and potential apprehension of, emotionally disturbed persons.
3. Services to families/loved ones with respect to accessing psychological/psychiatric/medical care for a person with suspected mental health issues.
4. Availability of MCIT teams as opposed to ERF ESU in these circumstances.

Excluded from the scope will be any in-depth exploration of the following:

1. Emergency or first-aid response provided to Mr. Romanick after the self-inflicted gunshot;
2. The SIU investigation into the shooting.

#### Footnotes

1 [Police Services Act, R.S.O. 1990, c. P.15](#)