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## INQUEST REPORT

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### Port Stanley – Mitchell Temple-Medhurst

## Incident scenario & summary of facts

**Name of deceased:** Mitchell Temple-Medhurst

**Date and time of death:** August 21, 2004, 6:18 p.m.

**Place of death:** Children's Hospital of Western Ontario, London, Ontario

**Cause of death:** Drowning

**Location:** Main Beach in Port Stanley located on Lake Erie

**Activity at time of incident:** Swimming

On Saturday August 21, 2004, three councillors and four boys under the age of 12 from Madame Vanier travelled to the Port Stanley Main Beach, located on Lake Erie just south of London. The Municipality of Central Elgin was responsible for the operation of this beach including its supervision by lifeguards. On the day of this visit, three lifeguards were stationed in the central lifeguard tower scanning the 600 metres of beach shoreline. Three other lifeguards were patrolling in a rescue boat, another unsupervised beach area, less than one kilometre away.

Madame Vanier Children's Services is a not-for-profit organization funded primarily by the Ministry of Children and Youth. It is an organization that is intended to assist parents in addressing children's mental health problems.

At approximately 4:00 p.m., Mitchell and three other boys from Madame Vanier were approximately 30 metres from shore. Mitchell was a weak swimmer. The councillors were seated in chairs watching the children from the shoreline. Mitchell stumbled into a deep hole and began to struggle. Two councillors responded but did not reach him in time and he submerged. A search was initiated by bystanders and lifeguards. Forty-five minutes later he was recovered by the Fire Department. He was airlifted to London Hospital where he was pronounced dead at approximately 6:18 p.m.

Mitchell Temple-Medhurst was under their care and was a resident of the Madame Vanier institution. He had been in their care for less than one month.

## JURY RECOMMENDATIONS (ABRIDGED)

1. That third party caregivers, province-wide, implement the Madame Vanier Children's Services Supervised Water-Based Activities Policy Template, April 2005. (Rationale: A comprehensive document that outlines necessary procedures for beachfront activities.)

### Lifesaving Society Notes

The Society endorses this recommendation on the basis that it should serve as a first draft in the revision of the Ministry of Community and Social Services Child's Development in Care Manual (1985).

2. One of the third party caregivers on the outing be a full-time employee. (Rationale: For familiarity and consistency for the participants on the outing)

### Lifesaving Society Notes

The Society does not endorse this recommendation. More importantly, all staff accompanying children to a beach or pool should be aware of each individual's abilities, and staff should be trained in proper first aid and basic lifesaving skills.

3. That third-party caregivers have a thorough understanding of all aspects of a client's case profile prior to leaving the licensed facility. (Rationale: Everyone on the outing knows each client's capabilities, i.e., swimming or behavioral issues)

### Lifesaving Society Notes

The Society endorses this recommendation. See Lifesaving Society Notes recommendation No.2.

4. That parent or guardian permission be received, utilizing the appropriate consent form, on an event-by-event basis for beachfront water-based activities. (Rationale: Parent/Guardian awareness and possible shared information.)

### Lifesaving Society Notes

The Society does not endorse this recommendation. Madame Vanier should complete an intake form, which would address the child's abilities pertaining to possible outings (e.g., swimming), allergies and other medical information. A copy of this form should accompany the children on all outings off-site.

5. Prior to the activity beginning, all participants are made aware of the rules and expectations of the outing by the third-party caregivers. (Rationale: To ensure safety of participants.)

### Lifesaving Society Notes

The Society endorses this recommendation. Prior to the children entering the swimming area, each staff person reminds participants of the rules and expectations. Staff should also familiarize participants with facility rules and conditions such as depth of water area, swimming areas and other emergency procedures.



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6. Firefighters' PFDs (personal flotation device) should be labelled and lifeguards' tank-tops, shirts, sweat-tops, lifejackets, or hats should be worn and clearly labelled to identify them as emergency personnel. (Rationale: All personnel responding to an emergency situation should be readily identifiable at all times. This will ensure that they can be seen by other emergency personnel and identified by the public as officials in charge of the emergency response.)

### Lifesaving Society Notes

The Society endorses this recommendation. Lifeguards should remain in uniform (singlet/T-shirt) in order to remain identifiable to the public as bathing suits can be covered while in the water. All emergency personnel responding to an emergency should be identifiable at all times during the rescue. If the uniform of the emergency personnel is not conducive to the environment (i.e., a firefighter uniform in water) there must still be identifying characteristics identifying individuals as emergency personnel.

7. Coordinate response protocols and encourage interaction through training sessions with emergency personnel, i.e., ambulance, police, fire, and beach patrol. (Rationale: This will ensure efficient response procedures when an emergency occurs.)

### Lifesaving Society Notes

The Society endorses this recommendation where it is feasible. In small communities, this could be a session where groups get to know each other (fire, ambulance, lifeguards). In larger communities, representatives of the EMS teams could meet with aquatic staff and discuss protocols in the event of an emergency. Protocols should be shared with appropriate groups and reviewed on a regular basis.

8. That “No Lifeguard on Duty” signs be placed on towers when towers are closed. Lake condition flags will remain on all towers. (Rationale: To alert patrons to water conditions and availability of lifeguards.)

### Lifesaving Society Notes

The Society endorses this recommendation. Signage indicating the hours of operation and the location of the nearest emergency telephone should be posted. Lifeguards should man towers when the public is located within that tower's zone. Signage educating the community on the meaning of the flags should be posted and flags should remain up at all times.

9. That the Beach Patrol Captain or Senior Lifeguard confirms that all daily opening procedures have been completed as outlined in Section 5.2 of the Port Stanley Beach Patrol Standards Manual. (Rationale: To ensure all procedures in accordance with the Port Stanley Beach Patrol Standards Manual are completed.)

### Lifesaving Society Notes

The Society endorses this recommendation. Education of the supervisor's responsibility in the event of an emergency should be reinforced. Opening procedures should be realistic based on staff resources, size of swimming area and water conditions.

10. That public beachfront owner/operators periodically undergo an audit by an outside agency, i.e., the Lifesaving Society (Rationale: To update and ensure current safety standards)

### Lifesaving Society Notes

The Society endorses this recommendation. This will enhance safety of these public waterfront areas.

11. That public beachfront owner/operators consider implementation of a lifejacket loaner program to enhance the safety of children and non-swimmers using the beach.

### Lifesaving Society Notes

The Society endorses this recommendation. A PFD loaner program would be helpful in addition to public education. The lifejacket loaner program should be located in a visible area to maximize usage by visitors.

In addition, signage should be posted that reinforces parental supervision. The Lifesaving Society's public education campaign on drowning prevention and a copy of the poster "Within Arms' Reach" is a useful tool in the education of parents/guardians about the dangers of the water.

12. Establish and implement a public education program for beachfront safety and enjoyment using a variety of resources readily available to enhance public awareness of water safety.

### Lifesaving Society Notes

The Society endorses this recommendation.

13. That public beachfront owners/operators adhere to the Lifesaving Society Guideline of one lifeguard tower every 150 m. It is strongly recommended that towers be manned when patrons are in that tower's zone to ensure total lifeguard coverage of the beachfront.

### Lifesaving Society Notes

The Society endorses this recommendation.

14. That the Ministry of Community and Social Services update – to current standards for water safety for agencies in Ontario that provide care of young children – the Child's Development in Care Manual (1985). The Madame Vanier Children's Services Supervised Water-based Activities policy (April 2005) could serve as a working draft.

### Lifesaving Society Notes

The Society endorses this recommendation.



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15. The Ministry of Health, with the assistance of other partner organizations such as the Lifesaving Society, create, approve and then enforce a new regulation governing the operation of supervised public waterfronts to enhance safety at supervised Ontario waterfronts.

### Lifesaving Society Notes

The Society endorses this recommendation. The Lifesaving Society's *Waterfront Safety Guidelines* can serve as a starting point for new waterfront regulations.

16. That the Lifesaving Society guidelines equipment list be revised to include one drowning marker, at least 25 metres of buoyant rope and one portable megaphone at each lifeguard tower. This equipment will assist in the identification of the drowning location and subsequent search procedures.

### Lifesaving Society Notes

The Society endorses this recommendation. However, the buoyant rope should be used with those individuals who have some swimming ability.

Drowning markers, when used by lifeguards, can be beneficial in defining the search area. Use of the marker as soon as possible is encouraged.

17. That in the event of a traumatic incident at the beachfront, emergency personnel inform anyone involved with the incident of the availability of trauma counseling to provide a support service for people involved with the situation.

### Lifesaving Society Notes

The Society endorses this recommendation. This would include all community members involved to any extent in the rescue as well as emergency personnel.