

Manitoba

Family of man who died after being Tasered by police in 2019 sue police, alleging excessive force

Lawsuit claims police knew man had mental illness, was unarmed

[Sarah Petz](#) · CBC News · Posted: Jun 25, 2021 5:00 AM CDT | Last Updated: June 25, 2021



Viengxay Chommany, 42, was Tasered and struck in the face and head multiple times by police officers in an early morning incident on Aug. 2, 2019. He died in hospital on Aug. 4. (Jaison Empson/CBC)

The family of a man who died after Winnipeg police used a Taser on him in August 2019 have launched a wrongful death lawsuit, saying police knew the man had a mental illness and was unarmed.

Viengxay Chommany, 42, died on Aug. 4, 2019, after he was stunned and struck in the face and head multiple times by police officers in an early morning incident about two days earlier, according to both the lawsuit and a [report by the Independent Investigation Unit](#), Manitoba's police watchdog.

Police were responding to a call about a domestic assault on Consol Avenue, in northeast Winnipeg.

A statement of claim filed by Viengxay's wife, Ratsamy, says that her husband suffered from bipolar disorder and schizophrenia but was never physically violent with her, including on the night of his death.

About a week before Viengxay's death, Ratsamy had called 911 asking police to take her husband to the hospital for treatment because he wasn't taking his medications and was being verbally abusive, the lawsuit says.

An officer who responded to the call told Ratsamy that police could not force Viengxay to go to the hospital against his will, but was able to deescalate the situation.

"By the end of the wellness check, Mr. Chommany and the police officer were singing together," the lawsuit says.

Punched repeatedly, Tasered: IIU report

In the early hours of Aug. 2, 2019, Ratsamy had called 911 again because her husband wasn't taking his medication and was acting strangely, threatening to call Ratsamy's employer.

Viengxay did not hit his wife on this night either, but did attempt to block the door when police knocked and may have grabbed Ratsamy's hand, the lawsuit says.

One of the officers who was responding to the call kicked down the couple's door, and started yelling at Viengxay aggressively.

- [Inquest called after death of man Tasered by Winnipeg police during 2019 arrest](#)
- [No charges for Winnipeg officers in death of man Tasered during 2019 arrest: police watchdog](#)

According to the lawsuit, Viengxay asked the officers if their guns were real and looked frightened. He then ran out of the home with no shoes on, with the officers running after him.

Both the lawsuit and the police watchdog's report say Viengxay was punched in the face at least five times and Tasered more than once.

The lawsuit argues that the officers were aware that Viengxay was not armed and that they knew or should have known that he had a mental illness based on the 911 call one week prior.

According to the investigative unit's report, one of the officers involved wrote in their notes that they saw Viengxay assault Ratsamy through a window of the couple's home, which is why the officers forced entry inside. The officer wrote that they tried to detain Viengxay, but he fled on foot, and was behaving aggressively.

Shortly after being restrained, Viengxay became unresponsive but was resuscitated by paramedics. He was rushed to the St. Boniface Hospital, where he died on Aug. 4, 2019.

Viengxay's cause of death was likely lack of oxygen to the brain due to a problem with the rhythm of his heart due to excited delirium, an autopsy concluded.

The lawsuit, however, argues that his death was caused by excessive use of force.

Reforms needed, lawyer says

Ratsamy's lawyer Kris Saxberg said the lawsuit is not about the money but about trying to change the way police deal with people who suffer from mental health disabilities.

He said the case involving Viengxay Chommany is an extreme example of police treating a non-threatening person with a mental illness "as though he were in the middle of a criminal act and posed a threat to society and ... that threat needed to be stopped when in fact, the situation was nothing like that at all."

• [Man under arrest dies after Winnipeg police use stun gun](#)

He said his client has struggled with feelings of guilt for calling the police that night.

"I'm no psychiatrist, but she's extremely affected by what happened, and quite frankly, I think remains in a state of depression over it," he said.

In addition to naming the three officers involved, the suit also names Winnipeg police Chief Danny Smyth as a defendant, alleging he failed to ensure that the officers were properly trained to deal with individuals having a mental health crisis.

A spokesperson for the Winnipeg Police Service declined to comment because the matter is before the courts.

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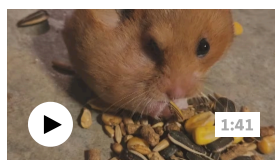
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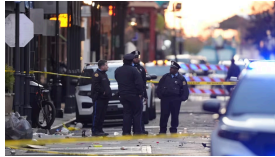
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