

FINAL REPORT: IIU concludes investigation into WPS officer involved shooting

On March 3, 2019, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of injuries to a male resulting from an officer involved shooting on McGee Street.

According to this notification, which read in part:

“On March 3rd, 2019, at approx. 9:19 p.m., the victim in this matter, contacted police to report a break and enter in progress to his residence on McGee St. [WPS officers] attended and found the victim inside the residence suffering from stab wounds and located the suspect [later identified as the affected person (AP)] who was also inside the residence. One Officer discharged his firearm and AP was transported to HSC critical as a result of multiple gunshot wounds. The victim has succumbed to the stab wounds inflicted and the matter is now a homicide”

As the injuries sustained by AP resulted from an officer’s discharge of a firearm, this constitutes a serious injury as defined by regulation. The IIU was mandated to undertake an investigation into this matter pursuant to section 65 of *The Police Services Act* (PSA). IIU investigators were assigned to this matter.

The information obtained by IIU investigators included:

- witness officers’ notes and reports
- general report
- call history
- WPS Forensic Identification Service (FIS) report
- WPS radio transmissions
- 911 call audio recording
- AP medical report (by consent)

The civilian director designated one WPS officer as the subject officer (SO) and one WPS officer as a witness officers (WO). IIU investigators interviewed AP and two civilian witnesses (CW1-2).

Facts and Circumstances:

On March 3 at 8:54 p.m., the WPS communications centre received a 911 call from a male, reporting that he believed someone was breaking into his home on McGee Street in Winnipeg.

At 8:55 p.m., the following was broadcasted on the police radio system:

“Require unit for a break and enter in progress... complainant can hear banging noises on the main floor.”

As a result, a WPS police car, occupied by SO and WO, attended to the McGee Street address, arriving at 8:58 p.m. At 9:00 p.m., SO called out on the police radio that shots were fired and an ambulance was required. SO stated one male had been shot and another male had suffered stab wounds. Winnipeg Fire and Paramedic Service (WFPS) personnel attended the residence, where they provided emergency treatment to the male who had been stabbed, and to AP, who had been shot multiple times by police. Both males were transported to Health Sciences Centre (HSC) for further treatment, but the male who was stabbed succumbed to his injuries and was pronounced deceased by attending physicians at 9:42 p.m.

AP's injuries consisted of four gunshot wounds, two to the left side of his chest, one to the left flank and one to his left forearm. He underwent emergency surgery upon arrival at hospital, and remained at HSC until March 15, when, following his discharge, he was taken into custody by WPS.

WPS FIS conducted an examination of the scene of the shooting, and found signs that the rear door of the home had been forced open, causing damage to the doorframe and locking mechanism. Six expended .40 calibre shell casings were located at the top of the stairs on the second floor of the residence, along with a quantity of blood in a bedroom purportedly belonging to the male stabbing victim, and more blood in a master bedroom at the front of the home. A black handled knife was located on the floor of the home.

The duty pistols of SO and WO were seized. SO's pistol was found to contain nine live .40 calibre rounds, while WO's pistol contained 15 live .40 calibre rounds.

AP

AP said he was inside a residence when he was attacked with a baseball bat. AP states that he tried to get away, but was shot. When asked who hit him with a baseball bat, AP stated, "*The victim. The one who died.*" AP said he had ingested methamphetamine and liquor prior to the incident, and he did not remember how he got into the home, where it occurred, or if he stabbed anyone. AP said the police did not say anything to him before they shot him. It should be noted that WPS Homicide officers, in the course of their investigation, also interviewed AP. During that interview, AP states that he followed an unnamed person into the McGee Street home through an unlocked back door. AP stated that he took a knife from the main floor kitchen then went upstairs in the home to look around, when he was struck in the head with a baseball bat and subsequently shot.

AP Medical Reports:

IIU investigators received and reviewed AP's medical reports from HSC, which confirmed he had sustained four gunshot wounds, resulting in the following injuries:

- diaphragmatic injury
- left perinephric hematoma and renal artery laceration
- small splenic laceration
- colonic injury
- burst fracture of his vertebra
- left humeral fracture

Civilian Witnesses:

CW1 stated she was sleeping in her bedroom at approximately 9:00 p.m. when someone opened the door to her room. CW1 states she sleeps with covers over her head, and did not see who opened the door. A short time later, she states she heard five gunshots and went into the hallway, where she saw her the stabbing victim lying on the ground, covered in blood. CW1 further states that she also saw someone she referred to as “*the intruder*” lying on the ground with police officers stepping on him.

CW2 stated that he and AP broke into the McGee Street residence through the back door. Once inside, CW2 states they separated. CW2 went to the basement of the home, while AP said he wanted to look upstairs. CW2 began to gather items he intended to steal and went up to the living room on the main floor of the residence. CW2 states that he then heard a commotion coming from upstairs, followed by calm when he heard AP calling out his name. CW2 states he heard a number of gunshots in quick succession. CW2 ran outside and saw a police car parked on McGee Street. CW2 discarded the items he had planned on stealing and ran back inside the home, through the kitchen and out the back door towards Maryland Avenue.

Witness Officer

WO stated that he and SO were dispatched to a break and enter in progress at a home on McGee Street. WO states that they arrived on scene at 8:58 p.m. They walked to the back of the residence and noted the rear door was forced open. WO said he could hear the sounds of a struggle coming from upstairs in the home. SO drew his service pistol and both officers climbed the stairs to the second floor, twice calling out “*Winnipeg Police*”. WO stated he was following SO, and did not draw his pistol as the stairwell was narrow and he believed it was unsafe to do so in the circumstances.

WO said that he was unable to see anyone at the top of the stairs at first, but as he climbed higher, he could see a male, holding a bread knife in one hand and an elderly woman in the other. WO could see a pole pushing into the chest of that male by someone to the left and out of sight. SO ordered this male to drop the knife, but he did not comply. At that point, SO fired five rounds at the male, who fell onto his left side and began moaning. WO states he went to the male and removed the knife from his grasp. WO then rolled the male onto his stomach and handcuffed him.

WO stated he then noticed a younger male standing to his left in a doorway of a bedroom. This younger male said he had been stabbed. The younger male then collapsed to the ground. SO and WO pushed the elderly woman into a bedroom. WO states he began to perform CPR on the young male, who he noted to have a puncture wound on his back.

Subject Officer

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, SO declined to participate in an interview. However, SO did provide a prepared statement to IIU investigators, summarized as follows:

SO wrote that he and WO attended a home on McGee Street at 8:58 p.m., in response to a complaint that someone was breaking in. As they made their way to the back of the home, SO wrote that he could hear a female scream and yell for help. SO wrote that he drew his service pistol and advanced inside the home. He then writes:

“I ran up the stairs yelling “Winnipeg Police”. At this time, I reached the second floor landing I turned to my left and saw an elderly female who was screaming for her life and saw a male with a knife in his hands attempting to stab the female. They were approximately 3-5 feet from me. All lights were on and it was clearly visible the female had her hands on the male’s arms/wrist attempting to stop him from stabbing her. I yelled drop the knife. At this exact moment, the male and female fell to the ground. The male with the knife still in his hand, and not complying with my verbal command, turned his body and with two hands on the knife in a stabbing motion attempted to stab the elderly female who was also on the ground. Fearing for the life of the elderly female, I discharged my firearm in an attempt to stop the female from being killed by the male. I fired what a [sic] believed to be 5 rounds, striking the male in the torso and left arm. At this time, the knife fell out of his hands. The entire sequence of events from entering the back door and discharging my firearm I believed to only be roughly 10 seconds.”

SO checked the elderly woman for injuries and did not find any. SO writes that he became aware of a young male in an adjacent bedroom who was holding a metal pole. The young male had been stabbed and collapsed to the ground. SO instructed WO to initiate CPR on the male while he searched the rest of the residence for additional threats.

SO’s duty pistol was seized. The firearm was not submitted for laboratory examination, because the accounts SO and WO, the round counts and physical evidence located at the shooting scene all support the singular conclusion that SO was the only police officer who discharged his pistol.

911 Call

The 911 call recorded by WPS communications also captured the audio of the police interaction with AP. Initially, the stabbing victim is heard reporting a break and enter at this residence and then reported hearing footsteps inside the home. At that point, incomprehensible screaming and yelling is heard on the line, including statements such as, “hey, hey, stop, stop.” The distinct sounds of six gunshots are heard on the recording. The sound of a female screaming “help” or a male voice saying “Winnipeg police” is not heard on this recording.

Conclusion:

Following the completion of this investigation, and because of a number of material discrepancies in the various witness accounts, the civilian director forwarded the IIU investigative file to Manitoba Prosecution Service (MPS) and requested a review and opinion on whether any Criminal Code charges should be authorized against the subject officer.

Following the review of the IIU investigative file, MPS advised IIU that this matter did not meet the prosecution-charging standard, in that there is no reasonable likelihood of conviction against the subject officer. Accordingly, MPS does not recommend any charges against SO.

As AP and CW2 are before the courts in respect to other matters arising out of this incident, this report will be released publicly once those prosecutions have been completed.

The IIU investigation is now complete and this file is closed.

Final report prepared by:

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