

# ***FINAL REPORT: IIU concludes investigation into death of male during police custody***

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On October 30, 2020, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit (IIU) of the death of a male suspect following his arrest and detention by police.

The notification, provided to IIU (edited for clarity), read in part:

*“On October 30, 2020, at 11:23 am, RCMP members were dispatched to a man with a machete threatening workers on Ebb and Flow First Nation, Manitoba.*

*Members attended and located an adult male, later identified as the affected person (AP), who appeared under the influence of methamphetamine. AP was highly agitated during the arrest requiring numerous members to restrain him in order to place him in custody.*

*AP continued to struggle during the ride in the police motor vehicle to the RCMP Detachment.*

*Inside the cell area, AP collapsed to the floor in medical distress. Members called for paramedics (EMS) and initiated CPR. The detachment automated external defibrillator (AED) was deployed. EMS assumed medical treatment upon arrival at the detachment and were able to secure a heart beat. AP was transported to Ste. Rose Hospital.*

*AP appears to have no brain activity at this time and is not expected to survive. Members remain with AP at the St Rose Medical Center.*

*D Division Major Crime Unit is engaged and will be attending”*

In that notification, information was provided that AP had passed away following his encounter with police. Accordingly, this matter was a mandatory investigation for which IIU was statutorily required to assume responsibility. A team of IIU investigators was assigned to this investigation.

RCMP file material and other information obtained by IIU investigators, included:

- RCMP occurrence summary
- RCMP officers’ general reports, supplementary reports, narratives and notes
- Forensic Identification Section (FIS) occurrence report, notes and photographs
- RCMP telecom audio recordings (including 911 call)
- RCMP detachment cell video footage
- Medical records
- Hospital reports
- Ambulance records
- Autopsy and toxicology reports

As there was, initially, a dearth of information whether any member of the RCMP was directly or indirectly involved in AP's death, the civilian director deferred the designation of a subject officer pending further investigation into this matter. The civilian director did designate three RCMP members as witness officers (WO1 – WO3). IIU investigators also met with and interviewed seven civilian witnesses (CW1 – CW7).

IIU investigators obtained and reviewed video recordings from the cell where AP was lodged following arrival at the RCMP detachment.

## **Facts and Circumstances**

### **Civilian Witnesses:**

CW1 is a relation of AP. That afternoon, CW1 states that AP had arrived at her residence. AP was sweating and looked nervous. CW1 stated that AP was pacing back and forth and going from window to window, stating, *“Call the cops, someone is trying to kill me”*. CW1 stated that she believed AP was, *“...really, really high on something”*. CW1 stated that she saw a police car approaching the house and told AP that, *“Ok, they are here now”* to which he replied, *“don't let them take me”*. CW1 stated that when police arrived at the door, AP started to panic and stated; *“don't let them take me, don't let them take me, I don't want to go”*. CW1 stated that there was a young child sleeping in the living room. Another relation arrived at the house and took hold of the young child. CW1 stated the police then moved in to arrest AP. There was a struggle as AP did not want to go with the police. CW1 stated that she tried to help the police by holding on to AP's legs. CW1 stated that police were having a difficult time handcuffing AP. CW1 stated that the police were talking to AP and trying to calm him down, *“they weren't mean to him in any way”*. Once police were able to handcuff AP and started to take him outside, he grabbed the door frame and said, *“...I have to kiss [CW1] goodbye first”*. After AP was allowed to say goodbye, police continued to struggle with him as they tried to get him outside and into the police car. CW1 stated that there were also three other people, CW2, CW3 and CW4, outside and they assisted the police deal with AP, as he was *“...really resisting”*.

CW2 stated that he was at another residence when he heard that AP was in possession of a machete and that the RCMP were looking for him. CW2 stated that he telephoned CW1 and AP answered the phone. AP stated, *“tell them not to hurt me”*. CW1 took the telephone and said that AP was *“flipping out”*. CW2 made his way to CW1's residence. On arrival, CW2 stated that three RCMP members showed up. Two of the police went into the residence and it appeared there was a struggle inside. CW2 stated that he went inside and saw that the RCMP were attempting to handcuff AP who was struggling, fighting, and biting them. CW2 stated that he helped the police handcuff AP. Police then removed AP from the residence but he was hanging onto *“things”* to prevent them from removing him. CW2 stated that the RCMP were able to get AP to the police car but were having difficulty getting him in. Once again, CW2 stated that he helped the police get AP into the police car. CW2 stated that at no time did he observe the police use excessive force on AP. CW2 believed that AP was high on something.

CW3, another relation of AP, stated that he had heard that AP was in possession of a knife and had cut someone's tire. CW3 stated that he was searching for AP when he met CW2 who advised that AP was at CW1's residence. CW3 stated that they attended to CW1's residence. CW3 stated that he entered the residence and saw that RCMP members were also present and were trying to handcuff AP. CW3 stated that the RCMP were having difficulty getting AP to the police car and

CW2 helped get AP out of the house. When AP continued to struggle with the police, CW3 stated that he helped an officer who was attempting to re-handcuff AP in the back. AP finally calmed down and was placed into the police car. CW3 stated that AP was not “...*acting normal*” and appeared high on something.

CW4 is a volunteer firefighter in the community. CW4 stated that a call was received from someone at a construction site who was complaining about a male running around the site and in possession of a long blade. CW4 stated that he and another firefighter drove around the area looking for this male, who they believed, based on the description provided, was AP. CW4 stated he was familiar with AP, who was a known and frequent drug user. CW4 stated that as they approached CW1’s residence, they noted several RCMP cruisers present. CW4 stated that he saw police enter the residence and then shortly afterwards, exit with AP. CW4 stated that it appeared that the police were struggling to retain control of AP as they were trying to get him into an RCMP vehicle. CW4 stated that he observed CW2 and CW3 trying to help the police. CW4 stated that he also assisted police with AP and tried to keep him still. CW4 stated that during the struggle he heard a police officer state that he was going to “*taser*” AP when another officer responded, “*no, don't taser him, we can get control*”. CW4 stated that AP appeared to be “*on something*” and under the influence of drugs. CW4 stated that the RCMP were not mistreating AP in any way or fashion.

CW5 is a civilian employee of the RCMP and was working at the detachment that day when a call for service came in for officers to attend to the Ebb and Flow First Nation. Later, CW5 stated that officers returned to the detachment with AP in their custody. CW5 stated that AP was “...*was causing quite a ruckus*”. AP was taken to the cell area and lodged. CW5 stated that officers radioed from the cell area for assistance with AP. The officers asked for a “*hook knife*” as they needed to remove AP’s belt off and he was not being compliant with them. CW5 brought the hook knife to officers and observed that AP was fighting and not compliant. CW5 stated that she returned to the office area. Minutes later, CW5 stated that she was asked to contact EMS as police were unsure what kind and quantity of drugs AP had consumed and wanted to make sure everything was all right with him. CW5 stated that she contacted EMS. Subsequently, CW5 stated that she was advised that AP was now unconscious but breathing. CW5 stated that officers were monitoring AP’s condition awaiting the arrival of EMS. AP was on the cell floor and laying on his side. When police noted that they could not detect a pulse, CW5 stated that she contacted EMS again to advise of the latest development. CW5 stated that she was told that the ambulance would be arriving at the detachment “*very shortly*”. Once EMS arrived, they immediately worked on AP, eventually removing him from the cells and into the ambulance.

CW6 is an EMS paramedic. CW6 was working with CW7 when a call for service was received concerning an unconscious male the Ste. Rose du Lac RCMP detachment. While they were on route to the detachment, a second call was received that the male was not breathing. Upon arriving at the detachment, CW6 observed a male (later identified as AP) on the cell floor as police officers were performing CPR chest compressions and rescue breaths. CW6 stated that they commenced to administer life-saving medications. Once a pulse was detected, CW6 stated that they proceeded to get AP on a stretcher and depart to hospital. CW6 stated that officers advised that AP may be under the influence of methamphetamine or other hard drugs. AP was pronounced deceased at the Ste. Rose du Lac Hospital at 4:10 p.m. that afternoon. In CW6’s

opinion, the RCMP officers appeared to be doing everything correctly in caring and treating, particularly in performing CPR, on AP when EMS arrived.

CW7 is an EMS paramedic. CW7 stated that a call for service was received at 1:21 p.m. from the Ste. Rose du Lac RCMP detachment concerning an unconscious male in custody. CW7 stated that he and CW6 responded to this call. While en route to the detachment, a second call came over the radio with an update that the unconscious male was not breathing and that CPR had been initiated. CW7 stated that upon arrival, he observed a male (later identified as AP) lying on the cell floor on his back. Officers were performing CPR compressions and rescue breathing on AP. CW7 stated that EMS assisted in treating AP. When a pulse was restored and detected, it was decided that they would transport AP to hospital immediately. CW7 stated that he was advised by police officers that AP was arrested at the Ebb and Flow First Nation and had been very aggressive and violent. AP's condition had deteriorated quickly once he was in custody at the detachment. Narcan<sup>1</sup> was administered to AP by police officers but no effect was observed. Eventually AP stopped breathing and police began CPR. En route to the hospital, CW7 stated that they enlisted WO2 to drive the ambulance while they continued to work on AP. CW7 stated that that this is a common practice in rural areas of Manitoba where police officers will drive the ambulance when needed. CW7 stated that AP was pronounced deceased at the hospital at 4:10 p.m.

**Witness Officers:**

WO1 is an RCMP officer attached to the Ste. Rose du Lac detachment and was on duty that afternoon. A call for service was received concerning a disturbance on the Ebb and Flow First Nation, approximately twenty-five minutes from the detachment. According to the call, it was alleged that AP was at a residence and may be armed with a long knife.

WO1, WO2 and WO3 responded to this call. While en route, several updates were received:

- AP was on foot
- AP was in possession with a long knife
- AP tried to puncture the tires of a trailer with that knife
- AP was attempting to fight with construction workers
- AP went to a neighbors residence
- AP was making threats towards a neighbor
- AP was believed to be high or intoxicated on some substance

Upon arrival on the Ebb and Flow First Nation, WO1 stated that they met with the local fire fighter who told them that they were also called and looking for AP. WO1 stated that WO2 went with the firefighter while he and WO3 attended CW1's residence. WO1 stated that they met with a female who advised that AP's was inside the house. WO1 stated that police entered the residence, saw AP immediately and believed him to be intoxicated. AP kept stating "... *help me, help me*". WO1 stated that he told AP he was there to help him but they had to deal with the situation. WO1 stated that there was a young child nearby and waited for a few moments until AP was away from the child before telling him he was under arrest. WO1 attempted to handcuff AP but he started resisting the officers and kicked a hole in the wall. CW1 was able to get the

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<sup>1</sup> Naloxone, sold under the brand name Narcan, is a medication used to block the effects of opioids. It is commonly used to counter decreased breathing in opioid overdose.

child away from AP. WO1 stated that there were other people present who helped police get AP into handcuffs. Once handcuffs were applied, officers attempted to remove AP from the residence but he was not cooperating. WO1 stated that police got AP outside and to the police car. AP became resistant again and would not enter the back seat of the police car. AP was twisting his body aggressively, kicking and attempting to bite police. WO1 stated that CW2, CW3 and CW4 assisted police by holding down AP's feet. WO1 stated that WO2 considered using a "taser" on AP but WO1 told him not to as there were enough people involved to gain control of AP and he was confident they would be able to handcuff him. Officers were able to re-handcuff AP following which he became cooperative and entered the back of the police car on his own. AP continued to ask police to "*help him*". WO1 stated that it was decided to take AP to be lodged in the detachment cells and have EMS attend to assess his condition. On arrival at the detachment, AP refused to exit the police car. Police were able to remove AP and dragged him to the cell area. Police were able to place AP into a cell and took him to the floor, onto his stomach. This was done to permit the removal of the handcuffs and for the removal of AP's clothing for his own safety. AP appeared exhausted and was breathing heavily, taking deep breaths. WO3 told WO1 that she was going to call EMS to attend. WO1 stated that when the cell monitor screen was checked it was noticed that AP was not moving and was still laying on the cell floor. WO1 stated that he returned to the cell and tried to speak with AP. AP did not respond but his eyes were open and he was breathing. WO1 stated that they remained with AP in his cell to monitor his condition while waiting for EMS to arrive. WO1 stated that at some point he made his way to meet EMS on arrival when he heard yelling coming from the cell area. WO1 stated that he made his way back and was told that AP had stopped breathing. WO1 stated that he immediately administered a dose of Narcan as he believed AP may be under the influence of some drug and then started CPR until EMS arrived. AP was eventually placed on a stretcher and taken to the ambulance. WO1 stated that WO2 was tasked with driving the ambulance to the Ste. Rose du Lac Hospital approximately two minutes from the detachment.

WO2 is a member of the RCMP, attached to the Ste. Rose du Lac detachment and was on duty that afternoon. WO2 stated that a call for service was received concerning AP. According to information received, AP was reported as intoxicated and threatening construction workers with a machete. WO2 stated that he is familiar with AP, who is known to be a heavy methamphetamine user. WO1, WO2 and WO3 all responded to this call and made their way to the Ebb and Flow First Nation. WO2 stated that they received constant updates on this situation while en route. On arrival, officers met with the local fire chief. WO2 stated that he was asked to follow the fire chief to search for AP while WO1 and WO3 proceeded to a different location. WO2 stated that he received information that AP may be at CW1's residence so he made his way there and met up with WO1 and WO3. WO1 entered the residence while WO2 and WO3 remained outside keeping watch. After several minutes, WO1 called over the radio for WO2 and WO3 to join him in the residence. WO2 stated that once inside, he observed AP to be half-sitting/half-lying on a couch facing a window and holding a young child. When the child was removed safely to another room, police attempted to detain AP and handcuff him. AP went "*rigid*" in the chair and resisted the attempts to put him in handcuffs. At one point, AP kicked a hole in the wall. WO2 stated that he has never experienced this level of resistance from AP before. WO2 was satisfied that AP was on methamphetamine due to the strength and resistance he was showing. WO2 stated that CW2, CW3 and CW4 joined in to assist in restraining AP. Police were able to handcuff AP and remove him from the residence. Once outside, police took

AP to a police car. When they opened the rear door of the police car, AP refused to get in and started yelling “*Help*” as he wedged his foot on the frame, resisting any attempt to move into the vehicle. WO2 stated that AP was taken to the ground and police decided to re-handcuff AP to make it easier to get him into the car. WO2 stated that he had considered using his taser but did not use it and it was never taken from its holster. CW2, CW3 and CW4 came over to help hold AP down. The officers were able to re-handcuff AP to the back when he became cooperative with them. He entered the back of the police vehicle with very little need for assistance. WO1 and WO3 drove AP to the Ste. Rose du Lac detachment. WO2 stated that he stayed behind to search for the long knife but could not locate it. WO2 stated that he made his way back to the detachment and on arrival, noticed an ambulance in the parking lot. WO2 stated that he made his way to the cell area where he observed EMS personnel, WO1 and WO3 working on AP. AP was removed from the detachment on the stretcher. WO2 was asked to drive the ambulance to the Ste. Rose du Lac Hospital as the two EMS Paramedics and WO1 were working on AP.

WO3 was on duty at the detachment that afternoon when she was advised that a call for service was received regarding a male on the Ebb and Flow First Nation, who was carrying a machete and threatening construction workers. The male was identified as AP, a known and heavy methamphetamine user. WO1, WO2 and WO3 responded to the call and made their way to Ebb and Flow First Nation. Upon arrival, they met with the local Fire Chief. WO2 went with the Fire Chief to search for AP while WO1 and WO3 proceeded in a different direction. Information was later received that AP was at CW1’s residence. WO3 stated that all officers met at the residence where they were advised that AP was inside. WO3 stated that she and WO1 went to cover the back door while WO2 would cover other exits. When AP was observed inside the residence, they entered and WO1 started to speak with AP. When a young child was removed from the living room and it was safe to detain AP, WO3 stated that WO2 was called inside to assist if a struggle were to ensue. WO3 stated that AP was displaying “*super human strength*” and at one point he kicked a hole in the drywall. The officers were able to get handcuffs on AP but only to the front due to his body positioning. WO3 stated that two males from the community (whose names were not known to her) were helping the officers restrain AP. AP was removed from the residence after he was allowed to speak with CW1. WO3 stated that AP was taken to the police car but he resisted efforts to get him into the back. Officers were able to pry his fingers off the grab bars and get him on the ground where they removed the handcuffs from the front and re-applied them to his back as this would make it easier to get him into the vehicle. As AP was actively resisting it took all the three officers and help from the community members to control him.

WO3 stated that she and WO1 discussed whether AP should be taken to the local hospital first before attending the detachment. Based on AP’s erratic and violent behaviour and a concern for public safety, it was decided to go to the detachment and that EMS would be called to come and check him out. On arrival at the detachment, there was a further struggle with AP to get him out of the vehicle. AP was dragged to the cell block area as he continued to fight, yell and scream along the way. Police were able to get AP into a cell then placed on his stomach, in order to facilitate the removal of the handcuffs and any clothing items that could be a risk to his safety. Eventually, AP slowed his resistance as it appeared he was exhausted. AP was breathing but not moving very much. WO3 stated that she requested CW5 to contact EMS. WO3 stated that she and WO1 continued to monitor AP while awaiting the arrival of EMS and checked on him personally several times. When she had difficulty finding a pulse, she noted that AP was not

breathing. WO3 stated that she called for assistance from WO1. WO1 attended and administered Narcan then began CPR. As soon as EMS arrived, they inserted an intravenous line into AP and started an air bag into his airway, while WO1 continued CPR compressions. When a pulse was detected, AP was moved on to a stretcher and taken to the ambulance. The EMS paramedics asked for assistance as they went to hospital. WO1 remained in the back of the ambulance administering the air bag as the EMS paramedics continued to work on AP. WO2 was asked to drive the ambulance to the Ste. Rose du Lac hospital.

### **Review of 911 Call Audio**

RCMP dispatch received the first call for service at 11:32 a.m. which reported that a man was "*waving a big machete*" and taunting construction workers. The male also "*slashed*" the tire on one of the vans being used by these workers. The male was identified as AP and that he might be high on methamphetamine. A second call for service was received at 11:48 a.m. The operator advised the caller that two RCMP units were on their way and that he should stay inside his residence and not confront the subject.

### **Review of Ste. Rose du Lac RCMP Detachment Cell Block Video**

The recording starts at 12:59 p.m. and shows an empty secure bay parking area. At 1:04 p.m., a marked RCMP vehicle enters the bay. Two officers, WO1 and WO3, exit the vehicle and remove a sole prisoner from the back, identified as AP. AP is actively resisting the officers as he is removed from the back. WO1 and WO3 move AP out of the secure bay and into the cell block corridor. AP is taken to the ground and at this point control is established by the police. AP appears to calm down and is brought to his feet by the two officers. As they resume the walk to the cell at the end of the corridor, AP starts to resist again. The officers and AP are hitting the walls as they try to get him towards the cell. The officers are able to bring AP into the cell and he is lowered to the ground on his stomach. The time is now 1:10 p.m. WO1 attempts to remove the handcuffs from AP while WO3 goes to the left side of AP's upper body and attempts to hold down his shoulders and head, by applying pressure with her left knee on the upper shoulder blade area. WO1 is trying to remove the handcuffs while AP is still struggling and kicking his legs. At 1:11 p.m., WO1 is talking into his radio microphone and, shortly afterwards, CW5 arrives at the cell and hands a tool to WO1, which he uses to cut away pieces of AP's sweater. At 1:14 p.m., the handcuffs are removed and at 1:15 p.m., the two officers stand up and are no longer applying pressure to keep AP under control. The officers leave the cell and close the cell door. Between 1:15 p.m. and 1:18 p.m., the officers are seen looking in the cell window at the AP. AP does not move from his position on the floor and continues to lay on his stomach. At 1:18 p.m., both officers re-enter the cell and attempt to arouse AP by shaking his shoulders and pinching the shoulder blades. From this point on, there is always one officer with AP. The officers are seen taking AP's pulse and attempting to arouse him. At 1:25 p.m., WO1 and WO3 move AP on his side and continue to take his pulse. At 1:30 p.m., WO1 leaves the cell area. At 1:31 p.m., CW5 runs out of the cell and WO3 moves AP onto his back. AP's mouth is open and his eyes are closed. WO1 then runs into the cell and administers a tube to AP. At 1:32 p.m., WO3 starts CPR chest compressions, which are taken over shortly by WO1. At 1:35 p.m., two EMS Paramedics arrive at the cell, while WO1 continues with CPR compressions. At 1:42 p.m., WO3 switches with WO1, continuing CPR compressions while WO1 assists the EMS paramedics with an air bag. At 1:43 p.m., CPR compressions are stopped and the EMS

paramedics are monitoring AP's pulse. EMS paramedics, WO1 and WO3 move AP onto a stretcher at 1:45 p.m. At 1:46 p.m., AP is moved from the cell, into the corridor and to the secure bay doors. AP is out of view of the video cameras.

### Medical Information for AP

#### Ambulance Report

This report states that the Ste. Rose du Lac ambulance received the call for service from the Ste. Rose du Lac RCMP detachment at 1:21 p.m. on October 30. The EMS paramedics arrived on scene at 1:33 p.m. and departed the scene with AP at 1:59 p.m.

#### Ste. Rose du Lac Emergency and Critical Care Record

The emergency record summary and critical care record shows that AP was brought in by EMS at 1:48 p.m. AP was intubated and had a cardiac monitor attached. CPR was reinitiated at 1:50 p.m. From 1:50 p.m. until death was declared at 4:10 p.m., CPR was repeated several times and life saving drugs were administered. Pulse rhythms were obtained and lost several times.

The summary report states that AP was brought in by EMS after he collapsed in an RCMP cell. It was noted that AP was a known crystal methamphetamine abuser. Death was called at 4:10 p.m.

#### Post Mortem Examination of AP

The post mortem was conducted on November 1, 2020 at the Health Sciences Centre, Winnipeg. The pathologist made a verbal determination that death was not caused by trauma or physical force. The final cause of death is pending, awaiting toxicology results. On April 27, 2021, IIU investigators received the final autopsy report for AP. The report is dated March 15, 2021. Under the heading "Immediate Cause of Death" is shown as:

***" Cardiac Arrhythmia due to, or as a consequence of Methamphetamine Toxicity".***

Under the heading, "Other significant conditions contributing to the cause of death but not causally related to the immediate cause", is shown as:

***"Physiologic stress of struggle and restraint by Police".***

The toxicology report showed high levels of methamphetamine at 1031 ng/ml.

The following is the "toxicology report" note respecting drug levels in AP's system:

Methamphetamine 1031 ng/mL  
Amphetamine 192 ng/mL

As stated, the toxicology results for AP showed a methamphetamine concentration of 1031 ng/ml. Based on a 30 mg oral dose of methamphetamine, the expected concentration is 62 to 291 ng/ml. This is a baseline for measurement as set by the pathologist and medical examiner. Although there is no standard dose for methamphetamine, this is a baseline and expected result. According to the medical examiner, the concentration of 1031 ng/ml in AP's system, shows an extremely high concentration of methamphetamine which very likely contributed to his death. From interviews and testimonials received from AP's family, civilian witnesses and witness officers, indications were that AP was a heavy methamphetamine user. The toxicology results and AP's known drug abuse history is consistent. The RCMP had experienced several previous

interactions with AP when it was believed he was high from methamphetamine. Erratic and paranoid behaviour consistent with methamphetamine use had been witnessed by police and civilian witnesses frequently in the past.

### **Conclusion**

This investigation must consider whether the actions of any or all of the police officers who were involved with AP during the afternoon of October 30, either at CW1's residence, during his transport to the detachment, or while detained in the cell, caused, or in any way contributed, through action or inaction, to his collapse and ultimate death, and if so, should criminal code consequences flow therefrom.

Based on the various witness accounts, the video footage recovered and reviewed, and the medical information obtained, the pathologist report and the toxicology findings, AP's death was a result of cardiac arrhythmia due to, or as a consequence of methamphetamine toxicity mixed with the physiologic stress of struggle and restraint by police. The amount of methamphetamine in AP's system was significant and extremely high.

Based on all of the interviews conducted and information obtained and reviewed in this investigation, I am satisfied that no actions by any police officer caused or contributed to AP's death in any degree. At all times, the police officers dealt with AP with restraint, caution and without the resort to the application of any significant degree of force. The use of Narcan was solely for the purposes of dealing with effects of substances within AP's system and as a lifesaving act. It or the decision to administer it was not a factor in the cause of AP's death.

In conclusion, there is no evidence that would justify the designation of any of the police officers as subject officers and there is no further requirement to continue with this investigation.

The IIU investigation is complete and this file is closed.

**Final report prepared by:**  
Zane Tessler, civilian director  
Independent Investigation Unit  
July 29, 2021

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