

# ***FINAL REPORT: IIU concludes investigation into officer-involved shooting on Princess Street in Winnipeg***

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On January 29, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of an officer-involved shooting that occurred on Princess Street in Winnipeg. This notification disclosed the following information (edited for clarity):

*“On Friday, January 28th, 2022, at approximately 11:10 p.m., WPS members attended to 260 Princess Street (known as Siloam Mission) in regards to a report of a fight in progress between two males.*

*Upon officer arrival, officers located a male victim who had been stabbed. At this time, a use of force encounter ensued with a second male (later identified as the affected person (AP)) who was present at the scene, which resulted in one officer discharging his service pistol.*

*The subject of the use of force encounter was subsequently conveyed to the Health Sciences Centre (HSC) where he is currently listed in critically stable condition with what appears to be one (1) gunshot wound to the head and one (1) to the hip.”*

Any injury resulting from the use of a firearm constitutes a serious injury pursuant to IIU regulation 99/2015. Accordingly, an investigation by the IIU into the conduct of the WPS member who discharged the firearm is mandated. A team of IIU investigators was assigned to this matter.

The agency information obtained by IIU investigators included:

- WPS investigative summary report
- WPS officers’ notes and narratives
- officers’ supplementary reports
- audio recordings of WPS radio communications
- Forensic Identification Service reports
- photographs of exhibits
- multiple video surveillance recordings
- enhanced video surveillance recordings
- medical reports concerning AP

The civilian director designated the WPS officer who discharged the firearm as the subject officer (SO). IIU investigators interviewed four WPS officers who had been designated as witness officers (WO1 – 4). IIU investigators met with AP, who, due to his level of competency, was unable to participate in any interview. IIU investigators met with and interviewed three civilian witnesses (including a member of the Winnipeg Fire and Paramedic Service (WFPS)).

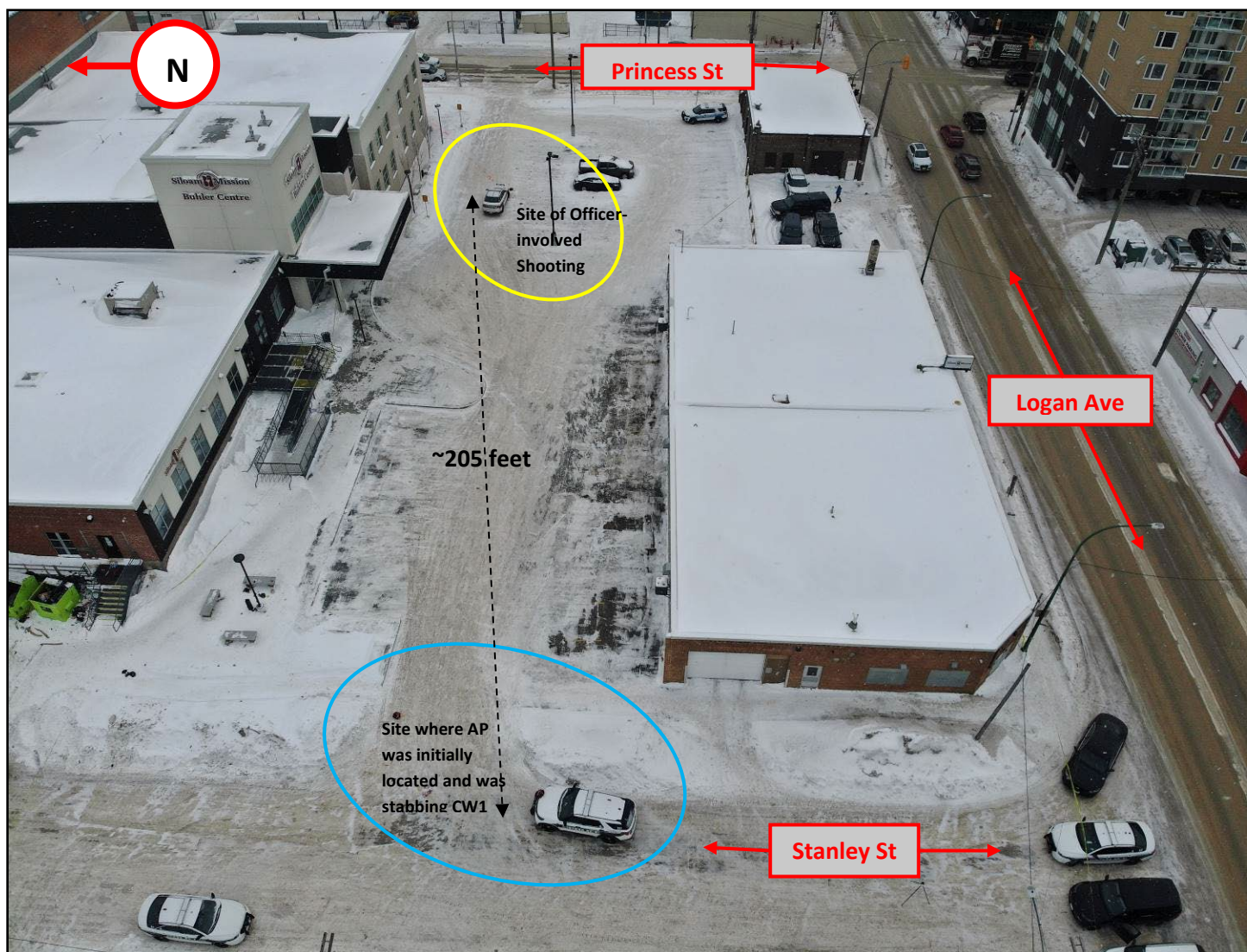
IIU investigators received and reviewed a number of video surveillance recordings that captured the officer-involved shooting and surrounding circumstances from diverse angles and

perspectives. To assist the IIU investigators, the video surveillance recordings were sent to a video production company for enhancements to be performed. The resulting enhanced videos proved to be an invaluable source of information in this investigation.

**Facts and Circumstances**

**Scene Description:**

This photo of the area relevant to the officer- involved shooting was taken from an elevated perspective west of the scene while looking downwards in an eastbound direction. The key elements of the scene are shown



The area highlighted by the blue oval represents where the stabbing victim was located by police and where SO's cruiser car was found parked, on Stanley Street facing in a northbound direction just south of the west vehicular entrance of the Siloam Mission parking lot. The area highlighted by the yellow oval represents the area where the shooting occurred on the east side of the Siloam Mission parking lot. WO1's cruiser car was parked and facing in an eastbound direction near the east vehicular entrance off Princess Street. The approximate distance from SO's cruiser car to WO1's cruiser car, where the officer-involved shooting occurred, was 205 feet.

## **AP**

As noted, AP was not interviewed as he was not deemed competent to partake in the investigation. A relative was appointed as an emergency caregiver and provided IIU investigators with a signed consent for the release of medical information relative to AP and this incident.

According to the HSC medical report received by IIU investigators, AP sustained two gunshot wounds, one to his head (described as a traumatic brain injury) and the other to his right thigh. The report further noted:

*"In terms of his gunshot wound to his brain, AP was seen by Neurosurgery and has a bullet lodged in his brain. They initially opted for non-operative management and was followed by serial imaging where the swelling was subsequently reduced. AP was started on medications for seizure prophylaxis and did quite well. In addition some of these medications had a dual purpose as they were helping with a possible traumatic brain injury ... Neurosurgery had followed, but continued to pursue a non-operative course and no operation was done, no attempts were made to remove the bullet.*

*In terms of his other injuries specifically his right thigh, once the area was embolized there was no further bleeding. He was quite reluctant to let staff initially examine it but there were obvious signs of both an entry and exit wound. Throughout his stay there was no concern regarding infection to that area...he had done remarkably well by the end of his stay at hospital"*

## **WPS Radio Communications:**

Audio of WPS radio communications was reviewed by IIU investigators. Of note was the following broadcast:

11:10:58 p.m. *"Put it down or I'll shoot you! Put it down! 160, I need an ambulance on a rush at Siloam Mission in the parking lot. I have a male stabbed and another male with a knife."*

11:11:17 p.m. *"160, shots fired."*

### **Civilian Witnesses:**

CW1 sustained 28 stab wounds in the incident. CW1 stated that he did not know the person who had stabbed him. CW1 stated that he did not see the shooting because he had blood in his eyes from being stabbed but he heard the sounds of two or three gunshots.

CW2 was at his residence between 10:00 p.m. and midnight. CW2 stated that he observed two males fighting in the parking lot of Siloam Mission. One of the males was on top of the other and was repeatedly punching at the one on the bottom. CW2 stated that he did not see any weapons in the hands of the male on top. CW2 stated that there was a firefighter in the parking lot as well. CW2 stated that a marked police cruiser car arrived a short time later. There were two police officers in the cruiser car. One of the police officers “...*got out of the passenger side of the car and told the two men to stop fighting*”. The male who was throwing punches got up and walked off across the parking lot. The police officer, who had his hand on what CW2 believed was his Taser, told this male to “*Freeze*” and “*Stop.*” The male was swearing back at the police officer, saying the “... ‘*F*’ word.” and “*Leave me alone.*” CW2 stated he was able to hear all this because a window in his residence was open. CW2 stated that another police cruiser car arrived in the parking lot and tried to block the male who was walking away. CW2 stated that this male then turned and went towards the police officer who earlier told him to freeze. That police officer had his gun out at that time and was holding it in a two-handed grip. CW2 stated that the male had one hand in his jacket pocket at this time and the other hand “...*at the side*”. The police officer told the male several times to stop “... *and then he started running to the police officer, like to hurt him, and then there's no other option except for shooting him*”.

CW3 is a lieutenant with WFPS. On the evening of January 28, CW3 and other WFPS personnel were sent to Siloam Mission on an unrelated matter. CW3 stated that shortly after 11:00 p.m., while seated in his fire truck parked on Princess Street, an individual approached him and told him that there was a stabbing in progress in the parking lot of Siloam Mission. CW3 stated that he went to investigate and observed a male on top of another male. The male on the top was swinging his arms down towards the male on the bottom continuously. CW3 stated that he saw something in the right hand of the male on top and believed it to be a knife. The male on the bottom was screaming “*Help, help!*” CW3 stated that he yelled at the male on top to stop, get off the other male and drop his knife. CW3 stated that the male did not comply. CW3 stated that he contacted his dispatch to report that there was a stabbing in progress and to call WPS to attend immediately. CW3 stated that he observed a WPS supervisor’s vehicle driving south on Princess Street. CW3 stated that he ran towards Princess Street and was yelling at the police vehicle. CW3 stated that he caught up with the police cruiser car when it was at the corner of Princess Street and Logan Avenue. CW3 stated that he told the lone police officer that there was a man being stabbed in the parking lot of Siloam Mission. The police cruiser made a right turn onto Logan Avenue and another right turn onto Stanley Street, pulling up near where the stabbing was taking place. CW3 stated that he ran back across the Siloam Mission parking lot to where the altercation was taking place. CW3 stated that he observed the police officer get out of his vehicle and yell at the male on top to drop his weapon. The male on top then got up and started walking quickly across the Siloam Mission parking lot towards CW3. The police officer followed after the male, calling out, “*Drop it*”, “*Drop your weapon*” and to stop at a distance of 25 to 30 yards. CW3 stated that he was also yelling at the male to stop and drop his weapon. The male did not comply with either of the commands and continued to walk east across the parking lot.

CW3 stated that another police cruiser car pulled into the parking lot and went to cut off the male. CW3 stated that he saw that this police cruiser car, "... bumps him a little bit off the front of the car". CW3 stated that the male did not lose his balance or fall, but rolled off the hood of the car and landed, on his feet, next to the passenger front side of the police cruiser car. CW3 stated that he saw a police officer, on the passenger side of this second police cruiser car, open his door to exit. CW3 stated he saw the male turn and lunge towards the door at the police cruiser car, appearing to make a "*stabbing motion with his right arm*". CW3 stated that at no time did he see this male drop or throw away the knife as he was walking. CW3 stated that the first police officer, who had been following the male, fired his gun four or five times. The male fell to the ground beside the police cruiser car. A number of police officers immediately converged on him. CW3 stated that he estimated that the police officer who shot the male told him drop his weapon "...well over a dozen." times in the course of their contact.

### **Witness Officers**

WO1 and WO2 were partnered together for the evening shift on January 28. WO1 stated that they were dispatched to a fight in progress call at Siloam Mission. WO1 was the driver of the police cruiser car. On arrival, WO1 stated that he observed SO getting flagged down by a WFPS member, at the corner of Logan Avenue and Princess Street. SO then drove his police cruiser car west on Logan Avenue and then turned right onto Stanley Street, on the west side of Siloam Mission. WO1 stated that he then heard SO broadcast over the police radio, "*Drop the knife, drop the knife or I'll shoot*". WO1 drove his police cruiser car onto Stanley Street and observed a male lying on the ground, covered in blood, at the entrance to the parking lot of Siloam Mission. WO1 stated that SO was out of his police cruiser car and was following a male across the Siloam Mission parking lot away from the male laying on the ground. The male walking (later identified as AP) was holding a knife in his right hand. SO was yelling at AP to drop the knife. WO1 stated that he drove past SO and pulled his police cruiser car in front of AP, hitting him with the front right side of the car as he did so. AP was then positioned next to the front passenger door of his police cruiser car. WO1 stated that it was his intent to get in front of AP, to cut him off, and not to strike him. WO1 stated that when his police cruiser car stopped, WO2, with his conductive energy weapon (CEW) drawn, started to exit via the front passenger door. WO1 stated that he believed that SO was positioned somewhere on WO2's right side beside the police cruiser car. WO1 stated that AP appeared to lunge towards WO2, with the knife in his right hand and held above his shoulder. WO1 stated that he then heard the sounds of four to five gunshots, that he believed came from SO's service pistol. WO1 stated that he then exited the police cruiser car and went around to the passenger side, where he observed WO2 pushing the knife that was held by AP to the side and then commenced first aid.

WO2 stated that he and WO1 were dispatched to a fight call at Siloam Mission with another unit being operated by SO. On route to the call, SO had stopped to talk to a firefighter at the corner of Logan Avenue and Princess Street. WO2 stated that as a result of that conversation, SO drove west on Logan Avenue, at a fast pace, and then turned right onto Stanley Street. WO2 stated that they followed after SO, and on the way heard SO voice over the police radio, "*Drop the knife or I'll shoot*". As they pulled around the corner onto Stanley Street, WO2 stated that he observed SO's vehicle stopped, and a male, covered in blood, was laying on the ground at the entrance to the Siloam Mission parking lot. WO2 stated that SO, with his sidearm drawn, was on foot following after a male (later identified as AP) who was walking away. AP had something in his

right hand that WO2 stated he presumed was a knife, based upon what he saw and heard over the police radio. WO1 drove the vehicle around SO and towards AP, making contact with him, but did not knock him down. WO2 stated that he could hear SO repeatedly commanding AP to drop the knife and get on the ground. When WO1 stopped the police cruiser car, WO2 stated that he started to exit via the passenger door. WO2 stated that he had drawn out his CEW. WO2 stated that AP turned and was now looking at both him and SO. WO2 stated that AP was holding a knife in his right hand and was moving up the side of the police cruiser car to where WO2 was getting out. WO2 stated that he believed AP was close enough to slash at his face with the knife and inflict other harm on him. WO2 stated that he heard the sound of four or five gunshots, from his right side, where SO was situated. WO2 stated that he heard SO giving commands to AP right up to the moment the shots were fired. WO2 stated that he was able to exit the police cruiser car and found AP on the ground, laying on his back. AP was still holding the knife in his right hand. WO2 stated that he pried AP's hand open, removed the knife, and moved it out of reach. WO2 stated that the knife was a folding utility knife, black in color with writing on it, and was about six to eight inches long.

WO3 was partnered with WO4 during the evening shift on January 28. WO3 stated that at approximately 11:00 p.m., she heard SO's voice over the police radio say that he was out with an armed subject near Siloam Mission. In response, WO3 stated that she and WO4 drove to Siloam Mission to provide back up support for SO. On route, WO3 stated that she heard SO's voice over the police radio, saying "... *drop the knife*". They arrived at Siloam Mission a few moments later. WO3 stated that as she looked into the parking lot, she could see that a WPS cruiser car had stopped and that there was a male subject near the front right corner of it. WO3 stated that she saw SO, with his sidearm out and pointing it at the male. WO3 stated that SO was giving verbal commands to this male but she could not hear what was being said. WO3 stated that she heard the sounds of four gunshots and saw the muzzle flash from SO's pistol. WO3 stated that she did not see what the male did to cause SO to shoot. WO3 stated that she and WO4 ran to the shooting scene, noting that WO2 was getting out of the passenger side of the police cruiser car. WO3 stated that SO directed her to tend to the stabbing victim located at the other end of the parking lot.

WO4 stated that at approximately 11:00 p.m., he heard that WO1 and WO2 were assigned to a weapons call at Siloam Mission. WO4 stated that he and WO3 decided to head to the call as back up, when he heard SO's voice on the police radio telling someone to drop the knife or drop the weapon. On arrival at Siloam Mission, WO4 saw a police cruiser car was stopped in the parking lot and that there was a male near the front right corner of it. WO4 stated that he also saw SO and WO1 approximately four to six feet away from the male. SO had his pistol out and had it pointed at the male. WO4 believed that WO1 had a CEW. WO4 stated that he did not see the male's hands and could not see if there was anything in them. WO4 stated that he heard both SO and WO1 giving verbal commands to the male but he could not understand the words. WO4 stated that he then heard the sounds of four or five gunshots and believed he saw muzzle flash from SO's pistol. WO4 stated that he and WO3 ran to the shooting scene. As they ran up, WO4 saw WO2 exit the stopped police cruiser car. WO4 stated that WO2 had drawn his CEW and that he observed a yellow handled knife in the male's right hand as the male lay on the ground. WO2 told them to go and check on another male further down the parking lot who had been stabbed.

## **Subject Officer**

Pursuant to the provisions of the Police Services Act (PSA), a subject officer cannot be compelled to provide his or her notes regarding an incident nor to participate in any interview with IIU investigators. In this case, SO declined to be interviewed, but provided IIU investigators with a copy of his notes and a prepared narrative.

SO's narrative contained the following notations:

*"... I could see two males on the ground in the mouth of the parking lot.*

*Male #1 was on the ground with Male #2 on top, straddling him. Male #2 was punching down into Male #1 but because I was still in the cruiser car and still in motion, I did not see anything in Male #2's hand.*

*I stopped the cruiser car approximately 10 to 15 meters away from the two males and exited the vehicle. When I stopped the vehicle and got out, Male #2 then stood up and faced me. It was then that I could see the knife in his right hand. I drew my pistol, pointed it at Male #2, identified myself as Winnipeg Police, and told him to drop the knife.*

*Male #2 only starred [sic] at me and then while still holding the knife in his right hand, turned and started slowly walking eastbound into the parking lot. I moved from beside the cruiser car and started to follow Male #2 but also got closer to the victim laying on the ground.*

*At approximately 23:11 hrs. I voiced that I need an ambulance on a rush. I had one male stabbed and another male armed with a knife. After voicing that, I again told Male #2 to drop the knife. Male #2, who up till that point was still walking eastbound through the parking lot, stopped and turned around. He starred [sic] at me and I wasn't sure if he was going to drop the knife, ignore me and keep walking, or come towards me. Male #2 chose to keep walking through the parking lot and I chose to follow him. I knew units would be there very shortly to give aid to the victim laying on the ground and I couldn't be certain that if I went to give first aid to the victim, that Male #2 wouldn't come back and assault either myself or Male #1.*

*I continued to follow Male #2 through the parking lot, keeping a rough distance of approximately 10 to 15 meters between us. Once again, I told Male #2 to drop the knife and again he paused and turned towards me. At the same time, E109 arrived on scene in the parking lot and drove up from behind me, just off to my left. They drove at Male #2 and hit him with the front of their cruiser car. They did not hit him hard, just hard enough to knock him off balance so that he fell onto the hood of the vehicle, then rolled off to the side landing by the front passenger tire.*

*Seeing the contact made by the cruiser car, I closed the distance slightly and was now within 10 meters of Male #2,*

*When E109 made contact with Male #2, they stopped the vehicle and the officer in the passenger seat began to get out of the cruiser car. He opened the door and took a step out of the vehicle putting him in close proximity of Male #2. Male #2 was able to stand up*

*quickly and with the knife still in his right hand, lunged towards the officer getting out of the passenger side of the vehicle.*

*Knowing that Male #2 could cause either death or grievous bodily harm to the officer exiting the vehicle, I moved into a position where I had a clear line of site, not endangering any other officers. I aimed my pistol at Male #2 and shot several rounds (bullets) in quick succession (SIC). Unknown how many bullets I fired and I fired my pistol until Male #2, still armed with the knife, stopped advancing on the officer. Male #2 dropped to the ground and I stayed where I was, keeping my pistol aim at him while the officers from the cruiser came around and assisted me.”*

**Video Analysis:**

The videos (there is no audio on the video footage) initially shows the scene of two males engaged in a struggle, with AP on top of and repeatedly stabbing at another person, later identified as CW1, on the west side of the Mission’s parking lot.

AP on top of CW1, knife in right hand, repeated stabbing motions by AP



A police vehicle arrives on scene, prompting AP to stand, start running then walk east.



AP  
running  
with  
knife in  
right  
hand



AP  
walking  
with  
knife in  
right  
hand

AP is followed by SO. SO has his pistol drawn and pointed at AP, who is holding something in his right hand.



AP –  
with  
knife in  
right  
hand

SO with  
duty  
pistol  
drawn  
and  
pointed  
at AP

As SO continues to follow AP, a police cruiser car enters the west side of the parking lot and drives towards AP.



AP with  
knife in  
right  
hand

Police  
Cruiser  
operated  
by WO1

SO

The police cruiser makes contact with AP, and causes him to ride up on the right front quarter panel of the vehicle, then land on his feet beside the police cruiser car.

Police  
Cruiser  
operated  
by WO1



AP with  
knife in  
right  
hand

SO

CW3

The right front passenger door of the police vehicle opens and a police officer, identified as WO2, starts to exit.

WO2  
exits  
Police  
Cruiser  
operated  
by WO1



AP with  
knife in  
right  
hand

CW3

SO

AP focuses on and moves towards WO2, swinging his right arm and hand towards the police officer.

WO2  
exits  
Police  
Cruiser  
operated  
by WO1



AP with  
knife in  
right  
hand –  
right  
arm  
cocked

CW3

SO

A knife is visible in AP's right hand. SO discharges his pistol and AP falls to the ground.



**Knife:**

A folding knife was recovered from the scene next to WO1 and WO2's police cruiser car. This was the knife that AP had in his possession during his attack on CW1, while walking away from SO, and during his interaction with WO2, when the passenger door of the police cruiser car was opened.



The knife was covered in blood and wrapped in a combination of clear tape and grey masking tape. Once unwrapped, the folding knife showed damage to the handle area. The two components that make up the handle were detached, causing it to be unhinged. The tape observed on the knife was holding both sides in place.

### **SO's Duty Firearm:**

SO's duty pistol was seized following the shooting incident, and contained ten live rounds at that time (one round in the chamber, nine rounds in the magazine). SO's two spare magazines were found to each hold fifteen live rounds of ammunition. Four spent bullet casings were located at the scene in the Siloam Mission parking lot, along with nine bullet fragments. There were two bullet holes found in the police cruiser car operated by WO1 and WO2. Various witnesses heard the sounds of four to five gunshots. If SO's pistol originally contained 15 rounds of ammunition (as is found in his two other magazines), then he discharged his firearm five times. It is noted that only four spent casings were located in the parking lot. The police cruiser car was struck twice and AP sustained two separate gunshot wounds. It cannot be determined with any certainty whether SO discharged his firearm four or five times. The number of gunshots fired by SO is not determinative whether or not the shooting was necessary and justified in these circumstances.

### **Conclusion**

This investigation must consider whether the actions of the subject officer to shoot AP was justified at law. In this instance, police were responding to a call for service regarding a fight in a parking lot. Further information provided to police was that an armed male was repeatedly stabbing another male. Based on the information provided and observations of AP by various witnesses, it was reasonable to believe that he was in continued possession of a knife in his right hand. Accordingly, AP posed a significant risk to both public and police safety. AP had already used the knife to repeatedly attack another individual. AP did not respond to any and all verbal commands to surrender his weapon. When AP collided with the second police cruiser car, he became focussed on the police officer who was attempting to exit from the passenger side. AP was still in possession of the knife and was swinging it at this police officer, when he was shot by SO.

### **Applicable Law:**

Sections 25 (1), (3), (4) and Section 26 of the Criminal Code of Canada are applicable to this analysis:

*25 (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law*

*(a) as a private person*

*(b) as a peace officer or public officer*

*(c) in aid of a peace officer or public officer*

*(d) by virtue of his office, is,*

*if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.*

*(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.*

*(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if*

*(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested*

*(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant*

*(c) the person to be arrested takes flight to avoid arrest*

*(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm*

*(e) the flight cannot be prevented by reasonable means in a less violent manner*

*26. Everyone who is authorized by law to use force is criminally responsible for any excess thereof, according to the nature and quality of the act that constitutes the excess.*

In addition, police officers are entitled to rely on the self-defence provisions of the Criminal Code under section 34:

*34. (1) A person is not guilty of an offence if*

*(a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person*

*(b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force*

*(c) the act committed is reasonable in the circumstances*

Effectively, the question is whether the decision of the subject officer to discharge his duty firearm at AP was reasonable and necessary in the given circumstances. The reasonableness of an officer's use of potential lethal force (force that is intended or likely to cause death or grievous bodily harm) must be assessed in regards to the circumstances, as they existed at the time the force was used and in light of the constraints that were present. In particular, these actions are also to be considered in light of the dangerous and demanding work engaged in by police and the expectation that they react quickly to all emergencies.

Where potential lethal force is used, there must be a reasonable belief, held by a subject officer, that the use of potential lethal force was necessary for his or her own self-preservation or the preservation of any one under their protection, from death or grievous bodily harm. The allowable degree of force to be used remains constrained by the principles of *proportionality, necessity and reasonableness* (see *R. v. Nasogaluak*, [2010] 1 S.C.R. 206).

In that decision, the Supreme Court noted, (at para. 35):

*“Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to*

*react quickly to emergencies. Their actions should be judged in light of these exigent circumstances.”*

Also see *R. v. Power*, 476 Sask. R. 91 (CA), where (at para. 35), the court notes:

*“On the basis of the foregoing, a determination of whether force is reasonable in all the circumstances involves consideration of three factors. First, a court must focus on an accused’s subjective perception of the degree of violence of the assault or the threatened assault against him or her. Second, a court must assess whether the accused’s belief is reasonable on the basis of the situation as he or she perceives it. Third, the accused’s response of force must be no more than necessary in the circumstances. This needs to be assessed using an objective test only, i.e. was the force reasonable given the nature and quality of the threat, the force used in response to it, and the characteristics of the parties involved in terms of size, strength, gender, age and other immutable characteristics.”*

Was it reasonable, in these circumstances, for the subject officer to fire at AP to prevent the injury or death of other police officers or persons in the vicinity?

From a review of all of the available evidence:

- All police officers who responded including all subject officers were lawfully placed and in the lawful execution of their duties at all relevant times in this matter.
- AP was in the process of repeatedly stabbing CW1 in the Siloam Mission parking lot, which was witnessed by CW3.
- A call for service was made to advise that an altercation was occurring in the parking lot;
- The location and description of the male were broadcast over the police radio resulting in several police officers responding.
- SO received direct information from CW3 and attended to the parking lot;
- SO observed AP stabbing at CW1 and intervened.
- AP stood and left CW1 and walked away from SO.
- AP remained in possession of a knife.
- AP refused to comply with all commands to drop his weapon and get on the ground.
- SO drew his service firearm and walked after AP.
- SO did not discharge his firearm while following AP but gave out continued verbal commands to drop the knife.
- AP refused to comply with each and every command made by police officers to drop the weapon and surrender.
- AP continued to pose a real threat to the safety of anyone in the vicinity;
- When AP was struck by the police cruiser car operated by WO1, he slid on the hood and landed on his feet next to the passenger door;
- WO2 opened his passenger door to exit and deal with AP;
- AP focussed on WO2 while armed with the knife;

- AP made a swinging motion with the knife towards the seated WO2;
- The available choices to police were now limited. A reasonable and honest belief held by the police officer that there was a real likelihood that AP could have delivered a potentially lethal injury with his knife existed;
- Various video footage scenes captured the entirety of the interaction between police officers and AP

I am satisfied that the extensive evidence gathered from all of the referenced sources, in particular the video surveillance footage, provides substantial support for the conclusion that the decision by SO to shoot AP was necessary to prevent the injury or death of others in the vicinity.

Following this detailed review of this investigation, it is my view that the use of potential lethal force by the subject officer was authorized and justified by law. There are no reasonable grounds to support any charges against the subject officer.

Accordingly, IIU has completed its investigation and this matter is now closed.

**Final report prepared by:**  
Zane Tessler, civilian director  
Independent Investigation Unit  
October 24, 2022

*Ref 2022-003*