

# ***FINAL REPORT: IIU concludes investigation into man's death in officer-involved shooting in Winnipeg***

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On June 17, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of an officer-involved shooting that occurred near the intersection of Salter Street and Mountain Avenue in Winnipeg. This notification disclosed the following information (edited for clarity):

*“On Friday, June 17, 2022, at 4:14 p.m., a WPS officer (later designated as the subject officer (SO)) was working a Traffic Unit and just completed a traffic stop at the intersection of Salter Street and Mountain Avenue. SO was sitting in his vehicle when a male armed with a knife approached the driver's side door. The male (later identified as the affected person (AP)) was in an aggressive state which caused witnesses to honk their vehicle horns to alert the officer.*

*SO opened his door and AP attempted to stab him with the knife. SO drew his firearm and subsequently discharged it at the armed male to stop the attack.*

*AP received a gunshot wound to his neck. He was taken to the Health Sciences Centre (HSC) where he was pronounced deceased...There were numerous witnesses to the incident and they are presently at Police HQ. It is believed there is several videos of the incident. Officers are attempting to locate and secure them.*

*IIU was notified immediately and their investigators are in contact with the lead investigator. All information on the deceased, witnesses and exhibits will be made available as soon as possible*

*AP has been the subject of a police call for service today from a family member concerned about his mental state and threats of suicide”*

As this matter concerned the death of a person that may have resulted from the actions of a police officer(s), IIU assumed responsibility for this mandatory investigation in accordance with section 65(4) of The Police Services Act (PSA). IIU Investigators were assigned to this investigation.

Among the agency information obtained by IIU Investigators included:

- WPS investigative summary report
- WPS officers' notes and narratives
- WPS officers' supplementary reports
- audio recordings of 911 telephone calls
- audio recordings of WPS radio communications
- Forensic Identification Service reports
- photographs of scene and exhibits

- multiple video recordings from various locales and from civilian witnesses
- WPS drone footage
- pathology and toxicology reports concerning AP

The civilian director designated the WPS officer who discharged his firearm as the subject officer (SO). The civilian director designated another WPS officer as a witness officer (WO). IIU Investigators met with and interviewed or reviewed interviews conducted with 16 civilian witnesses (CW1-16).

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. Collectively, these video recordings proved to be invaluable sources of information in this investigation.

### **Facts and Circumstances**

#### **AP**

According to the pathology and toxicology reports, the cause of death was listed as “*gunshot wound of neck.*” According to the report, the round fired by SO impacted the left carotid artery, resulting in massive blood loss, which led to the death of AP.

The following notation was found in the report:

*“Toxicological analysis of post-mortem blood demonstrated the presence of ethanol, cocaine (and its breakdown products), levamisole (an adulterant sometimes found in cocaine), ethylecgonine and cocaethylene (products formed in the body when there is co-ingestion of cocaine and ethanol), diazepam, nordiazepam, zopiclone and acetaminophen.”*

Most eyewitnesses place a knife in AP’s right hand. A review of the various video recordings showed AP in possession of and brandishing a large, hunting style knife, in his right hand, throughout his encounter with SO and others. Following an examination of the scene, a Winchester model, wooden-handled knife was located on Mountain Avenue next to the front driver’s wheel of an unmarked WPS SUV, driven and occupied by SO at the time of the incident. The knife blade and handle measured 25 cm in length, with the blade itself measuring 13 cm. Blood stains were noted on both the handle and blade.



Winchester brand, wooden handled knife located at scene, near front driver’s wheel of WPS SUV



Close up of Winchester brand, wooden handled knife located at scene



Winchester brand, wooden handled knife

**911 Calls and WPS Radio Transmissions:**

IIU Investigators reviewed 911 call transmissions and found the following entries:

At 12:34:48 p.m., 911 operators received a telephone call to report that AP was suffering mental health issues and expressed concerns about his well-being. The caller reported that AP had turned off his cell phone and his whereabouts were currently unknown. Further information was provided to police that AP was wearing a green housecoat, black shorts and slippers and may be

in possession of a hunting knife with a six inch blade. A call for service to locate AP was broadcast on WPS radio but efforts to locate him were not successful.

At 3:38 p.m., a call to 911 was made to report an incident involving a male who was at a restaurant near the intersection of Main Street and Redwood Avenue and who was showing patrons a knife. According to the caller, the male was not threatening anyone with the knife. The male was described as wearing a robe with shorts underneath. The knife was described as similar in appearance to a hunting knife. The caller reported that the male had left the restaurant, was stabbing at parked vehicles and was walking northbound on the east side of Main Street.

At 4:02 p.m., another call to 911 was made reporting that a male, matching AP's description, was vandalizing a motor vehicle while continuing to walk northbound on Main Street.

IIU Investigators reviewed WPS radio transmissions and heard the following exchange:

4:14:13 p.m.        *"Help, I need help! Salter and Mountain"*

4:15:00 p.m.        *"Shots fired! Send ambulance right now. Mountain and Salter. Shots fired!"*

**Civilian Witnesses (CW):**

CW1 was driving a dark blue Chevrolet Cruze and was pulled over for a traffic violation by a WPS officer (later identified as SO) at the corner of Salter Street and Mountain Avenue, just after 4:00 p.m. on June 17. CW1 stated that SO took his driver's licence and returned back to his police vehicle. Approximately three to five minutes later, CW1 stated that he heard a commotion behind him, through his open driver's window. CW1 stated that he looked back and observed a male (later identified as AP), wearing a house coat and white tank top and armed with a knife, hitting the driver's window of the police vehicle with the knife's butt-end. CW1 stated that he noted the police vehicle's driver's door was opened and AP appeared to be attacking SO, lunging at him with the knife. CW1 stated that he saw SO was kicking at AP and using a radio with his hands. CW1 stated that a man from a big truck that was stopped eastbound on Mountain Avenue got out of his vehicle and approached AP, saying *"hey, hey, hey!"* CW1 stated that he also exited his car and went towards AP in an effort to assist SO. CW1 stated that when he and the other male driver were within six feet of the police vehicle, AP turned towards them and said, *"Do you want me to fu\*\*in' stab you too?"* CW1 stated that he ran between his vehicle and the police vehicle. CW1 stated that another male was nearby and had thrown a brick at AP, striking him in the chest. AP started to chase the brick-thrower, which allowed SO to exit his police vehicle with his service pistol drawn in a two-handed grip. CW1 stated that he heard AP state to SO, *"shoot me"*. Several times, he heard SO commanding AP to put the knife down, but AP did not comply. CW1 stated that he saw AP lunge at SO who discharged his firearm one time.

CW2 was with CW1 when their vehicle was stopped by a police officer on the corner of Mountain Avenue and Salter Street, sometime between 4:00 and 4:30 p.m. on June 17. CW1, the driver of the vehicle, gave his driver's licence to the police officer (later identified as SO), who returned to his police vehicle. CW2 stated that CW1 had rolled down the driver's side window so he could smoke a cigarette. Approximately 5 minutes later, CW2 stated that she heard yelling coming from behind them. When she turned around in her seat, she saw a man banging on the driver's side window of the police vehicle with the handle of a knife. The man (later identified as AP) was yelling something about his mother and was trying to open the police vehicle's driver's door. CW2 stated that the door was opened and AP was trying to stab SO, who, in turn, was

kicking to fight him off. A man got out of a dump truck that was near the intersection of Salter Street and Mountain Avenue and went over to the police vehicle, calling out to AP, “*Hey man, hey man!*” CW2 stated that CW1 then exited their vehicle and went towards AP, also yelling at him, in an effort to distract him. AP then turned towards these two men and said, “*Do you guys want to get stabbed too?*” CW2 stated that she saw another male approach AP and threw a brick at him. AP started to chase CW1 and the man who came out of the dump truck around her vehicle. CW2 stated that AP then focused on SO, who was now outside of his police vehicle, with his gun drawn and pointed at AP. AP moved towards SO, as SO repeatedly told him to drop the knife. AP did not comply and lunged at SO, who fired his gun once. At the time the shot was fired, SO was backing up and away from AP.

CW3 was operating her Lexus vehicle at approximately 4:00 p.m. on June 17, eastbound on Mountain Avenue, and was stopped at a traffic light at the intersection with Salter Street. CW4 was a passenger in her vehicle. CW3 stated that she noticed an unmarked police vehicle to her left that had stopped another vehicle. CW3 stated that she then observed a male, in a green robe, crossing the street, in traffic, and through the intersection. The male (later identified as AP) was holding a knife in his right hand. As AP passed in front of her vehicle, he walked up to the driver's door of the police vehicle and started to stab at its window. CW3 stated that she retrieved her cell phone and began to record what was happening. An in-depth review of this video recording will be discussed later in this report. It should be noted that this video recording is the single most important piece of evidence in this investigation. CW3 did not know how many times AP struck the window with the knife, but he opened the door of the police vehicle, attacking the lone police officer (later identified as SO) who was sitting inside. CW3 stated that she observed SO was kicking his feet at AP. CW3 stated that she could not hear if AP or SO were saying anything as her windows were up and music was playing in her car. CW3 stated that the driver of a truck that was stopped behind her, exited his vehicle and may have thrown a stone at AP. CW3 stated that another man, exited from the car that was originally stopped by SO and he was trying to distract AP. CW3 stated that AP then went after these two men. SO then got out of his police vehicle, drew his gun and followed after AP. CW3 was talking with a 911 operator to report this incident but continued to record this incident. CW3 stated that SO began to move backwards across Mountain Avenue and came in contact with her vehicle. CW3 could not recall what AP was doing but SO shot him a single time.

CW4 was a passenger in a vehicle with CW3. They were stopped at a traffic light, facing eastbound on Mountain Avenue, when she noted an unmarked police vehicle had pulled a vehicle over. A police officer (later identified as SO) was in the police vehicle writing a ticket, when a male (later identified as AP), holding a knife, came and began stabbing at the window of the police vehicle. AP then opened the driver's door of the police vehicle and attempted to stab the police officer inside. The officer laid down in his seat and was trying to kick AP to get him away from the police vehicle. CW4 stated that several males then approached AP in order to assist SO. AP then started to chase the males, at which point SO exited his police vehicle with his pistol drawn and told AP to stop. AP turned and started to come at SO, who was in the middle of Mountain Avenue and leaning on CW3 and CW4's vehicle. AP came towards SO and was trying to stab him when SO responded by firing his gun and hitting AP, who fell down to the road. SO immediately went and checked AP and then went to his police vehicle to call for assistance.

CW5 was operating a white dump truck, eastbound on Mountain Avenue towards Salter Street, at approximately 4:30 p.m. on June 17. CW5 had stopped for a red light about four to five car lengths from the intersection with Salter Street. CW5 stated that he observed a black unmarked SUV police vehicle with its emergency lights on, having stopped a small dark colored car in the westbound lanes of Mountain Avenue. CW5 then saw a male walking north towards the police vehicle as he crossed Salter Street. The male (later identified as AP), was wearing a long dark robe or jacket and started banging on the driver’s window of the police vehicle. The driver's door of the police vehicle was opened and AP was leaning into it. CW5 stated that he saw the lone police officer kicking at AP. CW5 stated that he believed the police officer (later identified as SO) needed assistance. He exited his truck, walked to the police vehicle and yelled at AP to stop. CW5 stated that as he approached the police vehicle, he observed that AP had a knife in his right hand. The knife was resting against SO’s leg and it appeared to have a silver six inch blade with a black handle. CW5 stated that AP then turned towards him and said, “*Do you want some?*”, as he started to walk towards him with the knife in his hand. CW5 stated that he feared for his safety, turned and moved away quickly. CW5 stated that he looked back and saw that SO was able to exit his police vehicle, drew his pistol, and pointed it at AP, in a two-handed grip. CW5 stated that SO told AP three or four times to drop the knife but he did not comply. AP responded by turning towards SO, who discharged his pistol once.



Northwest view of intersection of Salter Street and Mountain Avenue, showing relative locations of civilian witnesses and SO’s vehicles

IIU Investigators attempted to meet with CW6 on three occasions but he failed to attend each of the appointments. However, CW6 had participated in a video recorded statement with WPS officers on the day of the officer-involved shooting. IIU Investigators reviewed that video statement and determined that CW6 was in a vehicle facing north at the intersection of Mountain Avenue and Salter Street when he observed a male, with a knife, in a confrontation with a police

officer, who was in an unmarked police vehicle. The man with the knife (later identified as AP) appeared to be attacking the police officer (later identified as SO) with the knife. CW6 saw that SO was kicking at AP in response. CW6 stated that a number of pedestrians<sup>1</sup> approached AP in an effort to distract him and AP started chasing after them. CW6 stated that SO was able to exit his police vehicle and drew his pistol. CW6 stated that he could hear SO yelling at AP, but did not understand what was being said. CW6 stated that AP started to move towards SO who shot him once. CW6 stated that during the incident he took photographs and recorded a short video which he provided to police and subsequently supplied to the IIU. A more in-depth analysis of CW6's video will be discussed later in this report.

IIU Investigators attempted to meet and interview CW7 on three occasions. She failed to attend all of the appointments. However, CW7 did provide a sworn video statement to WPS officers on June 17. IIU Investigators received and reviewed that statement and determined that CW7 saw a male with a knife (later identified as AP) opening the door of a police vehicle that was stopped at the intersection of Mountain Avenue and Salter Street. AP began to swing the knife at the lone police officer inside (later identified as SO) who responded by trying to kick at AP. CW7 stated that two males came from a car stopped in front of the police vehicle and began to throw things at AP. AP responded by chasing after the pedestrians. SO had exited from his police vehicle and said to AP, "*Freeze!*" AP did not stop and SO shot him.

IIU Investigators did meet and interview CW8. CW8 was a rear seat passenger in a northbound vehicle on Salter Street, operated by CW6. CW7 was also a passenger in this vehicle. Between 4:10 and 4:15 p.m. on June 17, CW6 had stopped his vehicle at a red light at the intersection with Mountain Avenue. CW8 stated that she saw an unmarked black SUV police vehicle, with emergency lights activated, and stopped at the northwest corner of the intersection of Salter Street and Mountain Avenue (approximately forty feet away from her position). The police vehicle had stopped another vehicle at this location. CW8 stated that she observed a male, standing by the police vehicle's driver's window. This male (later identified as AP) was pounding on the driver's side window of the police vehicle with both his hands. CW8 stated that the driver's side door of the police vehicle was open and the male (later identified as AP) was swinging his arms at the lone police officer inside. CW8 stated that she saw that AP had a big knife, "*like a smaller version of a machete*", in his right hand. CW8 further stated that AP was trying to stab the police officer (later identified as SO). CW8 estimated that AP tried to stab SO twenty times and could see SO kicking at AP. CW8 stated that three people exited from a car in front of the police vehicle and went towards this altercation to try to help SO. AP then turned his attention to these people and looked like he was going to attack them with the knife as he chased them around the car. CW8 stated that SO had exited his police vehicle and was holding his gun with two hands. SO was telling AP to stop and said, "*Put the knife down or I will be forced to shoot!*" AP turned his attention towards SO and started to advance on him with the knife in the air. SO, who was standing in the lanes of traffic on Mountain Avenue, was backing up and shot AP once when he was between ten and twenty feet away. AP fell to the ground and SO rushed to render first aid.

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<sup>1</sup> Whenever the phrases *pedestrian*, *pedestrians* or *the pedestrians* are used in this report, it references the four individuals who approached AP on foot in an effort to distract him from the attack on SO. It includes both CW1 and CW5 who exited their respective vehicles they were operating to walk to AP's position.

CW9 was operating his vehicle eastbound on Mountain Avenue between 4:15 p.m. and 4:20 p.m. when he observed an unmarked police vehicle doing a traffic stop at the intersection with Salter Street. CW9 stated that he observed a male dressed in black walk up to the driver's side window of the police vehicle, "... *and he just started pounding on the officer's window.*" CW9 stated that he could not see anything in this male's hands, but he said he could see the window bending from the impact of the blows. CW9 stated that the police vehicle's driver's door opened and the male (later identified as AP) started throwing punches into the inside of the vehicle for approximately thirty seconds to a minute. CW9 stated he stopped approximately six or seven car lengths back from the incident, when he noticed two males beside him picking up rocks from someone's property. CW9 stated that the two males ran towards the incident and were going to throw rocks at the police vehicle. The police officer (later identified as SO) exited his police vehicle, drew his pistol, and pointed it at AP. CW9 stated that SO was backing up and holding his pistol in two hands. CW9 stated that he did not know if AP made a move towards him, but SO fired a shot. CW9 stated that AP was struck and fell down. He estimated SO was between ten to fifteen feet from AP when the shot was fired.

CW10 was driving south on Salter Street between 3:30 and 4:00 p.m. on June 17 and had made a right turn onto Mountain Avenue. CW10 stated that he noted there was a traffic stop on Mountain Avenue where he had turned. CW10 stated that the traffic stop involved a black, unmarked WPS SUV and a Chevrolet Cruze. CW10 stated that he observed three persons running on Mountain Avenue, from west to east, yelling towards the police car and saying, "*Let go of him! Let go of him!*" CW10 then saw a male (later identified as AP) standing outside the driver's door of the police vehicle, involved in an altercation with the police officer inside. AP was wearing a black robe, glasses and shoes. CW10 could not see AP's hands as he was reaching inside the police vehicle. CW10 stated that two males were throwing rocks or bricks at AP which caused him to move from the police vehicle. CW10 stated that the police officer (later identified as SO), exited the police vehicle and drew his pistol. CW10 stated that it was then he noticed that AP had something in his hand. There was a lot of yelling and CW10 believed that SO was instructing AP to get down and stop. CW10 stated that AP was charging towards SO. SO was backing up with his gun pointed at AP. CW10 believed that SO shot AP once in the chest.

CW11 was operating his motorcycle eastbound on Mountain Avenue when he noticed a dark coloured WPS SUV that had pulled over a sedan with both facing westbound. CW11 stated that he then observed a male, wearing a black house coat, walking towards the police vehicle. The male (later identified as AP) was holding a hunting-style knife in his hand. AP walked up to the driver's door of the police vehicle and started banging on the window with his fists and the knife. AP was shouting something at the time, but CW11 could not hear what he was saying. CW11 stated that he next saw that the police vehicle's driver's door was open. AP, with the knife visible, was leaning inside and lunging at the lone police officer (later identified as SO) seated inside. CW11 stated that he saw someone throw something at AP and then heard a single gunshot, resulting in AP falling to the roadway.

CW12 was driving eastbound on Mountain Avenue, approaching the intersection with Salter Street, at approximately 4:10 p.m., when she noted an unmarked black WPS SUV that had stopped a vehicle, with both facing westbound. CW12 stated that she then saw a man wearing a blue housecoat, who came from the south side of Mountain Avenue, walked quickly north across

the road to the driver's side of the police vehicle, and started banging on the driver's window of the police vehicle. The man (later identified as AP) then opened the police vehicle's driver's door and appeared to be involved in an altercation with the police officer inside the police vehicle. AP looked like he was punching at the police officer who in return was using his feet to try and kick AP away. The struggle lasted "... *a good number of seconds* ..." before the police officer was able to get the door closed with AP hitting the window again. CW12 stated that she now noticed that AP had a large knife in his hand and was stabbing at the window. CW12 stated that a dump truck stopped in front of her started honking his horn, presumably to distract AP. A man in an orange and yellow safety vest exited the dump truck and started to walk towards the police vehicle. AP then turned and started to come towards her vehicle. CW12 stated that she was using her cellphone when she noticed that AP had turned back towards the police vehicle. The police officer (later identified as SO) was out of the police vehicle with his pistol drawn in a two-handed grip. AP took a step forward towards SO when she heard the sound of a single gunshot. AP stepped back and fell to the ground in front of the police vehicle. SO went to AP, rolled him over and appeared to be checking him.

CW13 was driving eastbound on Mountain Avenue, and at approximately 4:15 p.m., stopped at the traffic light at Salter Street. CW13 stated that she observed a black SUV police vehicle stopped on the north side of Mountain, with its emergency lights activated, having stopped a small car. CW13 stated that she observed a man, wearing a robe, gym shorts and sandals, walk in front of her car and that he was carrying a knife in his left hand. The man (later identified as AP) approached the driver's door of the police vehicle and began to strike the window with the knife in a stabbing motion. AP then opened the door of the police vehicle and started swinging the knife at the police officer inside. CW13 stated that she could see the police officer was trying to fend off AP with his feet. CW13 stated that she observed a pedestrian, carrying a piece of cinder block, who came up and threw it at AP, who then turned and went after the pedestrian. The police officer (later identified as SO) was out of the police vehicle and was raising his gun in a two-handed grip. AP, with the knife raised, went around the stopped car, then between it and the police vehicle, and advanced on SO. SO fired one gunshot at AP, striking him in the chest. AP stumbled backwards and fell to the ground.

CW14 was operating her vehicle westbound on Mountain Avenue and was stopped at the traffic light at Salter Street, when she observed a black unmarked WPS police vehicle on Mountain Avenue that had stopped a vehicle. CW14 stated that she observed a male, wearing a dark colored robe and was holding a knife in one of his hands, walk up to the driver's window of the police vehicle. The male (later identified as AP) began banging on the driver's window of the police vehicle, and was heard to yell, "*F\*\*k, what are you doing?*" AP opened the driver's door of the police vehicle and appeared to lean into the police car. CW14 stated that she could see the police officer inside the vehicle kicking at AP. CW14 stated that a number of pedestrians approached the scene of this altercation and began to throw rocks at AP. AP, who now appeared angry, turned and ran towards them. The police officer (later identified as SO) got out of the police vehicle and pulled out a weapon, holding it in his two hands. AP, with the knife held in his hand, was coming towards SO who responded by shooting him once. AP fell back and SO started "*CPR*" on him.

CW15 was driving home from work at approximately 4:00 p.m., travelling eastbound on Mountain Avenue. He was stopped several car lengths back from a red light at Salter Street,

when he noticed that an unmarked police vehicle had a car stopped at the northwest corner of the intersection. CW15 stated that he then observed a male walk up to the driver's door window of the police vehicle and appeared to be punching it or hitting it with his forearm. He did not see anything in the male's hands at that time. While the male was banging on the window, the door opened but CW15 was unable to say how that happened. CW15 stated that there was a struggle going on inside the police vehicle and the male (later identified as AP) was pushed back. A lone police officer (later identified as SO) was able to get out of his vehicle. CW15 stated that he observed a number of pedestrians in the area, one of whom was a young man who appeared to throw something at AP. AP responded by chasing this young man. It was at this point that SO fired one shot and AP dropped to the street. CW15 stated that he had a dash camera in his vehicle and it recorded the incident from approximately one hundred feet away. CW15 provided the video footage to IIU Investigators. A more in-depth review of this video footage will be summarized later in this report.

CW16 stated that between 4:00 and 5:00 p.m. on June 17, he was at a bus stop with his five-year-old son at Aikens Street and Mountain Avenue. A male dressed in a dark blue housecoat, holding a kitchen knife, approached him and put the knife to CW16's stomach. CW16 believed that this male was on "...*some sort of drug*" because of the way his eyes looked. CW16 stated that he pushed the male back and began to walk away. The man with the knife followed him, with CW16 repeatedly telling him that he was with his son. The male responded, "*Go back to your son*", and walked off to the northwest along Mountain where he was observed accosting other individuals. CW16 did not see the interaction between the man and police. He said he heard the sounds of one or two gunshots later.

There were two additional potential civilian witnesses to this incident. One male was shirtless (unknown male #1) and the other was wearing a black t-shirt (unknown male #2). The two males were in the vicinity of Salter Street and Mountain Avenue, when AP opened the police vehicle's driver's door and attacked SO. The two males immediately ran westbound on Mountain Avenue to each retrieve an item. They returned to SO's police vehicle and engaged with AP. Unknown male #2 threw something at AP in an effort to distract him. The item has been variously described as a rock, brick or cinder block. AP chased after these males (and others who were actively attempting to distract him). Despite all attempts to interview these two males, they have not been identified or located by IIU Investigators. Their identities remain unknown.

#### **Witness Officer (WO):**

WO stated that he arrived at the scene after the shooting. WO stated that he assisted SO in performing first aid on AP until he was relieved by other officers who arrived later. WO stated that SO did not make any comments about what had happened to him.

#### **Subject Officer (SO):**

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 provided IIU Investigators with a copy of his notes and a prepared narrative. SO also attended and participated in an interview with IIU Investigators.

SO stated that he was on traffic duty on June 17 when between 4:00 and 4:30 p.m., he stopped a vehicle for a lapsed registration on Mountain Avenue just west of Salter Street. He was writing a

ticket while seated in his police vehicle when he heard the sound of a bang and screaming from his left side. SO stated that he looked up and saw a male (later identified as AP) striking the driver's side window with a shiny metal object. AP appeared irate, with saliva spraying from his mouth as he yelled, "*You are going to die!*" and "*This is the day you are going to die!*" SO stated that AP opened the driver's door of the police vehicle. SO reacted by reaching over to try and close it. The metal object in AP's hands was hitting SO's forearm when he realized it was a large hunting knife with a brown handle. SO stated that he pulled his arm back because he did not want to get stabbed. SO stated that AP was within a foot of him, leaning into the police vehicle. SO was fearful of getting stabbed so he used his feet to repel and block AP. SO stated that the knife was all over the place. SO stated that he tried to get to his pistol, but was unable to grab it as the laptop mount in the vehicle blocked him. SO stated that he began to beg for his life, telling AP that he had four kids including a six month old at home. At some point, SO stated that two males approached the police vehicle and distracted AP. When AP was distracted, SO stated that the knife was against his shin and he could feel the point of it. SO stated that he did not move his leg for fear of being cut and used the distraction to call for help on the police radio. AP then chased the pedestrians with the knife raised around the car that he had stopped. SO stated that he was able to exit his police vehicle, drew his pistol and told AP to drop the knife. AP looked towards SO again and began to walk slowly towards him with the knife raised in his hand. SO stated that AP's eyes were wide and he had his teeth gritted. When AP was two to three metres away from SO, he was saying that SO was going to die. SO stated he believed AP was going to attack him so he shot him, aiming for centre of mass. AP stepped back and SO saw blood. The knife fell from AP's hand as AP fell to the ground. SO stated that he approached AP and kicked the knife away. SO stated that he then went to his police vehicle and called for assistance and an ambulance over his radio. SO stated that he went to perform first aid on AP by trying to stem the flow of blood from the wound. SO stated that he was not in possession of a conductive energy weapon (CEW) that day. However, SO stated that in his opinion, a CEW was not the appropriate tool for the situation, as he was involved in a lethal force encounter and was trained to use a pistol in such situations.

### **SO's Duty Pistol:**

SO's duty pistol and belt were seized by an attending patrol sergeant within ten minutes of the officer-involved shooting and turned over to an identification officer for examination. It was determined that SO's pistol contained fourteen live rounds (one chambered, thirteen in the magazine), while the two additional magazines on SO's duty belt each held fifteen live rounds. Based on these examinations, eyewitness accounts and review of video footage, it has been determined that only one round was discharged by SO.

### **Analysis of Video Footage:**

A canvass for video surveillance footage was conducted by IIU personnel following the shooting. Multiple sources of video footage were identified, obtained and reviewed by IIU Investigators.

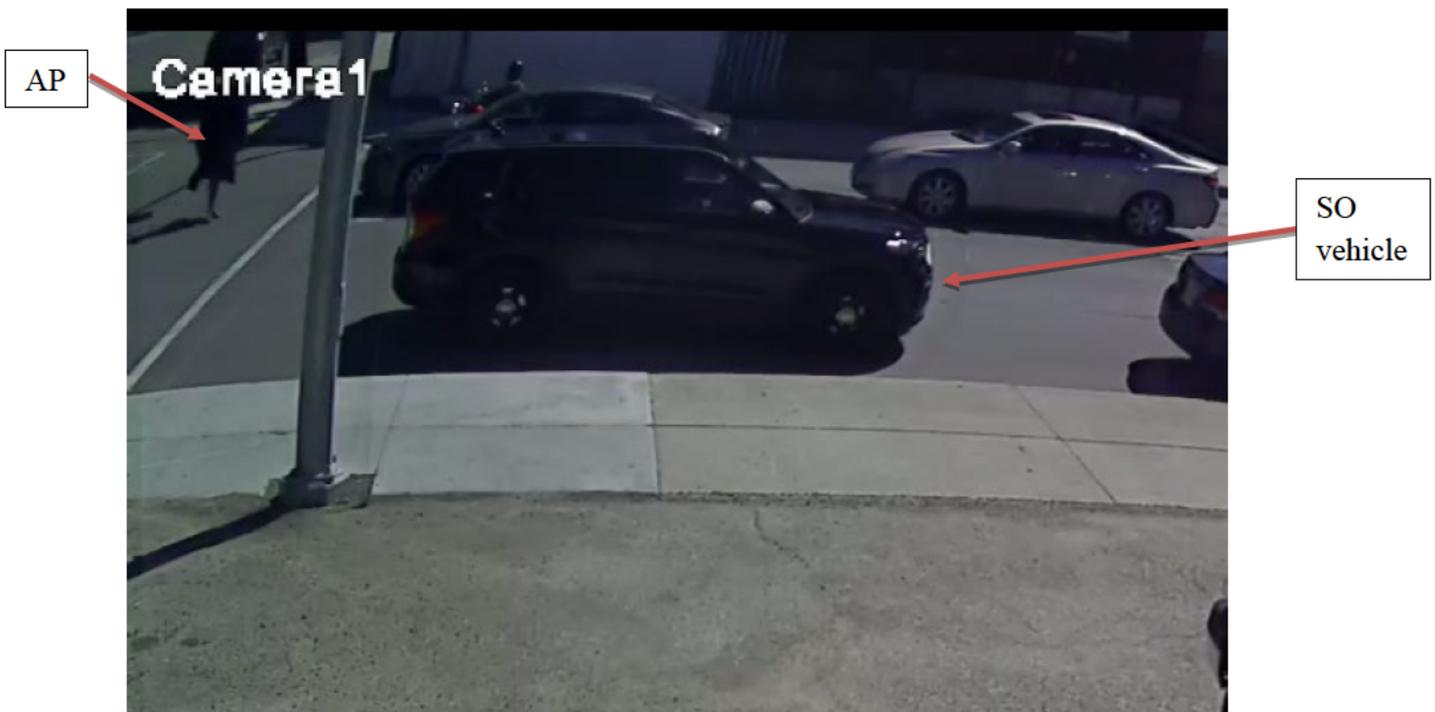
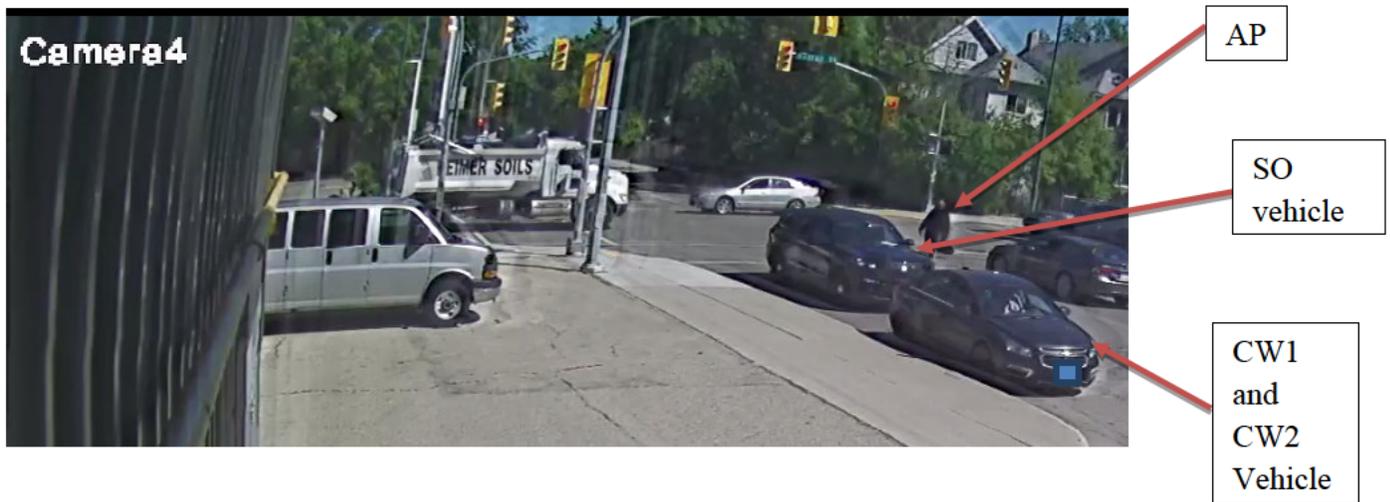
Two Winnipeg Transit buses were on Mountain Avenue near the shooting scene, but their video footage did not provide a clear view of the incident under investigation.

Video from a Shell Gas Station, which is situated across Salter Street and to the south and east from the incident, recorded the initial traffic stop and showed AP walking along the south side of

Mountain Avenue before he crossed the road to the north side and approached the police vehicle moments later. Fine details regarding the confrontation between AP and SO could not be clearly discerned.

Two wall mounted security cameras that were located on The Church of Pentecost Canada, Amazing Grace Assembly, situated immediately north of the scene, captured the incident. Two separate video recordings were obtained by IIU Investigators. The location referenced as camera 1 (8:01 minutes in length) provided a south view while the location referenced as camera 4 (8:02 minutes in length) provided a south-east view.

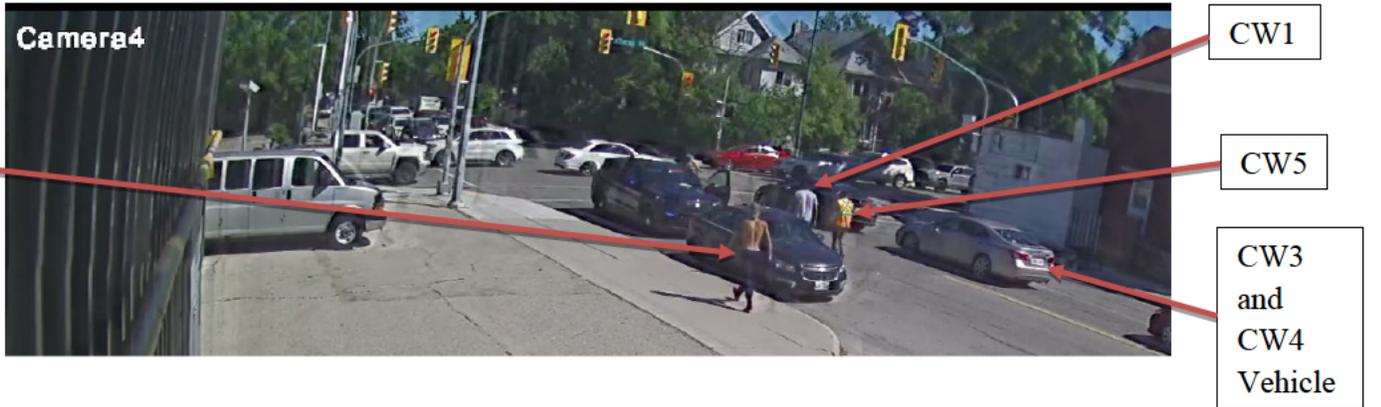
A review of the two videos shows AP approaching the driver's door of an unmarked police vehicle that had conducted a traffic stop at the corner of Mountain Avenue and Salter Street.



The door of the police vehicle is then opened and a struggle ensues between AP and SO inside.



Pedestrians approach and at least one of them throws something at AP, who then starts to chase these people.

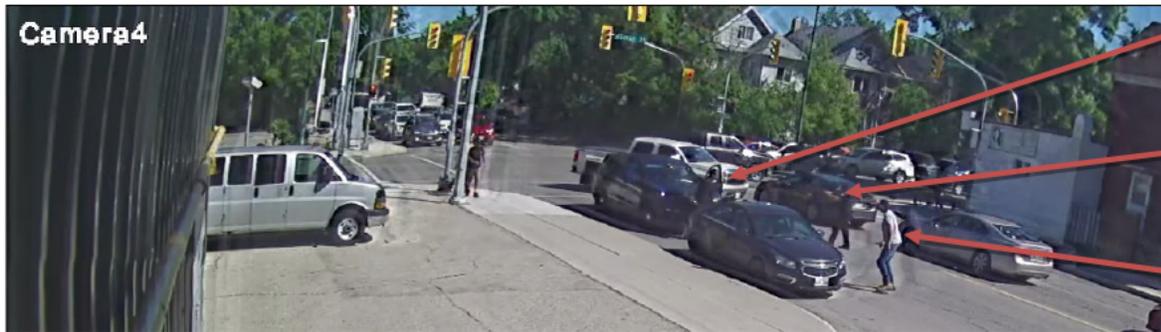




AP out of car

Unknown male #2 throwing rock or brick at AP

SO exits his vehicle with his pistol drawn, AP advances on SO and eventually SO shoots AP.



AP

SO

CW1

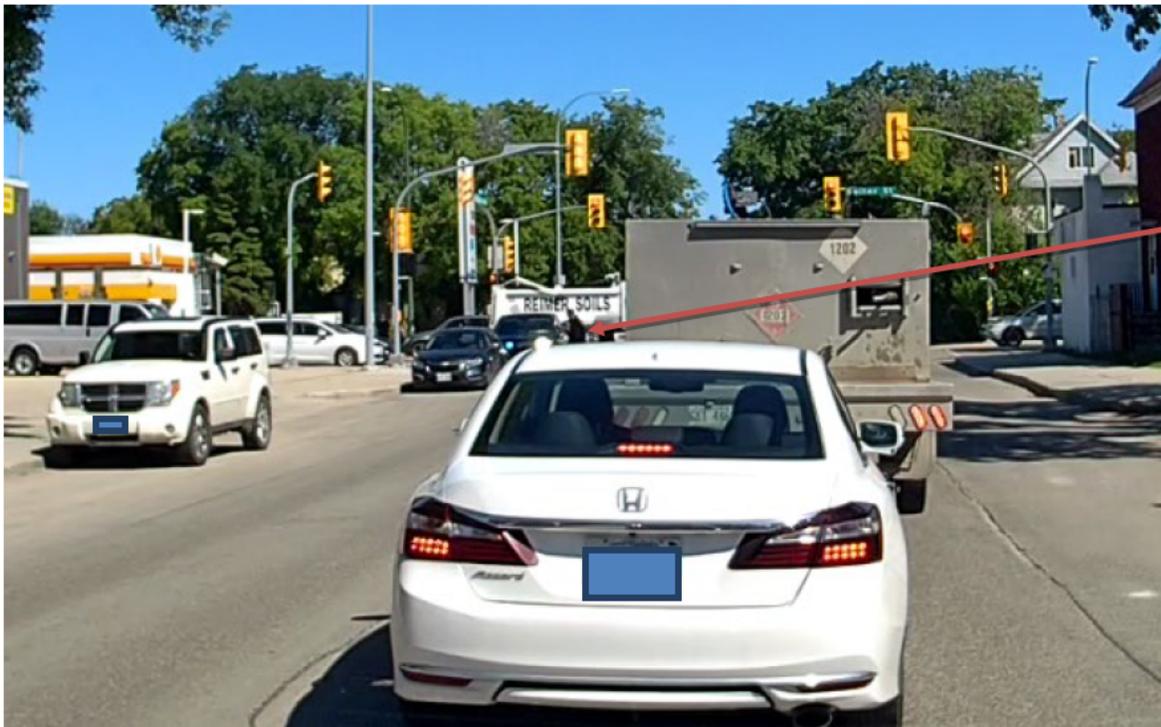


SO

AP – knife visible in right hand



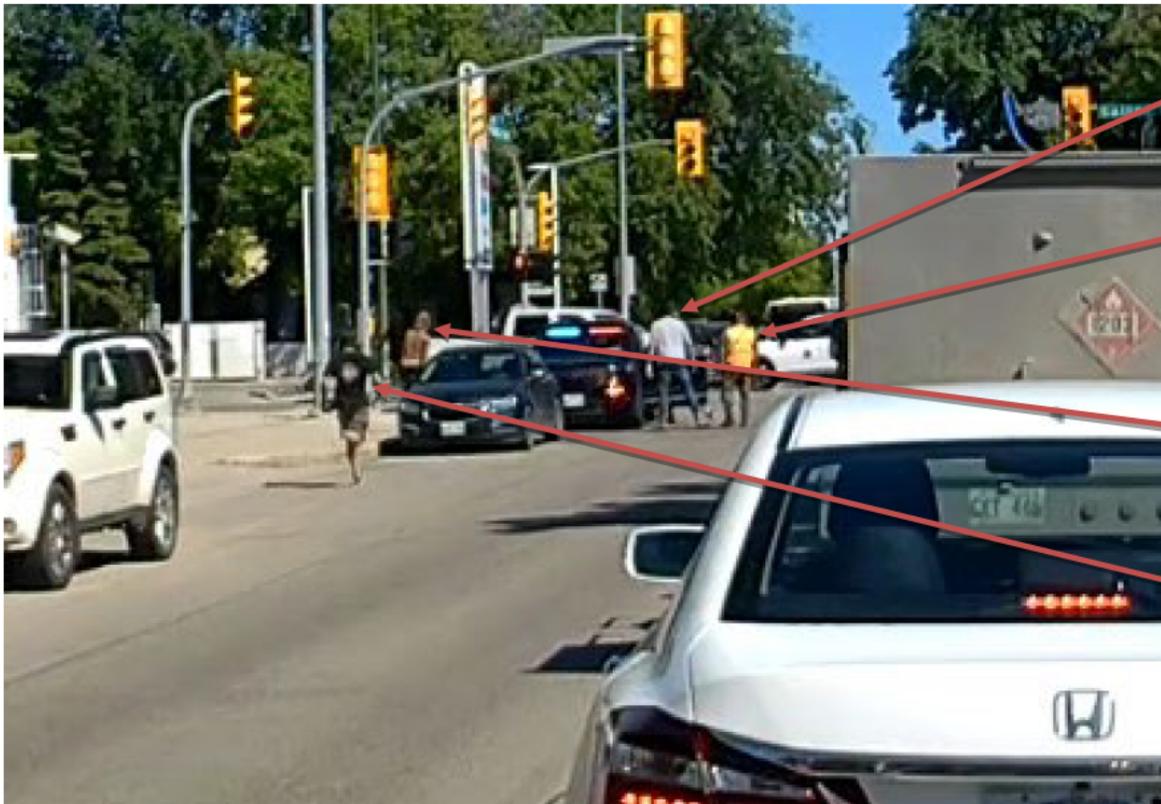
CW15's dash camera video footage recorded the incident from a position west of the traffic stop on Mountain Avenue. The dash camera also recorded audio. It is two minutes and 16 seconds in length. AP is seen walking up to SO's police vehicle and starts striking at the driver's side door, then opening it. The camera was too far away to clearly see what happened inside the police vehicle, but AP can be seen moving back and forth by the open door.





SO's  
door  
open

Four pedestrians approach the police vehicle, and AP then turns his attention to them. At least one of the bystanders throws something at AP, who responds by chasing the person around a car stopped in front of the police vehicle.



CW1

CW5

Unknown  
male #1

Unknown  
male #2

SO exits his police vehicle, pointing something at AP, who has aggressively advanced on the officer. A single gunshot can be heard, and AP collapses to the roadway. No voices are heard on the video as CW15's vehicle was too far away from the incident to capture them.



CW6's video footage captured the incident from a position southeast of the shooting. At two seconds in length, it shows AP, with a knife in his right hand, attacking SO inside his police vehicle, who, in turn, is seen kicking at AP in response.



Knife in  
AP's right  
hand



SO kicking  
at AP

Knife in  
AP's right  
hand

The video footage captured by CW3 is the most compelling piece of evidence obtained in this investigation, taken mere feet from the confrontation between AP and SO. There is sound on the video, but because the windows on CW3's vehicle were up and the radio was playing, outside noise was muffled. It is five minutes and six seconds in length.

From a review of this high resolution video footage, AP is seen standing outside the driver's door of an unmarked police vehicle, engaging in a struggle with SO, whose legs were kicking at AP.

Unknown  
male #1



AP

SO kicking  
at AP

In the driver's side mirror of CW3's vehicle, CW5, in a high visibility vest, is approaching AP's position and the sound of someone repeatedly yelling "Hey" is heard. AP is holding a knife in his right hand.

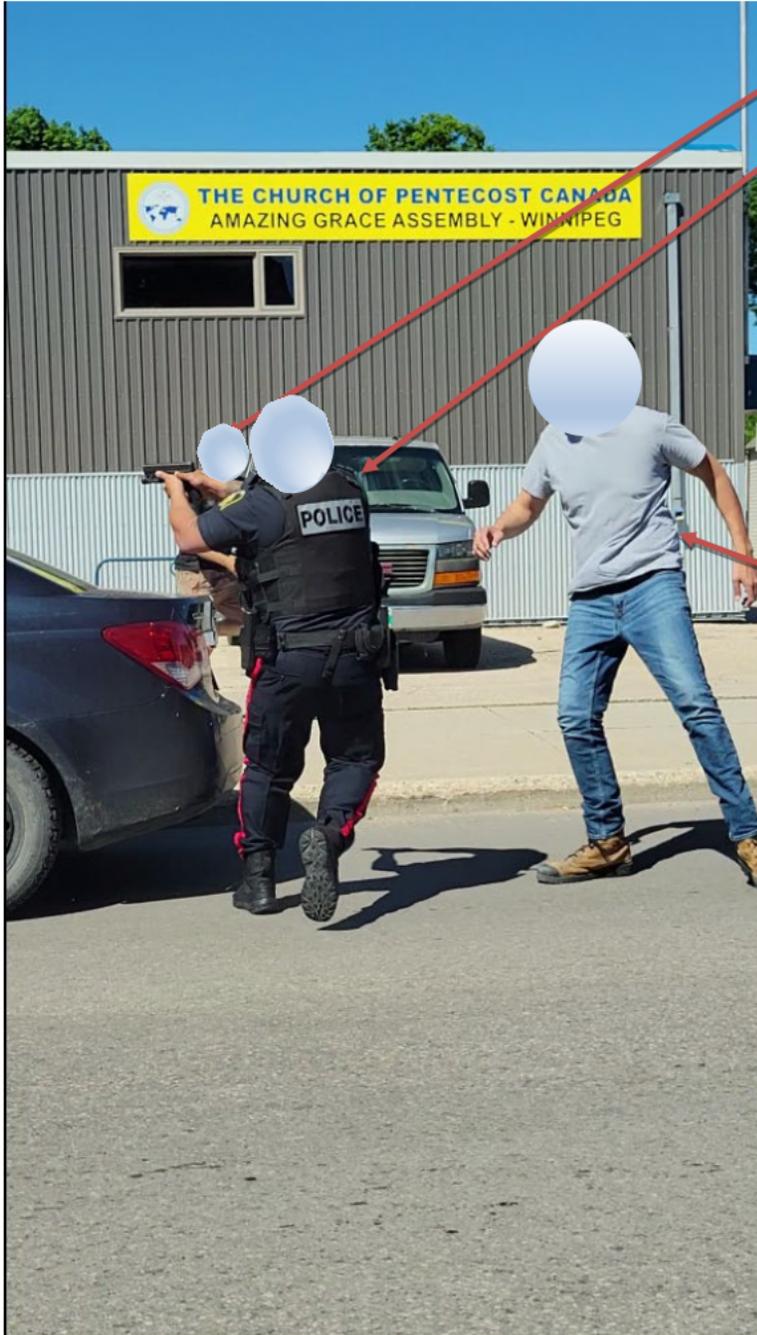


AP turns and advances towards the pedestrians, still with the knife in his hand.



AP with knife in right hand

SO exits his police vehicle, draws his service pistol and follows after AP, who has disappeared briefly from the camera's view. SO is heard yelling "Stop!" Other voices are unintelligible.

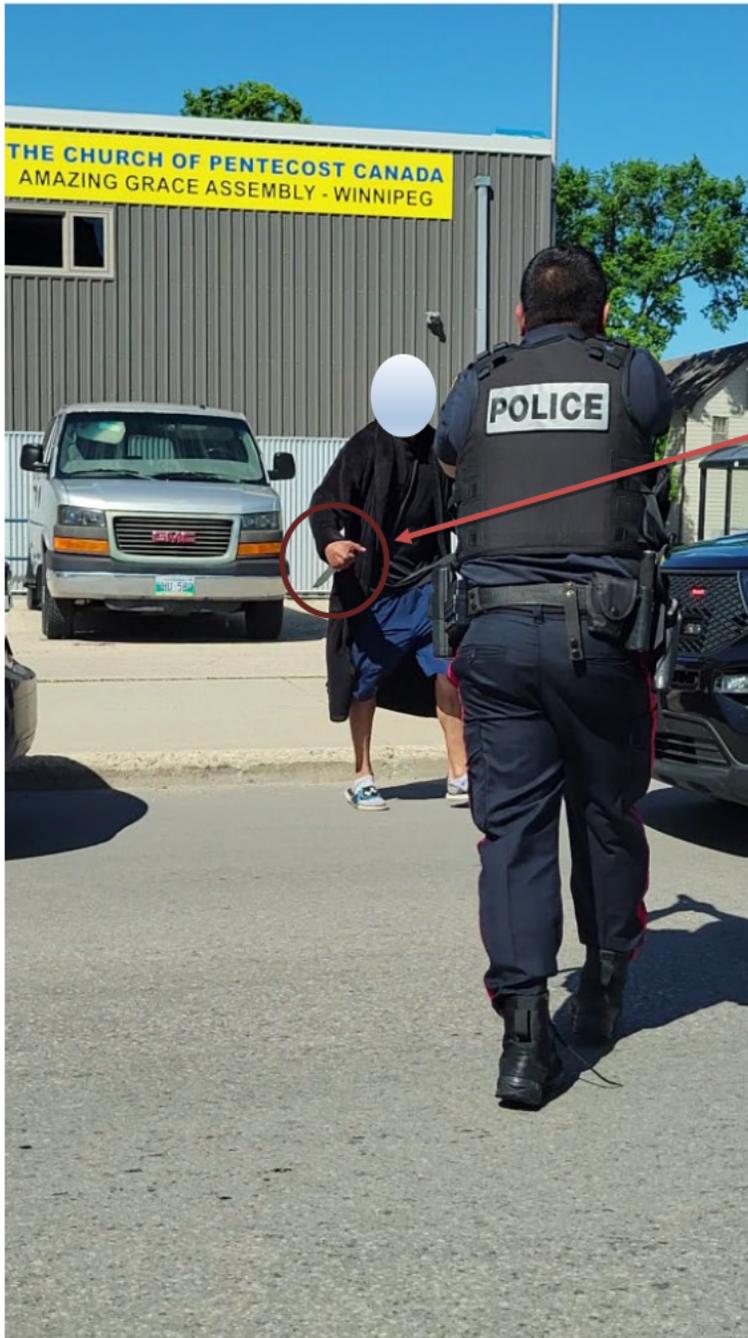


Unknown male #2

SO, with gun drawn, two hand grip

CW1

AP re-appears in the camera's view and aggressively advances towards SO, as he moves the knife in his right hand up and down.



Knife in AP's right hand

SO, who is backing up towards CW3's vehicle, fires one round, striking AP in the neck, causing him to fall to the roadway in front of the police vehicle.



### **Conclusion**

This investigation must consider whether the actions of the subject officer to shoot AP were justified by law. In this incident, SO was working on traffic enforcement duties and was in the process of issuing a ticket to a driver who he had pulled over for a violation. Suddenly and without warning, AP, armed with a large knife, approaches SO while seated in his police vehicle. AP repeatedly bangs on the driver's door and window with his arm and knife. AP opens the driver's door and attacks SO. In response, SO repeatedly kicks at AP to repel the attack and avoid potentially lethal blows. SO begs AP to stop the attack. Pedestrians in the vicinity observe AP's attack on SO and move to distract AP and protect SO. AP's attention is diverted by the actions of the various pedestrians and turns to focus his attention on them. As AP runs after the pedestrians, SO has the opportunity to exit his police vehicle, draw his service pistol and move to prevent AP from attacking the pedestrians. SO places himself between the pedestrians and AP. AP's focus is back on SO and advances on him, continuing to brandish the large knife. SO repeatedly commands AP to stop and drop his weapon as he backs up on the roadway. As SO is

about to back into a vehicle and as AP continues to advance and close the distance, the officer discharges his pistol once, striking AP and causing him to fall to the ground. SO moves in to remove the knife, call for assistance and begins first aid on AP.

**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*

It is an extremely difficult task to discern a rational explanation for AP's actions on June 17. We know that he was under the influence of drugs and mental health concerns for him were expressed through the day. Police had been advised of concerns for AP's well-being but were unable to locate him from earlier search attempts. AP was acting irrationally, in possession of a large knife, had accosted other individuals and attacked property before involving himself with SO. At one point during his involvement with SO, AP had said "*shoot me*". The cause and impetus for AP's actions on June 17 remain uncertain and undetermined.

The critical question in this investigation is whether SO's decision to discharge his firearm at AP was reasonable and necessary in all of the 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.

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* (*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 to himself or other persons in the vicinity?

From a review of all of the available evidence:

- AP was in possession of a large knife with a six inch blade, capable of causing grievous bodily harm or death.
- SO was on duty and in the process of issuing a traffic violation.
- AP approached SO without cause or provocation, banged on the police vehicle's driver's door, opened that door and attacked SO.
- SO attempted to repel the attack by kicking at AP.
- AP was under the influence of drugs.
- AP had encountered other people that day, threatening violence through the use of his knife.
- Pedestrians intervened to distract AP in an effort to protect SO.
- When AP turned his attention to the pedestrians and chased after them, SO seized the opportunity to exit his police vehicle, draw his service pistol and attempt to have AP disarm himself and surrender.
- SO placed himself between the pedestrians and AP.
- AP's attention became focused on SO.
- AP aggressively advanced on SO, remaining in possession of and brandishing the knife.
- AP refused to comply with all demands and commands to drop his weapon.
- AP's actions had become a potential lethal event in which SO had an instant to respond.
- AP posed a real threat to the safety of anyone in the vicinity.
- SO made the decision, based on his training and assessment, to discharge his firearm at AP to stop the advancement and eliminate the lethal threat posed by AP.
- SO discharged his service pistol a single time, striking AP, causing him to fall, to drop his knife and effectively eliminated the lethal threat that he posed.
- The video footage captured significantly assisted this investigation.

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

The circumstances of this incident are tragic. The potential for more serious injuries and loss of life to others, including SO and civilians in the vicinity, was high. SO's role morphed from a victim of an unprovoked and potentially lethal attack, to recipient of interventions by the pedestrians, to performing his sworn duty to protect those pedestrians from being attacked and, finally, to eliminate the significant risk to public safety and lives posed by AP.

It is my view that, in the full consideration of the circumstances of this incident, the use of 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  
November 24, 2022

Ref 2022-0031