



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING  
SERIOUS INJURIES DURING A HEADINGLEY RCMP ARREST IN MACDONALD**

**FINAL REPORT OF THE CIVILIAN DIRECTOR**  
**OF THE INDEPENDENT INVESTIGATION UNIT**

Acting Civilian Director:	Bruce M. Sychuk
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## **Introduction**

On Sept. 4, 2024, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Written excerpt from Part 7 Notification received on Sept. 5, 2024:

*On September 4, 2024, Headingley RCMP received a report of an assault in the RM of McDonald. CW1 called to report that AP was yelling at CW1 and CW2. AP was allegedly intoxicated, “going crazy” outside and had assaulted CW2. AP is believed to suffer from bipolar disorder.*

*While on route to the residence, CW1 had phoned back to advise that AP had set fire to multiple vehicles on the property. Upon arrival, fire crews were putting out the fires to two vehicles. Another vehicle had crashed into a tree as AP had allegedly tried to run over CW1 and CW2. CW1 advised that AP ran into the bush. It was unknown at the time if AP had any weapons.*

*WO1 and WO2 searched the dense bush surrounded by fields and a river but were unable to locate AP. Police dog services and the unmanned aerial system were contacted while members began setting up containment. CW1 advised that CW3 made contact with AP who advised he could see the police and was watching the show. Members then learned that AP may be in possession of a knife.*

*SO went to the back of the property with WO1 who both saw AP running towards them from the tree line. WO1 announced police presence and requested AP put his hands in the air. AP then started running towards the back yard and was seen entering the bush where SO and WO1 engaged in a foot pursuit. WO1 observed AP in possession of a machete. AP turned towards SO who discharged his service pistol three times, striking AP in the leg. AP was assessed immediately by Fire/EMS and was taken to Health Sciences Centre.*

As this matter concerned injuries during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 66(4) of The Police Services Act. IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from the RCMP, among other items:

- notes, narratives and reports of officers
- audio transmissions
- watch guard video
- medical reports

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The civilian director designated one subject officer (SO) and two witness officers (WO1 to WO2). IIU investigators also received information from eight professional witnesses (PW1 to PW8), three civilian witnesses (CW1 to CW3) and from AP.

## **Facts and Circumstances**

### **Scene Examination**

IIU investigators attended the scene and observed two vehicles destroyed by fire. Investigators observed a machete near the scene of the shooting, along with two bullet casings and a small amount of blood. A third vehicle was observed to have damage to the front end. It appeared as if the vehicle had been driven through the front yard of the property near the house entrance, before striking a tree. A third bullet casing was taken from the scene later on.

IIU investigators did not canvass the area for potential witnesses because the house was secluded and a far distance from the neighbouring property.

## **Interviews**

### **Affected Person**

AP was interviewed by IIU investigators on Sept. 5, 2024, and provided the following information:

AP confirmed that he was aware the individuals chasing him were police, however, he did not understand why he was shot. AP confirmed that he was carrying a machete in his right hand at the time he was shot and that he had a pocketknife in his shorts.

AP confirmed that he had been drinking before the police shooting, however, AP stated that he was not drunk. AP stated that he had taken his prescription medication that day, but denied any other drug use.

AP stated that he did not recall what had been happening earlier that day and believed the police shot him while he was trying to run away. AP believed that he was only shot at once, and that the bullet entered his thigh and exited the back of his leg.

### **Civilian Witnesses**

#### **Civilian Witness 1 (CW1)**

CW1 was interviewed by IIU investigators on Sept. 5, 2024, and provided the following information:

CW1 confirmed that AP had assaulted and threatened CW2 earlier that day. CW1 confirmed that AP set two vehicles on fire and was wielding a machete. CW1 confirmed that AP has been diagnosed with a mental illness. CW1 was near the firetruck when he believed he heard gunshots. CW1 did not see the actual shooting.

### Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on Sept. 5, 2024, and provided the following information:

CW2 returned home from work and observed AP to be in an agitated state. She believed that AP may have been under the influence of alcohol. CW2 confronted AP before the shooting, which resulted in AP assaulting her. CW2 escaped to a vehicle when AP lit it on fire along with another vehicle. CW2 ran from the area.

CW2 did not see the shooting incident because she was inside the fire truck at the time.

### Civilian Witness 3 (CW3)

CW3 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

CW3 was not on scene during the incident. He received a call from AP before the shooting. CW3 confirmed that AP sounded agitated and was yelling and rambling on the phone. CW3 confirmed that AP told him he had set two vehicles on fire and that he was watching the firetrucks and police at the property. CW3 confirmed that AP told him he had a machete, and that he wanted to “go out in a blaze of glory.”

CW3 called CW1 to let him know what AP said, and that AP was armed with a machete. CW3 continued to call AP and was able to talk to him once more. CW3 tried to talk AP into turning himself in, however, AP ignored the suggestion, telling CW3 that it was “good knowing you.”

## **Professional Witnesses**

### Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

PW1 was on scene to assist in putting out the two-car fire. After the fire had been put out, PW1 was provided with background information about the circumstances. PW1 and PW5 went to assist the officers in trying to locate AP. PW1 did not know the identity of the officers on scene.

PW1 saw AP running through the bushes behind a shed on the property. PW1 hear an officer giving demands to AP to stop, drop what AP was holding and to get on the ground. PW1 believed that the officer’s gun was drawn at the time of the verbal commands.

Seconds later, PW1 recalled hearing four gunshots. PW1 did not hear AP say anything before or after the gunshots. PW1 and PW5 assisted in providing first aid to AP after he was shot. PW1 did not recall observing anything on the ground near AP while providing medical assistance.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

PW2 was on scene because of the two-vehicle fire. PW2 confirmed that after the fire was put out, he was provided information that AP was still on the property and was armed. PW3 saw flashlights in the distance and assumed by the movement that people were running. Soon after, PW2 heard three gunshots. PW2 did not recall hearing anyone yelling before the gunshots.

PW2 attended to the scene of the shooting with his trauma bag and observed AP on his back with handcuffs on behind his back. PW2 observed two officers kneeling on AP and heard one of them say “he was running directly at me”. PW2 went in the ambulance with AP to assist in his care on the way to the hospital. PW2 confirmed that AP was laughing in the ambulance about all the PW’s having moustaches and mentioned that he had consumed three drinks.

Professional Witness 3 (PW3)

PW3 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

PW3 was on scene because of the two-vehicle fire. PW3 confirmed that after the fire was out, he had been informed that AP was watching them. PW3 observed two officers start running towards an area where flashlight beams could be seen. PW3 then heard someone yell “Stop! Stop! Let me see your hands! Drop the knife! Drop the knife!” then three gunshots.

PW3 attended to the scene afterwards to provide medical assistance. PW3 noted AP to be on the ground unconscious when he arrived. PW3 did not see anything on the ground near AP but confirmed that AP was handcuffed when he arrived.

Professional Witness 4 (PW4)

PW4 was interviewed by IIU investigators on Sept. 24, 2024, and provided the following information:

PW4 was tasked to assist with the two-vehicle fire. Upon arrival, PW4 was directed to stay with CW2 because she was scared that AP had not been located. After CW1 arrived to care for CW2, PW4 went to the scene of the fires which were now put out. PW4 recalled being informed that AP was watching them and was carrying a knife. PW4 and PW5 were assigned to assist the officers in locating AP by using their thermal imaging cameras.

PW4 briefly saw AP running near the bushes towards a shed. PW4 confirmed the two officers took off after AP, shouting for him to stop. PW4 observed one of the officers run directly at AP and the shed while the second officer went around to intercept AP. PW4 heard the officer that ran towards AP yell “he’s got a knife!” twice. PW4 then heard someone yell “drop the knife!” two or three times before he heard three or four gunshots.

PW4 attended to the scene to provide medical assistance with PW5. PW4 observed AP to be handcuffed with his hands behind his back and a bullet wound in his right thigh. PW4 saw a machete with a silver blade near the scene.

Professional Witness 5 (PW5)

PW5 was interviewed by IIU investigators on Sept. 25, 2024, and provided the following information:

PW5 confirmed that he was on scene because of the two-vehicle fire. PW5 confirmed that he was instructed to assist the officers using his thermal imaging camera to try and locate AP. PW5 confirmed that he had been informed that AP was armed with a knife.

PW5 recalled seeing something run out of the corner of his eye and then the two officers took off in that direction. One officer went straight towards AP while the other officer went around a shed to cut AP off. PW5 recalled hearing someone yell “drop the knife!” at least twice followed by three gunshots.

PW5 went to the scene to assist and observed one of the officers kick a machete away from AP’s side into the long grass. PW5 observed the officers handcuff AP and then provided AP with medical assistance for the bullet wound in his right thigh.

Professional Witness 6 (PW6)

PW6 was interviewed by IIU investigators on Nov. 3, 2024, and provided the following information:

PW6 was on scene because of the two-vehicle fire. PW6 confirmed that after the fire was put out, he was advised that AP was in the area and was armed. PW6 noted that the area was very dark, and he could only see flashlights and thermal imaging cameras in the area where officers were searching.

PW6 heard someone running in the bushes and then saw an officer run towards the sound. PW6 heard someone say “stop!” or “get down!” followed by three gunshots. PW6 and PW7 attended to the area with a stretcher and to provide medical assistance. PW6 observed a hunting knife roughly five feet away from AP’s head.

Professional Witness 7 (PW7)

PW7 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

PW7 was one of the first on scene to deal with the two-vehicle fire. PW7 saw AP when he arrived and recalled that AP was yelling. PW7 did not see any weapons in AP’s hand at that time. PW7 assisted in putting out the fire and observed officers on scene searching for AP. PW7 confirmed that his crew provided assistance to the officers in searching for AP, which included a thermal imaging camera.

PW7 recalled hearing someone say “He’s got a knife! He’s got a knife!” followed by three gunshots. PW7 attended to the scene of the shooting and observed a black sheath for a knife or machete on the ground.

### Professional Witness 8 (PW8)

PW8 was interviewed by IIU investigators on Sept. 17, 2024, and provided the following information:

PW8 responded to the two-vehicle fire and was directed to assist CW2 as she was fearful because AP had not been located. PW8 recalled being informed that AP was carrying two knives.

PW8 recalled hearing someone yell “drop the knife!” three times followed by three gunshots. PW8 attended to the scene and observed AP on the ground and PW2 providing medical assistance. PW8 saw a knife approximately a foot away from AP’s right side. PW8 assisted in placing AP onto the stretcher.

### **Witness Officers**

#### Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Nov. 14, 2024, and provided the following information:

WO1 was partnered with WO2 on the date of the incident. They were tasked with attending to the scene because of a family incident. Further information provided was that AP had set vehicles on fire and crashed a vehicle in the front yard.

WO1 arrived on scene and spoke with CW1 who advised the officers that AP had fled into the backwoods. WO1 and WO2 started to search the area for AP, without much success. CW1 updated the officers that AP was on the phone with CW3. CW3 told CW1 that AP was watching them and was armed with a knife.

WO1 called for the assistance of a drone unit along with a K-9 unit. SO arrived to assist the officers and WO1 updated SO about the situation. Soon after SO’s arrival, AP emerged from the bushes and was running towards them. WO1 yelled “AP, stop, it’s police”, causing AP to pause, but then turn around and run away. WO1 and SO chased after AP with SO following AP’s path and WO1 trying to intercept AP.

WO1 saw AP holding a machete and directed AP to “stop and put the knife down”. AP paused momentarily before turning back towards SO. WO1 tried to warn SO that AP had a knife and yelled it numerous times. AP tried to run around the carport with WO1 moving towards AP when he heard three gunshots from SO’s pistol.

#### Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Oct. 15, 2024, and provided the following information:

WO2 confirmed that he was partnered with WO1. WO2 stated that when he arrived, he noted two burned out vehicles along with a third vehicle crashed into a tree. CW1 informed WO2 that AP had caused the damage to the vehicles and had fled into the bush. WO2 and WO1 searched the area with the assistance of an infrared camera without success.

WO2 confirmed that they requested a drone unit and K-9 services to assist in the search for AP. WO2 confirmed that SO attended to assist in the search for AP. WO2 confirmed that further information suggested that AP was now armed with a knife.

WO2 recalled hearing WO1 stating that they found AP, so WO2 ran towards WO1's position. While running towards WO1's position, WO2 heard two or three gunshots. WO2 observed WO1's gun to be holstered so he believed it was SO that must have discharged his weapon, but he did not see the shooting.

WO2 saw AP on the ground with a machete beside him. Officers instructed AP to move away from the weapon, but AP appeared to be in shock and was unresponsive to directions. WO2 moved near AP, kicked the machete away and handcuffed AP. WO2 noted AP to have a gunshot wound to his upper right leg. WO2 applied pressure on the wound until medical services arrived. WO2 secured the scene and photographed AP before he entered the ambulance.

### **Subject Officer**

In accordance with his rights, SO declined to be interviewed by IIU investigators.

### **Other evidence**

#### Medical reports

Medical reports indicated that AP was treated for a gun shot wound to his right thigh as well as for superficial burns to his left arm and lower leg.

#### Watchguard Video

Video from the RCMP vehicles did not capture the shooting itself nor the fires that were on scene. The video did provide a timeline for RCMP, fire personnel and EMS attendance to the scene.

### **Applicable Law**

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sections 25(1), 25(3) and 25(4) of the Criminal Code of Canada have been emphasized here for consideration:

*25 (1) Every one 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, or*
- (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*

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*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; and*

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

### **Conclusion**

It is my view that, in the full consideration of the circumstances, there are no reasonable grounds to support any charges against the subject officer. Therefore, no charges are recommended and the IIU investigation is now completed and closed.