



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING AN
IN-CUSTODY DEATH AFTER A WPS ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On Sept. 15, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on Sept. 15, 2024:

Sept. 15th, 2024, the affected person (AP) was arrested in the vicinity of King Edward St by members of the WPS in relation to an outstanding warrant. AP was taken into custody without incident.

AP was turned over to the WPS Central Processing (CPU) Unit. AP was assessed and cleared by CPU paramedic and was subsequently lodged into holding room #22 within the Central Processing Unit.

Members of the CPU conducted a scheduled arousal check and found the AP unresponsive in holding room #22. Emergency first aid was immediately provided by the onsite WFPS paramedic, and an ambulance was requested. AP was conveyed to the St Boniface Hospital by members of WFPS and was subsequently pronounced deceased.

As this matter concerned an in custody death after arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 65(4) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- video footage
- medical reports
- prisoner time checks form

The civilian director declined to designate a subject officer (SO). The civilian director designated nine witness officers (WO1 to WO9). IIU investigators also received information from four professional witnesses (PW1 to PW4) and one civilian witness (CW1). IIU investigators attempted to speak with another civilian witness, however, the individual could not be located, despite repeated attempts.

Facts and Circumstances

Scene Examination

IIU investigators attended the CPU and the initial arrest location. Investigators canvassed the area of the arrest for witnesses or video footage, without obtaining any further evidence. IIU investigators tried to speak with some of the individuals in the encampment, however, they did not want to participate in the investigation.

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Interviews

Civilian Witness

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on Sept. 16, 2024, and provided the following information:

CW1 was in the cells with AP. CW1 did not notice anything of concern with AP. CW1 said AP was intoxicated and sleeping beside him.

Professional Witnesses

Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on Oct. 29, 2024, and provided the following information:

PW1 was starting the morning shift and taking over from PW2. PW1 and PW2 discussed the individuals in the cells and whether there were concerns with any of them. PW1 confirmed that when he was discussing AP with PW2, they did not have any concerns about him.

PW1 recalled hearing someone call out for a medic and then an individual came to the medical office asking PW1 to assist. PW1 grabbed a pair of gloves and went over to a cell where he saw AP face down on the floor. PW3 and PW4 advised PW1 that AP was not responding to the morning arousal check.

PW1 dragged AP into the hallway so he had more room to work. PW1 assessed that AP was not breathing and did not have a pulse. WO8 initiated CPR on AP while PW1 attached a cardiac monitor to AP and prepared other equipment for medical assistance. PW1 believed that they delivered three shocks to AP while three individuals rotated while providing CPR to AP. PW1 radioed for assistance while he set up an IV drip on AP. Winnipeg Fire Paramedic Service (WFPS) arrived shortly after and took AP to St. Boniface hospital.

PW1 commented that he was initially in shock that AP was in cardiac arrest because he was still warm to the touch. PW1 did not see any signs of trauma for AP, no blood on the ground, and no bruising anywhere.

PW1 talked with WO8 afterwards and was told that there had been no problems with AP during the night. PW1 was told that during the previous cell checks, there were no concerns for AP's well-being and that he was breathing when checked.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on Oct. 29, 2024, and provided the following information:

PW2 confirmed that she did AP's initial assessment before he was placed into a cell. PW2 noted that AP was cooperative, alert, orientated and capable of answering basic questions. PW2 noted

that AP's speech was clear and that he was steady on his feet. PW2 did not notice any bruises to AP's body. AP confirmed that he had been drinking earlier in the day, but PW2 did not notice any significant signs of intoxication. AP did not express any concerns or pain during his assessment. PW2 noted that it is her practice to ask the officers who attend with a detainee if they observed any health concerns. PW2 confirmed that she followed the same practice with AP and the officers did not have any concerns for his well-being.

Professional Witness 3 (PW3)

PW3 was not interviewed by IIU investigators. Instead, he provided the investigators with a prepared statement, which contained the following information:

PW3 was responsible for conducting safety checks on individuals in the cells every fifteen minutes. PW3 conducted three safety checks on AP, during which he was breathing and spoke with PW3.

PW3 went back to AP's cell to conduct a safety check when he saw AP face down on the floor of the cell. PW3 called out to AP without a response. PW3 attempted to shake AP and got no response. He then attempted a pressure point response to stir AP again, but nothing happened. PW3 checked AP for a pulse and he did not have one. PW1 attended to the cell and they moved AP into the hallway for more room to initiate medical assistance.

PW3, WO8 and PW4 took turns providing CPR to AP while PW1 continued to provide medical assistance. Soon after, WFPS arrived and took over medical care for AP. He was transported to St. Boniface hospital.

Professional Witness 4 (PW4)

PW4 was not interviewed by IIU investigators. Instead, he provided the investigators with a copy of his notes, which contained the following information:

PW4 overheard PW3 trying to wake up AP and went over to assist because AP was unresponsive. PW4 could not find a pulse on AP. PW1 directed PW4 to assist in moving AP into the hallway. PW4 assisted in providing CPR to AP, while PW1 continued medical care until paramedics arrived. They took AP to St. Boniface Hospital.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Nov. 19, 2024, and provided the following information:

WO1 was partnered with WO3, and they were dispatched to assist with a call for a possible firearm in an encampment. WO2 and WO6 were looking for assistance because there were approximately ten individuals in the encampment area. WO1 heard WO6 ask before they began their investigation if anyone had any warrants or if they were breaching any court orders. AP raised his hand and stated that he may have an outstanding warrant. WO1 asked AP to come with him and he complied without issue.

WO1 brought AP over to WO4 and WO5. AP was not handcuffed as he was extremely cooperative and polite. AP was having a pleasant conversation with the officers and was

providing background on his previous job with law enforcement. WO1 offered AP some candy as he posed no threat to the officers and was extremely pleasant. WO1 estimated that the officers and AP stood outside conversing for approximately twenty minutes while waiting for the firearms investigation to be completed. WO1 commented that AP was an extremely nice individual.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Nov. 19, 2024, and provided the following information:

WO2 was partnered with WO6 when they received information about a possible firearm in an encampment. WO2 requested additional units to assist with the investigation. The firearm investigation did not lead to any arrests.

WO2 recalled that WO3 asked the group in the encampment if anyone had an outstanding warrant and AP raised his hand. WO2 did not have much interaction with AP but did note that AP was cooperative with the officers.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on Nov. 19, 2024, and provided the following information:

WO3 was partnered with WO1 and assigned to backup a firearms investigation inside an encampment. WO3 estimated that there were approximately ten individuals located in the encampment area. After the firearms investigation did not lead to any arrests, WO3 asked out loud if anyone had an outstanding warrant. AP immediately put up his hand, stating that he believed he had an outstanding warrant. AP was assisted by another officer while WO3 dealt with another individual and their warrants.

WO3 had minimal interaction with AP after he acknowledged the outstanding warrant. WO3 recalled that he noticed AP was not handcuffed and that he appeared to be extremely compliant with the officers.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Nov. 19, 2024, and provided the following information:

WO4 was partnered with WO5, and they were assisting with an investigation of a firearm at an encampment. WO4 did not enter the encampment and stayed outside waiting for information on how best to assist the officers.

WO4 recalled that AP came walking up to her and acknowledged that he had a warrant. WO4 confirmed that the two of them had a very pleasant conversation while she checked his name in the system. WO4 confirmed that AP had an outstanding warrant, read him his rights and did a cursory search of him for weapons. WO4 confirmed that AP was extremely compliant throughout the process. WO4 believed AP was not a threat to the officers' well-being, so she did not handcuff him. WO4 confirmed that they continued to talk outside the vehicle while other individuals were being processed for their warrants. WO4 confirmed that WO1 offered AP some

candy while they were waiting for the investigation to be completed. WO4 noted that AP was polite and compliant and at no time did they feel the need to handcuff him for their safety.

Witness Officer 5 (WO5)

WO5 was interviewed by IIU investigators on Nov. 20, 2024, and provided the following information:

WO5 confirmed that he was partnered with WO4 and that they were assisting in a firearms investigation. WO5 recalled WO6 asking if any individual had an outstanding warrant and AP confirmed that he believed he had a warrant. WO5 directed AP to go see WO4 and he complied without issue.

WO5 assisted WO4 with AP in placing him under arrest. WO5 confirmed that AP was not handcuffed. WO5 did not have much more interaction with AP, but he did note that AP was honest and relaxed. WO5 did not believe that AP was intoxicated, based on his demeanour.

Witness Officer 6 (WO6)

WO6 was interviewed by IIU investigators on Nov. 20, 2024, and provided the following information:

WO6 was partnered with WO2 and they had received information about a possible firearm in an encampment. WO6 reached out for backup and believed there were nine individuals in the encampment. WO6 recalled that WO3 asked everyone if they had an outstanding warrant and AP put up his hand. WO6 noted that AP was very compliant and well dressed.

WO6 continued with the firearm investigation and did not converse with AP. WO6 recalled that AP was not handcuffed once he left the encampment and it appeared as if AP was having a friendly discussion with the other officers.

Witness Officer 7 (WO7)

WO7 was interviewed by IIU investigators on Nov. 21, 2024, and provided the following information:

WO7 was partnered with WO9 and they were dispatched to assist in taking individuals back to headquarters who had been arrested. WO7 saw AP standing and talking with a couple of officers. WO7 acknowledged that the friendly manner of the interaction between AP and the officers confused him when he was told that AP was the one to take back to headquarters. WO7 confirmed that AP was not handcuffed and he thought he might have been a witness or bystander.

WO7 asked AP if he was okay and he replied that he was fine. WO7 did not handcuff AP in the police vehicle because he was extremely cooperative. WO7 noted that AP was not very talkative while he was in the back seat of the vehicle, but he answered every question he was asked. WO7 did not believe AP was intoxicated, based on the manner in which he was able to converse with the officers.

WO7 confirmed that AP was only handcuffed per policy once they were in the central processing unit. WO7 took AP to the paramedics where he answered every question and remained completely cooperative. After AP was cleared by the paramedic, WO7 placed him in cell 22.

WO7 again commented that AP was extremely cooperative to the point that the two of them were sharing a joke. WO7 did not observe anything about AP that would have caused him concerns for his well-being.

Witness Officer 8 (WO8)

WO8 was interviewed by IIU investigators on Jan. 17, 2025, and provided the following information:

WO8 was the duty sergeant that morning and began his shift at 7 a.m. WO8 talked to his colleague who had the night shift to get a breakdown of any concerns to be aware of while beginning his shift. WO8 confirmed that AP was not discussed because he had been cooperative throughout the night.

At approximately 7:30, WO8 heard PW3 and PW4 doing their cell safety checks and asking detainees to respond. WO8 heard PW3 and PW4 yelling loudly at AP to wake up and respond, calling him by his first name. WO8 then heard someone call for the paramedic, so he went immediately to AP's cell.

PW1 directed them to move AP into the hallway, so they would have more room to work on him. WO8 started chest compressions on AP and followed up with administering CPR to him. WO8 recalled that the cardia machine was attached to AP and that the machine suggested AP was having a heart attack. WO8 recalled that they shocked AP three times with the machine as a result and continued CPR while waiting for WFPS. WO8 observed that AP was not conscious or moving during this time.

Once AP was placed in the ambulance, WO8 went back to check the prisoner log sheet to ensure that there were no concerns mentioned for AP. WO8 confirmed that AP mentioned he had high blood pressure when he was checked over by the paramedics. Otherwise, nothing remarkable was noted.

Witness Officer 9 (WO9)

WO9 was interviewed by IIU investigators on Nov. 21, 2024, and provided the following information:

WO9 was partnered with WO7 and they were assigned to take an individual back to headquarters who had an outstanding warrant. WO9 saw AP standing with a couple of officers and having a pleasant conversation where all parties were laughing. WO9 did a quick check on the system to confirm AP's warrant and then read him his rights. WO9 did not feel it was necessary to handcuff AP because he was extremely cooperative.

While on the drive to headquarters, WO9 noted that AP would respond politely to any question he was asked. WO9 confirmed that AP was only handcuffed once they were at central processing because of policy, as he did not have any concerns.

WO9 confirmed that AP was pleasant and responsive while being cleared by paramedics and informed them that he had high blood pressure. WO9 confirmed that AP's demeanour did not change at anytime during his care and control and that AP appeared to be coherent throughout the process.

Other evidence

Medical Reports

The autopsy report noted the following cause of death for AP:

Part I (Immediate Cause of Death)

1. severe coronary atherosclerosis
2. atherosclerotic cardiovascular disease

Part II (Other significant Conditions Contributing to the Death but not Casually Related)

1. methamphetamine intoxication
2. hypertensive cardiovascular disease

The toxicology report also confirmed methamphetamine in AP's blood.

The WPFS report confirmed that AP was cooperative during intake and that he noted he had hypertension, but was not taking his medication. AP confirmed that he had been drinking earlier in the day but denied any drug use.

Prisoner log sheet

The log sheet confirmed that AP was checked every fifteen minutes once he was placed into the cell. At the 7:15 a.m. cell check, AP was noted to be breathing and sleeping on his left side.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Section 25(1) of the Criminal Code of Canada has 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.

Conclusion

Based on all the evidence available in connection with the lack of a subject officer designation, the civilian director will not be authorizing charges. Therefore, no charges are recommended and the IIU investigation is now completed and closed.