



**IN THE MATTER OF AN INVESTIGATION INTO AN OFFICER-INVOLVED
SHOOTING DEATH OF A MALE IN WINNIPEG**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On Oct. 2, 2024, the Winnipeg Police Service (WPS) 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 Oct. 3, 2024:

On October 2, 2024, general patrol members responded to multiple 911 calls of AP swinging around a knife and banging on suite doors. The caller further advised dispatch that the AP was armed with two 8-inch knives, one in each hand and was now swinging both of the knives around. AP was heard saying that he used meth and crack.

Upon arrival of general patrol members located the armed AP in the 7th floor hallway. At that time a use of force encounter took place resulting in a taser deployment and one of the officers discharging their service firearm. AP was struck in the upper body.

Officers immediately applied emergency first aid to AP's injuries. AP was transported to hospital in critical condition by WFPS where he succumbed to his injuries.

As this matter concerned a police shooting death, 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
- audio transmissions
- video surveillance
- medical reports

The civilian director designated one subject officer (SO1) and four witness officers (WO1 to WO4). IIU investigators also received information from four civilian witnesses (CW1 to CW4).

Facts and Circumstances

Scene Examination

Forensic Identification Services (FIS) attended the scene on the date of the incident and located two knives and four spent bullet casings. FIS also observed signs of taser deployment in the hallway.

IIU investigators canvassed the scene and received further information from a civilian witness and were provided video surveillance of the scene.

Interviews

Civilian Witnesses

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on October 2, 2024, and provided the following information:

CW1 was informed earlier that day that AP had been continuously running water in his suite resulting in flooding on other floors. CW1 noted that recent interactions with AP had been quite volatile, resulting in AP yelling and frightening other people in the building. CW1 called for security (CW4) to attend the building to assist. CW1 attended outside AP's suite and heard AP yelling from inside. As a result, CW1 contacted CW2 who assisted her, with the hope that CW2 would be able to calm AP down.

All parties attended to AP's suite and observed AP on his bed yelling and screaming. CW1 was able to confirm that the water was coming from AP's suite because the suite was full of water. CW2 and CW4 were talking with AP, who kept telling them that people had been fighting him, that everyone was out to get him, that he wanted the police to take him away and that he wanted to die. CW4 told AP that 911 would be called so they could assist AP. CW1 and CW4 left CW2 with AP as things appeared to have calmed down. CW1 saw CW2 leave the building shortly thereafter.

CW1 left the building for a period of time, but she returned approximately 45 minutes later. The superintendent ushered CW1 into the office to view the video surveillance in real time. CW1 observed AP on the seventh floor, waving and brandishing two knives and making stabbing motions. AP was body checking a suite door or attempting to push it open. CW1 called 911 to report the situation, while contacting tenants on that floor to tell them to stay in their suites for safety reasons.

CW1 saw three officers attend the seventh floor on the camera. She saw AP waving his knives at the officers and then lunging towards them. She then saw AP go to the ground on the camera thinking AP must have been shot. CW1 believed that she heard a gun shot.

Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on Oct. 3, 2024, and provided the following information:

CW2 confirmed he was the support worker for AP and that he had been called the day of the incident to attend AP's suite because of water damage. CW2 attended with CW1 to AP's door and knocked. CW2 could hear AP swearing and yelling inside. CW2 and CW1 decided to wait for security (CW4) to attend before entering.

CW2 entered AP's suite and saw AP on his bed. AP swore at them and stated that he wanted to die. CW2 asked AP if he was suicidal and if AP would like mental health assistance, which AP declined. CW2 asked AP if he had taken any intoxicants that day and AP confirmed that he had taken some crack cocaine and meth. AP admitted to CW2 that he flooded his suite.

CW2 continued to talk to AP after CW1 and CW4 left. After a short period of time, AP stopped responding to CW2, so he left the suite to contact his supervisor. CW2 assumed that AP had stopped responding because he had fallen asleep.

Civilian Witness 3 (CW3)

CW3 was interviewed by IIU investigators on Oct. 3, 2024, and provided the following information:

CW3 heard yelling in the hallway outside his suite. The individual was swearing and talking about killing someone. CW3 exited his suite and observed AP with two knives in his hands and yelling really loudly. CW3 asked AP what was wrong and AP responded “do you want to die too?”. CW3 asked AP if there was anything he could do to assist AP. AP started to walk closer to CW3, stating “I’m going to kill you too”. CW3 closed his door and called 911. As CW3 was on the phone with police, he could hear AP continuing to yell the same thing about killing someone and swearing.

CW3 heard police were on the seventh floor and that they were directing AP to put the knives down multiple times. CW3 then heard a bang like a gunshot, so he opened his door to see what was happening. CW3 confirmed that police told him to go back into his suite. CW3 saw blood on the ground and police attempting to revive AP.

Civilian Witness 4 (CW4)

CW4 was interviewed by IIU investigators on Oct. 11, 2024, and provided the following information:

CW4 confirmed that he was called to attend AP’s suite because of a flooding issue. CW4 confirmed that AP would not allow entry, but he opened the door to AP’s suite with CW1’s approval. CW4 entered the suite and observed AP on his bed. AP was asking them to leave him alone and asking for someone to take him away.

CW4 told CW2 that AP was considering self-harm and suggested CW2 call police. CW2 told CW4 that AP was just upset and that CW2 would take care of it. CW4 and CW1 went back to assessing the damage in AP’s suite, while AP and CW2 continued to talk. CW4 left CW2 and AP in the suite and noticed CW2 leave shortly thereafter. CW4 did not observe AP to be threatening during his brief interaction in the suite.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Oct. 22, 2024, and provided the following information:

WO1 was partnered with SO on the day of the incident. WO1 recalled that the call history suggested that there was a male in possession of two knives on the seventh floor of the building. WO1, SO and WO2 arrived on scene and had a brief discussion with staff who confirmed the male was still on the seventh floor.

SO directed WO1 to be non-lethal cover by arming himself with his taser. SO directed that he would be lethal cover with WO2 following in behind. All three agreed to take the elevator to the fifth floor and then walk up the stairs to the seventh floor.

When they arrived on the seventh floor, WO1 saw AP at the opposite end of the hallway. WO1 saw AP holding a knife and described AP as grazing or knocking a suite door at the opposite end of the hall. WO1 recalled that they directed AP to drop the knife, which AP ignored. AP started to move towards the officers and continued to ignore their directions. WO1 aimed his taser at AP, and felt his life was in danger because AP continued to move forward with the knife in his hand.

WO1 deployed his taser, attempting to incapacitate AP, but it appeared to be ineffective as AP continued to move forward with his knife. WO1 deployed his taser a second time and again it did not incapacitate AP as he continued to move towards the officers. SO then discharged his pistol, resulting in AP going to the ground while still holding onto the knife.

Officers continued to give AP directions to drop the knife while AP was on the ground. SO approached AP on the ground and slid the knife away from him, while WO2 moved towards AP to provide medical assistance. WO1 did not see a second knife during the incident.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Nov. 1, 2024, and provided the following information:

WO2 responded to a dispatch call, where he was advised that a male with two knives was swinging them around on the seventh floor. WO2 met up with SO and WO1 at the scene where staff confirmed that the male was still on the seventh floor. WO2 confirmed that SO drew his pistol and WO1 drew his taser. WO2 had his pistol drawn and was following behind the other two officers.

WO2 confirmed that the officers took the elevator to the fifth floor and then walked up the stairs to the seventh floor. WO2 heard banging noises from the seventh floor while they were walking up the stairs. WO1 and SO entered the hallway just before he did and he could hear them saying “drop the knife” and “stop, police”. WO2 observed AP walking towards the officers holding two knives. WO2 observed one knife to be raised near his head while the other knife was near his waist area.

WO2 heard his colleagues’ yelling directions at AP to drop the knives, but AP did not comply and continued to move towards the officers. WO2 was concerned for his well-being and that of his colleagues as AP continued to move forward with the knives in a threatening manner.

WO2 recalled WO1 deploying his taser without any effect on AP, as AP continued towards the officers with his knives. WO2 recalled SO discharging his pistol at or around the same time that WO1 deployed his taser for a second time. AP fell to the ground and WO2 radioed that shots had been fired and an ambulance was needed.

WO2 noted that AP was still clutching the knives after he had been shot and SO was directing AP to drop them while on the ground. SO approached AP and removed the knives while WO2 checked AP over for injuries. WO2 provided medical assistance to AP while waiting for medical services to arrive

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on Oct. 31, 2024, and provided the following information:

WO3 was partnered with WO4 and dispatched to assist with a knife call at the scene. WO3 and WO4 rode up the elevator to the sixth floor when WO3 heard either gunshots or a taser being deployed. WO3 then heard over the radio that shots had been fired.

WO3 arrived on the seventh floor and could hear officers yelling “drop the knife”. The officers told WO3 and WO4 to take cover, so they tucked in behind a wall. The officers confirmed it was all clear, at which point WO3 saw blood on the ground and heard one of the officers asking for a chest seal. WO3 observed AP on the ground and a knife that had been pushed aside. WO3 went down to retrieve a medical bag and returned to the seventh floor, so officers could continue to provide medical assistance.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Oct. 31, 2024, and provided the following information:

WO4 confirmed that he partnered with WO3 and they had been dispatched to assist on a call about a male with two knives in his hands at the scene of the incident. WO4 confirmed that they took the elevator to the sixth floor with the plan to take the stairs to the seventh floor. WO4 recalled that while they were in the elevator, he heard loud bangs and then heard an officer say “shots fired” over the radio.

When they arrived on the seventh floor, WO4 observed officers at the other end of the hall with their pistols drawn. WO4 and WO3 took cover while they heard SO say “drop the knife.” WO4 saw AP on the ground and WO2 provided medical assistance once it was safe to attend the scene. WO4 saw two to four bullet casings, one or two expended taser cartridges and two knives on the ground.

Subject Officer

In accordance with his rights, SO declined to be interviewed by IIU investigators. However, SO provided the investigators with a prepared statement with the following information:

SO confirmed that he was partnered with WO1 and that they attended a weapons call. SO stated that the background information was that the male had two knives, and he was swinging them around. Further information suggested that the male might be high on meth and crack.

SO stated that when they arrived, they were informed that the male remained on the seventh floor and that he was still swinging two knives around. SO drew his pistol into the ready low position and directed WO1 to draw his taser in the ready low position. WO2 arrived at the same time as SO and WO1, so they went up to the seventh floor together.

All three officers took the elevator to the fifth floor and then walked up the stairs to the seventh floor, with SO in front of WO1 and WO2 following in the rear. SO recalled hearing a male yelling and banging something while they made their way up to the seventh floor. SO could not understand what the male was saying, but it sounded like he was angry.

SO immediately saw AP on the seventh floor with a knife in each hand. AP was slashing at a door at the opposite end of the hallway. AP was yelling something, but SO could not understand what he was saying. SO directed AP to stop and drop the knives, while announcing the police's presence. AP refused and continued to approach the officers, swinging his knives. SO considered AP to be an immediate threat.

AP was approximately ten feet from the officers when SO pointed his pistol at AP's centre mass. SO instructed WO1 to deploy his taser twice, so it would incapacitate AP and he would drop the knives. The taser deployment did not affect AP and he continued to yell and swing his knives while moving closer to the officers. AP was approximately six feet away from the officers when SO discharged his pistol two to four times to stop AP.

SO saw AP spin to his left and then hit the ground while still holding a knife in his hand. SO continued to direct AP to drop the knife as AP continued to yell and move on the ground. A few seconds later, AP stopped moving, allowing SO and the officers to remove the knife from his hand and initiate medical assistance.

Other evidence

Video surveillance

The video footage corroborated the incident as expressed by the witness officers. AP had two knives in his hands while continuing to move towards the officers in an aggressive manner. AP was in very close proximity to the officers before he was shot and fell to the ground.

Medical Reports

The preliminary cause of death was noted to be gunshot wounds to the chest area. Methamphetamine and amphetamine were noted in the toxicology report.

IIU has not received the final autopsy report at the time of writing this report. Because of the nature of the event, the Civilian Director has decided to move forward in completing the report in a timely manner to be accountable to the public. An addendum will be prepared if the cause of death varies from the aforementioned.

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,

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(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 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 of this tragic 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. Subject to further evidence arising from the final autopsy, IIU has completed its investigation and this matter is now closed.