



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
DEPLOYMENT OF A LESS-LETHAL FIREARM BY RCMP**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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IIU File Number:	2025-0009
Date of Release:	May 12 , 2025

Introduction

On Feb. 18, 2025, 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 the Part 7 Notification received on Feb. 19, 2025:

On February 13th 2025, members responded to a report of an impaired driver in a stolen pick-up truck. Members located the abandoned stolen vehicle in Ebb and Flow First Nation and the driver fled into a nearby field area.

With the assistance of the FNSO drone operator and a borrowed snowmobile, members located AP in the forest and informed him he was under arrest. AP attempted to flee and SO used his 40mm, as the drone could not see if AP had any weapons. Further, members were worried that AP would succumb to the elements.

AP was unaffected by the 40mm deployment, stole the snowmobile and left the area, stranding members in the forest. Members borrowed another snowmobile, located AP and placed him under arrest.

AP was transported to hospital via ambulance where it was determined that he had severe frostbite and may require amputation. Several hours later, AP left the hospital on his own accord.

On February 15th 2025, a doctor from Portage La Prairie Hospital called the RCMP to report that AP is at their hospital and is being treated for frostbite. Members attended the hospital and arrested AP who was later brought back to Portage La Prairie cells and remanded in custody. Pictures were obtained of AP's injuries caused by frostbite and the 40mm weapon.

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
- drone surveillance
- injury photos
- medical reports

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The civilian director designated one subject officer (SO) because of the use of a less lethal weapon. IIU investigators also received information from AP. After receiving AP's statement in connection with reviewing the drone footage, it was unnecessary to designate witness officers. SO's use of the less lethal weapon was caught entirely by the drone footage.

Facts and Circumstances

Scene Examination

No scene examination of the area was conducted by the IIU because notice was not received until five days later. No canvassing of the area occurred as it was completely remote, and the entire incident had been captured by drone footage.

Interviews

Affected Person

AP was interviewed by IIU investigators on Feb. 20, 2025, and provided the following information:

AP confirmed that he was the passenger in a vehicle that was trying to evade arrest by police. AP recalled that the vehicle turned off into a driveway and AP ran into the woods to evade arrest. AP confirmed that he was high on meth during the incident.

AP confirmed that he had been in the remote woods for some time before officers attended to the area on a snowmobile. AP confirmed that the officers were telling AP that they did not care about the stolen vehicle and that all they cared about was AP's well-being and health. AP confirmed that the officers did not want AP to freeze.

AP confirmed that he refused to listen to the officers and that he went around them to take their snowmobile and drive away. AP confirmed that he was hit with a bean bag bullet, but he was able to continue to the snowmobile and drive away. AP drove the snowmobile until it ran out of gas and then hid in the woods. AP confirmed that while crouching in the woods, he froze in that position.

Officers attended to the area on snowmobile and carried AP out of the woods. AP confirmed that the officers did not handcuff him or assault him at any time, save for the bean bag bullet. AP confirmed that the bean bag bullet caused only a bruise to his forearm. AP confirmed he suffered severe frost bite to his feet as a result of trying to evade arrest.

Other evidence

Weather report

Environment Canada showed the weather in the area on the day of the incident to range between -23 to -28 degrees C with the wind chill taken into account.

Medical reports

X-rays confirmed that AP did not suffer a fracture to his forearm as a result of the bean bag bullet. AP was noted to have injuries as a result of frost bite, separate and apart from the bean bag bullet.

Drone Footage

As mentioned previously, the entire incident was able to be viewed on the drone footage. It is clear that AP is attempting to evade arrest by hiding in the woods. After some time, a snowmobile can be seen near AP carrying two officers. Both officers start to walk in very deep snow to arrest AP. AP continues to evade the officers and circles around them towards the snowmobile. As the officers trudge through the heavy snow, following behind AP from a distance, they observe that AP is now in a position to take the snowmobile. At this point, SO pulls out his 40mm rifle and fires at AP from a significant distance. The bullet does not appear to have any effect on AP as he continues towards the snowmobile. AP boards the snowmobile and escapes the officers.

Drone footage was able to continue locating AP, resulting in his arrest some time later that same day. Once AP is arrested, it is quite clear that the cold environment has affected his body to a significant degree, because AP is barely able to move. No use of force is observed by the drone footage.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Secs. 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 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.