

January 12, 2017

IIU concludes investigation into Highway 59 police shooting

The Independent Investigation Unit of Manitoba (IIU) has concluded its investigation into an officer-involved shooting that occurred on Highway 59 in September 2015, resulting in the death of a 44-year-old male.

The director of the Serious Incident Response Team in Nova Scotia was appointed to oversee this investigation. Ron MacDonald has determined the actions of the officers were justified and unavoidable, and no charges should be laid against any officer.

The incident occurred the night of September 20, 2015 on Highway 59 near Bird's Hill Provincial Park. Members of the Winnipeg Police Service (WPS) had been attempting to pull over a white panel van. Several 911 calls had been received indicating the driver was possibly suicidal, was travelling with a gun, and might be on his way to kill another individual. When the van was finally stopped at approximately 10:25 p.m., the driver exited the van with a gun. Three WPS officers fired at the man, causing his death.

The IIU assumed responsibility for the investigation into the man's death, in accordance with section 65(1) of the *Police Services Act*. In this case the Civilian Director of the IIU determined he was in a conflict of interest as he had had previous involvement with the deceased individual. Therefore, the director of the Nova Scotia Serious Incident Response Team agreed to assume conduct of the investigation.

In addition to interviews with the three subject officers, the IIU investigation included an examination of the shooting scene, autopsy reports, 911 calls from family members regarding the affected person, statements from nine witness officers and 12 civilian witnesses, and reports from forensic firearm specialists, among others.

In his report on the investigation, MacDonald wrote that he considered two main issues: whether the pursuit and stop of the affected person was justified and conducted properly; and whether police were justified at law to fire upon the individual.

Given that 911 calls from family members indicated the man was intending to take his own life and perhaps kill another individual, MacDonald wrote that police were "amply justified" in their attempts to conduct a traffic stop of the man.

The subject officers and witness officers all gave statements that the man got out of the vehicle with a gun pointed at one of the officers. MacDonald wrote their statements were very consistent with the objective evidence found at the scene.

MacDonald also wrote that the evidence showed the affected person was intent on taking his life. “His action of pointing his pistol at a police officer is consistent with a person who wishes to instigate a police shooting to accomplish that purpose. This is an unfortunate yet recurring circumstance seen across Canada in situations similar to this.”

The final report summarizing the IIU investigation is available at www.iumanitoba.ca. The details of this investigation were first released on September 21, 2015.

Manitoba’s acting chief medical examiner has called an inquest into this death, as required under the *Fatality Inquiries Act*. Inquests explore the circumstances and events leading to deaths for the purpose of finding out what, if anything, might be done to prevent similar deaths in the future.

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