

Date: September 16, 2015

ASIRT CONCLUDES RCMP OFFICER-INVOLVED INVESTIGATION

On July 20, 2014, an officer involved shooting occurred in Norway House Cree Nation. At the request of the Manitoba government, the Alberta Serious Incident Response Team (ASIRT) was asked to investigate the circumstances surrounding the shooting. ASIRT's role was to conduct a full, fair and objective investigation and to provide the completed investigation to Manitoba Justice.

On July 20, 2014, at around 10:24 am, RCMP members became involved in an investigation where the affected person was alleged to have assaulted another man with a baseball bat, breaking his arm. The victim did not want the affected person charged and the RCMP left the residence.

At 2:25 pm, RCMP in Norway House Cree Nation received an unrelated complaint that the affected person had entered her home uninvited and was uttering threats. The affected person was not on scene when RCMP members responded. The complainant described the incident to police and expressed concern for her family's safety. She indicated that the affected person is known to have a gun and she had seen him with the gun just two days ago and that "always" carried his gun in his pocket.

The affected person was known to police, including the subject officer, and was known to have been involved in past offences involving firearms. The subject officer, who had been involved in the two earlier calls, responded with other uniformed RCMP officers to the affected person's residence. The affected person was seen fleeing the residence through a rear window and running to the nearby baseball fields, which were being used for a youth baseball tournament. The affected person ran into the outfield between the two ball diamonds, followed on foot by the subject officer who had drawn his service weapon and had it at a low ready position.

The affected person was told to stop, that he was under arrest, to show his hands and to get down on the ground. He did not follow commands although he did initially hold his hands out from his body. Despite the repeated commands, the affected person turned slightly and reached down to his pocket. At that point, fearing that the affected person was reaching for a gun, the officer fired his service weapon, striking the affected person once in the arm. The affected person fell to the ground. He had suffered a single non-life threatening gunshot wound and received medical attention. A subsequent search revealed that the affected person had not, in fact, been in possession of a gun, having only a cell phone and a wallet in his pocket.

Following a detailed and extensive investigation by ASIRT, Manitoba Prosecution Service reviewed all of the evidence and reports that were obtained regarding the events surrounding the entire circumstances of the day. This included direct meetings with ASIRT investigators. The charging standard applied to all *Criminal Code* prosecutions in Manitoba is whether there exists a reasonable likelihood of conviction. The review concluded that there is no reasonable likelihood of conviction based on all of the information and evidence. As a result, the subject officer will not be charged under the *Criminal Code*.

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The decision was communicated in person to the affected person and the subject officer. On September 15, representatives from ASIRT and Manitoba Justice briefed Chief Ron Evans, band council and elders in Norway House Cree Nation.

ASIRT's mandate is to effectively, independently, and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person, as well as serious or sensitive allegations of police misconduct.

ASIRT wishes to thank the chief and council, elders and residents of Norway House Cree Nation for their support and assistance in the completion of this investigation.

Media inquiries may be directed to:

Lenore Kowalchuk
Communications Services Manitoba
204-945-7123
lenore.kowalchuk@gov.mb.ca