

FINAL REPORT: IIU concludes investigation into death following arrest by WPS officers

On May 21, 2019, Winnipeg Police Service (WPS) notified the IIU that a male subject (later identified as the Affected Person (AP)) was at Grace Hospital following an interaction with WPS officers near the intersection of Provencher Boulevard and Tache Avenue. WPS officers had been dispatched to a disturbance complaint on a transit bus stopped on Provencher Boulevard. On arrival and upon entering the transit bus, they met with AP, who appeared to be in a drug-induced state. WPS officers attempted to take control of AP, but he resisted and physically opposed police. WPS officers took AP to the ground, handcuffed his wrists, applied a ripp hobble to his ankles and removed him from the bus. AP was placed on the ground while police waited for ambulance service. AP became unresponsive as paramedics arrived on scene, appearing to have suffered a cardiac arrest. He was immediately transported to hospital.

The salient portion of this notification read, in part:

At 11:29 a.m., AP entered a restaurant and stated that an identified female had placed something in his vehicle. Employees reported that AP appeared high, was sweating profusely, and had trouble putting sentences together... At 11:37 a.m., AP telephoned 911 from an area in Garden City. AP was acting and talking erratically on the phone, stating that people were after him... At 11:57 a.m., a caller called police to report that AP was driving a motor vehicle erratically on McPhillips... At 12:06 p.m., a caller contacted police that AP was possibly high on drugs and acting erratically...At 2:03 p.m., a caller reports a female being pulled into AP's motor vehicle...At 2:11 p.m., AP's motor vehicle was reported parked on Home Street between Sargent and Ellice. Area residents observed a female to exit the vehicle and walk southbound on Home Street toward Ellice Avenue...AP's motor vehicle was later recovered on Burnell Street...At 5:55 p.m., a 911 call reports that a male, later identified as AP, was clinging onto an ambulance and refusing to let go, in the area of Provencher/Tache. Shortly afterwards, AP dismounted the ambulance and then entered a restaurant on Provencher Boulevard, where he began to cause a disturbance. The caller reported to police that AP was hallucinating and stated that people were after him.

AP then exited the restaurant and contacted police stating that people were after him. AP then boarded a Winnipeg Transit Bus that had been eastbound on Provencher and forced the doors closed. AP was foaming from the mouth and was agitated. Shortly thereafter, WPS officers arrived on-scene and boarded the bus that was occupied by passengers and the transit operator. AP was still agitated, foaming at the mouth and it was apparent to the above noted officers that he was obviously suffering from a drug-induced medical incident. WPS officers attempted to take control of AP, but he became extremely aggressive, and pulled away from officers as they were attempting to handcuff him. A WPS officer immediately took AP to the ground where the second handcuff and a

rip-hobble (sic)¹ was applied. AP was then removed from the bus and placed on the sidewalk in a recovery position, while they awaited the arrival of Winnipeg Fire Paramedic Service. AP subsequently went into cardiac arrest and stopped breathing as fire and ambulance arrived on-scene. CPR was initiated and a pulse was recovered. AP was transported to the St Boniface Hospital where he was stabilized and then conveyed to Grace Hospital where he remains on life support.

A CT Scan on AP came back "clean" and AP had no obvious injuries. Grace Hospital has declined to provide any further information with respect to his condition at this time.

Excited delirium² is suspected to have caused AP's collapse.

Subsequently, IIU was advised that AP passed away at Grace Hospital on May 24, 2019.

As this matter now concerned the death of a person, which may have resulted from the actions of a police officer(s), IIU assumed responsibility for this mandatory investigation in accordance with section 66(4) of *The Police Services Act* (PSA). IIU investigators were assigned to this investigation.

Further, in accordance with section 70(1) of the PSA, the IIU was required to seek the appointment of a civilian monitor as this matter involved the death of a person. IIU requested the Manitoba Police Commission to appoint a civilian monitor.

WPS and other information obtained by IIU investigators, included:

- WPS officers' notes and narrative reports;
- WPS incident history reports;
- briefing note;
- scene and autopsy photographs;
- video captures from various locations in Winnipeg;
- multiple 911 call audio recordings;
- WPS radio transmissions recordings;
- Winnipeg Fire Paramedic Service (WFPS) report;
- medical reports respecting AP; and
- autopsy and toxicology reports respecting AP.

Due to the circumstances of the interaction between AP and police, six WPS officers, who were dispatched to the call or arrived a short time later, were designated as witness officers (WO1-WO6). Following the review of the agency information, radio transmissions and video, it was

¹ A restraint device used by police to secure a subject's ankles together (without connecting them to the wrists) in order to inhibit the subject from placing the soles of their feet in contact with the ground and prevent kicking

² "Excited delirium" is a state of medical emergency often caused or associated with drug abuse, intoxication, psychiatric illness or a combination of these factors. Persons in this state may be less responsive to use of force control and may demonstrate a diminished reaction to pain. Persons in a state of excited delirium are also at risk of sudden death at any moment. Persons in this state may struggle violently when restrained. Persons in this state may suffer a cardiac arrest at any time during or after a struggle. Excited delirium is associated with symptoms of aggression, bizarre behaviors, paranoia, violence, fever, shouting, and uncanny levels of physical strength. Those who exhibit excited delirium are considered violent, intoxicated, and require police restraint.

determined that only WO1-WO3 would be interviewed by IIU investigators. Due to the dearth of information as to the cause of death at the outset of this investigation, it was decided that no subject officer designation would be made, pending the receipt of more detailed forensic pathology reports respecting the cause of death.

IIU investigators also met with and interviewed 13 civilian witness (CW1- CW13).

IIU investigators conducted a canvass for witnesses and evidence. IIU investigators obtained video footage, with audio, from Winnipeg Transit, which showed the entirety of AP's presence on the bus from the moment he entered until police removed him to the street. They also obtained video from a pizza restaurant's surveillance camera.

Facts and Circumstances

Civilian and Other Witnesses:

CW1 was AP's spouse and confirmed he was going through issues, which included drug abuse, mental illness and paranoia. AP had also suffered from cardiac issues as recently as February 2019.

CW2 is a Winnipeg Transit bus driver and, on May 21, was operating a bus, travelling eastbound over the Provencher Bridge, when he saw a male run towards it. The male appeared distressed. The male (later identified as AP) entered the bus and CW2 immediately observed AP to be sweating, paranoid, excited and anxious, and concluded that he was in a drug-induced state. AP was saying repeatedly that people with guns were chasing him. CW2 called transit control office and requested police to attend. CW2 tried to calm AP but he did not respond. AP was repeatedly trying to close the bus doors. When the police officers arrived, one of the officers had his Taser out but he did not see it discharged. CW2 stated that AP was resisting the police and heard him screaming.

CW3 worked at the restaurant on Provencher Boulevard that, sometime between 5:30 p.m. and 6:00 p.m., AP entered. According to CW3, AP was paranoid and asked if she could help him. Most of the time, AP was speaking gibberish but did say someone was coming for him. AP was crouching in the corner. AP tried to put a chair between himself and anyone who would approach him. AP asked CW3 to call the police. As CW3 made the call, AP ran outside, across Tache Avenue and onto the Provencher Bridge. AP was banging on the windshield of an SUV in traffic. A few minutes later, she noted a number of police vehicles arrive in the area. She went outside and observed a bus stopped on the corner. She saw two police officers, in full uniform, get on the bus and then heard yelling and banging. She did not see AP on the bus, but assumed he was. She went back inside the restaurant and a short time later the bus gone and AP was lying on the sidewalk outside the restaurant. According to CW2, six uniformed police officers surrounded AP. The police officers did not touch AP while she was watching.

CW4 was driving his truck and observed AP walking into traffic at the corner of Provencher Boulevard and Tache Avenue. CW4 states that AP approached a CAA logoed vehicle and as the driver lowered his passenger window AP reached inside. CW4 could hear AP yelling and screaming, though he could not understand what he was saying. CW4 saw a bus stopped on the south side of the street next to a restaurant. CW4 observed several pedestrians on the street outside the bus and he believed AP was on the bus. CW4 exited his truck and walked to the bus.

He could see AP on the bus, and said he appeared very agitated. He was screaming at a male on the sidewalk holding a cell phone, who he appeared to believe was holding a gun. Approximately eight to 10 minutes later, a police car arrived and parked behind the bus. Two male officers in full uniform exited the police car and got on the bus. As the police approached AP, he became more distraught. Another police vehicle, with a lone female officer, then arrived. According to CW4, this female officer entered the bus. A member of the CN Police Service also arrived and entered the bus. The initial two male officers tried to control AP, but he would not allow his right arm to be controlled. CW4 could hear the police saying, "*What's going on?*", then heard "*Stop resisting.*" and "*Please put your hands behind your back.*" CW4 stated that the police officers were able to take AP to the floor of the bus. CW4 did not see the police strike, hit or kick AP.

CW5 was riding his bike eastbound over the Provencher Bridge at approximately 6:00 p.m. when his attention was drawn to a man behaving erratically. He observed a male (later identified as AP) getting on a bus that was proceeding east on Provencher Boulevard. The bus stopped next to a restaurant on Provencher Boulevard. CW5 could hear AP yelling, "*Get going, get going, he's got a gun*". CW5 noted a number of pedestrians were outside the bus and holding cell phones. AP was yelling at the bus driver to close the door. CW5 heard the bus driver say, "*it's not a gun, it's a cell phone*". AP was pacing on the bus and appeared to be foaming at the mouth. A passenger on the bus approached AP and the bus driver told the passenger to stop. At that point, CW5 called 911 and advised that someone would be hurt if the police did not show up soon. CW5 stated that two police cars arrived simultaneously and two officers got on the bus, followed by two more from the second car. Two other vehicles arrived: one contained a female police officer and the other was a male CN police officer. CW5 observed the interaction between the police and AP. According to CW5, AP resisted efforts of police to control his arms. CW5 was amazed at AP's strength and his ability to resist the police efforts to control his arms. Eventually the police physically overpowered the male and took him to the floor of the bus. CW5 did not see the police strike, kick or hit the male. The police handcuffed AP and carried him off the bus. CW5 stated that AP's feet were bound together with a nylon cord. The male was placed on the ground beside a bus bench on the sidewalk. The female police officer was talking to AP, saying, "*... stay with us*". The bus departed and then an ambulance arrived. CW5 stated that ambulance personnel started chest compressions, which continued as AP was loaded into the ambulance.

CW6 witnessed a male (later identified as AP) running in the street, approaching vehicles and then an ambulance at the Provencher Bridge area. CW6 stated that AP went into a restaurant and then exited continuing to run in the street and approaching vehicles. AP was banging on the roof of cars and was shouting that people were chasing him. CW6 could not see anyone chasing AP. CW6 saw AP enter an eastbound bus near the Provencher Bridge. CW6 called 911 and advised that police were on their way. AP was shouting from within the bus that people were following him and that CW6 had a gun. CW6 was holding his cell phone and his dog at the time. About six to eight minutes later, three police cars arrived and police officers entered the bus. The police asked AP to turn around and he became resistant. AP appeared very strong and the police officers were struggling with him. CW6 stated that the police took AP to the ground on the bus. Police were able to restrain AP's arms and legs and then carried him off the bus. CW6 stated that the police were very controlled in the manner they carried AP off the bus. AP's legs were tied together. AP was screaming and yelling when he was taken off the bus. AP was not cooperative with police. According to CW6, AP was breathing fast and worked up. In CW6's opinion, AP appeared confused, irate and psychotic during the incident.

CW7 was walking east across the Provencher Bridge and witnessed AP trying to get into a taxicab. Then, AP ran into the street and into a restaurant. A short while later, AP exited and began approaching vehicles near the intersection of Provencher Boulevard and Tache Avenue. AP then got on a bus on Provencher Boulevard, which then stopped just outside a pizza restaurant. CW7 called 911 and advised other people had also called in. CW7 saw two police officers in police uniforms run on to the bus. Other police officers also arrived.

CW8 was standing at the bus stop outside pizza restaurant on Provencher Boulevard. CW8 saw AP approaching vehicles on Provencher Boulevard and trying to open car doors. CW8 saw AP approach a bus on Provencher Boulevard and get on. That bus then pulled up to the bus stop where CW8 was standing. CW8 entered the bus and saw AP shouting that people were trying to get him, someone had a gun and people were trying to kill him. CW8 stated that AP was breathing heavy and was foaming from his mouth. CW8 moved toward the back of the bus along with other passengers. CW8 stated that police officers entered the bus and heard one police officer say, "*put your hands up*". AP backed away saying, "*you don't understand*" and "*they are trying to kill me, they have guns*". According to CW8, police pushed AP against the side of the bus and tried to pull his hands behind his back. The police did not hit or punch AP. CW8 stated that AP was strong and fighting to get away from the police officers. CW8 stated that a few more police arrived. Everyone ended up on the ground. Police officers were holding AP's feet down. The police officers took AP off the bus. CW8 did not see police use force on AP.

CW9 worked at the pizza restaurant on Provencher Boulevard. At approximately 5:45 p.m., attention was drawn to police activity outside the restaurant. CW9 saw five police officers carry a man off the bus. According to CW9, this male had a yellow Taser resting on top of him. At first, CW9 said that the police had tasered the man but then clarified that she did not see that occur. In fact, CW9 stated she presumed the male was tasered because he was '*out cold*' as the police carried him off the bus. The male was on the ground outside of the bus. At first, he appeared unconscious but then began yelling '*get off me*' and '*I can't breathe*'. CW9 stated that the police were kneeling on top of him as he was laying on his side. CW9 said a strap bound the male's legs. The police officers were calm. The male was trying to move but the police were holding him so he could not move. She did not hear the police officers saying anything. The police did not strike or hit the man. The ambulance crew performed CPR once the male was on the stretcher and then placed in the ambulance.

It should be noted that there was overwhelming evidence to the contrary that AP was not tasered during the incident. No other witness saw or heard AP tasered. There was no physical evidence present to corroborate a Taser's use. Not a single medical record detailed the existence of any physical marks consistent with Taser use on AP's person. In the end, CW9 is wrong on this assertion.

CW10 was working at a store on Provencher Boulevard, when, at 6:40 p.m., observed a male lying on his back on the sidewalk. There were four or five uniformed police officers around this male. There was no bus nearby and approximately four to five minutes later, an ambulance and fire department personnel arrived on scene. The ambulance personnel started CPR on him.

CW11 is a member of the Winnipeg Fire and Paramedic Service. Shortly after 6:00 p.m. on May 21, he attended a call for a possible Meth overdose incident. Police were already on scene. Upon arrival, CW11 recalled seeing numerous police cars in the vicinity. A male (later identified as

AP) was lying on his stomach, in the prone position, on the ground. There were five police officers restraining him. AP was handcuffed behind his back. It appeared to CW11 that the female officer was leaning on AP to try to hold him down. CW11 stated that his initial assessment of AP was that he did not appear to be breathing. AP was turned over and CPR was administered. Additional ambulance personnel attended shortly afterwards. AP was taken to hospital and CW11 recalled that medical staff managed to get a pulse back.

CW12 is a member of the CN Police Service³ and has 16 years of policing experience. On May 21, CW12 heard radio transmissions that a male, described as irate and agitated, was causing a disturbance on a Winnipeg Transit bus. CW12 was aware that WPS officers were responding to the call. CW12 drove his police vehicle to the scene, now a stationary bus, just east of the Provencher Bridge. CW12 saw police running and pedestrians standing near the bus. CW12 stated that he believed the situation to be urgent and proceeded to the scene to assist. As CW12 got to the open bus doors, he saw two or three police officers struggling to detain a male on the floor of the bus. Police officers were trying to put handcuffs on the male, but he was not cooperating. A female police officer was talking to the male and telling him to relax. Once the male was handcuffed, the WPS officers used a tie to secure the ankles. Police officers carried the male off the bus. The male was placed on the ground. The male was not dropped and no officers were on top of him. The male's head was supported by the female police officer's hand. CW12 retrieved the male's jacket from a nearby restaurant. A police officer placed the jacket under the male's head to protect it. CW12 noticed a white, foamy substance around the male's lips. The male's breathing began to slow and suddenly there was no breathing. CW12 believed this to be a cardiac situation. Within 30 seconds, paramedics arrived on scene.

Witness Officers

WO1 was aware of a number of investigations that were underway, for which AP appeared to match the description of the person involved. Upon arrival and entry on the bus near the Provencher Bridge, WO1 had un-holstered his Taser, but when he saw that AP was not holding any weapons, he re-holstered it immediately. AP appeared disheveled and on '*something*'. AP became belligerent and paranoid and did not believe he was a police officer. AP would not allow them to handcuff him. WO3 assisted in applying the handcuffs. AP was taken to the ground to prevent harm to him or the police officers. AP was foaming at the mouth and displaying signs of meth use, as he was sweating "*quite a bit*". A ripp hobble was placed on his legs to control and prevent kicking. According to WO1, officers were trying to reassure AP, to get help he needed, to calm down and to co-operate. WO1 believed that all signs pointed to excited delirium. Those signs require urgent medical assistance and therefore an ambulance was called. AP was taken off the bus. Fire and paramedics arrived about 10 minutes later. AP stopped breathing at almost the same time medics arrived.

On May 21, WO2 was engaged on a separate call in relation to another matter for which AP was suspected of involvement. In fact, AP was believed to have been involved in three other calls from earlier that day. He was also believed to be under the influence of meth and was acting paranoid. WO2 requested that AP's phone be '*pinged*'⁴ and found that it was in a five-meter

³ Members of CN police are not subject to the PSA nor IIU oversight. Accordingly, they cannot be designated as a witness or subject officer and are not bound by the obligations that arise thereafter. However, in this matter, CW12 voluntarily attended to an interview with IIU investigators.

⁴ A request to locate a cell phone via the service provider

radius of Provencher Boulevard and Tache Avenue. WO2 stated that WPS dispatch also notified of an incident at that same location where a male was clinging to an ambulance and would not let go. The male had been wandering in traffic, appeared to be hallucinating and then ran into traffic banging on cars. The male believed people were after him and trying to hurt him. WO2 said he was advised that the male was on a bus at the location and was yelling for the doors to be locked. He and WO1 were assigned to that call. Upon their arrival at the bus, WO2 noticed a large group of people had gathered at the back of the bus and one male (later identified as AP) was at the front of the bus. AP appeared to be sweating, under the influence of drugs, incoherent and foaming at the mouth. The officers identified themselves as police officers to AP and advised they were there to help him. AP was behaving erratic and did not believe they were police officers. As well, AP had an incoherent stare. AP appeared worked up, as if he had been running from someone and appeared to have an elevated heart rate. WO1 and WO2 each took hold of an arm. Immediately, AP pulled away and did not want to be handcuffed. AP was told to stop resisting. AP was taken to the ground where handcuffs and a ripp hobble were applied to stop him from kicking and thrashing. WO3 had joined just after WO1 and WO2 entered the bus and was assisting in restraining AP. WO3 was holding his legs. Other officers soon arrived to assist in the restraint and removal of AP. WO2 requested an ambulance be called to the scene, as it was believed meth was involved. According to WO2, AP was displaying signs of excited delirium because of the strength displayed; he was incoherent and foaming at the mouth. WO2 said that police officers took AP off the bus, mindful to not injure him. When AP was removed, he was conscious and breathing. While waiting for the ambulance AP continued to kick, scream and yell incoherently. When fire and paramedics arrived on scene and assessed AP it was determined he was in cardiac arrest.

WO3 stated that she was aware of other calls earlier that day and that police had been actively searching for AP. WO3 states she heard a dispatch call involving a male hanging off an ambulance. There were numerous calls about a male (later identified as AP) acting paranoid and thinking people were after him. WO3 was aware that AP got on a bus and that the bus had stopped. WO1 and WO2 had arrived on scene just ahead her. WO1 and WO2 were having problems dealing with AP. She assisted the other police officers, who had hold of AP's arms and she handcuffed his right wrist. AP was non-compliant with the police officers. He broke free as they tried to handcuff him. WO3 stated that she tried to reassure AP and told him they were trying to help him. WO3 recalled that AP was taken to the ground in a non-violent way. They were trying to restrain him to get him off the bus. AP was eventually removed from the bus and she was re-assuring him. WO3 recalled that a windbreaker was placed under AP's head so he would be comfortable. AP became unresponsive within seconds of firefighters and paramedics arriving.

Video Evidence:

Video evidence had a significant role in this investigation. As mentioned earlier, IIU investigators obtained video footage from the Winnipeg Transit bus on which AP entered and interacted with police until he was restrained and removed and the pizza restaurant. Some of this footage was played for the pathologist prior to conducting AP's autopsy.

Winnipeg Transit video (with audio)

At 6:06 p.m., AP was observed running on the road in a westerly direction, toward the front of the bus travelling eastbound over Provencher Bridge. At 6:07 p.m., AP enters the bus. He is out of breath and excited. He is banging on the bus doors to have them opened. He repeatedly says people are after him. AP also says that he sees people with guns. He repeatedly asks for the doors to the bus to close and lock. The bus driver tries to calm AP down. He repeatedly asks what is wrong and restrains himself as AP touches him several times. Several times, the bus driver tells AP to get off the bus. AP continues to rant and scream for the bus doors to be locked and that people outside have a gun. The bus had stopped outside the pizza restaurant and the driver is heard requesting police assistance. Off camera, voices of passengers are heard trying to calm AP down and reassure him that no one has a gun. By 6:10 p.m., the bus driver warns AP not to touch other passengers and then tries to reassure AP that everything is okay, that no one is coming on the bus, no one has weapons and that he's getting help. AP is told that police are on the way. At 6:12 p.m., the bus driver tells the other passengers that they may exit the bus via the rear doors if they wish. AP continues to yell and scream at the bus driver to lock the doors.

At 6:15 p.m., police officers arrive at the scene. At 6:15:50 p.m., WO1 and WO2 enter the bus. Verbal commands are given to AP to put his hands up and he complies. AP is still breathing heavily. WO1 enters the bus with his Taser drawn but when AP raises his hands, he re-holsters it. At 6:16 p.m., WO1 and WO2 try to handcuff AP. All three move off camera but the commands of "stop resisting" are heard. At 6:16:18 p.m., WO3 enters the bus and goes to assist. AP is heard repeatedly shouting, "let me go, let me go" and "no". At 6:16:40 p.m., the bus driver exits the bus. The police officers remain calm and are heard telling AP to relax, that all is good and that they are here to help him. AP continues to yell and growl in response. At 6:17:17 p.m., AP has slipped the officers' grip and is pulling away. WO1 and WO2 obscure the camera view of AP but they are seen struggling and telling him to relax. No strikes are observed. By 6:17:17 p.m., two other officers arrive and enter the bus, but appear to stand back. The struggle has calmed down. At 6:19:55 p.m., AP is carried off the bus by police and placed on the ground. The manner that AP is carried off is best described as restrained and protective.

Pizza Hotline video: (video times is in accord with the Transit video)

At 6:17:30 p.m., WO1 and WO2 are running toward the front doors of the bus. A marked CN police vehicle is stopped towards the front of the bus and CW12 is seen at the front of the bus. At 6:20:04 p.m., police officers are carrying AP off the bus and then place him on the sidewalk. AP's body appears to be chest facing the sidewalk. His arms were behind his back and he appears to be handcuffed. WO3 is seen to bend down towards the front side of AP, near to his head area. No police officer is seen holding AP or is on him. WO3 appears to be speaking with AP. At 6:26:40 p.m., a police officer places what appears to be an item of clothing under AP's head. At 6:28:11 p.m., WFPS arrives at the scene and assesses AP with the police officers still holding him. By 6:30:21 p.m., chest and emergency techniques appear to have begun. A WFPS officer is performing chest compressions. At 6:31:25 p.m., AP is on a stretcher and WFPS continue with chest compressions.

WFPS records

WFPS records detailed that upon arrival of staff, AP displayed '*agonal*⁵ breathing' and was unresponsive. WFPS arrived at 6:27 p.m. and EMS arrived at 6:29 p.m.

Medical records

Medical records obtained by IIU investigators detailed that AP was first conveyed to St. Boniface General Hospital (SBGH) but was transferred to Grace General hospital (GGH) due to a bed accommodation issues. An entry in the SBGH records documented that a "street drug urine test" was conducted. It was noted there was an abnormally high level of Cocaine and Benzodiazepines found.

Medical records related to GGH were obtained. In those records, it was noted that an initial head CT scan showed early signs of significant anoxic⁶ injury. An MRI showed severe anoxic injury. AP was pronounced deceased on May 24, 2019 at GGH.

Pathology

On May 29, a post mortem was conducted at Health Sciences Centre (HSC). Prior to the post mortem, the pathologist viewed the bus video to assist him. On December 19, IIU investigators received the autopsy report dated September 18, 2019.

The cause of death was:

Immediate cause of death

- a) Anoxic brain injury with herniation; due to or as a consequence of
- b) cardiovascular arrest; due to or as a consequence of
- c) complications of cocaine toxicity

Other significant conditions

Cardiomegaly⁷

Conclusion

This investigation must consider whether the actions of any or all of the police officers who responded to the call for service caused or in any way contributed to the death of AP. In this matter, a forensic pathologist examined AP post mortem and determined that AP's death was a result of deprivation of oxygen due to cardio vascular arrest caused by complications of cocaine toxicity and use. Based on all of the eyewitness interviews and greatly assisted by the existence of video that recorded the incident in its entirety, no actions by any police officer have caused or contributed to the cause of AP's death in any degree. At all times, the police officers dealt with AP with restraint, caution and without the resort to the application of any significant degree of force.

⁵ Abnormal respiration characterized by gasping, labored breathing

⁶ a total depletion in the level of oxygen, an extreme form of hypoxia or "low oxygen"

⁷ An enlarged heart

In conclusion, there is no evidence that would justify the designation of any of the police officers as subject officers and there is no further requirement to continue with this investigation.

Manitoba's chief medical examiner has called for an inquest with respect to this death pursuant to The Fatality Inquiries Act. Other issues from this incident will be considered in those proceedings.

Accordingly, this matter is now closed.

Final report prepared by:

Zane Tessler, civilian director
Independent Investigation Unit
March 30, 2020

Ref 2019-0025