

# ***FINAL REPORT: IIU concludes investigation into fatal WPS officer-involved shooting***

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On April 8, 2020, at 6:55 p.m., Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an officer-involved shooting that occurred a short time earlier that evening following a pursuit of a stolen vehicle that contained individuals allegedly involved in an armed robbery of a liquor mart.

An excerpt of the written version of this notification read, in part:

*“On April 8th, 2020 at approx. 5:30 p.m., [WPS officers] began to follow a stolen vehicle in the area of Dragonfly Court., which had been involved in a previous robbery at Manitoba Liquor Control Commission Liquor Mart located at 50 Sage Creek (SCLM), the vehicle was listed as a 2014 Jeep Cherokee (Jeep). While being followed, the stolen vehicle rammed the police vehicle and a pursuit was initiated.*

*The pursuit continued in the Sage creek area and onto Lagimodiere Blvd at high rates of speed. At approx. 5:37 p.m., the stolen vehicle crossed the boulevard at Lagimodiere and Fermor, where it was stopped by [several WPS vehicles]. While apprehending the five occupants, [a WPS officer] discharged his firearm striking a female occupant (later identified as the affected person (AP)). AP was transported to the Health Science Center (HSC) where she was pronounced deceased. The four remaining occupants were apprehended by police...”*

As this matter concerned the death of a person, which resulted from the actions of a police officer, the IIU assumed responsibility for this mandatory investigation in accordance with section 65(1) of *The Police Services Act (PSA)*. Furthermore, 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. Finally, a team of IIU investigators was assigned to this investigation.

Among the information obtained and reviewed by IIU investigators, included:

- Investigative Summary completed by WPS Homicide
- Forensic Identification Service (FIS) reports and photographs
- 3D Scan of Scene
- Computer Aided Dispatch (CAD) Report
- Audio recording of 911 call from SCLM
- Audio recording of WPS radio transmissions
- Photographs and video recordings taken by various civilian witnesses
- Video surveillance recordings from various business and commercial premises
- Narrative reports and notes of WPS officers
- Video statements of various civilian witnesses
- Mechanical Inspection Report for Jeep
- Physical evidence seizures, including the discharged WPS service firearm

- Pathology report respecting AP
- WPS policy on use of service firearms
- Expert Opinion on Use of Force report

The civilian director designated the WPS officer who discharged his service firearm as the subject officer (SO) and six other WPS officers as witness officers (WO1 – WO6).

IU investigators also met with and interviewed 14 civilian witness (CW1- CW14). In that group, IU investigators met and interviewed three of the four occupants of the Jeep. The fourth occupant (who would have been referenced as CW15) refused to discuss any matters in relation to this incident with IU investigators.

Finally, following the completion of the investigation, the civilian director requested an expert opinion use of force report (focused on the discharge of the service firearm) from a recognized Canadian expert in this field.

### **Scene Canvass and Located Video Footage:**

IU investigators conducted a canvass at businesses and residences surrounding the intersection of Lagimodiere Boulevard and Fermor Avenue (the intersection). No additional witnesses to the shooting incident were located but some of the area's businesses had video surveillance cameras that captured the intersection albeit at a significant distance. The actual shooting could not be discerned on any of these videos or was blocked by foliage and other obstructions. A City of Winnipeg traffic management camera was positioned at the intersection, but it was not functioning at the time of the shooting. Two transit buses were in the vicinity at the time, but neither had recorded any video footage of the shooting.

However, video footage of the incident was located on social media. This video footage did capture part of the pursuit of the Jeep and the officer-involved shooting. Subsequent investigation by IU investigators revealed that a civilian witness, CW1, recorded this video on a cell phone while stopped at a traffic light at the intersection. While a fuller analysis of this video footage will be discussed later in this report, it is important to note that this video footage of the incident, and in particular of the officer-involved shooting, is the most reliable piece of evidence available to assess this matter.

### **Civilian Witnesses**

CW1 states that, around 5:30 p.m., he was driving home. CW1 states that he was alone in his vehicle. CW1 states that he stopped at a traffic light at the intersection, was facing south and was in the lane closest to the boulevard. CW1 states that there was no other vehicle in front of him. CW1 states that a police car, with its emergency lights activated, passed him, went in front of the lights, stopped and blocked the northbound lane. CW1 states that two police officers exited their car and removed what he believed to be a spike belt. CW1 states that he started to record the incident on his cell phone. CW1 states that his car window was open and he could hear what was happening at the intersection. CW1 states that he saw a vehicle pursued by police coming towards him on Lagimodiere Boulevard. CW1 states that he continued to record as this vehicle drove north in the southbound lanes of Lagimodiere Boulevard while it was pursued by WPS cruiser cars. CW1 states that this vehicle went over a boulevard, was travelling north in the southbound lane, then went back over the boulevard and hit another vehicle. CW1 states that the pursued vehicle started to reverse. CW1 states that he could see a police officer on the passenger side of this vehicle, using a baton to hit the side windows. CW1 also states that there were other police officers around this vehicle. CW1 states that there were

officers at the front who were trying to stop it from moving and not run over anyone. CW1 states that at the same time he heard shooting sounds, but could not see who was shooting. CW1 states that when he got home, he sent the video footage to members of his family, one of whom posted it on Facebook.

CW2 was driving a Ford F-150 northbound on Lagimodiere Boulevard. CW2 states that he was stopped at a traffic light at the intersection when he observed a WPS police vehicle stopping and blocking traffic. CW2 states that police officers exited and threw a spike belt across the eastbound merge lane (from Lagimodiere Boulevard onto Fermor Avenue), and then pulled the belt back. CW2 states that he looked at his rear view mirror and observed the Jeep driving northbound on Lagimodiere Boulevard and was behind his vehicle. CW2 states that the Jeep swerved, drove over the median and into the southbound lanes. CW2 states that he then observed the Jeep drive back across the median and then collide with the driver's side door of his truck. CW2 states that he attempted to retrieve his cell phone and ducked down briefly. CW2 states that he could hear two male voices yelling repeatedly "*Get out of the vehicle!*" and "*Put your hands up!*" CW2 states that he then heard the sounds of two or three gunshots in quick succession. CW2 states that when he was able to retrieve his cell phone, he sat up and began to video the scene. CW2 states that he saw two police officers performing CPR on a female while another police officer had a young male in handcuffs nearby. CW2 states that he did not see who discharged a firearm.

CW3 was stopped in traffic, northbound on Lagimodiere Boulevard, at the intersection and was engaged in a Bluetooth telephone conversation. CW3 states he was stopped next to a Ford F-150 when he observed two police officers laying down, and then picking up, a spike belt, in the right turn lane onto Fermor Avenue. CW3 states that he heard the sounds of a collision, followed by the Ford F-150 hitting his vehicle on its driver's side. CW3 states that he did not see what caused the pickup truck to collide with him. CW3 states that he saw two police officers in front of his car and moving in a southwesterly direction. CW3 states that the police officer closest to him drew his pistol and appeared focussed on the west side of the pickup truck. CW3 states that he heard the sounds of two gunshots and observed a bullet casing fly from a police officer's handgun. CW3 states he could not see what the officer was shooting at and did not hear any verbal commands given by either police officer. CW3 states that he observed a Jeep from behind the other side of the Ford F-150. CW3 states that the Jeep was stopped on the median between the north and southbound lanes of Lagimodiere Boulevard. CW3 states that the driver of the Jeep was turning and looking out the driver's side window. CW3 states that an officer on the right side of the Jeep was striking at windows with a baton.

CW4 was the driver of a vehicle that was stopped in traffic at the intersection when a police vehicle arrived and blocked vehicles proceeding northbound. CW4 states that two police officers got out of this vehicle, grabbed a spike belt from the trunk and went to lay it in the merge lane onto eastbound Fermor Avenue. CW4 states that when he looked behind, he observed a Jeep that was pursued by a number of police vehicles. The Jeep made an abrupt left turn and smashed into vehicles that were stopped behind CW4 and then came to be positioned on the median, facing south, and was between north and southbound traffic on Lagimodiere Boulevard. CW4 states that the Jeep was moving forward when he heard a voice or voices twice yell, "*Get out of the vehicle!*" CW4 states that he then heard the sounds of two pops, which he believed were gunshots. CW4 states that he did not see who discharged a firearm and in fact did not see any police officers with their guns drawn. CW4 states that he also observed a police officer armed with a baton run up to the driver's side of the Jeep and break a window.

CW5 was a passenger in CW4's vehicle. CW5 states that they were stopped in traffic at a red light at the intersection when she observed a police vehicle stop in the intersection and two officers get out with a black object that they attempted to lay on the road. CW5 states that she looked over her shoulder and observed a vehicle driving north behind their vehicle. CW5 states that this vehicle collided with other stopped vehicles, and then spun around facing southbound. CW5 states that a number of police officers converged on this vehicle. CW5 states that a police officer on the passenger side was hitting the vehicle's windshield with a baton. CW5 states that there was another police officer was on the driver's side of the SUV with a drawn handgun and appeared to be pointing it at the rear driver's side. CW5 states that the police officer on the passenger side may have said, "*Get out of the vehicle!*" several times, but did not hear the police officer with the gun say anything. CW5 states that she thought she heard four quick gunshots, but did not see where they came from or whether anyone or anything was hit. CW5 states she believed that vehicle was in motion when the shots were heard.

CW6's vehicle was stopped eastbound at the intersection when he observed a police vehicle pull into it and two police officers exit. CW6 states that the police officers retrieved something out of the trunk that he believed was designed to deflate tires. CW6 states that he observed a Jeep driving northbound on Lagimodiere Boulevard and pursued by a number of police cars. The Jeep crossed the median on Lagimodiere Boulevard, drove north in the southbound lanes, then traveled back across the median, striking a Ford F-150 that was stopped in the northbound lanes. CW6 states that the two police officers with the tire device drew their handguns and ran towards the Jeep, which started to reverse. CW6 states that there were three or four police officers behind the Jeep. CW6 states that they were forced to get out of the way. CW6 states that he also observed a police officer strike a window on the passenger side with a club. CW6 states he did not hear any gunshots or voices.

CW7 was driving southbound on Lagimodiere Boulevard, and stopped at a traffic light at the intersection. CW7 states that he observed a police vehicle in the intersection ahead of him and that a police officer was retrieving something from the trunk. CW7 states that this police officer ran to the southeast. CW7 states that he then saw a Jeep driving northbound on Lagimodiere Boulevard that was pursued by a number of police vehicles. CW7 states that the police vehicles had their emergency equipment activated. The Jeep swerved across the median into the southbound lanes then back onto the northbound lanes and struck a Ford F-150 that was stopped and facing north. CW7 states that the reverse lights on the Jeep came on and it started to move backwards. CW7 states that he observed a police officer, with a handgun drawn, standing near the front left corner of the Jeep. CW7 states that he could not hear any voices but did hear the sounds of two gunshots. CW7 states that he did not see any police officers standing behind the Jeep at the time of the shooting.

CW8 was driving eastbound on Fermor Avenue, turning right onto Lagimodiere Boulevard and proceeding southbound when he observed a Jeep driving across the median and coming towards him in his lane of travel. CW8 states that he pulled his vehicle over to the west shoulder of Lagimodiere Boulevard and saw the Jeep cut back across the median, colliding with a north facing Ford F-150. CW8 states he focused on the Jeep in his rear view mirror and observed a police officer move behind it. CW8 states that the Jeep started to reverse, forcing the police officer to jump out of the way. CW8 states that he drove off and did not hear any gunshots.

CW9 was driving northbound on Lagimodiere Boulevard when he saw a police vehicle stopped in the intersection in front of him. CW9 states that a police officer placed a spike belt down in the right turn lane from Lagimodiere Boulevard onto Fermor Avenue. CW9 states that he then looked in his

rear view mirror and saw the flashing emergency lights of a police car. CW9 states that he looked over his left shoulder and observed a vehicle pass him on the median between north and southbound traffic on Lagimodiere Boulevard. CW9 states that this vehicle then moved sideways, came off the median, and drove into a Ford F-150, on its driver's side, that was stopped in the lane beside him. CW9 states that the Ford F-150 was pushed into another stopped vehicle approximately two-car lengths in front of his vehicle, in his lane of traffic. CW9 states that he observed a police officer, with handgun drawn, running towards the original colliding vehicle. CW9 states that he could not hear what the officer was saying. CW9 states that this vehicle started to back up and he could see the passenger front wheel spinning backwards. CW9 states that the vehicle moved approximately a foot at which point he heard a pop sound. CW9 states when he heard the pop sound, the police officer with the handgun drawn was approximately 10 feet from the fleeing vehicle and he was pointing his firearm at the driver's window. CW9 states that the vehicle continued to back up and turned so that it was facing south. CW9 states that the handgun armed police officer continued to walk alongside the vehicle as it backed up and with his gun pointed at the driver. CW9 states that he heard a second pop sound. CW9 states that the vehicle stopped and a police car drove up to the front of it. CW9 states that a police officer opened the driver's door and pulled the driver out, throwing her to the ground and handcuffed her. CW9 states that he saw an officer was checking the driver for a pulse and rolled her over. Other police officers attended and commenced first aid.

CW10 was stopped on Fermor Avenue facing east when he observed a police vehicle pull into the intersection. CW10 states that a police officer exited the vehicle, retrieved a spike belt from the trunk and made his way to the southeast corner of the intersection. CW10 then saw a Jeep driving north on Lagimodiere Boulevard, pursued by a number of WPS cruiser cars. The Jeep briefly crossed into the southbound lanes of Lagimodiere Boulevard, then veered back across the median and collided with the side of a Ford F-150 that was stopped in the northbound lanes at the intersection. CW10 states that a number of police officers converged on the Jeep on foot. CW10 states that he saw the Jeep's reverse lights come on. CW10 states that as the Jeep began to reverse, he heard three or four pop sounds. CW10 states that when the last pop was heard, the Jeep had stopped and was facing south. CW10 states that he saw three officers on the driver's side of the Jeep after it collided with the F-150 and there was one police officer on the passenger side holding a baton.

CW11 was a passenger in CW10's vehicle. CW11 states that they were stopped in traffic on Fermor Avenue when she observed a police car, containing two police officers, enter the intersection. CW11 states that she then observed a vehicle driving north in the southbound lanes of Lagimodiere Boulevard. CW11 states that this vehicle made an abrupt right turn and collided with a stopped Ford F-150. Following the collision, CW11 states that the two police officers she had seen earlier moved towards this vehicle and had their handguns drawn. CW11 states that the vehicle then backed up and came to be facing south before it stopped. CW11 states that she did not see any officers behind it as it reversed. CW11 states that she did not hear any gunshots but did see a police officer on the passenger side of the vehicle hitting the windshield with a baton.

CW12 was a passenger in the Jeep and states that AP was the driver. CW12 states that AP was driving fast when she lost control and hit the Ford F-150. CW12 states that AP began to back up the Jeep. CW12 states that she heard gunshots but did not know where they came from. CW12 states that two police officers approached the Jeep and began to hit the windows with batons and then pulled the occupants of the Jeep out, leaving AP for last. CW12 states that she was sitting in between CW13 and CW14 in the back seat of the Jeep. CW12 states that she did not hear the police officers say anything.

CW13 states she was seated in the back seat of the Jeep, behind AP, who was the driver. CW13 states that AP was goaded by the other passengers to drive faster and get away from police. After the Jeep collided with the Ford F-150, CW13 said one of the boys inside, either CW14 or CW15, told AP to back up and try to go another way to escape. CW13 states that AP reversed for a short time,

*“... but she stopped it once she seen all these cops around us ‘cause she didn’t want to hit, I guess, hit any of them.”*

CW13 states that there were police officers on foot and around the Jeep following the collision. CW13 states that they were saying something like “*Stop.*”, although she could not hear clearly as the windows on the vehicle were rolled up and there was music being played. CW13 states that she saw a police officer standing on the driver’s side of the vehicle with his handgun drawn, but did not see him shoot it. CW13 states that there were other police officers on the passenger side and they smashed a window, pointing “*Tasers*” at the occupants. CW13 states that the Jeep was moving backwards when she heard a gunshot. CW13 states that following that first shot, AP said, “*They got us now.*” CW13 states that approximately four seconds later, when the Jeep had stopped, she heard a second gunshot.

CW14 was a passenger in the Jeep seated in the back seat of the vehicle between CW12 and CW13. CW14 states that AP was driving the Jeep. CW14 states that the police kept ramming the Jeep, causing it to lose control and drive over the median<sup>1</sup>. CW14 states that the Jeep then collided with a truck and came to a stop. CW14 initially states that the vehicle would not move again after the collision however, subsequently states that it backed up a short distance, at which point a police vehicle came and “... *rammed* ...” them in the front.<sup>2</sup> CW14 states that police officers surrounded the Jeep and began to strike at the windows on the passenger side with batons, telling the occupants to get out. CW14 was asked what was being said inside the vehicle at the time of the incident, and states that AP said, “*We’re done bro, we’re done.*” and “*We’re not getting out of this.*” When CW14 was asked what others in the Jeep were saying at the time, he said, “*Nothing.*” and “*We pretty much agreed with her.*” CW14 states he then heard the first gunshot and believed the officer who fired his handgun was at the front left corner of the Jeep (although he said he did not see any police with guns drawn at any point during the incident). CW14 states that he heard a second gunshot as AP was being pulled from the vehicle, but did not know from where that shot came.

### **Witness Officers**

Following the incident and prior to interviews, all witness officers and SO were segregated from each other in accordance with WPS policy and provisions of the PSA. Involved police officers are segregated to prevent potential collusion or tainting of their observations and recollections. IIU investigators are satisfied that these protocols were adhered to and have no concerns in respect to collusion or tainting of the evidence.

The following is a review of the witness officers’ statements to IIU investigators:

WO1, who was partnered with WO2 on the day of the shooting, states they were involved in the pursuit of the Jeep, which had allegedly been involved in a robbery at SCLM. WO1 was the driver of the police car. WO1 states that he observed the Jeep drive over the median, travel northbound in the

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<sup>1</sup> CW1’s video footage refutes this comment; no police vehicle is seen ramming the Jeep at any time prior to it crossing over the median on Lagimodiere Boulevard.

<sup>2</sup> This comment is refuted by CW1’s video footage

southbound lanes of Lagimodiere Boulevard before crossing back into the northbound lanes and colliding with a vehicle stopped at the traffic light at the intersection. WO1 states that the Jeep then began to back up slowly onto the median and then drive forward slowly. WO1 states that he pulled his police car in front of the Jeep as it moved forward. WO1 states that his police car made soft contact with the front bumper of the Jeep. WO1 states that he assisted in the arrest of a female from the back seat of the Jeep. WO1 states that as he drove up he could see three other police officers on foot around the Jeep. WO1 states that there were two police officers on the driver's side (WO1 did not know either's identity) and that WO5 was on the passenger's side. WO1 states that WO5 was hitting the windshield of the Jeep with his baton. WO1 states that he did not see the police officers on the driver's side with firearms drawn, did not hear any gunshots and did not realize there had been a shooting until after the occupants of the Jeep had been taken into custody.

WO2 states that he and WO1 were involved in pursuing the Jeep northbound on Lagimodiere Boulevard, before it drove over the median into the southbound lanes, then back into the northbound lanes where it collided with a vehicle just south of the intersection. At the time of the collision, WO2 estimated that his police car was approximately five hundred metres south, behind another police vehicle, operated by WO4 and WO5. WO2 states that as they got closer to the collision, he could see WO4 and WO5 stop their police car and approach the Jeep on foot. WO2 states that WO5 went to the passenger's side of the suspect vehicle where he started to hit the windshield with a baton. WO2 states he did not see where WO4 went, but added that he observed two other police officers, WO6 and SO, on the driver's side of the Jeep. WO2 states that he did not see any police officers behind the Jeep. Upon arriving at the scene, WO2 states that he instructed WO1 to drive in front of the Jeep to stop it from proceeding further. WO2 states that he exited his police car and noted that SO was standing near the front left side of the Jeep with his handgun drawn. WO2 states that WO6 was standing a little further back from SO. WO2 states that he was unsure if WO6 had his handgun drawn. WO2 states that he did not hear any shots fired and did not realize there had been a shooting until he heard someone announce it over the police radio.

WO3 is a WPS dog handler who was involved in the pursuit of the Jeep northbound on Lagimodiere Boulevard. WO3 states that he was several police vehicles back from the Jeep but was able to see that it went into the southbound lanes of Lagimodiere Boulevard then across the median into the northbound lanes where it struck something. WO3 states that he saw the Jeep reverse and then start to drive forward before a police car stopped in front of it. WO3 states that he drove his police car along the east shoulder of Lagimodiere Boulevard then cut over perpendicular to block the back of the Jeep. WO3 states that when he exited his vehicle, he moved to the driver's door of the Jeep where he pulled a subject out, placed that person on the ground, and applied handcuffs. WO3 states that another police officer went to the driver and removed the handcuffs, saying shots had been fired. WO3 did not know who this police officer was, but he rolled the driver onto her back and commenced first aid. WO3 states that this was the first time he was made aware there had been a shooting.

WO4, who was partnered with WO5, states they were dispatched to commercial robbery call at SCLM. WO4 states that they were advised that during the robbery, the suspects, operating a stolen Jeep, threatened to stab SCLM employees. WO4 states they encountered the Jeep in the Sage Creek area and began to follow it without activating emergency equipment. WO4 states that they attempted to block the Jeep when it turned into a cul-de-sac. WO4 states that the Jeep rammed their police vehicle, drove over a lawn and exited the cul-de-sac. WO4 states that a pursuit was initiated, ending on northbound on Lagimodiere Boulevard towards Fermor Avenue. WO4 states that the Jeep lost

control, drove over the median, entered the southbound lane briefly, then back over the median and collided with a Ford F-150 that was stopped at a traffic light at the intersection. WO4 states their police vehicle stopped approximately ten to 12 feet from the passenger side of the Jeep. WO4 states that both police officers exited and approached the Jeep with the intention of taking the occupants into custody. WO4 states he took a position at the left rear corner of the Ford F-150 and did not see where WO5 went. WO4 states that the Jeep began to back up. WO4 states that as it reversed, he could see two other police officers on the driver's side of the Jeep. WO4 did not know who these police officers were or how they were standing. WO4 states that he did not know if they had firearms drawn. WO4 states that the police officers were moving away from the Jeep as it reversed. WO4 states that he believed he heard the first shot coming from north of the Jeep as it was reversing. WO4 states that he heard the second shot a short time later as the Jeep stopped. WO4 states that he did not know who discharged their firearm. WO4 states that a police vehicle pulled up to the front of the Jeep and went "nose to nose" with it. WO4 states that he noticed WO5 struggling trying to get an occupant out of the passenger side of the Jeep, so he went to assist. WO4 states that once this suspect was subdued, he escorted this male back to his police vehicle and remained there with his prisoner.

WO5 stated he and his partner, WO4, encountered a stolen vehicle, allegedly involved in a robbery at SCLM. WO5 states they initially followed the Jeep into a cul de sac. WO5 states that the Jeep struck their police vehicle, resulting in a pursuit that went northbound on Lagimodiere Boulevard. WO5 states that the Jeep drove across the median into the southbound lane, then back across the median into the northbound lanes where it collided with a Ford F-150 stopped at the traffic light at Fermor Avenue. WO5 states that his police vehicle, which was first behind the Jeep, arrived several seconds after the collision. Both WO4 and WO5 exited their police vehicle. WO5 states that he ran to the passenger side of the Jeep, which was reversing after colliding with the Ford. WO5 states that he did not know where WO4 went after exiting their cruiser. WO5 states that as he ran to the Jeep, he heard the sounds of two gunshots; the first coming when he was less than five metres to the south of it and the second while he was at its right front quarter panel. The Jeep stopped reversing after the second shot and in fact started to move forward slowly. WO5 states that he did not know where the gunshots came from or who discharged a firearm at the time. WO5 states that he did not hear any yelling or verbal commands given by any other police officers until the Jeep stopped and occupants were removed. WO5 states that he deployed his baton and started to hit the windows of the Jeep, smashing out the passenger front window, while yelling commands at the occupants to stop the vehicle and give up their hands. WO5 states that he tried to extricate a male seated in the front passenger seat but the male resisted being pulled out the vehicle. WO5 states that he unlocked the Jeep door and pulled the male out. WO5 states that the male went to the ground and pulled his arms under his body, resisting efforts by police to handcuff him. WO5 states that he delivered a number of closed fist strikes to the male's leg in an effort to get him to release his arms. WO5 states that other police officers were able to gain control of the male's arms and handcuffed him. WO5 states that he then went to the driver's side of the Jeep and observed SO performing first aid on a female beside the driver's door. WO5 states that he assisted in performing CPR until paramedics arrived on scene.

WO6 was partnered with SO. WO6 states that a call for service was heard on the police radio concerning a commercial robbery at SCLM. WO6 states that they were not assigned to that call initially, but at approximately 5:30 p.m. they heard another broadcast that a police unit was following a suspect vehicle involved in the robbery. WO6 states that it was decided that they would assist in the call. WO6 states they heard another broadcast that the suspect vehicle had rammed a police vehicle and a pursuit was now underway, heading northbound on Lagimodiere Boulevard. WO6



states that they activated their police vehicle's emergency equipment and continued southbound on Lagimodiere Boulevard, arriving at the intersection. WO6 states that SO exited the police vehicle and retrieved a spike strip, with the intent to lay it in the off ramp onto eastbound Fermor Avenue. WO6 states that he observed the suspect vehicle, northbound on Lagimodiere Boulevard and pursued by several police vehicles. The suspect vehicle then drove into the southbound lanes, appeared to lose control, drove back into the northbound lanes, and collided with a Ford F-150. WO6, who had also exited his police vehicle, states that he and SO both drew their service pistols and ran towards the suspect vehicle, yelling verbal commands at the occupants. WO6 states that he went to the driver's side and tried to open a door but it was locked. WO6 states that the suspect vehicle started to back up, causing him to jump back. WO6 states that he then heard a gunshot and observed the driver's side window shatter. At the time of the shot, WO6 states that he was aware SO was behind him to his left. WO6 states that it was his belief that his and SO's lives were in danger when the suspect vehicle moved backwards. Within one or two seconds, WO6 states that he heard a second gunshot, at which point, the suspect vehicle stopped moving backwards, then moved forward slightly and finally stopped. WO6 states that a police officer, who he did not know, went to the driver's side and removed the driver. WO6 states that he went to the back left passenger door and pulled out a female. WO6 states that he saw driver on the ground and bleeding. WO6 states that he called for an ambulance.

### **Subject Officer**

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IJU investigators. In this case, the subject officer declined to attend for an interview, however did provide his notes and a prepared statement to IJU investigators.

The following is a summary of the notes and statement.

*"[1735 hrs] we voice that we are off at Lagimodiere and Fermor. We stop traffic pulling our cruiser car into the northbound lanes with emergency lighting activated. Traffic was moderate with about 6 cars lengths blocked in both lanes 1 and 2. The cars were stopped at the intersection to insure no moving traffic was in the intersection to maintain public safety. If the suspect entered the intersection at Lagimodiere and Fermor travelling at the excessive speeds that it was, any accident involving cross traffic (eastbound Fermor) would likely cause grievous body harm or death to any person within any civilian vehicle and/or the occupants of the suspect vehicle.*

*The yield lane from northbound Lagimodiere to eastbound Fermor was left open for the suspect vehicle to escape into a non-residential roadway (Highway 1 east). The westbound turn lane from northbound Lagimodiere to westbound Fermor was blocked by the rear of our cruiser car. This was done to prevent the suspect vehicle from taking a westbound turn down Fermor and into another residential neighborhood with high volumes of rush traffic. I retrieved the stop stick (foam spike strip) from the trunk of the cruiser car and ran toward the yield (heading to eastbound Fermor from northbound Lagimodiere) deploying the stop stick into the lane. My intent was to use the stop stick to damage the tires of the suspect vehicle slowing it or rendering the vehicle inoperable, which would greatly reduce the risk of grievous bodily harm or death that the suspect vehicle was causing to the public, police members, and/or themselves by driving so reckless and dangerously.*

*I observed the suspect vehicle take a sharp left turn at a high rate of speed, before it got to the stopped civilian vehicles, jumping the curb and crossing into the southbound lane of Lagimodiere. I ran toward the southbound lane to redeploy the stop stick and observed the suspect vehicle swerving out of control before taking a sharp right turn jumping the curb and striking a truck that was stopped in the number two lane of northbound Lagimodiere.*

*The suspect vehicle stopped after the crash and appeared to be possibly inoperable. I dropped the stop stick and ran toward crash/suspect vehicle in an attempt [sic] take the suspects into custody and to determine if any person needed any emergency medical assistance for injuries caused by the crash. (Approximately 1736hrs)*

*As I ran to the suspect vehicle I pulled out my service pistol and proceed to the driver's side of the suspect vehicle stopping a few feet from the vehicle, positioned slightly front left of the driver. I pulled my firearm as I approached the suspect vehicle, as the occupants were unknown and had just committed a commercial robbery and threatened to stab staff. In my personal experience, robbery suspects are generally armed. I have also found numerous firearms within stolen vehicles. I immediately identified myself yelling police as I pointed my firearm at the driver (driver now referred to as suspect) and provided numerous loud and clear verbal commands to stop, show hands and get out of the vehicle. I pointed my firearm directly at the suspect as she had already used her vehicle as a weapon (ramming police cruiser) and it was unknown if she was armed with any other weapon. The driver's side window was up and the windows were tinted. The suspect appeared to be an indigenous male, late teens to early twenties, with short dark hair, and was wearing a black hoody/jacket (The suspect was later observed to be female). The front passenger was observed, but I did not get a description due to my angle and the tinted windows. The suspect stared at me and could clearly see I was standing there in full police uniform yelling while holding a firearm.*

*I observed [WO6] approach the vehicle and grab at the driver's side door handle.*

*The suspect continues to stare at me, cranks the wheel of the suspect vehicle, and reverses quickly causing the front of the vehicle to rapidly spin towards us. I believe she was attempting to strike us with the front of the vehicle in order to cause us grievous bodily harm or death as she had already displayed her disregard for human life as she had rammed a police car potentially [sic] injuring police and drove in a manner that could cause civilians grievous bodily harm or death. Fearing grievous bodily harm or death, I jumped back and fired one round at the suspect with my service pistol. I was aiming at the suspect's center mass in an attempt to stop the threat she was posing to [WO6] and myself. Once the round was fired, breaking the driver's side window continued verbal commands were given to the suspect to stop and exit the vehicle.*

*The suspect looked directly at me, glaring through the hole in the driver's side window before she continued to reverse over the curb angling the vehicle to head southbound Lagimodiere. I observed [WO5] directly in front of the suspect vehicle at the front passenger side. I saw her reaching down toward the shifter in an attempt to place the vehicle into drive while revving the engine and looked towards [WO5]. The suspect vehicle started to move forward and fearing grievous bodily harm or death for [WO5] and/or any potential grievous bodily harm or death to any person (pedestrian/occupants of other vehicles) that the suspect would cause given the opportunity to flee based on her reckless driving (excessive speeds and disregard for traffic control devices (red lights)), I took a step towards the suspect vehicle*

*and fired another round at the suspects [sic] center mass in an attempt to stop the immediate threat she was posing to [WO5], while still providing loud verbal direction to stop and show her hands.*

*The suspect then looked at me again and mumbled, “ok, stop.” She then opened the door and complied with direction to show her hands and exit the vehicle. I holstered my firearm and grabbed hold of her left arm pulling her from the vehicle. I observed [WO3] to also grab hold of the suspect. Together we pulled her from the vehicle and placed her on the ground. She was handcuffed and searched by [WO3].*

SO's duty pistol was seized following the shooting incident and found to contain one live round in the chamber, and 13 live rounds in the magazine seated in it. SO had two extra duty magazines in his belt pouch, each containing 15 live rounds. SO's firearm was not submitted for analysis as physical evidence from the scene, CW1's video footage of the shooting and witness evidence confirm that two rounds were expended by SO during the incident.

Firearm training records were obtained for SO and showed that he successfully qualified with his duty pistol on June 25, 2019.

### **Use of Force Report:**

Following the completion of investigative file, the civilian director requested that a Use of Force opinion be obtained from an expert in this field. In this regard, an expert in Use of Force analysis from Alberta was engaged. This individual has an extensive background in law enforcement. He has been certified as an expert witness on use of force (among other topics) in Alberta, British Columbia, New Brunswick and Manitoba.

Before outlining the opinion rendered by the expert, two matters should be referenced. First, the opinion offered by the expert is not a binding legal opinion. While the expert has referred to existing policy and law in the use of lethal force, it nevertheless remains his opinion. Second, it is important to remember that the opinion offered by the expert is an opinion. It is not to be assumed that it is determinative on the issues considered. It is to provide an assistance to understand the technical nature and unique processes involved in matters such as this officer involved shooting. Following the review of the opinion report, it is very detailed, persuasive and above all devoid of impartiality or bias.

The expert provided the following opinion:

*After the collision of the Jeep with the F150, at least two officers, including [SO], drew their side arms as they approached the vehicle. It is important to understand that during certain situations, police officers are trained to draw their weapons and hold them in a ready position. This is done even though the officers may not have clear evidence that the offender(s) have a firearm or other weapon but due to the totality of the circumstances, the officers have a suspicion that a serious threat may quickly evolve and therefore have their weapons out in anticipation of having to react quickly with deadly force if required. These types of circumstances are often termed 'high risk', even though the subjects involved may exhibit cooperative behaviour, because the totality of the situation dictates that a potentially lethal threat could quickly develop.*

*I am of the opinion that since this was a high-risk arrest with offenders who had just committed a commercial robbery and had threatened to stab the victims, the officers were*

*correct to be concerned that a lethal force threat could suddenly arise, and therefore the drawing of their weapons in anticipation of a potential threat was consistent with proper police actions under these circumstances.*

*With respect to the use of lethal force delivered by [SO] by the discharge of his firearm, I am of the expert opinion, which I hold to a high degree of confidence, that, if the assumptions adopted are proven to be accurate, [SO]'s actions were consistent with proper police practices under the circumstances.*

He also wrote:

*I believe the officers were not careless nor tactically unsound. They believed they had a window of opportunity to apprehend the offenders safely and thereby end the risk to the public. Police officers are frequently put into situations where rapid decision-making, completed in fractions of a second, is required to take effective action. These decisions are not evaluated by hindsight when events transpire that were outside of the officers' control. The officers' assumption that the vehicle was inoperable was incorrect in hindsight but based upon the events that had unfolded it was not unreasonable for them to hold the belief they did. It was also a tactically appropriate decision to rapidly close and try to extricate and arrest the occupants, which if successful, would have brought the event to a safe conclusion. Regrettably for all involved, and despite the officers' best efforts, the driver of the Jeep made the tragic decision to continue to evade apprehension. Her actions were hers alone the result of which put the other users of the road, the police officers, and the occupants of her vehicle in grave danger...*

*...[SO] likely could not have known or calculated if the officers he perceived at risk of being struck by the vehicle had the necessary time available to move out of the way of the vehicle path. The time it would take the vehicle to move forward and strike any of the officers (had they not been able to get out of the way) is unknown with certainty because acceleration tests were not performed on the subject vehicle.*

*However, I understand that the average vehicle can accelerate to approximately 16 km/hr (10 MPH) within one vehicle length from a stopped position (on dry pavement). I have been advised that vehicle acceleration rates and vehicle speeds are variable depending upon unique mechanical features of each vehicle, engine size, drivetrain, tires, and road surface and traction. However, I have also been advised that a general rule of acceleration is captured within three categories. These categories of acceleration are factored in terms of g-forces under three types of acceleration. These types of acceleration and the associated vehicle speeds attained within 3 meters with a vehicle with the characteristics such as the one in this incident are as follows:*

- a. Light acceleration: Equivalent g-force 2/10ths of 1 G. Time to travel 3 meters is 1.75 seconds. Vehicle speed attained 7.7 MPH.*
- b. Moderate acceleration: Equivalent g-force 3/10ths of 1 G. Time to travel 3 meters is 1.45 seconds. Vehicle speed attained 9.5 MPH.*
- c. Heavy acceleration: Equivalent g-force 4/10ths of 1 G. Time to travel 3 meters is 1.20 seconds. Vehicle speed attained 11 MPH.*

*An officer standing approximately 3.00 metres in front of a vehicle that began accelerating towards them would have approximately 1 second to 1.5 seconds to observe the initial movement of the vehicle, make a decision and physically move out of the way before being struck.*

*The time it would take an officer, in full duty gear, standing in the path of the oncoming vehicle to be able to turn and run out of the path is a critical consideration in this investigation. Research conducted by the Force Science Institute has determined that the average officer will require at least two full strides to move laterally the width of the average vehicle. During this movement, the officer will travel a cumulative distance of 6.82 feet and the cumulative step time to accomplish this will take on average 1.13 seconds.*

*It is vital to understand that the above time reflects just the movement time from the initiation of movement and does not include the decision-making time necessary to initiate the movement (time to observe, orient, decide and initiate motor action). Research on officer decision making time to a complex visual stimulus has determined the average brain processing time to make a decision and begin a muscle stimulus ranges between 0.24 – 0.50 seconds with the average reaction time being 0.37 seconds.*

*Adding officer movement time (1.13 seconds) and decision-making time (0.24 – 0.50 seconds), the total response time it would have likely taken an officer standing 3 meters from the vehicle to successfully move out of the path of that oncoming vehicle would have been between 1.37 and 1.63 seconds.*

*If an officer was standing near the vehicle and at risk of being in its path of travel, a very narrow window of opportunity was available to move out of its path. With [SO]'s weapon in a ready position, it would have taken him at minimum 0.80 seconds to observe the vehicle start to move, raise his sidearm from the ready position and fire his round. In other words, [SO] did not have the luxury of time to first wait and see if the officer he was concerned about was able to move out of the vehicle path before deciding to fire his weapon.<sup>3</sup>*

### **WPS Firearm Policies**

The WPS policies on firearm discharge and use of lethal force were reviewed. It is concluded that SO was acting in the lawful execution of his duties and was adhering to the WPS policies, in drawing his handgun and in discharging it at AP.

### **Analysis of CW1's Video Footage**

As previously stated, the video footage recorded by CW1 is likely the most crucial piece of evidence obtained in this investigation. The video footage provides the best evidence of events leading up to and including the officer involved shooting and was extremely significant in corroborating, clarifying or refuting various witness recollections.

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<sup>3</sup> While a very technical explanation, the opinion suggests that WO5 at much less than 10 feet away from the Jeep would have roughly 1.5 seconds to evade the Jeep, or be hit or run over. The same could be said for any other officers in close proximity to the moving vehicle, which, according to the video would also include WO6 and SO. The result is that [SO]'s subjective belief that he, WO5 and WO6 were in immediate danger of grievous bodily harm or death is objectively reasonable as they were at risk as soon as AP refused to comply with direction to surrender and the Jeep was put into motion, and continued to be until the Jeep stopped.

The video footage shows the Jeep operating at a high rate of speed southbound on Lagimodiere, crossing the median only to come back over it and drive into the side of an F-150 truck. Moments later, two officers can be seen running towards it from the south (WO6 and SO), and one officer can be seen coming from the North (WO5).<sup>4</sup>

According to the statements of the Jeep's passengers, AP put the vehicle into reverse, having "cranked" the wheel to the left, moving the vehicle backwards to face perpendicular to the median. This backing up is seen on the video footage. With that Jeep's movement, WO6 is backing away and WO5 is forced to move. The first shot fired by SO occurs just before the 17-second mark on the video. The Jeep then makes a second move, continuing to angle itself towards northbound Lagimodiere Boulevard, almost pinning WO5's legs between it and the median. A second shot is fired by SO at the 20-second mark.

The Jeep appears to continue to move back a short distance and then either lurch forward slightly, or lurch backwards slightly and is boxed in by a WPS cruiser. It does not continue any further and all occupants are removed.

### **Pathology Report**

During a post mortem examination of AP, it was determined that she had suffered a single gunshot wound to her left shoulder. The round travelled at a downward angle, from front to back, into her chest cavity and came to rest in her spinal column.

### **Conclusion**

Following the receipt and review of the expert Use of Force report, the entire investigative file was referred to Manitoba Prosecution Service (MPS) with a request to provide a Crown opinion on this matter. On December 22, 2020, MPS provided IIU with a detailed and thorough 45-page report. MPS advised IIU that it was not recommending any criminal charges against SO.

MPS provided the following conclusion:

*Manitoba Prosecution Service (MPS) has reviewed the IIU investigation of [SO]'s involvement in the shooting incident of April 8, 2020. While it is always in the public interest to hold police officers accountable for their actions without bias of any kind, there must also be a legal basis for charges and a reasonable likelihood of conviction for MPS to prosecute a matter. In this case, after considering all of the evidence, video and otherwise, along with expert opinion, we have concluded that there is no evidence that [SO] acted outside of the scope of s. 25 of the Criminal Code that governs the use of force by police officers. Consequently, we are of the view that there is no factual or legal basis to lay any charges as against [SO] for his involvement in this matter.*

In this investigation, the IIU mandate was to determine whether consequences should flow from the actions of the subject officer, in light of all the circumstances and information known to him at that time. Following a detailed review of this comprehensive investigation, MPS has advised that there are no grounds to justify any charges against the subject officer for his use of lethal force.

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<sup>4</sup> According to witness officers' interviews, WO6 is the first to arrive at the driver's side of the Jeep and attempts to open the door. SO is the officer standing on the driver's side a short distance away, leaving WO5 as the officer who starts at the passenger side front and is forced to move to the side as the vehicle is set in motion.

This incident is a tragedy, magnified by the loss of a young life. In normal circumstances, IIU would withhold the publication of a final report if, arising from the incident, criminal code charges are still before the courts. In this situation, there are individuals who are charged out of an earlier incident, which was separate from the IIU investigation of the officer-involved shooting. As this final report focuses specifically on the pursuit and shooting, it has been determined that it is in the public interest to release the full and final report at this time.

Accordingly, IIU has completed its investigation and this matter is now closed.

**Final report prepared by:**

Zane Tessler, civilian director  
Independent Investigation Unit  
January 12, 2021

*Ref# 2020-018*