

FINAL REPORT: IIU concludes investigation into officer-involved shooting in Winnipeg

On September 27, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of an officer-involved shooting that occurred at the rear of a residence on Hallet Street in Winnipeg.

This notification disclosed the following information (edited for clarity):

“On Tuesday, September 27th, 2022 at 8:15 a.m., police were in possession of a Warrant to Enter a Dwelling House and attended to a residence on Barber Street in relation to a male identified as the Affected Person (AP), wanted on four outstanding warrants.

On arrival police were allowed entry to the residence via the front door. Officers were also advised by a female that AP was inside the residence. Officers then observed AP place a knife to his own throat and state “I’m going to kill myself”. An officer deployed his Taser and struck AP with the probes. AP then exited the backdoor and fled from police, running down the back lane towards Prince Edward Street. Police pursued on foot and eventually encountered AP at the rear of a residence on Hallet Street.

An officer gave verbal direction to AP to drop the knife and subsequently discharged his service firearm. AP suffered a single gunshot wound to his right upper thigh and was transported unstable to Health Science Centre (HSC) where he was later upgraded to stable condition and admitted to hospital”

As this matter concerned an injury to a person caused by the discharge of a firearm by a police officer, IIU assumed responsibility for this mandatory investigation in accordance with section 65(4) of The Police Services Act (PSA). IIU Investigators were assigned to this investigation.

Among the agency information obtained by IIU Investigators included:

- WPS investigative summary report
- WPS officers’ notes and narratives
- WPS officers’ supplementary reports
- audio recordings of WPS radio communications
- Forensic Identification Service (FIS) reports
- photographs of scene and exhibits
- video recordings from various locales and enhancements
- medical reports concerning AP
- Conductive Energy Weapon (CEW) downloads and analysis

The civilian director designated the WPS officer who discharged his firearm as the subject officer (SO). The civilian director initially designated seven WPS officer as witness officers from which IIU investigators interviewed six (WO1- 6). IIU Investigators met with and interviewed

AP and six civilian witnesses (CW1 - 6). IIU investigators wished to meet with and interview two additional civilian witnesses (CW7 - 8) but despite best efforts could not locate or make contact with either. Interviews that were conducted with the two civilian witnesses by WPS officers were received and reviewed by IIU investigators.

IIU Investigators received and reviewed a number of video surveillance recordings that captured parts of the pursuit and the scene near the officer-involved shooting. These videos were sent to a local video processing facility for enhancements of the picture quality. Collectively, these video recordings proved to be invaluable sources of information in this investigation.

Facts and Circumstances

Scene Examination

WPS FIS officers attended and examined the shooting scene at the rear of a residence on Hallet Street in Winnipeg on the date of the incident. Two knives (*black and red coloured handles*) both with four and half inch x one inch blades, were recovered from the scene along with a CEW (the property of SO) and associated debris, two spent Smith & Wesson .40 calibre casings, one discharged projectile with a blood-like substance on it and clothing belonging to AP. A CEW probe with wire attached was found lodged in a wooden fence at the rear yard area.

SO's intervention tools were examined on the incident date. SO was missing his CEW and baton but was in possession of OC (pepper) spray. SO's service pistol (a Glock .40 calibre) was examined and found to have one chambered round plus 12 rounds of ammunition in the seated magazine. SO had possession of two spare magazines, each containing 15 rounds of the same ammunition.

AP

AP stated that on the morning of September 27, he was at his home on Barber Street, with CW7 and CW8. They were woken by the sounds of police banging on the door. The police were yelling out for the door to be opened. AP stated that he was panicked. AP stated that CW7 went to the front door to distract the police so he could exit via a side door. He did not see how many police officers came into the house. As he was leaving, AP stated that he took a hunting knife out of his hunting bag. There were two or three knives in the bag. AP stated that the knives were red or orange and black handled. AP then stated that he took two knives out of the bag. AP stated that he took the knives because he was scared and wanted the knives out of the house. AP stated that as he was exiting the residence, a uniformed police officer tried to shoot him with a Taser. AP stated that he was struck on the back by the Taser but it did not affect him. AP stated that he ran from the house and through a yard of a neighbouring residence house. He knew the police were chasing him and he continued to run from them. AP stated that the knives were in his right pocket and at no time did he remove or brandish them. AP stated that he ran down various streets and ended up at the rear of a residence on Hallet Street. AP stated that he then removed the knives from his pocket and threw them to the ground. AP stated that was where he was caught. AP stated that he then observed a single WPS officer. AP stated that he stood in front of and faced the officer with his hands in the air. AP stated that the officer was telling him repeatedly to drop the knife but he had dropped the knives on the ground. AP stated the he was telling the officer he did not have the knives as he continued to keep his arms up in the air. AP stated that the officer shot him with a Taser but it had no affect on him. AP stated that the officer dropped

the Taser, pulled out his handgun and continued to yell at him to drop the knife. AP stated that the officer was approximately five feet away from him. AP stated that the officer pointed the handgun at his leg and shot him in the right leg, just above the kneecap. AP stated that he fell to the ground and more police officers arrived.

Medical Records and Reports

AP provided IIU investigators with a signed consent for the release of his medical records and reports from HSC. Approximately 20 pages of documents were received by IIU investigators, which detailed that AP was brought to HSC on September 27 and admitted with a shattered (right) distal femur as a result of a ‘through and through’ gunshot injury. The gunshot wound was noted as being on the anterior and posterior aspect of the right thigh. The injury to his femur required surgery including the insertion of an intramedullary rod for support.

Civilian Witnesses (CW)

CW1 resided in a rear ground floor suite on Hallet Street. CW1 stated that he was just getting up when he heard yelling coming from outside the back of his unit. CW1 stated that he went to the kitchen window, which faced the rear yard, and he saw a man standing directly next to the window. CW1 saw two police officers to the right of the window. One of the police officers was standing at the open gate of a fence and had his handgun out, pointed at the man. CW1 stated that the man had his left arm extended out in front of him with his right arm against his body, around his stomach area. The man was facing towards the armed police officer. That police officer shouted, “*Drop the knife*”, at least four times. CW1 stated that at no time did he see the man raise both his arms above his head. CW1 stated that he heard someone say something like, “*why you chasing me*”. CW1 stated that the armed police officer shot the man in the leg and the man went to the ground. CW1 stated that he heard the man say, “*You didn't have to shoot me. You shot me in the leg*”.

CW2 stated that he witnessed police officers running in the vicinity of Grove Street and Rex Avenue. He did not witness the shooting.

CW3 stated that he witnessed police officers running after someone and heard the sounds of two “*pops*”.

CW4 observed the aftermath of the shooting on Hallet Street.

CW5 witnessed police officers chasing after a male. CW5 stated that one of the police officers had a Taser in his hand and heard another police officer telling the male to “*drop the knife*”.

CW6 witnessed police officers chasing after a male and later heard the sounds of gunshots.

CW7 was at home with AP when police officers arrived and began knocking on the front door. They announced that they were police and wanted entry. AP dressed and was going to run from the house. AP told her not to open the door. CW7 stated that CW8 unlocked the door and AP went to the back porch area. CW7 stated that she heard police officers yelling something like, “*Winnipeg Police, get down*” CW7 stated that she heard AP say that he was going to kill himself. CW7 stated that she then heard the sound of a “*click*” followed by AP yelling, “*ow*”. CW7 stated that she saw AP run from the house as three police officers chased after him. CW7 stated that AP’s hunting knife holder was empty and assumed he had grabbed knives.

On the morning of September 27, CW8 was at home in the company of AP and CW7. CW8 stated that she was woken by CW7 who told her to open the front door. When she opened the door, there were police officers standing there. CW8 stated that she saw AP exit the house through a side window toward the back. CW8 stated that she told the police officers where he was and they went to his direction. CW8 stated that she then saw AP, at the back of the house, holding a hunting knife to his own neck. CW8 heard AP say, *"I'll kill myself"*. CW8 stated that she heard the police say, *"get down"*, and then saw one of the police officer Taser AP. AP yelled *"ow"*, then pull the Taser wire from his back and ran off between houses across the back alley.

Witness Officers (WO)

WO1 stated that in the early morning of September 27, she, in the company of WO2, WO3, WO4 and SO, attended a residence on Barber Street to execute a warrant to enter that dwelling and arrest AP for four outstanding matters. All officers were in full uniforms and operating marked police vehicles. On arrival, the police officers announced their presence and intention to enter the house. After approximately 10 minutes of waiting, a young female opened the front entrance door and advised that AP was attempting to escape from the house. WO1 stated that she entered the house and made her way towards the back. WO1 stated that she heard someone say, *"drop the knife"* followed by someone saying, *"I'm going to kill myself"*, and then the sound of a Taser being deployed. WO1 stated that she did not see the Taser deployment but saw WO2 standing near the side door with his CEW drawn and AP on the ground. WO1 stated that, suddenly, AP got up and started running with police officers in pursuit. WO1 stated that she returned to the front of the residence, entered her police vehicle, followed the directions she heard over the radio and made her way towards Hallet Street. WO1 stated that she then heard *"shots fired"* broadcast over the radio. WO1 stated that she made her way to the rear of a residence on Hallet Street and saw AP on the ground. WO1 also observed a CEW also on the ground. WO1 did not observe the shooting.

WO2 stated that he attended a residence on Barber Street in the company of WO1, WO3, WO4 and SO, to execute an entry warrant and arrest AP. On arrival, police officers took up positions around the dwelling while he and WO1 stayed at the front door. For around 10 minutes, they alerted occupants of their presence and requested that they allow them entry. A young girl opened the front door and advised that AP was attempting to escape out the back of the house. WO2 stated that he entered the residence and made his way towards the back of the house. He saw AP with his hand on a door knob leading out the side of the house. WO2 said *"hey"* to AP who looked back at him. WO2 stated that he saw that AP was holding a knife, with a three to four inch blade, in his right hand. AP put the knife to his own throat and said, *"I'm going to kill myself"*. WO2 stated that he deployed his CEW at AP but it had minimal effect. WO2 stated that AP fell through the doorway to the outside. WO2 stated that he yelled, *"Drop the knife"*. WO2 stated that AP then ran off towards the back yard of the house. WO2 stated that SO gave chase after AP. WO2 stated that he chased after AP as well but was some distance back of SO. As he was chasing after AP, WO2 stated that he observed a police baton on the ground that belonged to SO. The foot chase went towards Hallet Street. WO2 stated that he made his way through a vacant lot and into the back lane of Hallet Street. WO2 stated that he then heard someone shouting, *"Drop the knife, drop the knife"* followed by the sounds of two gunshots. WO2 stated that he then saw SO, WO3 and WO4 handcuffing AP, who had a gunshot injury to his leg. An

ambulance was called and first aid was administered to AP. WO2 stated that he advised SO to place his CEW on the ground.

WO3 stated that in the early morning of September 27, in the company of WO1, WO2, WO4 and SO, he attended a residence on Barber Street to execute an entry warrant and warrants for arrest of AP. WO3 stated that police made several attempts to alert the occupants of police presence. WO3 stated that he was positioned towards the rear of the residence. WO3 stated that after a while, he heard the sounds of a CEW deployment from inside. WO3 then saw AP exit through a door at which point he armed himself with his CEW. WO3 stated that AP was holding two knives, one in each hand, to his own throat and saying that he wanted to kill himself. AP then ran towards WO3's position. WO3 stated that he began to move back but tripped and fell down as AP advanced towards him. WO3 stated that he believed that AP may be preparing to attack him so he deployed his own CEW which was ineffective. WO3 stated that AP ran past and was pursued on foot by himself, WO2, WO4 and SO. During the pursuit, near Rex Street, WO3 stated that he saw SO drop his baton. WO3 stated that he saw both AP and SO make their way to the rear lane of Hallet Street. WO3 followed in the same direction. As he was making his way towards the back of a residence on Hallet Street, WO3 stated that he saw that SO had drawn his firearm. WO3 stated that he heard SO yelling, "*Drop the knife, drop the knife*". WO3 stated that SO discharged his firearm twice. WO3 stated that there was a fence obstructing his view of AP's position. Once the shots had occurred, police continued to call to AP to drop the knives. AP responded that he did not have the knives. WO3 stated that he and SO approached AP, restrained and handcuffed him. WO3 stated that AP had sustained an injury to his right thigh area so he applied a tourniquet. WO3 stated that he observed SO kick something away but did not see what it was.

WO4 stated that on September 27, he and other uniformed police officers attended a residence on Barber Street to execute an entry warrant in order to arrest AP. WO4 stated that they alerted the occupants of police presence. After a short time, AP exited the residence through a rear side door. WO4 stated that he saw AP holding a knife, which he believed was a kitchen style knife, to his own neck. As well, AP appeared to be removing Taser wires from his upper body as he ran away from the house towards Prince Edward Street. WO4 stated that he, SO, WO2 and WO3 chased after AP on foot. WO4 stated that he was a distance behind both AP and SO. WO4 stated that he heard verbal commands for AP to stop during the chase without success. WO4 stated that the foot chase continued towards Hallet Street. WO4 stated that he heard the sounds of two gunshots. WO4 stated that he made his way to the rear lane of Hallet Street where he saw SO, WO3 and AP. AP was laying on the ground and face down. WO4 stated that he observed SO kick, what he believed to be a knife, away from where AP was laying.

WO5 stated that she and her partner, WO6, were responding to a foot pursuit call and had attended to the rear lane of Hallet Street around the same time as WO1 and WO2 arrived. WO5 stated that she observed AP was down on the ground in a rear yard with SO, WO3 and WO4 also present. WO5 provided a medical kit to WO3. WO5 stated that AP was laying on his side on the ground and she noticed a red and black handled knife in between his legs, near his knee area. WO5 stated that she alerted other police officers and then picked up the knife, moved it out of the way for officer safety reasons. WO5 stated that she then saw a second knife across the yard. AP had three Taser probes in his upper clothing, which were removed and seized.

WO6 stated that he and WO5, hearing a radio broadcast of an ongoing foot chase of a male with a knife and that shots had been fired, attended the rear lane of Hallet Street. On arrival, WO6 stated that he saw WO1 and WO2 approaching as well. WO6 stated that he noticed two spent cases laying on a parking pad. WO6 stated that he observed SO, WO3, WO4 and AP, who was on the ground, in a rear yard of a residence. AP had a gunshot wound to his right upper thigh area. An ambulance had been requested and first aid was being given to AP. WO6 stated that he also observed two knives on the ground. One was near AP's feet and that knife was moved out of the way. The second knife was further away from AP's position. He also noticed a CEW on the ground and also a CEW probe in a fence. WO6 stated that there were three CEW probes lodged in AP's clothing which he removed. WO6 stated that a bullet was recovered from AP's clothing and placed on the ground.

Subject Officer (SO)

Pursuant to the provisions of the Police Services Act (PSA), a subject officer cannot be compelled to provide his or her notes regarding an incident nor to participate in any interview with IIU Investigators. In this case, SO provided IIU Investigators with a copy of his notes and a prepared statement. SO declined to attend and participate in an interview with IIU Investigators.

In his prepared statement and notes, SO wrote that he attended a residence on Barber Street to assist in the arrest of AP on the strength of outstanding warrants. SO wrote that he attended along with WO1, WO2, WO3 and WO4. After the passage of time of police knocking on doors and windows, AP was observed running towards the rear of the dwelling. SO wrote that he saw AP holding two knives held to his own throat and was yelling that he was going to kill himself. SO wrote that he observed WO3, on the ground, with his CEW drawn. As well, SO wrote that he saw that AP had two CEW probes lodged in the back area of his clothing. SO wrote that he gave chase after AP through the yard on Prince Edward Street. The foot chase continued along Prince Edward Street and SO wrote that he saw that AP was still holding the knives. SO wrote that he gave verbal commands for AP to drop the knives and stop. SO wrote that during the foot pursuit, his baton fell from its holder. SO wrote that he deployed his CEW at AP but missed. AP ran into a yard at the rear of residence on Hallet Street. SO wrote that AP again placed both knives to his throat and said he was going to kill himself. SO wrote that he drew out his service pistol with his right hand and held his CEW in his left hand. SO wrote that he commanded AP to drop the knives. SO wrote that AP then advanced towards him, to a distance of eight to 10 feet. SO wrote that he feared for his own safety and deployed a second CEW cartridge at AP which missed and hit a fence. SO wrote that as he was alone and AP was acting in an erratic fashion, he had to act quickly fearing grievous bodily harm or death to himself and had limited space to retreat for cover. Given that AP was advancing towards him, SO wrote that he made a "*split second*" decision to aim and fire two rounds from his service firearm at AP's legs, with the intent of firing more rounds to his centre mass should those first rounds prove ineffective. SO wrote that one gunshot round struck AP on his right leg stopping the advance. SO wrote that AP dropped the knives and went to the ground. One knife was observed close to AP but the second knife could not be seen. Other police officers came to assist. SO wrote that AP was refusing to give up or show his hands resulting in the delivery of two knee strikes to gain compliance and he was handcuffed.

CEW Analysis

The CEW found at the scene of the shooting was attributed to SO and was analysed. The analysis showed that it was deployed two times:

- Cartridge #1 - Trigger pull deployment at 8:15.02 a.m. for three seconds. That deployment showed as ineffective;
- Cartridge #2 – Trigger pull deployment at 8:15.11 hrs for five seconds. Analysis of that deployment showed it was ineffective.

Analysis of Video Footage

Video footage (with audio) was obtained from a residence on Prince Edward Street:

- The camera had recorded AP running from the east side along Prince Edward Street to a front yard. AP appears to be holding an object, resembling a knife, in his right hand. He was observed to jump a yard gate, trip, loose a shoe and then run in a westerly direction;
- Uniformed police officers are observed running from the east side of the house in the same direction as AP. A uniformed police officer appears from the west side of the house and into the street. AP runs west, past that police officer, on Prince Edward Street.
- Voices were heard shouting, “*drop the knife, drop the knife*” as all were running.
- Four police officers are observed in a foot pursuit west on Prince Edward Street.

Video footage (with audio) was obtained from a residence on Grove Street. There were two cameras that were recording – one facing the street and the other facing the rear back lane:

- The front street facing camera recorded AP running north towards Grove Street from Prince Edward Street and was pursued by uniformed police officers;
- The video captured AP holding an object resembling a knife in his right hand;
- SO was the closest police officer to AP in the foot chase. SO appears to hold an object similar to a CEW in his right hand as he ran;
- A voice is heard saying, “*drop the knife, drop the knife*” during this portion of the foot chase.

The rear back lane camera was more useful for its audio recording:

- A loud voice yelling, “*Drop the knife*” was heard at least four times as persons were observed running towards Hallet Street;
- Approximately 17 seconds after the last call of “*drop the knife*”, a clicking sound, similar to that of a CEW deployment, is heard followed with a comment, “*do it*”;
- Approximately eight seconds after that event, a clicking noise, similar to that of a CEW deployment, is heard followed by the sound of a voice shouting, “*drop the knife, drop the knife*” and then the sounds of two gunshots.

Conclusion

This investigation must consider whether the decision and action of the subject officer to shoot AP was justified by law. In this incident, SO, in the company of other police officers, attended to AP’s residence to effect his arrest. AP made a decision to avoid arrest and was bent on escaping the residence. Police officers attempted to stop AP by deploying a CEW probe at him. That deployment was ineffective. As AP made his way outside the back of the residence, a second CEW deployment occurred. It was also ineffective. A foot pursuit between AP and police officers then took place. AP was in possession of two knives that he took from the residence. The

pursuit ended in the rear dwelling yard of Hallet Street. SO was the closest police officer to AP during the pursuit. SO attempted two further CEW deployments, both were also ineffective with the last probe striking a fence. Police officers were continuously ordering AP to drop his knives and stop running. AP refused to comply with these directions. SO confronted AP and ordered him to drop the knives and surrender. SO had drawn his service pistol due to the serious circumstances of this encounter. AP was facing SO, held the knives to his own throat threatening self harm and then advanced towards the police officer. When AP was within 8 feet of the police officer, SO, fearing death or grievous bodily harm, made a decision to discharge two rounds at AP's legs to stop the advance and eliminate the risk. One of the rounds struck AP's right leg, causing him to drop the knives and fall to the ground. AP was detained, handcuffed, provided medical attention and transported to hospital.

Applicable Law:

Sections 25 (1), (3), (4) and Section 26 of the Criminal Code of Canada are applicable to this analysis:

25 (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person

(b) as a peace officer or public officer

(c) in aid of a peace officer or public officer

(d) by virtue of his office, is,

if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested

(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant

(c) the person to be arrested takes flight to avoid arrest

(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm

(e) the flight cannot be prevented by reasonable means in a less violent manner

26. Everyone who is authorized by law to use force is criminally responsible for any excess thereof, according to the nature and quality of the act that constitutes the excess.

In addition, police officers are entitled to rely on the self-defence provisions of the Criminal Code under section 34:

34. (1) A person is not guilty of an offence if

(a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person

(b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force

(c) the act committed is reasonable in the circumstances

The critical question in this investigation is whether SO's decision to discharge his firearm at AP was reasonable and necessary in all of the circumstances. The reasonableness of an officer's use of potential lethal force (force that is intended or likely to cause death or grievous bodily harm) must be assessed in regards to the circumstances, as they existed at the time the force was used and in light of the constraints that were present.

I am satisfied that the discharge of the service pistol by a police officer, as in this case, is potential lethal force. In that regard, there must be a reasonable belief, held by a subject officer, that the use of potential lethal force was necessary for his or her own self-preservation or the preservation of any one under their protection, from death or grievous bodily harm. The allowable degree of force to be used remains constrained by the principles of *proportionality, necessity and reasonableness* (please see *R. v. Nasogaluak*, [2010] 1 S.C.R. 206).

In the *Nasogaluak* decision, the Supreme Court noted, (at para. 35):

“Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances.”

Also see *R. v. Power*, 476 Sask. R. 91 (CA), where (at para. 35), the court notes:

“On the basis of the foregoing, a determination of whether force is reasonable in all the circumstances involves consideration of three factors. First, a court must focus on an accused's subjective perception of the degree of violence of the assault or the threatened assault against him or her. Second, a court must assess whether the accused's belief is reasonable on the basis of the situation as he or she perceives it. Third, the accused's response of force must be no more than necessary in the circumstances. This needs to be assessed using an objective test only, i.e. was the force reasonable given the nature and quality of the threat, the force used in response to it, and the characteristics of the parties involved in terms of size, strength, gender, age and other immutable characteristics.”

Therefore, was it reasonable and necessary for the subject officer to fire at AP to prevent the injury or death to himself or other persons in the vicinity?

From a review of all of the available evidence:

- SO was in the lawful execution of his duties when he and other police officers attended the residence to effect AP's arrest;
- AP was not prepared to be arrested by police and was bent on escaping from the residence;
- As AP was preparing to leave, he grabbed two knives from his hunting knife holder. His explanation for doing so belies logic and belief;
- Each of the knives were capable of causing grievous bodily harm or death;
- Police repeatedly commanded AP to drop the knives and stop running, to which AP refused to comply;
- Despite AP's assertions to the contrary, I am satisfied that the independent evidence (CW1 and the video recordings) confirm that AP had a knife in his hand as he ran from police, that he did not drop the knives prior to being shot and at no time did he raise both arms above his head to surrender;
- When attempts to use CEW deployments to stop AP proved ineffectual, SO drew out his service pistol to have AP disarm himself and surrender;
- AP, still armed with the knives, advanced on SO, after threatening self harm;
- AP refused to comply with all demands and commands to drop his weapons;
- AP actions had become a potential lethal event in which SO had an instant to respond;
- AP posed a real threat to the life and safety of SO;
- SO made the decision to discharge his firearm at AP to stop the advancement and eliminate the lethal threat posed by AP;
- SO discharged his service pistol twice, striking AP once in the right, causing him to fall, to drop his knife and the lethal threat that he posed was effectively eliminated.

I am satisfied that from the evidence gathered from the variety of sources, in particular the video footage, there is substantial support for the conclusion that the use of potential lethal force by the subject officer was authorized and justified by law.

There are no reasonable grounds to support any charges against the subject officer.

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, 2023

Ref 2022-0047