



**IN THE MATTER OF AN INVESTIGATION INTO A DEATH FOLLOWING AN
INTERACTION WITH THE RCMP IN STE. ROSE DU LAC**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On January 6, 2023, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

“On December 30th, 2022, at 09:57 hours (subject officers) SO1 and SO2 were dispatched to a robbery in progress at a residence in Rorketon. After speaking to the complainant, they were able to get a vehicle description and a direction of travel. SO2 and SO1 located the vehicle in the ditch on Highway 481 just south of Crane River with the occupants attempting to dig it out. As members approached the vehicle, with pistols drawn, they informed all four occupants that they were under arrest. Three of the occupants remained at the vehicle however one male, the affected person (AP), fled into the bush. Members did not pursue the male due to being outnumbered and the other male, civilian witness (CW3), was not complying with member’s demands. The remaining three occupants were secured and transported back to the detachment for processing. AP was not located on the 30th as members believed that he had been picked up or attended to a near by residence.

On January 4th, 2023, witness officer (WO2) received a missing person report from AP’s sister stating that her brother has been missing since December 30th, 2022. WO2 attended to Crane River and conducted extensive patrols however, AP was not located.

On January 5th, 2023, at 20:30 hours WO2 and WO1 conducted a search into the believed last known location. Members observed one set of footprints leading into the woods, after following footprints northbound they continued southbound for approximately 90 metres in deep snow where they located AP’s body. AP was laying on his back wearing jeans, a shirt tucked under his body, no socks and no shoes. A superficial scratch on his stomach could be seen but no other viable injuries were observed. Due to the removal of clothing, it is believed he suffered from hypothermia.”

As this matter concerned a fatality, the IIU assumed responsibility for this investigation in accordance with Section 66(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

The civilian director designated two subject officers (SO 1-2) and six witness officers (WO 1-6).

IIU investigators obtained the following information from the RCMP, among other items:

- notes from officers involved
- occurrence, supplementary and general reports
- Subject Behaviour, Officer Response report (SBOR)
- RCMP OCC dispatch audio
- RCMP WatchGuard in-car video
- photographs from the RCMP drone (incident scene)
- photographs of the incident scene and from involved vehicles
- RCMP CAD unit dispatch records

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- autopsy photographs
- RCMP Forensic Identification Services (FIS) reports
- video-recorded statements from accused individuals
- exhibit reports
- C-13 prisoner reports

Facts and Circumstances

Scene Examination

On Jan. 12, 2023, IIU investigators attended to the area where the affected person (AP) was last seen by RCMP members. The location description was Provincial Road (PR) 481 approximately 3 kilometres south of Crane River. RCMP members were also in attendance: an officer from Dauphin FIS, WO4 and WO1. WO1 had located the deceased and was going to point out the location where the body had been located.

WO1 led a walk through the path taken by AP. The trail started at the ditch and went through fairly dense bush that ran along the east side of the ditch. AP would have been moving through snow that was nearly knee deep. AP made his way to a snowmobile trail that runs parallel to the highway. AP went south on this trail before turning east and running into a heavily wooded area that runs along this side of the snowmobile trail. His body was located in this wooded area.

It should be noted that while this area is rural, it is not desolate; there are at least five homes in the nearby vicinity.

The entire path was photographed and measured. The path was determined to be approximately 200 metres in length. Drone images were also obtained of the area.

Canvass

There was no canvass completed. The incident site is in a rural area adjacent to PR 481. On Jan. 12, 2023, investigators attended to a house on the Crane River First Nation that is located immediately across the road from where the stolen Chevrolet truck went into the ditch. Investigators spoke to the occupant. They stated that they saw “a lot of cops” on Dec. 30, 2022, “but not much more.”

Civilian Witnesses

Civilian Witness 1 (CW1)

On Jan. 12, 2023, investigators obtained an audio-recorded statement from CW1 on the Crane River First Nation. Also present in the vehicle was her grandmother. CW1 had been consuming alcohol prior to the interview but was not considered intoxicated at the time. In her statement, she relayed the following information:

There were two police officers that arrived on the scene, where the truck they had been in had hit the ditch. Present in the vehicle were CW3, AP, CW2 and her. The police had their guns drawn and were telling them to get on the ground. AP ran off into the bush and before running off, AP was inside the truck, in the driver's seat. CW2 and CW1 were behind the truck when they got arrested and CW3 was trying to shovel out the truck from the front of the vehicle. According to

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CW1, the officers put their knees on CW2 and on her back. The police asked who ran into the bush and CW2 replied, "If we tell you, you'll let us go?" and the police replied, "We might do that, yeah." CW2 then told the police that it was AP who ran into the bush. The police did not go after AP and the two officers called a female officer to come and take CW2 and her to Ste. Rose du Lac.

According to CW1, AP did not say anything to her prior to running into the bush. AP was wearing a red sweater and jeans; he did not have a jacket on. She could not remember what he was wearing for footwear, but stated he was wearing footwear. CW1 showed investigators two short video clips from her phone, taken earlier in the morning on Dec. 30, 2022. The clips showed AP wearing a red long-sleeved shirt or sweatshirt.

CW1 stated that the police that showed up were wearing uniforms and were wearing toques and the police vehicle they were driving was an SUV. She was not sure it was a marked police vehicle, and she did not see emergency lights when it pulled up. She stated that they had been drinking liquor prior to the police arriving. When asked to assess everyone's sobriety on a scale of one to 10 (10 being extremely intoxicated), CW1 said she was an "eight," and she did not know the level of the other occupants. CW1 stated that AP was running east when he ran into the bush.

Civilian Witness 2 (CW2)

On Jan. 12, 2023, investigators obtained an audio-recorded statement from CW2, in the presence of her mother, in Crane River, Man.

According to CW2, on Dec. 30, 2022, AP picked her up in a brown truck at about 8 a.m. They drove around and AP kicked in a door and they stole a sedan. CW3, CW1 and CW2 drove off in the sedan, and AP followed in a brown truck. They lost AP near Rorketon, Man. CW3, CW1 and her took the back roads to get back to Crane River but ran out of gas by "6 Mile Corner." AP showed up in a white truck and picked them up and then they drove to Crane River and drove around the community for less than an hour. They got stuck in the ditch and were trying to push the truck out when the cops pulled up. AP took off running in the bush and the cops arrested her and CW1, and then they arrested CW3.

The cops had her and CW1 lying in the snow in the ditch and another cop car came with a woman cop and they were put in the back of that vehicle. The female cop read them their rights, then took them to Ste. Rose du Lac.

Further questioning resulted in the following information:

The white truck AP showed up in was a GMC with four doors. CW2 was in the back behind the driver, CW3 was in the front passenger seat, CW1 was behind CW3, and AP was driving. They were driving north when they went into the ditch near a residence. After they went into the ditch, all of them got out of the truck to try and get it out. She was at the back of the truck by the tailgate and CW1 was beside her on the right side. CW3 was at the front of the vehicle along with AP. AP was on the passenger side of the truck at the front. AP had a long-sleeved red shirt and blue jeans on, he was not wearing a jacket. He had shoes on, but AP could not describe them. They had all been drinking, all together they had consumed four mickeys of whisky and vodka.

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CW2 was asked how intoxicated she was on a scale of one to 10 and replied a “five.” CW1 was a “seven,” CW3 was a “six” and AP was a “six.” The police arrived in a marked police SUV from the north, about fifteen to twenty minutes after they went into the ditch. The two police officers in the SUV were dressed in police uniforms; both cops were white and had toques on. When the cops showed up, they got out of their vehicle with their guns drawn and told them to get on the ground. They got on the ground and the cop with the beard came over to her and CW1, he was kneeling on their backs.

AP ran into the bush when the police SUV was coming down the road. He ran to the east and when he ran into the bush, AP was wearing the same clothes she had described earlier. CW2 was asked if the police saw AP run into the bush and she stated that they did. The police asked them who ran into the bush, and she told them it was AP who ran off. CW2 was asked what the police did when they heard that, and she stated that they just kept watching her and CW1. The police had her and CW1 lying on their stomachs in the ditch and about five minutes later they were taken out of the ditch and on to the road. CW3 was also made to lie down but was taken out of the ditch and was standing on the road.

Ten minutes after arriving, the police put CW3 in the back of their SUV and five to 10 minutes later another police SUV showed up and took CW1 and her to Ste. Rose du Lac. When they left, CW3 was in the back seat of the other police SUV. She stated that the weather was sunny at the time and this all happened between 10:30 a.m. and 11 a.m.

Civilian Witness 3 (CW3)

On Jan. 12, 2023, investigators interviewed CW3 at the Crane River First Nation. The interview was audio recorded.

According to CW3, AP had picked him up at a residence to go for a ride on Dec. 29. The next morning, Dec. 30, AP didn't want to let CW3 out and told him that he would be coming with him. They were already well away from the reserve and CW3 stated that he didn't have a choice. He did not know what AP was planning but that he was going to get a vehicle somewhere.

A vehicle was obtained (white Chevrolet truck) and eventually they "hit the ditch." CW3 stated that he went to shovel them out and shortly after the Police arrived at their location. The police came towards them, pointing their guns and ordering them to the ground. According to CW3, he did not see AP leave or run from the vehicle as he had been busy shovelling when the police arrived. They told them to go to the ground and he did not see AP or where he went to. He was shovelling snow at the front of the vehicle and AP had been in the driver's seat. CW1 and CW2 were with them and they were also outside of the vehicle. CW1 saw the police coming and warned the rest of them.

CW3 described the police as "two white cops" and said that they were wearing RCMP uniforms. Both officers had blond hair and one of the officers was over six feet. Both officers approached them with their guns drawn and they told them to go to the ground and to put their hands up. The officers were approximately fifteen feet away and had approached them from the north. He put up his hands as ordered and went to the ground.

According to CW3, he was intoxicated. He stated that all of them, including AP, had been drinking whiskey ("Seagram's 83"). He was not sure if there was anything left in the vehicle.

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When asked about intoxication levels on a one scale of one to 10, CW3 stated that he was a "five or six" and that AP was also a "five or six." CW3 stated that they had been up all night and their last drinks were at 6 a.m. or 7 a.m. According to CW3, their vehicle had gone into the ditch at around 9 a.m.

CW3 was asked what AP was wearing and he stated: "A red sweater, blue jeans and black high tops." He described the runners as "Air Force 1s, black Nikes." He stated that AP was not wearing a jacket.

Investigators asked CW3 to detail what was inside the vehicle when they were stopped. He stated that there was a Samsung phone which belongs to him and his brother's tablet. He thought that AP may have had a phone, possibly a Samsung S9, but he was not sure. Investigators asked where everyone was positioned in the vehicle before they hit the ditch. CW3 stated that AP was driving, he was in the front passenger seat, and CW2 and CW1 were in the back seat.

Investigators asked if the police had said anything about AP when they were arrested. CW3 replied that that they stated, "We know that's him." CW3 had asked them why they didn't chase him (AP), and the officers replied, "We always get our man, no problem." The police did not ask any questions as to where AP might be going. He thought AP would message him later as he is always with him when he comes back to the reserve, but AP never did.

According to CW3, he sat in the police vehicle for almost two hours while the police were "standing around." They waited until a tow truck arrived. During this time period a second police vehicle arrived with a female officer who picked up CW1 and CW2 and drove them away. Police eventually transported him to Ste. Rose du Lac detachment, and he was there for 15 hours. Upon his release he returned to the reserve and attempted to message AP on his phone but there was no response. CW3 went down to where they had been in an attempt to follow AP's tracks into the bush. He came up to a snowmobile trail and followed it south but could not find AP's tracks. Over the following days he went back again but still could not find AP.

On the day AP was found (Jan. 5), AP's girlfriend had called him and asked CW3 to search with her again. She came up to Crane River and they started to look for him again when he noticed numerous police vehicles parked near the spot where they had been. He found out shortly after that AP had been found.

Civilian Witness 4 (CW4)

On Jan. 12, 2023, investigators interviewed CW4 at the Crane River First Nation Band Office. During the interview, CW4 provided a copy of a cell phone video that she took while she was driving by the scene of the arrest in the ditch off PR 481.

According to CW4, on Dec. 30 she was on her way to Dauphin and had stopped on the Crane River First Nation to get some groceries when her daughter told her that the RCMP had been seen going south. CW4 proceeded south to see what was going on. She observed the RCMP on the roadside and a white truck that was stuck in the ditch. She observed three people in the ditch; all were handcuffed. She recognized CW3 but not the other two. One was a female with glasses, but she could not recognize her as she was lying facedown. She pulled over and asked the RCMP officer if everything was okay. The officer replied, "Yeah, okay, they're okay."

CW4 continued toward the south entrance of the First Nation, and then turned back northbound. She pulled out her cell phone and started recording the incident scene (provided to IIU) as she drove by. Once she returned to the First Nation, she spoke to an individual who told her that AP was probably one of those arrested. CW4 continued her trip to Dauphin and did not return to the First Nation until the following Thursday (Jan. 5).

When she did return, several relatives and people on the reserve were looking for AP and he was missing. CW4 had presumed that he had been arrested and was not aware that he had run into the bush on Dec. 30. CW4 went to AP's house and noticed several RCMP vehicles parked there. She was informed that the RCMP had found AP deceased. She was informed that the funeral home was waiting for AP's body to be brought out on a sled, and they wanted to know if any family members wanted to say goodbye. CW4 went down to the area and saw AP before he was placed in the funeral home vehicle. AP was covered with a blanket, but she saw his face and observed that a red sweatshirt was near his body. CW4 stated that on Dec. 29 she had seen AP at the community store and at that time he was wearing a red sweatshirt.

Witness Officers

Witness Officer 1 (WO1)

On Feb. 28, 2023, investigators interviewed WO1 in Dauphin, Manitoba.

According to WO1 he was not working on Dec. 30, the day of the robbery incident. He was advised (via text message) from the members involved that they had apprehended three individuals and had them in custody. He was also advised that AP had ran into the bush and the members had not found him. WO1 recalled that he told the officers not to worry, that there are nearby houses and that AP is from Crane River, and he'd come back home. The situation stayed like that for several days and officers prepared a warrant for AP on the Canadian Police Information Centre (CPIC).

On Jan. 4, a missing persons report for AP came in via a phone call. In response, WO1 contacted some of his sources in the community who told him that AP would probably be with his girlfriend and would be somewhere on the reserve. WO1 instructed the officers to enter AP into CPIC as missing. On Jan. 5, a sister to AP came to the detachment to also report AP missing. WO1 and WO5 spoke to the woman and told her not to worry as WO1 had known AP for quite a few years and that AP was most likely hiding as he knew that the police had a warrant for his arrest and that he was going to turn up at some point. The sister told WO1 that AP had not been on any social media for some time, and this was very unusual for him not to be active in this way.

WO1 decided to go search for AP and he went to Crane River, accompanied by WO2. Their first stop was at the residence of AP's girlfriend. She did not know where AP was but let the officers into the residence and consented to them looking around for AP. They did so and left. The officers then went back to the area where the truck had gone into the ditch on Dec. 30 and the location from which AP had run from police. WO1 followed tracks in the snow which led to a snowmobile trail approximately 5 metres from the main road. They followed the trail northbound but could not find any footprints. WO1 and WO2 then went to search the yards of several homes nearby to no avail. WO1 returned to the snowmobile trail but proceeded south this time. After 50

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to 60 metres, WO1 observed a set of footprints leading to the east, off the snowmobile trail. WO1 followed this trail for approximately 40 to 50 metres and found AP, deceased and lying on his back.

At this time, WO1 phoned his supervisor, WO6, and informed him. WO6 advised to continue as an investigation under The Fatality Inquiries Act. WO1 also called SO1 as he was the original investigator looking into the robbery allegation. He contacted the medical examiner's office to inform them of what had happened and obtained permission to move the body. He went to the home of AP's father and informed him of his son's death. While at the home, a band councillor arrived, and they enlisted the help of AP's nephew to help with a snowmobile and trailer to retrieve AP so the funeral home could take the body.

According to WO1, there was no search initiated to find AP on Dec. 30. He had been advised by SO1 that while they were waiting by the roadside for the tow truck on Dec. 30, several people had stopped by the police and had told them that "AP got picked up." The investigator asked WO1 if there were any names provided for the persons who had provided this information and he stated, "No, that he did not receive that information." WO1 stated that AP was from Crane River, was well known to police and he was not concerned that he would not show up.

WO1 was asked if a dog (K9) had been called out or if consideration had been given to that. WO1 stated that there was no dog at that time and the nearest dog would have been in Winnipeg. In terms of additional resources, WO1 stated that all of the detachments in the area were short on personnel at the time of the incident. WO1 stated that aerial drone units are often utilized for missing persons, but there were no units of that type available at the time.

WO1 was asked about the WatchGuard police vehicle video. The footage provided ends with SO1 and SO2 still at the incident scene with one of the accused, CW3. According to WO1, this is not unusual and the officers may have simply turned the WatchGuard off as they were no longer responding to an emergency. WO1 stated that there is no policy that the WatchGuard must be left on for the entire time it takes to deliver a prisoner to the detachment. WO1 stated that, for example, sometimes he will personally keep WatchGuard on when a prisoner is "super violent" or if he is alone with a female prisoner.

WO1 stated that he was the acting detachment commander during the incident. After AP was found deceased, the two officers involved (SO1 and SO2) were quite upset and mad with themselves. WO1 told them that they had made the right decision as they were short on personnel, they had three prisoners and three officers only, and that females and males cannot be transported together. By the time they had delivered their prisoners to Ste. Rose du Lac and returned to Crane River it would have easily been two hours. The spot where AP ran into the bush is very close to several houses and there was no reason to believe AP could not have got to shelter. AP was found approximately 60 metres from a residence.

Witness Officer 2 (WO2)

On Feb. 28, 2023, investigators interviewed WO2 in Dauphin, Man.

According to WO2, he was not working on Dec. 30; he was on vacation leave. He returned to the office on Jan. 4 and was made aware that AP was wanted on a warrant and had been involved in a robbery and had run from police. WO2 spent a good part of the day on Jan. 4 patrolling in the vicinity of Crane River First Nation and was actively looking for AP. According to WO2, he conducted "general inquiries," which included stopping some vehicles on the road and asking them if they had seen AP. WO2 could not remember who he had talked to or if he had visited any residences on the reserve. When he returned to Ste. Rose du Lac detachment at approximately 4 p.m., he was informed that AP's sister had filed a missing person's report on AP earlier that day. The missing person's file was assigned to WO2 to investigate. AP was subsequently listed as a missing person on CPIC. WO2 briefed the night shift on this as his shift ended at 5 p.m.

The next day (Jan. 5) WO2 continued with his investigation with queries on social media and with friends and family. Later in the day, WO2 and WO1 went to Crane River to physically look for AP. They returned to the area where the stolen truck had entered the ditch and searched the surrounding area. WO2 described this area as a "semi-urban wooded area." Eventually WO2 and WO1 located AP's body several hundred metres east of PR 481 in a wooded area. AP was lying on his back, was shirtless and his shirt under his back. He had pants on; he had no head wear or gloves. WO2 does not remember observing any footwear with the body. WO2 speculated that AP may have been suffering from hypothermia as it appeared he had been taking off clothing items. WO1 contacted his supervisor and informed him of what was happening and he contacted the medical examiner's office. Two local volunteers assisted the RCMP members in loading up AP's body on a sled to get the body to the funeral home vehicle which was now parked on the road.

WO2 was asked if he had been briefed on the events of Dec. 30 and what had happened on that date with AP. He stated that he had been briefed by SO1 when he returned to work that AP had been involved in a robbery and that he ran from police into the wooded area after the stolen truck he was in became stuck in the ditch. SO1 and his partner had arrested three other occupants who had stayed at the vehicle location. It was his understanding that the officers on duty that day had not gone after AP because they were overwhelmed with the three prisoners they did have, and they did not have the personnel resources to go after AP. The area had several homes nearby and AP was from that reserve so there did not appear to be a concern for his safety as it was not a remote area. WO2 stated that vehicles had been passing the constables on the road, telling them that AP had been picked up by "someone."

Witness Officer 3 (WO3)

On Feb. 27, 2023, investigators interviewed WO3 in Dauphin, Man

According to WO3, on Dec. 30 a call came in that there had been a home invasion/theft of vehicle that had just taken place in Rorketon, Man. A brown truck had been stolen and there were four people in the truck. The culprits went from the residence in Rorketon to the Rural Municipality (RM) of Lakeshore yard, where they crashed the stolen brown truck into the RM shed. They abandoned the original stolen truck and stole a new 2023 white Chevrolet Silverado truck belonging to the RM. The RCMP received a report that the truck was last seen headed towards the Crane River First Nation vicinity.

WO3 stated that she headed towards Crane River while SO1 and SO2 proceeded towards the RM of Lakeshore yard. While enroute to Crane River, WO3 came across a sedan abandoned in the ditch with the front end damaged. WO3 received word from her detachment assistant that a report had also come in regarding a stolen sedan and AP had been observed driving it a day earlier. WO3 proceeded to take photographs of the vehicle and was doing so when SO1 and SO2 came up to her location. They advised her that the medical van driver for Crane River had stopped them to report a white Chevrolet truck driving recklessly through the reserve, going through ditches, etc. SO1 and SO2 continued towards the reserve while WO3 stayed with the Toyota.

Not long after, WO3 received a radio call from SO1 that they had come across the reported stolen truck which was stuck in a ditch. There were four occupants and one ran into the surrounding bush and they had arrested the other three (one male and two females). WO3 was called to come and assist in transporting the two female subjects back to the Ste. Rose du Lac detachment. When WO3 arrived, she arrested the two female subjects for Possess Property obtained by Crime. While she was dealing with the two females (who were intoxicated) they started to point at vehicles passing their location, stating that AP was in the trucks and that someone had "picked him up." WO3 mentioned this to SO1 and SO2 but it was agreed they did not have the resources or time to stop every vehicle to check. SO1 and SO2 had the male prisoner in the back of their police vehicle while WO3 had the two females.

WO3 stated that SO1 and SO2 told her that they believed it was AP who had run into the bush. WO3 had a discussion with SO1 and SO2 where it was stated that "There were only two of us and we have three" and they were unable to go into the bush to look for AP. WO3 agreed that they did not have the resources to do so.

WO3 stated that she transported the two females, identified as CW1 and CW2, back to the Ste. Rose du Lac detachment for lodging and further investigation. Neither female gave any statement to WO3 on the way to Ste. Rose du Lac. According to WO3, she was driving a marked RCMP Ford F-150 that was not equipped with WatchGuard video.

Witness Officer 4 (WO4)

On Feb. 27, 2023, investigators interviewed WO4 in Dauphin, ManB.

According to WO4, on Dec. 30, he attended to a residence on the Crane River First Nation. He was accompanied by WO5. They had received a call of a suspected break-in at that residence. When they arrived, they observed that the back door (connected to a rear deck) had been damaged and possibly kicked in. The owners had already repaired it somewhat and had it sealed up. The resident told them that she believed the culprit was "X" and that "X" had been in a relationship with their daughter and there had been some trouble as of late. There was no evidence that anything had been stolen or that the house had been occupied without the owner's consent. WO4 and WO5 suggested to the resident that it may be AP as they were aware that he had recently ran from police and had also been released from jail recently. The resident was adamant that she believed it was "X" that was responsible.

WO4 stated that there was a well-worn path of footprints from the back door area to an adjacent shed. There were no other visible footprints noted or observed by WO4 that were leading off elsewhere. WO4 stated that they did not take any photographs or fingerprints. Due to a lack of evidence, no charges were bound to come out of this matter. WO4 stated that he was not involved in any attempts to locate AP that day and was not aware until Jan. 6 that AP's body had been found.

Witness Officer 5 (WO5)

On Feb. 27, 2023, investigators interviewed WO5 in Dauphin, Man

According to WO5, on Dec. 30, 2022, he and his partner (WO4) had been called out to a Break and Enter report at a residence on the Crane River First Nation. Upon arriving, they observed that a back porch door had been damaged but was already nailed shut by the owner. The resident was adamant that her son-in law "X" had been the person that did the damage and broke in. The resident and her husband had been away and discovered the damage upon their return. According to WO5, he was not sure how long the residents had been away from the residence. Nothing was reported as missing or damaged (other than the porch door).

WO5 asked the resident if it was possible that AP had been involved. According to WO5, AP has been a suspect several times in the past for break and enters on the First Nation and it is not uncommon for his name to come up. The resident stated that it could have been AP as nothing was missing. WO5 stated that they did not take any fingerprints from the door as it was the middle of winter. They shone a flashlight on the doorknob and could not detect any impressions. WO5 stated that there were numerous footprints, but it was a high traffic area from the front of the residence to the rear. WO5 could not recall if he observed any footprints leading to the surrounding bush area.

According to WO5, he was not made aware that AP had run from the police earlier that day as that had happened with day shift. He was made aware of it later. WO5 was not involved in any search for AP but had interactions with one of AP's sisters the day after he was reported missing. WO5 did not provide a date of the interaction with AP's sister.

Witness Officer 6 (WO6)

On Feb. 28, 2023, investigators interviewed WO6 in Dauphin, Man.

According to WO6, he was off duty and not working on Dec. 30. He returned to work on Jan. 2 and at that time he read a Fast Facts report that informed on the robbery incident on Dec. 30. WO6 contacted SO1 who briefed him further. WO6 was told that the officers had arrested three individuals at the stolen truck location in the ditch and that one individual, AP, had run away from police, into the adjacent wooded area. SO1 was confident that AP had been "picked up" by some locals or had gone to a nearby house from information he had received. SO1 stated that there were only two officers dealing with the three arrested individuals at the time and there was also a concern that AP could be armed. SO1 briefed WO6 on what charges were being considered and warrants issued for AP. Essentially, at that time AP was being treated as an individual evading police. There was no belief held by WO6 that AP was missing. AP has also had a previous history of evading police.

WO6 does not remember dealing with anything with this file or any search for AP until Jan. 5. WO6 was in the Ste. Rose du Lac office and heard from WO1, WO5 and another officer that AP's family had approached police, stating they had not heard from AP at all and there was no social media contact. WO6 spoke with WO1 before he left the detachment and told WO1 to return to Crane River and to check the area where they had seen him run into the bush. He instructed WO1 that if they did not locate AP to issue another Fast Facts report.

At approximately 10 p.m. that night, WO6 received a phone call from WO1 on the radio-phone that they had located AP's body in the bush. WO1 was instructed to hold the scene and WO6 informed the on-call supervisory non-commissioned officer (NCO) for the west district of what had transpired. The NCO, in turn, contacted the west district inspector. The NCO advised to continue to process the matter as an investigation under The Fatality Inquiries Act and this was relayed back to WO1, who was holding the scene with WO2. WO6 went to the Dauphin office and completed a Fast Facts report regarding the incident.

There was a decision the next day made by west district management to refer this matter to the IIU, which was done. According to WO6, he was not aware of any consideration or thought to bring in a K9 dog handler or additional personnel on Dec. 30.

The investigator had questions regarding the WatchGuard video and if it is normal procedure to shut down or stop the video while still on the incident scene (as happened in this case), or if it was more customary to continue to record until a prisoner is delivered to the detachment. According to WO6, he has provided no specific direction to his officers regarding this (when to stop or continue recording). From his understanding, there is no specific policy which states when WatchGuard video must be on. It normally comes on automatically when emergency lights are activated. It turns off when emergency lights are deactivated and can be turned off by the officer

Subject Officers

Subject Officer 1 (SO1)

On May 4, 2023, a prepared written statement from SO1 was provided to the IIU investigator by his legal counsel. SO1 declined to participate in an interview with IIU investigators.

SO1 statement is detailed and discusses the nature of the dispatch call that day and his own actions prior to arriving at the stolen truck and afterwards. SO1 and his partner SO2 had been originally dispatched to the town of Rorketon, responding to reports of stolen vehicles. After their response, suspects were believed to be headed towards Crane River First Nation with a stolen white 2023 GMC truck which had been stolen from the RM of Lakeshore yard.

SO1 was partnered with SO2 that day and while patrolling Crane River looking for the stolen white truck, they came upon a vehicle matching the description stuck in a ditch off PR 481. SO1 stated that as they drove up he observed four individuals outside of the vehicle and they appeared to be trying to dig out the truck with shovels. One suspect was located at the front of the truck and three others were behind the truck. SO1 exited his vehicle with his firearm drawn and yelled to the individuals that they were under arrest and to get on the ground. None of the occupants complied with this and one of the suspects at the rear of the truck “quickly looked at us” and immediately ran into the surrounding bush (east of the truck). SO1 described this suspect as approximately 5-9, male with a medium build and wearing a red jacket covering his entire upper body. According to SO1, the suspect appeared to be “completely dressed for weather.”SO1 said he knew that there were several houses located in the direction that the subject ran towards.

SO1 went on to arrest the male suspect that had been located at the front of the truck. He noted that he appeared intoxicated and was slurring his words. There were two other female subjects at the rear of the vehicle and they too were slurring their words and had a “strong smell of liquor coming from their mouths.” SO1 noted that an empty mickey bottle was observed on the floor inside the truck. SO1 arrested the male (CW3) and placed him in the back of the police SUV. SO2 advised that he would go into the bush to look for the fourth suspect. SO1 stated that he told him not to go as he had serious concerns regarding officer and public safety. SO1 helped SO2 arrest the two female suspects and they called in WO3 who was nearby to transport the females to Ste Rose du Lac detachment.

SO1 stated that he attempted to look into the bush to see if he could observe anything, considering the fact the subject who ran was wearing a red jacket. He could not see anything. He observed a white Nissan Rogue belonging to a resident of a nearby residence which was through the bush. He noted that he believed there was more than one person in the vehicle. After questioning the two female suspects they learned that they were CW1 and CW2, the male suspect at the front of the vehicle was CW3. The two females told them that the individual who ran into the bush was AP.

According to SO1’s statement, he is familiar with AP and he is known to hide from police. AP’s girlfriend was known to live on the street adjacent to the bush area that AP had run into. Due to the fact that this group had just stolen two vehicles in a short period of time, SO1 thought it likely that AP had been able to steal a third vehicle on that street and left the scene.

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WO3 left the incident scene with the two female subjects and SO2 and SO1 waited with their male prisoner for the tow truck to arrive. While waiting, a local person (unidentified) drove by and told them that one of his neighbors had found a firearm in Crane River. SO1 stated, "At that moment, I strongly believed the firearm could be involved in this file." The tow truck loaded the vehicle, and SO1 and SO2 went to the house where the firearm was and seized it. They then proceeded on to Ste. Rose du Lac detachment and lodged their prisoner (CW3). SO1 and SO2 then proceeded back to Rorketon where they interviewed the owner of the first stolen truck and two witnesses to the theft of the second truck, the 2023 white GMC. SO1 noted that witness of the first stolen truck described the individual (that threatened him with a hammer and stole his truck) as male, approximately 5-10, Indigenous, with a slender build, weighing 180 pounds, wearing jeans down to the crotch with white pyjama pants underneath, short black hair with a tattoo around his neck, another black tattoo with a yellowish colour, wearing a dark jacket (possibly army green). One of the witnesses of the second stolen truck did not see the driver in the stolen GMC but the second witness described him as wearing a red jacket.

When SO1 returned to the Ste. Rose du Lac detachment, he briefed WO1 and the supervisor as to what happened and that a fourth suspect had run off into the bush.

Subject Officer 2 (SO2)

On April 24, 2023, one of the investigators received emails from SO2 and his legal counsel. SO2 declined to participate in a voluntary interview with the IIU but prepared a written statement and submitted that instead. SO2 also sent a copy of an RCMP general report that he had prepared.

According to SO2 he was partnered with SO1 on Dec. 30, 2022. They had been called to a report of a Break-In and Theft of a vehicle in Rorketon, Man. While enroute, they received a report that the first stolen vehicle had been rammed into an RM of Lakeshore equipment shed and a second vehicle was now stolen. As the last known direction was towards Crane River First Nation, SO2 and SO1 proceeded in that direction.

While on patrol on the First Nation, they came across a vehicle in the ditch which matched the description of the stolen vehicle (white GMC truck). According to SO2, they observed four individuals in the ditch, trying to dig the vehicle out. While they were still driving towards the truck, SO2 saw an individual run around the front of the truck and then the same individual on all fours crawling and then disappearing near the bush line. SO2 noted that this person was wearing shoes.

SO2 and SO1 arrested the other three occupants (one male, two females) at the scene. They did not go after the fourth person (AP) as they had three prisoners and there were only three officers on duty (SO1, SO2, WO3). SO1 believed that the person who ran was AP as he was "notorious" for evading police. The two females in custody also stated it was AP. SO2 stated that it would have been dangerous to leave one member with scene security and go into the bush after AP. WO3 was responsible for transporting the two female prisoners back to the Ste Rose du Lac detachment.

SO2 stated that he saw a vehicle leave a residential driveway and this was where AP had went towards. He thought that AP may have been picked up in that vehicle. They did not call for a police dog as the nearest dog would be in Winnipeg which is several hours away.

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According to SO2, he did not believe there was a safety concern for AP as he had seen him with pants, shoes and wearing a jacket of some sort. AP did not stumble or show signs of impairment in the limited amount of time that SO2 observed him. SO2 stated that it was not cold outside; it was approximately -10 to -15 degrees Celsius. AP was running towards a house. He is known to hide in when fleeing from police. This was all explained to him by SO1, who was an experienced member.

According to SO2, he was the junior member and was not making many decisions that day and he deferred to SO1. When he arrived back at the Ste. Rose du Lac detachment, he discussed the situation with his supervisor. The supervisor did not raise any concerns about AP's safety and did not believe that they should go look for him. SO2 stated that they believed they did the right thing by returning to the detachment with their prisoners. The prisoners were entitled to speak with a lawyer in a reasonable amount of time. If they had gone to look for AP and anything had happened to the prisoners, it would have been their responsibility.

Summary of Other Evidence

Review of RCMP WatchGuard Video

On Jan. 23, 2023, investigators reviewed the WatchGuard video recording for the police vehicle being operated by SO1 and SO2. The video footage shows the vehicle arriving at the scene of the white Chevrolet Silverado in the ditch. A person is standing near the front driver's door where it meets the hood of the vehicle. A second person is observed, moving quickly from the area of the driver's door to the rear of the truck and then disappears out of view. The footage is not clear enough or close enough to establish a physical description. As the police vehicle pulls up on the left shoulder, a third figure (believed to be female) is in the snow at the rear of the truck. The officer from the passenger side gets out first and has his service pistol drawn and is pointing at the person standing to the front of the truck. The officer is yelling "Get on the ground. On the ground." and is quickly walking towards the person. As the officer walks towards the individual, a second officer comes from the driver's side of the police vehicle. The second officer is also walking towards the individual and is putting his pistol back into his holster.

The first officer forces the individual (standing at the front of the vehicle) to the ground with his left hand and proceeds to handcuff the individual. There are now two female individuals visible at the rear of the white truck and they are kneeling in the snow. The second officer walks around the passenger side of the vehicle and is looking into the surrounding bush to the right of the vehicle. This officer then goes to the rear of the vehicle where the female subjects are. At the 1:08 mark of the clip, one of the officers transmits on his radio: "I think we have the car, we have one male i/c and I think one ran through the bush, one female i/c as well. We have a..., we're just south on 481, so just basically as soon as you pass the main road, the main turn off in Crane, you come south, you'll find us. Pretty sure it's the vehicle".

The second officer is now visible handcuffing the female individual. WO3 responds on the radio that she will "Come up to you guys." One of the officers responds, "10-4, yeah, we have uh..well, someone ran, but we're two here and there's four SOC". The video continues with one of the officers returning to the police vehicle and running the licence plate of the truck. The registered owner comes back to the RM of Lakeshore. The police vehicle is brought up closer to

the edge of the road and the one male and two female subjects are clearly visible, handcuffed and lying on their stomachs.

The male subject (CW3) is subsequently brought upright and is placed in the back of the police vehicle. He is swearing and wants to know why he was being arrested. The officer explains he was found with a stolen vehicle and one person ran. CW3 states that he was just trying to shovel out the vehicle. CW3 tries to step out of the vehicle (the door is still open). The officer commands him several times to get in the vehicle. The officer pushes CW3 into the vehicle and shuts the door. CW3 appears to be intoxicated as his eye lids are drooping and he is slurring words.

The footage continues with the two female subjects talking to police outside of the vehicle. CW3 is very agitated in the back seat, moving back and forth, swearing and yelling unintelligibly. WO3 can be heard on the radio, stating that she is almost at their location. One of the officers replies that he has two female subjects for her and that they have one male in their vehicle.

CW3 is in the back seat, the female subjects can be heard talking outside the vehicle. CW3 is yelling at them to "Shut the fuck up." He is agitated and continues to yell out the window for the females to stop talking to police, yelling out "Perverts." At the 5:02 mark, one of the officers transmits on the radio: "Not sure if you heard, but we have the vehicle here...that's going to be the first place that Stan has to come." At the 5:23 mark, CW3 leans on his back and starts kicking the rear passenger door of the police vehicle. An officer opens the door and tells him to stop and tells him he is under arrest. CW3 wants to know why he is under arrest.

The footage continues with the officer closing the passenger door on CW3. He kicks it again and is swearing. A radio transmission comes through from Claire stating that the tow truck is going to the scene of the other vehicle (car) and she could not get a hold of him to tell him (driver) to go to their location. One of the officers responds that they will have to send one officer to him as they have no cell coverage.

A front dash view continues with two officers talking inaudibly outside at the front of the vehicle. At the 00:59 second mark, one of the officers comes in at the passenger side. CW3 complains that his handcuffs are too tight. The officer tells CW3 that if he is good for the next five to 10 minutes he will loosen them up a bit. The officer proceeds to ask CW3 why he let AP "drive them into the shit" and that AP stole a vehicle and now AP is in possession of a stolen vehicle. CW3 asks what did he do? CW3 states that they (police) "should have chased AP, I'm not wanted." Some of what CW3 is stating is not understandable as he is still slurring words. CW3 claims that he was just helping them out by shovelling the vehicle out. The officer carries on with the interview of CW3, telling CW3 that AP stole the vehicle but "he ran off like a little bitch, now he leaves you to take the blame" CW3 is agitated and keeps repeating that he was just shovelling them out. At the 3:52 mark the officer arrests CW3 for Possession of Stolen Property and gives him his rights to counsel and caution.

The officer in the front passenger seat finishes his interview with CW3 and a female officer standing just outside the vehicle can now be heard on the recording. This is believed to be WO3, who has arrived on scene to transport the two arrested female individuals. The officer and WO3 have a conversation, some of which is inaudible. It is as follows:

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Officer: "A couple of times I go back and forth, he's not there anymore"

Officer: "Yeah, we have three and we're two, so we can't really fucking chase him"

WO3: "No, oh god no, no no...."

WO3: "But I think we are going to have enough".... (inaudible)

Officer: "Like shoes, cell phone, bottle"....

WO3: " So, do you want me to start heading back, I'll see Dan about coming for the truck, that's number one priority right now and then he's here."

This was the entirety of the WatchGuard video that was provided to the IIU.

Post-Mortem Examination and Toxicology

On Jan. 18, 2023, a post-mortem examination on AP was conducted at the Health Sciences Centre. An IIU investigator was in attendance. Toxicology samples were taken by IIU and sent to the Alberta Office of the Chief Medical Examiner for testing. On March 3, 2023, the toxicology results were received and showed the following alcohol and drug levels:

- ethanol: 2.00 - 2.58 g/l
- methamphetamine: 2.10 - 2.17 mg/l
- amphetamine: 0.441 - 0.460 mg/l
- cocaine: 0.018 - 0.0101 mg/l
- benzoylecgonine: 0.208 - 0.209 mg/l

The report indicated that levels of alcohol in the 2.0 to 2.5 g/l range mark heavy drunkenness, confusion and grossly impaired co-ordination. The report indicated that methamphetamine levels over 0.01 mg/l are indicative of impaired driving and methamphetamine overdose can cause confusion, anxiety and hallucinations.

The final autopsy report was received from the chief medical examiner's office on April 5, .The report concludes that the immediate cause of death is hypothermia. There are no other contributing factors listed. The autopsy findings also found the following:

Partially unclothed body, Frost Erythema, Minor contusions and abrasions, Pulmonary congestion, Fatty Liver, Cholelithiasis, Acute Alcohol intoxication, Cocaine and Methamphetamine and their metabolites present in blood.

Environment Canada Weather Report for Dec. 30, 2022

The Environment Canada weather report for Dauphin and area on Dec. 30, 2022, was reviewed. The temperature at 10 a.m. (closest to the time it is believed that AP ran into the bush) was -17.6 degrees Celsius. With wind chill factored in it was -24 degrees. The overall high temperature for that area on Dec. 30 was -15 degrees and the low was -19 degrees (excluding wind chill).

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Subject Matter Expert Report

IIU sought the services of a court-recognized subject matter expert regarding hypothermia and body thermoregulation. On March 15, 2023, the IIU requested assistance in determining the likely hypothermia scenario, specifically the amount of time it likely took for AP to become incapacitated and succumb.

All known factors and circumstances were shared with the expert. These included AP's height, weight, age and amount of clothing (sweatshirt, jeans and socks; no headwear or footwear). The toxicology results were shared with the expert which included the alcohol and drug (methamphetamine, cocaine) levels in his system. Photographs of AP's body where it was found and the state in which it was found (shirtless, sweatshirt underneath the body, socks off) were also provided. Forensic identification unit information (drone photographs, path of travel and distance measurements from the vehicle site to body) was provided, as well as the Environment Canada weather data for the area on Dec. 30, 2022.

On April 21, 2023, the expert presented a report of his findings to the IIU. Taking all factors into account, the expert utilized the "Cold Exposure Survival Model," which has been accepted as valid in court proceedings. The results were that AP likely became incapacitated within 2.7 to 4.2 hours and that he reached a potentially fatal core temperature (28 degrees Celsius) within 5.2 to 7.1 hours. The removal of AP's clothing (sweatshirt, socks) is consistent with a phenomenon known as "paradoxical undressing," which normally occurs when core temperature has dropped several degrees and when the body is in moderate hypothermia (28 to 32 degrees) or nearing severe hypothermia (lower than 28 degrees).

According to the report, the combinations of drugs and alcohol in AP's system would have had a further negative effect on his thermoregulation system which would likely increase the rate of body core cooling. The expert also notes that when AP ran into the bush he was dressed in only light clothing (sweater, pants, no footwear). This would not have provided much insulation or protection from body cooling.

Ground Search of Incident Area

On May 31, 2023, a ground search team conducted a grid search of the wooded area adjacent to where AP's body had been located on Jan. 5. This search team had been assembled by the Office of the Fire Commissioner at the request of the IIU. The team consisted of three personnel from the Office of the Fire Commissioner and three from the Brandon Search and Rescue Association. Prior to the search a briefing was conducted with team members and the investigator. The objective of the search was to locate any footwear and other clothing items that may have been discarded or attributed to the AP. The reason this search was conducted at this time was that the snow had now melted from the wooded area.

The search was subsequently conducted, and the results were negative for any footwear or clothing from the AP.

DNA Testing of Running Shoes found inside stolen Chevrolet truck

After the initial arrest of the three remaining occupants (CW3, CW2 and CW1), the inside of the truck was searched by RCMP. One of the items seized was a pair of black Puma size 10.5 high top runners. When AP's body was located, he was not wearing any footwear whatsoever. Interviews with civilian and police witnesses were inconclusive as to what type of footwear AP had been wearing and if AP had been wearing footwear when he ran into the bush on Dec. 30.

The footwear was subsequently sent to the RCMP national laboratory for DNA testing on May 16, 2023. On Sept. 25, 2023, the results were received. They were inconclusive as to whether the runners belonged to or were worn by AP.

Concerns, Special Circumstances and Issues

RCMP WatchGuard Video

During the review of the WatchGuard video, it was noted that the video recording ends abruptly while SO1 and SO2 are at the roadside, with prisoner CW3 in the backseat of the police SUV. Just prior to the end of the recording, the officers were speaking with WO3 regarding the reasons why they did not go after AP when he ran into the bush. As the footage ends here, it is not known if there was further discussion regarding decisions not to go after AP.

RCMP Investigational Resources

During the witness officer interviews, IIU investigators were advised that on the day in question (Dec. 30, 2022), the RCMP did not have the human personnel resources to search for AP. During the arrest of the three individuals travelling with AP, the officers present stated that they could not go after AP as they were only two of them, and they had three prisoners. When questioned later by IIU investigators, WO1 (the acting detachment commander) stated that there were no dog (K9) resources available for a search and that the Ste. Rose du Lac detachment (and surrounding areas) was lacking personnel. In addition, there were no drone resources available (which are often used in search situations, according to WO1).

Missing Persons Report

On Jan. 4, 2023, AP was reported missing by a family member to the detachment. As a result, AP was entered into CPIC at that time as missing. Pursuant to The Missing Persons Act, the following should be noted:

Protection from liability

Section 13: No action or proceeding may be brought against a member of a police service or any other person in respect of anything done or omitted to be done in good faith under this Act.

Conclusion

Following due consideration of all the circumstances of this matter and a thorough review of the evidence, the IIU sought the opinion of Manitoba Prosecution Services in relation to possible criminal charges. Manitoba Prosecution Service's opinion is that they are not satisfied there is a reasonable likelihood of conviction and the standard for prosecuting charges has not been met. The civilian director will not consider authorizing charges that will not lead to a prosecution before the courts. This investigation is now completed, and this matter is now closed.