



**IN THE MATTER OF AN INVESTIGATION INTO A DEATH  
DURING AN INCIDENT IN WINNIPEG**

**FINAL REPORT OF THE CIVILIAN DIRECTOR  
OF THE INDEPENDENT INVESTIGATION UNIT**

Civilian Director:	Roxanne M. Gagné
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## **Introduction**

On September 2, 2023, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On Saturday, September 2nd, 2023 at approximately 11:54am, members of the Winnipeg Police Service responded to a Priority 2 WELLBEING call in the area of Main Street / Alexander Avenue regarding a male (AP) walking in the middle of traffic on Main Street, swinging a belt and attacking passing vehicles, causing traffic to swerve.*

*Members arrived on scene at Main St near James Ave, and observed a shirtless male (AP) to be standing on the median. AP then sat down and laid on his back.*

*Officers also observed a belt on the northbound lane Main St. nearby. Officers could hear this male (AP) yelling and it appeared that he may be under the influence of drugs, as he appeared to be acting aggressive and erratic. Officers quickly approached the AP and placed him in handcuffs for everyone’s safety, as he was now sitting up on the median.*

*AP continued yelling names of people and stated that he couldn’t breathe. AP was observed to have a dried orange-coloured substance around his mouth and he was sweating. Officers assisted AP by repositioning him in an effort to allow him to breath easier.*

*AP admitted to officers that he had been smoking crack cocaine and meth earlier in the day.*

*Believing that AP was undergoing a medical emergency, officers requested an ambulance attend to the scene. AP continued yelling and then laid down on the median and was moving around erratically. Officers tried to control AP’s legs so that he didn’t hurt himself and kept him on his side to maintain a good airway.*

*AP was yelling, “Get me outta here boys.” And “They’re over there.” Continuing to yell random things and people’s names, however not making sense, at times yelling in an angry voice.*

*A short time later, Winnipeg Fire Paramedic Service (WFPS) arrived on scene and began assessing this male.*

*Officers requested a medical supervisor to attend, as they believed that the AP required sedation due to his elevated condition. A few minutes later, a Paramedic Supervisor arrived on scene and provided AP sedation.*

*Officers assisted in putting AP on a stretcher and to maintain everyone’s safety due to AP’s ongoing erratic and aggressive behavior, he was handcuffed to the stretcher.*

*Moments later, in the ambulance, AP’s condition was deteriorating and handcuffs were removed at the request of the Paramedic Supervisor. AP was transported to hospital in critical condition.*

*At hospital, AP was immediately moved into the Resuscitation Room and continued to receive medical care. He was then intubated to assist with his airway and appeared to have a very elevated heart rate.*

*AP had a CT scan and blood work done to assess what may be causing his health issues.*

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*Medical staff advised that male was upgraded to unstable condition and would likely be for the rest of the day despite any CT or blood results.*

*Hospital staff were given instruction to call police in the event the AP's status changed for the worse. Arrangements were also made to have a Street Supervisor attend the hospital in the evening in an effort to get an update on the male's condition.*

*It should be noted that this incident is being treated as a Medic Event, however due to the fact the AP was in police custody briefly and was admitted to hospital, the IIU was notified.*

*At approximately 11:00pm this date a Street Supervisor attended to the hospital in an effort to get a medical update on AP's condition. At this time, AP was located in the Intensive Care Unit. Medical Staff advised that AP's CT scan was 'normal' and they were keeping him sedated for observation overnight, and he would likely be released in the morning.*

*On September 3, at approximately 11:48am, a Street Supervisor again attended to the hospital in an effort to obtain a further update regarding the condition of the AP.*

*At this time police were not able to speak with the doctor overseeing the care of AP due to the fact the doctor was meeting with the AP's family regarding his current condition.*

*However, police were able to obtain the following information; from the time of the last update related to the Winnipeg Police Service, AP's condition has deteriorated and he is currently in a medically induced comma and on life support. He is in complete organ failure, including heart failure and collapsed lungs, and experiencing complete body paralysis. AP is heavily medicated (12 medications) and he is not expected to live.*

*On September 3, at 1:34pm, the IIU was notified and provided with the aforementioned update on the AP's condition."*

As this matter concerned a death, 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.

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

- 911 audio
- Narratives X4
- CAD history
- Radio Audio

The civilian director designated four witness officers.

Due to a dearth of information at the outset about whether any officers were directly or indirectly involved in the cause of affected person's (AP) death, the civilian director did not designate a subject officer (SO). This decision was later re-evaluated and no subject officers were ever designated.

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## **Facts and Circumstances**

### **Civilian Witnesses**

#### **CW1**

On September 8, 2023, IIU investigators met with CW1. On September 2, 2023, CW1 was standing by the Royal Bank in the 500 block of Main Street. There were approximately three officers around the male. The male was lying on the ground and did not have a shirt on. One officer was kneeling beside the male's head, and a paramedic was standing next to the male. They were on the boulevard. The male was yelling and hardly struggling. CW1 could not make out what the male was yelling. The female paramedic gave the male a needle in the arm. The officers were holding the male down. She did not observe the officers use any force other than just holding the male down.

#### **CW2**

On September 18, 2023, IIU investigators obtained a statement from CW2. On September 2, 2023, she was on foot at the northwest corner of Main Street and Alexander Avenue. She observed a shirtless male in the middle of the intersection. The male was agitated, yelling and swinging what looked like a shirt or a belt. She did not observe any injuries on the male. The male was approaching cars and may have hit a car with what he was swinging, and he was in the way of the cars moving through the intersection. She called 911. There were some "close calls" where vehicles had to move out of the male's way. Once she provided all the details to the operator, she left the corner. The male was a harm to himself and to others at the time she observed him.

### **Professional Witnesses – Winnipeg Fire Paramedic Service**

#### **PW1**

On September 15, 2023, IIU investigators obtained a statement from PW1. On September 2, 2023, he observed four WPS officers with AP, located on the concrete median at Main Street and James Avenue. One police officer was position at AP's upper torso, one at his hip and one located at AP's legs to control him from flailing. PW1 stated that he did not witness any use of force by the police officers. PW1 noted that AP appeared agitated, and it was apparent that he was under the influence of something, leading PW1 to believe that emergency medical services (EMS) and sedation would be necessary. The District Chief of Paramedic Operations (DCPO) was called and administered sedation to AP upon arrival. As AP was put into the ambulance, PW1 noticed a large laceration/abrasion on AP's left side. Throughout the call, AP exhibited agitated behaviour.

**PW2**

On September 18, 2023, IIU investigators obtained a statement from PW2. On September 2, 2023, she was dispatched to a WPS squad on scene, requesting an ambulance and a district chief for possible chemical sedation. When she arrived on scene, there were officers with a male that was handcuffed on the median. One officer was holding AP's legs down while another officer was holding his hands down. The report was that the male was acting bizarre running through traffic hitting cars with a belt. She was advised by the police officers that the male had admitted to doing cocaine earlier in the day. The male had some redness and she presumed he had hit his face when he was moving about. The male was growling and moving his head around. She administered sedation. It took about seven minutes before an ambulance arrived. When the ambulance arrived, the patient was assisted up by the officers. At that point, he appeared less responsive and was looking unwell. PW2 went into the ambulance for reassessment. The patient has some respiratory issues and they began to treat him medically. One officer was in the ambulance and she asked the officer to remove the handcuffs, which he did immediately. They then transported the patient to Health Sciences Centre (HSC) Winnipeg. She did not observe officers use any force on the male other than holding him down to prevent him from moving around.

**PW3**

On November 29, 2023, IIU investigators obtained a statement from PW3. PW3 advised that upon arriving at the scene, AP was lying prone on the road median. The police officers were positioned at his torso and legs while restraining him. PW3 mentioned that although the patient was thrashing about, he believed he was in handcuffs. They checked the patient's blood sugar levels. Shortly after, a DCPO arrived, administered sedation and took control of the patient's care. PW3 advised that the WPS officer in charge of the scene issued commands to ensure no one was on top of the patient or pressing their knees on him. He witnessed the police officers restraining the patient using their hands, without any excessive force or physical engagement.

PW3 expressed his belief that the police officers at the scene maintained good control over the situation and displayed a calm demeanour. He felt they applied the appropriate amount of restraint on the patient and observed no excessive force being used beyond the manual restraint with their hands.

**PW4**

On November 29, 2023, IIU investigators obtained a statement from PW4. On September 2, 2023, she was dispatched to the Main Street and Alexander Avenue intersection with lights and sirens on Priority 1. Before her arrival, a fire squad and a DCPO had administered a sedative to the patient. Upon arrival, PW4 observed police officers with AP, who was handcuffed and showing signs of head trauma. The DCPO requested to remove handcuffs for better patient care. PW4 witnessed no use of force by the police officers and was on the scene for three minutes before transporting AP to the hospital.

## **Witness Officers**

### **WO1**

On November 15, 2023, IIU investigators obtained a statement from WO1. On September 2, 2023, he assisted D104 with an agitated male smashing vehicles at Main Street and Alexander Avenue. The male was already in custody when he arrived. Given AP's paranoid behaviour and admission of substance use, they requested medical assistance. WO3 called for a DCPO to attend the scene to administer sedation due to AP's escalating agitation. To ensure AP's safety, they brought him to the ground. AP was administered sedation upon the arrival of the DCPO and was transported to the hospital without the use of force.

### **WO2**

On November 15, 2023, IIU investigators obtained a statement from WO2. On September 2, 2023, he received a call indicating a person possibly experiencing psychosis, threatening traffic with a belt. His unit attended to assist. Upon arrival, a unit was already on scene. AP's escalated demeanour suggested a drug psychosis. Officers reassured AP and awaited an ambulance. This was considered a medical issue. WO2 emphasized their focus on the individual's safety, employing soft empty-hand control per the use-of-force continuum to manage the situation, with no resort to hard empty-hand control.

### **WO3**

On November 16, 2023, IIU investigators obtained a statement from WO3. On September 2, 2023, he was working with his partner, WO4, as unit D104, when they responded to a high-priority call involving a male (AP) behaving erratically on Main Street. Observing the individual's erratic behaviour caused him to suspect that AP was under the influence; therefore, they decided to handcuff him for safety. When the situation escalated, an additional unit (D108) arrived. After learning of AP's drug use, WO3 requested an ambulance, leading to sedation by a medical supervisor (DCPO). Despite efforts, AP's condition worsened, prompting the DCPO to request WO3 to remove the handcuffs. WO3 accompanied the unconscious male to the hospital, initiating protocols for a potential death-in-custody incident. AP was at the hospital in critical condition. WO3 stated that the force applied to control AP was soft empty-hand control and restraints.

### **WO4**

On November 16, 2023, IIU investigators obtained a statement from WO4. On September 2, 2023, while operating D104, his unit conducted a well-being check on an agitated, shirtless male in his 40s, identified as AP, who was attacking vehicles on Main Street. WO4 said AP was in rough shape. Concerned for AP's safety and the officers' safety, WO4 promptly handcuffed AP to prevent potential harm, as he was displaying erratic behaviour. The police prioritized AP's well-being by ensuring his ability to breathe, calling for an ambulance and placing him on his side for airway maintenance. His unit followed the ambulance while AP was transported to Health Sciences Centre (HSC) Winnipeg.

## **Summary of Other Evidence**

### **911 Call**

CW2 called 911 the morning of September 2, 2023. CW2 advised the 911 operator that she observed a white male approximately 40 years of age, shirtless, walking into traffic swinging what appears to be a belt at vehicles. CW2 stated the male was walking towards to The Forks. The 911 operator advises that police are on the way. Before the call ends, CW2 says “oh God, oh my God. A car had to swerve. Cars are stopping. He’s stopping traffic.”

### **Radio Communications – WPS**

On September 2, 2023, at approximately 11:55 a.m., unit D104 is assigned the call for service. Officers are provided with the details of a male in his 40s in the middle of traffic on Main Street and Alexander Avenue: no shirt, blue pants, trying to attack vehicle with a belt.

At 11:57a.m., D104 arrives on scene. The officer advises that the male is conscious and breathing. A short time later, the officer transmits that the male has admitted to using methamphetamine and crack cocaine. The officer requests an ambulance to attend as the male is very agitated and may need sedation.

### **City of Winnipeg Traffic Camera**

The traffic camera positioned at the intersection of Main Street and Alexander Avenue captured AP on September 2, 2023. AP is shirtless; in his right hand, he is carrying what appears to be a shirt. The traffic light is green for northbound traffic. AP walks into the intersection and traffic stops as he walks across the intersection. He appears disorientated as he is walking in circles, almost staggering. He takes off his belt and is seen swinging the shirt and belt as he walks.

### **Winnipeg Transit Bus Videos**

Three Winnipeg Transit buses captured the WPS, WFPS members and AP on September 2, 2023 as the buses travelled by James Avenue. WPS and WFPS can be seen on the median, with emergency lights activated.

### **Manitoba Museum Video**

A video was obtained from the Manitoba Museum. The video shows AP walking in the northbound lanes of Main Street, as well as the arrival of the WPS units, the WFPS, the DCPO and the ambulance. The video captures the entire time that WPS is engaged with AP. At no time is there any force used by officers to restrain or control AP.

### **Autopsy Report**

On September 5, 2023, a post-mortem examination was conducted at HSC Winnipeg. The autopsy report concluded that cause of death was hypoxic-ischemic brain damage due to atherosclerotic coronary artery disease with contributing factors of methamphetamine and cocaine use and cardiomegaly.

## **Applicable Law**

### *Criminal Code of Canada*

*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.*

*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.*

## **Conclusion**

This is a tragic set of circumstances where AP was behaving erratically and needed medical assistance, as he was a danger to himself and the public. The evidence demonstrates that the officers attending this incident took steps to ensure the well-being of AP. The force used was simply handcuffing AP for his own protection. The handcuffs were immediately removed upon request of the DCPO. The evidence demonstrates that the police officers restrained AP by using their hands, without any excessive force or physical engagement. Further, PW3 believed that the police officers at the scene maintained good control over the situation and displayed a calm demeanour.

Following due consideration of all the circumstances of this matter and a careful, thorough review of all evidence and material facts obtained in this investigation, I am satisfied that the officers' actions were reasonable in the circumstances. Therefore, no charges are recommended against the witness officers, and the IIU investigation is now completed and closed.