



**IN THE MATTER OF AN INVESTIGATION INTO THE DEATH OF AN ADULT
MALE FOLLOWING AN OFFICER-INVOLVED SHOOTING IN SANDY BAY FIRST
NATION**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On April 20, 2024, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on April 20, 2024:

On April 20, 2024 at approximately 5:00 p.m. RCMP members from Amaranth were called to assist Manitoba First Nations Police Service MFNP at Sandy Bay FN in response to a weapons call.

AP was reported threatening his girl friend and other family members while outside the home with several edged weapons including a machete and a firearm. AP fled the scene and members of the MFNP and the RCMP patrolled area.

AP was later located and after a foot pursuit was confronted by an RCMP member at another location on Sandy Bay FN. This resulted in SO1 discharging their service pistol at AP. SO immediately started performing emergency first aid, however AP died at the scene.

As this matter concerned injuries during arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 65(4) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- 911 audio transmissions
- scene and autopsy photos
- witness statements
- watch guard footage
- drone images

The civilian director designated one subject officer (SO) and three witness officers (WO1 to WO3). IIU investigators also received information from nine civilian witnesses (CW1 to CW9).

Facts and Circumstances

Scene Examination

IIU attended to the scene later that evening and worked with Forensic Identification Services to obtain all relevant evidence. No canvassing occurred as there were no residences in close proximity to the scene.

Interviews

Civilian Witnesses

Civilian Witness 1 (CW1)

CW1 was interviewed twice in relation to the incident and provided the following information:

CW1 was at CW2's residence when AP, CW3 and CW6 attended. All parties were drinking and intoxicated. CW1 said the plan was to attend a bar in Amaranth.

AP did not want CW6 to go to the bar and grabbed a hold of CW6. CW3 started to yell at AP to let go as he was choking CW6. CW6 was able to get loose from AP, at which point AP pulled out a machete. CW1 called the police to attend and arrest AP. CW1 and the rest of the witnesses went to the bar and heard that AP was shot when they returned later.

Civilian Witness 2 (CW2)

CW2 was interviewed twice in relation to the incident and provided the following information:

CW2 confirmed that individuals were at her residence drinking and that she was intoxicated. CW2 confirmed that AP, CW3 and CW6 attended her residence, but AP did not enter the house. CW2 confirmed that while they were getting ready to go to the bar, AP grabbed CW6 and did not want her to go with them. CW2 was about to get in the vehicle when she heard CW5 say "get in. He has a machete."

CW2 recalled that CW1 was on the phone with police as they drove towards the bar. CW2 recalled seeing a police vehicle headed towards her residence while they drove to the bar. CW2 heard that AP was shot sometime after they returned from the bar.

Civilian Witness 3 (CW3)

CW3 was interviewed twice in relation to the incident and provided the following information:

CW3 confirmed that she attended CW2's residence with AP and CW6. CW3 confirmed that all three had been drinking before they attended to CW2's residence. CW3 confirmed that AP grabbed CW6 and would not let go of her as he did not want her going to the bar. CW3 confirmed that AP pulled out a machete. CW3 confirmed that they went to the bar, and when they returned to CW2's residence, AP was no longer present.

Civilian Witness 4 (CW4)

CW4 was interviewed twice in relation to the incident and provided the following information:

CW4 confirmed seeing AP outside a residence with a machete. CW4 recalled that there was a commotion outside the residence, but he did not see it. CW4 confirmed that AP left the area after a period of time and advised officers which direction AP went when they arrived.

When CW4 was interviewed a second time, he stated he did not see any weapon on AP.

Civilian Witness 5 (CW5)

CW5 was interviewed on April 21, 2024, and provided the following information:

CW5 was at CW2's residence when CW3, CW6 and AP came over. CW5 was sober during the incident and recalled that AP did not want CW6 going to the bar. CW5 recalled that AP was choking CW6, but somehow she got away from AP and went into the truck. CW5 observed AP with a machete.

CW1 was on the phone with police when CW6 told CW1 that AP was carrying a gun and not just the machete. CW5 yelled at CW8 and CW9 to get in the house because AP had a machete, but they left for the bar.

Civilian Witness 6 (CW6)

CW6 was interviewed on April 21, 2024, and provided the following information:

CW6 confirmed that she had been drinking with AP before attending to CW2's residence. CW6 confirmed that AP was asking to leave the residence and not go to the bar and was holding her by the hood. CW6 did not see the machete but, she did recall CW5 saying something about AP having a machete. CW6 confirmed that AP would carry a machete for protection. CW6 thought AP may have consumed meth earlier in the day.

Civilian Witness 7 (CW7)

CW7 was interviewed on April 21, 2024, and provided the following information:

CW7 confirmed seeing AP at the residence and waiving a machete outside the house. CW7 believed AP had knives wrapped around his arm in some kind of device. CW7 told the girls to call police while he locked the door to the residence. Police attended later on and CW7 told them what had happened.

Civilian Witness 8 (CW8)

CW8 was interviewed on April 21, 2024, and provided the following information:

CW8 stated that he heard a commotion outside, but did not see anything. CW8 saw a male that he was not too familiar with, but he did not see the male with any weapons.

Civilian Witness 9 (CW9)

CW9 was interviewed on April 21, 2024, and provided the following information:

CW9 was asleep in the house and did not see anything. CW9 saw AP at his residence, but saw nothing further. CW9 confirmed that police arrived at the residence, but he did not know why they were there.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed on May 14, 2024, and provided the following information:

WO1 confirmed that he was partnered with SO on the date of the incident. WO1 confirmed that they were called to assist in Sandy Bay with respect to a weapons call. WO1 stated that the call history included the name of AP. WO1 was aware of AP, stating that he had a history of violence.

WO1 stated that 3 vehicles attended to the area of the incident. WO2 and WO3 knocked on the door of the residence. Information provided was that AP was threatening people and carrying a large machete. Officers were also told that AP might have a gun and knives wrapped around his forearm.

WO1 and SO split up to search for AP. SO stated on the radio that he was in pursuit of AP in the marsh. WO1 went in that direction to assist and heard SO on the radio stating, “drop the weapons and stop what you’re doing.” Shortly after on the radio, SO said “shots fired.”

WO1 arrived on scene and heard SO asking AP to stay on the ground. WO1 saw a machete and what appeared to be part of a tire jack near AP’s feet. WO1 noted AP was injured on his bicep and left chest area. AP was provided CPR by WO2 and WO3 while WO1 called for medical assistance. EMS arrived, however AP was declared deceased at the scene.

WO1 confirmed that SO told him he fired his gun twice, but nothing further was discussed.

Witness Officer 2 (WO2)

WO2 was interviewed on May 28, 2024, and provided the following information:

WO2 confirmed that he was partnered with WO3. WO2 also confirmed the call for assistance involved a weapons-related call and AP. WO2 advised that he had dealt with AP in the past and that he was known to carry weapons. WO2 arrived on the scene of the call and confirmed AP was no longer there. The officers split up to locate AP.

WO2 received a call from WO1 that SO was in pursuit of AP. WO2 attended to that area and saw SO’s vehicle abandoned with its lights activated. WO2 then heard SO on the radio state “he’s got weapons,” and then “shots fired.” WO2 located SO and AP about a kilometer from SO’s vehicle. WO2 observed AP on his back with a machete and another dark object nearby. WO2 confirmed that AP had some type of device wrapped around his forearm to carry knives.

WO2 assisted in CPR to AP and did not discuss the matter with SO.

Witness Officer 3 (WO3)

WO3 was interviewed on May 28, 2024, and provided the following information:

WO3 confirmed that he was part of the group of officers involved in the weapons call. WO3 confirmed that when they attended the area, AP had already left and the officers went to search for AP.

WO3 confirmed hearing WO1 advised them that SO was in a foot pursuit of AP. WO3 came upon SO's vehicle and then heard two gunshots. WO3 came upon the scene and observed AP on his back with a machete beside him. WO3 also noted knives wrapped around AP's forearm.

WO3 assisted with CPR and did not speak to SO about the incident.

Subject Officer

In accordance with his rights, SO declined to be interviewed by IIU investigators, however, he did provide his notes, which stated the following:

SO confirmed the call in for assistance and the members attending with him to the scene. SO also confirmed that the members split up to locate AP in the area.

SO spotted AP while driving his vehicle and activated his lights and siren. AP ran into the marsh, so SO pursued him on foot. SO saw AP with a machete and what he believed to be a hammer. SO stated that he gave AP numerous commands, but AP ran towards SO with a machete in hand. SO discharged his firearm at AP which stopped AP from advancing.

Other evidence

Radio Transmissions

In reviewing the radio transmissions, it is clear that numerous commands were directed at AP to drop the weapons and that he was under arrest. Further, the radio transmissions noted AP to be running away from SO and trying to remove clothing from his body in an effort to evade arrest.

Police Vehicle Video

WO1's vehicle arrived on scene approximately one minute after the shots had been fired. SO can be seen pointing his firearm in AP's direction. The machete can be seen by AP's feet.

You can see WO2 and WO3 attend the scene to initiate medical assistance to AP. SO then grabs the machete and some kind of object that resembles a tire jack piece.

Autopsy Report

The preliminary cause of death was noted to be a gunshot wound to the left thorax. Methamphetamine was noted in the toxicology report.

IIU has not received the final autopsy report at the time of writing this report. Due to the nature of the event, the civilian director has decided to complete the report to be accountable to the public in a timely manner. An addendum will be prepared if the cause of death varies from the aforementioned.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sections 25(1), 25(3) and 25(4) of the Criminal Code of Canada have been emphasized here for consideration:

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

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- (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

Conclusion

It is my view that, in the full consideration of the circumstances of this incident, the use of 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. Subject to further evidence arising from the final autopsy, IIU has completed its investigation and this matter is now closed.

