

FINAL REPORT: IIU concludes investigation following police stand-off and death near Anola

On January 7, 2017, at 9:00 a.m., the Independent Investigation Unit (IIU) was notified by the RCMP of a death that had occurred at a residence in the rural municipality of Springfield. As this notification involved a fatality, IIU assumed responsibility for this investigation in accordance with section 65(1) of *The Police Services Act* (PSA). IIU investigators were deployed to the scene.

Further, in accordance with section 70(1) of the PSA, the IIU was required to seek the appointment of a civilian monitor as this matter involved the death of a person. On January 9, 2017, the IIU requested the Manitoba Police Commission (MPC) to appoint a civilian monitor. On February 7, 2017, the IIU was advised a civilian monitor was assigned to this matter. The initial briefing with the civilian monitor took place on February 15, 2017 and the IIU has conducted monthly briefings with the civilian monitor since that time.

The IIU civilian director designated three RCMP officers as subject officers (SO1, 2 and 3 respectively) and 35 RCMP officers as witness officers (WO1 through 35 respectively). Following an assessment of the facts, circumstances and file materials, the IIU investigators identified two WOs for in-person interviews.

The RCMP supplied a complete investigative file, including: witness and subject officers' notes and reports, audio recordings with RCMP telecommunications centre, communications between the officers and their supervisors, seized exhibits, and scene photographs. IIU also obtained the affected person's (AP) computer, a long rifle, ammunition, firearm analysis, and a medical examiner's autopsy findings and analysis.

As outlined under the PSA, a subject officer is not required to provide a statement or notes regarding the incident. SO1 voluntarily provided his notes and voluntarily participated in an interview with IIU investigators. SO2 and SO3 voluntarily provided their notes and reports but, following a review of the detailed information already in the possession of IIU, interviews with both of these officers were not required.

During the course of its investigation, the IIU determined the following facts.

AP and his family resided at a home near Anola in the R.M. of Springfield. On January 5, 2017, AP's wife contacted the Oakbank RCMP to advise that she would be leaving her husband the next day, citing years of mental abuse in their relationship. On January 6, RCMP telecom was advised that she had left the house. Later that day, the RCMP received further information that AP had threatened her with death or serious harm numerous times over the preceding several weeks. She also advised that she had received 73 texts messages in a three-hour period from her

husband, threatening her with death and bodily harm. RCMP was advised that AP had stated he “...was ready for the RCMP and hopes that they come to the house,” “... would destroy any police or government official that came for him” and “...would go out in a blaze of glory.” According to the wife, AP was aware police had been contacted, he had “booby traps” on the property, and had access to firearms and a vehicle. She was concerned about his mental stability. It was determined that AP should be arrested for uttering threats and domestic assault.

Oakbank RCMP officers attended AP’s residence and attempted to locate him. Once it was determined that he was likely home, RCMP officers set up containment of AP’s residence. An RCMP Emergency Response Team (ERT) and Crisis Negotiator Team (CNT) were also deployed to the residence, as in situations like this their expertise is critical and necessary.

SO1 was in overall command of the RCMP officers at the residence and prepared a number of contingency plans for police deployment and the surrender of AP. SO1’s goal was “...to affect the arrest of AP, keeping in mind the safety of the public, police and AP.”

RCMP officers designated as observers were stationed around the residence to watch for AP and report to SO1 any activity in the home. Furthermore, SO2 and SO3, who were members of CNT, were tasked to make contact with AP and commence negotiations, with the goal of having AP surrender peacefully to police. SO2 and SO3 negotiated with AP throughout the night.

There was no landline telephone inside the residence, but AP was thought to possess a cellular telephone with no airtime left on it. SO1 authorized air time be purchased by the RCMP for AP’s cell phone. AP was also sent four e-mails from SO2, asking him to turn on the phone, but there was no response to any of the e-mails. The cell phone was never utilized by AP.

AP had a Facebook account, and a “friend request” was sent to AP by SO3. AP accepted the “friend request” and commenced a computer dialogue with SO3, lasting from 12:33 a.m. (now January 7, 2017) until 4:56 a.m. AP reacted in an adversarial manner to requests to surrender and made reference on four occasions to “not leaving his home alive.” Negotiators consulted with a psychologist in Winnipeg for advice and recommendations on how to engage with AP during the Facebook conversation. At 4:56 a.m., AP’s final communication with SO3 stated “u won’t get off my driveway you decided my fate don’t talk to me anymore.” SO3 continued sending messages attempting to make contact with AP.

All RCMP efforts to re-establish contact with AP were unsuccessful. By 8:18 a.m., SO1 was concerned there was real uncertainty whether AP was still in the residence and could not rule out the possibility he had escaped. Moved to take proactive measures to enter the house and, mindful that “booby traps” may exist, SO1 ordered ERT to enter the residence. ERT officers discovered AP in the master bedroom closet of the home, dead from an apparently self-inflicted gunshot wound. He was seated with a .303 British bolt-action rifle between his legs. The rifle was later identified as a Lee Enfield No. I Mark III bolt-action rifle, manufactured by L.S.A. Co., (London Small Arms Co. of England). The rifle magazine (a 10 round maximum) contained eight live .303 cartridges.

A bullet hole was noted in the ceiling directly above where AP was seated. The bullet hole was located exiting through the roof of the residence. No bullet has been recovered. An empty casing was found in the rifle and a second spent shell casing was located near the deceased's location in the closet. No RCMP member heard any gunshots from within the residence.

An autopsy on AP was conducted on January 9, 2017. The pathologist concluded that the cause of death was consistent with a self-inflicted single gunshot wound travelling upwards. AP would have died instantly. AP could easily have reached the trigger himself. There were no other injuries located on the body.

SO1 never ordered an RCMP member to fire any shots at AP or the residence and no RCMP firearms were discharged during this incident.

Does this investigation disclose any causal link between the actions of the subject officers and the affected person's death?

There is no evidence of direct application of force by RCMP officers to AP in this case. Therefore, the sole issue is whether any of the subject officers did anything to encourage or assist, or fail to do anything that was their duty to perform, and thereby contributed to the death of AP.

Following a detailed review of the investigative file materials, I am satisfied there is no evidence that any of the RCMP subject officers did or failed to do anything that caused or contributed to the death of AP.

The evidence does show that the RCMP officers responded appropriately and immediately in response to a very serious situation. The RCMP officers did everything possible to de-escalate this matter and negotiate a peaceful surrender of AP. The decision to enter the residence was made when all other steps and tactics to convince AP to surrender had been exhausted. AP was intent on taking his own life.

There are no grounds for proceeding with any charges in this case and this matter is now concluded.

Final report prepared by:

Zane Tessler, civilian director
Independent Investigation Unit
May 01, 2017

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