

February 9, 2017

IIU concludes investigation into shooting at Grant and Kenaston

The Independent Investigation Unit of Manitoba (IIU) has concluded its investigation into a police pursuit and stand-off near Grant Avenue and Kenaston Boulevard that ended in the shooting and death of a 24-year old Winnipeg man. At the conclusion of its most extensive investigation to date, the IIU civilian director has determined no charge should be laid against any officer.

On the afternoon of November 6, 2015, the male led officers of the Winnipeg Police Service on a chase over a distance of at least 22 kilometres, through Charleswood, River Heights and Tuxedo. The pursuit began at about 12:20 p.m. after a male in a white Audi drove towards a police cruiser and pointed what appeared to be an Uzi submachine gun. Shortly after, numerous calls came into 911 about a speeding white Audi, driving erratically, and some callers reported a gun in the driver's hand.

After a lengthy pursuit, the Audi ended up in the field just south of Lipsett Hall on Kenaston at 12:50 p.m. and was surrounded by 19 police vehicles. The male eventually exited the vehicle, twice, with a firearm pointed under his chin. When he pointed the firearm towards police, five officers fired at the man, causing his death.

The IIU assumed responsibility for the investigation into the man's death, in accordance with section 65(1) of the *Police Services Act*.

Communication between officers and the man--which was captured on an open line to a police 911 operator throughout the stand-off--revealed the man wanted to end his life by having police shoot him. Over the course of the 32-minute recording, the man was asked at least 33 times by the operator and surrounding police to drop his weapon and surrender, prior to the shooting.

Thirty-eight officers and 96 civilian witnesses were identified and interviewed. In addition, the IIU investigation included an examination of the shooting scene, autopsy report, toxicology report, and report from a forensic firearms specialist. This specialist's report showed the weapon brandished by the man looked just like an Uzi submachine gun but was in fact an air gun that shoots BBs and was not loaded with any ammunition.

IIU civilian director Zane Tessler concluded the actions of the subject officers were justified and unavoidable and no charges should be laid against any officer.

In his report on the investigation, Tessler wrote that he considered two main issues: whether the pursuit and stop of the Audi was justified and conducted appropriately; and whether police were justified at law to fire upon the man.

Tessler wrote that the man's dangerous and unsafe operation of his vehicle, and displaying and pointing what appeared to be an Uzi submachine gun at police and other motorists, posed a significant risk to the lives and safety of the public. Moreover, a 911 call made by the man's girlfriend alerted police that he may have had a gun, was depressed and possibly suicidal, supported the notion the man posed a significant public risk. Finally, a 911 call made by the man himself during the pursuit provided further evidence of his precarious mental state and the danger he posed. Given these factors, Tessler wrote police were justified in pursuing the man through southwest Winnipeg and acted appropriately in the methods chosen to bring his car to a stop.

Tessler found the man's action of pointing his firearm at a police officer is consistent with a person who is intent on taking his own life and wishes to instigate a police shooting to accomplish that purpose.

He pointed out the man ignored pleas by police and the 911 operator to surrender his weapon and wrote it was reasonable for police to believe the man could fire at officers and kill them. "When faced with such a scenario, it would be unreasonable for police to wait before acting. Any delay could have led to the death of WPS officers...It was reasonable, in these circumstances, for the subject officers to fire at the affected person to prevent the death of any of them."

The final report summarizing the IIU investigation is available at www.iumanitoba.ca. The details of this investigation were first released on November 6, 2015.

Manitoba's acting chief medical examiner has called an inquest into this death, as required under the *Fatality Inquiries Act*. Inquests explore the circumstances and events leading to deaths for the purpose of finding out what, if anything, might be done to prevent similar deaths in the future.

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