

# ***FINAL REPORT: IIU Concludes Investigation into Deployment of Less Lethal Firearm by Winnipeg Police Service***

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On March 22, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of an incident where police deployed less lethal shotgun rounds and a Conductive Energy Weapon (CEW, also known as a Taser) to disarm a female (identified as the Affected Person (AP)) who was in possession of a knife and had barricaded herself in a Main Street pizza restaurant.

The notification, provided to IIU (edited for clarity), read in part:

*“On Tuesday March 22nd, 2022 at 6:06pm, police officers were dispatched to the area of Main Street and Euclid Avenue for a female (AP) on a Transit Bus that had just cut another passenger with a knife...and had fled into a pizza restaurant on Main Street...Tactical Support and General Patrol Officers attended the location and observed citizens running out of the business. Tactical Support Officers observed AP in the front vestibule holding a knife close to her chest with the blade pointing downward.*

*AP refused numerous demands to drop the knife and failed to comply with any requests by police officers.*

*Fearing for the safety of staff still in the business, AP and themselves, officers deployed a series of non-lethal use of force options for the purpose of gaining compliance of her and removing the knife from her possession.*

*Initially, an officer deployed inert pepper balls, followed by O.C. (pepper) spray into the area however AP refused to surrender or comply with commands. A second officer deployed a less lethal shotgun to her major muscle groups of the legs which caused AP to move towards an officer still brandishing the knife. A second deployment of the less lethal shotgun was done, this time to the major muscle group of her arm that was holding the knife.*

*AP was still non-compliant and still refused to drop the knife at which time the second officer deployed his Taser. Officers were then able to gain control of AP and disarmed her of the knife...Both the victim on the transit bus and AP were conveyed to Health Science Centre...”*

As a result, AP sustained bruising and lacerations to her right hand and arm. The IIU civilian director has previously determined that the less lethal shotgun is a firearm for purposes under the *Police Services Act* (PSA). Any injury resulting from its use would constitute a serious injury pursuant to IIU regulation 99/2015. AP suffered the referenced injuries because of being struck with the less lethal projectiles. Accordingly, the IIU is mandated, under the PSA, to investigate

the conduct of the WPS officers in this matter. IIU investigators were assigned to this investigation.

The information obtained by IIU investigators included:

- officers' notes and narrative reports
- call history
- audio of 911 telephone calls
- WPS radio transmissions
- WPS use of force reports
- Forensic Identification Reports
- medical report for AP
- less lethal firearm and ammunition
- WPS Tactical Support Team Training and Recertification documents
- Various surveillance video footage (transit bus, pizza restaurant and neighbouring commercial premises)
- WPS policy on use of less lethal firearm

The civilian director designated the WPS officer who discharged the less lethal firearm as the subject officer (SO). Additionally, the civilian director designated six other WPS officers as witness officers (WO1-6). AP declined to be interviewed by IIU investigators but did provide a written consent for the release of her medical records. IIU investigators met with and interviewed a civilian witness (CW).

**Affected Person (AP):**

As previously indicated, IIU investigators attempted to interview AP concerning the circumstances of this incident and declined to participate, stating, *"I don't want nothing to do with that"*.

**Medical Report:**

AP provided IIU investigators with a consent for the release of medical information from HSC. According to these records and information,

*"[AP] has significant bruising and eschar to the right proximal humerus. Right hand patient has laceration across T2-3 and 4. D1 zone 1 to flexor injury with tendon exposed. Patient cannot flex... however unclear if this is effort related or not...no fractures, bone or joint abnormality...are identified."*

The right hand was not examined due to the patient being uncooperative and refusing to have been examined.

**Less Lethal Firearm, Ammunition and WPS Policy for Use:**

A Remington Model 870P 12ga modified shotgun, pump action, 5 shot capacity, loaded with CTS 2581 Super-Sock Bean Bag rounds, was deployed in this matter. Both the shotgun and rounds are approved by WPS policy for use by trained police officers. According to policy, the less lethal firearm option is to be considered for use in scenarios involving, among others, a barricaded person armed with an edged weapon. Only members of the Tactical Support Team are authorized to use a less lethal firearm and must maintain yearly certification for use. The use of

the less lethal firearm in a given scenario must be authorized by a co-ordinator or team leader. The primary target areas for less lethal firearms are the buttocks, thighs and calves. Secondary target areas include the abdomen and muscular and skeletal groups (joints, wrists, elbows, knees). Caution will be used if aiming for the shoulders due to the proximity to the head.

Based on the review of all of the available information, the use of the less lethal firearm in this situation was within WPS policy.

**Civilian Witness (CW):**

CW was working at the pizza restaurant when he became aware that a female, armed with a knife, had entered the premises. CW stated that the police were outside of the restaurant and wanted to get inside but the female had locked the inside door. CW stated that within fifteen minutes, a police officer knocked on the back door of the pizza restaurant. CW stated that he was told to stand behind them as they were going to take action. Three officers came in at first then another officer came about ten minutes later. CW stated that the police told the female to put the knife down. CW stated that he heard what sounded like a firearm being discharged.

**Witness Officers (WO):**

WO1 was assigned supervisor duties over uniformed officer on March 22, 2022. A call for service respecting an assault with a weapon on a transit bus was broadcasted at approximately 6:05 p.m. WO1 drove to the vicinity of the pizza restaurant on Main Street. On arrival, the WPS tactical support team was on scene and had a contained a female, later identified as AP, who was armed with a four-inch long steak knife, in the lobby of the restaurant. WO1 noted that AP had a complete vacant stare when he observed her, calling is a “...*perfect example of a thousand yard stare*”. Despite repeated commands made to her to drop the knife, AP held it to her chest as she repeatedly rocked side to side and maintained this vacant stare. AP was not responding or speaking to police. A member of the tactical team discharged inert rounds from a pepper ball gun, followed by a series of live rounds of OC (pepper) spray, and then used the less lethal shot gun, each time followed by commands to drop the knife, with no apparent attempt by AP to comply. WO1 believes AP was struck two times with the beanbag(s) to the major muscle groups of her forearm. WO1 stated that it appeared that AP was “...*shrugging off all of these attempts*” to gain compliance and that her that pain thresholds were beyond anyone of sound mind. WO1 stated that it was the use of the CEW on AP, that police were able to finally incapacitate, disarm and restrain her.

WO2 was a member of the WPS tactical support team and was partnered with WO3 on March 22. While they were in the process of assisting on an unrelated matter, they heard a radio broadcast of a report of a stabbing on a transit bus. Two other tactical support team officers who were working with them, SO and WO4, broke away from their assignment and attended to deal with this call. WO2 stated that SO and WO4 subsequently advised that the suspect was now located at the pizza restaurant. WO2 stated that they also attended the area of the call. Once the victim of the stabbing was checked and it was determined that her injuries were not critical, WO2 and WO3 attended to the pizza restaurant to assist in dealing with the risk that still existed. WO2 stated that he could see through a window and observed a single female in the vestibule of the pizza restaurant. WO2 stated that SO directed a number of the tactical support team to attend to the back of the restaurant and enter through a back door. Other WPS officers remained at the front entrance to ensure that the female did not leave. WO2 had entered the restaurant, and heard

members of the tactical support team trying to dialogue with the female, later identified as AP. WO2 heard WPS officers say, *“Can you talk to us...what is going on...what is wrong...can you put the knife down...drop the knife.”* WO2 stated that there was no response by the female to any of these commands. WO2 stated that he was aware that inert pepper balls were to be used and *“You could hear that being deployed”*. This was followed by a deployment of live pepper balls and were met with negative results. In the meantime, WO2 stated that officers continued to attempt to communicate with AP saying such as, *“put the knife down talk to us; tell us what’s going on.”* WO2 stated that these negotiations with AP continued through the variety of impact munitions. WO2 stated that he heard the less lethal firearm being deployed but it had no effect on AP. WO2 does not recall how many beanbags were deployed at AP. WO2 stated that the CEW was last deployment used and had the desired effect of incapacitating AP and getting her to drop the knife. WO3 stated, *“she’s down, go”* and WO2 was first in line to enter the vestibule. AP was on the ground in the northwest corner. WO2 stated that he had *“lethal cover”* on AP as he could not see her hands and did not know where the knife was. WO2 stated that he then pinned AP with both his legs and holstered his firearm. WO2 stated that he heard another officer say, *“I’ve got the knife.”*

WO3 was the acting street supervisor of the tactical support team and partnered with WO2 on March 22. They heard a radio broadcast that there had been a stabbing on a transit bus, near the intersection of Main Street and Euclid Avenue. One of tactical support team units (SO and WO4) broke off and attended the scene to see if assistance was needed. On arrival, they voiced that the suspect had stabbed a wheelchair bound female on the bus and fled across the street to a pizza restaurant, barricading herself within while armed with a knife. The rest of the tactical support team units made their way to the pizza restaurant where they met up with the units on scene. WO3 stated that she directed WO4 and WO5 to remain at the front door to ensure that the female, later identified as AP, did not escape out into the street while still armed with a knife. WO3 stated that she could clearly see AP holding the knife when she looked through the front window. The rest of the team then entered the restaurant through a rear staff/delivery entrance and made their way into the kitchen area. WO3 stated that it was evident that AP was in the midst of some form of mental distress. AP was not verbally engaging with police officers and had *“...a thousand mile stare”*. WO3 stated that something needed to be done to elicit a response from AP and snap her out of this *“mental trance”* she was in. WO3 stated that she directed WO4 to come to her location with a pepper ball gun, which deploys inert rounds of baby powder designed for pain compliance - similar to a paint ball gun. However, despite multiple deployments of the inert rounds, there was no change in AP’s behaviour and she continued to brandish the knife. WO3 stated that she then directed live pepper ball rounds be deployed. This involves the same method of deployment as the inert pepper balls except the rounds are now filled with OC (pepper) spray. It was hoped that the OC spray balls would result in getting AP to cough, talk, and change her behaviour. WO4 deployed a number of live pepper ball rounds. In an around AP and the doorframe, in order for the spray to enter AP’s respiratory system. However, the pepper balls had no effect on AP. It was at this point that WO3 stated that it was necessary to move up the levels of force to gain compliance over AP. WO3 directed SO to deploy the less lethal shotgun through a serving window and at AP in an attempt to get her to comply, drop the knife and engage with police. WO3 believes SO deployed five or six rounds from the less lethal shotgun, striking the muscle groups in AP’s arm, with the goal to get her to drop the knife. However, the multiple rounds from the less lethal shotgun had minimal effect on AP and she

continued to hold the knife. AP had turned away from police when she was struck with the less lethal shotgun rounds and had exposed body areas that could permit police officers to use a CEW. SO deployed the CEW and incapacitated AP, causing her to fall to the ground and providing police an opportunity to restrain her. AP was disarmed by WO6 and then handcuffed.

WO4 was a member of the tactical support team and on duty on March 22. He was partnered with SO that day. Shortly after 6:00 p.m., they were dispatched to a call for service to the vicinity of Main Street and Euclid Avenue, concerning an incident where a female passenger of a transit bus was stabbed by another passenger. They were on scene within two minutes, saw a bus that was stopped and that people were coming out of a nearby pizza restaurant who indicated that a female, armed with a knife, had entered as was in the vestibule. WO4 stated that he attended to the restaurant and observed a lone female, later identified as AP, holding a four to five inch steak knife, by the handle and in her right hand. WO4 announced “*Winnipeg Police*” and instructed AP to drop the knife, to which she responded, “*No, you’re not the police.*” The door to the vestibule was locked from the inside and WO4 was unable to enter. WO4 stated that he told staff to stay back and tried, unsuccessfully, to communicate with AP. WO4 stated that additional members of the tactical support team and WPS officers from the North End arrived on scene. More resources from their unit and from the North End units arrived. WO4 made his way to the rear of the restaurant to meet up with other team members, while WO5 held watch over the front door. Approximately half an hour into this occurrence, on direction of his supervisor, WO4 deployed inert pepper balls at AP, in order to gain some pain compliance. There was zero success with the inert balls. WO4, on direction of his supervisor, then deployed live OC pepper balls at AP with zero effect and results. WO4 stated that AP did unlock the front door to try and leave but WO5 held the door closed and prevented her from exiting. There was deployment of the less lethal shotgun by SO. WO4 stated that he did see the bean bags rounds strike AP in the arms and legs but it too had no effect on her as she continued to hold the knife in her hand. A CEW was then deployed and struck AP, causing her to fall to the ground and providing police with an opportunity to enter the vestibule and successfully disarm her.

WO5 was a member of the tactical support team and was partnered with WO6 on March 22. Shortly after 6:00 p.m., he and his partner were dispatched to a report of a stabbing that occurred on a transit Bus. WO5 was advised that a female, armed with a knife, had attacked another passenger on the bus and fled into a nearby pizza restaurant. On arrival, they met with WO4 and SO. WO5 obtained a less lethal shotgun from his vehicle and attended to the front of the pizza restaurant, assisting WO4 at the front door. WO5 observed a lone female (later identified as AP) in the vestibule, armed with a large knife in her hand. AP was clutching the knife on her right hand. WO5 was concerned that if AP had exited the door with the knife in her hand, it would have resulted in a lethal encounter with her. WO5 stated that AP looked dishevelled. She was pacing back and forth and rocking on her feet in the same spot. AP had the “*thousand mile stare*”, consistent with someone in a mental health crisis or under the influence of some kind of drug or alcohol. Attempts to make verbal contact with AP were fruitless. WO5 stated that they repeatedly told her to “*drop the knife, drop the knife*” but there was no response from her. WO5 stated that he gave the less lethal shotgun to SO and joined the rest of the tactical support team officers at the back. WO5 remained with WO4 and held the front door closed. WO5 stated that inert balls and pepper balls were deployed at AP but did not elicit any response from her. WO5 stated that a decision was made to deploy the less lethal shotgun. WO5 stated that a number of

rounds were discharged from the less lethal shotgun but though she was struck, it seemed to have little effect on her. When the female reacted, she unlocked the door and was still clutching the knife. WO5 stated that he then heard the sound of a CEW being deployed and saw AP fall to the ground.

WO6 is a member of the tactical support team and was partnered with WO5 on March 22. At approximately 6:05 p.m. that evening, a radio broadcast was received concerning a stabbing that had occurred on a transit bus in the vicinity of Main Street and Euclid Avenue. According to the information received, a female, armed with a knife, cut another bus passenger. The armed female had crossed the street and entered a pizza restaurant and locked herself in a vestibule. WO6 stated that he attended to the rear of the restaurant in the company of SO and WO2. His partner, WO5, remained at the front. WO6, SO and WO2 entered through the kitchen area and saw the female, later identified as AP, facing away from them. AP was continually rocking back and forth and was looking straight ahead. WO6 could see that AP had a knife in her hand. WO6 tried to communicate with AP, saying such as, *“just put the knife on the counter, we can talk this through”* to no avail. WO3, the acting street supervisor, took charge of the situation. Following a discussion with SO, it was decided that a deployment of inert pepper balls (essentially a paint ball shot filled with baby powder) would be used to try to gain the attention of AP. WO4 fired a number of inert rounds towards AP (some of which may have struck her) but did not result in any response from her. WO6 stated that WO3 then directed that the level of intervention be raised and that pepper spray rounds would be deployed at AP. Once again, WO4 fired a number of pepper spray rounds towards AP (some of which struck her in the upper back). There was no compliance from the female. WO3 directed that the level of intervention be raised again and that the less lethal shotgun be utilized. SO had the less lethal shotgun and fired a number of rounds at AP. Again, there was no response by AP nor did she drop the knife. SO then drew out his CEW and deployed it at AP. The CEW had its intended purpose and AP went down to the ground. A number of police officers entered the vestibule, disarmed AP and took custody of her.

### **Subject Officer:**

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident, nor participate in any interview with IIU investigators. In this case, SO provided his notes, narratives and the use of force report to IIU investigators. SO did not agree to participate in an interview with IIU investigators.

IIU investigators reviewed this material and determined the following facts and circumstances, from SO's perspective:

At 6:06 p.m., SO and WO4 were dispatched to a Winnipeg Transit bus on Main Street near Euclid Avenue in response to a wheelchair bound female who had been stabbed or cut by another female. On arrival, they were advised that the female, with the knife, had run across the street and into [a pizza restaurant] on the west side of Main...SO and WO4 entered the hallway which led to the pizza restaurant vestibule and observed a female with...a knife in her right hand, held close to her chest with the blade pointed down. WO4 attempted to make contact with the female...but she would not engage in any conversation with him. The door from the small hallway to the shop vestibule was found to be locked...SO advised WO4 to keep the door shut and continue to attempt to make contact with the female...SO re-attended to the bus to assess the victim of the initial assault. The victim advised that she was in pain but okay, and just had been

stabbed in the hand...the victim was turned over to other WPS officers and SO re-attended to WO4. Other members of the tactical support team also arrived on scene, including WO3, the acting supervisor. WO3 directed that WO5 cover the front door to ensure that the female does not leave that way. Other team members were directed to attend to the rear of the pizza restaurant. Restaurant employees allowed police entry into the kitchen area...The female continued to refuse to comply with all requests to drop the knife and lay down on the ground...a decision was made to elicit a response from her through the deployment of inert pepper balls. WO4 deployed the inert pepper balls at the female but they were ineffective. WO3 directed WO4 to deploy OC powder balls at the female but again, they had no meaningful effect on her... SO and WO3 had a discussion and it was determined that the less lethal shotgun be deployed in an effort to have the female surrender. SO deployed the less lethal shotgun, utilizing two rounds to the major muscle groups of her legs. This was ineffective in causing her to surrender, comply with directions or drop the knife. The female then moved towards the door and appeared to try to unlock it. SO decided to target the major muscle groups of her arm that held the knife, in an attempt to have her drop it before she could open the door. Four more rounds were utilized on her arm but she did not drop the knife nor comply with commands to surrender...At approximately 6:35 p.m., the writer deployed a CEW to her right leg which incapacitated her and caused her to fall to the ground. Police officers moved in and took control of the female (after she was disarmed).

### **Video Surveillance Analysis:**

#### Closed Circuit Video Surveillance - Winnipeg Transit Bus

The video from the Winnipeg Transit Bus captures the altercation between the stabbing victim and AP in real time, with audio. The video commences at 5:50 p.m., and the female victim is seated in a wheelchair at right side of the frame. At 5:51 p.m., AP boards the bus, walks down the aisle and takes a seat. At 6:02 p.m., AP brings her right hand up and moves towards the victim. The bus comes to a stop near the intersection of Main Street and Euclid Avenue. At 6:05 p.m., AP walks by the victim and makes a jabbing motion to her right. AP then exits the bus via the front doors and crosses Main Street to the west side. At 6:08 p.m., members of the tactical support team arrive behind the bus, speak to some people then cross Main Street to the west side.

#### Closed Circuit Video Surveillance from nearby commercial premise

Video from a nearby commercial premise captures AP walking from the transit bus, stopped in the vicinity of Main Street and Euclid Avenue, across to the west side and enter the pizza restaurant. Main Street and into Knight and Day Pizza. The recorded time is noted as 6:06 p.m. There is no sound. AP can be seen just crossing at the centre median, with a blanket is slung over her left arm. A group of youths are seen running from the bus and towards AP. At 6:07 p.m., the youths appear to converse with AP, who walks southbound on the sidewalk. At 6:08 p.m., a Winnipeg Police Service Tactical Vehicle pulls into the view and one of the youths raises his hand and runs back to the transit bus. AP then enters the pizza restaurant and disappears from sight. WPS tactical service team members cross Main Street to where AP was last seen. At 6:35 p.m., AP reemerges into camera view. She is in handcuffs, and is escorted by a Winnipeg Police Service Tactical member.

### Closed Circuit Video Surveillance Pizza Restaurant

The video camera view captures the front counter serving area, the front vestibule and the front door of business. The time stamp on the video recording is approximately one hour slow. There is no sound to the video. At the video of 5:07 p.m., AP enters through the front entrance. A knife is visible, held in her right hand as she locks the door and stands at the front counter. A Winnipeg Police Service tactical service team member, holding a revolver, attempts to open the door without success. A second WPS officer attends to the front door as well. AP is standing in the vestibule, near the front counter, and continuously rocks side to side. At the 5:13 p.m. mark, a WPS officer, carrying a shotgun, is seen in the kitchen area. In the meantime, AP is walking to and from the front counter to the front window and back. When AP comes to a stop, she continues to rock back and forth. At 5:29 p.m., AP walks over to the door and appears to turn the deadbolt. She is holding the knife in her right hand, her arm is bent at the elbow, and the knife blade is facing down. A WPS officer places his right hand on door and hold it closed. Between 5:30 and 5:33 p.m., inert pepper balls, pepper spray balls and the less lethal shotgun are deployed, in succession, at AP. AP is struck with at least 34 inert pepper balls and six less lethal beanbag rounds. Throughout, AP moves towards the door and attempts to push it open. The door is held closed by a WPS officer. Despite the number of deployments and strikes by the various weapons, AP continues to hold the knife in her right hand. At 5:33 p.m., the CEW emerges from over the counter and is deployed. Two prongs make contact with AP's right calf and she falls back and against the counter wall. AP is still holding the knife in her right hand. Four WPS officers enter the vestibule and move in on AP. The knife is removed from her hand and placed on a ledge. AP is handcuffed and is taken out of the restaurant at 5:34 p.m.

### Conclusion:

Sections 25(1), 26 and 265(1) (a) of the Criminal Code of Canada state:

*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, or*

*(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; and*

*(e) the flight cannot be prevented by reasonable means in a less violent manner.*

*26 Every one 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.*

*265 (1) (a): A person commits an assault when... (a) without the consent of another person...he applies force intentionally to that other person, directly or indirectly*

A police officer is also entitled to arrest anyone to prevent a breach of the public peace. A police officer is authorized to use force in the lawful execution of his duties, and as much as is necessary for that intended purpose. Moreover, a police officer is authorized to use force to defend or protect himself or anyone else who may be in potential harm, from the use or threat of force by another person, provided it is reasonable in all of the circumstances. If the force used is in excess of what is necessary or reasonable in the circumstances, such force is not justified and the acts may constitute an assault under the Criminal Code of Canada.

Where it is determined that reasonable grounds exist to believe a criminal offence has been committed, the IIU civilian director may charge the subject officer accordingly. The determination of whether reasonable grounds exist is based on a careful assessment of all the available evidence. The totality of the circumstances must be considered in assessing these grounds. The purpose of emphasizing the totality of the circumstances is to avoid concentrating on individual pieces of evidence. Accordingly, consideration of the evidence cannot be piecemeal.

Moreover, determination of whether the necessary reasonable grounds exist must not be based solely on speculation. The absence of evidence on essential elements of the offence means there is an absence of necessary reasonable grounds. Therefore, in those circumstances, there is no legal support for the laying of a criminal charge. That is how the law is to be applied.

This investigation was undertaken by IIU because AP had sustained an injury from the use by police of a less lethal shotgun that discharges beanbag rounds during her detention and arrest. The existence of an injury does not presuppose that a criminal offence has occurred. The mandate of IIU does not include authorizing criminal charges in the absence of evidence to support that significant decision. It would be wholly inappropriate to authorize the laying of criminal charges in the absence of the required reasonable grounds to support such authorization. The laying of a charge solely for the sake of laying a charge is not in keeping with the mandate of this office. This legal analysis and process is not restricted solely to investigations related to

police officer conduct, but is the very cornerstone of any justice system in a free and democratic society, regardless of the matter under consideration.

On review of this investigation, I am satisfied that:

- SO was lawfully placed and acting in his capacity as a police officer in the execution of his duties during his interactions with AP.
- AP was armed with a knife and had used it, attacking a wheelchair bound female on a transit bus;
- AP had the potential to cause significant harm to others;
- AP was non compliant and appeared to be in the throws of a mental episode;
- AP refused to comply with all requests to surrender and relinquish her knife;
- AP had unlawfully barricaded herself in a commercial premise, while armed with a knife;
- The situation was assessed as potentially dangerous and there was a heightened need to restrain and disarm AP, and prevent any further harm to her and others;
- All non lethal and less lethal options were considered and utilized;
- WPS officers did not rush or make rash decisions in their dealings with AP – appropriate time was taken to consider all options to resolve this situation without loss of life

In this investigation, part of the IIU mandate is to determine whether consequences should flow from SO's actions in consideration of all the circumstances and information known at the time. On careful review of the available evidence and material facts obtained in this investigation, I am not satisfied there are reasonable grounds to believe that SO exceeded the ambit of justifiable force during his contact with AP.

In summary, a less lethal force option was used to de-escalate a potentially dangerous situation. The police chose not to employ lethal options in dealing with AP. Police explored and utilized all non-lethal options to negate the risk posed by AP. On review, the actions of the WPS officers, and in particular SO, represents a textbook example in dealing with an armed individual and negating the risks posed without causing significant physical harm or death to AP. The situation was resolved peacefully with minimal injuries to AP. It is my view that the force used by SO was necessary, reasonable in the circumstances and in compliance with Section 25 of the Criminal Code of Canada.

Accordingly, I am not satisfied that reasonable grounds exist to charge SO and no charges will be authorized against him. IIU has completed its investigation and this matter is now closed.

**Final report prepared by:**  
Zane Tessler, civilian director  
Independent Investigation Unit  
September 23, 2022

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