



**IN THE MATTER OF AN INVESTIGATION INTO A DEATH WHILE IN POLICE
CUSTODY IN WINNIPEG**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On August 7, 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 Monday, August 8 [sic], 2023, at approximately 1:05 p.m., East District General Patrol officers were dispatched to the intersection of Kinbrace Bay and McLeod Avenue in response to multiple 911 calls for reports of a male running in traffic holding a large hunting knife, possibly high or intoxicated, not threatening but acting erratically. Witness provided a description of the suspect male advising dispatch that the male subsequently dropped the knife and was believed to have attended to the residence located at * Oakland Avenue.*

*TAC3 members attended to the residence at * Oakland at approx. 1:20 p.m., upon arrival TAC3 approached the residence finding an irate female located at the front door. She was described as irate and was yelling at police not wanting them to attend inside. At this time TAC3 members heard a commotion coming from within the residence which sounded like furniture being thrown/moved. The female indicated that her daughter was also in the residence, as result TAC3 entered identifying themselves as Police, as they feared for the daughters’ safety, she was removed from the main floor without incident. TAC3 called out to the basement and identifying themselves as Winnipeg Police requesting that the A/P (affected person) present himself to Police.*

The A/P appeared at the bottom of the staircase leading to the basement with his hands up and empty. The A/P matched the description of the male from the call history, the A/P was advised that he was under arrest for possession of a weapon by the TAC3 officer and was taken into custody. The A/P was cooperative with TAC3 officers and was escorted to D404’s cruiser car where the A/P was searched and placed in the rear without incident.

At the time of the A/P’s arrest, TAC3 noted that the AP appeared sweaty and was clenching his jaw, the A/P told them that he had been doing meth throughout the night.

While in D404’s custody the A/P continued to exhibited signs of bizarre behavior acting erratically resulting in officers to request medical assistance from Winnipeg Fire and Paramedic Services.

The supervising unit D460 also requested medical supervisor.

As Police units awaited the arrival of the Winnipeg Fire Paramedic Service family on scene were becoming uncooperative so D404 moved their cruiser car to Devin/Rothesay.

While here the A/P was kicking the windows and doors in the back of the cruiser car, and some point the A/P became unresponsive. Numerous officers removed the A/P from the rear driver’s side door and he was placed on his back as WFPS units’ E8 & Amb24 arrived on scene. WFPS began emergency life saving measures and subsequently transported him to HSC in critical condition.

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The A/P was later pronounced deceased at the HSC, the IIU was notified and took carriage of the investigation.”

As this matter concerned a death, the IIU assumed responsibility for this investigation in accordance with Section 65(4) of The Police Services Act (PSA) and IIU investigators were assigned to this investigation.

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

- WPS Homicide Daily Occurrence Report
- Computer Automated Dispatch (CAD)
- Radio transmissions of involved WPS officers
- Audio recordings of 911 calls
- Narrative Reports X 13
- Police officer’s notes X 16
- CEW downloads
- Forensic Identification Services (FIS) report and photographs of autopsy of AP

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

The civilian director designated nine witness officers.

Facts and Circumstances

Scene Examination

WPS vehicle D404, parked on Devon Avenue, was examined by WPS FIS.

Canvass

A neighbourhood canvass was conducted by IIU investigators on August 7, 2023 and August 8, 2023. Several witnesses to the incident were identified and interviewed. No video footage of events from the residence on Oakland Avenue was located. A civilian witness (CW2) captured two short video clips.

Civilian Witnesses (CW1 - CW12)

CW1

On August 9, 2023, IIU investigators obtained a statement from CW1. He stated that he was driving on Oakland Avenue and observed a male subject walking with a large knife in his hand. The male appeared upset and angry. CW1 called 911 at 1:04 p.m. and spoke with an operator who told him to stay on the line and to stay a safe distance from the male. CW1

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followed the male with the knife for roughly 14 or 15 minutes, during which time he provided updates to police by phone.

CW1 indicated that the male would sometimes run; he appeared angry; and he would stop and change directions frequently. He ran across traffic, almost being hit by cars on multiple occasions. He charged at CW1's vehicle with his knife. He occasionally put the knife down, but would then return to it and pick it up again. CW1 stated that he eventually put the knife down, and he reported this to the operator. CW1 stated that the male walked to what he believed was his residence. Just as the male was arriving at his residence, CW1 started seeing flashing lights of police vehicles approaching the residence. A marked WPS police SUV containing two male officers dressed in black or dark blue stopped in front of CW1's car, followed by an unmarked police vehicle containing two male officers dressed in tactical gear. CW1 indicated to the officers that the male was inside the residence and then drove off. He did not see any interactions between the male with the knife and police. CW1 did see officers conversing with an elderly female and male at the front of the residence, whom he believed was the father of the male. According to CW1, the male was animated, trying to get the attention of one of the officers by swinging his arms, and his face appeared stressed.

At 1:36 p.m., CW1 received a call on his cell phone from a private number, which he believes may have been a pocket dial from one of the police officers. The call lasted for two minutes and 10 seconds. He described what he heard as a stressful situation, with a lot of screaming and he could also hear someone grunting. CW1 stated he heard two female voices: one of an elderly female saying, "They're going to kill him;" then a younger female voice say, "Mom, you have to let him go." The older voice seemed quite distraught. CW1 then heard a calm male voice, whom he believed was a police officer, saying "he cannot be kicking or pushing." The officer seemed to try to be diffusing the situation. Then the call ended. CW1 called 911 back at 1:38 p.m. to report that he had received a pocket dial, and there was a lot of screaming. He described it to be a stressful situation, and CW1 asked them to look into it as he was concerned for the officer's safety. The dispatch attendant stated that they weren't aware of any officers being hurt. The call ended. The dispatch called CW1 back, saying there was no issue with officer safety.

CW2

On August 15, 2023, IIU investigators obtained a statement from CW2. He advised that he saw a male running and walking with a large knife around the McLeod Avenue area of North Kildonan in Winnipeg. He initially saw a shirtless man running. He then saw him again with a big knife. He saw him throw a rock. CW2 rolled up his window as he drove by. AP looked at him with a blank stare, and his eyes were dilated.

CW2 left the area and drove by again about an hour later. CW2 saw officers trying to pull the same male from the driver rear door of a police vehicle. CW2 turned around again; he saw the male was out of the vehicle with his legs crossed, and he saw either a paramedic or firefighter doing CPR on the male. He did not see any officers strike AP; the officers were simply trying to get AP out of the vehicle. They were pulling him out calmly but with purpose, using their strength.

CW3

On August 7, 2023, IIU investigators obtained a statement from CW3. She stated that she saw a number of police vehicles near a home on Oakland Avenue and then heard yelling. She and her dad looked outside, and she saw people screaming and saw a woman yelling. CW3 described that she heard zombie-like screaming coming from a police vehicle. She saw the police car was shaking. Two policers ran back. The rear driver side door was open and the officers went to the vehicle to try to control the person in the back. CW3 stated that an older woman was standing outside saying “don’t hurt him.” The woman kept screaming at the police officers “leave him alone” and was mumbling. CW3 did not see any of the officers hit AP. CW3 saw two officers leave with a little clear bag with what looked like a weapon.

CW4

On August 7, 2023, IIU investigators obtained a statement from CW4. CW4 observed three or four police vehicles and a SWAT team at a residence on Oakland Avenue. He heard banging and yelling coming from one of the police vehicles. He described seeing the father outside calming his wife as she was swearing. The father was trying to explain that his son needed help and his son was in the wrong. CW4 heard loud banging and saw the suspect was in the back trying to kick out the window of the police vehicle. Then three or four officers rushed to the car to try and contain him. They opened the door and tried to restrain him and pushed his legs back in and shut the door. CW4 stated that the officers did not strike him. Five minutes later, they drove off.

CW5

On August 9, 2023, IIU investigators obtained a statement from CW5. CW5 stated that she was driving south on Rothesay Street with her daughter approaching McLeod Avenue in North Kildonan. At approximately 1 p.m., she observed a male running back and forth across McLeod Avenue holding a large-sized kitchen knife, approximately 20 centimetres, in his left hand. CW5 was concerned that the police were not there yet and was concerned for people in the community. She described him as a big guy, threatening, and looked completely out of control and erratic. He was swinging the knife in the air. She and her daughter were afraid. CW5 called 911 at 1:08 p.m., then proceeded to watch the male from a distance. It took almost 15 minutes for police to arrive.

CW5 said that she also saw a grey Honda CR-V following the male. CW5 spoke with the driver telling him she had called the police. The driver identified himself as AP’s father and told her that his son needed help and needed to be locked up. She stated that his father was hovering by the side, not communicating with him.

She did not see any interactions between the male and police officers.

CW6

On August 9, 2023, IIU investigators obtained a statement from CW6. CW6 was outside with his family members in his front yard on McLeod Avenue, when he saw a male subject holding a large knife near his home. He noticed cars were stopping. He saw the man stop in the middle of the road. A lady stopped by and told CW6 and his family that there was a man with a knife. CW6

looked and saw a man with a knife, holding the blade up, and yelled at his wife and father to “get the f* in the house.” The male heard CW6 yell and the male sped up and came over. The male appeared to be talking to himself and stated he “looked whacked out.” CW6 called 911 at 1:13 p.m. to explain what he saw. He explained that the male, who was wearing shorts but no shirt, paced on CW6’s lawn for a short period of time, then walked off to the west. The male seemed like he was on drugs because when he looked at CW6, he was “looking through me,” he didn’t appear coherent and was unstable on his legs.

CW6 did not see police officers interact with the male but did see a police vehicle stop and pick up the knife the male had been holding, which was lying on the north side of McLeod Avenue.

CW7

On October 18, 2023, IIU investigator communicated with CW7, the sister of AP. CW7 initially agreed to meet with investigators the next day; however, she canceled due to illness. IIU investigators tried contacting her on four occasions to re-schedule her interview; however, she did not respond to requests. A registered letter was sent to her on January 2, 2024. CW7 picked up and signed for it on January 11, 2024; however, to this date, CW7 has not contacted the IIU office indicating whether she does or does not wish to provide a statement.

CW8

On August 8, 2023, IIU investigators obtained a statement from CW8, the mother of AP, in the presence of her husband, CW9. On August 7, 2023, she received a telephone call between 1 p.m. and 2 p.m. from her husband saying that AP was outside running with a knife. CW8 went outside and saw him running down the street.

Her son returned to the home some time later and apologized for his actions. CW8 told him that she was upset and that people had called the police because he was running with a knife. CW8 stated she sent her son inside the home to his bedroom downstairs to put on some clothes, as he was only wearing shorts and no shirt.

Police officers arrived and she described them as a mix of SWAT and general patrol officers. CW8 said she was on the steps outside the home and a SWAT officer pulled her down the outside stairs and entered the house, while another general patrol officer was holding the door and holding onto her hand. She admitted she was yelling and screaming and telling the officer holding her hand to let her go. A SWAT officer came upstairs with AP handcuffed behind his back. She said her son was breathing heavily and crying, saying he was sorry. As he was still only partially clothed, CW8 said she went downstairs and got her son a shirt, underwear and footwear and gave it to the officers. At that time, she told police her son was experiencing a psychosis and asked if they can get him medical help. She stated that one of the officers told her that if she knew he had mental health illness then he should have taken care of it. CW8 stated that the other officer was holding her hand and was gentle. CW8 got upset and said that they were going to kill her son because he was in a psychosis, as he was high on methamphetamine, and they were not getting him medical help.

CW8 stated that one SWAT officer went downstairs to find AP, and AP was handcuffed. AP was crying saying he was sorry. CW8 stated that she never saw officers hit AP.

CW8 said the only force she observed police using on her son was when one officer pushed him into the back seat of a police vehicle. She couldn't handle it anymore and went outside and she told officers they were going to kill her son. Then they drove off to the left (west).

CW8 stated that she did not hear officers arrest AP; she was outside and did not hear everything.

Approximately 15 minutes later she and her husband departed the residence. As they drove on Rothesay Street, they observed a police vehicle stopped with an ambulance. She observed someone on the ground next to the police vehicle and thought it was her son, but her husband said it was not him, so they kept on driving.

CW8 was upset that the police did not summon medical help in time to save her son. CW8 stated that if police had called for ambulance prior to taking AP off their property, he probably wouldn't have died, because he was in a psychosis. He was having a hard time breathing. She told them they were going to kill her son.

CW8 stated that her son did drugs from time to time. He had a drug addiction.

CW8 also stated that there was a court order between AP and his sister (CW7).

CW9

On December 11, 2023, IIU investigators attempted to contact CW9, the father of AP. They were unable to speak directly to CW9 for an interview. CW8 stated "He is not interested in talking with you." CW8 requested to let her son to be at rest. A registered letter was sent on January 2, 2024, and CW9 picked up and signed on January 6, 2024. To this date, CW9 has not contacted the IIU office indicating that he does or does not wish to provide a witness statement.

CW10

On August 7 and 8, 2023, IIU investigators obtained two statements from CW10. In her first statement, CW10 said between 1:30 p.m. and 1:45 p.m. she observed five or six police vehicles stopped at Devon Avenue and Rothesay Street. Their attention appeared to be focussed on one of the vehicles. From her kitchen window, she saw an officer open the front passenger door of the vehicle, a fire truck arrived, and police were pulling a heavy-set male out and onto the ground via the rear driver's side door. CW10 thought the police officers were having trouble removing the male from the vehicle. She stated that the officers were just trying to pull him out of the vehicle and there was no combativeness. The male did not get up or stand up. Once out of the police vehicle, firefighters immediately started CPR chest compressions on him. The ambulance arrived shortly after. She did not see police strike the male.

CW11

CW11 called 911 on August 7, 2023, reporting that there was a male with a knife outside his home. He declined to provide a statement.

CW12

CW12 is the girlfriend of CW2 and witnessed AP walking around with a knife in his hand. She did not return calls from investigators seeking to interview her about the matter.

Professional Witnesses (PW1-PW6)

PW1

On August 23, 2023, IIU investigators obtained a statement from PW1, a paramedic with Winnipeg Fire Paramedic Services (WFPS). He stated his station received a call for service to a residence on Oakland Avenue in the late afternoon of August 7, 2023. He was part of a fire engine crew that attended the residence, where they met with the father of AP, who said WPS officers had already departed with his son. They then went to where the police had AP in custody, which was approximately a block away. PW1 noted five or six police vehicles at the location as they arrived. Approximately 30 seconds after firefighters arrived on scene, AP was removed from one of the police vehicles by two to three police officers, who pulled him out of the passenger rear door. As soon as the male was pulled out of the car, PW1 believed he was dead based on the way he looked. Firefighters commenced CPR immediately. PW1 noted no obvious bruising on the male and saw no use of force by WPS.

PW2

On August 23, 2023, IIU investigators obtained a statement from PW2, a firefighter with WFPS. He stated that his crew was dispatched to a call for sedation at some time in the afternoon on August 7, 2023. They first went to a house where the father said police had taken his son, then went to another location, about a block away, where a number of police vehicles were congregated. An ambulance was pulling up at the same time as PW2 and his fellow firefighters. The male, who was handcuffed behind his back, appeared dead to PW2. A paramedic checked the male for a pulse, found none, and one of the police officers started doing chest compressions, but PW2 took over from him.

PW2 believed it was about a minute from the time his fire truck arrived on scene until they were doing CPR on the male. He overheard one officer say, "He was just kicking the door." He further explains that the male had been kicking the door and then was not moving anymore. That's when they pulled him out. PW2 did not see any force used on the male by police.

PW3

On August 22, 2023, IIU investigators obtained a statement from PW3, a paramedic who responded to the call on August 7, 2023. PW3 recalled being dispatched to a call of a patient displaying symptoms of excited delirium. She recalled that she and her partner, PW6, were initially dispatched to one address, then redirected to another location a few blocks away at Rothesay Street and Devon Avenue.

They arrived on scene at the same time as a fire truck. She observed a number of police vehicles and several officers surrounding one vehicle. PW3 saw one or two officers drag a male subject out of the driver's side back seat of the police vehicle. PW3 stated that she could tell the male was in medical distress, as he appeared cyanotic with his eyes open. She did not see the police deliver any strikes or blows to the male. PW6 ran up to the male, checked his pulse then started CPR compressions, eventually turning over CPR to fire personnel.

PW3 believed it was 15 seconds from the time she arrived on scene until CPR was started.

PW4

On August 22, 2023, IIU investigators obtained a statement from PW4, a WFPS captain. He and his crew were initially sent to a residence, and upon arrival they saw a male subject standing outside who said the police had taken his son. They were then redirected to a location four to five blocks away. His crew attended the new location and saw a number of police cars and police officers standing around a police car. When PW4 stopped and got out of his fire truck, he saw a male subject who was handcuffed in the back, being removed from a police car and was put on his back on the ground. The male was not breathing. Fire personnel started CPR on the male.

PW4 estimated 15 seconds passed from the time fire fighters arrived on scene until CPR was started. He did not see police officers deliver any strikes or blows to AP.

PW5

On August 23, 2023, IIU investigators obtained a statement from PW5, a firefighter with WFPS. He indicated that he was part of a fire truck dispatched to a call of excited delirium in the afternoon of August 7, 2023. They initially went to the parent's residence, which was the scene of the initial dispatch. The father came out of the house and said the police had taken his son already. They then noted on the computer dispatch that the location of the call had been changed and drove to the new location.

Upon arrival, PW5 saw a marked police car parked on a side street and approximately four to six officers standing around a vehicle, which was moving; he thought it looked like someone was kicking doors or shaking the vehicle from the inside. PW5 went to the back of his fire truck to get some gloves, and when he looked again, he saw police officers pulling a male from the back of the vehicle via the back driver's door. The male was not moving, appeared sweaty and looked like he was dead.

PW5 estimated it was three minutes from the time he arrived until firefighters started CPR on the male. He did not see any physical force being used by police.

PW6

On August 22, 2023, IIU investigators obtained a statement from PW6, an advanced-care paramedic. He was dispatched to an address at 1:35 p.m. on August 7, 2023. The location changed to Devon Avenue and Rothesay Street, a few hundred metres away. The call came in as an adult male requiring chemical sedation, which from PW6's experience is either mental health or drug-related.

He and his partner PW3 arrived on scene at 1:58 p.m. He noted that the male was in the back of one of the police SUVs. As they pulled up, PW6 saw police officers open the back of the police vehicle, then pull a male subject out and onto the street. He said the male was very sweaty, warm to the touch and was in cardiac arrest; he did not see any signs of trauma or bruising on the body. They began CPR on the male and he was transported to the hospital.

PW6 said police told him that the male had just been kicking the door of the police vehicle. He did not see any officers strike the male.

Witness Officers (WO1-W09)

WO1

On October 3, 2023, IIU investigators obtained a statement from WO1. He stated that at approximately 1:43 p.m. on August 7, 2023, he and his partner, WO8, arrived at Devon Avenue and Rothesay Street to assist other WPS officers. Upon arrival, he heard someone kicking in the back of a police vehicle. A short time later, he observed AP take a deep breath and stop moving, and he notified the on-scene supervisor, WO3. Officers then removed AP from the vehicle and one constable started doing CPR on him, but was relieved quickly by EMS personnel who had arrived there at the same time.

WO1 stated he and his partner did not go to the residence on Oakland Avenue. He did not see any strikes or blows delivered to AP by police.

WO2

On September 14, 2023, IIU investigators obtained a statement from WO2. He was working with WO5 on August 7, 2023, as a Tactical Support Team (TST) officer in police vehicle TAC 3. They responded to a call near Kinbrace Bay and McLeod Avenue, regarding an erratic male subject running around holding a large hunting knife, walking in and out of traffic. He heard on the police radio that the male had entered a home on Oakland Avenue.

They arrived at the residence at 1:13 p.m. When they arrived, a general patrol vehicle also arrived. Upon exiting their vehicle, the officers approached the residence and noted a woman on the steps. She appeared irate and was saying things to police that WO2 initially could not understand. One of the general patrol officers was speaking with the woman, who said she did not want police entering her home. She also indicated that her daughter was inside the residence.

At that time, WO2 heard a commotion inside the home such as items being thrown and furniture moving. WO2 feared for the safety of the daughter in the house because the male was high or on drugs and had been armed with a knife earlier. WO5 moved the older female who was blocking the door, and WO5 and WO2 entered the residence announcing "Winnipeg Police" multiple times. They located the daughter on the main floor of the home and escorted her outside. WO2 called out into the basement of the home, telling AP they were Winnipeg Police and to present himself with his hands up and empty. They did not enter the basement. AP came up the stairs as ordered, holding up his hands, apologizing. He was dressed in shorts, with no shirt and no shoes.

WO2 informed AP he was under arrest. WO5 handcuffed him. AP was co-operative. WO2 asked his mother to get him a shirt. TST officers led him out of the home to the general patrol vehicle, where another officer placed AP in the back seat.

AP advised that he had been doing methamphetamine throughout the night. WO2 noted he was sweaty and was clenching his jaw, leading the officer to believe he was on drugs.

WO2 and WO5 cleared the scene at 1:33 p.m. WO2 said he did not hear or see AP kicking or yelling in the back of the police vehicle, and there was no use of force required to get the prisoner into custody.

WO3

On August 22, 2023, IIU investigators obtained a statement from WO3. On August 7, 2023, he was working as a street supervisor in East District. He heard a call about a male armed with a knife come over the radio at around 1 p.m. and decided to attend in police vehicle D460. En route, he overheard an officer in police car D404 call for an ambulance, stating that the male who had the knife was in custody. WO3 arrived on Oakland Avenue and noted AP was in the back of police vehicle D404 (the vehicle of WO4 and WO7), with police vehicle D405 (the vehicle of WO9 and WO6) parked nearby. There were no TST vehicles at the scene when he arrived.

WO3 pulled up beside D404 and observed two people in the yard, whom he believed were family members. WO4 opened the rear passenger door of D404, at which point AP immediately attempted to get out of the back seat by forcing his upper body out. Officers attempted to push the door shut again, but were not initially successful. It was only after two officers went to the driver's side of the vehicle and pulled AP away from the door that they were able to close it.

As soon as the door was shut AP began kicking inside the vehicle. WO3 called for a medical supervisor to attend because the male was in some sort of psychosis. Family members in the yard were getting agitated; therefore, WO3 made the decision to move the police vehicles away from the house to diffuse the situation with the family. All police vehicles then relocated to Rothesay Street and Devon Avenue.

Upon arrival, WO3 could hear AP kicking the inside police vehicle D404. The officers began to devise a plan to get AP restrained so that EMS could treat him safely. WO1 checked on AP, as ambulance and fire arrived on scene. The officer noted that the prisoner was unresponsive. WO3 and WO7 removed him from the back of the police vehicle by pulling him under the arms and put him on the ground. EMS commenced CPR on AP, and he was then conveyed to hospital.

WO3 stated there were no strikes delivered to AP throughout the incident by WPS officers.

WO4

On September 18, 2023, IIU investigators obtained a statement from WO4. He was working with WO7 in police vehicle D404. At 1:12 p.m., they were dispatched to attend a call involving a male subject with a knife acting erratically and running in and out of traffic. The officers attended a residence on Oakland Avenue at 1:20 p.m. and approached the home with TST officers who had arrived at the same time.

WO4 and his partner followed the TST officers to the house, where a female subject was standing on the east side of the house, yelling and screaming at police. WO4 recognized the woman as the mother of the AP from a previous call and attempted to calm her.

TST officers entered the residence and exited a short time later with AP in custody. WO4 did not hear any noises coming from the home. The officers walked AP to D404 and turned over custody of him to WO4 and WO7 at 1:26 p.m. AP was co-operative but started to cry when he was in the

police vehicle. WO4 sat in the front of the car and conversed with AP, asking him about drug use, to which the AP replied he had consumed an unknown amount of methamphetamine, and had been doing it all night. An ambulance was called at 1:33 p.m. to attend the scene and check the prisoner.

WO4 opened the rear door of the police vehicle to inform AP that an ambulance had been called, at which point AP attempted to get out of the back seat by pushing at the door. Other officers attended to assist in closing the door shut as the prisoner was displaying extreme strength. WO4 went around to the other side of the police vehicle and pulled AP away from the door by his arm. No strikes or blows were administered to him at any time. Following the attempted escape, WO3 called for a medical supervisor to attend and sedate AP. Meanwhile AP's family members, who were outside the home near the police vehicle, became very emotionally escalated, and a decision was made to relocate to another location nearby to await an ambulance in an effort to calm the situation.

The officers drove to Devon Avenue and Rothesay Street to await the ambulance, arriving there at 1:40 p.m. Upon arrival, AP started kicking inside the police vehicle. Police started to devise a plan to secure him safely, so he could be treated by EMS. During this time, WO4 said he was continually visually checking on AP in the back of the police vehicle.

As an ambulance and fire truck arrived, WO4 went to the passenger side door and opened it, with the intent to apply a restraining device on AP but heard officers on the driver's side say he needed to be removed from the vehicle immediately. WO4 said he did not know what was happening at that point, as he had checked on the AP approximately 30 seconds earlier and he was still kicking and animated.

Officers pulled AP out onto the ground, and as that happened, WO4 could see fluid, perhaps vomit, where AP's head had been. He then went around to the driver's side of the police vehicle and removed AP's handcuffs as ambulance or fire personnel started to do chest compressions on him.

WO5

On September 15, 2023, IIU investigators obtained a statement from WO5. He stated that on August 7, 2023, he was partnered with WO2, and was a member of the TST. They were dispatched to assist a general patrol unit with a call of an erratic male with a knife, who had gone inside a residence on Oakland Avenue. Upon arrival, WO5 saw an older female on the step of the home, who appeared irate, and was saying things that WO5 could not understand. WO2 spoke with her for a short period, then said he heard noises coming from inside and entered the home. WO5 stated he did not hear anything himself, but followed his partner, believing the situation exigent. WO5 believed the situation urgent because AP was armed with a knife, and someone else could have been in there. WO2 said he heard a commotion, and officers needed to get in there to find out what was happening, preventing someone from getting hurt. The TST officers located an adult female on the main floor of the home. WO5 told her they were looking for a male with a knife, and she said that it was probably her brother, AP, and that he might be downstairs. The female exited the residence. WO2 called out into the basement, telling AP to present himself. AP did so almost immediately. WO5 noted AP matched the description of the

male that had been the subject of the 911 call. AP apologized as he came up. WO5 described AP as being sweaty, jittery, and seemed to be under the influence of something which he thought might be methamphetamine. WO5 described AP as compliant. AP was handcuffed by WO5 without any use of force; he was escorted, searched and placed in the back of the police vehicle.

WO5 did not see the doors to the police vehicle open again while he was on scene, nor did he hear any altercations.

WO6

On August 22, 2023, IIU investigators obtained a statement from WO6. At 1:13 p.m., he and WO9 were assigned to attend a call of a male running in traffic with a machete. While enroute, he heard that the male had been arrested by TST. Upon arrival, WO6 stated AP was in the back of cruiser car D404 kicking and yelling. He observed two people, one male and one female, approaching the police car holding AP. WO6 told them to get back, but he said they were initially not listening, and the male said something like, "It's his drugs." The male and female did eventually move back.

WO6 made a phone call to the original complainant, CW1. As he was making the call, he observed his partner run back to D404. WO6 looked back and saw a struggle going on where D404 was parked. AP was trying to get out of the police vehicle via the rear passenger side door. WO6 and WO4 went to the rear driver's side door and WO6 pulled AP by his arm back inside D404. There were no strikes delivered to AP by any officers. At that time, a female came out of the residence in an agitated state, yelling at police and saying "You guys will kill my son!" WO6 told the female to go back inside, but she did not. As a result, they moved down the street to get away from the family; they drove to the corner of Devon Avenue and Rothesay Street.

Upon arrival at the new location, WO6 heard AP kicking the door of the police vehicle. As an ambulance had been contacted to attend, the officers on scene started to make a plan to restrain the AP. Suddenly, WO3 went to the driver's rear door of the police vehicle with WO7 and started to remove AP from the back seat. WO6 went to assist. AP was no longer kicking. He held AP's legs as he was pulled out of the back of the police vehicle and laid on the ground.

Ambulance and firefighters arrived at the same time. WO6 started to do chest compressions on the AP for three to four seconds, then either a paramedic or firefighter took over. There were no strikes or blows delivered to AP.

WO7

On August 17, 2023, IIU investigators obtained a statement from WO7. He and WO4 were dispatched to a call of a man waving a knife around in the North Kildonan area of Winnipeg. On their way to the call, they heard on the police radio that the person who had the knife had gone into a residence Oakland Avenue. They arrived at the same time as two TST officers. The four of them then approached a doorway on the side of the home. As they approached, WO7 noted a woman standing there, who was yelling and swearing at police, telling them to leave her son alone as he was having methamphetamine psychosis. WO7 spoke with the mother while the TST

officers entered the residence. WO7 did not hear any banging or noises coming from inside the residence prior to the TST officers entering.

Approximately 20 seconds later, TST officers exited the residence with AP in custody. He was wearing shorts, no shirt and was handcuffed behind his back. WO7 also noted that AP was very sweaty and was moaning and groaning. He said he believed these were signs that AP was on methamphetamine. TST officers took the AP to WO7's police vehicle and put him inside. The AP was co-operative and no force was involved at that time.

WO7 went back to speak with the family, as the mother was still irate. Her husband and daughter, CW7, came out of the house and tried to calm her down. CW7 told WO7 that her brother had been consuming methamphetamine all night and all day.

WO4 informed WO7 he had called for an ambulance to assess AP. WO3 arrived on scene, and while WO7 was briefing him, WO4 opened the rear door of the police vehicle, where AP was being held. As soon as the door opened, AP tried to quickly get out. WO7 responded by pushing him back into the police vehicle, but could only get him partly back inside. WO9 and WO6 rushed to assist and entered the back seat of the police vehicle from the driver's side, managing to pull AP back inside. WO7 did not see any strikes being delivered to AP. Once AP was back inside the vehicle, WO3 recommended that they relocate away from the house to await the ambulance, as the mother was still irate and causing the situation to escalate. WO7 then drove his police vehicle to the corner of Devon Avenue and Rothesay Street. AP began kicking the back window of the police vehicle. All the officers present were devising a plan to apply a restraint to him to stop the kicking, when the AP suddenly stopped kicking. Officers went to check on AP, and WO7 noted that the prisoner was still and had vomited on the driver's side of the police vehicle. The AP was pulled out of the vehicle and put on the ground, but was unresponsive. At the same time, ambulance and fire arrived on scene and WFPS personnel commenced CPR on AP, later taking him to hospital.

WO8

On September 12, 2023, IIU investigators obtained a statement from WO8. She overheard on the police radio that the male was in custody. WO3 had called for an ambulance as the male subject was in methamphetamine psychosis. WO8 and WO1 arrived at Devon Avenue and Rothesay Street where they found police vehicle D404 stopped and officers standing around the vehicle. WO8 could hear that the prisoner in the back of D404 kicking the police vehicle. WO3 voiced on the police radio for the ambulance to come on a rush.

The officers on scene were devising a plan to restrain AP when WO1 went to the rear driver's door of the police vehicle and called out that they needed to remove the prisoner immediately. WO8 ran around to the driver's side as officers were pulling an unresponsive AP out onto the pavement. His eyes were rolled back; he was very still and very sweaty.

WO8 could not recall specifically who removed the prisoner from the police vehicle, but stated they were cradling his head to make sure it did not strike the pavement. As that was happening, an ambulance was arriving on scene with lights and siren activated. She stated EMS started CPR on AP approximately 10 seconds later.

WO9

On September 7, 2023, IIU investigators obtained a statement from WO9. He was partnered with WO6. They were dispatched to a call of male subject running around with a footlong knife. While driving to the call, he heard on the radio that unit D404 had the subject in custody. Upon arrival, he could hear a prisoner in the back of D404 yelling and kicking. There were two subjects, an older male and a female in her 30s, standing outside the residence yelling. WO9 believed they were relatives of the prisoner, and the older male was saying something about the person in the police car being on drugs.

WO9 and WO6 returned to their police vehicle to contact one of the complainants and try to get a statement. WO9 was seated in the driver's seat and heard a commotion outside. He looked back at D404 and observed WO7, WO4 and WO3 trying to close the passenger rear door. WO9 ran and assisted holding the door closed, as the male inside was trying to get out. His partner and another officer went to the driver's side rear door and managed to get AP back inside the vehicle. WO9 stated there were no blows or strikes administered to AP.

The family members outside the vehicle were escalating the situation by yelling at police; therefore, WO3 told the officers to move their police vehicles away from the home to another location in an effort to calm things down. They then drove to Devon Avenue and Rothesay Street and stopped there to wait for an ambulance. When they stopped, AP was still kicking the back of the police vehicle and yelling. The officers on scene got together and devised a plan to safely secure the AP, for EMS personnel when they arrived. WO9 went to the passenger side door of D404 as part of the plan. Suddenly other officers on the driver's side of D404 opened the rear driver's side door and pulled AP out. WO9 went to the driver's side of the vehicle and said AP appeared unresponsive and he had vomit coming out of his mouth with his eyes rolled back in his head. He was placed on the ground. WFPS personnel, who had arrived on scene at that exact time, started CPR on the male.

Summary of Other Evidence

Videos from CW2

CW2 provided IIU investigators with two videos. The videos were taken for analysis and the footage was slowed down for clarity. In the first video, AP is seen walking on a sidewalk, wearing only shorts and socks, holding a large knife in his left hand, looking towards CW2. In the second video, two police vehicles and an ambulance are on scene with Emergency Medical Services (EMS) personnel doing chest compressions on AP at Devon Avenue and Rothesay Street.

911 Calls

Five 911 calls were supplied by WPS. Four persons called 911 stating they saw a shirtless male subject walking in the McLeod Avenue area of Winnipeg with a large knife in his hand.

Police radio communications - timeline of events

<i>Time</i>	<i>Unit</i>	<i>Comments</i>
13:05		911 call (male running with large hunting knife, erratic)
13:08		911 call (advising same)
13:10		911 call (advising same)
13:12 to 13:13	D404, D405, D460, TAC3	Units dispatched
13:17		911 call (advising same)
13:20	TAC3	Units on scene (Kinbrace by McLeod)
13:20		911 call (follow up – male now inside * Oakland)
13:21	TAC3 & D404	Unit on scene * Oakland
13:22	TAC 3	AP in custody
13:27	D405	Located knife at Kinbrace and McLeod
13:33	D404	WFPS and Ambulance requested, male on methamphetamine
13:37	D460	Medical supervisor requested, may have to sedate AP
13:40	D404	Event location changed to Devon Ave and Rothesay St
13:45	WFPS	AP now in cardiac arrest
13:55	WFPS	Ambulance transporting to HSC

TAC 3: WO2 and WO5
D404: WO4 and WO7
D460: WO3 (shift supervisor)
D405: WO9 and WO6

Autopsy

An autopsy on AP was conducted on August 9, 2023. No apparent cause of death was identified, and the attending pathologist stated additional tests on AP's bodily fluids were required.

On August 26, 2023, bodily fluids collected at the autopsy were submitted for analysis.

The Autopsy Report indicates: *Immediate Cause of Death "Acute methamphetamine toxicity."*

Toxicology Report

On November 7, 2023, the IIU received a toxicology report. It indicates that AP's blood contained 1.84 mg/l of methamphetamine.

A quotation at the bottom of the report stated the following:

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Methamphetamine in overdose can cause confusion, anxiety, hallucinations, cardiac arrhythmias, hypertension, circulatory collapse, convulsions and coma. Chronic abusers may develop paranoid psychosis. Postmortem methamphetamine concentrations averaged 1.0 mg/L (range, 0.09 to 18) in a series of 13 adult deaths attributed to methamphetamine overdose.

Report of Medical Examiner

On December 29, 2023, the IIU received the Report of the Medical Examiner.

The report indicates *Immediate cause of death is due to or as a consequence of "Acute methamphetamine toxicity."*

Manner of Death: Accidental

Applicable Law

Authority to enter dwelling without warrant

529.3 (1) Without limiting or restricting any power a peace officer may have to enter a dwelling-house under this or any other Act or law, the peace officer may enter the dwelling-house for the purpose of arresting or apprehending a person, without a warrant referred to in section 529 or 529.1 authorizing the entry, if the peace officer has reasonable grounds to believe that the person is present in the dwelling-house, and the conditions for obtaining a warrant under section 529.1 exist but by reason of exigent circumstances it would be impracticable to obtain a warrant.

Exigent circumstances

(2) For the purposes of subsection (1), exigent circumstances include circumstances in which the peace officer

(a) has reasonable grounds to suspect that entry into the dwelling-house is necessary to prevent imminent bodily harm or death to any person...

A warrant is generally required to make an arrest in a dwelling house, and proper announcement must be made before entering a dwelling house. An exception to this rule occurs where there are exigent circumstances. Exigent circumstances arise where immediate action is required for the safety of the police or the community, or to secure and protect evidence of a crime. *R. v. Feeney*, [1997] 2 S.C.R. 13, paras. 51-52.

Police have a duty to protect life and prevent injury. Such duties may justify an entry into a residence to ascertain the health and safety of a person inside a residence. While residents have a privacy interest within the sanctity of their home, the public interest in maintaining an effective emergency response system is significant enough to merit some intrusion on a resident's privacy interest. The intrusion must be limited to the protection of life and safety and the police do not have further permission to search premises. *R. v. Godoy*, [1999] 1 S.C.R. 311

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Use of Force

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.

Duty of persons to provide necessities

215 (1) Every one is under a legal duty

(a) as a parent, foster parent, guardian or head of a family, to provide necessities of life for a child under the age of sixteen years;

(b) to provide necessities of life to their spouse or common-law partner; and

(c) to provide necessities of life to a person under his charge if that person

(i) is unable, by reason of detention, age, illness, mental disorder or other cause, to withdraw himself from that charge, and

(ii) is unable to provide himself with necessities of life.

(2) Every person commits an offence who, being under a legal duty within the meaning of subsection (1), fails without lawful excuse to perform that duty, if

(a) with respect to a duty imposed by paragraph (1)(a) or (b),

(i) the person to whom the duty is owed is in destitute or necessitous circumstances, or

(ii) the failure to perform the duty endangers the life of the person to whom the duty is owed, or causes or is likely to cause the health of that person to be endangered permanently; or

(b) with respect to a duty imposed by paragraph (1)(c), the failure to perform the duty endangers the life of the person to whom the duty is owed or causes or is likely to cause the health of that person to be injured permanently.

Conclusion

It is the IIU's mandate to consider whether AP's death may have resulted from the actions or inactions of the police officers who dealt with him, and whether any criminal charges should be laid against any of the officers. The following is a summary of the facts and evidence obtained in this investigation, relevant to this analysis.

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On August 7, 2023, between 1:05 p.m. and 1:17 p.m., WPS dispatch received four 911 calls from concerned and frightened citizens stating that a male (AP) was running in the area of Kinbrace Bay and McLeod Avenue, holding a large hunting knife, acting erratically and running across traffic. One civilian witness described him as appearing angry and upset and stated that he had charged at his vehicle with his knife. Another civilian witness stated that she saw a grey Honda CR-V following the male. The witness spoke with the driver telling him she had called the police. The driver identified himself and said that the male was his son. He stated that his son needed help and needed to be locked up. Another witness stated that AP was wearing shorts and no shirt, and that he appeared to be high on drugs. He quickly sent his family members into his residence, and the male paced on his lawn for a short period of time.

Shortly after receiving the 911 calls, police attended the area looking for the male and were directed to AP's residence on Oakland Avenue, as one of the 911 callers saw AP enter there. Upon arrival, AP's mother was at the door and spoke with police. Officers stated she was irate. She told the police that her daughter was inside the residence. An officer (WO2) from the Tactical Support Team heard a commotion inside the residence, and believed he heard items being thrown. Police officers immediately entered the residence as they feared for the safety of AP's sister who was in the residence. They believed the situation to be urgent given that AP was believed to be high on drugs, and had been acting erratically holding a large knife moments earlier. The police announced multiple times that they were Winnipeg Police upon entering the residence. The police located AP's sister (CW7) and told her they were looking for a male with a knife. She stated that it was probably her brother and that he was in the basement. CW7 was escorted out of the residence. The police then called out to AP in the basement, to come with his hands up and empty. He did so without incident and was apologizing. No use of force was used to effect the arrest of AP.

At 1:22 p.m., AP was taken into custody and placed in the backseat of a police cruiser (D404).

AP told police that he had consumed methamphetamine all night, and officers observed him to be sweaty and clenching his jaw. AP's mother had advised police officers that her son was in a psychosis and required medical attention. At 1:33 p.m., police called for medical assistance, and a WFPS and an ambulance were immediately dispatched.

While waiting for the ambulance to arrive, AP became extremely agitated and began kicking the inside door and window of the police vehicle. His mother was upset and was yelling at police. The situation became emotionally escalated. At 1:37 p.m., WO3 called for medical assistance again, asking for a medical supervisor to attend as he believed AP may need to be sedated. An officer attempted to open the car door to speak with AP; however, AP kicked and tried to get out of the vehicle. The officers had to push AP back into the vehicle to be able to close the car door. AP's mother was still agitated and yelling, and AP continued to kick the inside of the car door and window. Civilian witnesses also stated that they heard screaming and banging coming from the police vehicle, that the police car was shaking, and AP's mother was yelling. One civilian witness (CW1) received a pocket dial from a police officer, and stated that he heard two female voices and a male voice whom he believed to be a police officer. He described hearing a distraught elderly female say "*They're going to kill him*". Then he heard a younger female say, "*Mom, you have to let him go.*" The civilian witness also stated that he heard the male officer calmly say "*he cannot be kicking or pushing*" and described him as trying to diffuse the situation.

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At 1:40 p.m., police made a decision to move the police vehicle a few blocks away and waited for medical assistance to arrive there. The police officers made this decision in order to diffuse the escalated situation.

The police vehicles moved a few blocks away, to Devon Avenue and Rothesay Street. There were three police vehicles on scene. A few minutes later, WFPS and the ambulance arrived on scene at the same time. Upon their arrival, they observed AP in the back of one of the police vehicles. They saw the police take AP out of the back of the police vehicle and place him on the ground. No witnesses observed any use of force on AP. The police and paramedics stated that when the AP was taken out of the vehicle he was unconscious. A civilian witness (CW10) observed the scene from a window in her residence and corroborated this evidence. She observed the AP being taken out of the police vehicle. She stated that there was no combativeness between the male and police. The male did not attempt to stand up; rather, he was directly placed lying down on the ground.

A police officer started CPR, and a paramedic immediately took over. At 1:55 p.m., AP was transported to HSC and was later pronounced deceased. An autopsy was later performed. The medical examiner's report indicates that AP died of acute methamphetamine toxicity.

This is a tragic set of circumstances where AP had consumed an unknown amount of methamphetamine and had been acting erratically while holding a large knife. His actions that afternoon were very concerning and frightened several members of the public. Officers had to act quickly. They had an obligation to protect the public and prevent someone from getting hurt. They also had an obligation to ensure the safety of AP's sister who was inside the residence and ensure the well-being of AP himself. These were exigent circumstances and police intervention was immediately necessary.

There is no evidence of any use of force on AP, neither at AP's residence, nor while waiting for the ambulance to arrive. Rather, AP was co-operative and apologetic while being arrested. The AP became unconscious while he was in the back seat of the police vehicle. There was no evidence of any physical trauma contributing to AP's death.

AP admitted to using methamphetamine, and his mother also told police that her son was experiencing a psychosis. The police called for medical assistance after arresting and securing AP. Minutes later, the AP became extremely agitated while waiting in back of the police vehicle, therefore, a police officer called again for medical assistance stating that AP may need to be sedated. Police were proactive in seeking medical assistance and fulfilled their legal duty. Given the escalation of the situation while waiting for the paramedics to arrive, the police also took measures to de-escalate the situation by moving AP a few blocks away and waited for help to arrive there. Again, the police took steps to ensure the well-being of AP.

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 police officers' actions were reasonable. The police had reasonable and probable grounds to arrest AP for possessing a weapon dangerous to the public peace, and I am satisfied they lawfully entered AP's house to arrest him based on exigent circumstances. The police had an obligation to

protect the public, and police intervention was immediately necessary. I am also satisfied that there was no excessive use of force and that they fulfilled their duties by calling for medical assistance.

Therefore, no charges are recommended against any of the witness officers. The IIU investigation is now completed and closed.