



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING AN
IN-CUSTODY DEATH DURING WPS ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On Oct. 15, 2023, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Written excerpt from Part 7 Notification received on Oct. 16, 2023:

On October 15th, 2023, Winnipeg Police Service members responded to the report of a male acting erratically in traffic in the area of Sherbrook Avenue. Upon arrival, uniformed officers took AP into custody after a brief struggle. AP was secured with handcuffs, at which point it appeared that he began having trouble breathing. He was provided medical care by an ambulance crew who were on scene for an unrelated incident. AP was conveyed to HSC where he was pronounced dead.

As this matter involved an in-custody death during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 66(4) of The Police Services Act. IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from the WPS or of their own accord:

- notes, narratives and reports of officers
- audio transmissions
- video footage from civilians
- video footage from nearby businesses
- use of force report
- medical reports

The civilian director designated two subject officers (SO1 to SO2) and four witness officers (WO1 to WO4). IIU investigators also received information from sixteen civilian witnesses (CW1 to CW16).

Facts and Circumstances

Scene Examination

IIU investigators attended to the scene for a further review. The investigators were able to obtain video footage from numerous businesses in the area and were updated on potential civilian witnesses to the incident. The investigators also canvassed video footage from businesses that may have captured AP prior to the incident, so a fulsome picture of AP's actions that evening could be assessed.

Interviews

Civilian Witnesses

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW1 was able to recall an incident where she observed two police officers kneeling on an individual's back, causing obvious distress. CW1 went to park her vehicle and then returned to the scene where she observed increased police presence, an ambulance and a fire truck.

CW1 opined that AP was not resisting the officers and instead was trying to get them off of him so he could speak. CW1 did not believe AP was able to speak because the officers were kneeling on him. CW1 stated that AP was not completely detained by police, but at the same time, he was not able to move due to the officer's kneeling on him. CW1 stated that she did not hear the police say anything at the time of the incident.

Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW2 observed a man on the ground and another male walking nearby. The fire department attended to the male on the ground while the police attended to AP. CW2 described the arrest as forceful and that police were punching and restraining AP.

CW2 confirmed that more police vehicles arrived on scene and that medical assistance was provided to AP. CW2 stated that due to the traffic noise, he could not hear any comments by police or any other individual at the scene.

Civilian Witness 3 (CW3)

CW3 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW3 was walking in the area where they observed police cars, a fire truck and an ambulance. CW3 stated that AP was initially resistant, however, the police officers used forceful restraint and assaulted AP. CW3 stated that their view was obstructed once more police vehicles arrived on scene. CW3 confirmed that medical assistance was provided to AP on scene and then he was transported in an ambulance.

Civilian Witness 4 (CW4)

CW4 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW4 stated that they were present in their vehicle when AP attempted to enter the vehicle and steal it. CW4 contacted 911 to report the incident. CW4 noted that another individual in the area was passed out in the parking lot while she waited for police to attend. CW4 noted that CPR was being performed on the passed out individual while they waited for police.

Police attended and CW4 identified AP as the individual who attempted to enter the vehicle. CW4 confirmed that police used force on AP to have him release his hands for arrest. CW4 confirmed that police used closed handed strikes to AP for that purpose. CW4 confirmed that the fire truck arrived on scene prior to the police.

CW4 confirmed that police took a statement in relation to AP attempting to steal the vehicle and looked at the vehicle for damages.

Civilian Witness 5 (CW5)

CW5 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW5 confirmed that they saw an individual passed out on the ground and that two police officers quickly grabbed AP to take him to the police vehicle. CW5 stated that AP was not acting erratically and that officers tackled him to the ground and started to punch and knee him. CW5 stated that three more police vehicles arrived, which obstructed his view. CW5 observed AP laying motionless with roughly six police officers standing around him. CW5 noted that the video footage they took of the incident was hindered by the police vehicles and the activated lights.

CW5 stated that no medical assistance was provided to AP for approximately ten minutes.

Civilian Witness 6 (CW6)

CW6 was interviewed by IIU investigators on Oct. 16, 2023, and provided the following information:

CW6 observed AP attempt to enter the vehicle in front of hers. That car accelerated away and AP fell to the ground, causing CW6 to swerve and avoid hitting him. CW6 and the passenger both called police to report the incident.

Civilian Witness 7 (CW7)

CW7 was interviewed by IIU investigators on Oct. 18, 2023, and provided the following information:

CW7 stated that he knew AP because they had attended the same heavy equipment operator course. They had spent the night together playing pool and having beers. CW7 stated that the two of them went walking and ran into an unknown individual that had recently been released from jail. CW7 said the three of them shared a bottle of liquor and attended an apartment.

CW7 stated that in the apartment, the individual started to act weird so AP and CW7 left while the individual remained in the apartment. AP left to try and find security for the individual to be removed from the apartment. CW7 never heard from AP again so he left the area prior to any incident.

Civilian Witness 8 (CW8)

CW8 was interviewed by IIU investigators on Oct. 23, 2023, and provided the following information:

CW8 observed an unresponsive male on the ground at the scene of the incident. CW8 was afraid that this individual may have suffered an overdose, so they contacted emergency services to come and assist.

CW8 observed AP in the area and noticed that he was acting erratically. CW8 confirmed that a fire truck and police vehicle arrived on the scene. CW8 observed AP try to enter the police vehicle, leading to the officers intervening and tackling him to the ground. CW8 did not observe anything further in relation to the incident because they drove away.

Civilian Witness 9 (CW9)

CW9 was interviewed by IIU investigators on Nov. 11, 2023, and provided the following information:

CW9 was working on the evening of the incident. His unit was tasked with dealing with an unresponsive individual who may have overdosed. CW9 recalled that police were present and dealing with AP. CW9 was focused on the unresponsive male, however, he did overhear an officer say “stop resisting” roughly three times. CW9 observed a male officer delivering roughly three punches to AP’s head area. CW9 observed the female officer kneeling on AP’s back.

CW9 was originally tasked with taking care of the unresponsive male, however, he did go over to assist other medical staff with AP. CW9 observed medical staff attempting to place AP’s neck in a cervical collar, but his neck was too big. CW9 confirmed that AP was then rolled over to assess his breathing and to check for any other injuries.

CW9 noted extensive bruising to AP’s face, which prevented CW9 from assessing his pupils. AP did not show any signs of respiratory activity on scene. CPR was provided to AP the entire time while he was being transported to the hospital.

Civilian Witness 10 (CW10)

CW10 was interviewed by IIU investigators on Nov. 7, 2023, and provided the following information:

CW10 attended to the scene of the incident and was tasked with dealing with the unresponsive male suspected of an overdose. The background information provided was of an erratic individual and an unresponsive individual in the area. CW10 provided medical attention to the unresponsive male first and then was asked to assist with AP.

CW10 noted multiple lacerations to his forehead and that his left eye was swollen shut. CW10 stated he could only assess the right pupil because of the swelling to the left eye. CW10 noted AP had a pulse, but it became absent as CPR was initiated. AP was transported to the hospital. CW10 did not observe any actions of any officer as he was focused on the unresponsive male.

Civilian Witness 11 (CW11)

CW11 was interviewed by IIU investigators on Nov. 7, 2023, and provided the following information:

CW11 responded to an overdose call complicated by a car jacking. CW11 recalled that an altercation unfolded between AP and the police while he was assisting the suspected overdose patient.

CW11 observed police subduing AP by delivering punches and knees. CW11 heard police tell AP to stop resisting. Later, AP was unresponsive, and despite CPR, he did not regain a pulse.

Civilian Witness 12 (CW12)

CW12 was interviewed by IIU investigators on Nov. 7, 2023, and provided the following information:

CW12 was tasked with attending the scene to sedate AP. On route, the sedation call was cancelled because AP was unconscious. CW12 continued to the scene in any event and saw AP unconscious, handcuffed and with facial swelling and bleeding. CW12 requested that the handcuffs be removed and initiated CPR, which proved to be difficult because of AP's size. CW12 confirmed that medical assistance for AP continued in the ambulance.

Civilian Witness 13 (CW13)

CW13 was interviewed by IIU investigators on Nov. 7, 2023, and provided the following information:

CW13 was on route to the scene to assist with AP's medical sedation. CW13 arrived on scene and was informed AP was unconscious. The background information suggested that AP was acting erratically, running into traffic and involved in a possible car jacking.

CW13 observed AP to have swelling to his face while he was on the ground unconscious. Efforts were made to place a cervical collar on AP's neck, but his neck was too big. CW13 confirmed that they rolled AP over and observed that he was not breathing and had no pulse. CPR was initiated and AP was transported to the hospital.

Civilian Witness 14 (CW14)

CW14 was interviewed by IIU investigators on Nov. 7, 2023, and provided the following information:

CW14 was tasked to attend to the scene to assist with the unresponsive male. Upon arrival, CW14 noted AP's behavior to be erratic and aggressive, putting first responders attending to the unresponsive male at risk. Police officers attempted to arrest AP, which resulted in an altercation because AP was resisting arrest. CW14 radioed for a chemical sedation crew to attend the scene to assist with AP's erratic behavior.

CW14 noted that AP suffered head injuries during the altercation and that his condition deteriorated. Paramedics initiated CPR on AP and he was then transported to the hospital.

CW14 was aware of videos of the incident being circulated online and felt they were not fair to the police because they did not show the entire incident or the level of threat AP posed in the moment. In CW14's opinion, the officers were only acting in self-defence of first responders on the scene.

Civilian Witness 15 (CW15)

CW15 was interviewed by IIU investigators on Nov. 14, 2023, and provided the following information:

CW15 was part of the chemical sedation unit called to the scene. CW15 observed AP on the ground and initially handcuffed. CW15 noted that the handcuffs were removed for transport in the ambulance. CW15 did not observe any police officer actions as their only focus was on the AP's well-being.

Civilian Witness 16 (CW16)

CW16 was interviewed by IIU investigators on Dec. 5, 2023, and provided the following information:

CW16 was tasked to attend the scene to assist with an unresponsive male. CW16 did observe police attempt to restrain a male, but their focus was on the unresponsive male and providing medical assistance. CW16 did not assist with AP and remained dedicated to the well-being of the unresponsive male.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Dec. 14, 2023, and provided the following information:

WO1 volunteered to assist with a well-being call in the area. While on route, WO1 heard over the radio that an erratic male had attempted to open the car door of a police vehicle. WO1 also heard on the radio that in the same area, a male had overdosed.

WO1 attended the scene and observed SO1 and SO2 attempting to arrest AP, who was resisting. WO1 assisted SO1 in handcuffing AP and noted a small pool of blood in the area. Once AP was handcuffed, WO1 went over to speak with a civilian witness as they were the original caller related to the suspected car jacking.

WO1 sought medical clearance for AP because of his behavior. WO1 confirmed that medical services were on scene dealing with another individual. WO1 noted that AP's condition changed, so he asked for assistance from the medical staff on scene. A firefighter confirmed that AP had a pulse and was breathing. WO1 noted facial injuries to AP while he was connected to a vitals machine.

WO1 directed another officer on scene to ensure the nearby business kept the video footage of the incident. WO1 confirmed that no other officers on scene used any force with respect to their dealings with AP.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Dec. 19, 2023, and provided the following information:

WO2 was in the area on an unrelated call when he heard over the radio that SO1 expressed concern. WO2 and his partner went to help SO1 and SO2. WO2 assisted SO1 and WO1 in handcuffing AP.

WO2 noted facial injuries to AP and confirmed medical assistance was provided to AP. WO2 went to assist his partner with an unrelated matter and then he was directed by WO1 to direct traffic in the area. WO2 advised his superiors later on that the facial injuries to AP were most likely the result of blunt force trauma.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on Dec. 18, 2023, and provided the following information:

WO3 was assigned to a well-being call. The background information was that an unknown male exhibited aggressive behavior towards a vehicle. WO2 arrived and observed SO1 and SO2 struggling to control a larger male, prompting WO2 to help restrain the individual. AP was resisting arrest and reaching for his waistband but was eventually handcuffed.

After the arrest, WO3 noted facial injuries and some blood while paramedics on scene went over to assist in treating AP, who was unconscious. WO3 was provided the background information that AP had tried to enter the police vehicle and attempted to grab SO1 and SO2's duty belts during his arrest.

WO3 was assigned to obtain video footage from the nearby business. WO3 observed the footage and noted AP walking into traffic, a fire truck arriving on scene to provide CPR to an unresponsive male, and then AP trying to enter a police vehicle. WO3 confirmed that the footage was quite dark to view on the screen, so details were difficult.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Dec. 21, 2023, and provided the following information:

WO4 was tasked with a well-being call in the area. The background information was that there was a male attacking vehicles in the area and bleeding. WO4 was approaching the scene as they heard urgent radio calls from SO1 and SO2. WO4 observed SO1 and SO2 struggling to restrain AP. WO4 next observed AP on the ground bleeding but they could not see if AP was handcuffed or not yet as other officers obstructed the view. WO4 unholstered his taser, however, SO2 advised him it was not necessary to be deployed.

WO4 confirmed that AP was handcuffed and rolled onto his side and that ID was located in his wallet. WO4 sensed a change in AP's well-being and breathing while SO2 requested an ambulance. WO4 heard another officer request medical assistance from the medical staff on scene for the unrelated matter.

WO4 went into the nearby business to view the video footage. WO4 noted that the footage was difficult to watch because it was dark. WO4 observed AP walking through traffic and attempting to enter the police vehicle. WO4 confirmed AP was taken in the ambulance in critical condition.

Subject Officers

Subject Officer 1 (SO1)

In accordance with their rights, SO1 declined to meet with IIU investigators. SO1 provided the investigators with their handwritten notes about the incident. The following is a summary of the notes:

SO1 confirmed that they were tasked with a potential robbery and car jacking incident. SO1 arrived on scene and observed the fire truck and an unknown male near the truck. SO1 walked over to the individual and confirmed that was the suspect of the carjacking (AP). AP displayed erratic behavior and resisted arrest upon their approach. Despite attempts to handcuff him, AP aggressively resisted, prompting SO1 to deploy her taser. SO1 also verbally instructed AP to comply and to stop resisting on multiple occasions. SO1 assessed that a taser would not work in the circumstances and holstered it.

SO1 noted that a struggle ensued as AP attempted to flee and resist handcuffs. SO1 struck AP multiple times to the body and face to gain compliance without success. Verbal commands at the same time were ineffective. SO1 called for backup and SO2 assisted in restraining AP. SO1 noted that despite visible injuries to AP's face, he would not comply with directions.

SO1 was able to gain control of AP's forearm, which allowed for handcuffs to be applied, with the assistance of other officers who arrived on scene. AP was held in a recovery position and was displaying signs of laboured breathing. Medical services were called for AP and a firefighter walked over to assess AP's vital signs while waiting for the ambulance. SO1 applied a sternum rub to AP in an attempt to stimulate a response without success. Medical services took over care for AP.

Subject Officer 2 (SO2)

In accordance with their rights, SO2 declined to meet with IIU investigators or provide any documentation in relation to the incident.

Other evidence

Medical Reports

The chief medical examiner stated in the autopsy report that AP's cause of death was subdual and prone restraint (by police officers) complicating cocaine intoxication and cardiomegaly (enlarged heart). AP's heart was described by the pathologist to be in the 95th percentile with respect to size. The pathologist did not suggest that one factor in the cause of death was more significant in the outcome of AP's death.

The toxicology report had the following findings:

Ethanol: Antemortem Blood/01 - [No collection date: no collection time] none detected

	Antemortem Blood/02 - [No collection date: no collection time]	none detected
	Postmortem Blood/05	none detected
Cocaine:	Antemortem Blood/01 - [No collection date: no collection time]	none detected
	Antemortem Blood/02 - [No collection date: no collection time]	none detected
	Postmortem Blood/05	0.495 mg/I
Benzoyllecgonine:	Antemortem Blood/01 - [No collection date: no collection time]	3.35 mg/I
	Antemortem Blood/02 - [No collection date: no collection time]	2.77 mg/I
	Postmortem Blood/05	4.43 mg/I
Buprenorphine:	Antemortem Blood/01 - [No collection date: no collection time]	< 0.50 ug/I
	Antemortem Blood/02 - [No collection date: no collection time]	insufficient specimen
	Postmortem Blood/05	0.809 ug/I

The toxicologist provided the following comments in his report:

General Comment:

After death, drugs may move from one area of the body to another, a process known as post-mortem redistribution. As a result of this redistribution, it is extremely difficult to interpret post-mortem drug concentrations and their possible significance as to behaviour and/or cause of death. For this reason, the concentrations of the drugs should be interpreted with a certain degree of caution as they may not be representative of the concentrations of those drugs at the time of death.

Cocaine

Blood concentrations of cocaine resulting from non-fatal recreational abuse are generally less than 0.5 milligrams per litre (mg/l); concentrations greater than 1 mg/l are potentially life-

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threatening. However, cocaine has a plasma half-life of 30 to 90 minutes, therefore, low postmortem blood cocaine concentrations may not be a reliable indicator of the dose ingested/injected. Benzoylcegonine is a chemical/metabolic breakdown product of cocaine.

Buprenorphine

Buprenorphine is a synthetic opiate derivative that has both analgesic and opioid antagonistic properties. Sublingual doses of 2 mg given to 6 volunteers resulted in an average plasma concentration of 1.6 **micrograms per litre** (ug/l); a 4 mg sublingual dose resulted in peak plasma concentrations averaging 3.3 **ug/l**. Intranasal insufflation of crushed 8 mg sublingual tablets resulted in an average peak plasma concentration of 11 UG/l. Forty-one persons whose deaths were attributed to acute buprenorphine overdosage had an average femoral blood concentration of 2.7 ug/l (range 0.2 to 58 ug/l). Abuse by IV administration of doses intended for sublingual use returned an average postmortem blood concentration of 8.4 ug/l (range 1.1 to 29) in the death of 20 heroin addicts. NOTE: Buprenorphine is reportedly unstable in postmortem blood.

[IIU investigators were able to confirm the blood sample provided to the toxicologist was taken while AP was in the ambulance on his way to HSC]

Civilian and Business Footage

The IIU investigators were able to obtain numerous videos from nearby businesses and individuals present on scene. The IIU was able to fuse the footage together to receive a rough timeline of AP's actions prior to and during the incident with WPS. The following observations can be made:

1. From approximately 5 p.m. to 8 p.m., AP and an unknown male were at an apartment building. They could be seen coming in and out of the building and associating with other individuals. There was nothing to suggest any concerns for AP and the unknown individual. AP and the unknown male may have possessed a bottle of alcohol, but it is not entirely clear.
2. At approximately 10 p.m., AP and the unknown male were on route to the scene of the incident. Both individuals were showing signs of being under the influence. AP was unsteady when he walked.
3. After a brief period of time, both arrived at the scene of the incident. AP's condition had changed significantly as he was barely able to walk. AP attempted to open a car door but was unsuccessful. Soon after, AP stumbled to the ground and was unable to get up. The unknown male was showing similar signs to AP, however, he could still stand up.
4. After a few minutes, a third person arrived on scene and was associating with AP and the unknown male. AP was able to stand up at this point, but he was having great difficulty in walking and keeping his balance.
5. It was not entirely clear because all three parties were moving in and out of the video footage, but it appeared as if all three individuals consumed some powder like substance.
6. Within minutes, the third party was unconscious and did not move again. The well-being call that resulted in the fire truck arriving on scene was about this individual.
7. AP also appeared to be affected by the ingestion of the powder like substance. AP again fell to the ground for a period of time with limited movements. The unknown male who

had been with AP during the evening appeared to be less affected because he was able to stand.

8. AP was able to stand after a period of time. He was not steady on his feet and clearly was still in duress. AP started to walk into traffic and attempted to enter a couple of cars in the traffic, without success. Cars kept driving and avoided AP while he stood in the middle of the road. No assistance was offered to AP.
9. AP again attempted to enter a vehicle and pulled the door handle aggressively. He was unable to enter the vehicle and the car drove away. Other cars continued to avoid AP while he stood in the middle of the street.
10. AP attempted to enter another moving vehicle, but he was unsuccessful. The unknown male attempted to pull AP out of the traffic without success. AP remained in the middle of the intersection as numerous cars continued to avoid him.
11. The fire truck arrived on scene to assist the third party who was unconscious. AP started to walk towards the fire truck when a police vehicle arrived on scene. Officers exited the vehicle and immediately walked over to AP, who was near the fire truck.
12. Officers grabbed AP away from the fire truck and attempted to detain him. AP could be seen moving and attempting to enter the police vehicle without success. The officers took AP down to the ground and the use of force incident occurred. It is estimated that SO1 delivered approximately fourteen punches to AP's head and body area. It is estimated that SO2 delivered approximately nine punches to AP's head and body area and three knee strikes to AP's body.
13. Officers could be seen punching AP in the face area and kneeling on his back.
14. Additional officers arrived on scene and assisted the first two officers in detaining AP.
15. After a period of time, a firefighter went over to AP and did a brief assessment. More time passed before further medical assistance was provided to AP because medical staff were still dealing with the unconscious third party.
16. The unknown male that was with AP from earlier in the evening could no longer be located in the video footage.
17. No significant injuries to AP's face were noted as he started to walk towards the fire truck.

[NOTE: despite repeated efforts to identify and interview the unknown male with AP from earlier in the evening, the IIU investigators were unable to locate this male.]

Use of Force Report

The IIU retained the services of a Use of Force expert from out of province to assess the actions of the subject officers in their arrest of AP. The expert was very critical of the subject officers' use of force and noted the following:

1. The WPS should re-assess their Resistance Continuum against the Subject Behaviours listed in the Canadian Association of Chiefs of Police National Use of Force Framework Model and consider adding "Cooperative."

Applicable Law

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All relevant criminal charges including the relevant case law were considered in relation to assault and manslaughter as expressed in the Criminal Code of Canada.

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

25 (1) Every one 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.*

Crown Opinion

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On Oct. 1, 2024, the IIU investigative file was sent to Manitoba Prosecution Service to review the matter to determine whether any Criminal Code offences should be authorized against the subject officers.

On Feb. 11, 2026, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officers. Per Manitoba Prosecution Service:

Manitoba Prosecution Service (MPS) has reviewed the IIU investigation of the officers involved. Following a review and consideration of the available evidence including witness statements, and reports, the Crown is well satisfied that there is no reasonable likelihood of conviction with respect to potential charges and no charge is authorized. Although it is in the public interest to hold police officers accountable for criminal wrongdoing, we are always mindful of our charge authorization standards and find that they have not been met in the present case.

Conclusion

Given that the Manitoba Prosecution Service's opinion is that the standard for prosecuting charges has not been met, the civilian director will not be authorizing charges.

I encourage and invite the WPS to revise their use of force continuum and expressly add "cooperative" to their resistance continuum against the subject behaviours, as listed in the Canadian Association of Chiefs of Police National Use of Force Framework Model. It appears that cooperative factors can result in a de-escalation in terms of the Use of Force Continuum. De-escalation would have been beneficial in this incident.

The IIU investigation is now completed and closed.