



**IN THE MATTER OF AN INVESTIGATION INTO A SERIOUS INJURY
DURING AN INCIDENT ON JANUARY 3, 2024**

**FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT**

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Introduction

On January 3, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

“On Wednesday, January 3, 2024, at approximately 11:05 a.m., Winnipeg Police Service Tactical Support Team members (TST) along with General patrol members responded to Provencher Blvd (Winnipeg Child and Family Services), in response to a report of an agitated male grabbing onto his partner, no injuries and no weapons seen. Further information received was that the male subject was attempting to drag his partner out of the facility and force his partner to drive him home. The male’s partner was asking CFS staff to take her to a shelter. Responding members were further advised that the male had mental health issues.

Upon arrival TST members observed the male in the front lobby area in an agitated and aggressive state, the male was holding a sharpened pencil to his own neck with his partner nearby. Attempts to deescalate the situation were made with negative results, however Police were able to separate the male’s partner from him to a place of safety.

The male still holding the pencil to his own neck continue to disobey police commands, as a result a TST member discharged two less than lethal .40mm Foam impact rounds striking the male in the left leg. The rounds had no effect on the male and as a result a second TST member deployed a taser which had no effect as the probes did not connect with any part of the body. The male subsequently fell to the ground and grabbed an object that turned out to be a sharpie and proceeded to attempt to stab himself with it. Police were able to secure the male with the use of handcuffs. The male then appeared to have a seizure or may have been attempting to harm himself.

Winnipeg Ambulance Service attended and upon arrival they medically sedating the male due to his mental state.

The male was transported to the HSC where he is being held under the mental health act. The male did receive bruising as a result of the discharge however did not require any medical treatment.

The IIU was notified and took jurisdiction of the investigation.”

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this investigation in accordance with Section 66(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

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

- Police officer notes X4
- Police narratives X3
- 911 calls X2
- Radio transmissions
- Forensic report, Ident report

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Facts and Circumstances

Professional Witnesses (PW) Child and Family Services

Between January 4 and 5, 2024, IIU investigators interviewed four civilian witnesses from Child and Family Services. All four witnesses provided the same account of the events.

They provided details regarding the domestic incident between the affected person (AP) and his partner (female victim). They tried to de-escalate the situation; however, they were unable to do so and police were called. The WPS attended the scene and also attempted to de-escalate the situation. AP refused to comply with police commands.

PW1 observed an officer unholster a Taser gun; however, he did not see police use the Taser. He observed police tell AP to stop and to let the female victim go.

PW2 stated that AP had been reaching into a bag and she did not know what he was getting. Simultaneously the police arrived. AP was now holding an object into his neck. Police told him to drop the weapon repeatedly. PW2 observed a red dot on AP. She heard police tell AP to drop the weapon. The SWAT team came in. The female victim was then separated from AP. He would not drop the weapon; therefore, one of the officers took out a bean bag gun, asked for permission to discharge it and then discharged it. PW1 did not know where it hit. She stated that AP held a pencil to his neck. Then another officer stated "Taser." The officers told him to get on his knees and to calm down. A female officer very calmly and repeatedly asked AP to calm down and get on the floor. AP didn't say anything about being hurt. The ambulance came it and took him.

PW3 stated that her office is on the second floor of the building near a mezzanine. She heard screaming and yelling coming from the ground floor. PW3 went out to check and to make sure the administrative staff sitting at the front counter were safe. She observed AP was holding on to his partner in the main lobby area. A case worker was also with them, and he was trying to get the couple to separate from each other. This went on for some time and AP was yelling and appeared to be in desperation, pleading with the female to come with him. She did not want to go with him and wanted to go to a shelter. Both individuals were crying. The worker tried to get AP to let go of her, but he was not letting go. PW3 was concerned for the case worker's safety. PW3 called 911 and she believes the front counter staff had done the same. According to PW3, the male reached into a fanny pack that he had and grabbed something and put it to his neck. She also observed him grab a yellow pencil from the administration counter and put it to his neck. The police arrived, including the Tactical Unit. PW3 heard the team members call out that they were going to use the "bean bag." The police were yelling at AP to put down the pencil (or whatever it was that he had at his neck). By this time, the female was able to get back into a corner office safely. PW3 stated that she heard a bean bag gun go off twice, but she did not see

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the gun being fired and did not see any rounds hit AP, as she was now behind a closed door. She could hear that AP was now on the ground. She could hear WPS telling him that they did not want to take him away. She believes AP was trying to hit his head on the ground and police were trying to get him to stop. Shortly after, emergency medical services (EMS) arrived and AP was taken away.

PW4 said he heard yelling, and he called the police. Ten minutes later police arrived. He stated that AP had some kind of item from what he could hear. He had moved from the area where AP and the female were and went behind a door. He saw the police arrive. He did not see the officers discharge a firearm; however, he did hear officer say “put it down.”

Affected Person

On January 8, 2024, IIU investigator received a phone call from a blocked phone number. The male caller identified himself as AP. IIU investigator explained the need for a statement. AP declined to meet with IIU investigator and declined to provide a statement. AP stated *"this has nothing to do with WPS, it was my actions, I acted irrationally."*

IIU investigators were unable to obtain any medical release consent form from AP and were, therefore, unable to substantiate any injuries.

Conclusion

Following due consideration of all the circumstances of this matter and a careful, thorough review of all evidence obtained in this investigation, I am satisfied that the actions of the police were reasonable in the circumstances. The officers tried to de-escalate the situation and prevent AP from harming himself. The use of force was reasonable and necessary to take AP into custody.

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