



**IN THE MATTER OF AN INVESTIGATION INTO THE DEATH OF AN ADULT  
MALE FOLLOWING AN OFFICER-INVOLVED SHOOTING IN WINNIPEG**

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

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## **Introduction**

On Feb. 13, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from the Part 7 Notification received on Feb. 13, 2024:

*On Thursday, February 8, 2024, the Winnipeg Police Service was served with a Form 2 under the Mental Health Act requiring police to apprehend and bring the A/P to a physician for examination. The Form 2 was applied for by the A/P's community mental health worker who indicated that the A/P has been violent towards workers, was off his medication and had not been attending appointments.*

*On Tuesday, February 13, 2024, at approximately 07:26 hrs., Winnipeg Police Service North District General patrol members responded to the A/P's residence. Winnipeg Police have previously attended the A/P's address with respect to mental health concerns.*

*Upon arrival Winnipeg Police General Patrol members were met by the A/P at the side door of the residence, the A/P was in an agitated state and was in possession of a crowbar. The A/P proceeded to pound the crowbar against the door frame. Officers approached the A/P at which time he retreated into the residence attempting to slam the door. Officers attempted to stop the A/P from closing the door at which time the A/P discharged a fire extinguisher at Police. The A/P was able to close the door and lock himself within the residence.*

*General Patrol members subsequently requested assistance of the Tactical Support Team (TST). The A/P remained within the residence and could be heard yelling and screaming. Upon arrival TST members made numerous attempts to contact the A/P but were met with negative results.*

*In efforts to locate the A/P TST breached a main floor window and subsequently breached the front door of the residence. TST members entered the residence learning that the A/P had barricaded himself in a second-floor bedroom. The bedroom being located at the top of a confined staircase.*

*TST members attended to the landing of the staircase and attempted to communicate with the A/P. The A/P responded by discharging a fire extinguisher through a pet door causing members to return to the main floor. TST members continued to attempt to communicate with the A/P. Members of TST returned to the upstairs landing area of the staircase. Once here, a use of force encounter occurred where TST members were confronted by the A/P who was armed with an axe. Two TST members responded by discharging their service firearms striking the A/P.*

*Police members immediately provided emergency first aid by applying chest seals and a tourniquet. The A/P was transported to the HSC in critical condition where he is presently undergoing emergency surgery.*

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As this matter concerned the death of a person that may have resulted from the actions of a police officer, the IIU assumed responsibility for this investigation in accordance with Section 65(4) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- CAD report
- 911 audio
- Police audio
- Officer narrative reports
- Officer notes
- Forensic Identification Section scene photos
- Forensic Identification autopsy photos
- WPS drone photographs
- Form 2 Mental Health Order for AP

The civilian director designated the two WPS officers who discharged their firearms as subject officers (SO1 and SO2). The civilian director designated 13 WPS officers as witness officers (WO1 to WO13). IIU Investigators met with and interviewed six professional witnesses (PW1 to PW6) and one civilian witness (CW1).

## **Facts and Circumstances**

### **Scene Examination**

On Feb. 14, 2024, IIU investigators arrived at the incident scene and met with a WPS Forensic Identification Section (FIS) investigator. IIU and FIS investigators entered the residence for a walk-thru of the scene. Obvious damage was done to the front door and front window area as these had been breached by the WPS armoured vehicle. There was a homemade barricade that had been constructed and had been previously attached to the front door. This consisted of a wooden frame that fit into brackets installed on either side of the door frame.

There were numerous television sets and security cameras on the walls of almost every room. The back door to the house (which leads to the driveway) was also equipped with the same type of barricade as the front door. Investigators noted yellow spray dust (believed to be the discharge from a fire extinguisher) that covered furniture and shelving. This spray dust was pervasive in several areas of the house including the bedroom, on stairs and the upstairs rooms. In a bedroom adjacent to the west side door of the house, FIS showed investigators an ottoman by a bed that was covered in dust but had an outline of a long linear object. FIS advised that they had seized a crowbar from that location. FIS advised that there were numerous television sets on the walls of almost every room of the house; this was also observed by IIU investigators. Some of the televisions (notably in the bedroom) had the screens smashed in.

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The investigators were brought up the stairs and there was evidence of the altercation including outlines of shell casings that had been ejected. At the top of the stairs, there was a jacket laying in a large pool of blood. There were some medical dressings and debris laying close by. FIS showed officers marks in the wall where it was believed bullet fragments were possibly imbedded as well as a round impact site. Several large cuts into the wood by a door frame were also observed. According to FIS, it is believed these may have been caused by an axe.

Throughout both floors of the residence, numerous security cameras could be seen on wall corners and walls. The cameras appeared to be wired; however, FIS could not locate any recording device or camera junction.

IIU investigators observed a seized axe, fire extinguishers and a crowbar in evidence bags.

## **Summary of Witness Interviews**

### **Civilian Witnesses**

#### **Civilian Witness 1 (CW1)**

CW1 was not present during the incident and only provided background information to the IIU investigators.

### **Professional Witness**

#### **Professional Witness 1 (PW1)**

On April 9, 2024, IIU investigators interviewed PW1 at Winnipeg Fire Paramedic Station (WFPS) Station 6. The following information was provided:

On Feb. 13, 2024, PW1 and her partner, PW2, were dispatched for a report of a male with multiple gunshot wounds. PW1 recalled that there was a notation on the dispatch for a well-being check.

Upon arrival, PW1 observed police officers outside of the residence along with the armoured vehicle and police vehicles. She observed that the front door had been pushed in by the armoured vehicle. When they walked in, PW1 noticed a yellowish powder and haze inside.

PW1 and PW2 went up the stairs, noticed a rifle shell casing on the stairs and AP laying on his back at the top of the stairs. The Tactical Support Team (TST) was with AP and were administering first aid. PW1 observed that AP had a tourniquet applied to his right upper arm and he had three chest seals applied on his upper abdomen. AP was moaning but otherwise was not verbalizing anything. EMS personnel moved AP on to a mega mover tarp so they could quickly get him down the stairs and to the ambulance. AP was then taken to Health Sciences Centre (HSC) Winnipeg.

PW1 stated that in addition to the three chest seals on the upper abdomen, she had noticed a gunshot wound to the right humerus (arm) with an exit wound and that the bone was broken. AP further had one gunshot wound to his left upper arm and one to the left forearm.

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PW1 stated that she had observed a hatchet lying on the ground to the left of AP, approximately three to four feet away.

PW1 stated that their time at the incident scene was "very quick," as their prime objective was to get AP to hospital as quickly as they could.

#### Professional Witness 2 (PW2)

On April 8, 2024, IIU investigators interviewed PW2 at the WFPS Station 6. The following information was provided:

On Feb. 13, 2024, PW2 and PW1 were dispatched for a well-being call. WPS officers directed PW2 and PW1 to the upstairs area of the house. PW2 recalled there being a strong haze in the air as well as a shell casing lying on the stairs. At the top of the stairs, they found AP lying on his back with his feet towards the stairs. PW2 noted that WPS officers had already applied some chest seals and a tourniquet to AP's right arm.

Due to the tight staircase, PW2 went back to the ambulance to retrieve a mega mover tarp, which they use to carry patients out of tight confines. PW2 and PW1 moved AP on to the tarp and moved him to the ambulance. PW2 was aware that AP's pulse was lost close to the hospital, but she was not involved in resuscitation as she was driving.

#### Professional Witness 3 (PW3)

On April 9, 2024, IIU investigators interviewed PW3 at the IIU offices. CW4 provided the following information:

On Feb. 13, 2024, PW3 was dispatched to a call for a male with gunshot wounds along with a paramedic crew and fire crew from Station 6.

The paramedic crew was already on scene when PW3 arrived. AP was on a tarp and was being prepared to be taken downstairs to an ambulance. PW3 noted two to three entrance wounds on an arm with an open fracture visible. PW3 also noted two to three chest seals.

PW3 asked the paramedics what had happened; she was told that the police had been greeted with either an axe or a hatchet. PW3 did not interact directly with AP.

#### Professional Witness 4 (PW4)

On April 9, 2024, IIU investigators interviewed PW4 at WFPS Station 6. PW4 provided the following information:

PW4 was dispatched to a call for a report of a male suffering gunshot wounds. PW4 observed police vehicles present and officers present in the front yard of the residence. An ambulance was already on scene.

PW4 went into the residence and up a staircase just to the right of the front door. PW4 observed what appeared to be fire extinguisher residue (yellow in colour) in the residence. While climbing the stairs, PW4 noted shell casings on the stairs and on a landing. AP was lying at the top of the stairs and was being attended to by paramedics. PW4 noted that chest seals had been applied. PW4 assisted with getting AP on to a tarp and down the stairs into the ambulance. AP was taken to hospital and that was the end of PW4's involvement.

#### Professional Witness 5 (PW5)

On April 8, 2024, IIU investigators interviewed PW5 at WFPS Station 6. PW5 provided the following information:

On Feb. 13, 2024, PW5 was dispatched to a report of gunshot wounds. PW5 observed WPS officers in the street and at the residence. When PW5 entered the residence, he noted shell casings on the stairs and a fine yellow fire extinguisher dust that was prevalent. PW5 made his way to the upstairs level where other personnel were rolling AP on to a tarp. PW5 helped move AP on the tarp to the ambulance. This was his only involvement in the incident.

#### Professional Witness 6 (PW6)

On April 8, 2024, IIU investigators interviewed PW6 at WFPS Station 6. PW6 provided the following information:

On Feb. 13, 2024, PW6 was dispatched to a shooting. While enroute to the call, the information was updated that AP was suffering from multiple gunshot wounds. Upon arrival, PW6 observed police vehicles and an ambulance already on scene.

PW6 entered the residence and noticed shell casings lying on the stairs. PW6 recalled that there was a fine dust all over the residence that was consistent with a fire extinguisher. PW6 went up a staircase which had a 90-degree bend at the top. PW6 noticed a tourniquet had been applied to the top of the right arm and that AP was pale but breathing. PW6 assisted with rolling AP on to a tarp and helped carry him downstairs to the ambulance.

#### Witness Officers

##### Witness Officer 1 (WO1)

On April 9, 2024, IIU interviewed WO1 at the IIU office. WO1 provided the following information:

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On Feb. 13, 2024, WO1 was partnered with WO2. They were dispatched to AP's residence on the basis of a Form 2 Mental Health Order that had been issued for AP. WO2 mentioned to WO1 that WPS units had been at the residence on Feb. 8, 2024 in relation to the Form 2 Order but no response was received from anyone inside the residence. WO2 also mentioned to WO1 that he had been at AP's residence two to three weeks prior to effect a Form 2 order for AP. WO2 informed WO1 that the Tactical Support Team (TST) had been utilized on the previous occasion and AP had gone with police pursuant to the order. WO1 was also made aware that AP's residence was somewhat fortified.

WO1 and WO2 went to the side, rear door of the residence and knocked on the door. AP answered the door, saw WO1 and WO2 standing there and then yelled something unintelligible, slammed the door shut and went back into the house. WO1 subsequently called his supervisor (WO3) as it appeared AP was not going to co-operate and additional resources may be required. While WO1 was on the phone, the side door opened again and AP came out, holding a crowbar in his left hand. AP was swinging the crowbar in the air and then slammed it into the doorframe while stating "You know what this is for." AP then slammed the door shut again.

Additional police units arrived and WO1 attempted to open the door but observed it was barricaded from the inside. Other officers were attending the front of the residence and they said that they thought AP was trying to "screw something shut" at the front door. WO1 noted that when AP had hit the doorframe with the crowbar, it had opened the door frame a bit. WO1 was able to open the door frame approximately five to eight centimetres. WO1 could hear AP screaming something from inside but it was mainly unintelligible. WO1 did hear AP state that he "only wanted to talk to God." WO1 instructed WO2 to have his gun out while WO1 had his Taser out in case the AP attempted to attack them.

Shortly after this, AP discharged a fire extinguisher through the gap in the door towards the officers and they backed away from the side door. TST had been called out and general patrol units waited for them to arrive. When they did arrive, SO1 joined them at the side door with a ballistic shield. More attempts were made to communicate with AP but all that was heard in response was unintelligible screaming.

TST deployed the armoured rescue vehicle (ARV) to breach the front door and a front window. Several attempts to communicate with AP were made by TST, both from the front door and over the loud hailer from the ARV. TST entered the residence and cleared the main floor. WO1 could hear the radio transmissions of TST from inside the ARV. WO1 heard that the AP had again discharged a fire extinguisher at officers. TST retreated to the front step of the residence.

Several minutes later, TST went up the stairs a second time. WO1 heard three to five gunshots coming from the residence. WO1 exited the ARV and obtained a first aid kit and passed it to tactical members. EMS was called and an ambulance arrived shortly thereafter for AP.

WO1 did not enter AP's residence at any point in the incident.

### Witness Officer 2 (WO2)

On April 10, 2024, IIU investigators interviewed WO2 at the IIU office. WO2 provided the following information:

On Feb. 13, 2024, WO1 was partnered with WO2 to execute a Form 2 Mental Health Order on AP. Information was received that AP was not taking his medications. WO1 went to the front door and knocked with no answer. WO2 did hear some movement from inside the house near the rear westside door so they knocked there; AP answered the door. AP immediately saw the officers and then slammed the door shut. WO1 contacted their patrol sergeant to advise that AP was, in fact, in the residence and he was not co-operating with officers.

WO2 stated that AP opened the door again and this time he had a crowbar in his hand. The AP was waving the crowbar around and slammed it into the side of the door while stating, "You know what this is for." AP again slammed the door shut. WO2 stated that other police units started to arrive to assist. One of the police units went to the front doors and reported that they heard something like a screwing noise from the front door, which indicated that AP may be barricading that door. WO2's partner, WO1, attempted to breach the side door to no avail. WO2 was informed that the Tactical Support Team (TST) had been called to assist as they were now in a situation with an armed individual refusing to come out.

While WO2 and WO1 were on the west side, AP sprayed a chemical fire extinguisher through a crack in the side door at the officers. WO2 and WO1 backed off and they monitored the door until TST could arrive. WO2 could hear AP talking behind the door, making non-sensical statements supposedly to persons who were not there.

The armoured rescue vehicle (ARV) arrived and attempts were made with the ARV loud hailer to again establish contact with AP without success.

Eventually, TST breached the front door of the residence and cleared the main floor with no sign of AP. WO2 observed TST come out of the residence to the front porch area and heard radio transmissions that AP had again attempted to spray the fire extinguisher at TST. TST went back in and then WO2 heard three to five gunshots and a radio transmission that shots had been fired. EMS was called, arrived and took AP to hospital.

WO2 stated that he had been at AP's residence for a similar Form 2 call on Jan. 20, 2024. At that time, TST had also been called out and AP was brought out of the residence by TST.

### Witness Officer 3 (WO3)

On April 17, 2024, IIU investigators interviewed WO3 at the IIU office. WO3 provided the following information:

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On Feb. 13, 2024, WO3 was on duty as a general patrol acting street supervisor. WO3 received a phone call from WO1 that AP was behind a barricaded door and that he was armed with a crowbar. WO3 was subsequently assigned to the call and arrived at 8 a.m. WO3 was briefed by WO1 that TST had been called to assist with AP on a previous occasion several weeks prior.

WO3 requested TST assistance and was advised to hold the residence perimeter. WO3 and the other officers present continued to try and establish contact with AP through the closed door. Officers voiced that they had a Form 2 Order and that they were there to help AP and to get him some help. WO3 could hear some non-sensical talk coming from AP behind the door but the only thing she could make out was that he "wanted to talk to God." WO3 told AP through the door that he could come outside and "talk to God" attempting to just get him out of the house.

Shortly after, AP sprayed a fire extinguisher at officers through a gap in the door. WO3 briefed WO5 regarding the situation. General patrol officers maintained the perimeter while TST officers continued their attempts to establish communication with AP.

Eventually, TST decided to breach the front window (which was sealed with plywood) with the goal of trying to establish communication. The window was breached by the ARV and further loud hailer verbal announcements were made with no response from AP. TST decided to fully breach the front door so the team could enter and establish the condition of AP.

TST cleared the main floor with no sign of AP. WO3 heard gunfire shots coming from the house. She immediately ran to the house and heard WO5 voicing over the radio that shots had been fired. Two tactical members (SO1 and SO2) were brought out and identified to her as the subject officers. WO3 subsequently escorted SO2 to the WPS headquarters (HQ) while another officer took SO1 to HQ.

#### Witness Officer 4 (WO4)

On March 20, 2024, IIU investigators interview WO4 at the IIU office. WO4 provided the following information:

WO4 was assigned duties as a TST supervisor. WO4 received a call that there was a barricaded male and general patrol officers were trying to enforce a Form 2 Mental Health Order on AP. General patrol was requesting the assistance of TST to resolve the incident as AP did not appear to have a working telephone and was not responding to officers.

WO4 conducted checks on the WPS Niche records management system and discovered that officers had attended to this same residence on Jan. 20, 2024 to effect a Form 2 order. During that incident, AP had not answered the door and the WPS armoured rescue vehicle (ARV) was used to breach a front window to allow officers access. After access was gained, AP was found and he went peacefully with the officers. WO4 also discovered that there had been previous mental health related incidents involving AP. Per WO4, AP had exhibited some suicidal behaviour in the past, but he had no information that AP could be violent towards police.

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WO4 decides to employ the ARV for this current incident. WO4 received additional information that AP had not been taking his medications. As there was a concern for AP's physical well-being, a Form 2 order had been sought by AP's community support worker and had been approved by the courts

WO4 attended AP's residence where he was briefed by WO3. WO4 was informed that AP may be in possession of a crowbar and that the house was barricaded. WO4 was further advised that a fire extinguisher had been discharged towards officers. Further information suggested that AP may have been in medical distress and was possibly harmful to himself. TST set up on a side door on the west side of the residence with a view on the front door (south side). TST tried several times to establish contact with AP to no avail. WO5 was authorized to use a hand-held battering ram at the front door to attempt to open the door so some communication could be established. This was not successful as the door was too heavily fortified for the hand-held ram to have any effect.

WO7 was authorized to bring the ARV up to the front of the residence and breach a front window boarded with plywood. Once breached, audio communication, sirens and a loud hailer were utilized to attempt to contact AP. Communication over the loud hailer notified AP that police had a Form 2 Order to take him for medical attention for his health and well-being. Several attempts were made without success.

The ARV was then utilized with a mechanical ram attachment to breach the fortified door. Announcements were made that they were the police and they were there to help AP. AP did not respond. TST was deployed inside the front entrance and WO4 directed them to clear the main floor. AP was not located on the main floor. TST started to move towards the basement door when some noise was heard coming from the top floor. TST started moving up the stairs to the top floor where there is a sharp 90-degree turn to the left going up the stairs from a partial landing. After the partial landing, there were a few more steps leading to a closed door. As TST made announcements, a fire extinguisher was discharged towards the team from a cat door within the closed door. This caused a fine dust to disperse that made it hard for the team to breathe. The team was ordered to retreat to the base of the stairs.

WO4 called his duty inspector to notify them of what was occurring. As he was doing this, he could hear SO2 initiating some form of two-way conversation with AP through the closed door. A decision was made to move back up to the landing to try and establish further contact. A contact team of SO1, SO2 and WO7 moved up the stairs while the remainder of the team stayed on the main floor. SO1 was in the lead and carried a ballistic shield in front. SO2 followed and WO7 was last in line carrying a less-than-lethal beanbag shotgun.

The upstairs door no longer appeared to be barricaded so SO1 attempted to open the door. WO4 observed SO2 and WO7 moving suddenly backward on the landing and into the wall beside the stairs. WO4 thought the officers were possibly being pushed down the stairs. WO4 then observed SO2 bringing up his rifle and firing three or four times. Due to the angle of the stairs at the landing, WO4 could not see SO1 or AP from his vantage point.

WO4 ran up the stairs and just past the door in a hallway he observed AP lying on the floor. He had been struck by gunfire and officers were already applying first aid. EMS was called on a rush.

WO4 observed an axe lying on the floor next to AP. He asked the officers who had discharged their firearms and SO1 and SO2 indicated that they both had done so. Both officers were directed to go downstairs and to identify themselves to a patrol sergeant and arrangements would be made to transport them back to police HQ.

#### Witness Officer 5 (WO5)

On April 8, 2024, IIU investigators interviewed WO5 at the IIU office. WO5 provided the following information:

WO5 was second-in-command to WO4 that day. WO5 was informed that officers were trying to serve a Form 2 Mental Health Order. WO5 conducted some database checks and discovered there had been a previous call to the residence approximately one month earlier that was resolved with the assistance of TST.

Upon attendance, WO5 learned that general patrol officers had made some contact with AP at the rear door to the residence and that there was some concern for the AP's medical well-being and declining mental state. WO5 directed SO1 to take up position with a ballistic shield by the rear door. Officers proceeded to make many announcements at the front and rear doors stating to AP that they were concerned for his well-being and asking him to come out. No response was received.

It was decided by TST to attempt to use the hand-held ram to open AP's front door. The hand-held ram was not successful as the door was too fortified. TST decided to use the ARV on the front door to get in contact with AP. Once the door was opened this was followed up with more sirens and more announcements over the loud hailer. Again, these were met with no response.

TST proceeded to the open front door and again announced their presence verbally and attempted to communicate with no response. TST cleared the main floor with no sign of AP. WO5 stated the team heard shuffling noises coming from the upstairs floor and the team proceeded up a narrow staircase. At the top of the stairs, there was another closed door that also appeared to be barricaded. Attempts were made to communicate with AP through the closed door, but this was met with a blast of a fire extinguisher through a cat door. This forced the team to retreat down the stairs to the front porch as it was difficult to breathe and see.

WO5 directed members to continue to try and communicate with AP through the closed door. The staircase took a 90-degree turn to the left at a small landing and after a few stairs was the door. It was at this time that some team members advised that AP was now talking and may be attempting to have a conversation with officers. Three officers were sent back up the stairs to establish contact with AP. SO1 was in front with a ballistic shield. The officers reported that the

barricade had been removed from the upstairs door. WO5 was at the bottom of the stairs and could only hear some yelling coming from AP.

SO1 reached for the door handle and attempted to open the door. WO5 observed the door open and AP moving aggressively and quickly towards the officers. AP had a wooden object in his hands and appeared to be pushing it in a horizontal fashion towards the ballistic shield and officers. The three officers moved suddenly backwards into the wall of the staircase/landing. At the same moment, WO5 heard gunshots and observed SO2 discharge his gun.

WO5 ran up the stairs and observed that WO7 and WO6 were already administering first aid to AP. An ambulance was called for (on a rush) and EMS arrived shortly after and moved AP to an ambulance. WO5 met with SO1 and SO2, who stated that they had fired their firearms. Both officers were escorted to the supervisor unit downstairs outside of the residence.

#### Witness Officer 6 (WO6)

2024-04-08: IIU investigators interviewed WO6 at the IIU office. WO6 provided the following information:

WO6 was on duty with the Tactical Support Team (TST). He was partnered with SO2. WO6 was informed that general patrol officers were at AP's residence attempting to execute a Form 2 Mental Health Order on AP. TST assistance was being sought.

WO6 stated that they had some previous background information on AP's residence. Approximately one month prior, TST was called to the same residence for a Form 2 situation. TST discovered that the house was barricaded and AP refused to come out. The ARV was used during that incident to breach one of the windows so TST could communicate with AP. During that incident, TST was able to gain entry and AP went peacefully with officers to the hospital.

WO6 made his way to the residence and noticed general patrol units already in attendance. WO6 was assigned to carry the manual breaching device (hand-held battering ram). WO6 went to the front door and several verbal announcements were made to AP to come out for assistance. WO6 attempted to breach the front door but was unsuccessful. WO6 believed the door was heavily fortified as the hand-held battering ram had been successful in the past with that type of door.

A decision was made to bring in the ARV to breach the door. Numerous methods of communication were attempted with AP without success. The ARV breached the front door and TST cleared the main floor area with no sign of AP. TST made its way up the stairs to the second floor to a closed door at the top of the stairs. At this time, WO6 was carrying the manual breacher again in case it was needed. As they made their way to the upstairs door, a fire extinguisher was fired at them through the door. This caused a large amount of extinguisher dust and haze, which forced the team back down the stairs and outside the residence so they could catch their breath. As this was going on, SO2 attempted further communication with AP, and it

appeared that he may be getting some kind of response. After several minutes, a decision was made to go back up the stairs to open up communication and try to talk AP.

The first three team members to go up the stairs were SO1, SO2 and WO7. The stairs took a sharp left turn, almost 90 degrees, and then several steps up was the door. WO6 was standing several steps down from the first three members and he was carrying the breaching device. WO6 could see the three officers but not the door. There were attempts to communicate and WO6 could see SO1 step forward towards the door and then back. WO7 then observed the door open and AP was standing there with an axe held above his head. Almost simultaneously, he heard a bunch of shots and someone transmitting on the radio that AP was down.

WO6 moved up the stairs to where AP was laying and started first aid. While they were working on AP, other officers called for emergency medical services (EMS). Officers continued to work on AP until EMS arrived. Upon arrival, EMS personnel quickly transported AP to an ambulance.

#### Witness Officer 7 (WO7)

On April 29, 2024, IIU investigators interviewed WO7 at the IIU office. WO7 provided the following information:

WO7 was with the Tactical Support Team (TST). WO7 was advised of a call for a male individual, subject to a Form 2 Mental Health Order, who was currently barricaded inside his residence. WO7 recalled that a few weeks prior, another shift of TST had attended to this same residence for the same reason (Form 2). During that incident, the ARV had been utilized to help resolve the situation. WO7 and his partner, WO8, were tasked with deploying the ARV and staging it a few blocks away in case it was needed for this current situation.

They were asked to prepare the ramming kit, which is a ram that is attached to the front of the ARV and is used for breaching doors and windows.

WO7 drove up on to the front yard and used the ARV's loud hailer to announce the police presence and that they had a Form 2 order. WO7 requested on the loud hailer that AP come out of his residence. As AP did not respond, WO7 was directed to breach the front window of the residence to help establish communication with AP. WO7 breached the window with the ARV. WO7 continued with announcements and commands from the loud hailer as well as activating the siren. Again, there was no response from inside.

WO7 was then directed to breach the front door as previous attempts to breach with the hand-held breacher had failed. This was done to allow TST to gain access to the residence and to determine the well-being of AP. After the door was breached, more loud hailer announcements and sirens were attempted. WO7 and WO8 were requested to assist TST in clearing the residence.

WO7 was directed to carry a less-lethal shotgun carrying bean bag rounds. TST proceeded to clear the main floor of the residence without incident. As the team was preparing to clear the basement area, noises could be heard from the upstairs area. SO1 and SO2 appeared to be attempting some sort of dialogue with AP, who was behind a closed door at the top of the stairs to the second floor. WO7 started to make his way upstairs when a fire extinguisher was fired through a small opening in the door. The officers on the stairs immediately backed down to the main floor area as it was difficult to breathe. As the dust and smoke dissipated, SO1 and SO2 attempted to communicate again. Three officers went back up the stairs — SO1 in the lead and carrying a ballistic shield, SO2 carrying a rifle and WO7 at the rear and carrying a less-lethal shotgun.

When they made it up the stairs, the door opened quickly and then slammed shut. The door opened again and the two officers in front of him fell back into WO7 and pinned him on the stairs. WO7 had no view of the door at this point as his view was totally obstructed by the two officers in front of him. As this was happening, WO7 heard someone yell "axe" and then he heard three to five gunshots.

SO1 and SO2 then moved forward which freed WO7 to move forward as well. WO7 observed AP laying on his back and an axe was on the ground left of the AP. WO7 and WO6 provided medical assistance to AP while WO4 called for EMS. WO7 stated that the whole time he was dealing with AP, he was conscious and had a pulse but was not speaking. EMS arrived very quickly, and AP was taken down to the ambulance on a tarp by firefighters.

#### Witness Officer 8 (WO8)

On April 29, 2024, IIU investigators interviewed WO8 at the IIU office. WO8 provided the following information:

WO8 was with the Tactical Support Team (TST) and was partnered with WO7.

They received a call from their supervisor to attend AP's residence. When they arrived, WO7 and WO8 gave multiple commands over the ARV loud hailer. They also engaged their siren several times with no response from AP. WO7 and WO8 were directed to breach the front window and door to facilitate better communication. After breaching the window and door, the loud hailer and siren were used several more times.

WO8 joined the fellow TST members outside and entered the residence. The main floor was cleared with no sign of AP. TST heard noise and yelling from the top floor and proceeded in that direction. WO8 was at the foot of the stairs and could see SO1 and SO2 on the stairs attempting to communicate with AP. AP was behind a door at the top of the stairs. A fire extinguisher was fired through a hole in the door creating smoke and dust, which made it difficult to see. TST came back down the stairs to the main floor area. SO1, SO2 and WO7 went back up the stairs to attempt communication again.

WO8 saw the door at the top open and then was slammed shut. WO8 heard more unintelligible yelling and then heard several gun shots ring out. WO8 was standing on the main floor at the bottom of the stairs when this occurred. WO8 made his way up the stairs and observed AP laying on the ground receiving medical attention.

#### Witness Officer 9 (WO9)

On April 19, 2024, IIU investigators interviewed WO9 at the IIU office. WO9 provided the following information:

WO9 was partnered with WO10 as general patrol to assist in effecting the Form 2 on AP. WO9 was positioned at the front of the residence while other units were trying to contact AP through a side door at the west side of the residence.

TST arrived and they brought their armoured rescue vehicle (ARV) to breach the front window of the house. Several attempts were made using the loud hailer on the vehicle to establish communication with AP without success. TST was planning to enter the residence and WO9 was tasked with driving the ARV due to previous experience.

WO9 heard gunshots and was then tasked with moving the ARV down the street to free up space at the front of the residence for the ambulance and fire truck.

#### Witness Officer 10 (WO10)

On April 9, 2024, IIU investigator interviewed WO10 at the IIU office. WO10 provided the following information:

WO10 heard over the radio a request for assistance as they were executing a Form 2 Mental Health Order and AP had armed himself with a crowbar. When WO10 attended, she recalled that she had been called to the same address two weeks to a month prior, also for the execution of a Form 2 Order. WO10 recalled that during that incident TST had been called to assist and that the residence was barricaded more than your average home.

WO10 arrived and observed several police units already on scene. Officers were taking turns at different doors trying to establish some form of communication with AP without success. TST was called to attend and WO10, along with other officers, held the residence until their arrival. While holding the scene, WO10 heard what sounded like gun shots and immediately went to the front of the house to see if she could assist. After the ambulance arrived, WO10 observed AP being taken out of the residence.

#### Witness Officer 11 (WO11)

On March 20, 2024, IIU investigators interview WO11 at the IIU office. WO11 provided the following information:

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WO11 and her partner, WO12, were asked to back up another unit trying to effect a Form 2 Mental Health Order. WO11 was informed that AP had armed himself and was barricaded inside the residence.

WO11 went to a west side (rear) door of the residence where several officers were trying to contact AP through the closed door without success. While WO11 was standing near the west door, AP discharged a fire extinguisher under the barricaded door towards the officers. WO11 could see the discharge end of the extinguisher and what was coming out.

From this point onwards, WO11 did not have much involvement as TST arrived and took over the situation. WO11 did not have any direct involvement with AP.

#### Witness Officer 12 (WO12)

On April 17, 2024, IIU investigators interviewed WO12 at the IIU office. WO12 provided the following information:

WO12 and her partner, WO11, were asked to back up another unit trying to effect a Form 2 Mental Health Order. Shortly after arriving, AP sprayed a fire extinguisher towards officers through a crack in the side door. The officers backed off and waited for TST to arrive.

From this point onwards, WO12 did not have much involvement as TST arrived and took over the situation. WO12 did not have any direct involvement with AP.

#### Witness Officer 13 (WO13)

April 9, 2024, IIU investigators interviewed WO13 at the IIU office. WO13 provided the following information:

WO13 was tasked to drive SO1 to headquarters after the incident.

### **Subject Officers**

#### Subject Officer 1 (SO1)

SO1 declined to participate in an IIU interview as of right. SO1 provided a voluntary written statement as follows:

On Feb. 13, 2024, SO1 was assigned to the Tactical Support Team (TST). SO1 was dispatched to AP's residence to assist general patrol members who were attempting to execute a Form 2 Mental Health Order. General patrol had reported that AP was armed with a crowbar and that he had barricaded himself inside the residence.



SO1 was briefed by general patrol members. The members told them that they had been met at the door by AP who exhibited agitated and erratic behaviour and was armed with a crowbar. AP had closed the door and barricaded himself in the house. AP had also discharged a fire extinguisher through the door in their direction.

SO1 was directed to take up position with a ballistic shield at the west side door of the residence. He was also directed to attempt to establish communication with AP through the closed west door. He announced in a loud voice that he was with the Winnipeg Police Service Tactical Support Team and that his legal authority was a Form 2 order under The Mental Health Act. He also announced that their objective was to take AP to the hospital for a medical examination. He directed AP to exit the residence with his hands clearly visible. SO1 did not receive any response and relayed this to his on-site supervisor, WO4. Several minutes later, SO1 was directed to repeat the announcement, which he did to no response.

SO1 held his position until the armoured rescue vehicle (ARV) arrived at the front of the residence. He was instructed to provide lethal force coverage to the main floor window west of the main entrance door as it was going to be breached by the ARV. SO1 was also responsible for providing cover with the ballistic shield for other TST members who would be behind him. The ARV activated its emergency lights and made several announcements over its loud hailer system. Announcements were made identifying them as Winnipeg Police, stating that they had a medical warrant for his arrest and requesting AP to exit the residence with his hands clearly visible. There was no response from the residence, so the window area was partially breached by the ARV.

SO1 could not observe any activity on the other side of the window. The breach was followed by additional loud hailer announcements followed by sirens. The front door was then breached by the ARV followed by announcements and sirens. At this time, SO1 was directed by WO5 to be the first person in with the shield in front of him as the rest of TST followed. After he entered the front door, SO1 observed a wooden barricade wedged in behind the front door and the railing of an upstairs staircase. The barricade was moved out of the way by the team. SO1 again repeated the verbal announcements informing AP who they were, the reason they were there and that they were there to take him to hospital for an examination. There was no response as the team cleared the main floor of the residence without incident.

SO1 was then directed by WO5 to lead the team to the upstairs level. There were 10 to 15 stairs culminating in a 90-degree turn to the left followed by approximately five more stairs and a closed door at the top. At the door, he observed that there appeared to be a similar wooden barricade, painted black, that was underneath the door. There was a small rectangular opening approximately 13 centimetres wide and 20 centimetres tall in the door which was covered so SO1 could not see through. SO1 made another verbal announcement at the upstairs door, repeating what had been said earlier and asking AP to present himself at the door unarmed and

with his hands clearly visible. After this, he heard a loud hissing noise and observed a large amount of a light-coloured powder appear from under the door which quickly contaminated the entire staircase area. SO1 was later informed that this was likely fire extinguisher powder. WO5 immediately ordered the team to come back down the stairs as they were having difficulty seeing and breathing.

The team retreated to the front door area to re-assess the situation. SO2 attempted to establish communication with AP by trying to reason with him to come down the stairs unarmed and with hands visible. SO2 stated that TST did not want to damage anymore of his property and that they were there to help him not to harm him. AP started yelling back behind the closed door, but the yelling was unintelligible. SO1 heard banging from the upstairs and observed that a light that had been illuminating the top of the stairs had now gone off.

WO4 advised the team that the plan was to go back up the stairs and establish communication with AP. SO1 was directed by WO5 to go back up the stairs and to use the ballistic shield to block the cat door. He returned up the stairs with other team members following. SO1 was not aware of which team members were following him as he was focused on the door area. When he made it up the stairs, he observed that the wooden barricade behind the door was now gone.

SO1 now observed that SO2 was behind him. SO1 and SO2 relayed to WO5 that the upstairs barricade had been removed. WO5 directed SO1 to try opening the door, to establish himself inside and to report back as to the layout of the top floor. SO1 opened the door which was now unlocked. He had the door partially open when he heard a commotion and the door slammed back at him, striking the ballistic shield which then hit his left arm. SO1 did not see who was behind the door. SO1 communicated to WO5 what had happened. He looked under the door and did not see anyone on the other side. SO1 stated to AP that they were there to help him. WO5 again directed SO1 to try and see if the door was unlocked. He twisted the doorknob to the left and advised WO5 that the door was open. WO5 directed him to go inside if he could and if he saw the AP to take him into custody.

SO1 pushed the door open with the shield and stepped into the doorway. He immediately heard yelling coming from a dark room to his left located a few feet from the door. He then observed an axe charge at him and then repeatedly and violently ram and strike the left side of the shield in a piercing motion. SO1 retreated backwards taking a few steps down the staircase while AP continued advancing and switched to swinging and striking the shield with the axe. AP was now in the doorway overtop of SO1 and another TST member.

SO1 stated: "AP raised the axe in the air towards me and my teammates in a chopping motion. It all happened within seconds. In that moment, fearing for my life and fearing of grievous bodily harm or death to myself and my teammates, I discharged my pistol. I felt that the AP was trying to kill me or my teammates. I fired approximately one to three times. I then heard someone else discharging their weapon to my left side. The striking with the axe had suddenly stopped and

things went silent. I looked in front of me and observed the attacker laying on the ground with an axe near him.”

SO1 observed more TST officers enter the area and commence first aid. SO1 advised WO4 that he had discharged his pistol.

SO1 sustained redness and bruising to his left upper arm and soreness to his right shoulder.

### Subject Officer 2 (SO2)

SO2 declined to participate in an IIU interview as of right. SO2 did provide a voluntary written statement as follows:

SO2 was assigned to duties with the Tactical Support Team (TST) and was partnered with WO6. He was wearing the full WPS tactical uniform and was wearing a ballistic vest with the words “POLICE” in large white letters on both the front and back of the vest.

SO2 and WO6 were dispatched to AP’s residence to assist general patrol in serving a Form 2 Mental Health Order. SO2 took up position near the front and maintained visual observation of the front door of the residence.

WO4 directed TST members to attempt a breach of the front door to allow an unobstructed portal of communication with AP. WO6 attempted a manual breach of the front door, but due to the door being barricaded from the inside, he was unsuccessful. During the attempt, they loudly announced “Winnipeg Police Service Tactical Support Team.”

WO4 made the decision to bring in the WPS armoured rescue vehicle (ARV), which had a breaching mechanism attached to its front for breaching doors and windows. The ARV was positioned at the front of the residence and its lights and siren were activated. Attempts were also made to communicate with AP via the loud hailer on the ARV. The loud hailer communications stated that they were the Winnipeg Police Tactical Support Team and that they had a Form 2 Mental Health Order for AP. They asked AP to exit the home with his hands empty and clearly visible. After no response was received, WO4 ordered the ARV to breach the front window of the residence, which was covered with plywood. This was done and the plywood was breached open. Again, this was followed by loud hails and lights/siren with no response.

WO4 made the decision to breach the front door of the residence. SO1, WO4, WO5, WO6 and SO2 moved to the threshold of the door. SO1 was in the lead with a ballistic shield with “POLICE” in large white letters on the front. Once inside the door, team members made announcements in a loud voice that they were the Winnipeg Police Service Tactical Support Team, that they had a mental health warrant and that they were concerned for AP’s well-being. They instructed AP to come to the front door with his hands empty and visible.

TST moved through the main floor, searching for AP without success. TST then moved to the second floor, which was accessed by a single flight of stairs from the front foyer. Several more announcements were made at the bottom of the stairs before going up, again with no response. WO4 directed that SO1 and SO2 go up to the top of the stairs to try and communicate with AP. The stairs went up approximately twelve steps up to a small landing where the stairs turned left and continued for another five to six steps, up to a closed door. SO2 observed a cat door at the bottom of the upstairs door, approximately 30 centimetres high by 20 to 25 centimetres wide. SO2 could clearly see something pressed against the door as a barricade underneath the door. SO2 heard some sort of muffled response from behind the door but could not hear AP properly. AP then discharged what appeared to be a fire extinguisher under the door. SO2 found it difficult to see and breathe, and the team moved back down the stairs to the front door to re-assess the situation.

At the bottom of the stairs, the team continued to try to communicate with AP and now they heard voices in response. AP was speaking incoherently, and the team could not make out what was being said.

WO4 and WO5 determined that SO1 and SO2 should go back up the stairs and attempt to communicate again. SO1 went first with SO2 immediately behind. At the top of the stairs, SO2 could see from underneath the door that the barricade had been removed. SO2 made another announcement stating who they were, their authority and that they were concerned for AP's well-being and to come out with his hands clear and visible. No response was received. SO1 was slowly opening the door when AP appeared to use his body to slam the door shut. SO1 fell backwards causing SO2 to support him from behind to prevent him from falling. SO1 recovered and placed the ballistic shield against the cat door to prevent any further fire extinguisher discharge.

SO2 continued to make announcements and initiate communication with AP. AP was responding, but SO2 could not understand what he was saying. AP's voice became distant as if he had moved away from the door and then he stopped talking altogether.

SO1 and SO2 received direction that if the door was still open and they could see the AP was unarmed, they were to safely take him into custody. SO1 started opening the door and SO2 saw a blur of motion and heard the impact of something heavy hitting the police shield and a male screaming and swearing at us. SO2 moved to SO1's left and could see that AP was attacking SO1 with an axe. AP was swinging the axe down hard at the shield with both of his hands in a clear attempt to strike SO1. SO2 stated that AP was screaming and swearing at the officers with his face locked on to SO1. SO2 saw the axe handle hit the top of the shield with the blade of the axe entering the area between the shield and SO1's head. According to SO2, at that time it was clear to him that SO1 was at risk of death or grievous bodily harm. SO2 leaned out to the left of

the shield and discharged between two to four rounds at AP's centre of mass. SO2 stopped firing as soon as AP stopped his attack and fell backwards away from the door.

SO1 and SO2 moved up to the second floor and AP was laying to the right of the door in the hallway. Other team members moved past SO2 and started to administer first aid.

## **Other Evidence**

### **Autopsy**

On Feb. 15, 2024, IIU investigators attended the autopsy for AP which took place at Health Science Centre. The medical examiner advised the cause of death was multiple gunshot wounds. The examiner indicated that the rounds that struck the torso and the right arm were all potentially fatal wounds.

### **CCTV/Video Surveillance**

IIU investigators canvassed the area for any available video. They received an individual's phone surveillance along with a CCTV surveillance from a nearby location. Said surveillance did not provide any evidence in relation to the incident occurring inside AP's residence.

### **Cameras within AP's Residence**

IIU investigators noted several CCTV cameras placed on the walls in several areas of AP's residence. Examination determined that there was no recording device or junction that these cameras were attached to or communicating with. IIU investigators approached family members to inquire if video footage may be stored in an off-site location or cloud. Family members stated that they could not find any connection to a recording company/entity, and that it did not appear that there were any hard drives or recording devices connected to the cameras.

## **Applicable Law**

### **Criminal Code of Canada**

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

*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,*

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*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*

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

### **The Mental Health Act**

As this incident was initiated under a Form 2 Mental Health Order, sections 11(2) and 118 of The Mental Health Act must also be taken into consideration:

#### **Order to Custody**

**11(2)** *An order under this section*

*(a) may be directed to an individual peace officer or to all peace officers of the area in which the justice has jurisdiction; and*

*(b) is authority for a peace officer to take the person named in the order into custody as soon as possible, and then promptly to a place where the person may be detained and examined involuntarily by a physician.*

#### **Protection from Liability**

**118** *No action for damages or other proceeding lies or may be brought personally against the director, a medical director, a psychiatrist, a physician, a member of the review board or of the Review Board established or designated for Manitoba under Part XX.1 of the Criminal Code (Canada), or any other person acting under the authority of, or engaged in the*

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*administration of this Act or the regulations for anything done or omitted in good faith in the performance or exercise, or the intended performance or exercise, of any duty or power under this Act or the regulations, or for any neglect or default in the performance or exercise, or intended performance or exercise in good faith of such a duty or power.*

### **Conclusion**

It is my view that, in the full consideration of the circumstances of this tragic incident, the use of lethal force by the subject officers was authorized and justified by law.

There are no reasonable grounds to support any charges against the subject officers.

Accordingly, IIU has completed its investigation, and this matter is now closed.