



**IN THE MATTER OF AN INVESTIGATION INTO AN OFFICER-INVOLVED
SHOOTING DEATH DURING WPS ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On June 5th, 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 Part 7 Notification received on June 5th, 2024:

On June 5th, Winnipeg Police Service received a CPIC notice from the RCMP which advised the following:

“Please be on the lookout for a stolen Black Ford F350 no license plate with a red slip tank. Vehicle was stolen from Cypress River and ended up in Saskatchewan. Occupants of vehicle keep changing the plates and may be in possession of a shotgun. Two occupants in the vehicle. Vehicle has fled from Brandon Police multiple times at high rates of speed. RCMP has not been able to locate the vehicle. Ford is providing RCMP with updated latitude/longitude of the tracking system on the vehicle.

This CPIC message was broadcast to all WPS police units city-wide.

A police unit observed the suspect vehicle in the vicinity of Ness Avenue and Linwood Street and noted that a North Dakota license plate was affixed to the rear. They were following the suspect vehicle southbound on Linwood Street towards Portage Avenue. The unit was able to positively identify the vehicle as the subject of the CPIC notice by the red slip tank in the rear bed of the truck.

Air 1 was immediately deployed and was able to acquire the vehicle in the vicinity of the West Perimeter Highway at which time a lengthy pursuit ensued through rural roads to the south of Winnipeg.

Air 1 advised that the suspect vehicle had stopped at the rear of Providence University College, Otterburne, Manitoba. Air 1 noted that the occupants of the vehicle appeared to be looking for something in the rear bed of the truck and that the hood of the vehicle was up.

The police unit was directed to the parking lot of Providence University College by Air 1. As the unit was entering the parking lot, the suspect vehicle went mobile, ramming the police unit and pushing in backwards as the driver attempted to flee the scene. The officers responded by discharging their firearms at the suspect vehicle, which disengaged with the police unit, turned around and fled from the parking lot.

Air 1 continued to follow the suspect vehicle, tracking it to Niverville, Manitoba, where the driver stopped in the parking lot of the Tim Hortons restaurant. Air 1 observed the driver exit the truck and run to a dark coloured hatchback style vehicle which then fled the scene. A female passenger was observed to exit the truck as well and attempt to flee on foot, but she was apprehended nearby by responding officers.

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Officers then attended to the abandoned truck in the parking lot where they observed a male passenger suffering from a gunshot wound to the abdomen. Officers immediately initiated tactical trauma care and requested an ambulance. Ambulance personnel subsequently attended but pronounced the male deceased at the scene.

Air 1 attempted to track the fleeing dark coloured hatchback but was forced to discontinue the follow after a short time due to low fuel. The vehicle was last seen fleeing east bound on Highway 305 at a high rate of speed.

At the time of submission of this report, the driver of the stolen truck is still outstanding, one female passenger is in custody, and one male passenger is deceased at the scene. RCMP units are holding both the scene in Niverville and the scene in Otterburne for forensic examination.

A second excerpt from Part 7 Notification received from RCMP on June 5th, 2024:

On June 4th, 2024, a BOLO was received from F Division concerning a stolen vehicle. Broadview Detachment had pursued the vehicle, and it was believed that the occupants were in possession of a firearm. The pursuit was terminated and it was learned that the suspects had stolen a different vehicle and were eastbound on Highway 1. Due to an in-vehicle tracking device monitored by Ford, the location was known and disseminated to various RCMP detachments and WPS.

On June 5th, 2024, Winnipeg Police Service located the vehicle and engaged in pursuit with Air One support. A spike belt was deployed but was unsuccessful. While in pursuit, the WPS vehicle was rammed by the suspect vehicle and in return WPS fired shots. Suspect vehicle then departed north, with Air One monitoring. Suspect vehicle was located in Niverville, Manitoba at the Shell gas station/Tim Hortons.

CW2 was seen fleeing the driver side of the suspect vehicle and enter the passenger side of a waiting vehicle which fled the scene. CW3 fled on foot but was taken into custody by members and is currently being held. AP was located in the vehicle with injuries, he was provided first aid and was pronounced deceased by EMT at the scene.

As this matter concerned an officer-involved shooting death during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 65(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 the police helicopter
- traffic analyst report
- firearms report

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- medical reports

The civilian director designated one subject officer (SO) and one witness officer (WO1). IIU investigators also received information from three civilian witnesses (CW1 to CW3).

Facts and Circumstances

Scene Examination and Canvass

IIU investigators and RCMP Forensic Identification attended the scene of the shooting and the location where AP was pronounced dead. Investigators noted seven casings on the ground near the damaged police vehicle and sixteen casings inside the vehicle. There were numerous bullet holes in the truck front windshield and the passenger side of the truck.

IIU investigators canvassed the shooting scene area for potential witnesses and video surveillance. One civilian witness was identified. No video surveillance was available.

Interviews

Civilian Witnesses

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on June 5, 2024, and provided the following information:

CW1 was in their residence at the time of the shooting. CW1 heard at least three gunshots in quick succession, but did not see the shooting itself.

Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on June 26, 2024, and provided the following information:

CW2 was the driver of the stolen truck and AP was in the front passenger's seat. CW3 was in the back passenger's seat and was an acquaintance of AP. CW2 confirmed that they stopped behind a building to put gas in the slip tank. As they were driving out from behind the building, they saw a police vehicle blocking the exit. CW2 confirmed that the police vehicle was a marked vehicle and that it did not have its lights or siren activated.

CW2 discussed options with AP, and they decided to "go for it." CW2 drove at the police vehicle to move it out of the way and try to escape. Before the truck made contact with the corner of the police vehicle, the police officers shot their firearms at the windshield of the truck. CW2 estimated he was 10 to 15 feet away from the police vehicle when the windshield "just blew up." CW2 estimated that at least 10 shots were fired and that he was traveling at a speed of 20 kilometers per hour (km/h) towards the police vehicle.

CW2 stated that after he struck the police vehicle, he backed up to get away from it, exposing the passenger's side of the truck to the police vehicle. CW1 stated that shots were still being fired as he backed up the vehicle to flee. CW2 heard AP take a deep breath and he believed that AP was shot in that moment. CW2 did not see a police officer exit their vehicle.

Civilian Witness 3 (CW3)

Despite repeated attempts to interview CW3 directly, she could not be located. CW3 did speak with RCMP in relation to the incident and provided the following limited information:

CW3 stated that AP was angry at the police and started to ram the vehicle. She stated that police shot at the vehicle for a “long time.” CW3 stated that AP was shot by police because he attempted to protect CW3 from getting shot.

Witness Officer

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Nov. 13, 2024, and provided the following information:

WO1 confirmed that he was partnered with SO on the date of the incident. WO1 confirmed that they were aware of the stolen vehicle notice and that the occupants may have had a shotgun in the vehicle. Another vehicle was initially pursuing the stolen truck near the Perimeter Hwy. and Air1 was called in to assist. WO1 was aware that efforts had been made to immobilize the truck without success.

WO1 drove his marked police vehicle to the LaSalle area to intercept the stolen truck. WO1, with the assistance of Air1, was able to follow the stolen truck from a distance. RCMP had radioed to abort the pursuit of the vehicle, but confirmed that Air1 could continue to monitor the stolen truck. Air1 advised WO1 of the location of the stolen truck and where it had stopped next to a building. WO1 confirmed that the police vehicle’s lights and siren were not activated as they arrived on scene.

WO1 drove towards the stolen truck and advised SO to have his firearm in the low ready position. WO1 did not provide SO with any further instructions. WO1 saw the lights of the stolen truck come on. WO1 decided to reverse the police vehicle so the stolen truck could still exit. WO1 explained that their intention was to follow the truck if it drove away from where it had stopped.

WO1 stated that the stolen truck made an abrupt turn and started driving towards the police vehicle at a high rate of speed. WO1 estimated that the truck was driving at 70 km/h. WO1 stated he was fearful for his life and that of his partner as he believed the truck intended to kill them. As the truck neared the police vehicle, WO1 heard SO start firing his pistol. WO1 drew his pistol and also started to fire at the truck as it rammed the police vehicle. WO1 stated that he aimed his firearm at the windshield of the truck.

WO1 recalled that the truck reversed and drove away from the scene. WO1 could not recall if SO had exited the police vehicle or if SO had continued to fire as the truck drove away. WO1 confirmed that he stopped firing his pistol when the truck was still in front of the police vehicle. WO1 did not know when SO had stopped firing his pistol.

WO1 confirmed that they initially started to follow the truck, but were told to stop and wait for further instructions. WO1 confirmed that he did not see a shotgun nor did anyone from the stolen truck fire at the police vehicle.

Subject Officer

In accordance with his rights, SO declined to meet with IIU investigators for an interview. SO agreed to provide IIU investigators with his written notes, along with a written statement prepared by his legal counsel. The following information was provided:

SO confirmed that they were in pursuit of the stolen truck and were given assistance from Air1 on the location and actions of the stolen truck. As they neared the stolen truck, SO unholstered his firearm in the low ready position because he was afraid the suspects would start to shoot at them. SO stated that the truck locked onto the police vehicle and started to drive towards it with the intent to ram it. SO stated that WO1 started to reverse out of the way of the truck to allow it to escape without hitting the police vehicle. The truck continued to drive at the police vehicle.

SO stated that he was fearful for his life and that of WO1 and started to shoot multiple rounds into the front windshield of the truck. SO exited the police vehicle, as he had been trained to, while the truck reversed away from the police vehicle. SO believed that the truck was going to ram them a second time, so he discharged further rounds from his firearm at the truck. SO stated that his intention was to incapacitate the truck, which was a threat to their lives.

SO confirmed that the truck started to drive away from the scene and that he got back into the police vehicle and continued their pursuit. SO confirmed that during the incident, he reloaded his firearm. SO confirmed that they were told to stop their pursuit of the truck and to wait further instructions.

Other evidence

Medical Reports

The autopsy report noted that AP suffered two gun shot wounds — one to the abdomen and one to the back of the head. The gunshot wound to the back of the head was deemed to be fatal. Both rounds were located in AP's body and removed for further analysis. The results confirmed that both bullets were fired from SO's firearm.

The toxicology report noted AP to have methamphetamine and amphetamine in his system at the time of the incident. Benzoylcegonine was also noted in his system in an insignificant amount.

Firearm Report

IIU retained the services of a forensic services analyst to assist in determining where the projectiles (bullets) had hit the stolen truck, along with the trajectory and direction of the projectiles. The following observations could be made:

1. Fourteen projectiles made contact with the stolen truck front windshield. Five of the projectiles made contact with the driver's side of the windshield, with the remaining projectiles making contact with the middle of the windshield.
2. A further five projectiles made contact with either the passenger's side windows of the truck or the front passenger's side door.
3. The results of the report suggest that the fatal shot occurred while the stolen vehicle was driving away from the police vehicle, based on the trajectory.

Traffic Analyst Report

IIU investigators were provided with a traffic analyst report, which noted the following:

1. The police vehicle suffered substantial damage to the front driver's side and the front driver's side quarter panel. The hood was also buckled by the impact.
2. The police vehicle windshield showed multiple bullet holes.
3. The stolen truck showed damage to the front driver's side and the driver's side panel. Bullet holes were noted in the truck, as identified by the forensic analysis.
4. The traffic analyst noted that the speed of the stolen truck at the time of impact with the police vehicle was less than 10 km/h.

Air 1 Video Footage

In reviewing the footage, the following was noted:

1. It is clear from the footage that the stolen truck drives directly at the police vehicle, resulting in a collision.
2. You can see little white lights coming from inside the police vehicle, which appear to be from the shots fired.
3. The stolen truck reverses away from the police vehicle in a straight line. SO then steps out of his vehicle.
4. The stolen truck drives forwards and away from the police vehicle. Again, white lights can be seen coming from SO's firearm as the truck is driving away.
5. The entire incident is mere seconds in total.

Use of Force Report

Manitoba Prosecution Service (MPS) had requested that the IIU retain the services of an expert to assist in their legal opinion. The IIU retained an expert who made the following comments:

1. The author had no concerns about the use of force, as CW2 drove the truck directly at the police vehicle.
2. The author expressed some concerns about SO continuing to fire at the truck as it drove away, because other options could have been considered at the time.
3. The author acknowledged that the final say in this type of scenario required review through a legal lens at the end of the day.

Applicable Law

All relevant sections of the Criminal Code of Canada were 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

On Jan. 15, 2025, the IIU investigative file was sent to MPS to review the matter and determine whether any Criminal Code offences should be authorized against the subject officer.

On Feb. 27, 2026, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officer.

While it is always in the public interest to hold police officers accountable, there must also be a reasonable likelihood of conviction for MPS to prosecute a matter. In this case, after considering all the evidence, we have concluded that a reasonable doubt exists as to whether the officers' use of force was excessive. Consequently, we are not satisfied that there is a reasonable likelihood of conviction. When MPS is consulted for charge authorization in any criminal matter, we employ the same standard for proceeding with criminal charges.

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Conclusion

After an extended police pursuit of a stolen truck, it ended in mere seconds, resulting in AP's death. 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. Therefore, no charges are recommended and the IIU investigation is now completed and closed.