

FINAL REPORT: IIU concludes investigation into RCMP-involved fatality on Peguis First Nation

On September 5, 2015, at 5:05 am, the Independent Investigation Unit (IIU) was formally notified by the RCMP of a death that had occurred on the Peguis First Nation in Manitoba. As this notification involved a fatality, IIU assumed responsibility for this investigation in accordance with section 65(1) of *The Police Services Act*. IIU investigators were immediately deployed to the scene.

In accordance with section 70(1) of *The Police Services Act*, the IIU was required to seek the appointment of a civilian monitor as this matter involved the death of a person. On September 5, 2015 the IIU requested the Manitoba Police Commission to appoint a civilian monitor. The initial briefing with the civilian monitor took place on September 9, 2015 and the IIU has conducted monthly briefings with the civilian monitor since that time.

The IIU civilian director designated two RCMP officers as subject officers (SO1 and SO2) and two RCMP officers as witness officers (WO1 and WO2).

The RCMP supplied a copy of their investigative file, audio recordings with RCMP telecommunications centre, and communications between the officers and their supervisors.

Investigators conducted interviews with six civilian witnesses (designated CW1 through CW6) and the two witness officers. IIU also received expert reports from forensic scene investigators, firearm examiners and a pathologist; they offered valuable opinions that assisted in this investigation.

As outlined under *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding the incident. SO1 voluntarily provided his notes and voluntarily participated in an interview with IIU investigators. SO2 declined to provide his notes and declined to participate in an interview.

During the course of its investigation, the IIU determined the following facts.

On September 4, 2015, at 11:34 p.m., Fisher Branch and Peguis RCMP detachments received a report of a vehicle in the ditch on the Peguis First Nation with a lone male in the vehicle who was shooting a gun. RCMP were further advised that two individuals had been shot and injured.

Officers put on their heavy body armour and all were armed with carbine rifles. Their primary concern was whether the vehicle occupant may harm other people and the plan was to talk to him with a loud hailer.

Four RCMP officers attended to the general location indicated by the caller. A truck was located on the road with its four-way flashers on and it was noted to have three bullet holes and four “nicks” on the driver’s side. Officers also observed another vehicle, a jeep, in the ditch beside the truck. They heard a male’s voice coming from inside the jeep and attempted to communicate with the occupant. They could not hear exactly what he was saying. The occupant was told to put his hands out the window. There was no response. Then, suddenly, officers heard a pop, slap or smash sound (later determined to have been another gunshot). No further sounds were heard from the vehicle after that.

About an hour after hearing the noise, officers approached the jeep and smashed the rear window to see inside. The lone occupant (later identified as the affected person (AP)) was located, slumped in the driver’s seat. A rifle was seen beside AP and it was secured. It was then determined that AP was dead.

Examinations of this vehicle disclosed the presence of eight bullet holes that were located in its windows--five in the front passenger window, two in the windshield and one in the front driver’s side window. Forensic examination determined that all of the shots originated from within the vehicle.

The rifle seized from the vehicle was determined to be a Savage Model II, .243 calibre. This is a bolt action rifle which requires the user to manually cycle the bolt between shots. In total, six spent casings and one live round were recovered from the vehicle.

An autopsy was conducted, with the cause of death concluded as “a loose contact gunshot wound to the chest.” The bullet wound travelled in a front to back, right to left and slightly upward direction. Also present was an area of scorch/burning with some surrounding soot on the medial inferior portion of the wound. Cocaine was found in AP’s blood system.

Civilian witnesses describe hearing the sounds of gunshots that night followed by the sound of a vehicle hitting a ditch. CW1 attended the area where a jeep had entered a ditch. CW1 had contact with AP, describing him as “out of it” and under the influence of something, with a “weird voice”, slurring and visibly “angry.” CW2 drove to the scene a short time later in the truck later found at the scene. They both tried to calm AP down. Without warning, AP fired a shot from the vehicle and one bullet struck the two of them as they stood shoulder to shoulder on the road. They ran for cover and were able to leave the scene in another vehicle (leaving the truck behind). They called police for assistance.

On arrival, police were heard on a loud hailer saying “We’re here to help you” and telling the driver to get out of the vehicle with his hands up. A sound of a “pop,” “slap” or “smash” was heard, causing all four police officers to “hit the dirt.” No further sounds were heard afterwards.

Does this investigation disclose any causal link between the actions of the subject officers and the affected person's death?

There is no evidence of the direct application of any force by the RCMP officers to AP in this case. Thus the sole issue is whether any of the subject officers did anything to encourage or assist, or fail to do anything that was their duty to perform, and thereby contributed to the death of AP.

Following a detailed review of the investigative file materials, I am satisfied there is absolutely no evidence or basis that any of the RCMP officers did or failed to do anything that caused or contributed to the death of AP.

The evidence does show that the RCMP officers responded appropriately and immediately in response to a very serious situation. The RCMP officers did everything possible to de-escalate this matter but were not able to prevent the death of AP. There are no grounds for proceeding with any charges in this case and this matter is now concluded.

Final report prepared by:

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Independent Investigation Unit
July 07, 2016