

# ***FINAL REPORT: IIU concludes investigation into fatal shooting of suspect by WPS officer***

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On September 23, 2017, at 5:22 p.m., Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) about an incident that occurred that day at approximately 4:07 p.m. According to this notification, members of WPS responded to a 911 call of a male, armed with a knife and assaulting his brother at a residence. WPS officers attended the residence and two of them gained entry. Once inside, a male (later identified as the affected person – AP) stabbed one of the WPS officers. AP was subsequently shot by police. AP was transported to the Health Sciences Center (HSC) where he was pronounced deceased. The injured WPS officer was also transported to HSC and treated for his stab wound.

As this matter involved gunshot wounds and a fatality, IIU assumed responsibility for the investigation in accordance with subsection 65 (1) of *The Police Services Act (PSA)*. A team of IIU investigators was deployed.

The IIU civilian director designated the WPS officer who shot AP as the subject officer (SO) and five WPS officers as witness officers (WO1 through WO5). A canvass of the surrounding neighbourhood, in search of witnesses and video footage, was conducted by IIU investigators. No video footage was located, but several witnesses were identified. In total, IIU investigators interviewed 12 civilian witnesses, six of whom are referenced in this report (CW1 through CW6). None of the civilian witnesses saw the actual shooting.

IIU investigators also received and reviewed:

- file package from WPS including witness officers' notes, reports, scene photographs, forensic identification reports, call histories, and interviews;
- physical evidence and seizures from scene and AP;
- audio CD of WPS radio transmissions;
- audio CD of 911 emergency calls;
- autopsy report concerning AP.

IIU investigators seized a pistol from SO. The pistol was not submitted for laboratory examination as subject and witness officer accounts, round counts performed, and physical evidence located at the shooting scene all support the conclusion that SO was the only WPS officer who discharged his pistol on the date in question.

As outlined under the PSA, a subject officer cannot be compelled to provide his notes to IIU investigators or to attend an interview with them. In this matter, SO provided and read from a prepared statement to IIU investigators and did answer questions posed to him at an interview.

The following facts and circumstances were determined:

On September 23 at 4:06 p.m., WPS received a 911 telephone call from CW4. CW4 reported that her son, AP, was armed with knives and had attacked her other son, CW5, at their home in the Maples area (the residence). CW4 stated that CW5 was bleeding profusely from his mouth but was unsure if the injury was the result of AP stabbing him. CW4 stated AP was “high” on methamphetamine and was paranoid, believing that someone was out to get him. CW4 added that AP was refusing to let her open the doors to the residence. During this 911 telephone call, a considerable amount of yelling and moaning could be heard in the background.

Two additional 911 telephone calls<sup>1</sup> were received by WPS in respect to a disturbance at the residence. The calls were from:

1. AP’s son, who reported that he heard CW5 screaming in pain and believed AP was hurting him;
2. AP’s younger brother, who reported that he believed AP may have stabbed CW4.

WPS telecommunication operators dispatched five police cruisers to the residence. At 4:07 p.m., the following was broadcast over the police radio:

*“Require unit to pre-empt or clear for a priority 2 stab call<sup>2</sup>...(address is given)...  
Complainant’s son is armed with knives and is stabbing their other son.”*

Among the responding police units was the team of SO and WO1, members of the WPS Tactical Support Team (TST) in a vehicle designated as “TAC1.”

At 4:08 p.m., the following broadcast was made:

*“For the units on the stab call it’s now just an open line with lots of yelling in the background.”*

At 4:12 p.m., SO and WO1 arrived at the residence. They exited TAC1 and approached the front door of the residence. SO kicked the front door open and entered the residence. There was a physical altercation, during which SO was stabbed in the left upper arm and AP was shot multiple times. AP was subsequently transported to HSC by ambulance, where he was pronounced deceased at 4:43 p.m. SO was also taken to HSC via ambulance and underwent surgery to remove a knife blade from his left bicep. He was released from hospital the following day.

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<sup>1</sup> Neither of these callers was located or interviewed by IIU investigators.

<sup>2</sup> A “priority 2 stab call” is a call to report that impending danger to life or grievous bodily harm exists or is likely to be present and emergency intervention is required.

### **Civilian Witnesses**

Following a canvass of the neighbourhood by IIU investigators, several persons were interviewed who saw the police response at the residence.

**CW1** was watching television when she heard banging coming from the residence. CW1 looked out her window to see four or five police officers in grey uniforms, banging on the front door of the residence. She thought they may have been kicking at the door and then she heard a gunshot. CW1 observed police pulling a male out of the house and onto the porch, where they began to perform CPR on him. She also observed a police officer walking away from the residence with a rip in the left arm area of his uniform. CW1 thought the officer had been shot.

**CW2** saw three police vehicles pass his home at high speed sometime between 4:00 and 4:30 p.m. He then heard someone say “Winnipeg Police,” followed by four or five gunshots in quick succession. This occurred within a couple of minutes of police arriving at the location. After hearing the shots, CW2 observed a male subject lying half inside the home and police officers doing chest compressions on him. He also saw one officer walk away from the residence with his arm in the air, and believed the officer had been shot in the arm.

**CW3** told IIU investigators that a boy from the residence came to her home at approximately 4:00 p.m. that day. The boy asked CW3 to call 911 because his brother was inside the residence with some knives. CW3 called 911 and then saw four police cars pull up to the residence moments later. CW3 said the police officers had their guns drawn and she could hear them yelling in an effort to communicate with persons inside the residence, questions such as: “Where are you? Can we come in? Can you come out?” She did not hear any responses from inside the residence. Based on the sounds she heard, CW3 believed police were kicking at the residence door. She heard five gunshots in quick succession but did not see the shooting incident.

There were three people, in addition to AP, in the residence when the shooting occurred. Each of these persons was interviewed in the course of the IIU investigation into the matter.

**CW4** told IIU investigators her son, AP, came to the residence in the afternoon. She believed he had ingested methamphetamine prior to arriving, as he became paranoid and did not want anyone to go near the doors or windows. AP believed the police were “after him.” According to CW4, AP went to the kitchen and retrieved two knives, one with a wooden handle and one with a black handle. She tried to convince AP to put the knives down but he would not. AP then struck his brother, CW5, in the face. CW4 was not initially certain whether or not AP punched CW5 in the face or stabbed him. CW4 called 911 to ask police to attend the residence.

After she called 911, her boyfriend, CW6, entered the residence and was able to calm AP. Police arrived at the residence shortly after that and started to bang on the door. CW4 stated the police officers did not announce their presence and that she only became aware of them when she looked outside and saw “about” five officers near the front door, all pointing something, perhaps guns, at the house. CW4 said she ran outside via a side door to tell police to stop and not to

shoot. When she left, AP was standing near the front door with the knives in his hand in an overhand grip. He was not saying anything at that time.

CW4 encountered a female officer and then heard two shots, followed by four or five more shots in quick succession. She ran back inside the residence and found AP lying on the floor near the front door. She did not see AP get shot.

**CW5** said AP came over to the residence during the afternoon of September 23. CW5 believed AP was on some kind of drug at the time. CW5 stated that AP became increasingly agitated, paced around, and told everyone to stay away from the doors and windows. AP had two black-handled steak knives and was holding one in each hand as he paced.

He tried to reassure AP that everything was fine but AP responded by punching CW5 three times in the face. CW5 says his face swelled and he was bleeding from the mouth. CW5 started to scream and cry. CW5 said he went into the master bedroom and remained there until after the shooting.

While he was in this bedroom, CW5 was screaming because of the pain. CW5 said he could hear AP pacing around the residence until CW6 arrived, at which point AP calmed down. However, CW5 said that when the police arrived and began to bang on the front door, AP again became agitated. CW5 recalled hearing them say they were the Winnipeg police, but he could not remember whether that was said before or after the front door was kicked down. CW5 said he screamed louder when the police arrived, to alert them where he was inside the home. CW5 said he heard the front door break, then heard gunshots, and two bullets passed through the wall near where he was sitting on the bed. CW5 did not see the shooting incident.

**CW6** said he initially arrived at the residence at approximately 3:00 p.m. on the day of the shooting. At that time, AP was quiet and did not seem in distress. CW6 left the residence for a short time, but was alerted by one of AP's sons about a disturbance at the residence. CW6 immediately returned to the residence and found AP holding two knives in his hands and pacing in an agitated state. CW4 and CW5 were in the master bedroom. CW5 was holding a towel to his mouth. At that time, CW4 was on the telephone with the police and she told him that AP had punched CW5.

CW6 tried to talk to AP in an effort to calm him down. He noted that AP's eyes were like saucers and glossy in appearance. AP kept saying, "If I go outside they're going to kill me." CW6 said his efforts to calm AP started to work. However, when police arrived and three times yelled, "It's the police, open up the door or we'll break the door in," AP again became agitated and moved into the living room and near the front door. According to CW6, AP had knives in both hands with the blades facing up toward his elbows. CW6 believed the knives had black handles and were approximately eight inches long (a three-inch handle and five-inch blade).

CW6 said the police started to kick the door down, and he left AP to go to the master bedroom. CW6 told IIU investigators that AP was moving towards the door and was crouching. CW6 said he heard a number of gunshots, believed to be three, in quick

succession. As he exited the bedroom, he found AP lying on his back near the front door of the home, with bullet wounds in his body.

### **Witness Officers**

**WO1** was partnered with SO on September 23. They were dispatched to the residence in response to a call of a possible stabbing. Upon arrival, she and SO went to the front door of the residence. WO1 said she had drawn her pistol and began to bang on a picture window next to the front door while announcing, “Winnipeg Police.” At the same time, SO was pounding on the front door, also calling out “Winnipeg Police.”

WO1 could hear a commotion inside the residence (including the sounds of male and female voices yelling and crying). WO1 believed someone inside was in danger and that immediate entry into the residence was necessary to prevent further harm to the occupants. SO called out that he would break the door down if it was not opened. When no one came to the door, SO began to kick at it in an effort to break it down. WO1 moved to her partner’s left side and holstered her pistol. She then drew out a Conducted Energy Weapon (CEW), telling IIU investigators that as there were other officers around her with firearms drawn, she felt comfortable transitioning to a less lethal force option in the circumstances.

After several tries, SO was able to force the front door open. WO1 observed a shirtless male, with his hands moving very fast in the air, rush towards SO. She could not tell if the male was holding anything, but recalled SO stepping back and firing five to six rounds with his pistol, held only in his right hand. SO said the shirtless male was now lying on the floor. A knife was located under this male’s leg after he was handcuffed.

WO1 did not see SO get stabbed. It was only after the shooting, when first aid was being applied, that she observed SO with a piece of metal sticking out of his left shoulder area. When WO1 was asked why she did not use the CEW in this situation, she said she did not have a clear view or sufficient time to effectively deploy the weapon.

**WO2** was partnered with WO3 on September 23. At 4:08 p.m., they were dispatched to a stabbing in progress call at the residence, arriving at 4:13 p.m. While en route, WO2 recalled hearing radio broadcasts from the WPS Communications Centre that a male was armed with knives and stabbing another person. WO2 believed he was attending a homicide-in-progress call for service.

WO2 exited his police vehicle and observed SO and WO1 already at the front door. SO was kicking at the closed door and asking WO2 for a battering ram to breach the door. WO2 started to head back to his vehicle when he heard a commotion coming from the side door of the home. He saw a uniformed officer escorting a civilian female from the side door. WO2 moved towards this uniformed officer when he heard a number of gunshots coming from the front door area. He looked and saw SO holding his pistol in his right hand. WO2 saw SO discharge his firearm once through the now open doorway. He could not see what SO was firing at.

WO2 ran to the front door and observed a male lying on the floor, just inside the front door. WO2 then noticed that SO had a knife blade embedded in his upper left arm and there was a considerable amount of blood coming from the wound. He applied a tourniquet to SO and assisted in searching the residence for any other threats. WO2 said he was at the scene for approximately thirty seconds prior to shots being fired and did not hear anyone announce police presence.

WO3 told investigators that he and WO2 were dispatched to a possible stabbing call at the residence at 4:08 p.m. and arrived at the scene at 4:13 p.m. He observed SO and WO1 at the front door of the residence. SO was kicking at the door. SO requested a breaching tool with which to break open the door and WO3 went to his police vehicle to retrieve it. He then noticed two uniformed officers, WO4 and WO5, positioned on the south side of the residence and located by an open side door. He went to the side door and entered the house, calling out “Winnipeg Police” as he entered. At that point he heard four to six rounds of gunfire coming from the front of the home. He ran around to the front door, where he observed a male lying on the floor just inside the door. WO3 also saw a knife blade protruding from SO’s upper left arm. WO3 could not recall hearing either SO or WO1 saying anything while they were at the front door, other than asking for a breaching tool.

WO4, with her partner WO5, responded to a possible stabbing call at the residence, arriving at the scene at the same time as WO2 and WO3. On arrival, she observed SO and WO1 already at the front door of the residence, with their pistols drawn. WO4 stated she could hear both officers yelling at someone inside to open the door, but could not tell if there were any responses coming from within the residence. She also heard someone asking for a breaching tool to break down the door. WO4 noted a side door on the residence and moved there to cover that entrance. A female then exited through that door. WO4 stated the female was speaking gibberish and appeared to be in shock. WO4 asked the female if she was alright and then heard five to six gunshots. WO4 looked towards the front door and noted it was now open. WO4 saw a male starting to fall backwards in the doorway.

WO4 made her way into the residence via the side door. She handcuffed the male who had been shot and then moved him out onto the porch of the residence, where she commenced first aid. When WO4 was moving the male, she observed a knife under one of his legs and a knife handle approximately one foot from the body. The knife handle was black in colour.

WO5, partnered with WO4, recalled being dispatched at 4:07 p.m., to a call regarding a stabbing at the residence. While driving to the scene, he recalled receiving additional information from the WPS Communications Centre, including the possibility that AP may have stabbed his mother or brother. Upon arrival, WO5 observed SO and WO1 already in attendance at the front door of the residence, pistols drawn and trying to kick the front door open. He said SO was announcing his presence loudly, although WO5 could not recall the exact words used.

WO5 moved to a position at the northwest corner of the building and could hear yelling coming from inside the home. He was unable to understand what was being yelled but recalled that SO called for a breaching device. WO5 then heard WO4 calling out that she had contact with someone at the side door of the residence. As WO5 ran to his partner, he heard a number of

gunshots in quick succession. He then moved to the front door and observed a male lying inside the doorway. SO was standing near the male, pointing his pistol at the person with his right hand. WO5 also noticed that SO had been stabbed in the left arm.

### **Subject Officer**

SO met with IIU investigators for an interview on this matter. He initially read from a self-prepared statement and then answered supplementary questions posed by IIU investigators.

SO stated he and his partner, WO1, were dispatched at approximately 4:00 p.m., to a call of a possible stabbing in progress at the residence. On arrival, both officers approached the front door of the home with their pistols drawn. SO stated he knocked loudly on the door of the home and announced, "Police! Open the door!" WO1 knocked on a large window beside the door. SO said he could see inside the home through a small window on the upper portion of the front door and observed a small foyer. SO told IIU investigators that he spotted a male briefly in the foyer, who responded to the demands to open the door by saying: "No! You're going to have to kick it down!" The male then ran out of sight into another part of the residence. SO could not see if the male was holding anything in his hands.

SO then stated that he "... could hear both male and female frantic screams from inside the house as well as loud footsteps and some sort of commotion." He concluded there was an imminent risk of someone being seriously harmed or killed inside and immediate entry to the residence was required. He began to kick at the front door, stopping briefly to request other officers to bring a ram to force it open. However, the ram was not required as, with several more kicks, he was able to open the door.

SO said his forward momentum carried him across the threshold into the foyer where, suddenly, a male lunged at him. This male was holding a knife in his right hand and was swinging at SO's face. SO said he pivoted as the knife moved past his face. SO believed, at that time, that the male was trying to kill him and also posed a significant risk to WO1 and other unknown persons still in the residence. SO stated that he responded to this situation by raising his pistol and firing four to five rounds directly at the male, who then dropped to the ground.

SO stated he tried to use both hands to fire his pistol, but was unable to grip the gun with his left hand at the time of discharge. It was only after the shooting that he became aware he had a knife blade embedded in his left upper arm.

### **911 Call from the Residence**

At 4:06:41 p.m., a 911 call was made to WPS Communications Center by CW4 from the master bedroom at the residence. This call lasts seven minutes and 45 seconds. During this call, a frantic and panicked-sounding CW4 requests police assistance, when she advises that her son, in possession of knives, is attacking her other son. In the background, a male is heard screaming and crying out in pain throughout the entirety of the 911 call. At one point, during the 911 call, the following exchange took place:

Operator: Who did (AP) stab?  
CW4: Uh, I think he punched um uh (CW5).  
Operator: So did he stab anyone?  
CW4: I don't know, (CW5)'s just bleeding from the mouth really bad.  
Operator: OK  
CW4: I can't tell 'cause there's a lot of blood there ...  
Operator: OK  
CW4: Umm, but uh (AP)'s uh paranoid, um he's got knives and he won't let me unlock the doors.  
Operator: Where is he right now?  
CW4: He's um in the house on the, on the main floor.  
Operator: Um (AP), is he high on anything?  
CW4: Yes, he's high on meth. He's paranoid, he's delusional, he thinks that um uh, that uh, um everybody's out to get him.

Near the end of the call, the operator advises CW4 that police have arrived. Thumping and raised voices followed by the sounds of gunshots are heard in the background. Shortly afterwards, the voice of a female officer is heard repeatedly yelling, "Don't move." Throughout the call, the operator maintained contact with CW4, trying to calm her, to get more information and to announce that police had arrived at the residence.

### **Post Mortem/Autopsy Results**

A post mortem examination of AP was conducted September 25 at HSC. During the autopsy, the pathologist removed five expended bullets from AP. An autopsy report was received and reviewed by IIU investigators. It noted that AP's cause of death was "multiple gunshot wounds." Bodily fluid samples were obtained from AP and, on November 21, were submitted to the RCMP National Forensic Laboratory Services for analysis and toxicological examinations. No results have been provided to this date and it remains uncertain when the analysis will be completed. In these circumstances and based on the information gathered, particularly from CW4, CW5 and CW6, I am satisfied that the symptoms and actions displayed by AP that day were consistent with the premise he was under the influence of methamphetamine. It is not necessary to wait for a continuing lengthy and uncertain period of time for forensic corroborations to be received.

### **Forensic Scene Examination**

WPS Forensic Identification Section (FIS) personnel processed the scene of the shooting on September 23 and 24, under supervision by IIU investigators, and located seven spent shell casings at or near the front door of the residence. Two bullet holes were also found in the wall behind the front door, leading to the discovery of two expended bullets embedded in the north exterior wall of the residence. Aside from bullets and casings, FIS personnel also located a wooden-handled knife lying on the ground just inside the front door, along with the black handle from another knife. FIS personnel also seized SO's and WO1's pistols following the



shooting. SO's pistol was found to contain eight live .40 calibre rounds in a 15-round magazine, while WO1's pistol contained 15 live .40 calibre rounds in a 15-round magazine.

### **Issues, Assessment and Conclusions**

Was the action of SO to fire at and fatally wound AP justified at law?

Sections 25 (1), (3), (4) and Section 26 of the Criminal Code of Canada are relevant to this analysis:

*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, 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.*

*26 Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.*

In addition, police officers are entitled to rely on the self-defence provisions of the Criminal Code of Canada under section 34:

*34 (1) A person is not guilty of an offence if:*

- (a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;*
- (b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and*
- (c) the act committed is reasonable in the circumstances.*

*(2) In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:*

- (a) the nature of the force or threat;*
- (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;*
- (c) the person's role in the incident;*
- (d) whether any party to the incident used or threatened to use a weapon;*
- (e) the size, age, gender and physical capabilities of the parties to the incident;*
- (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;*
- (f.1) any history of interaction or communication between the parties to the incident;*
- (g) the nature and proportionality of the person's response to the use or threat of force; and*
- (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.*

Effectively, the question is whether the decision of SO to fire at AP was reasonable and justified in the circumstances. Reasonableness of an officer's use of force must be assessed in regards to the circumstances as they existed at the time the force was used, particularly when considered in light of the dangerous and demanding work and the expectation the officer will react quickly to emergencies.

Where the force used is intended or likely to cause death or grievous bodily harm, there must be a reasonable belief by the subject officer that this force is necessary for his or her self-preservation or the preservation of any one under their protection from death or grievous bodily harm. The allowable degree of force to be used remains constrained by the principles of 'proportionality, necessity and reasonableness' (see *R. v. Nasogaluak*, [2010] 1 S.C.R. 206).

The fact AP was fatally wounded is not itself determinative of whether the use of force was reasonable and justified in these circumstances.

The critical facts to be considered in this analysis are:

- SO was acting in the lawful execution of his duty when he attended and dealt with AP;
- Information had been broadcast that someone at the residence was armed with knives and may have stabbed another person;
- 911 operators were in constant communication with panicked occupants and this information was relayed to all attending officers;
- AP was likely high on methamphetamine and was paranoid. Police were aware of this condition;
- When SO was at the front door he could hear both male and female frantic screams from inside the house, as well as commotion;
- There was objective evidence and circumstances that supported SO's subjective belief that there was an imminent risk of someone being seriously harmed or killed inside and immediate entry to the residence was required;
- When SO gained entry to the residence, AP lunged at and swung a knife at SO (unbeknownst to SO was that he had been stabbed by AP in the left arm);
- SO believed that AP was trying to kill him and also posed a significant risk to his partner and others;
- There were a number of officers and civilians in the vicinity of AP at the scene, escalating the threat to public safety and the potential of imminent death or grievous bodily harm posed by AP.

SO was in a potentially volatile and lethal situation. In these circumstances, and based on the facts known, it was reasonable to believe that AP had the means and intention to cause grievous bodily injury to SO, WO1 and the other occupants of the residence. SO was faced with a dangerous and dynamic situation that was unfolding quickly. It would be unreasonable for police to unnecessarily delay before acting. Any delay could have led to the death of SO, other police officers and civilians. Therefore, if the statements of all the witnesses and the subject officer are accepted, it was reasonable, in these circumstances, for SO to fire his pistol at AP to prevent the death of any of them and neutralize the threat posed.

In this case, and in the circumstances that existed, all of the evidence makes sense and is consistent with statements given by each witness. Minor variations in the recollections of witnesses are not unusual or unexpected. When considered as a whole, I am satisfied that this finding of consistency is appropriate.

In this investigation, the IIU mandate was to determine whether consequences should flow from the actions of SO, in consideration of all the circumstances and information known to him at the time of the shooting. Therefore, on careful review of the available evidence and material facts obtained in this investigation, and the applicable law, I am not satisfied that there are reasonable grounds to believe that SO exceeded the ambit of justifiable force by use of lethal force in these circumstances.

Before concluding this report, there is a collateral matter that arose in the course of this investigation that I feel compelled to identify and comment on.

The collateral matter concerns an incident involving AP and CW4 at the residence on September 11, 2017. This incident came to light through a review of recent calls for service involving AP that was received from WPS in their agency information package. None of the officers (including SO) interviewed in the shooting investigation were involved in the September 11 matter nor were any of those circumstances broadcast or otherwise shared with them prior to their arrival at the residence. However, the circumstances of this call for service bear an eerily similar resemblance to the facts of the September 23 matter.

On September 11, at 9:31 a.m., CW4 made a 911 call to the WPS communications center to advise that AP was at the residence, high on methamphetamine, was paranoid and hallucinating and was armed with two knives. Attempts were underway to calm AP down but he remained agitated. On police arrival, AP was located in the basement, with a knife in each hand. On seeing the police, AP dropped the knives in accordance with directions. He was detained and disclosed that he had injected methamphetamine within the last day. He was conveyed to Seven Oaks General Hospital and was admitted for observation. It appears AP was released from hospital later that same day as a second call for service occurred at 3:48 p.m. on September 11 referencing that AP was causing damage at the residence. There was a note entry that AP had left the hospital but IIU investigators could not determine whether this was a voluntary release or otherwise. No further action by the police was required for the afternoon call for service. The second to last entry for a call for service was September 21, which included a radio broadcast that AP suffers from mental health and drug issues.

While not necessarily relevant to the resolution of the present investigation, this issue does raise concerns respecting the identification and treatment of drug abuse and mental health problems. Considering the very similar factual circumstances that resulted in police intervention and hospitalization less than two weeks before this fatal shooting, one wonders whether a different response, approach or treatment plan would have affected AP's future conduct. This issue is not within IIU's mandate, but other provincial agencies or resources may wish to review the adequacy of responses when dealing with drug abuse and mental health concerns.

In conclusion, no charges will issue against SO. IIU has completed its investigation and this matter is now closed.

**Final report prepared by:**

Zane Tessler, civilian director  
Independent Investigation Unit  
March 12, 2018

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