

FINAL REPORT: IIU concludes investigation into RCMP officer-involved shooting at Thompson, Manitoba

On October 25, 2021, at 3:14 p.m., the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an officer-involved shooting that occurred a short time earlier in Thompson, Manitoba.

An excerpt of the written version of this notification read, in part:

“On October 25th, 2021, at approximately 2:45 pm, an RCMP member (later designated as the Subject Officer (SO)) was in the Princeton Tower area (in the vicinity of Princeton Drive and Cornell Place, Thompson, Manitoba) for service of documents. A third party reported to SO that there was a male walking about, armed with a knife, with a red hoodie. A male, later identified as the Affected Person (AP), matched the description provided of the suspect was located in the area of the complaint by SO. AP took out a knife from his sleeve and held it out towards SO. SO ordered AP to drop the knife. AP advanced on SO, who drew his pistol and began to back away. AP continued to advance, refusing to drop the knife. SO shot once at AP when AP had closed the distance to approximately 1-2 meters away. SO was alone on scene however multiple members attended after shots fired were reported...There is a video available and...supports the above noted...AP is undergoing surgery for a gunshot wound to the abdomen. He is expected to survive at this time...”

Pursuant to the provisions of the Police Services Act (PSA) and regulations, any injury resulting from the discharge of a firearm by a police officer is deemed to be a serious injury. Accordingly, IIU is mandated to assume responsibility for, and commence an investigation into, the circumstances of this incident. A team of IIU investigators was assigned to this investigation.

Among the information obtained and reviewed by IIU investigators, included:

- RCMP occurrence summary
- Forensic Identification Service (FIS) reports and photographs
- Dispatch audio transmissions
- X 2 video recordings taken by civilian witnesses
- Reports and notes of witness officers
- RCMP recorded interview of AP
- Physical evidence seizures
- Medical report respecting AP
- Subject Behaviour Officer Response (SBOR) report
- EMS response report
- Expert opinion on use of force

As indicated earlier, the civilian director designated the RCMP officer who discharged his service firearm as the subject officer (SO). In addition, the civilian director initially designated nine RCMP members as witness officers. Following the review of notes, reports and other information received by IIU investigators, it was ascertained that none of the designated witness officers witnessed the shooting as all had arrived on scene subsequently. However, it was determined that, based on this information, only WO1 had relevant information to this investigation and would be interviewed by IIU investigators. WO1's interview, information and role will be discussed in detail in this report.

IIU investigators met with and interviewed AP and reviewed his medical reports (in accordance with his formal consent). IIU investigators also met with and interviewed nine civilian witness (CW1- CW9).

Finally, following the completion of the investigation, the civilian director requested an expert opinion use of force report (focused on the discharge of the service firearm) from a recognized Canadian expert in this field.

Scene Canvass and video footage:

Princeton Drive and Cornell Place is a residential area located in Thompson, Manitoba. A number of multi-unit residential buildings are located in and around this intersection. The Princeton Towers South (364 Princeton Drive) ("Towers") is located on the west of Princeton Drive. On the east side of Princeton Drive, between Cornell Place and Duke Place, is located a three-storey apartment building ("Cornell Block"). The scene of the interaction between AP and SO, culminating in the shooting is located on a grassy area on the north and west of 373. To assist in understanding the locations of the interaction between AP and SO, the shooting and the relative placements of all civilian witnesses, appendices "A" and "B" are attached to this report. Appendix A is a southwest view from the intersection of Princeton Drive and Cornell Place. Appendix B is a southerly view down Princeton Drive. Each of the attached appendices are marked with the location of all key witnesses, parties and points of interest to this investigation. Each of the blue rectangles represents the relative location of motor vehicles relevant to this investigation.

IIU investigators were in receipt of two video recordings made by two separate residents of the Towers. The individual who recorded the interaction between AP and SO, the shooting and attendance of RCMP and EMS personnel ("*Video 1*") has never been identified. Video 1 had been posted on Facebook and IIU investigators received a copy of that footage. Subsequently, IIU investigators sent video 1 to a reputable video processing firm in Winnipeg with a request to enhance, stabilize and sharpen the captured footage. IIU investigators received three enhanced videos for their review in this investigation. Although the individual who recorded video 1 has not been identified, IIU investigators are satisfied that the recording was made from the third floor of the Towers. The second video recording was also taken at the Towers ("*Video 2*") and was recorded by an identified individual from a seventh floor suite. Video 2 captures the events subsequent to the shooting. Video 2 was obtained and reviewed by IIU investigators.

Video 1 footage, and its enhancements, represents the most significant, reliable and relevant evidence in this investigation.

Affected Person

On October 27, 2021, IIU investigators met with AP in a Thompson General Hospital (TGH) conference room. AP declined to have his interview with IIU investigators audio recorded. AP said that he did not recall anything from October 25. AP stated that he was homeless and spent the day drinking. AP stated that he had gone for a walk at the “edge” of Thompson and he next recalled awakening in hospital. As AP stated, he was

“Drinking liquor, then blacked out...just remembered waking up here in lots of pain...can't remember anything, I wish I knew.”

Subsequently, IIU investigators were advised that the RCMP had conducted an audio/video recorded interview with AP on November 1 (in relation to their Criminal Code investigation) and received a copy of that interview for review. In that statement, AP stated that he was visiting with a friend at a third floor apartment at the Towers and he may have “had two or three shots at her place.” AP was not sure if he had a knife on him, or where it may have come from, and stated,

“I seen the video, I did not have a knife in my hand...I wanted to talk to the officer, he had no reason to shoot me.”

AP stated that after he was shot, he blacked out and his next memory was waking up in hospital, in severe pain.

Medical Report

AP provided IIU investigators with a written consent and authorization for the release and review of his medical treatment arising out of this matter. According to a medical report received from TGH, AP was admitted as an in-patient on October 25. According to this report:

“Examination of the abdomen showed a single wound in the right upper quadrant below the subcostal margin which appeared to be the entry wound and then a second wound in the right lower back area which appeared to be the exit wound”

A laparotomy¹ and right hemicolectomy² for the gunshot wound were performed. The abdominal wound was closed and the entrance and exit sites were dressed.

Civilian Witnesses

CW1 was walking his dog near the intersection of Princeton Drive and Duke Place when he observed a uniformed police officer pull up in a van across the street on Princeton Drive, between the north and south side of the Cornell Block. CW1 stated that he was approximately 300 feet away from where the police officer had met up with a male, later identified as AP. CW1 stated that AP was wearing a red hoodie and black pants and walking towards the police officer. CW1 stated that the police officer was backing up and he heard him say,

“Drop the knife, back up, back up.”

¹ a type of open surgery of the abdomen to examine the abdominal organs

² a surgical procedure that involves removing a segment of the colon

CW1 stated that AP was advancing on the police officer, AP was not walking very fast and appeared under the influence. CW1 stated that when AP was within 5-6 feet of the police officer, the officer said,

“Drop the knife, drop the knife.”

The police officer then shot AP once. CW1 stated that he estimated he watched the police officer for 2-5 seconds before the shot was fired. CW1 stated that he did not hear AP saying anything during the entire encounter with the officer.

CW2 stated that on October 25, between 2:00 – 2:30 p.m., she was parked and sitting in a pickup truck across the street from the Cornell Block, facing away from Princeton Drive. CW2 stated she was waiting for her daughter to bring her granddaughter out of the Cornell Block. CW2 was in the pickup truck with her husband, CW3. CW2 stated that she stepped out of the truck and observed a male, later identified as AP. AP was wearing a red oversized sweater and was staggering around as he walked across the street. CW2 stated that she returned back into the pickup and noted that AP was holding a knife in his left hand, down by his side, with the blade pointed up. CW2 stated that she said to CW3, *“Oh my God, he’s got a knife.”* CW2 stated that she immediately phoned her daughter and told her not to come out as it was not safe. CW2 stated that there was no answer. CW2 stated that she then saw AP walking towards a police officer. CW2 stated that she then focussed on the door of the Cornell Block, watching for her daughter and granddaughter. CW2 stated that it appeared that AP was drunk, was staggering as he walked and she was fearful for the safety of her daughter and granddaughter. CW2 stated that she was thankful the police officer was there, under the circumstances. CW2 stated that she saw that the police officer had his gun drawn and as she looked at that Cornell Block’s door, she heard the sound of a single gunshot. CW2 stated that she saw AP, at first standing and still holding the knife and then, falling to his knees. CW2 stated that the police officer was on the roadway of Princeton Drive. CW2 stated that within seconds, a number of police vehicles arrived at the scene.

CW3 stated that between 2:30 and 3:00 p.m., on October 25, he and CW2 were parked in his black pickup truck, near the Cornell Block, waiting for their daughter to come out with their grandchild. While they were waiting, CW3 stated that he observed an intoxicated male (later identified as AP), wearing dark clothing, and was chasing another male around a utility trailer that was parked on the street. CW3 stated that he saw AP lunge at the other male and then fall to the ground. CW3 stated that AP stood up and started to walk towards the pickup truck. CW3 stated that he started up his pickup truck when suddenly AP changed direction, walked onto the lawn of the Cornell Block and stood there. CW3 stated that AP rolled up his sleeve, he observed him holding a large filleting knife that was concealed up his left sleeve. CW3 stated that it appeared that AP was going to cut his wrist as he had the knife in his right hand and put the blade on his left wrist. CW3 stated that AP stopped what he was doing, rolled his left sleeve over the knife and started to walk back towards the male that he was chasing earlier. CW3 stated that AP suddenly turned and walked towards the Towers. CW3 stated that he then noticed a police officer holding a gun in both hands and pointing it at AP. CW3 stated that the police officer was walking backwards and away from AP. CW3 stated that he could not hear anything being said from inside his pickup truck. CW3 stated that he told CW2 to call their daughter and tell her not to come out because there was a guy with a knife outside. CW3 stated that he heard a loud pop sound. CW3 stated that he saw AP was now standing by the curb. At first, CW3 stated that he

thought the police officer had fired a warning shot, but he then saw that AP had fallen to the ground.

CW4 stated that on October 25 at 2:50 p.m., she was in her third floor apartment located in the Cornell Block. CW4 is the daughter of CW2 and CW3, who were parked outside and waiting to pick up her daughter. CW4 stated she was called over to an apartment window because her husband saw a man in red approach a police officer who had his gun drawn. CW4 stated that when she looked out the window, she saw the male, later identified as AP. AP was wearing a red baggy sweater and black pants and was approaching a uniformed police officer. CW4 stated that she saw something shiny in AP's left hand. The object appeared to be peeking out from AP's sleeve and, in CW4's opinion, looked like a blade. CW4 stated she continued to watch as AP approached the police officer. CW4 stated that she turned away to deal with her daughter when she heard a popping sound, as if the gun went off. When CW4 returned and looked out the window again, she saw AP was now on the ground, just past the sidewalk and the police officer was shaking him to make sure he was okay. CW4 stated that,

"A whole bunch of squad cars showed up and they started administering first aid to AP, then the ambulance showed up, loaded him up and took him away."

CW5 was working on the roof of another apartment building on Cornell Place when, at 2:30 p.m., he observed a male, later identified as AP, approximately 100-120 yards away, wearing a red and black jacket and jeans, who was lying on the ground near a black Suburban motor vehicle. CW5 stated that he could hear AP "*moaning and groaning*" and believed he was intoxicated. CW5 stated that he returned to his work but approximately 10 minutes later, he saw AP standing by an apartment building. CW5 stated that he then saw a uniformed police officer that he knows to be SO, exit from the Towers, across the street. CW5 stated that he saw SO walk across the street towards AP and heard him say, "*RCMP, stop where you are.*" CW5 stated that AP then started to walk slowly, but aggressively, towards SO. CW5 stated that he heard SO say, "*Stop right there, RCMP*" and within a matter of seconds, he drew out his firearm, either a taser or a gun. SO then yelled, "*get down on the ground, drop it.*" CW5 stated that the distance between AP and SO was greater at the beginning of their interaction, but was drawing closer as SO was backing up. SO continued to call out to AP to stop. CW5 stated that he did not see anything in AP's hands as his back was towards CW5 and AP's hands were at waist level. CW5 stated that when SO backed up and was standing on Princeton Drive, he discharged his weapon (CW5 believed it was a "*taser*"). CW5 stated that AP stood for a few seconds, then went down to the ground.

CW6 stated he was operating his pickup truck and towing a dump trailer when he parked on Cornell Place. While parked and inside his pickup truck, CW6 stated he was talking with CW7 (who was standing on the outside). CW6 stated that he noticed CW7's face and expression suddenly changed. CW7 told CW6 to "*lock his doors as there was a male with a knife.*" CW6 stated that he saw CW7 walk down the street on the driver's side and went to the passenger side, between the pickup truck and trailer. CW6 stated that he then noticed a male, later identified as AP, who was wearing a red hoodie, walking towards CW7. CW6 stated that he saw that AP was holding a "*boning knife, light beige, with a five- to six-inch blade*" in his right fist, with the blade pointed upwards. CW6 stated that AP was staggering, was intoxicated and he appeared to be hiding the knife up his sleeve. CW6 stated that he saw a uniformed police officer in the distance and walking towards AP. CW6 stated that he called 911 and was speaking with the

operator when he saw AP now walking towards the police officer, that he knew personally as SO. CW6 stated that he believed that SO was holding a yellow “taser” in both hands and was walking backwards. CW6 stated that he turned his attention back to the 911 operator and when he looked back, he saw SO was standing but AP was on the ground. CW6 stated that he did not hear any gunshots, yelling, or voices, nor did he see SO fire his weapon.

CW7 stated that he was working on a residence on Princeton Drive on October 25, when at approximately 2:40 p.m., he saw a male, later identified as AP, was laying on the ground and passed out in the driveway adjacent and to the northwest of the Cornell Block. CW7 stated that he saw CW6 pull up in a pickup truck with an attached trailer and park. CW7 stated that he went to talk with CW6. As they were talking, CW7 stated that AP “...got up, staggered around, and started walking onto the road”. CW7 stated that AP had a knife, resembling a boning knife with a six- to seven-inch blade and black handle, in his right hand. CW7 stated that AP was holding the knife “...at about shoulder height, with the blade pointed up.” CW7 stated that AP was walking toward them and from the way AP was looking at him, “...I just think he wanted to hurt somebody and I was the first person he seen.” CW7 stated that when AP reached the front of the truck, he told CW6 to lock his doors. CW7 stated that AP was looking at him while brandishing the knife. CW7 stated that he, “...quickly ran between the trailer and the truck to get on the other side were he couldn't get at me.” CW7 stated that AP proceeded to follow him around the truck from the driver's side back and towards the trailer. CW7 stated that he jumped between the trailer and the pickup truck and tried to keep a distance of 20 to 25 feet between them. CW7 stated that AP did not say anything, was staring at him, and continued to move towards him. CW7 stated that it was his belief that AP was under the influence of some substance. CW7 stated that AP suddenly turned and walked towards the Cornell Block. AP was still holding the knife. CW7 stated that he saw a uniformed police officer exit from the Towers. CW7 stated that he yelled at the police officer and said that the “...man had a knife.” CW7 stated that the police officer immediately came over and told AP to, “put the knife down and get down on the ground.” CW7 stated that he saw that the police officer was calling for backup on his radio and had drawn his pistol, as AP was not stopping his advancement. CW7 stated that the police officer said, “Drop it, I don't want to do this.” CW7 stated that the police officer continued to back up until he reached the area where AP was shot. CW7 stated that the police officer repeatedly told AP to get down on the ground, without success. AP continued to advance on the police officer until he was shot. CW7 stated,

“He paced at the officer the same way he paced at me, he just sort of crouched over and just kept on walking and he had the knife in his right hand I believe the whole time, as much as I could see.”

CW8 was working in a garage on Princeton Drive on October 25, when he observed a black Suburban motor vehicle pull up to the driveway at the Cornell Block. Then, the driver exited the vehicle, opened the rear hatch, dragged a male out (later identified as AP), and threw him to the ground near the garbage bins. CW8 stated that the driver and a female from the Suburban went into the Cornell Block while AP remained motionless on the ground. CW8 stated that AP eventually roused himself up and stumbled around. CW8 stated that AP was wearing a hoodie and was holding a filleting knife, with a six-inch blade and black handle, in his right hand. CW8 stated that he was certain that the blade was showing as AP held it up. CW8 stated that a pickup truck and trailer pulled up and parked. CW8 stated that he saw AP walk to the pickup truck and CW7, in particular. CW8 stated that CW7 was able to evade AP. CW8 stated, “...he (AP) was definitely threatening people.” CW8 stated that CW7 had waved at a uniformed RCMP officer from across the street, who made his way over and engaged with AP. CW8 stated the police officer tried to get AP to drop the weapon and get on the ground. CW8 stated that the police officer was by himself and calling for backup on his radio. CW8 was unsure if AP was intoxicated or on drugs, but he continued to walk towards the officer without stopping. CW8 stated,

“...had to be at least a half dozen times that officer warned him, you know, to put down that knife”

CW8 stated that the police officer drew his sidearm and told AP to drop the knife while he (the police officer) continued to back up. CW8 stated that AP held the knife with the blade pointed forward as he continued to approach the officer. CW8 stated that AP was “*focused on the police officer right through.*” CW8 stated that the police officer continued to back up and repeatedly said, “*Drop the knife and get on the ground.*” CW8 stated,

“...he (AP) wouldn’t do it and he kept charging that officer. Finally. I heard the shot.”

CW8 stated that the police officer was trying to diffuse this situation as best he could by himself and,

“He was being correct with the guy with the knife and he had to do what he had to do.”

CW9 was visiting a relative at the Towers when she heard the sound of a gunshot. CW9 stated that she looked out a window and observed a male wearing a red sweater and beige pants standing and then fall to the ground. CW9 stated that when that male fell, a uniformed police officer stepped back and was pointing his gun on the male on the ground. CW9 stated that she did not see anything in the male’s hands. CW9 stated that she started to record the incident and posted the video (video 2) to Facebook.³

Witness Officer

WO1 was on duty and working at the Thompson RCMP detachment on October 25 when she heard SO broadcast over the police radio something about a male with a knife on Cornell Place and that he needed immediate backup. WO1 stated that this was an urgent call and everyone in the office ran to their cars and drove to the scene. While en route, updated information was

³ Video 2 was post the shooting incident and following review was determined as not required for this investigation

received from SO that shots had been fired. WO1 stated that, as a result of that information, she radioed her dispatch to have emergency response personnel (EMS) dispatched to the scene to provide medical assistance. WO1 stated that three RCMP units arrived at the scene at the same time. WO1 stated that she observed SO standing over a male, later identified as AP, who was wearing a red sweater. WO1 stated that she saw SO moving AP and looking for something. WO1 stated that she made her way to where AP was on the ground and observed a very long thin fillet knife laying on the ground in front of AP's feet. WO1 stated that she secured the knife before anybody was injured or AP grabbed at it (as she did not know whether he was conscious). WO1 stated that she placed the knife in a police cruiser car.



Photo of seized knife, with measurement scales visible on the bottom and left hand sides

WO1 stated that while she was at the scene, she heard SO state, *“he has a knife, he has a knife.”* WO1 stated that she told SO that she had retrieved the knife, secured it in a police car and there was no need for anyone to continue to look for it. WO1 stated that it appeared that SO was in shock and was saying,

“He had a knife, he was like six feet away, he was coming, he kept going towards me, I told him to drop the knife, drop the knife, but he wouldn't and I had to shoot him.”

WO1 stated that she advised SO to sit in a cruiser car and recalled that he was pointing towards a male standing near the Cornell Block and said,

“He saw that, he saw that, he's the one who waved me down.”

WO1 stated that she believed that EMS arrived within 10 minutes. Following their arrival, EMS took over care for AP, quickly got him on a stretcher and then into the back in the ambulance.

Subject Officer

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, the subject officer declined to attend for an interview, however did provide his notes and a prepared statement to IIU investigators.

The following is a summary of the notes and statement:

In my assessment as a trained police officer, the male had been given every opportunity to drop the knife and get on the ground and stop doing what he was doing, but for reasons unknown to me, he failed to do so, his continued behavior only elevated the risks to the general public and myself and a line had to be drawn to stop his behavior and take control of the situation.

I know from my experience that injuries from a singular knife wound can be fatal. I recognized the severity situation. Distance was no longer an option, the male was closing the distance between us. The totality of the situation was feeling very real, I wasn't given a choice, I had a duty to take control of the situation. I feared for my own life, recognizing the potential of death or grievous bodily harm.

In my assessment, I knew this to be the appropriate response for this situation as all other intervention options were not effective in terms of verbal de-escalating, time and distance were exhausted. At this time, I took aim at the male's stomach and fired one round. The male then dropped to the ground. I sent out a local radio transmission on my portable radio, that "shots had been fired" even though only one shot was fired and that EMS was needed. In my assessment the active threat was stopped.

SO's duty pistol, duty belt and magazine were seized following the incident. SO's sidearm was a standard issue grey Smith & Wesson model 5946 semi-auto pistol, 9mm calibre, with a four-inch barrel. The duty belt contained, among other things, a holster and two pistol magazines, each containing 15 live 9mm rounds. The third and separate magazine contained 14 live 9mm rounds. In addition, a single 9mm casing was located at the scene of the shooting.

This information corroborated that SO discharged a single 9mm round from his duty pistol and was in accordance with Video 1. SO was not in possession of a conductive energy weapon ("CEW"), colloquially referred to as a "taser."

Analysis of Video 1 and Enhanced Footage

As previously stated, the Video 1 footage is the most significant, reliable and relevant evidence obtained in this investigation. Video 1 provides the best evidence of events leading up to, and including, the officer-involved shooting and was extremely significant in corroborating, clarifying or refuting various witness recollections.

The Video 1 view is from the Towers and shows the back of SO and the front of AP. Video 1 is four minutes and one second in length and is composed of 7, 247 frames. Video 1 begins from the point where SO has his sidearm displayed and approaches AP, who is standing beside the Cornell Block. It is not determined how long SO and AP were engaged with each other until the

video recording begins. As Video 1 is played, AP is walking, with purpose, towards SO as SO is walking backwards and away from AP. However, AP continues to follow the same path and direction of SO as he walks in a zigzag manner and backwards towards Princeton Drive. As the video continues to play, AP is observed with an object in his left hand that appears to be a knife. AP is closing the distance between himself and SO. As SO crosses the sidewalk adjacent to Princeton Drive, he points his sidearm with both hands at AP and discharges a single round. At this point, AP is within three feet of SO. When SO discharges his sidearm, smoke is seen from its barrel and the ground behind AP is disturbed and erupts as the bullet passes through AP and into the grass. SO continues to walk backwards and onto Princeton Drive as AP takes a couple of steps then stops on the boulevard and is holding his chest. Once SO has created additional distance between himself and AP, he stops on Princeton Drive. AP bends over at the waist, then lays on his left side. SO approaches with his sidearm out and covering AP who is laying on his stomach, with his arms under his body. SO holsters his sidearm and approaches AP, rolling him onto his left side. SO discharges his sidearm at the 0:22 second mark of Video 1. These 22 seconds that pass, represent the time from the initial encounter between AP and SO (as captured in Video 1, when that recording begins) to the moment the shot is fired by SO and the distance between AP and SO has closed to less than three feet.

At the 2:04 mark, a number of police vehicles arrive at the scene. In particular, at the 2:22 mark, WO1 appears (in uniform and wearing a marked “police” jacket). At the 2:23 mark, WO1 is seen bending down near the feet of AP and retrieving an object, believed to be the knife that was in AP’s possession, and as seen in Video 1.

As stated previously, IIU investigators sent Video 1 to a video production firm in Winnipeg, requesting that the company provide enhanced videos of the original recording, with the goal that more detail would become apparent. In this regard, that production firm provided IIU investigators with three enhanced videos, referenced as:

1. Enhanced Video A – Original Video 1, Cropped and Stabilized – 34 seconds in duration, 1,014 frames;
2. Enhanced Video B – Noise Reduction and Sharpening – 34 seconds in duration, 1,006 frames;
3. Enhanced Video C – Noise Reduction and Slow Motion – 2:10 in duration, 3, 932 frames

Image detail was significantly improved and assisted IIU investigators in their review of Video 1.

Following a detailed review of each of the videos, selected images representing critical moments during the interaction between SO and AP leading to the officer-involved shooting (referenced by video recording source and frame number) are reproduced for this report.

Review of Critical Moments by Frame:

Original Video 1, Frame 61 – Initial interaction between SO and AP starting at the side of Cornell Block



Original Video 1, Frame 245 – SO backing up and calling on radio as AP approaches. AP is walking but taking deliberate and aggressive steps towards SO. *(Facial blurring intentionally added to photos in report)*



Original Video 1, Frame 507 – SO continues to move backwards and changing direction, through zig zagging backward walk, as AP approaches. AP is matching SO's movements and remains focused on the police officer. AP continues to walk in a deliberate and aggressive manner.



Original Video 1, Frame 655 – SO continues to move backwards past sidewalk and towards Princeton Drive as AP approaches with knife held in his left hand, with the blade pointed forward. Note the distance gap between SO and AP has narrowed significantly from initial encounter



AP's left sleeve rises up and the knife blade is visible in his left hand.

Enhanced Video A, *Frame 463 – Corresponds with Original Video 1, Frame 655*



AP's left sleeve rises up and the knife blade is visible in his left hand.

Enhanced Video B, *Frame 463 - Corresponds with Original Video 1, Frame 655*



AP's left sleeve rises up and the knife blade is visible in his left hand.

Original Video 1, Frame 663 – SO continues to move backwards between sidewalk and Princeton Drive as AP approaches closer, holding the knife in his left hand, blade pointed towards SO



The knife blade is visible in AP's left hand.

Enhanced Video A, *Frame 471 – Corresponds with Original Video 1, Frame 663*



The knife blade is visible in AP's left hand.

Enhanced Video B, *Frame 471 - corresponds with Original Video 1, Frame 663*



The knife blade is visible in AP's left hand.

Original Video 1, Frame 664 – SO discharges sidearm as AP approaches, continuing to hold the knife in his left hand, with the blade pointing forward.



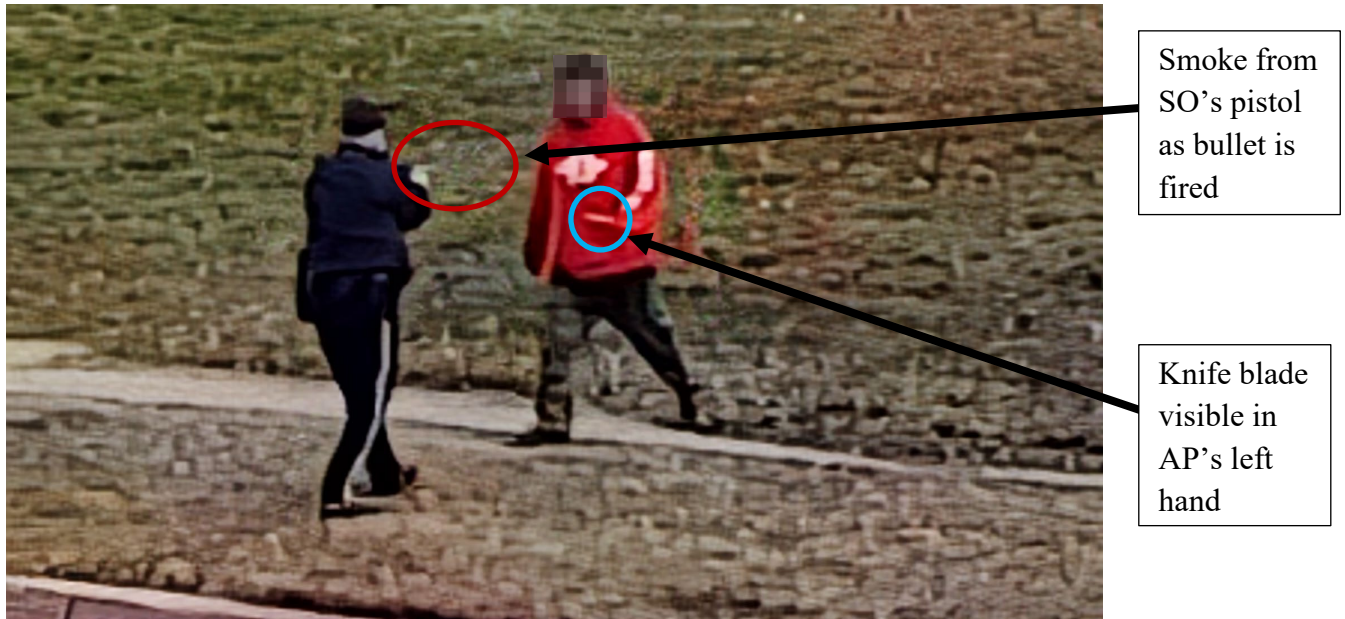
Smoke from
SO's pistol as
bullet is fired

Knife blade visible in
AP's left hand

Enhanced Video A, *Frame 472 – Corresponds with Original Video 1, Frame 664*



Enhanced Video B, *Frame 472 Corresponds with Original Video 1, Frame 664*



Frame 665 – SO's discharged bullet strikes ground as AP steps towards the police officer



Impact site as
bullet fired
from SO's
sidearm passes
through AP
and strikes the
ground

Enhanced Video A, *Frame 473 – Corresponds with Original Video 1, Frame 665*



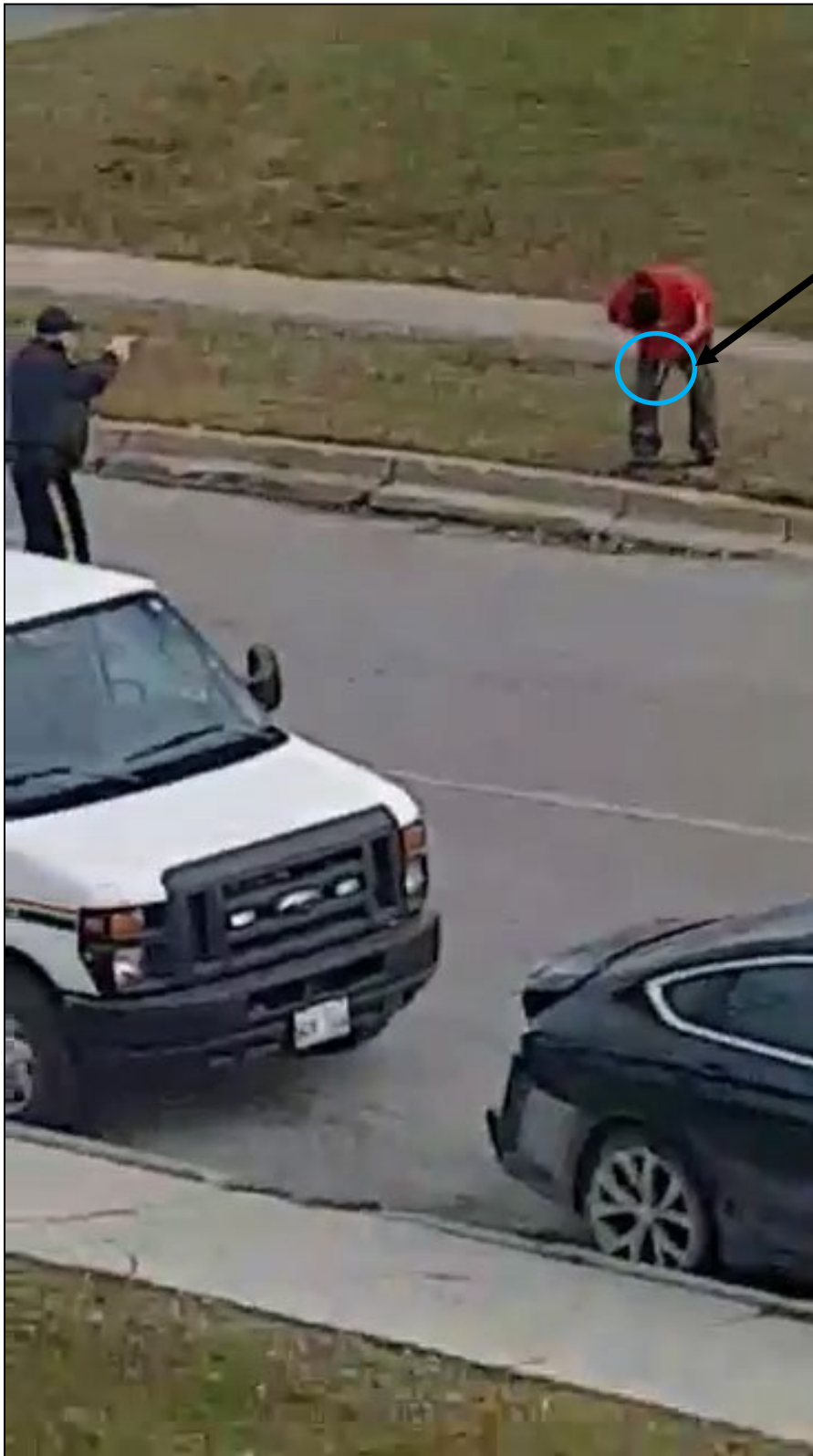
Impact site as
bullet fired
from SO's
sidearm
passes
through AP
and strikes
the ground

Enhanced Video B, *Frame 473 – Corresponds with Original Video 1, Frame 665*



Impact site as
bullet fired
from SO's
sidearm
passes
through AP
and strikes
the ground

Original Video 1, Frame 919 – SO, now standing on Princeton Drive, covers AP, who continues to hold the knife in his left hand and is now bent over at the waist.



Knife blade
visible in
AP's left
hand

Enhanced Video A, *Frame 727 – Corresponds with Original Video 1, Frame 919*



Knife blade
visible in
AP's left
hand

Enhanced Video B, *Frame 727 - Corresponds with Original Video 1, Frame 919*



Knife blade
visible in
AP's left
hand

Original Video 1, Frame 953 – AP with knife, bent over at the waist



Knife blade,
pointing
downwards,
visible in
AP's hand

Enhanced Video A, *Frame 754 - Corresponds with Original Video 1, Frame 953*



Knife blade,
pointing
downwards,
visible in
AP's hand

Enhanced Video B, *Frame 754 – Corresponds with Original Video 1, Frame 953*



Knife blade,
pointing
downwards,
visible in
AP's hand

Original Video 1, Frame 959 – SO covers AP, who continues to hold the knife in his left hand and is bent over at the waist.



Knife blade,
pointing
downwards,
visible in
AP's hand

Enhanced Video A, *Frame 767* – *Corresponds with Original Video 1, Frame 959*



Knife blade,
pointing
downwards,
visible in
AP's hand

Enhanced Video B, *Frame 767* – *Corresponds with Original Video 1, Frame 959*



Knife blade,
pointing
downwards,
visible in
AP's hand

Original Video 1, Frame 4301 – Multiple police officers are attending to AP. WO1 is bending down and secures item (the knife) found on the boulevard at AP's feet.



EMS Response and Timeline

Following the officer involved shooting, SO stated that he sent out a local radio transmission on his portable radio that “shots had been fired” and that EMS was needed. In her interview, WO1 stated that she had heard a radio broadcast from SO saying something about a male with a knife on Cornell and SO needed backup. As she made her way to the scene, WO1 stated that she heard SO broadcast that shots were fired. WO1 stated that she contacted dispatch and requested that EMS was required to attend.

IIU investigators reviewed the RCMP Dispatch Incident Report, which provided the following timeline of events:

- 2:45:06 p.m. – WO1 notified RCMP Dispatch of shots fired and ambulance required
- 2:45:36 p.m. – Create Incident
- 2:45:39 p.m. – Incident First Viewed by Responsible Dispatcher
- 2:46:09 p.m. – Incident Initial Dispatch
- 2:47:30 p.m. – Ambulance Dispatched
- 2:53:44 p.m. – First Unit at Scene

IIU investigators reviewed the Thompson EMS Dispatch Report relating to this matter. IIU investigators were advised that the clock used to record relevant times, was approximately nine minutes behind. This will account for the divergence between the RCMP dispatch report and EMS dispatch reports:

- 2:38 p.m. – Call Received
- 2:39 p.m. – Departed and Staged at Cornell Place
- 2:44 p.m. – On Scene
- 2:48 p.m. – Transport to TGH
- 2:50 p.m. – Arrive at TGH

Expert Opinion Report on Use of Force

Following the completion of the investigative file, the civilian director requested that a Use of Force opinion be obtained from an expert in this field. In this regard, an expert in Use of Force analysis from Manitoba was engaged. This individual has an extensive background in law enforcement.

Before outlining the opinion rendered by the expert, two matters should be referenced. First, the opinion offered by the expert is not a binding legal opinion. While the expert refers to existing policy and law in the use of potential lethal force, it nevertheless remains an opinion. Second, it is important to remember that the opinion offered by the expert is his opinion. It is not to be assumed to be determinative on the issues considered in the report. The expert opinion is to provide an assistance to the civilian director to understand the technical nature and unique processes involved in an officer-involved shooting and how they may be applicable to the present matter. Following the review of the expert opinion report, it should be noted that it is well-reasoned, persuasive, and bias-free.

In this matter, the expert provided the following opinion (excerpt):

It is my opinion that the actions and decision making and behaviors of SO of choosing to use lethal force by shooting AP when he did is consistent with what a well-trained Canadian police officer would do in a similar situation.

I also believe his actions were sound, well founded, reasonable, necessary, lawful and proportionate taking the totality of the circumstances that SO knew from the time he first observed AP to the time he discharged his firearm. The above is based all on the Canadian Policing context.

Issues, Applicable Law and Conclusion

This investigation must consider whether the actions of SO to fire upon AP was justified at law.

In this incident, SO, present in the vicinity of the shooting on an unrelated matter, responded to a civilian call for police assistance in respect to a male armed with a knife and who was acting in an aggressive manner. SO immediately responded and confronted AP. SO had his service pistol drawn and pointed at AP. AP was armed with a knife. SO yelled out to AP to drop the knife and to get on the ground without success. AP advanced on SO by walking at him in a deliberate and aggressive manner. SO attempted to maintain his distance from AP by walking backwards in a zigzag pattern. AP continued to focus and approach SO by following those moves. At least 22 seconds had passed from the initial contact between SO and AP until the police officer discharged his service pistol a single time. During that time, SO was backing away from AP, calling for assistance on his police radio and asking AP to drop his weapon. At the point where SO was backing up and nearing the curb of Princeton Drive, AP had significantly narrowed the distance between them, being mere feet away with the knife and blade visible and held in a menacing manner. SO aimed at AP's abdomen, discharged his service pistol a single time, made his way to the middle of Princeton Drive and AP stopped walking forward. AP fell to the ground and the threat was neutralized. Police and EMS attended and provided AP with necessary medical attention. The entire interaction between SO and AP was captured on video.

Sections 25 (1), (3), (4) and Section 26 of the Criminal Code of Canada are applicable 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 anyone 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. Everyone 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 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.

Effectively, the question is whether the decision of SO to discharge his firearm at AP was reasonable and necessary for the self preservation of that police officer, or the preservation of anyone under his protection, from death or grievous bodily harm in the given circumstances. Reasonableness of a police officer's use of force must be assessed regarding all of the circumstances as they existed at the time the force was used, particularly when it is considered in light of the dangerous and demanding work engaged in by police and the expectation that they react quickly to all emergencies and exigencies.

Where potential lethal force is used (intended or likely to cause death or grievous bodily harm), there must be a reasonable belief by the subject officer that the use of such lethal force was necessary for self-preservation, or the preservation of anyone 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).

In that decision, the Supreme Court noted, at para. 35:

“Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances.”

Also, see *R. v. Power* 476 Sask. R. 91 (CA), where at para. 35, the court notes:

“On the basis of the foregoing, a determination of whether force is reasonable in all the circumstances involves consideration of three factors. First, a court must focus on an accused’s subjective perception of the degree of violence of the assault or the threatened assault against him or her. Second, a court must assess whether the accused’s belief is reasonable on the basis of the situation as he or she perceives it. Third, the accused’s response of force must be no more than necessary in the circumstances. This needs to be assessed using an objective test only, i.e. was the force reasonable given the nature and quality of the threat, the force used in response to it, and the characteristics of the parties involved in terms of size, strength, gender, age and other immutable characteristics.”

Therefore, was it reasonable, in these circumstances, for SO to fire at AP to prevent the injury or death of himself or any other person?

The next step to be undertaken is to review eyewitness accounts to determine whether the evidence from the various witnesses is credible and reasonable. When determining issues of credibility, one must look to the evidence itself, and consider whether it is internally consistent, consider whether it is consistent with evidence given by others, consider whether it makes sense on common sense principles, and consider whether it is consistent with the available objective evidence.

In this case, and in the circumstances that existed, the various accounts and evidence made sense and was consistent with statements by other witnesses. Minor variations in the recollections of various witnesses are not unusual or unexpected. When considered as a whole, I am satisfied that this finding of consistency is appropriate in these circumstances.

Furthermore, there is corroborative evidence in support of this conclusion when the video recording evidence is considered.

In this matter, I am satisfied that AP was armed with a knife, had threatened bystanders and posed a significant risk to the public. SO responded to the call for assistance, confronted AP and demanded that he drop his knife and surrender. AP refused to comply with these orders. AP focused on SO, walked at him in a deliberate and aggressive manner, while armed with his knife. Eventually, AP was at a very close distance from SO. SO’s use of potential lethal force was the final step after all other attempts at a peaceful resolution failed. Stopped vehicles and onlookers were in the vicinity. AP was in a position to cause death or grievous bodily harm to SO or any of the onlookers. The threat posed by AP was real, substantial and required to be neutralized.

I am satisfied that all the evidence gathered from all sources provides a reliable and sufficient

support for the sole conclusion that the decision by SO to shoot AP was necessary to prevent the injury or death to himself or anyone in the vicinity. In the final analysis, SO was doing his job and acting within his sworn duty to protect the public from threats to their safety. SO attempted to resolve this matter without resorting to force, including lethal force. SO's decision to discharge his service pistol was made when all other attempts to negotiate with AP failed and the risk of grievous bodily harm to him was real and substantial. SO shot AP a single time and neutralized the threat.

In this investigation, the IIU mandate was to determine whether consequences should flow from the actions of SO, in light of all the circumstances and information known to him at that time. Following a detailed review of this investigation, it is my view that the use of lethal force by SO was reasonable, necessary and justified in law.

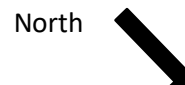
In conclusion, there are no grounds to justify any charges against the subject officer.

The IIU investigation is complete and this file is closed.

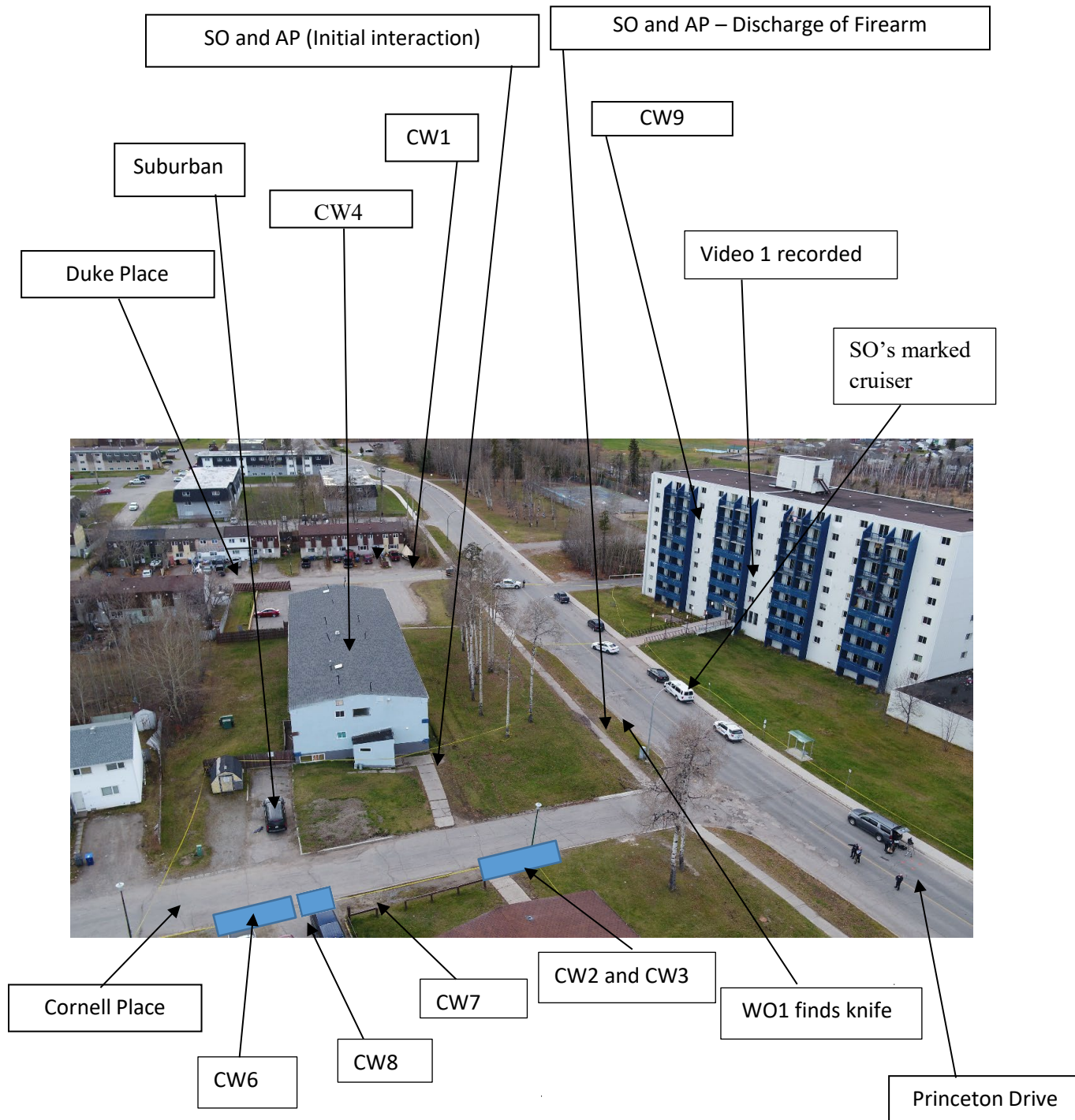
Final report prepared by:

Zane Tessler, Civilian Director
Independent Investigation Unit
July 7, 2022

Ref 2021-051



Location of Involvements (View SW down Princeton Drive)



Appendix B
Location of Involvements (View South down Princeton Drive)

