



2016-2017 Annual Report

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**ATTORNEY GENERAL
MINISTER OF JUSTICE**

Room 104
Legislative Building
Winnipeg, Manitoba CANADA
R3C 0V8

The Honourable Janice C Filmon, C.M., O.M.
Lieutenant-Governor of Manitoba
Room 235 Legislative Building
Winnipeg MB R3C 0V8

MAY IT PLEASE YOUR HONOUR:

It is my pleasure to present the *2016 Annual Report of the Independent Investigation Unit of Manitoba*.

This report details the Independent Investigation Unit's activities for the 2016/17 fiscal year.

Respectfully submitted,

Original signed by the Honourable Cliff Cullen

Honourable Cliff Cullen
Minister of Justice
Attorney General

The Honourable Cliff Cullen
Minister of Justice and Attorney General
Room 104 Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

Re: Independent Investigation Unit of Manitoba 2016/17 Annual Report

In accordance with section 64(1) of The Police Services Act, I am pleased to submit the 2016/17 Annual Report of the Independent Investigation Unit of Manitoba.

This report details the Independent Investigation Unit's activities for this fiscal year.

Yours truly,

Original signed by Zane Tessler

Zane Tessler
Civilian Director

Monsieur Cliff Cullen
Ministre de la Justice et procureure générale
Palais législatif, bureau 104
Winnipeg (Manitoba) R3C 0V8

Objet : Rapport annuel 2016-2017 de l'Unité d'enquête indépendante du Manitoba

Monsieur le Ministre,

Conformément au paragraphe 64(1) de la Loi sur les services de police, j'ai l'honneur de vous présenter le rapport annuel 2016-2017 de l'Unité d'enquête indépendante du Manitoba.

Ce rapport présente en détail les activités de l'Unité d'enquête indépendante pour l'exercice en cours.

Je vous prie d'agréer, Madame la Ministre, l'expression de ma haute considération.

Le directeur civil,

Original signed by Zane Tessler

M. Zane Tessler

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MESSAGE FROM THE CIVILIAN DIRECTOR

I am pleased to present the Independent Investigation Unit's 2016-2017 Annual Report. This was a significant achievement in that this represented the first full year of operation of the IIU and the first time that all investigative staff positions were filled. I am proud of the professionalism and integrity displayed by each member of IIU in the discharge of their important work.

I want to express my gratitude to the men and women who work at IIU. The nature of this demanding work is not easy. It is compounded by times of intense public scrutiny. I encourage these men and women to work with pride, knowing that what they do plays an extremely important role in the administration of justice, upholding the rule of law and furthering the mandate of civilian oversight of the province's law enforcement services and members.

Original signed by Zane Tessler

Zane Tessler
CIVILIAN DIRECTOR

ABOUT THE IIU

Following the recommendations of the Taman Inquiry in 2008 and the earlier Aboriginal Justice Inquiry, as well as reviews of best practices in other jurisdictions and extensive consultations with key stakeholders, Manitoba introduced The Police Services Act in 2009. The new act replaced the antiquated Provincial Police Act and changed and modernized policing in the province.

Among the major changes in the new legislation was the establishment of Manitoba's first civilian-led Independent Investigation Unit (IIU). This office is mandated to conduct transparent and independent investigations of all serious incidents involving police officers in Manitoba, whether occurring on or off duty.

The IIU is a civilian agency, operating independently from the Department of Justice and all police agencies in the province of Manitoba.

The IIU must assume investigations into matters where, in the course of an interaction with police, a person has died or a serious injury has occurred; or where a police officer may have contravened a prescribed provision of the Criminal Code or another federal or provincial enactment.

The IIU has the authority to investigate and provide oversight on all criminal allegations involving police officers in the province, including First Nations, RCMP and municipal police forces.

There are 13 policing agencies in the Province of Manitoba and approximately 2,804 police officers.

MISSION STATEMENT

The Independent Investigation Unit of Manitoba investigates serious incidents involving the police, with integrity, professionalism and efficiency to ensure the respect and trust of all Manitobans.

VISION STATEMENT

Building the confidence of all Manitobans with respectful, impartial and comprehensive investigations.

OUR VALUES

- Accountable
- Principled
- Impartial
- Independent
- Objective
- High Investigative Standards
- Timeliness
- Thoroughness

THE MAKE-UP OF THE IIU

CIVILIAN DIRECTOR

In accordance with The Police Services Act (PSA), the civilian director must not be a current or former member of a police service or the RCMP.

The civilian director is accountable for the administration and operation of the IIU. The civilian director provides leadership to and oversees the investigators and support staff of the unit. By law, the civilian director is required to exercise independent judgment and act independently of all agencies in making operational decisions about investigations conducted under the PSA.

IIU INVESTIGATIVE TEAM

The IIU investigative team may consist of current or former members of a police service in Manitoba or Canada or current or former members of the RCMP. An IIU investigator may also be a civilian with investigative experience. All investigators must have met the prescribed qualifications and experience in order to be hired and are under the sole command of the civilian director.

All investigators have the powers, duties, privileges and protections of a peace officer and constable.

The IIU investigative team consists of the following key positions:

■ DIRECTOR OF INVESTIGATIONS

The director of investigations supervises the IIU team commander and integrated investigative team.

The director of investigations plays a crucial and direct role in identifying all critical and emerging human resource, policy, investigative and risk-management issues, and supports and manages the strategic goals of the IIU.

■ TEAM COMMANDER

The team commander is responsible for managing investigations and commanding the IIU investigative team. The team commander deploys investigators to incidents where it appears the actions of a police officer may have caused a death or serious injury¹ or contravened Canada's Criminal Code or other laws.

The team commander is on-call 24 hours a day, seven days a week, dispatching the IIU investigators. The team commander assesses investigative information and determines the appropriate level of response, priority and course of action. When the IIU has been notified of an incident by a chief of police, and the incident meets the mandate of the IIU, the team commander will assign a primary investigator and as many additional investigators as required.

■ SENIOR INVESTIGATORS

Reporting to the team commander of the IIU, investigators are responsible for investigating assigned incidents under the PSA.

Investigators assess information received from police agencies, attend on scene, report incidents, and determine an appropriate level of response and how best to carry out an efficient investigation. They also evaluate the need for specialized assistance and support such as identification, forensic services or surveillance, and determine what evidence is required and who should be interviewed.

In accordance with the [Independent Investigations Regulation](#), IIU investigators must have experience in major crime investigations or experience conducting and managing a wide range of complex investigations.

¹ Serious Injury is defined in the Independent Investigations Regulation 99/2015 – see Glossary of Terms for definition.

ADMINISTRATIVE TEAM

The administrative team is responsible for the administration of the IIU office in conjunction with the civilian director. This team supports the investigative team administratively and operationally.

The IIU administrative team consists of the following key positions:

■ DIRECTOR OF STRATEGIC POLICY AND COORDINATION

The director of strategic policy and coordination (SPC) develops and implements policies for the IIU to ensure that all investigations conducted are professional, effective and consistent. The SPC makes recommendations to support and enhance operational, investigative and administrative policies.

The SPC also manages and analyzes procedural/systems reviews, feasibility studies and cost benefit studies to help ensure the effective and efficient operation of the IIU.

■ OFFICE MANAGER

The office manager is responsible for administration of the IIU office, including purchasing, invoice payments and human resources, as well as providing dedicated support to the civilian director.

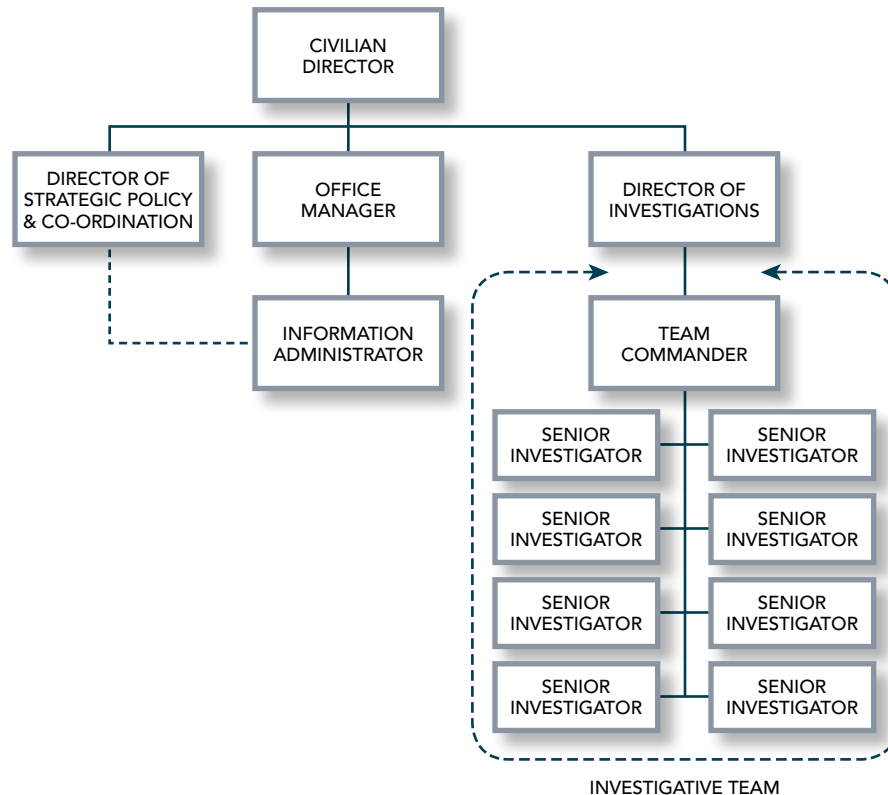
■ INFORMATION ADMINISTRATOR

The information administrator (IA) is responsible for coordinating, verifying and organizing documents and other information pertaining to an investigation. The IA ensures that compliance requirements have been met to ensure the integrity of the records management process.

The IA is responsible for file management, document preparation, analysis and linking of information, scanning and exhibits. The IA organizes incoming data for entry into an electronic major case management application.

ORGANIZATIONAL CHART

INDEPENDENT INVESTIGATION UNIT OF MANITOBA March 2017



IIU INVESTIGATIVE PROCESS

NOTIFICATION

When a police officer is at the scene or is the subject of a complaint or an investigation where a police officer may have caused the death or serious injury of a person or engaged in conduct that would constitute a contravention of a prescribed offence, it is the responsibility of the police chief (or designate) of the affected police service to notify the IIU according to the timelines outlined in the PSA. These notifications are to occur as soon as practicable in order to allow the IIU to deploy and assume jurisdiction of the investigation.

Once contacted by the police chief, the civilian director determines if the incident falls within the mandate of the IIU and the role the IIU will assume in the investigation. The IIU can decline jurisdiction, perform a monitoring role or assume jurisdiction. (See [Glossary of Terms](#).)

CIVILIAN MONITOR

If it appears that a police officer may have caused the death of a person, the IIU civilian director must ask the chair of the Manitoba Police Commission to assign a civilian monitor to the investigation. The civilian director may also request a civilian monitor in any other case where he considers it in the public interest to involve a monitor.

The civilian monitor program falls under the mandate of the Manitoba Police Commission.

INVESTIGATION

Once the civilian director determines the IIU should investigate an incident, an investigative team is assigned. The director of investigations and team commander decide on the number of investigators to be deployed and assign their roles.

The IIU investigative team is responsible for:

- safety of all persons on scene
- preservation of life and treatment of injured
- scene examination and securing of physical evidence
- documentation of scene
- identifying and securing cooperation of witnesses
- seizing of police equipment for forensic examination
- consulting with the medical examiner if there has been a death
- notifying next of kin

The IIU investigative team performs all tasks required in order to gather all the facts and evidence required for each file. Throughout the course of the investigation the investigative team prepares internal reports and attends briefings in order to keep the director of investigations and team commander apprised of all aspects of the investigation.

REPORTING

Upon completing the investigation, the primary investigator submits a report to the civilian director, outlining all aspects of the investigation.

If the civilian director determines an officer has committed an offence, he may lay charges against the subject officer or refer the matter to Manitoba Prosecution Service for a Crown opinion as to whether the officer should be charged.

If the civilian director determines that no charges are warranted, all parties involved are advised of that decision.

The civilian director's decision is publicly released.

In every investigation, the IIU strives to strike the proper balance between disclosing as much information as possible to the public while guarding the privacy of affected persons, protecting witness confidentiality and maintaining the integrity of the investigation.

MONITORING

Pursuant to section 74 of the *Police Services Act*, the IIU can assume a monitor role in a police service led investigation.

When this type of role is assumed in an incident, the IIU formally requests, in accordance with the legislative mandate, all documentary and recorded evidence and information that was obtained in the investigation conducted by the police agency. A briefing is arranged by an IIU Senior Investigator and the police agency contact to review the file.

At the conclusion of the agency's investigation, written notice is provided to the IIU that their investigation is complete and confirming that the IIU has received a copy of the full investigative file. Upon receipt of that written confirmation and the full investigative file, the IIU reviews all the material to ensure the investigation is comprehensive and complete.

IIU'S OBLIGATIONS UNDER THE VICTIMS' BILL OF RIGHTS

In June, 2015, The Victims' Bill of Rights was amended to include the IIU as a law enforcement agency under this legislation.

In keeping with its obligations under The Victims' Bill of Rights, the IIU ensures the affected person(s) and/or designated contact(s) are kept apprised of the status and the outcome of the investigation.

A senior investigator is assigned to liaise with the affected person(s) and/or designate(s) and answer any questions that they may have about the process or the investigation. The IIU ensures, whenever possible, that the affected person(s) and/or designated contact(s) are advised of the outcome of the investigation prior to the public release of that information.



A YEAR IN REVIEW

This fiscal year, 2016/2017 represents the IIU's first full year of operations. The previous year (2015/16) the IIU became operational on June 19, 2015, which consisted of 9 months of operations.

This year the IIU achieved some significant milestones. The IIU staff worked tirelessly in ensuring that the operational and administrative needs of the Unit were being met and that the IIU was meeting its mandate effectively and efficiently.

In March, 2016 the IIU implemented a case management information system. This electronic file system assists the IIU in organizing, storing and retrieving investigative information quickly and easily. As part of the implementation strategy, IIU staff received extensive training on the system. This case management system also allows the IIU to produce investigative packages in a timely, efficient and consistent manner.

The IIU also moved into its new premises in April, 2016. During its first year of operations the IIU was in temporary office space while the permanent location was designed and built. The new location is a secure facility, equipped with state of the art equipment in order to meet the operational needs of the IIU.

Upon the IIU opening last fiscal year, there was one investigator position that remained vacant. Through a secondment agreement with the Winnipeg Police Service our last vacancy was filled. This seconded officer reported directly to the civilian director and was no longer involved on an operational level with the Winnipeg Police Service pursuant to the secondment agreement.

These significant events helped solidify the IIU's framework and operational plan. With its permanent office space complete and the full investigative capacity reached the IIU was able to continue to respond to all matters within its mandate in this fiscal year, without exception and without delay.

During 2016/17 the IIU also continued to reach out to community groups, First Nations representatives and police organizations to facilitate presentations on the IIU's role and mandate across the province. These presentations continue to be an important tool for the IIU in educating members of police agencies and the general public on the role of our investigators and the role of any involved officer or other involved person. Through opportunities such as these the IIU is able to stress the importance of timely notifications as well as full and prompt disclosure from the involved agencies.

There are many things that can impact the length of an investigation. One of the more significant issues for the IIU over the past year has been the amount of time required for third party reports, particularly those providing expert analysis in the area of forensic reports. The IIU, similar to all other agencies, experiences delays due to the caseloads of these experts being quite heavy as they service all of Canada. The civilian director continues to monitor this issue as it can greatly impact the length of an investigation.

As we continue to grow it is important for us to revisit our initial objectives to ensure that we are meeting those deliverables. It is paramount that the investigative team is able to obtain the information it requires in order to advance an investigation to its next stage and ultimately to conclusion. The IIU will continue to work with and educate all involved parties and police agencies about the role of the IIU and the roles and obligations of each person within an investigation.

The IIU continues to maintain a website that houses all media releases and final reports of the civilian director. In addition to this material there is information on the website to assist the public in understanding the IIU's role and mandate as well as links to helpful information related to the IIU.

INVESTIGATIVE HIGHLIGHTS

Throughout 2016/2017 the IIU investigative team focus remained on conducting professional, thorough and impartial investigations as well as maintaining the ability to respond to multiple concurrent and/or consecutive investigations.

The development of internal and external support systems was paramount to the ongoing success of the IIU investigative team, a predominate highlight of the past year. The vast experience of the investigative team lends itself to ensuring a full and comprehensive approach to investigations. In addition to the internal expertise, the IIU maintained a multi-disciplinary approach in the investigative process, engaging experts, in the fields of technology, medicine, forensics and use of force. Establishing and maintaining these external working relationships has been critical to support IIU investigative excellence.

A large number of investigations over the past year included evidence in the form of social media, CCTV, cellular phones and other various forms of video. The IIU must examine these types of media and ensure that the evidence is captured, stored and saved in a fashion that can be reproduced at any time during the course of an investigation and thereafter. The IIU investigative team has been successful in identifying valuable external resources to assist in enhancing and working through technology challenges.

REMOTE OPERATIONS

The IIU's jurisdiction covers the entire Province of Manitoba. Conducting investigations in rural isolated locations can present tremendous logistical challenges. Remote operations were a factor in the planning stages of the IIU operations. It is because of those planning steps that the IIU



investigative team is prepared and equipped to travel and work remotely and independently throughout the province.

The IIU is required to deploy an investigative team as quickly as possible, at any time of the day or night, upon notification. The IIU operates on a 24/7 basis to meet its mandate and legislative requirements.

The IIU must be prepared to seek independent and separate workspaces from the police service subject to its investigation, while ensuring accommodations, communication and technology are all in place once the investigative team arrives in a community.

The IIU strategic direction to ensure the investigative team had ability to systematically and simultaneously respond to multiple investigations while maintaining independence in fulfilling operational requirements has been accomplished with the assistance of ongoing partnerships and relationships.

The relationships and partnerships forged early on have been the touchstone in creating efficiencies and effectiveness in successful IIU deployments. During 2016/2017 the IIU has simultaneously and systematically responded to the calls for service in numerous communities throughout Manitoba. The success of this model and an ongoing communication plan to ensure rapid deployments were as a result of gaining the support of numerous provincial agencies, not tied to any police agency, that provide assistance and support in securing air and ground travel as well as accommodations. This has been the foundation of successful IIU investigative team deployments to communities throughout the province of Manitoba.

TRAINING

The IIU is committed to ongoing training of its investigative and administrative team. The overall goal is to support the enhancement of investigative excellence and continuous improvement.

The IIU in-house training and continuous learning model commenced in 2016/2017. The overall learning emphasis is based on topics and relevant subject matter associated to independent investigations. To date training sessions have included such topics as technology, critical incidents involving police officers, CPIC as well as annual qualifications for use of force tools. As relevant issues arise and training needs identified the IIU will mold the training program to incorporate all such topics that are relevant and necessary for independent investigations.

STATISTICAL INFORMATION 2016-2017

INVESTIGATIONS

Number of investigations started² in 2016-2017 27

Number of investigations concluded³ in 2016-2017 24

Number of charges laid 8

Charges Laid:

- Driving carelessly 188(2) HTA
- Driving imprudently 95(3) HTA
- Manslaughter 236 CC
- Criminal negligence case death 220 CC
- Reckless discharge firearm 244.2(1)(a)
- Criminal negligence cause bodily harm 221 CC
- Dangerous driving 249(3) CC
- Dangerous driving case bodily harm 249(1)(a) CC

Number of investigations where civilian monitor appointed 6

² Investigations where the IIU has assumed jurisdiction over an incident. This does not include any incidents where the IIU has assumed a monitor role or incidents where the IIU has declined jurisdiction.

³ An investigation is concluded upon the determination of the IIU civilian director.

RCMP – Royal Canadian Mounted Police
 WPS – Winnipeg Police Service
 DOPS – Dakota Ojibway Police Service
 BPS – Brandon Police Service

NOTIFICATIONS

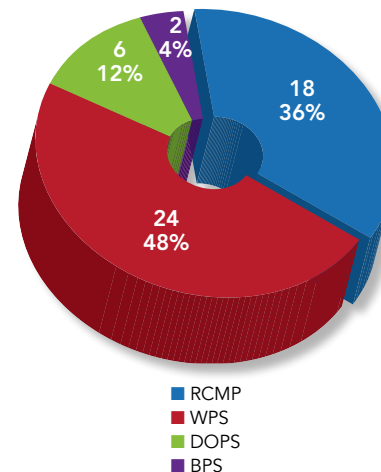
In the fiscal year 2016-2017, the IIU received 50 notifications under Part 7, Division 2 of *The Police Services Act*.

If the incident relates to a death or serious injury the IIU must assume responsibility for the investigation and deploy an investigative team.

If the incident does not relate to a death or serious injury, the civilian director will review the information provided by the police agency and determine what role, if any, the IIU will assume in the investigation.

Of the 50 notifications the IIU received in this reporting period, the IIU assumed jurisdiction on 27 investigations, declined jurisdiction on 1, performed a monitor role on 22 investigations and were consulted on one matter that did not meet our mandate. (See [Glossary of Terms](#) for definitions.)

TOTAL NOTIFICATIONS BY AGENCY 2016-2017



TOTAL NOTIFICATIONS BY AGENCY

IIU Notifications

RCMP	18
WPS	24
DOPS	6
BPS	2
Total Notifications	50

IIU Monitor Role

RCMP	12
WPS	8
DOPS	2
Total Monitor Incidents	22

Decline Jurisdiction

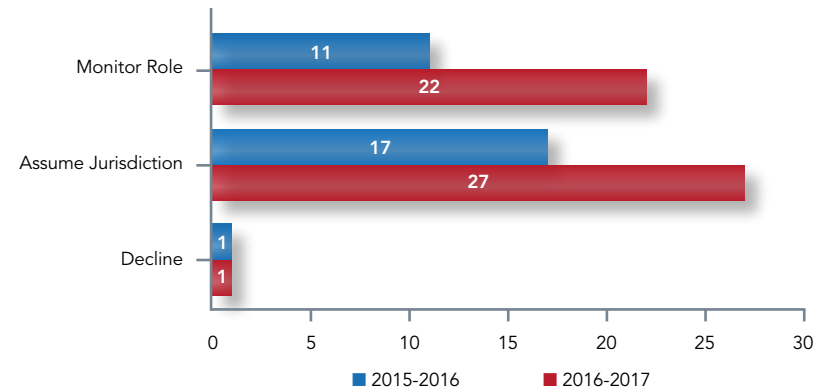
WPS	1
Total Declined Incidents	1

Assume Jurisdiction

RCMP	6
WPS	15
DOPS	4
BPS	2
Total Assume Jurisdiction Incidents	27

RCMP – Royal Canadian Mounted Police
 WPS – Winnipeg Police Service
 DOPS – Dakota Ojibway Police Service
 BPS – Brandon Police Service

TOTAL NOTIFICATIONS BY FISCAL YEAR



Fiscal Year	Monitor Role	Assume Jurisdiction	Decline (Not within Mandate)
2015-2016	11	17	1
2016-2017	22	27	1

TYPES OF NOTIFICATIONS BY AGENCY 2016-2017

		RCMP	WPS	DOPS	BPS	Totals
Total Notifications Per Agency 2016/2017		18	24	6	2	50
TYPES OF NOTIFICATIONS	Prescribed Offence	0	1	0	0	1
	Criminal Code Offence Other	12	10	2	2	26
	In Custody Criminal Code Offence Other	1	1	1	0	3
	In Custody Serious Injury	0	1	2	0	3
	Serious Injury During Arrest	1	5	0	0	6
	Serious Injury During Arrest (Police Service Dog)	1	0	0	0	1
	In Custody Death	0	3	0	0	3
	Death in Police Presence (Firearm)	1	0	0	0	1
	Injury During Arrest	0	1	1	0	2
	Motor Vehicle Pursuit (Death)	0	1	0	0	1
Motor Vehicle Pursuit (Serious Injury)	0	1	0	0	1	
Officer Involved Shooting (Serious Injury)	2	0	0	0	2	

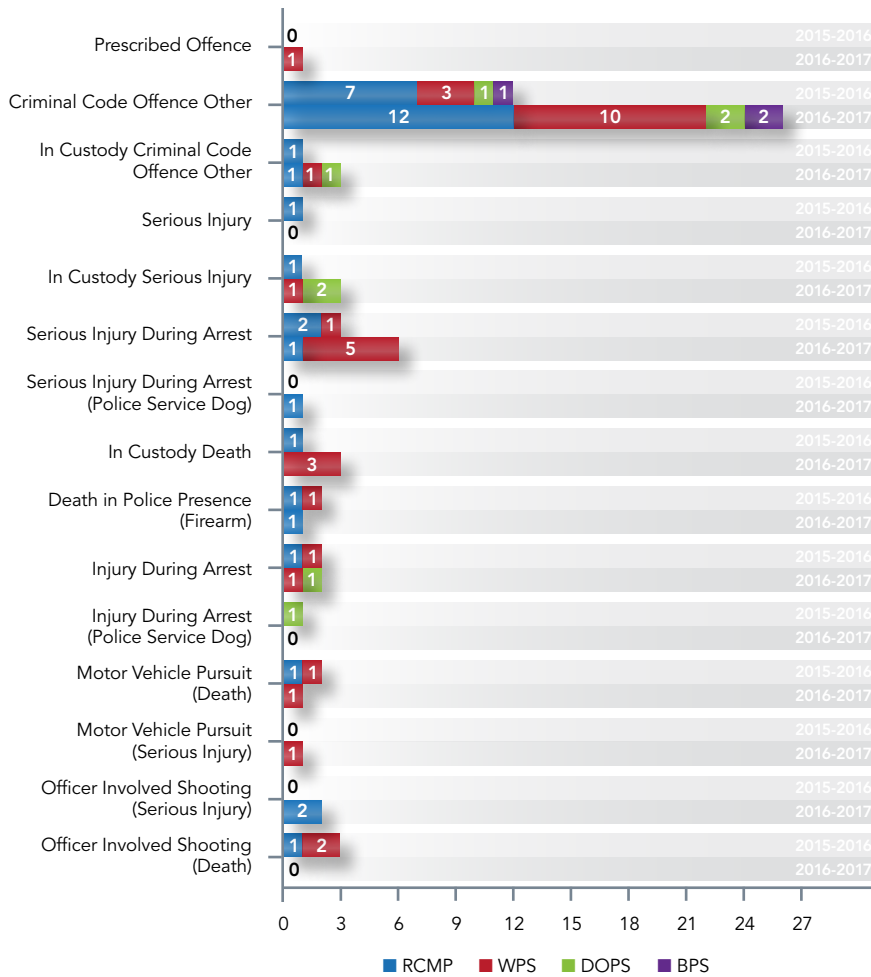
RCMP – Royal Canadian Mounted Police

WPS – Winnipeg Police Service

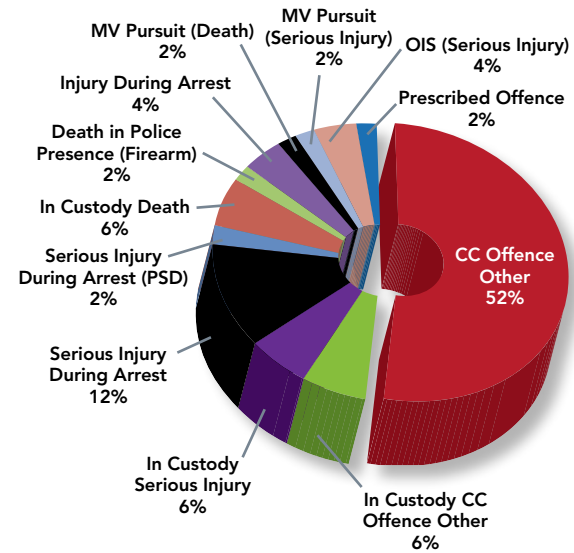
DOPS – Dakota Ojibway Police Service

BPS – Brandon Police Service

TYPES OF NOTIFICATIONS BY AGENCY BY FISCAL YEAR

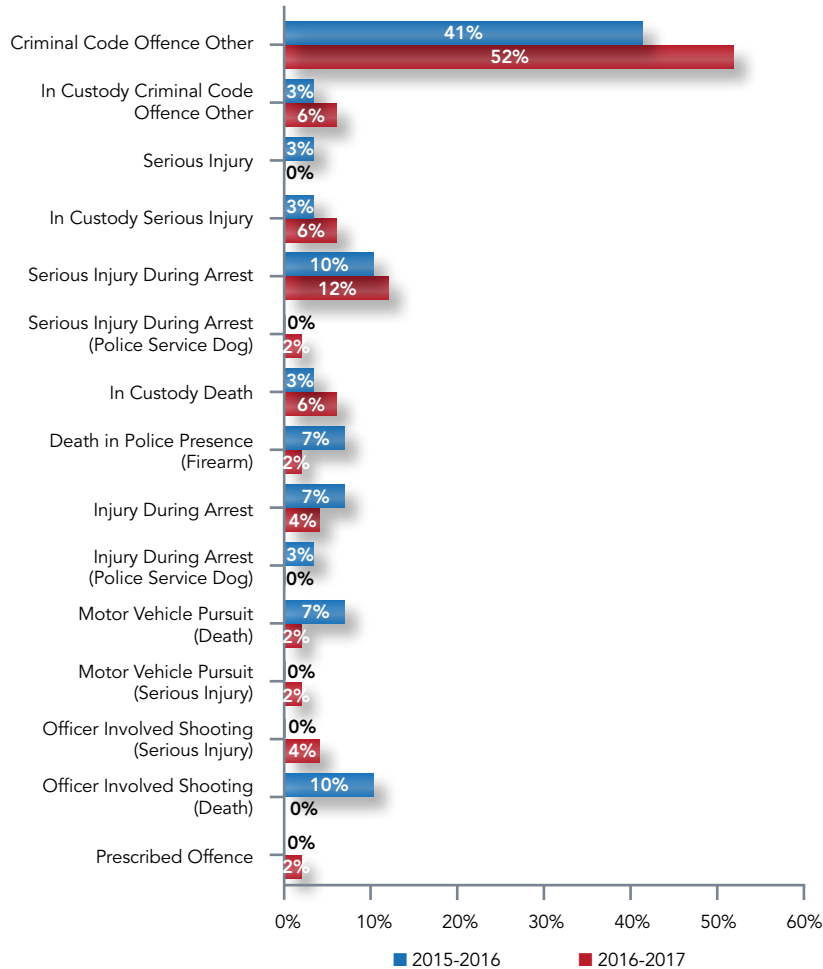


TYPES OF OCCURRENCES BY PERCENTAGE 2016-2017



RCMP – Royal Canadian Mounted Police
 WPS – Winnipeg Police Service
 DOPS – Dakota Ojibway Police Service
 BPS – Brandon Police Service

TYPES OF OCCURRENCES BY PERCENTAGE BY FISCAL YEAR



TYPES OF OCCURRENCES BY FISCAL YEAR

Types of Occurrences	2015-2016 (June 19, 2015- March 31, 2016)	2016-2017
Criminal Code Offence Other	12	26
In Custody Criminal Code Offence Other	1	3
Serious Injury	1	0
In Custody Serious Injury	1	3
Serious Injury During Arrest	3	6
Serious Injury During Arrest (Police Service Dog)	0	1
In Custody Death	1	3
Death in Police Presence (Firearm)	2	1
Injury During Arrest	2	2
Injury During Arrest (Police Service Dog)	1	0
Motor Vehicle Pursuit (Death)	2	1
Motor Vehicle Pursuit (Serious Injury)	0	1
Officer Involved Shooting (Serious Injury)	0	2
Officer Involved Shooting (Death)	3	0
Prescribed Offence	0	1
Totals	29	50

NUMBER OF MALE AND FEMALE AFFECTED PERSONS BY OCCURRENCE TYPE 2016-2017

Types of Occurrences	Male	Female
Criminal Code Offence Other	6	20
In Custody Criminal Code Offence Other	1	2
In Custody Serious Injury	3	0
Serious Injury During Arrest	6	0
In Custody Death	3	0
Death in Police Presence (Firearm)	1	0
Injury During Arrest	2	0
Injury During Arrest (Police Service Dog)	1	0
Motor Vehicle Pursuit (Death)	4	2
Motor Vehicle Pursuit Serious Injury	0	6
Officer Involved Shooting Serious Injury	2	0
Prescribed Offence	1	0
Totals	30	30

NUMBER AND PARTICULARS OF CHARGES LAID BY THE IIU

For the fiscal year 2016-2017, the IIU laid eight charges against three officers. The particulars of those charges are as follows:

#2016-022 – on duty-traffic incident (Highway Traffic Act charges)

- Driving carelessly s.188(2) HTA
- Driving imprudently s.95(3) HTA

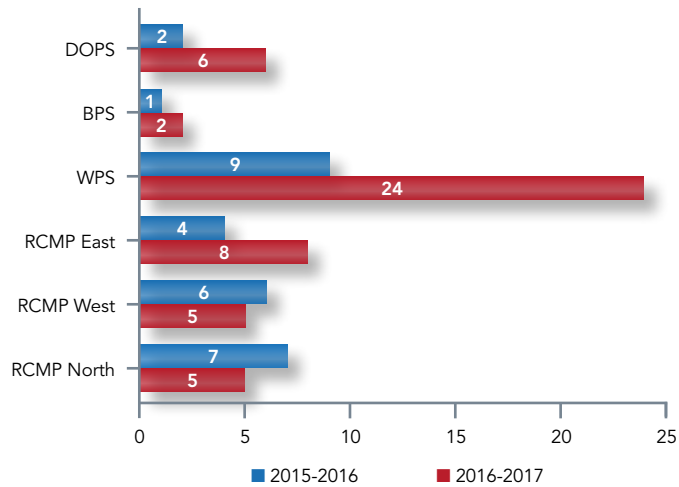
#2015-017 – on duty-officer involved shooting and pursuit incident (Criminal Code of Canada charges)

- Manslaughter s.236 CC
- Criminal negligence case death s.220 CC
- Reckless discharge firearm s.244.2(1)(a) CC
- Criminal negligence cause bodily harm s.221 CC
- Dangerous driving s.249(3) CC
- Dangerous driving case bodily harm s.249(1)(a) CC

IIU CASE BREAKDOWN BY POLICE REGION 2016-2017

Reporting Agency	District	Number of Notifications
DOPS	–	6
BPS	–	2
WPS	–	24
RCMP	East	8
RCMP	West	5
RCMP	North	5
Total Notifications		50

IIU CASE BREAKDOWN BY POLICE REGION BY FISCAL YEAR



FINANCIALS

The IIU expenditures for the financial year:

Full-time equivalents (FTEs)	14.00
Total salaries (\$000s)	\$1,249
Total other expenditures (\$000s)	\$ 493

GLOSSARY OF TERMS

Decline Jurisdiction

No involvement of the IIU in the investigation.

Assume Jurisdiction

IIU takes over jurisdiction for the investigation of the incident.

Monitor

IIU monitors the investigation being conducted by the police agency but does not assume, direct or have any other role in that investigation.

Custody

Individual deemed in custody when a restriction of freedom has occurred – detention and arrest.

Serious Injury

- (a) fracture of the skull, jaw, vertebrae, rib, humerus, radius, ulna, femur, tibia, or fibula;
- (b) burns, cuts or lacerations that require admission to a hospital on an in-patient basis;
- (c) the loss of any part of the body;
- (d) the loss of vision or hearing;
- (e) internal injuries that require admission to a hospital on an in-patient basis; or
- (f) any injury caused by the discharge of a firearm

