

RELEASE DATE: July 31, 2024



Manitoba

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: *The Fatality Inquiries Act C.C.S.M. c. F52*

AND IN THE MATTER OF: An Inquest into the Deaths of Evan Grant Caron and
Adrian Lacquette

**Report on Inquest
Senior Judge Robert Heinrichs
Issued this 26th day of July 2024**

Appearances:

Richard Lonstrup, Inquest Counsel

Kimberly Carswell, Counsel for the Winnipeg Police Service

Vivian Caron, mother of Evan Grant Caron, Family Representative



Manitoba

THE FATALITY INQUIRIES ACT, C.C.S.M. c.F52

**REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATHS OF:
EVAN GRANT CARON AND ADRIAN LACQUETTE**

An Inquest respecting the deaths of Adrian Lacquette (DOB: January 26, 1994) and Evan Grant Caron (DOB: April 9, 1984) was held on January 15 – 18, 22 – 24 and 26, 2024 in the City of Winnipeg, Province of Manitoba.

This report contains my findings, observations, and recommendations. Attached is a list of witnesses who testified at the Inquest as well as a list of the exhibits which were filed. Pursuant to the provisions of *The Fatality Inquiries Act*, I am ordering that all the exhibits be returned to the Exhibit Officer, Provincial Court of Manitoba, to be released only upon application with notice to any party with a privacy interest.

Dated at the City of Winnipeg, in Manitoba, this 26th day of July 2024.

Senior Judge Robert Heinrichs

Copies to:

1. Dr. John Younes, Chief Medical Examiner (2 copies)
2. Chief Judge Ryan Rolston, Provincial Court of Manitoba
3. Honourable Matt Wiebe, Minister Responsible for *The Fatality Inquiries Act*.
4. Mr. Jeremy Akerstream, Deputy Minister of Justice & Deputy Attorney General
5. Michael Conner, Assistant Deputy Attorney General
6. Michele Jules, Executive Director of Manitoba Prosecution Service
7. Richard Lonstrup, Counsel to the Inquest
8. Kimberly Carswell, Counsel for Winnipeg Police Service
9. Vivian Caron, Evan Caron's family representative
10. Joanne Malcolm, Adrian Lacquette's family representative
11. Exhibit Coordinator, Provincial Court of Manitoba
12. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



Manitoba

REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATHS OF:
EVAN GRANT CARON AND ADRIAN LACQUETTE

TABLE OF CONTENTS

	Paragraph
I. Brief Introduction	1
II. The Inquest is directed to be held	3
III. The Standing Hearing	4
IV. Inquest Meetings, Conferences and the Delays	5
V. Who was Adrian Lacquette?	20
VI. The timeline of events leading up to Adrian Lacquette's Death	23
VII. Adrian Lacquette and the confrontation with the WPS on the street	38
VIII. The Autopsy and Toxicology Reports	54
IX. The Expert's Evidence	55
X. Who was Evan Grant Caron?	58
XI. The 911 calls on September 23	64
XII. WPS responds to the 911 calls	69
XIII. WPS arrive at 106 Madrigal Close	73
XIV. Shots are fired as the WPS enter the home	78
XV. The Autopsy and Toxicology Reports	86
XVI. The Expert's Evidence	87
XVII. What <i>The Fatality Inquiries Act</i> states	89
XVIII. Adrian Lacquette's Death	90
XIX. Evan Grant Caron's Death	92
XX. Other Observations and Recommendations	100

Appendix A – WITNESS LIST

Appendix B – EXHIBIT LIST

I. BRIEF INTRODUCTION

[1] On September 13, 2017, members of the Winnipeg Police Service (WPS) were engaged in an investigation with respect to a several reported incidents involving a suspect with a gun. When Adrian Lacquette, the suspect, was tracked down and followed by WPS officers, an altercation took place during which Adrian Lacquette sustained multiple gunshot wounds. He was transported to the Health Sciences Centre (HSC), where he was pronounced dead at 1:20 a.m.

[2] On September 23, 2017, the WPS were responding to calls of a possible stabbing taking place at a residence. When an officer was able to gain entry to the front door, he was stabbed in the arm by the suspect in the residence. The officer fired multiple rounds with his firearm at the suspect, Evan Grant Caron. He was transported to HSC, where he was pronounced dead at 4:43 p.m.

II. THE INQUEST IS DIRECTED TO BE HELD

[3] On April 19, 2018, The Office of the Chief Medical Examiner, by way of letter to Chief Judge Margaret Wiebe (as she then was) of the Provincial Court of Manitoba, directed that a single Inquest be held with respect to the deaths of Adrian Lacquette and Evan Grant Caron. Section 19 (5) (a) of *The Fatality Inquiries Act* states that it is mandatory for an Inquest to be held if, “the Chief Medical Examiner has reasonable grounds to believe that the deceased person died as the result of the use of force by a peace officer who was acting in the course of duty. As well, pursuant

to Section 19.1 (2), a single Inquest may be directed to be held into two - or more - deaths “if the facts or circumstances relating to those deaths are the same or are sufficiently similar that separate Inquests are not required.” The letter listed the following three reasons for the Inquest: 1. To fulfill the requirement for an Inquest, as defined in Section 19(5)(a) of *The Fatality Inquiries Act*, as noted. 2. To determine the circumstances relating to their deaths and 3. To determine what, if anything, can be done to prevent similar deaths from occurring in the future.

III. THE STANDING HEARING

[4] In August 2018, Chief Judge Wiebe named Judge Dale Schille as the Inquest Judge. Richard Lonstrup was named as Inquest Counsel and he requested that a standing hearing be set. It was set for November 26, 2018. At that hearing, Kimberly Carswell was granted standing as counsel for the WPS. Kate Henley, on behalf of Barry Sinder, as Friend of the Court, obtained standing for Joanne Malcolm, mother of Adrian Lacquette, as the representative of his family. Alex Steigerwald, as Friend of the Court, obtained standing for Vivian Caron, mother of Evan Grant Caron, as the representative of his family. Both lawyers were, at the time, in the process of attempting to obtain funding for payment of their legal fees through the Civil Legal Services Branch.

IV. INQUEST MEETINGS, CONFERENCES AND THE DELAYS

[5] An Inquest meeting then took place on March 21, 2019. The Court was advised that counsel had not yet been retained for the family representatives and so there were only some brief discussions about disclosure issues and possible witnesses to be called.

[6] Having not heard anything further from counsel by mid-June, Judge Schille asked for email updates from prospective counsel. Both replied that they had not heard back from the Civil Legal Services Branch and would follow up on their request.

[7] On August 8, 2019, Alex Steigerwald advised the Court and counsel that funding for legal counsel was denied on behalf of the Evan Caron family. On August 12, 2019, Kate Henley advised the Court and counsel that funding for legal counsel was also denied on behalf of the Adrian Lacquette family. Both counsel were uncertain as to whether the family would be retaining them privately. By the beginning of October, Richard Lonstrup, Inquest Counsel, was of the understanding that neither family would be retaining counsel privately, and so he asked for a further meeting before Judge Schille.

[8] In November, a further meeting was set up for December 9, 2019. At the time, Inquest counsel also advised that both of the family representatives wished to be involved.

[9] On December 9, 2019, a further meeting was held before Judge Schille. Kimberly Carswell was present and Richard Lonstrup joined in by teleconference. Richard Lonstrup, as Inquest Counsel, had been communicating with Joanne Malcolm and Vivian Caron via text messaging prior to the meeting and expected both would be present. However, neither attended court that day. Counsel then discussed some disclosure issues relating to dealing with self-represented individuals and agreed to reconvene early in the New Year.

[10] On January 28, 2020, Judge Schille held a meeting with Counsel and Vivian Caron present. Joanne Malcolm had been advised of the court date but did not attend in person or by phone. At the meeting there was a lengthy discussion with respect to disclosure, how to provide it to Vivian Caron and what would be included in the Production Order.

[11] During this time COVID-19 was spreading across the world and on March 11, 2020 the World Health Organization declared it a pandemic. Cases began to be reported in Manitoba on March 12, and state of emergency was declared on March 20.

[12] On March 16, 2020, the Provincial Court of Manitoba sent out its first of many notices concerning COVID-19 suspension and restriction of hearings. Matters concerning accused in custody and other urgent matters would be dealt with as best as possible, but every other kind of court proceeding was basically put on hold –

including Inquests. Nothing of significance happened for the rest of 2020 as the Provincial Court kept delaying court proceedings due to COVID-19. Of the more than 50 COVID-19 notices put out by the Provincial Court in 2020, there was rarely a mention of Inquests, as the focus was on the accused in custody and on other urgent court matters.

[13] On January 7, 2021, Judge Schille updated some notes for the Inquest file. He noted that a new judge would be assigned as he was soon to be retiring from being a full time Provincial Court Judge, was moving away from Manitoba, and would not be prepared to return for this Inquest as a Senior Judge.

[14] Provincial Court closures due to COVID-19 continued in 2021. Then, on June 23, 2021, a notice went out that there would be some court resumptions, but with a number of restrictions. While this notice indicated that there would be a resumption of Inquest hearings, the priority was to attempt to address the backlog of criminal cases in the court centres and in the circuit courts and to deal with other urgent matters.

[15] In November 2021, Judge Geoffrey Bayly from Provincial Court in Dauphin agreed to take over conduct of the Inquest. An Inquest Conference was set up for January 25, 2022. Participating in that conference call were Richard Lonstrup, Inquest Counsel; Kimberly Carswell, counsel for WPS; Joanne Malcolm, mother of Adrian Lacquette; and his sister, Tamara Malcolm. Vivian Caron, mother of Evan

Grant Caron, did not attend. There were discussions with respect to how the Malcolm family could receive and review the disclosure, particularly if they ended up not retaining legal counsel. Joanne Malcolm confirmed her email address and agreed that this was how Inquest counsel could communicate with her. There was also some discussion about having someone from the Independent Investigation Unit (IIU) testify and that a Use of Force expert should be identified as a potential witness at the Inquest. A further Inquest conference was set up for February 24, 2022.

[16] The next Inquest Conference, however, did not take place until March 18, 2022. Richard Lonstrup and Kimberly Carswell were again present, as well as Eli Goldenberg and Samuel Thomson, from the Legal Services Branch, on behalf of IIU. No one from the Lacquette or Caron families joined in on the conference which was held via TEAMS. Since the last conference had taken place, Judge Bayly had been able to review the disclosure with respect to the two shooting deaths. He was now of the view that it would not be necessary to have any representative or investigator from IIU testify in the Inquest.

[17] There was then a discussion about the use of force in these two shootings, the training the Winnipeg Police Officers receive in the use of force, and the need for an expert to testify with respect to this at the Inquest. There was also further discussion about potential witnesses, what they could testify to, what could be filed by consent, and how many court days would be needed for the calling of that evidence. At the

end of the conference, counsel was given authorization to reach out to the Trial Coordinator's Office to secure hearing dates.

[18] In April 2022, prior to any hearing dates being secured, counsel and the Court were advised by Chief Judge's office that dates for Inquest hearings would not be offered until after October 23, 2023. This was due to the significant Provincial Court backlog which had built up during COVID-19. The backlog had put a significant strain on Provincial Court judicial resources and the decision was made to prioritize the members of the public who had ongoing cases before the Provincial Court – particularly those who were in custody waiting for their matters to be dealt with.

[19] Possible dates between November, 2023 and January, 2024 were offered by the Trial Coordinator's Office and eventually hearing dates of January 15 – 26, 2024 were agreed to. Judge Bayly then asked if it would be possible to have a Winnipeg judge assigned to the Inquest, as he was worried about sitting in Winnipeg as a judge for a few weeks with the COVID-19 backlog of cases they were dealing with in the Dauphin court centre at the time. It was in August 2023 that I agreed to take over conduct of this Inquest, as I was available for the January dates and would have the time to schedule Inquest conferences that Fall so that the Inquest could proceed as scheduled.

THE CIRCUMSTANCES, CAUSES AND MANNER OF THE DEATHS

ADRIAN LACQUETTE

V. WHO WAS ADRIAN LACQUETTE?

[20] Most unfortunately, the Inquest did not hear much about who Adrian Lacquette was prior to his death. While Joanne Malcolm, his mother, did participate, to some extent, in the meetings leading up to the actual hearing of the Inquest and maintained contact with Inquest counsel, she did not attend any of the days in January of this year, when the evidence was called at the Inquest. Inquest counsel confirmed at the hearing that she had been reminded of the court dates. Not only was she involved in the process prior to this, on one occasion, in January 2022, she also had her daughter, Tamara Lacquette, involved in the Inquest meeting. Sadly, her lack of involvement in the end may have been as a result of the lengthy delays in this Inquest or because of not being able to secure legal counsel to represent the family.

[21] Three days after her son's death, Joanne Malcolm spoke with the IIU. From that interview we know that he was struggling. Joanne Malcolm explained that her son had not been himself recently and in her talks with him, including in a video chat she had with him the night of his death, he was crying and promised that he was going to straighten up. She suspected that he was on some kind of street drugs. When he had come to her house earlier that day, he was under the influence of drugs or

alcohol and was demanding to be let in to see his son. She had explained to him at that time that his infant son and his son's mother, Kiara, were not there at the time.

[22] Chantelle Lacquette also spoke to the IIU on September 15, 2017. She explained that she had never before seen her brother in the state he was in that day. They had consumed some drugs together that afternoon – which was not unusual, but the fight they had in the evening which ended with him assaulting her was unusual. He had never done that before.

VI. THE TIMELINE OF EVENTS LEADING UP TO ADRIAN LACQUETTE'S DEATH

[23] The WPS received a number of calls for service and updates that involved Adrian Laquette, starting on the evening of September 12, 2017 and leading up to his death in the early hours of September 13.

[24] The first call came in at around 11:25 p.m. Constables Conrad and Tittlemier were working together in the Tactical Support Unit (known as the TAC Unit) that evening. They were designated as TAC 1, and were driving a Ford Explorer, an unmarked black police vehicle. The call for service was for gun call at Unit 4 - 856 Pritchard Avenue. While en route, the information being received from multiple callers was that there was a possible fight happening and that a female could be heard in the background. The male was reported to be armed with what appeared to be a gun. He was described as Indigenous, 25 years of age, around 5'6" tall with a slim

build, short black hair and wearing a black T-shirt and blue jeans. They arrived at that address within minutes and saw two females sitting on the curb close to the residence. They were crying. One of them was holding her hand to her face and blood was flowing through her hand. She appeared to be injured. The officers asked them what had happened, but the two females weren't forthcoming with any information except to say that the male was already gone. As general patrol officers had just arrived on scene, the officers asked them to look after the two females. Constables Conrad and Tittlemier then went to the side door of the rooming house as they wanted to confirm that there were no other injured people inside. Just as they approached the door, a third female exited the residence. The officers asked her what was happening. She appeared to be very nervous and would not make eye contact with the officers. She whispered, "he's gone", and when Constable Conrad asked her if there had been a gun involved in the incident, she nodded in the affirmative, but would not identify anyone. She did say that it had happened upstairs. The officers left her with the patrol officers and the other two females at the curb and proceeded into the house to clear the rooms. They did not find anyone else inside but saw that there was some blood on the floor of one of the rooms upstairs.

[25] Chantelle Lacquette, Adrian Lacquette's sister, and her friend, Danielle Beaugard, provided statements in the following days, confirming that they were the two females the police spoke to at the curb that evening. The two of them had

been with Adrian Lacquette in the afternoon and early evening when they were consuming alcohol together and consuming some cocaine that he had brought. At some point in time the two females went out. On the way back to Danielle's place they stopped at Chantelle's mother's home to pick up some clothes. It was around 11:00 p.m. While they were there, Adrian showed up, intoxicated, banging at the door wanting to be let in. Their mother, Joanne Malcolm, did not want him inside in the condition he was in. She called out to him from upstairs, where she was, asking what he wanted. He said he wanted to see his son. She tried to explain that his son was no longer there. She said that she would call the police, to which he replied that he was going to shoot himself in front of her door if the police did come. Chantelle left out the back door to meet Adrian outside knowing that their mom did not want him at her home when he was intoxicated. Chantelle and Danielle then left with Adrian.

[26] As they were walking away, Adrian showed his sister a gun which he had tucked into his pants; she thought it was perhaps a foot in length. It had a black barrel and a wooden handle. He pointed it in the air. On their way back to Danielle's suite, Adrian Lacquette chased two people into a house with the gun in his hand. When they had returned to Danielle's suite it seemed to Chantelle Lacquette that her brother "wasn't himself". He was upset and even crying at one point. Sometime in the evening, Adrian Lacquette became agitated that his sister was using meth and he

began to hit her. He kicked her in the back of her head. He even struck her with the stock of the gun several times. As Chantelle was being assaulted, Danielle attempted to intervene. Eventually, he stopped the attack on his sister and left the house. After he had left, Chantelle was bleeding badly and so she and Danielle went outside to wait for help.

[27] Maxine Agbayani lived at 1056 Pritchard Avenue. She had finished her shift as a health care aide and arrived at her home at around 11:35 p.m. She was in the back lane and about to park her greyish brown Ford Escape XLT in her garage when she heard a clunking noise. As she backed up a bit to straighten up her vehicle, she saw, in her rear-view mirror, a male by her rear passenger door. He came around to the driver's side, made eye contact with her and gestured for her to open her vehicle door. She saw that he had a gun. It looked like an antique or vintage gun with a long nozzle, perhaps 12" – 15" long. She saw that he was a lanky Indigenous male, with dark spikey hair. He was approximately 5'8" – 5'9" in height and was wearing all black – a black t-shirt, possibly a hoodie and short black pants. He had the gun pointed toward her, but at a downward angle. He said, "Don't do anything stupid or else I'll shoot and I'll kill you. Don't try to do anything. Get out of the car, I need the car." She was shaking but managed to get out of her vehicle. She remembered that she had personal things in the car and so she asked if she could get them. And he told her, "Sure, just get anything. I just need the car, then get back to your house."

She retrieved her bag and phone – forgetting her wallet and documentation – and as she was hurrying away from the vehicle, he said “Don’t tell the police, get back to your house,” and threatened again to shoot or kill her. He got into her SUV and drove away toward Sergeant Tommy Prince Way.

[28] It was around 11:45 p.m when Constables Conrad and Tittlemier had completed a check of the suites and left the three females at the curb with the patrol officers. They got into their police vehicle and as they were driving away, they heard about the car jacking on Pritchard Avenue, just a couple of blocks away. Given the description of a male with a gun, it appeared to be extremely likely that this was the same male suspect they had just heard about from the females. A description of the colour, make, model and license plate number of the stolen SUV was also provided and so they began to patrol the area in search of the vehicle. Constable Young, as he then was, now Detective Sergeant Young, and Constable Maiers were working together that evening as TAC 60. They also responded to the call and began looking for the stolen SUV.

[29] James Bowman was working at the Canadiana Thriftlodge, also know as the Canadiana Inn, located at 1400 Notre Dame Avenue, in the beer vendor that night. He testified that at around 11:50 p.m., an Indigenous male with lots of upper body tattoos, wearing a black shirt and white writing on it came in. He was skinny with short dark hair and was approximately 5’9” - 6’ tall. He asked for some Rockstar

drinks and a box to carry them in. James Bowman put 6 or 7 cans in the box and rang them up at the till. As he told the male the total amount owing, he looked up and saw the barrel of a gun pointed at him. It was a miniature rifle of some sort, perhaps 12” – 15” long. The male made some comment about passing it up – likely referring to the cash in the till – but James Bowman said “No”. The male grabbed the Rockstars off the counter, turned around and left without paying for them.

[30] At 11:57 p.m., police dispatch broadcast the information they had about the armed robbery that had just occurred at the Canadiana Inn. The officers had reason to believe that this was the same male that had just been involved in the carjacking minutes earlier. Constables Conrad and Tittlemier attended to this call for service, while Constables Young and Maiers, as well as TAC 3 remained in the North End, continuing the search for the stolen vehicle.

[31] At 12:13 a.m., another TAC Unit, TAC 65, voiced seeing a grey Ford Escape in the area of Cecil Street and Ross Avenue. The vehicle was northbound and was running stop signs. Believing that this was the stolen vehicle in question, Constables Maiers and Young, in TAC 60, attended to the Weston area and began to search the Blake Gardens area.

[32] Kyle Rodgers told the police that it was around midnight when his second cousin, Adrian Lacquette, attended to the suite he shared with Kendra Moar at 330 Blake Street, in Blake Gardens. He knocked on their window and Kyle Rogers let

him in. Adrian had a box of Rockstar drinks with him and stayed around 15 minutes. Adrian appeared intoxicated by alcohol and drugs – possibly meth. He was in a horrible state and was rambling on about some fight he'd been in with a guy and some robberies he had been involved in. He said that this might be the last time Kyle would see him. He pulled out two pieces – the wooden stock and the metal part – of a gun from his pant legs and showed them to Kyle.

[33] At 12:21 a.m., Constables Maiers and Young located a Ford Escape and were able to confirm that it was the stolen vehicle they were looking for by its license plate number. The vehicle was unoccupied and there was no one standing around outside the vehicle or in the area. They voiced that they had located the vehicle and proceeded toward the end of Blake Street where they were able to partially conceal themselves and their police vehicle, to wait and watch. Constable Maiers requested that Air 1 attend the location and obtain a visual containment, so that they could remain out of sight. As well, TAC 1 and TAC 3 also attended the area and took positions on nearby streets to keep watch. Air 1 arrived on scene a few minutes later and confirmed that they had visual containment of the vehicle. This then allowed TAC 60 to move back so that they were entirely out of sight. Constables Maiers and Young then came up with the plan that if the stolen vehicle was to travel south – in their direction - Constable Young would deploy a stop stick in the vehicle's path

while Constable Maiers provided lethal cover for him. As well, other police units were put in place to cover the other escape options the suspect might use.

[34] Kyle Rodgers had his small daughter in the suite and no longer wanted Adrian Lacquette there, as he was talking loudly and appeared out of sorts. When Adrian asked Kyle for money, Kyle gave him \$15 and sent him out the door. He saw Adrian drive off in a grey coloured SUV. At the same time, Air 1 was reporting a male getting in and out and back into the Ford Escape and that there were two females standing on the step of the door to the block, close to the passenger door of the vehicle. It was now 12:42 a.m. and Air 1 reported that the male was back in the driver's seat and that the vehicle was mobile.

[35] Constables Young and Maiers waited until the vehicle's headlights were approaching them. Constable Young then deployed the stop stick while Constable Maiers provided cover for him. The male in the approaching vehicle managed to manoeuvre around the stop stick and then the vehicle took off at a high rate of speed.

[36] Air 1 followed the suspect vehicle and called out the route it was taking. Given the speeds and number of turns and streets and back alleys the vehicle was travelling in, it was clear to all of the police units that were in pursuit that the driver of the suspect vehicle was attempting to escape from them. At one point in time TAC 60 was situated on Mountain Avenue when the vehicle crossed the street in front of

them. Constable Young testified that the vehicle was travelling so fast that he saw it come completely off the pavement across all four lanes as it passed by them.

[37] Air 1 soon called out that the vehicle was slowing down and had stopped around 423 Alfred Avenue. It was now around 12:45 a.m.

VII. ADRIAN LACQUETTE AND THE CONFRONTATION WITH THE WPS ON THE STREET

[38] During this Inquest, the Court heard from six Winnipeg Police Service Officers who were present when Adrian Lacquette was shot. There were two or three other officers who were present or in the vicinity at the time, but they did not testify at the Inquest. As well, the Court heard from two civilians, Tara Meekis and Andrew Goudreau, who witnessed parts of the confrontation, and the Court also heard the statement of a third civilian, Garrett Mitchell, who heard and saw part of the confrontation that morning.

[39] Constables Young and Maiers were following the directions of Air 1 while in pursuit of the stolen vehicle. When Air 1 voiced that the vehicle had stopped in the area of 423 Alfred Avenue, they were less than a minute away. They drove down Alfred Avenue, which was not very well lit. They drove right past the male before seeing him. Constable Young parked their vehicle and exited the driver's side door, moving to the back of the vehicle while drawing his Glock handgun out of its holster, holding it in a low ready position. He then saw the male walking westbound toward

the intersection of Alfred Avenue and Powers Street. The lighting was better right at the intersection and the officer immediately recognized that the male was Adrian Lacquette, from previous dealings with him. He was holding what appeared to be a sawed-off rifle, pressed against the right side of his head.

[40] Constable Young's initial assessment was that Adrian Lacquette had a crazed, determined look, like he was contemplating self harm or suicide. Constable Young called out to him, "Drop the gun!" Adrian Lacquette's response was, "You're going to have to kill me. Shoot me." Constable Young, now around 15 feet from him, continued repeating the command, "Drop the gun!" Again the response was, "Shoot me. Kill me." When Adrian Lacquette saw an officer with the dog in the distance, he also said, "I'll shoot that fucking dog." Adrian Lacquette had now turned his body and was walking backward down the sidewalk; he swiveled the gun from the side of his head so that it was now pointed at his forehead. He then moved his hand with the gun and began to point it at the officers, including directly at Constable Young, who at that moment believed that he or one of the other officers was about to be shot. So he discharged his firearm – he thought three or four times – directly at Adrian Lacquette's torso area.

[41] Constable Maiers testified that he and Constable Young were travelling southbound on Salter Street when Air 1 radioed that the suspect vehicle was stopping in the 400 block of Alfred Avenue. As Constable Young made a westbound turn onto

Alfred Avenue stopping at the intersection of Powers Street and Alfred Avenue, Air 1 voiced that the suspect had something in his hands. Constable Maiers exited the passenger side of the police vehicle while trying to visually locate the suspect. He heard Constable Young calling for the male to drop his weapon and so he turned and saw the male. He was holding what was the length of a sawed-off rifle or shotgun, though it looked more like an antique pirate's pistol. The male had his thumb in the trigger and was pointing the barrel of the gun at his own head, alternating from the temple to the front of his head.

[42] Constable Maiers was to the left of Constable Young, and by now there were other officers beside the two of them, with their firearms drawn as well. Constable Young, in a loud clear voice, was identifying himself as Winnipeg Police and issuing commands to the male to drop the gun. The suspect was backing up and they were now in the intersection. The officer saw that he had a crazy look on his face – a smirk or a grin – as he was saying, “Come on, shoot me. Go ahead, shoot me. Do it.” and when the male saw the police dog he stated, “I’ll shoot the dog if he comes near me.” Then the male began to level his gun in the officers’ direction. Constable Maiers disengaged the safety on his firearm, but just then his view was obstructed by a tree or a pole and he was momentarily not in a position to maintain sight on the male. In the meantime, shots were fired and the male fell to the ground. Within seconds some of the other officers were rushing to the male to provide medical aid.

[43] Constables Conrad and Tittlemier were tracking the suspect vehicle as Air 1 called out which direction it was travelling. Air 1 then radioed that the vehicle had stopped in the 400 block of Alfred Avenue. As the officers were pulling up and stopping just south of the intersection at Powers Street and Alfred Avenue, they heard that the suspect was now on foot and was carrying an unknown object in his hands.

[44] Given the information Constable Conrad was already aware of – that the suspect had a gun during the earlier robberies – he was thinking that the object was a firearm. He saw that TAC 60 was already on scene and that Constable Maiers and Young were already out of their vehicle and following the suspect on the street. Constable Conrad exited the driver's side of their vehicle and drew his firearm from his leg holster. He saw the male exiting the sidewalk and going into the intersection of Powers Street and Alfred Avenue, continuing westbound. The male had what looked like a sawed-off rifle in his right hand and was holding it to his head. He now was around 30 or 40 feet away; Constables Young and Maiers were closer to the male. He and his partner, Constable Tittlemier were following in behind these two officers. One of the officers was issuing a command to the male, "Drop the gun." He said it several times, "Drop the gun." The male ignored the commands and kept walking, He had a very angry scowl on his face, and was yelling something back at the officers, saying at one point in time, "I'll do it." Constable Conrad testified that he could not recall what the comment was in reference to. While the male was

walking, he turned and was now walking backwards. He had been holding the gun to the side of his head but now rotated it so that it was pointing at his forehead.

[45] Then the male began to rotate the firearm so as to point it at the officers. In that moment, Constable Conrad was of the belief that the male was about to shoot him or the other officers. Fearing that someone would get hurt or killed, Constable Conrad fired off four to six rounds at the centre of the male's chest. His recollection is that Constable Young began firing his weapon a split second before he did. The male took a step backward, fell to the ground and the firearm fell away from him onto the sidewalk.

[46] Constable Tittlemier testified that Constable Conrad stopped their vehicle on Powers Street, just south of Alfred Avenue. She got out of the passenger side of their police vehicle and immediately proceeded to the area where Constables Maiers and Young were engaged with the male suspect. They were moving slowly along the north side sidewalk along Alfred Avenue and she caught up to them and began issuing commands to the male to drop the weapon. He seemed not to notice her as he was focused on Constable Young. As he was walking, he was pointing his firearm at his head, moving the gun from pointing at his chin, to his forehead, to his temple. Constable Young was also yelling, "Drop the gun" and the male responded with, "Just shoot me." The male also yelled out that he was going to shoot the dog, among other things. She described the firearm he had in his hands as looking like an older

antique, a flint lock style firearm with a brown handle and a black barrel. She was around 20 to 30 feet away from the suspect at this point in time. Everyone was still moving down the sidewalk when the male moved the gun from pointing it at himself and began to point it towards Constables Young and Conrad. She flicked the safety off her own gun as she thought that the male was going to shoot at the two officers, but just then there was a hydro pole that obscured her line of vision, and she heard multiple shots being fired. The male fell to the ground and the gun came out of his hands. She provided cover for Constable Young as he applied handcuffs to the male. She moved in and gave her firearm to Constable Young so that she could assist Constable Holdman in providing first aid to the injured male.

[47] Constable Roy was on general patrol duties in the North End district when he responded to Air 1 directing all WPS members in the vicinity to attend to 423 Alfred Avenue, where the suspect vehicle had stopped. He heard that the male was holding something in his hand and was walking westbound on the north sidewalk. Constable Roy stopped his cruiser in the middle of the block on Alfred Avenue, between Powers Street and Andrews Street. He got out of his vehicle and made his way eastbound on Alfred Avenue taking cover behind parked vehicles. As he was moving forward, he received an update that the male was holding something in his hand and had transferred that item to his head. The officer could now hear police officers yelling out to the male to drop the gun. Constable Roy had his firearm out

of its holster and was holding it at low ready. As he made his way closer to the male on the sidewalk, he heard someone call out to make sure the cruiser cars were secure, so he reholstered his firearm and ran back to his vehicle to turn it off and remove the keys. Just as he was getting to his cruiser car, he heard a number of shots being fired, so he briefly took cover behind his vehicle. He then turned off his vehicle, took his keys and returned to the sidewalk where he saw the male down next to the sidewalk. Some of the other officers were already performing CPR on the injured male.

[48] Constable Casavant was on duty that morning as a member of the WPS Canine Unit. Banner, his police service dog, was with him. He was dispatched to the Alfred Avenue location and upon arriving, he parked his vehicle behind two other police vehicles while scanning the area for the male suspect. He soon saw him walking eastbound on the north sidewalk and so he exited the driver's side door, drew out his firearm, and walked to the back of his vehicle. He now saw that the male had a firearm in his right hand, which appeared to be a sawed-off style rifle, and was pointing it at his own head. The officers on the ground ahead of him were saying, "Drop the gun", "Drop the gun." The male was not complying and continued walking away from the officers. Seeing that the other officers were already engaging with the male, Constable Casavant reholstered his firearm and got Banner out of the vehicle and under his control, ready to track, if necessary. While he and Banner were still catching up to the group of officers following the male, he heard shots being

fired and saw the male going down to the ground. As he was moving to catch up to the others, he was focussed on Banner, and so he did not see what the male was doing in the moments before the shots were fired. He then returned Banner to his vehicle and went to assist the other officers with first aid.

[49] Tara Meekis lived on Alfred Avenue in September, 2017. On the morning of the police confrontation with Adrian Lacquette, she had her second storey bedroom window open, as she had not been feeling well. Sometime after midnight she heard sirens. As she looked out her window, which faced Alfred Avenue, she saw a police cruiser pull up by the field nearby. A guy in a red hoodie come running out of the back lane and came to the north side of Alfred Avenue. He was headed toward the intersection at Alfred Avenue and Powers Street. Then some other police vehicles pulled up – perhaps another four – and officers got out. They were telling the male to put his weapon down. It looked like a gun. He did not put it down and kept walking towards Powers Street in the direction of the first police officer she had seen. She heard a gunshot. The officers were telling him to put his weapon down and he was now pointing it at the officers. And then she heard four or five further gunshots. The male turned toward the field, tried to run, but fell instead. Police officers were running toward the male and it was at that point in time that Tara Meekis left her window. While it was dark out, Tara Meekis explained that the intersection of

Powers Street and Alfred Avenue was fairly well lit, so she could see what was happening.

[50] Andrew Goudreau lived at 460 Alfred Avenue in September 2017. He was asleep in his second-floor bedroom, which faced north onto Alfred Avenue, when he heard a commotion outside his window. He looked out and saw multiple police officers tailing a male in a black hoodie. He pulled out his phone and began recording what he could. He heard the officers shouting, “Drop the gun”, “Drop the gun.” They were walking west on Alfred Avenue just past Powers to the area of an empty lot on the corner. It was just out of his view. And then he heard shots being fired.

[51] The video recorded by Andrew Goudreau and filed as an exhibit in court is 27 seconds long. The video begins with a number of officers in view proceeding westbound through the Alfred Avenue and Powers Street intersection. While it is dark out, there is enough light at the intersection to see this in the video. What can be heard is the following from two separate voices: “Drop the gun”, “Drop the gun”, “Drop the gun”, “Drop the gun”, “Put it down”, “Drop the gun”, “Drop the gun”, “Drop the gun”, “Drop it”, “Drop it”, “Drop the gun”, “Get on the ground”, just before eight to ten gunshots are heard in rapid succession.

[52] Garrett Mitchell lived at 464 Aberdeen Avenue in September 2017. While Garrett Mitchell did not attend the Inquest to testify, his statement, taken on September 18, 2017, was filed as an exhibit in the proceedings. He was in his

backyard just after midnight when he noted that there was police traffic out at the intersection of Alfred Avenue and Powers Street. He then heard loud voices saying, “Drop the gun” around four to six times. He stood up on his deck and saw a male backing up with both hands on a gun with four or five officers following him, perhaps 15 or 20 feet behind him. He had both hands on the gun and was pointing it toward the police officers. He then saw some flashes and heard a number of shots in rapid succession. It was dark out and he was perhaps 200 feet away so he couldn’t see things very clearly. He panicked and went inside for a few minutes. When he came back out to look, he saw emergency vehicles present and officers taping off the area.

[53] The testimony of all of the police and civilian witnesses and the evidence filed at the Inquest is remarkably consistent about what happened during the confrontation on Alfred Avenue between Adrian Lacquette and the police officers. The only inconsistencies are with some of the evidence of Tara Meekis. For example, she identified the colour of the hoodie which Adrian Lacquette was wearing at the time as red, when all of the other evidence is clear that it was black clothing he had on. She described him as running and coming out of a back lane when everyone else testified that he was walking down Alfred Avenue. As well, her recollection was that there was at first a single shot and a further direction by the police to drop the weapon before a number of shots were fired in quick succession. This is not supported by the

testimony of any of the other police or civilian witnesses and is clearly not supported by the audio from Andrew Goudreau's cell phone video.

VIII. THE AUTOPSY AND TOXICOLOGY REPORTS

[54] The autopsy report confirmed that Adrian Lacquette died from the nine gunshot wounds he sustained during the confrontation with the police. The toxicology report noted that at the time of his death, Adrian Lacquette had a blood alcohol level of 126 milligrams of alcohol in 100 millilitres of blood and that he was under the influence of cocaine and oxycodone at the time. A high level of blood benzoylcegonine was found, indicating that he had recently used a high dose of cocaine or that there had been binge usage.

IX. THE EXPERT'S EVIDENCE

[55] Sergeant Adam Cheadle testified at the Inquest as an expert in the areas of police training, the WPS use of force policy, threat assessment, dynamic scenario training, and conducted energy weapons. He was allowed to sit in court and listen to all of the witnesses testify, so that his evidence could be based on both the reports and information he had available to him when he prepared a Use of Force Analysis Report prior to the Inquest and the evidence he heard and saw during the Inquest itself. He explained that when a new WPS member comes into recruit training they receive anywhere from 17 to 20 days of training in use of force. This includes training in a classroom setting as well as practical training by going through actual

scenarios. New members to the WPS are taught how to deal with individuals confronting the police. The first levels of control include officer presence, verbal direction, soft empty hand control, hard empty hand control, and the use of handcuffs. The next levels of control are with intermediate weapons. These include an ASP baton, OC or pepper spray, bean bag rounds, and electronic control devices, commonly know as tasers. The third level of control is lethal force. This is the use of firearms.

[56] WPS recruits are then trained in threat assessment. Sergeant Cheadle explained that there are three necessary components when there is an immediate threat to an officer or a member of the public. These components are a weapon, intent and delivery system. The weapon can be a knife, a blunt object, a firearm, or even a person's body – if they are so trained. Next is the person's intent. This can be verbal, for example, saying, "I'm going to kill you", or by their action, for example by brandishing the weapon with intent to use it. Lastly is the delivery system. How they will be able to use that weapon, based on distance and the type of weapon they have. So, for example, if they are 20, 30, or 40 yards away, a firearm would be a more significant threat than an edge weapon.

[57] Prior to the Inquest, Sergeant Cheadle had prepared a Use of Force Analysis Report. It is filed as Exhibit #26 in this Inquest. In preparing this report, he reviewed the statements of two officers who deployed their firearm, Constables Young and

Conrad, the narratives of fifteen other WPS officers involved in the incident, the WPS Use of Force Policy, the WPS Restraint Devices Policy, the WPS Call History, and the WPS Audio Recording from around the time of the incident. Sergeant Cheadle then sat in court to hear the witnesses testify at the Inquest. Therefore, when he testified at the Inquest, his evidence was based on everything he had reviewed and put in his report as well as what he had just heard in court. Sergeant Cheadle confirmed that the conclusions he had come to in the report had not changed as a result of any of the evidence he had heard in court. His conclusion was that Constables Young and Conrad used an appropriate and reasonable application of force in discharging their firearms at Adrian Lacquette. This was based on the fact that when Adrian Lacquette went from pointing his firearm at himself to aiming the firearm at the police he was now at the highest level of resistance, and there was an immediate fear that Constable Conrad and Constable Young's respective lives and or the lives of other officers were at risk. As well, Sergeant Cheadle found it to be in accordance with the WPS Use of Force policy and WPS Training Standards and Protocols which was in existence at the time (and is currently still in existence).

EVAN GRANT CARON

X. WHO WAS EVAN GRANT CARON?

[58] Vivian Caron testified at the Inquest. When talking about her firstborn son, Evan, it was obvious that he is greatly missed even now, years later. She explained

that he was a happy, loud child. He would freely give “really big bear hugs”. He was a very brilliant person; at one point in time he was in an accelerated learning program. He was good at sports, excelling in basketball when they lived in The Pas. He was a really good artist. He was very close to all of his grandparents; they would sometimes fight over who would get to have him stay over at their place.

[59] At the Inquest, Vivian Caron filed the following tribute and photo of her son.

The moment that you left us, my heart was torn in two, one side filled with heartache, the other left with you. I often lay awake at night, when all have gone to sleep, and take a walk down memory lane, with tears upon my cheeks. I hold you tightly in my heart, and there you will remain, until the joyous day arrives, and we will meet again. I love you forever and always son.



[60] Vivian Caron talked about the moves the family made during his lifetime. In the first year of Evan’s life, they lived in Dauphin River. They then lived in Winnipeg for a number of years, moving back to her home on the reserve several times in between. They then lived in The Pas for a couple of years. before moving back to the city. During the time before the flood, Evan was working on the reserve and

supporting his girlfriend and their young child. They were living with his grandmother, right close to Vivian Caron's home. They were a happy tight knit family. She explained how hard it was on the family when they were displaced as a result of the 2011 Fairford River flooding her home reserve. This included trying to raise a family while living in a hotel, trying to find a family doctor, and trying to find the right treatment for Evan.

[61] While they were living in the city, Evan obtained a part time job at the Regent Superstore. He told his mom that on the way home from work one night, he encountered the police and had been beaten up by them. Vivian Caron testified that Evan was very passionate about the recording studio he had at the time of his death. He was recording other artists, some of whom were very talented. He had talked about getting his red seal for carpentry.

[62] The displacement as a result of the flood, however, was hard on Evan. Once he was back living in Winnipeg, he began doing drugs, eventually becoming addicted to meth. His behaviour and demeanour changed. He was paranoid at times, thinking that people were following him or were out to get him. He was living on the street or couch surfing during some of this time. The police would pick him up on the street from time to time, high on drugs. By now, Vivian Caron had care of his two oldest sons, and due to the conflict between Evan and his younger brother Kyle, who was also living at their mother's home, and Evan's drug addiction, he was not

often welcome at the home. She tried to get help for Evan, attempting to arrange treatment. It didn't happen, as there were issues with his missing health card and getting a proper referral from a doctor.

[63] Vivian Caron explained that there were times she called 911 as a result of Evan's behavior in her home. There was one time when 911 was called and the police came. Evan had knives, but after the police told him to drop the knives, he did.

XI. THE 911 CALLS ON SEPTEMBER 23

[64] During the afternoon of September 23, 2017, several calls were placed to 911 regarding an ongoing incident at the Caron residence at 106 Madrigal Close in the City of Winnipeg. The calls came from Evan Caron's mother, Vivian Caron; Evan Caron's son, Jonathan Caron; Evan Caron's brother, Kyle Sumner-Caron; and a neighbour across the street, Helen Crane. The calls to 911 were made between 4:06 and 4:10 p.m. When the recordings of the 911 calls are listened to carefully, it is apparent that the 911 operators are talking to the various callers at the same time.

[65] Jonathan Caron, 13 years of age, made two calls to 911 - as the first call suddenly ended. He frantically explained to 911 that he was outside in a van with his two younger brothers as they were getting ready to go on an outing. He was asked to go back into the house to retrieve his uncle Kyle's cell phone. As he went back into the house, he heard his uncle, Vincent Caron, screaming in pain. On his second call to 911 a minute later, Jonathan confirmed that his uncle was screaming in pain

and that he thought his father, Evan Caron, was hurting him. The 911 operator continued talking to him, keeping him on the line while they were waiting for the police to arrive.

[66] Helen Crane was at her home at 71 Marquis Crescent that afternoon when Kyle Sumner-Caron showed up at her door. He was frightened. He said there was an incident happening at his house with his brother, Evan Caron, who had some knives. Kyle said that he was scared for his life as well as for his nephews who were in the house. He asked Helen Crane to call 911. She said she would, but as she and her husband were about to leave, she took Kyle to a next door neighbour, as she did not want to leave him alone. The 911 line was busy when she called, but they called her right back. She relayed what she had heard from Kyle and then went next door to tell Kyle that she had spoken to 911 and that they had told her that the police were on their way.

[67] Kyle Sumner-Caron made several calls to 911 when he was at the neighbour's residence. He explained to the 911 operator and to paramedic service that his brother, Evan Caron, did not live at the residence but had come by that afternoon. Their other brother, Vincent Caron, and their mother, Vivian Caron, were also present. At some point in time, he saw his brother Evan walking around the house with some knives. Kyle became frightened and so he left the residence. When he was leaving, he heard

lots of screaming. He thought that his brother may have stabbed his other brother or his mother.

[68] When Vivian Caron called 911, the operator asked her what the location of the emergency was and what was happening. Vivian Caron said that her son was at her place with knives and was attacking her other son. When asked if anyone needed an ambulance she said, “Yes, yes, yes.” There was desperation in her voice. The 911 operator confirmed that the police were on their way and then kept her on the line to keep her talking and to get more details from her. While the 911 caller asked who her son was, what his birth date was, how many people were in the house, and how many people were stabbed, there was a lot of commotion in the background. A male was screaming and sounded like he was in a lot of pain. For the next 3½ minutes the 911 operator then attempted to get Vivian Caron to respond at all, repeatedly saying, “Hello” - more than 20 times - and asking “Ma’am, are you there?” and reminding her that the police were on their way. Finally, when the 911 operator asked, “Who did Evan stab?”, she got a reply from Vivian Caron, who said, “Uh, I think he punched Vincent.” The 911 operator then asked “So did he stab anyone?” Vivian Caron replied, “I don’t know. Vincent’s just bleeding from the mouth really bad.” “I can’t tell cause there’s a lot of blood there.” “Umm but Evan’s paranoid, he’s got knives and he won’t let me unlock the doors.” Then, after getting some information about Vincent, the 911 operator asked if Evan was high on anything. Vivian Caron

replied, “Yes, he’s high on meth. He’s paranoid, he’s delusional, he thinks everybody’s out to get him.” When asked if Evan would be violent with the police, she replied, “He wasn’t the last time.” Officers are now heard in the background and moments later gunshots can be heard. The call ends seconds later.

XII. WPS RESPONDS TO THE 911 CALLS

[69] Constable Tyler Loewen, now Sergeant Loewen, was partnered with Constable Laura Visentin, now Patrol Sergeant Visentin, on September 23, 2017. Constable Visentin was the driver of their unmarked police SUV, designated as TAC 1, and Constable Loewen was the jumper, sitting in the passenger seat, receiving and responding to the information they were receiving on the computer and by radio. That afternoon a call came in involving a male with knives who was assaulting or possibly stabbing his family members. There was an initial call from a neighbour calling on behalf of someone who had left the house and ran to the neighbour’s house – but soon there were updates coming in that multiple people were calling 911 to report the disturbance. Based on all of the information coming in, Constable Loewen believed that they might be attending a homicide in progress. They were not very far away from 106 Madrigal Close and so he thought they arrived very quickly.

[70] Constable Visentin, as the driver, heard what was broadcast over the radio and what Constable Loewen was reading aloud from the computer screen. She activated her lights and siren as they sped to the location. While en route, she recalled hearing

that a 33-year-old son was stabbing the other 36-year-old son and that an ambulance was required. At one point she heard – either on the broadcast or from Constable Loewen telling her – that the female caller was hiding in the bedroom and that there was lots of screaming going on. She heard that a youth had fled the house and gone to a neighbour's home to call 911. He had reported that his brother, Evan Caron, had knives and was possibly high on drugs. Based on everything she had heard, Constable Visentin believed that there was a homicide occurring inside, if it had not already occurred, and that entry would be absolutely necessary immediately upon arrival.

[71] Constable Natalie Lieshman was on general patrol and partnered with Constable Luca that day. As she was the jumper, she was listening to the radio transmissions and following along on the computer updates. It was shortly after 4:00 p.m. that they heard about a possible stabbing in progress at 106 Madrigal Close. They were close by and so they responded that they could be assigned. They were aware that TAC 1 was just ahead of them and so when they arrived approximately six minutes later, Constable Loewen and Constable Visentin were already on scene.

[72] Patrol Sergeant Trevor Forscutt was partnered with Constable Machalek that day as members of the Tactical Support Team. Shortly after 4:00 p.m. they were dispatched to 106 Madrigal Close. He was the driver and en route, either through

radio transmissions or via information voiced by his partner, he learned that the female caller's 33-year-old son, Evan, was armed with knives and was stabbing her other son. She was hiding in the bedroom. The call taker advised that there was a lot of screaming which could be heard in the background. As well, a neighbour had called 911 and advised that a child had come from that residence and related that his brother, possibly high on drugs, was armed with knives, and had stabbed his mother or other brother.

XIII. WPS ARRIVE AT 106 MADRIGAL CLOSE

[73] TAC 1 was the first police unit to arrive on scene. The house at 106 Madrigal Close is a corner residence and so Constable Visentin parked in the intersection of Marquis Crescent and Madrigal Close with the vehicle facing the house. Constable Loewen and Constable Visentin exited their vehicle. Both officers unholstered their firearms and held them in the low ready position as they approached the front of the house. They ascended the three concrete stairs to the front entrance of the home. Constable Visentin began banging on the front picture window to the right of the landing while Constable Loewen turned to his left and opened up the screen door. He tried the main door to the home, but it was locked. Constable Loewen began banging on the door. He loudly and clearly identified himself as the police while telling the occupants to open the door. He could hear some screaming and running around from inside. Then, through the small fan like windows at the top of the door

he saw a dark haired male show his head around the corner of the foyer. Constable Loewen yelled at him to open up the door. The male responded , saying, “No, you’re going to have to kick it in.” The male then disappeared out of view. Constable Loewen heard movement inside the home - a thump, thump, thump on a wooden floor - and heard a female screaming. Hearing this and knowing the call history he heard and read while en route, he believed that a possible homicide was still in progress. Constable Loewen immediately began kicking the door, trying to force entry.

[74] Meanwhile, Constable Visentin was banging on the front picture window and yelling loudly, “Winnipeg Police.” She could hear yelling and screaming coming from inside. She heard Constable Loewen yell that if they didn’t come to the door, he would kick in the door. The screaming and yelling got louder and more frantic after he said that. One of the voices Constable Visentin heard was a female voice. It sounded like she was in distress. All of this confirmed what Constable Visentin was already suspecting, that a possible homicide was in progress inside the home.

[75] Constable Leishman and Constable Luca arrived on scene just behind TAC 1. As Constable Leishman exited the passenger side of their vehicle, she drew her revolver and saw that Constable Loewen and Constable Visentin were at the front door with their weapons drawn. The officers were yelling, banging on the front door to be let in. Constable Leishman assumed that there would be another entrance to

the home, and so she and her partner left the officers at the front door and ran along the south side of the house to find another entrance. TAC 60 had now arrived on scene and parked directly in front of the house. Patrol Sergeant Forscutt exited the driver's side of their vehicle and as he passed the back of the vehicle he saw Constable Loewen up on the front steps of the residence, kicking at the door, which would flex open and then snap shut. As Constable Loewen was having trouble getting the door open, he called out to Patrol Sergeant Forscutt to retrieve a ram and bring it to him. He went to open the rear hatch of their vehicle to get the ram.

[76] While Vivian Caron on the phone with 911, she was going from her bedroom at the front of the house where Vincent was moaning and yelling while bleeding, to the front hall to plead with Evan to put the knives down. From her bedroom window she had seen the police arrive. She heard the front door being kicked and she heard some yelling and so she ran to the side door to get outside to tell the police to not shoot. She was panicking and yelling don't shoot when she ran into a female officer approaching the door.

[77] Just as Constable Leishman approached the side door, a female, later identified as Vivian Caron, exited the door. She was clearly in a panic but appeared unhurt. Constable Leishman asked her if she was hurt and where her son with the knife was. Vivian Caron answered, but she was in such a panicked state that the officer could not understand her response.

XIV. SHOTS ARE FIRED AS THE WPS ENTER THE HOME

[78] Constable Loewen continued kicking at the door after he had called for a ram to be brought to him. After five or six more kicks the door opened and his momentum carried him into the threshold of the front foyer of the home. Simultaneously, a male came around the corner. He was holding a knife in his fist with the blade pointed downward. As the male was bringing the blade down on the officer's head in a stabbing motion, Constable Loewen twisted back and the knife missed his head. Constable Loewen, fearing for his life, began to discharge his firearm at the male. He attempted to get a two-handed grip on his Glock pistol but couldn't raise his left arm. So he fired what he thought was four or five rounds single handed with his right hand at the centre mass of the male.

[79] When the male went down and stayed down, Constable Loewen knew the threat was over. He reholstered his firearm. Constable Visentin and Constable Leishman were now by his side. Constable Leishman advised the house was clear and so he directed them to provide first aid to the male. Constable Loewen now realized blood was dripping down the fingers of his left hand and he saw the knife blade sticking out of his left shoulder. Patrol Sergeant Forscutt was with them in the doorway and so Constable Loewen asked him to apply a tourniquet to his arm.

[80] Constable Visentin had been banging on the window and yelling without success, so she moved over to the left of Constable Loewen as he was kicking the

door. She looked behind her and saw that two other officers were approaching with their firearms drawn and being held in the low ready position. And she heard another police officer yell “contact” from the back of the residence. Given what the officer had just seen and heard, she reholstered her firearm and pulled out her Taser, thinking that this was all she would need for back up at this point in time.

[81] Constable Loewen had now succeeded in kicking the door in and from where she was standing, Constable Visentin could partially see into the front hall foyer. She heard someone yell from inside and heard two loud thumps. She saw a shirtless dark haired male come running toward the front door. She could see that he was flailing his hands in the air and was approaching Constable Loewen. She could not tell if he had anything in his hands. She heard five or six shots fired.

[82] Patrol Sergeant Forscutt heard a commotion just as he was getting the ram from the back of his vehicle. He heard voices coming from another area of the yard – from the side of the house – and looked over and saw a female being escorted out of the house by a police officer. Thinking that there was now another entry point into the house, he began to head in that direction. He heard several gunshots, looked over to the front door and saw what he believed was smoke coming from the barrel of Constable Loewen’s firearm.

[83] As Constable Loewen was discharging his firearm, he took a few steps back. Constable Visentin could now see into the front entrance. The male was lying on his

back and rolling around, making some moaning and groaning noises. She saw that Constable Loewen had blood beginning to flow around his torso and neck area. She reholstered her Taser and took her firearm back out. With her firearm in the low ready position, she told the male not to move and to keep his hands where she could see them. A male and a female came running up to them from inside the house. She told them to not come any closer, to stop and they retreated back into the house. Constable Leishman then approached from the living room area and Constable Visentin, still watching the male with her firearm drawn, asked Constable Leishman to apply handcuffs to the male. The male then rolled to his side a bit and the officers could now see that a wooden handled knife was underneath his legs. Realizing that the front foyer area was too small to provide meaningful first aid, Constable Visentin requested the assistance of Constable Luca and Constable Leishman to assist in moving the male onto the exterior porch area.

[84] Constable Visentin retrieved her tourniquet in order to provide first aid, but soon realized that she needed to apply direct pressure to the gunshot wounds she could see. At the same time, Constable Forscutt applied a tourniquet to Constable Loewen's left shoulder and arm which was bleeding. A piece of metal could be seen sticking out of his shoulder. As Constable Visentin and Constable Leishman continued with first aid for the injured male Constable Loewen was escorted off the front porch to the fire paramedic truck, which had just arrived. The fire paramedics

then came to the front porch and took over from Constable Visentin and Constable Leishman providing first aid to the injured male.

[85] Constable Visentin then went to find Constable Loewen, who was being treated by the fire paramedics at the front bumper of their truck. She saw the knife blade sticking out of his arm. She stabilized his arm while the paramedics were carefully putting it in a sling. As this was now a police involved shooting, she followed protocol and took custody of Constable Loewen's firearm, Taser and duty belt and placed them into a supervisor's vehicle. She was then driven back to police headquarters to be spoken to. In the meantime, ambulances had arrived. Constable Leishman was in the ambulance that took the injured male to the HSC and Constable Loewen was taken to the HSC in another ambulance.

XV. THE AUTOPSY AND TOXICOLOGY REPORTS

[86] The Autopsy Report confirmed that Evan Grant Caron was pronounced dead at HSC when he was brought there by ambulance that afternoon. Cause of death was from the six gunshot wounds he received, with the most lethal wounds being to his left cheek and chest area. The Toxicology Report noted minimal ethyl alcohol in his urine, but a significant amount of methamphetamine in his blood. The report noted that, "A blood methamphetamine concentration of 1549 ng/ml is consistent with concentrations found in chronic users (i.e. an individual who has developed tolerance.)"

XVI. THE EXPERT'S EVIDENCE

[87] Sergeant Adam Cheadle testified as an expert for a second time at this Inquest. He repeated a lot of the information he had given earlier (which is covered in paragraphs 55 and 56), with respect to WPS training in the areas of level of control by police, threat assessment and use of force.

[88] Sergeant Cheadle then testified about the Use of Force Analysis Report he had prepared with respect to the WPS encounter with Evan Grant Caron during the afternoon of his death. Sergeant Cheadle agreed with the assessment made by Constables Loewen and Visentin, when they arrived at the door of the Caron residence. Based on the information they had received en route and the multiple voices and intense frantic screams they heard from within the home when they stepped onto the landing at the front door, it was reasonable for the officers, in that moment, to believe that immediate entry into the home was necessary in order to preserve life. Once the door was breached, Constable Loewen encountered a male with a knife in his possession attempting to violently stab the officer with a downward hand motion. Sergeant Cheadle explained that in that brief encounter, the male – Evan Grant Caron – had achieved the highest level of resistance attainable in the WPS Use of Force Policy – Resistance Continuum, categorized as Aggravated Active Aggression. In response to this, the correct course of action by the officer was to use lethal force. Based on all of the information Sergeant Cheadle had read, seen

and heard, his opinion was that this was an appropriate and reasonable application of force.

OBSERVATIONS AND RECOMMENDATIONS

XVII. WHAT THE FATALITY INQUIRIES ACT STATES

[89] The letter from the Office of the Chief Medical Examiner stated that the Inquest Judge is “to determine what, if anything, can be done to prevent similar deaths from occurring in the future.” *The Fatality Inquiries Act*, however, sets the parameters of this as follows:

33(1.1) The report under subsection (1) may contain recommendations on changes to provincial laws or the programs, policies of the provincial government or of public agencies or institutions to prevent deaths in similar circumstances.

XVIII. ADRIAN LACQUETTE’S DEATH

[90] Adrian Lacquette’s death came about after he had committed three violent crimes while in the possession of a firearm and had attempted to elude the police in a high-speed chase. There was an urgent need for his apprehension, in order to prevent further violent actions by him. What the police did not know at the time of the confrontation on the street was that the firearm he had with him had earlier been seen in two pieces by Kyle Rodgers and was likely not capable of properly firing a bullet. As the WPS officers caught up to him on Alfred Avenue and followed him demanding that he put his gun down, they were hoping for compliance so that Adrian Lacquette could be arrested without incident. He did not comply. Instead, he began

to level the firearm at the police officers. As explained by Sergeant Cheadle, in that instant it constituted aggravated active resistance and the police officers' use of lethal force was necessary, appropriate and reasonable, as their lives were now in immediate danger.

[91] Sergeant Cheadle's opinion was that the police officers' threat assessment and actions were in accordance with WPS training protocols and that the use of their firearms was justified. There are no recommendations to be made with respect to any changes to provincial laws or the programs policies and practices of the provincial government or of public agencies or institutions that would prevent another death in similar circumstances.

XIX. EVAN GRANT CARON'S DEATH

[92] Inquest counsel, WPS counsel and Vivian Caron were all given the opportunity to provide concluding remarks and observations, and to make recommendations for the Court to consider. Much of what was stated and recommended, though, went beyond what the *Act* sets out as the mandate for an Inquest Judge.

[93] Vivian Caron listed more than 30 recommendations for consideration. Some of these recommendations were expressed as hopes for the future and did not include an actual recommendation. Some of the recommendations, however, were about how the police officer involved in the shooting should be disciplined or dealt with in the

future, both for the shooting and for what he testified to in court (that he was not honest in his testimony), that other officers were not truthful in their testimony, and with what the Police Chief said at a press conference. These are not recommendations which are within the mandate of an Inquest to deal with and so they will not be commented on further. Vivian Caron also pointed out how prohibitive it is for family member to attend Winnipeg for an Inquest when living in a Northern Community. It was difficult for her to attend, to pay for transportation, accommodation and food.

[94] Vivian Caron also made a number of recommendations about police officer training, with respect to dealing with individuals who are under the influence of alcohol or drugs or are acting in a paranoid way, de-escalation training, and, in particular, in dealing with Indigenous individuals. As was testified to by Sergeant Cheadle and noted by WPS counsel, all of these recommendations are already a part of mandatory training for WPS officers.

[95] Vivian Caron also made recommendations with respect to what the 911 operators dispatchers had relayed to the police just prior to her son's death. We now know, in hindsight, that Evan Grant Caron had assaulted his brother by punching him in the face but had not stabbed him. The callers to 911 relayed that Evan Grant Caron did have knives on him and what the 911 operators could glean from the frantic calls they were receiving was that it sounded like a stabbing had occurred or

was happening in that moment. They relayed that information as accurately and quickly as they could. They could only assume that the information they were being given was the truth. This is the information the police were acting on as they rushed to the Caron residence.

[96] Vivian Caron also made a recommendation that the WPS, particularly the Tactical Units, bring along trained individuals in crisis intervention when they respond to high risk calls. This is a good recommendation and in certain situations could be very helpful. This was not one of those situations. The officers who responded to this call did so within minutes. Time was of the essence. Once they arrived at the Caron home, they were immediately dealing with a potential life-threatening crisis. There was no opportunity for negotiation, and once the front door was breached, there was no opportunity for the use of a nonlethal weapon.

[97] Vivian Caron recommended that the WPS leave their sirens on when they arrive on scene so that the occupants of a home are not surprised when police show up at their door. In this case at least some of the police vehicles which arrived at the Caron residence that afternoon did have their sirens on, until they pulled up and stopped on the street. As was noted by Inquest Counsel, this is a matter where the police have to make a judgment call. Leaving sirens on may alert occupants of a home to the arrival of police but could also escalate a situation or confrontation.

[98] Vivian Caron also recommended that the WPS purchase body cameras for all officers. While this would not have changed the tragic outcome on this particular afternoon, having body cam video footage available from the officers at the front door - Constable Loewen and Constable Visentin - would likely have been helpful for the IIU and this Inquest.

[99] When Sergeant Cheadle testified in court, he had the benefit of relying on both his Use of Force Analysis Report and the testimony of the witnesses who had preceded him at the Inquest. His conclusion was that Constable Loewen's actions were in accordance with WPS training and practice. What Constable Loewen believed when he was banging on the front door, yelling loudly and trying to get the male he had seen inside to open the front door was that there was another person inside the home who was possibly being stabbed. It was a matter of utmost urgency to get inside as fast as possible to prevent someone from suffering serious bodily harm or death. Just as he was able to break the door open with his kicks, other officers had found out that there was contact with someone from inside the home at another door and entry to the home might be possible there. However, Constable Loewen was already facing a life and death situation with the male at the front door who was attempting to stab the officer in the head. His response was to discharge his firearm at the male. Sergeant Cheadle's opinion was that this was an appropriate and reasonable application of force in these circumstances. There are no

recommendations to be made with respect to any changes to provincial laws or the programs policies and practices of the provincial government or of public agencies or institutions that would prevent another death in similar circumstances.

XX. OTHER OBSERVATIONS AND RECOMMENDATIONS

[100] There are some observations and recommendations made by Inquest Counsel, WPS counsel and Vivian Caron that need to be addressed, even though they do not specifically fall under “preventing deaths in similar circumstances.”

[101] **It is recommended that a single Inquest for more than one death only take place when there are multiple deaths stemming from one incident.**

[102] *The Fatality Inquiries Act* does allow for a joint Inquest, like this Inquest was. In ordering a single Inquest into the deaths of Adrian Lacquette and Evan Grant Caron, the Office of the Chief Medical Examiner considered that the circumstances of their deaths, 10 days apart, were sufficiently similar as both were shot and killed after a confrontation with WPS officers. However, their personal lives and the circumstances of their deaths are not at all identical. Vivian Caron, as one of her recommendations, said the following, “Each Inquest must be evaluated separately for their merits and faults alone. They cannot be evaluated in a lump sum of cases. This ensures that families are given dignity.” WPS counsel confirmed that this has long been a concern of hers. She feels that it is inappropriate for a family to have to deal with the loss of a loved one in conjunction with another death. I agree.

[103] As well, from an Inquest Judge's perspective, the hearing of the evidence, reviewing the exhibits, listening to the recommendations, and then organizing and writing a report such as this becomes far more complicated when two separate deaths are being dealt with.

[104] It is recommended that there be mandatory legal funding of legal counsel for the family representatives in mandatory *Fatality Inquiry Act* Inquests.

[105] Section 28 (1) of *The Fatality Inquiries Act* sets out that the Inquest Judge is able to allow a person or persons - who are substantially and directly interested in the Inquest- to attend the Inquest and question witnesses in person or by counsel. Standing hearings prior to the start of an Inquest normally result in a family member or their legal counsel being permission to participate in the Inquest.

[106] Section 26.2(3) of *Act* also states that the Inquest Judge "may make such orders and directions as he or she considers appropriate for the fair and expeditious determination of the issues at the Inquest." This however, does not extend to ordering that legal counsel be appointed and/or remunerated for representing family members of the deceased. A Provincial Court Judge simply does not have the authority to order Civil Legal Services, Legal Aid Manitoba or any other agency or organization to pay for legal services. The interested parties, usually a family member, are often without the financial resources to pay for legal counsel on their own. And so they - or their prospective counsel - then attempt to persuade Civil Legal Services or an agency to

provide the funding. Such was the case for both Joanne Malcolm and Vivian Caron, as has been the case in many other family members in previous Inquests. They wanted to have legal counsel represent them at this Inquest. Both were unsuccessful, as has been the case for family members in previous Inquests. Joanne Malcolm and Vivian Caron carried on, wanting to represent themselves, however, Joanne Malcolm eventually gave up. As conveyed to Inquest Counsel just prior to the Inquest, “I’m out. I’m done.” Vivian Caron did carry on admirably and fully participated in this Inquest, questioning witnesses and making recommendations. However, she would have benefited from having legal counsel.

[107] Inquest Counsel focussed on this issue in his closing remarks. He made the recommendation that there be mandatory funding of legal counsel for the family representatives in mandatory *Fatality Inquiry Act* Inquests.

[108] His argument for this was well thought out and persuasive. One can do no better than simply quote parts of what he said:

Now, we know the long game of a mandatory Inquest is to prevent deaths in similar circumstances. That’s a very important goal. And Inquest Counsel says it can only be reached through the most thorough and detailed analysis of the facts. Independent counsel, their own lawyers for the families of the deceaseds, are there to ask challenging questions. Exploring areas that even the most well-meaning thorough Inquest Counsel or police counsel may not have asked helps make sure that the analysis is thorough. It is the best way to see if there are changes needing to be made or in the alternative to ensure that maybe genuinely there were no viable changes needed to be made.

[109] Inquest Counsel's next point was as follows:

Related to this point is the question really of just basic expertise. Legal counsel for the parties have the experience and the know-how to sift through what is conservatively speaking hundreds and hundreds of pages of material to assess the key pieces of evidence to determine the most important witnesses, the necessary exhibits. Unrepresented families don't have that. The problem always with unrepresented parties is, to be fair, they can't be bound by trust conditions, so it's understandable they can't physically take the file into their own possession., they can't take it home.

Inquest Counsel then explained how complicated and expensive it had been for Vivian Caron to come to the Crown's office just to view the disclosure in this case.

[110] Inquest counsel then talked about efficiency:

Something came up in the timeframe of this specific Inquest that makes independent counsel all the more important and that is the goal of efficiency. Efficiency is a key goal of Inquests and obviously pretty much every legal proceeding ever. Trial time is scarce. Courtroom time is scarce. Legal counsel who participate in case management conference don't just bring their expertise, but they can work directly with the Inquest Judge to ensure the most orderly and concise presentation of evidence.

[111] Inquest Counsel then talked about the emotional aspect of family members representing themselves:

Independent counsel brings something else to the table and it's not just expertise and efficiency. They have a benefit that Joanne Malcolm and Vivian Caron did not have and that is what I would simply call emotional detachment. People like Ms. Caron and Ms. Malcolm aren't just overwhelmed the volume of material. Every piece of paper, every photo, every video, every statement in this case, every witness makes them relive a terrible traumatic event in their lives.

Every aspect of this proceeding, from the standing hearing to case management to the Inquest itself, is benefitted in having somebody other than these grieving family members carry that weight.

[112] Inquest counsel then concluded his argument with this reminder:

Finally, I would say a key goal, if not the key goal of an Inquest under this Act is to satisfy the participants and the public at large as much as can be expected because sometimes the answers always aren't going to be satisfactory, but to at least send the message that there was a forum to truly determine what happened, how it happened, why it happened, what anything can be changed. Ms. Caron made numerous comments that because of her lack of representation this hasn't been a satisfactory hearing for her and I can sympathize.

[113] While counsel for the WPS felt it was not appropriate for her to take a position on this recommendation, she did say the following:

I am always in awe of the strength of families who come to these proceedings and who take the time, effort and energy to review the materials which must be extremely difficult. Would they be served by having counsel? Of course they would. I don't think there's any question that families having access to counsel would make their journey easier and would probably make the procedure more efficient in that agreements could be reached.

[114] In this Inquest two Indigenous males were killed by WPS officers. These are not the only times this has happened and in many of those deaths, like these two, family members have not been able to obtain legal representation for the Inquest. In the end, they may well have felt like Vivian Caron did, that it wasn't a satisfactory hearing for them. While the Principles of Reconciliation and Calls to Action that were made by the Truth & Reconciliation Commission did not specifically talk about providing legal funding for families in an Inquest, we need to remind ourselves of Principles 5 and 9:

5. Reconciliation must create a more equitable and inclusive society by closing the gaps in social, health, and economic outcomes that exist between Aboriginal and non-Aboriginal Canadians.

9. Reconciliation requires political will, joint leadership, trust building, accountability and transparency, as well as a substantial investment of resources.

I respectfully conclude and submit this report on this 26th day of July, 2024, at the City of Winnipeg, in the Province of Manitoba.

Senior Judge Robert Heinrichs
Provincial Court of Manitoba



Manitoba

REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATHS OF:
EVAN GRANT CARON AND ADRIAN LACQUETTE

APPENDIX “A” - WITNESS LIST

These are the witnesses who testified at the Inquest, in order of appearances:

1. Tara Pauline Meekis
2. Maxine Agbayani
3. James Justyn Chase Bowman
4. Andrew Matthew Jeffrey Goudreau
5. Constable Rick Maiers
6. Detective Sergeant Jonathan Young
7. Constable Jeffrey Conrad
8. Constable Amber Rhonda Tittlemier
9. Constable Daniel Roy
10. Constable Justin Casavant
11. Sergeant Adam David Cheadle
12. Helen Crane
13. Sergeant Tyler Everett Loewen
14. Patrol Sergeant Laura Visentin
15. Constable Natalie Leishman
16. Patrol Sergeant Trevor Forscutt
17. Vivian Caron
18. Sergeant Adam David Cheadle



Manitoba

REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATHS OF:
EVAN GRANT CARON AND ADRIAN LACQUETTE

APPENDIX “B” - EXHIBIT LIST

1. Autopsy Report of Adrian Lacquette
2. Forensic Science and Identification of Adrian Lacquette
3. Transcript of Danielle Beauregard
4. Disc statement of Chantel Lacquette
5. 7 Colored Photos of Point of View of Tara Meekis
6. 5 Colored Photos of the Canadian Thriftlodge Beer Vendor
7. Videos from the Canadian Thriftlodge Beer Vendor
8. Narrative of Constable Levasseur
9. Area Map Marked by Andrew Goudreau
10. Andrew Goudreau Smart Phone Video
11. Video Statement of Joanne Malcolm
12. One Page Photograph of Firearm
13. Annotated Map by Constable Maiers
14. Photo Package of Scene Photos (Package 1)
15. Photo Package of Scene Photos (Package 2)
16. Air 1 Video
17. Photograph of Area Map with Garrett Mitchells address notated
18. Point of View Photos – Garrett Mitchell
19. Disc Statement of Garrett Mitchell
20. Photos Firearm Identified by Constable Jonathan Young
21. Photographs of Constable Conrad (3 pages)
22. Annotated Map by Constable Amber Tittlemier
23. Annotated Map by Constable Daniel Roy
24. Annotated Map by Constable Justin Casavant
25. Curriculum Vitae – Sergeant Adam David Cheadle
26. Use of Force Analysis Report Re: Adrian Lacquette dated: January 11, 2024

27. Autopsy Report of Evan Grant Caron
28. Toxicology Services Report of Evan Grant Caron
29. Map Annotated by Helen Crane
30. Disc of 911 Calls
31. Transcript of Vivian Caron's Statement
32. Transcript of 911 Call of Vivian Caron
33. Transcript of Vincent Caron's Statement
34. Disc Statement of Vivian Caron
35. Disc Statement of Vincent Caron
36. Photographs of Vincent Caron's Injuries
37. Transcript of Clarence Canard's Statement
38. Disc of Clarence Canard's Statement
39. Disc of Tom Swanarchuk's Statement
40. Annotated Map by Sergeant Loewen
41. Exterior Photos of 106 Madrigal Close
42. Injury Photos of Sergeant Loewen
43. Photos of Ripped Shirt of Sergeant Loewen
44. Photos of Knife removed from Sergeant Loewen
45. Interior Photos of 106 Madrigal Close
46. Photos of Patrol Sergeant Visentin
47. Annotated Map by Patrol Sergeant Visentin
48. Patrol Sergeant Visentin Hand Drawn Diagram of 106 Madrigal Close
49. Annotated Map by Constable Leishman
50. Exterior and Interior Photos of 106 Madrigal Close
51. Annotated Map by Patrol Sergeant Forscutt
52. Use of Force Analysis Report Re: Evan Grant Caron
53. Disc from Vivian Caron
54. Photo and Post from Vivian Caron