

RELEASE DATE: March 12, 2025



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: Jason Norman Collins, Deceased

**Report on Inquest of Judge Antonio Cellitti
Issued on this 7th day of March, 2025**

APPEARANCES:

Kerry UnRuh, Inquest Counsel

Kimberly Carswell, Counsel for the Winnipeg Police Service

Ashley Pledger and Mitchel Merriott, Counsel for the Winnipeg Fire Paramedic Service

Robert Olson and Megan Smith, Counsel for Shared Health of Manitoba



Manitoba

THE FATALITY INQUIRIES ACT

REPORT BY PROVINCIAL JUDGE ON AN INQUEST

INTO THE DEATH OF: JASON NORMAN COLLINS

An Inquest into the death of Jason Norman Collins (DOB: April 21, 1983) was held on August 26-28, 2024 and September 9, 2024, in Winnipeg, Manitoba.

This report has been prepared pursuant to section 33 of *The Fatality Inquiries Act* (the “*Act*”). It contains my findings, observations and conclusions. It also includes a list of the witnesses that testified at this Inquest and a list of the exhibits that were filed.

Pursuant to the provisions of the *Act*, I am ordering that all exhibits be returned to the Exhibit Officer of the Provincial Court of Manitoba, to be released to members of the public only upon written application, with notice to all parties with standing at this Inquest and to any party with a privacy interest, and only upon my order.

Dated at the City of Winnipeg, in Manitoba, this 7th day of March, 2025.

“*ORIGINAL SIGNED BY:*”

Judge Antonio Cellitti
Provincial Court of Manitoba

Copies to:

1. Dr. John Younes, Chief Medical Examiner (2 copies)
2. Chief Judge Ryan Rolston, Provincial Court of Manitoba
3. The Honourable Matt Wiebe, Minister Responsible for *The Fatality Inquiries Act*
4. Jeremy Akerstream, Deputy Minister of Justice and Deputy Attorney General
5. Michael Conner, Assistant Deputy Attorney General
6. Michele Jules, Executive Director of the Manitoba Prosecution Service
7. Kerry UnRuh, Inquest Counsel
8. Kimberly Carswell, Counsel for the Winnipeg Police Service
9. Ashley Pledger and Mitchel Merriott, Counsel for the Winnipeg Fire Paramedic Service
10. Robert Olson and Megan Smith, Counsel for Shared Health of Manitoba
11. Exhibit Coordinator, Provincial Court
12. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



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TABLE OF CONTENTS

| | | |
|-------|---|----|
| I. | INTRODUCTION | 1 |
| II. | THE CALLING OF THE INQUEST | 2 |
| III. | THE STANDING HEARING | 3 |
| IV. | THE INQUEST HEARING DATES | 3 |
| V. | THE WINNIPEG POLICE SERVICE USE-OF-FORCE POLICY | 5 |
| | A. The Use of Force Generally | 5 |
| | B. The Resistance Continuum..... | 6 |
| | C. Threat Assessments | 7 |
| | D. The Control Continuum | 7 |
| | E. Police Training | 9 |
| VI. | THE CIRCUMSTANCES OF JASON COLLINS' DEATH | 10 |
| | A. General Observations Regarding the Police Evidence | 10 |
| | B. The 911 Call, the Police Response and the Attendance of the Police at 371 Anderson Avenue | 11 |
| | C. The Threat Assessment in this Case | 17 |
| | D. The Involvement of Paramedics and Hospital Staff | 18 |
| | E. The Cause of Death and Other Medical Evidence | 19 |
| VII. | FINDINGS, OBSERVATIONS AND CONCLUSIONS | 20 |
| VIII. | RECOMMENDATIONS | 24 |
| | APPENDIX A – WITNESS LIST..... | 26 |
| | APPENDIX B – EXHIBIT LIST | 27 |

I. INTRODUCTION

[1] On April 9, 2020, at approximately 4:34 a.m., the Winnipeg Police Service (“WPS”) responded to a 911 call reported as a domestic dispute at a residence in Winnipeg. The female caller stated that the male had a gun and that there was a child present. Upon arrival, officers heard a female screaming inside the residence and forced entry. Upon breaching the front door, officers observed Mr. Collins holding what appeared to be a firearm to his own head. Officers retreated and established a perimeter around the residence. During this time, a 15-year old female exited the rear of the residence. While officers were outside, and before communication could be established with Mr. Collins and a response plan implemented, Mr. Collins abruptly exited the front door with a pistol and pointed it at police while walking towards them. Despite numerous calls by the police to Mr. Collins to put the pistol down, Mr. Collins did not do so. As a result, officers discharged their firearms, striking Mr. Collins, and he fell to the ground. Mr. Collins was struck in the torso and left hand. CPR was started, paramedics attended and he was taken to the Health Sciences Centre, where he was declared deceased.

[2] The Inquest was given some brief background about Mr. Collins by those that were close to him.

[3] Mr. Collins' mother, Kelly Collins, attended a portion of the Inquest. She provided a short letter to Inquest counsel, which was filed as Exhibit 3. Mr. Collins was her only son and she misses him dearly. She feels that he was taken away far too soon.

[4] Mr. Collins' adult son Isaiah also attended a portion of the Inquest. He provided a short note (Exhibit 5) that described Mr. Collins as a kind and thoughtful man and a father that sought to teach him important life lessons.

[5] Mr. Collins' friend, Jeff Desjarlais, also provided a short note (Exhibit 4) that described Mr. Collins as being good natured and having a kind, caring heart.

[6] All three made mention of Mr. Collins' smile, a smile that they will no doubt remember fondly. The death of Mr. Collins is a terrible tragedy that will no doubt continue to have a painful and lasting impact on the loved ones that he left behind. My deepest and sincere sympathies go out to his family, friends and all those who cared about him.

II. THE CALLING OF THE INQUEST

[7] Pursuant to a letter addressed to the Chief Judge of the Provincial Court dated May 12, 2021, the Chief Medical Examiner ("CME") directed that an Inquest be held into the death of Jason Collins. In giving such direction, the CME relied upon section 19(5)(a) of the *Act*, which states that an Inquest into a death must be held if

the CME 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.

[8] The CME has directed that this Inquest determine:

- a) the circumstances relating to Mr. Collins' death; and
- b) what, if anything, can be done to prevent similar deaths from occurring in the future.

III. THE STANDING HEARING

[9] On May 19, 2022, a standing hearing was held for this Inquest, at which time I heard the submissions of counsel.

[10] Pursuant to section 28(1) of the *Act*, I granted standing to the WPS, the Winnipeg Fire Paramedic Service (“WFPS”) and Shared Health of Manitoba. Based on the information available to me at that time, I found that all had a direct and substantial interest in this Inquest.

IV. THE INQUEST HEARING DATES

[11] I note that the Inquest hearing was completed approximately three years and four months after the Inquest was called by the CME. A summary of the history of this matter is warranted in order to explain the delay in bringing this Inquest to a conclusion.

[12] This Inquest was called while the world was responding to the COVID-19 pandemic. The Provincial Court of Manitoba responded to the pandemic by cancelling numerous court proceedings, including Inquests. As the pandemic progressed and restrictions were lifted, the Court further responded to those cancellations and the resulting delays by prioritizing the backlog of existing cases in all communities around the province and also by postponing the hearing dates for all Inquests until after October 2023.

[13] Multiple meetings were held with all counsel after this Inquest was called, all with a view to streamlining the Inquest and discussing various issues as they arose, even during periods where Inquest dates could not yet be set.

[14] On April 6, 2023, I signed a Consent Order for the release of records from the Independent Investigation Unit (“IIU”) relating to the death of Mr. Collins. A substantial amount of material was disclosed as a result of this Consent Order, which was then received and distributed by Inquest counsel to all other counsel.

[15] In September 2023, I was advised that new Inquest counsel would be appointed for this Inquest. That did not occur until November 2023, after which the new Inquest counsel needed time to become acquainted with the Inquest materials.

[16] In January 2024, five days were fixed for the Inquest to be heard in August and September 2024.

[17] The Inquest was completed in four days. Closing submissions were heard on September 9, 2024.

V. THE WINNIPEG POLICE SERVICE USE-OF-FORCE POLICY

[18] This policy is a focal point of the WPS response in this case. Before I outline the circumstances of Mr. Collins' death, I will provide a summary of the policy to put the WPS response into context.

A. The Use of Force Generally

[19] The policy recognizes that it is preferable that all encounters between police officers and members of the public are resolved without the need to apply any physical force. However, the policy articulates that it may be necessary to resort to the use of force in certain situations, namely:

- 1) to stop dangerous and unlawful behaviour;
- 2) to protect police officers or another person from injury;
- 3) to protect a person from self injury;
- 4) to overcome resistance to a lawful arrest;
- 5) to prevent the escape of a suspect; and
- 6) to prevent the destruction of evidence or property.

B. The Resistance Continuum

[20] In order for police officers to quickly assess a person's resistance level, the policy sets out a "resistance continuum" that contains the following six escalating levels:

- 1) psychological intimidation – this includes any non-verbal danger cues that suggest a person's willingness to resist or that person's resistance potential. These cues do not justify pre-emptive action unless the police member believes that immediate control is necessary. Examples of these cues include intimidating insults, tattoos, gang colours and/or steroid abuse;
- 2) verbal non-compliance – this includes any verbal response from a person indicating an unwillingness to comply with directions;
- 3) passive resistance – this represents the lowest level of physical resistance. This occurs when a person refuses to respond to directions, but makes no attempt to defeat physical contact. This includes situations where a person goes limp or relaxes with the intention of making police officers lift, carry or pull them;
- 4) defensive resistance – this involves overt, physical efforts that interfere with police attempts at control, but does not involve striking or assaulting police officers or any other person. This could include pulling away or running from police officers;
- 5) active aggression – this occurs when a person assaults or threatens to assault police officers or other persons, and the police believe that the assault will not have the ability to cause death or grievous bodily harm. This could include using strikes, such as punches or kicks, or adopting a fighting stance indicating their willingness to launch an assault; and
- 6) aggravated active aggression – this is equivalent to lethal force. In other words, a person may use a technique and/or a weapon that could result in grievous bodily harm or death. This could include a very strong or skillful person who may cause grievous bodily harm or death with empty hand techniques.

C. Threat Assessments

[21] The policy contains guidance for police officers on determining the existence of a physical threat. This is referred to as a “threat assessment”.

[22] In order for a threat assessment to be complete, police officers must believe, on reasonable grounds, that the following three criteria exist:

- 1) weapon – the person must have a weapon, which could be a knife, a firearm or even a part of the person’s body (such as the feet, hands or teeth);
- 2) delivery system – this refers to how the weapon relates to its capabilities in relation to existing circumstances, such as distance or mechanism. The person must be able to apply the force of a weapon from their present position against a potential victim. This exists at the point where a police officer will not be able to defend oneself if action is not taken; and
- 3) intent – a person’s behaviour must indicate their intention to use a weapon against a police officer or another person. This is based on the reasonable belief of the police officer using the force.

D. The Control Continuum

[23] In circumstances where police officers assess that the use of force is necessary, the policy sets out criteria for officers to determine the level of control to be used. The level of control is selected in response to the level of resistance offered by the person. This means that it is the person who will dictate how much force will be needed to control their resistance. Police officers may therefore rule out lower

control options if they believe that the selected level of force would be ineffective or inappropriate given the circumstances.

[24] The levels of control, in escalating order, and the relevant descriptions are as follows:

- 1) police officer presence – the presence of a police officer is often enough to elicit compliance and cooperation. A professional and non-confrontational demeanour can often prevent a person's resistance or violent behaviour. This presence is often associated with symbols of authority such as a police uniform, a badge or a marked police vehicle;
- 2) verbal direction – effective communication can gain or regain voluntary compliance through clear verbal commands. Verbal direction should be used prior to escalating to higher levels of control, but should continue to be used when escalating to higher levels of control;
- 3) soft empty hand control – this encompasses physical control techniques that have a lower potential for injuring a person. These techniques are primarily used to gain control of a person presenting passive resistance. Examples of these techniques include holding an arm and pressure point control techniques;
- 4) hard empty hand control – this involves physical control techniques that have a higher probability of injuring a person, but these are not intended to cause grievous bodily harm or death. Injuries that may result include soft or connective tissue damage, skin lacerations or bone fractures. Examples of such techniques include striking using an open hand, fist, forearm, leg or foot. When dealing with a person exhibiting defensive resistance, preferred targets are major muscles of the legs, arms and shoulders;
- 5) intermediate weapons – the intent in using such weapons is to temporarily incapacitate a person by overcoming their resistance in cases where lethal force is not justified and empty hand control is ineffective or inappropriate. Examples of such weapons include impact weapons such as a baton, a taser, trained police canines and OC spray. Preferred targets for impact weapons are major muscles of the legs and arms. Preferred targets for tasers are low centre mass, torso, back and legs; and

6) lethal force – this is defined as any force likely to, or with the potential to, cause grievous bodily harm or death. Lethal force is justified when the life of a police officer or of another person is in immediate danger or a police officer or another person is in immediate danger of grievous bodily harm. The ultimate goal of using lethal force is to stop the lethal force threat against a police officer or another person, regardless of whether it results in death or not. Lethal force includes a police officer discharging a firearm at a person.

E. Police Training

[25] Patrol Sergeant (P/Sgt.) Adam Cheadle was one of the first officers on scene in this case. He testified to his involvement in this incident. P/Sgt. Cheadle also outlined his extensive experience as a WPS officer, a summary of which can be found later in this report. He also testified about required WPS training on the use of force.

[26] According to P/Sgt. Cheadle, all recruits receive comprehensive, mandatory training on the use of force when they first enter the WPS. This includes lectures and hands-on training with firearms and various intermediate weapons such as tasers, pepper spray and batons. This training also involves responding to various scenarios, role-playing, decision-making and learning various de-escalation techniques.

[27] P/Sgt. Cheadle also confirmed that all officers receive mandatory re-certification training in the use of force every two years and mandatory yearly training on the use of firearms. The firearms training involves not only the ability

to discharge a firearm, but also training in the exercise of judgment as to when a firearm should be discharged. WPS officers are also required to take mandatory online courses to help them deal with individuals suffering from mental health issues and other crises such as intoxication or drug overdoses.

VI. THE CIRCUMSTANCES OF JASON COLLINS' DEATH

A. General Observations Regarding the Police Evidence

[28] A total of nine officers testified at this Inquest. The notes and narratives that were prepared by these nine officers were filed as part of Exhibit 1 (the Book of Documents).

[29] The nine officers included P/Sgt. Andrew Zurawsky and Constable (Cst.) Attila Luka (the two officers that discharged their firearms) and P/Sgt. Cheadle, who essentially led and organized the response of the WPS upon arrival at 371 Anderson Avenue.

[30] In addition to the nine officers that testified, there were numerous other officers that attended to 371 Anderson Avenue who were involved in this incident in some fashion. Exhibit 1 also contains the notes and narratives of these other officers.

[31] After a thorough review of the testimony of the nine officers and the notes and narratives of all of the officers that were involved in this incident, it is clear that the evidence received on this Inquest provides a very consistent account of what occurred on April 9, 2020, from the time of the 911 call to the point in time where P/Sgt. Zurawsky and Cst. Luka discharged their firearms, and, further, to the point in time where Mr. Collins was taken to hospital. There are no discrepancies of any significance as it relates to the evidence of the officers involved in this incident.

B. The 911 Call, the Police Response and the Attendance of the Police at 371 Anderson Avenue

[32] On April 9, 2020, at approximately 4:31 a.m., the WPS Communications Centre received a 911 call from a female advising that she had been assaulted by her boyfriend at 371 Anderson Avenue. She was still in the midst of a verbal argument with him, which could be heard on the open line. The call disclosed that a child was within the residence, and that the male's name was Jason Collins. The female initially advised that she was uncertain with respect to weapons within the residence, but then indicated that the male had a firearm in his possession.

[33] P/Sgt. Cheadle was on duty as a street supervisor when this call came in. At that time, he was in his 27th year of service with the WPS. He assigned himself to this matter once the 911 call was received. Within minutes, he was one of the first

officers to arrive at 371 Anderson Avenue and took charge of the scene. P/Sgt. Cheadle had many years of experience with the WPS Tactical Support Team, which is a specialized unit trained to deal with high-risk incidents and takedowns.

[34] A number of other WPS units and officers also began to arrive at 371 Anderson Avenue. As that was occurring, Mr. Collins began to speak to the Communications Centre staff on the phone and stated that he did not have a firearm in his possession. Mr. Collins was advised to attend to a different room. Mr. Collins once again stated that he did not have any weapons in his possession. While the Communications Centre staff still had Mr. Collins on the line, P/Sgt. Cheadle advised the staff to direct Mr. Collins to exit the front of the residence with his hands clearly visible upon police arrival. Mr. Collins disconnected the line just as police units began to arrive. Just prior to disconnecting, Mr. Collins stated that he believed police would arrest him if he went outside.

[35] P/Sgt. Cheadle and other officers attended to the front of the residence. As they approached, P/Sgt. Cheadle could hear a commotion coming from inside and sounds of a female yelling and screaming from within the residence. He was not able to discern what was being said, but he believed that the female was in some form of distress and that there was an urgency to gain access to the residence to confirm the well-being of all parties.

[36] P/Sgt. Cheadle decided that a “breach and hold” would be conducted at the front door of the residence. This is a tactical approach where a point of entry is forced open such that officers are able to look inside without going past the threshold of the doorway. This approach provides officers with an ability to open a direct line of communication with occupants and obtain an immediate view into the residence to gauge possible threats, injured parties and other issues of concern. It also provides officers with the ability to safely extract and take occupants into custody.

[37] As part of the “breach and hold” plan, P/Sgt. Zurawsky was designated as the “breacher”, or the one with the ram for the door. Cst. Dave Dowbenko was assigned to open and hold the screen door during the breach. Cst. Luka, a designated patrol rifle operator with the WPS, was assigned to cover the living room window. He did so while holding an assault rifle. Cst. Jonathan Volk was assigned to cover the front picture window. Detective Sergeant (D/Sgt.) Adam Danylyshen was assigned to cover the second storey window from the front yard. There were also a number of other officers present near the front door, including Cst. Sheldon Pilkington.

[38] At approximately 4:50 a.m., officers loudly announced “Winnipeg Police” and then P/Sgt. Zurawsky forced the front door with the ram by striking it twice while Cst. Dowbenko held the screen door open. P/Sgt. Cheadle had his firearm drawn, but with the barrel pointing downwards.

[39] Once the door was forced open, a male immediately presented himself at the open door in an agitated state, at or near the threshold. This male was later identified as Jason Collins. Mr. Collins did not verbally identify himself, and he appeared to be very angry and agitated. He was holding a black automatic-style pistol in his right hand, with the muzzle pressed firmly against his right temple. Mr. Collins was told to “drop the gun”. Mr. Collins said words to the effect that he was going to shoot himself in the head and kill himself. Mr. Collins then immediately and violently closed the interior door to the residence. The door was only open for a few seconds from the point of the breach to the point that Mr. Collins closed it. P/Sgt. Cheadle then advised all officers to retreat from the front of the residence, as this was now an “armed and barricaded” situation.

[40] P/Sgt. Cheadle then began to assign officers on scene to various tasks and responsibilities, both verbally and via radio. His first concern was proper containment of the residence.

[41] P/Sgt. Cheadle moved his SUV to provide cover near the front of the residence. A number of officers were positioned on the passenger side of the SUV to provide them with cover. This included Cst. Luka, Cst. Volk, Cst. Pilkington and D/Sgt. Danylyshen. Cst. Luka was assigned to maintain a visual on the front door of the residence. He rested his rifle on the hood of P/Sgt. Cheadle’s SUV and used the engine block as cover. Cst. Volk was right next to Cst. Luka. D/Sgt. Danylyshen

was assigned to gather intelligence. A number of other officers were assigned to cover the rear of the residence, including D/Sgt. Natalie Leishman and D/Sgt. Craig Lazaruk.

[42] P/Sgt. Cheadle also called for an ambulance to attend to a location near the residence. A Tactical Emergency Medical Support (“TEMS”) unit was available and attended.

[43] As things were being organized, at approximately 4:53 a.m., a female youth (later identified as Mr. Collins’ 15-year old daughter) attended to the rear door of the residence. She exited and was safely taken into custody by officers. The female advised officers that there were two firearms within the residence. She was unsure if they were long guns, but that she did see Mr. Collins with an oversized gun. The female also provided a cell phone number for Mr. Collins. This number was provided to P/Sgt. Zurawsky in order to make contact with Mr. Collins, as he was going to be in charge of the negotiations with him.

[44] Officers then noted that there was an increased amount of activity within the residence. This included interior lights going on and off on both the main floor and second level.

[45] P/Sgt. Zurawsky was positioned behind a large tree. As he was about to call Mr. Collins using his cell phone, Cst. Luka and Cst. Volk stated that there was movement at the front door of the residence. Cst. Luka yelled “Winnipeg Police”

and told Mr. Collins to come out the front door with his hands up and clearly visible. A few moments later, Mr. Collins exited the front door and very quickly and aggressively walked down the stairs and down the sidewalk in front of the house. Mr. Collins was holding what appeared to be a black handgun in his right hand. His arm was pointed straight outward from his torso area and parallel to the ground. He was described as tracking or scanning with the gun, or moving his right arm back and forth, looking for a target to shoot at. Mr. Collins pointed the gun towards the officers that were near the police SUV parked in front of the residence. Officers yelled “drop the gun” numerous times. Mr. Collins did not do so. Shots were fired by Cst. Luka and P/Sgt. Zurawsky. Mr. Collins was shot and fell face first within the front yard area of the residence. This occurred at approximately 5:10 a.m.

[46] Officers then converged on Mr. Collins to determine his status and located the pistol that he had been holding a few feet away from him. Officers determined that Mr. Collins was gasping and gurgling from his mouth area. Mr. Collins was handcuffed. D/Sgt. Danylyshen began to conduct CPR and chest compressions. P/Sgt. Cheadle then asked members of the TEMS unit to immediately attend to the location. Mr. Collins was taken to the Health Sciences Centre in critical condition. He was later declared deceased at 5:34 a.m.

[47] After the shooting, officers attended inside the residence at 371 Anderson Avenue to determine the well-being of the occupants. A lone female was located.

She identified herself as the 911 caller. She required medical attention for injuries to her arm and chest. She was taken to hospital in stable condition. No one else was found in the residence. An unloaded rifle was also found in the basement of the house.

[48] Part of the police response was captured on video by a civilian witness, Dylan Olson. This video was filed as Exhibit 2. The video is two minutes and 27 seconds long. It was taken with an iPhone camera from the basement window of a residence located across the street from 371 Anderson Avenue. The video is of poor quality and does not provide a direct view of 371 Anderson Avenue or of the events preceding the shooting. However, the video captured the sound of three gunshots and the police commands to Mr. Collins after the shots were fired.

C. The Threat Assessment in this case

[49] Both Cst. Luka and P/Sgt. Zurawsky testified that they determined that the WPS Use-of-Force Policy allowed them to apply lethal force on Mr. Collins. They believed that Mr. Collins exhibited aggravated active aggression by pointing what they believed was a firearm at police officers. Further, they believed that those actions constituted a completed threat assessment. As a result, they discharged their firearms and targeted Mr. Collins' upper body area. They felt that intermediate weapons such as tasers, batons or pepper spray would not have been appropriate

responses to the situation. They felt that they had no other options available to them aside from discharging their firearms.

[50] P/Sgt. Cheadle and Cst. Volk were also of the view that the threat assessment was complete based on their own observations and that lethal force was justified. P/Sgt. Cheadle testified that a response using intermediate weapons would have been inappropriate, and, further, that he also would have fired his gun had he been in a better position to do so when Mr. Collins exited the residence while pointing the pistol.

D. The Involvement of Paramedics and Hospital Staff

[51] No witnesses from the WFPS were called on this Inquest. A WFPS Patient Care Report was filed as part of Exhibit 1.

[52] Also, no doctors, nurses or any other hospital staff were called as witnesses on this Inquest.

[53] A review of the WFPS Patient Care Report discloses that paramedics were asked to respond to a call and stage for a male with a firearm threatening suicide. This male turned out to be Mr. Collins. They were dispatched at 4:55 a.m. On arrival, paramedics parked several houses down from the incident location. After their arrival, they were asked to respond to the scene for a male that had been shot. A WPS officer guided them to the front yard of the incident location. A WPS officer

was performing CPR on the male that had been shot. Paramedics discovered three gunshot wounds. One of those wounds was in the middle of Mr. Collins' chest. Paramedics sealed the wound and moved him to a stretcher. A WPS officer assisted them in moving Mr. Collins to the ambulance. Mr. Collins was then transported to the Health Sciences Centre and transferred to the care of the hospital. Mr. Collins was declared deceased at 5:34 a.m. that same day.

E. The Cause of Death and Other Medical Evidence

[54] Dr. D. Rhee, MD, conducted the autopsy of Mr. Collins on April 11, 2020 and prepared a report dated July 3, 2020.

[55] The autopsy disclosed that Mr. Collins sustained three gunshot wounds.

[56] One bullet entered his right upper chest and perforated his right lung. A small calibre bullet was recovered from the tissue in Mr. Collins' back.

[57] Another bullet entered his right abdominal area. Another small calibre bullet was recovered from the tissue in Mr. Collins' back.

[58] A third bullet entered the back or top of his left hand and exited the palm of his left hand.

[59] Dr. Rhee's conclusion is that Mr. Collins' cause of death was gunshot wounds of the torso.

[60] Dr. J. Morin, MD, prepared the Medical Examiner Report dated October 1, 2020. That report also confirmed that the cause of Mr. Collins' death was gunshot wounds of the torso.

[61] A number of samples were collected during the autopsy, namely blood, urine, vitreous, liver and gastric contents. These samples were turned over to the IIU and were later tested. A Forensic Science and Identification Services Laboratory Report dated April 7, 2021 was prepared and filed as part of Exhibit 1. That report confirms that Mr. Collins had a number of substances in his system at the time of his death. This list included cocaine, flualprazolam, carboxy-THC (cannabis), opiate prescription medications (oxycodone, codeine and hydrocodone) and diphenhydramine (an over-the-counter medication).

VII. FINDINGS, OBSERVATIONS AND CONCLUSIONS

[62] Pursuant to section 33(1) of the *Act*, I must provide a written report that sets out my findings on this Inquest with respect to the following:

- a) the identity of the deceased;
- b) the date, time and place of death;
- c) the cause of death;
- d) the manner of death; and
- e) the circumstances in which the death occurred.

[63] Jason Norman Collins, born on April 21, 1983, passed away on April 9, 2020 at 5:34 a.m. in Winnipeg, Manitoba. The evidence at this Inquest has established that his death was caused by gunshot wounds to his torso.

[64] In terms of the involvement of the WPS officers that responded to the call at 371 Anderson Avenue, the officers responded appropriately when they made the initial decision to breach the front door given the concerns for the occupants arising from the 911 call and upon hearing the screaming female. The officers also reacted appropriately after the breach when they retreated in the face of Mr. Collins holding what appeared to be a firearm to his own head. The plan thereafter was to initiate contact with Mr. Collins with a view to developing a plan to end the situation peacefully. Before that could occur, Mr. Collins exited the front door of the residence abruptly and walked aggressively towards officers while pointing a pistol at them. Despite demands made by officers to put the pistol down, Mr. Collins continued to approach them. It was at that point that P/Sgt. Zurawsky and Cst. Luka discharged their firearms at Mr. Collins.

[65] It should be noted that the pistol that Mr. Collins was holding was later determined to be a black plastic BB gun. Photographs of the BB gun were filed at this Inquest as part of Exhibit 1. Those photographs make it clear that the BB gun does in fact look like a real firearm. The officers on scene who saw Mr. Collins holding it believed that it was a real firearm, a belief that I find was reasonable.

Further, prior to P/Sgt. Zurawsky and Cst. Luka discharging their firearms, the officers on scene would not have been in a position to know whether this apparent firearm was loaded or not.

[66] The testimony of P/Sgt. Zurawsky and Cst. Luka makes it clear that they believed that the WPS Use-of-Force Policy allowed them to use lethal force against Mr. Collins based on the following:

- 1) they believed that Mr. Collins exhibited “aggravated active aggression” on the resistance continuum;
- 2) they believed on reasonable grounds that the threat posed by Mr. Collins was complete. Mr. Collins was holding what appeared to be a real firearm, he was walking towards officers and he was pointing it at them from a location and distance where they believed it was possible for him to strike them, which demonstrated a clear intention by Mr. Collins to discharge his firearm; and
- 3) they believed that they had justification to discharge their firearms, and therefore to use lethal force, to stop the threat of Mr. Collins discharging his firearm given that the lives of police officers appeared to them to be in immediate danger, or least in immediate danger of grievous bodily harm.

[67] In light of the belief of the officers that Mr. Collins was in possession of a real firearm that could in fact be loaded, the use of intermediate weapons such as a taser, pepper spray or baton were not viable options to stop Mr. Collins. Those options would have required the officers deploying them to be in close proximity to Mr. Collins, which the officers believed would have put them in danger. Deploying a police dog as an intermediate weapon would also not have been a viable or effective option.

[68] In my view, the decision of P/Sgt. Zurawsky and Cst. Luka to discharge their firearms was appropriate given the situation that they were faced with. That decision was consistent with the authority that they had pursuant to the WPS Use-of-Force Policy. That policy allowed them to use lethal force in light of their threat assessment. Mr. Collins' actions left them with no option other than to use lethal force by discharging their firearms. The tragic outcome that day was unfortunately unavoidable given the actions of Mr. Collins.

[69] In coming to that conclusion, I take note that all of the officers that were involved in the initial breach of the door were in full police uniform, as were all of the officers that responded to the call. Officers also loudly announced themselves as "Winnipeg Police" at the time of the breach. There were also marked police cruisers parked in front of the residence. I am therefore satisfied that it would have been clear to Mr. Collins that those who breached the door and those that he approached outside of the residence were police officers and not, for instance, intruders that he needed to defend himself or the other occupants of the residence against. Additionally, I take note that the transcript of the 911 call makes it clear that Mr. Collins was aware that a call had been made to 911. His comments to the police dispatch indicated that he knew that the police would in all likelihood be attending to the residence.

[70] In terms of the involvement of the paramedics of the WFPS in this case, I note that no one from the WFPS or Shared Health of Manitoba testified at this Inquest. However, the WFPS Patient Care Report was filed as part of Exhibit 1. I also note that there were no issues raised by counsel regarding the medical treatment that Mr. Collins received outside of 371 Anderson Avenue, while in the ambulance or while at the Health Sciences Centre. Having heard the *viva voce* evidence at this Inquest and having reviewed the Book of Documents, I am satisfied that Mr. Collins received appropriate and timely medical treatment on April 9, 2020.

VIII. RECOMMENDATIONS

[71] The CME has directed that this Inquest determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[72] Pursuant to section 33(1.1) of the *Act*, I have the discretion to make recommendations on changes to provincial laws or to the programs, policies and practices of the provincial government or of public agencies or institutions to prevent deaths in similar circumstances.

[73] Counsel did not suggest any recommendations for this Inquest.

[74] I have conducted a thorough review of the circumstances of Mr. Collins' death. It is clear that the events unfolded very quickly on April 9, 2020. The response by the WPS was appropriate and in accordance with the WPS Use-of-Force

Policy. I have not identified anything that the officers in this case could have done differently that would have prevented Mr. Collins' death or changed the outcome that day. A TEMS unit was called for in advance by WPS and was therefore on scene and able to immediately offer medical treatment to Mr. Collins right after the shooting. As a result, there was no delay in providing medical aid to Mr. Collins.

[75] In accordance with section 33(1.1) of the *Act*, I find that no changes are warranted with respect to any provincial laws or to any programs, policies or practices of the provincial government or of public agencies or institutions to prevent deaths from occurring in similar circumstances in the future.

[76] Accordingly, I decline to make any recommendations.

I respectfully conclude and submit this Report on this 7th day of March 2025, at the City of Winnipeg, in the Province of Manitoba.

“ORIGINAL SIGNED BY:”

Judge Antonio Cellitti
Provincial Court of Manitoba



Manitoba

THE FATALITY INQUIRIES ACT

REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATH OF: JASON NORMAN COLLINS

APPENDIX A - WITNESS LIST

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

- 1) Patrol Sergeant Adam Cheadle
- 2) Patrol Sergeant Andrew Zurawsky
- 3) Constable Attila Luka
- 4) Constable Jonathan Volk
- 5) Constable Sheldon Pilkington
- 6) Detective Sergeant Craig Lazaruk
- 7) Detective Sergeant Natalie Leishman
- 8) Detective Sergeant Adam Danylyshen
- 9) Constable David Weisz



Manitoba

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APPENDIX B - EXHIBIT LIST

| <u>Exhibit No.</u> | <u>Tab</u> | <u>Description</u> |
|--------------------|------------|---|
| 1 | | Book of Documents |
| | 1 | Incident History Report |
| | 2 | Forensic Identification Report – Aessie #1981 |
| | 3 | Homicide Narrative – Bailey #1998 – Brief Interview of Girlfriend |
| | 4 | Medical Examiner Report |
| | 5 | Narrative – Brennan #3050 |
| | 6 | Narrative – Cheadle #2048 |
| | 7 | Narrative – Chmurzynski # 3264 |
| | 8 | Narrative – Danylyshen #2707 |
| | 9 | Narrative – Galanowski #2793 |
| | 10 | Narrative – Herman #3181 |
| | 11 | Narrative – Hutsal #3016 |
| | 12 | Narrative – Lazaruk #2841 |

- 13 Narrative – Pilkington #3025
- 14 Narrative – Ross #3234
- 15 Narrative – Saarinen #2767
- 16 Narrative – Toews #3041
- 17 Narrative – Volk #2732
- 18 Narrative – Weisz #2286
- 19 Officer Notes – Douglas Bailey #1998
- 20 Officer Notes – Brennan #3050
- 21 Officer Notes – Chmurzynski #3264
- 22 Officer Notes – Adam Danylyshen #2707
- 23 Officer Notes (handwritten and transcribed) – Dowbenko #2659
- 24 Officer Notes – Galanowski #2793
- 25 Officer Notes – Herman #3181
- 26 Officer Notes – Hutsal #3016
- 27 Officer Notes – Lazaruk #2841
- 28 Officer Notes – Leishman #2458
- 29 Officer Notes – Luka #2973
- 30 Officer Notes – Pilkington #3025
- 31 Officer Notes – Ross #3234
- 32 Officer Notes – Saarinen #2767
- 33 Officer Notes – Toews #3041
- 34 Officer Notes – Volk #2732

- 35 Officer Notes – Weisz #2286
- 36 Officer Notes – Zurawsky #2374
- 37 Statement – Luka #2973
- 38 Statement – Zurawsky #2374
- 39 Photos – Outside/House
- 40 Photos of the BB Gun
- 41 WPS Use of Force Policy
- 42 Autopsy Report of Dr. Rhee, MD
- 43 Forensic Science and Identification Services Laboratory Report
- 44 WFPS Patient Care Report
- 45 Transcript of Digital Audio Recording 911 Audio
- 46 Independent Investigation Unit Summary
- 47 Photo of Jason Collins Provided by his Family

- 2 USB containing video taken by Dylan Olson**

- 3 Letter from Kelly Collins, the mother of Jason Collins**

- 4 Note from Jeff Desjarlais, the friend of Jason Collins**

- 5 Note from Isaiah Anderson, the son of Jason Collins**