

RELEASE DATE: OCTOBER 9, 2019



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:            HAKI SEFA (DOD: September 20, 2015)  
AND IN THE MATTER OF:            MARK DICESARE (DOD: November 6, 2015)

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Report on Inquest and Recommendation of Judge Lindy Choy  
Issued this 4<sup>th</sup> day of October, 2019

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APPEARANCES:

Jerilee L. A. Ryle, Inquest Counsel  
Kimberly D. Carswell, Counsel for the City of Winnipeg

RELEASE DATE: OCTOBER 9, 2019



Manitoba

*THE FATALITY INQUIRIES ACT*  
REPORTED BY PROVINCIAL JUDGE ON INQUEST

RESPECTING THE DEATH OF: HAKI SEFA and MARK DICESARE

Having held an inquest respecting the said death on January 8, 9, 10, 23, 24, 28, 29, 2019 and June 19, 2019 at the City of Winnipeg, I report as follows:

The name of the deceased is: HAKI SEFA

The deceased came to his death on the 20<sup>th</sup> day of September, 2015 by means of multiple gunshot wounds.

The name of the deceased is: MARK DICESARE

The deceased came to his death on the 6<sup>th</sup> day of November, 2015 by means of multiple gunshot wounds.

My recommendation and reasons for same are set out in the attached report.

Attached hereto and forming part of my report is a list of exhibits required to be filed by me.

Dated at the City of Winnipeg, in Manitoba, this 4<sup>th</sup> day of October, 2019.

*“original signed by Judge Lindy Choy”*

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Judge Lindy Choy

Copies to:

1. Dr. John Younes, A/Chief Medical Examiner (2 copies)
2. Chief Judge Margaret Wiebe, Provincial Court of Manitoba
3. The Honourable Cliff Cullen, Minister Responsible for *The Fatality Inquiries Act*
4. Mr. Dave Wright, Deputy Minister of Justice & Deputy Attorney General
5. Mr. Michael Mahon, Assistant Deputy Attorney General
6. Jerilee L. A. Ryle, Inquest counsel
7. Kimberly D. Carswell, Counsel for City of Winnipeg
9. Exhibit Coordinator, Provincial Court
10. Ms. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



Manitoba

*THE FATALITY INQUIRIES ACT*  
REPORTED BY PROVINCIAL JUDGE ON INQUEST

RESPECTING THE DEATH OF: HAKI SEFA & MARK DICESARE

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## 1. INTRODUCTION

[1] Society tasks police officers with responsibility for maintaining order and ensuring public safety. They are trained in techniques to help them fulfill their duties and are armed with weapons to assist. Depending on the situation, police officers are authorized to employ a variety of methods to carry out their mandate, ranging from simple police presence up to use of lethal force.

[2] There arise situations where a distressed individual deliberately engages in dangerous life-threatening behaviour in order to provoke law enforcement officers to use lethal force in self-defence or to protect members of the public. This is often referred to as “suicide by cop.” In the Fall of 2015, Winnipeg Police Service officers were involved in two such incidents. In the first incident, on September 20, 2015, Haki Sefa was involved in a police pursuit which resulted in his van being stopped on Highway 59 where he was fatally shot by police. Just over six weeks later, on November 6, 2015, Mark DiCesare died in a similar incident where a police pursuit culminated in a stand-off in a field near Kapyong Barracks where Mr. DiCesare was shot by police. This inquest report will review the actions taken by police in these two incidents and make recommendations on how the likelihood of such incidents may be reduced in the future.

## 2. MANDATE OF INQUEST

[3] By letters dated August 18, 2016 and October 20, 2016, the Chief Medical Examiner of the Province of Manitoba directed that an inquest to be held into the deaths of Haki Sefa and Mark DiCesare for the following reasons:

1. To fulfill the requirement for an inquest, as defined in Section 19(3)(b) of *The Fatality Inquiries Act* (the “Act”):

Inquest Mandatory

19(3) Where, as a result of an investigation, there are reasonable grounds to believe

- (a) that a person while resident in a correctional institution, jail or prison or while an involuntary resident in a psychiatric facility as defined in *The Mental*

*Health Act*, or while a resident in a developmental centre as defined in *The Vulnerable Persons Living with a Mental Disability Act*, died as a result of a violent act, undue means or negligence or in an unexpected or unexplained manner or suddenly of unknown cause; or

- (b) that person died as a result of an act or omission of a peace officer in the course of duty;

the chief medical examiner shall direct a provincial judge to hold an inquest with respect to the death.

2. To determine the circumstances relating to both men's deaths; and
3. To determine what, if anything, can be done to prevent similar deaths from occurring in the future.

### 3. PARTIES

[4] Jerilee Ryle was appointed Inquest Counsel. Prior to the hearing, standing was granted pursuant to section 28(1) of the Act to Winnipeg Police Service ("WPS") represented by Kimberly Carswell.

[5] Although none of the family members sought standing or attended the hearings, Mr. DiCesare's mother Robyn DiCesare submitted a letter which was read into the record by Inquest Counsel during closing submissions. In her letter, Ms. DiCesare gave valuable insight into the person Mark DiCesare was and reinforced what a terrible toll incidents like these take on families and society. She raised a number of questions regarding police actions on that day. I have noted her concerns and many have been incorporated into the body of this report.

[6] The inquest took place over eight days of hearing conducted in Winnipeg and was completed June 19, 2019. 20 police witnesses gave evidence at the inquest, as did a use of force expert. A list of the witnesses who testified at the Inquest is attached as Appendix "A".

[7] The Independent Investigations Unit of Manitoba (“IIU”) conducted a review of police conduct and concluded that no charges be laid in connection with either incident. I was provided with copies of the IIU investigative files as well as numerous transcripts of interviews conducted by the IIU. Certain of the transcripts were entered into evidence, a list of which is attached as Appendix “B”. I have reviewed all of the transcripts, but did not read the entire content of the IIU files, as they were not otherwise referenced by counsel during the course of the inquest and I did not deem it necessary in order to complete this inquest report.

[8] This report will first review the circumstances leading up to and surrounding Mr. Sefa’s and Mr. DiCesare’s deaths. The report will then examine use of force polices used by law enforcement agencies and the actions taken by WPS in the two incidents. Finally, the report will address whether there are any recommendations which would serve to reduce the likelihood of deaths in circumstances similar to those that resulted in Mr. Sefa’s and Mr. DiCesare’s deaths. In particular, the presence of imitation firearms in our society will be considered.

#### 4. CIRCUMSTANCES SURROUNDING THE DEATH OF HAKI SEFA (SEPTEMBER 20, 2015)

[9] On September 20, 2015, at approximately 7:51 p.m., WPS Unit E309 consisting of Constables Jonathan Kiazzyk and Hamza Moustarzak were dispatched to a well-being call at the residence of Haki Sefa. His family was concerned about him as he had been depressed for the last two weeks about numerous issues, including recent tragedies suffered by the family and his own poor health. They had last seen him go into the garage which was locked, but did not see him leave. The officers gained entry into the garage, but found it to be empty. Attempts were made to contact Mr. Sefa on his cell phone, but it rang with no answer. The officers left a voice mail for Mr. Sefa to call the police department.

[10] The officers then left the home and requested a ping of his cell phone. They proceeded to the general vicinity of the ping location but were unable to find Mr. Sefa. They requested a second ping which took them to a different area in the City of Winnipeg, but again, were unable to locate Mr. Sefa.

[11] At 9:58 p.m., E309 received information on their computer that Mr. Sefa had gone by a relative's home where he left notes indicating an intent to kill himself. Another unit had attended at the residence and was informed that Mr. Sefa had recently bought a gun and it was believed that he intended to go after an individual whom he believed committed a criminal offence against one of his family members. The individual was said to live in Selkirk, Manitoba.

[12] Cst. Kiazzyk described the investigation as having escalated from a well-being check to following up on someone who was actively suicidal and homicidal. He characterized the matter as being a high-intensity call as the subject had purchased a gun, made his intentions known, and had a vehicle.

[13] The officers asked for a third ping of Mr. Sefa's cell phone, which took them to the area of Chief Peguis Trail. While there, they observed a white van which they determined to be driven by Mr. Sefa. Cst. Moustarzak immediately voiced for a High-Risk Vehicle stop and called for multiple units for assistance. They followed the van, which continued driving in a normal fashion within the speed limit north on Lagimodiere Boulevard. By the time they approached Headmaster Row, there were sufficient back-up units that they felt it was safe to activate their lights and sirens. The other units also activated their lights and sirens. Despite this, Mr. Sefa continued to drive north. He obeyed the rules of the road and observed the proper speed limit but refused to pull over.

[14] Mr. Sefa continued north out of the City of Winnipeg and onto Highway 59. Since they were entering the jurisdiction of the R.C.M.P., that agency was contacted and was connected in by radio.

[15] The officers continued to follow Mr. Sefa north on Highway 59. Just prior to the Highway 44 turn off, the WPS Tactical Team ("TAC") took over. There were two units, consisting of four officers, involved. All four members testified.

[16] The first team, or TAC 1, was Cst. Courtney Olson and Cst. Carl Mueller. TAC 2 was Cst. Jeff Driedger and Patrol Sgt Michael Temple. Both TAC 1 and TAC 2 had been assigned to assist in the execution of a gun warrant that evening but changed assignments when E302 called for back up. Both units immediately drove to Highway 59. TAC 2 arrived first and assumed the lead position immediately behind Mr. Sefa's van. When TAC 1 arrived, it moved ahead of Mr. Sefa's van and commenced execution of a vehicle stop technique. This involved having the police vehicle pass and go in front of the subject van. TAC 1 then slowed down and applied his brakes, thus forcing the subject van to decelerate and ultimately stop. On the first attempt, Mr. Sefa was able to maneuver his van out and around from TAC 1. On the second attempt, TAC 1 was able to stay in front of the van and eventually forced it to come to a stop. TAC 2, which was following behind, immediately pinched in so as to prevent the van from reversing and driving away. The next events occurred very rapidly within a matter of seconds.

[17] Cst. Olson testified that he was the driver of TAC 1, which was now positioned directly in front of the van. He put the car in park and his partner Cst. Mueller had immediately exited on the passenger side. Given his knowledge that Mr. Sefa was suicidal and may be armed with a firearm, he knew that he had to get out of his vehicle as soon as possible. He stepped out of his vehicle and turned. He saw Mr. Sefa in the process of getting out of the van. The van door was open and Mr. Sefa appeared to be standing on the van floor board in the v-shaped area between the A pillar and the door frame. Cst. Olson noted that Mr. Sefa was holding his right arm out and as he tracked up his arm, he saw a silver hand gun with a sighting scope pointed at him.

[18] Cst. Olson testified that he conducted a threat assessment, determined that there was aggravated, active aggression and became truly fearful of grievous bodily harm or death. At that same moment, he heard the words "drop the weapon" or "drop the gun" coming from the passenger side of the van. Within one second, he heard three pops. He could not tell whether the sound came from Mr. Sefa or from police, or a combination of the two. He then saw Mr. Sefa fall to the ground.



[19] Cst. Olson then moved towards Mr. Sefa and saw him lying on his back, with the gun lying on the ground, to the right of his body. Cst. Temple and Cst. Mueller were present to provide cover so Cst. Olson approached Mr. Sefa and once the situation was cleared, he began administering life saving measures. Shortly thereafter, other officers took over and Cst. Olson was separated from the other officers and taken to WPS headquarters for interview. All four officers directly involved in the shooting were dealt with in a similar manner.

[20] Cst. Olson's TAC 1 partner was Cst. Mueller. Cst. Mueller testified that as they slowed to a stop, he exited on the passenger side. Since they had been working on a gun warrant earlier that day, he had his rifle loaded and slung on his shoulder. Initially, he could not see the driver, but as he came around to the back of TAC 1, he saw the van door opening and Mr. Sefa getting out. Mr. Sefa had both hands on the handgun, which he held by his chest. He saw Mr. Sefa moving to stand and he realized that Cst. Olson was in immediate danger of being shot. Cst. Mueller yelled at Mr. Sefa to drop the gun, but Mr. Sefa continued to move the gun out towards Cst. Olson. Cst. Mueller took the safety off his rifle, leveled it and as Mr. Sefa continued to extend the handgun forward, Cst. Mueller discharged his firearm. He aimed for center mass and discharged three to five rounds. After that, Cst. Mueller knew Mr. Sefa was struck because he turned and fell. At that point, Cst. Mueller lowered the rifle.

[21] Cst. Mueller testified as to his thought process in discharging his rifle. He conducted a threat assessment and noted that there was a firearm and intent. This was lethal force encounter. Cst. Mueller assessed that Mr. Sefa showed "aggravated active aggression," which is the highest point on the Resistance Continuum and so according to policy, Cst. Mueller felt justified in using lethal force.

[22] When asked whether there were any less lethal options, Cst. Mueller indicated that in his opinion, there were no other options because anything else would have been inappropriate or ineffective. A taser would not be effective as Mr. Sefa was behind a windshield and the time frame was too short. Cst. Mueller yelled at Mr. Sefa to drop the gun but there was no reaction and he continued to push the weapon out to full extension. Intermediate weapons were not an option. Mr. Sefa was pointing a weapon at Cst. Olson and was not complying with officers'

commands to drop the weapon. It all happened very fast and failure to act would have resulted in the death of Cst. Olson.

[23] TAC 2 was manned by Cst. Driedger as jumper and Patrol Sgt Temple as driver. Cst. Driedger testified that when they caught up with the pursuit, they moved to the front and took the lead position behind the van.

[24] All the officers who testified noted that it was difficult to communicate with other units because there were so many radios on the same channel. Normally there are three independent channels for general patrol, as well as separate channels for Tactical and Street Crimes. The R.C.M.P. has its own dispatch as well. For this incident, there were so many officers involved that all five lines were going and it was difficult to communicate because there were so many voices. Unfortunately, this prevented TAC 1 and TAC 2 from discussing how to address the van. Nevertheless, when TAC 1 passed the van to move in front, Cst. Driedger testified that they recognized that TAC 1 intended to conduct the vehicle stop technique. Despite being unable to communicate the plan over the radio, their training enabled TAC 2 to anticipate what TAC 1 was doing.

[25] When they stopped the van, Cst. Driedger removed his seatbelt and exited the vehicle. They were almost directly behind the van, which had no side or rear windows so he could not see what the driver was doing. He approached the van and as he broke the plane of sight through the passenger side window, he could see the driver in the process of retrieving a silver handgun from beside the driver's seat cushion. He testified that he saw Mr. Sefa move his right hand down and bring a handgun up. He saw him remove the gun, bring his arms together and move towards the V between the A pillar and the driver's side door. Cst. Driedger yelled "Gun!" and fired his rifle through the passenger side window three to five times. He observed the driver slowly get up, turn and fall backwards onto his back. He then saw Cst. Olson immediately attend to the driver. This was all seen through the passenger side window.

[26] When asked about his threat assessment, Cst. Driedger characterized the situation as “activated, aggravated aggression.” Here there was a weapon in the form of a firearm, intent with the handgun being taken up and delivery with the handgun being pointed at Cst. Olson. Any less lethal options, such as a baton, pepper spray or taser would have been inadequate due to the distance, the time frame, and the fact of the windshield. Cst. Driedger indicated that there was absolutely no option other than firing the rifle.

[27] Patrol Sgt Temple testified that he also discharged his weapon. After Mr. Sefa’s van stopped, he saw Cst. Driedger jump out with his rifle in hand. He heard yelling but could not hear what was being said. He parked the cruiser tight to the van then got out of his vehicle. As he got out, he saw the driver was standing up with his back to him. Patrol Sgt Temple testified that he heard gun fire and initially, he thought that the driver was shooting at Cst. Olson and Cst. Mueller. He then saw the driver turn towards the van and start moving down. As he did so, the driver’s right arm came up with a pistol in his hand. At that point, Patrol Sgt. Temple thought that Mr. Sefa had possibly fired at the other officers and now he was stepping down to turn around and shoot at him. He experienced fear that he would be shot. He then raised his pistol and fired two rounds at Mr. Sefa. Patrol Sgt Temple testified that he shot at Mr. Sefa’s right shoulder but did not know where the shot hit. As soon as he fired, Mr. Sefa fell straight to the ground. Patrol Sgt. Temple continued to cover until he saw Cst. Olson attending to Mr. Sefa.

[28] When asked about his thought process, Patrol Sgt. Temple indicated that on the Resistance Continuum, he assessed the situation as “aggravated, active aggression.” Mr. Sefa was armed with a pistol and was set up in the frame of the van, pointing at Cst. Olson and not putting the gun down. When Mr. Sefa started to turn towards him, he believed that Mr. Sefa’s intent was to use the gun on him. He was clearly within the delivery system of the handgun and at that point, he assessed that there was no lower level of force which could be used. A taser would not be appropriate because if he were to miss, then there was a good chance he could lose his life. To use intermediate force against a pistol at close range would be to take risk of life. He assessed that the only appropriate response was use of his firearm.

[29] After the shots were fired, life saving efforts were made, but unfortunately, Mr. Sefa was pronounced deceased at the scene.

#### 5. CIRCUMSTANCES SURROUNDING THE DEATH OF MARK DICESARE (NOVEMBER 6, 2015)

[30] With respect to the DiCesare incident, thirteen police officers testified as to their involvement in the incident. As well, five transcripts from IIU interviews of police officers were submitted as exhibits. They all provided a very similar account of events as follows.

[31] It was shortly after 12 noon on November 6, 2015 in the Charleswood neighbourhood, when Cst. Sheree Hanysh, a WPS school liaison officer saw a white Audi approaching her marked cruiser and slowing down. The driver was lowering his window, and Cst. Hanysh believed he wanted to speak to her. In anticipation of this, she also slowed her vehicle and rolled her window down. It was then that she saw the male driver, later determined to be Mark DiCesare, point a firearm at her. She believed it to be an Uzi sub-machine gun. The Audi passed and continued to drive in the opposite direction so Cst. Hanysh quickly pulled a U-turn. She pulled out her firearm, as she thought she may have to shoot. She saw the Audi go through an intersection, and as he did so, the driver held the gun out of his window and waved it in the air. He then took off at a high rate of speed.

[32] Cst. Hanysh immediately voiced dispatch to inform them of the incident. She attempted to follow the Audi but lost sight of it.

[33] Within minutes, the Audi was seen by TAC 1 on Sterling Lyon Parkway headed east, close to the IKEA. TAC 1 immediately turned around but the Audi had already gone through the traffic lights at Sterling Lyon Parkway and Kenaston Boulevard and took off east. Over the next minutes, various officers voiced sighting the Audi in the general area of Waverley Street, Taylor Avenue and River Heights generally. Numerous cruiser cars responded to the area to assist in the search. The Audi was finally located on Grant Avenue and multiple units fell in behind in pursuit. Several police officers noted that during the pursuit the driver was holding the gun through the sunroof, either waving it in the air or pointing it at police and other vehicles. The

Audi continued west on Grant then turned north on Shaftesbury Boulevard and east on Corydon Avenue. It continued up to Kenaston where it turned left and proceeded north in the southbound traffic lane. Traffic was busy and the Audi was swerving to avoid oncoming cars.

[34] The Audi then turned on Willow Avenue and headed west towards the Rady Jewish Community Centre on Doncaster Street. At that point, WPS officers were able to manoeuvre in front of the Audi and make it come to a stop while another unit came in from behind to pin the vehicle.

[35] Several police officers testified about exiting their vehicles and taking a safe place of cover while drawing their firearms. Mr. DiCesare could be seen inside of the car and three officers testified that they saw him point the firearm at Cst. Macumber. All three assessed that they did not have a proper shot and decided not to discharge their firearms. The Audi then revved up and started ramming police vehicles until it broke containment, at which time it took off south on Doncaster. Police got back in their vehicles and continued the pursuit. After Doncaster, the Audi went east on Tuxedo and north up Kenaston. Traffic was very heavy yet the Audi was being driven in a reckless and dangerous manner, travelling at a high rate of speed and bumping other vehicles. At one point it was driven on the sidewalk in close proximity to a crossing guard and two school children.

[36] Further up Kenaston, police officers were able to deploy a stop stick, which caused the Audi's tires to slowly deflate. Near the intersection of Kenaston and Grant, the Audi went over the curb and across a field near Kapyong Barracks. Ultimately, at about 12:50 p.m., the pursuit ended in the field when the Audi came to a stop. It was quickly surrounded by 17 WPS police vehicles and a standoff began.

[37] Initially, Mr. DiCesare remained inside his Audi and was observed by numerous police officers acting in an agitated manner and periodically holding the firearm to his head. Several officers attempted to speak with him but were unable to communicate due to the noise of a police siren which was left activated. One of the cruisers had been parked directly against the Audi driver's side door in order to keep it shut. Unfortunately, when the officer exited the cruiser, the

siren was left activated and made it impossible to communicate. Eventually, two officers utilized a ballistic blanket to crawl up to the cruiser and shut off the siren. This was an incredibly risky procedure as the officers had to come into close proximity to Mr. DiCesare to complete the manoeuver and were incredibly exposed to being shot.

[38] Once the sirens were shut off, a loud hailer voice amplifying system was used to try to communicate with Mr. DiCesare. Earlier attempts to speak with him by telephone ended when Mr. DiCesare threw his cell phone out the car window. At various times, different officers tried to communicate with Mr. DiCesare, but no sustained conversation ever occurred.

[39] After some time, Mr. DiCesare exited the Audi and stood next to his vehicle with the firearm at his chin, threatening to kill himself and telling officers to go away. He then re-entered the Audi where he remained for a few minutes. Subsequently, he got out of the Audi a second time, again with the firearm pointed under his chin. He made comments about going down in Winnipeg history. He scanned the officers facing him and then focussed on a group directly perpendicular to the Audi and said "Sorry you guys are going to have to do this." He then slowly lowered the firearm so that it was pointed at directly at the group of officers. Police officers then discharged their firearms and Mr. DiCesare was struck multiple times and fell to the ground. The time was 1:13 p.m. Tactical Emergency Medical Services were on scene and immediately administered first aid. Mr. DiCesare was transported to hospital where he was pronounced deceased.

[40] The Uzi sub-machine gun used by Mr. DiCesare was later determined to be a replica BB gun.

[41] Five officers gave evidence about discharging their firearms at Mr. DiCesare when he lowered the replica Uzi. Cst. Luke Ragetli testified that he was positioned under the cover of a cruiser car approximately 15 feet away from the Audi. He was armed with a service shotgun. Although Cst. Ragetli was not a certified operator of a shotgun, his partner Cst. Lintuck was. As Cst. Lintuck had been driving, Cst. Ragetli had taken the shotgun out of its rack en route so that it would be ready for his partner when they arrived at the scene. As events unfolded, both Cst.

Ragetli and Lintuck testified that they were unable to transfer the shotgun to Cst. Lintuck for fear of breaking cover. They both testified that at no time was it safe for them to make the exchange.

[42] Cst. Ragetli described having a view of Mr. DiCesare through the window of the open driver's side door. He could see Mr. DiCesare's upper body, hands and head but was not able to see his lower legs. When Mr. DiCesare exited the car the second time he initially acted in an erratic manner. His demeanour then changed and his face looked almost relaxed. He recalled Mr. DiCesare fixed his eyes in his direction and saying "sorry man but you have a clean shot." At this point as Mr. DiCesare lowered his gun in their direction, Cst. Ragetli tightened his hold on his shotgun, removed the safety and discharged a first round. The driver's side door window exploded and glass flew all around. Cst. Ragetli then cycled and loaded a second round. As his gun settled, he could see Mr. DiCesare was still standing and so he discharged a second round. He then loaded a third round but this was never fired as Mr. DiCesare had fallen to the ground by the time the gun settled after the second shot.

[43] When asked about his thought process, Cst. Ragetli testified that when Mr. DiCesare started to lower his firearm, there was definitely a complete threat assessment. In his words, "it could not have been more complete. There were no less lethal options available." With respect to the number of shots fired, Cst. Ragetli indicated that he is trained to take action until there is a change in the person's behaviour. He is to engage with appropriate force until the behaviour changes. After the first shot, Mr. DiCesare was still standing and so therefore he had to fire the second. A third shot was not required as by that point, Mr. DiCesare had fallen down.

[44] Cst. Marvin Redmann testified that on that day, he was partnered with Sergeant Greg Wiebe. During the standoff, Cst. Redmann was positioned by a cruiser car facing directly perpendicular to the Audi, parked next to the cruiser where Cst. Ragetli was taking cover. He was behind the open driver's side door with a carbine C8 rifle. When Mr. DiCesare exited the car on the second occasion Cst. Redmann recalled him state "I can't do it" and then say "buddy, you have a clear shot. I'm going to make you do it." Cst. Redmann saw Mr. DiCesare point his firearm directly at Sergeant Wiebe and at that moment, he recognized that he had a complete

threat assessment. There was a weapon, intent, and delivery system. He testified that he recalled seeing the gun pointing straight at his partner, then hearing the sound of his own gun firing.

[45] Cst. Redmann described his thought process. He stated that when Mr. DiCesare initially exited the Audi with the gun under his chin, he assessed that self harm was the intent. In those circumstances, Cst. Redmann indicated that he would not shoot at Mr. DiCesare in order to prevent him from shooting himself. At that point, there was no officer or civilian in danger. The second time, however, when the gun was lowered at his partner the threat assessment was completed, and there were no less lethal options available. Any other option would have endangered their lives.

[46] Sgt Greg Wiebe testified that when the standoff occurred, he was positioned on the other side of cruiser car from Cst. Redmann, behind the open passenger side door. He also had the benefit of a ballistic bat shield which he wedged between the A pillar and the open car door. When Mr. DiCesare was out of the Audi the second time and started talking to the officers, Sgt Wiebe felt that he was talking to him. He recalled Mr. DiCesare saying “you’ve got the clearest shot” “just make it quick” and “I don’t want to feel anything shoot me in the head.” About five seconds later, Mr. DiCesare seemed to steel himself and he began to lower his weapon and extend his arms. Sgt Wiebe testified that this was consistent with assuming a firing position and at that point Mr. DiCesare posed a lethal threat to himself, Cst. Redmann, and to anyone to the east of his location. Sgt Wiebe described this as an aggravated threat and he recognized that any other level of force other than lethal would be ineffective. He felt using lethal force was the only practical option and therefore he fired his C8 carbine rifle one time. He recalled hearing other shots and Sgt Wiebe was able to recognize an immediate change in Mr. DiCesare’s behaviour as he started to fall. As such, he did not feel that he needed to fire again.

[47] Patrol Sgt Kipling was located behind the passenger side door of the same vehicle from which Cst. Ragetli was taking cover. He had his Glock 22 pistol drawn and he was just to the left of Cst. Redmann. Patrol Sgt Kipling testified about considering whether Mr. DiCesare had a real gun. He indicated that he responds to many calls where there are BB guns and he was trying to assess the risk. After focusing on the weapon, he thought it to be real, based on the sound the



weapon made when Mr. DiCesare had tapped it at one point on the passenger side window. It was the sound of steel on glass. Several of the officers testified that this sound caused them to make the same assessment. Once Patrol Sgt. Kipling determined that it was likely a real gun, he became very concerned. An Uzi is a weapon which is capable of shooting multiple rounds. If Mr. DiCesare was to fire, a lot of people would be in danger. At that point, Patrol Sgt. Kipling testified that he made the decision that if Mr. DiCesare was to lower the weapon, he would need to use deadly force.

[48] Patrol Sgt Kipling recalled hearing someone to his left saying “you don’t have to do this.” Mr. DiCesare responded by saying “I am not going to kill myself. You guys are going to do it for me.” Mr. DiCesare then said he was sorry and lowered his weapon at Cst. Redmann. Patrol Sgt Kipling testified that he then shot his pistol. He thought it was four to five rounds and later was advised that he had shot five rounds.

[49] When asked about his thought process, Patrol Sgt Kipling testified that they were faced with a lethal force threat which constituted aggravated active aggression. Mr. DiCesare’s actions could cause death or grievous bodily harm and in order to address this, he had to use lethal force. While he did have other less lethal force options available, none were appropriate in the circumstances.

[50] The final officer who discharged his firearm was Sgt Shane Cooke. Sgt Cooke was patrol sergeant with the TAC unit at the time and he was the officer who crawled under cover of the ballistic blanket to shut off the siren which had been left activated. After completing that task he took up position left of other officers to the rear of the Audi. He was armed with a C8 carbine rifle and had a clear line of sight to Mr. DiCesare from the waist up. He described Mr. DiCesare as appearing extremely distressed and recalled him saying “sorry gonna make you do it.” He watched as Mr. DiCesare took a deep breath and lower his gun at Sgt Wiebe and the other officers. At that point, Sgt Cooke fired three quick shots. He recalled hearing other shots going off as well. Sgt Cooke testified that at that point, you cannot take a bluff and he believed he had to fire his weapon. He recalled lowering his weapon after discharging and cursing. He was very upset that the confrontation had to end in this manner.

[51] It is notable that I heard testimony from four other officers who had their weapons drawn that day and although they had determined that there was a completed threat assessment with weapon, delivery and intent present, they chose not to fire. Three of those officers were at the Willow location where they testified seeing Mr. DiCesare point his firearm at Constable Macumber. All three officers testified that although there was a completed threat assessment and they had a clear shot, they also recognized that the backdrop at that location would involve crossfire and potentially civilian involvement as a community centre was located close by and there were pedestrians in the area. All three officers made the decision not to fire their weapons. One officer had even gone so far as to pull the trigger slightly to take it to the ledge, but eased off after assessing the backdrop.

[52] At the standoff in the field, one officer testified that he refrained from taking a shot as he recognized that he was armed with a C8 carbine rifle, which is a powerful firearm. With Kenaston Boulevard as a background, it would be dangerous to shoot. If he missed, he had a background of several civilians.

[53] I will also note the evidence of Sergeant Brent Tully who was the supervisor in charge at the stand-off. He testified that while they were at the scene, he specifically looked for an opportunity to use a taser. When Mr. DiCesare exited the car, Sergeant Tully crawled under one of the SUV vehicles which surrounded the Audi to see whether he could deploy a taser from there. He would have to be within 14-18 feet to get good contact and was hoping to be able to gain such positioning. He was unable to do so as he was too exposed so he backed out. As he was doing so, he heard the gunfire and knew that Mr. DiCesare had been shot. It is evident that while ultimately lethal force was used on Mr. DiCesare, consideration was given to the possibility of using intermediate weapons.

## 6. POLICE USE OF FORCE POLICIES

[54] Each of the officers who discharged their firearms testified as to the thought process they engaged in when deciding to fire. All referred to the Winnipeg Police Services Use of Force

Policy (the “WPS Policy”). I was provided with two versions of the WPS Policy as it had changed slightly between September 20 and November 6, 2015. The changes, however, are minimal and the two versions are essentially the same.

[55] The WPS Policy states that in order for police officers to achieve their objectives, it may be necessary to resort to the use of force. Deciding the appropriate level of control is a dynamic process and involves constant reassessment based on the behaviour of the person. Where the level of resistance changes, the control response must be adjusted accordingly.

[56] The WPS Policy sets out a resistance continuum identifying six levels, which I summarize as follows:

1. Psychological intimidation - any non-verbal cues which suggest a person’s willingness to resist, which may include intimidating insults, tattoos, gang colors, and/or steroid abuse.
2. Verbal non-compliance - any verbal response from a person indicating unwillingness to comply.
3. Passive resistance - passive resistance is the lowest level of physical resistance and occurs when a person refuses to respond to directions but makes no attempt to defeat physical contact.
4. Defensive resistance - defensive resistance involves overt physical efforts that interfere with the police member’s attempts to control but there is no attempt to strike or assault others; for example pulling away or running from police members.
5. Active aggression - active aggression occurs when a person assaults or threatens to assault police members or other persons.

6. Aggravated active aggression - aggravated active aggression is the equivalent to lethal force and occurs when a person may use a technique and/or a weapon that could result in grievous bodily harm or death.

[57] A police officer's threat assessment is made using a framework which sets out three criteria:

1. A person must have a weapon, which may include the person's feet, hands, teeth.
2. Delivery system – the person must be able to apply the force of a weapon from their present position against a potential victim.
3. A person's behaviour must indicate their intention to use a weapon against a police member or other person.

[58] When a police officer believes on reasonable grounds that all three criteria are met, the threat is complete.

[59] The levels of force which may be used by a police officer are set out in a control continuum. The principle of preclusion means that a progression through each of the levels before arriving at an appropriate one is not necessary. The levels are:

- 1) police officer presence,
- 2) verbal direction,
- 3) soft empty hand control,
- 4) hard empty hand control,
- 5) intermediate weapons, and
- 6) lethal force.

[60] The “one plus one doctrine” provides police officers with a starting point when selecting an appropriate control level. Police officers have the right to select one level of control higher than the level of resistance used by a person.

[61] I note that similar Use of Force Policies have been considered in other recent Inquests, including Inquest into the death of Craig Vincent McDougall dated May 9, 2017, Inquest into the death of Lance Muir dated April 18, 2018, and Inquest into the death of Roy Thomas Bell, dated August 8, 2018. No recommendations related to Use of Force Policy resulted from those Inquests.

[62] Inspector Rob Bell of the R.C.M.P. testified as an expert in use of force techniques. Inspector Bell has 23 years of service in the R.C.M.P. and has testified as a use of force expert in many other court proceedings, including two previous inquests held in Manitoba. He described the use of force framework used by the WPS as being consistent with the one being used by the R.C.M.P., both of which are based on the National Use of Force Framework. His only comment with respect to the WPS Policy was that it tended to be worded in a linear fashion, whereas he described the need to look at the totality of the situation in order to determine the proper force to match the perceived threat. He noted that the one plus one doctrine outlined in the WPS Policy says control can be one level higher than the resistance, but Inspector Bell suggested that more has to be taken into account than just the level of resistance.

[63] When looking at the specific scenarios presented by the Sefa and DiCesare incidents, it was his opinion that discharge of the three firearms in the Sefa incident and the discharge of the five firearms in the DiCesare incident were all consistent with the provisions of the WPS Policy.

[64] I accept and agree with Inspector Bell’s opinion with respect to both shootings. In particular, after considering the facts of each incident, I do not believe that there was any way to use a lower level of force which might have prevented the deaths of either Mr. Sefa or Mr. DiCesare. The officers in both scenarios were faced with what they reasonably believed to be a loaded firearm which was pointed directly at another officer. Both circumstances rapidly unfolded and there was no realistic opportunity to use an intermediate weapon such as a taser or

pepper spray. In the DiCesare case, while the firearm was only a replica, it strongly resembled an Uzi submachine gun which is a very powerful weapon capable of discharging a high number of rounds. While such weapons are rare in Canada, it remained possible that this was a real firearm and it would not be appropriate for the officers to assume that it was fake.

[65] A question that is often asked is “why don’t police just shoot people in the leg?” When asked to comment on this, Inspector Bell indicated that this may be a Hollywood mentality and movies and television shows may depict this as an effective way of resolving the situation. In reality, however, police officers are trained to only resort to lethal force when faced with grievous bodily harm or death. Once the decision is made to employ lethal force, officers are trained to aim for centre of mass and to discharge as many times as is necessary to stop the threat. There is too much risk to make a precision shot to remove the gun from the individual’s hands or to hit a non-critical area of the body. That level of force would not necessarily prevent the individual from dying in the end and it increases the risk to the rest of the public. In addition to the risk of missing the precision target thereby failing to remove the immediate threat, there is risk of over-penetration and the bullet continuing on to injure others. Inspector Bell indicated that firing at any point other than centre of mass is not an established training philosophy used by any law enforcement agency of which he was aware.

## 7. ISSUES REGARDING WINNIPEG POLICE SERVICE CONDUCT

[66] A number of issues with respect to the conduct of WPS during the two incidents were raised during the course of the Inquest which warrant further comment.

### Linear Nature of WPS Use of Force Policy

[67] Inspector Bell testified that his only concern with respect to the WPS Policy was that it tended to be linear in nature. He provided a copy of the graphic used in the National Use of Force Framework to illustrate the use of force thinking framework. The graphic is circular, suggesting a totality schematic rather than hierarchical. Based on the testimony of the 18 officers who testified about the incidents, I am satisfied that the WPS Policy and the training

provided to the officers reflects a clear understanding that the use of force continuum is dynamic and must respond to the circumstances presented. I did not note linear thinking in any of the officers' testimony. In my view, no changes to the WPS Policy are required.

### Vehicle Stop Technique

[68] When asked whether he had any suggestions to prevent similar deaths from occurring in the future, the only comment Inspector Bell made was with respect to the manner in which Mr. Sefa's van was stopped during the pursuit on Highway 59. He was not familiar with the technique and expressed concern with respect to the jeopardy the officers were exposed to in conducting the maneuver. This was particularly so given that the van had no side or rear windows so the driver's actions were unknown until TAC 1 actually pulled beside and then in front of the subject van.

[69] The other concern was that by stopping Mr. Sefa, his hand was essentially forced. When individuals are suicidal and in distress, they may or may not have made up their mind as to what they are going to do. By forcing the stop, the suicidal individual is cornered into committing to a course of action.

[70] When asked about what alternatives were available, Inspector Bell indicated that the use of a stop stick may have been a safer means of stopping the van as it would have been done more gradually. He acknowledged, however, that the van needed to be stopped because the police information was that Mr. Sefa had homicidal intent and he was heading towards where his target resided.

[71] I agree that the inability to see what Mr. Sefa was doing with a potential firearm created a risky (yet courageous) move on the part of the TAC officers. In the circumstances, however, there was certainly an immediate and imperative need to stop Mr. Sefa in view of the information officers had regarding homicidal and suicidal intent. Inspector Bell acknowledged that the best course of action was to stop Mr. Sefa, even though that would have forced his hand and caused him to commit to a course of action. I have no concerns regarding the decisions

made by the TAC team in the moment and further, utilizing a different stop technique would not have changed the circumstances in such a way as to prevent Mr. Sefa's death.

### Use of Rifle

[72] In the DiCesare incident, one of the officers who discharged a rifle was not a certified operator of that firearm. Cst. Ragetli had taken it out so that he could provide it to his partner but never had an opportunity to hand the weapon over. Inspector Bell was asked of his opinion on the situation and he expressed no concerns, given Cst. Ragetli's recruit training and his personal familiarity with the weapon. Given the exigent circumstances, I have no concerns with Cst. Ragetli's decision to use the rifle in those circumstances. It may have been available to him to put the rifle down and use his pistol, but in the face of a threat posed by the Uzi believed to be possessed by Mr. DiCesare, Cst. Ragetli cannot be faulted for choosing a more precise and powerful weapon to respond.

### Continued Blaring Siren

[73] The testimony of all the police officers involved in the DiCesare incident was that Mr. DiCesare was exhibiting panicked and agitated behaviour during the standoff in the field. Multiple officers testified that they were yelling commands to him to put the gun down. To make things worse, a siren was left on after a police cruiser was parked and vacated. Given that the Audi had previously broken containment at the Willow location, it was astute for the officer to pull his cruiser car up directly against the Audi to prevent the door from being opened. It was a courageous move which left him in a very vulnerable position. It is entirely understandable that the officer left the vehicle as quickly as possible and he cannot be blamed for neglecting to shut off the switch before exiting.

[74] A memo filed in evidence by WPS counsel as Exhibit 24 outlines the steps that have been taken since this incident with respect to a "kill switch". Starting in 2018, all Winnipeg Police Service Interceptor models have a park/kill feature activated as part of their preparation for use by WPS members. This wiring enables a trigger to turn the siren off when the vehicle is put in



park. WPS estimates that 5% of its general patrol fleet is currently equipped with the park/kill option and this number will continue to increase as the fleet vehicles are replaced with newer models.

[75] It would appear that these modifications will address any concerns about unwanted siren noise.

#### De-Escalation Techniques and Mental Health Training

[76] The siren was one of the issues confounding the standoff in the field in the DiCesare incident, but there was also the problem of multiple officers voicing commands at an obviously distraught individual. It would appear that initially, everyone was yelling while the siren was blaring. It would have made for a chaotic high stress situation.

[77] Eventually, after the siren was shut off, the voice commands came from the loud hailer, which was operated by Tactical team members. At that point, there was primarily one person communicating with Mr. DiCesare, although others did try to speak to him when he came out of the car the second time. The evidence of all of the officers, however, was that he did not seem to be listening to what they were saying and that he never indicated any willingness to engage in dialogue. He had earlier cut off communication by throwing his cell phone out the window. The WPS Crisis Negotiation Unit was deployed and en route to the scene, but unfortunately, the stand-off ended after only 23 minutes, and they did not arrive in time to be able to provide any assistance.

[78] Having multiple officers yelling at the same time was unproductive and likely only intensified, rather than reduced the stress of the situation. This was rectified once the siren was shut off and there was just one primary person trying to communicate. As noted earlier, Mr. DiCesare did not ever indicate any willingness to listen or engage in dialogue. As such, I find that while the initial state of affairs was less than ideal, it is not evident what, if any, effect it had on the final outcome.

[79] Inspector Bell was asked whether he was aware of any de-escalation techniques which could have been employed, particularly in a situation where an individual has expressed self harm intent, but no intent to harm others. He indicated that there are no specific techniques which are provided in training and any de-escalation is dependent on the ability to establish a dialogue or rapport with the individual such as to get them out of the immediate critical situation and into the care of a medical professional.

[80] In situations where it is believed that the danger of a firearm is present, police are under a duty to intervene as a matter of public safety and it would not be appropriate to scale back. He indicated that there may be situations where backing off and reducing police presence may be appropriate, but that was not the case in either the Sefa or the DiCesare incidents, given the imminent danger created by the presence of firearms.

[81] Entered as Exhibit 22 to the Inquest was a summary of the Mental Health Training provided to WPS members. The standard training provided to recruits includes a two day interactive workshop called Applied Suicide Intervention Skills Training, as well as mood disorder education and crisis communication/de-escalation training. Practical scenarios and role playing are used to practice and demonstrate communication and de-escalation skills learned. One of the scenarios specifically contemplates a “suicide by cop” fact situation. I am satisfied that the WPS standard training includes education on de-escalation and dealing with mental health crises.

## 8. RECOMMENDATIONS

### Use of Force

[82] It is not the task of an inquest to attribute fault or blame in relation to the events which transpired. The mandate is to determine the circumstances leading to the deaths and determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[83] Both of the incidents addressed in this report involved high stress, rapidly unfolding situations which occurred over a very short period of time. The danger associated with both scenarios was greatly exacerbated by the presence of firearms. Inquest counsel had no recommendations to suggest regarding police action and I agree. I do not think there is anything that could be changed regarding the conduct of the WPS which might serve to prevent a death from occurring in similar circumstances in the future. When faced with the imminent threat of a firearm being pointed directly at a police officer, there can be no choice but to respond in such a way as to effectively remove the threat. In the DiCesare case, the firearm was a replica and did not pose a real threat of grave harm. There was no way, however, for police to know this and an incorrect assumption that the weapon was fake could mean the death of one or more officers.

#### Imitation Firearms

[84] WPS counsel noted that replica weapons are of questionable value to society and suggested that consideration may be given to passing legislation which would prohibit the possession of replica weapons. It was noted that existing legislation, specifically *The Body Armour and Fortified Vehicle Control Act*, CCSM c.B65 is a provincial licencing and possession scheme addressed at certain types of equipment. It was suggested that something similar could be considered for replica weapons.

[85] At my request, an additional half day of hearing was held on June 19, 2019 to hear further evidence regarding the presence of replica weapons in Winnipeg and their utility.

[86] At the outset, it is important to establish some terminology. I was provided with a 2017 criminological/sociological practicum report by B. Christmas entitled “Issues Surrounding Non-Powder Weapons: Exploratory Research” which provided some definitions. A non-powdered weapon is “any barrelled device that does not require gun powder to launch a projectile. Instead, they employ compressed air or other gases, spring or electricity to fire and includes BB guns, paintball guns, air soft guns and pellet guns.” A non-powdered firearm may be considered a firearm under the Firearms Act and the *Criminal Code* if it possesses sufficient muzzle velocity and energy. A replica firearm is a device designed to resemble a real firearm. These are

prohibited devices under the *Criminal Code*. Whether a particular device sufficiently resembles a real firearm such as to be classified a replica firearm is a matter of interpretation, so there is a degree of uncertainty as to what falls in this category. An imitation firearm is anything that imitates a firearm and includes replica firearms and certain non-powder weapons. For the purpose of this report, I will use the all encompassing term “imitation firearm.”

[87] I heard from two additional witnesses from WPS. The first was Patrol Sgt Colin Anderson who is certified as a use of force instructor and is a supervisor who teaches and trains WPS officers. He confirmed that in situations where an individual is perceived to have a firearm, officers are trained to respond with lethal force if they fear grievous bodily harm and they are to treat all situations as though there is a real firearm until they are able to determine otherwise. In most cases, this means that any perceived firearm is considered real until the officer can actually themselves handle the item. It cannot be assumed that the gun is not capable of firing real ammunition, otherwise people can get hurt.

[88] The second witness was Cst. Tony Wong. He has served with the Community Relations Unit and in July 2015, in response to community concerns, he co-authored a discussion paper entitled “Non-powder Firearms Report.” The discussion paper was intended to generate awareness and is a call for action regarding the danger non-powder firearms pose to users and the public. At pp 13-14, the discussion paper states:

While it is difficult to determine how much crime will be reduced by eliminating non-firearms, it is unquestionable that it can prevent lives being lost.

When a firearm is discharged, even in the hands of a trained police officer, there will be a potential for collateral damage. The bullet can over penetrate or simply miss its intended target. If a police officer shoots a person, he or she will then have to deal with the psychological and legal aftermath. These scenarios can be prevented if non-weapons are out of the reach of criminals.

A criminal might still choose to use other weapons if a non-firearm is not available. For example, a knife is a common weapon, and it is capable to causing death or grievous bodily harm. However, when dealing with a subject armed with a knife, police officers have other use of force options depending on the circumstance. An officer may choose to temporarily incapacitate a subject brandishing a knife with a Conducted Electrical Weapon, such as a Taser, if he or she feels safe and appropriate to do so. Further more, non-firearms can exponentially increase the risk factors in a suicide-by-cop scenario. Police officers are well trained in suicide intervention strategies, and are able to rely on other physical restrain methods if negotiations fail. However, if a person utilizes a suicide-by-cop plan with a non-firearm, he or she will very likely achieve their goal.

[89] Cst. Wong also provided statistics on seizure of non-powder firearms in Winnipeg. From 2014 to 2018, the number of non-powder firearms seized by WPS increased 56% from 272 to 421. Seizure of actual firearms has similarly increased from 956 in 2014 to 1763 in 2018. This supports Cst. Wong's anecdotal evidence that there is increased concern in the community about gun violence.

[90] With respect to purchase of imitation firearms, Cst. Wong indicated that non-powder weapons that have high likeness to firearms, particularly handguns, are readily available for purchase at several local sporting stores and online with little to no restrictions. There are also no guidelines to safe disposal. He advocated for imposition of regulation of the purchase, sale, use and disposal of non-powder weapons to improve public safety in Winnipeg.

#### Recommendation Regarding Imitation Firearms

[91] The "suicide by cop" fact situation which ultimately led to the deaths of Mr. Sefa and Mr. DiCesare is not common but is by no means isolated or rare. An individual in psychological distress may be aware that police are authorized to use lethal force when necessary. The availability of imitation firearms in society makes it more likely that police will be provoked to

use lethal force. As indicated by Inspector Bell, the imminent danger created by the presence of a firearm made it inappropriate to scale back the police presence. If the threat of a firearm had not been a factor, police may have been able to back off and attempt to de-escalate the situation.

[92] In Manitoba society, imitation firearms are sold for entertainment and sport. While these are legitimate purposes, the potential danger associated with these devices is significant and may outweigh the entertainment purpose. When used improperly, imitation firearms cause death. I find that there is merit in WPS counsel's suggestion that consideration be given to enacting legislation to regulate the sale and possession of imitation weapons. While a portion of the population may enjoy their use in sport or entertainment, the negative impact imitation weapons have on our communities warrants the need for some regulation.

[93] The extra half day of evidence held in this Inquest was not nearly sufficient to identify all of the considerations involved in creating a regulatory scheme, but I am satisfied that there is sufficient concern raised to support the following recommendation:

[94] I recommend the Province of Manitoba consider enacting legislation regulating the acquisition and possession of imitation firearms to reduce the risk of harm to the person possessing the imitation firearm, members of the public and law enforcement officials.

I respectfully conclude and submit this Report on this 4<sup>th</sup> day of October, 2019, at the City of Winnipeg, in the Province of Manitoba.

*“original signed by Judge Lindy Choy”*

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Judge Lindy Choy



Manitoba

*THE FATALITY INQUIRIES ACT*  
REPORTED BY PROVINCIAL JUDGE ON INQUEST  
RESPECTING THE DEATH OF: HAKI SEFA & MARK DICESARE

APPENDIX "A" – LIST OF WITNESSES

Cst. Jonathan Kiazyk  
Cst. Cortney Olson  
Cst. Carl Mueller  
Cst. Jeffrey Driedger  
Patrol Sgt. Michael Temple  
Cst. Sheree Hanysh  
Patrol Sgt. David Pierce  
Cst. Gavin Park  
Cst. Ian McClarty  
Cst. Brian Dwyer  
Sgt. Brent Tully  
Cst. Scott Hollywood  
Cst. Tyler Lintuck  
Cst. Luke Ragetli  
Cst. Marvin Redmann  
Sgt. Greg Wiebe  
Patrol Sgt. Robin Kipling  
Sgt Shane Cooke  
Inspector Rob Bell  
Patrol Sgt. Colin Anderson  
Cst. Tony Wong



Manitoba

*THE FATALITY INQUIRIES ACT*  
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RESPECTING THE DEATH OF: HAKI SEFA & MARK DICESARE

APPENDIX "B" – IIU TRANSCRIPTS REVIEWED

Cst. Hamza Moustarzak

Cst. Jennifer Kucheran

Cst. Henry Levreault

Cst. Joao Simoes

Cst. James Macumber

Cst. Shawn Langstaff





Manitoba

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RESPECTING THE DEATH OF: HAKI SEFA & MARK DICESARE

APPENDIX "C" – EXHIBIT LIST

Description

1. Autopsy Report
2. Toxicology Report
3. Forensic Identification and Occurrence Report; Continuation Report and scene diagram with index
4. Firearms Report
5. Use of Force Policy of Winnipeg Police Service
6. Narrative of Sgt. Carlson
7. Scene photographs taken by RCMP
8. Statement of Constable Starzak (PH)
9. Winnipeg Police Service Call or Event History
10. Autopsy Report
11. Toxicology Report
12. Firearms Report
13. Forensic Scene Report
14. Use of Force Policy
15. Call Report
16. Transcript of Statement of Jennifer Kucheran
17. Transcript of Statement of Henry Levreault
18. Transcript of Statement of Joao Simoes
19. Photo showing intersection of Willow Avenue and Doncaster Street
20. Photobook of scene
21. Transcript of Statement of James Macumber
22. Mental Health Training Report from WPS

23. Transcript of Statement of Shawn Langstaff
24. Inter-Office Memo dated Jan. 25/19 Re: Vehicles Park/ Kill Switches
25. Curriculum Vitae of Robert Bell
26. National Use of Force Framework (NUFF) Diagram
27. Research Report by Brandi Christmas entitled Issues Surrounding Non-Powder Weapons:  
Exploratory Research
28. Paper from the Rancho Cordova Police Department entitled Firearms: Real or Replica?
29. Winnipeg Police Service Firearm Seizure Summary
30. Non-powder Firearms Report
31. Memo dated May 14, 2019 from T. Wong
32. Photos of store display (3 photos)
33. Three Ontario inquest news articles