

RELEASE DATE: June 28, 2024



**IN THE PROVINCIAL COURT OF MANITOBA**

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

AND IN THE MATTER OF: An Inquest into the Death of Adriel Shworob  
(DATE OF DEATH: MARCH 10, 2020)

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**Report on Inquest and Recommendations of  
Judge Julie Frederickson  
Issued: June 25, 2024**

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**APPEARANCES:**

Thomas Boulton and David Burland, Inquest Counsel  
Kimberly Carswell, Counsel for the Winnipeg Police Service  
Kim Shworob, on behalf of the family of Adriel Shworob



## MANITOBA

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

#### RESPECTING THE DEATH OF: ADRIEL SHWOROB

Having held an inquest respecting the said death on March 11, 12, 13 and 22, 2024, at the City of Winnipeg, in Manitoba, I report as follows:

The name of the deceased is: Adriel Shworob.

The deceased came to his death shortly after 5:30 a.m. on the 10th day of March 2020, in Winnipeg, Manitoba.

He died by the following means: Gunshot wound.

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 25<sup>th</sup> day of June, 2024.

*“Original signed by:”*

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Judge Julie Frederickson  
Provincial Court of Manitoba

COPIES TO:

1. Dr. John Younes, Chief Medical Examiner
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 & Deputy Attorney General
5. Michael Conner, Assistant Deputy Attorney General
6. Thomas Boulton and David Burland, Counsel to the Inquest
7. Kimberly Carswell, Counsel for the Winnipeg Police Service
8. Kim Shworob, for the family of Adriel Shworob
9. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



# MANITOBA

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

RESPECTING THE DEATH OF: Adriel Shworob

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## **I. INTRODUCTION**

[1] Adriel Shworob (“Adriel”) was a much-loved son and brother. He was thoughtful and cared deeply about others and animals. He had plans to move to Indonesia and open a yoga school. He sold his home and purchased a plane ticket to Bali. The onset of the global Coronavirus disease (COVID-19) pandemic meant that his flight to Indonesia was cancelled. As a result, he was temporarily staying at the home of his father, Kim Shworob (“Kim”), and his father’s partner, Vivian Ellis (“Vivian”).

[2] Adriel suffered from undiagnosed mental health concerns. He had committed an act of self-harm not long before his death. He also used psilocybin – commonly referred to as “magic mushrooms”. Both of his parents and his family doctor expressed concern to him about his use of this substance.

[3] In the early morning hours of March 10, 2020, Adriel entered his father’s bedroom. He attacked Kim first, and then Vivian. Adriel followed Kim, who had gone outside for safety. He stabbed Kim repeatedly with a knife. When police arrived, Adriel was on top of his father, who was laying in the street, not moving, and surrounded by blood.

[4] Adriel did not respond to police commands to stop. He was undeterred by their attempts to physically remove him from his father’s body. Tasers were deployed three times, but their use was ineffective. Fearing for Kim’s life, a police officer shot Adriel. He died from the injuries caused by the gunshot a short time later.

## **II. MANDATE AND LEGISLATIVE AUTHORITY**

[5] On June 7, 2021, an Inquest into the death of Adriel Shworob was called by Dr. John K. Younes, the Chief Medical Examiner of the Province of Manitoba. In his letter to then-Chief Judge Margaret Wiebe of the Provincial Court of Manitoba, Dr. Younes directed that the Inquest be held for the following reasons:

1. To fulfill the requirement for an inquest, as defined in Section 19(5) (a) of *The Fatality Inquiries Act* (the “Act”);
2. To determine the circumstances relating to Adriel Shworob’s death; and

3. To determine what, if anything, can be done to prevent similar deaths from happening in the future.

[6] Section 19(5)(a) of the Act requires that an inquest be held when the deceased person dies as a result of the use of force by peace officers acting in their course of duty.

[7] Section 26(1) requires that a provincial court judge be assigned to conduct the inquest.

[8] Section 26.2(1) specifies that an inquest is a non-adversarial proceeding. Its purpose is to establish the facts necessary to enable the preparation of a report.

[9] After the completion of an inquest, Sections 33(1) and 33(1.1) of the Act require that a written report be provided to the Minister responsible for the Act, setting forth the date, time and place of death, the cause and manner of death, and the circumstances in which the death occurred. The Inquest Judge has the discretion to make recommendations respecting changes to provincial laws or to programs, policies, and practices of the provincial government or of public agencies and institutions, to prevent deaths in similar circumstances.

### **III. STANDING**

[10] David Burland and Thomas Boulton were appointed Inquest Counsel, and a Standing Hearing was conducted on November 22, 2021.

[11] The Winnipeg Police Service (“WPS”), represented by their legal counsel, Kimberly Carswell, was granted standing. At the time of the Standing Hearing, the family of Adriel were unsure if they wanted to be granted standing. It was always understood that Adriel’s father, Kim, would be a witness in the proceedings.

[12] Ultimately, the family of Adriel, represented by his father, Kim, requested and was granted standing on February 22, 2022.

### **IV. CIRCUMSTANCES OF ADRIEL’S DEATH**

#### Events Leading Up To Adriel Staying at Kim’s House

[13] Approximately 10 years prior to March 2020, Adriel was involved in what Kim described as an “incident”. That incident involved Adriel stabbing someone. Adriel was

found at the time to have been in a psychosis and underwent treatment for six months. According to Kim, following the treatment, Adriel was no longer suffering from a psychosis.

[14] Several weeks prior to March 10, 2020, Adriel engaged in self-harming behaviour. He was under the influence of psilocybin at the time. Kim took him to their family doctor. The doctor expressed concern to Adriel about his use of psilocybin. He encouraged Adriel to seek help.

[15] Adriel's mom, Cindy Shworob, was also concerned about Adriel's use of psilocybin. He had previously taken large doses of it when staying with her. She did not feel safe around him.

[16] Due at least in part to Cindy's safety concerns, when Adriel's flight to Indonesia was cancelled, he went to stay at Kim and Vivian's house.

#### Events of March 9 and 10, 2020

[17] Kim said that the evening of March 9, 2020, unfolded in an unremarkable manner. He, Vivian, and Adriel ate dinner together and then watched a couple of movies. Kim and Vivian went to bed, while Adriel stayed up.

[18] Kim and Vivian were awoken around 4:30 am by Adriel. He was in their bedroom, standing over his father. A physical attack ensued, with Adriel biting Kim. When Kim asked Adriel what he was doing, there was no response.

[19] Adriel had a pair of scissors in his hands, which Kim and Vivian managed to gain control of. Adriel went downstairs to the kitchen, retrieved a knife, and returned to the bedroom. Kim was in the bathroom when he heard Vivian scream. Adriel had stabbed her with the knife. Once again, Kim and Vivian managed to disarm Adriel, and threw the knife down the stairs.

[20] Kim testified that he tried to throw Adriel down the stairs but could not; Adriel was too strong and resisted Kim's attempts.

[21] When Adriel first attacked Kim, Vivian called 911. The recording of the call, tendered as part of Exhibit 1, evidences the sheer terror of what was unfolding. Vivian was able to

provide some initial information to the operator before the call ended. When the operator tried to call back, there was no response.

[22] After she was attacked, Vivian went downstairs to open the front door of the house for the police. Kim thought it best that they get out of the house, for safety. Video from a neighbour's doorbell camera shows the door being opened and Vivian and Kim exiting the house. Kim tells Vivian to run. Before she can do so, Adriel exits the house, runs past her and grabs Kim from behind.

[23] This video has sound, and you can hear Kim's anguish as Adriel attacks him. Details of the attack are not precisely visible, but on the video you can see the two grappling, with Kim eventually being pushed to the ground by Adriel, and Adriel getting on top of his father.

[24] Kim testified that Adriel stabbed him in the right eye. He was also stabbed or cut around his left eye and in multiple places on his face, neck, legs, and arms. His teeth were broken, as were his ribs.

[25] Vivian's 911 call resulted in the police dispatcher assigning the call as a Priority One, which is one of the most serious types of call. Immediately, several units were assigned to attend. Two of those units arrived within seconds of each other. Constables Laurel and Desmarais arrived first, and Constables Harder and Creighton immediately after.

[26] While both units were on route to the scene of the attack, Vivian called back to 911 and was able to provide further information, including that she had been stabbed, that Adriel was now assaulting Kim outside on the street, that he might be armed with a knife, and that Adriel was known to take psilocybin. This information was relayed to the responding officers through their onboard computer system and radio.

[27] In addition to Vivian's second call to 911, a neighbour also called 911. Her evidence was tendered as part of an audio statement in Exhibit 1. She told the operator that she heard what she thought was a woman screaming. When she looked out her window, she saw two figures in the middle of the street. She described the aggressor as male, and he was on top of the other figure, who she thought was female. She thought the male was trying to strangle the female. She saw police cars arriving as she was on the call with 911.

[28] Another neighbour also witnessed the attack. In her statement to the Independent Investigation Unit (“IIU”) investigators and tendered as part of Exhibit 1, she said she was awoken by noise that she thought was coming from a dying animal. She woke up her husband, and together they saw what she described as an attack so vicious, she at first thought it was an animal attacking a person. She then realized it was two people. She thought it was likely a male as the aggressor and could not tell whether the victim was male or female. Her perception was the victim was being stabbed, although she could not see a weapon.

[29] There is another video taken from a security camera at the neighbouring house. This video does not have sound but captures Adriel and Kim struggling on the ground just as police are pulling up. In deference to Kim, who has not seen the video and did not wish to, this video was not played in court until the final day of hearings. As such, any discrepancies between the video and the testimony of Kim and the four initial responding officers were not put to them. To the extent that there are discrepancies between the testimony and the video, I rely on the video evidence as accurately portraying what happened.

[30] Regarding the discrepancies, I find that they are minor and reflective of both the passage of time between the incident and the testimony, and the challenge in reliving a traumatic experience. For example, Laurel testified he attempted to pull Adriel off of Kim by his shoulders. As seen on the video, his initial attempt at pulling Adriel off was by his hair. He later tried pulling Adriel by his shoulders. As another example, although Kim testified that Adriel was not attacking him when police arrived, the video shows Adriel on top of Kim, moving his body and limbs in a manner consistent with stabbing or cutting motions.

[31] All four officers – Laurel, Desmarais, Harder and Creighton – described the scene in a similar way. A man, clad only in a housecoat, was laying on his back on the ground. He was not moving. A younger man was on top of him. They were both covered in blood, and blood could be seen on the street around them.

[32] Getting out of their cruiser cars, the four officers approached the pair, yelling at Adriel to stop and get off. He did not appear to acknowledge their presence and continued with his

focus on Kim. Laurel tried to physically remove Adriel but was only partially successful, as Adriel quickly moved back on top of Kim. Harder kicked Adriel in the side of his body but was similarly unsuccessful in removing Adriel and stopping the attack. Desmarais described Adriel's actions like a vacuum; testifying that any time one of the officers tried to dislodge Adriel he would immediately appear to be "sucked back" onto Kim. The video shows Adriel's determination in regaining his position on top of Kim whenever a physical blow was lodged at him.

[33] Creighton noticed the knife in Adriel's right hand and alerted the other officers. They all briefly backed away from Kim and Adriel.

[34] Desmarais deployed her taser twice. She said that it did not have the desired effect on Adriel, as he continued his attack on Kim. Harder also deployed his taser. It was ineffective. Adriel kept attacking while Kim remained motionless.

[35] Once her taser failed a second time, and with the serious attack on Kim continuing unabated, Desmarais concluded she had no choice but to use her firearm. She pulled it out and yelled at Adriel to get off, so that he wouldn't get hurt. She described it as pleading with him. She did not want to have to shoot. Adriel did not comply, nor did he acknowledge her. She saw an opportunity to shoot and took it. She fired her service revolver once, hitting Adriel in the back. Adriel slumped onto Kim.

[36] The two neighbours who heard the commotion were watching from their respective houses. They were each a distance away and could not see clearly. They each saw police arrive at the scene. One heard a gunshot; the other did not.

[37] Vivian's son, Cameron Ellis, was also present. As with the evidence from the neighbours, his audio statement was tendered as part of Exhibit 1. In his statement, he explained that his mother had called him in a panic. He arrived in his vehicle shortly before police did. He told the IIU investigators that he wasn't certain as to exactly what was going on; his mother was frantic when she called. He saw two figures on the street, one of whom was making stabbing motions. He honked his car horn in an attempt to stop the attack, but it did not.

[38] He tried calling his mother but got a busy signal. He was calling 911 when police arrived. He pulled his car over, to get out of the way.

[39] He was parked a short distance away, behind the police cars. He heard the police order Adriel to get off. He saw an officer kick Adriel in the side, but Adriel remained on top. He saw a taser being deployed, but it did not work in stopping Adriel. He heard one gunshot, which ended the incident. At that point, he got out of his car, and ran to check on his mother.

[40] Patrol Sargeant Oliver arrived just prior to the shooting. He testified he heard Desmarais tell Adriel that if he stopped, he wouldn't be hurt. He heard a taser deploy. He then heard a single gun shot.

[41] Constables Marr and Miller arrived, just as they heard "shot fired" over the police radio. Marr ran up to Desmarais, Creighton, Harder and Laurel, who were surrounding Adriel and Kim, who were still on the ground with their bodies entwined. Marr assisted Laurel in partially pulling Adriel off of Kim. Adriel was still conscious. He still had the knife in his hand and refused to drop it. Laurel pried it out of his hand threw it to the side. Adriel resisted giving up his arm to be handcuffed. He still was not cooperating with the officers.

[42] Adriel was eventually handcuffed, and he and Kim were finally pulled apart. Adriel was placed on his side on the ground in the recovery position. Marr stayed with him and monitored his level of consciousness, which was decreasing. As soon as paramedics arrived, he motioned them to Adriel's side.

[43] Desmarais attended to Kim, wrapped him in blankets and held his hand, encouraging him to hang on.

[44] The first ambulance arrived, and paramedics were on scene and at Adriel's side approximately five minutes following his being shot. He was loaded onto the stretcher and taken into the ambulance. The records from the attending paramedics indicate that resuscitation attempts were made, but Adriel did not regain consciousness.

[45] Adriel was taken by ambulance to Health Sciences Centre. He was pronounced dead less than two minutes after his arrival.

## **V. MEDICAL EVIDENCE AND TOXICOLOGY**

[46] The autopsy report was filed as part of Exhibit 1. The cause of death was as a result of a gunshot wound to the torso. The partially intact bullet was removed from his right chest wall, with a small fragment remaining in his body. Four taser probes were observed in the postmortem x-ray. There were numerous other superficial injuries noted on his body, consistent with being in a physical fight, as well as the result of the medical interventions to save him.

[47] A toxicology report was ordered. It concluded that no drugs, alcohol, or similar volatile substances were detected in Adriel's biological samples. The toxicology report noted that the laboratory did not have a specific method for the confirmation of psilocin and/or psilocybin, which are the compounds in magic mushrooms.

## **VI. WINNIPEG POLICE SERVICE USE OF FORCE POLICY**

[48] Constable Daniel Sorokowski was qualified as an expert on police use of force and use of force policies. He was not involved in the events of March 10, 2020. He had access to and reviewed the WPS reports, officer's notes and narratives, and photographs. He had watched the videos of the event.

[49] His testimony was helpful in gaining an understanding of WPS use of force policies, the training that all officers undergo, and weapon options available to officers.

[50] WPS officers undergo an intensive 38-week training program when they are first hired. The training on use of force includes both classroom and in-gym lessons, with trainees being required to respond to simulated situations based on calls officers have faced.

[51] All officers must re-certify in use of force bi-annually. They must pass firearm training annually.

[52] Sorokowski explained that the WPS policy on use of force is based on the national model and is reviewed annually. The justified force doctrine described in the policy is based on the premise that an individual's behaviour, referred to as their level of resistance, is what dictates an officer's response. For example, if an individual is exhibiting passive resistance

by not responding to verbal demands from an officer, the officer may employ soft empty hand control, by touching the individual to guide them. As an individual's behaviour changes, so does the use of force used by the officer.

[53] In the situation faced by officers on March 10, 2020, Adriel was exhibiting what is described in the justified force doctrine as "aggravated active aggression", for which the corresponding use of force is lethal force. Despite this, the officers did not immediately move to lethal force.

[54] Sorokowski described the less lethal or intermediate weapons that are available to general patrol officers. All officers are issued an Asp baton, OC (pepper) spray and a conducted energy weapon, commonly referred to as a taser. In addition to these weapons, the K9 unit is considered an intermediate weapon, but its use is dependent on its availability, which is generally during the day shift. The K9 unit was not available during this incident.

[55] WPS officers on the tactical team have access to additional intermediate weapons. The tactical team can be called out to assist general patrol officers, depending on availability. They were not called to assist during this incident.

[56] In describing the intermediate weapons available to the officers who encountered Adriel, Sorokowski noted that the use of OC spray is not recommended in situations where an individual has a weapon because it does not cause physical incapacitation.

[57] The Asp baton can cause temporary physical incapacitation if a major muscle in an arm or leg is struck. Officers need to be within close range to use the baton. Its use in the situation officers faced on March 10, 2020, was not recommended because of the risk posed by the knife in Adriel's possession.

[58] The tasers issued to WPS officers have two bays, each of which are armed with two darts. The ideal taser deployment would see an approximate 9-15 feet distance between the officer and the subject, and result in the darts hitting with a sufficient spread between them, such as in the lower mid-abdomen and mid-thigh, to create an intermuscular incapacitation.

[59] Tasers were deployed three times; twice by Desmarais and once by Harder. Although the two deployments by Desmarais made contact with Adriel's body, their use was ineffective. There was no intermuscular incapacitation. Kim testified that with one of the deployments, he could feel an electrical shock.

[60] Sorokowski noted that tasers often fail, whether due to user error, manufacturer error or other factors. In this case, the taser probes made contact with Adriel, as evidenced in the post-mortem x-ray. Despite this contact, they were ineffective in changing or stopping Adriel's behaviour.

[61] In addition to explaining the justified force doctrine, Sorokowski explained how officers are trained to undertake a threat assessment. Threat assessments have three components: weapon, intent and delivery system. While some weapons are obvious, such as a knife or a gun, a weapon could also involve a part of a person's body. The example given was a person's foot, used to stomp on someone's head. The assessment of intent involves consideration of an individual's body language, for example their physical stance, along with any verbal communication. The delivery system is a consideration of how the weapon relates to the circumstances. For example, if the weapon was a knife but there was 20 feet between individuals, the distance would generally be too great for the threat to be delivered.

[62] In the situation faced by officers when they arrived on scene, there was a weapon being actively used by Adriel. Despite verbal direction, physical attempts and taser deployments to make him stop, Adriel's intention to continue harming his father was obvious. His position on top of Kim enabled an effective delivery system. Based on what they observed, the officers concluded that the threat assessment was complete. The use of lethal force was justified.

## **VII. FINDINGS**

### Video Evidence is Helpful, But Does Not Tell the Full Story

[63] Eyewitness testimony can be unreliable. Not because a witness is purposely being untruthful, but because memory can be impacted *inter alia* by trauma, by what a particular

person's focus was, and by the passage of time. Video assists in providing a visual representation of what happened.

[64] However, without context such as witness testimony, the video evidence does not tell the full story of what happened.

[65] It was difficult to watch the video of the police intervention with Adriel. Without testimony, there were many questions.

[66] For example, why did the officers immediately become physical with him? One of the first things observed on the video is Laurel running at Adriel, who had his back to the officers, and pulling him by the hair. The hair pulling is quickly followed by kicks and by punches to his side and head by Harder and Laurel.

[67] The testimony of Kim and of Creighton, Harder, Laurel and Desmarais helped to put what was observed into context, and provided evidence of what was not evident from the video alone. The testimony provided an understanding of what the officers faced when they first arrived. It provided an understanding of the extent of the injuries Kim had sustained. It provided an understanding of Adriel's singular focus on harming Kim, and his apparent disassociation from reality.

[68] The hands-on physical actions were part of an attempt to de-escalate the situation from one where lethal force had to be used. The actions were not gratuitous. They were intended to stop the attack in a less lethal way.

[69] The knife is not visible in the video. However, there is no dispute that Adriel had a knife and was using it to grievously harm Kim.

[70] Following the gunshot, when Adriel is laying on the ground, Marr is observed on the video standing over him. It does not appear that he is offering first aid. His testimony filled in the gaps that were not evident on the video.

[71] For example, Marr explained why he remained standing and did not kneel beside Adriel. There was a massive amount of blood at the scene. Based on what he had heard and observed about the conflict, he did not want to be compromised by the biohazard or be kicked at or spat on.

[72] Marr knew that doing CPR would not assist because Adriel was still conscious, which meant his heart was still beating. He did not want to move Adriel, given the gunshot wound to his back. Marr explained that he was also concerned about applying gauze to the wound, based on the medical training at the time. Adriel was purposely put in the recovery position, on his side, which was the safest position for him to be in.

[73] At the time of this incident, officers did not have trauma-based first aid training. This training has since been added to their training and bi-annual re-certification. In addition to this enhanced training, a chest seal has been added as part of the standard first aid kit that officers are issued. Had one been available, it would have been appropriate to use it on Adriel.

[74] Despite the concerns expressed regarding the treatment of Adriel following the gunshot as observed on the video, after having the benefit of testimony putting the video into context, I am satisfied that Marr did what he could, based on the training available at the time.

#### Tasers are Generally Effective, But Not in Situations Like This

[75] Regarding the use of intermediate weapons, in a situation like the one faced by officers on March 10, 2020, neither the Asp baton nor the OC spray were deemed to be suitable. That left them with the taser.

[76] As has been noted, tasers are effective when the two probes attach to a person within a specified area and with a specified spread between them. When this occurs, there is a likelihood that it will create a muscular “lock out” of the individual, allowing police to move in and gain control. Even with an ideal connection there are scenarios, such as when someone is under the influence of substances, or is extremely goal-oriented, that the taser is not effective. Other situations also make it ineffective, such as when there is a lot of movement or if someone is wearing heavy clothing or several layers of clothing, such that a sufficient connection can not be made.

[77] In this case, officers were faced with someone who was goal-oriented. He was completely unphased by the police presence and resistant to their attempts to physically remove him. In addition, Adriel was constantly moving, making it difficult to find an ideal

connection. These two circumstances created a situation where the officers were essentially left without a feasible intermediate weapon.

[78] I asked for statistics comparing the number of times a taser is used but rendered ineffective to the number of times a taser is used overall. A report was prepared and tendered as an exhibit.

[79] The data had to be collected from both quantitative and qualitative sources. The number of times a taser was deployed came from quantitative data, through data downloaded from the weapon itself. Whether there was an effective deployment came from a comparison of the downloaded information and use of force reports prepared by officers.

[80] An effective deployment was defined as one where both taser probes make contact with the individual and are able to achieve a neuromuscular incapacitation. An ineffective deployment was defined as one where that does not occur, due to one or both of the taser probes not reaching the target individual; the taser probes landing too close together; or there is an impediment to the electrical current, such as bulky clothing.

[81] For the three years of data that statistics were compiled (2021, 2022, 2023), tasers were deployed between a low of 117 times in 2021 to a high of 176 times in 2023 and they were found to be ineffective between 19% (2021, 2022) to 22% (2023) of the time.

[82] It is unclear what to make of these limited statistics.

[83] Members of the tactical response team, a specialized division of WPS, have access to two other forms of intermediate weapons: a soft sock and a soft foam baton projectile. These weapons deliver a high velocity hit to an individual, resulting in psychological or physical deterrence.

[84] As with the request regarding taser statistics, I asked about statistics regarding the successful use of these intermediate weapons. I understand that such statistics are not available.

[85] Sorokowski testified that the WPS is “on par” with other jurisdictions when it comes to intermediate weapons.

[86] Tasers, while effective in many situations, are not effective in others. In this case, although they were deployed three times, they were ineffective. Situations like the one faced by officers on March 10, 2020, realistically leave them without a viable intermediate weapon option. Accordingly, Constable Desmarais was placed in a position where she had no other choice but to use her firearm to stop Adriel and save Kim's life.

#### The Police Response Was Appropriate

[87] Hearing Kim's testimony regarding Adriel's previous psychosis, as well as his more recent self-harming, and his concerning use of psilocybin helped to better understand and reconcile Adriel's actions on March 10, 2020. As Kim said, the person who attacked him and Vivian was not the Adriel he knew and loved, and who knew and loved Kim in return. Whether Adriel was experiencing a severe mental health crisis, was under the influence of psilocybin, or a combination of both, cannot be determined with certainty. However, in the totality of the circumstances, it certainly appears this was the case.

[88] Officers were aware that Adriel may have been under the influence of a drug. They testified as to training they each received regarding dealing with individuals in a mental health crisis or under the influence. The situation they faced when arriving on scene did not lend itself to applying that training. Speaking in an empathic voice, getting down to eye level and displaying non-threatening body language were not going to be effective.

[89] The initial actions taken by the officers were restrained. As noted by Sorokowski, officers are trained to use a level of force that is a step up from the level of resistance being displayed. Seeing Adriel actively attacking his father, they were entitled to immediately use an intermediate weapon and, upon the discovery that he had a knife, to use a lethal weapon. However, the officers did not immediately jump to these options.

[90] Where a weapon - such as a knife - is present and being used, going "hands on" is not recommended. Yet Laurel and Harder did so.

[91] Kim questioned why, given that there were four officers present, they didn't swarm Adriel and physically remove him. The answer provided was that to do so would have put everyone - Adriel, Kim, and the four officers - in danger. Where there is a knife involved, it

would be too easy to lose track of where the knife is, and how it is being used. The potential for injury is too great. Officers are not expected to deliberately put themselves in harms way in this manner.

[92] Both Desmarias and Harder used their taser. For the reasons noted above, the tasers were not effective in stopping the attack by Adriel.

[93] A variety of uses of force were used: police presence, verbal commands, hard empty hand control, intermediate weapon and lethal weapon. Desmarais only turned to her firearm when it was obvious that none of the other uses of force were working, and the attack on Kim was continuing unabated.

[94] The police response, including the use of lethal force, was appropriate.

## **VIII. RECOMMENDATIONS**

[95] Inquest Counsel did not have any recommendations for my consideration. Nor did counsel for the WPS.

[96] Kim Shworob asked that I consider the following recommendation:

That officer training in use of force be reviewed regarding the ability of officers to make decisions to subdue individuals before turning to the highest level of force.

[97] In making this request, Kim said he was thankful that attempts were made to physically remove Adriel from him, even though he had a knife. He noted that Adriel was focused on him, therefore the officers were not likely to have been at risk. Even though officers are trained not to go hands on in this situation, he wondered whether they should have more discretion or options.

[98] In considering this recommendation, I note that officers Laurel and Harder did exercise their discretion in using physical force in attempting to remove Adriel and stop the attack. They did so even after knowing he had a knife.

[99] Officers receive intensive training and re-certification. This includes not only lecture-style training, but also practical training and responding to role-play scenarios.

[100] Based on the evidence presented, I am satisfied that the training offered is satisfactory. Officers will always have the discretion to use other, less-lethal forms of force if the opportunity presents itself.

[101] Kim also requested a recommendation directed at the manufacturer of tasers:

That taser manufacturers build in something that will assist officers in knowing whether the taser deployment is successful.

[102] The basis for this recommendation stemmed from the officers' testimony regarding the sometimes-difficult circumstances in ensuring that the taser probes hit the target in the correct location, with an appropriate spread distance. Because Adriel was on top of him when tasered, Kim felt some electronic shock. He wasn't sure if it was a transfer through Adriel, or if he himself was struck by a probe.

[103] Ms. Carswell noted that this recommendation appears to be beyond the scope of recommendations that I can make, which are limited by the Act to changes to provincial laws or to programs, policies, and practices of the provincial government or of public agencies and institutions. Further, she noted that when a taser probe is successful, it is obvious to the officers, as the individual would suffer from intramuscular lock-out and would be physically unable to continue with whatever actions they were taking.

[104] I agree that the recommendation requested goes beyond the scope of my report. However, I have questions about the viability of tasers as an intermediate weapon in situations like this.

[105] It is well known that there are situations where tasers are not effective. Constable Sorokowski described the WPS policy on intermediate weapons as "on par" with other police forces, and that it is reviewed on a regular basis. Ms. Carswell advises that a new brand of taser will be introduced soon. In addition, the tactical response team has other intermediate weapon choices at their disposal.

[106] If the responding officers had a different intermediate weapon, would that have been successful? It is impossible to know. What we do know is – given the situation the officers faced – a taser was not likely to be effective. In fact, it wasn't.

*I recommend that the WPS undertake a study of intermediate and less lethal weapons used by other police forces across Canada. The purpose of the study is to determine whether the current type and allocation of WPS-used intermediate weapons is reflective of best practices.*

*I further recommend that the WPS consider whether the intermediate weapons at the disposal of the tactical response team should be expanded to general patrol officers.*

## **IX. CONCLUSIONS**

[107] The events that unfolded in the early morning hours of March 10, 2020, were shocking and tragic. While the particular circumstances were unique, the situation faced by the responding officers – a violent attack being carried out by someone armed with a weapon – unfortunately is not.

[108] The officers who responded did what they could, with the tools that they had. Although they attempted various levels of non-lethal force to stop the attack, these other uses of force were not successful.

[109] Constable Desmarais did not want to use lethal force, but after her taser twice failed to incapacitate Adriel Shworob, she was left with no viable options. If she didn't stop the attack when she did, Kim Shworob may have died.

[110] The recommendations contained in this Report are intended to explore whether availability and access to other intermediate and less lethal weapons may prevent deaths in similar circumstances in the future.

*“Original signed by:”*

**FREDERICKSON, P.J.**



**M A N I T O B A**

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

RESPECTING THE DEATH OF: Adriel Shworob

**APPENDIX “A” – WITNESS LIST**

1. Kim Shworob – Father of Adriel Shworob
2. Joshua Harder – Winnipeg Police Service, Constable
3. Dirk Creighton – Winnipeg Police Service, Constable
4. Lawrence Laurel – Winnipeg Police Service, Constable
5. Sylvie Desmarais – Winnipeg Police Service, Constable
6. Lawrence Oliver – Winnipeg Police Service, Sargeant (Retired)
7. Daniel Sorokowski – Winnipeg Police Service, Constable – Expert on Police Use of Force
8. Jarrett Marr – Winnipeg Police Service, Constable

**M A N I T O B A*****THE FATALITY INQUIRIES ACT***  
**REPORTED BY PROVINCIAL COURT JUDGE ON INQUEST****RESPECTING THE DEATH OF: Adriel Shworob****APPENDIX “B” – EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
1.	USB Drive containing the following folders: <ul style="list-style-type: none"><li>- 911 and Police Radio</li><li>- Medical</li><li>- Officer Notes and Narratives</li><li>- Photos (selection of them)</li><li>- Statements both written and audio</li><li>- Videos</li></ul>
2.	Winnipeg Fire Paramedic Service – Patient Care Report
3.	Health Sciences Centre Emergency Visit Summary
4.	Curriculum Vitae – Constable Daniel Sorokowski
5.	Winnipeg Police Service Exhibit List
6.	Conducted Energy Weapon Effectiveness Report