

RELEASE DATE: July 16, 2026



Manitoba

THE PROVINCIAL COURT OF MANITOBA

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

AND IN THE MATTER OF: An Inquest into the Death of: Stewart Andrews

Report on Inquest and Recommendations of

Judge Anne Krahn

Issued this 12 day of June, 2026

APPEARANCES:

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Kimberly Carswell, Allie Derwin, Counsel for the Winnipeg Police Service

Martin Pollock, Jacob Love, Matthew Reimer, Counsel for the Andrews family

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Manitoba

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

REPORT BY PROVINCIAL JUDGE ON AN INQUEST
INTO THE DEATH OF: STEWART ANDREWS

On April 18, 2020, Stewart Andrews was shot and killed by a Winnipeg Police officer who was in the process of detaining him for a criminal investigation.

This report contains my essential findings and recommendations after having reviewed the evidence and submissions provided by all counsel. It contains a list of witnesses who testified and a series of exhibits that were admitted into evidence. I had the benefit of having the evidence presented by counsel who were extremely well prepared and thorough. I am grateful for their hard work.

Pursuant to the provisions of subsection 33(3) of *The Fatality Inquiries Act*, I am ordering that all exhibits be returned to the Exhibit Officer, Provincial Court of Manitoba, to be released only upon application with notice to any party with a privacy interest.

Dated at the City of Winnipeg, in Manitoba, this 12th day of June, 2026.

Original signed by Judge Krahn

Judge Anne Krahn
Provincial Court of Manitoba

Copies to:

1. Dr. John Younes, Chief Medical Examiner (2 copies)
2. Chief Judge Ryan Rolston, Provincial Court of Manitoba
3. 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. Jennifer Mann, Executive Director of the Manitoba Prosecution Service
7. Dayna Steinfeld, Ryan Nerbas, Inquest Counsel
8. Kimberly Carswell, Allie Derwin, Counsel for the Winnipeg Police Service
9. Martin Pollock, Jacob Love, Matthew Reimer, Counsel for the Andrews family
10. Stacey Soldier, Victoria Cloutis, Counsel for Manitoba Keewatinowi Okimakanak Inc.



Manitoba

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

REPORT BY PROVINCIAL JUDGE ON AN INQUEST

INTO THE DEATH OF: STEWART ANDREWS

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I. OVERVIEW

[1] On April 18, 2020, Stewart Andrews was shot by a Winnipeg Police Service (“WPS”) officer who was in the process of detaining him after complaints of armed robbery and mischief or attempted break and enter were made by members of the public. Mr. Andrews was confronted by two police officers and a police dog while he was carrying a metal bar in a dark back lane.

[2] This Inquest explores whether there was a failure to appropriately deploy the police dog and whether the officers’ actions were necessary and reasonable.

[3] Mr. Andrews was a 22-year-old Indigenous young man. In a 10-day period, this was one of three Winnipeg Police shootings of Indigenous people. The other two deaths are subject to separate Inquests. This context feeds a well-documented lack of trust between Indigenous peoples and the police.

[4] A civil suit has been filed by the Andrews family against the WPS and the officers involved.

[5] It is a central mandate of an Inquest to engage in fact-finding to help explain to the family and the public all of the details surrounding the death.

[6] Manitoba Keewatinowi Okimakanak Inc. (“MKO”) was granted standing. MKO is a political organization that represents the interests of 26 First Nations, all in the north. MKO represents Mantou Sakahigan Cree Nation (God’s Lake Narrows First Nation). Mr. Andrews was a member of this First Nation.

Inquest mandatory

[7] This Inquest is required by the provisions of section 19(5) of *The Fatality Inquiries Act, C.C.S.M. c. F52 (Act)* which direct an Inquest must be held any time a person dies as a result of the use of force of a peace officer acting in the course of duty.

[8] On December 14, 2021, Dr. John Younes, Chief Medical Examiner (“CME”) directed an Inquest be held to:

- a) fulfill that mandatory requirement;
- b) determine the circumstances of Stewart Andrews’ death;
- c) determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[9] The *Act* stipulates this is a non-adversarial proceeding conducted for the sole purpose of preparing a report as required by the *Act*. I am not to express an opinion on culpability related to the death (s. 33(2)).

II. STEWART ANDREWS

[10] It is important to start with a recognition of who Stewart Andrews was and the tremendous impact the loss of his life has and continues to have on his loved ones. The Inquest began with a statement from his mother, Carmel Andrews. Ms. Andrews eloquently explained how Mr. Andrews’ death has led to them having a distressing experience with the justice system.

[11] She described Mr. Andrews as a kind, loving, considerate person who valued his relationships with his family and his friends. He enjoyed outdoor activities, such as hiking and fishing. He was a diligent worker and had a passion for hockey and carpentry. He was a member of the Mantou Sakahigan Cree Nation (God's Lake Narrows First Nation), born on November 9, 1997. The community is over 1000 kilometers Northeast of Winnipeg. This First Nation has a school that provides education until grade 9. Mr. Andrews left home first to pursue his high school education at Cranberry Portage. He graduated from Gordon Bell High School in Winnipeg. He met his girlfriend in Winnipeg and became a father to his son. He was devoted to his family and provided for them.

[12] His mother explained living in Winnipeg presented him with challenges and brought him into conflict with the law. But he sought to improve his life and participated in "rehab" and programs.

[13] Ms. Andrews explains Stewart's premature death means he had very little time with his son, who was his pride and joy. The loss of her son has been traumatic. The trauma is compounded by the loss of another son to suicide one year before. She has now lost two sons. She suffers overwhelming grief which manifests itself with mental and physical symptoms, including overwhelming sadness, despair and anxiety in her daily life. She has been prescribed medication to deal with these symptoms.

[14] Stewart Andrews was 22 years old when he died. He was a young man who did not have the opportunity to live up to his potential. I recognize the impact his death has and will continue to have on his friends and family.

III. APRIL 20, 2020 911 CALLS FOR POLICE SERVICE

[15] Edgardo Mayuga was born in the Philippines. He came to Canada with his family in 1993.

[16] On April 18, 2020, the beginning of a worldwide pandemic, Mr. Mayuga testified his days and nights were turned around because work and schools were shut down, and his family was closely monitoring what was happening back in the Philippines which was in a different time zone. He lived at 16-244 Adsum, a complex of walk-up townhouses where each unit has its own set of stairs and external access.

[17] He and his spouse were getting ready to go to bed around 4:00 a.m. He decided to take out the garbage. As he dropped his garbage in an area about 10 meters from the door of his walk-up apartment, he heard a noise. He looked over to see what was making the noise as things were otherwise very quiet. It was dark outside. He could not see what was making the noise and headed back to the stairs that lead up to his front door. He stopped at his front steps while he finished smoking a cigarette. This is when he noticed two males coming in his direction. He turned to enter his apartment as he was concerned about keeping a physical distance from

others due to the pandemic. The two males continued towards him and came within four to six feet. One was carrying a wooden-handled shovel, and the other carried a black handgun. They asked him repeatedly for money. The male with the shovel hit him on the head. He covered his head in order to protect himself and was hit again. He could see the firearm was in his face, within a foot.

[18] It was clear to me from his evidence he was focused on the hole at the end of the barrel of this firearm and was in fear for his life. He testified he squeezed his eyes shut and waited for the gun shot. He decided to yell as loud as he could that he did not have any money in the hopes of attracting some attention. His yelling did attract his wife's attention. She came to a window and yelled out. This seemed to distract his assailants and they ran away. Mr. Mayuga went inside and called 911.

[19] I accept Mr. Mayuga was scared for his life. Mr. Mayuga could not describe the firearm in his testimony at the Inquest. He explained the event was so upsetting he tried not to think about it. I accept his original report and statement are an accurate account of what he saw. He reported he had seen a handgun.

[20] The 911 dispatch records record a call at 4:01:59 a.m. reporting this event: "Compl was approached by 2 males while throwing out garbage...1 male armed with gun, 1 male armed with shovel... no shots fired...compl. was hit twice w' shovel... were asking for money."

[21] Mr. Mayuga had never seen the two males before and was not able to identify them. Mr. Mayuga is a man of small stature. He described himself as 5'3" or 5'4". He said both males were taller than he was, one about 5'6" or 5'7", the other around 5'8 or 5'9". They were wearing dark coloured clothes and hoodies. He thought they were White or Metis. He guessed them to be 30 to 40 years old.

[22] Mr. Mayuga explained the police arrived quickly after he called 911.

[23] Two officers came to his door, and he was explaining what happened when they received another call on their radio. Mr. Mayuga heard "200 Adsum" over the radio which he knew was in the direction he had seen the two individuals run. The police told him to go inside and they quickly left.

[24] Mr. Mayuga suffered a bleeding cut to his head and he could feel a bump where he was hit. Initially he declined medical treatment as he was concerned about going to the hospital during the pandemic but later decided he should go and get it checked out. He said they did an x-ray but he was released that morning with no further treatment. He gave his sworn, video-recorded statement to the police that morning.

[25] A second series of calls came in from a resident of the apartment building at 105-200 Adsum Drive reporting their windows were being broken. They did not see who broke the windows. It is clear from the call to 911, the caller is very distraught

and has left the apartment and is afraid they may have entered her apartment. She is asking the police to attend immediately.

IV. CONSTABLES OLSON, ENNS AND CARNEGIE RESPOND

[26] Constable (Cst.) Enns and Cst. Olson were working together that evening and went to Mr. Mayuga's residence. At 4:09:19 a.m. the service call history records they will speak to the complainant. Cst. Olson and Enns spoke to Mr. Mayuga who confirmed the details which had caused him to call 911. They saw Cst. Carnegie, an officer who works with a police dog, arrive and wait in the nearby parking lot while they spoke to Mr. Mayuga. When the call reporting broken windows at 200 Adsum came in, Cst. Enns, Carnegie and Olson believed it could be the same two suspects as that was in the direction Mr. Mayuga had seen the suspects run. It was shortly after four in the morning. It was quiet outside and no other people were walking about. They decided to go to 200 Adsum Drive. 200 Adsum Drive is a large, multi-story apartment building. The call history records they would attend 200 Adsum at 4:16:49 a.m.

[27] At the 200 Adsum apartment building they parked on the east side of the building. Cst. Enns decided to go around the building in one direction and his partner, Cst. Olson would circle the building in the opposite direction. Neither officer knew where suite 105 was in the building.

[28] Cst. Carnegie had also pulled into the parking lot and removed his police dog, Ellie, secured on a tracking line. Cst. Carnegie heard a loud bang from the northeast direction and cast Ellie out in that direction. Ellie quickly found a scent and began to track. Cst. Carnegie shouted out he was tracking. Cst. Olson followed him as the cover officer and broadcast over the radio that they were tracking towards the noise in the expectation Cst. Enns would hear him.

[29] Cst. Carnegie carried a flashlight in one hand and Ellie's tracking leash in the other. They began following Ellie who appeared to Cst. Carnegie to be following a track. As the dog's handler, his focus is on the dog and reading the dog's body language to ensure he does not miss what she may be communicating to him as they work. Given Cst. Carnegie's focus on the dog, the cover officer's job is to be alert to the surrounding environment and any hazards that might be posed to Cst. Carnegie.

[30] The two officers followed Ellie across Adsum and east down Adsum until she turned into the back lane between Larter Crescent and Pipeline Road. As the officers rounded the corner, they both testified they saw two males in the center of the back lane. The males were approximately three houses down the back lane. One male was holding a long object. Cst. Carnegie saw a small dark object in the second male's hand. Cst. Olson did not see the small, dark object. Once he saw the two males, Cst. Carnegie shouted out, "Winnipeg Police, canine unit, stop right where

you are, drop your weapons, do not run or I will send my police dog.” Both officers were in standard police uniforms, marked with the word “Police”.

[31] Cst. Carnegie saw both males turn around and look at them and then saw one male, with the small dark object in his hand, turn and run out of sight down the back lane.

[32] Both officers continued into the back lane towards the male who remained, who was holding a long, skinny object, down by his side.

[33] Both officers testified they believed these were the two suspects they were looking for. Cst. Carnegie and Olson testified these two males matched the description they had been provided in that they were wearing hooded, dark clothes; it was the middle of the night and there were no other people in the vicinity; they were in close proximity to the location of the last report of broken windows and were tracked from that location by police dog Ellie. They testified their intention was to detain and investigate. I note the objects Cst. Carnegie saw in both males’ hands are consistent with what was reported by Mr. Mayuga about the weapons he saw in his assailants’ hands.

[34] I am satisfied, in the circumstances known to the officers, they had reasonable grounds to detain the two persons in the back lane.



[35] Both officers moved down the back lane towards the male with the long object. The male was Stewart Andrews. Both officers continued to shout to Mr. Andrews to drop the bar. When the officers stopped, they were in a triangular shape, with Mr. Andrews on the east side of the back lane, the two officers on the west side of the lane, parallel to each other.

[36] Cst. Olson testified the back lane was about 15 feet wide and he was approximately 10 feet from Mr. Andrews.

[37] Cst. Carnegie and Olson testified as they approached Mr. Andrews, he raised the bar up to shoulder height, the way one would hold a baseball bat. He “bladed” his stance, meaning he was turned sideways to the officers. A bladed stance can indicate the person is preparing to move. As they ordered him to drop the bar, Mr. Andrews yelled, “no, you come here. You get over here.” They testified Mr. Andrews had an angry expression on his face and they believed he wanted to fight with them.

[38] Cst. Carnegie believed he saw an opening for his police dog to engage with Mr. Andrews in order to disarm him. He issued the command for her to apprehend. This apprehension would have involved her biting on to Mr. Andrews in the hopes he would drop the bar and could be taken into custody. As the dog lunged at Mr. Andrews, he swung the bar over her head. It did not hit her but swung through the air above her head, making a “whooshing” sound as it did so. At this point, Cst. Carnegie testified he feared Ellie would be hurt so he pulled her back on the leash before she reached Mr. Andrews. Cst. Carnegie believed if Ellie was hurt or immobilized then she would no longer be an effective tool. He also testified his goal was to do everything possible to detain Mr. Andrews without a bite, using the minimal amount of force. After Ellie was pulled back, she was still moving and angling to see if she could get to Mr. Andrews. Cst. Carnegie testified he hoped the dog barking and their commands would get Mr. Andrews to drop the bar.

[39] Both officers testified, Mr. Andrews appeared angry and like he wanted to fight with them. He gestured with his shoulder, pulling the metal bar back, still in a batter’s stance with the bar over his shoulder. Cst. Carnegie saw him gripping and re-gripping the bar. Mr. Andrews responded “no” to the commands to drop the bar, and said, “come on, come here, come closer.”

[40] Both officers testified Mr. Andrews then shifted his attention to Cst. Olson. He edged backwards in the lane to a point where he was opposite Cst. Olson.

[41] Cst. Olson testified Mr. Andrews then charged at him with the bar raised over his head and began to swing the bar. Cst. Olson testified he feared for his life or serious injury, so he shot at Mr. Andrews. He discharged his service firearm five times. Mr. Andrews continued his momentum forward causing Cst. Olson to step sideways to avoid being hit with the bar. Mr. Andrews fell face first on to the inclined approach to the garage on the west side of the lane.

[42] Cst. Carnegie said he saw Mr. Andrews move towards Cst. Olson and take a swing at head height at Cst. Olson. Ellie again lunged toward Mr. Andrews as Cst. Carnegie heard the gunshots. Cst. Carnegie testified it appeared to him when Mr. Andrews could not get at him because of the dog, he turned his attention to Cst. Olson. Cst. Carnegie saw Cst. Olson take a step sideways towards him to avoid being hit with the bar.

[43] Cst. Carnegie testified Cst. Olson told him he might have shot the dog. Cst. Carnegie checked the dog and found she was not injured. He then radioed that shots had been fired. The call history records at 4:19:04 a.m., “shots fired, heading east” and “one male down” at 4:19:11 a.m. He saw other officers arriving in the back lane. He knew the second male was still outstanding and he believed he might have a firearm so he continued to track with his police dog, Ellie. He testified the outstanding person remained a threat to public safety.

[44] Cst. Carnegie said from the time they entered the back lane until the shots were fired was less than a minute. Cst. Olson estimated this time period as being 40-50 seconds. These time assessments are consistent with what was recorded by dispatchers in the call history. It was a very short period of time.

[45] Cst. Enns was still back at the far rear corner of 200 Adsum when he heard over the radio they could hear noises across the street. He had been walking the perimeter of the building trying to locate the suite which had its windows broken when he heard gun shots. He had not made it around the building. It had only been a short time since he last saw his partner, Cst. Olson. He was walking back to their car when he heard gunshots. Cst. Enns ran towards the gunshots with his gun drawn. As he entered the back lane, he saw a male down on the ground and Cst. Olson in the middle of the back lane with his gun pointed at the man on the ground. Cst. Enns asked him, "who shot?" Cst. Olson answered him, "I did." Cst. Enns explained he needed to know this in order to assess the situation and the safety of the officers who were responding.

[46] Cst. Carnegie tracked with his dog a few more houses down the back lane. Ellie's head snapped and indicated she had detected a person. Cst. Carnegie said his flashlight caught a person hiding behind a fence and between two garages. Another officer arrived on scene who pulled down the fence. The person was told to "show me your hands. You have a firearm pointed at you. Do as I say and you won't get

hurt.” The male showed his hands. Cst. Carnegie could see blood on his right hand. This male was later identified as a young person, GS. G.S. was 16 years old. GS was taken into custody.

BB Gun is Found near G.S.

[47] While G.S. was interviewed at some length, he declined to provide a statement. His legal counsel was present for most of the interview. It is clear from the little he did say that he was friends with Stewart Andrews. They had been drinking that evening. He did not see the shooting. He maintained Stewart Andrews did not have a weapon. He did admit he had a BB gun that evening. While G.S. was subpoenaed to testify at this Inquest, he did not appear in answer to the subpoena.

[48] After G.S. was arrested, the area where he was found was searched. In the backyard of the residence which abutted where he was found, police found a black pistol BB gun and an empty clip. On G.S. police located a small baggie containing 40 BB balls which would fit the BB gun. A blue bag was found in the same spot where G.S. was found. There were loose BB balls in this bag. I am satisfied G.S. had what looked like a firearm as seen by the civilian witnesses. The pictures show it looked like a pistol or revolver.



Analysis of Inconsistencies in the Evidence

[49] Counsel for the Andrews family argued there were significant inconsistencies in the accounts of what happened as provided by Cst. Carnegie and Cst. Olson. They say those inconsistencies should lead me to doubt the veracity of their testimony. The family asks me to find that Mr. Andrews was “gunned down” to preserve Ellie’s life. They ask me to find Mr. Andrews was protecting himself against a menacing police dog by swinging the metal bar at the dog. In order to protect the dog from injury, Mr. Andrews was shot. Both officers denied this is what happened.

[50] One inconsistency counsel for the family points out is inconsistencies in Cst. Carnegie’s notes and statement on how many times Mr. Andrews swung the metal bar. Cst. Carnegie made handwritten notes, four days after the incident, after he had

been cleared by the police service's psychologist as is protocol for the WPS. These are handwritten notes. They are written in a bullet point style. These record Ellie was given the command to apprehend. As the dog moved forward, Mr. Andrews swung the bar over her head. The notes record a second swing at Cst. Olson as Mr. Andrews moved towards Cst. Olson.

[51] These notes are followed by a more fulsome typewritten statement or narrative submitted to an investigator on April 29, 2020 which describes an additional swing by Mr. Andrews in the direction of Cst. Carnegie and the dog, after the dog had been pulled back the first time. Cst. Carnegie admitted the inconsistency in his testimony. He explained as he thought more about what had happened, he could clearly remember the second swing, so he described that in his typewritten statement. He repeats this in his audio-taped interview with an Independent Investigation Unit ("IIU") investigator on May 15, 2020.

[52] I do not find this to be a significant inconsistency. I did conclude after listening to Cst. Carnegie testify this incident was traumatic for him and not the outcome he wanted. It happened over a short period of time. Memory is not like a recorder; press play and see the same scene over and over again. The essential points remain consistent - Mr. Andrews swung the bar at the dog, the dog was pulled back; Mr. Andrews then moved toward Cst. Olson with the bar raised and swung at Cst. Olson's head. There has never been an inconsistency on these points.

[53] Cst. Olson consistently described two swings at head height by Mr. Andrews towards Cst. Carnegie, with the police dog between the two. Both officers testified they did not talk to each other about the incident before recording their notes.

[54] Counsel for the family argued there was a material inconsistency between Cst. Carnegie's evidence that Mr. Andrews swung over the dog's head and Cst. Olson's evidence the swings were at the officer's head height. I do not find this to be a material inconsistency. The difference in describing the height of the swing is a matter of different perspectives – Cst. Carnegie's perspective is from over the dog's head and Cst. Olson's is a side view, with a focus on providing cover for Cst. Carnegie. In my view, a head height swing would be over the dog's head. The height is generally similar in both descriptions and would only be a difference of a foot or less.

[55] Counsel for the family argued there was a material inconsistency between Cst. Carnegie's evidence that Mr. Andrews was in "forward motion" towards Cst. Olson when he was shot and Cst. Olson's evidence Mr. Andrews "charged" at him as he was taking a swing. Counsel for the family argued "forward motion" does not reflect the rate of speed. I agree. However, both officers are consistent that Mr. Andrews was swinging at Cst. Olson's head as he moved toward him. Cst. Carnegie said it looked like Mr. Andrews was trying to take Cst. Olson's "head off."

[56] In my view, different people will describe the same observation in different ways, using different words. One might be more concerned if both officers used the exact same words as such could suggest collusion. After carefully listening to their evidence, including reviewing the statements and notes made shortly after the events, I do not find this to be a material inconsistency.

[57] Counsel for the family argued there were “glaring omissions” and Cst. Olson was intentionally misleading when his notes did not describe:

- i.) any observations of the police dog;
- ii.) the exact words used by Cst. Carnegie in the canine announcement (that being the words telling the two males to stop or the dog would be sent);
- iii.) his failure to note the dog was sent or moved towards Mr. Andrews at one point (although he did testify he recalled this happening);
- iv.) his failure to note the dog lunged at Mr. Andrews as Mr. Andrews charged toward Cst. Olson and he fired;
- v.) his comment to Cst. Carnegie immediately after, “I might have shot your dog” as testified to by Cst. Carnegie.

[58] I agree these specifics are not in Cst. Olson’s written notes. Cst. Olson completed his written notes on April 21, 2020 and they were scanned into the police system the next day. Sometime later he completed a more detailed narrative. It is clear from Cst. Olson’s testimony his focus was on Mr. Andrews and providing

cover for Cst. Carnegie. He had taken the course as a cover officer which teaches this should be the focus of the cover officer, as the dog handler needs to focus on what the dog is doing in order to read the dog's cues. He testified it would be a mistake if he were to focus on the dog as that would distract from his role of keeping a broader look out. His notes and evidence reflect he did not record verbatim what Cst. Carnegie was saying. For example, his notes record, "Cst. Carnegie issuing similar commands" in relation to dropping the bar. His lengthier, more detailed narrative does record seeing the dog lunge as he was firing. The comment to Cst. Carnegie about possibly shooting the dog is not a central feature of why he discharged the firearm so it is not surprising to me, he did not include it. I have considered the argument these are significant omissions but in considering all of the evidence on this point, I find this reflects the perspective and focus of Cst. Olson as a cover officer. All of these omissions relate to the dog which was not Cst. Olson's focus. These are not material omissions or lead me to conclude he was intentionally misleading.

[59] Counsel for the family argued there was a material inconsistency in Cst. Carnegie's evidence at a civil discovery where he said he saw the firearm being discharged and at the Inquest, where he said, he cannot recall seeing the firearm being discharged, only hearing it. Counsel argued this was an obvious lie. It has been five years since this incident occurred. I am not sure of the date of the civil

discovery. It is well accepted memories fade or can change over time. This can happen for reasons that are not nefarious. What we once knew can be forgotten. I note Cst. Carnegie recorded in his written narrative; he heard the gun discharge. I also have very little evidence of the context or series of questions at the civil discovery. I find this is not a significant inconsistency. Whether he heard or saw the firearm being discharged, ultimately there is no dispute the police firearm was discharged. This does not lead me to form a negative view of Cst. Carnegie's credibility.

Forensic Evidence at the Scene

[60] In assessing the credibility and reliability of Cst. Olson and Cst. Carnegie's evidence, the objective, forensic evidence is important.

[61] Mr. Andrews body fell on the west side of the back lane when he had started out on the east side of the lane. His body fell on an inclined approach to a garage on the west side of the back lane at 11 Larter Crescent. This is the only place in the back lane where his blood was found. Cst. Enns noted he put his knee down beside Mr. Andrews when he knelt down to handcuff him. He noted afterwards, his knee had been in a pool of blood. There were four expended shell casings found near the entrance of 11 Larter Crescent. I find the location of Mr. Andrew's body and location of the spent shell casings are consistent with the evidence of Cst. Olson and Cst. Carnegie of Mr. Andrews moving towards Cst. Olson, who was on the west side

of the back lane, and his being shot as he moved toward Cst. Olson. His forward momentum carried him forward to where he fell.

[62] Counsel for the family argued Mr. Andrews was defending himself against a menacing police dog by swinging the bar at the police dog. As he swung down at the police dog he was shot, but he still had enough strength to then move towards Cst. Olson to defend himself against the firing gun. I find this scenario to be inherently implausible. On this alternative scenario, Ellie and Mr. Andrews would be very close together if Mr. Andrews was swinging down at the dog to defend himself from the dog. In such a scenario, shooting at Mr. Andrews would carry a high likelihood of the dog also being shot, counter to a police desire to protect the dog. I find it implausible Mr. Andrews could be shot while standing still, swinging at the dog, and then still have enough strength to move across the back lane after being shot. More importantly, I find such a scenario does not fit with the forensic analysis of the scene or the autopsy results.



[63] Sergeant (Sgt.) Oliver was the first supervisor on scene. He had been in the immediate area beginning to set up a perimeter or containment. He directed both Cst. Olson and Cst. Carnegie be separately taken to the police station and not speak to each other. He ensured the scene was kept secure and had pilons numbered in the photograph at 1 to 5 placed over the bullet fragments. Forensic identification officers added the numbered markers. I find the location where Mr. Andrews fell, which can be seen at markers 6, 7, 8, is consistent with Cst. Olson's evidence that Mr. Andrews crossed the back lane towards him when he began firing. The bullet fragments also all appear on the west side of the back lane, close to where Cst. Olson said he was standing. At number 9 a metal bar was found in the middle of the back lane. Cst. Olson testified he saw the bar there after Mr. Andrews went down after being shot. He agreed it is possible the bar might have been moved a little while medical treatment was administered to Mr. Andrews. At number 10 Identification officers located two pieces of a broken broom or shovel handle. I find the location of the metal bar is consistent with Cst. Olson and Cst. Carnegie's evidence.

[64] A close-up photo of markers 9 showing the metal bar and 10 showing the broken wooden stick is depicted below:



V. AUTOPSY RESULTS

[65] Dr. Younes, a forensic pathologist testified about the autopsy results. The autopsy was performed by Dr. Rahaman. Dr. Rahaman was on personal leave at the time of the Inquest so she did not testify.

[66] Dr. Younes described the five gun shot wounds suffered by Mr. Andrews. The trajectory of all five gun shots was from left to right. Three of the gun shots would not have been fatal. While the different wounds were numbered, Dr. Younes testified there is no way to identify in what order the gunshots would have hit Mr. Andrews' body.

[67] Gunshot wound 1A entered the top left shoulder, went through the long bone of the arm (the humerus), through the arm pit region, before coming to rest in the right chest cavity.

[68] Gunshot wound 1B entered the left arm above the left elbow, produced extensive fracturing of the end of the humerus. It exited on the inside of the arm above the elbow.

[69] Gunshot wound 1C entered on the upper-left side of the chest, into the armpit region and ended on the right side of the chest. It caused only soft tissue injuries and no damage to vital organs.

[70] Gunshot wound 1D was described by Dr. Younes as the most devastating of the gunshot wounds given the internal injuries it caused. This bullet entered lower down on the back of the left chest, went through the left lung, through the heart and came to rest underneath the sternum.

[71] Gunshot wound 1E entered in the middle of the left, lower side of the back and exited out the front, right abdomen, causing significant internal injuries to the spleen, stomach and liver.

[72] Gunshot wounds 1D and 1E would have caused significant internal bleeding. Death was due to the combined blood loss from the five gunshots but particularly wound 1D which damaged his heart and would have been “rapidly lethal.” Death would have followed in minutes, perhaps five to 10 minutes.

[73] Three intact jacketed expanded hollow point projectiles were recovered from the chest. Multiple projectile or bullet pieces were recovered from the left arm of Mr. Andrews.

[74] The autopsy was unable to determine a range from which the gunshots would have been fired. There was no soot, stippling or muzzle print which might be seen on exposed skin if the firearm was discharged in the range of six inches to four feet. Mr. Andrews was wearing many layers of clothing which would impair any stippling or gun powder tattooing.

[75] Dr. Younes agreed the pattern of the entrances of the gunshot wounds could be consistent with a person who has exposed their left side and back to the shooter, with his arms raised, and swinging like a baseball batter. This is the way in which Mr. Andrews' presentation was described by Cst. Olson in his evidence.

[76] Counsel for the family asked Dr. Younes about a second scenario where a person is swinging at a menacing dog, with his left side exposed to the shooter, swinging downward at the dog. Dr. Younes agreed that four of the gunshot wounds could be explained by such a motion, but not the one that goes in the back and comes out of the abdomen (1E), he said "that would be hard to imagine." It is this feature of the autopsy result that I find inconsistent with the alternative scenario presented by counsel for the Andrews family.

[77] Toxicology examinations were performed on Mr. Andrews. His blood alcohol level was found to be 164 mg% which is double the legal limit to drive a motor vehicle. This quantity of alcohol can impair judgement. The presence of

THC, the psychoactive component of cannabis products was identified but not quantified due to an insufficient sample size.

VI. EVIDENCE GATHERED FOLLOWING THE SHOOTING

[78] The evidence which follows was not known by Winnipeg Police when they responded to the 911 calls. It was gathered later by the IIU.

[79] Harpreet Singh was in a residence on the third floor of 150 Adsum. He was trying to sleep in the living room of the residence. The balcony door was slightly ajar and faces Adsum Drive. He recalled that around 4:15 a.m. he could hear what he believed was two males having a conversation. He was intentionally trying to ignore sounds coming in as he wanted to sleep. After a while he started hearing sounds of banging, like one object banging against another. He paid more attention to this as he was worried about potential damage to his car which was parked on the street. A short time later, he heard the words “show me your hands” twice, than he heard three gun shots. He agreed it could have been more or less gun shots when questioned at the Inquest. He looked out the window but could only see flashes of lights from down a back lane and could hear sirens in the vicinity. He saw two officers running down the back lane.

[80] I find Mr. Singh’s recollection of this night are not entirely consistent with the evidence of Cst. Olson in particular. There were five gunshots not three. And Cst. Olson testified after he fired his gun, Mr. Andrews fell and he shouted show me

your hands, as he did not know if Mr. Andrews was hit, had tripped or if he was “playing possum”. I find these inconsistencies are a reflection of the fact Mr. Singh was trying not to pay attention as he wanted to sleep. Natural discrepancies in perspective and memory can occur even from two witnesses to the same event.

[81] It is noteworthy Cst. Carnegie, after Mr. Andrews was shot, testified he located G.S. with Ellie’s help. Cst. Carnegie shouted to him to “show me your hands” or he would send the police dog. So the words “show me your hands” were being said by both officers.

[82] Gurpreet Bakshi provided a sworn witness statement to investigators on April 18, 2020. He testified he was home, sleeping with his wife, when he heard loud noises from outside. At 4:10 a.m. he looked out to see two males outside shouting “open the door, open the door, we are gangsters.” One male was pointing a gun the size of a pistol. The other guy said, just break the window. He saw this male with something in his hand break the window of their neighbour. He said this guy was about 5’7”. Both were wearing dark clothes, and he believed their faces were covered as he did not see their faces. He also noticed that one of the individuals had a logo on his shirt. When he heard the window being smashed, he and his wife hid by ducking down close to the floor so they would not be seen. They were scared. He said all of this happened at 4:16 a.m. He saw them move away and heard further smashing of glass. A short while later, he heard the sound of gunshots. At 4:20 a.m.

he heard the sound of police sirens. He assumed his neighbours who had their windows smashed would have called the police.

[83] Police seized copies of video images taken of the parking lot at 200 Adsum. Several video cameras pointed at various areas of the parking lot and were motion activated. The cameras show two males who match the description of Stewart Andrews and G.S. The different cameras depict the colours of the clothing in different ways, dark coloured, light coloured and red. The images also show a logo on one male's sweater which matches the black coloured hooded sweatshirt with a logo on the front which was the outer layer of G.S.'s clothing. Stewart Andrews was also wearing multiple layers of clothing. The outer layer was a red and black checkered shirt which matches the red colour that can be seen on one camera angle. Only two males can be seen on the various camera angles, no other people are seen.

[84] At 4:04 a.m. a male wearing a dark colored sweater with a hood worn over the head is seen pointing what appears to be a gun at the cameras. At 4:05 a.m. a second male, is seen walking between cars and appears to be checking doors. At 4:16:26 a.m. a police vehicle arrives in the area, shining a spotlight in the parking lot. At 4:21:30 a.m. what appears to be police lights flashing against the apartment building can be seen.

[85] Camera 17 is mounted to the west side of tennis courts and faces west. It shows the rear entrance of the building. The sweaters of the two males appear lighter

in colour in this view. At 4:12:21 a.m. a male with a stick-like object in his left hand is seen. The male is drinking from a can and is wearing his hood over his head and a logo can be seen on the front of his sweater. A second male can also be seen to enter the camera's view, also drinking from a can.

[86] Camera 20 shows two males in the parkade, walking east at 4:14:44 a.m. East is the direction of the back lane where the police saw them minutes later.

[87] Camera 15 faces northeast. The two males are seen running through the parking lot, one following the other at 4:15:00 a.m. At 4:17:11 a.m. two police vehicles enter the parking lot.

[88] I find this evidence gathered during the investigation is confirmatory of the evidence provided by Cst. Olson and Cst. Carnegie in that it shows two males, one pointing a firearm at the cameras. The evidence from Gurpreet Bakshi shows two males behaving in a threatening manner.

[89] Identification officers later found Budweiser beer cans in the back lane where Mr. Andrews fell, where G.S. was found and near where Mr. Mayuga was assaulted. This is consistent with G.S.'s evidence they were drinking beer and the depiction on the video cameras of the two males drinking from cans.

[90] The IIU report reflects that investigators canvassed all the houses facing the back lane to see if anyone had video cameras that might show what occurred in the back lane. No such video cameras were identified.

[91] Police found three broken windows on the west side of 200 Adsum.

[92] Forensic Identification officers searched the area in the days following the shooting and found there were no streetlights in the back lane so the area would have been very dark.

VII. THE EVIDENCE OF KEVIN BLOK

[93] Kevin Blok was called by the Andrews Family as an expert witness on police use of force. He provided opinion evidence assessing the circumstances which preceded Mr. Andrews' shooting.

[94] I permitted Mr. Blok to testify without holding a *voir dire* to qualify him as an expert witness as would be required in a criminal trial. I did so for a number of reasons:

- i.) He had travelled from Ontario to testify and his evidence was scheduled to be heard in one day;
- ii.) His curriculum vitae had been exchanged, and in my view, on a preliminary basis there was at least some basis to accept he had some expertise on use of force;
- iii.) In the circumstances of this case, he offered a different perspective than the police expert witnesses who were called;
- iv.) An Inquest has relaxed rules of evidence and need not adhere to the requirements of a criminal trial (see *Fatality Inquiries Act*, s. 26.2(2) and

26.2(3) and generally, *Hudson Bay Mining and Smelting* 2006 MBCA 98 for the direction that all relevant evidence should be heard in a non-adversarial, inquisitorial proceeding.)

I indicated to counsel they could address, in their closing submissions, the question of whether Mr. Blok possessed sufficient expertise to allow the Court to place weight on his opinion evidence.

[95] Inquest Counsel submitted I should place no weight on Mr. Blok's testimony as the basis of his expertise is not clear and being a college teacher does not make him an expert. Ultimately, given the limited material he reviewed to come to his opinion, his opinion should be accorded no weight. Inquest Counsel argued to give his opinion any weight would impugn the integrity of this Inquest.

[96] Counsel for MKO argued Mr. Blok did not have sufficient credentials to offer opinion evidence. They point out Mr. Blok has engaged in no cultural training, particularly Indigenous cultural training and his evidence should not be relied upon.

[97] Counsel for the WPS argued Mr. Blok's training of police officers is dated, having occurred last in 2015. They argue he does not have the qualifications to give opinion evidence. They point out, even if he were qualified, his absolute lack of understanding of the full file means his evidence can be given no weight.

[98] A summary of Mr. Blok's qualifications is as follows:

- A Bachelor of Arts (psychology and philosophy) from the University of Windsor, 1976;
- 1976-1982 a midnight shift coordinator in a residential psychiatric unit at a hospital;
- Extensive training since 1974 and teaching experience in Yoshinkan Aikido and has his 8th degree black belt (acquired in 2015) and training in other martial arts including karate and judo;
- 1978-2000, 2009-2016, taught defence and control tactics - a course toward a diploma in police foundations (where students hoped to get a position in a police service after graduation) and psychology at St. Clair College in Ontario;
- Authored a number of booklets and videos on defensive tactics and the art of Aikido;
- A Master of Science (in Psychology) degree in 2008 from California Coast University;
- He took training and became an instructor with an organization called Pressure Point Tactical Control. Following the division of that company, he became affiliated with National Law Enforcement Training Center in Kansas from the mid-90's to the mid-2000's which involved arm control escort systems, speed handcuffing, vascular neck restraints, defence control

tactics, use of expandable batons, edged weapon defence. This organization attracted law enforcement officers from over North America, the Caribbean, and Europe;

- 1993-2002 Taught for the Royal Canadian Mounted Police (“RCMP”) at the Canadian Police College a course on violent behaviour management, use of force and officer safety – a one month course annually;
- In 2000 he offered his advice to two police officers who helped develop the National Use of Force model;
- Currently the director of the operational arm of a company entitled “On Guard International” which offers defense and control tactics consultant and training services.

[99] Mr. Blok described his areas of expertise being in the use of force, police and security training, control and defensive tactics and protocols, non-physical crisis intervention, handcuffing procedures, baton, edged-weapon defence, weapon retention and disarming, and violent person management. Mr. Blok conceded he is not a qualified expert in the use of firearms, the use of police canines, the use of conducted energy weapons (tasers) and pepper spray.

[100] Mr. Blok provided two excerpts of transcripts where his evidence had been accepted in courts as an expert in the use of force by a police officer. These two are dated, 2002 and 2006, and it would appear his qualifications were not contested. He

has provided a list of 20 other cases, both criminal and civil, where he was retained as an expert witness in “use of force” and indicates his qualifications were accepted.

[101] I find Mr. Blok does have some expertise in the national use of force model used by police services across the country, with an emphasis on non-physical crisis intervention. Much of his expertise is limited to his own self-study and teaching the skills noted above in a gym or hands-on classroom setting. There are some significant limitations to his expertise based on the fact he does not have operational or field experience. This is limited to the occasional police ride-along where he used his observations to see how the techniques he was teaching in the classroom were being applied and if he needed to make any changes to his teaching pedagogy. The limitations of his experience and training might well mean he would not be qualified as an expert in a criminal trial given the test set out by the Supreme Court of Canada in *White Burgess Langille Inman v. Abbott and Haliburton Co.*, 2015 SCC 23, [2015] 2 S.C.R. 182. Despite this, I have considered his evidence given the more relaxed evidence rules at an Inquest.

[102] Mr. Blok offered the opinion that time and distance were controllable conditions by Cst. Carnegie and Olson once they entered the back lane. It was his view there was no need to rush taking physical control of Mr. Andrews. Cst. Carnegie did not allow for the best use of police service dog (“PSD”) Ellie as a tool to take Mr. Andrews into custody when he pulled her back. Cst. Olson should have

created greater distance between himself and Mr. Andrews to allow the dog to “bite and hold”. The officers did not use alternative means of tactical communication and did not plan with each other. The officers did not consider the option of disengagement. Cst. Olson should have increased his distance from Mr. Andrews and by failing to do so he failed to consider reactionary gap principles. The officers could have used their flashlights to temporarily blind Mr. Andrews. The officers erred in not calling for back-up.

[103] Ultimately, I find I can put little weight on any of Mr. Blok’s testimony. Mr. Blok had incomplete information about the case before the Court. While there are five volumes of material that have been filed at this Inquest, Mr. Blok had been given only a small binder of material – to give a visual illustration. More specifically, he had the notes and narratives of Cst. Carnegie and Cst. Olson but he did not have the video interview given by Cst. Carnegie. He did not have transcripts of these officers’ testimonies as provided at this Inquest. He had only limited photographs of the back lane. He did not have the autopsy results or forensic identification reports filed by investigators. He did not have a copy of the statement of G.S. or any other witnesses interviewed by the IIU. He did not have the IIU report. His evidence was largely based on the Officers’ notes and narratives and certain assumptions provided to him by counsel for the Andrews family who retained him. He conceded in cross-examination the additional information might change his opinion.

[104] His written opinion made conclusions about credibility based on certain alleged inconsistencies in the evidence which is a matter outside of his expertise. As the fact finder in this Inquest, credibility findings are solely within my purview. I have already explained I found the inconsistencies pointed out by the Andrews' family were not significant.

[105] Mr. Blok offered the opinion the officers did not consider the option of retreat, creating greater distance and disengagement which were viable options. He came to this conclusion even though he admitted in cross-examination, he did not know where Cst. Olson was in the back lane. Mr. Blok believed Mr. Andrews was contained in the back lane and the risk of further endangerment of the public was minimal because no one else was in sight and it was 4:00 in the morning.

[106] I do not accept this opinion and place no weight on it. First, this was a residential back lane and every 45 feet or so was a gate going into a back yard. Increasing distance from Mr. Andrews increases the opportunities for him to go into a back yard out of sight of the police (just as G.S. had done) and would have posed a public safety risk. Cst. Olson testified to this risk. Just as Mr. Mayuga came out at 4:00 in the morning to throw out his garbage only to be accosted, any member of the public could have entered the back lane from their residence.

[107] I find if Cst. Olson had separated from Cst. Carnegie by moving further south in the back lane he would have increased the risk of injuring Cst. Carnegie if

Mr. Andrews chose to continue towards Cst. Carnegie as they would have been in more of a linear alignment. I accept Cst. Carnegie's evidence if he had tried to back up, moving further north in the lane, he would have placed himself in a position where he could not react as quickly because he was in the process of backing up. I also find directly behind Cst. Olson were a garage and fence, so the only distance he could realistically create was moving south.

[108] I found some of Mr. Blok's evidence to be completely impractical and unrealistic.

[109] He criticized the officers for failing to plan or communicate with each other. He suggested they could have used an argot – a language known only to them so as not to alert the suspect about their plan. These two officers had not worked together before as partners. It seems silly to me to suggest they could have come up with a secret or coded language prior to this interaction which occurred so quickly.

[110] Mr. Blok suggested their communication with each other could be non-verbal such as "wiggle your flashlight" (Transcript October 29, 2025, page T80). I cannot imagine what the "wiggle" would communicate and how this would be effective communicating or planning in these circumstances.

[111] Mr. Blok testified when the officers stopped to deal with Mr. Andrews, any risk posed by G.S. was a "non-starter." (Transcript October 29, 2025 page T-33). When G.S. ran off he became a "non-issue" for them. (Transcript October 29, 2025,

page T46) His written report notes since the officers had stopped to deal with Mr. Andrews and had not felt it necessary to pursue G.S., “they only had one subject to deal with” (page 12 of his report). He testified he found it unlikely G.S. would have posed any risk to the officers or the public. He resiled from this position somewhat in cross-examination, agreeing it could still have been in the back of the officers’ minds.

[112] In my view, Mr. Blok dismissed the significance of the fact G.S. was outstanding out of hand. He testified since the officers could see both of Mr. Andrews hands, it was clear he did not have a firearm. He pointed to the fact Cst. Carnegie had seen a small dark object in G.S.’s hands as proof G.S. carried the firearm. This is an assessment that is based on 20/20 hindsight. In my view, common sense and even a preliminary review of different factual circumstances outlined in the caselaw would allow for the realistic possibility of a person hiding a firearm in their clothes.

[113] The fact the initial complaint involved Mr. Mayuga being struck in the head with the handle of a shovel, while a second individual was pointing a firearm at him, caused an imminent and dangerous risk to the public. The officers had not yet seen or recovered the firearm. This created an urgency in dealing with the armed Mr. Andrews. I find the officers’ actions and testimony reflect they knew this was a dangerous situation. They both knowingly put themselves in harm’s way to protect

the public. The fact as soon as Cst. Carnegie saw back up officers arriving in the back lane after Mr. Andrews was shot, he continued to use Ellie to track G.S. and helped take him into custody, reflects the outstanding G.S. was in Cst. Carnegie's mind as the situation unfolded.

[114] Mr. Blok's suggestion in cross-examination the officers could have split up (Transcript October 29, 2025 at p. T79) – one following G.S. and the other confronting Mr. Andrews is unrealistic and would be contrary to all training of police officers. This undermined Mr. Blok's credibility and reliability.

[115] Three other police officers testified about whether the actions of the officers involved in Mr. Andrews death were reasonable. The expertise of these three witnesses was not contested. All three, Sgt. Keith (Ste. Anne Police Department), Chief Superintendent Fiedler (Royal Canadian Mounted Police) and S/Sgt. Gillespie (Ontario Provincial Police) testified the actions of Cst. Olson and Cst. Carnegie were consistent with the national use of force model and were on the whole reasonable, consistent with WPS and national police training. All three agreed, if Mr. Andrews had been shot to protect the dog, this would not be reasonable (see *R. v. Steele* 2010 ABQB 191 (CanLii) where such a conclusion was reached).

VIII. THE EVIDENCE OF CHIEF SUPERINTENDENT FIEDLER

[116] The IIU forwarded their investigation to Inspector (as he then was) Fiedler for review and analysis. The IIU asked Inspector Fiedler to review the case file to

determine whether the actions of Cst. Carnegie and Cst. Olson were reasonable. “Specifically, whether their actions, decision making, behaviours in applying force were sound, well founded, reasonable, necessary, consistent with training and proportionate with similarly trained law enforcement officers in a Canadian policing context.” (page 2 of Insp. Fiedler’s report).

[117] Chief Superintendent Fiedler has been employed with the RCMP since 1992 - 34 years. He joined the Police Dog Services in 2000. He continued to work in dog service’s units until 2017. Between 2007 and 2017 he was the K Division Police Dog Services, Program Manager. Following that he was in charge of the operational communications programs and from 2019 to present is the officer in charge of K Division Career Development and Resourcing Unit. He has often been asked to review officers’ use of force, provide reports and evidence on this to the Service Court for the Edmonton Police Service and the Alberta Court of Queen’s Bench. He has provided expert evidence on his duties as a dog handler in the Provincial and Superior Court of British Columbia, Provincial and Queen’s Bench Courts in Alberta. He has provided evidence in civil litigation proceedings.

[118] Chief Superintendent Fiedler noted this was a high-risk call from the outset. The complaint received by police was about two assailants, both armed, one with a firearm. One person had used a weapon against a member of the public causing injury. He explained in this context it was appropriate to use the dog to track the

assailants. He testified given this was an urban environment, it was 4:00 a.m. so it was dark out and there were lots of places for a person to hide, it was reasonable and appropriate for Cst. Carnegie to have his flashlight out. He explained that for court purposes and to increase evidentiary value, it would be important for Cst. Carnegie to follow the track directly to the targets as closely as possible with his police dog.

[119] Chief Superintendent Fiedler testified it was appropriate for Cst. Olson to act as a cover officer and provide security for Cst. Carnegie as Cst. Carnegie's focus would be on watching his police dog. He further testified, since the call received by police included the use of a firearm, it was appropriate and reasonable that Cst. Olson would have his gun drawn.

[120] Chief Superintendent Fiedler testified once Mr. Andrews assumed the batting stance it was appropriate for Cst. Olson and Cst. Carnegie to separate a little so that they could not both be hit with the pipe Mr. Andrews was wielding. It also made it more difficult for Mr. Andrews to focus on both of them.

[121] It was Chief Superintendent Fiedler's opinion that once Mr. Andrews had the metal bar and was demonstrating he was prepared to use it, it was ineffective to use the dog as the dog could be hit, taken out of the confrontation without advancing the goal of taking Mr. Andrews into custody.

[122] Chief Superintendent Fiedler testified the impact of G.S. on the officers' decision-making was not yet out of the equation. G.S. continued to pose a risk to the officers, based on what they knew at the time.

[123] Chief Superintendent Fiedler testified the officers did try to de-escalate the confrontation by giving commands to Mr. Andrews to drop the bar. He testified Mr. Andrews was showing "active aggravated aggression", a term used in the national use of force model, which can justify lethal force response by police as their life is in danger. A person with a weapon who is showing intent and ability to use the weapon is showing active aggravated aggression. Chief Superintendent Fiedler's view was the officers had moved in close to contain Mr. Andrews as a member of the public had already been injured and in such circumstances, it would not have been appropriate to simply let him go. It was his view moving back was not a reasonable option, particularly since there was another person (G.S.) outstanding.

[124] Chief Superintendent Fiedler's opinion was it was appropriate to send a dog into a situation, even if the dog could be hurt or killed, if it was necessary to save a human life. It is for this reason, he did not believe Cst. Carnegie's first attempted deployment of the police dog was an effective option because it would not advance the scenario and human life or injury was not yet at imminent risk. However, when Cst. Carnegie saw Mr. Andrews move toward Cst. Olson with the bar over his shoulder and saw Mr. Andrews was in the process of swinging at Cst. Olson, the dog

lunging toward Mr. Andrews showed Cst. Carnegie was prepared to deploy the dog, even if it endangered the dog's life.

IX. THE OPINION OF SERGEANT KELLY KEITH

[125] Inquest Counsel called Sgt. Kelly Keith. There was no dispute from counsel that Sgt. Keith is a police use of force expert.

[126] A brief summary of Sgt. Keith's qualifications is as follows:

- He has 34 years of police experience. Sgt. Keith trained as a police cadet with the Toronto Police Force in 1983 and then worked as a police officer with the Winnipeg Police Service (1988-2000), Victoria Police Department (2000-2004), Atlantic Police Academy (2005-2011); Ste. Anne Police Department (2011 to present, part-time);
- He attended the Justice Institute of British Columbia and was provincially certified as Use of Force Instructor in 2004;
- He has been certified in many different areas of police use of force and since 2011 has been a Master Instructor for reality-based training, use of force, tactical communication, principle-based control tactics and vehicle stops;
- He has trained thousands of police officers and instructors on use of force. He has delivered training across Canada and internationally;

- He has testified as an expert witness in use of force in trial and Inquest proceedings across the country. He testified approximately 50% of his opinions involve conclusions that the police use of force was **not** justified.

[127] Sgt. Keith's opinion was the use of force used by Cst. Olson was consistent with police training in Manitoba and across the country. He concluded the behaviour Mr. Andrews was displaying which was anger and defiance by not putting the bar down and swinging the bar at Cst. Olson's head would fall in the category of aggravated active aggression. The ability for Mr. Andrews to inflict harm or death by swinging the bar at the officer, particularly at head height given the close distances involved, made lethal force an appropriate and reasonable response.

[128] Sgt. Keith's opinion was swinging the bar at Cst. Carnegie while the dog was in between them was also aggravated active aggression and many police officers would have responded with lethal force even at that stage.

[129] Sgt. Keith offered that constant verbal commands to drop the pipe were consistent with best practice in Canada and were a form of de-escalation. If Mr. Andrews had dropped the bar, no further force would have been required. Sgt. Keith testified the dog barking is also a form of de-escalation as the dog barking can be intimidating enough to promote compliance to avoid a further interaction with the dog.

[130] Sgt. Keith described the directions made by Cst. Carnegie and Cst. Olson as alpha commands. “Those are very short, quick things...where we use this in policing is where I need you to do this right now, and I – I’ve got other things that I have to deal with as well, so do this now” (Transcript p. T-20, October 28, 2025). Sgt. Keith said it would have been unnerving and a source of stress to have G.S. at large, as he could have a firearm which could have been used against the officers. This is something that would continue to be in the officers’ minds as they deal with Mr. Andrews. I accept this created urgency and the desire to have Mr. Andrews disarm himself immediately.

[131] Sgt. Keith testified one must assess the officers’ actions based on all of the information they had prior to the confrontation with Mr. Andrews. The officers would have known from the outset this was a high-risk call because it involved the pointing of a firearm and the use of a shovel handle against an innocent member of the public. This was a random attack so it poses an enhanced risk to the public unlike an attack against a specific, targeted person. He concluded the second call, minutes later of windows being smashed which could be a break and enter, at a nearby location, a prudent police officer would believe these are the same people.

[132] Sgt. Keith said it was reasonable for one officer to have his firearm drawn as Cst. Olson did because the call for service involved the pointing of a firearm. Cst. Carnegie had the dog which is considered an intermediate weapon even though the

situation called for firearms to be drawn and ready. Sgt. Keith said in many situations, one officer will have an intermediate weapon while there is “lethal overwatch” with the firearm. This allows for the use of the intermediate weapon without having to resort to lethal force, if not necessary.

[133] Sgt. Keith testified when the officers first saw the two suspects in the back lane, one carrying a long object which could have been a shovel handle, the officers chose to come in close. This was a reasonable decision, even though it put the safety of the officers at grave risk, given the threat from a firearm, which had the potential to reach them at much greater distances. This was a case of “open air containment” which causes “more issues” because there are many routes of escape and so to address that, the decision to come in close makes sense. Sgt. Keith noted the officers would also have had to be worried about the suspect who had fled, who they could no longer see.

[134] Sgt. Keith was asked to comment on the reactionary gap. He testified, he teaches this concept. He said generally he would teach a reactionary gap of 6 to 10 feet, with a suspect who is holding a bar. The gap can change based on the weapon and the delivery system for use of the weapon, for example a firearm would have a much longer reach. The gap is focused on the officer’s ability to react to maintain their own safety. In this case, while the officers moved in close, I find they did

maintain a reactionary gap, because Cst. Olson was able to step to the side after discharging his firearm to avoid being hit in the face with the metal bar.

[135] Sgt. Keith offered recommendations to the Inquest. Sgt. Keith recommended there should be clear direction, lesson plans and training that address the natural hesitation a canine handler may have to deploy their dog when to do so would risk the dog's life, even though a human life could be saved. WPS training materials filed at the Inquest demonstrated there is significant training focused on the dog, to ensure it does what it is supposed to do when it is directed by its handler. There is no training which focuses on "priming the decision-making of the handler." This became an issue at this Inquest based on a statement provided by P/Sgt. Taylor.

X. THE EVIDENCE OF PATROL SERGEANT TAYLOR

[136] Patrol Sergeant (P/Sgt.) Taylor was not involved in this incident but he was the supervising officer in the canine unit at the time. He was interviewed by an investigator with the IIU in order to gather some background information about training for police dogs and police dog handlers. He was asked if handlers are trained to release the dog against a person in possession of a weapon. He answered to say every situation is different but went on to comment the dogs are not expendable. They are expensive to acquire and train and not meant to be thrown into a situation to see if it might "win or lose." The concern raised by this comment is the dog might not be deployed to save human life, even the suspect's life, because

of the fact it is an expensive investment for the police. This was a concern I paid particular attention to during this Inquest.

[137] This concern was raised by Sgt. Keith. The WPS were not able to provide lesson plans for what the dog handlers would be taught or if the resources invested in the dog is part of the decision-making of the handler. In Sgt. Keith's view, if that is being taught, it should be removed from the lesson plan. He suggested in his report, an animal life cannot be put over a human life. He offered his opinion, human life and public safety need to have priority over the police dog's life.

[138] P/Sgt. Taylor testified at the Inquest. P/Sgt. Taylor is a supervisor and trainer in the canine unit. He first was assigned as a dog handler in 2004. He was promoted to P/Sgt. in 2012 and began to assist with some training. Between 2014 and 2019, he was transferred to the homicide unit. In 2019 he returned to the canine unit as a trainer of both police dogs and handlers.

[139] P/Sgt. Taylor apologized to the Andrews family for having conveyed his meaning poorly in his recorded statement to the IIU investigator. P/Sgt. Taylor testified he believed all of the dog handlers in his unit would not hesitate to deploy the dog, if there was an opportunity to save human life, even if to do so could endanger the dog. He confirmed his belief that all of the officers in the canine unit are experienced police officers who understand the use of force continuum and the dog as an intermediate weapon. The training provided by the WPS focuses on

ensuring the dog is trained to do what it is commanded to do by its handler. The training focuses on the handler's ability to interpret what the dog is telling them. They do not conduct specific training on how and when a handler might choose to deploy a police dog. P/Sgt. Taylor confirmed the unit does not have lesson plans or course standards for their training program although these are currently being worked on.

[140] This recommendation was also made by Staff Sergeant (S/Sgt.) Gillespie who was qualified as an expert in police use of force, canine use and training for canine units. S/Sgt. Gillespie was retained by the WPS. He has been the Canine Program Manager and Senior Trainer with the Ontario Provincial Police ("OPP") since 2017. His opinion evidence on the deployment of the dog and use of force was similar to the evidence of Sgt. Keith and Chief Superintendent Fiedler so I will not repeat it again here. S/Sgt. Gillespie explained in his report:

It is the handler's responsibility to be an advocate for their PSD [police service dog], to employ their PSD when appropriate and when the handler reasonably assumes the PSD will improve the situation. It is not a matter of protecting the PSD. It is a matter of being an advocate for appropriate deployment and employment of the PSD....A PSD is a tool that does not fall within priorities of life considerations. A PSD maybe expendable but should not simply be wasted or thrown away.

Gillespie Report at page 10

[141] S/Sgt. Gillespie noted just as each individual has unique characteristics which can impact risk assessments, so do police dogs and these characteristics should be considered in assessing whether a police dog will be effective or

ineffective in a situation. Cst. Carnegie did not testify to any specific strengths or weaknesses of his dog. Further training and support on articulation would be beneficial for canine handlers.

XI. WINNIPEG POLICE SERVICE CANINE TRAINING AND DOCUMENTATION

[142] All counsel joined in asking me to make the following recommendations which come from the evidence and reports of S/Sgt. Gillespie and Sgt. Keith.

- 1) I recommend the WPS should develop written documentation of course training standards and supportive plans for training of police service dogs, canine handlers, and the canine team. The course training standards would identify the content that must be taught, and supportive plans would detail training plans for the delivery of course content.**
 - a. This training should include the police service dog as a use of force option and decision-making around the deployment of the dog in consideration of the priorities of life, threat assessments, and the WPS Officer Safety Unit's tactical battle model.**
 - b. The documentation should include supportive plans for reality-based training involving situations where a subject is attacking a police service dog and situations where the handler is required to consider using lethal force. Once written documentation is developed, the WPS should engage in continuous evaluation and improvement of plans for reality-based training involving these situations.**
 - c. The documentation should include supportive plans for training that details the approach to documenting the training of individual canine officers and police service dogs, both separately and as a team, in reality based training scenarios involving use of force, including how to document any issues, concerns or areas for improvement identified when completing the scenario document, the**

debrief and discussion of how to address those issues, concerns or areas of improvement, and any next steps taken.

[143] Inquest Counsel and MKO joined in recommending that the WPS develop written training documents for teaching the concept of the police service dog as a use of force tool which should be delivered to all canine handlers and be part of use of force training for all police officers. Counsel for the WPS points out the police dogs are only used by specially trained canine handlers so it does not make sense to extend this training to all police officers. I agree with the WPS on this point.

- 2) I recommend the WPS should develop written training documents for teaching the concept of the police service dog as a use of force tool, to be delivered to canine officers and as part of these officers' use of force training.**

XII. TRAINING FOR COVER OFFICERS

[144] Inquest Counsel and MKO joined in asking for recommendations of specific training for cover officers. They pointed to the dedicated course the OPP have which included a nine-week course, as described by S/Sgt. Gillespie. However, the OPP also has a dedicated unit to act in the role of a cover officer as they are a much larger police service.

[145] The WPS' position is that the evidence shows the service already provides training for all officers in how to act in the role of cover officers as recruits. Further additional training is provided to units where there is regular cross over between those units and canine. As was the case with Cst. Olson who received the additional

training as a cover officer when assigned to the tactical support unit and by having acted in the role of quarry in reality-based dog training scenarios. There is no evidence that the proposed training would have made any difference in a similar incident. The size of the WPS means that to adopt such training it would need to reduce other mandatory training. The WPS does not have sufficient canines to conduct reality-based training with all its members. The WPS does not believe that this recommendation is supported by the evidence or appropriate.

[146] In my view, based on the evidence at this Inquest, there were no shortcomings identified in how Cst. Olson fulfilled his role as a cover officer or the training the WPS provides for cover officers. I decline to make the recommendations in this area.

XIII. TACTICAL REPOSITIONING AND DE-ESCALATION

[147] All counsel agreed there should be some additional emphasis on training related to tactical re-positioning and de-escalation.

- 3) I recommend the WPS should evaluate whether sufficient time is dedicated to tactical communication, including de-escalation and whether it is feasible to increase the time dedicated to this subject.**

XIV. EXPENDABILITY OF DOG AND PRIORITIES OF LIFE

[148] The WPS points out the evidence before the Inquest is the WPS officers did understand the priorities of life and would not hesitate to deploy the police dog even if the dog could be injured or killed. The WPS argues given that understanding there

is no need for this recommendation as it could lead to a loss of trust that Winnipeg police officers understood this principle.

[149] However, as pointed out by Sgt. Keith, this was not entirely clear from P/Sgt. Taylor's statement to the IIU investigators. I also noted Cst. Carnegie testified the value of a dog is a consideration. I find Cst. Carnegie sometimes struggled to articulate exactly what he meant. It is important to note, upon further questioning of both Cst. Carnegie and P/Sgt. Taylor, I find they did understand the priorities of life and would deploy the dog if they felt it would advance a scenario and protect human life.

[150] S/Sgt. Gillespie, a canine expert witness called by the WPS, testified the OPP have such an express statement of police policy. I see value in ensuring it is clear that human life is valued over the life of the police dog.

- 4) I recommend the WPS Use of Force policy should include an explicit statement that human life including the life of the subject takes priority over the life of the police service dog.**
- 5) I recommend the WPS Use of Force policy should include an explicit statement that the priorities of life in a potential use of force situation are: 1.) public; 2.) peace officer; 3.) subject.**

XV. USE OF FORCE TRAINING AND INCORPORATING INDIGENOUS EXPERIENCES AND IMPLICIT BIASES

[151] The police witnesses who testified confirmed they had received and completed mandatory training on implicit bias and Indigenous cultural awareness

which examine colonization and the ongoing impact this has on Indigenous people. All of the police witnesses who testified, including the expert witnesses maintained they treat everyone the same and with respect. The use of force model taught to police is the “same” for everyone. As pointed out by MKO this “colour-blind” approach, fails to recognize the collective experience of Indigenous people who have seen the police used to take their children to residential schools or assist child welfare authorities or the loss of life when involved with the police. This cultural experience continues to fuel a fundamental lack of trust between the Indigenous community and police officers.

[152] Counsel for the family pointed out Mr. Andrews was from a Northern Reserve where dogs are known to run wild and the fear of dogs may be more prevalent. I have no specific evidence about how Mr. Andrews felt about dogs. I would note the words Cst. Olson and Cst. Carnegie heard Mr. Andrews say sound like words of anger rather than words of fear for the dog.

[153] P/Sgt. Taylor said implicit bias training is not part of the training in the Canine Unit. He pointed out, fairly I think, that when a dog starts a track, in most cases they do not know who is on the other end of that track.

[154] Sgt. Keith, who is not a member of the WPS expressed curiosity and interest in working with MKO to see how a reality-based scenario could be created to inquire into implicit bias by a peace officer.

[155] Counsel for the WPS asked me to make no recommendations in this area as the extent of Indigenous awareness, Indigenous cultural and implicit bias training will be dealt with head-on in the Eisha Hudson Inquest (which is currently ongoing.) I declined the request by the WPS to adjourn proceedings so they could lead evidence of all of the Indigenous training offered by the WPS. In my view, the question is what and how officers are incorporating this training into the use of force, in the field.

[156] I am satisfied the WPS has prioritized and expanded the training provided to all police officers related to Indigenous Cultural Awareness and Implicit Bias training. However, based on the answers by witnesses to the questions posed by MKO, I do not think the principles taught in those courses are being easily translated to the reality of what police officers are required to do in the field. I do think this is particularly challenging to incorporate in the dynamic, stressful, and short time officers are required to make decisions to keep others and themselves safe. Counsel for MKO was not able to provide me with any information and no evidence was led on how such training would or should change or be incorporated in the use of force model. Despite these limitations in the evidence, I think it is a worthwhile area of exploration and research.

- 6) I recommend the WPS, in collaboration with MKO, explore if and how use of force training could incorporate a.) the unique experience of Indigenous individuals and how those experiences might inform risk assessments and tactical considerations when police are interacting with**

Indigenous individuals in a potential use of force situation and b.) how unconscious or implicit bias related to race may influence officer risk assessments. This should include an assessment of the feasibility of countering unconscious bias or implicit biases through reality-based training.

XVI. POLICIES OF THE WINNIPEG POLICE SERVICE

[157] Inquest Counsel, MKO and Counsel for the family joined in asking me to make a recommendation to make changes to the Use of Force Policy to provide expanded explanations for de-escalation and repositioning. They pointed to S/Sgt. Gillespie's evidence that this is not in the Use of Force policy and it could be added. Counsel for the WPS supported a recommendation that they would be required to evaluate whether sufficient time is dedicated to tactical communication and whether training time on this subject could be increased.

[158] Chief Superintendent Fiedler testified tactical re-positioning may have been possible but was limited when the officers approached as close as they did. I have already found the choice made by officers was a reasonable one in the dynamic, fast-moving situation they confronted. Sgt. Keith testified the officers put themselves in harm's way in order to protect the public and there is not a black and white answer as to how close officers needed to be. Sgt. Keith testified he felt Cst. Olson was closer than he would have liked to see in a training scenario. Sgt. Keith said this would be a very helpful issue to de-brief on following a similar training scenario to explore what the officers' assessment was at the time for the decision they made.

[159] Kevin Blok testified he was heavily influenced by the recommendations of a report prepared by a former judge of the Supreme Court of Canada, the Honourable Frank Iacobucci, “Police Encounters with People in Crisis” (2014). This report was commissioned by then Chief of Toronto Police Service (“TPS”), William Blair, to look into the tragic circumstances of fatal encounters between “people in crisis” defined as people in a mental health or emotional crisis and make recommendations which would be a blueprint for TPS moving forward. This report was based on extensive and multi-faceted interviews, including international research and academic commentary. This inquiry was much broader than the mandate of an Inquest. As pointed out by Justice Iacobucci, this phenomenon of fatalities in interactions with police occurs in many countries. There were 84 recommendations made as a result of the inquiry.

[160] I note in particular two recommendations which are similar, although more extensive and detailed, to recommendations in this Inquest report.

Improving the Use of Force Procedure to reflect best practices

RECOMMENDATION 41: The TPS revise its Use of Force Procedure to supplement the Ontario Use of Force Model and guidelines with best practices from external bodies such as the International Association of Chiefs of Police, the United Nations and other police services in order to:

- (a) incorporate approaches to minimizing the use of lethal force wherever possible;
- (b) increase the emphasis placed on the seriousness of the decision to use lethal force in response to a person in crisis;
- (c) further emphasize lethal force as a last resort to be used in crisis situations only where alternative approaches are ineffective or unavailable;
- (d) articulate the importance of preserving the lives of subjects as well as officers wherever possible;
- (e) recognize indicators of mental health crises as symptoms rather than threats to officer safety;
- (f) acknowledge that many mental health calls result from crisis symptoms rather than criminal behavior;
- (g) emphasize that police responding to people in crisis are usually required to play a helping role, not an enforcement role; and
- (h) articulate that communication with a person in crisis should be a default technique in all stages of assessing and controlling the situation and planning a response.

Updating the Use of Force Procedure

RECOMMENDATION 42: The TPS regularly update its Use of Force Procedure to reflect best practices and the results of further research into the

most effective means of communicating with people in crisis. In this regard, the TPS should seek alternative approaches for officers when a person in crisis does not appear to comprehend or have the ability to comply with the Police Challenge; and consider consulting with provincial agencies, the Ontario Police College, mental health experts, consumer survivors, and others with specialized experience to ensure that the Use of Force Procedure reflects best practices. (pages 24-25)

- 7) I recommend the WPS Use of Force Policy and model should be reviewed and revised to include expanded explanations of tactical considerations with respect to de-escalation and tactical repositioning.**

XVII. DELAY IN INQUEST PROCEEDING

[161] This Inquest was held more than five years after Mr. Andrews' death. MKO and Counsel for the Family expressed concern about this length of time and asked me to make recommendations to ensure Inquests are held in a more timely way.

[162] On May 12, 2017, in the Craig Vincent McDougall Inquest, I made recommendations aimed at the delay in the Inquest proceeding. In the McDougall Inquest the delay was eight years. I recommended the Province of Manitoba consider legislative timelines. MKO asks me to make the same recommendation again. Counsel for the WPS does not take a formal position but does point out any timelines would have to account for complexity and if there is a need for expert

witnesses from out of province, more time would be required to secure those opinions.

[163] The death of Mr. Andrews occurred at the beginning of a world-wide pandemic. The middle of March 2020 saw nation-wide lockdowns to prevent the spread of the COVID virus. The impacts of measures to prevent the spread of the virus resulted in significant cancellations of many court proceedings across the province, including Inquests. When things began to open up again, many months later, there was a significant backlog in criminal cases. The Chief Judge on behalf of the Provincial Court of Manitoba notified the community and profession, the focus would be on addressing the criminal case backlog before Inquests would be heard again.

[164] I share the concern of the family and MKO about the length of time the public, the family of the deceased and involved police officers have to wait to have answers to questions that arise from untimely deaths. The Supreme Court of Canada in *R. v. Jordan* in 2016 SCC 27 noted in the criminal context at para. 2:

As the months following a criminal charge become years, everyone suffers. ... Victims and their families who, in many cases, have suffered tragic losses cannot move forward with their lives. And the public, whose interest is served by promptly bringing those charged with criminal offences to trial, is justifiably frustrated by watching years pass before a trial occurs.

[165] I have seen the same impacts on family and witnesses involved in an Inquest.

[166] While I understand and accept the pandemic was an exceptional event that launched society and the court system into a place where everything was “on hold”, now that courts have resumed at the normal pace for some years, it is necessary to push to have Inquests heard in a timely manner. Counsel for the family suggested an expansion of the persons who can preside over Inquests to potentially include retired judges or lawyers.

[167] MKO asked me to recommend that Manitoba Justice undertake a review to determine whether an Inquest coordinator would help Inquests proceed in a more timely way and help streamline and enhance the support for families. I made a similar recommendation in the Craig Vincent McDougall Inquest in 2017 so do not see the need to make the same recommendation again.

[168] Inquest Counsel resisted supporting these recommendations based on a concern the Province of Manitoba had not received notice. Although when the proposed recommendations were received from MKO, she notified the Province. She did not receive a reply.

- 8) I recommend the Province of Manitoba, in consultation with the Office of the Chief Judge, develop a plan (which may well require the allocation of additional resources), to reduce the significant delay in Inquests.**

XVIII. INQUEST PROCEEDINGS AND SUPPORT, INCLUDING FUNDING FOR THE FAMILY

Consecutive Dates for Inquest

[169] MKO asked me to recommend that the Inquests be scheduled on consecutive days so that family members, particularly those who are required to attend from out of town, can attend the Inquest. The Provincial Court of Manitoba already starts from the proposition that consecutive dates are set for Inquests. Ten consecutive dates were set for this Inquest. But when counsel for the WPS learned that I shared concerns identified in Sgt. Keith's expert report they asked for time to secure an independent expert with a particular expertise on the use of police canines (S/Sgt. Gillespie) which ultimately contributed to non-consecutive days being set.

[170] Further, the Andrews family wanted to call Kevin Blok as an expert witness so an adjournment was required to allow for the creation of a report that did not rely on civil discovery transcripts and disclosure of the report. It is unfortunate the report of Kevin Blok was not circulated in advance of the Inquest dates already set.

[171] I conclude a recommendation for consecutive dates is not required as the Court already begins scheduling from that starting point but individual factors peculiar to each Inquest can and frequently do result in non-consecutive dates.

Funding of Financial Costs for Family of the Deceased

[172] In this Inquest, as I have noted, Mr. Andrews' family was from God's Lake Narrows so the travel costs to Winnipeg would have been significant. MKO provided financial support but they join the Andrews family in asking me to recommend that financial support for family members to attend the hearing should be automatically covered by the Province of Manitoba, instead of the family having to rely on outside funding sources.

[173] MKO and the Andrews family asked I recommend a daily allowance for hotel, food and travel on a reasonable cost basis.

- 9) I recommend the Province of Manitoba consider establishing a per diem rate of reimbursement for immediate family members, including parents, who are required to attend the Inquest hearing from outside the location where the Inquest is being held.**

Funding of Counsel for the Family

[174] MKO and the Andrews family asked me to recommend automatic funding for counsel for the family of the deceased. MKO recommended, "in the alternative, there should be clearer and less arduous guidelines as to what "extraordinary circumstances" would lead to Manitoba funding counsel for the family, recognizing, among other things, the trauma of complex legal proceedings, colonization, and grief of losing a loved one." Counsel for the family recommended the legal expenses of lawyers representing the deceased's family be covered on a reasonable tariff basis, similar to the tariffs imposed by Legal Aid Manitoba.

[175] In this Inquest, the family was represented by three counsel. MKO was provided standing as Mr. Andrews was originally from Mantou Sakahigan Cree Nation (God's Lake Narrows First Nation), a nation represented by MKO. MKO was represented by two counsel. Funding of counsel for Inquests has been the subject of recommendations in previous Inquest reports (for just one example, see Recommendation 1 of Darren Michael Wood Inquest, October 6, 2025)

[176] While I have sympathy for and endorse the need for families of deceased persons to have meaningful participation in Inquests, in this case, I have no further evidence of the limits of their participation in this Inquest. I make no recommendations surrounding funding as I do not have any evidentiary foundation to do so.

Funding for Kevin Blok

[177] I have no evidence to support the Andrews family request that I recommend the Province of Manitoba pay for the costs of the family's use of force expert, Kevin Blok. This request comes rather late. In my view, in the future, if there were advance disclosure and discussion with Inquest Counsel, it may well be Inquest Counsel or the presiding judge could be persuaded to call such a witness, if they were a qualified expert, and the costs could then be covered as part of the Inquest hearing.

Release of Inquest Report

[178] MKO asks the release of the Inquest report to family be done in private, preferably in the individual's home community if applicable, with adequate cultural and emotional supports in place.

[179] Counsel for the WPS takes no position on this recommendation, other than to ask for non-disclosure to the public or media, until the Inquest has been formally released and that it is released to parties with standing at the same time.

- 10) I recommend the Chief Judge contact the family of the deceased or counsel for the family, if counsel is in place, and if desired by the family, arrange a meeting to share the Inquest report, in advance of its release to the public, on the understanding this is a confidential process, with adequate cultural and emotional supports in place.**

XIX. ADDITIONAL SUPPORT FOR THE FAMILY

[180] MKO. asked me to make the following recommendations to support the family. I note I did not have specific evidence to support these recommendations but I accept they are good ideas to support families and maintain better communication through a challenging process. I do know there were some hiccups when the family wanted to smudge in the courtroom although this did occur.

- 11) I recommend Manitoba Courts should update the "Inquests" webpage of the Manitoba provincial courts to display information regarding the status of an Inquest, along with press releases and general information on Inquest proceedings to allow for the public to access information on these important proceedings.**

- 12) I recommend Inquest Counsel should be involved in ensuring the family of the deceased has access to victim services and other resources to**

ensure they are as supported as possible during challenging times, even if they are not represented by counsel. This should include: a.) ensuring family members are aware of the details of the hearing; b.) securing a quiet space/family room for the family to gather in; and c.) coordinating a space to smudge that is easily accessible before all hearing days, allowing for a seamless and positive experience for all involved.

[181] MKO also asked that I recommend Manitoba Justice should consider holding Inquests in spaces not at the courthouse to benefit the emotional well-being of those involved. Applications and arrangements have been made in the past when circumstances warranted to hold an Inquest in other facilities. As pointed out by the WPS, such locations need to have suitable security. In the absence of specific evidence on this point, I decline to make this recommendation.

[182] MKO also asked I make two further recommendations related to the IIU considering whether the civilian monitor of an investigation could be a member of the Indigenous Community. I made this recommendation in the 2017 Craig Vincent McDougall Inquest report. And secondly, a recommendation the IIU deliver their reports in a trauma-informed way to the family before public dissemination. Counsel on behalf of MKO submitted this had in fact been the process which makes me wonder why it is necessary to make the recommendation. Other than the submission of counsel, I have no further evidence or information to support these recommendations, so I decline to make them in this Inquest.

XX. BODY WORN CAMERAS

[183] The Andrews family asks me to recommend the City of Winnipeg acquire sufficient numbers of body cameras to equip WPS police members on shift in the field.

[184] Chief Superintendent Fiedler testified the RCMP is still rolling out body cameras and he estimated about 50% of officers have body cameras. Chief Superintendent Fiedler testified there had been some experimentation of cameras on police dogs but his information on this was dated – from 2017 at the latest. I accept his testimony there are issues with body worn cameras including whether the angle of capture is misleading. I can also appreciate storage space and disclosure requirements would be onerous. But Chief Superintendent Fiedler agreed with counsel for the family they can be another tool to assess what happened in an interaction. He testified: “I think the inclusion of cameras when everybody is aware they're there elevates the level of professionalism by both our police officers as well as the clients that they're dealing with.” (October 27, 2025, p. T-50) MKO agreed with the family’s recommendation.

[185] The WPS and Inquest Counsel take the position the recommendation does not arise on the evidence in this case. Counsel for the WPS points out there is no evidence that the existence of a body worn camera in this instance would have resulted in any difference in the outcome. Had the WPS provided evidence with

respect to this issue it would have been clear that the piloting of body worn cameras has been brought forward a number of times over the last number of years by the WPS. Funding for the pilot was not approved. A pilot project for body worn cameras has been approved to commence in 2026.

[186] I find a basis in the evidence for this recommendation. I made a recommendation in 2017 in the Craig Vincent McDougall Inquest the WPS should explore the feasibility of body worn cameras. In this Inquest, the only witnesses to what transpired were Cst. Olson and Cst. Carnegie. As a trial judge in the Provincial Court of Manitoba, I know there has been a significant increase in the number of cases where video evidence is available. While it is not always determinative in and of itself, it is often extremely helpful in the fact-finding process. Fact-finding is integral to the Inquest process and is a legislative mandate of the Inquest. Video evidence can often be an objective piece of evidence that helps establish the facts. There is a level of distrust between WPS and the Indigenous community. Independent, objective evidence could help support or refute a police officer or citizen's view of events and to that end could help displace some of the distrust.

13) I recommend the WPS continue to advocate for the implementation of body worn cameras for its officers in the field.

XXI. LEGISLATION AROUND NOTE-TAKING AND STATEMENTS

[187] Counsel for the Andrews family raised concerns both Cst. Carnegie and Cst. Olson testified it is a WPS policy that any police officers involved in a fatality are

required to get psychological clearance prior to completing their notes or providing a statement. Counsel for the family argues delays lead to suspicion that there has been collusion and the coordination of a narrative supportive of the police officers' actions. Counsel for the family was critical the officers had the benefit of legal advice prior to giving statements. Since the officers are at risk of criminal charges when the investigation begins and the *Charter of Rights* guarantees access to counsel, I do not see the concerns around legal advice as meritorious.

[188] *The Police Service Act* C.C.S.M. c. P94.5 contains *Independent Investigations Regulations* M.R. 99/2015 which cover the topic of notes. In s. 9.1 an officer is required to complete their notes within 48 hours after the end of their shift. The "subject officer", in this case Cst. Olson, is not required to turn over his notes, but can voluntarily choose to do so (s. 11). Cst. Olson did complete his notes within two days and later voluntarily provided a statement. It has been very helpful in the fact-finding process to have his notes, statement and testimony.

[189] I note Cst. Carnegie testified he completed his notes after four days. This would be contrary to the regulations.

[190] Since the issue of notes and interviews is already covered by the regulations, I make no further recommendations on legislative changes.

XXII. WINNIPEG POLICE SERVICE AND EDUCATION FOR YOUNG FIRST NATIONS RESIDENTS

[191] Counsel for the Andrews family asked for education to be delivered to First Nations communities on the intersection of police and Indigenous citizens. Counsel for the WPS takes the position there is no evidence to suggest this would prevent similar instances from occurring and points out the WPS do not have jurisdiction outside of Winnipeg.

[192] I point out again; Mr. Andrews was a resident of Winnipeg but had grown up in Northern Manitoba. Mr. Andrews had to leave his community in order to complete his high school education. As pointed out by counsel from MKO, many of its citizens face a significant culture shock when they come to Winnipeg from northern communities. And many of its members travel to Winnipeg for services. I have already pointed out underlying the issues raised in this Inquest is a distrust between Indigenous People and the police. This is widely recognized. P/Sgt. Taylor explained the Canine Unit does visit schools as part of community outreach. I accept the recommendation from the Andrews family as it does arise from the evidence before me, including the statement of Mr. Andrews' mother, Carmel Andrews.

- 14) I recommend the WPS with Indigenous collaboration (perhaps MKO) formulate a program offering education and insight of urban policing in Winnipeg including on the matter of young Indigenous residents potentially intersecting with police, understanding the array of variables governing discharge of duties and how to respond. A cross-cultural expert, as well as other individuals of professional, academic and field**

expertise, and Elders or community members, should be utilized in delivering this program of education with police representatives.

XXIII. CONCLUSION

[193] There is no controversy that members of the public were calling the police in the early morning hours of April 18, 2020 requesting immediate assistance. Mr. Mayuga called because he had a pistol pointed at him while a second male hit him over the head with a shovel. A short time later further calls came from a woman whose distress and fear are clear in the 911 calls. The windows to her apartment have been smashed and she is worried the people will come into her apartment. She was so upset she had trouble answering the questions of the 911 call-taker.

[194] Cst. Olson and Enns were partnered together. After a few minutes of looking for potential suspects in the area and not seeing anyone else around, they spoke to Mr. Mayuga. When the radio dispatcher notified them of broken windows at 200 Adsum, they quickly moved there, believing this may be the same suspects. This was a reasonable conclusion given the time of day and proximity to 244 Adsum.

[195] Cst. Olson and Enns decided to split up as 200 Adsum is a very large apartment complex. Cst. Olson headed north but quickly heard from Cst. Carnegie, the canine officer on scene, his police service dog Ellie had picked up a track and he was tracking. Cst. Olson radioed they were tracking. Other police officers were beginning to arrive in the area and set up locations in a perimeter to try to contain

the area. All officers knew this was a high-risk call because of the report of a firearm being used by one suspect.

[196] Cst. Olson as the cover officer, followed Cst. Carnegie who was holding Ellie's leash and a flashlight in the other hand. Cst. Olson had his firearm drawn, given the reported firearm by a suspect. This was a reasonable approach. As they turned into a back lane behind Pipeline Road, they saw two suspects. One appeared to be holding a long bar, consistent with the report of Mr. Mayuga. I find the officers had reasonable grounds to detain based on the information they had and their observations.

[197] Cst. Carnegie shouted a direction for the suspects to stop or he would send his police dog. One person, who turned out to be G.S., a young person, turned and fled down the lane out of sight. Mr. Andrews stayed and raised the bar in a batter stance as police approached. Mr. Andrews was directed to drop the bar.

[198] Cst. Carnegie attempted to send his police dog to apprehend but pulled her back when Mr. Andrews swung the bar aggressively over the dog's head. At the outset of this Inquest, I shared the concern of the Andrews family that perhaps if the dog had been allowed to apprehend, which would involve a bite and hold, Mr. Andrews could have been taken into custody. After listening to all of the evidence, I am satisfied Cst. Carnegie was reasonably trying to take Mr. Andrews into custody with the least amount of force. A dog bite can and is likely to result in significant

injury. The case law shows examples of where dog bites have been lethal given where the dog bites and if she loses the bite and tries to re-acquire the bite. The author of an academic paper in the United States commented, "...understanding that the use of the dog in apprehensions can increase rather than decrease violence, police forces should voluntarily curb the circumstances where officers are most at risk of ambush..." at page 659. ("K-9 Catch-22: The Impossible Dilemma of Using Police Dogs on Apprehension of Suspects", Ann L. Schiavone, University of Pittsburgh Law Review, Volume 80, Spring 2019. The author considers fact situations which were lethal for the police dog and the suspect).

[199] While I think 20/20 hindsight can be helpful when looking at potential recommendations, it is not appropriate when assessing the reasonableness of the officer's actions in a stressful, dynamic situation. What Cst. Carnegie could and did not know when he pulled the dog back was that Mr. Andrews would turn his attention to Cst. Olson.

[200] In any situation, there are a spectrum of reasonable approaches and reactions. The approach of these two officers in moving in close, to try to take Mr. Andrews into custody, put them in harm's way. I am satisfied there was a reasonable basis to be as close as they were, given the danger to public safety that had already been demonstrated and the fact this was a dense residential area which increases the risk to public safety.

[201] When Mr. Andrews moved quickly to Cst. Olson with the bar raised over his head in a baseball style swing, I am satisfied Cst. Olson had only one viable option open to him and that was discharging the firearm. Kevin Blok, the witness put forward as an expert by the family, agreed this was Cst. Olson's only option at that point.

[202] I find the forensic and autopsy evidence are consistent with these two officers' accounts.

[203] I find the forensic and autopsy evidence is inconsistent with the scenario put forward by Counsel for the family which is that the police shot prematurely to protect the police dog.

[204] G.S. was located hiding down the back lane. In the yard, immediately adjacent to where he was located, a BB gun was found which looks like a small black pistol, similar to what was reported by Mr. Mayuga.

[205] I am sure what happened in the early morning hours of April 18, 2020 was frightening for the witnesses and people who called 911. I know Mr. Mayuga continues to be impacted by the fact he thought he would die when a firearm was pointed at him.

[206] I am confident the officers involved whose actions are properly scrutinized after the fact in a process that is not always easy, continue to be impacted.

[207] The loss of Mr. Andrews in this scenario is undeniably tragic and traumatic for his family and community. My hope is that some of the recommendations in this report are improvements and small steps to re-build the loss of trust that results from the circumstances in this death.

Dated at the City of Winnipeg, in Manitoba, this 12th day of June, 2026.

Original signed by Judge Krahm

Judge Anne Krahm
Provincial Court of Manitoba



Manitoba

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

REPORT BY PROVINCIAL JUDGE ON AN INQUEST

INTO THE DEATH OF: STEWART ANDREWS

APPENDIX A - WITNESS LIST

- 1) Carmel Andrews;
- 2) Edgardo Mayuga;
- 3) Harpreet Singh;
- 4) Dr. John Younes;
- 5) Cst. Courtney Olson;
- 6) Cst. Ian Carnegie;
- 7) Cst. Richard Enns;
- 8) Sgt. Tracy Oliver;
- 9) Chief Superintendent Leon Fiedler;
- 10) Sgt. Kelly Keith;
- 11) Kevin Blok;
- 12) P/Sgt. Scott Taylor;
- 13) S/Sgt. Bradley Gillespie.



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REPORT BY PROVINCIAL JUDGE ON AN INQUEST

INTO THE DEATH OF: STEWART ANDREWS

APPENDIX B - EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>
1	Four Volume Binder of Exhibits
2	Supplement Exhibit Binder
3	Diagram #1 – Drawn by Martin Pollock
4	Diagram #2 – Drawn by Martin Pollock
5	Metal Pole seized from scene
6	Expert Sgt. David Kelly Keith's Report
7	CV of Sgt. David Kelly Keith
8	
A.	Book 1 – Material Provided with Letter from June 12, 2025
B.	Book 2 – Credentials of Kevin J. Blok
9	First Aid and Tactical Trauma Training within the WPS Pre-2020 and Current Date Practices Report
10	Information on the Collection and Use of Statistics by the WPS Canine Unit Report
11	Bound Booklet Titled: The Incident Review and Opinion Report
12	<i>Curriculum Vitae</i> of Bradley Gillespie
13	CD – Video Surveillance



Manitoba

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

REPORT BY PROVINCIAL JUDGE ON AN INQUEST

INTO THE DEATH OF: STEWART ANDREWS

APPENDIX C – LIST OF ALL RECOMMENDATIONS

- 1) I recommend the WPS should develop written documentation of course training standards and supportive plans for training of police service dogs, canine handlers, and the canine team. The course training standards would identify the content that must be taught, and supportive plans would detail training plans for the delivery of course content.
 - a. This training should include the police service dog as a use of force option and decision-making around the deployment of the dog in consideration of the priorities of life, threat assessments, and the WPS Officer Safety Unit's tactical battle model.
 - b. The documentation should include supportive plans for reality-based training involving situations where a subject is attacking a police service dog and situations where the handler is required to consider using lethal force. Once written documentation is developed, the WPS should engage in continuous evaluation and improvement of plans for reality-based training involving these situations.
 - c. The documentation should include supportive plans for training that details the approach to documenting the training of individual canine officers and police service dogs, both separately and as a team, in reality based training scenarios involving use of force, including how to document any issues, concerns or areas for improvement identified when completing the scenario document the debrief and discussion of how to address those issues, concerns or areas of improvement, and any next steps taken.

- 2) I recommend the WPS should develop written training documents for teaching the concept of the police service dog as a use of force tool, to be delivered to canine officers and as part of these officers' use of force training.
- 3) I recommend the Winnipeg Police Service should evaluate whether sufficient time is dedicated to tactical communication, including de-escalation and whether it is feasible to increase the time dedicated to this subject.
- 4) I recommend the WPS Use of Force policy should include an explicit statement that human life including the life of the subject takes priority over the life of the police service dog.
- 5) I recommend the WPS Use of Force policy should include an explicit statement that the priorities of life in a potential use of force situation are: 1.) public; 2.) peace officer; 3.) subject.
- 6) I recommend the WPS, in collaboration with MKO, explore if and how use of force training could incorporate a.) the unique experience of Indigenous individuals and how those experiences might inform risk assessments and tactical considerations when police are interacting with Indigenous individuals in a potential use of force situation and b.) how unconscious or implicit bias related to race may influence officer risk assessments. This should include an assessment of the feasibility of countering unconscious bias or implicit biases through reality-based training.
- 7) I recommend the WPS Use of Force Policy and model should be reviewed and revised to include expanded explanations of tactical considerations with respect to de-escalation and tactical repositioning.
- 8) I recommend the Province of Manitoba, in consultation with the Office of the Chief Judge, develop a plan (which may well require the allocation of additional resources), to reduce the significant delay in Inquests.
- 9) I recommend the Province of Manitoba consider establishing a per diem rate of reimbursement for immediate family members, including parents, who are required to attend the Inquest hearing from outside the location where the Inquest is being held.

- 10) I recommend the Chief Judge contact the family of the deceased or counsel for the family, if counsel is in place, and if desired by the family, arrange a meeting to share the Inquest report, in advance of its release to the public, on the understanding this is a confidential process, with adequate cultural and emotional supports in place.
- 11) I recommend Manitoba Courts should update the “Inquests” webpage of the Manitoba provincial courts to display information regarding the status of an Inquest, along with press releases and general information on Inquest proceedings to allow for the public to access information on these important proceedings.
- 12) I recommend Inquest Counsel should be involved in ensuring the family of the deceased has access to victim services and other resources to ensure they are as supported as possible during challenging times, even if they are not represented by counsel. This should include: a.) ensuring family members are aware of the details of the hearing; b.) securing a quiet space/family room for the family to gather in; and c.) coordinating a space to smudge that is easily accessible before all hearing days, allowing for a seamless and positive experience for all involved.
- 13) I recommend the WPS continue to advocate for the implementation of body worn cameras for its officers in the field.
- 14) I recommend the WPS with Indigenous collaboration (perhaps MKO) formulate a program in Winnipeg offering education and insight of urban policing including on the matter of young Indigenous residents potentially intersecting with police, understanding the array of variables governing discharge of duties and how to respond. A cross-cultural expert, as well as other individuals of professional, academic and field expertise, and Elders or community members, should be utilized in delivering this program of education with police representatives.