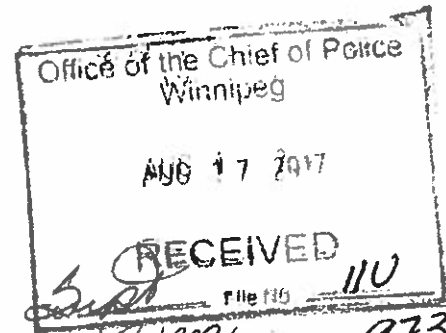


August 10 2017

Danny Smyth
Chief of Police
Winnipeg Police Service
P.O. Box 1680
Winnipeg MB R3C 2Z7



Dear Sir:

I have just returned to the City following a short holiday that took me out of the province. While I was away, I became aware of an incident that concerned ^{17(1) 17(2)(b)}

Section 65 of the *Police Services Act* states:

- 65(1)** When a police officer is at the scene of an incident where it appears that
- (a) the death of a person may have resulted from the actions of a police officer;
 - (b) *a serious injury to a person may have resulted from the actions of a police officer; (emphasis added)* or
 - (c) a police officer may have contravened a prescribed provision of the *Criminal Code* (Canada) or a prescribed provision of another federal or provincial enactment;

the independent investigation unit is to be immediately notified in accordance with prescribed procedures.

65(2) Notice must be given under subsection (1) even if the police officer involved in the incident was not on duty at the time of the incident.

65(3) Until members of the independent investigation unit arrive at the scene of the incident, the police officers at the scene must take any steps that the officers would normally take in such an incident, unless directed otherwise by a member of the independent investigation unit.

65(4) Upon arriving at the scene of the incident, a member or members of the independent investigation unit must assume conduct of the investigation of the incident.

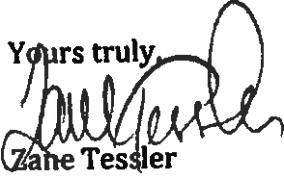
“Serious Injury” is defined in *Independent Investigations Regulation 99/2015*, to include “...any injury caused by the discharge of a firearm”.

17(1) 17(2)(b)

does not negate the IIU's mandate and jurisdiction to investigate. Although the WPS has taken the position that this incident was not within the legislative criteria of *The Police Services Act*, I am satisfied that the circumstances that have been identified require a Part VII notification to the IIU. It is my opinion that these circumstances fall within the ambit and scope of section 65 and therefore a mandatory investigation by IIU is required.

I thank you for your anticipated cooperation in this matter.

Yours truly,



Zane Tessler
Civilian Director



Winnipeg Police Service • Service de Police de Winnipeg

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August 11, 2017

Zane Tessler, Civilian Director
Independent Investigation Unit of Manitoba
700 - 155 Carlton Street
Winnipeg MB R3C 3H8

Dear Sir;

In response to your letter of August 10, and our telephone conversation today, Constable

17(1) 17(2)(b)

17(1) 17(2)(b)

This ^{17(1) 17(2)(b)} is currently being investigated by Major Crime investigators under the coordination and direction of Homicide supervisors. This is standard protocol for these types of incidents ^{17(1) 17(2)(b)}. The investigation is being supported by members of Forensic Services and the Firearms Training Section. ^{17(1) 17(2)(b)}

17(1) 17(2)(b)

17(1) 17(2)(b)

this does not mean there is no oversight. As a serious workplace accident it was reported to Manitoba Labour, pursuant to the *Workplace, Safety and Health Act*, which has the authority to coordinate examinations and investigations for determining the cause and particulars of any accident occurring to a worker arising out of or in connection with activities in the workplace. They are involved in the investigation.



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... 2 ...

Yours sincerely,



**Danny Smyth, Chief
Winnipeg Police Service**



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