
TORONTO DOMINION BANK ROBBERY, JANUARY 22, 1971

Det. Sgt. H. Stephen and Det. I. Klepatz

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February 28, 2022. Winnipeg Police Museum*



Lately people have been spending a great deal of time concentrating on the negative press the Winnipeg Police has been receiving, and have forgotten the numerous accomplishments its members have achieved over the years.

One of these little-known accomplishments is that fact that five members of the Winnipeg Police have been awarded the prestigious Canadian Banks Law Enforcement Award. This award was established in 1972 by agreement between the Canadian Bankers Association and the Canadian Association of Chiefs of Police. The award consists of a gold medal and citation; which recognizes outstanding police action such as bravery, detective ability or other noteworthy achievements involving a Canadian Chartered Bank.

The first year the award was presented was 1972, and Winnipeg Police produced two medal recipients that year. They were Det. Sgt. Herb Stephen (later Chief of Police) and Det. Ivan Klepatz (later Staff Sergeant). I was fortunate to speak reitred S/Sgt. Klepatz before his death and Chief Stephen about the occurrence in which both received this prestigious award.

S/Sgt. Klepatz reflected and stated that in the late sixties and early seventies Winnipeg was faced with a very serious and dangerous group of bank robbers. This group was somewhat organized and not afraid to brandish firearms during their robberies. Klepatz believed this group's behavior was fueled by their desire to obtain money to purchase narcotics. Chief Stephen recalled the group, including Donald Kubara, to be dangerous and not bashful about using firearms. Stephen went on to say the group had no ambition of living within the rules of civil society but were career criminals.

Kubara and their associates didn't have much respect for police. On August 29th, 1970, it was reported that one of Kubara's associates had told two officers during a traffic stop *"don't be surprised if you end up like Houston pretty soon"* (Ron Houston having been recently murdered in the line of duty). Police monitored Kubara and his group believing that he and his associates were involved in planning and executing bank robberies.

Prior to Friday, January 22nd, 1971, information was received that the Toronto Dominion Bank at 274 Smith Street was going to be robbed. So Klepatz and Stephen attended to the bank at 9:45 a.m. on that date and set up a stakeout from positions in the basement of the bank. A plan was made that if anything did happen, Stephen would cover the front of the bank from the staircase in the front of the bank (east side) and Klepatz would cross the basement and enter the bank via the rear staircase by the back door (west side). The two detectives maintained their positions throughout the day. Stephen's told me he remembered that he wasn't even supposed to be there that day and the only reason he was there was because he gave another officer the day off.

Stephen's said the day was quite long. Then at 5:40 p.m., the detectives heard on their walkie-talkies, a call alerting all units that two masked men had just been seen going into the Toronto Dominion Bank at Portage Avenue and Sherbrook Street. Klepatz and Stephen both told me, this didn't alarm them, as they thought it could be a possible ruse to get the police off guard and to concentrate on another bank. Then at 5:41 p.m., Klepatz heard something upstairs in the bank. Klepatz, who was armed with a 12-gauge department issue shotgun crossed the bank basement and began to climb the back staircase in the bank. Stephen, who was armed with a five-shot .38 caliber 2- inch pistol; began to climb the front stairs. He paused at the top, staying out of sight to allow Klepatz to get into position.



Neither Stephen nor Klepatz knew what was about to happen in the next three minutes. In the bank upstairs, two notable bank robbers had just entered the bank. They were Donald Brian Kubara, age 21 and James David Carter age 30. As mentioned before these were two

experienced criminals, who would meet authority with violence. Carter's record stretched back to 1956. He had been arrested for thefts, safe blowing, assaults, and break and enters. Being younger, Donald Kubara didn't have the same extensive background as Carter, but was nevertheless involved in criminal activity.

Because it was winter both Carter and Kubara were dressed in heavy clothing. Carter was wearing a brown nylon heavy quilted jacket and a green parka over top. He also had a brown and red balaclava to hide his face. Stephen told me it was quite common for the bank robbers in those days to wear multiple layers of clothing when robbing banks. This was done so they could remove clothing once away from the bank; this would make it harder for police to identify them. Kubara was wearing a greyish-green parka similar to the one Carter had on, and green, brown, and orange balaclava to conceal his face. It was approx. 5:41 pm when Kubara and Carter entered the bank through the back door.

Kubara was in the lead with Carter following him. Inside the bank there were five people -- the manager, an administrator, two tellers and a customer. Once in the bank, the would-be robbers instructed the employees not to move. Kubara then entered the employee area through a swinging gate. Carter stayed at the back door which was an enclosed glass vestibule.



Carter covered all the employees with a 7.65 mm MAB Brevete semi-automatic pistol.

Kubara moved to one of the teller's cash drawers. The teller later told police she thought Kubara was armed with a silver handgun. She turned and began to move away, but she slipped and fell. Kubara told her to get up. The teller later told police she was scared but got up believing Kubara had a gun pointed at her. Kubara then continued to break into the cash drawer. While this was occurring, the other teller was working near the staircase and she knew police would be coming, so she got up to move, but Carter pointed his gun at her and told her not to move. The manager and the administrator were in the manager's office and were told to stand up and put up their hands. The lone customer in the bank was ordered to the front counter and told not to move.

By this time Klepatz had reached the stairs at the back of the bank. Klepatz began to climb the stairs. The staircase was composed of two flights of stairs, separated by a landing. At the landing, the stairs reversed direction up to the main floor. Unknown to Klepatz, Carter was standing in a position that afforded him a clear view of the back-stair case and would see Klepatz when he reached the first landing. As Klepatz reached the landing, he was observed by Carter who immediately went into a crouched position and fired a single shot at Klepatz. The shot missed Klepatz, and broke the glass enclosure surrounding the back door of the bank. The sound of the shot immediately brought Stephen from his position on the staircase at the front of the bank.



Stephen told me that Klepatz and he had instructed the bank employees that if there was a hold up to do everything possible to get on the ground. This would reduce the possibility of hitting a civilian if there was gunfire. Stephen told me when he heard the shot he was worried, he knew Klepatz would have been coming up the other staircase, but his worst fear was that a bank employee or customer had been injured.

Instinctively, in a situation involving a danger to the public, Stephen moved towards the danger. He continued, stating that when he reached the top of the stairs he couldn't see any of the bank staff. He could only see the two masked bank robbers, Kubara at the cash drawer and Carter standing by the back door pointing his pistol at the staircase.

Stephen knew Klepatz would be coming up that staircase. Stephen had only a side view of Kubara, and observed Kubara to have something silver in his hand, but it was just at counter level and partly obscured. Stephen challenged the suspects stating "Hold it police".

Upon challenging the robbers, Kubara wheeled towards Stephen and began to crouch. Stephen fired one shot from his revolver at Carter, and one at Kubara, who was the most immediate threat to Stephen. Stephen's first shot missed Carter, but his second shot hit Kubara and incapacitated him. At this time Klepatz was in the process of defending himself. Klepatz brought his shotgun to bear on Carter, who was still in the glass enclosure. Carter again assumed a shooting position and fired another shot at Klepatz. The round had shattered the glass enclosure again missing Klepatz. Klepatz unleashed one volley from the shotgun. Four pellets hit Carter's left thigh just above his knee. Carter ran off through the back door.

Stephen told me he jumped the counter and tripped the bank alarm and then began giving first aid to the wounded Kubara. After ensuring Stephen was alright Klepatz exited the bank via the

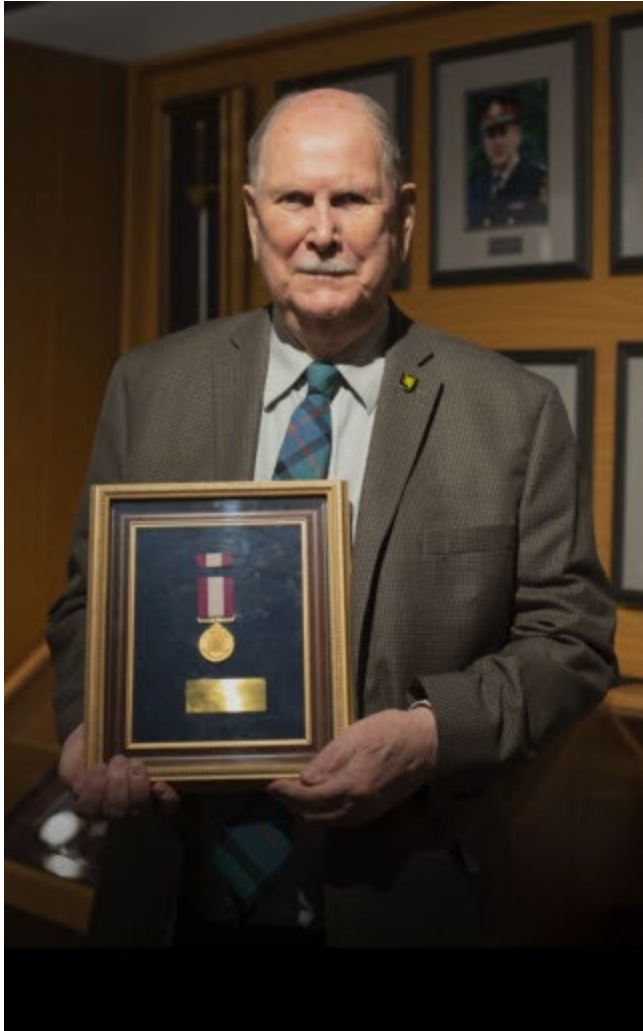
back door in pursue of Carter. By the time Klepatz exited the bank into the alley which ran north, it was empty. However, he did observe an occupied vehicle just north of his position. Klepatz found two civilians in the vehicle who advised him they had seen Carter fleeing the back lane into the south back lane of Portage Ave. Klepatz returned to the bank and found Stephen with Kubara. During the time Klepatz was out of the bank, Stephen had called 999, the old police emergency number. This brought several detective teams, who were arriving the on scene. At the time Detective Superintendent Ernie Pope took charge of the investigation. Kubara was quickly transported to the Winnipeg General Hospital, where he was pronounced deceased.

As for James David Carter, he obviously had little concern for Kubara. He was moving as fast as possible away from the bank. Once out the back door of the bank, Carter had gone north in the alley to the south back lane of Portage Avenue (the rear of the present-day Radisson Hotel). Once in the south lane of Portage Avenue, Carter turned west and moved on the south side of Portage Ave. Due to his injury, Carter was bleeding profusely.

For an unknown reason, Carter did not take the most direct route to their getaway car which was parked at Hargrave and Graham. Carter continued west to Carlton Street and then began to head south. Due to his injury, Carter initially collapsed a half-block south of Portage Ave. After regaining his feet, Carter continued south. After crossing Graham, Carter continued another half-block and collapsed within sight of the getaway car. Carter attempted to crawl across the parking lot of the St. Mary's Cathedral. Carter was unable to get over one of the snowbanks and collapsed. At 5:54 p.m. cruiser car #4 manned by Constable George Pike (later Superintendent) and Patrol Constable Nelson were flagged down by pedestrians who pointed the officers to Carter. Upon climbing the snowbank, Pike located a badly injured James David Carter. Pike searched Carter and found a loaded gun in Carter's parka pocket.

After being captured by Pike, detectives were summoned to the scene. Pike turned the gun over to Detective K.A. Miller and Carter was transported by Pike and Nelson to the Winnipeg General Hospital with Detective Murdoch. Carter was stabilized at the hospital. He was left under the guard of Detective M. A. Leitold. At 7:15 pm Dr. I.O. Fryer, the Provincial Coroner arrived at the Winnipeg General Hospital. Fryer indicated that Kubara's body would be held for a post-mortem and a Public Inquest. At 8:00 p.m. Carter spoke to Det. M. A. Leitold. Carter asked how was Kubara. Leitold advised Carter that Kubara had died. Carter reportedly replied, "Christ, I wish I was in his place". Leitold then advised Carter he was under arrest for the Robbery. Leitold "Charged and Cautioned" Carter, and in response Carter admitted the offence and told Leitold that he believed the cops had him cold.

On January 25th, 1971, Constable W.K. Broadberry impanelled a jury into the death of Donald Kubara with Provincial Coroner I.O. Fryer presiding. During the Inquest, it was discovered that Kubara was not actually armed with a handgun, but the silver object the teller and Stephen had believed was a handgun, was actually a screwdriver which he used in an attempt to pry the cash drawer open. The jury's findings were "*The death of Donald Kubara was justifiable homicide and that the deceased contributed to his own death whilst engaged in the commission of a indictable offence, 'Armed Robbery'*". The jury went on to say "*We the jury commend Det. Sgt. H. Stephen and Det. I. Klepatz for the way in which they conducted themselves and acted during the armed robbery, with no resultant injuries being sustained by customers or bank employees'*".



Police continued the investigation with the hopes of locating the person who placed the phony call of the bank robbery at Sherbrook Street and Portage Avenue just before the real one taking place. This part of the investigation gained no conclusive evidence and no further charges were laid against any individuals.

On April 29th, 1971, James David Carter appeared in Winnipeg Magistrates Court. He was represented by Mel Myers. Carter plead guilty to armed robbery, possess restricted firearm, and endangering life. The charge of attempt murder of a police officer was stayed. Carter was sentenced by Magistrate Pilutik to 15 years on the first count, 2 years concurrent on the 2nd count, and 4 years concurrent on the third.

Just a year and a half later, Carter was given his first pass and he attended Christmas with friends. Then in 1973, he began receiving three day passes every six weeks. In August of 1977 Carter was given day parole and finally, on September 26th, 1978, he was granted full parole. Carter eventually left Manitoba in 1979.

As a result of their commitment to public safety and personal bravery Det. Sgt. H. Stephen and Det. I. Klepatz travelled to Quebec City, where on September 1st, 1972, they were awarded the Canadian Bankers Law Enforcement award.

A special thanks to former Police Chief Herb Stephen for his input in writing this story, the Government of Manitoba Heritage Grants Program and videographer Kelly O'Donnell for her creative efforts in creating an accompanying video of this story for the Police Museum.

