



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING A
MALE IN POLICE CUSTODY**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

| | |
|--------------------|------------------|
| Civilian Director: | Roxanne M. Gagné |
| IIU File Number: | 2024-0025 |
| Date of Release: | June 10, 2024 |

Introduction

On May 12, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

“On Saturday May 11th 2024 at 11:55pm, Winnipeg Police Communication Center received a 911 call stating that a male was beat up by a group of people and was last seen on the ground by the bus stop at 510 Main Street. Further information was that group consisted of two males and two females. Caller declined to leave their particulars.

General Patrol officers (listed in Incident Involvements Box) attended to the bus stop and located the Affected Person sleeping on the ground. Officers observed the Affected Person to have a 2-3inch laceration to his head and he appeared to be intoxicated. Officers awoke the Affected Person and he immediately refused to be taken to the hospital or provide any information on the assault. At this time officers requested an ambulance.

Ambulance personnel attended the scene, examined the Affected Person and determined that he should be conveyed to the hospital for a CT scan due to the unknown nature of the head injury and the fact he was found asleep on the ground. Paramedics stated that they would convey him to the hospital and that officers would not be required to accompany them. Shortly after the Paramedics requested police to attend with them at the Affected Person was attempting to exit the ambulance. One officer subsequently attended to the ambulance and accompanied them to the hospital.

At the hospital the Affected Person was placed in a chair in the hallway of the Emergency Ward. While waiting for treatment, the Affected Person became verbally aggressive and agitated with Police and Hospital staff. His aggressive behaviour increased at which time he got out of his chair and attempted to punch an officer in the face. A brief use of force encounter occurred where the officer punched the male once. The male became unresponsive and he was subsequently placed in soft restraints for the protection of himself and others.

The Affected Person was given a CT scan and he was found to have a skull fracture. He is presently listed in stable condition.

There were three witnesses to the incident at the hospital and they are listed in Other Witnesses box. Ambulance 17 Paramedics also witnessed the incident but their particulars have not been collected as yet.

Major Crimes Unit will be continuing the criminal investigation pertaining to charges on the Affected Person for Assault PO.”

As this matter concerned a serious injury as defined in the IIU regulations, the IIU assumed responsibility for this investigation in accordance with Section 65(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

Due to a dearth of information at the outset about whether any officers were directly or indirectly involved in the cause of the affected persons's (AP) injury, the civilian director did not initially designate a subject officer (SO). This decision was later re-evaluated and no subject officers were ever designated.

Facts and Circumstances

Affected Person

On May 13, 2024, IIU investigators obtained an audio statement from AP. AP had been drinking alcohol on the day of the incident and was intoxicated. He was charged with assault on a police officer but does not remember assaulting a police officer. According to AP, he had been “jumped” on Main Street by City Hall and received injuries to his head. He was treated at HSC for a laceration to his head and taken to WPS for processing. AP stated that he did not suffer any other injuries during this incident.

Other Evidence

CCTV from Winnipeg City Hall

AP is observed coming into the frame from the north at 11:45 p.m. AP is unbalanced and appears intoxicated. AP walks in and out of the flower beds and stumbles on the cement ridges. He walks west towards the building and then falls backward, hitting the back of his head on the concrete edge near the flags. No one is near or around the area when AP fell. AP remains in the same laying position until WPS arrive on the scene at midnight. There is no altercation between AP and WPS. AP remains on the ground until EMS arrive to care for him at 12:02 a.m. EMS leaves with AP at 12:18 a.m.

Health Sciences Center (HSC) Video Footage

An IIU investigator attended the security room at HSC and viewed the video footage of the interaction between AP and WPS. AP was observed raising his arm towards an officer, who then pushed it down. In response, AP struck the officer's facial area with his left hand, prompting the officer to put his hands up and then grapple him to the ground. HSC security guards responded to assist, applying leg and hand restraints on AP. The AP was placed onto a stretcher for further

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

management. Once the restraints were in place, the police officers were observed leaving the hallway. The officer does not punch AP.

Conclusion

Following a review of the evidence obtained in this investigation, including the video footage from City Hall and HSC there is no evidence to suggest that the serious injuries suffered by the AP was caused by the police; rather, AP fell to the ground on his own. Once at the hospital, AP became assaultive towards the WPS officer and was restrained.

In considering all the circumstances, I am satisfied that the interaction of the police did not contribute to the serious injuries of AP. Therefore, no charges are recommended and the IIU investigation is now completed and closed.