

FINAL REPORT: IIU concludes investigation into collision and injuries following attempted traffic stop by RCMP in Selkirk

On November 25, 2017, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) that at approximately 8:17 p.m. that same day, a collision between two motor vehicles had occurred at the intersection of Main Street and Manitoba Avenue in Selkirk, Manitoba. An RCMP member had attempted to stop a Ford F-150 truck on Manitoba Avenue but the driver of the F-150 failed to stop. At the intersection of Main Street and Manitoba Avenue, the F-150 went through a red light and “t-boned” a Chevrolet Cruze that was travelling northbound, on a green light, with the right of way. As a result of this collision, five people (three males and two females) were taken from the two vehicles and conveyed to a local hospital for examination and treatment. The driver and passenger of the Chevrolet Cruze (affected persons - AP1-AP2) were both admitted to hospital for observation and treatment of injuries. Three occupants of the F-150 (AP3-AP5) were treated for minor injuries, released and subsequently taken into custody in relation to a number of Criminal Code offences.

As this matter involved serious injuries to persons as defined by IIU regulation 99/2015, IIU assumed responsibility for this mandatory investigation in accordance with section 65(4) of *The Police Services Act (PSA)*. A team of IIU investigators was assigned to this investigation.

IIU investigators obtained and received:

- agency information, including officer notes and reports, from RCMP;
- call history reports;
- police radio transmissions;
- GPS data;
- medical reports respecting AP1, and AP3
- traffic analyst report;
- RCMP pursuit policy.

The RCMP officer who operated the police cruiser that pursued the F-150 truck was designated as the subject officer (SO). IIU investigators met with and interviewed AP1-AP5.

Under the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, SO did provide his notes and declined a request to attend for an in person interview with IIU investigators.

Affected Persons

AP1 was driving her Chevrolet Cruze northbound on Main Street when the collision occurred. AP1 has little recollection of the accident. She recalls feeling her car’s air bag around her and

then “waking up” in the ambulance and hearing everyone around her talking about what happened. AP1 also recalls driving and having a green light. AP1 was wearing her seatbelt and did not see the other vehicle that hit her. AP1 was travelling at approximately 50 km/h.

AP2 was the passenger in AP1’s vehicle. AP1 was his girlfriend and she was driving the car. AP2 remembers leaving a grocery store then waking up in the hospital. AP2 only remembers waking up in an ambulance and that someone was telling him they had been involved in a serious car accident.

AP3 was an occupant of the F-150 but would not say whether or not he was driving that vehicle, nor would he identify anyone else who may have been operating it when the collision occurred. AP3 stated he was “lying down” in the F-150 and woke up to hear someone say: “*I told you there was an f’n cop...*” at which point the truck accelerated. AP3 stated he saw a police vehicle following them and then: “*poof, it was over.*” AP3 said the driving lasted a “*couple minutes.*” AP3 stated the police vehicle was “*right behind them*” and if the F-150 would have braked, the police vehicle would have “*smoked them.*” When asked why the driver did not stop for police, AP3 commented they (the occupants of the F-150) had run out of a Safeway store carrying meat shortly before the police followed them and they were concerned they would be arrested for theft.

AP4 stated that AP3 was driving the F-150 and that, as he was driving in Selkirk, they saw a “*cop car.*” According to AP4, AP3 turned onto Manitoba Avenue. The police car followed and activated its emergency lights. AP3 accelerated eastbound on Manitoba Avenue. According to AP4, AP5 was screaming, “*stop, stop, please stop*” to which AP3 told her to “*shut up.*” AP4 said they were “*just missing*” cars driving in both directions on Manitoba Avenue. AP4 said that AP3 looked scared but did not stop driving. AP4 does not know how fast the F-150 was travelling but estimated that it may have been at “*highway speeds.*”

AP5 was a passenger in the F-150 operated by AP3. AP5 recalls driving eastbound on Manitoba Avenue when a police car appeared behind their vehicle, with its emergency lights and siren activated, “*right as soon as we turned.*” According to AP5, AP3 sped up and it became “*a chase.*” AP5 was telling AP3 to stop but he told her to shut up. According to AP5, when they were at the intersection of Main Street and Manitoba Avenue, she remembers seeing a black truck, then she was outside of the F-150 and was arrested. AP5 said the police vehicle was “*more closer than far...about two houses*” behind the F-150. As well, she said AP3 was driving in the wrong lane at times.

Radio Transmissions

The following is the analysis of radio transmissions between SO and RCMP communication centre on November 27, 2017:

8:15:48 p.m. SO advises that a vehicle is “taking off on him,” just past the RCMP detachment on Manitoba Avenue. SO states that he is trying to get close enough to read the plate – note that a siren can be heard in the background.

8:15:56 p.m. A dispatcher asks SO if he is in pursuit.

8:16:00 p.m. SO repeats that he is trying to get close enough to read the plate and then he is going to call it out. SO then says: “*Charlie, Delta, Yankee, 8, 4, 2 (CDY842).*”

8:16:16 p.m. SO radios that he is on Manitoba Avenue, passing the Mental Health Center, his speed is “120, light traffic.” SO says he is waiting for the dispatcher to confirm the plate number and then he will “shut it.”(discontinue the pursuit);

8:16:32 p.m. The dispatcher advises that CDY842 is inactive on motor vehicle records and that there is no match on the system.

8:16:41 p.m. SO describes the motor vehicle as a grey Ford F-150 with a burnt out right headlight, probably “2009-2010-ish,” and “looks like two occupants.” The police siren can still be heard in the background.

8:17:00 p.m. SO states that the vehicle just “t-boned” another vehicle at Manitoba Avenue and Main Street. He requests an ambulance.

GPS Data Analysis

GPS data related to SO’s police vehicle was reviewed. The data indicated that between 8:15 p.m. and 8:17 p.m., SO was travelling eastbound on Manitoba Avenue at speeds ranging from 70 km/h to 149 km/h:

<u>Time:</u>	<u>Speed:</u>	<u>Location:</u>
8:15:45 p.m.	88 KPH	Manitoba Avenue, south of McPhillips Road;
8:15:59 p.m.	149 KPH	Manitoba Ave, near Home Hardware;
8:16:14 p.m.	106 KPH	Manitoba Ave, near Gaynor Family Library;
8:16:28 p.m.	112 KPH	Manitoba Ave, east of Annie Street, west of Agnes Street;
8:16:45 p.m.	117 KPH	Manitoba Ave, east of Mercy Street, west of Sophia Street;
8:17:02 p.m.	70 KPH	Manitoba Ave, just west of Main Street
8:20:02 p.m.	Stopped	Manitoba Ave @ Main (likely stopped since 8:17 p.m. – there is no GPS data between 8:17:02 p.m. and 8:20:02 p.m.)

SO Notes

SO’s notes record that at 8:16 p.m., he was turning eastbound onto Manitoba Avenue when he observed a northbound Ford F-150 (referred to in his notes as “TV”), with a burnt-out right headlight, which turned to proceed eastbound on Manitoba Avenue. SO activated his emergency lights and the suspect vehicle began accelerating away. SO then activated the siren and notified other members over radio. SO then recorded, in his handwriting:

- just trying to get close enough to get plate then shutting down, not pursuing, closing distance to get plate then shut off, as per pursuit policy;
- traffic is moderate;
- TV got up to 140 km/h roughly...going down middle of road to go between EB/WB traffic;
- @ MB / 9A got close enough to read plate CDY842, slowed down, truck pulling away;
- 201 advised plate came back no match;

- reaching up to shut off sirens, equip, TV at this time was well ahead of PC and was going into MB/Main int;

- saw TV T-bone a car that was NB Main.

SO then notes a request for assistance, that he was attending the scene of the motor vehicle collision and he was arresting occupants of the F-150. SO recorded the following in his notes:

At no time did member pursue, attempt stop, close distance for plate while getting info + reaching up to shut off lights + sirens TV was entering intersection and got in MVC...Member wanted plate to ensure veh wasn't (sic) suspect veh in murder or serious person crime re kidnapping

Traffic Collision Analysis

A review of the traffic collision analysis report provides the following information:

- The posted speed limit on both Main Street and Manitoba Avenue was 50 km/h;
- The F-150 entered the intersection while the Chevrolet Cruze was already within and clearing the intersection at the time of the collision;
- The F-150 was fluctuating in speed between 148km/h and 135km/h at 24 seconds to 8.4 seconds prior to the collision and prior to braking. At 8.2 seconds prior to the collision, the driver of the F-150 depressed the brake pedal consistently hard, activating the ABS (Anti-lock braking system) at 6.6 seconds prior to the collision. F-150 was at 127km/h at the time the ABS activated. At 2.4 seconds prior to the collision, the F-150 was traveling at 66km/h. Between 2.4seconds and 2.2 seconds prior to the collision, the driver of the F-150 removed his foot from the brake and depressed the accelerator for a brief period and then again depressed the brake pedal just prior to the collision impacting the Chevrolet Cruze at approximately 50km/h;
- The Chevrolet Cruze was traveling at 51km/h at the time of the collision;
- The collision occurred due to the F-150 entering the intersection and striking the Chevrolet Cruze;
- Due to the high speeds of the F-150, it became impractical for the driver to stop the vehicle prior to entering the intersection;
- Excessive speed and the distraction of being pursued by police are primary causal factors.

Conclusion

This investigation has determined:

- SO was lawfully placed and on general patrol when he initiated contact with the F-150;
- The driver of the F-150 accelerated away from police in response to the presence of the police cruiser with its emergency lights and siren activated;
- SO accelerated to close the distance between his vehicle and the F-150 in order to view the license plate, read it out and then “shut it;”
- GPS data analysis confirms that SO’s vehicle accelerated initially then slowed appreciably by the time the F-150 entered the intersection of Main Street and Manitoba Avenue;
- The driver of the F-150 had no intention of stopping his vehicle and took all steps available to evade the police, including driving at excessive speeds, driving in the wrong lanes of travel and entering the intersection on a red light with traffic in the immediate vicinity;
- Excessive speed and the distraction of being pursued by police are primary causal factors for the collision. Fault and responsibility for the collision lays solely with the operator of the F-150.

In the final analysis, I am satisfied that the evidence gathered supports the singular conclusion that the collision with the Chevrolet Cruze was the sole responsibility of the driver of the F-150. SO did not exceed his authority in attempting to close the distance with the F-150. I am not satisfied that SO’s conduct gives rise to any reasonable or probable grounds that a Criminal Code or other statutory offence occurred. No criminal or statutory offence should attach to SO.

The IIU investigation is now complete and this file is closed.

Final report prepared by:

Zane Tessler, civilian director
Independent Investigation Unit
March 29, 2019

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