

FINAL REPORT: IIU concludes investigation into injury following police pursuit near Swan River

On August 3, 2018, the Royal Canadian Mounted Police (RCMP) notified the IIU of an incident in which RCMP officers from the Swan River detachment were involved in a motor vehicle pursuit in which a suspect motor vehicle left the road and crashed into a ditch. The male driver (and sole occupant of the vehicle), later identified as the affected person (AP), suffered injuries including a small chest fracture that resulted in his admission to hospital for 48 hours.

The salient portion of this notification read, in part:

“On July (sic) 1, 2018, the Swan River RCMP detachment was advised of a “Be on the Look Out” (“BOLO”) from Kamsack detachment (in Saskatchewan), for a Grey Chevy Impala with tinted windows, being driven by (AP). It was reported that (AP) had threatened to shoot his girlfriend and then left the area in the Impala. It was further reported that (AP) may still have a long gun with him.

A ping of the cellphone showed that the phone was in the Swan River RCMP Detachment area. During police patrols, police located the suspect vehicle on Highway 20 turning towards Camperville, MB. A traffic stop was initiated with emergency lights activated but the suspect vehicle sped up, reaching 160 km/h. A police pursuit was initiated. A subsequent vehicle collision occurred as the suspect vehicle travelled through an intersection, and crashed into the ditch.

The male driver, identified as the suspect (AP), exited the vehicle and surrendered himself to police. (AP) was found to be intoxicated by alcohol. A search of the vehicle showed heavy damage to the vehicle rendering it undriveable, a rifle in a gun case was located in the vehicle, several full cans of beer, a 2 litre bottle of cooler and two empty bottles of vodka.

Paramedics assessed (AP) as he was stating that his back and hip hurt and was screaming in pain. (AP) was transported via ambulance to Dauphin Hospital.

On August 2, 2018, it was explained to police that (AP) had a small chest fracture and that the hospital would be holding him for 48 hours for assessment/monitoring to ensure no swelling to the heart.

As a chest fracture, and subsequent in-patient hospitalization, is defined by regulation 99/2015 as a serious injury, this matter is deemed a mandatory investigation and the IIU assumed responsibility for this investigation in accordance with section 65(1) of *The Police Services Act* (PSA). A team of IIU investigators was assigned to this investigation.

Information obtained by IIU investigators included:

- occurrence summary;
- RCMP general report;
- RCMP officers’ notes and supplementary reports;
- 911 call audio recordings;
- police radio transmissions;

- scene photographs;
- pursuit reports;
- traffic collision analysis report;
- paramedic services report;
- medical reports and bodily fluid analysis respecting AP.

Four RCMP members were designated as witness officers (WO1 – WO4). Due to the circumstances as outlined in the notification and file material received, no RCMP member was designated as a subject officer. IIU investigators also received and reviewed a traffic collision analysis report and met with the analyst for additional clarifications. IIU investigators also met with and interviewed AP, who was in custody at the Regina Correction Center, Regina, Saskatchewan.

Facts and Circumstances

A review of all the information from this investigation (referencing the evidence from the most significant witnesses or sources) disclosed that on August 1, 2018, the Swan River RCMP detachment was advised by RCMP Kamsack, Saskatchewan detachment to “be on the look out” (BOLO) for a grey Chevy Impala with tinted windows being driven by AP. AP had threatened to shoot his girlfriend and then left the area in the Impala. According to this report, it was believed that AP may still have a long gun with him.

A ping of a cellphone tower showed that AP’s phone was in the Swan River RCMP detachment area. WO1 and WO2 commenced patrols of the area. During these patrols, AP’s vehicle was located driving on Manitoba Highway 20, turning towards Camperville. A traffic stop was initiated with emergency lights activated. However, AP’s vehicle accelerated, reaching speeds of 160 km/h. RCMP commenced a pursuit of AP’s vehicle.

AP’s vehicle proceeded through an intersection on Highway 20, lost control and crashed into the ditch. The male driver, later identified as AP, exited the vehicle and surrendered himself to police. AP was found intoxicated by alcohol at this time. AP’s vehicle sustained significant damage and was rendered inoperable. Police located and seized a rifle in a gun case from the vehicle. They also located and seized several full cans of beer, a 2-litre bottle of cooler and two empty bottles of vodka. Paramedics attended the collision scene and assessed AP. He stated that his back and hip hurt and was screaming in pain. AP was transported via ambulance to Dauphin Hospital.

Affected Person

AP stated that on August 1, between Camperville and the turn off for Swan River, he noticed the RCMP when they activated their emergency lights. AP said the police were initially travelling in the opposite direction and then turned around and followed him. AP also confirmed that he had consumed two beers and a can of Smirnoff Ice. AP stated that when the police activated their emergency lights, “*I did not want to be caught so I bolted.*” AP said the police vehicle did not make contact with his vehicle. AP stated that he came to a dead end and crashed into a pole because he was going too fast and was looking at the police via his rear-view mirror. He stated he forgot about the turn, hit the brakes and crashed into a pole. He said he was traveling at approximately 100 km/h when he hit the ditch. AP stated that when his car stopped, he jumped out and surrendered himself to police.

AP stated that he mentioned to the police officers who first saw him that his back was injured. He said police ordered him to lie down on the ground and he complied.

AP stated he was taken to hospital in Dauphin and was told his chest plate was shattered. AP said he was further told it could have been caused by the airbag that deployed.

Medical Report

Information from the medical report received by IIU investigators confirmed that AP was brought to the Dauphin Regional Health Centre after being involved in a highway chase with the RCMP. According to the report, AP stated that he hit a ditch at a speed of around 100 km/h and hit his upper abdominal area on the steering wheel and airbag. AP reported he managed to get out of the vehicle on his own, then fell to the ground due to pain. AP had a minimally displaced fracture through the anterior cortex of the body of the sternum. There was no evidence of a retrosternal hematoma¹ (a complication that can occur with a sternum fracture). Blunt force trauma to the chest can cause a sternum fracture and most often occurs in a motor vehicle accident. AP had also sustained minimally impacted fractures involving the superior endplate of the Thoracic Vertebrae twelve (T12) and Lumbar Vertebrae one (L1).

AP self-reported that he used alcohol and marijuana prior to driving. Blood alcohol analysis was conducted and resulted in a finding of 152 mg % Blood Alcohol Content (BAC). (80 mg % BAC is the legal limit). The analysis also confirmed a positive finding of cannabinoids².

Witness Officers

WO1 is an RCMP member attached to the Swan River detachment. On August 1, he received a BOLO concerning AP. While conducting a search of the area in his marked police vehicle, WO1 located AP on Highway 20 and a pursuit began. WO1 said AP crashed his vehicle at the intersection of Highway 20 and Camperville. WO1 stated that WO3 and WO4, RCMP members from the Winnipegosis detachment, arrived on scene to assist.

WO2 is an RCMP member attached to the Swan River detachment. WO2 recalled hearing the BOLO concerning AP on August 1. WO2 was also in a marked police vehicle when he commenced an area search at the same time as WO1. WO2 stated that a vehicle matching the description in the BOLO was on Highway 20. Both WO1 and WO2 activated their respective emergency lights and followed this vehicle. Within 30 seconds to a minute, this vehicle accelerated and a pursuit was initiated. WO2 stated he was the secondary vehicle while WO1 was the lead vehicle in the pursuit. WO2 stated he was advised by WO1 that he could not keep up with the pursuit because his vehicle was “maxing out” its top speed at 170 km/h. WO2 stated that WO1 then radioed that the suspect vehicle went into a ditch and was up against a telephone pole. When WO2 arrived at the scene, WO1 was already out of his police car and standing 15 to 20 feet from AP. WO2 did not see the crash and did not see AP exit his vehicle. WO2 noted a strong odour of liquor on AP’s breath and that he spoke with slurred speech.

WO3 is an RCMP member attached to the Winnipegosis detachment. WO3 could not recall the exact time she arrived on scene but did accompany AP to hospital in an ambulance. At hospital,

¹ Retrosternal means behind the sternum and hematoma means a collection of blood outside of the blood vessels.

² Cannabinoids is defined as any group of closely related compounds which include cannabiniol and the active constituents of cannabis

WO3 was advised that AP would be admitted for observation for a period of 48 hours due to the trauma he sustained.

WO4 is an RCMP member attached to the Winnipegosis detachment. On August 1, WO4 was at the detachment office when the BOLO was transmitted. As it was not in their area, WO4 did not act on it. WO4 then stated that a second BOLO was received, advising that the subject vehicle was heading their way. WO4 stated she headed north on Highway 20 toward Camperville. En route, WO4 was advised that the subject vehicle was involved in a motor vehicle collision. On arrival at the collision scene, WO4 observed the subject vehicle in a ditch and two Swan River RCMP members making an arrest.

Traffic Collision Analysis Report

The report found that the primary cause of the collision was AP failing to identify a stop sign; failing to react to a sign indicating that the road ended; and failing to correctly negotiate at a controlled intersection. The speed limit in this area prior to the stop sign is 100 km/h. The data obtained showed that AP was travelling at 151 km/h approximately one second prior to the collision. Therefore, AP was determined to be travelling 51 km/h in excess of the speed limit. AP's vehicle was not examined by a qualified mechanic, therefore no conclusion was reached as to whether mechanical fault also contributed to the collision.

Conclusion

This investigation has determined:

- Police were on a lookout for AP in relation to a criminal complaint. Information received also disclosed the possibility that he may be armed with a rifle;
- When police located AP in his vehicle and activated their emergency lights to effect a traffic stop, AP refused to comply and accelerated away;
- AP drove his vehicle at an excessively high rate of speed because "...*I did not want to be caught so I bolted*";
- AP drove his vehicle at very high rates of speed, appeared to have no intention of stopping his vehicle and took all steps available to evade the police;
- AP operated his vehicle with a BAC in excess of the legal limit;
- Fault and responsibility for the collision rests solely with AP;
- AP's injuries are consistent with the type of single motor vehicle collision described in this matter.

I am satisfied that the evidence gathered supports the singular conclusion that the collision and consequent injuries were the sole responsibility of AP.

No actions by any police officer involved in this matter rose to any level to suggest they contributed in any degree to the collision and consequent injuries to AP.

I am not satisfied that any police officer's conduct in this matter is sufficient in any respect to attract a designation as a subject officer and none will be made as a result.

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

Final report prepared by:

Zane Tessler, civilian director
Independent Investigation Unit
November 01, 2019

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