

FINAL REPORT: IIU concludes investigation into serious injuries arising out of motor vehicle collision in Winnipeg

On March 31, 2022, at 9:46 p.m., the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of a motor vehicle collision following an attempted stop by police that resulted in serious injuries to a pedestrian. An excerpt of the written version of this notification read, in part:

“On Thursday, March 31st, at approximately 8:05 p.m., WPS members observed a female operating a 2010 Chevrolet Cobalt (Cobalt), of which she is the registered owner, in the vicinity of Hargrave Street and Notre Dame Avenue. Computer checks revealed that the female registered owner to be an unlicensed driver.

Officers conducted a traffic stop in the vicinity of Notre Dame and Gertie Street, at which point the female exited the driver’s side door and engaged officers as they approached the vehicle. At this time the male passenger of the vehicle moved to the driver’s seat and attempted to flee the scene by placing the vehicle in reverse. Officers attempted to prevent the male from driving away, but were dragged as the male then placed the vehicle in drive and accelerated forwards and away from the scene.

One of the WPS officers was dragged for some distance, but successfully disengaged from the vehicle, while the other WPS officer was unable to free himself. In the process of fleeing the scene, the male driving the Cobalt, struck a pedestrian (later identified as the affected person (AP)), who was crossing Notre Dame Avenue at Gertie Street.

The male driver subsequently lost control of the Cobalt and struck a snowbank where it became disabled. The male driver then attempted to flee the vehicle on foot but was taken into custody by officers...AP was conveyed to hospital where medical examination revealed she had sustained multiple fractures of both the tibia and fibula of her left leg...”

Pursuant to the provisions of the *Police Services Act (PSA)* and regulations, a fractured or broken leg is deemed to be a serious injury. Accordingly, IIU is mandated to assume responsibility for and commence an investigation into the circumstances of this incident. A team of IIU investigators was assigned to this investigation.

Among the information obtained and reviewed by IIU investigators, included:

- WPS arrest reports
- CAD printouts
- WPS Forensic Identification Service (FIS) reports and photographs
- Dispatch audio transmissions

- Reports and notes of various police officers
- WPS use of force report
- WPS recorded interviews of civilian witnesses
- Audio recordings of WPS radio transmissions
- Medical report respecting AP
- Collision reconstructionist report

Due to a dearth of information at the outset whether any or all referenced WPS officers were directly or indirectly involved in the cause of the injuries to AP, the civilian director deferred a decision whether any WPS officer should be designated as a subject officer until further information was gathered. The civilian director did designate two WPS officers as witness officers (WO1-2). IIU investigators also interviewed AP and six civilian witnesses (CW1-6). Two additional civilian witnesses an eyewitness who was interviewed by WPS officers (CW7) and the female who was initially driving the car stopped by WPS officers (CW8), both declined to speak with IIU investigators. However, IIU investigators did receive and review CW8's interview with WPS officers.

Scene Canvass

A canvass for video surveillance footage at the point of the initial traffic stop was conducted by IIU investigators but no video was located. However, a civilian witness was identified, located and interviewed by IIU investigators.

Affected Person

AP stated that the car that hit her did not stop and kept going after the collision. AP stated that she did not see any police officers or police vehicles prior to the collision nor did she hear any sirens. AP stated that she lost consciousness as a result of the collision and the first time she observed a police officer that night was later at the hospital.

AP provided IIU investigators with a written consent and authorization for the release and review of her medical treatment arising out of this matter. According to a medical report received by IIU investigators, AP sustained a compound fracture of her left lower leg as a result of being struck by the vehicle.

Civilian Witnesses

CW1 was located by IIU investigators during their canvass of the scene. CW1 stated she was at her residence March 31 when, between 8:45 p.m. and 9:15 p.m., she heard the sound of a siren and the squeal of tires. CW1 stated that she looked out a window, which faces down Notre Dame Avenue, and saw that police had stopped a small white car. CW1 stated that the police officers were operating a marked police cruiser and had its emergency lights activated. CW1 stated that she saw two uniformed WPS officers exit from the police cruiser and attended to the respective sides of the small car. CW1 stated that it appeared that the WPS officer on the driver's side was arguing with someone, when a blond haired woman was pulled out of the car. CW1 stated that the woman was yelling, "No" and "stop" but could not hear if or what the WPS officers were saying. CW1 stated that the WPS officer on the passenger side ran to the driver's side and became involved in a struggle with someone inside the car who was trying to move into the driver's seat. CW1 stated that the WPS officers each had their batons out and appeared to try and stop the car from moving. CW1 stated that the car reversed and backed into

the police cruiser. CW1 stated that she heard one of the WPS officers tell the woman to stay back. CW1 stated that she saw the feet of a WPS officer sticking out from inside the driver's side of the car. CW1 stated that WPS officer remained inside the car as it backed into the police cruiser when it then it pulled forward and drove across Notre Dame to the south side of the street. CW1 stated that she lost sight of the car but did hear the sounds of a collision and a voice yelling "*stop, stop*".

CW2 and his wife CW3 were in their apartment on March 31 watching TV when he heard the sound of a police siren followed by a scream. CW2 stated that he went to a north side bedroom window, which looks onto Notre Dame Avenue, and he saw an unmarked police cruiser, with its emergency lights activated, behind a small silver car. CW2 stated that the uniformed WPS officer driving the police cruiser ran to the driver's side of the silver car and was struggling with the driver of that vehicle. CW2 stated that he could hear the silver car's engine revving, could see that it was moving back and forth, and then saw the car back into the police cruiser. CW2 stated that the silver car then drove forward with the WPS officer still inside the driver's door. CW2 stated that he could hear the WPS officer telling the driver of the silver car to stop at least three times. The silver car travelled westbound and across to the south side of Notre Dame Avenue. CW2 stated that he saw that the WPS officer fell out and down to the ground after the car had travelled about two hundred feet. CW2 stated that when he first looked out the window, he saw a second uniformed WPS officer, at the passenger side of the silver car dealing with a woman on the sidewalk. CW2 stated that this officer handcuffed the woman and escorted her back to the police cruiser while the other WPS officer was dealing with the male driver of the silver car. CW2 stated that he heard this woman yell, "*Stop, that's my boyfriend*". CW2 states that within 20 seconds, he saw the silver car appear further to the west on Notre Dame and saw that it struck a building, then out of sight again and finally strike a snow bank. CW2 stated that he saw two people run north on a side street. CW2 stated that the two WPS officers then drove to where the silver car had stopped.

CW3 stated that while at her apartment, she heard the sound of a siren and looked out a window. CW3 stated that she observed an unmarked police cruiser, with its emergency lights activated that had stopped a silver car on Notre Dame Avenue. CW3 stated that there were two uniformed police officers in the police cruiser while the the driver of the silver car was male and wearing a red shirt. CW3 stated that there were two other persons in the silver car, a woman in the back seat and second male, in black, in the front passenger seat. CW3 stated that a woman with black hair exited from the rear passenger door of the silver car and was arrested by one of the police officers who had come from the passenger side of the police cruiser. CW3 stated that the other police officer approached the driver's side of the silver car when its driver started to drive away. CW3 stated that she saw the police officer try to grab at the steering wheel through the open driver's door of the silver car and was then dragged back and forth as it went forward and backward. CW3 stated that she saw the silver car reversed into the front of the police cruiser and the police officer who was inside the driver's side fall out and on to the ground. CW3 stated that she heard a woman saying "*...get off my boyfriend and to leave him alone, he didn't do anything wrong*". CW3 stated that she also heard the police officer who was inside the silver car say, "*Get out of the car; pull over*". CW3 stated that she saw the driver of the silver car close his door, turned south and drove off, swerving down Notre Dame Avenue. CW3 stated that she lost sight of the silver car but did hear the sounds of collisions. CW3 stated that she then regained sight of the silver car as it struck a snow bank near the intersection of Notre Dame Avenue and

Gertie Street. CW3 stated that she saw two males jump out of the silver car and ran down a cross street. CW3 stated that she did not see the silver car hit anyone.

CW4 was in her apartment and watching television, when, between 8:00p.m and 8:30 p.m., she looked out a window north onto Notre Dame Avenue, and saw a police cruiser, with its emergency lights activated, stopping a silver car. CW4 stated that she observed a uniformed police officer walk to the driver's side of the silver car, open a door, and pulled a female out. CW4 stated that within four to five seconds, the silver car drove off and turn to the west. CW4 stated that she lost sight of the silver car for a few moments but regained sight of it as it hit a garbage bin, then a tree before coming to a stop. CW4 stated that she saw two people get out of the silver car and run off. CW4 stated that she did not see the silver car hit anyone. CW4 stated that she did not see any police officers struggling for control of the silver car, did not see anyone fall out of it as it was driving, and did not hear any sounds of voices from outside as her window was closed.

CW5 was operating his car on Notre Dame Avenue on March 31, between 8:00 p.m. and 9:00 p.m. CW5 stated that he was stopped at a red light at the intersection with Ellen Street when he observed an unmarked police vehicle stopped behind a grey car. CW5 stated that he was uncertain if the emergency lights were activated on the police vehicle. CW5 stated that he saw a uniformed police officer struggling with someone outside the driver's side of the grey car. CW5 stated that the struggle went on for five to ten seconds when the person with whom the officer was struggling entered the driver's seat, the officer stepped back and put his hands in the air and the grey car drove off. CW5 stated that he did not see the police officer deliver any strikes. CW5 stated that it appeared that the police officer was trying to pull someone out of the vehicle and he did not see anyone dragged by the grey car. CW5 stated that as he drove on, he observed a police officer behind a blonde woman and both were in front of the unmarked police vehicle. CW5 stated that he believed the police officer was taking the woman into custody. CW5 stated that as he drove up Notre Dame Avenue he observed a woman seated on the ground on the road being comforted by another woman and the grey car was on a snowbank on the street.

CW6 was interviewed by IIU investigators at the Winnipeg Remand Centre. CW6 stated that he was in the Cobalt on March 31. CW6 stated that when the vehicle was stopped by police, the female that was operating it exited out of the driver's side. CW6 stated that he then entered the driver's seat and put the Cobalt into reverse. CW6 stated that police officers had opened the driver's door at which point he had put the Cobalt into drive. CW6 stated that one of the police officers was holding onto the steering wheel and was blocking the gas and brake pedals with his legs. CW6 stated that the police officer would not let go of the steering wheel and was pulling the wheel towards a lady and a wall. CW6 stated that he was pulling the steering wheel in the opposite direction. CW6 stated that he was trying to press the brake pedal but could not as the police officer's leg was in the way. CW6 stated that there was a second police officer inside the Cobalt as well, but he managed to get out of the car while the other police officer remained and "fought" for control of the steering wheel. CW6 stated,

*"... he's holding on for dear life, man...you know, it's kinda hard to pull the steering wheel when someone doesn't want to fall off and get ran over, I'm thinking that's what they're feeling you know, why they didn't want to let go, like I'm trying to j***in' pull the wheel the other way and I'm tryin' the get the brakes, you know..."*

CW6 stated that it was not his intention to drive into the woman who was injured.

As indicated above, CW7 declined to meet with IIU investigators but did provide a statement to WPS officers. IIU investigators received and reviewed that statement which she stated, in part

About a block down Notre Dame by Ellen, I seen a cop put his lights and sirens on to pull over a vehicle, a silver car, a Cobalt. They eventually pulled over. Both cops came out of their vehicle and both went to the driver side of the car. Both brought out their batons and were using them on the vehicle. Whoever was in the driver seat put on the gas and started swerving towards Gertie, jumped the curb, swerve, then hit a snow bank on Gertie.

I noticed a girl on the ground, so I parked my car and went to help her. By the time I got here, no one was here or in the car. I did see one of the cops get dragged. The driver side door was opened and he was hanging on so he wouldn't fall. I didn't see where he fell off.."

CW8 was the female who initially exited the Cobalt when the traffic stop first occurred. CW8 was contacted for an interview by IIU investigators. CW8 advised that she wished to consult with legal counsel first before attending for an interview. CW8 has never contacted IIU investigators since that time.

IIU investigators conducted an enquiry with Manitoba Public Insurance to determine the registered owner (RO) of the Cobalt. It was determined that on March 31, 2022, the Cobalt had a valid registration. The RO was a female, with the same last name but different first name from CW8. The RO and CW8 had the same birthdate and particulars. Neither the RO nor CW8 possessed a valid Manitoba driver's license on March 31.

Witness Officers

WO1 was partnered with WO2 on March 31, 2022. Both police officers were in full uniform and operating (with WO1 as the driver) an unmarked police vehicle, equipped with emergency lights and siren. WO1 stated that WO2 had received information that illicit drugs were being sold out of a residence on Hargrave Street. WO1 stated that he drove them to that residence to conduct a patrol and noted a Cobalt parked nearby, with a woman in the driver's seat. WO1 stated that WO2 conducted a computer check on the Cobalt's licence plate and determined that while the vehicle was registered, the RO did not possess a valid driver's license. The woman in the Cobalt matched a photograph of the RO. WO1 stated that they then spotted a male leave from the residence. He was carrying a backpack, entered the passenger seat of the Cobalt and then it drove off to the north on Hargrave Street. WO1 stated that he drove after the Cobalt onto Notre Dame Avenue where he activated the emergency lights, siren and horn to initiate a traffic stop WO1 stated that the Cobalt stopped on the north side of Notre Dame Avenue, where the female driver got out and started to walk towards the officers.

WO1 wrote in his narrative report,

"She began yelling, flailing her arms, and had a grin on her face, I believe her intention was to distract this unit and prevent us from reaching her vehicle"

WO1 stated that he then observed the male passenger climb into the driver's seat. WO1 stated that both himself and WO2 exited their vehicle and went to the driver's side of the Cobalt. WO1

stated that WO2 informed the male in the driver's seat that he was under arrest of possession of drugs for the purpose of trafficking. WO1 stated that the male responded saying,

*"...f**k you I can't go back to jail"*

as he drove off. WO1 stated that he grabbed the male by the shirt and was unsuccessful in pulling him out of the car. WO1 stated that he punched the male once in the face to get him to stop driving but that was ineffective. WO1 stated that WO2, who was behind him, struck the male on his left side with his baton without effect. WO1 stated that the male driver was able to put the Cobalt into reverse and backed it up. WO1 stated that the Cobalt reversed and struck the police vehicle and the open driver's door struck both WO1 and WO2, forcing them both against the door frame. WO1 stated that he grabbed the open door with one hand and the roof of the Cobalt with the other to hold on. WO1 stated that his feet were inside the Cobalt, in the door well. WO1 stated that WO2 repeatedly told the male driver that he was under arrest for assaulting a peace officer. WO1 stated that he repeatedly told the male driver to stop the car, to which the male yelled,

*"F**k you, get off the car!"*

WO1 stated that the male driver put the Cobalt into drive and went forward. WO1 stated that WO2 was able to let go of the Cobalt and fall safely to the ground onto Notre Dame Avenue. However, WO1 stated that his gun belt was caught in the driver's seatbelt and he could not release himself from the Cobalt. WO1 stated that he held onto the Cobalt as the male driver accelerated and began to swerve towards parked vehicles on the driver's side. WO1 stated that he *"...feared grievous bodily harm or death from the male's manner of driving"* as it drove to the south side of Notre Dame, crossed to the north side and then collide with several objects including a building wall and a garbage can, that WO1 believed the male was doing in an effort to *"...have me thrown from the vehicle"*. WO1 stated that the Cobalt continued to drive onto Gertie Street, where it collided with a snowbank and came to a stop. WO1 stated that he did not see the Cobalt strike AP. WO1 stated that at no time did he grab the steering wheel while the Cobalt was in motion nor did his legs and feet obstruct the driver's access to the gas or brake pedals. WO1 stated that he told the male driver to stop the vehicle at least five times while it was moving forward. WO1 stated that the male driver exited the vehicle and fled on foot. WO1 stated that he was able to free himself and give chase to the male. The male driver was eventually apprehended and taken into custody.

WO2 stated that on March 31, he and WO1 had performed a traffic stop of the Cobalt on Notre Dame Avenue because they were unable to locate a valid Manitoba driver's license for the RO and driver¹. WO2 stated that when the car pulled over and stopped, the female driver got out and began to yell nonsensically at them, while the male person in the front passenger seat got into the driver's seat and started to drive away. WO2 stated that he and WO1 ran to the driver's side of the Cobalt in an attempt to stop the male from fleeing. As WO2 was commanding the male driver to stop, he responded by saying,

"I'm not going back to jail you pigs!"

¹ A review of WO2's computer activity on March 31, 2022 showed that the police officer performed queries on CW8's vehicle at 8:00 p.m., followed by a query of the RO, 8:01 p.m.

WO2 stated that the male was able to put the Cobalt in reverse and backed into their police vehicle. The open driver's door struck WO2 in the back causing him to strike his head on the car's roof. WO2 stated that at no time did his hands or feet make contact with the steering wheel or gas pedal of the Cobalt.

As the male driver drove the Cobalt towards a number of parked cars on the south side of Notre Dame Avenue (to strike parked cars and get him off), WO2 stated he was able to let go of the car and fall to the roadway. WO2 stated he was not aware of what was happening with WO1 other than he was still inside the Cobalt. WO2 stated that he secured the female driver in the back of his police vehicle and drove to Notre Dame Avenue and Gertie Street, where he found the Cobalt, now severely damaged, had collided with a snow bank. WO2 stated that bystanders directed him where the male driver had gone where he was located and arrested.

Collision Reconstructionist Report

The collision reconstruction report indicated that the Cobalt was traveling at 64 kilometres per hour at the time of the collision with AP. The report also states that at the time of the collision, the driver's door of the Cobalt was open.

Conclusion

This investigation must consider whether the actions of any or all police officers involved caused or in any way contributed to the serious injuries sustained by AP.

Based on the various witness accounts, audio transmissions and collision reconstruction report, the following determinations can be made:

- At all material times, WO1 and WO2 were in the lawful execution of their respective duties;
- Sufficient legal grounds to stop the Cobalt existed including both the suspected presence of illicit drugs and the driver's licence status of CW8;
- WO1 and WO2 conducted the traffic stop of the Cobalt with the police vehicle's emergency lights and sirens activated;
- The Cobalt did stop, the female driver exited in an attempt to distract the police officers and the male passenger moved into the driver's seat with the intent to drive away for the police;
- The male driver announced to police that he did not want to go back to jail;
- The decision to drive away, accelerating and colliding with objects on and off the road, with the police officers holding onto the Cobalt was the sole decision of the male driver;
- Neither police officers intentionally or purposely interfere with the male driver's operation of the Cobalt other than to preserve themselves;
- The male driver is solely responsible for injuries and damage that resulted.

There is no evidence to support any finding that there is any level of contribution by any police officer to the cause of the collisions and resulting serious injuries to AP. Furthermore, as there is no such evidence, there are no grounds to justify the designation of any police officer as a subject officer.

The IIU investigation is complete and this file is closed.

Final report prepared by:

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Independent Investigation Unit
July 19, 2022

Ref 2022-0014