



**IN THE MATTER OF AN INVESTIGATION INTO A MOTOR VEHICLE COLLISION
INVOLVING A POLICE VEHICLE IN WINNIPEG**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On June 7, 2023, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On Wednesday, June 7th, 2023, at approximately 4:02 a.m., North District General Patrol officers (N310) observed a confirmed stolen red Lincoln Pickup truck bearing MB License plate * at Inkster Blvd and St Cross Street. As pre-pursuit tactics were being initiated N306 preceded to attend to the area to set up containment, N306 was traveling on Main street when the stolen vehicle went through the stop sign at Belmont Avenue where it collided with N306 causing extensive damage to both vehicles. Officers from N306 were transported by ambulance to hospital where they are being treated for various injuries which include bone fractures.*

The driver of the stolen vehicle was initially conveyed to the North District Station where he later complained of injuries. He was conveyed to hospital where he was treated and expected to be released shortly.

Traffic Collision Investigation attended to conduct scene investigation.

This Part 7 contains limited information as event is still unfolding.”

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this investigation in accordance with Section 66(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from the WPS, among other items:

- Computer Automated Event reports
- Forensic Identification reports
- Medical Reports of the affected person (AP)
- Police narratives X 12
- Police officer notes X 17
- Police radio communications
- Use of Force Report
- WPS Headquarter video
- Crash Data Retrievals 1 and 2
- Photos of the AP
- Prisoner injury report X3
- Videos from nearby residences and businesses X4
- Certification of Inspection

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

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The civilian director designated eight witness officers (WO).

Facts and Circumstances

IIU investigators examined the scene and conducted a canvass of the immediate area where the motor vehicle collision occurred.

Affected Person

On June 8, 2023, IIU investigators obtained a statement from AP at the Winnipeg Remand Centre. AP stated that between 3:30 a.m. and 4 a.m., he noticed a police car in his rear-view mirror about two car distances away. He indicated that he knew he was not supposed to be driving as he was driving a stolen vehicle. He noted that police were following him and that he did not see any lights or sirens. He stated, *“I think they did that just because they didn’t want me to f* around and there was a danger because I was right in the middle of the f* city and lots of people are around.”* He added, *“Every turn I made they were right there, I knew what they were doing.”* He thought that it was about four minutes from when he first saw them before he got hit by the vehicle. He stated, *“I just lost them for a couple of seconds, there was no sign of me being chased because it’s not my first rodeo, not my first car chase.”* He noted that nobody was chasing him when he went through the intersection at Main Street. He added, *“I seen a cop car go by and I punched it and tried to jump the street then there was another one behind them and T-boned me and that’s when I blacked out.”*

AP did not remember being taken out of the vehicle. He stated he blacked out but that he knew he had crashed the truck. He received whiplash and believed it had knocked him out as he was hit pretty hard. He also alleged that injuries to his face occurred at the station, stating that the officer smashed his face up against the wall.

AP indicated that he had told the paramedics that the officers had caused his injuries and they were not from the accident. He stated that he had to go for plastic surgery on his face and he had stitches all over his face. He also stated that he was pretty sure the officers had tased him after the accident. He also stated, *“I know two other cops are injured in this and I’m sorry for that but they hit me man.”* He noted, *“I shouldn’t have been driving, that was careless but they didn’t have to go to the extent that they went through, all this crap.”* AP said that he was trying to get home and get to his probation the next day and was trying to stay out of jail. He recalled that Main Street was open, he went to the middle of the street, and the police car hit him.

Civilian Witnesses (CW 1-4)

CW1

On June 7, 2023, IIU investigators obtained a statement from CW1. She stated between 4 a.m. and 4:38 a.m., she was awakened by a loud bang noise. She observed police officers around a truck fighting and trying to pull a man from the vehicle. The police officers were yelling and swearing at the man, who was belligerent. She could not make sense of what they were saying.

CW2

On June 7, 2023, IIU investigators obtained a statement from CW2. CW2 advised that he was awakened by loud noises resembling an explosion. He observed a man in a truck, along with a screaming woman. Law enforcement arrived, and the man attempted to flee but was surrounded by police. Despite being tased, the man did not exit the vehicle immediately. The police forcefully tried to open the truck, eventually removing the man and restraining him on the ground. CW2 said he saw the officers tase and assault the man.

CW3

On June 20, 2023, IIU investigators obtained a statement from CW3. He stated that around 4:05 a.m., he was traveling north on Main Street at about 55 kilometres per hour (km/hr) with CW4, when five police cars passed him on Main Street driving approximately 60 to 65 km/hr. He believed that the fifth police car was hit by a vehicle that came from a side street that was traveling west. CW3 stated that it was a flash; a Lincoln truck came through the stop sign on a blind corner and caught the front corner of the police vehicle, and then went into a tree and fence at an apartment building across the street. He added that the truck did not have its headlights on. CW3 stated that the police cars in front of him did not have their emergency lights on, and he did not see any vehicles in the distance coming behind the truck. He noted the collision happened 30 feet in front of him.

CW4

On June 20, 2023, IIU investigators obtained a statement from CW4. She and CW3 were traveling north on Main Street and noticed three police cruisers coming up behind them. She stated that two vehicles passed them and then all of a sudden, she saw a “red flash” that hit the police vehicle and brought it onto the boulevard. She stated that the incident happened way too fast and that if you blinked you would have missed it. She thought the truck was going 70 to 100 km/hr; faster than the speed limit. She stated the truck ran the stop sign. She mentioned that the man in the truck tried to flee the scene with the vehicle, as he tried to back up.

CW4 stated the police vehicle was ten metres in front of them. The police cars did not have their emergency lights or sirens on but had their headlights on. She did not see what happened with the individual in the truck; however, she heard the police telling him to get out and said he was not listening to the police. She also heard the man saying he couldn't breathe.

Witness Officers (WO1-8)

WO1

On September 27, 2023, IIU investigators obtained a statement from WO1. He stated that on June 7, 2023, at 4 a.m. while driving in police vehicle (N310), he and his partner, WO2, observed a red Lincoln truck with a mattress in the rear bed of the truck. He thought it was odd and it drew their attention. The truck was travelling east bound Lansdowne Avenue crossing Main Street. They followed it one to two car lengths behind to obtain the licence plate. Computer checks indicated it was stolen. They noted that the vehicle was obeying all rules of the road.

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WO1 voiced where they were, that it was a stolen vehicle, and to get units into the area to eventually setup stop sticks to do a vehicle containment stop. He noted there was no other cars in the area. They lost visual of the vehicle and believed it was heading towards Marymound School.

They arrived at Belmont Avenue and noted taillights in the distance, matching the description of the suspect vehicle. As they approached the intersection, they observed a police vehicle in the middle of the median with heavy front end damage. The suspect vehicle was hung up by a tree on the boulevard, missing a rear wheel, facing west on Belmont Avenue. WO1 did not observe the motor vehicle collision (MVC). WO1 did not observe any emergency lights before he got to the MVC. When they arrived on scene, he went to assist the injured officers. He noted that the truck lights were still on, the individual was still inside the vehicle, and he heard the engine running.

He conducted police computer checks and saw that AP had conditions not to occupy the driver's seat of a motor vehicle. He and his partner drove AP to District 3 station for processing. AP was viewed by a sergeant and placed in an interview room. At 4:24 a.m., while processing AP, they were able to see AP had facial injuries as they were now in a well-lit area, whereas at the scene and in the police car it was dark and he did not see his face. He called for an ambulance to have AP checked out. The ambulance arrived at 4:46 a.m. and AP was transported to Health Sciences Centre (HSC). At 7:20 a.m., the doctor advised that he was still awaiting the results of the CT scan but told him that AP would require three stitches to his right eye and five stitches to his right side of his forehead. WO1 noted that AP never said he was injured and wanted an ambulance.

WO2

On September 28, 2023, IIU investigators obtained a statement from WO2. He and his partner WO1 observed a red Lincoln truck with a mattress in the rear, driving east on Lansdowne Avenue crossing Main Street in front of them. They followed it, about four or five car lengths behind, and obtained the Manitoba licence plate number. WO1 conducted computer checks and advised him that the vehicle was stolen. His partner then followed the vehicle maintaining a long eye. He added that the stolen vehicle was obeying all rules of the road, stopping at stop signs and obeying the speed limits. As the truck made a northbound turn onto Scotia Street, they lost visual of the vehicle.

As they passed Belmont Avenue, they observed taillights of a vehicle heading west down Belmont Avenue and believed it to be the suspect vehicle. As they approached the intersection of Belmont Avenue and Main Street, they observed a police vehicle (N306) in the middle of the median facing north with significant front end damage. The suspect vehicle was hung up by a tree on the west curb of Main Street, missing a rear wheel. WO2 did not witness the MVC.

WO2 added that at no time did they activate their emergency lights, and he did not observe any police vehicles with emergency lights activated prior to the MVC.

He attended to the stolen vehicle to assist WO3 and WO4. While attempting to take AP out of the vehicle, he could hear the engine revving continuously and thought AP was trying to escape. They were unable to open both the driver side and passenger side doors due to the accident.

WO2 used his baton and smashed out the passenger side window, crawled through, and was able to turn the vehicle off. The other officers were able to get AP from the driver's side window. He assisted in taking AP into custody. AP was on the ground on his stomach, and they were trying to get his arms which were underneath him AP was flailing around and not giving up his hands. All officers were giving AP direction to stop resisting and to give us his hands. AP was not complying. WO2 delivered approximately 10 to 15 closed fist strikes to the muscles on his left leg. They got his hands eventually. He stated that at no time did AP comply with any verbal direction given. At 4:07 a.m., AP was taken into custody. AP was placed in the rear of their police car. He did not notice any injuries on AP as it was not very well lit. They transported AP to District 3 station, located a block and a half away, at 260 Hartford Avenue. Once at the station, they observed injuries to AP and an ambulance was requested. AP was transported to HSC in stable condition.

WO3

On September 25, 2023, IIU investigators obtained a statement from WO3. At approximately 4:02 a.m., WO1 and WO2 (N310) voiced they found a stolen vehicle but had lost sight of it northbound Scotia Street approaching Marymound School.

WO3 and WO4 drove northbound on Main Street, parallel to N310. As they approached Belmont Avenue in the number one lane, WO8 and WO7 (N306) were right in front of them, and WO5 and WO6 (N304) in front of them. A red Lincoln pickup truck entered the intersection at a high rate of speed heading westbound on Belmont Avenue. At 4:05 a.m., WO3 observed vehicles collide. He immediately voiced there was a MVC at the intersection of Main Street and Belmont Avenue. The police car was facing north on the median, directly north of Belmont Avenue. The stolen pickup truck was facing west, on the boulevard at the northwest corner of Main Street and Belmont Avenue.

WO3 stated MVC happened in a fraction of a second. He stated the truck was traveling east to west, it entered the intersection and then N306 T-boned the truck. The three police vehicles did not have their emergency lights activated.

WO4 attended to the driver's side of the truck and he attended to the passenger side. He was unable to open the doors due to the damage. He observed one male occupant and directed him to turn the vehicle off, as he heard the vehicle aggressively revving and he thought the male was attempting flee. He was concerned because the police vehicle involved in the crash was directly in line behind the truck. If the male was able to reverse, he could collide with them again.

AP was thrashing and flailing about and was not complying. WO4 already attempted to use a conductive energy weapon (CEW) on AP but it did not work. WO3 gave a couple of punches to AP's jaw, as he could not see the rest of his body, in an attempt to disorientate him for a second so they could get him out of the vehicle safely. His partner deployed his CEW twice. It played a role in getting the AP out of the car.

Other units arrived and they were able to take the driver into custody. He noted he did not talk to AP after he was handcuffed, and he did not look at his face nor notice if he had any injuries. He

smelled gas and could see fluids coming from the vehicle, so they quickly cleared AP out of there and placed him in the back of N306's police car.

WO4

On September 25, 2023, IIU investigators obtained a statement from WO4. He was partnered with WO3. They were advised that N310 found a stolen vehicle. N310 lost the vehicle. As they were approaching Belmont Avenue, the truck in question came through the intersection at a high rate of speed westbound across Main Street where a collision with N306.

He was three or four car lengths behind N306 and he did not see brake lights on N306. At the time, he did not know who hit who. He did not see any emergency lights activated prior to the MVC.

WO4 approached the truck giving very loud clear directions to turn off the truck and get out of the vehicle. AP was not listening, saying "No, No, No I didn't do anything." He noted that the truck was revving as though someone was stepping on the gas pedal. His impression was that AP was trying to escape or run over N306 right behind him. As he tried to grab AP by the arm, he noted he had some blood on his face. WO4 was not able to get the Taser to work; therefore, he punched the AP three times in the face with his left hand. He stated that they were not great punches as the AP was trying to back away and because of the height of the window they did not work. He added that he had not yet deployed the Taser. At one point, he was able to grab a hold of AP's hair to try and pull him through the window, but AP forcefully pushed himself back. At that point, he was not able to make any sort of progress and decided to deploy his Taser. He deployed one cartridge to AP's upper right chest but did not achieve any neuro-muscular incapacitation (NMI). He deployed a second cartridge into his back and continued giving loud verbal directions; both appeared ineffective. AP continued to resist. WO4 then punched him one or two more times in the face with his left hand, as he had his Taser in his right hand. WO3 and WO5 were able to get a hold of the AP's hands. WO4 grabbed his shorts and pulled him out of the vehicle. AP was on the ground on his stomach, pulled his hand underneath him, and tried to reach down toward his waistband. Officers were giving verbal direction to show his hands and he was not complying. WO4 put his two hands on AP's back to keep him to the ground. AP continued reaching to his waistband. Officers kept telling AP "quit resisting, give us your hands." WO4 stated that he then gave two "lame elbows" to the back of AP's head to distract him and get his hands out. He stated that there were at least five officers there. They were eventually successful pulling AP's hands back and arresting him.

WO5

On September 18, 2023, IIU investigators obtained a statement from WO8. His supervisor had stated there would be a pre-pursuit technique and he and his partner, WO6, were going to get the stop sticks ready. They heard on the radio there was an accident with the stolen vehicle. WO5 stated he did not see the MVC. He did not see any police cars with lights activated prior to the collision. WO5 attended to the truck. When he got to the driver's side window, he noted it was broken and a Taser had been deployed. Officers were trying to get AP into custody. He was refusing verbal commands to show his hands and get out of the vehicle. WO4 stated that the truck was still running, stuck in gear and burning out. Officers were unsuccessful in pulling AP

through the broken window as he was holding himself in. With the assistance of WO3 and WO4, they reached in and grabbed him. Once on the ground, WO5 secured AP's feet from the lower calves to the ankle area and held him as officers got him onto custody. He stated that AP was presenting a more defensive resistance with turtling, keeping his arms away from them and just not complying, but no active aggression. WO5 observed hard empty hand control to get AP out of the vehicle, which was effective. He did not see any strikes but noted a Taser had been deployed before he arrived as he saw Taser probes. While he was dealing with AP inside the vehicle, he did not notice if he was injured. AP did not complain of any injuries to him.

WO6

On September 27, 2023, IIU investigators obtained a statement from WO6. She and her partner, WO5, heard N310 voice that they were following a stolen vehicle, stating that that the vehicle was near Marymound School. They were attending to Forrest Avenue and Main Street to deploy a stop stick. As they were going north on Main Street, they passed WO7 and WO8 (N306). They then heard WO8 voice they need an ambulance on a rush and that they were involved in a car accident. She conducted a U-turn and went towards Belmont Avenue and Main Street. When they arrived on scene, she and her partner went to the stolen vehicle, which had crashed into a tree on the west side of Main Street near Belmont Avenue. WO2 was already on the passenger side and asked her to go get a pry bar as the driver's side door was damaged. She went to get a pry bar; however, by the time she got back to the vehicle, the male was already being taken into custody. She then assisted WO7 with first aid as his face was bleeding. She rode in the ambulance with WO7 to HSC.

WO6 stated that she did not observe the MVC. She did not see any police vehicles with emergency lights activated prior to the MVC. She heard officers yelling, "*Give me your hands,*" as she was walking to WO7. She did not have any contact with AP.

WO7

On October 10, 2023, IIU investigators obtained a statement from WO7. He and his partner, WO8, were traveling in the area of Inkster Boulevard and Main Street. He was driving their vehicle. Just before 4 a.m., they heard over the radio that one of the other units was following a stolen vehicle northbound on Scotia Street in the area of Inkster Boulevard. They were on Main Street and began to parallel them northbound on Main Street. WO7 stated that they did not start a pursuit. At a certain point, the other crew lost sight of that vehicle. WO7 stated "*At Belmont, my partner blurted something out, yelled, tried to alert me I guess it was the vehicle, or a vehicle had come across, I did not see it at all, we got into the collision.*" He stated, "*It was instantaneous, I don't know if I saw the vehicle or saw airbags in my face.*" WO7 stated that it was like hitting a brick wall; it was just a flash. He did not have time to react. He noted the air bags went off, the windows shattered, and he could not see anything. He had blood coming down his face and his ears were ringing. He made sure his partner was OK and he was able to get out of the passenger side of the vehicle. The driver's side door would not open so he crawled through the passenger side. WFPS arrived and treated them. They went in an ambulance to hospital.

He stated he did not observe any police vehicles with emergency lights or sirens activated prior to the collision.

WO8

On December 11, 2023, IIU investigators obtained a statement from WO8. He heard about a stolen vehicle over the air and headed north to get into the area to help. He was traveling north on Main Street and did not remember if any other vehicles were with him. He stated out of the corner of his eye he saw something coming fast; that was all he remembered. He first noticed the “flash” on the side about a tenth of a second before impact. He stated that he did not even have an opportunity to say anything; there was a big bang and a lot of spinning. WO8 stated that the “flash” was going west coming from the east side of Main Street and they were going north. He did not lose consciousness. He could feel pain and saw his partner was hurt. He grabbed the radio and voiced they need help. WO8 opened his door and tried to step out. He took a couple of steps and realized he could not walk. An ambulance arrived.

He stated that he did not believe he had his emergency equipment activated and did not see any other vehicles with them activated.

Summary of Other Evidence

Medical Information AP

Facial contusion/nasal bone fractures. Clinical evaluation of the left zygomatic arch to assess for undisplaced fracture. Possible tiny nondisplaced fracture of the 10th right rib at the costovertebral joint; however, this is somewhat age indeterminate. 2.5-centimetre laceration to his right brow as well as a 4-centimetre laceration to the right side of his forehead.

Winnipeg Fire Paramedic Service (WFPS) Paramedic Report

Bruising and tenderness to the back of his neck – midline. Patient has good colour but is diaphoretic. Significant bruising to his right eye, left eye, forehead and lips. Bruising across left and right side of his chest. Two one-inch lacerations above patient’s right eye actively bleeding but controlled with gauze and pressure. Patient was tased four times and has four puncture wounds – two to his left arm and two to his left scapular region. Patient is vitally stable. Patient admits to “*half a drink*” tonight and admits to “*smoking jib this morning*”. Patient is unsure if he was wearing a seatbelt, unsure if he hit his head and unsure if he lost consciousness.

Crash Data Retrieval

The crash data retrieval for the police cruiser indicates that the vehicle braked half a second after the MVC, and was travelling at 84 km/hr.

As for the Lincoln truck, the Powertrain Control Module (PCM) did not record event.

Videos obtained in the area of the MVC

1700 block of Main Street

At 3:51 a.m., AP vehicle enters view westbound Belmont Avenue onto Main Street. Two cruiser cars observed travelling northbound Main Street. No brake lights observed. No emergency lights activated.

100 block of Belmont Avenue

At 4:05 a.m., AP's vehicle enters westbound Belmont Avenue with brake lights activated. Police car enters northbound Main Street. A second police car enters westbound Belmont Avenue with brake lights activated and without emergency lights. The second police car is observed 19 seconds behind AP's vehicle without emergency lights activated.

Conclusion

Following due consideration of all the circumstances of this matter and a careful, thorough review of all evidence obtained in this investigation, I am satisfied that the police officers' actions were reasonable. The information was that AP was driving a stolen vehicle. The evidence demonstrates that the officers were not pursuing AP. They were following AP at a distance, and they were eventually going to attempt to stop the vehicle with stop sticks. At the moment of the collision, the police vehicles were not following AP; the police vehicles were headed northbound on Main Street, while AP was headed westbound on Belmont Avenue. The police officers and civilian witnesses stated that no emergency lights were activated. AP also stated that the police were not pursuing him. He indicated that after he saw the first police vehicle go by, he tried to "punch it." He stated "*there was no sign of me being chased because it's not my first rodeo, not my first car chase.*" It was AP's action that caused police vehicle N306 to T-bone his vehicle. The officers in N306 did not see AP, and the evidence demonstrates that they did not attempt to brake until half a second after the collision.

Further, I am satisfied that the officers' use of force was reasonable in the circumstances. The police gave AP several verbal commands to show his hands, get out of the vehicle and to stop resisting arrest. This evidence is corroborated by civilian witnesses. AP was resisting arrest and attempted to use his truck to reverse and flee. The truck was missing a wheel and this attempt to flee was unsuccessful. The police officers attempting to arrest AP feared that he could once again hit the officers in N306 with his truck. Civilian witnesses also indicated that AP was attempting to flee and heard police telling AP to get out of the vehicle, but AP was not complying. The police officers were eventually able to successfully arrest AP. The police officers suffered serious injuries as a result of the motor vehicle collision. AP also suffered injuries and was brought to HSC. It is unclear, however, whether the injuries suffered by AP were solely caused as a result of the motor vehicle collision and/or the police officers' use of force.

Given the totality of the circumstances, I am satisfied that the officers' use of force was reasonable, and no charges are recommended against any of the officers. The IIU investigation is now completed and closed.