



**IN THE MATTER OF AN INVESTIGATION INTO A SERIOUS INJURY  
DURING AN INCIDENT ON SEPTEMBER 3, 2023**

**FINAL REPORT OF THE CIVILIAN DIRECTOR  
OF THE INDEPENDENT INVESTIGATION UNIT**

Civilian Director:	Roxanne M. Gagné
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## **Introduction**

On September 4, 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 Sunday, September 3rd, 2023 at approximately 11:13pm, members of the Winnipeg Police Service responded to a Priority 2 Break & Enter call incident at \* Beaumont Bay regarding a female (affected person) (AP) that had broken into a house and was assaulting people. This incident was generated one minute prior to police being dispatched.*

*At 11:16 p.m. Members arrived on scene and were directed to the upstairs hallway where officers were met with a combative female (AP). Officers advised AP she was under arrest for Break & Enter and attempted to take her into custody, at which time AP lunged at officers resulting in a Use of Force encounter.*

*During the Use of Force encounter the AP suffered a fractured right tibia.*

*AP was transported to the Concordia Hospital by Winnipeg Fire Paramedic Service (WFPS) in stable condition.*

*At hospital x-rays confirmed that AP had suffered a fractured right tibia.*

*Witnesses were interviewed at the scene and it was learned that AP had entered the residence through an unlocked door. When her ex-boyfriend came home, he found AP sleeping in his bed. When he woke her up the AP became irate and began assaulting him by punching and kicking, hitting him in the head with a laptop. AP then assaulted other residents in the house when they tried to intervene.”*

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.

The civilian director designated one subject officer and six witness officers.

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

- 911 audio recordings
- Computer automated dispatch (CAD) event and unit reporting
- CAD history
- Officer narratives – WO1, WO2, SO, WO3, WO4 and WO6
- Officer notes - WO1, WO2, WO3, WO4, SO and WO6
- WPS Niche Computer automated dispatch (CAD) Information
- Police radio communications
- Two photos of AP
- Written statements - CW1, CW2, CW3 and CW4

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- Subject profile - AP
- Signed Undertaking of AP
- Air1 video footage
- Use of Force Report - SO
- Prisoner Injury Report

## **Scene Examination**

IIU investigators attended the scene location on September 5, 2023. This incident occurred in a carpeted bedroom area on the second floor of a residence on Beaumont Bay in Winnipeg. IIU investigators took six photos of the area.

## **Facts and Circumstances**

### **Affected Person**

On September 5, 2023, IIU investigators obtained a statement from AP. AP also provided a signed consent for the IIU to obtain her medical records.

AP advised on September 3, 2023, she went to the home of her ex-boyfriend (CW3) at a residence on Beaumont Bay and waited for him to come home. She went to his bedroom on the second floor and fell asleep. CW3 came home. She and CW3 got into a physical fight. She stated that one of his friends called the police. AP stated that four or five police officers arrived. They were all wearing police uniforms and she knew they were police officers. She did not recall what the police said to her when they first arrived but believed she was informed she was under arrest.

When the police arrived, AP recalls trying to fight with the police officers. She stated that when the police were trying to arrest her, she was just standing there, made herself rigid, keeping a strong stance as she did not want to be taken down and refused to be arrested. She was swearing at the police saying, "f\* you guys." Initially she was in the hallway but was pushed into a bedroom. She was standing in the bedroom facing the door. Initially she said she thought that two or three police officers might have taken her to the ground in that room, in the middle of the floor area which was carpeted. Two were male and one was female. She clarified that it was only one male police officer who picked her up around the waist area and flipped her onto the ground. Her leg hit the ground and did not hit anything else. When she was thrown onto the ground, she realized her right leg was broken. She tried to stand up but heard a crack and she fell back down. The police did not use any other force on her after that. The police called for an ambulance and she was taken to hospital. The police did not have their Tasers out and the Taser was not used.

She said she was upset and angry at the time of the incident. She recalled that she had consumed around half of a "mickey" of vodka before arriving at the house. On a scale of 1-10, she was a 5-6 level of intoxication. She was informed at hospital that she had a broken leg bone.

## **Civilian Witnesses**

### **CW3**

On September 5, 2023, IIU investigators obtained a statement from CW3. He advised on the evening of September 3, 2023, he came home from work and saw CW2 and CW4 in the house. After a while he went to his bedroom where he found his ex-girlfriend (AP) in his bed. CW3 was surprised to see AP and challenged her as to why she was at his home. She became physical and aggressive; she was assaulting him, which included hitting him with a laptop computer, and assaulting his friends. The police were called by CW2.

When police arrived, initially two male police officers wearing uniforms came up to the second floor hallway. One was bigger than the other. AP was in the hallway. Police were telling her to calm down and that they were arresting her. Upon hearing that, AP jumped towards the police officers to try and get at CW3, who was behind the police officers. The police were trying to detain her by holding her hands, and she was hitting the police officers with her hands and legs. The police were trying to move her hands behind her back and handcuff her, but they were unable to do so. The police were not hitting her, but he described they pushed her up against the hallway wall and AP was hitting the police with her hands. CW3 stated that the police officers were in between AP and himself while in the hallway.

They moved to a bedroom off the hallway. CW3 heard both police officers telling AP to stop resisting. He could not see clearly into the bedroom from his position. He described hearing banging noises coming from the bedroom but could not see AP at that point and could only see the legs of a police officer. CW4 was recording some of the incident on his cell phone. He heard AP screaming saying her leg was broken. The lights in the hallway and bedroom were on at the time.

A female and male police officer arrived afterwards. An ambulance was called to attend.

### **CW1**

On September 5, 2023, IIU investigators obtained a statement from CW1. He advised on September 3, 2023, he arrived home at around 10:30 p.m. He, CW2, CW3 and CW4 were home at that point. About 10 minutes later, CW2 said he heard CW3 calling him. They ran upstairs and observed AP grabbing CW3 by his neck. CW3 was bleeding from his mouth. CW1 tried to remove CW3 from the altercation but AP kicked him. CW2 was able to remove CW3 and they went out into the hallway. AP attacked the three of them by hitting them. CW3 told CW1 to start recording what was happening on his phone, and he started to do so.

CW1 stated that AP grabbed the phone, slapped and punched CW1 and threw the phone downstairs. She broke CW1's glasses, threatened to stab the men and went downstairs to grab a knife from the kitchen. She assaulted CW4 also.

AP went back upstairs and police were called. AP struck CW3 with a laptop on his head. Police officers arrived shortly thereafter. CW1 and CW4 had locked themselves in the upstairs bathroom. When they heard it was the police, they unlocked the door and looked out. CW1 saw CW2 on the stairs with two police officers and AP was in the hallway.

The officers tried to calm AP down but she would not and she tried to hit them again by going through the officers. He heard the officers say, "*Ma'am, please calm down. You're under arrest.*" He believed AP pushed the police officers. The officers grabbed AP, but CW1 could not see where they grabbed her as his view was obstructed by the two police officers. CW1 said AP was initially facing the police, then the officers spun her around and took her by the arms behind her back. AP was moving aggressively, still on her feet and the officers and AP ended up in a bedroom off the hallway. He did not see what happened in the bedroom.

He heard AP say, "*It took two big fat police officers to take a b\* down.*" She also said they had broken her leg and she would see them in court. He could not understand what the police said in the bedroom as there was lots of screaming going on. Other police officers and ambulance arrived.

#### **CW4**

On September 6, 2023, IIU investigators obtained a statement from CW4. He stated that he was at the residence alone when he was aware someone came into the house and went to the upstairs. At first he did not know who that was but thought it was a friend who lived at the residence. A while later his friends, CW3, CW2 and CW1 arrived at the house. Some time afterwards, CW3 went upstairs and CW4 heard a female screaming. That female began assaulting him and his friends. CW4 began making a video of the events on his cell phone. The female made threats that she would stab and kill them. CW4 did not know the female and had never met her before.

The police were called by CW2 and information was given about the female's behaviour. Police officers arrived soon after. At that time, CW4 was in the bathroom with CW1, off the second floor hallway, with the door closed. He heard the police saying something but he could not recall what was said. He heard the female cursing.

He opened the bathroom door to see what was happening. He saw a police officer in uniform entering a bedroom at the end of the hallway; however, there was already another uniformed police officer in that same bedroom. The female was also in the bedroom. He could not see clearly into the bedroom from his position but could say that it was only two male police officers and the female in the bedroom. He could hear that the officers were trying to hold her down. CW4 stated that he heard (but did not see) slapping noises, which he believed was the female slapping the police officers. He believed he heard the police telling the female to calm down. Soon after he heard the female screaming saying her leg was broken. He stated that a few more police officers arrived; however, there were only two officers in the bedroom when AP said her leg was broken.

IIU investigators obtained a copy of the video CW4 had taken.

#### **CW2**

On September 5, 2023, IIU investigators obtained a statement from CW2. He stated that on the date of the incident he was at home with CW3 and CW1. CW3 went upstairs. It was discovered AP was in CW3's bedroom. CW2 did not know how AP entered the house. CW3 was yelling from upstairs for help. CW2 and CW1 ran upstairs and found that AP was holding onto CW3. He described AP as assaultive and she punched CW2. Her assaultive behaviour continued by

assaulting other house members, which included hitting CW3 with a laptop computer. CW2 called 911.

Two police officers arrived soon after. CW2 let the officers inside the residence; they went upstairs, followed by himself and CW4. CW3 and CW1 were in the bathroom upstairs at that time. When the officers got upstairs, AP was standing in the hallway outside one of the bedrooms yelling and cussing, while smiling. He stated the police announced their presence and told her to calm down and stand down. AP did not listen to them, saying "F\* you \*\*" to CW2 and CW4.

AP lunged at CW2 and CW4 but was blocked by the two officers who took her by the arms and made her sit at the end of the upstairs hallway. CW2 stated that suddenly AP started swearing, got up and lunged toward him and CW4 again. One of the officers, who was in between AP and the two men, grabbed AP by her arms and moved her towards one of the bedrooms. CW2 said AP was grabbed in a bear-hug type hold. He heard police officers telling her to stop resisting. He did not see the police throw AP to the ground. He believed AP was off balance after she tried to hit them the second time and that contributed to her falling. He then heard AP say, "It took you two fat cops to break a girl's leg." One of the two officers came out of the room and asked for any video they had recorded, but they had not been recording at that point. More police officers arrived on scene as well as an ambulance.

## **Witness Officers**

### **WO6**

On November 6, 2023, IIU investigators obtained a statement from WO6. He advised that on the date of the incident he was working in full police uniform in company SO. At around 11:13 p.m. they were dispatched to a break-and-enter call at a residence on Beaumont Bay whereby a female had assaulted occupants.

They arrived on scene, entered the residence and were directed upstairs by an occupant. SO was in front of him as they went upstairs. WO6 drew out his Taser as a precaution due to the nature of the call details that the female had already assaulted people. His Taser was drawn out as a coercion tactic. SO did the same. As they got to the hallway, he noticed three males who quickly entered a bathroom off the hallway. AP appeared from a bedroom. Her eyes appeared very wide and she looked sweaty. At that point, WO6 was behind SO. SO told AP she was under arrest. WO6 only had a partial view of AP, but he saw AP lunge forward towards SO and then SO's Taser fell to the ground. WO6 believed at that stage, she had ripped or knocked the Taser out of SO's hand; however, he only had a partial view.

SO used his hands to push AP backwards. WO6 could not deploy his Taser as SO was in front of him. WO6 tried to grab her arms, but could not get a grip as she was sweaty. She was actively pulling away. Both officers were trying to control her arms but could not as she was pulling and struggling. They were giving her verbal commands to stop resisting. They were intending to apply handcuffs, but due to her struggling could not. As the struggle was going on, momentum took them all to a bedroom. AP was still pulling away from side to side and flailing around. She was directed to get on the ground and both officers were able to pull her to the ground as it



would have been more effective in applying handcuffs. AP fell forward to the ground and when doing so the momentum caused both officers to fall to the carpeted ground also. SO was on the right side of AP and WO6 fell to her left side. As she fell, WO6 heard a loud cracking sound and saw SO land somewhere around the right lower side of her body. At that point he realised her leg might be broken. AP continued to yell and scream and call SO fat. AP continued to try and stand up but she was advised not to, in case further injury occurred. An ambulance was called.

At no point was AP lifted and thrown to the ground, nor put in a bear hug and thrown to the ground. AP's strength was surprising, and she was surprisingly goal-oriented in trying to rip away from the officers. SO was of a larger build than himself.

Soon after, other officers arrived. WO6 and SO removed themselves from the situation but updated their supervisor briefly about what had happened.

#### **WO4**

On October 20, 2023, IIU investigators obtained a statement from WO4. WO4 advised she and WO3 attended a residence on Beaumont Bay after hearing a radio transmission that (SO and WO6) had put out saying a suspect had tried to disarm them and also requested for an ambulance.

WO4 recalled entering the house, going up the stairs and seeing SO. He asked her to take over from WO6 in the bedroom. He didn't say anything about what had occurred but asked that WO6 be relieved from the bedroom which she did. She didn't discuss anything with WO6. At first it was just herself and AP in the bedroom. AP was in handcuffs on the ground. She was acting in a combative way, shouting and yelling. She was calling WO4 a stupid white b\* and f\* c\*.

WO4 did not know what AP's injuries were at that point. She mentioned that an officer fell on her saying, *"it was the fat one that fell on me."* WO4 noted in her notebook that AP began to calm down and stated that, *"he was talking shit about my dead mom. That mixed with alcohol made me just f\* snap."* She also said she had learned her lesson and her anger took over. AP also said, *"I tried to fight the cops. I f\* up."*

Emergency services attended to the bedroom. AP had a swollen leg and was taken to hospital. WO4 and WO3 went to the hospital. WO3 informed AP of her charges. WO4 had no knowledge of the information behind the charges.

A still image of a police officer, taken from witness video footage, was shown to WO4 and she advised that the male officer was SO.

#### **WO3**

On November 6, 2023, IIU investigators obtained a video statement from WO3. He stated that he was on duty in company with WO4. He heard a radio call for backup from officers (SO and WO6) at a residence on Beaumont Bay. The radio transmission described that someone had attempted to disarm an officer and backup was needed. They arrived after one to two minutes. They both entered the residence and made their way up the stairs. He could hear sounds of a commotion. WO3 went to a bedroom at the end of the hallway and saw AP seated on the floor. The situation appeared under control. SO and WO6 were present, and WO3 did not have any

conversations with them. He did not speak with AP and he quickly took the occupants downstairs.

WO3 was informed by a supervisor that he and WO4 would take custody of AP and transport her to hospital. WO3 went in the ambulance with AP. During the journey, there were no conversations with her about what had happened. While at the hospital, AP made comments about regretting fighting with the cops and mentioned that she heard her leg crack when she tried to stand up after the cop fell on her. SO was of a larger build compared to WO6.

## **WO1**

On November 6, 2023, IIU investigators obtained a statement from WO1. He advised that on the date of the incident he was working with WO2 and aware that SO and WO6 had attended a residence on Beaumont Bay for a break-and-enter call. While he was on his way to the location, he heard a radio transmission that they had requested an ambulance for a combative female who had tried to disarm them. They arrived on scene at 11:25 p.m. On arrival, SO directed them to the upstairs of the house to assist WO4, who was with AP. WO1 went to the bedroom and saw AP sitting on the ground. He noticed some obvious swelling to a leg, right shin, below her knee. WO4 was giving water to AP. Once an ambulance arrived, he was directed to take witness/victim statements from people in the house.

SO was significantly larger than WO6. He estimated SO was around 250 pounds in weight and around 6'0" in height. WO6 was around 5'9" in height and around 150 pounds in weight. He spoke briefly with SO, who advised the female got injured while they were in a struggle when taking her into custody and that AP had attempted to get a hold of the Taser.

WO1 recalled the bedroom was carpeted. AP was sitting on the floor when he saw her. WO4 was comforting AP. AP mentioned she had been to a club and had consumed seven Twisted Tea beverages and stated she was a *"dumb b\*, I should not have done that"* and *"everything happens for a reason and this was a sign for me to calm the f\* down."* AP seemed like she was intoxicated as she was being loud.

When taking statements, occupants of the house advised AP had been assaultive. It was also mentioned that police officers were heard informing AP she was under arrest.

## **WO2**

On November 15, 2023, IIU investigators obtained a statement from WO2. He advised he was working with WO1 on the date of the incident. They attended a residence on Beaumont Bay after responding to a break-and-enter call. Upon arrival they met SO, dressed in full police uniform, who briefly advised a female's leg was injured while they were taking her into custody. WO2 went upstairs and saw AP in a bedroom with WO4. AP was going between yelling to laughing and appeared in pain but did not say what had happened.

WO2 interviewed a witness who advised him that AP had been shouting at the officers and fighting with them. He witnessed AP push one of the officers. He made that note in his notebook as well as taking a statement from the witness.



## **WO5**

On October 11, 2023, IIU investigators obtained a statement from WO5. He advised on the date of the incident he attended a residence on Beaumont Bay as the shift supervisor. Upon arrival, SO and WO6 approached him outside of the address and advised him that they had entered into the residence and had a struggle with AP. They attempted to arrest her. WO5 believed that SO advised him that he drew out his Taser to use in a coercive manner on AP but AP lunged forward and went for the Taser. They tried to grab her arms, but she was sweaty and could not grip her. At some point there was an attempt to take her to the ground and somehow her leg got injured. They were both in full uniform at the time.

By the time WO5 arrived on scene, there was already another police unit and a fire truck on scene. WO5 went into the residence and saw AP in a bedroom and she was being treated. He did not speak with her. She seemed calm when he observed her.

At some point after, WO5 attended Concordia Hospital to hand over paperwork to officers present with AP. WO5 completed a WPS prisoner injury report and he asked AP how she got injured. She advised, *"I was wrestling with the officers, I got taken to the ground and when I stood up I heard a crack."*

### **Subject Officer**

On October 4, 2023, IIU investigation sent an email to SO asking if he wished to volunteer his notes and take part in a voluntary interview. The first response received was from his counsel on November 2, 2023, advising he was in the process of receiving instruction from the officer. A follow-up email was sent to counsel on November 29, 2023, with no response. An email was received the same day advising that SO declined an interview but his notes were supplied via counsel, attached to that email.

The notes reflected the Use of Force report received which was authored by SO and received by the IIU, as noted below.

### **Summary of other evidence**

#### **911 Call, Police Radio Communications and CAD**

CW2 called advising a female had broken into a residence on Beaumont Bay and was assaulting occupants. An aggressive loud female voice is heard in the background. At one point a female voice was heard saying, *"you gonna f\* touch me \*."*

Radio communications confirmed the police dispatch operator informed officers SO and WO6 (E204), of the information contained in the 911 call prior to their attendance.

Radio communication from E204 asking for an ambulance for a combative female who tried to disarm them.

The CAD showed SO and WO6 arriving on scene at 11:16 p.m. At 11:18 p.m., an ambulance was requested by E204.

### **Video – CW3**

CW3 supplied video footage of the events prior to police arriving, which included AP hitting him over the head with a laptop computer and what can be described as her aggressive behaviour. Footage also included a 24-second piece of footage when a police officer was at the address, in and out of a bedroom, believed to be soon after AP was injured. The video did not show the altercation between police and AP. WO4 identified the male officer in the segment of video as SO.

### **Video – Air1**

WPS Air1 video showed one police vehicle (believed to be E204) arriving at a residence on Beaumont Bay.

### **Medical Records – AP**

On September 19, 2023, IIU investigators obtained medical records from Concordia Hospital which detailed AP being admitted at 12:57 a.m. on September 4, 2023. She was diagnosed with a fracture to her right mid tibia, 5 centimetres distal to the plateau. A note detailed, “*she was brought down by police during arrest and hit her knee on the carpet.*”

### **WPS Use of Force Summary Report and WPS Prisoner Injury Report**

SO’s use of force report dated September 4, 2023, indicated that both he and WO6 entered a residence on Beaumont Bay. He heard loud voices coming from the upstairs. They both drew out their Tasers to use in a coercive manner. SO found AP in a bedroom. He informed her she was under arrest for break and enter. She was sweating heavily. AP walked out of the bedroom towards the officers. SO began holstering his Taser as he believed she was going to be compliant.

Suddenly, AP lunged forward with her arms extended and SO believed she was going for his Taser. As she made contact with SO, he pushed her backwards, his Taser fell to the ground, and she fell backwards. Both officers tried to grab her arms, but she was sweaty and they could not grip her. AP got to her feet. Officers told AP to stop resisting. The three of them ended up in a bedroom. She was told to get on the ground. An attempt was made to place her on the ground but both officers and AP fell and SO landed on her leg. A “*snapping*” sound was heard. AP attempted to stand up afterwards.

WO5 completed a prisoner injury report after his visit to AP. He documented AP’s answer to his question regarding how she got injured, “*I was wrestling with the officers. I got taken to the ground. And when I stood up, I heard a crack.*” She then laughed.

### **Applicable Law**

Sections 25 and 26 of the *Criminal Code of Canada* are applicable to this analysis:

*25 (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law*

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*(a) as a private person*

*(b) as a peace officer or public officer*

*(c) in aid of a peace officer or public officer*

*(d) by virtue of his office, is,*

*if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.*

*(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.*

*(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if*

*(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested*

*(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant*

*(c) the person to be arrested takes flight to avoid arrest*

*(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm*

*(e) the flight cannot be prevented by reasonable means in a less violent manner*

*26. Everyone who is authorized by law to use force is criminally responsible for any excess thereof, according to the nature and quality of the act that constitutes the excess.*

## **Conclusion**

Following due consideration of all the circumstances of this matter and a careful, thorough review of all evidence and material facts obtained in this investigation, I am satisfied that the actions of SO were reasonable in the circumstances.

AP had broken into the residence. AP threatened the residents and assaulted a resident with a laptop. The police were in the lawful execution of their duties in arresting AP. AP lunged towards SO and SO's Taser fell to the ground. AP was struggling with the police and was resisting being arrested. AP was aggressive. AP admitted she had been wrestling/fighting with the officers. SO, WO6 and AP went to the ground during a struggle, and AP suffered a fractured right tibia. AP contributed to her own injury as she was resisting arrest and struggling with

police. I am satisfied that even if SO's actions may have contributed to AP's injury, his actions were reasonable.

Therefore, no charges are recommended against SO. The IIU investigation is now completed and closed.