



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
SERIOUS INJURIES DURING RCMP ARREST OFF HIGHWAY 8**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On Nov. 7, 2023, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on Nov. 7, 2023:

On October 27, 2023 at 11:30 pm, WO1 and another officer initiated a traffic stop on a white Ford F150 observed parked in Stonewall, Manitoba. Two occupants were observed seated inside the vehicle, the driver identified as CW1 and passenger AP.

WO1 approached the vehicle, CW1 started her vehicle, reversed and accelerated toward the police vehicle fleeing from officers. Police were able to maintain a visual of the suspect vehicle and attempted initiating a secondary traffic stop. CW1 drove past WO1 at a high rate of speed nearly colliding with his police vehicle. WO1 disengaged and lost sight of the suspect vehicle.

October 28, 2023 the suspect vehicle was again encountered. A spike strip was deployed by WO1 which resulted in the tires being deflated. A pursuit was initiated involving multiple officers. The suspect vehicle continued to operate on deflated tires. At approximately 12:43 am, WO8 positioned his police vehicle in front of the suspect vehicle and reversed into it causing the suspect vehicle to become immobilized.

CW1 and AP were subsequently taken into custody. WO1 pulled CW1 from the driver's seat of the vehicle. AP was removed from the passenger side seat by WO6 and SO1 landing on the asphalt. AP was secured in hand cuffs and transported to Stonewall Detachment. AP would inform officers after arriving at the detachment that he was experiencing testicle pain. EMS was contacted and AP was transported to the Selkirk Regional Health Center. He was later transferred to the Health Sciences Centre (HSC) to undergo medical treatment. AP's testicle was removed as a result of this incident.

As this matter concerned injuries during arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 66(4) of *The Police Services Act*. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- audio transmissions
- watch guard video
- cell surveillance
- use of force report
- medical reports

The civilian director designated one subject officer (SO1) and eight witness officers (WO1 to WO8). IIU investigators also received information from four professional witnesses (PW1 to PW4) and one civilian witness (CW1).

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Facts and Circumstances

Scene Examination

No scene examination or canvassing of the area was conducted by the IIU as notice was not received until Nov. 7, 2023.

Summary of Interviews

Affected Person

AP was interviewed by IIU investigators on Nov. 2, 2023, and provided the following information:

AP confirmed that he and CW1 were involved in a high-speed chase with police that began late on Oct. 27, 2023, and ended early on Oct. 28, 2023. AP confirmed the vehicle tires were deflated by a spike strip, which resulted in the vehicle giving out on the highway. AP confirmed that the police vehicles had their lights activated throughout the chase.

AP confirmed that police vehicles boxed in CW1's vehicle, forcing it to come to a stop. AP stated that he immediately put his hands up. Two officers came to his door, directing AP to get out of the car. AP informed the officers that his seatbelt was still on. AP stated that officers started punching him at this point while he continued to inform them that his seatbelt was still on. According to AP, he was afraid to move his hands as the officers had their guns pointed at him and he did not want to get shot.

AP confirmed that the two officers unbuckled the seatbelt and took him down to the ground. AP stated that the two officers stayed on each side of him as he was taken to the ground. As AP landed on the ground, his left arm was stuck beneath his body. AP recalled a third officer came to assist at this point.

AP stated that one officer was twisting his right arm and putting pressure on his body making it difficult for him to move his left arm out from under his body. The officer on his left was demanding that he give up his left arm while the officer on his right was either kneeling him or punching him. After a brief period, the officer on his left was able to get his left arm out and then he was handcuffed.

AP recalled that the third officer was on his left side near his body or hip area. At some point this third officer either kicked, punched or stepped on his testicles. AP immediately felt extreme pain in his testicle area, stating it felt wet in his groin area.

AP acknowledged that his recollection of the sequence of events may not be entirely accurate as it all happened very fast.

AP confirmed that a fourth officer placed him in the back of a police vehicle. AP was having difficulty sitting in the back of the vehicle due to the pain in his groin area. AP confirmed that once he was at the detachment, emergency services were called after he spoke with his lawyer and was placed in a cell for a period of time.

AP confirmed that he had surgery soon after to remove his left testicle.

It should be noted that the watch guard video for the most part corroborated the version provided by AP. It is clear that AP immediately placed his hands in the air upon arrest. It did not appear that he was actively trying to resist arrest. Further, you can hear AP cry in pain after the third officer becomes involved in the arrest.

The watch guard view is obstructed by the vehicle, so one can not confirm that AP was punched while seated in the vehicle. Further, the actions of the third officer are obstructed by the two officers at AP's arms. What is clear is that this third officer did not kick AP.

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on Nov. 15, 2023, and provided the following information:

CW1 stated that she thought originally that the police officers were in the area to arrest another person and then panicked when the vehicles followed her. CW1 confirmed that AP was in the passenger seat and the vehicle tires were deflated by a spike strip.

CW1 confirmed that officers attended to both vehicle doors with weapons drawn demanding CW1 and AP to exit the vehicle. CW1 confirmed that she had her hands up as did AP. She further confirmed that both were buckled into the vehicle at the time of arrest.

CW1 was removed from the vehicle. She observed AP was on the ground with officers around him. From her view, she did not observe AP to be resisting arrest and looked to be shrivelling in pain.

From CW1's angle, it appeared that an officer was kicking AP in the groin area. CW1 could see AP's face and he looked to be in considerable pain.

CW1 stated that she was taken to the detachment separate from AP and arrived first. Once AP arrived, she noted that he was walking with some difficulty. CW1 heard AP ask for medical assistance at the detachment. CW1 confirmed that medical services attended the detachment for AP.

Professional Witnesses

Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on Dec. 21, 2023, and provided the following information:

PW1 confirmed that he was part of the paramedic crew that attended to AP. PW1 was the driver that day and did not personally observe the injury to AP. PW1 confirmed that PW4 informed him that AP's testicles were severely swollen and that they would have to take AP to the hospital.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on Dec. 15, 2023, and provided the following information:

PW2 was part of the paramedic crew that took AP from the Selkirk hospital to HSC. PW2 stated that he was informed by the hospital that AP had a serious injury to his groin area and had been provided pain medication.

PW2 was in the back of the ambulance with AP on the way to HSC. AP told PW2 that his injuries were the result of a police officer kicking him in the groin area.

Professional Witness 3 (PW3)

PW3 was interviewed by IIU investigators on Dec. 19, 2023, and provided the following information:

PW3 was part of the medical crew that attended the detachment. PW3 was informed by AP of the injury and therefore asked her Partner PW4 to view the area. PW4 confirmed that AP's testicles were swollen and that there was a laceration on the scrotum. PW4 checked AP's vital signs to confirm that he was able to be transferred to the hospital in Selkirk.

PW3 confirmed that AP was able to walk to the stretcher on his own. PW3 confirmed that AP stated he was in an incredible amount of pain.

During the ride to the Selkirk hospital, AP informed PW3 that he was kicked in his genitals by a police officer. PW3 provided pain medication to AP during the trip.

Professional Witness 4 (PW4)

PW4 was interviewed by IIU investigators on Dec. 20, 2023, and provided the following information:

PW4 was part of the medical crew that attended the detachment. PW4 observed AP's testicles and noted the area to be swollen and that there was a cut on the scrotum that was not bleeding. PW4 confirmed that AP was able to walk himself over to the stretcher and that AP informed him that his injury was caused by the police kicking him in the area.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Jan. 29, 2024, and provided the following information:

WO1 located CW1 and AP while in the process of conducting a curfew check on a separate individual's residence. WO1 noticed that CW1's vehicle did not have a front license plate. WO1 approached the vehicle at which point CW1 accelerated the vehicle and sped away.

WO1 participated in the high-speed chase for CW1's vehicle along with other members. After CW1's tire had been deflated, his vehicle came in from behind while another police vehicle blocked CW1's vehicle from the front.

WO1 and WO8 went to CW1's door with guns drawn. After arresting CW1, WO1 went to the other side of the vehicle to see if the officers needed assistance with AP. WO1 did notice that AP was walking funny and complaining of testicle pain when he was being placed in the vehicle.

At the detachment, AP advised WO1 that he could not sit while on the phone with his lawyer due to the pain. WO1 observed AP on the floor in his cell and confirmed a decision was made to call for medical assistance. WO1 recalls that the paramedics informed him that AP's testicles were extremely swollen and that he needed to be taken to the hospital.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Jan. 24, 2024, and provided the following information:

WO2 was partnered with WO6 when they heard over the radio that multiple officers were chasing CW1's vehicle. WO2 and WO6 split up into different vehicles to assist in the chase of CW1.

WO2 had radio discussions with SO1 about setting up a spike belt in his area for CW1's vehicle. WO2 confirmed that the spike belt struck CW1's tires when it drove by. WO2 believed that three police vehicles were following CW1 at that point. WO6 joined in the pursuit.

WO2 cleaned up the spike belt and followed later on. By the time WO2 arrived at the scene of the arrest, AP and CW1 were already in custody. WO2 did not notice AP walking with any difficulty when he was placed inside a police vehicle.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on Jan. 23, 2024, and provided the following information:

WO3 and her partner WO5 arrived on scene after CW1 and AP were already in custody. Originally, WO3 and WO5 were going to drive AP back to the detachment. However, they were directed to attend another service call.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Jan. 27, 2024, and provided the following information:

WO4 had limited involvement in the matter. WO4 attempted an earlier spike belt deployment on CW1's vehicle without success. WO4 attended to the scene but both AP and CW1 were already in custody.

Witness Officer 5 (WO5)

WO5 was interviewed by IIU investigators on Feb. 13, 2024, and provided the following information:

WO5 confirmed that he was partnered with WO3. Originally, they were going to take AP back to the detachment. However, they were directed to attend another service call.

WO5 took a shift at the hospital to watch AP at the HSC.

Witness Officer 6 (WO6)

WO6 was interviewed by IIU investigators on Feb. 2, 2024, and provided the following information:

WO6 confirmed that he was partnered with WO2. WO6 confirmed that immediately after the spike strip deployment by WO2, he joined the pursuit of CW1's vehicle.

WO6 saw one of the police vehicles move in front of CW1's vehicle, reversing into it. WO6 pulled up to the rear of the vehicle on the passenger side. SO1 went to the passenger door first

and WO6 assisted SO1. WO6 took AP to the ground and initially fell on AP. WO6 was on AP's right side, attempting to pull AP's arm out from underneath him. WO6 observed that WO8 was on the other side of AP near his head and SO1 was near AP's legs. As WO6 was pulling AP's arm out, he heard SO1 say stop kicking me. WO6 did not see AP kick SO1 as his attention was on AP's arm, so he could be handcuffed.

WO6 took AP to the detachment, but he did not recall AP saying anything during the ride. WO6 recalled AP commenting that his groin was sore while he was talking to his lawyer. WO6 confirmed that emergency services were called for AP.

Witness Officer 7 (WO7)

WO7 was not involved in any meaningful manner. All of her information was second hand from the involved officers upon their return to the detachment.

Witness Officer 8 (WO8)

WO8 was interviewed by IIU investigators on Jan. 26, 2024, and provided the following information:

WO8 was partnered with SO1 that evening and they joined the pursuit upon direction from their detachment. WO8 confirmed that he was driving and that he placed his vehicle in front of CW1's after the successful belt spike. WO8 confirmed backing the vehicle into CW1's vehicle, causing it to be immobilized.

WO8 went to the driver's door to make the arrest while SO1 went to the passenger door. Once CW1 was arrested, WO8 went to the passenger door to assist SO1. WO8 noted that AP was buckled into the vehicle. WO8 observed WO6 and SO1 take AP to the ground. WO8 assisted in the arrest of AP and confirmed that SO1 was near AP's leg area.

WO8 did not see AP kick SO1, but recalled SO1 saying stop kicking. WO8 confirmed that SO1 had a 40 mm weapon on his person while arresting AP, but did not see SO1 use the 40 mm on AP.

Subject Officer

In accordance with his rights, SO1 declined an interview with IIU. However, he did provide his supplemental report.

The report confirmed that he joined the pursuit of CW1's vehicle and that his partner was WO8. SO1 confirmed that WO8 took the police vehicle to the front of CW1's vehicle and then backed into CW1's vehicle to immobilize it.

WO8 confirmed that he went to the passenger door to arrest AP and was pointing the 40 mm weapon at AP. SO1 directed AP to exit the vehicle twice, but he did not comply. WO8 opened AP's door and again directed him to exit the vehicle without success. SO1 grabbed across AP's body to unbuckle the seatbelt, at which point AP tried to grab SO1's arm. SO1 struck AP in the face at this point and put his head down.

SO1 was able to unbuckle the seat and with the assistance of another officer, pull AP to the ground. SO1 ended up near AP's legs once he was on the ground. SO1 stated that AP kicked him

in the chest with his heel on the ground. SO1 placed AP in an ankle lock as a result. Shortly after, AP was handcuffed, which ended SO1's interaction with him.

Based on SO1's supplementary report, AP was in fact punched in the vehicle while buckled to gain compliance. Further, SO1 makes no mention of the 40 mm weapon beyond initially pointing it at the passenger door. It is clear that the 40 mm was used by SO1 on AP's lower body in relation to the arrest of AP on the ground.

Other evidence

Watch Guard

In reviewing the watch guard evidence, the following observations can be made:

- AP can be heard while on the ground to be in extreme pain. His scream in pain appears to coincide with SO1's actions to AP's lower regions.
- When AP is taken off the ground and moved towards a police vehicle, his face can be seen in the watch guard. It appears that AP is in quite a bit of pain.
- As mentioned earlier in the report, AP immediately placed his hands in the air once the passenger door was opened. For the most part, it appears that AP was attempting to cooperate and that the seat belt interfered with the officer's ability to take AP to the ground.
- Once AP is taken to the ground, there does not appear to be any kicking motion by AP to SO1's chest. AP's leg does move after SO1 has used the 40 mm weapon on AP's lower body region.
- The 40 mm weapon was used in the arrest of AP on the ground by SO1. In the video, you can see both of SO1's hands grabbing the 40mm and striking down towards AP. You can not see if the 40mm actually makes contact with AP as the view is obstructed by one of the other arresting officers.

Cell Block Video

In reviewing the cell video, the following observations can be made:

- From the moment AP appears on screen, it is obvious that he is having difficulty walking. AP appears to be grimacing while grabbing his crotch area.
- AP takes his pants off once he is placed in a cell and inspects his genital area. AP tries to lie down but appears to be in significant discomfort.
- Soon after, the paramedics are on scene.

Medical Reports

The ultrasound showed a ruptured left testicle.

Crown Opinion

On June 28, 2024, the IIU investigative file was sent to Manitoba Prosecution Service to review the matter to determine whether any Criminal Code offences should be authorized against the subject officers.

On Jan 27, 2025, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officer as follows:

Manitoba Prosecution Service (MPS) has reviewed the IIU investigation relating to the conduct of SO1. While it is always in the public interest to hold police officers accountable, there must also be a reasonable likelihood of conviction for MPS to prosecute a matter. In this case, after considering all of the available evidence, the Crown has concluded that a reasonable doubt exists as to whether the officer's use of force was excessive. Consequently, there is no reasonable likelihood of conviction.

Conclusion

Given that the Manitoba Prosecution Service's opinion is that the standard for prosecuting charges has not been met, the civilian director will not be authorizing charges.

Therefore, no charges are recommended and the IIU investigation is now completed and closed.