



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT THAT RESULTED
IN AN INJURY RELATED TO AN ARREST BY WPS**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

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Introduction

On January 27, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

“On January 26th, 2024, at approximately 6:02 p.m., Winnipeg Police Service was notified of a commercial robbery at 2305 McPhillips Street, Winnipeg, Manitoba, the Garden City Shopping Centre. The AP (affected person) was reported to be armed with an axe, attempting to flee the area. The AP entered a taxicab located in front of Goodlife Fitness and assaulted the driver by stabbing him in the neck, and then removing him from the taxi.

Members of the WPS Tactical Support Team arrived and ordered the AP from the vehicle. The AP fled on foot through the parking lot. General Patrol members were arriving in the parking lot as the AP emerged from behind some large storage containers in the lot. The AP and the police cruiser made contact while the AP was sprinting and the cruiser was also in motion. The AP was taken into custody, at which point he identified that his ankle was injured.

The AP was conveyed to the Health Sciences Centre where it was determined that his ankle was fractured and required admission to hospital for corrective surgery.”

The civilian director (CD) of the IIU determine it was in the public interest for the IIU to investigate this matter, and the IIU assumed responsibility for this investigation in accordance with section 73(1) of *The Police Services Act* (PSA). IIU investigators were assigned to this investigation. The civilian director designated one subject officer and three witness officers.

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

- Computer Automated Dispatch (CAD) Report
- 911 audio, police audio
- Officer Narrative Reports and Notes
- Security Videos from Foot Locker store, and from Canadian Tire store
- Video Statements of civilians
- Officers Involved document

No canvass or scene examination was performed by IIU investigators as the matter occurred the day prior, in a busy parking lot at the north end of the Garden City Shopping Center. The parking lot in which the incident occurred is privately owned.

Facts and Circumstances

Affected Person (AP)

On January 30, 2024, IIU investigators obtained a statement from AP, at his hospital bed at the Health Sciences Centre (HSC). According to AP, on the day of the incident he had been hearing voices in his head all day, and vehicles were going by "yelling stuff at him." AP stated that this

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has been happening for a long time and that law enforcement has been trying to get into his head. AP went on to speak about police trying to speak to him " *subliminally*" and trying to convince him to murder his family even though he loves his family and doesn't want to do anything like that.

When asked to specifically describe the incident, AP stated that people put thoughts into his head that he was working for the cartel and that he should go and rob a store, and it happened in the Garden City Shopping Center area. AP then recounts that he was running in the north parking lot trying to get away from police officers who were pointing guns at him. As he was running, a police car was chasing him from the front and turned into him, hitting him and sending him to the ground. AP stated that the vehicle had hit him so hard that he soiled his pants. AP stated that the police then came up to him and told him to shut the f* up and threatened to beat him further. AP stated that the police were laughing at him for having soiled himself.

According to AP, he was hit on his leg and it was near one of the headlights of the car (he does not remember which one). He stated that an important bone in his foot was broken and that if it is not treated properly he may have difficulty walking in the future. AP was taken to the hospital and initially to the basement. He stated that people were being " decapitated and were being killed." He was later moved to the ward where he now is.

AP is a federal inmate and was residing at a halfway house for federal inmates on Main Street.

Throughout the interview, IIU investigators note that the AP appears to be suffering from a mental illness and seems to be having delusions and paranoia.

Civilian Witnesses

CW1

On January 30, 2024, IIU investigators obtained a statement from CW1. CW1 was working as a security guard at the Garden City Shopping Centre. At approximately 6 p.m. CW1 received an emergency call from the Footlocker store regarding a suspicious male. Upon arrival, CW1 observed a male wearing a jacket and baseball cap with tattoos on his face. There was a shopping cart nearby with an axe in it. CW1 immediately called 911 and an emergency announcement was put out over the intercom to evacuate the mall.

The male (AP) became aggressive with Footlocker staff and nearby customers and started to fill his cart with stolen merchandise. The male ran off and exited the mall. CW1 observed the male put his merchandise into the back of a cab and entered the cab. CW1 was relaying this information to the 911 operator. CW1 observed the cab pull away and stopped in front of Goodlife Fitness. CW1 observed the male and the cab driver exit the vehicle and there was some sort of altercation. WPS arrived; one police SUV approached the rear of the cab, and another marked police vehicle approached the front. The male then ran north and police chased him on foot. The male was eventually apprehended by officers but CW1 did not observe this as his vision was obscured by vehicle traffic in the parking lot. CW1 also did not witness the collision. After the collision, CW1 walked towards the cab driver, who was still in the parking lot, and observed a cut across his chest. CW1 subsequently gave a statement to police.

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CW2

CW2 is the Unicity taxi driver who was involved in the altercation with AP. IIU investigators made several attempts to interview CW2, to no avail. CW2 did however provide a statement to WPS detectives on September 27, 2022. His statement is summarized as follows: At approximately 6:00 p.m. he was sitting in his taxicab just outside the Smitty's Restaurant entrance to the Garden City Shopping Center. A male approached the cab, opened the trunk, and started to put items of clothing inside. CW2 asked the male if he had pre-booked a cab and the male replied that he had. The male got inside and CW2 asked him where he wanted to go, and the male told him to start driving towards Main Street. CW2 became suspicious and asked if he had any cash, to which the male replied "no."

CW2 told him to get out and the male started punching the security divider. CW2 exited the cab, at which point the male got into the driver's seat. CW2 told him to get out. The male did so but started pushing and swinging at CW2, at which point he felt a scratch on his neck. He observed blood and a knife in the male's right hand. The male got back into the driver's seat and CW2 got in the passenger side and turned the cab off. The police arrived and the male took off running. CW2 did not observe the police arrest the male.

Witness Officers

WO1

On March 7, 2024, IIU investigators obtained a statement from WO1. On January 26, 2024, WO1 was assigned to the call with his partner, WO2. Both constables are WPS Tactical Support Team (TST) members. They were wearing a full WPS tactical uniform and were in an unmarked black Ford Explorer. They were dispatched to a call of a robbery in progress at the Garden City Shopping Center at approximately 6:02 p.m. The suspect description was a male with an axe.

They arrived at the south side of the mall and attempted to determine the whereabouts of the individual. A radio call came through that the male suspect was trying to "car jack" a taxi by Good Life Fitness, located on the north side of the mall. The officers made their way to the north side and located the taxi. There were two individuals in the taxi. WO1 brought the police vehicle to the front of the cab, fifteen to twenty feet away. According to WO1 the front passenger door opened, and a male got out, holding his neck. The passenger was pointing at the driver seat. At this point WO1 realized that the passenger was likely the taxi driver and that he may have been assaulted by the person in the driver's seat.

The driver (AP) of the taxi got out. WO1 got out of his vehicle, pointing his pistol, while WO2 had his rifle out. They challenged the driver to get on the ground and identified themselves as Winnipeg Police. The male subject was four to five feet away from the taxi. It appeared that he was about to comply and go to the ground. WO1 noted that the subject's movements and behaviour appeared erratic, possibly consistent with mental health and or drug abuse. As he motioned to go down, the subject suddenly took off running northbound in the parking lot and WO1 ran after him. As they were running WO1 repeatedly yelled at him to stop, and the subject kept looking back at him. There were a lot of parked cars. They ran past a row of parked cars and started to come into an open area of the lot. WO1 observed a marked police car with emergency lights coming to assist. The male continued to run fast and kept looking back at WO1.

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The marked car went into a position to block the subject and, at the last second, the male looked back again and then ran right into the police car, impacting it on the front fender near the driver's side mirror area. The male fell to the ground and was still attempting to get up and get away when WO1 jumped on him on the ground to restrain him. WO1 was not sure if the male had a weapon as they had a previous report of an axe, and it appeared the cab driver may have suffered an injury.

As soon as WO1 was on the ground with the subject, the two officers from the police car (that had collided with the subject), came to assist WO1, and restrained and handcuffed him. According to WO1 no force or intermediate weapons were used, and the subject was quickly subdued by the three officers. The officers brought the subject to his feet and he was brought to the police car where the uniformed officers searched him. The subject made a statement while walking to the car; *"I'm schizophrenic, I can't help it."*

WO1 observed that the taxi driver had a small cut to the left side of his neck, and a possible stab wound. EMS personnel were called. WO1 and his partner searched the scene but could not find a weapon that may have been used to stab the driver in the neck.

According to WO1, he does not believe that the police tried to hit the male subject with the police car, rather, it was the male subject who ran into the police car. According to WO1 the police car was still moving when the collision occurred. WO1 stated that the subject presented no indicators that he had been injured during the collision and had got up on his feet readily and made no statements about being injured.

WO2

On April 4, 2024, IIU investigators obtained a statement from WO4. He and his partner WO1 were operating an unmarked police SUV in the vicinity of McPhillips Street and Jefferson Avenue, when they heard a call regarding a male subject involved in shoplifting, armed with an axe, at the Garden City Shopping Center. They proceeded to the north side of the mall and received additional information that the male was possibly attempting to carjack a taxicab. They observed a Unicity taxi parked on the roadway near the Goodlife fitness centre. They approached from the east and came up to the front of the taxi. WO2 exited the vehicle and pointed his patrol rifle at the occupants as he had received information that the car-jacker was armed with an axe. The passenger of the taxi got out and started pointing towards the driver seat. The driver got out and was ordered to get on the ground. The male initially motioned as if he was bending over to go to the ground but at the last minute ran off northbound in the parking lot. WO1 immediately gave chase but WO2 stayed back as the doors to the police vehicle were wide open with the motor running. WO2 secured the vehicle. By the time WO2 got to the north part of the lot, he observed a parked police car, and the suspect was on the ground. WO2 stated that he did not observe the collision between the subject (AP) and the police vehicle. He assisted in handcuffing the male.

WO2 went back to the taxi to attend to the cab driver. He noted that the cab driver had a small amount of blood coming from his neck and had a small laceration. The driver informed him that the male subject had stabbed him in the neck. WO2 called for an ambulance to attend. WO2 did not observe any weapons either on the male subject or at the taxicab site. He briefly looked inside the cab and noticed various clothing items in the back seat.

WO3

On April 14, 2024, IIU investigators obtained a statement from WO3. He was working an evening shift with his partner, the subject officer (SO). At 6:02 p.m. they were dispatched to a robbery in progress at the Garden City Shopping Center. There was a male armed with an axe who had been threatening people at the mall. While enroute to the mall there was an update that the male had left the mall and was attempting to carjack a Unicity taxicab. Prior to their arrival on scene, another unit had arrived and found the male and taxi at the north end of the mall. The male was now fleeing on foot, northbound in the parking lot.

They came into the lot from Leila Avenue and went to the north end of the parking lot in an attempt to get ahead of the suspect and possibly cut off their escape. Halfway into the lot, they observed the male suspect running as he came out from behind some sea containers in the lot. They had their emergency lights activated. WO3 observed the male being pursued on foot by a TST member. WO3 estimated that the male subject was 20 to 40 feet away from their car. SO maneuvered the vehicle to try and get ahead of him and cut him off. WO3 observed the male kept looking behind him as he was running and could not stop in time as he was running towards the police car. WO3 stated that SO turned the steering wheel sharply to the right to avoid a collision but the male kept running straight into the car, striking the vehicle near the driver's side mirror/front quarter panel. The male immediately went to the ground. SO brought the vehicle to a stop. WO3 got out and assisted WO1 in arresting the subject.

The subject was identified as AP and was searched. WO3 found a red knife sheath in his pocket but did not find a knife. WO3 also observed that the jacket AP was wearing still had store price tags on it. While in the vehicle, AP stated that his right ankle was sore and WO3 shined his flashlight on the area and determined that it was indeed quite swollen. EMS was subsequently called to come and assess the injury. A second ambulance was also called to treat the taxi driver as he was suffering what appeared to be a stab wound to his neck.

AP was transported to HSC in stable condition. AP was later admitted.

According to WO3, at the time of the collision the police car was travelling at an estimated 20-40 km/hr. WO3 stated that he believed that AP ran into their vehicle and SO was attempting to avoid a collision by turning the wheel to the right. WO3 also stated that AP was continually looking behind him while he was running. When AP hit the car, there was a "thud" and the side mirror of the car had been knocked off.

WO3 stated that AP's behaviour appeared erratic and that he felt AP was potentially under the influence of some type of substance.

Subject Officer

On March 20, 2024, IIU investigators made inquiries to see if SO wished to provide a statement. On July 8, 2024, communication was received from SO's counsel, with SO's notes and narrative attached. His narrative indicated that he was working with WO3, and they were dispatched to a commercial robbery of a male with an axe. There was a foot pursuit. He drove through parking lot and observed a male matching the description running northbound. His view was obstructed by cars and sea cans (containers). SO attempted top block escape route. The suspect suddenly

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appeared running directly toward the cruiser car. The suspect looked back at TAC1 (WO1). AP still running; he did not see the cruiser car. SO immediately turned the car north to avoid contact with the suspect. The suspect ran into the side of the cruiser car making contact with the driver's side mirror and fender area. The suspect was taken into custody by SO, WO3 and WO1. No strikes or use of force options were applied. The male complied of an ankle injury, and an ambulance was called. The suspect (AP) was erratic and combative, behaviour consistent with methamphetamine use. The parking lot surface was full of loose wet snow causing poor traction.

Summary of Other Evidence

Medical records - AP

On February 28, 2024, IIU investigators received AP's medical records at HSC. X-rays and tests confirmed that AP had suffered a Talus fracture to the right foot and ankle and required corrective surgery to repair the fracture. The medical records mention that AP is schizophrenic and is experiencing delusional behaviour.

Review of Canadian Tire Security Camera Video

On January 30, 2024, IIU investigators attended to the Canadian Tire store located at the Garden City Shopping Center. They met with the loss prevention manager for the store, who provided video footage of the parking lot, which captured the incident. The time stamp is 6:05:08 on January 26, 2024. The camera pans to three cars parked in a line in the roadway adjacent to the mall. Two vehicles have boxed-in a third vehicle, and a lone male (AP) is seen running north bound in the parking lot. Two TST members are also in view with one officer with a carbine rifle at low ready. One of the members gives chase and runs after the male subject, moving north in the lot past parked and moving vehicles. The parking lot is snow covered and appears slippery. The view becomes obstructed by a row of rail containers in a fenced in area in the middle of the parking lot. The camera pans to the end of the containers and the male suspect runs into view, still northbound. At 6:05:22 the individual is now running in the open with no parked vehicles near him. He is running towards Leila Avenue. At 6:05:25, the red flashing lights of an approaching police vehicle are visible as is the TST officer still chasing the male.

The male then sees the approaching police car and tries to stop himself from running into its path. He is unable to stop in time and slides into the police vehicle.



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The male makes contact with the driver's side front quarter panel, just to the front of the side mirror. The AP is not standing in front of the police vehicle when he makes contact.



The brake lights on the police vehicle are activated and the vehicle continues to move forward, appearing to glide forward slightly to the right before coming to a stop.

The male then falls to the ground and lands near the rear bumper, in a sitting position and then onto his back. At 6:05:28, WO1 arrives and jumps onto his knees towards the AP. WO1 and the AP both slide on the ground.



At 6:05:33 the officers from the police car have exited their vehicle and are now assisting WO1 in controlling AP on the ground. At 6:05:41 another uniformed officer comes into view, running up from the south. At 6:05:45 the camera pans back to the scene of the boxed-in vehicle near the front of the mall and then back to the arrest scene at 6:05:51.

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At 6:06:01 the male individual is brought up to his feet by officers and is brought to the police car.

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, there are no reasonable and probable grounds to believe that the officers committed an offence. The AP was reported to be committing a robbery and carrying an axe, which resulted in an announcement to evacuate the shopping mall. The AP exited the mall and then tried to escape by taking a taxi. He then assaulted the taxi driver. The police attempted to arrest him; however, he did not comply and fled from police, on foot, in the shopping mall parking lot. Suddenly he saw a police car appear and tried to stop running, however given how fast he was running and the snowy surface, he slid into the front side panel of the police vehicle. The officers intended to use their vehicle to block the AP from continuing to run away. The evidence does not demonstrate that the police intentionally hit the AP with the police car.

In considering all the circumstances, no charges are recommended against the subject officer and the IIU investigation is now completed and closed.