



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
SERIOUS INJURIES DURING WINNIPEG POLICE SERVICE ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director: Bruce M. Sychuk

IIU File Number: 2024-0023

Date of Release: March 14 , 2025

Introduction

On April 24, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Written excerpt from the Part 7 Notification received on April 24, 2024:

April 23rd, 2024, members attended to Andrews Street in response to a high priority domestic call for service where a male was threatening to kill his girlfriend.

Members attended to gain entry to the suite by knocking on the door without success. Officers then announced to the occupants of the suite that a pass key would be obtained. A male voice yelled out declining entrance. Officers repeatedly informed the occupant to open the door to ensure the safety of those in the suite.

The door suddenly flew open and AP presented himself to officers in a very agitated and aggressive state. AP threatened to kill the officers and attacked the closest officer, swinging a closed fist twice at his head. A use of force encounter ensued during which officers were able to request backup via their portable radios. Officers immediately recognized the male was suffering from a drug-induced psychosis and requested that paramedics attend to the scene on a rush.

Paramedics subsequently conveyed the AP to the HSC in stable condition. Due to his level of drug intoxication, medical staff were not able to conduct a medical examination of the AP for over 12 hours. Once the medical examination was conducted, it revealed the AP had a fractured left orbital bone, fractured nasal bone, fractured sternum and swelling to his right eye. The attending physician was unable to determine if the injuries were recent or historic.

As this matter concerned injuries during an arrest, the IIU assumed responsibility for the investigation in accordance with Sec. 75(1) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- computer-aided dispatch history
- 911 call audio
- use-of-force report
- medical reports

The civilian director designated one subject officer (SO) and six witness officers (WO1 to WO6). IIU investigators also received information from four professional witnesses (PW1 to PW4), two civilian witnesses (CW1 to CW2) and AP.

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

Facts and Circumstances

Scene Examination

No scene examination was completed by the IIU. Canvassing of the area was conducted by the IIU, however, no further evidence was received.

Interviews

Affected Person

AP was interviewed by IIU investigators on April 25, 2024, and provided the following information:

AP stated that he was sleeping when he heard a knock at the door of his suite. AP confirmed that he was informed that it was police at the door and that they stated they would get the caretaker to open the suite if AP did not answer.

AP opened the door and was immediately punched repeatedly in the face by a male officer. AP went to the ground where the assault continued. AP stated that more officers came and joined in on the assault. AP stated that one stomped on him, breaking his sternum. AP stated that he was not resisting arrest and that the assault went on for approximately 10 to 15 minutes.

Civilian Witnesses

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on April 25, 2024, and provided the following information:

CW1 confirmed that she heard AP arguing with a female prior to the police's arrival. CW1 stated that she heard AP threaten to kill this female. CW1 stated that just before police arrived, AP was yelling out on his balcony.

Police arrived and AP went silent at his residence. CW1 heard police state that they were there for a safety check and to open the door. AP came to the door after some time and swore at the officers. As AP continued to swear at the officers, CW1 heard the officers say calm down and that they needed to check the suite for the female.

CW1 observed two more officers attend and enter AP's room. CW1 continued to hear officers tell AP to calm down and that he needed to stop keeping them from doing their jobs. AP continued to yell and swear at the officers.

Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on April 25, 2024, and provided the following information:

CW2 confirmed that she had been in a verbal argument with AP earlier in the day and assumed a neighbour must have called police to attend. CW2 had left prior to police attending and AP was gone when she returned.

Professional Witnesses

Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on July 15, 2024, and provided the following information:

PW1 attended to the medical care of AP after he was arrested. AP was already handcuffed and had a cut over his eye. AP stated that he had chest pain, however PW1 did not identify any traumatic injuries. PW1 confirmed that AP was sedated as he was agitated.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on July 15, 2024, and provided the following information:

PW2 was partnered with PW1 and confirmed that AP was already in handcuffs. PW2 noted a laceration over AP's eye and that AP was sedated because of his agitated state.

Professional Witness 3 (PW3)

PW3 was interviewed by IIU investigators on Sept. 19, 2024, and provided the following information:

PW3 confirmed that AP was already arrested when he attended to the scene. PW3 recalled that AP was uttering threats towards the officers and the paramedics. AP was soon sedated as a result.

Professional Witness 4 (PW4)

PW4 was interviewed by IIU investigators on Sept. 24, 2024, and provided the following information:

PW4 confirmed that AP was in handcuffs when he arrived. AP did not observe any officer assault AP while he was present. PW4 confirmed that AP was agitated upon his arrival.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on July 15, 2024, and provided the following information:

WO1 confirmed that they attended AP's residence because of a domestic violence call from a neighbouring suite. WO1 knocked on the door, requesting AP to let them in, and he denied access. WO1 threatened to get the caretaker to give them a key to AP's suite, at which point AP opened the door.

WO1 observed AP to be sweaty, agitated and that his eyes were very red. AP said he hated cops and swung at SO. SO was able to deflect AP's punch and a struggle ensued. WO1 told AP he was under arrest for assaulting SO. AP took a fighting stance and a second struggle ensued.

SO struck AP in the face, resulting in AP going to the ground. AP then stuck his legs up and tried to kick SO. WO1 and SO worked together to turn AP onto his stomach to place handcuffs on his wrist. WO1 put a shin pin on AP's back while attempting to handcuff his left wrist. SO struck AP two more times in the face in an effort to get AP to give up his right wrist to be handcuffed.

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

AP was handcuffed and WO1 went to clear the suite. WO1 returned within seconds to AP and SO. WO6 came into the suite soon after.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on July 9, 2024, and provided the following information:

WO2 was partnered with WO5 and attended AP's suite to assist WO1 and SO. WO2 could hear AP screaming incoherently when they arrived on scene. WO2 confirmed that AP was already handcuffed when he entered the suite. AP kicked WO5 in the shin, so WO2 put AP back on his stomach and placed a shin pin on his back. AP was threatening the officers and banging his head against the floor. Paramedics arrived and sedated AP because of his agitated state.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on July 24, 2024, and provided the following information:

WO3 was partnered with WO4. They attended AP's suite to assist the original officers with AP's arrest. WO3 observed AP already to be arrested upon arrival. WO3 looked around the suite to ensure that the domestic partner was safe.

WO3 recalled AP flailing his body and yelling, but he did not observe any use of force by anyone.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Aug. 1, 2024, and provided the following information:

WO4 confirmed that he and his partner were sent to assist the original officers in AP's arrest. As they arrived at the suite, WO4 heard someone yell "I'll fucking kill you" and then observed AP on the ground with handcuffs, thrashing his body on the ground. WO4 confirmed there was a laceration to AP's forehead.

WO4 did not observe any use of force by officers towards AP.

Witness Officer 5 (WO5)

WO5 was interviewed by IIU investigators on July 9, 2024, and provided the following information:

WO5 was partnered with WO2 and attended AP's residence to assist in his arrest. AP was already handcuffed when WO5 arrived and was yelling and swearing. AP managed to get on his side and kick WO5 in the shin. WO5 put AP back on his stomach and placed a shin pin on his back.

AP was banging his head against the ground, causing a laceration to his forehead and threatening to kill the officers. WO5 observed paramedics sedate AP because of his agitated state.

Witness Officer 6 (WO6)

WO6 was interviewed by IIU investigators on July 5, 2024, and provided the following information:

WO6 attended on his own to assist in the arrest of AP. WO6 observed AP in handcuffs and witnessed AP kick WO5 in the shin. WO6 went to his vehicle to obtain a leg restraint. WO6 returned and other officers were present so he couldn't enter the suite. WO6 handed the leg restraint to another officer. WO6 could hear AP yelling and swearing and officers telling AP to stop resisting.

Subject Officer

In accordance with his rights, SO declined an interview, however, he did provide his notes, which stated the following:

SO attended AP's residence on a domestic violence call. SO listened at the door. SO could hear footsteps and that a TV was on. SO knocked on the door, announcing "Winnipeg Police Service" and to open the door. SO stated that they needed to ensure the well-being of all occupants. SO stated that there was no answer to the request.

SO continued to knock on AP's door and stated that they will get the caretaker to let them into the suite if necessary. AP responded that he did not have to let anyone in the suite. SO again knocked on the door and requested that it be open.

AP opened the door and yelled that he was going to kill them and swore at them. AP swung twice at SO's face, but SO blocked it with his arm and shoulder. SO yelled stop and for AP to get on the ground. AP was not complying, so SO struck AP five to seven times in the upper body and face. AP was grabbing at SO's left arm and stomped on SO's right foot.

SO continued to request AP to get on the ground and stop resisting. AP was not complying and continued to grab at SO's left arm. SO took AP to the ground and he was lying on his back. AP punched SO while on his back, two to three times in the chest. AP continued to not comply with police directions and continued to yell that he hates cops.

SO continued to request AP to stop resisting and to give up his hands. AP continued to not comply, resulting in SO striking AP eight to 12 times in the face and body. These strikes allowed SO and his partner to gain control of AP and turn him over to his stomach. AP continued to thrash and yell while kicking his feet towards the officers, making it difficult to handcuff AP.

SO was able to kneel on AP's back while he continued to resist and thrash. SO applied four to five hand strikes to AP's back and side. These strikes allowed the officers to handcuff and arrest AP. AP continued to yell at the police.

Other members attended and cleared the suite. AP attempted to kick one of the other officers, so a rip-hobble was placed on his legs to prevent further kicks.

SO noted that emergency services were called, as they suspected AP was high on meth. Emergency services had to sedate AP when they arrived.

Other evidence

Medical Report

Medical report confirmed a fracture to the sternum, left ribs, left orbital fracture and nasal fractures. Medical reports could not determine the age of the orbital fracture.

Use-of-force Report

The use-of-force report is consistent with the evidence of SO and WO1's evidence. It should be noted that the struggle between AP and the officers was in a small, confined space (hallway). Both officers noted that they could not use a taser because of the small area. Further, the report noted that SO's strikes on AP had minimal affect because of AP's suspected meth use.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sections 25(1), 25(3) and 25(4) of the Criminal Code of Canada have been emphasized here for consideration:

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

(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

Conclusion

Following due consideration of all the circumstances of this matter, including the relevant legal authorities, I am satisfied that the use of force by the subject officer in relation to the affected person was reasonable in the circumstances. Therefore, no charges are recommended and the IIU investigation is now completed and closed.