



**IN THE MATTER OF AN INVESTIGATION INTO A MOTOR VEHICLE COLLISION
NEAR THOMPSON THAT INVOLVED A POLICE VEHICLE**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director: Bruce M. Sychuk

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Introduction

On June 1, 2024, 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 the Part 7 notification received June 3, 2024:

On June 1st, 2024, at approximately 3:45 am, SO1 was driving a police vehicle with AP on the road from Split Lake to Thompson. WO1 was in another police vehicle ahead of SO1.

Approximately 21 kilometers from Thompson, SO1 entered the ditch with AP. EMS was dispatched and both SO1 and AP went to the hospital for treatment. AP suffered a broken thumb, 2 lacerations to the hair line and fracture to the C4 & C5 vertebrae. AP was later transported to HSC in Winnipeg for surgery.

SO1 was taken to Thompson hospital and later released after being medical cleared.

As this matter concerned bodily injuries to the AP, 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:

- audio recordings
- notes, narratives and summaries from law enforcement
- crash data
- scene photos and medical records
- collision investigation report
- computer automated dispatch (CAD)

The civilian director designated one RCMP officer as the subject officer (SO1) along with one witness officer (WO1). The affected person (AP) also provided relevant information to the investigation.

Facts and Circumstances

Scene Examination

IIU members attended to review the scene and were provided all relevant photos along with the Forensic Collision Report (FCR). IIU did not canvass the area for potential witnesses as the incident occurred on the highway with no residences in the area.

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Interviews

Affected Person (AP)

AP was interviewed on Sept. 9, 2024 and provided the following information:

On the day of the incident, AP had been arrested by the band constable and held in a cell for the purpose of transportation to Thompson by the RCMP. RCMP arrived late in the evening or early morning to transport AP along with other individuals to the Thompson detachment.

AP was placed in SO1's vehicle alone. AP was handcuffed with his hands in front of him. AP was not buckled in by SO1 as they travelled towards Thompson. AP recalls that SO1's vehicle was travelling behind a second RCMP vehicle towards Thompson.

AP decided to lie down in the back seat of the vehicle to get some rest on the journey and fell asleep. The next thing AP recalls is that he was being thrown around in the back of the RCMP vehicle. AP recalls being very sore and that SO1 opened the door to provide him a cigarette and advised AP not to fall asleep. AP believes the ambulance came to the scene approximately half an hour later.

AP does not recall if the vehicle rolled over or not. AP advised the investigators that when he looked back to where the vehicle left the road, he did not observe any tire tracks. AP is familiar with the road and informed the investigators it is packed gravel and does not have any streetlights.

AP further stated that SO1 appeared to have an injury to his forehead. AP noted to the investigators that SO1 made a comment that he was tired from working too much and fell asleep. AP had surgery to his spine as a result of the incident.

Witness Officer 1 (WO1)

WO1 was interviewed on Oct. 3, 2024 and provided the following information:

WO1 and SO1 were dispatched to retrieve arrested individuals and transport them to Thompson. WO1 and SO1 decided to separate AP from the other arrested individuals for the purpose of transportation.

WO1 confirmed to investigators that he was the lead vehicle on the highway heading towards Thompson with SO1 travelling a safe distance behind. Roughly 15 minutes away from Thompson, WO1 heard a radio transmission from SO1 requesting that he turn around and assist SO1. WO1 looked in his rearview mirror and could see the red and blue lights of SO1's vehicle behind him.

WO1 attended the scene and observed SO1's vehicle upright in the ditch having suffered some damage to the body of the vehicle. WO1 noted that some of SO1's vehicle airbags went off, but it did not appear that the driver's side airbag deployed.

WO1 observed AP in the back of SO1's vehicle lying down. WO1 asked AP what had happened and was told by AP that he does not know what happened. AP informed WO1 that he was in pain and WO1 confirmed that medical services were on their way.

WO1 asked SO1 what happened and was informed by SO1 that he did not recall what happened. SO1 informed WO1 that he just recalled waking up in the ditch.

WO1 informed the investigators that the road was packed gravel and did have some areas near the incident that had washboard (holes) conditions. WO1 noted that there were no streetlights in the area.

WO1 confirmed to the investigators that both WO1 and SO1 had been working very long days before the incident. WO1 estimated that both WO1 and SO1 had worked 16 straight hours prior to the incident.

Subject Officer 1 (SO1)

SO1 declined to be interviewed as of right.

Other evidence

IIU received a copy of the FCR which provided the following position:

From the examination of the scene and the examination of SO1's vehicle, it was determined that SO1's was traveling southbound on the highway, when it failed to maintain its lane of travel and veered off the road, down a steep embankment and into the ditch. Once in the ditch, SO1's vehicle traveled a short distance before coming to rest.

The cause of this collision was distraction or inattention by the driver.

Crown Opinion

On Nov. 22, 2024, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officer. Manitoba Prosecution Service noted the following:

After reviewing all the evidence, the Crown is of the opinion that there is no reasonable likelihood of conviction in relation to this matter. The decision to drive was born out of necessity for public safety and fairness to the person in custody. The officer was operating the vehicle safely and within the posted speed limit.

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.

Accordingly, the IIU has completed its investigation, and the matter is now closed.