

October 30, 2018

IIU concludes investigation into death in custody following arrest

The Independent Investigation Unit (IIU) has concluded its investigation into the death of a man following his arrest and detention in August last year. No police officer will face any charges as a result of the incident.

In the afternoon of August 9, 2017, police gave chase on foot to a man suspected of carrying a firearm in a duffle bag. One officer reported that after police caught up with the man, he moved his hand toward his waist. This officer delivered a single kick to the man's left mid-section, followed by a single punch to the face. A semi-automatic rifle with an attached scope was found in the suspect's duffle bag.

After being arrested and taken to the Division 13 police station, the man complained of sore, and possibly broken, ribs. According to the same officer, the man kicked and attempted to punch him, and a second officer intervened by delivering a punch to the man's abdomen. The man was then taken to Seven Oaks General Hospital due to his complaint of sore ribs where, according to medical records, there were no visible signs of injury. In addition, he was sent for an x-ray and, according to the attending physician, no breaks or fractures to the ribs were noted. He was discharged from hospital in the early morning of August 10.

However, later that morning, a hospital medical entry stated the man had suffered a fractured rib. That information was entered after the man left Seven Oaks with police officers and no information gathered by the IIU during its investigation suggested police knew about that injury when they left hospital to take their suspect to the Winnipeg Remand Centre.

At the remand centre, the man was placed on a medical wing due to his complaint of sore ribs. During the afternoon of August 11 he went into medical distress and was transported to the Health Sciences Centre, where he underwent a splenectomy and later died the evening of August 13.

An autopsy report noted the cause of death was complications of hypovolemic shock due to or a consequence of a laceration of the spleen following blunt trauma of the torso. The pathologist also noted fractures of two left ribs, with hemorrhaging in the surrounding soft tissues, and lacerations on the man's spleen. The pathologist noted his injuries were consistent with a powerful blow to his left flank.

IIU forwarded its investigation file to Manitoba Prosecution Services to seek an opinion on whether any *Criminal Code* charges should be laid. Manitoba Prosecution Service advised IIU that this matter did not meet the prosecution charging standard as there was no reasonable likelihood of conviction and, accordingly, no charges would be authorized against either involved officer.

The final report summarizing the IIU investigation is available at www.iumanitoba.ca. The details of this investigation were first released on August 17, 2017.

There will also be an inquest into this death, as required under the *Fatality Inquiries Act*.

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Information on the IIU can be found at www.iumanitoba.ca or at www.twitter.com/IUManitoba