

FINAL REPORT: IIU concludes investigation into injury to suspect following police pursuit near Flin Flon

On August 1, 2018, the Royal Canadian Mounted Police (RCMP) notified the IIU of an incident in which RCMP officers from various detachment areas were involved in a motor vehicle pursuit that resulted in a collision with another vehicle. A male suspect ran from the collision scene and was apprehended by RCMP officers soon after. The male suspect (later identified as the affected person (AP)) received bite injuries to his leg caused by a Police Dog Service (PDS) animal and was later determined in hospital to have also suffered cracked or fractured ribs, possibly from collisions he was involved in.

The salient portion of this notification read, in part:

“On July 31, 2018, at approximately 15:19 hrs, Creighton RCMP(Saskatchewan) received a report of a Kidnapping that just occurred at a convenience store on Main Street in Creighton, Saskatchewan. The driver of a White Ford F150 pickup truck, bearing Sask licence plate, had driven to the store and left her three year old daughter strapped in a car seat, in the back. The female driver left the vehicle unlocked and running while she entered the store. Within a short time, the female driver looked outside and observed her truck backing out of the store parking lot, with her child still in it. The female gave chase on foot, however, was unable to catch up to the truck, which sped away.

The female notified Creighton RCMP, who in turn notified Flin Flon RCMP, to be on the lookout for the vehicle;

Flin Flon RCMP officers spotted the vehicle travelling on Main Street in Flin Flon and they activated their emergency equipment to make a vehicle stop. The stolen vehicle failed to stop and sped away, causing a pursuit.

Flin Flon RCMP did not terminate the pursuit as they feared grievous bodily harm might befall the three year old child if they lost sight of the stolen vehicle.

The pursuit involved three vehicles in total, two from Creighton Saskatchewan, with two officers in each vehicle, and one vehicle from Flin Flon with a single officer in it. The pursuit headed south on Highway 10 to Cranberry Portage. A spike belt was successfully deployed by a Cranberry Portage member 20 kms north of Cranberry Portage. The disabled vehicle continued driving south for 20 kms and eventually rear ended another vehicle which was also travelling south in Cranberry Portage. The pickup truck did not travel any further after the impact and the SUS ran into the nearby bushes. Officers from Creighton, Flin Flon, The Pas, and Cranberry Portage set up a perimeter and secured the area until The Pas PDS attended on scene. In total 19 officers were involved from all the attending detachments in Cranberry Portage;

Shortly after PDS attended the suspect was apprehended hiding behind a nearby residence. The Police Dog was deployed and the SUS received a minor injury to his right ankle from a dog bite;

The three year old girl was uninjured and united with her family who arrived on scene. The occupant of the vehicle that was struck by the stolen vehicle was taken to hospital in Flin Flon and released after examination.”

As a fractured rib is defined by regulation 99/2015 as a serious injury, this matter is deemed a mandatory investigation and the IIU assumed responsibility for this investigation in accordance with section 65(1) of *The Police Services Act* (PSA). A team of IIU investigators was assigned to this investigation.

Information obtained by IIU investigators included:

- RCMP officers’ notes and narrative reports;
- police radio transmissions;
- scene photographs;
- PDS report;
- pursuit report;
- occurrences summary;
- witness statements;
- in-car video recordings.

Four RCMP members were designated as subject officers (SO1- SO4) while five RCMP members were designated as witness officers (WO1 – WO5). Three other RCMP members were from Saskatchewan and could not be designated as witness officers under the provisions of the Manitoba PSA.

IIU investigators received and reviewed audio recorded interviews of seven civilian witnesses and personally interviewed three additional civilian witnesses (CW1- CW3). IIU investigators attempted to meet with and interview AP. Despite all attempts, AP declined all invitations to speak with IIU investigators and refused to participate in any form of interview. As a further consequence, IIU investigators could not obtain a consent for the release of his medical records and, accordingly, could not confirm by what means and to what extent AP sustained injuries.

Facts and Circumstances

A review of all the information from this investigation (referencing the evidence from the most significant witnesses or sources) disclosed that shortly after 4:00 p.m. on July 31, 2018, Creighton RCMP (Saskatchewan) received a report that a white truck with a young child in it had just been stolen from outside a convenience store in Creighton, Saskatchewan. Information regarding this incident was immediately broadcast over police radio channels.

Creighton, Saskatchewan is located approximately 10 minutes from Flin Flon, Manitoba. WO1, a member of the RCMP Flin Flon detachment, heard via the Operation Command Centre (OCC) that Creighton RCMP had reported a kidnaping involving a stolen truck. A description of the vehicle was given. SO1, also a member of the RCMP Flin Flon detachment, was at a gas station and came on the radio to advise that a vehicle matching that description “blew” past him and he intended to give chase. SO1 said the stolen vehicle was travelling southbound on Manitoba Highway #10. SO1 advised that the stolen vehicle was gaining distance from him and he was unable to catch it due to the high rate of speed it was travelling. RCMP detachments at The Pas and Cranberry Portage were asked to assist in attempting to stop this vehicle. WO1 took on the role of pursuit supervisor.

At no time did WO1 know who was driving the stolen truck. WO1 knew that a three-year-old child was in the truck and was constantly assessing risks throughout the pursuit. Without knowing who the driver was, what the driver's state of mind or intentions were, and the risk to the child, WO1 decided that the pursuit should continue. No police vehicle had vehicle-to-vehicle contact with the stolen vehicle. WO1 was aware that all police vehicles involved were fully marked with the RCMP signs and logos. From the radio transmissions, WO1 could hear that police vehicles involved had their audible emergency sirens activated during the incident. WO1 considered all other available options and preferred a plan to deploy a spike belt on the safest stretch of Highway 10 in order to cause the least amount of damage. SO1 continued to describe the stolen vehicle as travelling at speeds estimated at 170 km/h.

SO2, a member of RCMP Cranberry Portage detachment, communicated with WO1 to ask what plan of action would be implemented. WO1 was advised and aware that SO2 was ready to deploy his spike belt if required. The plan was for SO2 to set up on a stretch of the highway and, if the stolen vehicle made it as far as his position, to deploy a spike belt to try to disable it. SO2 was aware that a child was inside the stolen vehicle and that it was necessary to stop it and safely recover the child. SO2 had activated his police vehicle's emergency lighting. SO2 saw the stolen vehicle, which made no attempt to stop. SO2 deployed the spike belt across the highway and the stolen vehicle passed over it without stopping or slowing. SO2 said the stolen vehicle was travelling at high and excessive speeds. SO2 took up the pursuit of the stolen vehicle.

The stolen vehicle entered into the town of Cranberry Portage. SO2 was approximately half a kilometer behind it. SO2 saw the stolen vehicle collide with another vehicle that was pushed the road and into a ditch. As SO2 arrived at the collision site, he saw a male in a ditch and climbing a fence. The child was safely recovered and did not suffer any injuries.

Existing RCMP pursuit and use of spike belt policies were reviewed and it was determined that all actions by the pursuing RCMP members were within policy guidelines and the use of the spike belt was appropriate for the circumstances.

WO2, a member of the RCMP The Pas detachment, was aware that there was an ongoing pursuit involving a stolen truck with a young child in it. He and WO3 responded to the call and made their way toward Cranberry Portage from The Pas. The plan was that they would consider using a spike belt if the stolen vehicle made it that far. WO2 was aware that RCMP Cranberry Portage members were also involved and the consideration was for those members to be the first to deploy a spike belt. If that deployment was unsuccessful, WO2 would be the secondary member to deploy a spike belt, if required. WO2 was two to three miles south of Cranberry Portage when he heard SO2 broadcast over the police radio that he had successfully deployed a spike belt but the pursuit was continuing into Cranberry Portage, where the stolen vehicle was involved in a collision. WO2 heard that a male driver from the stolen vehicle had run off into the bush. Upon arrival in Cranberry Portage, WO2 saw a white truck with significant damage and another vehicle in the ditch.

SO3 is a Police Dog Service (PDS) officer of the RCMP The Pas detachment. SO3 was aware that a police pursuit had taken place, that a collision occurred in Cranberry Portage and that a male had fled the collision scene. Police officers had contained an area near the collision and were actively searching for the male. Upon his arrival, SO3 deployed his PDS dog, in company with WO4. In a short time, the PDS dog picked up on a track, leading the officers to a portable

car shelter. The PDS dog gave a strong indication that it had located the male suspect inside this shelter. SO3 shouted, "You're under arrest, come out." Receiving no response, SO3 then shouted, "It is the police, come out or I'm sending in the dog." Again there was no response. SO3 assessed the situation to be high risk: it was unknown if the suspect was in possession of weapons; the suspect was highly motivated; the suspect had gone to extreme measures to evade and hide from police and the suspect refused commands to surrender. As a result, the PDS dog was sent inside to detain the suspect. The male suspect, later identified as AP, was located inside the shelter. The PDS dog took hold of AP's right hand and then took hold of AP's right thigh. SO3 began to pull AP from his hiding spot. SO3 then ordered the dog to release and then re-engage taking hold of AP's lower right leg above the ankle, as AP was refusing to follow SO3's commands. Other officers arrived and handcuffed AP. AP was taken to a hospital in Flin Flon and treated for dog bites. During AP's examination at the hospital, SO3 was advised by medical staff that AP had damaged ribs and possible internal injuries, which likely resulted from the collision or a separate incident.

WO3 was a member of the RCMP The Pas detachment. On learning of the incident involving a stolen vehicle containing a child, for which RCMP The Pas was asked to assist, she and WO2 made their way to Cranberry Portage. WO3 heard over the police radio that a spike belt had been deployed; that a motor vehicle collision had occurred; and that a male, thought to be the driver of the stolen vehicle, had fled on foot from the collision in Cranberry Portage. Upon arrival in Cranberry Portage, WO3 saw a damaged vehicle on the road and another vehicle in a ditch. She was aware that a police dog was searching the area. She heard over the radio that a male had been located hiding in a temporary garage tent.

WO4 was a member of RCMP The Pas detachment. Upon arrival in Cranberry Portage, he joined SO3 to assist him with tracking the male suspect. According to WO4, when the PDS dog tracked the suspect to a temporary carport tent, SO3 began shouting warnings and commands to the suspect about the police presence and to come out or the dog would be sent in. When there was no response to the warnings, the PDS dog was released into the tent. The dog located the male suspect and took hold of his wrist, then his ankle. Officers were able to handcuff the male without further struggle.

The RCMP use of PDS dog policy was reviewed and it was determined that the use of the PDS dog in these circumstances was in all respects a textbook example of appropriate use.

It should be noted that SO4, who was involved in the pursuit of the stolen vehicle, was determined by IIU investigators to have minimal involvement in the overall incident.

Conclusion

This investigation has determined:

- SO1- SO4 were all lawfully placed and on duty at all relevant times;
- AP stole a vehicle containing a child, and drove away in an effort to avoid apprehension;
- It is unknown whether AP was aware there was a child present in the stolen vehicle or what, if any, his intentions were as AP refused to cooperate with this investigation;
- RCMP members knew that a child was in the stolen vehicle and knew they had to act cautiously to minimize the risks to the child and others;

- All acts and actions by SO1- SO4 were within RCMP policies and appropriate for the situation;
- AP's refusal to cooperate prevented IIU investigators from determining the source and extent of any injuries he may have sustained, although the injuries to his ribs are consistent with the collision he was involved in and the bites are consistent with the interaction with the PDS dog;
- AP drove the stolen vehicle at very high rates of speed, appeared to have no intention of stopping his vehicle and took all steps available to evade the police;
- Fault and responsibility for the collision rests solely with AP;
- The use of the PDS dog to apprehend AP was appropriate following AP's failure to surrender on command and SO3's analysis of the situation.

I am satisfied that the evidence gathered supports the singular conclusion that the collision was the sole responsibility of AP. SO1, SO2 and SO4 did not exceed their authorities in pursuing AP and using the spike belt to stop him.

I am also satisfied that when AP was located following his flight from the collision, he was not prepared to surrender to police or comply with their direction to stop. A PDS dog is an intervention and use-of-force tool to be used by a police officer as circumstances dictate. Proper training, control, assessment of the situation and consideration of all other forms of reasonable options are factors to be reviewed to determine appropriateness and authorization. In these circumstances, SO3 was in the lawful execution of his duties when he became involved in tracking and locating AP. He was aware that this was a high-risk situation.

SO3's decision to deploy and engage the PDS dog was appropriate in all of the circumstances. It is evident that AP was intent on avoiding capture. He would continue to flee from police unless properly restrained. Once AP was subdued, handcuffed and in police custody, he was transported to hospital for appropriate medical treatment for his injuries. As previously stated, I am satisfied that SO3's use of the PDS dog was in keeping with the relevant RCMP policy.

I am not satisfied that any of SO1 - SO4's conduct gives rise to any reasonable or probable grounds that a Criminal Code or other statutory offence occurred. No criminal or statutory offence should attach to any of the subject officers.

The IIU investigation is now complete and this file is closed.

Final report prepared by:

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Independent Investigation Unit
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