

FINAL REPORT: IIU concludes investigation into collision between suspect and WPS cruiser

On October 24, 2018, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of a motor vehicle collision between a police cruiser and a pedestrian that occurred on Alfred Street in Winnipeg. As a result of this incident, an adult male (later identified as the affected person (AP)) was taken to hospital where he was diagnosed with a fractured pelvis and required surgery to repair the injury.

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

IIU investigators obtained and received:

- agency information from WPS, including officer notes and reports;
- call history reports;
- photographs of the police cruiser, depicting damage to the front passenger rim and lower fender;
- GPS data;
- prisoner logs and prisoner injury reports;
- medical report respecting AP

The WPS officer who operated the police cruiser that collided with AP was designated as the subject officer (SO). Two other WPS officers were designated as witness officers (WO1-WO2). IIU investigators met with and interviewed AP. IIU investigators also met with and interviewed a civilian witness (CW). In addition, IIU investigators spoke with the attending physician who dealt with AP on his initial admission to hospital.

Under the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, SO agreed to provide her notes and written report to IIU investigators. SO declined a request to attend for an in-person interview with IIU investigators.

Facts and Circumstances

On October 24, 2018, at approximately 3:00 p.m., SO and WO1 were in a police cruiser conducting a general patrol in the William Whyte area of Winnipeg when they observed AP standing at the corner of Salter Street and Burrows Avenue. SO and WO1 were aware of the existence of a warrant for the arrest of AP. They called him over to the police cruiser to speak with him regarding this matter. AP immediately fled on foot, southbound on Salter Street. WO1, the passenger in the police cruiser, exited and pursued AP on foot. WO1 observed AP to run northbound and then through a yard towards Alfred Avenue. SO, who was the driver of the police cruiser, drove northbound on Salter Street then westbound on Alfred Avenue, attempting to get ahead of AP. AP darted in front of her police cruiser as he tried to make good his escape

and there was a collision. AP was placed under arrest. Shortly after, AP complained of leg pain. SO and WO1 transported AP to Seven Oaks General Hospital (SOGH) for a medical assessment. A subsequent CT scan revealed AP had sustained a bilateral pelvic fracture. AP was immediately transferred to the Health Sciences Center (HSC) for further treatment.

Scene and Forensic Information

No traffic reconstruction personnel nor any other forensic traffic units attended the scene of the collision as SO and WO1 had left the area with AP to attend for medical treatment. The data recorder from the police cruiser was not downloaded and it would be virtually impossible to determine if there was any data on the recorder from this incident.

Had the Traffic Services Unit been called to the scene they may have assisted the investigation by obtaining scene measurements and photographs as well as any Data Recordings that may have been available. The GPS data is of little assistance as the readings around the time of the collision are spaced one minute and two seconds apart. GPS data reported the police cruiser travelling at 30 km/h at 2:59 p.m. and the next recorded speed is 0 km/h at 3:00 p.m. The collision occurred somewhere between those two times.

Following a review of all the available evidence, no malicious intent is ascribed to WPS in this regard. While it would be desirable to have the forensic evidence and analysis available to IIU, its absence had no material effect on the quality of the investigation or the conclusions made.

Affected Person

AP advised that, on October 24, police tried to pull him over and told him to come to their car. He told them off and said “*they couldn’t stop him and he knew his rights.*” He said he then took off running. AP said the male police officer chased him on foot and the female officer drove the car. AP thought he lost the officer who was chasing him on foot. He was running across the street and saw a police car coming down the street. As he made the boulevard, the police cruiser turned and hit him. AP told investigators he was hit by the driver’s side head light, rolled over the car and then was run over by both passenger side tires. AP stated the police surrounded him, handcuffed him and threw him in the back of the police cruiser. AP said the police drove him to SOGH. AP confirmed only two police officers were dealing with him; one was female and the other was male. He said there was one warrant for his arrest.

Civilian Witness

CW contacted IIU investigators in response to a request for witnesses issued by IIU. CW reported that he had observed the incident. CW advised that around 3:00 p.m. on October 24, he was travelling south on Salter Street when he observed a police car with flashing lights and siren on, travelling northbound in both the north and south bound lanes. CW watched the police cruiser turn westbound from Salter Street. He said the police cruiser was moving slowly, “*not even doing half of 50 km/h.*” CW said he then saw a male dash out from the south side of the street, running diagonally in a northwestern direction and in front of the police cruiser. The police cruiser turned to the northwest as well. CW stated the male appeared to run into a fence and bounce back onto the boulevard, at which time it appeared the police cruiser ran over him on the front passenger side. According to CW, the actions of the police cruiser was not consistent with how one would drive if they wanted to run over someone. CW said the police cruiser was

stopping, not “*screaming up*” on him. He assumed the male was under the car since he did not start running again.

Witness Officers

WO1 was working with SO that day. He observed a male who he knew had an outstanding warrant for his arrest (later identified as AP). He called AP over to the police cruiser. However, AP took off running away. WO1 jumped out of the police cruiser and pursued AP on foot through yards on Salter Street and Burrows Avenue. The foot pursuit ended up on Alfred Avenue. As WO1 ran through a yard, he observed the police cruiser up on the curb on the north side of Alfred Avenue, facing west. SO was with AP, who was on the ground to the right of the police cruiser. WO1 did not see AP struck by the police cruiser. WO1 said AP was complaining of hip pain so he was transported to SOGH. AP did not say how he was injured and SO said she thought she had hit him with the police cruiser.

WO2 was the shift supervisor when he heard a broadcast that SO and WO1 were in pursuit of a male. SO then voiced that she had a male in custody. WO2 attended to the area and located SO’s police cruiser on Alfred Avenue. SO and WO1 had a male in custody. AP was complaining of leg pain so WO2 told the officers to take him to SOGH for medical clearance, prior to him being processed. Later that day, SO told WO2 that AP hit her car. AP did not tell WO2 what caused his injuries. WO2 said that no Traffic Services Unit members were contacted or involved as the incident did not appear traumatic or severe. Additionally, AP was conscious and talking.

Subject Officer

According to SO’s narrative, WO1 was in a foot chase with AP. SO began driving to the area they were headed. SO drove to Alfred Avenue, made a westbound turn and began searching the south and north side of the streets, driving at approximately 20 km/h. SO soon observed a figure, causing her to turn her head quickly to the driver’s side window. She observed a male running across the middle of the road and it appeared he was looking over his left shoulder. Before she could react, the male ran into the side of her police cruiser car. The impact caused her to jerk the steering wheel to the right. SO saw the male cross the front of the police cruiser car while still on foot. SO immediately stopped the police cruiser on the boulevard. SO exited the cruiser car to continue the chase as it appeared to her that the male was still running. As SO came around the front of the police cruiser, searching routes of escape, she saw a male laying on the boulevard holding his right leg to his chest and complaining that his leg hurt.

Medical Records and Discussion with Physician

The medical report received from SOGH states AP was struck by a police car travelling under 20 km/h, while running away from officers. AP was diagnosed with a fracture of his pelvis and hemorrhage to his pelvic artery. The attending physician was contacted to see if he could determine if AP’s injuries were caused by him being struck by a car or if he was run over by a car. The attending physician was unable to comment on the causation of the injuries. However, according to this physician, while AP was not forthcoming with a lot of information, he did mention being struck by a vehicle. The physician did not recall AP ever saying that he was run over by a vehicle.

Conclusion

This investigation has determined:

- WPS officers were lawfully placed and on general patrol when they initiated contact with AP;
- AP was known to SO and WO1 and known to be wanted on a warrant for his arrest;
- AP ran from police in response to a request to attend at their police cruiser;
- WO1 pursued AP on foot while SO pursued AP in her police cruiser;
- SO, while searching for AP, operated her police cruiser at low speeds (between 20 and 30 km/h);
- AP ran between houses on Alfred Avenue with his attention towards his foot pursuer.

AP claimed to have been run over by the police cruiser. SO made no comment about this in her statement other than she turned her vehicle away from AP following the initial collision. CW stated that the driving of the police cruiser was inconsistent with trying to run over someone. The attending physician could not comment on the cause of AP's injuries and whether they were consistent with hitting a car or being run over by a car.

In the final analysis, I am satisfied that the evidence gathered supports the singular conclusion that the collision between AP and the police cruiser operated by SO was unavoidable and accidental. There is no evidence that SO intentionally drove the police cruiser at AP or intended to cause him harm and injury. I am not satisfied that SO's conduct gives rise to any reasonable or probable grounds that a *Criminal Code* or other statutory offence arises from these circumstances. No criminal or provincial statute charges should attach to SO.

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

Final report prepared by:

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