

FINAL REPORT: IIU concludes investigation into death of male suspect following arrest by WPS officers

On July 14, 2019, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) that a male suspect, who was apprehended by WPS officers, had died.

The notification, provided to IIU (edited for clarity), read in part:

“On Sunday July 14, 2019 at 15:46 hours, WPS officers observed a male, later identified as [Affected Person (AP)], in the area of Flora Avenue and Parr Street. [AP] was observed to be bleeding from the head and appeared to be armed.

Short foot pursuit occurred and [AP] was apprehended in the rear of [residence on] Flora Avenue. [AP] was bleeding from the neck, agitated and appeared to be high on meth. Winnipeg Ambulance was requested, and shortly after, [AP] became unresponsive. Officer assisted in administering first aid until the arrival of paramedics. [AP] was transported to the HSC, where he was pronounced deceased.

Officers seized a hatchet from the scene.”

As this matter concerned the death of a person that may have resulted from the actions of a police officer(s), IIU assumed responsibility for this mandatory investigation in accordance with section 66(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

Further, in accordance with section 70(1) of the PSA, the IIU was required to seek the appointment of a civilian monitor, as this matter involved the death of a person. IIU requested the Manitoba Police Commission to appoint a civilian monitor.

WPS information, and other information obtained by IIU investigators, included:

- WPS officers’ notes and narrative reports
- WPS call history
- briefing note
- scene and autopsy photographs
- video surveillance recording
- WPS radio transmissions recordings
- Conductive Energy Weapon (CEW) report
- autopsy and toxicology reports respecting AP

Due to the circumstances of the interaction between AP and police, eight WPS officers, who were dispatched to the call or arrived a short time later, were identified as potential witness officers. Following the review of the agency information, radio transmissions and video, it was determined that IIU investigators would interview WO1-WO5.

Due to the lack of information as to the cause of death at the outset of this investigation, it was decided that no subject officer designation would be made at this stage, pending receipt of more detailed forensic pathology reports.

IIU investigators also met with and interviewed three civilian witness (CW1- CW3).

IIU investigators conducted a canvass for witnesses and evidence. IIU investigators obtained video surveillance footage from a residence nearby the location where AP was apprehended, which partially captured the arrest. Although the video quality was poor (despite attempts to have it enhanced), IIU investigators were able to accurately identify and describe the actions of AP and WPS officers captured on the video.

Facts and Circumstances

Civilian Witnesses

CW1 lived near the arrest scene and watched the interaction between police and AP from a window situated five to ten feet away. Initially, CW1 saw a lone police officer standing over a male lying on the ground. The police officer was yelling at the male to “...*get down and stay down.*” That police officer handcuffed the male. A number of other police officers (including four tactical unit members) then arrived on scene. CW1 stated that two tactical officers pinned the male to the ground. The male was yelling, “*Help!*” and “*Stop!*” during his interaction with police. CW1 stated that the male was “*hog tied,*” but at no time saw any of the police officers strike or kick the male.

CW2 lived across from the arrest scene. CW2 was on his front porch when he heard someone running and saw a male trying to climb over a fence and into his yard. CW2 stated that he saw that the male had some scrapes on the left side of his face. A police officer, who yelled, “*Why are you running?*” chased the male. The male had nothing in his hands. The male ran south and across Flora, now pursued by two police officers. CW2 heard someone say, “*Why are you running? Stop moving or we'll do this again to you.*” CW2 believed the police deployed a CEW on the male and were threatening to deploy it again, but admitted he did not see or hear a CEW.

CW3 stated that at 3:45 p.m., AP entered his home on Magnus Avenue and asked for help. CW3 stated that AP claimed some men pursued him. CW3 stated that AP was sweating profusely. Moments later, AP left the residence walking west towards Parr Street. CW3 stated that AP was not carrying anything when he arrived at the residence and did not have any visible injuries.

Witness Officers

WO1 stated he was partnered with WO2 and they were driving southbound on Parr Street when they observed a male running eastbound in a back alley between Flora and Manitoba Avenues. The male appeared to be holding something in his right front pocket, described as having a black handle. The police car stopped in front of the male (later identified as AP), who ran into the side of the car and then continued to run east. WO1 stated he chased the male on foot, and eventually cornered him in the back yard of a residence on Flora Avenue. WO1 stated

he drew his service pistol and commanded AP to get on the ground. When AP did as commanded, WO1 stated that he holstered his firearm. When WO2 arrived on scene, AP was handcuffed. WO1 stated that three tactical support officers arrived on scene a short time later. WO1 stated that two of them applied shin pins to each side of AP to keep him secure on the ground. WO1 stated that a “*ripp hobble*”¹ device was applied to AP. AP ceased struggling and when WO1 checked him, he noted his lips were blue. One of the tactical support officers commenced chest compressions on AP and an ambulance attended. WO1 stated he did not see anyone strike or kick AP, nor did he see or hear that a CEW or any other intervention tool was used.

WO2 was with WO1 on a routine patrol in the North End. They were driving a police car south on Parr Street when a male was observed jogging east on Flora or Selkirk Avenue. This male (later identified as AP) was sweating profusely and bleeding from a wound to his head or shoulder. AP also appeared to be concealing a sawed off rifle, with a black synthetic handle, in his left hand. WO2 stopped the police car at which point WO1 exited and chased AP. WO2 continued to drive south on Parr Street until the intersection with Flora Avenue. WO2 stated that he saw AP running in a southeasterly direction into the back yard of a residence. WO2 stated that AP no longer was in possession of the black-handled item. WO2 stated that WO1 radioed that he had AP in custody. WO2 stated that he drove his police car into the back lane south of Flora Avenue and observed WO1 with his service pistol drawn and AP lying prone on the ground. WO2 stated that he assisted WO1 in handcuffing AP. WO2 stated that he believed AP was under the influence of methamphetamine. WO2 stated that he called for an ambulance to attend and examine AP. Three tactical officers arrived and assisted in restraining AP. WO2 stated that he left to search for the black handled item when he heard a call for the ambulance “on a rush” over the police radio. WO2 stated he did not see anyone strike or kick AP.

WO3 is a tactical support team member. WO3 stated he drove to the scene of the arrest in an unmarked police vehicle, arriving at the same time as two other tactical support members (WO4 and WO5), when he saw WO1 struggling with a male (later identified as AP) who was lying face-down on the ground, in handcuffs. AP was moving about and yelling incoherently. WO3 believed AP was experiencing a methamphetamine psychosis, based upon his previous experiences with people under the influence of that drug. WO3 observed WO4 and WO5 apply shin pins to the right and left side respectively of AP to control him. WO3 believed both officers placed their knees on AP’s lower back. WO3 retrieved a “*ripp hobble*” from his police car and applied it to AP’s legs. Within twenty seconds, AP stopped struggling and WO1 said AP was turning blue. WO4 commenced chest compressions until ambulance personnel arrived on scene. WO3 did not see any police officers strike or kick AP.

WO4, a tactical support officer, was partnered with WO5, a tactical support officer, when they responded to a call of an armed male running from police behind a residence on Flora Avenue. They arrived on scene at the same time as WO3. WO4 stated that two general patrol police officers were struggling with a male (later identified as AP) on the ground in handcuffs. WO4 stated that he assisted in restraining AP by applying a shin pin to the right hip area and using his arms to hold the upper body down. WO4 stated that WO5 was doing the same thing on the AP’s

¹ A restraint device used by police to secure a subject’s ankles together (without connecting them to the wrists) in order to inhibit the subject from placing the soles of their feet in contact with the ground and to prevent kicking

left side. WO4 stated that AP continued to struggle, so WO3 applied a “*ripp hobble*” to restrain his legs. WO4 stated that AP stopped moving and was breathing in a shallow manner. WO4 stated that he believed that AP was in medical distress and started CPR. WO4 did not see anyone strike or kick AP.

WO5 stated that he and WO4 responded to a call for assistance from a general patrol unit, regarding a person running from them. When they arrived on scene, WO5 could see two police officers with a male (later identified as AP), who was handcuffed but “...*highly combative*,” kicking his legs, trying to sit upright and yelling incoherently. WO5 stated that he and WO4 went to assist by restraining AP by placing their knees on his left and right hip respectively and using their arms to hold down his upper body. As AP continued to struggle, a “*ripp hobble*” was applied to his feet. No strikes or blows were directed at AP at any time. AP suddenly became calm, and WO5 determined he was in medical distress. AP was rolled onto his back and WO4 began to perform chest compressions on him. Ambulance personnel arrived a short time later and took over care.

Video Evidence

In the video, AP can be seen running into the back yard of a residence on Flora Avenue, and then approached by WO1, who appears to take him into custody at gunpoint. WO1 holsters his service pistol once AP is on the ground. WO2 arrives a short time later and both officers handcuff AP behind his back. WO3, WO4 and WO5 arriving after that, with the latter two officers restraining AP as he was moving about on the ground, by placing their knees on his lower back. No police officer is observed striking or delivering blows to AP.

Pathology and Autopsy Reports

A post mortem examination was conducted on AP on July 16. The pathologist could not determine a cause of death at that time. There was trauma noted on the body, including two lacerations of the liver. The pathologist stated that this injury may have resulted from CRP but did not contribute to AP’s death.

In his final report on the matter, the pathologist wrote:

“There is no convincing evidence that police restraint/interaction with [AP] would have significantly contributed towards his death, outside of possibly the physical exertion associated with his running from police and eventual restraint. While [AP] had many external injuries (at least some of which are likely to have occurred in the events leading up to his death), all of them were relatively minor and unlikely to have significantly contributed to death. The not insignificant internal injuries identified (predominantly the liver lacerations and associated hemorrhage) are thought to have occurred as a result of his resuscitation.”

The pathologist indicated the immediate cause of death was

“Toxic effects of methamphetamine, cocaine and ethanol”, with contributing factors listed as “Cardiomegaly², physiologic stress associated with pursuit and restraint.”

The autopsy report was not received until March 2020 (over seven months following the death of AP). This was due to the personal circumstances of the pathologist, which significantly delayed the preparation of the report and was out of the control of IIU.

CEW Report

Neither WO1 nor WO2 were carrying a CEW on the day of this incident. WO3, WO4 and WO5 were each in possession of a CEW and the CEWs were seized post-incident and examined. None of these CEWs were activated or discharged at the time AP was interacting with police.

Conclusion

This investigation must consider whether the actions of any or all of the police officers who responded to the call for service caused, or in any way contributed, to the death of AP.

In this matter, a forensic pathologist examined AP post mortem and determined that AP’s death was due to *“Toxic effects of methamphetamine, cocaine and ethanol.”* Contributing factors to AP’s death were listed as *“Cardiomegaly, physiologic stress associated with pursuit and restraint.”*

Based on the witness interviews and assisted by the video that recorded part of the incident, I am satisfied there were no acts or actions by any WPS police officer that caused or contributed to AP’s death in any degree. At all times, the police officers dealt with AP with restraint, and without resorting to the application of any significant degree of force.

In conclusion, there is no evidence that would justify the designation of any of the police officers as a subject officer and there is no further requirement to continue with this investigation.

The IIU investigation is complete and this file is closed.

Final report prepared by:

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² An enlarged heart