

# ***FINAL REPORT: IIU concludes investigation into injuries related to WPS arrest***

---

On May 28, 2020, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident during the evening of May 27 where a male suspect, the affected person (AP), suffered injuries following his arrest.

According to this notification:

*“[A] citizen reported that AP was assaulting his girlfriend on Sargent Avenue. Police located AP near the scene where AP discharged pepper spray/bear mace at officers. AP came into physical contact with a police cruiser and again, discharged spray at officers. CEW used to subdue and arrest AP. AP transported to Health Sciences Centre (HSC) where eventually x-rays were taken and the attending physician diagnosed the subject with a fractured left elbow. Officers then conveyed AP to HQ for processing...”*

A fractured elbow constitutes a serious injury pursuant to IIU regulation 99/2015 and accordingly, IIU is mandated to investigate the circumstances surrounding the arrest. IIU investigators were assigned to this investigation.

Information obtained by IIU investigators included:

- general, arrest and narrative reports
- officers’ notes
- audio recording of 911 call
- audio recording of WPS radio transmissions
- call logs and history
- Air 1 (police helicopter) video
- civilian witness statements
- medical reports related to AP

The civilian director designated the WPS officer who operated the cruiser car that made contact with AP as the subject officer (SO). Additionally, the civilian director designated three WPS officers as witness officers (WO1-3). IIU investigators interviewed AP and four civilian witnesses (CW1-4). The advice and expert opinions of four subject matter experts (SME) were obtained to provide guidance and assistance in this investigation:

- a forensic physician from the province’s Chief Medical Examiner’s office (ME);
- the program manager for WPS Police Vehicle Operations Section (PM);
- a traffic collision analyst from the RCMP (TC)
- a physics professor from the University of Winnipeg (PP)

IIU investigators determined that it was not necessary to request a designation, or interview seven additional WPS officers. IIU investigators had received and reviewed their notes and reports, and it was determined that they were not present at the time of the incident or the review of video was sufficient on its own. Finally, a potential civilian witness was not interviewed, as all attempts to locate this individual were not successful.

The following facts and circumstances have been determined:

**Affected Person (AP):**

According to AP, he remembers being pulled over and running from police. AP stated this occurred on May 27 around 9:30 p.m. AP stated a police vehicle hit him and he was knocked to the ground. AP stated he was “tasered” by police a few times. AP stated that a police officer told him, *“Oh, you just wait till you get back to the police station; we're not done with you.”* AP stated that police pushed and pulled on his arm and stomped on his foot. AP stated that he recalls his arm hurting when he was handcuffed. AP believed his injury happened when the police car struck him. AP stated that the police car struck him as he was trying to run away. AP stated that the impact was with the front bumper of the police car. AP stated that he fell to the ground and that when he tried to get up, he was tasered. AP stated that he had “pepper sprayed” the police before he was arrested. AP stated that prior to the incident, he had consumed *“twenty Rock Stars”* (an energy drink mixed with vodka). AP signed a form to release medical records to IIU investigators. These records were received, which confirmed that AP had sustained a radial head fracture to the left elbow.

**Civilian Witnesses (CW):**

At 9:00 p.m. on May 27, CW1 and CW2 were together in a van parked on Beverly Street, adjacent to a supermarket.

CW1 observed a male and female exiting the supermarket. CW1 stated that the male and female were fighting and yelling at each other. The male appeared to grab something from the female's sweater. CW1 believed this to be a canister of *“bear mace.”* When CW1 saw this canister in the male's hand, she called 911. CW1 stated that the male and female continued to walk west on Sargent Avenue, near Simcoe Street, when the police arrived. CW1 stated that the male turned and started running eastbound. The police stopped in the street and told the male to stop and put his hands up. As the male was running east, he almost ran into the front of CW1's van. CW1 stated that the male pointed and sprayed the canister of bear spray at the police officers. CW1 stated that the male was now running on the sidewalk and past the van. CW1 stated hearing a loud *“thump”* and turned to look. CW1 stated seeing the male *“tased”* by the police officers and then, handcuffed on the ground. CW1 stated that she did not see any police car hit the male.

CW2 stated that she observed a female exit the supermarket and that a male was with her, trying to retrieve an item from her front. CW2 stated she recognized the item as pepper spray. CW2 stated that the male and female started punching and kicking each other. CW2 stated that she moved the van to the front of the supermarket to get a better view of the fight while CW1 made a 911 call. CW2 stated that the male and female continued fighting and walking west on Sargent Avenue. CW2 stated hearing sirens and a police car appeared in front of them on Sargent Avenue. The police car stopped in the street and an officer exited quickly. The male started running away eastbound and away from the officer. CW2 stated that the male ran towards their van, when he turned toward the police and discharged pepper spray at them. CW2 stated that the

male continued running east going behind the van and out of her view. CW2 stated hearing a loud “thump” and then observed the male *“on the floor.”* CW2 stated hearing a police officer yelling *“Give us your hand, give us your hand.”* CW2 did not see a police car hit the male.

CW3 resided in an apartment that faced Sargent Avenue. On May 27, CW3 and CW4 had returned from grocery shopping and were preparing dinner. CW3 stated that he heard some screaming and fighting outside and looked out the apartment window. CW3 observed a male and female fighting and yelling at each other. As the noise got louder, and the fighting appearing to get more serious, CW3 decided to go outside. CW3 stated that he heard three or four squeals of car tires and observed a police car swerving towards the male. The police car hit the male near the wall of the apartment building. CW3 stated that the male *“went flying”* towards the wall. CW3 stated that he believed the left driver’s side bumper of the police car hit the male. CW3 stated that the male was running east at the time of the collision and was attempting to run from the police. CW3 does not believe that the police intentionally tried to hit the subject as the police car appeared to be *“swerving”* to avoid other individuals, including the female. CW3 states that he observed *“taser prongs”* being removed from the male. CW3 stated that he could smell pepper spray in the air and that his eyes were burning.

CW4 stated that he and CW3 had returned from Safeway and were preparing supper when he heard yelling and screaming from outside. CW4 stated that he looked out the apartment’s window and observed a male and female fighting on Sargent Avenue. CW4 stated that he returned to his dinner, but as more commotion and the sounds of screeching tires were heard, CW4 states that he and CW3 went outside. CW4 stated that when he got outside and looked to his left, he observed a male being *“very aggressive.”* CW4 stated that the male was flashing a *“can of mace”* in his hand and *“stuff was coming out.”* CW4 stated that he could smell pepper spray in the air.

CW4 then stated,

*“A cop car came right over the curb, hit the guy, the guy kind of like went at them to kind of poke...he went to go like where the car was like if he was going to go to run at the car. The car hopped the curb, he flew, he got back up trying to fight with the officers and he got tased and was detained finally. And then he did come and was trying to say he was sorry.”*

CW4 stated that the police car might have been trying to block the male from approaching other police officers. CW4 did not believe that the male was intentionally hit. CW4 states that following the collision, the male attempted to get back up and police *“tasered”* him. CW4 stated that police yelled, *“Stop,” “Freeze,” “Stop resisting,” “You’re making matters worse.”* CW4 stated that *“Air 1,”* the WPS helicopter, was in the air.

**Witness Officers (WO):**

On May 27, WO1 and SO were partners and dispatched to Sargent Avenue in response to a report of a domestic violence situation involving a male and female fighting. It was reported that the male might be in possession of bear mace. On arrival, WO1 noted that Air 1 was already in the area and had visual observation of the male and female. According to WO1, their police car pulled up at an angle behind the male and female. WO1 stated that he exited the police car and

stated, *“Stop Police, you're under arrest.”* The male started to run westbound and WO1 gave chase. WO1 stated that SO drove westbound and attempted to cut off the male (later identified as AP). WO1 stated that, as he got close and was about to lay hands on him, AP pulled out a can of bear mace from his waistband and sprayed a burst towards WO1's face. WO1 stated that another police unit arrived (WO2 and WO3) and became involved. WO1 stated that AP sprayed him again. WO1 stated that he yelled verbal commands at AP, such as *“Stop, Police,” “You're under arrest,”* and *“Drop the bear mace.”* WO1 stated that AP sprayed him with bear mace several times.

WO1 stated that WO2 had joined in the foot chase of AP. In the meantime, SO attempted to cut off AP again. WO1 stated that this caused AP to run onto the sidewalk on the north side of Sargent. WO1 stated that AP ran away from the police and back towards an apartment building on Sargent Avenue. WO1 stated that SO attempted to cut off AP's path again and drove up onto the sidewalk. WO1 states that AP made contact with the left front bumper of the police car and fell to the ground. WO1 stated that while AP was on the ground, he continued to spray mace towards him and WO2. WO1 stated that he and WO2 deployed their conductive energy weapons (CEW) at AP. SO, now out of the police car, handcuffed AP, who was now lying on the ground.

WO2 stated that on May 27, he was partnered with WO3 when they were dispatched to an address on Sargent Avenue where a male and female were reported fighting and that the male was reported to be in possession of bear mace. WO2 states that prior to their arrival, they were alerted that Air1 had spotted the male, later identified as AP. On arrival, WO2 stated he could see that WO1 was chasing AP. Air 1 was relaying information about the foot pursuit and WO2 stated that he observed AP spraying what appeared to be bear spray at WO1. WO2 stated that he exited his police vehicle and joined in the foot pursuit, which had now moved to the middle of Sargent Avenue. The foot pursuit continued onto the sidewalk and AP continued to spray the mace at both WO1 and WO2. WO2 stated that the foot pursuit continued east on Sargent Avenue, on the sidewalk, and that eventually *“a cruiser car stopped AP, who fell down.”* WO2 stated that AP continued to spray at both himself and WO1 while he was on the ground and on his back. WO2 stated that as they approached AP, he tried to get up and run away. WO2 stated that he and WO1 deployed their CEWs at AP. WO2 stated that he deployed his CEW twice, hitting AP in the back and upper thigh. WO2 states that after AP was handcuffed, WO2 retrieved the bear spray from the ground.

On May 27, WO3 was partnered with WO2. WO3 was the driver of the police vehicle. WO3 stated that they received a call for service at 9:13 p.m., as there had been a report of a male and female fighting near Sargent Avenue and Beverley Street. It was also reported that the male might be armed with bear mace. WO3 stated that upon arrival on scene, another unit (WO1 and SO) was present and Air 1 was overhead. WO3 states that Air 1 had voiced that officers had been sprayed with bear mace. WO3 stated that he observed a *“yellowish cloud”* consistent with bear mace and that a male was running eastbound on Sargent. WO3 stated that he attempted to block the male's path with his police vehicle. WO3 stated that he could see WO1 chasing the male on foot. WO3 stated that WO2 jumped out of the police car to assist WO1. WO3 stated that he turned his police vehicle around. WO3 stated that he observed SO's vehicle proceed eastbound on Sargent Avenue. WO3 stated that SO had pulled up onto the north side of Sargent Avenue. WO3 stated that he pulled up just to the east of SO's police vehicle, which was now on

the sidewalk. WO3 stated that the male, later identified as AP, was now on the curb in a sitting position and continued to spray mace at the police. WO3 stated that AP sprayed him.

### **Subject Officer**

Pursuant to 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 provided his notes and did agree to participate in an interview with IIU investigators.

SO stated that on May 27, he was partnered with WO1. SO stated he was the driver of their police vehicle. SO stated they were on a general patrol when a call for service was received regarding a male assaulting a female and that the male was armed with bear spray. Air1 was on scene as they arrived and had spotted the male, later identified as AP, walking westbound on the north sidewalk of Sargent Avenue. SO stated that as he approached from behind, AP immediately started running. SO stated that WO1 exited the police vehicle, told AP to stop and then engaged in a foot chase. SO stated that the foot pursuit was proceeding westbound on Sargent Avenue on the north sidewalk. SO stated that he tried to get ahead of AP and slow him down. SO stated that he was successful in blocking AP's path. SO stated that WO1 was able to catch up to AP but AP pulled out a canister of bear spray from his pants and sprayed towards WO1. SO stated that AP turned around and started running eastbound down the middle of Sargent Avenue. SO stated that WO2 and WO3 arrived on the scene in another police vehicle. WO2 joined WO1 in the foot pursuit of AP. SO stated that he did a U-turn and proceeded eastbound on Sargent Avenue. SO stated that AP is still spraying the bear mace towards the police officers. SO stated that AP ran between two parked cars parked on the north side of Sargent. SO stated that he attempted to move his police vehicle ahead of AP. SO stated that he rolled his window down to yell at AP to stop. SO stated that AP directed spray towards WO1 and WO3 and did spray towards SO's police vehicle. SO stated he felt some effects from the spray. At this point, AP ran back onto the north sidewalk and started to run eastbound on Sargent Avenue. SO stated that he believed AP had an escape route going east on Sargent Avenue. SO stated he was aware there were civilians standing near a corner store. SO stated that he made a decision to get in front of AP again and block the escape route. SO stated he was proceeding eastbound, parallel with AP and, momentarily, lost sight of him due to some parked cars. SO stated that as he tried to position the police vehicle towards the corner of the street, AP emerged from behind the parked vehicles and surprised him. SO stated that he did not expect AP to be where he was and he collided with the front quarter panel of the police vehicle. SO stated that he applied emergency braking, but was unable to stop the police vehicle from jumping on to the sidewalk. SO stated that the resulting collision knocked AP down. SO stated that WO1 and WO2 had caught up to AP. However, SO stated that AP, who was on the ground, was still spraying bear mace at the police. SO stated that AP attempted to get up and flee, but WO1 and WO2 deployed their CEWs, connecting with AP and causing him to fall again. SO stated that he did not intend to hit AP with the police vehicle, but his intent was to block the sidewalk, as it was a potential escape route for AP.

### **Air1 Video Recordings:**

The existence of the Air 1 Video of the May 27 incident was noted in the WPS notification to IIU. IIU investigators requested WPS agency information, including the Air 1 video, on May 29. On June 3, IIU investigators received the WPS agency information, which included the Air 1

video. The Air 1 video was examined and the following timeline for this incident has been determined as follows:

- 9:13:52 p.m.: Air 1 is assigned to the call of an assault near Sargent Avenue and Beverley Street. A description of the male is provided by the WPS Telecoms Operator.
- 9:13:58 p.m.: Air 1 spots a male matching the description of the suspect walking westbound on Sargent Avenue on the north sidewalk. The male is walking beside a female.
- 9:14:46 p.m.: A police vehicle arrives from the east and starts to pull up behind the male and female. The male, later identified as AP, immediately starts running westbound. The passenger officer from the police vehicle exits and starts chasing AP.
- 9:14:49 p.m.: The police vehicle moves forward and stops in front of AP, effectively cutting him off from proceeding further westbound. The police officer, pursuing on foot, closes on AP, but suddenly backs off. AP turns around and runs eastbound in the middle of Sargent Avenue.
- 9:14:56 p.m.: Air 1 voices that AP may be “*bear spraying*” officers. Two officers are chasing AP, who is ducking between parked cars. Streams of bear spray are clearly visible from a canister held by AP. The spray is directed at the police officers.
- 9:15:03 p.m.: AP continues to spray towards police officers and toward the hood of a police vehicle.
- 9:15:07 p.m.: AP is struck in the torso area by a police vehicle, as he is running eastbound on the north sidewalk of Sargent Avenue. The police vehicle is pointed in the direction of the corner of the building and the intersection of Sargent Avenue and Beverley Street.
- 9:15:10 p.m.: AP is laying on the sidewalk, on his back and left side, and his head and shoulders are propped up. AP continues to spray the two approaching police officers with the bear spray.
- 9:15:11 p.m.: AP starts to stand and run eastbound on the north sidewalk of Sargent Avenue. Two police officers appear to deploy CEWs at AP who falls face forward on the ground. AIR1 voices; “*It looks like they are going to be taking him into custody, Beverley and Sargent.*”
- 9:15:23 p.m.: AP is on the ground, on the sidewalk near the corner of Sargent Avenue and Beverley Street. Police officers on the ground can be heard, over the Air 1 radio, stating, “*deployed tasers.*”
- 9:15:27 p.m.: Air 1 asks for an ambulance as some of the police members may have been bear sprayed.
- 9:15:44 p.m.: The Air 1 camera pans to nearby vehicles and to persons standing on the street. The van, containing CW1 and CW2, is seen. CW3 and CW4 are observed on the sidewalk.

- 9:15:55 p.m.: The Air 1 video shows that AP is under control, with several police officers standing around him on the corner of Beverley and Sargent, on the sidewalk.

### **Subject Matter Experts (SME):**

Following the completion of the IIU investigation, there were several issues arising that required the assistance and guidance from several SMEs to resolve and clarify, including:

- the likely cause of AP's injury
- WPS training and policy, if any, on the use of a police vehicle during a foot pursuit of a suspect
- reconstruction of the collision between AP and SO's operated police vehicle
- determination of speed and braking time for SO's police vehicle at the time of the collision

### **ME:**

The Air 1 Video of the collision and AP's medical report were shared with ME. Following those reviews, it was ME's opinion that:

***This injury profile is classic for a fall onto the outstretched hand/arm. It is far more likely to have occurred when the subject fell to the ground after colliding with the vehicle, as opposed to the impact with the vehicle itself.***

### **PM:**

PM was asked to comment on WPS training and policy regarding the use of a police vehicle during a foot pursuit of a suspect. PM provided the following information:

- WPS uses the term "pursuit" to describe vehicle pursuits. In relation to fleeing persons, the WPS would refer to these instances as "foot pursuits".
- There is no specific training about pursuing someone on foot from a vehicle. It would be more a practice. There is no specific WPS training related to vehicle usage during a foot pursuit.
- There is no WPS policy regarding the use of a vehicle during a foot pursuit.

When asked about which instances or circumstances would warrant the use of a vehicle to block, or impede, progress during a foot pursuit, PM stated that:

***"It happens quite a bit. One of the most common examples is if someone flees from a stolen vehicle. Typically, one member will get out on foot, likely to initiate a foot pursuit. Depending on the direction of travel, the driver will try to get two to three blocks ahead of the suspect, to try to cut off that forward progress. The driver will turn on the police lights. The suspect sees the lights and that keeps the suspect contained in an area.***

***If someone had weapons, or was a danger to the public, you could try to block their progress or escape (with a police vehicle). There are any number of instances where this type of activity could be warranted. The idea is to keep a suspect contained in an area. If***

*a suspect hides for example, but is contained within a specific area, AIR 1 or a canine unit can be brought in to locate the suspect”*

**TC:**

TC, who is a SME in Forensic Collision Reconstruction, was provided access to the Air 1 video to aid in his analysis of the collision between AP and SO’s police vehicle. TC provided the following advice and conclusions:

- The collision was a simultaneous event.
- The Air 1 Video shows that, twice before the collision, the same police vehicle attempts to cut off the subject's path of travel. These attempts were done safely, as there was no collision with the subject.
- With respect to the third attempt (which resulted in the collision), there were other factors at play.
- The police vehicle’s window was open. The driver felt some effects from the bear spray, so there is some chemical distraction to consider.
- Due to the way the van was parked, it provided a massive view obstruction. This obstruction would affect the ability to determine the exact path of travel (different from the first two attempts, where there were no view obstructions and the driver was able to cut the path off).
- There was an unpredictable pattern of movement by AP. He was quick, he did not move in straight lines and was jogging back and forth. There was no way to anticipate that he was going to jump out in front of the car instead of continuing down the sidewalk – completely unexpected.
- The temporary obstruction (van), and the possible effects of pepper spray on the officer driving, are also factors which may have contributed to this collision.
- The brake lights were illuminated, both at impact and shortly before.
- The driver did not have sufficient time to react to avoid a collision with AP;
- This collision was at a slow speed. The second the van was cleared by AP and SO started turning left, the collision was going to happen. There was enough momentum from both that the collision was going to happen.

**PP:**

PP examined this collision from a physics perspective. He had been asked to provide an opinion regarding this collision, the speeds involved, braking (if any) and whether or not the collision was avoidable. To conduct his analysis, a copy of the AIR 1 video was provided as well as the weight and length dimensions of SO’s police vehicle.

In his report, PP concludes that:

- The police vehicle would have been travelling between 20-25 km/hr just prior to the collision and about 24 km/hour at the instant of collision.

- SO would have had 0.8 seconds to react once AP was observed coming out from the rear of the parked van.
- 0.8 seconds would have been insufficient for the collision to be avoided.

**Conclusion:**

Sections 25(1), 26 and 265(1) (a) of the Criminal Code of Canada state:

*25 (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law*

- (a) as a private person,*
- (b) as a peace officer or public officer,*
- (c) in aid of a peace officer or public officer, or*
- (d) by virtue of his office is,*

*if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.*

*(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm, unless the person believes, on reasonable grounds, that it is necessary for the self-preservation of the person or the preservation of anyone under that person's protection from death or grievous bodily harm.*

*(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if*

- (a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested*
- (b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant*
- (c) the person to be arrested takes flight to avoid arrest*
- (d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm*
- (e) the flight cannot be prevented by reasonable means in a less violent manner*

*26 Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.*

*265 (1) (a): A person commits an assault when... (a) without the consent of another person...he applies force intentionally to that other person, directly or indirectly.*

A police officer is also entitled to arrest anyone to prevent a breach of the public peace. A police officer is authorized to use force in the lawful execution of his duties, and as much as is

necessary, for that intended purpose. Moreover, a police officer is authorized to use force to defend or protect himself from the use, or threat, of force by another person, provided it is reasonable in all of the circumstances. If the force used is in excess of what is necessary or reasonable in the circumstances, such force is not justified and the acts may constitute an assault under the Criminal Code of Canada.

Where it is determined that reasonable grounds exist to believe a criminal offence has been committed, the IIU civilian director may charge the subject officer accordingly. The determination of whether reasonable grounds exist to support a charge is based on a careful assessment of all the available evidence. The totality of the circumstances must be considered in assessing these grounds. The purpose of emphasizing the totality of the circumstances is to avoid concentrating on individual pieces of evidence. Accordingly, consideration of the evidence cannot be piecemeal.

Moreover, determination of whether the necessary reasonable grounds exist must not be based solely on speculation. The absence of evidence on essential elements of the offence means there is an absence of necessary reasonable grounds. Therefore, in those circumstances, there is no legal support for the laying of a criminal charge. That is how the law is to be applied. The mandate of IIU does not include authorizing criminal charges in the absence of the necessary evidence to support that decision.

This investigation was undertaken by IIU because AP sustained an injury following a collision between himself and a police vehicle operated by SO. Though the use of a police vehicle for this purpose is not specifically authorized by existing WPS policy, it is not prohibited by any policy.

The existence of, or the presence of, a resulting injury does not presuppose that a criminal offence has occurred.

AP had a complete disregard for the police officers and refused to comply with all directions to surrender. AP was armed with a weapon –bear spray –and was actively using it by repeatedly spraying the canister at the pursuing officers. I am satisfied that this was done to both injure the police and to facilitate AP’s escape from apprehension.

On review of this investigation, I am satisfied that:

- SO was lawfully placed and was acting in his capacity as a police officer in the lawful execution of his duties during his interactions with AP.
- Police had responded to a potential violent situation, involving an armed suspect on a public area and street
- AP, the suspect, bolted on police attendance and was bent on escaping and avoiding apprehension.
- AP was armed and was utilizing his weapon multiple times at police.
- AP continuously and repeatedly refused to comply with police directions and demands.
- SO’s purpose to pursue AP in his police vehicle was to assist in the apprehension and protect the police and public.

- I am satisfied that SO did not intend to collide with AP.
- The collision and resulting injury to AP was a result of a simultaneous event between SO's attempt to block off AP, and AP's random movement when he became visible to SO.
- The use of the police vehicle to block AP was a tactical choice of SO, but it was not meant to be used as a weapon against him.

In this investigation, part of the IIU mandate is to determine whether consequences should flow from the SO's actions in consideration of all the circumstances and information known at the time. On careful review of the available evidence and material facts obtained in this investigation, I am not satisfied there are reasonable grounds to believe that SO exceeded the ambit of justifiable force during his contact with AP. It is my view that the force used by SO was necessary, reasonable and in compliance with section 25 of the Criminal Code of Canada.

Accordingly, I am not satisfied that reasonable grounds exist to charge SO with any offence, under the Criminal Code or Highway Traffic Act, and accordingly, no charges will be authorized against him.

IIU has completed its investigation and this matter is now closed.

**Final report prepared by:**

Zane Tessler, civilian director  
Independent Investigation Unit  
November 24, 2020

*Ref 2020-0026*