

FINAL REPORT: IIU concludes investigation into serious injury to a male during MFNP arrest

On July 18, 2021, the Manitoba First Nations' Police Service (MFNP) notified the Independent Investigation Unit (IIU) of serious injuries suffered by a male suspect that were discovered following his arrest and detention by police.

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

“Members on patrol traveling in PC 882 north bound in Opaskwayak Cree Nation (OCN), observed a silver truck travelling south bound in excess of approximately 100 km hour. Vehicle was traveling at a high rate of speed compared to regular traffic. Officers met the vehicle as it passed travelling south but were unable to see the occupants as the vehicle was travelling too fast. Officers then activated the emergency lights and sirens and did a U-turn, dispatched was notified. Members traveled southbound to attempt to close the gap between police and the suspect vehicle and observed it passing a vehicle also traveling south bound. As officers were unable to catch up to the vehicle and lost sight of the vehicle, they did not call in a pursuit.

Members located the silver truck which had already hit a house near the intersection of Kichemaskanow and Amisk Crescent.

Police approached the male pointed out by house owner. Male would not identify himself though did stated his last name (later identified as the affected person (AP)). Police observed blood on his face and he was complaining of a sore arm. EMS was requested at the scene. The male's guardian was contacted as he was being transported to The Pas Hospital.

At the hospital it was determined that AP suffered a break to his upper left arm. AP was later transferred to Winnipeg, Manitoba as The Pas Hospital did not have the proper equipment to deal with the injury....”

As the notification concerned AP sustaining a broken arm, which is defined by regulations as a serious injury, this matter is a mandatory investigation for which IIU was statutorily required to assume responsibility. A team of IIU investigators was assigned to this investigation.

MFNP file material and other information obtained by IIU investigators, included:

- MFNP radio transmissions
- MFNP officers' general reports, narratives and notes
- Photographs of vehicle that struck the house
- AP's medical records

As there was, initially, a dearth of information whether any MFNP member was directly or indirectly caused or contributed to AP's serious injury, the civilian director deferred the designation of a subject officer pending further investigation into this matter. The civilian director did designate two MFNP officers as witness officers (WO1 – 2). IIU investigators also met with and interviewed AP and three civilian witnesses (CW1 – CW3).

Facts and Circumstances

AP:

AP stated that he was in a truck and saw police before the collision occurred. The police vehicle had its lights and sirens activated but was not close to the vehicle he was in. His arm was broken during the collision and believed his injury was caused by the seatbelt. AP stated that the police did not break his arm. He estimated that the truck was travelling at a speed of around 90 to 100 km/h when it collided with the house. AP stated that he realised his arm was broken when he woke up after the collision. AP stated that the police detained him after the collision and he was placed in handcuffs. AP stated that he had been drinking between seven to eight Twisted Tea drinks and was "*kind of drunk*". AP stated that he did not want to say who else was in the truck with him.

AP's Medical Report:

IIU investigators received and reviewed AP's medical records from St. Anthony's General Hospital, The Pas. It was noted that AP sustained a transverse fracture across the proximal shaft of his left humerus, with dorsal displacement of the shaft by almost a full shaft width. It was also noted that AP appeared intoxicated during his examination. The injury to AP's left arm was a result of a motor vehicle accident.

Civilian Witnesses:

CW1 was the owner of the residence that was struck by the vehicle in which AP was in. CW1 advised he was standing on his front deck and heard the sound of squealing tires and sirens. CW1 stated that he saw a police vehicle, with emergency lights activated and sirens on, approximately half a kilometre distance from the truck that struck his house. CW1 stated that the truck was travelling too fast on the road when it attempted to turn left. CW1 stated that the truck entered a ditch before it collided with the corner of his house. CW1 stated that three persons exited the truck. CW1 stated that one of the persons was initially struggling to exit the truck and then tried to run in the same direction of the other two. Two uniformed police officers arrived in a black police SUV, which had its emergency lights on. One of the police officer was female. CW1 stated that he went towards the back of his house and saw the third individual male trying to run but appeared to struggle and was swinging one arm. CW1 stated that the police were trying to handcuff this male. CW1 stated that he heard the male tell police that he had a broken arm. CW1 stated that he did not see police use any unnecessary force on the male.

CW2 stated that she was at a nearby residence when she heard the sounds of a collision. CW2 stated that she ran towards CW1's residence and saw that a truck had collided with the side of the house. CW2 stated the police were already there when she and her sister arrived at the collision scene.

CW3 had been identified by MFNP as a possible occupant of the truck with AP. CW3 denied that he was present at the time of the driving and collision.

A fourth male, **CW4**, was also suspected of being an occupant of the truck. However, all attempts by IIU investigators to locate and interview him were not successful.

Witness Officers:

WO1 was partnered with **WO2** and were both in a marked MFNP vehicle on general patrol in OCN. **WO1** stated that they had just left an unrelated call and were travelling northbound on Kichemaskanow. **WO1** stated that she became aware of a truck that was travelling southbound at a high rate of speed. **WO1** stated that **WO2**, who was driving, stopped the police vehicle and made a U-turn to follow the speeding truck. **WO1** stated that **WO2** activated the emergency lights and sirens. **WO1** estimated that the truck was approximately 250-300 metres in front of the police vehicle. **WO1** stated that the truck was speeding, travelling twice as fast as other vehicles. The speed limit on Kichemaskanow was 50 km/h. **WO1** stated that they lost sight of the truck due to a curve in the road and the speed of the truck. **WO1** stated that they regained sight of the truck when it had already collided with a house. **WO1** saw two males running from the truck, in the direction of Amisk Road. **WO1** stated that the owner of the house pointed out a third male (later identified as AP) who was walking along the road. **WO1** stated that she approached AP and arrested him in connection with this incident. **WO1** stated that she intended to handcuff AP but he said that he thought his arm was broken. **WO1** stated that she removed the handcuffs. Apart from the handcuffing, no other force was used on AP.

WO2 was on duty and partnered with **WO1**. **WO2** was the driver of a marked MFNP SUV. **WO2** stated that they had just completed an unrelated call in the vicinity of Kichemaskanow, in OCN and were travelling northbound on that road. **WO2** stated that his attention was directed to a truck travelling southbound and passed them at approximately 80 km/h. **WO2** stated that the speed limit on that road was 50 km/h. **WO2** stated that he activated the lights and sirens on his police vehicle and made a U-turn in order to pursue and stop the truck. **WO2** stated that the truck made no attempt to stop and was pulling away. **WO2** stated that he wanted to follow after the truck as he considered it to be a danger to the public. The truck was passing other vehicles at a high rate of speed. Due to the curve in the road and the distance that the police vehicle was behind, **WO2** stated that he lost sight of the truck. The truck was travelling faster than other vehicles on the road at the time. **WO2** stated that he next saw the truck after it had collided with a house. **WO2** that after they arrived at the scene of the collision, he saw some people running from the truck. **WO2** stated that AP was detained by **WO1**. **WO2** stated that AP complained about having a sore arm, so an ambulance was called to tend to him. The only force used on AP was when he was handcuffed. The truck was subsequently reported as stolen.

Conclusion

This investigation must consider whether the actions of any or all of the police officers who were involved with AP caused, or in any way contributed, through action or inaction, to his serious injury, and if so, should criminal code consequences flow.

Based on all the witness accounts, AP's injury was a result of sole responsibility of the driver of the truck and the collision with CW1's house. The police officers' acts to follow and catch up to the truck had no causal connection to the manner of driving of the truck or its collision with the house.

Based on all of the interviews conducted and information obtained and reviewed in this investigation, I am satisfied that no actions by any police officer caused or contributed to AP's injury in any degree. There is nothing to indicate that any police officer applied any unnecessary or excessive force to AP. The injury sustained by AP resulted solely from the manner of driving of the truck and the subsequent collision with the house.

There is no reason or factor that would justify the designation of any of police officer 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:

Zane Tessler, civilian director
Independent Investigation Unit
November 01, 2021

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