

FINAL REPORT: IIU concludes investigation into man's death while detained by police

On November 4, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of an incident where a 45 year old male died while detained by police on the Legislative grounds, just off Osborne Street.

The written notification disclosed the following information (edited for clarity):

“On Thursday, November 4th, 2021, at approximately 7:07 p.m., a caller contacted 911 to report a male (later identified as the affected person (AP)) on the road in front of 60 Osborne Street “OD’ing, being very aggressive.” Multiple 911 calls were subsequently received regarding the same male walking in traffic and acting erratically.

West District General Patrol members were dispatched and arrived on scene at approximately 7:17 p.m. They located the male in question and while speaking to the male, he suddenly collapsed. Winnipeg Fire and Paramedic Service (WFPS) members were in attendance and immediately commenced CPR.

The male was subsequently conveyed to St. Boniface Hospital (StB) in critical condition and was pronounced deceased at 8:23 p.m. by the attending physician”

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 65(4) of The Police Services Act (PSA). IIU Investigators were assigned to this investigation.

Among the agency information obtained by IIU Investigators included:

- WPS Dispatch Call history;
- 911 telephone call history and audio;
- WPS officers’ notes and narratives;
- Forensic Identification Service reports;
- photographs of scene and exhibits;
- WFPS Patient Care Report;
- surveillance video recordings from Legislative Grounds, Canada Life Building and Winnipeg Transit;
- autopsy and toxicology reports

Due to the dearth of information at the outset of this investigation as to the level of involvement by any WPS officer, the civilian director deferred a decision to designate any of them as a subject officer. The civilian director designated five WPS officers as witness officers (WO1 - 5).

IIU Investigators met with, interviewed and also reviewed written statements of twelve civilian witnesses (including firefighters and paramedics) (CW1-12).

An autopsy of AP was conducted on November 5, 2021. IIU investigators were advised that the final autopsy report and toxicology reports would be available within a six month time frame. Both the autopsy and toxicology reports were critical to this investigation. However, IIU investigators did not receive these reports until 361 days later.

Facts and Circumstances

The information provided by all of the witnesses to the incident was consistent with each other and corroborated by the various video surveillance footage. In summary, AP was acting in an incoherent, erratic and aberrant manner as he walked in, out and through heavy traffic on Osborne Street during the early evening of November 4, 2021. At various times, AP was walking back and forth between northbound and southbound traffic, lay down on the center line of Osborne Street and on several occasions was crawling on all fours. Several motorists had stopped their vehicles on Osborne Street and approached AP to offer him assistance. A WFPS member, operating a marked vehicle, also stopped after witnessing this erratic behaviour. These motorists then moved AP from the roadway and onto the Legislative Building grounds, just past the sidewalk. More WFPS personnel arrived on scene in an effort to offer aid and assistance to AP. AP continued to act out paranoia and was speaking incoherently. Two members of WPS arrived moments later and following a briefing, spoke to AP in an attempt to calm him and permit WFPS personnel to perform assessments. AP attempted to get up and return to the roadway. In order to prevent AP from leaving and further the seriousness of the situation, the WPS officers took AP to the ground and handcuffed him. AP was then restrained to permit WFPS personnel to take his vital signs and assess his condition. WFPS personnel continued to speak with AP and reason with him to no avail. AP continued to respond with incoherent speak. It was decided that AP should be taken to hospital for further examinations. As WFPS personnel attempted to move him from the ground onto a stretcher, AP stopped breathing. WFPS personnel immediately began to perform CPR on him. AP was placed into an ambulance and transported to StB where he was pronounced deceased.

The autopsy report noted the cause of death resulted was “*cocaine intoxication*” with the contributing factor noted as “*cardiomegaly*” (an enlarged heart). The toxicology report noted that AP had a cocaine level in his system of 881 ng/ml of blood. This is a substantial and excessive amount of drug in his system.

All witnesses confirm (and corroborated by the various video footage) that the police acted to calm AP and allow for paramedics to treat him over concerns of his well-being. There was no police action or inaction through their application of force and restraint that contributed in any degree to AP’s death.

Conclusion

The circumstances of this incident represents another tragic example of the illicit use of drugs such as cocaine. The IIU mandate was to determine whether any police officer, by action or inaction, contributed in any way to the death of AP.

Based on the circumstances and in consideration of all of the available information, particularly the eyewitness accounts, video footage and medical opinions and findings, there is nothing to

support a conclusion that there is any level of contribution by any police officer to the cause of AP's death, either by action or inaction. Accordingly, there are no grounds that would justify the designation of any of police officer as a subject officer.

As a result, there is no further need for IIU to continue with this investigation into this tragedy and this matter is now closed.

Final report prepared by:

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