

FINAL REPORT: IIU concludes investigation into fatal motor vehicle collision following attempted traffic stop by Winnipeg Police

On April 9, 2022, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of a fatal single motor vehicle accident that occurred shortly after 9:00 p.m. near the intersection of Selkirk Avenue and McKenzie Street.

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

“On Saturday, April 9th, 2022 at 9:11 p.m., while in the area of Selkirk Avenue and McKenzie Street, a member of the Winnipeg Police Service Canine (K9) Unit, attempted to initiate a traffic stop on a grey Mazda 6. The driver of that vehicle failed to stop, however was not pursued by police (turned off Emergency lights) and suspect vehicle was last seen driving Eastbound on Selkirk Avenue...”

“Upon arrival officers located the male driver (27 years old) and sole occupant of the vehicle with serious injuries (Affected Person (AP)). AP was transported to the Health Sciences Centre in Critical condition and at 9:50 p.m., he was pronounced deceased. Winnipeg Police Service Traffic Division continuing with investigation...”

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.

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

- WPS radio transmissions
- WPS call history and CAD report
- WPS Forensic Identification Services (FIS) reports and photographs
- GPS records related to WPS cruiser involved in the attempted traffic stop
- statements (video recordings and written) of various civilian witnesses
- notes and narrative reports from various witness officers
- traffic analyst collision report
- video footage taken from various locations
- toxicology analysis respecting AP

Due to the dearth of information at the outset of this investigation as to whether any actions by any WPS officer contributed to the collision, it was decided that no subject officer designation would be made at this stage, pending receipt of more facts and evidence. The WPS officer who was attempting to conduct a traffic stop of the Mazda was designated as a witness officer.

IIU investigators met with and interviewed seven civilian witnesses.

IIU investigators obtained several video recordings from nearby businesses and locations. All of the various video footage provided sufficient information to create a timeline from the original contact between WPS officer and AP, through to the collision. The various video footage proved invaluable, as the manner of driving of the AP and WPS vehicles was recorded just prior to the collision. Further, various video footage was also useful in determining the speed of AP's vehicle prior to the collision.

Facts and Circumstances

Following a review of all of the materials noted above, the various video recordings, and interviews with witnesses, the following facts and circumstances have been determined:

Shortly after 9:00 p.m. on April 9, 2022, a WPS K9 officer was operating a marked police SUV in the vicinity of McGregor Street and Selkirk Avenue, when a grey Mazda 6 motor vehicle, travelling westbound on Selkirk Avenue, caught his attention. The Mazda motor vehicle was signalling to turn left, then cancelled its turn and proceeded to drive straight. The WPS officer conducted a license plate query check of the Mazda on the police computer. While he was waiting for the results, the Mazda pulled over to the curb and parked. The WPS officer pulled in front of the Mazda, at which time the results of the license plate query was received and disclosed that the vehicle's registration had lapsed and was not valid at this time. The Mazda, however, did a U-turn from behind the police SUV and was now travelling eastbound on Selkirk Avenue. The WPS officer did a U-turn as well to follow the Mazda, which now turned right onto McGregor Street. When the WPS officer turned right onto McGregor Street, he observed the Mazda in a parking lot with the rear passenger door open and two or three pedestrians nearby. The Mazda drove off westbound on Flora Avenue and in front of the police SUV. The WPS officer activated his vehicle's emergency lights to attempt a traffic stop of the Mazda. However, the Mazda accelerated away from the police SUV. The WPS officer turned off his emergency lights as it was clear the Mazda would not stop and he was not going to pursue it. The WPS officer continued to travel westbound on Flora Avenue and tried to keep the Mazda in his sights. According to GPS data, the police SUV never exceeded a speed of 63 km/hr.

The Mazda then turned right onto McKenzie Street, continued to travel to and turned eastbound onto Selkirk Avenue. The Mazda was observed to proceed through a red light at the intersection with McGregor Street and was travelling at a very high rate of speed. The driver of the Mazda then lost control of the motor vehicle and crashed into a building on Selkirk Avenue. The speed limit on Selkirk Avenue is 50 km/hr. According to the traffic accident reconstruction report, the Mazda was travelling at 109 km/hr at the time it collided with the building. When the WPS officer approached the intersection of Selkirk Avenue and McGregor Street, he observed the aftermath of the collision at which point the police SUV's emergency lights were activated again and he drove to the scene.

AP was taken to Health Science Center but was pronounced deceased at 9:50 p.m. The cause of death has been stated as blunt force injuries sustained in a single motor vehicle collision. At the time of his death, AP had a blood alcohol concentration in his system of 191 mg% per 100 ml. of blood. This would be nearly 2.5 times the legal blood alcohol concentration limit in Canada of 80 mg% per 100 ml. of blood. Readings in this region would have significant impact on an individual's ability to operate a motor vehicle including decision-making, perception and reaction times abilities.

Conclusion

This investigation must consider whether the actions of any or all of the police officers who were involved in AP1's traffic stop caused, or in any way contributed, to the deaths of AP2.

Based on the various witness accounts, the various video footages recovered, vehicular data and the traffic collision analysis report, the following determinations can be made:

- at all material times, the WPS officer were in the lawful execution of his duties
- the encounter between the WPS officer and AP had its genesis as a result of an license plate query that determined the Mazda's registration had lapsed
- the WPS officer had sufficient grounds to conduct a traffic stop of the Mazda
- the Mazda made a U-turn and drove away from the WPS officer
- the WPS officer activated his vehicle's emergency lights to pull the Mazda over
- the Mazda failed to stop and drove off at a high rate of speed
- the WPS officer turned off his emergency lights and followed the Mazda
- the police SUV's emergency lights were not reactivated until after the WPS officer was aware that a collision had occurred
- Selkirk Avenue is a heavily trafficked area marked with businesses, residences, vehicular traffic and pedestrians
- the speed limit on Selkirk Avenue is 50 km/hr. At the time of the collision, the Mazda was operated at a speed of 109 km/hr
- at the time of driving, AP had a blood alcohol concentration of 191 mg% per 100 ml. of blood, nearly 2.5 times the legal limit in Canada

I am satisfied that the WPS officer was not in a pursuit of the Mazda, particularly when the available video footage is reviewed, the eyewitness reports are considered and that the emergency lights were disengaged after the Mazda failed to comply with the traffic stop.

The decision to evade police by accelerating and driving at significantly high rates of speed was the sole decision of AP who is solely responsible for the collision and aftermath.

There is no evidence to support a finding that there is any level of contribution by the WPS officer to the cause of the collision and death that resulted. Accordingly, there is no evidence in this matter that would justify the designation of the WPS officer as a subject officer. As a result, there is no further requirement or need by IIU 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
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