



**IN THE MATTER OF AN INVESTIGATION INTO A SERIOUS INJURY DURING A
MANITOBA FIRST NATION POLICE SERVICE MOTOR VEHICLE PURSUIT THAT
OCCURRED ON AUGUST 30, 2022**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Civilian Director:	Roxanne M. Gagné
IIU File Number:	2022-0043
Date of Release:	July 18, 2023

Introduction:

On September 2, 2022, the Manitoba First Nation Police Service (MFNPS) advised the Independent Investigation Unit (IIU) of an incident on the Roseau River First Nation. The incident involved circumstances surrounding the motor vehicle pursuit of an adult male by the MFNPS, resulting in him sustaining a serious injury.

The written notification disclosed the following information:

“On the morning of August 30, 2022, at 6 a.m., a member of the MFNP responded to a report of a disturbance and hit and run on the Roseau River First Nation. At 07:45 a.m., the vehicle in question was observed on the Roseau River First Nation. The officer activated his emergency lights and made an attempt to conduct a traffic stop. The vehicle pulled onto Main Rd and accelerated at a high rate of speed travelling South on Main Rd. The vehicle continued South and was observed to brake hard before a stop sign. The vehicle slid into a ditch across the highway and the driver was observed to exit the vehicle and trying to flee. The male driver fell over twice as he was trying to flee before realizing he had sustained an injury to his ankle. He was arrested on scene for Flight from police and EMS was called.

EMS arrived and transported the driver to Morris Hospital.

The MFNP officer followed up later on in the day and was advised that the driver had been transferred to HSC.

On September 1, 2022, it was confirmed that the driver had suffered a broken ankle.”

As this matter resulted in a serious injury as defined under the IIU regulations, the 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.

The information obtained by the IIU included:

- General report (WO1);
- Occurrence summary report;
- Computer aided dispatch (CAD);
- Persons details report;
- Police pursuit report;
- MFNPS pursuit policy and procedure;

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

- 911 radio audio;
- Surveillance video report;
- Interview civilian witnesses (CW 1-3); and,
- Interview of witness officer (WO1).

The civilian director designated one witness officer. Due to a lack of detailed information received by the IIU at the outset, the civilian director decided to defer the designation of any officer as a subject officer until more information was received through the investigation. This decision was later re-evaluated, and one officer was assigned as a witness officer, however, no subject officer was ever designated.

The IIU investigators made several attempts to contact the affected person (AP) to obtain his medical information; he did not return any of the messages asking him to reach the IIU investigator. Medical information was not obtained for the AP.

No scene examination was conducted, as the incident occurred on August 30, 2022, and the IIU did not receive notification until September 2, 2022. According to CW1, several people were at the scene; however, IIU Investigators could not identify and locate them.

Facts and Circumstances:

Affected Person:

On September 26, 2022, IIU investigators attempted to interview the AP; however, he declined. The AP spoke with the IIU investigator on the phone, stating, *“It was a stupid incident, and I don't want to talk about it.”*

Civilian Witnesses (CW 1-3):

CW1

On January 26, 2023, IIU investigators obtained a statement from CW1. In her statement, CW1 advised that she was one of the EMS personnel attending the incident on August 30, 2022. She did not recall what time she and her partner (CW2) received the call and believed that dispatch advised that it was a motor vehicle collision.

Upon arrival, she observed a vehicle in the south ditch by the main road of the reserve. The patient (AP) was sitting on the ground on the car's passenger side. The person (AP) had a injury requiring medical attention. The AP told her he missed the corner but was very reluctant to answer any questions and said nothing about a police pursuit.

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

CW1 mentioned several people were at the scene, and some assisted in getting the patient out of the ditch. The people did not offer any information on what had occurred. The patient was transported to Morris. According to CW1, CW1 and CW2 were on-scene for fifteen minutes.

CW2

On February 2, 2023, IIU investigators obtained a statement from CW2. In his statement, CW2 advised that on August 30, 2022, his shift started at 7 a.m. but he did not remember when he and his partner, CW1, received the call, but that a car went into the ditch. When they arrived, a lone MFNPS officer was on-scene. The driver of the vehicle (AP) was sitting next to the vehicle in the ditch. CW2 did not talk with the AP or the police officer (WO1) regarding how the incident occurred. The AP was provided medical attention and was transported to Morris Hospital.

CW3

On May 17, 2023, IIU investigators obtained a statement from CW3. In his statement, CW3 stated that on the date in question, between 6-7 a.m., he observed an MFNPS vehicle parked on the north side of Roseau River. He noticed the car sitting on the road. CW3 pulled up and had a conversation with the officer (WO1). WO1 said he was looking for a black car regarding possible impaired driving and speeding around the community.

While he was talking with WO1, the black car went speeding south. WO1 activated his lights and went after the black car. The vehicle was about fifty feet away. When the black car saw the police (WO1), the driver hit the gas. The black car went across the highway and right into the ditch. The vehicle was travelling too fast to make a turn. CW3 stated that WO1 was about ten seconds behind the black car and did not look like WO1 was gaining on the vehicle.

Witness Officer:

WO1

On March 15, 2023, IIU investigator met with WO1, an officer with MFNPS, and obtained a recorded statement in the presence of his counsel. WO1 also completed a police report. WO1 advised that on the date in question, at approximately 6 a.m., he received a call that a woman reported that the AP was intoxicated and banging on the door outside her residence. When WO1 arrived at her home, the AP was gone. The woman indicated that the AP had backed his vehicle into her father's vehicle, parked in the driveway. WO1 noted some minor damage to the vehicle.

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

WO1 conducted a patrol for the vehicle. During his first patrol around Roseau River, he noted the exact vehicle, a black Chrysler 300, parked in the driveway of B116A. When he pulled into the driveway, no one was around, and the vehicle was not running.

At approximately 7 a.m., the woman called again and advised that the AP had returned and was trying to enter the residence. When WO1 arrived, there was no black car parked in the driveway. WO1 drove back to B116A and located the vehicle parked differently. There was no one inside the vehicle. WO1 did a patrol for the male; however, he could not find him.

Less than 100 yards away, WO1 observed the black car pull onto the main road from a side road. He turned on his emergency lights before he put his vehicle in gear. The car immediately took off. WO1 did not activate his vehicle's sirens. WO1 stated that the police vehicle attained speeds of 130-140 km/hr on Main Road travelling Southbound and could not close the distance. The vehicle continued southbound on Main Road, where he saw the car's brake lights turn on, and it turned slightly to the right after the stop sign and then across the main road and then went into the ditch on the opposite side of the highway.

The AP had gotten out of the vehicle and looked like he was trying to run. When running down into the ditch, WO1 saw that the AP had fallen over by the front of his car.

The AP tried to get to his feet; however, he fell twice more. The AP was in pain, and when he fell down the second time, he was cradling his right foot. The AP was moaning and making sounds like he was in pain.

EMS was immediately contacted as AP stated his foot was injured. Fresh blood was also observed on the right side of his face. Consistent with hitting his head on the windshield. No other injuries were noted.

The AP started stating, "I fucked up, I fucked up, man." WO1 advised the AP that he should have stopped when he first saw the police trying to stop him. The AP stated, "I know, I should have stopped, but I got scared." WO1 arrested the AP for flight from police.

MFNPS Pursuit Policy & Procedures

MFNPS's policy defines a pursuit as an attempted stop of a vehicle by a police officer where the driver is aware of this attempt and refuses to obey the Police Officer, following which the Police Officer pursues to stop the vehicle or identify the vehicle. Police pursuits may be initiated where the police officer has reason to believe a criminal offence has been or is about to be committed. Police pursuits may be initiated to identify the vehicle.

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

Detachment Commander (DC):

As per MFNPS policy, the DC evaluated the actions of WO1 following the incident. He noted that WO1 attempted a lawful traffic stop on a suspected impaired driver. The driver then immediately fled, resulting in the driver losing control and entering the ditch shortly after. The entire attempted vehicle stop lasted less than 1 minute.

According to the DC, WO1 had no lawful justification for towing the vehicle when he observed it parked in the earlier two instances. The vehicle was registered and parked at a residence with no confirmed driver to be found and no illegal activity in progress. He concluded that the attempted traffic stop and pursuit were within police policy standards.

Surveillance Video :

Video surveillance from the Roseau First Nation Band office was obtained. It shows the parking lot of the band office and the intersection of Main Road and Provincial Road 201.

At 7:46 a.m., a vehicle can be seen crossing provincial road 201 road southbound and travelling across the street and disappearing out of sight into the south ditch. Nine seconds later, an MFNPS vehicle enters the camera view. The emergency lights are activated as the vehicle crosses the road and pulls to the south shoulder of Provincial Road 201. An officer is seen exiting the police vehicle and proceeding down into the ditch.

A second video shows the main road from another angle. At 7:45 a.m., an MFNPS vehicle enters the camera view six seconds after the AP's vehicle exits the camera view. The emergency lights are activated as the vehicle is seen travelling on the main road.

Medical Information of AP

IIU investigator made several attempts to obtain AP's medical information regarding the injuries sustained on August 30, 2022. AP did not return any of the messages left for him asking to contact the investigator. Medical records were therefore not obtained.

Conclusion

- MFNPS received a report of a disturbance and hit and run on the Roseau River First Nation.
- WO1 was advised that the AP was intoxicated and banging on the door outside a residence. The woman reported that the AP had also hit her father's parked vehicle. WO1 observed minor damage to the vehicle.
- WO1 advised CW3 he was looking for a black car regarding possible impaired driving and speeding around the community, and during this discussion, the vehicle went speeding south.
- WO1 activated the emergency equipment of his police vehicle and observed the vehicle in question accelerate down the main road at high speed.
- The vehicle was observed to slide across the highway and into a ditch. The driver of the vehicle (AP) received an injury to his ankle.
- CW3 stated that WO1 was about ten seconds behind the black car and did not look like WO1 was gaining on the vehicle.
- Surveillance video demonstrated that the police vehicle was approximately six to nine seconds behind the AP on the main road. The vehicle has its emergency lights activated.
- WO1 stated the AP had gotten out of the vehicle and tried to run. The AP had fallen over by the front of his car. The AP tried to get to his feet; however, he fell twice more. The AP was observed to be in pain and the AP had fallen over twice and was observed to be in pain, cradling his foot and moaning.
- CW1 and CW2 provided medical attention to AP and brought him to the hospital.
- The AP was contacted and declined to participate in this investigation. The AP told WO1 at the incident scene that he "fucked up...(he) should have stopped."

In this investigation, the IIU's mandate is to consider whether the serious injuries suffered by the AP may have resulted from the actions of the police officer (WO1) who attended the scene of the incident. WO1 was in a brief pursuit of the AP, attempting to stop him regarding the dispatch call he received that the AP was involved in causing a disturbance, a hit and run, and possibly driving impaired. The AP failed to stop when he saw the MFNPS cruiser with its emergency lights activated; he sped up at a high rate of speed and hit the ditch.

The MFNPS officer involved in this investigation was lawfully placed and acting within his lawful authority as a police officer. The AP bears the sole responsibility for the crash; he chose to drive at high speed, which thereby caused him to hit the ditch and sustain serious injuries. Considering all the circumstances, I am satisfied that no action by the police officer contributed

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

to or caused the serious injuries of the AP. There is no evidentiary or factual support to justify the designation of the police officer as a subject officer. Therefore, no charges are recommended against WO1.

Accordingly, this investigation is now completed and closed.