



**IN THE MATTER OF AN INVESTIGATION INTO A BRANDON INCIDENT
INVOLVING SERIOUS INJURIES**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Civilian Director:	Roxanne M. Gagné
IIU File Number:	2023-0026
Date of Release:	October 17, 2023

Introduction

On April 14, 2023, the Brandon Police Service (BPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

“At approx. 1:28 a.m., member attempted to stop a 2012 F-150 in the 800 block of Vanhorne Ave. The truck fled and the member did not pursue but voiced the vehicle description over the air. The vehicle was confirmed to be stolen on CPIC. A short time later the vehicle was spotted and was followed at a distance while it travelled West on highway 110. The vehicle proceeded to drive through the stop sign at Highway 10 going through the ditch and then getting stuck out in the field for a short time. Members set up a perimeter around the field and K9 was called out. Once the vehicle got unstuck, it drove around out in the vehicle for approx. 20 minutes appearing to get stuck and searching for a way out. Eventually the vehicle drove through the ditch and passed the vehicles and headed back into the city and members disengaged from following it. The vehicle was later spotted on 13th and lost again as members were not pursuing at any time or having activated lights. The vehicle was spotted again and it stopped on the road and let a female passenger out. Initially the member thought the female was bleeding and began following the vehicle up 1st St. from a distance. The vehicle made its way to Highway 1 and went westbound. Members disengaged from following and lost sight of the vehicle. The passenger, (AP) was taken to BRHC and said she was seriously injured in the crash. At this point she is determined to have 9 fractures of her ribs. She identified the suspect and provided a notebook statement.”

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this investigation in accordance with Section 66(4) of *The Police Services Act* (PSA). IIU investigators were assigned to this investigation.

Due to a dearth of information received by IIU at the outset, it was the decision of the civilian director to defer the designation of any officers as a subject officer until more information was received through the investigation. This decision was later re-evaluated and no officers were ever designated. The civilian director designated two witness officers.

IIU investigators obtained the following information from the RCMP, among other items:

- Bail Brief, Breach Order of Prohibition, Breach Release Order, charge, remand warrant, arrest documents and court brief - (male driver)
- CAD reportsX2
- Dispatch Recordings
- GEOTAB Data from police vehicles
- AP - IIU Disclosure Material
- IIU-created Dispatch Recordings Playlist
- Investigator's Report - WO1
- Major Incident Report
- Medical Consent Form - AP

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.

- Occurrence Summary
- Officer's NotesX3
- Police Car (PC) videos
- Platoon Assigned Duties 20230413CN
- Car Messages call history and GEOTAB records
- AP- Notebook Statement taken by WO2

Facts and Circumstances

Scene Examination

On June 1, 2023, IIU investigators arrived at the scene, which was located at the intersection of 18th Street and the Provincial Trunk Highway (PTH) 110 bypass in Brandon, Manitoba. The Part 7 information had indicated that this was the location where the vehicle that AP had been traveling in was observed leaving the road. A total of 23 photographs were taken of this area, with images showing a field where tire tracks were observed.

Canvass

There was no canvass conducted during this investigation because the scene was located in an isolated area.

Affected Person (AP)

On June 15, 2023, IIU investigators obtained a statement from AP. She stated that on April 14, 2023, she was drinking and attempting to travel to Winnipeg, Manitoba. As the night progressed, she became intoxicated and experienced a blackout. Upon regaining consciousness, she found herself surrounded by police and heard them instructing her to exit the vehicle. Not wearing a seatbelt at the time, she was assisted by the person next to her with opening the door. She exited the truck and realized she was injured, although she couldn't recall if it was due to a collision. Subsequently, police officers instructed her to get on the ground.

AP reported limited vision upon regaining consciousness, stating that she was forcefully placed on the ground and handcuffed. She informed the officers about her difficulty breathing and the soreness on her left side, which she suspected was due to a punctured lung. Despite her physical condition, the police officers told her to stand up and identify the driver.

AP stated that she informed a female officer multiple times that she could not get up and had experienced a blackout. Upon regaining consciousness, she found herself in a wheelchair at the emergency department of the Brandon Regional Health Centre, where her medical number was requested despite her breathing difficulties. While her blood pressure was being taken, she once again lost consciousness. When she regained awareness, she was in a hospital bed, where a doctor asked her if she remembered what had happened. AP expressed her shock upon learning that a surgeon was being called to insert a tube. Her subsequent recollection became hazy, and she was released from the hospital five days later.

Civilian Witness (CW1)

On April 20, 2023, IIU investigators initiated communication with Brandon Correctional Centre, in order to establish contact with CW1; however, he declined to provide a statement.

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.

Witness Officers (WO1-2)

WO1

On June 28, 2023, IIU investigators obtained a statement from WO1. He reported that on April 14, 2023, while driving on Van Horne Avenue, he noticed a suspiciously parked truck without a front licence plate near a 7-Eleven store. Several individuals were seen walking by the truck, and their reaction to his presence raised suspicions.

Upon attempting to capture the licence plate, the truck quickly fled, leading WO1 on a pursuit through various streets. WO1 activated emergency lights to initiate a traffic stop; however, the truck evaded and disobeyed stop signs. WO1 reported the stolen status of the truck for public safety.

Following developments over the radio, WO1 learned that the truck was located in the south Richmond area of Brandon, Manitoba, where other officers were involved in containing it in a field. He joined the operation, and despite retaining the truck briefly in the field, the male driver managed to escape and drive back into town.

Concerned about public safety, WO1 terminated the pursuit and returned to the field. Subsequently, it was reported that the male driver had dropped off a passenger (AP) at the hospital. WO1 went to the hospital and learned from WO2 that AP had suffered fractured ribs.

WO2

On June 28, 2023, IIU investigators obtained an interview of WO2. She reported that while on general patrol, she received a radio communication from WO1 regarding an attempted traffic stop of a stolen vehicle. WO2 encountered the subject vehicle and activated the emergency lights to initiate a traffic stop, but the vehicle failed to slow down. She discontinued the use of emergency lights and continued to follow the subject vehicle.

WO2 followed the subject vehicle as it travelled south on First Street, leading to the PTH 110 bypass. With minimal traffic on the road, she observed the subject vehicle pass another vehicle. Eventually, they reached an intersection where the subject vehicle proceeded through, leading to a service road. WO2 witnessed the subject vehicle leave the road and crash into a ditch. As the only police unit at the scene, she reported the collision and awaited the arrival of other officers.

Remaining in her police vehicle, WO2 observed the subject vehicle free itself and drive around in a field. Multiple police units arrived and surrounded the subject vehicle, however, after some time, the subject vehicle left the field. WO2 attempted to block the subject vehicle with her own vehicle, but fearing a potential collision, she moved out of the way and let it go.

Subsequently, the subject vehicle was seen circling around the hospital. WO2 made efforts to position her police vehicle in front of the subject vehicle, but its speed prevented her from doing so. Eventually, the subject vehicle came to a stop in the westbound lane of Victoria Avenue. AP fell out of the vehicle, and then it fled. WO2 exited her police vehicle and safely apprehended AP without the need for force. AP exhibited signs of injury. WO2 noted a small amount of blood on her clothing.

WO2 inquired about AP's injuries and requested an ambulance through dispatch, however, all in-town ambulances were occupied. Therefore, WO2 transported AP to the hospital.

Despite efforts by other officers to stop the suspect vehicle, it was deemed high risk to do so, resulting in the decision to let it go.

Summary of Other Evidence

Police Car Videos

IIU investigators received and reviewed the video footage from police car (PC) 105 that WO2 was operating during this incident on April 14, 2023, and observed the following events:

Front view video (1)

The video start time was 1:30 a.m. and runs for one minute and 24 seconds. At 00:52 of the video, the audio could be heard, PC 105's dash camera captured a grey truck travelling in the 1800 block of First Street, driving without its lights on. At 01:01 of the video, PC 105's dash camera shows PC 105 make a right turn, accelerate and activate the emergency lights without any sirens.

Front view video (2)

The video start time at 1:32 a.m. and runs for two minutes and 59 seconds. There was no audio. PC 105 dash camera captured the PC travelling at 147 kilometres per hour without its emergency light activated. Vehicles were captured in the distance in the PC video recordings. At 1:33 a.m., PC 105's dash camera showed that the traffic lights were red as it approached the intersection located at 18th Street and the PTH 110 bypass. At 1:33 a.m., PC 105's dash camera recorded the vehicle that it was following cross the intersection, the lights were red. The vehicle PC 105 was following was recorded violently bouncing, and leaving the roadway. At 1:33 a.m., PC 105 was at the intersection located at 18th street and the PTH 110 bypass. At this time the traffic lights were red. PC 105 crossed the intersection with the audio and emergency lights activated. WO2 was heard speaking in the radio advising that the emergency lights were activated. The police officer advised that they were not going to approach the vehicle in the field and requested more officers to attend her location. At 1:33 a.m., the video showed two tracks that lead off a dirt road into a field. A red light was seen at the end of the tracks in the field. PC 105's dash camera captured a vehicle in the field attempting to reverse. However, the vehicle stops, then moves forward away from PC 105. WO2 was heard advising the other police units about the movements of the truck in the field, reporting that it was moving west through the field. At 1:35 a.m., WO2 announced that PC 105 was going to travel away from the truck northbound on a service road.

Front View video (3)

The video starts at 1:55 a.m. and runs for seven minutes and 54 seconds. At 1:56 a.m., PC 105 made a right turn and the audio was activated along with the emergency lights. At 1:56 a.m., a truck was captured crossing in front of PC 105 followed another PC. At 1:56 a.m., PC 105 makes a U-turn and follows the PC and the grey truck. At 1:57 a.m., a vehicle door is opening and then AP is seen stepping out of the vehicle. WO2 drew her firearm while moving towards AP and

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.

giving a command to AP to show her hands. At 1:57 a.m., PC 105 recorded PC 104 leaving the scene at a high rate of speed, while WO2 ran towards AP, who was lying on the road. At 1:57 a.m., a black SUV is driving past WO2 and AP at a high rate of speed as WO2 was holstering her firearm. At 1:59 a.m., WO2 is assisting AP over to the curbside and off the roadway in front of a white SUV. At 2:00 a.m., WO2 asked the AP for her name; the AP answered. At 2:02 a.m., WO2 and AP arrived at the Brandon Regional Health Centre's emergency department.

Personal Health Information

On July 4, 2023, IIU investigators obtained, with the consent of the AP, the AP's medical documents from the Brandon Regional Health Centre. The records stated the AP suffered multiple left-sided rib fractures, involving acute fractures of the left fifth, sixth, seventh, eighth and ninth ribs posteriorly, the left third and fifth ribs laterally and the left fourth and sixth ribs anteriorly. Additionally, there was a moderate left pneumothorax and some subcutaneous emphysema at the left chest wall, along with minimal lingual contusion. The course of treatment was the insertion of a chest drain.

Conclusion

On April 14, 2023, AP was travelling in a stolen Ford F-150 truck driven by CW1. The stolen truck was involved in a significant collision when it left the roadway at 18th Street and the PTH 110 bypass in Brandon. The event of the truck violently bouncing and leaving the roadway was captured by video footage from WO2's PC camera. The AP suffered multiple injuries from the collision and admitted to not wearing a seatbelt at the time. The video recordings from PC 105's dash camera provide crucial details about the events that occurred, including the truck driving without lights, PC 105's pursuit, the interaction between WO2 and AP, and the conveyance of AP to the Brandon Regional Health Centre by WO2. The collision that occurred was not caused by PC 105 or any other officers. Further, WO2 did not use force when taking the AP into custody.

The IIU's mandate is to consider whether the serious injuries suffered by the AP may have resulted from the actions of the officers. In considering all the circumstances, I am satisfied that the actions of the witness officers did not contribute to the serious injuries of the AP. Therefore, the IIU investigation is now completed, and the matter is now closed.