



**IN THE MATTER OF AN INVESTIGATION INTO A SERIOUS INJURY
DURING AN ARREST BY WPS ON JANUARY 11, 2024**

**FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT**

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Introduction

On January 12, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On Thursday, January 11th, 2024 at approximately 5:56 p.m., East District officers (E404 and E461) attended to * William Newton Avenue in regards to a male (the affected person) wanted on the strength of a Canada-Wide Immigration Warrant of Arrest.*

Officers were met at the door by the subject of the outstanding warrant, however he slammed the door shut and disappeared inside the residence before officers could take him into custody. The door was then answered by the owner of the residence who denied knowing the subject male, but invited officers inside.

Officers attended to the second floor of the residence where they discovered the subject male hiding in a bedroom. The male subsequently barricaded the door of the bedroom using his body weight. Officers then deployed OC spray into the bedroom in an effort to gain compliance from the subject male, and were successful in gaining entry. Once inside, officers observed the subject male dive headfirst through the second story bedroom window and disappear from view.

*Officers immediately attended outside but were unable to locate the male. After a search of the neighbourhood, officers located him hiding in deep snow alongside a fence at the rear of * Talbot Avenue. The male attempted to flee from officers once again, ignoring repeated demands to stop running. At one point during the foot pursuit, the male appeared to reach into the waistband of his pants, at which time a Conducted Energy Weapon (CEW) was deployed, but to no avail.*

*Shortly thereafter, the male was cornered by officers (E409 and E487) at the rear of * Riverton Avenue where a brief use of force encounter ensued in an effort to restrain the male and take him into custody.*

Once in custody, the male continued to violent and resistive with officers. Winnipeg Fire and Paramedic Service personnel were summonsed to conduct a medical examination of the male, after which he was conveyed to the hospital for further evaluation.

It was later determined that the male had suffered a fractured left forearm and left hip/pelvis and would require admission to hospital.

The male was subsequently turned over to Canada Border Services Officers who took charge of him on the strength of the outstanding Immigration Warrant. The male will remain under guard by CBSA officers until his release from hospital.”

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.

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Due to a dearth of information at the outset about whether any police officers were directly or indirectly involved in causing AP's injuries, the civilian director did not designate a subject officer. This decision was later re-evaluated and no subject officers were ever designated.

IIU investigators obtained the following information from the WPS:

- Police Dispatch Audio
- Computer automated dispatch
- Use of Force Report
- 911 Audio

Facts and Circumstances

On January 11, 2024, the WPS were attempting to execute a Canada-wide arrest warrant on AP. AP jumped out the bedroom window of the residence and was later taken into custody a short distance from the initial scene.

Affected Person (AP)

On January 12, 2024, IIU investigators interviewed AP at his hospital bed in the emergency department of Health Sciences Centre (HSC). According to AP, he received his injuries — broken arm and broken pelvis — when he jumped out of a second-storey window at a residence on William Newton Avenue. AP did not elaborate as to why police were there and was reluctant to talk further about the circumstances. He stated that he jumped out of the window and when police "caught up to him" they beat him up with punches to the face and a kick to the sternum area.

IIU investigators asked AP to provide an estimate of how far and how many feet he would have jumped from the second-storey window; he stated that "it was about 15 feet."

IIU investigators asked AP if he would give his consent for investigators to request his medical information in order to confirm his injuries, he stated "no, that's all I'm willing to give up."

IIU investigators once again asked AP if the police caused his injuries or if the cause was from jumping out the window. AP confirmed that they were from jumping out of the window.

Use of Force Report

A use of force report submitted for this incident, which indicates that officers were dispatched to a residence on William Newton Avenue. Officers were advised that the call history indicated that a wanted male, the AP, was currently hiding at a residence on William Newton Avenue. The caller indicated that AP was illegally in Winnipeg and is originally from Grand Forks, North Dakota. A Canada-wide immigration warrant was confirmed to be in effect based on police computer checks.

At 6:09 p.m., three officers attended to the residence. Officers knocked on the front door of the residence, AP opened the door; upon observing it was members of WPS, he immediately slammed the door closed and retreated within the residence.

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The homeowner arrived on scene shortly thereafter and allowed WPS members to attend inside and search the residence for AP. Officers made loud verbal announcements of their presence. Officers went to the second floor of the residence and attempted to open a door to one of the bedrooms. Upon doing so, officers found AP to be bracing it closed from within, with physical force, as the door would only open a small amount before being shoved closed.

The officers made loud verbal announcements of their presence and demanded the door be opened as AP was under arrest. AP refused and continued to hold the door closed from within despite numerous attempts by officers to open the door. Due to the fact that officers could not see within the bedroom, that they could not assess any risks within the bedroom (whether AP had access to any weapons), and that AP was actively resisting arrest, oleoresin capsicum (OC spray) was utilized while the bedroom door was momentarily opened during the struggle. The spray was directed in AP's facial region in an attempt to alter his behaviour and safely arrest him.

Upon deployment of the OC spray, AP stopped holding the door closed and fled further into the room. Officers were then able to finally open the door and observed AP run and dive through the window headfirst. AP fell to the ground below in an attempt to resist arrest. The bedroom window is approximately 15 feet to the ground.

Upon attending outside of the residence, members were unable to locate AP and began searching the area. At approximately 6:35 p.m., officers located him hiding in the rear yard of a residence. Officers gave numerous verbal commands to show his hands and to stand up as he was under arrest. AP refused to comply and immediately turned and ran. An officer began running after AP while providing loud verbal commands to stop running or he would be tasered. While being pursued, AP was repeatedly reaching to the right rear side of his waistband. An officer deployed his conducted energy weapon (CEW) on two occasions; however, it was unsuccessful.

Numerous loud verbal commands were given to AP to stop running and telling him that he was under arrest. AP ignored them. An officer was finally able to stop AP by taking hold of his shoulders and pushing him down to the ground. Once on the ground, AP had his hands tucked underneath himself. Officers attempted to pull his arms out from underneath him but were unable to do so due to his resistance. Multiple loud verbal commands were provided to AP to give officers his hands; however, he ignored them. A use-of-force encounter ensued where one officer gave one closed-hand strike with his right hand to AP's face while another officer delivered one closed-hand strike to AP's right ribcage in an effort to gain compliance from AP. Due to these strikes, members were able to secure AP's right hand behind his back and apply a handcuff to his right wrist. Officers then delivered two or three closed-hand strikes to the right side of AP's face in an effort to alter his behaviour and retrieve his left arm. AP attempted to pull his right arm back underneath himself. Due to this, two closed-hand strikes were delivered to AP's face in an attempt to gain compliance. Officers were able to retrieve his left arm from underneath him and pulled it behind his back. AP was finally handcuffed, arrested and transported.

Conclusion

Following due consideration of all the circumstances of this matter and a careful, thorough review of the evidence obtained in this investigation, I am satisfied that:

- On January 11, 2024, WPS officers attended a residence on William Newton Avenue.
- Under the strength of a Canada-wide warrant they attempted to arrest AP.
- AP answered the door but immediately closed it before he could be taken in custody.
- The male owner of the residence subsequently let police inside the residence.
- The officers attended to a bedroom on the second floor where AP was hiding.
- AP barricaded the door and prevented officers from entering.
- OC spray was deployed and entry into the bedroom was successful.
- Once in the bedroom, AP dove headfirst through the window.
- Officers went outside and could not locate the AP.
- AP was located hiding alongside a fence at the rear of a residence.
- AP ran away from WPS. A CEW was deployed but was ineffective.
- After a brief use-of-force encounter, AP was taken into custody.
- AP was brought to HSC where it was determined that he suffered a fractured left forearm and left hip/pelvis.
- There is no medical information, nor indication from AP, that he suffered any injuries during the use-of-force encounter with police.
- AP stated that he suffered injuries as a result of his own actions, in jumping out of the second-storey window.

It is the IIU's mandate to consider whether the serious injuries suffered by the AP may have resulted from the actions of the police officers. In considering all the circumstances, including AP's admission that his injuries were not caused by the police, I am satisfied that the interaction of the officers did not contribute to the serious injuries of AP.

Therefore, this investigation is now concluded, and the matter is now closed.