

FINAL REPORT: IIU concludes investigation into crash involving WPS cruiser

On April 21, 2018 at 4:46 p.m., the Winnipeg Police Service (WPS) reported to the Independent Investigation Unit of Manitoba (IIU) that, at approximately 1:00 p.m. that day, a motor vehicle collision occurred at the intersection of Main Street and Polson Avenue involving a southbound WPS cruiser and a westbound Toyota Corolla. The two occupants of the WPS cruiser sustained minor injuries. A passenger in the Toyota--the Affected Person (AP)--sustained a collapsed lung, fractured right ankle and several fractured ribs. The collision caused the WPS cruiser to leave the roadway and crash into a business at the southwest corner of the intersection. Both vehicles and the business sustained extensive damage. IIU investigators were subsequently deployed to the scene of the collision.

IIU investigators received and reviewed the WPS file which included reports, statements and notes. IIU investigators also received and reviewed WPS radio communications, various captured video from building surveillance and traffic camera footage from locales at or near the scene of the collision, recorded crash data from the Toyota and WPS policies respecting operation of emergency vehicles.

Members of the WPS Traffic Collision Investigation Unit and Forensics Unit assisted in processing the scene of the collision. A WPS collision analyst report was received and reviewed by IIU investigators.

The civilian director designated two WPS officers--the driver and passenger in the cruiser car involved in the collision--as the Subject Officers (SO1 - 2) and three WPS officers as witness officers (WO1- 3).

Under the provisions of *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding an incident. In this case, SO1, the driver of the cruiser car, declined to be interviewed but did provide his written narrative of the events to IIU investigators. SO2, the passenger in the cruiser car, did not respond to any requests by IIU investigators to attend for an interview.

IIU investigators did interview AP and 10 civilian witnesses (CW1 – 10).

Both vehicles involved in the collision underwent complete mechanical inspections. There were no mechanical defects noted that would have played a factor in the collision.

For the sake of brevity and to avoid undue repetition, summaries of only the most significant and revealing statements by witnesses are referenced in this report.

The investigation determined that on April 21, 2018, at 12:59 p.m., a call for service to assist an officer at the Yale Hotel on Main Street was broadcast by WPS radio communication. Three

police cruiser cars responded to this broadcast: a lead cruiser car operated by WO1, the second cruiser car operated by SO1 and the third cruiser car operated by WO3, a street supervisor.

The following facts were determined from all witness interviews:

- Main Street is a divided eight lane roadway that runs north/south. At the intersection with Polson Avenue there is a break in the median to accommodate turning. Main Street is a posted 60 km/h speed zone.
- Polson Avenue is an undivided two lane roadway that runs east/west. Polson Avenue ends at a 'T' on the east side of Main Street. Polson Avenue is an unposted 50 km/h speed zone.
- Weather conditions were sunny, visibility was clear and unlimited.
- Road conditions were dry and traffic was light to moderate.
- All police cruiser cars were marked, had emergency lights and sirens activated and were proceeding southbound on Main Street.
- The emergency lights were visible and the sirens were audible.
- Southbound traffic on Main Street moved and gave the right of way to the police cruiser cars.
- The Toyota, in which AP was a passenger, was travelling northbound on Main. It prepared to turn left at the intersection with Polson Avenue, stopped and waited for traffic to clear.
- The driver of the Toyota began the left turn after the first WPS cruiser car passed by.
- The Toyota turned into the path of the second WPS cruiser car (operated by SO1).
- The cruiser car operated by SO1 was also sounding its horn just prior to the collision.

Video footage was obtained from a traffic camera at the intersection of Main Street and Inkster Boulevard (two blocks north of Polson). While it did not capture the collision, the video does show three marked WPS cruiser cars travelling southbound through or away from this intersection. In particular, the second marked WPS cruiser car, later identified as that operated by SO1, is seen travelling eastbound on Inkster Boulevard and turning southbound onto Main Street. All three police cruiser cars are observed with emergency lights activated. There is no sound on the video so the use of sirens cannot be confirmed.

Video surveillance footage from a nearby business was collected and did record the collision between the police cruiser car and the Toyota. The Toyota is seen travelling northbound on Main Street, then slowing and pausing at the intersection with Polson Avenue. A marked police cruiser car passes the Toyota's position, proceeding southbound on Main Street. Then, within two seconds, a second police cruiser car, proceeding southbound, is approaching that same location. The Toyota begins to make its left turn onto Polson Avenue and is now in the path of this second police cruiser car. The collision occurs in the southbound lanes of Main Street.

From a review of the WPS collision analysis report, the cruiser car operated by SO1 had accelerated from 51 km/h up to 85 km/h from 5 seconds to 1.5 seconds before the collision. At 1.2 seconds before the collision, the cruiser car experienced "...a significant right turn steering input." At 1 second before the collision, the cruiser car's brakes were applied and the anti-locking mechanism was engaged. The brake application and steering were consistent with a "driver initiated collision avoidance manoeuver."

With respect to the Toyota, approximately 2.6 seconds before the collision it was nearly stopped, traveling only 2 km/h, alternating between brakes applied and released. The Toyota then began a slow acceleration up to 12 km/h, where the brakes were again applied momentarily. At 0.6 seconds before the collision, the Toyota was under acceleration again and reached a speed of 22 km/h when it was struck by the WPS cruiser car. This speed was maintained through impact.

A review of WPS policy on emergency vehicles determines that in situations where an emergency response to a call for service is desirable or necessary, emergency equipment (lights and sirens) must be activated and the police vehicle must be driven with due regard for safety having regard to all of the circumstances. The operation of the police cruiser cars were in compliance with the existing WPS policy.

A review of the applicable provisions of the *Highway Traffic Act* has determined that the following provisions are applicable:

Left Turns

Section 121(5) -- When a driver of a vehicle intends to turn left at an intersection from a roadway on which traffic is permitted in both directions into a one-way roadway, he shall approach the intersection in the part of the roadway to the right of the directional dividing line thereof that is nearest to the directional dividing line and, on a laned roadway, in the extreme left-hand lane available to traffic moving in the direction of travel of the vehicle he is driving and after entering the intersection shall make the left turn by passing as closely as practicable to the left-hand kerb or edge of the roadway being entered.

Section 121(8) -- No person shall turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course, or move right or left upon a highway, unless the movement can be made with safety.

Section 129 -- When a driver is within an intersection and intends to turn left he shall yield the right-of-way to traffic that is approaching from the opposite direction and is within the intersection or so close that it constitutes an immediate hazard; but having yielded and having given a signal as required by sections 125 and 126, the driver may make a left turn if he can do so safely.

Right of Way to Emergency Vehicles

Section 132-- Unless otherwise directed by a peace officer, a driver of a vehicle on a highway shall, on the immediate approach of an emergency vehicle that is sounding its siren and has illuminated the lighting required under section 38.1:

- (a) yield the right-of-way to the emergency vehicle by immediately driving to a position parallel to and as close as possible to the curb of the roadway and clear of any intersection; and
- (b) stop and remain stopped until the emergency vehicle has passed.

Analysis and Conclusion

This investigation has determined:

- WPS officers were responding to a call for service;
- WPS cruiser cars had activated emergency lights and sirens at the time of driving;
- The WPS cruiser cars were each operated in accordance with existing WPS policy;
- Drivers of vehicles on Main Street were required by law to give the right of way to the southbound WPS cruiser cars;
- Drivers of vehicles on Main Street that intend to turn left are required to give the right of way to traffic approaching from the opposite direction and not to proceed unless it is safe to do so;
- The Toyota, by commencing to turn left onto Polson Avenue with emergency vehicles approaching from the opposite direction, drove into the path of the southbound WPS cruiser and did so in violation of the right of ways to be accorded pursuant to the *Highway Traffic Act*.

In the end, I am satisfied that the sole responsibility for the collision rests with the driver of the Toyota. No criminal or provincial statute charges should attach to either SO1 or SO2.

The IIU investigation is now complete and this file is closed.

Final report prepared by:
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Independent Investigation Unit
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