

FINAL REPORT: IIU concludes investigation into injuries from motor vehicle collision following WPS Pursuit

On May 23, 2019, at 3:05 a.m., the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of injuries to a male from a motor vehicle collision following a police pursuit earlier that morning.

According to this notification, in part:

“On Thursday, May 22rd 2019, at approximately 23:49 hrs, Winnipeg Police members were dispatched to the Canad Inns located at 2100 McPhillips for a robbery in progress. Initial information received indicated that two male suspects were in possession of a firearm(s). Prior to police arrival, supplemental information was received indicating that the suspects had fled from the business in a 2004 Subaru Forester...

On May 23rd, at approximately 01:27 hrs, WPS members voiced to dispatch that they had observed the aforementioned vehicle travelling in the area of Anderson/Powers, but it had taken off from them at high rate of speed.

Shortly thereafter, other members of WPS voiced that they had observed the vehicle in question travelling westbound on Templeton at McPhillips where it crashed into a hydro pole. These officers pulled directly behind the vehicle and confirmed that it was stolen vehicle used in the commercial robbery. The suspect vehicle, being driven by [the affected person (AP)] quickly sped away and continued to operate the vehicle northbound on McPhillips in the southbound lanes.

With emergency equipment activated, WPS officers pursued the suspect vehicle northbound on McPhillips. The vehicle continued to travel at a high rate of speed (120-150 km/hr) and did not return into the northbound lanes of travel until it the intersection of McPhillips/Swales Avenue. The vehicle then continued northbound on McPhillips and then made an eastbound turn onto the Perimeter Highway at speeds in excess of 150 km/hr. The vehicle then attempted to make a last second turn onto the exit ramp for Southbound Main where it lost control and rolled over. [AP] exited the vehicle and fled on foot, but was quickly taken into custody after a brief foot pursuit.

[AP] was later conveyed to Health Sciences Center by ambulance. It was later determined that he had sustained a collapsed lung and broken ribs as a result of the motor vehicle collision. [AP] remains at hospital in stable condition.”

As the injuries sustained by AP included broken ribs and a collapsed lung, which resulted in his hospitalization on an in-patient basis, constituted a serious injury as defined by regulation. Accordingly, the IIU was mandated to undertake an investigation into this matter pursuant to section 66(4) of *The Police Services Act* (PSA). IIU investigators were assigned to this matter.

The information obtained by IIU investigators included:

- all witness officers' notes and reports;
- call history;
- arrest report;
- civilian eyewitness statements;
- forensic investigative services report;
- 911 audio communication;
- WPS radio communications;\
- Prisoner logs;
- Prisoner injury report;
- Collision reconstruction report;
- AP medical reports

The civilian director designated fourteen WPS officers as witness officers (WO1-14). Upon a more critical review of witness officers' notes and reports, it was apparent that only WO1 - 4 had material evidence in respect of this matter; accordingly, these officers were interviewed. At the outset, there was a dearth of evidence to support the designation of any WPS officer as a subject officer. The civilian director deferred a decision on this issue until all witness officers were interviewed and the reconstruction report was received. IIU investigators also interviewed AP in person.

Facts and Circumstances

AP was the operator and lone occupant of a 2004 Subaru Forester reported as stolen by its registered owner. AP drove the stolen Subaru on Templeton Avenue through a flashing red light at the intersection with McPhillips Street and struck the brick covered, raised platform used to display vehicles for sale at an automobile dealership, situated on the northwest corner of the intersection. AP then reversed the stolen Subaru and drove northbound on McPhillips Street turned onto an exit ramp and then eastbound on the Perimeter Hwy. WO1 and WO2, in a marked cruiser car, activated their emergency lights and sirens and pursued the stolen Subaru. The Subaru was reaching speeds up to 170 km/h. At approximately 1:33 a.m., AP turned right onto an exit ramp and attempted to negotiate a curve at a speed of approximately 140 km/h, to travel southbound on Main Street. AP lost control of the Subaru, now travelling eastbound, through the east ditch, rolled between 5-6 times, and coming to rest on its passenger side. AP exited the vehicle and ran to an adjacent exit ramp where he eventually surrendered and laid down on the road. Following his arrest by WPS officers, AP was transported to the Health Science Center by ambulance and was treated for his injuries, which included:

- a left pneumothorax (collapsed lung) and a trace of right pneumothorax;
- left posterior, non-displaced fracture of the 1st rib;
- 5 cm laceration to the left side of his head; and

- a Subgaleal hematoma overlying the left parietal bone posteriorly (left/rear side of head).

A WPS Collision Reconstruction Investigator attended and examined the collision scene. It was determined:

- the driver's seatbelt was not in use at the time of the collision;
- the Subaru was travelling at a minimum speed of 105 km/h when negotiating the curve prior to rolling over 6 times before coming to rest;
- visibility and lighting was good and no obstruction that would have contributed to the collision;
- The ignition was damaged and appeared to have been tampered;
- The vehicle transmission indicator was in gear 1 (low gear);
- All of AP's injuries were on the left side of his body and were consistent with injuries received from being involved in the two collisions (notwithstanding claims by AP that he was wearing his seatbelt at the time of the vehicle rollover).

Conclusion

I am satisfied that the evidence gathered supports the singular conclusion that the collision and consequent injuries were the sole responsibility of AP. No actions by any police officer involved in this matter rose to any level to suggest they contributed in any degree to the collision and consequent injuries to AP.

I am not satisfied that any police officer's conduct in this matter is sufficient in any respect to attract a designation as a subject officer and none will be made as a result.

This matter is completed and the IIU has concluded its investigation.

Final report prepared by:

Zane Tessler, civilian director

Independent Investigation Unit

February 07, 2020

Ref 2019-026