



**IN THE MATTER OF AN INVESTIGATION INTO INJURIES RELATED TO A
WINNIPEG POLICE SERVICE COMPLAINT FROM AN INCIDENT THAT
OCCURRED ON JULY 19, 2021**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

IIU File Number: 2021-0050
Final Report: August 7, 2023
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Introduction

On October 21, 2021, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit (IIU) of serious injuries sustained by a male, later identified as the affected person (AP), during an interaction with police.

The notification, provided to IIU (edited for clarity), read in part:

On October 18, 2021, the Winnipeg Police Service Professional Standards Unit received the following correspondence from Law Enforcement Review Agency (LERA) Commissioner.

"This agency notified your office in writing on September 8, 2021 regarding an incident involving the AP on July 19, 2021 wherein he made an allegation of abuse of authority, including using unnecessary violence or excessive force pursuant to Section 129(a)(ii) of the Law Enforcement Review Act, against on duty officers employed by the Winnipeg Police Service (WPS).

The LERA investigation into this complaint has identified the following officers as involved in the incident; SO1; WO1. Further investigation into the complaint has determined that the AP was treated at the Health Sciences Center (HSC) in Winnipeg on July 21, 2021 in relation to this matter.

On October 5, 2021, medical records from HSC were obtained that confirm the AP suffered the following injuries:

- 1. Fractures of the right 6th – 8th ribs laterally. Fractures of the left seventh rib.*
- 2. Large right pneumothorax. Right upper lobe was completely collapsed.*
- 3. Mild infectious / inflammatory changes in the aerated right lung.*
- 4. Nondisplaced left scapular fracture.*
- 5. Possible nondisplaced distal left clavicle fracture."*

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

IIU Investigators obtained the following information, among other items:

- radio transmissions
- occurrence summary reports
- WPS officer's notes
- WPS officer's narratives
- WPS arrest report
- WFPS patient care reports
- Winnipeg Remand Center records

- Prisoner Log Sheet
- GPS data for police vehicles
- AP's medical records
- 911 calls
- Medical records from Grace Hospital
- Medical records from Health Sciences Center

Five officer designations were made for this incident, and based on the information received by IIU, the Civilian Director designated three WPS officers as subject officers (SO1-SO3) and two WPS officers as witness officers (WO1 – WO2).

Investigators obtained statements from the AP, three civilian witnesses (CW1-3), and three paramedics (PW1-3). One paramedic (PW4) declined to give an interview. IIU investigators could not obtain a statement from CW4 (the daughter of the AP). SO1 provided a statement; however, the remaining two subject officers (SO2 and SO3) declined to participate in this investigation.

Given the IIU was notified of the incident on October 21, 2021, and the date of this incident was July 19, 2021, IIU investigators could not conduct a scene examination.

Summary of the facts and circumstances

On July 19, 2021, the AP was involved in two incidents while possibly suffering from methamphetamine psychosis. The first incident occurred shortly after 11 a.m. on Fairlane Avenue, Winnipeg, when the AP forcibly pushed himself into a residence. His behaviour scared the homeowner, who hit him repeatedly with a metal bar, splitting his head open. The AP finally left this residence. The WPS and Winnipeg Fire Paramedic Service (WFPS) arrived at the residence and saw the AP sitting on the curb. He did not want to talk to the police or the WFPS but agreed to speak with paramedics. They noted injuries, two lacerations to his head and one on his forearm. The Paramedics indicated that the male did not allow them to lift his shirt to examine him further and did not push the AP to do so, as they did not want to aggravate the situation further. The AP refused any further medical assistance.

At 1:22 p.m., WPS General Patrol Officers responded to a 911 call regarding the AP who had forced his way into a second residence on Stradford Street in Winnipeg. The AP had a no-contact order not to be at the residence and not to have contact with his ex-common-law (CW1). The AP tried to force his way into the residence, and CW2 decided to let the AP into the house to avoid having the AP break the front door. CW2 reported that the AP was acting strangely and possibly suffering from methamphetamine psychosis. As a result of the AP's strange and unpredictable behaviours, a 911 call was made. WPS officers entered the residence. The AP was found in the

home, face down on a mattress in an upstairs bedroom. The witness officers who attended stated that, despite the AP's agitated behaviour, they did not require any use of force to take him into custody. WFPS were called and arrived on-scene and attempted to assess the AP for injuries. The AP indicated that he had done three (3) points of methamphetamine the day before. He was agitated and had an elevated heart rate. He did not complain of any other injuries, other than the cut to the top of his head was noted. The AP was transported to Grace Hospital by ambulance for treatment of his head and the consumption of methamphetamine, and he was cleared around 2:30 p.m. on July 19, 2021.

After the AP was released from the hospital, he was held in custody at WPS Central Processing Unit. On July 20, 2021, the AP was transferred to the Winnipeg Remand Centre, where he began complaining that he was having trouble breathing. On July 21, 2021, at approximately 1:20 p.m. (about 48 hours after his arrest), the AP was taken to the HSC due to ongoing complaints of chest pain. He was seen by triage and stated that police had assaulted him at the time of his arrest. He was examined doctors advised he suffered from broken ribs and a collapsed lung.

Witnesses

Civilian Witnesses

On November 23, 2021, the IIU investigator met with CW1, the ex-common law partner of the AP, and obtained a statement. She advised that the AP had been using drugs for the last two years, and she had a no-contact order against him. On the morning of July 19, she left her residence for work. Her son (CW2) called her at work and stated that his dad (AP) was banging at the door and wanted to know if he should let his dad into the house. She advised her son that it was up to him as the no-contact order was only between his father and her. Her son decided to let his father into the residence. She did not witness any altercation between the police and the AP. He was already in the back of the ambulance when she returned home. The police told her that the AP had barricaded himself in her bedroom and that they had to kick down the doors to get to him. She observed both the front and back doors kicked in. The door to her bedroom was kicked in half, and a "bunch of blood" was in her bedroom. Items in the room had been turned over, and blood was going down the stairs.

On March 17, 2022, the IIU investigator met with CW2 and his mother at the IIU office and obtained a record. In his statement, CW2 stated that on July 19, 2021, he was sleeping alone at home. He heard banging at the front and back door; he woke up to find his father banging on the door, asking to come into the residence. He did not recall what clothes his father was wearing or if he had any blood on him. He stated his father looked dirty, skinny, and rough. He said that he

let his father into the residence. His father was talking about weird stuff, and he believed his father was under the influence of methamphetamines. He told his father to get his things, clean up and leave. His father responded by saying they needed to get the talisman out of the house that there was a demon in the house, and they needed to get out of the house to get rid of the demon. He noted that the AP had a bandage wrapped around his head. His father said that he got hit. CW2 said that his father was talking crazy. He told his father to leave the house, but his father would not leave. He pushed his father out of the house, and they both ended up outside.

His sister heard her brother pushing his father outside and contacted their mother. The police were called. CW2 told his father, "Listen, the cops are coming; you just have to wait here." At that point, the AP reached past CW2 to grab the door handle, locked him outside the residence and accidentally slammed the door on his toes.

CW2 waited outside for the arrival of the police. Upon arrival, he told police that his father was upstairs but did not know what room his father was in. The officers told him to stay where he was. One officer went to the front door, and one went to the back door and kicked down the doors simultaneously. He could hear the police go up the stairs and kick down the upstairs door. CW2 estimates that the police were upstairs with his father for about five minutes. He saw his father through the back screen door when police and his father were coming down the stairs. He believes his father had blood on his shirt. He did not see the police get physical with his father as he was outside. When he returned to the house, there was blood over the bed, some blood on the wall, blood going down the stairs, on the staircase wall and a little blood on the downstairs front door.

On March 30, 2022, CW3 was interviewed by IIU investigators and provided a statement. She stated that on July 19, 2021, between 11 a.m. and 1:00 p.m., the AP appeared at her door and physically pushed his way into her residence. The AP repeated to her that there was much darkness behind her and that she was the devil. Due to the AP's strange behaviour, she entered her bedroom to get her metal bar. She entered the living room with her bar and told the AP to leave twice. The AP did not leave and came at her with something. She started hitting him with her bar on his head. The AP went outside her front door and laid on his back. The AP was chanting, he went to get up and went for something in his pockets, she hit him again. CW3 stated that the AP was swaying, could not walk straight, and was probably weak from her hitting him in the head. As the AP went down her stairs, there were three police cars in front of her home. She did not call the police or know who called the police, but people would have heard yelling and she thought it was probably one of her neighbours. CW3 did not notice any injuries on the AP when he first arrived. She has no idea why the AP showed up at her residence.

Professional Witness - Paramedics

On June 3, 2022, IIU investigators obtained a statement from Paramedic PW1, who explained that on July 19, 2021, he was working with two other paramedics, PW2 and PW4. They attended a call on Fairlane Avenue. The call was a code three, non-emergent, with no lights or sirens. As he arrived, he noted a male (AP) sitting on the curb in the parking lot. Police were on-scene when they arrived. When they arrived, the police had given the AP distance, about fifteen to twenty feet, because he did not want anything to do with anyone on-scene. The AP stated that he had been assaulted and another person hit him twice on the head with a metal pipe. PW1 noted that the AP had two lacerations on the top of his head. The bleeding had stopped at that point. The male did not want any help from WPS or WFPS, who were on-scene. He wanted the paramedics of the unit to look at him. He was still reluctant to let them do any vital signs on him, but they convinced the AP to let them take his vital signs and check him. The AP was angry; he used some verbal words that were not very nice toward them.

The AP did not want any transport from them and did not want to go to the hospital. The male was able to answer all of their questions. They offered again to transport him, and the AP again refused. He contacted one of their district chiefs to confirm there were no issues and they did not have to transport.

On June 3, 2022, IIU investigators obtained a statement from PW2. She stated that when they arrived at Fairlane Avenue, the AP was sitting on the curb. Firefighters were trying to assess him, but he would not allow them to look at him. The AP was very reluctant to have the paramedics assess him; they checked his pupils and the lacerations on his head. The AP was very adamant that he was not going to the hospital. The AP was not physically aggressive with them. The police were also there, and she recalls the male saying that he did not want the police to talk to him. He never indicated any issue with the police or that the police were physical with him. All he said was that he did not want to talk to the police, and he did not want to talk to firefighters. That the only people he would speak with were the paramedics. The AP had two lacerations on his head and one on his forearm. She did not recall how he received the injuries and does not recall the full extent of the AP's injuries other than a head injury. The AP complained he had a headache and stated he was not going with them and not going to the hospital. The male walked down the back lane and left. The AP was very angry and verbally aggressive throughout the encounter. He did not want any of them to be there. PW2 could not recall whether the male had taken drugs or consumed alcohol.

The AP did not allow the paramedics to lift his shirt for them to examine him further. She stated that when a person is verbally aggressive, like the AP, they do not push things as they do not want to aggravate the situation further. She stated that patients are allowed to refuse medical treatment. The paramedics gave the AP saline and a towel to clean his head.

On June 13, 2022, IIU investigators obtained a recorded statement from paramedic PW3, who attended Stradford Street on July 19, 2021. He stated that when they arrived, Winnipeg Fire and Winnipeg Police were already on-scene. He believes four officers were on-scene, and the patient (AP) was in the back of a police vehicle. He was aware that another crew had assessed the AP earlier that day at a different location and had left. He was aware that the AP had broken into a residence, had a restraining order, and got into an altercation with his son. The AP admitted that he had taken 3 points (one point is equal to 1/10 of a gram) of methamphetamine the day prior. Paramedics noted that he had a high heart rate and he was pretty agitated. They also noted that he had a laceration on top of his head which would require stitches. The AP advised that he was not knocked out and recalled all the events. The AP never stated that the police assaulted him. It was an altercation from a prior place or possibly from his son as he was pretty agitated, locked himself outside the house, and was angry with his dad. PW3 recalls the son (CW2) swearing at his dad, who was in the police car. The patient (AP) never complained of other injuries at that time. He was agitated, non-verbal, aggressive and would not say where he received the injuries. He did not want to talk. He and his partner transported the patient to the Grace Hospital.

Witness Officers

On August 16, 2022, IIU investigators met with WO1 and obtained a video statement in the presence of his counsel. On the date in question, police were dispatched with a supervisor unit and a second general patrol unit to an assault call and a court order violation; the ex-boyfriend, who had a no-contact order, showed up at the girlfriend's residence, she was not home at the time, and her son was at home.

The information was the AP had forced his way into the house and had assaulted the 15-year-old child. There were three units dispatched. Upon arrival, they observed that the front door was off the hinges; when they walked inside, they could hear the AP screaming, talking about demons and nonsensical things. It appeared the AP was under methamphetamine psychosis.

The three officers ran upstairs to a second-floor bedroom and saw the AP facedown on the bed. He was flailing his arms and legs. Two officers were on the left-hand side on the AP's right side. They were trying to grab his arms to handcuff him. WO1 noted that the AP was visibly high, possibly on methamphetamine. WO1 stated that the AP was flailing his arms and kicking. He was not resisting arrest; he believed the AP was uncooperative because he was flailing around. He and SO3 jumped over the bed and could, grab the AP's arm and bring his left arm behind his back. SO1 and SO2 were able to get his right arm. SO3 handcuffed the AP. WO1 stated that no force was used other than taking hold of the AP's arms to handcuff him.

At that point, WO2 was standing in the doorway, monitoring the situation. They were in the bedroom for maybe twenty seconds. Once the AP was handcuffed, SO3 and WO1 got off the bed. SO1 and SO2 escorted the AP down the stairs. WO1, SO3 and WO2 followed behind as they walked down the stairs. Paramedics were contacted to come and have a look at the AP due to his methamphetamine use. At that point, he and SO3 went to stand with the AP's son (CW2). Officers attempted to contact CW2's aunt or mother to take a statement from the youth about the incident.

Before attending the call on Stradford, they had dealings with the AP at another call for service. The AP had entered a friend's residence demanding property. The AP had forced his way into the residence. The resident wanted the AP out of her home, so she hit the AP over the head with a vacuum cleaner pipe, which did cause a laceration on his head. During that call, he and SO3 sat in their police car outside the apartment block. Paramedics were contacted and attended to check the laceration on the AP'S head; he refused treatment and walked away. The ambulance left, and everyone moved on.

On October 3, 2022, WO2 gave a statement to IIU investigators in the presence of his counsel. On the date in question, he was the street supervisor. Upon arriving, he went into the residence; he called out because he did not know where the officers were. He was advised that the officers were upstairs. He went up a flight of stairs; the AP was already handcuffed. SO1 and SO2 had taken custody of the AP in an upstairs bedroom. WO1 and SO3 were present as well. They all went out the front doors at the same time. They brought the AP to the car, and he asked the AP if he was injured. The AP stated he was and wanted an ambulance. This question for medical attention forms part of the normal log sheet that he does as a supervisor. He did not recall seeing any injuries on the AP, nor did he recall the AP complaining about being injured. WO2 stated that he does not go into any depth with his questions unless there is something obvious, and his officers would need to do a use of force. WO2 was later advised that officers had been on an earlier incident with the AP in the area and that the AP had been beaten up at that time, and the officers requested an ambulance for him.

Subject Officer (SO1)

On June 3, 2022, SO1 provided a prepared statement regarding his involvement at Stradford Street on July 19, 2021. He indicated that when he entered the bedroom, the AP appeared to fall/throw himself on a mattress on the bedroom floor, with his stomach against the mattress (front of his body down). He was screaming about demons.

SO1 observed the AP was thrashing about on the mattress. He applied a shin pin to the AP's left rear thigh/buttocks area to secure his body in an effort to apply handcuffs. SO2 was also assisting. He indicated that the AP was not trying to fight officers or resist being taken into custody; however, his body was not still and continued to flail and trash about. SO3 entered the

room while he and SO2 grabbed hold of the AP's flailing arms. SO1 was on the left side of the AP, while SO2 was on his right. SO3 came to the side of the AP, and SO1 was on the (left), and applied handcuffs to the AP. Once handcuffed, the officers assisted the AP to stand up, and the AP began to calm down and walked to their cruiser on his own.

Affected Person

On November 9, 2021, IIU investigators met with the AP, and he provided a statement. The AP advised that he had been involved in an altercation at a friend's home earlier in the day on July 19, 2021, and he suggested that this occurred because he had gone to the house and was banging on the door. Someone took exception to this, and he was struck, causing his head and forearm injuries.

He then went to his house on Stradford Street, which he was not allowed to do due to an order between him and his wife, but he knew his son would be there alone. He said he attended the house to get fresh clothing because he was covered in blood. When he arrived, he pushed his way into the house. At this time, he claims that his son was hiding something behind his back, which did not sit well with him. His son pushed him; he, in turn, pushed his son out of the house and locked him out. During this part of the altercation, he injured his son's foot because he slammed his son's toes in the door. His son called the police for assistance.

He said the police arrived in a minute. They did not announce themselves. They started kicking in the front and back doors, so he ran upstairs and tried to lock himself in his bedroom. As he ran up the stairs, he saw people in the house and recognized them as police. They kicked the back door open; they kicked the bedroom door. He advised that he thought the police were going to kill him. He said he was locked in the room, but the police kicked in the bedroom door. He doesn't recall hearing verbal directions from the police, but he immediately went onto the floor. He doesn't remember if they told him he was under arrest. He stated that the police gave him a walloping, he could see fists coming, and they reopened the wound; he could feel them on his arms and feel kicks. He states that's all he remembers. They handcuffed him, and then he remembers sitting upright in the ambulance. He says that the wounds on his head from being assaulted earlier in the day were reopened.

He stated that he was handcuffed and placed in an ambulance. The next thing he remembers was being on the ground at the Grace Hospital. Then his next memory is waking up on the floor in the Remand Centre and telling people there that he could not breathe. He states that things are blank after being at Grace Hospital. He said he was taken for stitches, but there were no stitches. He states that he was taken to HSC because he had a foreign object in his stomach.

At HSC, he was told by the doctors that he had cracked ribs and that he required a chest tube to treat a collapsed lung. He was in the hospital for five days. He called the police to try to make a

complaint about his earlier treatment, but they did not show up. He later learned about LERA, and he filed a complaint.

He said he was terrified of the police because of what happened. He added that there were no witnesses to what occurred in the house. The incident took place between him and three officers. He recalled that one of the officers told the other two to stop, and they did. He knows that his wife saw him in the back of the ambulance and that she had to clean up the blood inside the house.

He said the ambulance attendants also didn't do anything when they saw him having difficulty breathing.

When asked about his level of sobriety, the AP indicated that on the day of the incident, he was hungover and pretty sick. He said he had been using methamphetamine the day before and later said he had used methamphetamine three days prior.

He was also asked to describe the officers involved; all he could recall was he believed there were three of them, and they may have had dark hair. As well he was not sure if he had been arrested at that time.

Personal Health Information

Grace Hospital

The medical records indicate that the AP arrived with the police and that he had done three points of methamphetamine the day before the incident. The AP had broken into an apartment earlier, was hit by the resident and had an injury to his left arm and a laceration to the top of his head.

The hospital noted that the patient (AP) was agitated, had a history of type two diabetes and was known to the attendant from an emergency visit the week prior. The AP had two areas of dried blood on the top of his head; they were unable to clean it and fully assess it due to patient agitation. They noted he was not tender over his chest and abdomen and had no masses. An abrasion was noted over his left forearm, and no active bleeding or bony tenderness was noted. No boggy areas were noted over his head and no signs of a skull fracture. The hospital indicated that police were getting ready to take him into custody. The AP was ambulated around the department. After being ambulated, he complained of abdominal and chest pain; despite this, he was able to eat a sandwich. The hospital noted that the pain was likely anxiety or a stalling tactic to delay going into custody.

Health Sciences Centre

The AP was brought to HSC from Winnipeg Remand Centre. The diagnosis was made on July 21, 2021. The AP suffered from the following:

1. Fractures of the right 6th-8th ribs laterally. Fracture of the left seventh rib.
2. Large right pneumothorax. The right upper lobe is completely collapsed.
3. Mild infectious/inflammatory changes in the aerated right lung.
4. Nondisplaced left scapular fracture.
5. Possible nondisplaced distal left clavicle fracture, incompletely assessed. Dedicated left clavicle radiographs are recommended.

When being treated at HSC, the AP advised that he had been involved in an altercation with WPS, and they assaulted him and kicked him throughout his body. Doctors noted that the AP presented with a tender right ribcage and some trouble breathing.

The doctor indicates that the most responsible diagnosis for his injuries is that they resulted from a fall, resulting in right-sided pneumothorax (collapsed lung) and right-sided rib fractures. The doctor noted that his abdomen was soft and tender throughout but not distended (i.e., swollen and large). There was no notation of bruising to the body.

Other evidence

Winnipeg Remand Centre (WRC)

Enquiries were made regarding the AP's time at the Winnipeg Remand Centre. He was admitted to WRC by WPS on July 20, 2021, at 2:36 p.m. The WRC indicates that the AP was not involved in any physical altercations at the WRC from July 20 to July 21, 2021. The AP was taken by WRC officers to HSC Emergency on July 21, 2021, at approximately 1:20 p.m. On July 21, 2021, at 9:17 p.m., the AP was released from custody on bail from the hospital, and at that time, WRC officers discontinued supervision.

Additional Winnipeg Police Service Occurrences Related to the AP

Given the nature of this complaint, IIU investigators obtained police reports related to the AP regarding matters that took place days prior to and after the incident.

On July 12, 2021 (C21-161932), the WPS was dispatched to 3655 Portage for an assault. Upon arrival, the AP was located with paramedics. An unknown male had assaulted him. The AP sustained a small cut to his head that required stitches.

On July 14, 2021 (C21-162877), WPS attended Stradford Street (the same residence as in the current incident) and located the AP lying on the ground in front of the front door, screaming. The AP was clearly under the influence of methamphetamine and possibly in a state of psychosis. The AP was incoherently screaming, and WPS couldn't interview or serve him a Protection Order. The AP was sedated by paramedics and transported to the Grace Hospital. The WPS unit spoke to the complainant (CW1, the ex-common law partner of the AP), who advised that there were no assaults or threats today; he had just been sitting on the ground outside her residence, acting strange.

On July 14, 2021 (C21-163310), WPS attended for an allegation of a breach of a Protection Order by the AP, who was still sitting in the park across the street upon arrival. The same event occurred yesterday (the date of the report is July 14 and not 15th); however, due to the AP's drug-induced state, he had not been served with the Protection Order. The WPS unit spoke with both parties and advised the AP he could no longer legally be near the house. There were no threats or assaults, no arguments, simply the AP wanting to visit his son. The AP agreed to leave with the unit, was served with the Protection Order and was advised of the consequences moving forward.

On July 26, 2021 (C21-173260 / C21-173282), police received a complaint of a male (later identified as the AP) armed with hockey skates in his hands, who came up to a complainant and her co-worker who were doing property maintenance, saying he wanted to kill them. He also tried to get into the complainant's work truck but did not gain entry. Police noted that based on a description of the suspect, he was likely the same person involved in another incident. In this incident, police were contacted regarding the well-being of a caller (AP) who believed people were circling him and his life was in danger. He stated that he left HSC last night and that the police had previously assaulted him.

On July 29, 2021 (C21-176528), police were dispatched to attend Stradford Street (the same residence as in the current incident) for a priority two domestic call for a breach of a Protection Order. The AP was lying in the backyard. The AP was arrested for numerous offences of Failure to Comply with Release Order, and Failure to Comply with Court Order charges. The AP was cooperative and handcuffed before being escorted to the rear of the cruiser car.

Crown Opinion

Following the completion of this investigation, on December 5, 2022, Civilian Director Zane Tessler (as he then was) forwarded the complete IIU investigative file respecting these

allegations to Manitoba Prosecution Service (MPS) and requested a review and opinion on whether any *Criminal Code* charges should be authorized against the subject officers.

On March 13, 2023, MPS provided the IIU with a thorough 31-page Crown Opinion in which it advised that it was not recommending any criminal charges against SO1, SO2 and SO3, stating:

After a thorough investigation conducted by the IIU, it is undeniable that Mr. Knight suffered significant injuries around the time of his arrest on July 19, 2021. It is our view, that when examined objectively and logically the evidence, which includes a number of eye-witness accounts and all available medical evidence and reports, lends itself to a strong inference that Mr. Knight's injuries were sustained in a prior incident earlier that day.

With no direct reliable evidence implicating any WPS member and other reasonable and plausible explanations for Mr. Knight's injuries available to a trier of fact, we are of view that charges as against any WPS member would not carry with them any reasonable likelihood of conviction. As such, we are not recommending any charges based on the events of July 19, 2021.

Conclusion

This is a tragic set of circumstances where the AP suffered from a possible methamphetamine psychosis and became involved in incidents where police assistance was required twice on the same day. The first incident left the AP with injuries to his head and forearm. The AP was hit repeatedly with a metal bar on his head by CW3. CW3 hit him again when he went to get up, resulting in the AP swaying and being unable to walk straight. The AP was briefly examined and treated by paramedics, but he refused to allow the paramedics to lift his shirt, and he refused to be brought to the hospital. It is unclear whether the AP suffered injuries to other parts of his body due to being hit by the metal bar.

Later that same day, still under the influence of methamphetamine, the AP was arrested by police at the residence of his ex-common law, where the AP later stated that police kicked him and gave him a walloping. He believes the police caused his injuries. The WPS officer's accounts are that the AP was flailing his arm and legs but wasn't resisting arrest. They stated that there was no use of force other than WO1 taking hold of the AP's arms to handcuff him and SO1 using a shin pin to the left rear thigh buttocks area to apply handcuffs.

The IIU notes that when the AP was receiving medical treatment at Grace Hospital, for his head and the consumption of methamphetamine, at no time did the AP tell any medical hospital staff that he was assaulted by police. He did not complain about police mistreatment when he was taken into custody at WPS HQ and WRC. When he eventually tells WRC staff that he has rib/chest pain, he does not make any allegation of abuse by police. Two days after the incident, when the AP attends HSC, he states police assaulted him at the time of his arrest.

Although it is clear that the AP had injuries, it is unclear when and how those injuries occurred. Despite the AP advising the doctor that his injuries were due to an assault from police, the HSC doctor indicates that the most responsible diagnosis for his injuries is that they resulted from a fall. The AP's recollection of the events is incomplete. Once at HSC, the AP states that he recalls the police kicking him; however, he could not remember certain moments surrounding the events. The AP admitted having consumed methamphetamine the day before the events and stated that he consumed some three days before the events. CW2 says that this father seemed to be in a methamphetamine psychosis, as he was speaking of the talisman and the demon being in the house. CW3 also referred to the AP's strange behaviour and that he talked about her being the devil.

The IIU's investigation aims to determine whether the facts justify any charges against the subject officers, including a charge of assault, assault causing bodily harm, aggravated assault, or failure to provide the necessities of life (medical care).

To lay charges of failing to provide the necessities of life, there would need to be reasonable grounds to believe that any or all of the officers knew of and ignored, the injuries the AP had and neglected to provide him medical treatment. Police brought the AP to Grace Hospital to be seen by medical professionals, and doctors cleared him. There is no evidence that the police knew or ought to have known that the AP had other injuries. When the AP was at the WRC and complained of pain in his ribs and chest, he was brought to HSC for medical attention. Given all of the circumstances, there are no grounds to believe any of the officers committed such an offence.

To lay a charge of assault or any of the assault-related charges, there must be reasonable grounds to believe that any or all of the officers either assaulted the AP, as he claims or assaulted him in some other way. A person must look at all the circumstances to determine whether there are reasonable grounds to believe an offence has been committed. When looking at all the circumstances surrounding the incident, the Civilian Director has determined that there are no

reasonable grounds to believe that the injuries to the AP's clavicle, ribs, and lung were due to the subject officers' actions.

Further, even if the Civilian Director determined there were grounds to believe that an offence has been committed, the Crown is allowed to intervene and stay those proceedings. In this case, any charges laid would not be prosecuted before the courts. MPS has provided their opinion that they would not authorize charges as they've determined there is no reasonable likelihood of conviction.

Therefore, given all of the above, the IIU is ending its investigation and the matter is now closed.