

# ***FINAL REPORT: IIU concludes investigation into a serious injury arising out of an attempted traffic stop by Winkler Police Service***

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On June 8, 2022, the Winkler Police Service (WkPS) notified the Independent Investigation Unit (IIU) of an attempted traffic stop of a dirt bike that concluded with a single vehicle accident in which the operator sustained a broken wrist.

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

*“[a WkPS police officer] attempted to conduct a traffic stop on the operator of a dirt bike on a roadway within the City of Winkler. The dirt bike fled from police and hit a concrete curb at which time the operator lost control and was ejected from the dirt bike. Time and length of pursuit is unknown to the writer at this time...”*

As it was alleged that the dirt bike operator (the affected person (AP)) sustained a broken wrist, which has been held to be a serious injury pursuant to IIU regulation 99/2015, IIU assumed responsibility for this mandatory investigation in accordance with section 65(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

WkPS file information and other material, obtained by IIU investigators, included:

- WkPS radio transmissions
- WkPS Forensic Identification Services (FIS) reports and photographs
- statements (handwritten) of various civilian witnesses
- notes and narrative reports from various witness officers
- RCMP collision investigation report

Due to the dearth of information at the outset of this investigation as to whether any actions by any WkPS officer contributed to the collision, it was decided that no subject officer designation would be made at this stage, pending receipt of more facts and evidence. The WkPS officer who was attempting to conduct a traffic stop of the dirt bike was designated as a witness officer (WO).

IIU investigators met with and interviewed two civilian witnesses. Despite numerous attempts to meet with and speak to AP, and promises by him to arrange for such a meeting, IIU investigators were unable to interview him nor obtain a consent for the release of medical information relative to this matter.

## **Facts and Circumstances**

Following a review of the materials noted above and interviews with witnesses, the following facts and circumstances have been determined:

WO was operating an unmarked WkPS vehicle when he noticed a dirt bike, later found to be operated by AP, travelling on roads in and around the Northlands Parkway of Winkler, Manitoba in a reckless manner. WO wanted to conduct a traffic stop of the dirt bike and activated the emergency lights and sirens on his vehicle to do so. AP failed to stop for WO and accelerated away. Following a brief pursuit, the dirt bike struck a concrete curb at the junction with Platinum Road and Northlands Parkway, causing AP to bounce off his seat and go over the handlebars. The dirt bike then landed on top of him. WO called for an ambulance to attend.

AP was found to be prohibited from driving a motor vehicle for a period of three years, commencing March 25, 2021.

As all attempts to obtain an account from AP were met with negative responses and that there was no consent provided to IIU investigators to secure medical records, any injuries alleged by AP are unconfirmed and unsubstantiated.

### **Conclusion**

This investigation must consider whether the actions of any police officer caused, or in any way contributed, to the injury of AP.

Based on the various witness accounts, file materials and the traffic collision analysis report, the following determinations can be made:

- at all material times, the WkPS officer were in the lawful execution of his duties
- AP was operating his dirt bike in a reckless manner
- the WPS officer had sufficient grounds to conduct a traffic stop of the dirt bike
- AP failed to stop for the police and drove away
- the WkPS officer activated his vehicle's emergency lights to pull the dirt bike over
- the dirt bike failed to stop and drove off at a high rate of speed
- AP drove the dirt bike into a curb causing him to fall off
- IIU investigators were unable to confirm the injury, if any, sustained by AP, as he failed to respond or attend for an interview

The decision to evade police by accelerating and failing to stop, was the sole decision of AP who is solely responsible for the collision and aftermath.

There is no evidence to support a finding that there is any level of contribution by the WkPS officer to the cause of the collision. Accordingly, there is no evidence in this matter that would justify the designation of the WkPS officer as a subject officer. As a result, there is no further requirement or need by IIU to continue with this investigation.

The IIU investigation is complete and this file is closed.

### **Final report prepared by:**

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