

# ***FINAL REPORT: IIU concludes investigation into fatal vehicle collision on Portage Avenue***

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On November 23, 2015 at 2:34 a.m., the Independent Investigation Unit (IIU) was formally notified by the Winnipeg Police Service (WPS) of a fatal single motor vehicle accident that occurred in the area of Portage Avenue and Good Street in Winnipeg. According to this notification, a vehicle allegedly involved in two armed robberies earlier that morning had been pursued by police vehicles along Portage Avenue. The pursued vehicle, a 2004 green Ford Explorer, was able to evade police for a short time and was located 47 seconds later after it had crashed at the corner of Portage Avenue and Good Street, near the University of Winnipeg. There had been two occupants of the Ford Explorer, a female driver and a male passenger (the Affected Persons – AP1 and AP2). AP1 was found by police unresponsive outside the driver’s side door of the vehicle and was pronounced dead at hospital, while AP2 fled the vehicle from the passenger side front door and was apprehended a short time later behind the Winnipeg Art Gallery.

As this notification involved a fatality, IIU assumed responsibility for this investigation in accordance with section 65(1) of *The Police Services Act*. IIU investigators were immediately deployed to the scene of the accident.

Furthermore, in accordance with section 70(1) of *The Police Services Act*, the IIU was required to seek the appointment of a civilian monitor as this matter involved the death of a person. On November 23, 2015 the IIU requested the Manitoba Police Commission to appoint a civilian monitor. The initial briefing with the civilian monitor took place on November 26, 2015 and the IIU conducted regular monthly briefings with the civilian monitor throughout the investigation.

The IIU civilian director designated two WPS officers as subject officers (SO1 and SO2) and eight WPS officers as witness officers (WO1 through WO8 – designation reference in order of interviews with IIU). IIU also interviewed a civilian witness (CW1) and AP2. IIU investigators received from WPS a complete file package including officers’ notes and reports, GPS data recordings from all police vehicles involved in the pursuit, all radio transmission recordings between the WPS Communication Centre and police vehicles involved in the pursuit (from commencement to the collision), and expert reports from traffic accident scene analysts. IIU also received a report from a pathologist who offered valuable opinions that assisted in this investigation.

An appeal for witnesses, who may have seen the pursuit and the collision, was released on November 23, 2015. The public appeal resulted in identification of a potential eyewitness and assisted in locating nine pieces of video surveillance from various businesses situated along Portage Avenue, each capturing a different viewpoint of the pursuit.

The following facts have been determined: At 12:26 a.m. November 23, 2015, WPS officers were dispatched to an armed robbery complaint at a 7-11 store situated at 530 Dale Boulevard, Winnipeg, Manitoba. Subsequent investigation identified a suspect vehicle in the incident--a 2004 green Ford Explorer bearing a Manitoba license plate. At 12:50 a.m. that same morning, a gas theft took place at a

Shell service station situated in close proximity to this 7-11. The vehicle involved in that incident was the same Ford Explorer.

At 1:16 a.m., a second armed robbery complaint was received by WPS from a 7-11 store at 1795 Portage Avenue.

WPS police vehicles were dispatched and, within four minutes of the second armed robbery, SO1 and SO2, operating a marked police vehicle, observed the Ford Explorer driving south on Empress Street at Polo Park Shopping Centre. The Ford Explorer was followed at slow speed as it turned westbound on Portage Avenue. It then made a U-turn to the east on Portage Avenue and accelerated. SO1 and SO2, together with three other police vehicles, activated emergency lights and sirens and commenced a pursuit of the Ford Explorer. Occupants in the police vehicles were as follows:

Lead Police Vehicle:	SO1 and SO2
Second Police Vehicle:	WO4 and WO5
Third Police Vehicle:	WO3 and WO8
Last Police Vehicle:	WO1 and WO2

The lead police vehicle gradually lost ground to the fleeing Ford Explorer, eventually losing sight of it somewhere in the vicinity of Sherbrook Street and Portage Avenue.

WO6 and WO7 were dispatched to Portage Avenue and Memorial Boulevard in an effort to deploy a tire puncture device ahead of the Ford Explorer. Upon stopping their vehicle, the officers saw the Ford Explorer approaching their location when the driver lost control. The Ford Explorer began to skid sideways onto the south sidewalk, striking a light standard, parking meter and cement garbage can on the south side of the roadway. It was travelling at a high rate of speed, based upon the amount of damage to all property and the distance travelled by the vehicle from the point it first began to skid. It came to rest against a building on the southeast corner of Portage Avenue and Good Street.

There were two occupants of the Ford Explorer--AP1 and AP2. AP1 was severely injured in the collision and was found lying outside the driver's door of the vehicle, while AP2 fled the scene on foot and was apprehended a short time later by WPS officers behind the Winnipeg Art Gallery. Both subjects were transported to Health Sciences Centre via ambulance where AP1 was pronounced deceased by medical personnel. AP2 suffered minor injuries and was released later in the day to WPS investigators. Following an autopsy, the pathologist reported the cause of death as "multiple trauma due to motor vehicle collision." He also noted that AP1 was intoxicated by cocaine and methamphetamine.

Weather was noted to be overcast with the outside temperature at approximately 1.5 Celsius. The roadways were wet.

### **Interviews and Analysis:**

**SO1:** As outlined under *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding the incident. SO1 declined to participate in an interview. He did, however, provide IIU investigators with a self-prepared statement on the incident. He added that there were no other reports or notes on his involvement.

In his statement, SO1 wrote that he and SO2 were in the West District Station at the time of the first armed robbery call. He and SO2, the latter being the driver, made their way to the area of the offence in a marked cruiser car. Upon arrival they learned of the suspect vehicle description involved in the robbery,

a Ford Explorer bearing a particular Manitoba license plate. SO1 wrote that he and his partner spent the next several minutes trying to locate the Ford Explorer when a call for service relating to another armed robbery came in. SO1 reported they broke off from their other efforts and started to drive southbound on St. James Street. At St. James Street and Silver Avenue they observed a Ford Explorer driving east into the Polo Park parking lot. The Ford Explorer was confirmed by its license plate to be the suspect vehicle, and they began to follow it to Empress Street, then south to Portage Avenue where it turned right and started to drive west.

Upon turning west, SO1 reported he could see two other WPS units approaching from the west with emergency equipment activated. The Ford Explorer slowed and made a U-turn at Tylehurst Street and began to accelerate eastbound on Portage Avenue. At that time they activated both emergency lights and sirens and called out on the police radio that they were in pursuit of the suspect vehicle. SO1 reported that the roadway was wet and the Ford Explorer was creating spray that limited their ability to see it and he wrote they lost sight of it east of Dominion Street. SO1 estimated his speed along Portage Avenue as approximately 100 km/h, while the Ford Explorer was travelling "... upwards of 150-160+ km/h ...." He wrote that there was no vehicle or pedestrian traffic at the time the pursuit commenced, and as they approached downtown Winnipeg "... there were now a few vehicles on the road and still no pedestrian traffic." SO1 further wrote that "*the pursuit lasted only a few minute [sic].*"

SO1 reported that he heard another police unit state there had been a motor vehicle collision at Portage Avenue and Good Street. On arrival at that location, SO1 reported that he noted the suspect vehicle there with a considerable amount of damage. He and SO2 exited their police vehicle and approached the scene, noting a seriously injured female subject outside the driver's door of the vehicle. SO1 assisted in repositioning the female subject for CPR. Neither he nor SO2 had any further involvement in the matter.

**SO2:** As outlined under *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding the incident. SO2 declined a request to participate in an interview and declined a request to release his notes or reports. He did, however, provide IIU investigators with a self-prepared statement on the incident.

SO2 wrote that he was partnered with SO1 and operating a marked police vehicle that evening. SO2 was the driver. They were assigned to assist in an investigation into an armed robbery and it was determined the likely suspect vehicle was a Ford Explorer. While searching for that vehicle a second armed robbery call was received from a location on Portage Avenue near St. James Street. SO2 wrote they were heading to that latest call for service southbound on St. James Street near St. Matthews Avenue when SO1 noted a green vehicle, believed to be a Ford Explorer, entering the Polo Park parking lot.

SO2 entered the parking lot behind the Ford Explorer and confirmed it was the suspect vehicle. This was broadcast to other police units in the area, and SO2 began to follow the Ford Explorer at slow speed. The Ford Explorer drove out of the parking lot and turned south onto Empress Street, eventually reaching Portage Avenue where it turned right and began to proceed west. SO2 wrote that two other police vehicles coming to assist could be seen approaching from the west with emergency lights activated, and he presumed the driver of the Ford Explorer saw this, as that vehicle slowed abruptly on Portage Avenue then made a U-turn. Once the Ford Explorer was eastbound it began to increase speed quickly, and SO2 responded by activating his emergency lights and siren and turning as well to pursue. SO2 wrote, "*Due to the time of day, there was little to no traffic, and the seriousness of the offence we then initiated a pursuit ....*"

SO2 wrote that he was driving at approximately 100kms/hr but the Ford Explorer was still pulling away from the police vehicle, and at an estimated speed of 150 km/h. SO2 further wrote, "*The roads were wet*

*and I was having trouble seeing so I didn't think it was safe to go any faster and thus stayed back."* SO2 also estimated that the Ford Explorer was at least four city blocks ahead of them by the time his police vehicle reached the intersection of Dominion Street at Portage Avenue. Shortly after that, he lost sight of the fleeing Ford Explorer and did not see the vehicle again until reaching a collision scene at Portage Avenue and Good Street near the University of Winnipeg.

**CW1:** As a result of the IIU appeal for witnesses, CW1 contacted the IIU offices and was interviewed. He had been the passenger in a taxi bound for the Fairmont Hotel. He was seated on the right rear side when a dark colored Ford Explorer passed the taxi going "... *at least a hundred kilometers an hour* ..." on Portage Avenue east of Broadway. CW1 stated the taxi shook as the Ford Explorer passed and he then heard sirens. He looked over his shoulder and observed a number of police vehicles approximately 0.5 kilometers behind, with emergency lights on. CW1 then observed the Ford Explorer swerving and collide with a light post, coming to rest on the south side of Portage Avenue next to the Buhler Centre. At that time, the police vehicles CW1 had observed behind the taxi had not yet arrived at the crash scene.

**AP2:** He said he remembered very little of the pursuit. He had ingested a large quantity of medications over the two-day period prior to the incident. He remembered being in a green Ford Explorer being driven by AP1 and first saw police that night when he came out of a blackout while driving down Portage Avenue. He observed a police vehicle with emergency lights activated on the left side of their Ford Explorer and an officer inside the vehicle motioning at them to pull. He could see other police vehicles in his peripheral vision behind the Ford Explorer, all with emergency lights activated as well. He could hear sirens. AP2 told AP1 to stop but did not hear her respond, and then put his head down. The vehicle in which he was travelling crashed at that time and he flew forward then back and blacked out again.

**WO1:** WO1 and his partner, WO2, were at the West District Station on Grant Avenue when they overheard that SO1 and SO2 had come into contact with the Ford Explorer at Polo Park. They departed the station building with emergency equipment activated and arrived at Portage Avenue and St. James Street in time to see the tail lights and emergency lights of a police vehicle driving east on Portage Avenue at Empress Street. WO1 said they proceeded east on Portage Avenue at a high rate of speed, estimated at 150 km/h, to try and catch up but were not successful. He did not see any pedestrians or civilian vehicular traffic and believed the road conditions were good. WO1 heard SO1 and SO2 on the police radio, that they lost sight of the AP's vehicle at Portage Avenue and Sherbrook Street. WO1 deactivated his emergency equipment and slowed down, but acknowledged they were still going above the speed limit. He drove north on Sherbrook Street to search for AP's vehicle, when they heard another unit voice on radio that the suspect had wrecked at Portage Avenue and Good Street. At no time did he see the Ford Explorer prior to arriving at the collision scene, and he did not hear anyone voice that the pursuit should be terminated.

**WO2:** WO2 provided a similar account to WO1, in that they arrived at the Polo Park area from the West District Station to see a police vehicle in the distance proceeding eastbound on Portage Avenue with red and blue lights activated. WO2 could hear updates on the status of the pursuit on the police radio, including a statement from SO1 and SO2 that the Ford Explorer was driving "very fast." WO2 did not see the AP's vehicle until arrival at the collision scene at Portage Avenue and Good Street. WO2 stated the roads were slick and slushy, and civilian traffic in the area was light.

**WO3:** WO3 was with WO8 and driving an unmarked police vehicle. They were driving on Portage Avenue to the west of Polo Park when they first spotted the Ford Explorer and became third in the pursuit of this vehicle. They only saw the Ford Explorer clearly in the area of Polo Park, then lost sight of it during the pursuit eastbound. WO3 drove from Polo Park to the crash scene with emergency equipment activated and noted the road conditions were poor due to snow. He recalled having trouble keeping the

car stable and advised his speed did not exceed 105 km/h. Upon arriving at the crash site, WO3 saw another WPS officer pointing towards an alley nearby, and remembered hearing that a person had fled the vehicle. He did not pay attention to the wreck and attended down the alley between Good Street and Balmoral Avenue, eventually locating a male subject (AP2) in the ramp area of the Winnipeg Art Gallery.

**WO4:** WO4 first observed the Ford Explorer at Polo Park, as the vehicle turned from Empress Street onto Portage Avenue westbound. At the time, he was positioned on Portage Avenue at Tylehurst Street, and then moved to St. James Street anticipating the vehicle would continue westbound. WO4 said SO1 and SO2 were following the Ford Explorer; emergency equipment was not activated and the speeds were “not high.” The Ford Explorer then made an abrupt U-turn and started driving east on Portage Avenue, followed by SO1 and SO2, at which point emergency equipment was activated. The Ford Explorer then increased speed and the pursuit commenced. Their vehicle’s emergency equipment was activated and it accelerated, passing SO1 and SO2 briefly, and drawing parallel with the Ford Explorer’s rear bumper. The Ford Explorer accelerated quickly and pulled away from WO4’s police vehicle. SO1 and SO2 passed them and took up a position as primary pursuit vehicle. As the pursuit continued along Portage Avenue eastbound, WO4 stated they were losing ground to the Ford Explorer and by the time they reached Arlington Street he estimated they were three blocks behind it. At that point they could no longer see the Ford Explorer. WO4 did not see the vehicle again until coming upon the collision scene at Portage Avenue and Good Street. WO4 could not recall the road conditions at the time, but did not believe they were bad. He said pedestrian and vehicular traffic was minimal during the pursuit.

**WO5:** WO5 was driving a police vehicle, accompanied by WO4, that night and overheard SO1 and SO2 voice they were engaging a Ford Explorer on Empress Street approaching Portage Avenue. WO5 stopped his vehicle on Portage Avenue at a break in the median at Tylehurst Street south of Polo Park and observed a Ford Explorer turn onto Portage Avenue, followed by SO1 and SO2 who did not have emergency equipment activated at that time. WO5 said the Ford Explorer made an abrupt U-turn and started accelerating eastbound on Portage Avenue, followed by SO1 and SO2, whose emergency lights were activated at that time. WO5 also accelerated, drawing parallel with the Ford Explorer for a few seconds, at which time he saw the female driver. WO5 described road conditions as wet but with good traction, with minimal civilian vehicular traffic and no pedestrians. As the pursuit went east on Portage Avenue, the Ford Explorer pulled away from them. WO5 estimated it was travelling at 160 km/h. He heard SO1 and SO2 call on the police radio they were driving 100 km/h, while WO5 believed he was driving between 70 and 80 km/h. He lost sight of the Ford Explorer after Arlington Street and did not see it again until arriving upon the crash scene at Good Street.

**WO6:** WO6 said he and WO7 were dispatched from a downtown location to attend Portage Avenue at Colony Street to deploy a tire puncture device, in an effort to stop the Ford Explorer. WO6 observed an eastbound Ford Explorer lose control and skid along the south side of Portage Avenue, striking objects on the sidewalk. The vehicle came to a stop with a loud bang against the NW corner of the Buhler Centre. The tire puncture device was never deployed as they did not have time to do so. As the Ford Explorer crashed, WO6 could see and hear police vehicles, all with emergency equipment activated, coming towards them along Portage Avenue. He estimated they were near Broadway when he first saw them, and it was 1-2 minutes before the police vehicles arrived on scene. WO6 could not remember road or weather conditions that night.

**WO7:** WO7 stated he and WO6 arrived at Portage Avenue and Colony Street to deploy a tire puncture device ahead of the Ford Explorer fleeing other police units eastbound on Portage. As he got out of his car, he could see the emergency lights of police vehicles “... miles and miles away.” He could not hear sirens at this time. WO7 saw the Ford Explorer coming towards him on Portage Avenue and lose control in front of Colony Square. The vehicle slid sideways along the south sidewalk, colliding with poles and



other obstructions, coming to rest against the Buhler Centre at Portage Avenue and Good Street. WO7 observed a male subject flee from the Ford Explorer and noted a subject lying on the ground outside the driver's door. At that point other police vehicles started to arrive from the west, and some officers departed on foot after the fleeing male.

**WO8:** WO8 did not see the Ford Explorer prior to encountering it at the collision scene. He and his partner, WO3, had been involved in investigating one of the earlier armed robberies and were en route back to the West District Station when they heard radio calls indicating the Ford Explorer was located near Polo Park. They attended that location in time to see a police vehicle making a U-turn from westbound Portage Avenue to eastbound Portage Avenue and heard SO1 and SO2 announce via radio that a pursuit had commenced. The police vehicle then activated its emergency lights and drove off. WO8 and WO3 started driving east on Portage Avenue with lights and siren turned on. WO8 could see two other police cars in front of him, but spray and debris coming up off the wet roadway prevented him from seeing the Ford Explorer.

WO8 could hear the police units in front of him voicing speed and actions of the Ford Explorer. He remembered hearing specific reference to it driving through red lights and someone saying they had lost sight of it. He did not see any pedestrian or vehicle traffic, and believed his vehicle speed was 100 km/h. This speed reduced as they continued east due to road conditions and eventually they came upon the Ford Explorer wrecked at Portage Avenue and Good Street.

**Traffic Analysis:** The traffic accident analysis and reconstruction report was received and reviewed. The videos of the pursuit eastbound on Portage Avenue, from the intersections with Dominion Street to Young Street, together with the GPS data, were also reviewed in detail. It has been determined that:

- The speed limits on Portage Avenue from Empress Street to Good Street is 60 km/h then 50 km/h (at Borrowman Place);
- At the intersection of Portage Avenue and Aubrey Street, roughly 1800 metres from the collision site, the Ford Explorer was travelling at 159 km/h. The lead police vehicle in the pursuit, 11 seconds behind, was travelling at 127 km/h, its peak speed;
- At the intersection of Portage Avenue and Furby Street, roughly 450 metres from the collision site, AP1's vehicle was going 134 km/h. Speed of the lead police vehicle, 29 seconds behind, was 112 km/h;
- The gap between the Ford Explorer and lead police vehicle was increasing as the pursuit proceeded eastbound;
- As the lead police vehicle passed the intersection of Portage Avenue and McGee Street, its speed had reduced significantly to slightly more than 70 km/h and then picked up speed at Portage Avenue and Furby Street;
- The emergency lights of all police vehicles were operating and visible throughout the pursuit on Portage Avenue;
- By the time the Ford Explorer passed the intersection of Portage Avenue and Young Street (less than 400 meters from the collision site), the gap between it and the lead police vehicle had widened to 30 seconds, a distance in excess of one kilometer;
- The damage profile on the Ford Explorer and the collateral damage along the street are consistent with an impact speed well in excess of 100 km/h;
- Tail lights on the Ford Explorer were working at the time of the collision;
- AP1 was not using her seatbelt at the time of the collision.

IIU investigators reviewed all the radio transmission recordings between the WPS Communication Centre and all police vehicles involved in the pursuit. At no time, from the commencement of the pursuit to the

collision involving the Ford Explorer was there any announcement that the pursuit was to be terminated or ended, either by a WPS supervisor or by any of the occupants of police vehicles.

**Issues, Assessment and Conclusions:**

The purpose of this IIU investigation is to determine whether the facts of this matter justify any charges against a police officer.

Police pursuits of actual or suspected violators of the law are authorized pursuant to provincial traffic laws. Section 106 of *The Highway Traffic Act* details the privilege to peace officers in pursuit of an offender, including the authority to disregard traffic rules, the requirements for compliance, and the limitations to this authority. The overriding requirement is that the driver must proceed with due regard of the safety of other persons using the road, having regard to all the circumstances of the case.

Whenever a pursuit is necessary, a police officer must constantly analyze the circumstances of the driving, and weigh any risks to other persons against the need to apprehend those who are committing offences. The safest option would be for the police to never chase offenders. However, if they did that, offenders would know that all they had to do is speed off and they would be able to escape the law. On the other hand, if an officer is on a busy street with a great deal of traffic attempting to apprehend someone for a minor infraction, a pursuit may not be appropriate. It is a very fine balance between the need to enforce laws and apprehend offenders on the one hand, with public safety and police safety on the other hand, not to mention the significant personal, psychological and economic impact that may arise from a pursuit gone wrong.

In this regard, the possible offences would be:

1. Dangerous Driving under the *Criminal Code of Canada*;
2. Careless/Imprudent Driving under *The Highway Traffic Act*;
3. Driving in excess of the speed limit/disobeying a traffic control device under *The Highway Traffic Act*.

**Dangerous Driving under the *Criminal Code of Canada*:**

The offence of Dangerous Driving consists of two components:

- a) operating a motor vehicle in a dangerous manner, and
- b) a required degree of fault, which is a marked departure from the standard of care that a reasonable person would observe in the same circumstances of the individual in question

At all material times in this matter, SO1 and SO2 were acting in concert and their actions will be considered together in the operation of their police vehicle.

A critical factor to consider is that SO1 and SO2 are police officers, sworn to apprehend persons who violate the law.

This analysis must consider what is reasonable for a police officer acting reasonably in the same circumstances, balancing the need to apprehend offenders with the duty to drive with due regard to the

safety of other persons. In this case, SO1 and SO2 had reasonable and probable grounds to believe that the Ford Explorer was involved in criminal matters under investigation. These grounds were further enhanced when the Ford Explorer executed the U-turn and sped away in excess of the speed limit. These grounds, and the behaviour described, called for SO1 and SO2 to stop the Ford Explorer. They were justified to pursue this vehicle. While the road speeds were relatively high, traffic volumes were light and there were few pedestrians along the route. SO1 and SO2 were cognizant of their surroundings and slowed their vehicle when they lost sight of the Ford Explorer. No person in authority issued an order to terminate the pursuit. SO1 and SO2 were continually assessing their situation. The gap between the Ford Explorer and lead police vehicle was ever widening. AP1 had no intention of stopping the Ford Explorer in response to the police presence and emergency lights/sirens but was intent on doing everything necessary to avoid apprehension and detention. The police officers must be given some opportunity to determine whether the vehicle will stop in response to their emergency equipment. I am satisfied that the actions of SO1 and SO2 were justified and their driving did not constitute dangerous driving.

Careless/Imprudent Driving under *The Highway Traffic Act*

Section 188(1) and (2) of *The Highway Traffic Act* states:

[188\(1\)](#) In this section, "**drive carelessly**" or "**driving carelessly**" means to drive or driving a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway.

[188\(2\)](#) No person shall drive carelessly.

Section 95(3) of *The Highway Traffic Act* states:

[95\(3\)](#) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent or in a manner that is not reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing; and, without restricting the generality of the foregoing, no person shall drive a vehicle on a highway at a speed otherwise permitted under this Act where

- (a) the presence of a child on or near the highway, whether or not he is in close proximity to the grounds of a school building or a playground, dictates, in the interest of safety, a slower speed or the temporary stopping of a vehicle; or
- (b) any factor exists in the face of which failure to reduce that speed, or to stop the vehicle temporarily, constitutes a danger to any person or property visible to the driver.

The test that determines whether driving is careless or imprudent is similar to the test for dangerous driving under the *Criminal Code*, but requires a lower degree of fault. It also requires that all the circumstances of the incident be considered. In this case, while the degree of fault required is lower, SO1 and SO2's driving was clearly sufficiently careful and prudent having regard to all the circumstances.

Exceeding the Posted Speed Limit/Disobeying Traffic Control Devices under *The Highway Traffic Act*:

The evidence demonstrates that all police vehicles, including the one occupied by SO1 and SO2, exceeded the posted speed limit. However, as referenced above, section 106 of *The Highway Traffic Act* authorizes police officers to exceed the speed limit and not stop if they are attempting to apprehend an offender, provided it is necessary to speed, they are operating their emergency lights and siren, and they are proceeding with due regard for the safety of other persons using the highway. In this case, those exemptions apply and no offence has been committed.



I am satisfied the actions of the police officers were justified and appropriate for the circumstances. I am satisfied the driver of the Ford Explorer was intoxicated by cocaine and methamphetamine, was intent on fleeing from police, and was driving at extremely high speeds. This matter is now completed and the IIU will close its investigation.

**Final report prepared by:**

Zane Tessler, civilian director  
Independent Investigation Unit  
July 25, 2016