



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
SERIOUS INJURIES DURING WINNIPEG POLICE SERVICE ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director: Bruce M. Sychuk

IIU File Number: 2023-0082

Date of Release: May 12, 2025

Introduction

On Dec. 22, 2023, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on Dec. 22, 2023:

On Thursday, December 21st, 2023, members of the WPS were dispatched to a call for service concerning suspicious circumstances. While enroute to the address, officers conducted computer checks which revealed AP was wanted on the strength of three (3) outstanding warrants of arrest. Officers were also able to obtain a physical description of AP. Prior to arrival, information was received that the suspect from the suspicious call had left the residence and was last seen walking west bound.

Responding officers attended to the area and they observed AP from the suspicious call walking in the company of an unknown female. Officers were immediately able to identify AP at which time they attempted to take him into custody on the strength of the three (3) outstanding warrants of arrest.

AP attempted to flee from officers, running east bound, but was caught after a short foot pursuit. AP proceeded to resist arrest, during which a use of force encounter ensued which included the deployment of an Electronic Control Device (ECD) to gain compliance. While officers were attempting to control AP, CWI who had been in his company, attended and interfered with officer's actions.

Multiple police units attended to the scene and officers were able to take both AP and CWI into custody. AP was arrested on the strength of the three (3) outstanding warrants of arrest, resist arrest and obstruct police officer. CWI was charged with obstruct police officer.

Paramedics from the Winnipeg Fire and Paramedic Service attended to the scene due to the deployment of the ECD. During their examination of Affected Person, he began to complain of shortness of breath and dizziness. Affected Person was subsequently conveyed to the Health Sciences Centre where it was later determined that he had two fractured ribs. AP was treated and released into the custody of police.

As this matter concerned injuries during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 65(4) of The Police Services Act. IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from the WPS, among other items:

- notes, narratives and reports of officers
- 911 audio transmissions
- Use of force report

This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.

- medical reports

The civilian director designated three subject officers (SO1 to SO3) and six witness officers (WO1 to WO6). IIU investigators also received information from six professional witnesses (PW1 to PW6) and one civilian witness (CW1).

Facts and Circumstances

Scene Examination

No scene examination or canvassing of the area was conducted by the IIU.

Interviews

Affected Person

AP was interviewed by IIU investigators on Dec. 28, 2023, and provided the following information:

AP stated that he was previously at a relative's house with CW1 and a cousin. AP confirmed that he left the residence with CW1 and that he saw a marked police car pull up to his area. AP stated that the female officer told AP to get on the ground and to put his hands up. AP was spooked by the officer's actions and tried to run away.

AP stated that he ran about a quarter of a block before he was tasered by a male officer and tackled to the ground by another officer. AP stated that he complied with an officer's request to place his hands behind his back when the female officer tasered him again while he was on the ground. AP stated that while he was handcuffed, all three officers were kneeling or punching AP in his head, shoulders, back and both sides of his body

AP stated that he was placed in the back of a police vehicle when he noticed he was having difficulty breathing. AP confirmed that paramedics attended and that he was taken to Health Sciences Centre. AP stated that the doctor told him he had broken ribs on both sides of his body.

Civilian Witness 1 (CW1)

CW1 was interviewed by IIU investigators on Jan. 1, 2024, and provided the following information:

CW1 stated she was walking with AP to get some food when a female officer pulled out her gun and scared AP. CW1 stated that the female officer said nothing to AP and that the female officer, along with two male officers, chased AP and tasered him.

CW1 saw the female officer and another male officer punching and kicking AP in the head and body. CW1 told the officers to stop hitting AP. CW1 stated that AP was placed in the police vehicle, where he was assaulted by the officers again, causing AP to have a fractured jaw and broken ribs.

CW1 stated that no officer made any verbal commands to AP and that AP was tasered three times. CW1 confirmed that she was arrested for assaulting the officers.

Professional Witnesses

Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on Feb. 6, 2024, and provided the following information:

PW1 arrived on scene and saw AP in the back of the police vehicle. PW1 confirmed that he was there to remove any taser darts in AP's body if required. PW1 did not see any darts remaining in AP's body. PW1 was provided background information by police officers in relation to the use of force and deployment of the taser. PW1 confirmed that he did not witness any use of force in his presence.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on Feb. 5, 2024, and provided the following information:

PW2 confirmed that he attended the scene to remove taser probes from AP's body if required. PW2 noted that AP was handcuffed in the back of a police vehicle and then removed from the vehicle to allow PW2 to look for taser probes in his body. PW2 noted that AP was belligerent and rude to the officers while he was attending to AP. PW2 asked one of the officers what happened, and he was informed that AP ran from police and fell, resulting in an officer falling on top of him. PW2 was told AP's face went into the snow on the ground. PW2 noted that AP confirmed that he had consumed cocaine before the incident. PW2 confirmed that the officers informed him that AP was complaining of chest pains.

Professional Witness 3 (PW3)

PW3 was interviewed by IIU investigators on Feb. 6, 2024, and provided the following information:

PW3 stated that he was informed by police that they had used a taser on AP when AP had tried to flee. PW3 observed AP to be remorseful about his fleeing, however, AP was frustrated with being arrested. PW3 confirmed that he did not locate any taser probes on AP's body. PW3 stated that he did not witness any use of force on AP in his presence.

Professional Witness 4 (PW4)

PW4 was interviewed by IIU investigators on Feb. 6, 2024, and provided the following information:

PW4 confirmed that he attended the scene to remove taser probes from AP. PW4 stated that AP informed him he was slammed to the ground by officers when he tried to flee. AP confirmed to PW4 that he was kned by officers while he tried to flee, and that he was having problems breathing.

PW4 observed AP to be rude towards the officers and PW4 was impressed with the officers ability to remain composed while AP acted in this manner.

Professional Witness 5 (PW5)

PW5 was interviewed by IIU investigators on Feb. 13, 2024, and provided the following information:

PW5 confirmed that AP was already in the back of the police car when he arrived. PW5 found AP to be cooperative while being placed on the stretcher. PW5 recalled that AP was joking about how the female officer “beat AP’s ass.” PW5 confirmed that he was provided background information from the officers related to the incident. PW5 did not witness anything.

Professional Witness 6 (PW6)

PW6 was interviewed by IIU investigators on Mar. 26, 2024, and provided the following information:

PW6 confirmed that AP was in the back of the police vehicle when he arrived. PW6 noted AP to be fine with medical staff, however, AP was quite upset with the officers. PW6 confirmed that he removed a taser probe from AP’s left forearm area. PW6 noted AP to be upset about the actions of the officers, but AP did not provide any specifics.

PW6 confirmed that AP complained of pain in his ribs and that AP informed PW6 that he had been drinking beer and smoking crack earlier in the day. PW6 did not witness any use of force by police officers.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on May 1, 2024, and provided the following information:

WO1 was partnered with SO3 and they were dispatched to the service call involving AP. WO1 recalled they were aware that the individual had outstanding warrants and that they had been given a description of the individual.

WO1 recalled that there was a radio transmission stating police were in foot pursuit of an individual. WO1 attended the area and saw a police vehicle with the passenger’s door open. WO1 scanned the area and observed SO1 and SO2 struggling with a male individual. WO1 recalled that a female was present during the struggle.

WO1 saw AP on the ground with SO1 and SO2 trying to arrest AP, but AP was not providing his hands. WO1 recalled that CW1 was also involved in the struggle. WO1 saw SO1 with their taser ready to be deployed, while the struggle to arrest AP continued. WO1 grabbed CW1 to remove her from the arrest situation.

WO1 confirmed that he heard officers telling AP to give them his arms and AP was not complying. WO1 confirmed that SO3 went over to assist SO1 and SO2 in arresting AP. WO1 believed that a taser was deployed but he was not certain. WO1 explained that it was just a big dog pile and that everything happened very quickly from the time he arrived to AP’s arrest. WO1 did not see any officer kick or punch AP, however, WO1 did see officers grabbing at AP’s arms to handcuff him.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on May 1, 2024, and provided the following information:

WO2 was partnered with WO3 on the date of the incident. WO2 recalled a radio transmission from SO2 requiring assistance. WO2 went to the scene of the incident, however, everything was already under control and AP was in handcuffs. WO2 checked with SO1 and SO2 that they were okay, and they gave WO2 the thumbs up, so WO2 and WO3 left the area.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on April 16, 2024, and provided the following information:

WO3 confirmed that he was partnered with WO2. He heard a radio transmission from SO2 and she seemed to be panicked and out of breath. WO3 confirmed that they attended the area of the incident and that AP was already arrested when they arrived. WO3 confirmed that they checked on the well-being of their fellow officers and that everyone said they were fine. WO2 and WO3 left the area as a result, without any interaction with AP.

Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on May 22, 2024, and provided the following information:

WO4 confirmed that she heard a distressed radio call for assistance from SO2. WO4 attended the scene of the incident and observed SO1 and SO2 holding AP's arm and walking AP towards the back of the police vehicle. WO4 did not interact with AP, however, she did ask SO1 and SO2 if they were okay. They confirmed that they were fine and WO4 assisted a fellow officer in searching CW1 before she was placed in the back of the vehicle.

WO4 spoke with SO2 afterwards to make sure that she was okay. SO2 confirmed that there was a struggle in arresting AP and that a taser was deployed. WO4 assumed that emergency services must have attended to the scene because of the taser deployment. WO4 confirmed that she left the area before medical services arrived on the scene.

Witness Officer 5 (WO5)

WO5 was interviewed by IIU investigators on April 26, 2024, and provided the following information:

WO5 was partnered with WO6 and they were tasked with attending the hospital to take AP into custody after medical clearance. WO5 was provided background information from SO1 and SO2 related to the arrest and the deployment of a taser.

WO5 did not talk to AP about anything in relation to his arrest. WO5 did assist AP in receiving water and going to the bathroom. WO5 noted that AP had some scratches to his face and a black eye. WO5 took AP into custody after he was cleared by medical staff to be released.

Witness Officer 6 (WO6)

WO6 was interviewed by IIU investigators on May 1, 2024, and provided the following information:

WO6 confirmed he was partnered with WO5 and that they attended to HSC to take AP into custody once he was medically cleared. WO6 confirmed that they had a general discussion about AP having general soreness and that the doctor's removed a taser probe from his forearm.

Subject Officers

Subject Officer 1 (SO1)

In accordance with his rights, SO1 declined to be interviewed by IIU investigators. SO1 provided his notes to IIU investigators, which contained the following information:

SO1 confirmed that they were attending to the call with the goal of arresting AP on his outstanding warrants. SO1 noted that they had been given a description of AP. SO1 received a radio transmission that AP and a female had left the residence.

SO1 saw AP and CW1 on the sidewalk. SO2 requested AP to approach the police vehicle because he was under arrest on the warrants. AP did not comply and fled with SO2 yelling to AP to "stop running." SO1 and SO2 chased after AP on foot with SO1 yelling that he will use his taser to get AP to comply. SO1 did not have his taser out and AP did not comply, despite numerous requests.

SO1 and SO2 continued the foot chase, demanding AP to stop without success. SO2 radioed for assistance and then SO1 deployed his taser, successfully striking AP. SO1 saw AP's arms lock on his side and he dove into a snowbank. SO2 went to shin pin AP while SO1 went to do the same thing and slipped, accidentally striking AP in the face with his foot.

The taser deployment had subsided and AP tried to get up off the ground while SO1 and SO2 were trying to get AP's hands. SO1 jumped on AP's back to keep him down, but AP shook SO1 off. SO1 and SO2 yelled at AP to stop resisting and to give up his hands without success.

CW1 was now yelling at officers to "leave AP alone." SO1 and SO2 continued to struggle with AP. SO1's taser went off accidentally but did not hit AP. SO2 deployed her taser with minimal affect on AP. CW1 was now closing in on the arrest scene and was close to grabbing SO1's duty belt. SO1 had to stop assisting in AP's arrest and push CW1 away.

SO2 had to drop her taser to continue her efforts to arrest AP. CW1 was moving towards SO2's taser, forcing SO1 to push CW1 away again. SO1 began to shin pin AP in his back without success. SO1 lifted AP's coat and gave AP a direct skin stun drive to AP's lower back with his taser. The stun did not affect AP, resulting in SO1 holstering his taser and initiating punches to AP's buttocks and thighs. The punches did not have any effect on AP.

SO1 saw WO1 and SO3 coming into assist in AP's arrest. SO3 assisted in gaining control of AP while WO1 removed CW1 from the arrest area. AP was finally handcuffed with the assistance of SO3. Officers were able to locate seven of the eight taser probes as the last probe was in AP's forearm.

Subject Officer 2 (SO2)

In accordance with her rights, SO2 declined to provide a statement to IIU investigators. SO2 provided her notes to IIU investigators, which contained the following information:

SO2 confirmed that she was dispatched to arrest AP on his outstanding warrants. SO2 confirmed that they were provided a description of AP. SO2 attended the area and saw AP walking on the sidewalk with a male and CW1. SO2 advised AP that he was under arrest for the warrants and approached him.

AP attempted to flee, with SO2 chasing him and directing him to stop running or he might be tased. AP ignored the directions, resulting in SO1 deploying his taser and striking AP. AP fell to the ground and SO2 shin pinned him, and directed him to stop resisting. AP yelled at SO2 to “get off” and pulled his arm away from SO2. SO2 yelled at AP to stop resisting and to give up his hands without success.

CW1 was in the area telling officers to get off AP. SO2 told CW1 to “back off” but CW1 tried to pull AP out of SO2’s grasp. SO2 pushed CW1 away and told her again to back away. At this point, AP tried to get up off the ground, while SO2 told him to stop resisting. AP ignored the directions, resulting in SO2 deploying her taser, which did not seem to affect AP. SO2 yelled for AP to get on the ground, but AP did not comply. SO2 deployed her taser a second time, which resulted in AP falling to the ground.

AP yelled “get them off me,” which resulted in CW1 attempting to pull the officers off AP. SO2 pushed CW1 away and told her to stay away. AP continued to hide his hands, resulting in SO2 pulling on his arm and pinning it on the ground. SO2 was attempting to handcuff AP when WO1 and SO3 arrived on scene and assisted in arresting AP and CW1.

Subject Officer 3 (SO3)

In accordance with his rights, SO3 declined to provide a statement to IIU investigators. SO3 provided his notes to IIU investigators, which contained the following information:

SO3 confirmed that he heard SO2 say over the radio that they were in foot pursuit of AP. SO3 and WO1 arrived on scene and observed two officers struggling with two individuals. SO3 ran up to the scene and SO1 directed that CW1 be arrested. WO1 took control of CW1 while SO3 assisted in arresting AP.

AP refused to provide SO3 with his right hand despite repeated requests. SO3 struck AP in the face between four and 10 times in an attempt to stun AP. AP finally provided SO3 with his right arm, which allowed SO2 to handcuff him.

Other evidence

Medical reports did not conclusively confirm that AP’s right third and left second rib were fractured, although it is suspected. There was no mention of a fractured jaw. The patient care report confirmed AP’s alcohol and crack usage the same day as the arrest.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Secs. 25(1), 25(3) and 25(4) of the Criminal Code of Canada have been emphasized here for consideration:

25 (1) *Every one who is required or authorized by law to do anything in the administration or enforcement of the law*

- (a) as a private person,*
- (b) as a peace officer or public officer,*
- (c) in aid of a peace officer or public officer, or*
- (d) by virtue of his office,*

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

(3) *Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.*

(4) *A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if*

- (a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;*
- (b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;*
- (c) the person to be arrested takes flight to avoid arrest;*
- (d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and*
- (e) the flight cannot be prevented by reasonable means in a less violent manner.*

Conclusion

In reviewing all relevant evidence in connection with the circumstances of AP's arrest, I am satisfied that the subject officers' actions were reasonable and proportionate. Therefore, no charges are recommended and the IIU investigation is now completed and closed.