



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING AN  
INJURY SUSTAINED DURING AN ARREST BY WPS**

**FINAL REPORT OF THE CIVILIAN DIRECTOR**  
**OF THE INDEPENDENT INVESTIGATION UNIT**

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## **Introduction**

On January 31, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On Tuesday, January 30th, 2024, at approximately 9:04 p.m., members of the Guns and Gangs Unit (EG03 and EG60) attended to suite \*\*\* Agnes Street in an effort to locate the accused, (affected person) (AP), who was wanted on the strength of four (4) Warrants of Arrest.*

*Upon arrival, officers met with the female resident of the suite who was also identified as the protected person of a domestic court order involving the accused AP. As officers spoke with the female, officers stationed at the rear of the residence advised that AP had attended to the second-floor balcony located at the rear of the residence. Officers inside the residence attended to the second floor where they found the door to the suite that led to the balcony locked. A child within the suite opened the door for police and advised that AP was still outside on the balcony. Officers verbally instructed AP to come back into the suite with his hands in the air but he refused, indicating that he was on the phone with legal counsel. As officers approached the balcony, they observed AP standing on the outside of the railing with a phone in his hand. As officers moved closer to AP, he suddenly jumped from the second-floor balcony in an effort to evade arrest.*

*Officers stationed at the rear of the residence observed AP jump from the balcony and land on the ground. They subsequently moved in to effect the arrest as he lay in the snow. Once handcuffed, AP informed officers that he had a sore leg and that he suspected it may be broken.*

*Due to the delay in ambulance response, officers conveyed AP to the HSC where, at approximately 6:50 a.m. on Wednesday, January 30th, the medical examination confirmed he had sustained a fractured right leg and will require surgery.*

*IIU notified per PSA.”*

As this matter concerned a serious injury, the IIU assumed responsibility for this investigation in accordance with Section 65(4) of The Police Services Act (PSA). IIU investigators were assigned to this investigation.

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

- Police Audio X2
- Witness statement - CW
- Computer automated dispatch (CAD)
- Police narratives and notes X3
- Prisoner Log sheet
- Disclosure tracking form

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Due to a dearth of information at the outset about whether any police officers were directly or indirectly involved in the cause of AP’s injury, the civilian director did not designate a subject officer (SO). This decision was later re-evaluated and no subject officers were ever designated.

## **Facts and Circumstances**

### **Scene Examination**

On February 1, 2024, IIU investigators attended the residence in the 600 block of Agnes Street and took photographs of the rear yard and balcony. The property, divided into two suites, features a cluttered hallway leading to the balcony-accessible room on the second level. The small balcony, strewn with bikes and garbage, shows signs of someone standing on the outside of the railing. (*see photo below*)

### **Canvass**

On January 31 and February 1, 2024, IIU investigators conducted an area canvass, seeking witnesses and surveillance footage. No video footage was seized.

### **Affected Person**

On January 31, 2024, IIU investigators obtained a statement from AP. AP stated that the previous day, four members of the Winnipeg Police Service (WPS) “Guns and Gangs” unit arrived at his address, stating that he had multiple warrants. Feeling threatened, AP tried to contact his lawyer but couldn't. He stated that the officers took his phone; however, AP couldn't recall if he recorded the incident. AP also claimed that the officers identified themselves as "Whitey" when they arrived.

AP stated that he climbed over the railing of his balcony “I climbed over the rail and I was going to jump down, but they grabbed me (area of the chest) first and then pushed me down.” AP stated that he jumped to avoid getting beat up like in previous arrests.



AP climbed over the rail onto the outside ledge.

After the incident, officers arrested AP due to multiple warrants and violation of conditions. Officers drove him to Health Sciences Centre (HSC) Winnipeg. AP stated that after hitting the ground, no officer struck him.

### **Summary of Witness Interviews**

#### **Civilian Witness (CW)**

On January 31, 2024, IIU investigators obtained a statement from CW, the spouse of AP, who was at the residence during the incident. She stated that the police officers forcefully knocked, initially claiming to be "Whitey" from the streets and then revealed themselves as WPS. CW, concerned, opened the door. AP was worried about her kids and asked the officers to wait and had her daughter open the door. She stated that AP was on the balcony and wanted to call his lawyer. Meanwhile, officers discussed checking the back. CW quickly brought her kids to her mother's and did not witness what occurred on the balcony; however, CW stated that she heard an officer say *AP jumped*.

CW added that SO had a no-contact order with her. She also stated that she advised AP to turn himself in during the encounter.

#### **Witness Officers (WO)**

##### **WO1**

On May 7, 2024, IIU investigators obtained a statement from WO1. He and WO3 were partners and were briefed with WO4 and WO2. They received information that AP was at his girlfriend's (CW) at a residence in the 600 block of Agnes Street. They arrived at the residence, and CW confirmed her identity and allowed them entry. Inside, they instructed AP to surrender. When near the balcony, AP threatened to call his lawyer. As they approached, AP jumped off the balcony to evade arrest. AP was handcuffed by WO2 and WO4 on the ground. WO1 did not observe any injuries on AP.

##### **WO2**

On May 27, 2024, IIU investigators obtained a statement from WO2. WO2 stated they attended a residence in the 600 block of Agnes Street because AP was with his common-law girlfriend, despite a no-contact order. Officers witnessed AP jump from the balcony and land on the ground. AP complained about his leg after landing. They helped him into their cruiser and transported him to HSC, four blocks away, due to an ambulance delay. When asked why he jumped, AP responded saying he was "just being stupid."

### **WO3**

On May 27, 2024, IIU investigators obtained a statement from WO3. WO3 observed AP on a second-storey balcony, where WO2 and WO4 announced they saw him. They managed to get the children to open the door, and WO3 entered with his partner. AP was standing outside and stated he would call his lawyer. As they approached, they instructed him to return to the balcony, but he jumped. WO2 and WO4 handcuffed him. AP complained of a broken leg and they called for an ambulance. However, officers decided to transport AP to the hospital themselves as the ambulance was delayed. WO3 stated that no force was used during the arrest.

### **WO4**

On May 31, 2024, IIU investigators obtained a statement from WO4. WO4 was the acting patrol sergeant with the WPS Guns and Gangs unit and was partnered with WO2. They assisted WO3 and WO1. AP was wanted for multiple breaches of court orders. Upon arrival to the residence, WO4 and WO2 positioned themselves at the rear, in case AP attempted to flee, and WO3 and WO1 approached the front. AP was spotted on a second-storey balcony, trying to escape. WO4 and WO2 announced their presence as Winnipeg Police and informed AP of his arrest. AP briefly returned inside, discarding something before reappearing on the balcony railing. Despite the officers' commands to "come out with your hands up," AP defied them, cursing and stating he would call his lawyer. When WO3 and WO1 entered the balcony, AP jumped approximately 10 to 12 feet. AP landed in a snowbank and stated that he broke his leg. WO4 clarified that AP jumped voluntarily without any physical contact from the officers.

AP was then arrested, handcuffed and searched. The officers provided first aid, finding no compound fracture but a swollen shin. AP was transported to HSC by the officers, as the ambulance was delayed.

WO4 noted that the only force used was handcuffing, consistent with the Use of Force Continuum's soft empty hand control.

## **Summary of Other Evidence**

### **Written Statement of CW**

IIU investigators reviewed a copy of CW's written statement that she provided to WPS on February 4, 2024. In her statement, CW explains that she took her children to the front of the house, and they left out the front door. She stated, "As we exited, I heard one of the cops yell *he jumped*, and they came running out the front of the use to go to the backyard."

### **Cell Phone**

AP stated he was using his cellphone to call his counsel and claimed to have recorded the events while standing on the edge of the balcony. The investigators asked AP for his cellphone and

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permission to view the recorded events. AP informed the investigators that the police had his phone. IIU investigators contacted WPS and were advised that no phone was logged into evidence control when AP was arrested.

### **Medical Records**

Medical records from HSC dated January 31, 2024 indicate that AP reported to medical staff that he jumped from the building. The records also indicate AP had a fracture of the right tibia and fibula.

*“X-ray shows a right distal tibia fracture with a proximal fibular fracture.*

*HPI- 40 year old gentleman gives history of jumping out from 10 feet high second storey and landed on snow bank while evading from Police, He has history of previous GSW (gun shot wound) on October 2023 and left AMA and came back with infection which was treated with irrigation and debridement on October 29 and 30”*

### **Conclusion**

The IIU’s mandate is to determine whether any police officer, by action or inaction, contributed in any way to the serious injury of AP. Based on the circumstances and all of the available information, including the witness accounts and the medical report, there is nothing to support a conclusion that the officers caused AP’s injury. The evidence suggests that AP climbed over the railing of the balcony and jumped on his own. AP admits to climbing over the railing and wanting to jump, stating that he wanted to jump to avoid being beaten by police. AP’s girlfriend, CW, did not see what happened on the balcony; however, she did hear the police yell “he jumped.” The medical report suggests that AP told medical staff that he jumped off the balcony to evade police. Finally, all four officers state that AP jumped off the balcony. There is no evidence to suggest that any of the officers pushed AP.

Therefore, no officers were designated as subject officers in this matter, and no charges are recommended. The IIU investigation is now completed and closed.