



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

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

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2024-0034
Date of Release:	March 28 , 2025

## **Introduction**

On June 17, 2024, 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 June 17, 2024:

*On Sunday June 16th, 2024, officers were patrolling in the parking lot of the Tuxedo Shopping Center when they observed an abandoned bicycle in front of store.*

*One of the officers exited the cruiser car to investigate at which time he observed Affected Person (AP) exiting the store. The officer further observed AP to be throwing store merchandise and yelling at store personnel who were following behind him. Upon exiting the store, AP turned around and kicked the glass sliding exit door.*

*The officer observed AP to still be carrying armfuls of store merchandise and he was immediately informed by store personnel that AP stole the items. AP started to run westbound in the parking lot with the officer in pursuit. The officer yelled stop police but to no avail.*

*The second officer who was operating the cruiser car managed to obstruct the path of the AP which allowed the pursuing officer to tackle AP to the ground. AP hit his head on the roadway which rendered him unconscious.*

*Officers examined AP and found him to be breathing and snoring. Due to his snoring, officers checked his airway (mouth and throat) and located a half-swallowed cigarette which officers cleared. AP was subsequently conveyed to the Health Sciences Center where he is being treated for a minor brain bleed.*

As this matter concerned injuries during an arrest, the IIU assumed responsibility for the 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
- radio transmissions
- store video surveillance
- use of force report
- medical reports
- statements provided by civilian witnesses

The civilian director designated one subject officer (SO) and one witness officer (WO1). IIU investigators also received information from AP and two civilian witnesses (CW1 to CW2).

*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.*

## **Facts and Circumstances**

### **Scene Examination**

IIU investigators attended to the scene on June 17, 2024, and were able to obtain video surveillance from three neighbouring stores. A canvass of the area did not produce further witnesses.

### **Summary of Interviews**

#### **Affected Person**

IIU investigators interviewed AP twice to ensure a comprehensive statement was provided. The interviews with AP provided the following information:

Originally, AP stated that he walked outside the store and saw an officer in the parking lot. AP tried to run from the officer at which point AP was grabbed by the neck and had his head slammed to the ground.

When IIU investigators met with AP a second time, AP confirmed that he went into the store with the goal of stealing cologne. AP stated that he placed the item in a shopping basket and tried to leave the store through the entranceway. AP stated that he did not interact with anyone inside the store.

AP saw the officers when he exited the store and tried to walk away from them. AP stressed that he did not run away from the officers. AP stated that the officer immediately grabbed him by the neck and put him in a choke hold. AP stated that the officer then slammed his head into the ground. AP denied resisting the officer.

AP initially stated that when his head struck the ground, he was immediately unconscious. AP then stated he was on his stomach before his head was slammed into the ground. AP stated that the officer who arrested him said “this is what you get for fucking being a thief”.

Upon further questioning by the IIU investigators, AP added that the officer that arrested him hit him with a metal object in the back of the head. AP suggested that it was the metal object that caused him to go unconscious, not the officer taking AP to the ground by the neck.

AP stated that he has lost hearing in his right ear as a result of the incident and has an indent in his head behind his ear. AP recalled blood coming from his ear.

It should be noted at this time that AP’s recollection of the incident does not coincide with other evidence available for review. It is clear that employees in the store interacted with AP while he was attempting to steal. Further, it is also quite clear that AP ran away from the officers as he exited the store. Based on the video surveillance, no metal object was used at any time to assault AP.

## **Civilian Witnesses**

### Civilian Witness 1 (CW1)

IIU investigators interviewed CW1 on June 20, 2024, and were provided the following information:

CW1 was an employee of the store and working at the time of the incident. CW1 recalled that CW2 was not working but had attended the store to pick something up. CW1 and CW2 were talking when AP walked into the store.

CW1 confirmed that AP was known to her as someone who regularly stole from the store. CW1 told AP to leave the store, which he ignored and attended to the cologne cabinet. CW1 yelled at AP to leave again at which point he replied “no”. AP then ripped off the door of the cabinet and started to steal the cologne.

CW2 went over to AP at this point and attempted to get AP to leave the store. AP left the store by kicking open the entrance doors and walking out. CW2 pointed at AP outside at which point CW1 observed the officers outside.

CW1 did not see the officers actually take AP down to the ground, but did observe AP on the ground shortly after he had exited the store. CW1 observed AP to be unconscious on the ground, however, CW1 noticed the officers attempting to assist AP. CW1 confirmed that one of the officers came into the store to ask them what AP was doing, at which point they informed the officer that AP was stealing cologne.

### Civilian Witness 2 (CW2)

IIU investigators interviewed CW2 on June 17, 2024, and were provided the following information:

CW2 was not working the day of the incident, but she had stopped by the store to pick up an item. CW2 heard CW1 say “no! get out!” so she turned around and saw AP. She believed that she recognized him as he had shop lifted at the store previously. CW2 told AP to get out of the store and AP ignored her, walking to the cologne cabinet.

AP proceeded to rip off the cabinet door, grab six cologne boxes and run towards the door. AP dropped one of the boxes as he was exiting the store. CW2 and CW1 followed AP to the door and CW2 saw the officers outside the store. AP immediately dropped the other boxes of cologne and attempted to run away from the officers.

CW2 stated that she looked away for a second, and by then, AP was on the ground. CW2 noted that there were two officers, but one of the officers was still in the car when AP tried to flee, and only got out of the car after AP was down on the ground.

### **Witness Officer (WO1)**

IIU investigators interviewed WO1 on Nov. 8, 2024, and were provided the following information:

WO1 confirmed that he was partnered with SO on the date of the incident. Both were in full uniform and driving in a marked police vehicle. WO1 confirmed that they had entered the mall parking area and noticed a bike lying just outside one of the store entrances.

SO exited the vehicle to enter the store and see if everything was okay. WO1 was turning the vehicle around when he noticed SO chasing after AP. WO1 attempted to maneuver the vehicle in front of AP to slow him down, allowing SO to catch up to AP. WO1 observed AP and SO run by the front passenger door of the vehicle. WO1 again attempted to turn the vehicle around in case it was necessary to chase after AP in the vehicle. WO1 observed SO kneeling on AP, who was on the ground, when he completed turning the vehicle around.

At this point, WO1 exited the vehicle and observed AP to be in handcuffs. WO1 noticed AP was unconscious and making a snoring sound. WO1 confirmed that AP was breathing. WO1 called for an ambulance and put AP in the recovery position. WO1 cleared his airway where he located a cigarette butt in AP's mouth.

WO1 applied a sternum rub to rouse AP. AP was able to regain consciousness and was able to walk over to the police vehicle. SO went into the store to receive background information while WO1 kept an eye on AP. WO1 recalled that AP was able to answer basic questions while waiting for the ambulance.

WO1 and SO followed the ambulance to the hospital. WO1 recalled that AP's chest x-ray was normal and that the CT scan noted a minor brain bleed that required observation.

### **Subject Officer**

In accordance with his rights, SO declined to be interviewed by IIU investigators. However, SO provided IIU investigators with his notes, his narrative and the use of force report, which provided the following information:

SO confirmed that he exited the vehicle after seeing a bike lying just outside the store entrance. SO recalled that WO1 was in the process of turning the vehicle around when SO observed AP leaving the store and yelling at the employees.

One of the employees yelled that AP had stolen the products and AP attempted to run. SO yelled for AP to stop which AP ignored. WO1 had attempted to place the vehicle in front of AP which allowed SO to catch up to AP. SO tackled AP, taking him to the ground. SO noted that AP's hands were free to brace himself for the fall.

SO confirmed that AP was unconscious after hitting the ground. SO handcuffed AP and placed him in the recovery position. SO confirmed that they cleared AP's airway of a cigarette butt. SO confirmed that sternum rubs were used to rouse AP. AP did regain consciousness after a short period of time. SO noted that AP informed the officers that he used crack and drank alcohol earlier in the day. SO confirmed that they followed AP to the hospital and were informed of the minor brain bleed.

### **Other evidence**

#### **Internal and External Video Surveillance**

In reviewing all the video surveillance available, it is clear that AP entered the store with the intent to steal cologne from one of the perfume cabinets. Further, you can see store employees confronting AP throughout his time inside.

While AP is in the process of exiting the store through the entrance doors, you can see an officer walking towards the store. At this point, AP drops the boxes of cologne and attempts to run away from the officer.

External video surveillance shows AP attempting to run away from SO. WO1 maneuvers the vehicle into AP's pathway, at which point SO is able to catch up to AP and tackle him to the ground. SO spins to get on top of AP after they land on the ground and places his knee in AP's back, while handcuffing AP. As mentioned earlier, neither officer is observed on video surveillance to use a metal object to assault AP.

### Medical Reports

AP was noted by the hospital to have sustained a subarachnoid hemorrhage, mastoid fracture, fracture of the right parietal/temporal bones and a fracture of the left clavicle. AP was kept in the hospital for observation and released the next day into custody.

### Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sections 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**

Based on the evidence gathered in the circumstances, the civilian director is satisfied that the subject officer acted reasonably. Therefore, no charges are recommended and the IIU investigation is now completed and closed.