



**IN THE MATTER OF AN INVESTIGATION INTO A DEATH RELATED TO A  
MOTOR VEHICLE DRIVEN BY A WINNIPEG POLICE OFFICER**

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

Acting Civilian Director:	Bruce M. Sychuk
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## **Introduction**

On Sept. 2, 2024, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Written excerpt from Part 7 Notification received on Sept. 3, 2024:

*On September 2nd, 2024, WPS officers were operating an unmarked police vehicle in Fort Rouge Park, when they struck AP.*

*AP was subsequently conveyed to the Health Sciences Centre where she was pronounced deceased.*

As this matter concerned a death related to a police motor vehicle collision, 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
- audio transmissions
- collision analyst report
- GPS extract from the police vehicle
- medical reports

The civilian director designated one subject officer (SO) and one witness officer (WO1). IIU investigators also received information from three civilian witnesses (CW1 to CW3). IIU investigators attempted to locate a further civilian witness, without success, despite repeated attempts.

## **Facts and Circumstances**

### **Scene Examination**

IIU investigators attended to the scene of the incident and attempted to canvass the encampment for further witnesses. Unfortunately, some individuals in the encampment were unwilling or unable to cooperate with the IIU investigation.

## **Interviews**

### **Civilian Witnesses**

#### **Civilian Witness 1 (CW1)**

CW1 was interviewed by IIU investigators on Sept. 3, 2024, and provided the following information:

CW1 stated that he saw an unmarked police car coming towards him with its headlights on, but it did not have its emergency lights activated. CW1 noted that the speed of the police vehicle was a little slower than a walk.

CW1 noted that AP was intoxicated and was lying down on her stomach on the gravel. CW1 commented that AP was situated on the slope of the hill near the encampment. CW1 stated that AP was wearing black clothes and there were streetlights approximately a car length away from where AP was situated.

CW1 stated that the police car drove over AP and that AP screamed when that happened. CW1 stated that he kicked the police car approximately a car length from where it had struck AP. CW1 was not sure if the police car could not see AP or if it was trying to drive away. CW1 then noted that the police vehicle stopped approximately a car length from where it struck AP. CW1 confirmed that the officers exited the vehicle and went running towards AP's location. CW1 ran over to AP and confirmed that she was still breathing but had significant injuries.

CW1 described the officers to the IIU investigators, explaining that the older officer was the driver, while the younger officer was in the passenger's seat. CW1 confirmed that the officers were in their uniforms. CW1 confirmed that officers were attempting to place bandages on AP's head, however, he noted that neither officer attempted CPR.

CW1 confirmed that an ambulance came soon after, followed by more police vehicles. AP was placed in a stretcher and taken to the hospital.

CW1 confirmed that AP had stopped walking on previous occasions and fallen asleep by the side of the road when she was intoxicated. CW1 confirmed that he kicked the police vehicle after it had run over AP, but the vehicle did not stop. CW1 was not sure if the officer who was driving was aware of CW1 kicking the vehicle or not.

#### **Civilian Witness 2 (CW2)**

CW2 was interviewed by IIU investigators on Sept. 4, 2024, and provided the following information:

CW2 confirmed that he was friends with AP and CW1 and was visiting the area. CW2 noted that a police vehicle had been present earlier at the encampment arresting an individual on a warrant. CW2 stated that the police vehicle came barreling down the road and dragged AP between ten and twenty feet.

CW2 stated that he was with AP and CW1 earlier in the evening. CW2 stated that AP was asking CW1 to go for more drinks, but CW1 was tired. CW1 agreed to go for more drinks with AP and CW2 declined to go because he was tired. CW2 went back to his tent.

CW2 stated that the next thing he heard was a vehicle in the park. CW2 stated that only police vehicles or main street project vehicles entered this area of the park. CW2 noted that the vehicles will remain at the top of the hill and normally only drive in the area during the day.

CW2 was still in his tent when he heard a vehicle make noise on the gravel that sounded like something was stuck under the vehicle. CW2 stated that it did not sound like the vehicle was speeding, suggesting that it was on the downhill slope part of the road.

CW2 left his tent and saw an unmarked police vehicle with its headlights on. CW2 did not hear any voices at this time. CW2 stated that after the police vehicle had stopped, he heard CW1 calling out to AP. CW2 said that two officers exited the vehicle and started to go up the hill. CW2 heard one of the officers asking CW1 “what was she doing sleeping on the road?”

CW2 stated that AP’s location was approximately thirty feet away from where the police vehicle was parked. CW2 suggested that AP was already dead because she was not breathing and had significant injuries. CW2 stated that he believed this incident was only a couple of minutes after CW1 and AP had discussed going for more drinks. CW2 did not believe AP was asleep on the side of the road. CW2 stated that AP and CW1 were both wearing dark clothing. CW2 suggested that CW1 was not drunk, but AP was intoxicated.

CW2 helped direct the ambulance to the area. CW2 noted that he felt bad for the officers because he had previous dealings with them and he felt they were “good guys.”

#### Civilian Witness 3 (CW3)

CW3 was interviewed by IIU investigators on Sept. 4, 2024, and provided the following information:

CW3 stated that the vehicle was coming down the hill way too fast and that they ran over AP. CW3 stated that he yelled out for the vehicle to stop as AP was standing right in front of them before they ran her over.

CW3 stated that he had just finished talking with AP and CW1 just before the incident. CW3 stated that he was approximately fifteen feet away from the incident and that he saw AP and CW1 walking in the middle of the pavement. CW3 stated that they saw the unmarked police vehicle coming down the road and CW1 was just able to get out of the way, but AP was hit by the vehicle. CW3 stated that as CW1 was jumping out of the way, he was yelling for the vehicle to stop, so it did not hit AP. CW3 confirmed that he was upset about the incident and that he had to leave the area.

CW3 acknowledged that he does not have a good relationship with police. CW3 stated that police are always attending the encampment, threatening and harassing the residents daily.

#### **Witness Officer**

WO1 was interviewed by IIU investigators on Oct. 16, 2024, and provided the following information:

WO1 confirmed that he was partnered with SO. WO1 and SO had attended the encampment before the incident because they were asked to deal with an outstanding warrant. WO1 confirmed

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that they had identified two individuals in the encampment with outstanding warrants. WO1 confirmed that they took one of the individuals to be processed on his warrant and then drove him back to the encampment.

As they approached the entrance to the park, the individual that they had just processed asked if they could drop him off at the entrance, so he could go purchase some cigarettes. WO1 and SO let the individual out of the vehicle and decided to enter the park to go execute the warrant on the other individual they had identified earlier.

WO1 confirmed that they were driving an unmarked police vehicle and that they had their headlights on. WO1 was looking on the vehicle laptop to confirm the outstanding warrant that they needed to process. WO1 confirmed that the vehicle was going slowly through the park when he heard a thump. SO asked WO1 “what the hell was that?” and WO1 responded that he did not know. WO1 stated that almost immediately after the thump noise, he heard an individual yell “fuck you” and kick or hit the vehicle.

WO1 stated that after the vehicle was kicked or punched, they pulled over immediately and stepped out of the vehicle. WO1 noted that they did not know what was going on at that point and were trying to assess the situation. WO1 stated that their vehicle was not going fast and was almost idling because you could not go fast around the corner with that kind of slope.

WO1 recalled that CW1 was yelling at the officers” you just killed AP!” WO1 could not see AP at that point and thought that they might have hit CW1. WO1 then saw AP on the ground and said over the radio that they needed medical assistance. WO1 confirmed that SO went to grab the first aid bag from the vehicle and they both started to administer first aid, while awaiting the ambulance. WO1 confirmed that he was not going to attempt to move AP because of her extensive injuries. WO1 confirmed that AP was still breathing, but was having difficulty. WO1 confirmed that different individuals from the encampment were yelling at the officers, but he kept his focus on the AP’s well-being.

WO1 noted that the area where the incident occurred did have a streetlight, however, it was not a very powerful light. WO1 confirmed that that area of the park is quite dark. WO1 described the path towards the encampment and why you must go slowly in that area.

### **Subject Officer**

In accordance with his rights, the subject officer declined to be interviewed by IIU investigators. SO provided the IIU investigators with a prepared statement, which contained the following:

SO confirmed that before the incident, they had attended the encampment and located an individual with an outstanding warrant. SO confirmed that they proceeded to process the warrant on the individual, with a plan to return him to the encampment when processing was complete. SO confirmed that as they returned to the park, the individual asked to be let out of the vehicle at the entrance of the park to go purchase cigarettes. SO confirmed that the individual was released as requested with his personal property.

SO confirmed that he continued driving the path towards the encampment. SO noted that his vision was limited because the sun had gone down and it was now nighttime. SO confirmed that he was driving slowly because of the lack of light. SO stated that his headlights were activated.

SO noted that as he was approaching closer to the encampment, he was riding his brakes so he did not pick up any speed on the slope. SO stated that as he turned the corner, he was startled by an individual dressed in all black entering the bushes. SO stopped the vehicle and tried to reverse to locate the individual in the bushes. SO confirmed that the vehicle tires spun when he went into reverse because they were on gravel.

SO could not locate the individual and then proceeded forward after checking the area to ensure it was safe to proceed. SO noted that there was a buildup of garbage on the side of the road, which reduced visibility. As soon as he straightened out the vehicle, the front end of the vehicle went up and then down, making a clunking noise. SO stopped the vehicle and did not see any obstruction in the road. SO turned to WO1 and asked if he had seen anything. WO1 confirmed that he did not see anything.

SO then heard an individual yelling incoherently and banging the vehicle. SO observed a male all in black clothing banging the back of the vehicle through his side mirror. SO moved the vehicle a few feet forward to get distance from the individual banging on the vehicle. The individual followed the vehicle and continued to bang on the vehicle, which resulted in SO moving the vehicle forward, further away from the individual. SO noted that the individual did not follow him this time, turned around, went into the darkness and could not be seen.

SO and WO1 exited the vehicle and were using their flashlights to assess the situation. SO could not see the individual, but could hear him yelling in the distance. SO started to walk towards the yelling and saw the male kneeling beside a motionless figure laying across the roadway.

SO rushed over and observed AP in all black clothing with significant injuries. SO assumed at this point that he must have accidentally driven over AP. WO1 radioed for medical assistance while SO spoke with CW1 to calm him down. SO noted that AP was still breathing and he went back to the vehicle to grab the first aid kit. SO confirmed that CW1 was assisting the officers in taking care of AP. SO did not attempt to move AP because of the nature of the injuries.

SO noted that CW2 went to the scene, offered to help and he was directed to go to the entrance to help direct the ambulance into the park. SO confirmed that CW3 also attended the scene, however, he refused to provide any assistance. SO noted that CW3 was just yelling at the officers and making derogatory comments while they were providing medical assistance to AP. WO confirmed that medical services arrived on-scene and that they took over care for AP, shortly after CW3 went away from the scene.

### **Other evidence**

#### **Medical reports**

The autopsy report confirmed the cause of death as blunt trauma due to AP being run over by a vehicle.

The toxicology report noted AP's ethanol level at 3.39 grams per litre. The toxicologist noted that an individual with that level of ethanol in their system would be almost unconscious, absent of reflexes and potentially in a coma.

The toxicology report also noted AP's methamphetamine level at 0.068 milligrams per litre. The toxicologist noted that the United Kingdom has established that any level above 0.01 mg/l would impair one's ability to drive a vehicle.

### Collision Analyst Report

The traffic analyst noted the following in reaching their conclusion related to the incident:

a) Series of events that led to the collision

- As the vehicle descended down the graveled access road, the vehicle drove over one of the occupants of the encampment that was lying on the road.
- The pedestrian was dragged under the vehicle before becoming dislodged from the vehicle.

b) Contributing factors that led to the collision

- The collision occurred in nighttime conditions.
- The area around the collision was dark and had no artificial light.
- The slope of the graveled access road started at a five per cent decline and was at a 10.3 per cent decline at the area of the collision.
- With the decreasing slope, it reduces visibility in front of the vehicle.
- The graveled access road also has a sharp left turn while on the downward slope.
- The driver's side pillar is also a contributing factor in the line of sight.
- There is no expectation of a pedestrian laying down on the graveled access road.

c) Opinion regarding the collision

- The driver did not see the pedestrian because visibility was a factor in this collision.
- The fact that there was no artificial lighting to light up the surrounding areas is another factor.
- The debris that was left on the side of the graveled access road is distracting, when it is illuminated by the vehicle's headlights, because it focuses your attention and reduces your night vision.

Below is a map of the area. The red-circled area is approximately where the collision occurred.



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Above is a photo taken for the traffic analyst's report at a similar time of night as the collision. Below is the exact same photo taken during the day.



### GPS Extraction

GPS extraction noted that the vehicle was driving at approximately six kilometres per hour just before the incident. The extraction was not able to provide the exact speed at the scene because the reading relies on cellular services, along with the vehicle moving at a certain rate of speed and distance to trigger another reading.

### Applicable Law

Sec. 320 of the Criminal Code of Canada has been reviewed along with all relevant caselaw. Further, Sec. 188 of The Manitoba Highway Traffic Act was considered.

### Conclusion

Upon reviewing all the evidence available, the situation is an accident with heartbreaking and significant consequences. Reviewing the evidence against the charging standard required, the civilian director is of the opinion that the subject officer did not commit any offence, and the incident was an unfortunate accident. Therefore, no charges are recommended and the IIU investigation is now completed and closed.

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