IIU | INDEPENDENT INVESTIGATION UNIT OF MANITOBA

IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING SERIOUS INJURIES DURING WPS ARREST

FINAL REPORT OF THE CIVILIAN DIRECTOR

OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On May 24, 2025, 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 May 26, 2025:

On May 23, 2025, SO and WO1 had occasion to conduct a traffic stop on a cyclist later identified as AP for offences under the Highway Traffic Act. AP was riding his bicycle on the sidewalk of Sargent Avenue but the traffic stop occurred in the rear lane of Spence Street.

While speaking to AP, officers observed a knife in plain view in the pocket of a sweater he was wearing and he was subsequently placed under arrest for possession of a weapon. AP was handcuffed and was being escorted to the cruiser car when he suddenly pulled away and fled on foot down the back lane.

Officers pursued AP and observed him enter the intersection of Young Street and Sargent Avenue, at which time a white SUV type vehicle that was travelling southbound on Young Street grazed AP, causing him to stumble but not fall. AP continued to flee in traffic, at which time SO deployed his taser twice at AP, causing him to fall on the roadway and hit his chin. This action was done as the officer was concerned about the safety of AP, as he was running in and out of traffic while in handcuffs.

Officers immediately applied first aid to AP and he was subsequently transported to hospital via ambulance. He is presently being treated for a laceration and two hairline fractures to his lower jaw.

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 WPS or of their own accord:

- notes, narratives and reports of officers
- audio transmissions
- use of force report
- medical reports
- taser data
- taser policy

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

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Facts and Circumstances

Scene Examination

No scene examination was required by IIU investigators because the incident occurred on May 23, 2025. IIU investigators canvassed the area for potential video footage and were able to locate some businesses with surveillance of the area. IIU investigators reviewed the footage and most of it did not catch the incident or showed the incident after the arrest.

Interviews

Affected Person

AP was interviewed by IIU investigators on May 27, 2025, and provided the following information:

AP stated that he had an argument with his girlfriend and was in the process of moving his personal belongings to his uncle's residence. His uncle was not home, so he left his belongings at the residence and started to ride his bike down the sidewalk. Police stopped AP, told him he could not ride his bike on the sidewalk and started to ask him a bunch of questions. One officer asked him if he had any weapons and he confirmed that he had a small pocketknife. He tried to tell the officers about his argument with his girlfriend, but they aggressively arrested him.

AP confirmed that he was handcuffed and about to be placed in the back of the police vehicle when he decided to get away from the officers and flee. He ran in and out of traffic trying to get away from the officers. The officers chased him and one of them tasered him twice, causing him to fall. AP stated that the officers then knelt on his back and face. He did not recall the officers telling him to stop before he was tasered.

AP suffered two hairline fractures to his jaw. He recalled waking up in the hospital after being tasered. He told IIU investigators that he had not consumed any intoxicants that day.

Note: IIU investigators were provided with the medical records related to this incident. According to the medical notes, AP confirmed that he had smoked crack before the incident.

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on July 31, 2025, and provided the following information:

WO1 confirmed that she was partnered with SO on the date of the incident. She confirmed that they saw AP riding his bike on the sidewalk, which is a violation of the highway traffic act. WO1 noted that AP continued to ride his bike as they initially tried to stop him, but he was stopped a short distance later. AP was told about why he was stopped by police. SO saw that AP had a knife on him, told him that he was under arrest and handcuffed him. AP was searched and SO started to escort him to the police vehicle.

As SO let go of AP to open the back door, AP tried to flee by running in and out of traffic. Both officers pursued him through traffic and saw AP get grazed by a vehicle but not injured. SO pulled out his taser at that point, because he was concerned about AP getting seriously injured by a passing vehicle. WO1 confirmed that SO deployed his taser, incapacitating AP, making him fall to the ground and strike his chin on the pavement, as his hands were handcuffed behind him.

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The officers were able to gain control of AP after he fell to the ground. Both officers requested an ambulance for AP. AP was taken to headquarters after he was cleared from the hospital for his injuries.

WO1 stated that other than SO deploying his taser twice, there was no further use of force necessary. AP was incapacitated and compliant while they provided medical assistance and waited for the ambulance.

Subject Officer (SO)

In accordance with his rights, SO declined to be interviewed by IIU investigators. SO provided his notes and narrative along with a prepared statement for IIU investigators to review. IIU investigators learned the following:

SO confirmed that he was partnered with WO1 and that they originally stopped AP for riding his bike on the sidewalk. SO confirmed that AP was arrested for possession of a knife and placed in handcuffs behind his back.

SO confirmed that he was placing AP in the back of the vehicle when AP pulled away and started to run in and out of traffic trying to flee. Both officers chased him and were yelling at him to stop running and get on the ground. AP was not complying and SO saw him almost get hit by a passing car.

SO decided to deploy his taser, because he was concerned that AP was going to get injured while trying to evade arrest. SO continued to give verbal directions to AP to stop running without success. SO then deployed his taser, striking AP in his left arm and upper back area. AP continued to flee and the taser did not have any effect.

SO deployed his taser a second time, striking AP in his right leg and buttock area. AP immediately became incapacitated and fell to the ground chin first. SO was able to detain AP again after he fell to the ground. SO saw that AP had a cut on his chin and provided medical assistance while requesting an ambulance.

Other evidence

Medical Reports

AP suffered a laceration to his chin resulting in six stitches. He also suffered two hairline fractures to his jaw. AP was to return to the hospital in six weeks for further evaluation.

Taser Data

Taser data confirmed that SO's taser was deployed twice. The first deployment was for less than half a second and was deemed ineffective. The second deployment was for almost 4.7 seconds and was deemed effective.

WPS Taser Policy

Policy confirms that a taser may be deployed to stop a fleeing person and to protect a person from self-injury.

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Applicable Law

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

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Conclusion

AP attempted to evade arrest after he had been handcuffed with his hands behind his back. He attempted to flee by running in and out of traffic and at one point was grazed by a passing vehicle. SO, fearing for AP's well-being and because he was evading arrest, decided to deploy his taser. This resulted in AP falling to the ground and breaking his jaw in two places. Based on all the evidence available, SO's actions were reasonable in the circumstances. Therefore, no charges are recommended and the IIU investigation is now completed and closed.

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