

FINAL REPORT: IIU concludes investigation into allegations against WPS officers following civil court judgment

On May 30, 2019, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident occurring on December 26, 2014. The incident was the subject of civil court proceedings in Court of Queen's Bench, culminating in a judgment issued on May 27, 2019. In that judgment, a number of WPS police officers' conduct was found to cause damages and injuries to the various plaintiffs and monetary awards were imposed. The facts and circumstances may be found in *O.C.B. v. City of Winnipeg*, 2019 MBQB 84.

Arising from the reasons for judgment (and findings of fact therein) and the notification was an allegation of perjury against one of the WPS officers (designated as the subject officer (SO)). An allegation of perjury is a prescribed offence for the purposes of section 66(1) (c) of The Police Services Act and accordingly, IIU is mandated to investigate the conduct of the WPS officer. IIU investigators were assigned to this investigation.

Information obtained by IIU investigators included:

- officers' notes and reports
- arrest reports
- use of force reports
- various civilian witness statements
- audio recording of 911 calls
- audio recordings of WPS communications
- iPad and cellphone videos
- examinations for discovery transcripts
- trial transcripts

As referenced, the civilian director designated the WPS officer alleged to have committed perjury at trial as the subject officer. In addition, a WPS officer was designated as a witness officer. IIU investigators interviewed seven civilian witnesses (CW1-7) and consulted with the plaintiffs' lawyer.

On December 19, 2019, following a review of the full IIU investigative file, the civilian director was satisfied that the requisite grounds to lay a charge of perjury existed. However, following discussions with Manitoba Prosecution Services (MPS), it was agreed that the full investigative file would be forwarded to MPS for a full review on whether the prosecutorial standard to proceed (reasonable likelihood of conviction) existed. As a result, the swearing and processing of an information charging SO with a charge of perjury was held in abeyance pending the MPS review.

On July 17, 2020, MPS advised IIU that it would not proceed with a prosecution against SO.

The IIU investigation is complete and this file is closed.

A notice of appeal of the civil judgment was filed in the Court of Appeal on December 6, 2019. A motion to strike out or dismiss the notice of appeal was heard on June 5, 2020. A decision on this motion is reserved.

Final report prepared by:

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