

# ***FINAL REPORT: IIU concludes investigation into allegation of inappropriate conduct by RCMP officer during arrest***

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On March 31, 2017 at 7:17 p.m., the Royal Canadian Mounted Police (RCMP) reported to the Independent Investigation Unit of Manitoba (IIU) regarding a statement taken earlier that day about an incident that occurred on October 15, 2016 at Powerview, Manitoba. It was alleged by a 17-year-old female, the Affected Person (AP), that she was inappropriately touched on her breast and buttocks by an RCMP member from the Powerview detachment during a pat down search following her detention for “breaching the peace.”

An initial complaint into AP’s arrest and subsequent treatment in RCMP custody was made on October 25, 2016. A formal investigation into this complaint was commenced by the Civilian Review and Complaints Commission (CRCC)--the RCMP conduct oversight agency--at that time. However, AP was not interviewed until March 31, 2017. During that March interview, she alleged inappropriate touching by one of the arresting officers the previous October.

IIU investigators received and reviewed the RCMP file respecting the original detention and subsequent complaint. IIU investigators also received and reviewed transcribed audio statements from various witnesses concerning the initial complaint investigation and cell video footage from the Powerview detachment.

The civilian director designated one RCMP member as the Subject Officer (SO) and three RCMP members as witness officers (WO1 - WO3). WO1 had recently resigned from the RCMP, was now residing out of the province and declined to attend or participate in an interview with IIU investigators. In that regard, the investigation relied on WO1’s audio statement given in relation to the initial complaint investigation. All other witness officers were interviewed by IIU investigators.

Under the provisions of *The Police Services Act*, a subject officer is not required to provide a statement or notes regarding an incident. In this case, SO declined to be interviewed by IIU investigators and said they should rely on his earlier audio statement given during the initial complaint investigation.

IIU investigators did interview AP and three civilian witnesses (CW1 – CW3).

For the sake of brevity and to avoid undue repetition, summaries of only the most significant and revealing statements by witnesses are referenced in this report.

The investigation determined that on October 15, 2016, members of the RCMP Powerview detachment were dispatched to a residence following a call for service from AP’s mother. During that call, police were advised there were concerns for AP’s well-being.

On arrival, AP was found sitting in a locked vehicle parked on the driveway at the residence.

According to AP, two male police officers came to the car and removed her. AP was then handcuffed and advised it was for a “breach of the peace.” AP says she was searched by a male officer at the scene and was “touched and groped inappropriately” by him--stating that he grabbed her breast “full-on.” According to AP, during a lower body search, an officer's hand was about “a hand” away from her crotch and that the side of one of her inner legs and buttocks was touched. AP said she was taken to the RCMP detachment, searched again by a female officer, and placed in cells. AP subsequently told her father about the incident. She advised he was upset about her treatment by police, particularly at the cells, and he made the complaint.

CW1, AP’s sister, was interviewed. CW1 saw AP with police after she was removed from the parked car. CW1 said AP “looked mad” and was placed against a police truck and handcuffed. CW1 believed that AP was searched on her “lower legs...from her thighs down.” CW1 did not see anyone searching AP's upper body.

WO1 stated he attended the residence with SO and WO2, and found AP locked in a car parked on the driveway. WO1 spoke with AP, unlocked the car with a spare key provided by her mother and advised AP she was under arrest “... to prevent a continuation of the offence.” The RCMP officers pulled AP out of the vehicle and transported her to the Powerview detachment where WO3, a female RCMP member, conducted a pat-down search.

WO2 said he attended the residence with SO and WO1. He obtained a spare car key from AP’s mother and gave it to either SO or WO1. AP was removed from the car and arrested for mischief. He conducted a search of AP’s pockets. No one searched AP’s upper body.

WO3, the female RCMP member referenced above, was at the Powerview detachment when AP was brought in. She dealt with AP and placed her into cells. AP did not make any complaints to WO3 regarding her treatment by arresting officers.

During his interview as part of the initial complaint investigation, SO stated he attended AP’s residence along with WO1 and WO2, where they found AP locked in a vehicle. The officers obtained a spare key to open the car door. SO stated they had to pull AP out of the car. He said he had no further contact with AP at the Powerview detachment and that WO3 took over dealing with AP.

It should be noted that when WO1 and SO were interviewed as part of the initial complaint investigation, the areas of concern were in relation to AP's treatment while in custody. This was prior to any allegation of inappropriate touching / sexual assault.

Following review of the completed IIU investigation file, this matter was referred to Manitoba Prosecution Service to seek an opinion on whether any *Criminal Code* charges should be laid.

On October 17, 2018, Manitoba Prosecution Service advised IIU that this matter did not meet the prosecution charging standard in that there is no reasonable likelihood of a conviction. Therefore, no criminal charges will be authorized against SO.

The IIU investigation is now complete and this file is closed.

**Final report prepared by:**  
Zane Tessler, civilian director  
Independent Investigation Unit  
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