

FINAL REPORT: IIU concludes investigation into allegation of driving offences by off-duty RCMP officers

On August 11, 2017 at 5:30 p.m., the Royal Canadian Mounted Police (RCMP) reported to the Independent Investigation Unit of Manitoba (IIU) that two off-duty members had been involved in an incident in the rural municipality of Whitemouth in the early morning of June 30th, which involved driving their personal vehicles following the consumption of alcohol.

According to this notification, on June 29, 2017, a transfer party was held at a member's residence in the R.M. of Whitemouth. Alcohol was consumed by everyone at the party. At approximately 3:30 a.m., two members took their own cars for a drive. They were alleged to have driven at high speeds and done "donuts" (a maneuver performed while driving a vehicle by rotating the rear or front wheels of a vehicle around the opposite set of wheels in a continuous motion, creating a circular skid-mark pattern of rubber on a roadway and possibly even causing the tires to emit smoke) and then to have returned within 15 to 20 minutes.

The Civilian Director designated these two RCMP members as subject officers (SO1 and SO2) and 11 members as witness officers (WO1-11). All 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, both SO1 and SO2 declined to be interviewed.

IIU investigators received and reviewed the RCMP file which included reports and interviews of some witness officers. IIU investigators canvassed various locations in the R.M. of Whitemouth for video recordings and additional witnesses without success.

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.

Witnesses

On June 29, WO1 was hosting a party at his residence in honour of WO2, who was being transferred out of the Whitemouth RCMP. WO1 stated that 31 people attended the party; the majority were RCMP officers and office staff. Guests began to arrive at the party at approximately 4:00 p.m. and the majority of guests had left by 10:00 p.m.

WO1 confirmed that everyone was drinking alcohol, but he was not paying attention to what kind or quantities of alcohol were being consumed. He said the level of consumption was reasonable as most people were planning to drive home.

At approximately 3:00 a.m., WO1, SO1 and SO2 were the only people at the residence who were still awake. According to WO1, both SO1 and SO2 own sports cars and a discussion ensued

regarding whether or not these vehicles could “blow fire” from the exhaust systems. The three went over to where these vehicles were parked. A decision was made to move the vehicles further away from the house so as not to disturb those sleeping.

WO1 watched SO1 get in his vehicle, back it out and drive it down the driveway. WO1 remembers that SO2’s vehicle was also down the driveway but he did not see SO2 driving his car.

WO1 then returned to his home to clean up from the party. WO1 estimated SO1 and SO2 were gone for 10 to 15 minutes before they returned at about 3:30 a.m. Both SO1 and SO2 were joking and laughing when they told WO1 that they had gone for a bit of a drive.

According to WO1, both SO1 and SO2 seemed “fine.” He did not see any stutter steps or hear slurred speech. SO1 and SO2 told WO1 that they had driven on Highway 44, turning at the intersection with Highways 11 and then headed back to the house. SO1 and SO2 said a train had held them up, and while waiting for it, SO1 did “donuts.” Furthermore, SO2 had “topped out his car” (the vehicle had reached its maximum acceleration) while driving.

That day, WO1 went looking to see if he could locate any rubber marks on the highway. He found two small rubber marks on a bridge where it appeared someone had spun tires. He looked at the intersection of Highway 44 and Highway 11 and saw tire marks, but nothing appeared to be fresh.

WO2 stated that he was drinking heavily that night, describing himself as intoxicated, and his recollections from that night were “not very sharp.” WO2 could not recall seeing SO1 and SO2 consuming alcohol but assumed both were. WO2 said that either WO1 or WO3 told him that SO1 and SO2 had taken their vehicles for a drive at some point that night. WO2 did not see either SO1 or SO2 operate their vehicles, and he did not speak to either about whether they had done so.

WO3 went to bed about 2:45 a.m., with WO1, WO2, SO1 and SO2 still awake when he turned in. When he woke, he spoke with WO1 and was advised on the happenings after 3:00 a.m. WO1 said that he did not witness either SO1 or SO2 drive on the highway but did see “donut” marks the next day. WO3 noted that SO1 and SO2’s vehicles were parked in a different location from where he had seen them parked the night before. WO3 said that he felt he had a moral obligation to report this to his supervisors.

Although WO4 did not see what SO1 was drinking the evening of June 29, he could tell that he had consumed some alcohol. WO4 noted that SO1 did not have slurred speech, was not stumbling nor was he falling down. WO4 said SO2 was drinking beer, his balance was good, and he was not stumbling or falling over. WO4 left the party at 10:00 p.m.

WO5 was at the party until 11:00 p.m. He knew SO1 from previous dealings but met SO2 for the first time that evening. WO5 did not witness either SO1 or SO2 being “overly” intoxicated while he was at the party. Weeks later, SO1 told WO5 that he was being investigated because he had been seen driving while he had alcohol in his system. According to WO5, SO1 said that “they just basically started their cars, might have like driven a little bit and then came back, like not even out of the ...driveway” and they “wanted to test ... the engines of their cars, or the sound.”

WO6 could not recall speaking with SO1 during the party and could not say if he was drinking. WO6 did not notice anything unusual with regards to SO1’s behaviour.

WO6, as he was leaving the party, had a brief conversation with SO2. He said SO2 had a drink in his hand but he did not see anything unusual in SO2's behavior.

WO7 was not at the party but received reports about the conduct of SO1 and SO2. On the morning of June 30, WO7 went out and documented his observations of the highway by taking a video and photographs. He discovered tire marks on the roadway. There were skid marks, donuts, burn out marks, and marks in the gravel shoulder. He did not know who made these marks, and he did not know where they may have come from.

WO8 knows SO1 socially. According to WO8, SO1 was drinking beer but he did not know how much SO1 had consumed. By the time WO8 left the party, SO1's speech may have been slurred at bit. WO8 met SO2 for the first time at the party and only spoke to him when introduced. WO8 did not observe any signs of impairment about SO2.

WO9 was at the party until 7:00 p.m. and had contact with SO1 and SO2. During that time, WO9 did not note that either SO1 or SO2 were noticeably intoxicated.

W10 arrived at the party between 10:00 and 10:30 p.m. W10 spoke with both SO1 and SO2. This was the first time W10 had met SO1. According to W10, SO1 was not slurring his speech, he seemed steady on his feet, was sensible, coherent and not overtly intoxicated. Furthermore, according to W10, it was obvious that SO2 had been drinking, but he did not believe he was intoxicated or impaired. W10 left the party between 12:30 and 1:30 a.m.

W11 arrived at the party after 7:00 p.m. W11 spoke briefly with SO1 and SO2 between 7:00 and 8:00 p.m. Neither SO1 nor SO2 appeared intoxicated at that time.

Considerations

This incident was reported to the Manitoba East District RCMP on July 6, 2017 and an investigation was conducted by them. On August 11, "D" Division in Winnipeg was advised of the event and immediately notified the IIU.

The delay in reporting the matter to senior RCMP management, and the subsequent notification to IIU, materially affected the ability of investigators to gather evidence. Due to the passage of time, specifics from various witnesses were affected. Forensic analysis of physical findings was unable to be undertaken as evidence was lost. Opportunities to gather evidence from civilian witnesses or other sources had been hampered.

It cannot be ascertained with any degree of certainty the quantity of alcohol consumed by either SO1 or SO2 that evening. It cannot be ascertained with any degree of certainty how much alcohol may have been in either SO1 or SO2's system at the time of driving nor what effect, if any, alcohol had on either's ability to operate a motor vehicle. It cannot be ascertained with any degree of certainty if either SO1 or SO2 operated their respective vehicles in the early morning of June 30 and, if so, what route may have been taken. Forensic analysis of the road markings was not available.

In the end, there is no evidence available to determine whether either SO1 or SO2 were operating their respective vehicles while their abilities to do so were impaired by alcohol.

There will be no charges recommended against any subject officer and the IIU file is now closed.

Final report prepared by:

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