

FINAL REPORT: IIU concludes investigation into allegation of assault by Winnipeg police

On October 9, 2017 at 8:20 a.m., the Independent Investigation Unit (IIU) was notified by the Winnipeg Police Service (WPS) of an allegation that a female was sexually assaulted by police. According to this notification, shortly after midnight on October 9, police were called to a restaurant/lounge in response to a complaint of an intoxicated female starting fights and being aggressive with customers. When police arrived, they were advised that the intoxicated female had left, but she returned a short time later. After police confirmed that she was breaching a court order by consuming alcohol, she was arrested and transported to the WPS District Two Station (D2). On arrival, she experienced convulsions consistent with a seizure. Winnipeg Fire and Paramedic Service (WFPS) was contacted to transport her to hospital for medical evaluation. While on route, the female (the affected person – AP) reported to WFPS personnel she had been sexual assaulted by WPS members and driven two hours outside the city. WFPS personnel notified the on-duty Sexual Assault Protocol (SAP) nurse who completed an examination of her at the Health Sciences Centre.

Although AP did not suffer a serious injury as defined in IIU regulation 99/2015, this notification concerned a complaint that police officers may have engaged in conduct that would constitute a contravention of the *Criminal Code (Canada)*. IIU assumed jurisdiction over this investigation as the civilian director determined it to be in the public interest for an independent investigation to commence.

AP could not confirm the identity of the attending officers involved in her complaint and, as such, there was insufficient information available at the outset of this investigation to permit the civilian director to identify and designate any WPS officer as a potential subject officer.

IIU investigators received and reviewed:

1. Full WPS file material, including unit history, prisoner log sheet and call history;
2. Medical records concerning AP;
3. Exhibits seized by SAP nurse;
4. GPS data of police vehicle.

In addition, IIU investigators had the opportunity to review surveillance video from the restaurant/lounge which showed AP's interaction with attending police officers.

IIU investigators met with and interviewed AP at the Winnipeg Remand Centre. AP confirmed that she arrived at the restaurant/lounge at approximately 9:00 p.m. on October 8. AP said she had been drinking before her arrival, continued to consume alcohol there, but did not partake in using any drugs that day. AP said that she got into an argument with another female but it was

not physical. AP said she was “not good at remembering things” because she had suffered a series of head injuries and has some 'short term' effects.

AP stated that she was sitting outside the restaurant/lounge with a female when the two male police officers arrived at approximately 10:00 p.m. AP said the police arrested her because of a warrant for her arrest. AP could not describe either of the two male police officers but was “very certain” of each of their respective badge numbers, and provided them to IIU investigators. AP said there were four other police officers that handled her that evening before she arrived at the Remand Centre because they “switched off.” She said the second set of police officers she dealt with that night with were a male and a female. She believed the third set of police officers were both male.

AP stated the police officers roughed her up while she was getting into their vehicle and that the officers were “mean” to her. She stated that the police officers “took off, turned stuff on” and kept her somewhere for two hours. AP said she had bruises on her but that she was never in a fight with anyone during the evening before the police showed up. She stated she may have been sexually assaulted before this incident and did not report it because she “did not feel that they would have done anything about it.”

AP said the police officers had stopped with her “in the middle of nowhere” for an hour before going to the hospital. AP said that it took a very long time to get to the police station and she did not believe it should have taken that long.

AP said she had no memory of the incident at all and was not able to describe any specific facts or circumstances. Instead, AP said she would defer to the results of her SAP examination at HSC, stating, “We’ll see what really happened there.” She did recall telling a member of the WFPS that she had never been forced to perform any sex act. She said it could have been something that happened at the bar or before the police attended.

Video Footage Description

IIU investigators attended the restaurant/lounge to view and obtain a copy of the video surveillance footage concerning the events that occurred between October 8 and 9. The following is a summary:

- At 11:45 p.m., AP enters the lounge with a male; they sit at the bar on and off throughout the evening;
- At 12:18 a.m., AP gets into a physical altercation with another person, believed to be female, at the main doors;
- A number of persons gather around and there is pushing and shoving between AP and the other person;
- An arm is observed punching at someone; it appears that the person punching was AP who then ends up falling on the floor;
- AP goes outside and sit on someone’s lap outside the main doors.
- AP was at the restaurant/lounge for approximately 90 minutes.
- Two officers walked into the bar, spoke with persons.

- Officers eventually spoke with AP.
- Officers did not touch AP while seen on video.

Medical Evidence

Physical findings following an examination of AP disclosed small bruising to her head, right cheek, right inner thigh, and left knee, a scratch to left hand, abrasion and swelling to right wrist but no obvious injury noted to her genitals.

GPS Data

IIU investigators reviewed the GPS data from the arresting police officers' vehicle. The trip distance from the restaurant/lounge to District 2 Station (located at 2321 Grant Ave.) is approximately six kilometers and took less than 10 minutes of travel time. The officers left the restaurant/lounge at 12:34 a.m. and arrived at D2 at 12:43 a.m. The mileage report for their vehicle showed an odometer reading of 205,540 kms when departing the restaurant/lounge and 205,546 kms when arriving at D2 – a distance of six kilometers.

WPS Badge Numbers

IIU investigators conducted a search of badge numbers on the WPS Member List to link a police officer to a particular number. Respecting the two badge numbers that AP was “very certain” of, there were no police officers associated with those two badge numbers on this list. Instead, it was determined that the two badges were associated with two WPS officers who retired from the service in April 2006 and July 2007 respectively.

Conclusions

There is a significant number of inconsistencies and uncertainties that have been identified in this investigation, including:

- AP denied being in a physical altercation while at the restaurant/lounge. This is contrary to observations made reviewing the video surveillance footage.
- AP was “very certain” of the involved officers' badge numbers. This was problematic as those numbers were associated with police officers who retired more than a decade before the incident.
- AP claimed to have been taken out of the city and assaulted. In her interview with IIU investigators, she also claimed that she was with the first set of officers for two hours and it took a very long time to get to the police station. GPS data refutes AP's account in that the data showed the distance travelled was six kilometers and was accomplished in less than nine minutes.
- AP was uncertain whether she was assaulted by police or if the assault occurred earlier or if it occurred at all. The SAP examination was inconclusive at best.

Virtually all of AP's allegations have been refuted by independent evidence. I am not satisfied that anything criminal occurred between WPS police officers and AP that evening. I am not satisfied that any matters exist that require this investigation to continue. I am not satisfied that any WPS police officer should be designated as a subject officer in this matter.

In any event, the IIU investigation is closed.

Final report prepared by:
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July 05, 2018

Ref #2017-057