

FINAL REPORT: IIU concludes investigation into injuries during arrest by RCMP members

On June 13, 2019, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of injuries to a male following his arrest.

Following is a summary of the notification:

During the afternoon of April 19, 2019, RCMP members, subject officer 1 and 2 (SO1-2) attended affected person 1 and 2's (AP1-2) residence regarding a complaint of threats and harassment made by a neighbour. AP1 was subject to a probation order in relation to a previous conviction related to the neighbour, which required, inter alia, that AP1 have no contact or communication with this neighbour.

According to AP1 and AP2, SO1 and SO2 were invited into their home. Within minutes, AP1 and AP2 state that one of the officers began acting like a "bully" and was rude. AP1 and AP2 allege that both officers grabbed AP2 by her arms, dragged her out of the house and placed her into their police vehicle. When AP1 told one of the officers that they were in trouble for assaulting AP2, one of the officers punched and kicked AP1 while the other officer said, "Give him some more." AP1 states he was handcuffed and taken into custody. AP2 was removed from the police car and released without charges. AP1 was charged with several criminal code offences.

A complaint was filed with the Civilian Review and Complaints Commission (CRCC - the public complaints agency overseeing the RCMP). An investigator for CRCC was assigned to this complaint and on June 6, 2019, contacted AP1 and AP2. They advised the investigator that AP1 attended St. Boniface General Hospital emergency (SBGH) for injuries sustained during his arrest. AP1 stated that he had lost half of the vision in his right eye. On June 11, AP1 and AP2 advised they are afraid of the police, are afraid to attend a police station, and want counsel present during all interviews. A referral to an independent investigation body was suggested.

As these injuries allegedly sustained by AP1 constitute serious injuries as defined by regulation, the IIU was mandated to undertake an investigation into this matter pursuant to section 66(4) of The Police Services Act (PSA). IIU investigators were assigned to this matter.

The information obtained by IIU investigators included:

- officers' notes and reports
- general reports from 2018 and 2019
- occurrence summary
- photographs of AP1 injuries

- RCMP radio communications
- AP1 medical reports

The civilian director designated the two involved RCMP members as subject officers (SO1-2). IIU investigators interviewed AP1 and AP2.

Affected Person 1

AP1 stated he was in his yard when two RCMP officers arrived. Two RCMP officers attended. One of them said they were there to talk about "*the psycho b***h*" (the police officer's words), to which AP1 believed to be referring to his neighbour. AP1 invited the police inside his house so they could speak with AP2 about the incident. AP1 states that once they were inside, the two police officers became "*bullies*" toward AP2. According to AP1, the police officers said that AP1 had been parked on the side of the road and that he would not let "*the psycho b***h*" pass and had stuck his middle finger out. At that point, AP1 stated that AP2 told the police to get out of the house. As a result, the police officers each grabbed hold of AP2 by the arms and dragged her from the house. The police officers said they were taking AP2 to their police car because they wanted to talk to AP1. AP2 was forced into the backseat of the police car. AP1 stated that he told the police officers they were in trouble for assaulting a handicapped person. One of the officers got angry with AP1 and bumped his chest against AP1. AP1 states that the police officer punched him twice on the right side of his head and he was kned 5-6 times. AP1 states that the second officer said, "*Give him some more.*" AP1 stated that the police did not advise AP2 the reasons for arrest. AP1 states that after he was beaten, the police officers removed AP2 from the police car and he was placed into it. AP1 states he was driven to the RCMP Detachment (Beausejour), where he was processed, released and driven back home. AP1 stated he has sore ribs because of the altercation and still has a bump on the right side of his head. He went to SBGH three days after the incident where x-rays were taken, but he did not return to hospital for the results. AP1 states that he has lost *some* of his vision in his right eye, that he has a hard time driving and, occasionally, the right side of his head swells. He has not been following up with a doctor regarding any of these injuries.

Affected Person 1 Medical Reports:

IIU investigators received and reviewed AP's medical reports from SBGH, with his consent and written authorization.

The records indicate that the AP attended St. Boniface Hospital on April 20, reporting that he had been "*in a fight*" the previous day, was kned to the right side of his ribs, sustained an injury to his left shoulder, was punched in the face and complained of a headache to his right "*frontal side.*" When was asked who did this, AP1 responded, "*It's not hard to guess.*"

A chest x-ray was obtained and no fractures or injuries were noted. An x-ray of the left hand was obtained and no fracture was noted. AP1's left shoulder was x-rayed and no fracture or dislocation to the clavicle or shoulder was noted.

There is no indication that AP1 returned to hospital for a follow-up or for further treatment. The medical records do not indicate the presence of any eye injuries, nor document any complaints by AP1 of an eye injury.

Photographs of Affected Person 1:

Photographs of AP1, taken at the detachment, show slight abrasions to his forehead and a pronounced abrasion to his left hand, approximately one inch in diameter.

Affected Person 2:

AP2 stated that AP1 was in the yard when the police officers arrived. AP2 went to the door to check and AP2 said he was OK, that the police just wanted to talk to him about "*the psycho b***h*" next door. AP2 stated that the police officers talked to AP1 for 30-45 minutes, following which, he and the two police officers entered the house. AP2 stated that AP1 said the police wanted to talk to her, as she was a witness to the incident. The police told them that the neighbour is complaining about AP1, saying he showed her his middle finger and that is a breach of his probation order. AP2 stated things started out friendly with the police officers, but soon one of the officers got mad when she asked for evidence to support the allegations by their neighbour. AP2 stated that the more she asked about evidence the police officer kept getting more and more mad. Finally, AP2 told the police officer to get out of the house, as they had no evidence of anything. AP2 stated that both police officers grabbed her arms and told her they were taking her to the police car. AP2 stated she needs a cane to walk and go down the stairs. AP2 stated that the police officers said, "...*you did not have a cane in the house and you were fine*" and they "*dragged*" her out of and forced her into the back of the police car. AP2 states she fell down the steps. AP2 states that from the police car, she saw one police officer punch and kick AP1. The other police officer then opened the door of the police car and said, "*You can get out.*" AP2 said the police were mean to her. AP2 stated that she has never experienced such treatment from anyone in her life. AP2 stated that her wrists and legs were sore because of this incident.

Subject Officers:

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident, nor to participate in any interview with IIU investigators. In this case, SO1 and SO2 each provided their notes to IIU investigators (SO1 also provided a typed report). Both SO1 and SO2 declined to participate in an interview with IIU investigators.

SO1's notes are as follows:

"...complaint of breach Probation...[AP1] is on Probation....About 1 month ago he drove past her house and gave her the finger...happened twice...about 1 week ago he was driving down the road very slow. When she caught up to him he stopped in the middle of the road and blocked her way...today he drove past twice and gave her the finger twice...he was alone in the vehicle...house video shows him drive past but not clear enough to see him give her the finger...attended [AP1]'s residence...he was very confrontational yelling at police saying he didn't do anything and she is just a problem...he invited us inside to speak with him and [AP2] I explained ,(tried) the need to stop fighting as neighbours and to Leave each other alone...he refused to listen saying She's the problem, he didn't get convicted and has (illegible) conditions. I said that yes he was on a 18 month probation order...I told him he can't go by her house giving her the finger...[AP2] started screaming and swearing at police screaming she is with him and he does nothing...I asked her several times to stop screaming at police so we could continue the investigation and try to resolve the matter without further court...she continued to

scream at [AP1] and police...Both myself and [AP1] asked her to calm down, to stop yelling or to go back to her room where she came from...She continued to scream at police

I tried to continue speaking with [AP1] to explain the consequences but [AP2] refused to let me speak...When she would stop I would try to continue but she then yelled further

[AP2] was told she need to stop as she was impeding police and could be arrested for obstruction. She continued screaming at police. I, as well as [AP1] tried to have her leave the area but she wouldn't...after about 5 minutes she was placed under arrest for obstruction...she screamed and yelled and resisted arrest...she was told she was resisting and to stop...she was bracing her legs and pulling from police...Screaming incoherently...screaming for [AP1] to help her...She screamed that she could not walk, but was having no issue walking around the house screaming at police...she was told police would support her so she did not have to put pressure on her legs, she refused and braced her legs...she tried (illegible) away...it took several minutes to walk her to the police vehicle...she screamed and resisted the whole way

*once [AP2] was in the police vehicle, [AP1] was spoken to further...I told him police wanted a peaceful resolution between him and the neighbour...he got really high pitched (illegible)...he's done nothing it's all her then hesitated and said 'she ... she's the one giving the finger'...I asked him why he would say that now as that's the allegation against him I said he's now making things up... 'call me a fu**in lyer (sic) again' ...I told him I was calling it as I see it...He said 'She's going to pay now'... I took that as a threat against [neighbour]...I told him he was under arrest and reached out for his arm...he got lower and pushed into me...said no F**k you and tried to push me away*

I started to take down as [SO2] ran over to help...[AP1] refused to give up his arms and was fighting against police...he kept trying to get up and push away...He kept rolling to his back as police tried to get him into hand cuffs...He kept trying to get up and both myself and [SO2] were telling him to stop resisting and to get on his stomach...He was screaming at police and continued to resist...[SO2] used a knee strike to his back. Police gained control shortly after this...Both myself and [SO2] were bleeding from the fight - (hands)...[AP1] had a scratch on his face and forehead from gravel...Once in handcuffs and sitting up [AP1] asked if he could apologize...told it was too late for apologies...He was assisted to his feet and escorted to the police vehicle...[SO2] read rights and I assisted [AP2] back to the house...released unconditionally...Louis transported to LDB for processing”

SO2's notes were as follows:

*"[AP2]-screaming (sic), yelling-not listening-kept interrupting
- 'Too bad, your not getting f**king anything from me'*

10(a) - obstruction. 'I didn't do anything'. (b) 'I need my crutches. (b)2 'I have a lawyer' does not give a name... 'I'm not talking to you'

[AP2] taken back inside by [SO1]...10(a)???-Resist. 'Yup'...(b) 'Yup'...(b)2 'Yeah, Pinks'...PC 'Yup'

*I had just finished reading PC to [AP2]...Heard [SO1] Arrest [AP1] – [AP1] charged @ [SO1]
-[AP1] brought to the ground
-[AP1] pulling away
-Applied pressure to face and back of thighs
-[AP1] told to stop resisting multiple times
-kept pulling his arms away and kicking
-would not roll onto stomach
-eventually complied and got his arms behind his back and placed in handcuffs
-Brought back to PC...Released PTA....”*

Conclusion:

Following the completion of this investigation, the civilian director forwarded the IIU investigative file to Manitoba Prosecution Service (MPS) and requested a review and opinion on whether any Criminal Code charges should be authorized against any or all of the subject officers.

Following the review of the IIU investigative file, MPS advised IIU that this matter did not meet the prosecution-charging standard, in that there is no reasonable likelihood of conviction against any or all of the subject officers. Accordingly, MPS will not recommend any charges against SO1 and/or SO2.

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

Final report prepared by:

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