



**IN THE MATTER OF AN INVESTIGATION INTO IN-CUSTODY DEATH IN LONG  
PLAIN**

**FINAL REPORT OF THE CIVILIAN DIRECTOR**  
**OF THE INDEPENDENT INVESTIGATION UNIT**

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2022-0035
Date of Release:	February 12, 2025

## **Introduction**

On July 9, 2022, the Manitoba First Nations Police Service (MNFPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

Date and time of telephone notification to the IIU: July 9, 2022, at 4:30 p.m.

Excerpt from the Part 7 notification received July 9, 2022:

MFNPS received an Initial call at 1417 hrs on July 9, 2022 to a report of an intoxicated male with a rake seemingly fighting imaginary people and jumping on a trampoline. SO1 attended to the area with RCMP member, WO1. AP was arrested by SO1 and escorted to the Long Plain cells. WO2 and SO2 met SO1 at the back door of the detachment as the AP could not walk into the detachment and had to be carried. AP was taken straight into cell #1 and placed on the floor to remove his cuffs. AP cuffs were removed and members exited the cell and locked it. At 1521 hrs SO1 checked on AP and he was not breathing. CPR was initiated and at 1546 hrs EMS arrived and took over CPR.

At 1614 hrs EMS left to transport AP to Portage Hospital. At 18:20 AP was pronounced deceased.

As this matter concerned an in-custody death, the IIU assumed responsibility for this investigation in accordance with Sec. 65(4) of The Police Services Act. IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from the MFNPS, among other items:

- officer notes, narratives, occurrence reports and summaries
- 911 audio
- video surveillance
- photos and video surveillance of the scene and AP
- autopsy report

The civilian director designated two subject officers (SO1 and SO2) along with three witness officers (WO1 to WO3). The civilian director received evidence from five professional witnesses (PW1 to PW5) along with four civilian witnesses (CW1 to CW4).

## **Facts and Circumstances**

### **Scene Examination**

IIU investigators attended the Long Plain detachment to review the cell that AP had been placed in upon arrival. The investigators seized all relevant exhibits from the cell along with video surveillance from the detachment.

MFNPS provided the IIU investigators with video footage and scene photos along with other relevant evidence in their control.

IIU investigators attended the scene of AP's arrest, where they located civilian witnesses along with video surveillance.

## **Interviews**

### **Civilian Witnesses**

#### **Civilian Witness 1 (CW1)**

IIU investigators interviewed CW1 on July 11, 2022, and were provided the following information:

CW1 stated that he witnessed AP in his backyard jumping on his trampoline while swinging a garden rake. CW1 stated that it looked like AP was trying to fight someone.

CW1 opened his door and asked AP what he was doing in his backyard. AP responded asking CW1 to call his brother. CW1 did not know his brother or have any contact information. CW1's grandson had contacted 911 at this point.

CW1 and his grandson continued to observe AP in the backyard. At one point, AP was sitting on CW1's deck. CW1 attempted to converse with AP but he was incoherent and not making sense. AP stood up and then proceeded to fall down from the deck. AP was making hand gestures and pretending to talk to someone while on the ground.

CW1 then observed AP get up and rip his coat off. AP started hitting his chest with both hands and was yelling "help me." AP then went to climb over the fence falling over on the other side.

CW1 saw AP was arrested a few houses down. CW1 noticed AP was handcuffed and very unsteady on his feet while being taken to the police vehicle. CW1 did not speak with the arresting officers.

CW1 stated that he reviewed his video surveillance and observed AP running into the rear doors of his residence prior to his arrival home.

#### **Civilian Witness 2 (CW2)**

IIU investigators interviewed CW2 on July 27, 2022, and were provided the following information:

CW2 confirmed that she had been arrested on July 8 and was detained in the cell next to AP at the Long Plain detachment.

CW2 observed AP being carried into his cell by two or more officers. CW2 stated that AP had handcuffs on his hands and feet. CW2 tried to communicate with AP, but he did not respond. CW2 confirmed that AP was groaning and moaning when the officers were placing him in the cell. CW2 heard banging and voices in AP's cell but could not see or make out the discussion from her cell. CW2 states that she told the officers to leave AP alone and that AP could not breathe.

CW2 stated that it was at least 20 minutes before officers returned to AP's cell to check on his well-being. CW2 heard someone say that AP was unresponsive at this point. CW2 accused the officers of killing AP.

CW2 believed that the officers may have tried to use naloxone on AP as she heard one of the officers say that they had never used naloxone before. CW2 confirmed paramedics went to AP's cell.

It should be noted that there are some inconsistencies with CW2's evidence. In reviewing the detachment footage, it is clear that AP's feet are not handcuffed. It is also clear from the video footage that the officers returned to the cell in under 20 minutes. CW2 acknowledged that the event was quite traumatic for her to witness which could explain the inconsistencies.

#### Civilian Witness 3 (CW3)

IU investigators interviewed CW3 on July 11, 2022, and were provided the following information:

CW3 confirmed that he was with AP prior to the incident. CW3 and AP had been drinking together for a period of time earlier that day. CW3 states that they had done some yard work in the morning and upon completion started to drink again. Soon after, AP stated that he wanted to leave CW3's residence and just disappeared.

CW3 recalled AP complaining of back pain and providing AP with a muscle relaxant. CW3 did not observe AP take any meth while they were together.

#### Civilian Witness 4 (CW4)

IU investigators interviewed CW4 on July 28, 2022, and were provided the following information:

CW4 stated that he was with AP on July 8 at Boston Pizza along with other individuals. AP went back to CW4's residence after leaving Boston Pizza to consume more alcohol. CW4 confirmed that he and AP did a couple of lines of coke at his residence. After a while, CW4 decided to go to bed and AP said he was going to CW3's residence, which is just a few houses away.

The next morning, AP returned to CW4's residence. CW4 believed AP was at his residence for roughly half an hour before he took some beer from the fridge and went back to CW3's residence. Later that morning, CW4 went to CW3's residence where they drank some beer and smoked some cigarettes. AP was still present at CW3's residence when CW4 left to go to town.

### **Professional Witnesses**

#### Professional Witness 1 (PW1)

IU investigators interviewed PW1 on July 27, 2022, and were provided the following information:

PW1 was the jail guard on duty the day of the incident. PW1 observed the police vehicle pull up to the rear of the detachment at which point PW1 saw two officers bring AP into the detachment. PW1 observed the two officers holding AP under his arms as it did not look like AP was able to walk on his own. PW1 recalled AP making some moaning noises as he passed by his workstation.

PW1 noted that AP was alive and breathing when he was placed in his cell and left alone. Approximately seven minutes later, SO1 went into AP's cell and started yelling that AP was not breathing. PW1 noted that AP was positioned on the floor on his stomach in the cell and did not move during the seven-minute time span.

PW1 believed that SO1 and SO2 were the two officers who took AP out of the police vehicle and placed him in the cell. PW1 noted that AP's legs were dragging behind him as he was taken into the cell by the officers.

PW1 confirms that officers started CPR on AP while awaiting emergency medical services (EMS). PW1 recalled EMS arriving and someone stating that AP was not dead at that moment. PW1 observed EMS wheel AP out of the detachment on a stretcher.

PW1 recalls that CW2 was yelling at the officers while AP was being placed in the cell as well as when the officers were attempting CPR on AP. PW1 pointed out that CW2 was loud and belligerent the entire time prior to AP's arrival and this behaviour increased upon AP's attendance.

#### Professional Witness 2 (PW2)

IIU investigators interviewed PW2 on Sept. 28, 2022, and were provided the following information:

PW2 was the superintendent on duty that day. PW2 confirms that two ambulances were dispatched to assist the call for service. PW2 also attended the call to assist the paramedics if needed.

PW2 was directed into AP's cell where he observed the paramedics already had AP on a stretcher and were performing CPR. PW2 noted two officers in the cell along with an automated external defibrillator (AED) device on the floor.

PW2 was provided background information by the officers of the actions they had taken to assist AP and assessed the situation. PW2 decided to treat the matter as a cardiac arrest. PW2 contacted the on-call physician to discuss options to assist AP. Paramedics informed PW2 that AP had returned to spontaneous circulation and therefore PW2 directed the ambulance to transport AP to the hospital.

PW2 followed behind the ambulance to the hospital and was informed that AP lost his pulse just as the ambulance pulled up to the hospital. PW2 and the other paramedics brought AP into the hospital at which point the hospital medical team took conduct of AP.

#### Professional Witness 3 (PW3)

IIU investigators interviewed PW3 on Oct. 12, 2022, and were provided the following information:

PW3 confirmed that his unit was the second ambulance on scene the date of the incident. AP was already on the stretcher and being given CPR by the other attending unit. PW3 was provided background information that AP may be suffering from a drug overdose and may have been given naloxone.

PW3 did not converse with any police officers on scene but did note that the officers were in uniform and identifiable. PW3 believes that there were two officers present upon his arrival to the cell.

PW3 and the other medics were able to get AP's pulse going again in the detachment and then immediately proceeded to take AP to the hospital. PW3 was in the back of the ambulance with

AP who had pulse activity upon arrival at the hospital. AP was turned over to attending hospital staff.

#### Professional Witness 4 (PW4)

IIU investigators interviewed PW4 on Sept. 28, 2022, and were provided the following information:

PW4 was part of the first unit on scene. Background information was AP was in cardiac arrest and that CPR was currently underway.

Upon arrival, PW4 noted a female officer performing CPR on AP and that an AED was attached to AP. PW4 removed the AED and attached the AED from the ambulance to AP along with an IV. PW4 confirmed that the AED was not engaged and that they continued to perform CPR on AP.

PW4 confirms that the second unit arrived shortly after and one of the medics from that unit gave AP a dose of API. The medical team was able to get a pulse from AP and immediately proceeded to the hospital where he was turned over to hospital staff.

#### Professional Witness 5 (PW5)

IIU investigators interviewed PW5 on Sept. 28, 2022, and were provided the following information:

PW5 was part of the first medical unit on scene with PW4. Upon arrival in the cell, PW5 noted a female officer performing CPR on AP. PW5 noted that the AED attached to AP instructed them not to shock so they switched the AED to the one from their ambulance. That AED also confirmed that no shock should be given to AP and CPR should continue.

PW5 confirmed that one of the medics from the second unit provided AP with a dose of API. At that point, AP returned to spontaneous circulation and a pulse could be detected. PW5, along with the other medical unit, took AP to the hospital. As they arrived at the hospital, AP started to go back into cardiac arrest and they turned AP over to hospital staff.

### **Witness Officers**

#### Witness Officer 1 (WO1)

IIU investigators interviewed WO1 on Aug. 26, 2022, and were provided the following information:

WO1 has been an RCMP officer for five years and prior to that was a paramedic for 10 years.

WO1 received a call from WO2 to assist an MFNPS officer with an intoxicated disturbance call in the Portage area. WO1 stated it is a normal practice to assist MFNPS officers in that region.

Upon arrival, WO1 observed SO1 with AP who was lying on his side on the ground in between two houses. WO1 noted that AP was already handcuffed and that SO1 had a hand on AP's back.

SO1 requested assistance from WO1 to take AP to the police vehicle. WO1 and SO1 went on either side of AP and assisted him to his feet. WO1 noted that AP's feet were functional and that he was able to walk with the assistance of the officers.

SO1 informed WO1 that AP was seen earlier on fighting imaginary people. WO1 noted that AP was sweaty and showed signs of dehydration on his mouth along with dilated pupils. WO1 noted that AP was able to converse with the officers and that there were no signs of distress in his breathing.

Prior to placing AP in the back of the vehicle, WO1 physically searched AP and SO1 opened the door for AP. AP flopped into the vehicle's back seat and was lying on his side. WO1 stated that there was nothing concerning about AP's condition at the time to consider requesting medical assistance based on his paramedic background.

SO1 drove away with AP, concluding WO1's involvement.

#### Witness Officer 2 (WO2)

IIU investigators interviewed WO2 on Aug. 15, 2022, and were provided the following information:

WO2 stated that he had attended the Long Plain detachment to arrest CW2. SO1 and SO2 were present at the detachment upon his arrival. WO2 recalled that MFNPS received a disturbance call while he was at the detachment and that SO1 was directed to attend. WO2 decided to contact WO1 and request that he assist SO1 at the call.

WO2 recalled assisting SO1 with bringing AP into the detachment from the police vehicle. WO2 noted that AP was partially seated on the floor of the vehicle. WO2 suspected that AP was under the influence as they had to drag him out of the vehicle. WO2 and SO1 went on either side of AP and carried him into the detachment. WO2 and SO1 stopped at the rear door of the detachment and put AP down and then proceeded to carry AP into the cell. WO2 stated that AP was somewhat unco-operative as he was being carried into the detachment and at one point wedged his foot into the door. WO2 noted that AP was carried in on his stomach and that he was breathing. WO2 confirmed that AP could not have walked into the detachment on his own accord.

Once inside the cell, WO2 and SO1 placed AP face down on the ground. WO2 moved out of the cell while SO1 removed the handcuffs from AP. WO2 noted that AP was lying on the cell floor without much movement.

WO2 and SO1 were about to leave the detachment to address a service call when SO1 suggested that they should check on AP prior to departure. Within moments, SO1 was yelling that AP was not breathing. SO1 commenced CPR and WO2 asked for someone to bring an AED machine. WO2 attached the AED to AP but the instructions stated to not shock AP. WO2 believes that he tried to shock AP with the AED five to six times; however, each time the AED instructed WO2 not to shock.

SO1 called medical by radio dispatch while WO2 performed CPR on AP. WO2 recalls that two doses of naloxone were given to AP while members (including SO2) took turns performing CPR on AP while awaiting emergency services.

### Witness Officer 3 (WO3)

IIU investigators interviewed WO3 on Jan. 1, 2023, and were provided the following information:

WO3 was in the process of attending the detachment on the date of the incident when he heard SO1 on the radio advising that AP was not breathing or responsive. WO3 knew that SO1 had arrested AP earlier on and had transported AP to the detachment.

WO3 arrived at the detachment and went to AP's cell. WO3 recalled that SO1 and SO2 were performing CPR on AP. WO3 recalled that AP had the AED machine attached to his body.

WO3 also performed CPR on AP and did not notice any signs of breathing or life from AP. WO3 recalled that SO1 stated that a couple of doses of naloxone had been given to AP.

WO3 stepped out of the cell to advise the chain of command of the incident. Soon after, emergency services arrived to assist AP.

### **Subject Officers**

#### Subject Officer 1 (SO1)

In accordance with her rights, SO1 declined to be interviewed by IIU. However, SO1's legal counsel provided IIU investigators with a statement as follows:

SO1 confirmed that she was dispatched to a disturbance call involving AP. Background information was the male was intoxicated in a backyard jumping on a trampoline, holding a rake and fighting imaginary people.

SO1 attended to the area and observed an adult male fitting the description provided in the call for service. SO1 exited the vehicle and observed AP in between two houses. AP was leaning against one of the houses attempting to spit or vomit. As SO1 got closer, AP went to his knees placing both hands on the ground. AP was mumbling but it was incoherent.

SO1 advised AP he was under arrest. AP was now lying on his side on the ground and was mumbling and breathing heavy. SO1 was able to handcuff AP with minimal resistance by AP.

Upon handcuffing AP, WO1 attended to the scene and assisted SO1 with placing AP in her police vehicle. AP was walking; however, SO1 stated that he was trying to pull away or would put his foot out trying to stop walking. AP continued to mumble incoherently.

SO1 confirmed that AP was placed in the back of the vehicle with the assistance of WO1. SO1 noted that it was difficult to place AP in the rear seat. SO1 stated that AP was in the recovery position once placed in the rear seat of the vehicle.

SO1 left the area to return to the detachment. SO1 stated AP was mumbling and shouting during the ride and at one point yelled out "Fuck you." The mumbling and shouting continued throughout the car ride according to SO1.

SO1 confirmed that upon arrival, WO2 opened the door to the rear of the vehicle and got AP out. SO1 stated that AP went to his knees upon leaving the vehicle. SO1 and WO2 grabbed onto AP on either side and proceeded to take him into the detachment by his arms. SO1 stated that AP continued to yell out while being taken into the detachment. SO1 suggested that AP was resistant



to being taken into the attachment and at one point hooked his leg around the door frame. At this point, SO1 and WO2 grabbed the back of AP's jeans to assist in carrying AP into the detachment.

SO1 and WO2 immediately took AP into Cell 1 at the detachment. AP was still mumbling at this point. AP was placed on his stomach on the floor and SO2 took the handcuffs off. SO1 suggested that AP pulled his right arm away from SO2 while taking off the handcuffs. SO1 stated that AP was still mumbling and breathing as she exited the cell.

SO1 stated that SO2 told her that they would call an ambulance for AP in an hour once he has calmed down. SO1 agreed with SO2's suggestion. SO1 checked on AP in the cell roughly seven minutes later and observed that AP was not breathing. SO1 initiated CPR until emergency services arrived.

IU investigators asked follow-up questions to SO1's statement and were provided the following answers through SO1's counsel:

SO1 advised IU that she did not consider calling for an ambulance at the scene of arrest as the initial call for service did not suggest AP would require medical services.

SO1 advised IU that she did not consider taking AP to the hospital prior to transporting him back to the detachment. In SO1's experience with the hospital, they would require AP to sober up more before clearing him to be lodged in the cells at the detachment.

SO1 advised IU that she could not recall if she considered calling for an ambulance for AP once he was placed in the cell.

SO1 advised that she agreed with SO2 that they could call for an ambulance in an hour once AP had calmed down. SO1 stated that AP was not presenting with anything out of the ordinary to cause her to think AP was in medical distress.

#### Subject Officer 2 (SO2)

In accordance with their rights, SO2 declined to be interviewed by IU or disclose their personal notes or report in relation to this incident.

#### **Other Evidence**

##### Video Surveillance Prior to the Arrest

The video evidence provided corroborates that AP was fighting imaginary people, jumping on a trampoline, swinging a rake along with falling over a fence after climbing it. AP appears to be under the influence in the video.

##### Video Surveillance of the Arrest

The video evidence would for the most part corroborate the information provided by SO1 and WO1. AP was able to walk with significant assistance from the officers to the police vehicle. It does not appear as if AP is actively resisting arrest. It could be argued that AP's level of impairment was affecting his motor skills and therefore his ability to comply with officer directions.

### Video Surveillance from Outside the Detachment

Approximately 20 minutes elapse from the police vehicle leaving the scene of arrest and arriving at the detachment. The video evidence somewhat corroborates the information provided by SO1 and WO2. However, AP's impairment at this point has increased significantly. AP could no longer stand even with the assistance of officers and had to be dragged into the detachment. It appears that AP's leg got stuck in the doorway involuntarily instead of as a positive action of resistance.

### Video Surveillance from the Cell

The video evidence from the cell corroborates the information provided by all witnesses. Medical steps taken by officers and emergency services can be confirmed in the video. AP was left alone in the cell for approximately seven minutes before SO1 returned to check on his well-being.

### Autopsy

The cause of death was noted as acute combined cocaine, methamphetamine and ethanol intoxication. There were no underlying, external conditions or trauma that led to AP's death. The cause of death was by overdose.

### Crown Opinion

On Jan. 16, 2024, the IIU investigative file was sent to Manitoba Prosecution Service to review the matter to determine whether any Criminal Code offences should be authorized against the subject officers.

On Aug. 15, 2024, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officers as follows:

When individuals are brought into police custody, the police undeniably owe a duty of care to that person to ensure that they are provided with all reasonable necessities, which would include medical care if required.

The law requires a full examination of the officers' conduct through an objective lens, with regard to what they knew, or what anyone acting reasonably would have known, and done in the same circumstances. On the facts, there is no way to establish that the officers knew or ought to have known of all the underlying circumstances facing AP, and thus behaved differently.

Despite the clearly tragic circumstances, it is the Crown's view that there is no reasonable likelihood that criminal liability against SO1 and SO2 could be established beyond a reasonable doubt. As such, we are not recommending charges.

*This document is the property of the IIU and is not to be distributed to any other party without the written consent of the IIU.*

**Conclusion**

Given that the Manitoba Prosecution Service's opinion is that the standard for prosecuting charges has not been met, the civilian director will not be authorizing charges. The IIU investigation is now completed and closed.