



**IN THE MATTER OF AN INVESTIGATION INTO INJURIES RELATED TO A
BRANDON POLICE SERVICE COMPLAINT FROM AN INCIDENT THAT
OCCURRED ON JANUARY 1, 2023**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Civilian Director:	Roxanne M. Gagné
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Introduction:

On February 21, 2023, the Brandon Police Service (BPS) received a complaint from a female regarding an incident that occurred on January 1, 2023. On March 1, 2023, BPS notified the Independent Investigation Unit (IIU) of the incident.

The written notification disclosed the following information:

"On February 21, 2023, a complaint was received by a BPS officer (WO5) from the affected person (AP) via email from an incident that occurred on January 1, 2023. The complaint made its way up the Chief of Police who received it on February 27, 2023. Upon review, it was noted that the complaint contained an allegation of excessive force during the arrest of the (AP) resulting in the injuries... A check of Police records shows that on the date and time noted that the (AP's) partner called police to report her to be "highly intoxicated and going crazy in their residence". Officers note on the CAD that they attended the residence and found the (AP) to be highly intoxicated. Officers note that the (AP) could not provide anyone sober to release her to and as such was lodged in the BPS Detention Unit after being cleared medically due to her level of intoxication. Officers note on the CAD that the (AP) had bruising on her legs which at the time she attributed to her partner but could not provide details of how specifically this occurred.

While reviewing the emailed complaint on March 1, 2023, and prior to contacting the IIU, D/Chief Lewis contacted the (AP) to address a further disclosure of domestic violence in her complaint email and advise her that it would be assigned to an officer to investigate. The (AP) advised the Chief of Police at this time that on the night in question she was highly intoxicated and did not remember much due to her intoxication and that she wished to withdraw her complaint. An officer was assigned to further liaise with the (AP) on the domestic violence situation."

As these allegations are considered discretionary matters under the provisions of *The Police Services Act (PSA)*, the civilian director determined that it was in the public interest for an independent investigation to be conducted pursuant to s. 75 of the *PSA*.

IIU investigators obtained the following information, among other items:

- 911 call recording
- Dispatch recordings
- Booking-in documents
- BPS building video
- Computer automated dispatch report (CAD)
- Complainant email - AP
- Email correspondence - AP

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- Daily incident report
- Notes from witness officers
- Intimate partner violence report - no charges laid
- Occurrence summary
- Video from police cruisers (PC101, PC102, PC112)
- BPS HQ video
- Audio interview of AP
- Audio/video interviews of the four witness officers
- Injury photos emailed by AP
- Statement of AP
- Medical report/documentation re: AP's hospital visit on January 1, 2023
- Medical Report re: AP's medical visit on March 10, 2023

The civilian director designated one subject officer (SO) and four witness officers (WO 1-4). IIU investigators obtained interviews from WO 1-4. SO declined to provide an interview. WO5 was not a designated witness as he was not directly involved in the incident, and his interactions with AP were limited; however, he provided some information on his dealings with AP.

Facts and Circumstances:

Affected Person (AP):

On March 10, 2023, IIU Investigator contacted AP to make an appointment to attend an interview. On March 13, 2023, IIU Investigators met with AP, who provided a statement regarding the details of the incident on January 1, 2023.

AP stated that on February 21, 2023, she accidentally sent an email to WO5 on February 21, 2023. The email contained details of an incident during the early morning of January 1, 2023. The email included details of AP's complaint against a female BPS officer who took AP into custody and removed her from the residence. AP claimed that during the incident, the female assaulted her and used excessive force against her, causing her several injuries. AP said the email was sent in error, and once she realized that she had hit the sent button accidentally, she tried to recall the email back, but it was too late.

AP was released from police custody around 10:00 a.m. on New Year's Day. She returned home around 11:00 a.m. and typed out the email. AP said she typed out what she believed had happened and took pictures of all of the bruises and injuries believed to be caused by her interaction with the police. AP said that the email contained some misinformation about her partner. She had not spoken to him about any details concerning the incident. AP said she typed out the email to remember as much as possible. She said she was pretty intoxicated, and some of the details in her email were incorrect. She stated that her partner did not assault her on New

Year's Eve; she drank before they left the house, and he did not. AP said it was just a misunderstanding between her and her partner. The two of them were mad at each other. AP recalled things quickly escalating when they returned home. She locked herself inside the bathroom. Her partner thought she might hurt herself and started to panic, resulting in him calling the police. AP said her partner later told her he regretted calling the police.

Once the police arrived, they removed AP's partner from the home and assaulted her. When the police arrived, she had already exited the bathroom and had made her way to the bedroom down in the basement. She was getting undressed and ready for bed when three officers, two males and one female, entered her bedroom. The female officer showed no patience and did not care to hear what she had to say. AP tried to get dressed, but the female officer wanted to help her. AP said she did not want to be touched as she suffers from depression and anxiety and is a cancer survivor. AP did not know what was happening and she only wanted to go to bed.

Once in her bedroom, the female officer was the only one that went hands-on and dealt with AP while the two male officers just stood there and watched. AP said she was pretty drunk and did not recall what the female officer might have said. The female officer might have asked what was happening and tried to help AP dress, but she did not want to be touched. The female officer grabbed and threw AP onto her bed and handcuffed her behind her back. The female officer dislocated AP's thumb in the process, and now she can no longer feel her thumb. She went to the hospital and got X-rays done. Both wrists were scanned; she still has scars on both wrists and still can not feel her thumb. She injured her ankles, back, and had a possible fractured rib. She indicated that her doctor is out of town, and she is waiting to see her on March 22, 2023.

AP indicated that she is waiting to receive the results of March 10, 2023, X-rays (the same day she was contacted by IIU Investigators to set a date for her interview). She believes she suffered a spinal injury and might have suffered a fractured rib. She indicated that she took pictures of the injuries.

She stated that the female officer pushed her up the stairs and let her fall on top of a broken lantern near the top of the stairs. She suffered cuts, scrapes and bruises all over her legs. The female officer also severely injured AP's back, ribcage, and wrists. The female officer let AP fall onto the stairs and was pushing the AP on the stairs to the main floor. The two male officers were trying to stop the female officer from doing so.

Once on the main floor, the police removed the handcuffs to get AP's winter coat on. She stated that the female officer was applying so much force that the officer tore both arms of AP's winter jacket. The officer was trying to put someone else's shoes on AP's feet. She stated that it seemed like the female officer was getting more annoyed with her by this time, and she recalled being pushed into the fridge by the same female officer.

AP said she was intoxicated. She had no idea where the police were taking her that night. She thought they were taking her to CAP (Centre for Adult Psychiatry-Brandon General Hospital)

because her partner felt that she was going to cause harm to herself. She thought she was in the emergency room but was unsure as she kept blacking out. The police kept her handcuffed behind her back at the hospital. At one time, AP fell asleep, but the handcuffs were so tight that the circulation to her hands was cut off. AP does not recall seeing a nurse or a doctor that night.

AP stated that at the police station, the police were trying to get her jewellery off of her. She recalled trying to unscrew the back of her earrings when the female officer got impatient again and started to rip the earrings off her ears, causing an injury to one of her earlobes. The female officer continued to assault her well after she arrived at the police station. AP states she was thrown into a cement cell without any mattress or blankets. Around 7:30 a.m., the police gave her a mattress and a blanket. AP said the female officer was responsible for assaulting her and causing all the injuries. At approximately 10:00 a.m., AP was given a ride home. When she returned home, she typed out the email about what she believed had happened to her, but some of the facts were incorrect.

AP said the incident has negatively affected her life, relationship with her partner, and job. She just wanted everything to go away. She wishes that she had never sent the email in the first place.

As a result of dealing with police, AP stated that she suffered two sprained wrists, a dislocated thumb, a back injury, a fractured rib, bruises all over her knees, legs, hips, chin, and ankles, a broken lung and a possible spine injury. AP said that she found a massive bruise on one of her nipples and had no idea how that happened or who did it. She said she did not want to point fingers at anyone and wished this was not happening. AP did not even want to be giving a statement to the IIU.

Aside from being in the hospital on January 1, 2023, the next time she saw a doctor was Friday, March 10, 2023, when she had X-rays taken at the walk-in clinic. She said she consumed approximately four white claws at home before going out and more at the social hall during the evening. In total, AP had 10-12 drinks, including beer, champagne, and old fashion whisky. She had several whisky old fashion drinks before leaving and does not recall leaving the hall. She stated that she had too much to drink and had an altercation with her partner before returning home that night. According to AP, her level of intoxication was probably around nine on a scale of 1-10. She described the female officer as having light brown hair in a ponytail, white, 5'9", average weight, athletic build, in her late 30's.

Witness Officers (WO 1-5):

WO1

On June 15, 2023, IIU Investigators met with WO1, who provided an interview. Upon arrival at the residence, he observed a male sitting in a black SUV with a smashed front windshield parked on the front driveway. WO1 and WO4 went inside the home to speak with the female (AP). AP appeared intoxicated as she was unsteady and hard to understand. Both officers waited outside the bedroom until the female constable (SO) arrived about 1 minute later.

WO1 recalled that the male caller had mentioned AP was smashing things inside the house, and he saw a smashed light fixture on the floor.

The officers separated the two parties for the night to prevent further incidents. AP's partner volunteered to spend the night at a local hotel. The police did not feel comfortable leaving AP alone due to her level of intoxication and the fact that she had already smashed a few things. The officer made a couple of phone calls to find someone to look after AP for the night without success.

When AP was handcuffed and arrested for breach of the peace, to ensure her safety for the night, she was argumentative and said that she was not going anywhere. She flopped on the couch in the living room. Minimal force was used to take her into custody and handcuff her. WO1 attempted to put on AP's boots without any success.

The SO and WO4 drove AP to the hospital to get her medically cleared to be lodged as an intoxicated person at BPS HQ, per BPS policy.

WO1 only saw bruising on one of AP's legs and observed no other visible injuries.

WO2

On June 15, 2023, IIU investigators met with WO2, who provided an interview. WO2 spoke with AP's partner in the driveway upon arrival. The partner stated AP was acting crazy, yelling and screaming in the house. He pointed to the damage to the front windshield of his vehicle and said that he and AP had an argument, and she kicked out the windshield while sitting in the front passenger seat.

WO2 had no dealing with the AP at the residence, the hospital, or BPS HQ.

WO3

On June 15, 2023, IIU investigators met with WO3, who provided an interview. He indicated that around 1:30-2:00 in the morning, police received a call about a domestic situation involving AP and her partner.

WO3 spoke with the partner, who seemed reasonable to deal with and could explain what had happened before he decided to call the police. He said AP was highly intoxicated and kicked out the front windshield of his black SUV earlier during an argument.

WO3 heard a scream coming from within the residence. WO3 entered the home and observed the SO and WO4 in the basement dealing with AP, who appeared very intoxicated. She was yelling and screaming while the officers tried to reason with her.

AP had some bruising on her legs but would not say how she sustained those injuries. AP was hysterical the whole time the officers were trying to deal with her to calm her down, and she was screaming and yelling as she walked from the basement to the main floor. According to WO3, none of the officers touched her.

WO3 stated that a decision was made that AP could not be left alone on her own as she was way too intoxicated and a danger to herself. AP would be taken into custody for her safety and lodged as an intoxicated person at BPS HQ.

The officers first took AP to the hospital to get her medically cleared as per BPS policy before she could be lodged for the night. Once she was cleared by the hospital, she was taken to BPS HQ and lodged. The officers arranged to notify Mobile Crisis Unit and to have them speak with AP before her release the following day.

WO3 indicated that he was acting as the Street Supervisor on the night of the incident. The only force officers used was during her arrest, which occurred due to her level of irritation and unreasonableness. The amount of force used was minimal.

WO3 did not see any other injuries on AP besides the bruising on her legs.

WO4

On June 15, 2023, IIU met with WO4, who provided an interview. He spoke with the male caller (AP's partner), who indicated that AP was going crazy inside the house, and she smashed the front windshield of his SUV. WO1 and WO4 headed inside the residence to speak with the female. Both walked down to the basement and noticed the female inside the bedroom while getting dressed. Both officers afforded her privacy and told her to get dressed before they would speak with her. The female appeared to have issues keeping her balance, swaying back and forth. She looked pretty intoxicated.

Moments later, the SO arrived and went inside the bedroom to assist the female in getting dressed. Once dressed, AP was walked upstairs to the living room/kitchen.

WO4 indicated that he knew AP off the job and identified her. WO4 is familiar with AP's dad. Someone called AP's dad to see if he would look after her for the night, but he did not want any part. The police also called AP's sister, but she did not wish to look after her either. The officers decided that given AP's level of intoxication and the fact that she had already caused a lot of property damage, it would not be a good idea to leave her alone, as it was a safety issue at this point.

AP was told that she would be taken in custody and have to spend the night at BPS HQ but would be taken to the hospital to be medically cleared for lodging. She was arrested and told to put her hands behind her back. She did not follow those instructions. WO4 held the AP by one of her arms while another officer held AP's other arm, and she was successfully secured. The officers asked AP for her jacket and shoes, but she was not cooperating. AP would not walk alone; therefore, the officers carried her by the arms and put her inside the police car.

WO4 drove AP to the hospital to be medically cleared for lodging. While at the hospital, AP mentioned suicidal thoughts while speaking with the SO. She also said that her partner knocked her out and dragged her up and down the stairs in their house. AP had no facial injuries but did have some bruising to her legs.

WO4 said that the police officers used minimal force to take AP into custody; if anything, the officers acted professionally and were very service oriented while dealing with the two parties involved in the dispute.

The decision to take AP into custody was made solely for her safety, given her level of intoxication.

WO5

On February 21, 2023, WO5 received an email from AP complaining about an incident on January 1, 2023.

On July 20, 2023, WO5 emailed IIU investigators regarding his dealings with AP. WO5 drove AP home on January 1, 2023. Before bringing her home, WO5 was advised that AP may want to make a statement regarding a complaint. AP was brought into an interview room and asked if she wanted to disclose anything. She told the officer that she did not want to.

Summary of Other Evidence:

911 Call - AP's partner:

The AP's partner called 911 and said he needed police assistance as his wife was going nuts in their house. He said they went out, and an incident occurred where a guy grabbed her butt. The caller (AP's partner) stated that he got mad at the guy, and the whole thing turned into a big argument. He advised the dispatcher that his wife was drunk and probably hitting herself. He was not assaulted and did not require any medical assistance. He told the dispatcher that he had also been drinking. He advised that earlier, his wife had smashed out the front windshield of his SUV.

He told the dispatcher that his wife was currently following him around and asked for the police to come right away. He said he had no idea how to deal with his wife and the situation.

AP could be heard in the background yelling, "He's lying" The 911 call is 6:31 minutes in length, and at 4 minutes and 26 seconds into the call, AP can be heard yelling, "Look at the bruises on my legs." The 911 call ended when he advised the dispatcher that he was going outside to wait for the police to arrive at their residence and he was going to let the police inside.

Injury Photos:

On March 13, 2023, the IIU investigator received two separate emails from AP containing 20 photos of her injuries that she took with her cell phone camera, showing her legs, ankles, hands, wrists, arms, and earlobe. The images mainly show bruising to both legs over the knees and

shins, and two other photos, one showing the staircase from main floor to the basement, and the second showing the same staircase with a broken glass showpiece sitting on the ledge near the top of the steps.

PC101 Front View Video:

The video shows the transport of AP from the residence to Brandon General Hospital. A female constable advised AP that they were arriving at the hospital to ensure everything was okay.

PC101 Rear Seat View:

The video shows AP seated in the rear seat and crying. AP said that she was covered in bruises, and SO informed AP that everything would be okay. AP is seen acting hysterical. SO told AP that she was going to stay in the cells at BPS and she'll be safe for the night, no charges. AP is yelling and screaming the entire time. SO told AP that she was drunk and needed to sleep. Police will speak to her about the domestic in the morning when she is sober.

BPS HQ Video:

Several cameras captured AP being brought into BPS HQ building, from the garage to the hallways and the booking area.

She claimed that once she was taken to BPS HQ and during the booking process, officers removed her belongings for safekeeping. AP alleges at this time the SO ripped an earring from one of her earlobes, causing an injury. The BPS HQ booking area video review showed no evidence to support such a claim. The video shows AP struggling to remove her earrings. She first pulled her earring from her left ear, which took well over two minutes. She then worked for an additional couple of minutes with her right earring, and when she could not remove it, the SO who had been standing nearby, removed the earring within five seconds. No video evidence supports any force being required or used by any BPS officers during the search or booking process.

AP also complained about being assaulted at the BPS HQ building. It should be noted that AP was on video from the moment she arrived at the BPS HQ building until she was released from custody around 10:00 a.m. No video evidence supports that AP was assaulted at any time by any BPS Officer.

Medical Reports:

On March 21, 2023, IIU Investigators obtained three medical reports from the Brandon Regional Health Centre concerning AP's January 1, 2023 visit. A summary of the reports indicates that on January 1, 2023, AP was brought in by two members of BPS for medical clearance. AP was under the influence of alcohol, with evident bruising to the lower legs. AP has PTSD but cannot talk to psychiatry while under the influence of substances. BPS will provide care through MCU. The diagnosis is listed as substance abuse.

AP would not disclose how much she had to drink and denied any drug use or taking pills. No apparent head injury was noted. AP was not forthcoming with information and was teary. At 3:20 a.m., the attending physician medically cleared AP and turned her over to SO.

On March 24, 2021, IIU Investigators obtained a medical report from AP's family physician. The report, dated March 10, 2023, states that AP advised that she was assaulted on January 1. She was intoxicated. Her partner could not get her to open the door. He called the police, who removed AP from her residence and injured her. She documented her injuries with pictures. She stated that she has posterior discomfort to her right lower chest wall, pain in both her wrists, numbness to the left thumb, and injured both her knees and her left ankle.

The doctor noted that AP was nervous. AP stated that she had been assaulted. She said she takes medication for her pain and should have come in earlier but was scared.

AP is tender over the posterior chest wall, right side of the mid to lower thoracic spine, no obvious fracture, lungs are clear—no acute abnormalities to the wrists, knees or ankles. X-rays were ordered, showing her lung fields were clear, the heart was not enlarged, no lymphadenopathy/pleural effusion, no fracture of the ribs, wrist/hands, and no abnormal paraspinal soft tissue. Left ankle bones and joints are in good alignment. No fracture/dislocation.

Conclusion:

On January 1, 2023, BPS received a 911 call from AP's partner requesting police assistance in dealing with AP. He stated that she was going crazy inside their residence and that she had smashed the front windshield of his SUV. Due to her level of intoxication, the witness officers decided that AP could not be left alone to care for herself. The officers made some calls to find a family member or a friend to look after AP for the night but had no success. AP was arrested for breach of the peace and taken into custody out of concern for her safety and wellbeing.

No medical evidence supports that AP suffered any injuries due to being assaulted by SO. There is no evidence to support such injuries neither when she attended the hospital on January 1, 2023, nor when she attended to see her family physician on March 10, 2023 (three days before meeting with IIU Investigators).

The only evidence of injuries was bruising on AP's legs. The witness officers, who dealt with her at her residence, noted that AP already had those injuries. The witness officers who took her to the hospital also described seeing the bruising when the nurse was triaging her. Further, when the AP's husband called 911, the AP could be heard in the background yelling, "*Look at the bruises on my legs.*"

All witnesses, including her partner, stated that she was highly intoxicated on the night of the incident and could not recall much of what happened. In her own words, she thought her level of intoxication was probably nine on a scale between one and ten. AP recanted the assault

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allegations against her husband. She claimed that she was too drunk to recall what happened regarding the assault allegation against her husband. Still, she claimed to remember what happened concerning the accusations against SO.

There was also no evidence to support any force required or used by officers during the booking process. No evidence supports that SO ripped an earring out of one of her earlobes. The review of the BPS HQ booking area video showed no evidence to support such a claim. AP struggled to remove her earrings, and when she could not do so, SO assisted her, and within five seconds, she took the earring out without difficulty.

The IIU's mandate is to consider whether the injuries suffered by AP may have resulted from the actions of the police officers who attended the scene of the incident. Considering all the circumstances, I am satisfied that there is no evidence to suggest that SO or any BPS officer mistreated or assaulted AP. Therefore, no charges will be laid, and the IIU investigation is now completed and closed.