



**IN THE MATTER OF AN INVESTIGATION INTO AN ALLEGATION OF AN RCMP
OFFICER FALSIFYING A DOCUMENT**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Civilian Director:	Roxanne M. Gagné
IIU File Number:	2023-0068
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Introduction

On September 12, 2023, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification included the following information:

“On September 12th, 2023, (witness officer) (WO1) and (subject officer) (SO) arrested a subject on the strength of an endorsed warrant. WO1 completed the arrest, executed the warrant and served the Appearance Notice in the presence of SO. WO1 realized that she forgot to sign the Certificate of Service so she attended to Shoal Lake Detachment to complete same. WO1 learned that SO had signed as the serving officer and on the line for the Commissionaire of Oaths was WO1’s signature however she did not sign the document.

On September 14th, 2023, WO1 advised WO2, WO1 advised that she was the serving officer and should have signed the signature line associated to same. WO1 advised that the signature on the affidavit of service was not hers and it was evident that the signatures did not match.”

These allegations are considered as 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 Section 75 of the PSA. IIU investigators were assigned to this investigation.

The civilian director designated one subject officer and three witness officers.

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

- Copy of the Appearance Notice/Certificate of Service in the name of (the subject) dated September 12, 2023, taken from PROS file.
- Documents confirming the Appearance Notice/Certificate of Service added to PROS file reference #2023-474908 by SO at 12:28 a.m. on September 13, 2023.
- Notes of WO1.
- Confirmation of SO’s email address.
- Confirmation HRMIS number #000332722 associated to SO.
- SO's work schedule on September 12, 2023, and September 21, 2023.
- Detachment file that WO3 brought to his interview and confirmed original Appearance Notice not in the file.
- CPIC entry showing the subject’s warrant was removed.
- Copy of a computer screen print showing the warrant was removed on September 13, 2023, at 8:54 a.m. HRMIS #000199015 D Division Hamiota detachment.
- Copy of emails between WO1 and SO, dated September 15, 22, and 23 2023.
- Copy of emails between WO1 and WO2, dated September 22 and 23, 2023.

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Facts and Circumstances

Witness Officers (WO1-3)

WO1

On November 23, 2023, IIU investigators obtained a statement from WO1. During her interview, she provided a copy of the Appearance Notice with the Certificate of Service. WO1 identified the areas she did not complete. Emails supplied by PO1 in the names of WO1 and SO were also referred to.

WO1 advised she was based out of Wasagaming RCMP detachment but was part of the Yellowhead RCMP team, which also included Shoal Lake detachment and Hamiota detachment. SO worked most of the time out of Shoal Lake detachment.

On September 12, 2023, WO1 and SO met with a subject who had an arrest warrant. WO1 completed the front portion of an Appearance Notice while SO informed the subject of her arrest for the outstanding warrant. WO1 was the officer who served the Appearance Notice on the subject; however, SO was in charge of the file. WO1 handed the document to SO.

WO1 later realized she forgot to sign the back of the Appearance Notice, which contains a Certificate of Service. Therefore, on September 14, 2023, she attended Shoal Lake detachment to sign the back of the Appearance Notice. She found the document in SO's bin (file tray) and noticed that the Certificate of Service was already signed in her signature. WO1 showed the document to WO2.

WO1 stated that she wanted SO to admit that he had signed the document and apologize. She emailed SO asking him where the document was for her to sign. By September 22, WO1 had not received a response from SO; therefore, she emailed him again asking where the document was and copied WO2 in the email. SO responded to WO1 via email on September 23, 2023, saying the document was on his desk. Shortly after this first email, WO1 received a second email from SO, but this time with an attachment of a new Certificate of Service, telling her to not bother driving over and for her to just sign the attachment. (*email from SO indicates "Better yet I'll save you a trip."*) She noticed SO had signed this new Certificate of Service, again in the wrong section. WO1 advised WO2.

WO1 explained that the officer who served the Appearance Notice signs as the serving officer (*signature line on the Certificate of Service - which is where she should have signed*) and a second person signs as the Commissioner of Oaths, which can be another officer.

WO1 attended Shoal Lake detachment again on September 23 and found the original Appearance Notice with her forged signature in SO's bin. In an attempt to rectify the issue, she

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crossed through the back of the original Appearance Notice marking it up as an error. She then placed it back in SO's bin but completed a new Certificate of Service and left it there.

On September 27, 2023, WO1 and WO2 discussed the incident, and she learned that SO was intending to apologize.

On October 12, 2023, WO1 met SO at Wasagaming detachment and SO apologized. He told her that he did not know why he did it and acknowledged he signed the document and would accept whatever comes of it. He mentioned he would be speaking with WO3 about it.

During the interview, WO1 was shown a copy of the Appearance Notice with her forged signature, and she confirmed she did not sign the Certificate of Service at the back and advised that she had completed the front of the document (*Appearance Notice*). Her belief was that SO signed the Certificate of Service using her signature.

She advised that the normal procedure in dealing with such documents was to return the original Appearance Notice with the signed Certificate of Service to the Court office. A copy is added to the RCMP PROS file. In this case, the subject was due to appear before Minnedosa Court on December 5, 2023; therefore, the original should have been sent by mail to that court with the executed warrant. A copy is also forwarded to the Crown Prosecutors office with the court. WO1 explained a copy was handed to the subject, and a copy was supposed to stay on the file. At the time of the interview, no original copies had been located to her knowledge and the last time she saw the original was September 23, 2023, when she saw it in SO's bin.

WO2

On November 23, 2023, IIU investigators obtained a statement from WO2. WO2 was SO's supervisor. WO1 had explained to her that she and SO had executed a warrant on a subject and WO1 showed WO2 a copy of Appearance Notice/Certificate of Service. WO1 explained where SO had signed the Certificate of Service and advised that she had not signed it.

WO2 advised that she had told WO1 she would have to escalate the matter but WO1 wanted the matter resolved between herself and SO at first. WO2 was aware of emails exchanged between WO1 and SO. WO2 spoke with SO on September 26, 2023 at the Shoal Lake detachment. SO was advised the matter would be escalated to WO3. SO stated, "*I fucked up.*" On October 17, 2023, WO2 and WO3 were with SO at Wasagaming detachment. SO was asked if the document had been sent to the court office and he replied "*yes it was*".

According to a shift schedule produced, WO2 said SO was showed to have worked overtime on an evening shift on September 20, 2023, which would have ended at 2 a.m. the following morning.

WO2 advised that the last time she saw the original document was when WO1 showed it to her on September 14, 2023. WO2 advised SO was a reliable officer and she had supervised him since December 2021. Nothing like this had ever happened before.

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WO3

On November 27, 2023, IIU investigators obtained a statement from WO3. During the interview, he referred to a work schedule for SO that he had produced. He advised that on October 11, 2023, he was involved in a Management Review regarding a forged document. He and WO2 met with SO at the Shoal Lake detachment. SO was asked if the document had been sent to the court and he stated that it had been. WO3 said a search had been carried out for the original document and it had not been located; searches were done at the Hamiota detachment and Shoal Lake detachment. To his knowledge, the original document was never located.

He advised SO had completed two years service and was a dedicated police officer and no previous issues like this have happened before.

Subject Officer (SO)

On January 4, 2024, IIU investigators contacted SO to see if he wished to participate in a voluntary interview and supply any notes he may have. On January 5, 2024, IIU investigators received an email from his counsel advising, *“My client declines and interview and the provision of his notes. I can advise you that at no time did my client have any intention to mislead anyone regarding this matter”*.

Summary of other evidence

Manitoba Prosecutions Service (MPS) – Court Package

On November 3, 2023, IIU investigators contacted MPS in Brandon to try and locate the court package that may have been forwarded to their office. MPS confirmed that an electronic court package was received from SO’s RCMP email on September 21, 2023, at their generic email inbox. IIU investigators obtained a copy of the package including the Appearance Notice which included the Certificate of Service dated September 12, 2023. It appeared to be the same as the document which was added to the RCMP PROS file by SO on September 13, 2023, and appeared to be the same document which was subsequently supplied by the RCMP to the IIU on October 23, 2023.

Minnedosa Court - Original Appearance Notice

On November 2, 2023, IIU investigators contacted the Minnedosa court office to try and locate the original document. They advised that there was no record of a document or file in the name of the subject.

On December 1, 2023, IIU investigators made further inquiries. They were advised that on November 28, 2023, a copy of the Appearance Notice/Certificate of Service was received from *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.*

Brandon MPS by email, advising that it needed to be added to the docket as the subject was due to appear on December 5, 2023. The court advised that they did not receive the original.

Appearance Notice/Certificate of Service

A review of a copy of the original/initial certificate of service demonstrates that SO would have forged WO1's signature and badge number on the *Commissioner for Oaths* (witness) signature line and signed his own name and badge number on the serving member's *Signature* line. The certificate also includes the date/location *12th of September 2023, at Wasagaming, Manitoba*

A review of the second certificate of service sent via email by SO to WO1 demonstrates that SO signed his name and badge number on the *signature* line. The certificate also indicates a location of *Shoal Lake*. The signature line for the Commission for Oaths and the date were left blank.

Applicable Law

Forgery

366 (1) *Every one commits forgery who makes a false document, knowing it to be false, with intent*

(a) that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not; or

(b) that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.

Making false document

(2) *Making a false document includes*

(a) altering a genuine document in any material part;

(b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material; or

(c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.

When forgery complete

(3) *Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not intend that any particular person should use or act on it as genuine or be induced, by the belief that it is genuine, to do or refrain from doing anything.*

Forgery complete though document incomplete

(4) Forgery is complete notwithstanding that the false document is incomplete or does not purport to be a document that is binding in law, if it is such as to indicate that it was intended to be acted on as genuine.

The intent to cause prejudice required by Section 366(1)(a) requires an element of moral blameworthiness going beyond mere negligence or incompetence. *R. v. Couture* (1991), 64 CCC (3d) 227.

Conclusion

I have reviewed the circumstances of this matter, and considered all the evidence and material facts obtained in this investigation, including that both SO and WO1 were present and participated in the execution of the warrant and service of the Appearance Notice on the subject. WO1 filled out the front of the Appearance Notice and provided a copy to the subject and should have signed the Certificate of Service. SO clearly added his name and badge number on the signature line for service and did so once again on the second version he sent to WO1, this time leaving blank the Commissioner for Oaths line. The evidence suggests that SO may have been mistaken as to whom should have signed on the signature line as the serving member. The evidence also suggests that SO may have signed the document in order to expedite completion of the matter, given SO was in charge of completing the file and sending the court package to the Crown, and there was delay in WO1 returning to the detachment. Although SO did not participate in this investigation, his lawyer communicated that he did not intend to mislead anyone regarding this matter. SO became aware of his error when it was brought to his attention, and he later admitted his mistake.

SO's actions are concerning and may amount to incompetence, however, it is not in the IIU's mandate to consider matters regarding police conduct. Given the totality of the evidence, I am satisfied that his actions do not amount to criminal liability; therefore, no charges are recommended.

The IIU investigation is now completed and closed.