



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING THE
MFNPS**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2023-0075
Date of Release:	January 14 ,2025

Introduction

On Nov. 24, 2023, the Manitoba First Nation Police Service (MFNPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from the Part 7 notification received on Nov. 24, 2023:

Police attended to a disturbance complaint. SO1 tried to arrest the affected person (AP). SO1 had AP by the arm, AP elbowed SO1 in the face and started to resist and pull away. SO1 swept AP's feet from under him to try gain control. AP fell to the ground and hit his face. AP taken to hospital for injuries where it is discovered AP has broken nose.

As this matter concerned bodily harm to AP, the IIU assumed responsibility for this investigation in accordance with Sec. 75(1) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- computer automated dispatch (CAD)
- notes, narratives and summaries from MFNPS
- use-of-force report
- photos of the scene, AP's injuries and SO1's injuries
- radio communications
- audio statement
- medical reports

The civilian director designated one MFNPS officer as the subject officer (SO1) along with two witness officers (WO1 and WO2). The affected person (AP) also provided relevant information to the investigation, along with one civilian witness (CW1).

Facts and Circumstances

Scene Examination

WO2 provided IIU with scene photos from inside the residence. The area was not canvassed for witnesses as all events occurred inside the residence.

Interviews

Affected Person (AP)

On Dec. 18, 2023, AP was interviewed by investigators providing the following information:

AP was extremely intoxicated on the date of the incident and acknowledges that his memory of the event is limited.

AP recalls that he went to CW1's residence and there was an argument. CW1 had called for police to remove AP from the residence.

AP recalls being pulled by officers out of the residence with his next recollection being at the hospital with hospital staff cleaning up his blood. AP stated that he told hospital staff that the officer had roughed him up and that he was afraid to go with police into custody.

AP acknowledges that any further information about the incident was provided to him by CW1 at a later date.

Civilian Witness (CW1)

CW1 was interviewed on Dec. 18, 2023 and provided the following information:

CW1 confirmed that she had called police to remove AP from the house. AP was drunk and she wanted him to go to the drunk tank for the night. CW1 confirmed that her children were present at the time and a lot of her focus was directed towards their well-being when this incident occurred.

CW1 recalled that she asked SO1 to take AP to the drunk tank upon arrival. CW1 recalls SO1 trying to grab AP's arm to cuff him and AP stating that he wasn't resisting.

CW1 directed her focus towards the children in the house and had her back to SO1 and AP. When CW1 turned around, AP was face down on the ground and SO1 had his knee on AP's neck area. After SO1 had cuffed AP and brought him to a standing position, CW1 noticed blood on the floor and on AP's nose.

AP was taken out of the residence at that time. CW1 was asked to provide a statement by WO2, which she complied.

The next time CW1 saw AP, she noticed AP's nose had been glued shut and was crooked.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed on Feb. 6, 2024 and provided the following information:

WO1 was not at the scene during the incident and only became aware of the matter by hearing SO1 on the radio stating he was fighting a male. As WO1 was making his way towards the scene,

he heard another radio transmission from SO1 asking for emergency medical services (EMS) as AP had a nose or face injury.

WO1 met up with SO1, WO2 and AP at the hospital. WO1 noticed AP's nose was crooked. WO1 stayed outside the treatment room while AP was being attended to by medical staff. WO1 recalled that AP seemed to be intoxicated.

A doctor confirmed to WO1 that AP had a broken nose. WO1 did not observe any injuries on SO1 at the time.

WO1 and WO2 transported AP to the detachment for further processing.

Witness Officer 2 (WO2)

WO2 was interviewed on Feb. 26, 2024 and provided the following information:

WO2 was working in the same area as SO1, but they were in separate vehicles. WO2 was clearing another service call when she heard SO1 on the radio stating he was in a fight.

Once WO2 arrived on scene, she observed SO1 taking AP out of the residence. WO2 noted AP had blood on his face. WO2 also noted that AP continued trying to pull away from SO1.

As WO2 was exiting the vehicle, she noticed AP had fallen to the ground. SO1 asked WO2 for assistance in keeping control of AP until he calmed down. AP was yelling and screaming for help while SO1 and WO2 held him under control. WO2 and SO1 were able to secure AP in the police vehicle, at which point SO1 asked WO2 to take a statement from CW1. WO2 noticed blood on the floor in the residence while taking CW1's statement. WO2 took scene photos as a result.

EMS arrived on scene; however, AP was too intoxicated and belligerent for EMS to transport AP to the hospital. As a result, SO1 and WO2 transported AP to the hospital.

Once AP was cleared at the hospital, WO2 and WO1 took AP to the detachment. At the detachment, WO2 took photos of AP's injuries as well as SO1's injuries. WO2 did not discuss with SO1 what happened inside the residence or how SO1 was injured.

Subject Officer (SO1)

SO1 declined to be interviewed as of right. The use-of-force report provided to IIU included comments from SO1.

Other Evidence

EMS members were contacted about participating in the interview process and they declined. They did, however, confirm that they refused to transport AP to the hospital due to his level of intoxication and belligerence.

Conclusion

Following due consideration of all the circumstances of this matter, I am satisfied that SO1's actions were reasonable. Therefore, no charges are recommended and the IIU investigation is now completed and closed.