IIU | INDEPENDENT INVESTIGATION UNIT OF MANITOBA

IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING SERIOUS INJURIES DURING RCMP ARREST IN LAKE ST. MARTIN FIRST NATION

FINAL REPORT OF THE CIVILIAN DIRECTOR

OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On March 21, 2025, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on Mar. 21, 2025:

On March 19th, 2025, WO1, WO2 and SO attended the community of Lake St. Martin First Nation in search AP. AP had an outstanding warrant. While patrolling, the members located a vehicle in the ditch and observed AP flee, on foot, from the scene of the collision.

AP ran into a residence and locked members out, stating: "I'm high on cocaine and if you open this door I'll fight you!". The glass door was broken and the members entered the residence to take AP into custody. AP attempted to escape via a window by breaking the glass. SO ran outside to the window where AP threw a 2x4 at him.

AP exited the bedroom and was assaultive and threatening towards the arresting members. SO deployed his CEW in contact mode on two separate occasions in an attempt to gain control over AP, however it was not successful and the altercation between AP and police continued.

During the altercation, SO's CEW was knocked out of his hand. AP was struck in the face in order to prevent him from retrieving the fallen CEW. SO re-acquired his CEW and once again deployed the CEW in contact mode, again with no effect. SO proceeded to strike Traverse several times in the head with the CEW. Members gained control and handcuffed AP, who was then transported to the local detachment.

AP was assessed by EMS at the detachment and brought to the hospital and then transferred to HSC.

On Mar. 20th, 2025, AP attended D Division and made a complaint of excessive force in relation to his arrest. AP explained the events of the previous day and stated that he was tasered 8 times and was struck in the face with a Taser. AP said he was diagnosed with a fractured eye socket, nose, cheek bone and a fractured tooth along the jawline.

As this matter concerned injuries during an arrest, 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 RCMP, among other items:

- notes, narratives and reports of officers
- audio transmissions
- photos of injuries to AP
- use of force report
- medical reports

The civilian director designated one subject officer (SO) and two witness officers (WO1 to WO2). IIU investigators also received information from AP.

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Facts and Circumstances

Scene Examination

IIU investigators attended to the scene of the incident. IIU investigators attempted to contact the homeowner, however, despite repeated attempts, the owner was unwilling or unable to assist the IIU investigators. IIU investigators canvassed the area for video surveillance and potential witnesses. No further evidence was found.

Interviews

Affected Person

AP was interviewed by IIU investigators on March 26, 2025, and provided the following information:

AP stated that he was digging his truck out with two friends when three police vehicles arrived. AP and his friends tried to flee the area. AP acknowledged that the police vehicles had activated their sirens and told AP he was under arrest, but he did not stop and ran to a friend's house.

AP stated that an officer was banging on a window of the residence, telling AP he was under arrest and to come out. AP confirmed he had been doing cocaine earlier in the day, but did not feel that he was intoxicated as a result. AP stated that he advised that officer that he had been doing cocaine and that he had an enlarged heart.

AP heard the patio door break and then he ran into a room so he could barricade it. AP stated that the police were trying to enter the door, but he had it barricaded with a mattress. AP attempted to flee the residence through a window, but an officer was outside in the area. AP stated that he did not do anything to the officer who was outside the window as he did not have any weapons.

AP stated that the window in the bedroom was broken because he was refusing to leave the residence. AP heard an officer yell that he was going to gas the room, so AP removed the barricade and exited the room. AP saw two officers waiting for him outside the room. AP stated that one officer had his pistol drawn (WO1) and the other officer had his taser drawn (SO). SO directed AP to get on his knees and to put his hands above his head. AP complied with the direction.

AP called the SO a "ginger" which resulted in SO hitting him with the taser. AP fell on his back and SO climbed on top of him and kept hitting AP. AP threw the officer off him and rolled onto his stomach so he could hide his face. WO1 put his pistol away and grabbed AP by his arms while SO used his taser on AP. AP believed that he was tasered by SO between six and eight times, resulting in burn marks on his back.

AP stated that SO continued to taser AP even though AP was not attempting to resist. AP stated that WO1 only touched him when he grabbed AP's arms to handcuff him. AP confirmed that he was not assaulted after the handcuffs were placed on him. AP stated that his eye sockets, nose and jaw were fractured from the assault and that he lost a tooth.

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Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on April 23, 2025, and provided the following information:

WO1 stated that all three officers were in the area for a different matter. WO1 saw AP and another individual digging their truck out of the ditch. AP had fled from police earlier in the day. WO1 activated his lights and sirens and informed AP that he was under arrest. AP and the other male fled the area. WO1 pursued the other male and was able to arrest him without incident.

SO radioed for assistance and WO1 went to help. WO1 was told by SO that AP was inside the residence, and threatened to fight SO if he came into the residence. WO1 and SO entered the residence and cleared the house, except for one bedroom that AP had barricaded with a mattress. WO2 was outside the residence and informed WO1 and SO that AP was trying to flee through a window. SO went outside and later informed WO1 that AP threw a two-by-four at him.

WO1 stated that AP eventually opened the bedroom door. WO1 observed AP to be in an excited state with dilated eyes and sweating profusely. WO1 noted AP to be agitated and confrontational. WO1 noted that both officers had their tasers drawn and were directing AP to get on his knees and to get on the ground. AP would only get on his knees.

SO started to push AP to the ground in an effort to apply handcuffs to him, when AP said, “you wanna fucking go?” and started to assault SO. AP was hitting SO in the face when SO struck AP back in the face and then used his taser twice on AP without any success. WO1 holstered his taser and then assisted SO in gaining control of AP. SO continued to deploy his taser on AP without any success.

AP then struck SO’s hand resulting in the taser being dropped by SO and near AP. SO picked up the taser and struck AP in a sideways motion while holding the taser, approximately three or four times. AP became cooperative at that point and he was handcuffed.

WO1 confirmed that no officer assaulted or tasered AP before he assaulted SO. WO1 confirmed that AP had facial injuries and medical services were required.

WO1 confirmed that AP told him he had been taking cocaine earlier in the day.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on April 28, 2025, and provided the following information:

WO2 confirmed that the three officers came upon AP and another male stuck in a ditch. WO2 confirmed that the males fled the scene and WO2 assisted WO1 in apprehending the other male.

WO2 confirmed that SO radioed for assistance with AP. WO2 was advised by SO that he was barricaded inside the residence and had threatened to fight the officers if they entered. WO2 was instructed to stay outside in case AP escaped from the residence. WO2 saw AP try to break a window and escape, but WO2 directed him to go out the bedroom door with his hands up. AP

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told WO2 that he was high on cocaine and then went back inside the window. WO2 then switched spots with SO and assisted WO1 in trying to break down the barricaded door. WO2 confirmed that SO told him that AP threw a two-by-four at SO while he was outside the window.

SO went back inside the residence and AP eventually exited the bedroom. AP was instructed to get on his knees and then onto the ground. AP would only get down on his knees. WO1 went to handcuff AP, and he resisted by flailing and fighting the officers. SO went into assist WO1 and was struck by AP. SO responded by striking AP with an open hand and with his taser. WO2 confirmed SO deployed his taser on AP two or three times during the altercation. WO2 stated that SO did not lose his taser during the altercation.

WO2 did not go in and assist SO and WO1 as he did not believe AP could overpower the two officers. WO2 confirmed that AP was not assaulted once he was handcuffed. WO2 saw injuries to his face which were not present before the altercation.

Subject Officer

In accordance with his rights, SO declined to be interviewed by IIU investigators. IIU investigators received a copy of the use of force report, which provided insight into SO's actions. The following information was provided:

SO confirmed that he chased AP to the residence and directed him to exit the residence because he was under arrest. AP advised SO that he was high on cocaine and that he would fight SO if he opened the door.

SO confirmed that after a period of time, AP exited the bedroom that he was barricaded in. SO directed AP to get on his knees and then onto the ground. AP went to his knees but did not move any further. SO pushed AP onto the ground and got into a full mount position on his back. AP started to buck and resist arrest saying "you wanna fucking go?" SO deployed his taser which did not have any impact on AP. AP bucked SO off his back and struck SO in the face. AP swung his hands, which resulted in SO dropping his taser.

WO1 assisted in trying to gain control of AP by placing his body onto AP. SO grabbed his taser and deployed it into AP's back without any impact. SO again, deployed the taser into AP's bare skin without any impact. SO took his taser and struck AP three or four times in the face which allowed the officers to handcuff and arrest him.

Other evidence

Medical Reports

AP is noted to have suffered multiple facial fractures. AP also required sutures to close up a cut to the side of his face.

Taser Downloads

Downloads of SO's taser suggest the taser was deployed eight times with electricity being discharged on six occasions. The total time that electricity was discharged totalled under fifteen seconds.

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Supplemental Reports

The RCMP provided reports from earlier in the day where AP had evaded arrest at a traffic stop, while driving the same vehicle that was later discovered in the ditch. AP had been reported driving in the community while intoxicated and causing fear to members of the community before the attempted traffic stop.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Secs. 25(1), 25(3) and 25(4) of the Criminal Code of Canada have been emphasized here for consideration:

> ***25 (1)*** *Every one who is required or authorized by law to do anything in the administration or enforcement of the law*
>
> > ***(a)*** *as a private person,*
> >
> > ***(b)*** *as a peace officer or public officer,*
> >
> > ***(c)*** *in aid of a peace officer or public officer, or*
> >
> > ***(d)*** *by virtue of his office,*
>
> *is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.*
>
> ***(3)*** *Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.*
>
> ***(4)*** *A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if*
>
> > ***(a)*** *the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;*
> >
> > ***(b)*** *the offence for which the person is to be arrested is one for which that person may be arrested without warrant;*
> >
> > ***(c)*** *the person to be arrested takes flight to avoid arrest;*
> >
> > ***(d)*** *the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and*
> >
> > ***(e)*** *the flight cannot be prevented by reasonable means in a less violent manner.*

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Conclusion

After reviewing the evidence available, I am of the opinion that the subject officer was reasonable in his actions. Therefore, no charges are recommended and the IIU investigation is now completed and closed.

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