

September 24, 2019

IIU concludes investigation into possible criminal conduct by Brandon police officer

The Independent Investigation Unit (IIU) has concluded its investigation into whether a member of the Brandon Police Service (BPS) committed the Criminal Code offence of public mischief. Following the investigation, the officer will not face any charge.

IIU began looking into the matter in December 2018 when it was notified by the BPS about an incident that occurred four years earlier, and which eventually caused the BPS to believe one of its officers may have misled investigators--prompting a criminal investigation and charges against another officer.

On November 22, 2014, three BPS officers responded to a call for service regarding an assault at a local bar and took two males into custody. Shortly afterward, an off-duty officer who was related to both males arrived on scene, released the males from custody, and departed with them. Subsequently, one of the males alleged that, while handcuffed, he was assaulted by one of the arresting officers.

As this occurred before the IIU was operational, BPS asked the Winnipeg Police Service (WPS) to undertake an independent investigation. The WPS investigators found no evidence to suggest the officer had assaulted the male, but their work eventually morphed into an investigation into the conduct of the off-duty officer following his arrival at the bar. As a result, in July 2016, Manitoba Prosecution Service authorized charges proceed against the off-duty officer for attempting to obstruct justice and obstructing a police officer.

A trial date was set for November 2017. However, when the crown prosecutor met with witnesses, including the arresting officers, she concluded there was no reasonable likelihood of conviction so the charges were stayed.

Subsequently, BPS conducted an internal review of the circumstances of November 22, 2014, focusing on the statements of one officer in particular. It was determined the officer was inaccurate and possibly intentionally misleading, thereby causing WPS to initiate a criminal investigation into the actions of the off-duty officer. This would constitute public mischief and require that the IIU be notified. The IIU civilian director determined it was in the public interest for the agency to investigate.

The IIU learned the WPS investigators began looking into the conduct of the off-duty officer long before the subject arresting officer was interviewed, and therefore his statements did not prompt their criminal investigation and charges against the off-duty officer. Furthermore, there was no indication the subject officer intended to mislead the WPS investigators and insufficient evidence to proceed further with an investigation into any Criminal Code offence by him.

The Civilian Director's complete report is available online at www.iumanitoba.ca. The details of this investigation were first announced on January 2, 2019.

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Information on the IIU can be found at www.iumanitoba.ca or at www.twitter.com/IIUManitoba