

December 10, 2020

## **IIU concludes investigation into alleged assault of cyclist by WPS officer**

The Independent Investigation Unit of Manitoba (IIU) has completed its investigation into the circumstances surrounding a complaint to the Winnipeg Police Service (WPS) that an officer had stopped and assaulted a male for no apparent reason.

On April 18, 2019, WPS notified the IIU of an incident where a police officer was alleged to have assaulted a male during the course of an arrest. The notification advised that a man said he had been cycling home from work around 3 a.m. on April 12, when a police car stopped abruptly in front of him. The officer told him he matched the description of a wanted white male on a bicycle with a backpack. The male said when he refused to hand over his backpack as requested, he was pepper sprayed by the officer and threatened with his baton.

Although there were no serious injuries as a result of this incident, the IIU civilian director determined it was in the public interest to investigate.

IIU investigators interviewed the affected individual, two civilian witnesses and four Winnipeg Fire and Paramedic Service (WFPS) members. IIU investigators also reviewed:

- audio of the 911 call;
- audio of WPS dispatch communications;
- the event history;
- the officer's notes and reports;
- PSU notes and reports;
- the use of force report;
- WPS policy on use of pepper spray (also known as oleoresin capsicum spray or OC spray)
- GPS data for the police vehicle;
- social media posts; and
- WFPS medical reports.

Following the completion of this investigation, the civilian director forwarded the IIU investigative file to Manitoba Prosecution Service (MPS) and requested a review and opinion on whether any Criminal Code charges should be authorized against the subject officer.

In the course of reviewing the matter, MPS requested, received and considered an expert report on use of force by a police officer.

Following the review of the IIU investigative file and other material, MPS provided a written opinion, in which it was stated:

*MPS has reviewed the IIU investigation of [SO]. While it is always in the public interest to hold police officers accountable, there must also be a reasonable likelihood of conviction for MPS to prosecute a matter. In this case, after considering all of the evidence and expert opinion, we have concluded that a reasonable doubt exists as to whether the officer's use of force was excessive. Consequently, although grounds exist to arrest the officer and lay a charge, we are not satisfied that there is a reasonable likelihood of conviction. When MPS is consulted for charge authorization in any criminal matter, we employ the same standard for proceeding with criminal charges.*

Accordingly, MPS will not authorize any criminal code charges against SO as there is no reasonable likelihood of conviction in this matter.

The investigation is now complete and the matter is closed. The civilian director's complete report is available online at [www.iumanitoba.ca](http://www.iumanitoba.ca).

The details of this investigation were first announced on April 18, 2019.

-30-

Media inquiries may be directed to:  
Communications Services Manitoba  
Telephone: 204-945-3765

Information on the IIU can be found at [www.iumanitoba.ca](http://www.iumanitoba.ca) or at [www.twitter.com/IIUManitoba](https://www.twitter.com/IIUManitoba)