

February 09, 2022

IIU concludes investigation into injuries from “less lethal” firearms used by BPS officer

The Independent Investigation Unit of Manitoba (IIU) has concluded its investigation into injuries from a “less lethal” firearm used by a Brandon Police Service (BPS) officer during a confrontation in Brandon on February 13, 2017.

According to the notification received on February 27, 2017, the BPS advised officers responded to a report of a domestic assault. The affected person (AP) refused to leave his residence. Following numerous attempts to contact the individual, gas canisters were deployed in the residence. The individual left the residence but continued to resist arrest, and a bean bag round was deployed, striking the AP in the torso. It was determined at the time that any injury related to the use of the bean bag round would be minimal, and the IIU closed the file.

On September 10, 2020, BPS advised the IIU of additional information that new evidence had been obtained that would materially change the initial notification. It was determined that AP may have sustained injuries as a result of the use of the bean bag round.

As an allegation of injuries related to the deployment of the less lethal firearm meets the definition of a serious injury pursuant to the Police Services Act (PSA) and regulations, this matter was a mandatory investigation for the IIU. IIU investigators were assigned to this investigation.

The civilian director designated one BPS officers as a subject officer. Sixteen BPS officers were designated and interviewed as witness officers. IIU investigators also met with and interviewed the affected person (AP).

In addition, BPS file material and other information obtained by IIU investigators included:

- BPS occurrence summary report
- BPS daily arrest & major incident report
- BPS officer notes
- officers’ supplementary reports
- 911 call audio recording
- domestic violence report
- incident commander’s report
- incident debrief notes
- Tactical Response Unit (TRU) commander’s report
- crisis negotiator text messages and photographs

- incident scribe notes
- crime scene and victim photographs
- photographs of text messages between AP and BPS
- in-car video of transport of AP
- charge documents including probation order and recognizance for AP
- Copy of original LERA complaint
- LERA correspondence
- BPS training materials on “less than lethal” munitions
- BPS Use of Force Policy materials

Based on the various witness accounts and other information obtained in this investigation, the entire investigative file was referred to Manitoba Prosecution Service (MPS) with a request to provide a Crown opinion on this matter. MPS provided the following statement:

MPS has reviewed the IIU investigation of SO at the request of the IIU. 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 a conclusion has been made that there is no 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.

The IIU investigation is now closed, and the civilian director’s complete report is available online at www.iumanitoba.ca. The details of this investigation were first announced on September 17, 2020.

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Media inquiries may be directed to:
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Information on the IIU can be found at www.iumanitoba.ca or at www.twitter.com/IIUManitoba