

FINAL REPORT: IIU concludes investigation into allegation of assault by BPS officer

On April 25, 2022, the Brandon Police Service (BPS) notified the Independent Investigation Unit of Manitoba (IIU) about an incident which allegedly occurred between February 9 and 13, 2022 during a transport of a Mental Health Act (MHA) patient (the affected person (AP)), from the BPS headquarters to Brandon General Hospital (BGH).

According to an excerpt of this notification (edited for clarity):

“On April 21, 2022, the affected person (AP) attended to the BPS station to report [two separate allegations]. During this time AP made allegations against a BPS member.... that:

- *The BPS officer got really mad at her, he put the cuffs on so tight her hand turned purple.*
- *The BPS officer took her to hospital, put her in bed 9 at BGH and shoved her on the floor.*
- *This incident happened in February, but she was unsure of the exact date.*

A check...showed that AP had contact with the BPS over 30 times in the first four months of 2022, primarily for mental health related incidents and that she was transported to Dauphin hospital several times in early 2022 by the Brandon Police Service under authority of the Mental Health Act.

A BPS officer was identified as having custody of AP under the authority of the Mental Health Act on 2022-February-9 and 2022-February-13. On both occasions it appears that this BPS officer had custody of AP at the BGH at some point. It is unknown which occurrence AP is referencing. This BPS officer and another officer transported AP from BGH to Dauphin hospital on 2022-February-9”

As the allegations in the notification concern an allegation of assault, a discretionary matter under the provisions of the Police Services Act (PSA), the civilian director determined that, based on these circumstances, it was in the public interest for an independent investigation to be undertaken. Accordingly, pursuant to s. 75 of the PSA, IIU assumed conduct of this matter and commenced an investigation. IIU investigators were assigned to this matter.

On May 24, IIU investigators attended BGH to determine whether any video surveillance recordings existed relative to the dates subject to this investigation. IIU investigators were advised that the camera which would have recorded circumstances in the area where the incident may have occurred was damaged a few days prior by another patient and no footage was available. That same date, IIU investigators met with and interviewed AP. During that interview, AP made the following statements:

- The escort occurred in mid to late February;
- The BPS officer did the escort alone;
- The handcuffs placed on her wrists were too tight;
- AP made no reference nor provided any other information concerning being shoved to the floor or assaulted in any manner by the BPS officer

BPS provided IIU investigators with video surveillance footage from the BPS headquarters and in-car sources from February 12, 2022. The video captures AP entering the front door of the BPS headquarters. AP sat in the vestibule alone for approximately 19 minutes. A BPS officer enters into the vestibule to speak with her. They move into the lobby area of the BPS headquarters. Eventually, AP is handcuffed behind her back but at no time is she seen to resist in any way. AP is placed in a holding room where a BPS officer is standing in a hall outside and several other BPS officers walk in and out of frame. Within an hour of her arrival at the BPS headquarters, she is led down the hall and out of frame, still handcuffed. AP does not appear in any distress while she is on video. In-car video shows the escort of AP to BGH by the identified BPS officer on February 12. The duration of the escort was 10 minutes in duration during which time AP remained handcuffed from behind. Both the BPS officer and AP appear calm and courteous towards each other the entire time of the recording.

In light of these circumstances, the civilian director is satisfied that,

- there is no substance to AP's allegation;
- there does not exist any evidence or reasonable grounds to support the allegation; and
- there is no need or purpose to continue this investigation.

Furthermore, as a result of these findings, the civilian director determined it was not necessary to designate any BPS officer as a witness or subject officer.

This matter is now closed.

Final report prepared by:

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Independent Investigation Unit
July 11, 2022

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