



**IN THE MATTER OF AN INVESTIGATION INTO A SERIOUS INJURY  
DURING AN RCMP ARREST ON JULY 28, 2022**

**FINAL REPORT OF THE CIVILIAN DIRECTOR  
OF THE INDEPENDENT INVESTIGATION UNIT**

Civilian Director:	Roxanne M. Gagné
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## **Introduction**

On March 21, 2023, the Thompson Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an allegation of a serious injury sustained by an adult male during his arrest by the RCMP in Thompson.

The written notification disclosed the following information:

*“On July 27 and 28, 2022, Thompson RCMP were conducting an investigation involving multiple locations and individuals within the City of Thompson, Manitoba.*

*At 12:19 AM on July 28, 2022, police officer (WO1) observed a dirt bike operated by the affected person (AP) traveling at a high rate of speed on Elk Bay passing by a number of police resources. AP made an evasive maneuver traveling past WO1 who had signaled for him to stop. AP was struggling to balance his dirt bike and, struck a curb.*

*WO1 tackled AP as he was attempting to remount his dirt bike and informed him multiple times that he was under arrest. AP fought against WO1’s efforts to secure him in handcuffs refusing to provide his hands. WO2 assisted WO1 with attempting to secure AP however he continued fighting against the officers. A police service dog was deployed by WO3, the dog made contact with the calf of AP’s rear right leg.*

*AP was transported to the Thompson RCMP Detachment where he was assessed at 1:22 AM by Emergency Medical Services for injuries sustained from the contact of the police service dog. AP was deemed fit for incarceration and was later released from custody at 5:45 PM without charge.*

*On March 10, 2023, AP filed a complaint with the Civilian Review and Complaints Commission for the RCMP that he suffered a fractured skull and bruised ribs and identifies civilian witness (CW1) as a witness. CW1 was identified by AP as his half brother during a warned statement he provided to WO4 on July 28, 2022 at 5:30 PM prior to his release.*

*AP’s complaint was received by RCMP National Headquarters on March 15, 2023, and received by RCMP D Division Criminal Operations on March 20, 2023.”*

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this investigation in accordance with section 66(4) of the *Police Services Act* (PSA). IIU investigators were assigned to this investigation.

The civilian director deferred the designation of any officers as a subject officer until more information was received through the investigation. This decision was later re-evaluated and no officers were ever designated.

## **Facts and Circumstances**

Upon receipt of the notification, IIU investigators obtained a statement from the AP. He stated that on July 28, 2022, the RCMP attempted to apprehend him but he escaped on his dirt bike leaving an RCMP vehicle disabled after having crashed into a tree. The AP arrived at his uncle’s

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residence where the RCMP were conducting a search and arrest operation in relation to the AP's brother CW1. The AP advised that he was tackled from his dirt bike by an RCMP officer, stating that he struck his head on the curb and was later bit by the police service dog. EMS workers examined him after having struck his head but no medical treatment was provided. The AP further added that in August 2022, he was operating an All-Terrain Vehicle (ATV) in the Steinbach, Manitoba area when he rolled the vehicle. He stated that as a result of this roll-over, he attended to the hospital on September 19, 2022. The AP filed a complaint to the RCMP Civilian Complaints Commission as he believed his skull was fractured in the July 28, 2022 interaction with the RCMP.

### **Medical Records**

The AP provided a release to obtain medical records. The medical records demonstrate that the AP attended the hospital on two occasions in September 2022.

On September 7, 2022, the AP attended the hospital for pain in his upper body, that he believed may be related to his police interaction. Records indicated the presence of historical injuries sustained in 2011-2012. He was discharged with a prescription of Ibuprofen and Naproxen. Despite the hospital having specific information on his interaction with police, there was no medical diagnosis of injuries to the AP, related to his complaint regarding the incident on July 28, 2022.

On September 19, 2022, at 3:37 p.m., the AP attended to the hospital following an ATV roll-over that occurred at 2:45 p.m. that same afternoon (not in August 2022, as suggested by the AP in his complaint). Steinbach Bethesda Hospital records indicate a CT scan revealed a left orbital medial fracture. Details include that the AP was travelling at 70 km/h when he rolled the ATV and was thrown from the vehicle. The helmet was crushed and the AP experienced tenderness to the cervical spine, spine, and lower legs. He may have lost consciousness, saw stars, and had lacerations to legs and forehead. There is no information or medical diagnosis attributing his injury to the actions of the RCMP.

### **Affected Person**

In an attempt to reconcile and clarify the information in the medical records and the information stated in the Part 7 Notification, the AP was contacted to provide a second statement. Ultimately, there was no reconciliation between the medical records and the AP's statement. There is no evidence of the (RCMP) injury (fractured skull) within the medical files. The AP stated that the physician verbally spoke about a "healing fracture" of some sort in his skull. The AP appears to interpret the terms "healing fracture," in such a manner that he believes the injury dates to his interaction with police, when in fact the injury referred to is seemingly the injury presented at hospital following the ATV roll-over. The AP suffers from schizophrenia and claims he is heavily medicated. He periodically stays in residential treatment centres.

In an effort to afford the AP every opportunity to advance the investigation, IIU investigators also spoke with the AP's mother. On June 22 2023, she was provided with the details of the medical records, and the AP's claim of the physician's comment regarding a "healing fracture" stemming from his police interaction. She stated that she was present for her son's medical examination of September 19, 2022. She added the physician made no such mention of a "healing fracture" comment. On June 26, 2023, she also provided the IIU with a statement. She was shown the medical records, and reiterated that there was no discussion of a "skull fracture" or a "healing fracture" during the September 19, 2022 examination. However, later in the same interview she referred to a discussion of a "skull fracture" but was unable to reconcile the conflicting information with the medical records from the September 19, 2022, ATV roll-over. Her husband was present for the statement and suggested that both the AP and his wife had interpreted the left orbital medial fracture as the "skull fracture" comment attributed to the physician. The AP's mother also stated that when the AP struck his head during his encounter with police he was wearing a helmet. This is contrary to the AP's earlier statement to the IIU.

### **Conclusion**

When the AP attended the hospital on September 7, 2023, there was no medical evidence suggesting that the AP suffered a skull fracture as a result of his interaction with police on July 28, 2023. Further, the evidence demonstrates that on September 19, 2022, he was involved in an ATV roll-over and attended the hospital that same date; not in the month of August as suggested by the AP. Although medical evidence demonstrates the AP had serious injuries on September 19, 2023, the evidence suggests that it was as a result of the ATV roll-over, and not the interaction with police on July 28, 2023.

Therefore, given the evidence does not demonstrate that the AP suffered a "serious injury" as defined in the IIU *Regulations* (99/2015), as a result of interaction with police, this incident no longer meets the IIU's mandate. Therefore, there is no further need for the IIU investigate this incident and the matter will now be considered concluded.