



**IN THE MATTER OF AN INVESTIGATION INTO AN ALLEGATION OF
FABRICATING EVIDENCE BY BPS**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Civilian Director:	Roxanne M. Gagné
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Introduction

On December 1, 2023, the Brandon Police Service (BPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On October 14, 2023, the affected person (AP) sent a complaint (attached) via fax to BPS Chief of Police alleging that there was criminal conduct on behalf of the investigating officers in his 2021 arrest for robbery. As an initial step to gather information the complaint was assigned to Sgt. * for an internal review. Sgt. * review was provided to A/Chief on December 1, 2023 (attached) and it spoke to and discredited each of the allegations that were put forward by AP. Given the criminal nature of the allegations made against the officers involved IIU Civilian Director Gagne was contacted and in turn requested a written Part 7 Notification.”*

As this matter concerned an allegation of fabricating evidence, which is a prescribed offence 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.

IIU investigators obtained the following information from BPS, among other items:

- Court Information X4
- 7-Eleven Video
- Booking documents
- Computer Automated Dispatch (CAD)
- Charge, arrest documents X2
- Court Brief
- Incident report X3
- Investigators report
- Occurrence summary
- Officer notes X5
- Platoon assignments X3
- Property list
- Statements of 7-Eleven employees X3
- Supplemental report X2
- Undertaking

Due to a dearth of information at the outset about whether any police officers were involved in the allegation, the civilian director did not designate a subject officer (SO). This decision was later re-evaluated, and no subject officers were ever designated.

Facts and Circumstances

AP filed a complaint with the BPS police chief on October 14, 2023. BPS reviewed the complaint and determined that there was no evidence to support any suggestion of a conspiracy

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or an intent to fabricate evidence or the falsifying any information, as AP alleged. However, given the IIU's mandate, a copy of the AP's complaint was sent to the civilian director (CD).

The AP alleged that four members of BPS falsely charged him and fabricated criminal charges. He identified four officers (police officer) PO1, PO2, PO3 and PO4. AP indicated that he reviewed the disclosure for his court case and he could "prove 100%" that the officers were "illegally setting him up." He added that he has factual documented evidence of the officers' misleading justice and committing professional and criminal misconduct.

The complaint went on to cite issues with dates that officers had written in their notebooks. He also felt there was a conspiracy against him because the file number for the robbery incident was similar to the date that the lead investigator had obtained video of the robbery from the 7-Eleven. He also believes the last part of the file number is the same as the officer's badge number, further fueling the idea of a conspiracy.

AP detailed that he reviewed the three witness statements provided by the store employees that had been robbed, and, in his opinion, the statements were different from one another, and they do not match the video (although he has never seen the video). He believes this detail supports his claim that he was falsely charged.

He stated that he was charged with giving a false name, that being (*alias*) However, this name appears on CPIC as an alias.

The remaining complaints from AP were directed at a Crown Attorney and his own lawyer.

AP Interview

On January 10, 2024, IIU investigators interviewed AP. AP appeared to the IIU investigators as suffering from some mental health issues. It was very difficult to get him to focus on discussing the concerns he had previously detailed.

AP indicated that BPS framed him for crimes he has not committed (dating back to 2017). He discussed how officers used a confidential informant to fabricate drug charges against him. He was charged with possessing methamphetamine; however, he stated that the white powder seized from his residence was tested by Health Canada and it was determined to be flour. He claims he spent 12 months in custody for that charge and he was not guilty.

In another instance, he said he was charged with assault, firearms offences and attempt murder. However, he stated he had a KGB statement where a female said she had a "gun pulled on her" which was why he was charged. Then officers went to a house that he did not live in and found guns in the floorboards, but "tests in Ottawa" proved the guns did not belong to him and they belonged to other people. He had 27 charges and when he was being released from the Brandon jail, he wanted his disclosure because it was his property but the jail shredded it.

AP said he is currently in custody for the robbery charge but it is staged. He added that he is upset with the investigation tactics that the police used. Specifically, he was upset because the police charged him with robbery based on the statements taken from the store employees. He believes the statements are false because the information is inconsistent. AP described that one guy said he was in the "kitchen enclosure" but there is no kitchen. AP said he knows there is no

kitchen in the 7-Eleven because he used to live across the street. He was also upset because the statement said the person ran out the back door and that “doesn’t make sense.” As well, he is angry because he has not been able to see the surveillance video.

AP stated that the police took “protected B statements” from the witnesses and then they made up the charges. He wanted to know why the police didn’t charge the witnesses for public mischief for lying because all three statements make no sense. He felt all three statements were so different that they could not match the video and it is the job of the police to investigate it.

When AP was asked why he noted that the robbery was in 2023 as opposed to 2021, he said he was not certain when it happened but he knows he was not living in Brandon at that time.

AP indicated that he is so outraged that the police could charge him based on the witness statements that he has confronted the Crown’s office and other police officers, including the Law Enforcement Review Agency (LERA) commissioner. He stated that he filed many complaints because his human rights have been violated. He stated that has been locked up like an animal for crimes he never committed. He added that based on his complaint the Crown Attorney is now under investigation by the Law Society too, because he knows the charges are false.

AP stated that police have fabricated evidence against him for the second time and he believes they framed him for the robbery because the first time they fabricated charges against him they were caught in court. After that, the police kept harassing him and they have been trying to frame him again because he always beats the charges.

AP talked about various number combinations and how they relate to the date and the lead investigator PO1. He believes that PO1’s badge number is 2412, which forms part of the incident number.

AP claims that he has been shot at a few times and overdosed because the people who work for the police keep trying to kill him. He thinks it is ridiculous that he has to keep running from the police when they are supposed to protect society, but they use the “law system against people.”

7-Eleven Video

Three camera angles were reviewed by IIU investigators. A male, later identified as AP, entered the 7-Eleven on February 17, 2021, at 11:54 p.m. He had distinctive bright green goggles on his head. He wandered around the store drinking a Slurpee. He stopped at the counter and was interacting with a female employee who made a phone call, then he continued to wander around.

On February 18, 2021, at 12:02 a.m., AP was at the counter again and he had his right hand in his pocket. Two minutes later, AP raised his right hand, which was still in the pocket of his jacket, and he moved toward a male employee. A second male employee was at the back of the store and two customers were on the other side of the counter. One male employee went to the front of the store and got a phone; the second employee joined him. They move toward AP who is at the back of the store and left through a doorway out of camera view. At 12:06 a.m., an employee locked the front door.

Statements from the 7-Eleven Employees

All three employees were consistent in the information they provided. They all indicated that a male came into the store without a COVID mask. He bought a Slurpee and was hanging around in the store. He asked them to call a cab. He placed his hand in his pocket and acted like he had a weapon while he demanded money. He then fled out the back door.

Various Complaints

Robbery

Throughout his written complaint, AP referred to the robbery as occurring on February 18, 2023. PO1 and PO2 stated the robbery happened at the 7-Eleven just before midnight. In PO1 and PO2's notes, there is a header that indicates *February 17, 2021*. All four POs stated the robbery happened just after midnight on the February 18. The 911 call indicates the robbery was entered on February 18, 2021, at 12:03 a.m. Further, all the documentation shows that the robbery occurred in 2021. Checks were done which indicated AP was arrested for robbery on February 18, 2021, and there no indications he was arrested for a robbery in 2023.

AP also claims that he was not in Brandon when the robbery occurred; he was at the hospital in Portage having part of his foot amputated. He was arrested on the robbery charge years later when members of the Winnipeg Police Service (WPS) stopped him and they ran his name learning of the warrant for the robbery charge. AP also stated that the witnesses were lying because one of them stated that he was in the kitchen area when the robbery occurred. AP claimed that he knows the 7-Eleven does not have a kitchen because he used to live across the street.

The incident is documented as occurring minutes after midnight on February 18, 2021, and AP was arrested on the same date at 12:23 a.m. This is detailed in the court brief, the general report of PO1 and the supplemental report by PO4. AP was released on an undertaking. He had been taken to the Brandon hospital following his arrest and he was left in the care of the hospital for further treatment for a frozen foot. On September 10, 2022, AP was arrested by members of the WPS for failing to attend court and failing to attend for identification regarding the substantive robbery charge.

Two of the three store employees reference the 7-Eleven kitchen in their statements. The statement obtained from one witness stated that he was in the kitchen when his co-worker called him and said that AP was pretending to have a weapon. The statement obtained from another witness indicated that the suspect ran through the kitchen door and outside.

PO1's Badge Number

It is unclear exactly what AP's complaint is, but he seems to be suggesting that there is some type of conspiracy regarding the police report case number. The incident number for the robbery event is 2021-***412. The 2021 portion indicates the year of the incident and the remaining

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number is auto generated in the order that the call for service was received. AP seems to believe that PO1's badge number is 5412, but in fact his badge number is a three-digit number ending with number 9.

False Name

AP claims that he was also criminally charged with giving the false name of (*alias*). Verifications indicate that there was no record of AP being charged for this offence. The general report written by PO1 indicated that he dealt with a suspect male identified as (*alias*). However, police later determined his true name was AP. CPIC checks were done and there were no other charges connected to the robbery incident. Checks also showed multiple entries for use of the last name of AP and the last name of (*alias*). A police database search (PROS) confirmed his real name AP and his alias as (*alias*).

Other complaints

The remaining complaints from AP were directed at a Crown Attorney and his own lawyer. The IIU does not have mandate to investigate these complaints.

Conclusion

Following due consideration of all the circumstances of this matter and a careful, thorough review of all evidence and material facts obtained in this investigation, I am satisfied that there is no evidence suggesting that any police officers fabricated evidence against AP.

Therefore, no charges are recommended against any officers, and the IIU investigation is now completed and closed.