

March 09, 2021

IIU concludes investigation into serious injury during BPS arrest in Brandon

The Independent Investigation Unit of Manitoba (IIU) has concluded its investigation into the injury of a male by a police service dog in an arrest in Brandon.

On October 13, 2020, the Brandon Police Service (BPS) advised the IIU of an incident that occurred shortly after 2:00 a.m. on October 9, 2020. According to the notification, police responded to a complaint of two suspicious males damaging cars in the parking lot of a business in Brandon. Upon arrival, officers found a window had been broken at the business and a male was observed inside. The suspect was advised to come out and surrender, but despite warnings that a police dog would be deployed the suspect refused to come out. The police dog was deployed, found the suspect and bit the male on the left forearm, leaving a laceration that required 14 staples to close.

The lacerations caused by the dog bite (requiring stitches to close) and subsequent hospitalization of AP, both meet the definition of a serious injury as defined in IIU regulation 99/2015. As a result, IIU assumed responsibility for this mandatory investigation in accordance with section 66 of The Police Services Act (PSA). A team of IIU investigators was assigned to this investigation.

The information obtained and reviewed by IIU investigators, included:

- BPS Investigators Report;
- BPS officers' notes and narrative reports;
- Photographs of subject's injuries;
- Subjects medical reports;
- 911 call recordings;
- BPS radio transmissions recordings;
- BPS policy respecting police service dog unit; and
- Use of Force report completed by subject officer.

Police may be required to use force and various levels of interventions in their law enforcement role. Section 25 of the Criminal Code of Canada establishes protections from liability for a police officer, who, in the course of enforcing the law, finds it necessary to use force. The facts and circumstances, coupled with training and assessments must be considered in their entirety to determine whether the use of force, the method(s) employed and the degree of force used were necessary and justified in law.

A police service dog is an intervention tool and use of force method. Proper training, control, assessment of the situation and consideration of all other forms of reasonable options are factors to be reviewed to determine appropriateness and authorization. The investigation found the officer was lawful in the execution of their duties while investigating the break and enter. Warnings were given, the subject confirmed hearing the warnings and refusing to surrender. Once the subject was subdued, the use of force to handcuff the suspect was controlled, measured and appropriate for the circumstances.

The investigation is now complete and the matter is closed. The affected person remains before the Court on charges arising out of this incident. The civilian director's complete report will be available online at www.iumanitoba.ca following disposition of the charges. The details of this investigation were first announced on October 13, 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