

# ***FINAL REPORT: IIU concludes investigation into injuries during arrest by RCMP members***

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On October 16, 2019, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of injuries to a female following her arrest.

According to this notification, which read in part:

*“On October 8, 2019, at 02:22 hrs, the Thompson RCMP Detachment received a report of a possible domestic disturbance behind the South Princeton Tower in Thompson, Manitoba. An unknown male and female were arguing at this location inside of a vehicle... Upon arrival at the scene, Police located a male and female young offender inside of a vehicle, arguing with one another. The female (later identified as the affected person (AP)) was seated in the passenger seat of the truck with the male in the driver’s seat. The male advised Police that they were arguing and that AP grabbed him by the right wrist/ hand hard causing a superficial injury and bleeding. Upon receipt of this information, an RCMP member was directed to arrest AP for assault. AP was uncooperative and attempted to evade apprehension. AP was taken to the ground and placed in handcuffs.*

*Subsequent to her release from police custody, AP attended Thompson Hospital Emergency on October 12, 2019 and was diagnosed with a dislocated right elbow and a fractured right wrist.*

*A formal complaint was made to the RCMP Headquarter on October 15, 2019, as a result of the incident on October 8, 2019. AP reported that an unknown female RCMP member opened the passenger truck door, asked her for her name and pulled her out of the vehicle by her right arm swinging her to the ground. AP reported that two unknown male members knelt on her while she was handcuffed. As a result of this contact she suffered an injury to her arm...”*

As the notification identified that the female sustained a fractured wrist, it constitutes a serious injury as defined by regulation and the IIU is mandated to investigate the matter pursuant to section 66(4) of *The Police Services Act* (PSA). IIU investigators were assigned to this matter.

Among the information obtained by IIU investigators, included:

- witness officers’ notes and reports
- general arrest report
- prisoner report
- RCMP cell video footage police cruiser video footage
- Dispatch recording from RCMP Telecoms
- AP medical reports

The civilian director designated one RCMP member as the subject officer (SO). Additionally, the civilian director designated three other RCMP officers as witness officers (WO1-3). IIU investigators interviewed AP and two civilian witnesses (CW1-2).

### **AP**

AP stated she was out with her ex-boyfriend the night of October 7-8, 2019 and during the early morning started arguing. She admitted slapping him. AP stated that the police showed up and she saw a male and a female in police uniforms and vests. AP said the female officer opened the vehicle door and asked for her name. The female officer then pulled AP out of the vehicle. AP stated the female officer grabbed her by her wrist and swung her to the ground. AP stated that the female officer snapped her arm back and twisted it, causing it to break. AP stated that she went to the ground on her stomach, the other officers held her down on the ground and she was handcuffed. AP stated she was not struck nor did she strike any of the officers. AP stated that she was in the back of the police cruiser for half an hour and then the police station for eight hours. AP stated that while she was in the police station cells she did not interact with anyone else. Her arm was sore and she was not able to move it properly when she was fingerprinted. AP stated that the officer conducting the fingerprinting knew something was wrong with her arm because AP could not use it properly. AP said she did not complain of any arm pain to any police officers.

### **AP Medical Reports:**

IIU investigators received and reviewed AP's medical information from Thompson General Hospital (TGH). In those records, the following information was disclosed:

- AP visited TGH on October 9
- Main complaint was a right forearm injury
- Mechanism of Injury (MOI) was a grab and twist injury during an altercation with police
- X-Ray revealed a tiny undisplaced fracture (undisplaced or hairline fracture is a fracture through the bone with little damage to the surrounding tissue) of the distal radius
- 16 years of age female with possible Distal Radio-Ulna Joint/radial fracture
- A subsequent examination on October 11 ruled out a fracture to the right wrist and no bone or joint abnormality was identified
- Piano Key Sign is positive. The Piano Key Sign is a common test performed by physicians as a part of the clinical assessment of the wrist. The examiner would press on the ulna head and if painful, would indicate a positive Piano Key Sign. A stable wrist would cause the ulna head to spring back like a piano key without pain)

IIU investigators consulted with Chief Medical Examiner (CME) for the Province of Manitoba and in particular to request he offer an opinion on AP's medical reports. The CME, following review of all relevant information, concluded that the injuries, if present at all, are very minor and unlikely to significantly impede movements of the arm at the shoulder level or elbow.

### **Civilian Witnesses (CW):**

CW1 is AP's mother. On October 9, CW1 received a phone call from AP who advised she was jailed for eight hours and did not know why. CW1 stated that AP told her she went out with her friend, CW2, at about 2:00 a.m. CW1 stated that AP told her that police came to their vehicle and asked for her name. According to AP, she asked why she should provide it as she was going home. AP told CW1 that she did not provide police with her name and the police told her she could be arrested for failure to do so. Then, according to AP, a female officer pulled her out of the vehicle and twisted her arm, causing her injury. CW1 stated she "*sent her to hospital*" and made a request for the doctor to X-Ray AP's upper arm. According to CW1, she was advised by a doctor that the results showed a broken/fractured wrist and a dislocation to AP's arm. AP's arm was immediately placed in a cast. A subsequent examination of AP determined that there were no broken bones and that AP had sustained a major strain and that the original cast was changed to a half cast.

CW2 stated on October 8, he was driving around with AP. He went to drop her off, but AP did not want to get out of his truck. They were yelling and arguing when he realized police were there. CW2 stated that AP was not cooperating with police. They were asking her to get out of the vehicle and she did not want to. She was saying no and was asking "*how come*". AP was subsequently pulled out of the truck by one officer and then pinned on the pavement by another officer. AP started screaming as she was pinned to the ground. CW2 stated that "*she just got like pulled down, tugged down by the arm*", said when she hit the ground it was "*not too hard*" and she rolled onto her stomach. CW2 did not see her strike any of the police officers.

### **Witness Officers**

WO1 stated that he was dispatched to a disturbance call. On arrival, he observed two people screaming inside a vehicle. WO1 and other officers approached the vehicle to speak with the occupants. AP was on the passenger side and CW2 was the driver. WO1 said that WO2 was speaking with CW2 while he and SO spoke with AP. WO1 stated that they advised AP of the disturbance call and explained they attended to ensure their safety. WO1 stated that AP was angry, aggressive, and wanted to leave. WO1 stated that AP was asked for her name several times before finally providing it. WO1 went to run her name on the police computer system. He turned back and saw AP fighting with SO. SO was trying to arrest AP. According to WO1, SO had one of AP's arm so he grabbed her other arm to assist. AP was pulling away and then fell forward. WO1 stated that AP was taken to the ground, handcuffed and placed in the rear of the police cruiser. WO1 stated that AP was very aggressive and kicking at the back window.

WO1 stated that they transported AP to the RCMP detachment. AP was now cooperative. AP never advised him that she was injured or hurt.

WO2 stated he was dispatched to a disturbance call arising from individuals in a truck. WO2 stated that he attended to the call with WO1 and SO. On arrival, WO2 proceeded to the driver's side of the vehicle while WO1 and SO proceeded to the passenger side. WO2 could hear AP yelling and screaming at CW2 "*let's get out of here, let's go*". WO2 stated that AP was very belligerent. WO2 asked CW2 to step out of vehicle and move to his police cruiser so they could talk. WO2 stated that he heard other officers place AP under arrest for assault. He looked over and saw AP on the ground (he did not see when or how she was taken down). AP was kicking, flailing her arms, and resisting as WO1 and SO were trying to handcuff her. WO2 stated that he

ran over to assist with the arrest. Once AP was handcuffed, WO1 and SO placed her into the police cruiser. According to WO2, AP was kicking on the door or the silent patrolman and was *"hammering something pretty good"*.

WO3 was working the dayshift on October 8 when she received a call from AP's father. He knew she was in custody and was inquiring about what had happened. WO3 was advised that arrangements were being made to pick AP at the detachment. WO3 stated that she brought AP out of cells to fingerprint her. WO3 rolled each of AP's fingers and manipulated her hand and wrist as she proceeded to fingerprint AP. According to WO3, AP did not advise having any pain or discomfort during the fingerprinting process nor mention being injured during her interaction with police. WO3 stated that she did not encounter any difficulties with AP at all.

### **Subject Officer**

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor to participate in any interview with IIU investigators. In this case, SO provided her notes to IIU investigators and agreed to participate in an interview.

SO stated she was dispatched to a disturbance call at approximately 2:00 a.m. on October 8. SO states she attended to the location in the company of WO1. WO2 also volunteered to attend to the call. On arrival, WO2 went to the driver's side while SO and WO1 went to the passenger side door. Once the doors to the truck were opened, SO stated that all officers identified themselves as RCMP and were there regarding the disturbance call. SO stated that CW2 was asked to exit the vehicle while allowing AP to remain in the vehicle because she did not have shoes on. SO stated that AP was screaming and crying. AP questioned SO and WO1 why they were there. SO stated that she explained to AP that they were investigating a possible domestic assault. AP continued to scream and yell and wanted to go home. Based on information she received, SO advised AP that she was under arrest for assault. SO asked AP to step out of the vehicle. As AP stepped out of the vehicle, she tried to run away, saying that she was going home. SO stated that she grabbed her hand and gave her a bear hug to get her onto her stomach. SO stated that she had AP's right hand and was preparing to handcuff her. However, AP pulled away and was actively resisting. SO stated that she pushed AP to the ground, noting *"...it was a very light take down"*, *"...it was sloppy"* and *"...it took her a couple minutes to actually get her to the ground"*. SO asked WO1 to assist her with AP's left hand. Once handcuffed, SO stated that they got AP on her feet and escorted her to the police cruiser. SO stated that she used minimal force and it was *"...so easy"* to get AP's hands into handcuffs that she cannot figure out *"...how she hurt herself"*.

At the detachment, SO asked AP if she had any injuries or any medical distress to which AP responded in the negative.

### **Conclusion:**

This investigation has determined:

- SO was lawfully placed and acting in her capacity of a police officer at all material times when she first had contact with AP through to her arrest and detention;
- The variations in the type and degree of injuries complained of by AP from the initial notification through the IIU investigation is not determinative of unnecessary or excessive force;

- The description of events by AP is rife with embellishments and exaggerations on the critical circumstances regarding her contact with police and the circumstances of her arrest;
- Based on the description of events by CW2, WO1, WO2 and SO it's reasonable to conclude that this was a textbook extraction of AP (advised of her arrest) from a vehicle;
- Force to restrain and detain AP was necessary as she was resisting her detention and stated her intentions to leave on a number of occasions;
- All of the evidence and information gathered shows police, in particular SO, acted within their lawful authority, acted reasonably, and did not use unreasonable or unreasonable force in removing AP from the vehicle and detaining her.

In the final analysis, I am satisfied that the evidence gathered supports the conclusion that SO acted within her authority and within reasonable limits in preventing AP from fleeing and detaining her. The injuries sustained by AP may not, in the final analysis, support a finding that they represent a serious injury. Nevertheless, IIU investigators proceeded to conduct a thorough investigation into the circumstances of this matter.

On holding that SO acted within her authority during all dealings with AP and did not use unnecessary or excessive force, there are no grounds to believe that a Criminal Code or other statutory offence occurred. Therefore, no criminal or other statutory offence should attach to SO.

The IIU investigation is now complete and this file is closed.

**Final report prepared by:**

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March 26, 2020

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