

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

On February 20, 2020, the Brandon Police Service (BPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident where a female alleged she was assaulted by police officers during the course of her arrest.

According to this notification, which read in part:

“On February 5, 2020, Police were dispatched to a domestic disturbance at a residence in Brandon, Manitoba. The complainant said that his girlfriend, later identified as the affected person (AP), was yelling at him and pushed him.

Police arrived on scene and were met by AP, who threw the front door open and was screaming. AP continued to scream at Police and at the complainant. She got closer and closer to the responding Officer until they were almost nose-to-nose, ignoring repeated directions to stand back.

AP was advised that she was under arrest. As soon as Police touched AP, she dropped to the ground with her arms and legs beneath her and she refused to give up her hands. An extended altercation ensued, aggravated by the fact that AP said that she was pregnant and Police did not want to injure her or her unborn baby. AP repeatedly used her body weight to push against the members as they struggled to gain control of her arms, which were underneath her.

After Police were able to handcuff AP, she continued to resist, struggling, pulling away and pushing against the members, even as a female member was attempting to help her put on pants before she would be removed from the house. AP was Chartered and Cautioned for Assault and Resisting Arrest”

Although this notification does not disclose a serious injury, the civilian director has determined that it was in the public interest for IIU to investigate. IIU investigators were assigned to this investigation.

Information obtained by IIU investigators included:

- officers’ notes and reports
- audio recording of 911 call
- audio recording of dispatch
- major incident report
- video from police cruiser car
- video from BPS lobby area
- written statement of complainant
- occurrence summary

- prisoner booking sheet
- photographs of AP

The civilian director designated two BPS officers as subject officers (SO1-2). IIU investigators interviewed AP and a civilian witness (CW).

FACTS AND CIRCUMSTANCES:

AP:

AP stated she was arguing with the complainant, CW. CW called the police. A male police officer arrived to her home. AP began a “staring contest” with the police officer.

According to AP, the police officer said, “*Let’s go*”. AP states she turned away from the police officer and went up the stairs to get dressed. The police officer came up the stairs behind her and muttered, “*you’re not in charge.*” AP states she replied, “*Neither are you.*” The police officer grabbed her arm at the elbow and twisted it. AP states that she jerked her arm back. AP states that the police officer twisted her wrist behind her back and pushed her against the wall. AP then laid on the floor in the hallway, with her head, feet and hands under her.

AP states that a female police officer arrived and punched AP in the ribs. AP states that CW told the police that she was pregnant. The female police officer did not use any further force on AP. However, AP states that the male police officer kicked her in the ribs and to the lower back, to the left of her spine. This made her legs straighten and she gave up her arm. AP states she was handcuffed and taken to the police cruiser.

AP states that her left arm is still sore from this interaction. AP states she had bruises and a cut on her wrist from the handcuffs. AP states she was diagnosed with a hyperextended arm, but no treatment was prescribed. No medical records were obtained.

AP never referenced or mentioned her pregnancy during her interaction with IIU investigators.

Civilian Witness (CW):

CW called the police following an argument with AP. SO1 asked AP to come out to his police car to talk. AP then stared down at SO1. SO1 told AP that it was not a good idea to get into a staring match with him. According to CW, they were approximately five inches apart and face-to-face.

SO1 again told AP to come to the cruiser car and AP replied that she would not. SO1 said that if AP did not calm down he would have to TASER her (use a conductive energy weapon (CEW)). CW states that he said, “*no do not TASE her, she’s pregnant.*” CW then saw AP down on the ground, with SO1’s knee on her back. CW did not witness any other use of force by police. CW described AP as a large individual, quite strong, acting standoffish, resisting commands, and specifically, resisting having her arm brought around her back by police officers. CW recalls hearing AP say, “*you’re going to have to break my arm.*” CW recalls SO2 arriving, but is uncertain when that occurred. CW did not see SO2 use any force on AP.

Subject Officers:

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

SO1 has not responded to any requests by IIU investigators to provide his notes or to participate in an in-person interview during this investigation.

SO2 did consent to provide her notes to IIU investigators, but declined to participate in an in-person interview during this investigation.

SO2's notes are summarized as follows:

“At 9:10 a.m. on February 5, 2020, SO2 arrived to the location of the incident. SO1 was already present. SO2 could hear screaming and SO1 yelling ‘stop resisting, give me your hands.’ SO2 ran into the home and saw SO1 struggling with a female on the ground. The female was ‘turtled.’ The struggle continued and both SO1 and a male in the residence said that the female was pregnant. The female was placed in handcuffs and removed from the home. She continued to cause a disturbance on her way out.”

Video of BPS Lobby:

Following her release from custody, AP attended to the BPS detachment. She was present, in the lobby, from 6:11 p.m. until 6:40 p.m. on February 5. While in the lobby, AP appears to be speaking with staff at the front counter and spends the majority of her time seated. AP appears to be favoring her right arm until 6:38 p.m., when she appears to be using both arms fully and without difficulty. There are no obvious signs of injury on AP during the entirety of the video.

Conclusion:

AP's version of events are not supported by the observations of the civilian witness. Though the attending police officer threatened the use of a CEW, none was deployed. Although AP states that she was kicked in the ribs and lower back, she only complains of soreness to her arm and wrist (because of handcuffs). AP was placed under arrest by SO1, he used his knee on her to gain compliance and restrain her. Once AP was restrained, all use of force ended. CW does not observe SO2 apply any force to AP.

In summary, this investigation has determined that there is insufficient evidence to support the allegation that police officers used excessive and unnecessary force on AP during the course of her arrest. There are no grounds to justify any charges against either of the subject officers. The IIU investigation is complete and this file is closed.

Final report prepared by:

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