



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
INJURIES DURING A BRANDON POLICE SERVICE ARREST**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
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Introduction

On Oct. 23, 2023, the Brandon Police Service (BPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Written excerpt from Part 7 Notification received on Oct. 24, 2023:

On Oct. 19, 2023, the chair of Westman Community Mobilization attended BPS to meet with them. She reported that she had been told by a CFS case worker that SO had assaulted AP during an arrest.

The brief noted that AP, a young person, drank alcohol at her residence with friends and became intoxicated. The group came to the attention of BPS officers when a neighbour called police to report fighting. AP walked towards police while they were arresting her boyfriend and she was slammed against the outside wall of the house, thrown to the ground, handcuffed and was hit several times in the face with an open and closed fist by SO. SO then put his knee on her neck and when she said she couldn't breathe he pressed down harder. The brief also states that SO slammed her between the door and the wall in the bathroom, put his forearm across her upper chest and neck and then hit her in the face with his other forearm while at the hospital. SO called AP a "Rez Dog" and a "Neechie" several times during the arrest. Several photos of bruising and scrapes on AP were also provided.

AP was charged with Obstruct and Resist Police Officer and released to an adult in the morning.

As this matter concerned injuries during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 75(1) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- audio transmissions
- patrol car video
- Child and Family Services (CFS) information
- use of force report
- medical reports

The civilian director designated one subject officer (SO1) and two witness officers (WO1 to WO2). IIU investigators also received information from AP and three civilian witnesses (CW1 to CW3).

Facts and Circumstances

Scene Examination

IIU investigators attended the scene and conducted a canvass of the area for further evidence. IIU investigators did not see any surveillance cameras in the area. Further, IIU investigators did not locate any further witnesses to the incident beyond what was already provided through BPS.

Interviews

Affected Person

AP was interviewed by IIU investigators on Dec. 5, 2023, and provided the following information:

AP stated that she started drinking with CW3 at her residence for roughly three to four hours before the incident. After finishing the alcohol, AP and CW3 went over to CW2's residence to smoke some weed. All three were outside when AP noticed that a police vehicle attended her residence. All three went to a nearby sandbox while they watched police attending the residence.

Shortly after, police went up to the three individuals and sought information from them. AP stated that she was not drunk or high at the time of speaking with the officers. AP recalled that CW3 was talking loudly around the corner. AP went around the corner of the residence and saw the officers handcuffing CW3. AP started walking towards the officers and SO grabbed her arm and threw her against the spiky wall. AP stated that her arm and leg hit the wall.

AP stated that she raised her arms up as she thought SO was going to hurt her. AP stated that SO lunged at her and tripped her to the ground. AP stated that while her arms were out in front of her, she was asking the officers to get off her and asking to be told what she had done. AP stated that SO was punching her in the face with an open and closed fist, telling her to stop resisting and to stay still. AP denied that she was resisting and told the officer "Fuck you." AP confirmed that another officer grabbed her arms to handcuff her.

While in handcuffs, AP stated that SO was kneeling on her neck and hit her in the face. AP stated that she could feel the punches, but she was starting to go numb in her head due to the assault. AP stated that things were going fuzzy and that her hearing was getting muffled. AP confirmed that the officers picked her up and she noticed CW1 and CW2 were watching the incident. AP stated that she was crying and was slammed by her head into the back of the police vehicle. AP confirmed that she was extremely mad about the assault by the officers.

NOTE: In AP's original statement to CFS she mentioned a significant assault having occurred while in police custody at the hospital. There was no mention of the assault at the hospital while interviewed in relation to the IIU investigation.

Civilian Witnesses

Civilian Witness 1 (CW1)

IIU investigators originally attempted to interview CW1 on Jan. 4, 2024, however CW1 was unable to provide a coherent statement. IIU investigators took a second statement from CW1 on Mar. 25, 2024, and were provided the following information:

CW1 confirmed that police attended his residence because of someone saying they were being loud. CW1 stated that police were about to leave the area when they heard AP and CW3 yelling and being loud. CW1 confirmed that police went around the corner of the residence to have a discussion with AP and CW3.

CW1 recalled hearing CW3 yelling “get off her” along with AP yelling the same thing. CW1 went around the corner of the residence and observed AP on the ground in handcuffs with two officers on top of her. CW1 recalled the officers telling AP that she was under arrest and to stop resisting. One officer had his knee on her back while SO was on her upper back. SO was using his upper palm to hit AP’s head between six to eight times. CW1 stated the shots from SO were hitting AP between the ear, the temple and her cheek. CW1 recalled that AP was yelling for SO to stop and to get off her. CW1 believed that AP may have passed out because her body stopped moving for roughly 10 seconds.

NOTE: CW1 originally provided a statement to CFS in relation to the incident that is consistent with the statement provided to the IIU on the second occasion.

Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on Feb. 5, 2024, and provided the following information:

CW2 confirmed that she was sitting in the sand box area with AP and CW3 before the incident. CW2 confirmed that the police had attended AP’s residence. CW2 observed that AP and CW3 began to argue about something around the corner of the residence and that CW2 went back into her residence for a moment.

CW2 came back outside and saw CW3 in handcuffs being directed by officers into the back of the police vehicle. CW2 saw AP run up to the officers resulting in one of the officers asking AP what she was doing. SO walked over to AP and pushed her into the concrete wall. AP defended herself and according to CW2, “they were all over the place.” SO then took AP to the ground and another officer assisted SO in keeping AP on the ground. CW2 saw SO place his hands on AP’s shoulders to keep her down on the ground while the other officer attempted to hold AP’s legs. CW2 confirmed that the police took AP down on the concrete ground and held her face down.

CW2 confirmed that they were fighting for awhile before AP was placed in handcuffs. CW2 confirmed that SO pushed AP’s face down to the ground. CW2 confirmed that AP was yelling at the officers to stop and to get off of her.

Civilian Witness 3 (CW3)

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CW3 was interviewed by IIU investigators on Feb. 5, 2024, and provided the following information:

CW3 acknowledged that his recollection of the incident was limited as a result of being intoxicated. CW3 confirmed he was there and that he was arrested, but he did not know why he was arrested because he had blacked out. CW3 confirmed that AP was thrown by police against a wall and then to the ground. CW3 could not provide any further details in relation to AP's incident because of his level of intoxication.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Mar. 25, 2024, and provided the following information:

WO1 was dispatched to the area because of a disturbance call. WO1 confirmed that he attended the scene with WO2 and SO. WO1 spoke with CW2 and everything appeared to be calm in the area. WO1 was about to leave the area when he heard a male and female yelling at each other nearby.

WO1 attended and observed three young individuals who appeared to be quite intoxicated. WO1 noted that CW3 was unable to stand on his own without assistance. WO1 stated that the officers were trying to establish who the three young individuals were and ensure their well-being when CW3 became belligerent. WO1 handcuffed CW3 and started to take him to the police vehicle for his well-being and safety.

AP and CW2 started following WO1 towards the police vehicle, stating that WO1 could not arrest CW3. AP started to run towards WO1 and CW3. SO tried to stop AP from reaching WO1 and grabbed AP. WO1 noted that AP was extremely agitated and determined to get at WO1 and CW3, so she started to fight with SO. WO1 observed AP swing SO's arms up into his own face as she struggled to get by him, towards WO1 and CW3. AP was close enough to WO1 that he had to grab AP's arm and bicep area to keep SO from getting hit.

WO1 continued to take CW3 to the police vehicle while WO2 went to assist SO with AP. WO1 saw AP on the ground on her back throwing punches at SO from the ground. SO and WO2 were trying to grab AP's hands as they were flailing everywhere. WO1 noted that SO was off to AP's side attempting to control her arms and that he was eventually successful. WO2 was able to handcuff AP once SO could control her arms.

WO1 stated that he did not see how AP was taken to the ground because he was focused on CW3. WO1 also stated that he did not see any officer punch, knee or strike AP. WO1 stated that all use of force in relation to AP was to restrain and control her. WO1 believed that AP would have assaulted him if SO had not stepped in between them.

Witness Officer 2 (WO2)

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WO2 was interviewed by IIU investigators on Mar. 21, 2024, and provided the following information:

WO2 confirmed that they attended the area because of a disturbance call. WO2 confirmed that they were about to leave the area when they heard screaming nearby. WO2 confirmed that he saw three young individuals who appeared to be intoxicated. WO2 noted that CW3 was extremely intoxicated and that they decided to arrest him for his well-being and safety.

WO2 was assisting WO1 in taking CW3 to the police vehicle when he heard yelling behind him. WO2 recalled that AP was sprinting towards him and WO1 when SO stepped in to intervene. WO2 believed that SO's actions stopped WO1 and WO2 from being assaulted.

WO2 confirmed that AP was extremely agitated and was starting to assault SO while screaming. WO1 told WO2 to assist SO with AP because she had punched SO in the head. WO2 told AP to calm down but she continued to flail her arms and grabbed a hold of WO2's vest. WO2 noted AP to continue to resist arrest as they attempted to handcuff her. WO2 confirmed that they were eventually able to handcuff AP.

WO2 noted that AP appeared to be extremely intoxicated or high. WO2 stated that neither officer struck AP and that all use of force was in relation to gaining control of AP as she continued to resist arrest. WO2 noted that both officers were directing AP to calm down and to stop resisting arrest.

WO2 confirmed that AP was taken to the hospital and that she was cleared and taken to the detachment to sober up. WO2 did not notice any injuries to AP at the time.

Subject Officer

In accordance with his rights, SO declined to be interviewed by IIU investigators. However, SO did provide the use of force report, which supplied the following information:

SO confirmed that he was present during the incident and that WO1 was in the process of arresting CW3 when AP started to run at WO1 and WO2. SO grabbed AP and told her to get back. AP continued forward and lunged at WO1 and WO2, resulting in SO grabbing her and pushing her back, causing AP to stumble against the house and fall. AP got up and started to assault SO by punching and scratching him in the face. SO told her to stop and that she was under arrest, however, AP did not comply.

SO was able to pull AP to the ground, however, she continued to resist, causing WO2 to come over and assist. SO tried two pressure points to her jaw and ear to keep AP under control without success as she continued to kick and flail. SO delivered three high level mechanical stuns to the head, which eventually allowed WO2 to handcuff AP.

Other evidence

Medical Reports

AP was seen at the emergency room soon after the incident. Medical staff were advised of the incident and did not observe any significant injuries or concerns. AP did confirm that she had been drinking alcohol.

AP was seen by a doctor soon after the incident where further bruises were noted. IIU was provided with the medical records along with the photos of the injuries.

CCTV Brandon Hospital

IIU investigators reviewed the hospital surveillance and no physical altercation occurred as alleged by AP in her statement to CFS. There is evidence of AP leaving her room and not complying to verbal directions from SO and WO2, resulting in the officers taking control of AP and directing her back into the room.

Audio from patrol vehicle

IIU was provided audio from the patrol vehicle and the following interaction was heard:

- 23:36:01 – someone says, “You’re a Neechie that’s why.”
- 23:36:03 – AP stated, “What the fuck, did you just really say that, that I’m a Neechie.”
- 23:36:06 – AP stated, “What the fuck do you think is going to happen when my uncles hear that.”

I can not attribute this comment to anyone specifically, however, the comment is made when the only individuals present are AP, WO2 and SO. In the spirit of reconciliation, transparency and accountability to the public, I cannot condone such language as appropriate or necessary. Efforts must be made to do better, and education must occur to ensure that such language is not used in a derogatory context.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sec. 25(1), of the Criminal Code of Canada has been emphasized here for consideration:

25 (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person,

(b) as a peace officer or public officer,

(c) in aid of a peace officer or public officer, or

(d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

Crown Opinion

On Oct. 16, 2024, the IIU investigative file was sent to Manitoba Prosecution Service to review the matter to determine whether any Criminal Code offences should be authorized against the subject officer.

On May 2, 2025, a Crown opinion was provided to the IIU, advising that the Crown is not recommending charges against the subject officer. Manitoba Prosecution Service (MPS) advised of the following:

While it is always in the public interest to hold police officers accountable, there must also be a reasonable likelihood of conviction for MPS to prosecute a matter. After a review of the potential evidence, including witness statements, police reports, surveillance footage, medical reports and injury photos, the Crown is of the view that there would be no reasonable likelihood of conviction with respect to any potential charges and therefore no charges ought to be authorized. When MPS is consulted for charge authorization in any criminal matter, we employ the same standard for proceeding with criminal charges.

Conclusion

Given that the Manitoba Prosecution Service's opinion is that the standard for prosecuting charges has not been met, the civilian director will not be authorizing charges. Therefore, no charges are recommended and the IIU investigation is now completed and closed.