



**IN THE MATTER OF AN INVESTIGATION INTO AN ALTERCATION INVOLVING  
OFF-DUTY WINNIPEG POLICE SERVICE OFFICERS**

**FINAL REPORT OF THE CIVILIAN DIRECTOR**  
**OF THE INDEPENDENT INVESTIGATION UNIT**

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2023-0081
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## **Introduction**

On Dec. 14, 2023, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

Excerpt from Part 7 Notification received on Dec. 14, 2023:

*On December 14th, 2023, at approximately 1:57 a.m., AP contacted the WPS non-emergency line indicating that he had been assaulted by two males, believed to be off-duty police officers. WPS members were dispatched and met with AP who informed them that he was at the Green Brier Inn located at 1611 Main Street, Winnipeg when this occurred.*

*AP became involved in a dispute with two males and a female which escalated to the point where the two males became involved in an altercation with AP, resulting in AP receiving minor injuries*

*Surveillance video from inside the green brier was reviewed, showing an interaction between AP and two off-duty officers. Independent Investigation Unit was then notified and took carriage of the investigation*

As this matter concerned an altercation involving off-duty officers, 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 WPS or of their own accord:

- notes, narratives and reports of officers
- video surveillance
- injury photos of AP

The civilian director designated three subject officers (SO1 to SO3) and twenty witness officers (WO1 to WO20). IIU investigators also received information from AP.

## **Facts and Circumstances**

### **Scene Examination**

IIU investigators attended the green brier and received the video surveillance available from the manager of the business. Although there were civilian witnesses present at the premise during the incident, no individuals came forward to provide evidence.

## Interviews

### Affected Person

AP was interviewed by IIU investigators on Dec. 20, 2023, and provided the following information:

AP stated that he was drinking and playing VLTs at the legion before the incident. He confirmed that he was aware police officers were having a party at the legion on the second floor.

AP stated that after the legion closed, he went to the green brier to continue drinking and played VLTs. AP believed that he was at the green brier for approximately an hour before the incident. AP confirmed that during this time, he had a verbal disagreement with a table of approximately fifteen to twenty people he believed were police officers. AP recalled a female telling him “to keep walking away,” and he did not think any further about the interaction with the table, because he proceeded back to the VLTs.

AP stated that as he was coming back from having a smoke outside, he was grabbed by two males from that table and was pushed outside the door. He stated that the older officer ended up kicking him. AP believed the kick caused his ribs to break.

AP stated that he was then grabbed by the two males outside and dragged into the middle of traffic on main street. He believed that he was kicked in the head by one of the officers, causing a black eye. He recalled being told by one of the males “to get the fuck out of here.”

AP went home and reported the matter to the police. He advised that he felt like his head was cracked and that he had broken ribs and a black eye. AP confirmed that he did not go for any medical assistance related to his injuries.

AP stated that he drank between seven and 14 beers throughout the night and smoked some weed before attending the legion. He did not believe that he was intoxicated, however, he acknowledged that he could not recall the nature of the discussions he had with the officers at the table.

AP stated that when he was laying on the sidewalk, the two male officers jumped on top of him and punched and kicked him in the head and face. AP recalled that there was a female with the two male officers, but he did not recall much in relation to her involvement. AP believed that might have been the officer who told him to “keep walking” earlier on in the evening.

It should be noted that AP’s statements to WPS and IIU do not entirely correlate with the video surveillance provided by the green brier. There are brief physical interactions on two occasions between AP and the off-duty officers, however, the video does not show any punches or kicks to AP’s head. AP and the subject officers do go off camera for a brief period of time. One camera does show a kick to AP’s buttock or lower back area. The video also does not show anyone dragging AP into the middle of main street — this would have been caught on at least one camera, based on AP’s statements. A further review of the video surveillance will be provided later in this report.

## **Witness Officers**

### Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Feb. 21, 2024, and provided the following information:

WO1 was tasked with the interview of AP at AP's residence the following day. WO1 took AP's statement and saw a bruise and abrasion over AP's left eye. WO1 offered to take AP for medical assistance and he declined.

### Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Feb. 29, 2024, and provided the following information:

WO2 confirmed that he was present at the legion and then at the green brier. WO2 did not see any altercation, but he did recall an individual being told to "leave" The table. WO2 confirmed that the individual told to leave was not an officer, but he could not identify the individual beyond that.

### Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on March 18, 2024, and provided the following information:

WO3 confirmed that he attended the party at the legion and then at the green brier. He confirmed that he played VLTs at the green brier and did not witness any altercation.

### Witness Officer 4 (WO4)

WO4 was interviewed by IIU investigators on Feb. 28, 2024, and provided the following information:

WO4 confirmed that he attended the legion and the green brier. He heard a commotion and went outside, where he saw AP holding SO2 around the shirt collar area. WO4 heard AP uttering threats at SO2 and both parties were pushing each other back and forth. WO4 heard SO2 tell AP to go home and then SO2 and WO4 went back towards the entrance of the bar.

WO4 asked SO2 how this all started and was informed that AP had tried to grope SO1 earlier in the bar. SO2 also told WO4 that AP had ripped his chain off during the pushing altercation. WO4 confirmed that he told AP to go away after being told what happened to SO1.

WO4 was able to identify each subject officer for the investigators.

### Witness Officer 5 (WO5)

WO5 was interviewed by IIU investigators on May 30, 2024, and provided the following information:

WO5 confirmed that they attended the legion and the green brier, however, they were not present or aware of any altercation at either location.

Witness Officer 6 (WO6)

WO6 was interviewed by IIU investigators on Feb. 20, 2024, and provided the following information:

WO6 confirmed that he attended the legion and the green brier. WO6 stated that he was not present for any altercation or argument at either location.

Witness Officer 7 (WO7)

WO7 was interviewed by IIU investigators on Feb. 29, 2024, and provided the following information:

WO7 confirmed that he was present at the legion and green brier. He acknowledged that he was quite intoxicated and did not have any recollection of an argument or altercation.

Witness Officer 8 (WO8)

WO8 was interviewed by IIU investigators on Feb. 28, 2024, and provided the following information:

WO8 confirmed that she was present at the legion and then the green brier. She estimated that there were roughly twenty officers at the green brier when she was present. WO8 confirmed that she was not drinking that evening.

WO8 saw an altercation between AP and SO3. She stated that AP got into SO3's face and was arguing with him. WO8 heard SO3 comment that AP had been kicked out of the bar earlier for groping SO1. WO8 witnessed SO3 escort AP out of the bar. She did not see SO3 be physical with AP while he was escorting him out because her view was blocked.

IIU investigators provided WO8 with a photo of AP, and she confirmed that AP did not have any injuries to his face before SO3 escorted him out of the green brier. WO8 confirmed that she did not leave the green brier and did not know if anything further happened outside.

Witness Officer 9 (WO9)

WO9 was interviewed by IIU investigators on Feb. 24, 2024, and provided the following information:

WO9 confirmed that he was present at the legion and then at the green brier. He recalled a verbal argument at the green brier, but he confirmed to the IIU investigators it did not involve AP. WO9 stated that the verbal argument he recalled involved an elderly gentleman and another civilian.

WO9 was not aware of any incident involving AP from that evening.

Witness Officer 10 (WO10)

WO10 was interviewed by IIU investigators on Feb. 20, 2024, and provided the following information:

WO10 attended the legion and the Green Brier. She did not recall any incident at either the legion or the Green Brier. WO10 confirmed that her recollection of the evening was affected because of her level of intoxication.

Witness Officer 11 (WO11)

WO11 was interviewed by IIU investigators on May 14, 2024, and provided the following information:

WO11 confirmed that he attended the legion and Green Brier. He recalled some kind of commotion at the Green Brier, however, he was not aware of who was involved, because he was at the bar when it happened.

IIU investigators showed WO11 a photo of AP and he believed that AP was at the Green Brier, but he was not entirely certain.

Witness Officer 12 (WO12)

WO12 was interviewed by IIU investigators on Feb. 20, 2024, and provided the following information:

WO12 attended the legion and the Green Brier. She recalled that there was a commotion involving some police officers, but she did not witness what actually happened. WO12 did go out after the incident and try and help SO2 in locating his gold chain.

She acknowledged that she was quite intoxicated that evening.

Witness Officer 13 (WO13)

WO13 was interviewed by IIU investigators on Feb. 21, 2024, and provided the following information:

WO13 was tasked with taking a statement from AP the following day. He noted that AP had a bruise over his left eye. WO13 recalled that AP was having difficulty providing a detailed account of the incident, however, AP did confirm that he was assaulted by two male officers at the Green Brier. AP told WO13 that the incident may have started because of his comments directed towards SO1, but he wasn't entirely certain.

WO13 stated that it was difficult to get a fulsome statement because AP's rememory appeared to be affected by alcohol consumption.

Witness Officer 14 (WO14)

WO14 was interviewed by IIU investigators on Feb. 20, 2024, and provided the following information:

WO14 confirmed that he attended the legion and the Green Brier. He stated that he was not aware of any incident at the legion or Green Brier. IIU investigators showed WO14 a photo of AP and he stated that he did not recall seeing him on the date of the incident.

Witness Officer 15 (WO15)

WO15 was interviewed by IIU investigators on March 1, 2024, and provided the following information:

WO15 was asked to assist with the investigation involving AP. He met with AP and observed an injury to his left eye area. WO15 confirmed that AP provided a statement.

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WO15 was tasked with attending the Green Brier to review video footage.

He was able to locate the video footage of the incident involving AP and the officers. WO15 was able to identify the subject officers for IIU investigators. He also gave investigators the names of potential witness officers who he saw on the video surveillance.

Witness Officer 16 (WO16)

WO16 was interviewed by IIU investigators on March 28, 2024, and provided the following information:

WO16 attended the Green Brier and did not witness or hear of any incident occurring that evening. WO16 believed the first he heard that something happened at the green brier was when it was reported to the IIU.

Witness Officer 17 (WO17)

WO17 was interviewed by IIU investigators on March 28, 2024, and provided the following information:

WO17 attended the legion and Green Brier. WO17 confirmed that he saw AP causing a commotion during the evening. WO17 observed SO3 yelling at AP that AP knew why SO3 was yelling, but WO17 did not know the background of the comments. WO17 confirmed that he witnessed AP and SO3 exit the green brier, but he did not see anything further because he stayed in the bar.

Witness Officer 18 (WO18)

WO18 was interviewed by IIU investigators on May 21, 2024, and provided the following information:

WO18 was present at the legion and the Green Brier. He recalled a commotion at the Green Brier and someone yelling "Get lost, get the fuck out of here." WO18 did go outside after the commotion and saw the guy that was pushed out the door (AP) north of the Green Brier yelling. WO18 went back inside and had another drink.

WO18 was not aware that the incident may have involved officers until the next day when he went into work. He thought security at the Green Brier had dealt with the guy (AP) and pushed him out the door.

Witness Officer 19 (WO19)

WO19 was interviewed by IIU investigators on April 24, 2024, and provided the following information:

WO19 attended the legion to pick up her husband and drove him along with SO1 and WO20 to the Green Brier. She did not witness or hear anything while at the Green Brier. WO19 did not drink that evening.

### Witness Officer 20 (WO20)

WO20 was interviewed by IIU investigators on May 14, 2024, and provided the following information:

WO20 was at the legion and Green Brier. He recalled seeing an officer from another shift walk out with a civilian, but he did not witness any altercation. WO20 did not know who the officer was, he just knew that he was an officer.

### **Subject Officers**

In accordance with their rights, all three subject officers declined to be interviewed by IIU investigators.

### **Other evidence**

#### Injury Photos

In the photos, AP had bruising near his left eye and an abrasion to his face.

#### Medical Reports

Despite repeated requests by IIU investigators, AP declined to go for medical assistance. Ian investigator asked for an update from AP about his injuries on May 30, 2024. AP told the investigator that he had not gone for a medical assessment for his injuries.

#### Video Surveillance

The Green brier Inn provided IIU investigators with all available video surveillance from numerous cameras. Having reviewed all the surveillance footage, only three camera angles are relevant to the incident as follows:

#### **Video Clip #6 23:43:40-23:44:48 hrs.**

At 23:43:40 hours, the camera view is looking towards the front doors onto Main Street. The three subject officers can be seen in the lobby near an ATM machine having a conversation. All three subject officers are unsteady on their feet.

At 23:44:06 hours, four female patrons can be seen walking through the front doors to enter the lobby area, and they proceed to walk into the bar uninterrupted.

At 23:44:09 hours, AP can be seen walking towards the front doors that lead to Main Street. AP is unsteady on his feet. As he walks by the subject officers, SO2 can be seen putting both of his hands in the air and appears to be trying to engage AP in a friendly conversation. SO1 also approaches AP with arms open and in a friendly manner. AP appears to be saying something back to SO2. AP stops with his back to the front doors, still engaged in some type of dialogue. SO1 can be seen walking towards AP with her hands out and appears to be saying something to AP.

At 23:44:20 hours, SO1 can be seen grabbing at AP and appears to be making gestures towards the outside. AP pushes SO1's hands off his body. SO3 can be seen walking in the direction of the front doors and approaching AP. SO3 kicks AP in the shin and proceeds to place both of his hands across AP'S chest.

At 23:44:25 hours, SO3 shoves AP towards the outside. AP can be seen falling onto the sidewalk, directly in front of the front doors.

At 23:44:30 hours, SO3 closes the front door and starts to walk back inside.

At 23:44:35 hours, AP appears to have gotten up off the sidewalk and can be seen standing directly in front of the open door while SO2 engages with him. SO1 and SO3 are standing directly behind SO2.

At 23:44:45 hours, SO3 can be seen moving closer to the open door and directing some type of comment at AP.

At 23:44:57 hours, a male and a female patron can be seen walking in through the open door while AP is still standing outside the door and engaged in some type of dialogue with the subject officers.

Note – timestamp on this camera is incorrect. It is roughly fifty-four minutes delayed from the actual time of the incident.

#### **Video Clip #4 (Same Clip as #6 – different angle)**

2023-12-14 00:39:15 – 00:40:59 hours – Correct time

At 00:39:15 hours, the front door opens and closes a couple of times before AP is thrown out and eventually lands on his buttocks on the front sidewalk. AP quickly gets up off the sidewalk and approaches the front doors again. AP stands behind the partial open door and is having a conversation with someone (possibly SO1 and SO2) standing in the doorway.

At 00:39:45 hours, AP continues to have discussions with the subject officers as he starts to walk down main street away from the Green Brier. Within a few seconds, SO2 and SO3 can be seen walking outside and both can be seen walking north on the east sidewalk of Main Street, going in the same direction as AP.

At 00:40:10 hours, both SO2 and SO3 go off camera.

SO1 can be seen on the sidewalk looking north, likely looking at whatever is happening off camera.

At 00:40:45 seconds, SO3 walks back and appears on camera again, continuing towards the front doors of the Green Briar. SO3 shakes hands with an unknown male and walks inside.

### **Main Street Camera**

At 00:41:30 hours, SO3 can be seen standing on the sidewalk looking north where AP and SO2 are still off camera. SO3 stands around and observes whatever is taking place.

At 00:41:35 hours, SO3 starts to walk away and then sticks out his middle finger, presumably at AP.

At 00:42:00 hours, SO2 reappears in camera view and can be seen walking to the front doors of the Green Briar and goes inside.

At 00:44:20 hours, AP is on his bike back near the front doors, puts the bike on the sidewalk and appears to be speaking with someone standing near the front doors. No injuries to AP are noted at this time.

At 00:47:00 hours, AP picks up his bike and walks north

At 00:47:10 hours, AP walks back towards the front door with no bike.

At 00:48:04 hours, AP is being escorted out the front doors as he is being held by his arms. On the right-hand side is SO2 and on the left-hand side is SO3. AP is walked over to the front sidewalk and pushed/taken down from either side by his legs onto the ground. SO3 appears to be making comments at AP. SO3 kicks AP once with his right leg near AP's buttock/lower back area as AP lays down on the ground. SO2 and SO3 walk away from AP and towards the front doors.

At 00:48:20 hours, AP gets up off the ground and starts to walk north on main street as SO2 raises his right hand and sticks out his middle finger at AP. AP also appears to be making some remarks back towards SO2 and SO3.

At 00:48:28 hours, AP walks north while being followed by SO2 and SO3 — all parties go out of camera view.

At 00:48:35 hours, WO18 and WO12 walk out of the front door and go north in the same direction as everyone else off camera view.

At 00:49:00 hours, WO4 walks out of the front doors and can be seen lightly jogging north towards everyone else off camera view.

At 00:49:43 hours, SO3 and WO18 are back in camera view and walk towards the front doors.

At 00:50:10 hours, WO4 is back in camera view.

At 00:50:40 hours, SO3 and WO4 walk back north on the sidewalk, off camera view.

At 00:51:28 hours, WO4 is back in camera view.

At 00:51:47 hours, SO3 is back in camera view.

At 00:52:00 hours, SO2 and WO12 are back in camera view and appear to be looking for something in the snow.

At 00:52:30 hours, SO2 and WO18 are both looking for something possibly lost in the snow and then they go out of camera view.

At 00:53:26 hours, SO2 and WO18 are back in camera view and can be seen going back inside the front doors.

At 00:56:20 hours, AP is back with his bike in camera view, speaking with an unknown male in a construction vest having a smoke. AP can be seen pointing north while speaking with the unknown male. AP appears to have an injured left eye when he is on camera.

### **Applicable Law**

Sec. 266 and Sec. 34 of the Criminal Code of Canada were reviewed, along with all relevant caselaw.

### **Conclusion**

AP had difficulty in recollecting the incident in comparison to the independent evidence, making it difficult to assess the situation against the charging standard. A trauma informed approach must be taken when assessing possible charges in relation to this incident and AP's ability to recall the incident.

With respect to Subject Officer 1, I am declining to authorize charges, as his limited involvement in the situation would not meet the charging standard required, based on the evidence and caselaw. That file is closed.

With respect to Subject Officer 2 and Subject Officer 3, evidence gathered along with video surveillance shows that an altercation occurred between the off-duty officers and AP. It is clear that the parties were exchanging verbal comments and that AP was pushed out a door and then

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shortly after taken to the ground. AP was also kicked in the buttock/lower back area while he was involved in the confrontation with the subject officers.

SO2 and SO3 agreed to actively participate in a restorative justice approach to address their actions related to the incident. The civilian director is satisfied with their restorative efforts as a meaningful consequence for this incident. Therefore, no charges are recommended and the IIU investigation is now completed and closed.