



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
SERIOUS INJURIES DURING AN RCMP ARREST IN THOMPSON**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2024-0024
Date of Release:	April 29, 2025

Introduction

On May 9, 2024, the Royal Canadian Mounted Police (RCMP) 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 May 10, 2024:

On May 09th 2024, the Thompson RCMP attended to locate and arrest AP for an outstanding warrant. SO and WO1 attended and were allowed access to the suite by a civilian.

SO located AP in the bathroom. AP immediately grabbed SO by the neck and put the officer in a chokehold. SO punched AP and WO1 deployed a CEW to stop the assault and gain control of AP.

AP was taken into custody and transported to the hospital due to facial injuries and being subjected to multiple CEW deployments. AP received a CT scan at the Thompson General Hospital which revealed a broken orbital bone.

WO2 advised AP had a black eye prior to police involvement. SO received minor physical injuries as a result of the altercation.

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 RCMP, among other items:

- notes, narratives and reports of officers
- audio transmissions
- watch guard video
- use of force report
- medical reports

The civilian director designated one subject officer (SO) and four witness officers (WO1 to WO4). IIU investigators made repeated efforts to locate civilian witnesses without success.

Facts and Circumstances

Scene Examination

No scene examination or canvassing of the area was conducted by the IIU.

Interviews

Affected Person

AP was interviewed by IIU investigators on May 15, 2024, and provided the following information:

AP confirmed that he was aware police were present in the suite, as he heard the police state they were there because of a complaint about drinking and children being present. AP stated that no children were present and that he initially went behind the bathroom door when police entered the suite.

AP stated that once police were able to identify him in the bathroom, they advised him that he was under arrest. AP said that the first officer that came towards him started to punch him near the sink. AP stated that he just grabbed the officer's arms so the officer would stop hitting him. AP confirmed that he was not successful in grabbing the officer's arms and was punched roughly 10 times. A second officer entered the fray and started to punch AP as well. AP said his focus was on the initial officer who started punching him, but AP recalled his leg being swept and falling to the floor.

AP observed three police officers near him in the bathroom area. AP stated that he was not resisting and was only shaking on the floor as a result of being tasered. AP stated that his hands were on his stomach while he was lying on his back on the floor and then AP moved his hands to his head to protect against getting punched. AP confirmed that officers were telling him to give up his hands and to stop resisting arrest, but AP denied he was doing either of those things. AP stated that he was tasered three times and he went unconscious after the third deployment. AP was screaming while being tasered.

AP denied assaulting any officer, but confirmed he tried to grab one of the officer's arms to stop getting punched. AP confirmed that he was handcuffed with two sets of cuffs because of a previous issue with his hand. AP confirmed he was taken to the hospital to have his injuries treated after he was placed in custody.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on May 24, 2024, and provided the following information:

WO1 was partnered with SO on the day of the incident. WO1 confirmed that they were assisting general duty in locating AP for arrest on an outstanding warrant. WO1 and SO went to the residence and were let into the suite by a female. The female confirmed that AP was present in the suite, so they went to search for him. WO1 saw SO push the bathroom door, but it seemed to be blocked. SO pushed the door a second time when AP came out from behind the door and stated, "I'm AP." AP immediately went to grab SO, trying to choke him.

WO1 went to assist SO, however, it was a small area and SO was in the door frame while AP was choking him and standing in the bathroom. SO was trying to get distance between him and AP and break away from AP's chokehold, so he punched AP. WO1 was able to reach under SO with his taser and deploy it successfully into AP. AP was screaming in pain from the taser

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deployment and fell to the ground, however, he continued to fight with the officers. AP was kicking and swinging at the officers while they attempted to handcuff him. SO punched AP a couple of times because AP was resisting arrest while on the ground.

WO1 deployed his taser again, making AP scream, but AP continued to be noncompliant. AP placed his hands into the waist of his pants and refused to remove them from the waist area. WO1 and SO continued to try and retrieve AP's hands from his waistline, because they thought he may have had a weapon. AP continued to resist so. WO1 deployed his taser a third time, making AP comply. They were able to handcuff AP and assist him off the floor.

WO1 observed AP to be bleeding from his forehead and nose and contacted medical services. WO1 confirmed that he did not use any force on AP, other than his taser three times. WO1 confirmed that no further force of any kind was used on AP after he was handcuffed.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on July 31, 2024, and provided the following information:

WO2 confirmed that he was assisting the other officers in trying to locate AP to execute the warrant. WO2 recalled that they had searched a few areas without success, so WO2 went to complete other tasks in the area. WO2 heard over the radio that the officers had found AP, so he went to the scene to help.

WO2 observed that AP was already in custody when he arrived. WO2 noted that AP was bleeding from his eye area, so they brought AP over to the watch guard in WO3's police vehicle to record the injuries. WO2 recalled that WO3 already had an accused person in the back of his police vehicle, so they swapped this person out and placed AP in WO3's vehicle. The other accused informed WO2 that AP already had a black eye before the police incident.

WO2 noted SO to have redness to his neck area and did not observe any injuries to WO1. WO2 confirmed that SO advised him that while they searched the suite, AP grabbed SO and started to choke him. WO2 was not present for the actual incident.

Witness Officer 3 (WO3)

WO3 was interviewed by IIU investigators on May 24, 2024, and provided the following information:

WO3 was assisting in the search for AP because of AP's warrant. WO3 remained outside the residence, while SO and WO1 entered and searched for AP. WO3 saw a male exiting through a window at the back of the residence and detained him. WO3 placed this individual in the back seat of his police vehicle.

WO3 returned to the back of the residence where he could hear a disturbance from inside the residence. WO3 thought a fight was going on inside and he could hear slamming and stuff breaking. WO3 heard WO1 state that he was going to deploy his taser. WO3 entered the residence through the window at the back and saw SO and WO1 fighting with AP. WO3 noted AP was trying to wedge his hands into his waistband while SO and WO1 were trying to secure AP's hands for arrest. WO3 stated that multiple commands were given to AP to give up his hands before WO1 deployed the taser. After the cycle concluded, WO3 was able to assist in

handcuffing AP. WO3 recalled that WO4 entered through the same window just as AP was being taken into custody.

WO3 wiped blood off AP's face and noted a laceration near AP's left eye socket. WO3 noted an injury to SO's neck area and that SO's hand was injured. WO3 confirmed that medical services attended for AP's injuries.

AP had to go back to the hospital a couple of days after the incident because of an infection in his hand that occurred before the incident. WO3 and WO4 attended the hospital as security for AP, relieving another set of officers. AP talked to WO3 about the arrest altercation and stated that "AP wanted to get shot by police that day."

Witness Officer 4 (WO4)

WO4 was interviewed twice by IIU investigators and provided the following information:

WO4 confirmed that he was partnered with WO3 and that they were assisting in the search for AP because of AP's warrant. WO4 confirmed that he and WO3 remained outside the residence while SO and WO1 entered the residence to locate AP. WO4 confirmed that WO3 arrested a male that had exited through a window and the back of the residence, and that the male was placed in the police vehicle.

WO4 was about to remain at the police vehicle when he heard WO1 over the radio state "get in here. We need help." WO4 entered through the window at the back of the residence and heard a fight going on. WO4 heard a crash and saw a scrum on the floor with AP and SO on the floor on their sides. WO4 confirmed that he heard WO1 yelling for AP to get his hands behind his back numerous times. WO4 confirmed that AP was detained by the time he had entered the bathroom to assist.

WO4 confirmed that the male they arrested earlier was removed from their police vehicle and placed in WO2's vehicle, and that AP was then placed in WO4's vehicle. WO4 confirmed that he observed AP's hand to be very swollen from a previous incident. WO4 noted a scratch to SO's neck. WO4 confirmed that AP was provided medical assistance. WO4 confirmed that he attended to the hospital a few days later with WO3, but he does not recall any interaction with AP at that time.

In his second statement, WO4 informed the IIU investigators that he did recall a discussion with AP at the hospital, but he forgot to put it in his notes, which is why he originally said no interaction with AP took place. WO4 stated in his second statement that AP did discuss the arrest situation with WO4. AP told WO4 that he wanted to "die by cops" and that "AP was going to force the first officer through the door to use his gun."

Subject Officer

In accordance with his rights, SO declined to be interviewed by IIU investigators. SO provided IIU investigators with his notes, which contained the following information:

SO confirmed that he went to the bathroom door and pushed it, but it would not open entirely. SO entered the bathroom and was immediately placed in a choke hold by AP, who was saying "I'm AP!". SO was fighting for his life and felt lightheaded. SO was able to get out of AP's chokehold. SO confirmed the incident was happening in a very small area and AP was

noncompliant with directions to stop resisting. AP continued to place his hands and arms in SO's face and chest area, while SO delivered several strikes to AP to gain compliance. AP continued to resist and WO1 deployed his taser, causing AP to fall to the ground.

AP continued to fight with SO on the ground and SO delivered two more strikes to AP while WO1 deployed his taser again. AP remained resistant to the officers, but they were now able to handcuff him with WO3's assistance.

SO noted that AP was bleeding from his face and that AP had a black eye, which looked like it had occurred before the incident. SO noted that AP also had an injury to his hand, which was already bandaged. SO confirmed that AP was provided medical assistance. SO was seen briefly by medical staff at the scene for his neck injury. SO confirmed his neck and hand were sore from the incident.

Other evidence

Photos

The photos of SO show a bloody scratch to his neck, along with blood on his hand and red knuckles. AP is noted to have a swollen face with bruising and a laceration above the eye, but it is below the eyebrow. AP is noted to have taser probe injuries in his abdomen.

Watchguard Video

AP can be seen in the backseat of the police vehicle, with an officer giving him his rights related to two charges of assaulting a police officer. AP responds, "there was just one that I was fucking the shit out of."

AP's injuries are seen in the watchguard video, along with the taser probes being removed from AP's abdomen. AP is then removed from the vehicle and escorted in an ambulance to the hospital.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Secs. 25(1), 25(3) and 25(4) of the Criminal Code of Canada have 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.

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(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;

(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;

(c) the person to be arrested takes flight to avoid arrest;

(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and

(e) the flight cannot be prevented by reasonable means in a less violent manner.

Conclusion

It is my view that, in the full consideration of the circumstances, there are no reasonable grounds to support any charges against the subject officer. Therefore, no charges are recommended, and the IIU investigation is now completed and closed.