



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING
SERIOUS INJURIES DURING MFNPS ARREST IN OPASKWAYAK CREE NATION**

FINAL REPORT OF THE CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATION UNIT

Acting Civilian Director:	Bruce M. Sychuk
IIU File Number:	2024-0055
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Introduction

On Oct. 30, 2024, the Manitoba First Nations Police Service (MFNPS) 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 Nov. 1, 2024:

- *Oct. 28, 2024, call from the hotel about intoxicated male giving security hard time – won't leave.*
- *FNSOs attend to the incident. AP is uncooperative while being detained. FNSOs slipped on wet floor (being cleaned by cleaners nearby) and fell on top of AP. FNSOs able to eventually handcuff AP.*
- *MFNPS officers, WO1 and WO2 arrive and placed AP in MFNPS police vehicle and transported to police detachment where he was lodged as IPDA.*
- *Lodged at detachment for approx. 19hours. No issues or complaints while lodged.*
- *Upon release on Oct. 29, 2024, AP complaining of soreness to chest. EMS notified, attended and AP turned over to EMS for transport to St Anthony Hospital in the Pas.*
- *Later the same day – the hospital contacted the MFNPS detachment and advised AP had fractured ribs and punctured lung and would be transported to Health Science Centre in Winnipeg for treatment.*

As this matter concerned injuries during an arrest, the IIU assumed responsibility for this investigation in accordance with Sec. 66(4) of The Police Services Act. IIU investigators were assigned to this investigation.

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

- notes, narratives and reports of officers
- hotel footage
- cell footage
- medical reports

The civilian director declined to designate a subject officer. The civilian director designated two witness officers (WO1 to WO2). IIU investigators also received information from two professional witnesses (PW1 to PW2) and AP.

Facts and Circumstances

Scene Examination

No scene examination or canvassing of the area was conducted by the IIU because the incident was captured on the hotel video footage in its entirety.

Interviews

Affected Person

AP was interviewed by IIU investigators on Nov 6, 2024, and provided the following information:

AP acknowledged that he had been drinking before attending the hotel and as a result his recollection of the evening was not very good. AP recalled drinking with a friend in the afternoon and then waking up in a cell with his chest in extreme pain. AP requested the guards to call for an ambulance because of the pain in his chest.

AP confirmed that officers called for an ambulance, and that because of his injuries, he was transferred to Health Sciences Centre in Winnipeg. AP did not have any actual memory of how the injuries may have occurred.

Professional Witnesses

Professional Witness 1 (PW1)

PW1 was interviewed by IIU investigators on Feb. 11, 2025, and provided the following information:

PW1 confirmed that he was called to the hotel to deal with an intoxicated male who was behaving poorly. PW1 saw AP sitting on a couch and initially requested AP to leave the premises. AP was compliant and was starting to walk towards the exit, but he was exhibiting extreme signs of intoxication. PW1 decided it would be best to detain AP under The Intoxicated Persons Detention Act to ensure his well-being.

PW1 and PW2 went over to AP to grab AP's arms. AP tensed up and started to take a few steps forward, resulting in the parties slipping on the freshly mopped floor in the hotel. PW2 fell on top of AP and PW1 fell beside AP, banging his knee on the ground. PW1 and PW2 helped AP to his feet. PW1 did not recall AP complaining about anything as a result of falling on the floor.

PW1 and PW2 transferred AP to WO1 and WO2 once they arrived. AP struggled briefly with WO1 and WO2 as they were placing him into the police vehicle. AP was eventually placed in the back of the police vehicle and taken to the detachment. PW1 and PW2 followed WO1 and WO2 back to the detachment. PW1 confirmed that the parties went directly to the detachment. PW1 observed AP to be cooperative with WO1 and WO2 when he was removed from the back of the police vehicle at the detachment.

Professional Witness 2 (PW2)

PW2 was interviewed by IIU investigators on Feb. 12, 2025, and provided the following information:

PW2 confirmed that he attended to the hotel with PW1 to remove an intoxicated and belligerent male. PW2 confirmed that he saw AP sitting down and that they asked him to leave the premises. PW2 confirmed that AP was having a lot of difficulty standing and that they decided it would be best to detain him for his well-being.

PW2 stated that when they went over to grab and handcuff AP, he started to fight and resist. AP tried to move away from them, and everyone slipped and fell on the freshly mopped floor. PW2 stated that he fell beside AP and not on top of AP. PW2 and PW1 helped AP back to his feet. PW2 did not recall AP making any comments about an injury as a result of falling on the floor.

PW2 confirmed WO1 and WO2 took control of AP to place him in the back of the police vehicle. PW2 recalled that AP resisted being placed in the vehicle, which meant the officers placed AP in the vehicle by carrying him. PW2 confirmed no one hit AP while placing him into the vehicle.

PW2 confirmed that both vehicles went directly to the detachment. PW2 saw AP resisting WO1 and WO2's attempts to take him out of the police vehicle. PW2 confirmed that they had to carry AP into the detachment because he resisted the officers.

Witness Officers

Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Feb. 11, 2025, and provided the following information:

WO1 confirmed that he attended the hotel to assist with an intoxicated male causing trouble. WO1 confirmed that PW1 and PW2 attended to the scene first and had AP in custody when he arrived.

WO1 confirmed that AP was belligerent when being placed into the back of the police vehicle. WO1 confirmed that they had to push AP into the vehicle. WO1 noted that AP was not complaining of any injuries. WO1 stated that they went directly to the detachment once AP had been placed in the back seat.

WO1 confirmed that AP was difficult to process, stating that AP did not want to take his clothes off and would flail his arms after they took the handcuffs off. WO1 noted that AP did not appear to have any difficulty moving his arms nor did AP complain of any pain. WO1 confirmed AP stated that he had been stabbed, but no stab wounds were noted during processing.

Witness Officer 2 (WO2)

WO2 was interviewed by IIU investigators on Feb. 12, 2025, and provided the following information:

WO2 confirmed that they were attending to the hotel to assist in the removal of an intoxicated male causing problems. WO2 confirmed that PW1 and PW2 already had AP detained and he was placed in the back of the police vehicle. WO2 noted that AP was not complaining of any pain or discomfort once he was placed in the vehicle. WO2 confirmed that AP was driven directly to the detachment.

WO2 did not recall AP being combative during processing. WO2 confirmed that AP did not complain at any time about pain or discomfort and was able to move his arms to remove his clothing.

Other evidence

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Hotel Footage

AP can be seen in the video to be quite intoxicated and argumentative with hotel staff. PW1 and PW2 attend on scene, and you can see an employee of the hotel mopping the floor.

PW1 and PW2 talk with AP, and then shortly after, attempt to detain him. AP can be seen resisting and moving away from PW1 and PW2 while they struggle to detain him. The parties slip and fall to the ground, with one of the PWs landing on top of AP and the other PW to AP's side. AP is able to get up from the fall with assistance from the PWs.

Cell Footage

AP can be seen entering the cell area with the assistance of the WOs. AP is not assaulted at any point on the footage, nor is there any signs of AP having any difficulties with his chest. AP is seen on video sleeping off his intoxication in the cell – no concerns observed.

When AP awakes, there does appear to be a concern and Emergency Medical Services arrive shortly thereafter.

Medical Reports

Medical reports note AP's injuries as bilateral rib fractures, multiple side rib fractures and left pneumothorax.

Applicable Law

All relevant sections of the Criminal Code of Canada were considered with respect to this incident. Sections 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.

Conclusion

In reviewing all the relevant evidence available, it can not be said that any officer acted outside their duties in the circumstances. Therefore, no charges are recommended and the IIU investigation is now completed and closed.