



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING THE  
CIRCUMSTANCES OF AN RCMP ARREST IN MOSAKAHIKEN CREE  
NATION**

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

Acting Civilian Director: Bruce M. Sychuk

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## **Introduction**

On Feb. 3, 2025, the Royal Canadian Mounted Police (RCMP) 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 Feb. 3, 2025:

*On Feb. 2, 2025, Thompson detachment received a complaint from a concerned citizen regarding a video posted online. The video is in relation to the arrest of AP in Moose Lake on Jan. 31, 2025.*

*A copy of the video shows SO2 standing on AP's stomach and chest area, who appears to be handcuffed behind his back. A taser is also visible from behind the police vehicle, which was being used by SO1. The video was circulated on Facebook and Instagram.*

*Members had AP under arrest for assault causing bodily harm (x4), assault while choking, failing to comply with probation, assaulting a police officer (x2) and resist/obstruct (x2). During the arrest, AP barricaded himself inside the residence, actively resisted arrest, tried to assault members by kicking and shoving them, and refusing to comply with directions.*

As this matter involved concerning circumstances 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
- cell phone footage
- cell surveillance
- use of force report

The civilian director designated two subject officers (SO1 to SO2) and two witness officers (WO1 to WO2). IIU investigators also received information from the affected person (AP) and two civilian witnesses (CW1 to CW2). It should be noted that there were two potential civilian witnesses that were unwilling or unable to provide evidence related to this matter, despite the IIU investigators' efforts.

## **Facts and Circumstances**

### **Scene Examination**

No scene examination occurred because the incident happened on Jan. 31, 2025. IIU investigators did canvass the area for further potential witnesses or video footage, without anything further developing.

### **Interviews**

#### **Affected Person**

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

AP stated that he was at an individual's residence along with CW2 and other individuals. When police knocked at the door, AP attempted to block the door so they could not enter. AP said that two officers were present with one being described as a heavy-set individual and the other as "an old guy."

AP advised that he attempted to flee the residence through a window, but the officers grabbed him, slammed him to the ground and started handcuffing him for no reason. AP said that he was told he was under arrest and was handcuffed and dragged out of the residence. AP suggested that he "may have resisted a little bit."

AP stated that he tried to re-enter the residence to get a sweater, but the officers put him on the ground and told him to stop resisting. AP believed that the heavy-set officer stood on him while the "old guy" tried to grab him by the handcuff on his ankle and used a taser on him.

According to AP, he was tasered twice in the residence by the heavy-set officer and then five times outside the residence by the "old guy."

AP stated that he drank 24 twisted tea that evening before the police attended and that he was not severely intoxicated. AP stated that he suffered lacerations to his ankle, a sore wrist, a nasal fracture and taser marks on his front and back.

AP did not believe the officers were justified in tasing him.

### **Civilian Witnesses**

#### **Civilian Witness 1 (CW1)**

CW1 was interviewed by IIU investigators on Feb. 12, 2025, and provided the following information:

CW1 confirmed that AP attended the residence and was drunk. CW1 stated that AP smoked an unknown substance at the residence before attacking a female. CW1 stated that she along with other individuals in the residence had to physically restrain AP from continuing to attack the female. CW1 acknowledged that she hit AP with a board to stop him from attacking the female. CW1 noted AP to have scratches and bruises before police arrived, along with a cut to his head that was actively bleeding.

CW1 confirmed that one officer was a large man, and the other officer was an older gentleman. CW1 confirmed that AP attempted to barricade the residence to prevent the officers from entering, but another individual in the residence allowed the officers inside.

CW1 confirmed that the officers told AP he was under arrest and to get on the floor, but AP did not comply with the direction and started fighting them. CW1 estimated the fight lasted 10 minutes before the officers were able to handcuff AP.

CW1 stated that the larger officer had to drag AP out of the residence by his armpits. Once they were outside the residence, AP resisted being placed in the back of the police vehicle. This resulted in all parties slipping to the ground and AP fighting the officers again by kicking his legs. Both officers were telling AP to stop resisting without success. CW1 stated that the larger officer held AP's legs and deployed his taser approximately six times. CW1 stated that the older officer stood on top of AP for approximately fifteen minutes while waiting for a third officer to assist. CW1 stated that after it was done, the larger officer and the older officer looked exhausted.

#### Civilian Witness 2 (CW2)

CW2 was interviewed by IIU investigators on March 18, 2025, and provided the following information:

CW2 confirmed that AP was present at the residence where the incident happened. CW2 observed that AP was highly intoxicated. CW2 believed AP was high on alcohol and cocaine. CW2 confirmed that she was attacked by AP and that the other individuals in the residence all had to step in and defend her from AP. CW2 confirmed that CW1 hit AP with a piece of wood to assist in her defense. CW2 fled to a nearby residence.

CW2 observed "old man officer" attend and enter the residence. Approximately five minutes later, they exited the residence with AP in handcuffs. CW2 confirmed that AP went limp and resisted being placed in the back of the police vehicle. CW2 stated that AP started to fight the officers and the larger officer grabbed AP's legs and tasered him about five times. CW2 said that the older officer was standing on AP's chest and holding onto the back of the truck. CW2 confirmed that officers were directing AP to comply without success. CW2 believed AP and the officers struggled for approximately twenty minutes before another officer attended.

#### **Witness Officers**

##### Witness Officer 1 (WO1)

WO1 was interviewed by IIU investigators on Feb. 14, 2025, and provided the following information:

WO1 confirmed that he was tasked with assisting the officers in placing AP into the police vehicle. WO1 arrived and observed one officer on the ground holding AP's legs and holding a taser in his hand, while the other officer was standing on AP. WO1 observed that all parties appeared to be exhausted.

WO1 applied leg shackles to AP and assisted in loading him into the police vehicle. AP was taken to cells and WO1 went home. WO1 noted that he was familiar with AP and that he is strong and wiry.

Witness Officer 2 (WO2)

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

WO2 was not on scene and was only responsible for ensuring that the taser used at the incident was seized and secured properly. WO2 provided the investigators with the taser during the interview.

**Subject Officers**

Subject Officer 1 (SO1)

In accordance with his rights, SO1 declined to be interviewed by the IIU investigators. SO1 provided the IIU investigators with his narrative and the use of force report, which contained the following information:

SO1 was tasked with arresting AP. Background information was that AP was very intoxicated and had kicked, punched and dragged CW2 around the residence. SO1 arrived with SO2 and saw AP attempt to barricade the residence with a two by four. SO1 was informed by some of the individuals present in the residence that AP had bit two other individuals.

SO1 was allowed to enter the residence and saw AP attempting to flee through a window. SO1 told AP that he was under arrest and ordered AP to the floor. AP turned around and SO1 saw that he had a bloody forehead and a swollen face. AP told the officers that he did nothing wrong and to “just let me go.” SO1 and SO2 attempted to handcuff AP but he resisted. SO1 warned AP that he would use the taser if AP continued to resist. SO1 deployed the taser in the stun mode, which slowed AP down a bit, but he continued to struggle. AP was able to get back to his knees, but the officers were able to force him to the ground and apply the handcuffs to both hands.

AP was then escorted out of the residence, but he continued to resist the officers and attempted to bite them. Officers tried to place AP in the police vehicle, but he resisted, causing all the parties to fall to the ground. AP continued to struggle with the officers, resulting in SO1 applying the taser in stun mode to AP’s back. SO1 noted that the taser slowed AP down, but he continued to struggle. The struggle continued for approximately 10 to 15 minutes before SO1 and SO2 were able to control AP while waiting for police assistance. SO1 confirmed that he held onto AP’s legs while SO2 stood on AP’s chest area. Once the third officer arrived, they were able to place AP into the police vehicle.

SO1 stated that he was exhausted after the incident. SO1 stated that he believed he only deployed his taser twice.

Subject Officer 2 (SO2)

In accordance with his rights, SO2 declined to be interviewed by the IIU investigators. SO2 provided the IIU investigators with his narrative and the use of force report, which contained the following information:

SO2 and SO1 were asked to arrest AP. Background information provided to SO2 was that AP was assaulting a female in the residence. SO2 was familiar with AP from a previous incident where AP resisted being arrested by a fellow officer. SO2 stated that on that occasion, AP threw the officer onto the ground and was able to flee the area.

SO2 attended to the scene and attempted to enter the residence to arrest AP. SO2 was about to enter the residence when AP slammed the door shut and proceeded to barricade the door. SO2 heard individuals inside the house tell SO2 to stop pushing against the door so they could remove the two-by-four and allow the officers access.

SO2 entered the residence and observed AP attempting to flee the residence through a window. SO2 advised AP that he was under arrest. AP turned towards SO2 and approached him in an aggressive manner. SO2 saw that AP's face was all scratched up and bleeding. SO2 grabbed AP by the arm in an attempt to arrest him, but AP yanked his arm away. SO2 grabbed his arm again and told AP to get on the ground as he was under arrest.

AP said he did nothing wrong and attempted to get away from the officers. SO2 and SO1 attempted to place handcuffs on AP, however, he fought with the officers in an attempt to flee. SO2 confirmed that the struggle went on for a considerable period of time and that his arms were getting tired from AP's continued resistance. SO2 acknowledged that at one point, AP was almost able to escape the officer's grasp. SO2 believed that AP would have been successful in his escape if SO1 had not deployed his taser. The deployment of the taser allowed the officers to regain control of AP and apply the handcuffs.

After the handcuffs were placed on AP, the officers directed AP to stand up, but he did not comply. Both officers had to carry AP out of the residence because AP refused to comply with the direction. SO2 noted that AP was a dead weight which made transporting him to the police vehicle more difficult, because SO2's upper body strength was already exhausted from the struggle.

SO2 confirmed that they had to drag AP towards the police vehicle once he was outside the residence because he continued to resist and struggle to escape. SO2 confirmed that AP kicked off the vehicle as they tried to place him in the back, causing all parties to fall on the ground. AP continued to struggle and resist while all parties were on the ground near the back of the vehicle. SO1 was attempting to control AP's legs from kicking the officers while SO2 was trying to gain control of AP's upper body.

SO2 acknowledged that he was extremely exhausted at this point and he did not have any upper body strength left. SO2 acknowledged that the only way he could assist SO1 in continuing to detain AP was to stand on his chest area. SO2 held onto the tailgate of the police truck to keep his balance, while minimizing the amount of pressure on AP's chest and stomach area. SO2 heard AP yell that he couldn't breathe while he continued to struggle and resist the officers. SO2 suggested that AP's breathing was not affected as he was yelling extremely loud throughout while SO2 was standing on top of him. SO2 also noted that AP continued to struggle and resist

although it appeared all parties were exhausted and slowing down. SO2 was able to radio for further police assistance. WO1 arrived and he and SO1 placed AP in the back of the police vehicle as SO2 was unable to assist.

### **Other evidence**

#### Medical records

AP was seen in the hospital where it was noted that he had contusions on his face and a right eye injury. No fractures appeared in the x-rays that were taken.

#### Taser Data

The data downloaded from SO1's taser suggests that the taser was deployed nine times during the incident. The data suggests that each deployment was in the stun drive mode ranging between less than a second to a maximum of just under six seconds in duration. The data further suggests that eight of the nine deployments were successful in contacting AP. The data could not confirm that each deployment resulted in maximum power reached nor the duration of success while deployed.

#### Detachment video

IIU investigators were provided with detachment footage showing AP being placed in his cell without issue. Once the door closes to the cell, AP starts to punch, kick and headbutt the cell door. AP appears to be favouring his hand while in the cell.

#### Cell phone footage

IIU investigators received four brief videos, which provided the following information:

Video 1 – 29 seconds in duration – taken from inside the residence. AP is on the ground with two officers attempting to take control of him. One officer states, “get your arm behind your back” and sounds tired.

Video 2 – 7 seconds in duration – AP is now outside the residence and behind the police vehicle. One officer is standing on AP's chest and another officer has his body lying across AP's leg area. AP states, “I can't breathe”.

Video 3 – 17 seconds in duration – a second police vehicle is on scene and a third officer is cuffing AP's legs. One officer is still standing on AP's chest. AP is yelling for officers not to take him to jail.

Video 4 – 7 seconds in duration – two officers are loading AP into the police vehicle.

## **Applicable Law**

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

*(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.*

Caselaw in this area is quite settled (see *R. v. Nasogaluak* 2010 SCC 6 [2010] 1 S.C.R. 206) where it states that police officers do not have unlimited power to inflict harm. The use of force remains constrained by the principles of proportionality, necessity and reasonableness. However, police actions are not to be judged against a standard of perfection.

## **Conclusion**

The optics of an officer standing on an accused without the background evidence would be concerning on the face of it. However, with the evidence of an extended and exhausting fight between a resisting offender and the officers, the actions of the subject officers were reasonable in the circumstances. Therefore, no charges are recommended and the IIU investigation is now completed and closed.