

September 11, 2023
Case Number: 2021-0019

IIU concludes investigation into perjury allegation of BPS officer at trial

The Independent Investigation Unit (IIU) has concluded its investigation into an allegation of perjury against a Brandon Police Service (BPS) officer during a provincial court proceeding in Brandon in January 2021.

On June 4, 2021, the IIU was notified by the BPS of a complaint received on June 3, 2021. The complaint was made by the affected person, who alleged that a police officer committed perjury during his criminal trial in January 2021. The affected person claimed to possess an email exchange between the police officer and a Crown attorney that contradicted the officer's testimony at trial.

The IIU investigators conducted a thorough investigation, which included gathering and reviewing various pieces of evidence, such as the incident report, charges against affected person, court briefs, witness statements and interviews. The investigation also involved analyzing a transcript of the trial proceedings and the email exchange in question.

The affected person alleged that he was interviewed twice by the police officer on the same day, with the second interview not being recorded. During the trial, the officer provided explanations for the absence of a recording, which the affected person believed to be dishonest. Additionally, the affected person pointed out discrepancies between the officer's testimony at trial and the email exchange, suggesting that the officer may have committed perjury.

After a comprehensive review of all the evidence and testimony, the IIU determined that there were no reasonable and probable grounds to believe that an offence of perjury had been committed by the police officer. While the officer's testimony may have contained imprecisions, there was no evidence to suggest an intent to mislead the court.

The IIU's mandate does not include authorizing criminal charges in the absence of evidence to support such a decision. To establish a case of perjury, the elements of offence are as follows:

- the testimony was false;
- the witness knew it was false; and
- there was an intent to mislead the court.

In this instance, the totality of the circumstances did not support the conclusion that an offence of perjury had occurred.

Based on the findings, the IIU will not be laying any charges, and the investigation into this matter is now closed and the civilian director's complete report is available online at www.iumanitoba.ca.

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Media inquiries may be directed to:

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Information on the IIU can be found at www.iumanitoba.ca or at www.twitter.com/IIUManitoba