

# ***FINAL REPORT: IIU concludes investigation into injuries sustained by male during arrest by WPS officers***

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On August 22, 2016, the Winnipeg Police Service (WPS) notified the Independent Investigation Unit of Manitoba (IIU) that an investigation was underway into a complaint that a WPS officer had injured a male suspect (later identified as the affected person (AP)) during an arrest outside a west end restaurant on February 7, 2016.

According to this notification:

*At approximately 3:30 a.m., AP was at the restaurant with a few friends. Shortly thereafter, WPS members entered the premise and asked everyone to leave. AP was the last amongst his friends to leave and was asked by one officer why he was still there.*

*AP was subsequently handcuffed and then escorted outside, searched and placed in a CC (cruiser car) where he was issued a Provincial Offence Notice for refusal to leave premise and then released.*

*AP began recording the officers on his phone and was approached by a plainclothes officer where he allege the officer tackled him to the ground, slamming his face on the ground. AP's friend continued recording the interaction.*

*AP indicated that he was handcuffed and his left arm was twisted and believes may have been possibly fractured. He was placed in the rear of a CC and issued a second PON and released.*

*AP later attended to the Health Sciences Center and received treatment for injury to his left arm which, he was informed by the doctor, was sprained or dislocated. AP indicated that, due to the injury, he has been off of work since the incident.*

*AP was issued two Provincial Offence Notices.*

*AP filed a complaint with LERA on Feb 8, 2016 but, after consulting with his lawyer he wished to pursue a criminal complaint with the Professional Standards Unit.*

The IIU civilian director determined this was a discretionary matter under the Police Services Act (PSA) and that the IIU would monitor the WPS investigation. However, on October 19, 2016, WPS advised the IIU that AP had indeed suffered a fractured bone (a serious injury as defined by regulation) during his arrest. As the notification now disclosed that a serious injury had been sustained by AP, the IIU was mandated under the PSA to investigate the conduct of the WPS officers and, accordingly, assumed the investigation.

IIU investigators received from WPS, among other items:

- narrative reports;
- officers' notes;
- use of force report;
- occurrence summary;
- security video footage seized from the restaurant. (The footage could not be viewed by investigators as a proprietary playback system was required and not available. All attempts to play the video were unsuccessful.)

IIU investigators also received:

- file material, reports and witness statements from the Law Enforcement Review Agency (which was involved in a concurrent conduct investigation arising from the same circumstances);
- cellphone video of the incident taken by AP;
- medical records from Health Sciences Centre;
- medical records from St. Boniface Hospital Physiotherapy Department.

Following a review of the material received, it was determined that two WPS officers should be designated as subject officers (SO1 and SO2). 16 WPS officers were designated as witness officers, with nine of them (WO1-WO9) interviewed by IIU investigators. AP was also interviewed by IIU investigators, as were five civilian witnesses (CW1-CW5). A sixth civilian witness was contacted by IIU investigators but failed to attend for an interview.

Under the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, SO1 declined to be interviewed by IIU investigators but did supply them with a copy of his use of force report. SO2 declined to be interviewed by IIU investigators but did supply them with a copy of his notes and use of force report.

Following completion of the investigation, the full and completed IIU investigation file was referred to Manitoba Prosecution Service to seek an opinion on whether any Criminal Code charges would be authorized in respect to either or both subject officers. Manitoba Prosecution Service advised IIU that the prosecution charging standard was not met respecting either subject officer and there was no reasonable likelihood of conviction. Accordingly, IIU was advised by Manitoba Prosecution Services that no charges would be authorized against SO1 or SO2.

IIU has completed its investigation and this matter is now closed.

Final report prepared by:  
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