

FINAL REPORT: IIU concludes investigation into alleged assault by Brandon police

On April 10, 2017, at 12:42 p.m., the Independent Investigation Unit (IIU) was notified by the Brandon Police Service (BPS) of an allegation that a male was assaulted by police.

According to this notification, on April 6 at approximately 2:00 a.m., a Brandon University student (the Affected Person – AP) claimed he was driven east of the City of Brandon, assaulted and left abandoned.

According to AP, he was at a local bar and was offered a lift home by a police officer. The police drove AP east of the city, then assaulted and abandoned him on the side of a road. AP claimed he was able to make his way back to downtown Brandon where two other BPS police officers located him on Victoria Avenue East, Brandon, and called for an ambulance. AP was taken by ambulance to an emergency room of a local hospital for examination. AP later reported the alleged incident to staff at Brandon University who, in turn, contacted BPS senior management.

AP did not suffer a serious injury as defined in IIU regulation 99/2015. However, this notification concerned a complaint that police officers had engaged in conduct that may constitute a contravention of the *Criminal Code (Canada)* or other federal or provincial enactment. IIU assumed jurisdiction over this investigation as the civilian director determined it to be in the public interest for an independent investigation to commence and to determine whether a member of BPS subjected AP to unnecessary and excessive force. A team of IIU investigators was assigned to this matter.

The IIU civilian director designated the two BPS officers, who dealt with AP on Victoria Avenue East, as witness officers (WO1 - 2). IIU investigators identified and conducted interviews with nine civilian witnesses (CW1- 9). There was no information available to allow IIU investigators to identify any BPS officer as a potential subject officer.

A number of documents were supplied by the BPS as part of the agency information package, including: detailed GPS reports and corresponding maps for the routes travelled by all BPS vehicles in service the night of April 5 and into the morning of April 6, and photographs showing the inside and outside of all the police vehicles that were in service. IIU investigators also received some medical records concerning AP.

IIU investigators met with and interviewed AP on two separate occasions.

None of the civilian witnesses provided any information that corroborated AP's allegations.

WO1 and WO2 were interviewed. According to WO1, AP was located on April 6 at 8:47 a.m., lying on his back on a pathway of Victoria Avenue East in Brandon. AP constantly refused any assistance from police. He repeatedly swore at WO1 and said that police had beaten him up and he was "...dumped off there by the police." WO1 said that AP was holding his stomach area but wanted no assistance and did not want to be taken anywhere. WO1 called for another BPS unit to assist and then called for an ambulance to provide medical assistance to AP. WO1 said that AP began crying and talking about a family member who had passed away.

WO2 said he was requested to assist WO1 in dealing with AP on April 6. WO2 said AP seemed distraught and upset. WO2 did not note injuries on AP. WO2 recalls AP talking about drinking and partying all night and that a friend had recently died.

AP's medical report confirmed that he was upset over the passing of a friend and that he spent the evening wandering the streets, lost in grief. There was no mention of any involvement with BPS.

A review of the GPS data determined that other than an unmarked Police Dog Unit vehicle, no BPS vehicle left the city limits the night of April 5 or the morning of April 6.

During his interviews with IIU investigators, AP recanted his complaint that he was driven out of the City and assaulted by police, stating it was not the truth. AP provided a new account of events during the evening of April 5 and early morning hours of April 6, none of which involved any acts or application of force by any member of BPS. AP said he was not picked up by any police officer or assaulted by them. He said he was drunk, afraid and upset over his friend's death.

As a result of this investigation, I am satisfied there is no evidence whatsoever of any member of BPS encountering AP in the early morning hours of April 6, offering to drive him home, then driving outside the city limits of Brandon, assaulting AP and then abandoning him on the road. This incident did not happen as reported by AP, and therefore, there are no circumstances to justify further action by the IIU.

The matter will be referred back to BPS for that service to determine whether further investigation into the actions of AP is warranted in these circumstances. In any event, the IIU investigation is closed.

Final report prepared by:
Zane Tessler, civilian director
Independent Investigation Unit
June 07, 2017

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