



**IN THE MATTER OF AN INVESTIGATION INTO INJURIES  
RELATED TO AN RCMP ARREST ON JUNE 11, 2020**

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

IIU File Number:	2020-0029
Final decision made by:	Zane Tessler, Civilian Director
Report prepared by:	Roxanne M. Gagné, Civilian Director
Date of Release:	August 21, 2023

## **Introduction**

On June 11, 2020, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit (IIU) of an incident.

The written notification disclosed the following information (excerpt):

*On June 11, 2020, Portage La Prairie RCMP attended to a residence on Royal Road North in Portage, to assist CFS with an apprehension. Members attended to the residence, where they were informed from CFS worker, that her and two other CFS workers from Winnipeg were apprehending children. Members could overhear the affected person (AP) yelling and swearing stating that she would shoot police if they came closer and that police would have to shoot her if they took the children away. The subject officer (SO1) approached the AP attempting to deescalate the situation but she was not receptive. SO1 informed the AP that she was under arrest and the AP challenged SO1 to fight and proceeded to put her fists up. SO1 perceived this as assaultive behaviour, therefore he drew his CEW from the holster and informed the AP that she would be tasered if she did not stop. The AP then put her hands down however was still combative indicating that she wanted to fight police. The AP started to walk towards the door of the residence, SO1 grabbed the AP from behind trapping her left arm and head to gain control. The AP resisted by pulling away, SO2 was able to assist by holding her right arm. The AP then grabbed onto SO1's CEW from the holster on his left thigh but she was unsuccessful. After a brief struggle, members were able to apply handcuffs. The AP indicated to the members that the handcuffs were too tight. Members checked the handcuffs and an index finger could be placed between the cuffs and her arms. The AP refused to walk to the police vehicle therefore members had to carry her outside and then she refused to get into the police vehicle. She was placed in the vehicle without incident. Once at the detachment the AP indicated that she was short of breath and requested her medication, same was provided. The AP was released on an undertaking for the charges of uttering threats and resisting a peace officer.*

*On June 15, 2020, the AP attended to the Portage La Prairie detachment, she indicated that she broke her wrist about 30 years ago. She stated that her wrist was sore so she went to the hospital on June 14, 2020, where she was advised that her wrist was fractured. The AP indicated that she believes this injury was caused from her arrest on June 11, 2020. She did not wish any action to be taken, only that detachment management was made aware. The AP has a history of mental health matters.*

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this mandatory investigation in accordance with section 65(4) of the *Police Services Act* (PSA). IIU investigators were assigned to this investigation.

## **Background and circumstances**

IIU investigators received the following investigative materials:

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- SO1's General Report, notes and Subject Behaviour and Officer Response (SBOR);
- RCMP Communication Center – 911 Audio;
- Video of holding room area – (AP);
- SO2's narrative report and notes.

At the time of this incident, the Civilian Director designated three subject officers. One civilian witness provided a statement. On July 9, 2020, IIU investigators met with the AP. SO1 and SO2 provided their notes and reports. SO3 had minimal interaction with the AP and only assisted to pull her into the back of the vehicle. The three CFS workers did not provide interviews.

IIU investigators later confirmed that the AP's previous injury was in fact three years ago, not 30 years ago, as stated in the RCMP notification.

### **Summary of the investigation:**

On June 11, 2020, SO1 and SO2 of the Portage RCMP detachment attended to an apartment at 123 Royal Road North, Portage La Prairie, to assist Child and Family Services (CFS) workers with the apprehension of children. RCMP were aware that three CFS workers had attended to apprehend three children at that location. On arrival, CFS workers were met with resistance from the children's grandmother, the AP. The AP threaten to harm and kill the workers if they stepped foot on her property. Upon arrival at the AP's residence, the SO's were also met with an out of control and uncooperative person (AP) who threatened to kill them if they tried to come onto her property to apprehend the children. For the next several minutes, SO1 attempted to de-escalate the situation by trying to calm the AP without any success. The AP refused to cooperate, at one point turned around, and started to walk towards the rear yard of her residence.

SO1 followed the AP to prevent her from arming herself with any weapons in the yard and to prevent her from locking herself in the residence. The AP turned around and challenged SO1 to a fight. SO1 took out his Taser and warned the AP that if she did not put her arms down and cooperate, she would be Tasered. The AP quickly put her arms down at which point she was pinned against the wall by SO1. SO2 was able to come to the aid of SO1 and assist in successfully handcuffing the AP. The AP complained that her handcuffs were too tight, however that proved not to be the case as SO1 was able to place his finger in between her wrists and the handcuffs.

The AP refused to walk to the police cruiser as requested by SO1. The AP fell onto the deck and became limp refusing to listen to any instructions given by police. The subject officers eventually carried her to the police cruiser while they held and supported her by placing their hands under her armpits. She was conveyed to the RCMP detachment where she was processed, and later released from custody.

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On June 14, 2020, the AP attended to the local hospital in Portage complaining of her right wrist being sore and swollen, which she claimed had occurred during her arrest by police a few days earlier. She was treated and released from the hospital the same day. The following day, the AP attended to the RCMP detachment and claimed to have suffered a broken wrist. She told the police that she wished the RCMP to take no formal action against the officers involved but wanted them made aware of the situation.

During the course of the investigation, IIU investigators collected the AP's medical records from Portage Regional Hospital. The examination of these records showed that the AP did not suffer a fracture to her left wrist or left elbow.

Further, the investigation revealed that the AP suffers from mental health issues. Once she was provided with medication at the detachment, her behavior stabilized.

### **Conclusion**

The IIU's mandate is to consider whether the serious injuries suffered by the AP may have resulted from the actions of the police officers and if so, whether the officer's actions were justified. Civilian Director Zane Tessler, assigned to this matter at the time, gave due consideration to all the circumstances and did a thorough review of all evidence and material facts obtained in this investigation. He took into consideration the facts surrounding the incident, including the following:

- AP did not complain of the injuries to the police;
- AP was uncooperative;
- AP received a splint (not a cast) for her injury;
- The handcuffs placed on the AP were not tight as the officer could place finger between the cuff and the AP's wrist, but the twisting or handling of the arm may be what caused an injury;

The Civilian Director considered of all the evidence obtained in this matter, and determined that the police actions were justified. Therefore, he determined that no criminal charges would be laid against the subject officers.

The IIU investigation is now completed and this matter is now closed.