



**IN THE MATTER OF AN INVESTIGATION INTO SERIOUS INJURIES FOLLOWING  
MANITOBA FIRST NATION POLICE SERVICE PURSUIT ON SEPTEMBER 21, 2019**

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

IIU File Number:	2021-0031
Final decision made by:	Zane Tessler, Civilian Director
Final report prepared by:	Roxanne M. Gagné, Civilian Director
Date of Release:	September 25, 2023

## **Introduction**

On July 18, 2021, Manitoba First Nation Police Service (MFNPS) contacted the Independent Investigation Unit of Manitoba (IIU) by phone, to provide notification of an incident of an incident that occurred on September 21, 2019.

MFNPS provided a written notification on July 22, 2021, which disclosed the following information:

*“Members of the Manitoba First Nations Police (MFNP) in Long Plain detachment were involved in a vehicle pursuit where the suspect vehicle collided with a bush, the suspects ran from the scene and the MFNP K9 was called in to assist. A male subject (affected person AP) from the vehicle was located, the suspect was directed to the prone position and given verbal commands to comply with Police, he complied and was advised that he was under arrest. Members approached the subject and he became resistant and combative, the subject tried to get up numerous times which resulted in the Police member using two knee strikes to the torso that was effective. The suspect was arrested and escorted to the Patrol unit where he stated that he needed EMS as he could not breathe, was diabetic and had a broken back. EMS was dispatched to the scene.*

*EMS attended the scene where he was assessed and stated that his lungs were clear and equal, he was hyperventilating in Patrol unit but quickly calmed down in ambulance and was breathing normally taking deep breath with no pain. The torso area was assessed and found to have bruising and redness. The subject was transported to the Portage La Prairie Hospital as requested for further treatment. Once at the hospital he was treated for a cut to the lip that required one stitch, he also was treated for pain to the chest area X-rays were completed and he was released to Police for lodging, (doctor) signed the booking sheet that he was fit for lodging. The subject was lodged at the Long Plains MFNP detachment to await a bail application at 7:40 AM on September 21, 2019, he was later transported from Long Plain detachment on September 22, 2019 at 2:22 AM which was captured on video showing that he was walking normal. AP was later released on a recognizance from Portage La Prairie Court.*

*On October 1, 2019 the subject attended to the MFNP headquarters to discuss this incident, the subject reports that he has a broken rib and collapsed lung, when requested to provide more information he declined as he stated that he was before the courts on this matter and would not give Police much more information, he did not know the members involved names either. A medical release of information was signed by him for his medical records. The medical release was forwarded to the Portage hospital that showed that he was escorted to the emergency by EMS and MFNP, he was reporting that he was in an altercation with Police and was injured as a result. The medical report shows that he was seen for a split lip, pain to the back of the head and right rib. The report shows that his lip was sutured and that he stated was from a steering wheel, x-rays were completed and stated "nil". The reports show that he returned to the hospital 3 days later to be treated as his x-ray showed a partial pneumothorax (collapsed lung) and a broken rib.*

*On July 29, 2021, the subject contacted Police as he had seen a report that an RCMP member*

*was being investigated for causing the same incidents, and wanted an update on this incident. He was reminded that he did not provide details so the Chief of Police at the time did not proceed with this notification. It was explained to the subject that our Police Service was now notifying the IIU and will pass on this information to their department. The subject has dealt with this matter before the courts and is no longer being investigated.”*

As this matter concerned a serious injury as defined under the IIU regulations, the IIU assumed responsibility for this investigation in accordance with section 66(4) of the *Police Services Act* (PSA). IIU investigators were assigned to this investigation.

The civilian director designated one subject officer (SO) and three witness officers (WO1-3).

IIU investigators obtained the following information from MFNPS, among other items:

- Supplementary Occurrence Report WO3
- Notes WO3
- Supplementary Occurrence Report
- Police Dog Services Case Report WO1
- Supplementary Occurrence Report WO2
- Notes WO2
- WebView Incident Report
- Warrant Remanding A Person In Custody – AP
- Information of the AP
- RCMP Prisoner Report – MFNP Prisoner - AP
- Picture – AP
- Digital Ortho Map of Pursuit on Long Plains First Nation
- 911 Audio
- Use of Force Report - SO (dated October 25, 2019)

### **Scene Examination and Canvass**

IIU investigators did not conduct a scene examination nor a canvass due to the extended period of time that had lapsed between the time the incident occurred and was reported to IIU.

### **Facts and Circumstances**

#### **Affected Person (AP)**

On July 27, 2021, IIU investigators obtained a statement from the AP. He stated on September 21, 2019, he was at the 7-11 when a kid (guy) he knew agreed to drive the AP’s vehicle. His vehicle was not registered. As they drove passed the MFNPS detachment on Long Plains, the AP noticed two police cars coming toward them. The AP told the driver to stop and pull over but instead of stopping, the guy stepped on it stating he had no license or a warrant or something like that. AP stated he was yelling at him to stop the vehicle but they kept going. He turned into the

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field and parked along the edge of the field and the guy jumped out running. The AP jumped out and ran into the bush, and sat in the bush for about an hour because he was freaked out and he did not know where the kid went. The AP walked to the main road and was standing there for a while, he started walking and all of a sudden there was a flashlight in his face. The officer said "Freeze," and he had a gun on him. The AP panicked and ran again for 25 feet, and decided to stop as he thought the dogs were going to get to him. He stated that he surrendered and came 20 to 25 feet from the main road and came out with his hands up. There were three or four police cars there with a dog. AP stated he was on the edge of the field in the ditch when they told him to turn around, so he turned around and went to his knees and they handcuffed him with his hands behind his head. He was 100 yards from his cousin's yard when his cousin's dog was Tasered beside him. The AP stated, "I looked back and I got shot in the face and it lasted forever from all sides, kicks, punches, everything." He added all they kept saying was quit resisting, quit resisting and he said that he was not. He followed that they kept going at him, punches, knees then he asked them to please stop, because he told them he could not breathe. AP stated they beat the crap out of him and then they told him to get to the car. He said, "I can't move, what \* did you guys do to me, I can't \* breath." He got to the car and they told him to get in. AP stated he told them he could not move, then they told him to get in or else they would get him in there. He got in the car and stated he could not breathe, but he added he was yelling out to phone the ambulance, as he needed some help. He stated that once he stopped yelling, someone came and opened the door and told him "shut your \* mouth you \* Indian window warrior." He was not sure how long it took but it seemed like forever before the ambulance showed up.

AP stated that when the Paramedics got there and asked what happened to him, the police said they had to give him a couple of knees and elbows. AP stated he was told he was being charged and he asked who he assaulted. He was transported to the hospital, X-rays were taken, and was told there was nothing wrong. He told them that there was something wrong with him, and asked if they could at least keep him overnight for observation as he could not breath. He was taken back to the Portage la Prairie cell and he kept asking the guards to take him to the hospital because he could not breathe.

He said he sat in the RCMP detachment for a couple of days before he went to court on Monday and talked with his lawyer. His lawyer asked him why he would tell them he hit the steering wheel or bush. AP advised her that he did not say that. AP thought he talked with a supervisor at emergency, because the police said staff/doctors told them he hit the steering wheel or the bush. AP stated that he would not have said that because it did not happen. He was told they would check into it and then she sent him something two weeks later in the mail.

When he got out on bail, his sister notified him that the hospital contacted her and he had to go to the emergency room. He went to the hospital and the doctors told him that he had broken ribs, fractured ribs and collapsed lung. He identified they put a 10-inch tube in his chest for four days to drain the blood.

AP noted when he was on a stretcher his cousin, CW1 and his wife walked by. He asked if they saw anything and they said that they did not.

AP identified they were police officers, dressed in black, but he could not describe the three officers that arrested him. He noted it was dark, they had flashlights, and stated they were Caucasian, in there 30's and in shape. AP stated he was healthy and had no prior injuries. He did not know who hit him, as there were three of them; they were all taking turns, and he was getting it from all sides.

### **Civilian Witness**

On March 8, 2022, IIU investigators obtained a statement from CW1. He stated that he and his wife were having a drink at his brothers, at Split Rock Trail south then they observed a high-speed chase. Between three and five in the morning, he and his wife decided to walk home, and saw two police cars and an ambulance about 10 yards in front of his driveway. As they walked past, he noticed his cousin (AP) was in a ditch with two or three police officers. He remembered that AP was detained already; laying on his stomach handcuffed behind his back. AP was complaining about his chest hurting and he could not breathe.

CW1 stated the police asked him to leave but he declined and said he wanted to witness this. He noted that he never saw any physical altercations between the police and AP but observed them interacting with AP. CW1 did see them physically touch AP when they picked him up and helped him on the stretcher. CW1 stated that he was intoxicated and could not remember if the police helped with the ambulance attendants and if AP sat up in the stretcher and they put him back down because he said he was sore still. After they put him in the ambulance, he thought AP was all right, then he left.

CW1 talked with AP a week or two later and he told him that they were going to Taser him, his dog went in front and protected him and they shot and Tasered his dog. He noted that the next morning a probe was sticking out of his dog and he did not know what happened.

### **Witness Officers**

#### **WO1**

On October 8, 2021, IIU investigators obtained a statement from WO1. He stated that he worked on Waywayseecappo First Nation with MFNP on general patrol with the canine as an extra duty. He received a canine call out in the middle of the night regarding a pursuit on Long Plain where two guys had fled. One of the officers radioed that they were chasing somebody on foot. WO1 stated that when he first arrived he hooked his canine with a harness and remembered that there were other dogs there and a pit bull came after his canine. WO1 stated he was with the SO and WO2 and not sure who else. He remembered asking SO to Taser one of the dogs that was going after his canine and noted that neighbors started yelling at them, but he was not going to let his canine be attacked. He stated there was lots of yelling by SO and himself and as he turned towards the bush to cut his track he could hear someone say that he gave up. He noted that AP came out of the corn and that he had his hands up as he walked towards them. He stated that he had previously worked on Long Plain for a year but he was not familiar with the people and being that it was in the middle of the night, he did not see who it was. He remembered when he was looking at the AP on his knees with hands up, he thought the AP was done. He noted that both SO and WO2 were there so he went to put his canine back in his truck. When WO1 went

back to the truck he heard, the officers start yelling, "Stop resisting." So he pulled his canine back out and went over there to see what was going on and he remembered that SO kned AP once as he observed AP trying to get up and he was kind of wrestling with both of the officers. When he returned AP was on the ground and he thought he was laying down and that they did not have handcuffs on AP yet. He stated that they took AP into custody and he remembered EMS showed up.

WO1 stated he talked with SO after and he told him that AP was trying to get up. He remembered that after, AP was belligerent to the officers. WO1 indicated that neither he nor his canine interacted with AP and that attending the call was considered a deployment.

## **WO2**

On October 19, 2021, IIU investigators interviewed WO2. He stated that he and his partner WO3 were on general patrol in Long Plain when around 2:00 a.m. they observed a white SUV traveling at a high rate of speed and driving erratically in a 30 km/h school zone. He added that prior to this incident he had Intel about a violent offender in Long Plain that they were trying to locate that had an assault rifle on his person and was operating a white Tahoe SUV style vehicle. He stated they attempted to stop the SUV but it got away from them and he relayed to SO in unit 821 who was traveling eastbound toward the suspect vehicle. WO2 stated they were able to catch up to it and SO was in front of him and he continued pursuing the vehicle through a field and pastures and ended up in a field just south of Split Rock trail where the suspect vehicle rammed into a bush.

WO2 stated that he could hear dogs and observed a male walking towards him, dressed in all black which was the description given by the other officers of the individuals that ran into the bush. As soon as the male saw WO2, he ran into the cornfield just west of Split Rock. WO2 noted that canine had just arrived and he started yelling, "*Canine is here, Canine is here.*" Once WO1 (canine) came out with his dog he could hear that male say, "*I give up, I give up.*" WO2 stated that the male came out of the cornfield with his hands up. He noted that SO had married up with them as he was doing containment along the bush line to the north between where he was and where WO3 was with suspect vehicle. SO and WO2 approached the male but WO2 noted that he had his patrol rifle ready so his hands were tied up with holding a rifle and he was limited to what he could do. WO2 could see the male did not have an assault rifle on him and he ordered him to get down on his knees and place his hands on his head, which he did and then told him he was under arrest. SO came in from the right flank and he was on the left flank side of him. WO2 identified the male as the AP at that time, as he had dealt with him numerous times. WO2 noted that AP was in a steep ditch and stated as SO went to arrest AP and grab AP's right arm, "*(AP) automatically actively resisted, started pulling his arm in towards him,*" and that, "*He ended up down onto his knees, almost basically on his belly, and he kept pulling and concealing his arms underneath him.*" He stated that AP was wearing dark baggy clothing, almost construction style, and they did not know if he had a weapon. He added that SO got his arm out from underneath him then AP pulled away again. WO2 stated, "*SO gave him a closed direct strike, what we use for our use of force module, into the head/shoulder region area.*" He added that canine was around the vehicle putting his canine back in the unit and he moved closer and stated, "*SO attempted to gain control again, that's when AP tried to get up on his feet and*

*SO administered two effective, I guess, knee strikes to his right torso I believed.” WO2 added, “That was effective enough for us to handcuff him.” He stated that he was telling AP to, “Stop resisting,” and noted that WO1 did not assist with the arrest and it was only the two of them.*

WO2 stated that he went on foot patrol with canine to look for the second. Around 4:30 a.m., Portage EMS arrived at Split Rock. WO2 remembered that AP was already in the ambulance when he got back. He believed AP went straight to the hospital and was cleared fit for incarceration. He thought AP had X-rays done and everything came back negative. He remembered observing AP walking around cells perfectly normal and found out three days later that AP had broken ribs.

### **WO3**

On October 13, 2021, IIU investigators obtained a statement from WO3. He and WO2 were conducting general patrols on Long Plain First Nation, when they witnessed a White Chevrolet Tahoe driving southbound on Yellow Quill Trail East at a high rate of speed in a school area and they attempted to conduct a traffic stop on the vehicle to tell them to slow down and make sure they were sober. He noted that it was too dark and the windows were too tinted to tell how many people were in the vehicle. WO3 noted they had lost the suspect vehicle and that SO became lead in the pursuit. He stated that a radio transmission identified that the vehicle went into a field just south of Ojibway Trail and had rammed into the bushes and the suspects left the vehicle on foot. He stated they parked the police cruiser (PC) and had gotten out on foot and met up with the suspect vehicle that had driven into the bush. He noted that a perimeter was established and canine was called out while he remained with the suspect vehicle the whole time.

WO3 stated that while standing at the vehicle he could hear SO and WO2 both saying stop resisting and that once he had heard over the radio that they had one male in custody, he took his police vehicle and drove half mile over to them. He noted that he searched the suspect vehicle and located paper documents that had AP’s signature on it. He identified that he did a secondary track with WO2 and the canine handler and that no other suspects were located. WO3 stated that he did not interact with AP at the scene. He identified that the ambulance came out and AP was transported in the ambulance to Portage General Hospital with SO. He noted he went to relieve SO at 6:51 a.m. and AP was released from the hospital at that time. He was told that AP was cleared medically by the doctor and was to be lodged. He noted they then brought AP back to the Long Plain detachment for processing and placed in cells.

### **Subject Officer (SO)**

The subject officer provided IIU investigators with a copy of his notes:

*SO was working night shift on September 21, 2019 in unit 821 when at 1:59 a.m. unit 822 attempted to stop a white SUV that immediately took off. He assisted and at 2:04 a.m., the vehicle crashed in bush and he could hear someone running in the bush. He witnessed one older native male with grey sweater run into a field and run back into the bush. He requested canine be called out and set up containment from initial last seen and WO2 set up on Split Rock Road. At 3:26 a.m. containment held until canine on scene. He heard WO2 yelling from Split Rock Road and had one male hiding in sunflower field. WO1 with canine and himself call the male*

*out. Local dog started attacking canine and SO kicked the dog back. Dog became aggressive with him and went at canine again so he kicked the dog in the ribs. The dog did not stop attacking canine so he deployed his Taser on the dog and the dog took off out of site.*

*SO identified that the male was on his knees in the ditch and WO2 and himself attempted to place male in custody. The male tried to stand up and control and arrest was attempted. The male was told he was under arrest and male became an active resistor and started yelling for a male named Dennis. He noted the male stated to pull his arms away to resist arrest. SO stated, "Three closed fist strikes were delivered after the male would not comply with multiple verbal commands to stop resisting." He followed that, "Male continued to attempt to get up, two knee strikes were delivered to the torso." At 3:29 a.m. the male complied and was placed in handcuffs. WO2 identified the male as AP. AP stated to SO, "I shouldn't have run that was a stupid charge." When placed in police unit AP became very agitated and threatened him stating, "Take these cuffs off and I \* you up." AP stated he needed EMS; as he could not breath, has diabetes and has a broken back. EMS was dispatched. SO noted AP was still verbally aggressive taunting him to take cuffs off stating "Take them off and see what happens," and "I'm gonna get you fired."*

*SO noted that at 3:40 a.m. EMS on scene and at 4:50 a.m. he arrested AP for Dangerous driving, flight PO, prohib driving, fail to comply with recog and resist arrest. He asked AP do you understand and he said "No." Read again what he was under arrest for and asked AP if he understood and he replied, "Yeah your all fucked up." Asked about lawyer to which AP said, "Yes I Do." Police warning, understand, to which AP answered "Yes." AP asked him and WO2 "Can you guys get my stuff from the vehicle," and "I need my glasses and my paper." When asked what paper AP stated "My Contract." He noted that AP slept in ambulance back to portage and deny alcohol/drugs. At 5:30 a.m. attended Portage Hospital and at 5:33 a.m. AP was triage at hospital complained of side pain. At 6:01 a.m. AP stated, "I hit the bush hard," and "Wasn't wearing my seat belt." Doctor identified he needed one or two stiches for small cut on upper lip by corner. At 6:07 a.m. AP stated, "I just didn't stop man." At 6:10 a.m. AP was taken for X-rays and at 6:53 a.m. (doctor) stated his ribs are not broken and signed SO's notebook. At 7:02 a.m. he was cleared given medical for prior and at 7:40 a.m. was at LPFN detachment.*

*The SO also provided his "catch up notes". He added that the vehicle was driving erratically, no regard for safety of public and speeds approximately 120 – 140. He witnessed male in black jacket run from vehicle on driver's side and a male in grey was approximately one minute later 100 – 120 meters off passenger side. He noted that when arrest was attempted male actively resisted by forcing his arm away from police control twice. He added was not listening to police commands and attempted to stand up and knee strike delivered. He followed that while at hospital staff very skeptical about AP's pain level and was very animated about pain he was in. He stated he fell asleep five to six times any time staff left room and then when AP would see staff he would become animated about his pain again. Once cleared by doctor AP wasn't happy that the doctor said he wasn't injured. AP was transported back to Long Plains First Nation detachment with no issues and to be held for Remand hearing.*

### **Use of Force Report - SO**

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*Officer "A" advised subject he was under arrest. Subject refused to comply with verbal direction and stayed on his knees. Officer "A" and Officer "B" moved to effect the arrest of subject who was displaying multiple pre-threat indicators such as turning his head to observe police closing distance as well as heavy breathing and clenching his hands into fists as officer closed distance which displayed active aggression. Once Officer "A" made physical contact with subject, the subject tried to stand. Officer "A" repeatedly issued police commands for the subject to "Stop Resisting." Once on the ground the subject continued to display verbal non-compliance as he ignored officers' commands to stop by continuing to pull away as Officer "A" was able to take a hold of the subject's right wrist. Subject broke Officer "A"s grip clenching his clenched fists and forcibly ripped his arm back towards his body and appeared to be reaching underneath his torso. Officer "A" feared that this forceful action was in order to obtain a potential weapon concealed on his person. Officer "A" delivered a closed fist strike to the subject's right jawline followed by "Stop Resisting," the strike proved ineffective as the subject refused to provide his arm. Officer "A" then delivered another closed fist strike, again shouting for subject to stop resisting; again, the strike appeared to be ineffective. Another strike was given with negative results; Officer "A" determined the strikes to be ineffective. Officer "A" attempted once again to obtain control of Subject A's right arm. Subject clenched his fists and forcefully ripped his arm back towards his body breaking Officer "A" grip. Subject pushed off the ground and got to his hands and knees. Due to subject's increased level of resistance Officer "A" delivered a knee strike to subject's torso, as no large muscle groups were available at the time. Subject was told to stop resisting. Officer "A" delivered a subsequent knee strike to the torso, which collapsed subject to his stomach, and compliance was obtained.*

### **Summary of Other Evidence**

A conducted energy weapon usage report was included for the CEW use on an aggressive Pitbull dog to protect the PSD.

### **Medical Records**

On September 21, 2019, at 7:10 a.m. the AP attended Portage District General Hospital and was examined. The medical report indicates the AP received a laceration repair/skin suture of one centimeter. The diagnostic imaging report stated AP had a rib fracture: *blunt trauma, chest AP upright, right ribs. A moderate sized right sided pneumothorax is present. Slight loss of volume of the fight lung is noted...There is minor blunting of the right costophrenic angle likely related to a small amount of fluid... There is a fracture through the posterolateral aspect of the right sixth rib. Right-sided pneumothorax with a right sixth rib fracture.*

On September 23, 2019, a medical report stated that the AP was seen in ER on Sept. 21 after alleged altercation with MFNP, report shortness of breath since and sore chest. X-ray report shows pneumothorax, patient was called to come back to ER. Patient uncomfortable at triage, painful to take deep breaths. The report states a *post chest tube; a new right-sided chest tube is identified with the tip directed towards the mediastinum. A residual pneumothorax is not visualized. A new abnormality is not visualized.*

On September 24, 2019. *Reason for Visit: Patient had a chest tube put in yesterday, here to have same removed. Patient states he still feels shortness of breath, states might be a touch better from yesterday.*

September 25, 2019, 8:11 a.m. *Reassess pneumothorax...Chest tube clamp to reassess. Since the prior x-ray of September 24 the chest tube has been pulled back. Approximately 4 cm of the tube remains in the chest cavity and the side holes may be close to the chest wall currently. There is a small right pleural effusion which is unchanged. No pneumothorax is seen currently. Minor atelectatic changes are seen at the left lung base.*

### **Applicable Law**

Sections 25 (1), (3), (4) and Section 26 of the Criminal Code of Canada are applicable to this analysis:

*25 (1) Everyone 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*

*(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*

*(e) the flight cannot be prevented by reasonable means in a less violent manner*

*26. Everyone who is authorized by law to use force is criminally responsible for any excess thereof, according to the nature and quality of the act that constitutes the excess.*

A police officer is authorized to use force in the lawful execution of his duties, and as much as is necessary for that intended purpose. Moreover, a police officer is authorized to use force to defend or protect himself from the use or threat of force by another person, provided it is reasonable in all of the circumstances. If the force used is in excess of what is necessary or reasonable in the circumstances, such force is not justified and the acts may constitute an assault under the *Criminal Code of Canada*.

The allowable degree of force to be used remains constrained by the principles of proportionality, necessity and reasonableness. (see *R. v. Nasogaluak*, [2010] 1 S.C.R. 206).

### **Conclusion**

Where it is determined that reasonable grounds exist to believe a criminal offence has been committed, the IIU civilian director may charge the subject officer accordingly. The determination of whether reasonable grounds exist is based on a careful assessment of all the available evidence. The totality of the circumstances must be considered in assessing these grounds. The purpose of emphasizing the totality of the circumstances is to avoid concentrating on individual pieces of evidence.

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. This included that the AP was not complying with police direction, he was resisting being taken into custody when arrested, he was reaching underneath his torso for possibly a weapon, and the SO's use of force ended as soon as the AP was handcuffed and stopped being resistant and combative. The civilian director gave due consideration of the law and, in particular, the provisions of sections 25 and 26 of the *Criminal Code*. He determined that the actions of the subject officer was justified and reasonable in the circumstances.

There will be no charges recommended against the subject officer and the IIU file is now closed.