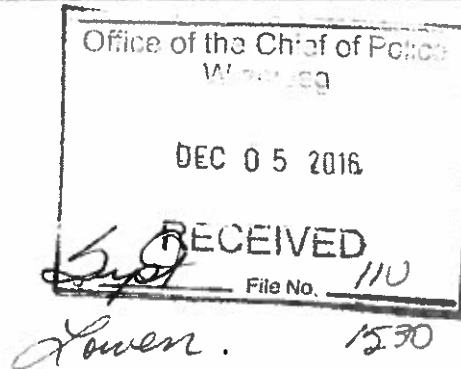


November 28, 2016

Danny Smyth  
Chief of Police  
Winnipeg Police Service  
P.O. Box 1680  
Winnipeg MB R3C 2Z7



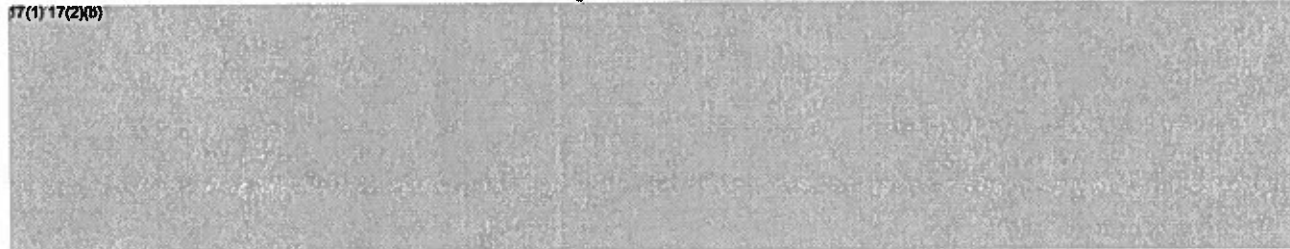
Dear Sir:

Re: Violent Arrest Notifications

<sup>17(1) 17(2)(b)</sup> I had the occasion to scan some local news outlet websites when I came upon a story posted in the Winnipeg Sun entitled <sup>17(1) 17(2)(b)</sup>

I opened the link to the story to determine where this matter arose and, to my surprise, realized that the subject matter concerned an arrest in Winnipeg's north end <sup>17(1) 17(2)(b)</sup>. There was a reference to a recorded video of the arrest posted on another local TV outlet website. I then determined that the TV outlet was CBC Winnipeg and found their story and video online.

I have determined that the arrest occurred the previous <sup>17(1) 17(2)(b)</sup> 2016. <sup>17(1) 17(2)(b)</sup>



The Winnipeg Sun and CBC Winnipeg both report that Winnipeg Police spokesperson, Const. Rob Carver, was shown the video and commented about the incident Saturday afternoon. Const. Carver is quoted, saying:

- It had been a fairly violent call and there were fairly violent charges connected with the individual;
- It is not unusual for an officer to resort to use of force even if the suspect is on the ground in handcuffs;

- That he and a use of force expert studied the video and cleared the officer of any wrongdoing;
- The individual suffered injuries, was taken to hospital and medically cleared for release;
- That Const. Carver could not comment on whether the officer kicked or stomped the individual, as alleged by the witness, saying he did not have that information and was not aware if that was being investigated.

The more disconcerting comment attributed to Const. Carver was that he confirmed that WPS has reported this incident to the IIU but was unclear if an investigation will follow at this point.

I can tell you with certainty that this office has not received a Part 7 notification, formally or otherwise, or in fact any notice of this incident other than my reading about it on two online services, days after the fact.

If a notification was intended for the IIU, why did it not occur? This is more troubling in that we are now verging <sup>17(1) 17(2)(b)</sup> subsequent to the occurrence and evidence is at risk.

Why would Const. Carver confirm a notification to the IIU when none has occurred? IIU is now in the unenviable position to explain a delay to commence an independent investigation, when it was unaware of the matter in any event.

Why would WPS not notify the IIU of the incident in any event? An allegation of excessive use of force by a police officer would invariably involve an investigation into whether the conduct constitutes a contravention of the Criminal Code. I reference section 73(1) of The *Police Services Act* for your review:

73(1) A police chief must, as soon as practicable, notify the independent investigation unit

(a) when the police service receives a formal complaint that a police officer has engaged in conduct that constitutes a contravention of the *Criminal Code* (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c); or

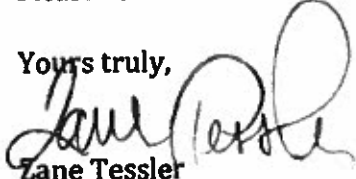
(b) when the police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have contravened the *Criminal Code* (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c).

Given the nature of the incident and public reaction to it, not the least of which is the erroneous comment that a decision respecting the commencement of an independent investigation is pending, it is imperative we discuss this matter immediately.

I enclose copies of the Winnipeg Sun (with emphasis added) and CBC Winnipeg news stories for your review.

Please contact me to discuss.

Yours truly,

A handwritten signature in black ink, appearing to read "Lane Tessler", written over the typed name.

Lane Tessler  
Civilian Director