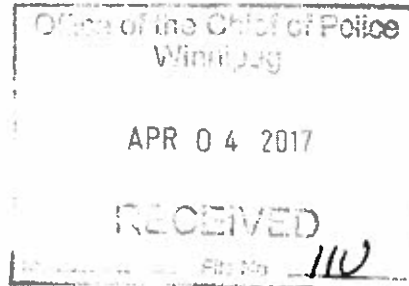


March 28, 2017

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



Handwritten signature and number 1684

Dear Sir:

Re: IIU File # 2016-038 (Affected Person ^{17(1)17(2)(b)} [REDACTED])

I am now attaching a copy of my Final Report.

After a comprehensive review of this detailed investigation, I have determined there are no grounds to proceed with any charges in this case and accordingly, the IIU has closed its file.

We will be contacting all interested parties to advise them of this decision. The subject officer and affected person will receive written notification of this decision from me.

Once all interested parties have been notified, this decision will be released publicly. You will be provided with a copy of the IIU media release in advance. Until that time, this decision will remain confidential and for your information only.

I want to draw to your attention an issue that caused me a moment of concern. At page 4 of this report, I reference a WPS cadet's involvement as an eyewitness to the incident under investigation. I am sending this to you as a courtesy as I feel that the practice outlined below should be drawn to your attention.

^{17(1)17(2)(b)} [REDACTED]

The cadet voluntarily attended IIU offices and cooperated with investigators. ^{17(1)17(2)(b)} advised our investigators that ^{17(1)17(2)(b)} read and reviewed the subject officer's incident report prior to attending for ^{17(1)17(2)(b)} interview. The cadet was not a party to the creation of this incident report; it was prepared

solely by the subject officer the same evening as the incident – the cadet had already gone home. The cadet was relying on the incident report to assist in [REDACTED] recollection of events.

The substance of [REDACTED] interview closely mirrored the circumstances outlined in the incident report. In place of a formal interview, the subject officer provided IIU investigators with a copy of his incident report.

[REDACTED]

[REDACTED] Accordingly, it is unclear how the cadet was able to see the subject officer's actions as described in [REDACTED] interview, unless [REDACTED] recollections were enhanced by the incident report.

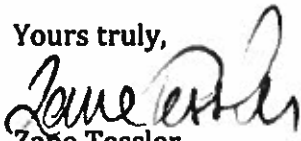
The cadet's use of the subject officer's report to aid [REDACTED] own recollection of events was further compounded by the decision of the subject officer not to be interviewed by IIU investigators. This is the legislated right of the subject officer and no conclusion can be drawn from [REDACTED] assertion of this right. However, the fact the cadet relied on the report when [REDACTED] was interviewed does not enhance the reliability that can be placed on it. It was sufficiently concerning to me to minimize the weight attributed to [REDACTED] interview and write this letter to you.

I will add that independent video of the incident [REDACTED] was located and reviewed. The video did corroborate significant portions of the subject officer's report. Nevertheless, it does not excuse the cadet from a poor choice to prepare for an interview.

I am not suggesting that the cadet was acting in bad faith when [REDACTED] reviewed the subject officer's report. I am not suggesting that [REDACTED] was intent on bolstering the subject officer's situation. This practice should not be encouraged. No matter how innocent [REDACTED] intentions, this is the kind of circumstance that could be used to challenge [REDACTED] credibility in future proceedings. In the present investigation, this issue should be brought to the attention of the cadet and to your training branch to deal with.

If there are any questions or concerns arising from this matter, please contact me at your convenience.

Yours truly,



Zane Tessler
Civilian Director

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