

Thompson RCMP officer found not guilty of assault for 2019 incident

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A Thompson RCMP officer was found not guilty Jan. 19 of assault causing bodily harm for punching a 50-year-old man twice during the course of a June 2019 arrest. | Krisanapong Detraphiphat/Getty Images

A Thompson RCMP officer who punched a 50-year-old man two times in June 2019 was found not guilty of assault causing bodily harm on Jan. 19.

The decision by Court of Queen's Bench Justice David Kroft, which was released on Thursday but is not yet available on the Manitoba courts website, found that there was reasonable doubt about whether Const. Jeremiah Dumont-Fontaine's use of force against Brian Halcrow on June 6, 2019 was unjustified.

"Overall, I am left with reasonable doubt about whether Const. Dumont-Fontaine's perception of risk was objectively unreasonable," Kroft wrote in his decision, [CBC reported](#).

Halcrow, who was treated at Thompson General Hospital for injuries he sustained when hit by Dumont-Fontaine and the spent the night in an RCMP detachment cell, [died by suicide in January 2020](#), just two days after the [assault charge against the officer was sworn](#), though Halcrow did not know that at the time he died.

Halcrow's friends and family said he was depressed about not being able to work after having suffered multiple strokes over the course of a few years and because he was facing three charges of assaulting a police officer and one charge of causing a disturbance as a result of the incident. The Tataskweyak Cree Nation member had been to jail twice before, they said, and did not want to go back there a third time.

Halcrow did not have any memory of the incident, according to friends and family, who said he sometimes experienced memory loss when he had experienced a stroke. Because of the strokes he had suffered, Halcrow was sometimes mistaken for being intoxicated because he was unsteady on his feet and his speech was slow and slurred.

RCMP were called to the North Star Saloon at the Thompson Inn on the evening of June 5, 2019 after the bartender refused to serve Halcrow any more drinks after his first one, as he appeared intoxicated and at one point shoved her.

The bartender, Nicole Moorehead, [testified during Dumont-Fontaine's trial in September](#) that the constable arrived agitated about how often police were called to the bar.

Dumont-Fontaine said "'Why is there no ... security here?'" when he arrived, Moorehead testified. "He said, 'You guys are always calling us.' He had an attitude."

She also testified that Dumont-Fontaine aggressively hauled Halcrow outside, a memory disputed by the officer's lawyer, Lionel Chartrand, who played surveillance video showing that Dumont-Fontaine did not touch Halcrow while escorting him outside. The bartender said the video, which did not have sound, gave a different impression of the officer's behaviour than one got from actually being there and hearing him talk.

Outside, according to Dumont-Fontaine's police partner Const. Mark Sterdan, Halcrow appeared to pull his arm back and launch forward in the direction of the other officer. Surveillance video shows that Halcrow threw a hat at Dumont-Fontaine, though in his notes on the night of arrest Sterdan had said that Halcrow punched his partner.

An internal RCMP report cleared Dumont-Fontaine of any wrongdoing, saying it was a justifiable use of force.

Dumont-Fontaine told investigators from the Independent Investigation Unit of Manitoba, which examines all serious allegations involving on- and off-duty police officers in the province, that Halcrow threw a hat that hit him in the "facial area," which led to him punching Halcrow twice. An IIU use-of-force expert said the hat didn't even hit Dumont-Fontaine and that his response was excessive.

The [IIU's investigation of the matter](#) resulted from Halcrow's sister filing an excessive force complaint with the RCMP's civilian review and complaints commission.

The [IIU and RCMP also wound up in court in 2021](#) over whether police should have to turn over two reports created as a result of the incident to the police watchdog. [A judge ruled that one report did have to be turned over](#) but another did not.

At trial, Sterdan testified that he didn't think punching was the best option for dealing with Halcrow. An IIU use-of-force expert found Dumont-Fontaine's reaction to having a hat thrown at him unreasonable, but two RCMP use-of-force experts testified that they felt his actions were justified.

Testifying in his own defence, Dumont-Fontaine said his experience taught him that there was a threat that Halcrow would escalate, which justified his response.

Despite doubts about the credibility of all three use-of-force experts, Kroft acquitted the officer of the charge.

"When I consider the overall circumstances, the nature of the force used, and the characteristics of Const. Dumont-Fontaine, reasonable doubt remains as to whether [his] response was objectively unreasonable," Kroft said in his decision.

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