



## Summary of Investigation

SiRT File # 2014-009

Referral from

Halifax Regional Police Service

March 20, 2014

Ronald J. MacDonald, QC  
Director  
July 22, 2014

**Facts:**

On March 20, 2014, at approximately 3:25 p.m. near the Armdale Roundabout, two members of the Halifax Regional Police (HRP), Officers 1 and 2, were struggling in an attempt to place a 21-year-old woman, the Affected Party (AP), into custody. They had determined she should be detained under the provisions of the Involuntary Psychiatric Treatment Act (IPTA). During the struggle, AP's right arm was broken.

As a result of the serious injury, and in accordance with the *Police Act*, HRP reported the incident to SiRT at approximately 4:15 p.m. At that time SiRT assumed responsibility for the investigation relating to AP's injury. The investigation concluded on June 19, 2014. During the investigation, SiRT interviewed three civilian witnesses and AP, and received notes from one witness police officer. One of the civilians was a cadet from a police academy on a training "ride-along" with the HRP members. A copy of the HRP file was obtained, as well as the medical records of AP.

Under the Serious Incident Response Team Regulations made under the *Police Act*, a subject officer is not required to provide SiRT with a statement or any notes or reports. Nevertheless, Officers 1 and 2, both subject officers, provided SiRT with their notes and reports in this matter.

The investigation showed that HRP had received a call at 2:14 p.m. from AP's boyfriend indicating that AP was threatening to take her own life. AP was known to have a history of personal difficulties. Officers 1 and 2 responded to her home address, and entered her apartment in an attempt to locate AP. She was not present, but they did find a note which indicated she was planning to end her life. She also left directions about how her belongings should be distributed after her death. Officers 1 and 2 also located a picture of AP, and were therefore aware of her description. They were very concerned as AP had put a plan into place to take her own life.

Officers 1 and 2 received information that AP was in an area which included the Armdale roundabout. They alerted other police officers about her location and patrolled to that area. The officers found AP sitting in an enclosed stairway leading to second floor offices above a restaurant near the roundabout. They approached AP and explained they wished to take her to the hospital given her psychiatric condition. AP did not want to go, as she felt they might be taking her to jail. AP was described as being approximately 180 pounds, and very strong. She physically resisted the Officers when they tried to take her into custody. The civilian ride along described AP as screaming, grabbing, and kicking in her attempts to resist the officers' action.

Both officers described moving AP to the bottom of the stairs. She then braced herself against the wall, but they were able to move her out the door. Once outside, AP "went limp" and laid on her back on the ground. She was very uncooperative, and was resisting the officers' efforts to place her into custody. Officer 2 received several kicks from AP.

Officer 1 was able to place a handcuff on AP's left arm, and Officer 2 was trying to control AP's right arm. At one point AP was able to get her left arm free, and swung it with the open right hand part of the handcuff flailing loose. Officer 1 was again able to get hold of AP's right arm and was trying to move it behind her back so both hands could be handcuffed. AP strongly resisted that move, until both Officers heard a loud popping sound. At this point AP ceased resisting, and complained that her arm was broken. EHS was called immediately. Medical records confirm that AP's right upper arm was broken. She was treated in hospital and later released.

The other civilian witness observed the police actions from the top of the stairway. She is a retired social worker and has experience with persons who are combative in similar circumstances. She described the actions of Officer 1 and 2 as being kindly and careful in their attempts to explain they wanted to take her to the hospital for help. She indicated the police acted professionally throughout. She noted that AP was strong, and while she was controlled quite well inside the building, once outside the situation became more difficult. It appeared to her that AP's actions caused an officer to lose his balance, and there was a "pile up". That seemed to be when AP broke her arm as she became very compliant after that.

In her statement AP confirmed that she actively resisted the efforts of the police right up to the point her arm was broken. This included grabbing on to the wall, as well as pulling her arms away as the Officers tried to place handcuffs on her.

**Relevant Legal Issues:**

- 1) Did Officer 1 and 2 have lawful authority to take AP into custody under the IPTA? That Act allows the police to take a person into custody and take a person for medical examination if there are reasonable and probable grounds to believe the person has a mental disorder, is threatening to cause harm to themselves, are not consenting to go to hospital, and it is not feasible to seek a court order first. During that process, police are entitled to apply what reasonable force is necessary. This might include utilizing handcuffs and placing the person in the secure back seat of a police vehicle.
- 2) Did police have a right to self-defence? If police officers are faced with an individual who gives them reasonable grounds to fear for their physical safety, they are also entitled to use reasonable force to protect themselves.

**Conclusions:**

Officers 1 and 2 had information from AP's boyfriend and her handwritten note which made it clear she was a threat to her own safety. They took immediate steps to locate AP, and should be commended for these efforts. AP was clearly mentally distressed, wanting to end her life, and

not willing to go to a hospital voluntarily. They needed to act quickly given the circumstances. They had the right to use reasonable force to take AP into custody for the purpose of taking her to hospital. Indeed, it was their duty to do so.

AP gave strong resistance, and acted aggressively toward the officers. Those actions included kicking at them. The use of physical restraint, including handcuffs, in those circumstances was very reasonable.

Based on the civilian evidence, both officers acted professionally, and did not use excessive force. AP's arm broke as the unfortunate result of her continuing to actively resist the officers up to the point when her arm was unintentionally broken in the struggle.

In these circumstances there are no grounds to consider any charges against either Officer 1 or 2.