

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2015-020

Referral from

Halifax Regional Police

Ronald J. MacDonald, QC

Director

January 29, 2016

**Facts:**

On July 10<sup>th</sup>, 2015, at approximately 4:30 p.m., two members of the Halifax Regional Police (HRP), Officers 1 and 2, were attempting to arrest a 25-year-old woman, the Affected Person (AP), at an apartment building on Dawn St. in the Fairview area of Halifax. After running into a vacant apartment to evade police AP jumped or fell from a window. The fall resulted in AP suffering fractures to her wrist, back and pelvis. As a result of the serious injuries HRP contacted SiRT later that evening. SiRT assumed responsibility for the investigation at that time. The investigation was completed on October 20, 2015.

During the investigation SiRT interviewed AP, and reviewed relevant police files, medical records, and the scene of the incident. Under the Serious Incident Response Team Regulations made under the *Police Act*, officers who are the subject of the investigation are not required to provide a statement or their notes in a matter. In this case both Officers 1 and 2 provided their notes to SiRT.

The investigation showed that on July 9, 2015, Officers 1 and 2 investigated a theft which had occurred at the Nova Scotia Liquor Commission (NSLC) store on Joe Howe Drive on July 8. That investigation included video and physical evidence which identified AP as one of the two suspects in the theft. They also determined that AP was subject to a court order not to be on the premises of a Liquor Commission store. That order was made earlier on July 8.

On July 10, Officer 1 and 2 responded to a request from a resident of the Dawn St. apartment building. She indicated that she was currently in hospital and there were people at her apartment that she did not want there. Officers 1 and 2 went to the apartment, located on the basement level, and found AP as the only person present. When they asked her to leave she did so voluntarily and began to walk away. The Officers then realized that AP could be arrested for the NSLC matter from the day before. When they told her to stop she ran to the second floor of the building and into a vacant apartment, locking the door behind her. Both Officers attempted to force the door open without success. Officer 2 ran to the back of the building to prevent escape from that area.

When Officer 2 arrived at the back of the building, he observed AP on the ground, beneath one of the apartment's windows. He radioed Officer 1 who came outside. They immediately radioed for EHS help as AP was clearly injured.

AP gave a statement to SiRT. In that statement she acknowledged being at the first apartment, running upstairs and entering the vacant apartment. She considered jumping from the window initially but thought it was too high. She could hear the police attempting to enter the apartment.

She said she eventually either jumped or fell from the window. This was completely a result of her own actions.

AP landed on pavement about 15 feet below the window. She indicated that Officer 2 came over to her and told her not to move, and that the ambulance was on its way.

On September 18, 2015 AP plead guilty to the theft and breach of court order in relation to the NSLC matter, as well as several other matters. She was sentenced to 18 days in custody as well as one year probation. Unfortunately, shortly after her release from custody AP passed away.

**Relevant Legal Issue:**

As there is no evidence of the application of any force by the police which caused the injury, the sole issue is whether Officers 1 and 2 were acting lawfully when they chased AP, yelled at her to stop, and then attempted to enter the vacant apartment.

A police officer is entitled to arrest or attempt to arrest any person who they have reasonable grounds to believe has committed an indictable offence. A police officer is also entitled to enter premises without a warrant when a person enters those premises during a pursuit by police.

**Conclusions:**

Officers 1 and 2 had clear grounds to arrest AP. The day before they viewed video which showed AP on the premises of a NLSC store July 8, in clear violation of her court order. When they asked her to stop, it was AP who made the decision to attempt to escape. The Officers then tried to enter the apartment she ran into. They were justified in doing so without a warrant given she ran into the apartment while the Officers were pursuing her. By AP's own admission, it was her actions which led her to jump or fall from the apartment window and suffer her injuries.

On all of the evidence, there are clearly no grounds to consider any charges against either police officer. In fact, their actions were carried out entirely appropriately. In addition, they took all appropriate steps to ensure AP remained still after she was injured, and to obtain medical assistance for her as quickly as possible.