

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-013

Halifax Regional Police

March 21, 2022

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Director

June 23, 2023

INTRODUCTION

On March 20, 2022, Halifax Regional Police received a call to attend a hotel in the Halifax Regional Municipality. The caller stated that a guest reported they had been threatened with a knife by their partner who was also a guest at the hotel. The caller stated that the guest told them that their partner would do harm to anyone that entered the room.

When police arrived, they were directed to the room where the Affected Party (AP) was located. Police made several attempts to interact with the AP but were not successful. Given the situation, the police Emergency Response Team (ERT) and a negotiator were brought in to assist in getting the AP out of the hotel room. Several calls were made to the AP's room with no response. The negotiator was able to reach the AP and at that point the AP stated that they were in possession of an explosive device. A short time later, without warning, the AP opened the door and exited the room.

The AP refused to comply with the officers demands and was yelling violently at the officers. The AP was struck by a less-lethal projectile (plastic projectiles designed to inflict pain compliance and not cause serious injury). The projectile hit the AP but had no effect on the AP; subsequently, two more projectiles were shot at the AP. After the third projectile struck the AP, the AP complied with the officers demands and laid on the floor. The AP was arrested and taken into custody.

The AP claims that while being arrested officers intentionally reinjured an existing injury, broke teeth and choked the AP. As a result of these allegations SiRT commenced an investigation into the matter on March 21, 2022. The investigation was completed on March 27, 2023.

SiRT's mandate is to investigate all matters that involve death, serious injury, sexual assault, and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

At the conclusion of every investigation, SiRT will determine whether criminal charges should result from the actions of the police officer. If no charges are warranted, the Director will issue a public summary of the investigation which will outline the reasons for that decision.

The narrative that follows is based on evidence collected and analyzed during the investigation including the following:

1. Civilian Witness Statements
2. Affected Party Statement
3. Subject Officers Statements

4. Witness Officers Statements
5. Police Incident Reports
6. Police Notes
7. Photographs
8. Affected Party's Medical Records
9. Medical Report
10. Hotel Records
11. Use of Force Policy
12. Ministerial Directive to Police, 1996 on Spousal/Intimate Partner Violence
13. 911 call

NARRATIVE

On March 20, 2022, at approximately 0720 hrs., Halifax Regional Police received a call about a weapons-related incident at a hotel in Halifax, Nova Scotia. A guest of the hotel, Civilian Witness 1 (CW1), reported that their partner, the AP, had swung a knife at them in their hotel room and CW1 fled to the hotel's front desk for safety.

The AP told CW1 that if anybody came to the room, the AP would stab them with a knife.

Police arrived a short while later and were provided with this information. CW1 also advised police that the AP was hiding from authorities for several days because of a weapons complaint in another jurisdiction. CW1 told police that the AP had been consuming drugs and alcohol over the last few days and that the AP's mental health had been deteriorating over the past two weeks.

The initial police response led to the hotel being contained and evacuated and the ERT being called to assist.

The officers tried to contact the AP in the hotel room by repeatedly calling the in-room phone as well as the AP's cell phone over an extended time. Police tried knocking on the hotel door and yelling that the AP was under arrest, but the AP refused to respond to all attempts of communication. A trained police negotiator, WO1, repeatedly called into AP's room - over one hundred times with no success.

When the AP finally responded, WO1 stated that the AP was upset and seemed to be "out of it". The AP was demanding to speak with CW1. The AP told WO1 that there was an explosive

device present in the room and the AP refused to exit the room. The mention of an explosive device significantly increased the risk assessment of the officers according to the WO2.

While the AP was in the hotel room, they could be heard damaging objects in the room including the hotel phone by tearing the cord out of the wall. Then, without warning, the AP opened the door and began to exit the room with what appeared to be a bag over their shoulder. The AP was yelling at the officers.

ERT Officers were positioned on either side of the AP's room, peering out nearby hotel room doors for officer safety. SO1 had a less lethal rifle capable of shooting Arwen rounds (plastic projectiles designed to inflict pain compliance and not cause serious injury). Consideration was also given to use several other options; however, all other options were abandoned for various reasons.

When the AP unexpectedly came out of the room, the officers instructed the AP to put their hands up and get on the ground. This request was made several times, but the AP refused to comply with the demands of the officers. As a result, the decision was made to shoot the AP with a less-lethal projectile by SO1. The projectile struck the AP but had no effect. A second projectile was deployed and had no effect. The AP continued to yell at the officers and refused to comply with their demands. The AP uttered "...that didn't hurt", and they should use something bigger. A third projectile was fired, and the AP finally complied, getting on the ground in a slow controlled manner.

The AP was placed under arrest. The AP says SO1 was the same officer who asked which body part was injured and then proceeded to stomp on that body part. However, SO1 remained at a distance and two other officers, SO2 and SO3, approached from the opposite end of the hallway arresting the AP.

Once the AP was secured, paramedics were called in from a room nearby and the AP was placed on a stretcher. The AP made threatening utterances to the officers while being taken to the transport vehicle. The AP refused to cooperate with the paramedics who were present to attend to any medical concerns the AP might have suffered.

Once the AP arrived at the police station the AP was described as 'acting up'. The AP spoke with WO2 who was able to calm the AP down by providing the AP with a cigarette. Once calm the AP stated that they had a previous injury from a motor vehicle accident and had received medical care to correct the injuries. The AP stated officers reaggavated the injuries during the arrest. AP told WO2 that they did not require medical attention even after it was offered by WO2.

Allegations

Allegation #1

AP was shot four times with a less lethal round for no reason and suffered injuries to his arm and groin area from the impact of the round.

Allegation #2

That an unknown Halifax Regional Police Officer who arrested AP, used excessive force during the arrest of the AP further injuring a previously injured leg of the AP.

Allegation #3

AP was put in a choke hold by the same officer in complaints 1 and 2 and as a result, suffered significant dental injuries.

Witness Evidence

Civilian Witness 1

CW1 was contacted and agreed to attend the SiRT office for an interview with the SiRT investigator. CW1 did not attend this interview and refused to take phone calls from investigators. Approximately six weeks later, CW1 agreed to be interviewed by the SiRT investigator, a day after SiRT was contacted by the AP.

CW1 stated the following:

- That CW1 and the AP are in a relationship.
- They had been staying at the hotel for approximately two days.
- CW1 and the AP had consumed drugs and alcohol the day of the incident. CW1 felt this contributed to both CW1 and the AP having mental health issues.
- CW1 went in the bathroom and when CW1 came out the AP had a knife.
- CW1 became afraid and left to get help.
- CW1 went to the front desk and told them what was taking place and to call the police.
- Police arrived, CW1 spoke with an HRP officer and told them what had happened.
- CW1 said that they had no contact with the AP since the incident.

Civilian Witness 2

CW2 was interviewed for the purposes on this investigation. CW2 stated the following:

- That they were staying at the hotel.
- It was about 8 a.m. or so CW2 heard a commotion outside the room. It was police calling for a person to come out of the room.
- CW2 never heard anything from the person the police were trying to contact, nor any commotion from the room prior to this.
- CW2 took a photo through the peephole that show what appears to be a police officer,



- CW2 never saw the AP exit the room and never saw police interacting with the AP.
- CW2 wanted to leave the room, so they knocked on their own door and opened the door a bit to ask permission to leave, the officer told them they could, but if they left, they could not come back.
- CW2 took all their belongings and left, they saw about five officers in the hallway, all wearing uniforms

different than patrol officers, they went down the stairwell and an officer was in the stairwell.

Civilian Witness 3

- On 2022-03-20 CW3 was working for EHS.
- CW3 met with the commander in the command post. ERT members were positioned along the hallway. Several other people were in the command room, including negotiators, scribes and ERT.
- CW3 was in the command room for almost two hours.
- The negotiator was calling the room repeatedly and the person in the room was hanging up on the negotiator.
- The AP did talk with the negotiator a few times and was demanding to see CW1.
- CW3 stated that they could hear the AP pull the phone out of the wall and trashing the room even though they were several rooms away.
- The AP told the negotiator they had an explosive device.
- CW3 also brought up the stretcher.
- The AP began talking with police on the phone and eventually came out. CW3 couldn't see but heard them yelling and telling the AP to get on the floor and put their hands up.

- CW3 then heard a few pops.
- Shortly after that CW3 says the police requested the stretcher.
- When CW3 arrived with the stretcher the AP was sitting on the floor, both legs were out and the ERT officers were standing around the AP in a semi circle.
- None of them were interacting with the AP.
- When CW3 tried to assess the AP, the AP became aggressive and threatening towards the officers.
- CW3 stated that they couldn't do an assessment because of the AP's behaviour.
- CW3 does not recall if the AP said anything about the officers causing any harm to the AP but believes they would have remembered that had it been said.
- Two of the officers helped the AP onto the stretcher and they assisted taking the AP downstairs.
- Once in the elevator, the AP began threatening the officers, saying the officers should have covers over their faces as payback can hurt.
- The AP began thrashing at police, trying to head butt police.
- Once outside, when police attempted to place the AP in the police van, the AP continued to try to push against the officers in an attempt to hurt the officers.
- CW3 did not see any actions of the police officers that was excessive.
- In CW3's opinion police handled the situation with the AP correctly otherwise officers would have been injured by the AP aggressive actions.

Witness Officer 1

WO1 is the police negotiator that was called to help extract the AP out of the hotel room. WO1 is specially training in critical incident negotiation, specific to individuals barricaded in a building refusing to come out. WO1's provided a detailed statement. The evidence provided by WO1 is as follows:

- Called the AP's cell phone several times. Could hear the phone ringing inside the room and no response.
- Decided to get a direct line to the hotel room phone and began calling that repeatedly and it went to voice mail over 70 times.
- At 11:25 they made the first contact; however, the AP hung up.
- At 11:26 the AP called back, asking about CW1.
- During this call the AP stated that they had an explosive device and then hung up.
- WO1 then called the AP back and advised that police would breach the door if the AP did not come out.
- At 11:33 WO1 could hear the AP smashing things inside the room.

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- WO1 called back and the AP hung up the phone.
- WO1 could hear the AP yelling that they did not want to listen to police.
- At 11:49 WO1 contacted the AP again and were giving directions to get the AP to come out safely.
- Without warning the AP just barged out of the room and into the hallway.
- WO1 heard officers yelling to the AP to get on the ground.
- WO1 heard what sounded like possibly the Arwen being fired.
- The WO1 was advised that the AP was in custody.

Witness Officer 2

WO2 is an officer with the Halifax Regional Police. WO2 was responsible for supervising some of the officers on scene. In an audio statement WO2 stated:

- The incident at the hotel was a domestic assault and involved a weapon.
- Because the AP was considered armed and dangerous, they evacuated the entire floor of all guests. They physically did this and entered every room, having a list of all residents.
- They shut down the elevators.
- Negotiators called the room many times, but the AP wouldn't answer.
- Heard the AP say that they had an explosive device, this increased the risk assessment.
- Heard what sounded like the AP destroying the room.
- Heard the AP screaming and yelling.
- Present when the AP came out of the room screaming and refused commands.
- Heard the AP yelling for police to shoot.
- Saw the AP with what appeared to be a bag on over the shoulder.
- Heard the order given to shoot the AP with the Arwen, less lethal projectile.
- Witnessed the projectile hit the AP in the hip which did nothing to deescalate the situation.
- Witnessed two additional projectiles authorized and after the third projectile saw the AP go to the ground.
- No officers were around the AP at the time the AP went into a prone position,
- All officers at least 20 meters from the AP as they feared the AP had an explosive device.
- Witnessed the arrest of the AP and did not see any officer stomp on the AP's previous injury.
- Once the AP was cuffed and secure, the AP was seen by paramedics and a stretcher was brought down for the AP.
- The AP was not moved until the paramedics got there from down the hall.

Witness Officer 3

- WO3 was dispatched to the hotel on a domestic call and was in a room down the hall from the AP.
- WO3 assisted in the evacuation of the hotel floor.
- WO3 could hear the AP trashing the room and then saw the AP exit the room yelling at police.
- Heard officers tell the AP to get on the ground.
- WO3 knew the AP was failing to obey commands and that's why the Arwen was fired.
- While on the floor, the AP continued to yell; however, the AP wasn't a threat at that point.
- Witnessed the AP taken from the floor on a stretcher.

Witness Officer 4

WO4 provide a statement to SiRT regarding this matter. WO4 stated the following information:

On March 20th, 2022, WO4 was working and was dispatched to a complaint at a hotel in the Halifax Regional Municipality. A staff member called saying a guest, CW1, was at the front desk and advised the AP had a weapon.

- On arrival, WO4 met CW1.
- CW1 stated the AP had consumed drugs and was having a mental health crisis.
- WO4 was told by CW1 there were outstanding matters involving the AP and the authorities.
- WO4 asked CW1 to come to the police station to provide a statement, but CW1 did not want to.
- WO4 took CW1 for a recorded statement.
- CW1 disclosed acts of domestic violence of a serious nature.
- WO4 heard over the radio that The AP was taken into custody.

Subject Officer 1

SO1 is a member of Halifax Regional Police. SO1 proved a voluntary statement to the SiRT investigator. In that statement SO1 stated that on March 20th, 2022, they were working as a member on patrol when a call came in about a disturbance at a local hotel in the HRM. When SO1 arrived, they were advised of the situation and that the AP was barricaded in one of the hotel rooms. SO1 help to clear hotel guests and secure the floor. SO1 was assigned to be the less

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lethal Arwen operator, which fires a 3” baton round. SO1 took up position down the hall from the AP’s location.

SO1 could hear the negotiator calling to the AP many times. SO1 also heard the AP say that they had an explosive device and knew how to use that device. This raised the threat level of the situation. Several attempts were made to contact the AP with no success.

After some time, the AP opened the hotel room door and exited without warning. The AP was wearing a baggy hoddie, and SO1 stated that they couldn’t see what was under the hoodie. The AP was combative and refused to comply with commands that were being made. SO1 stated that the AP was given time to comply with the demands of the police officers. Given that the AP was refusing, SO1 fired one shot that hit the hip of the AP. This had zero effect on the AP who was still being belligerent and refusing to comply with demands. SO1 heard the AP say that “the gun wasn’t big enough” and that “they need another one”.

After the first shot the AP turned around and was directing their attention to SO1. SO1 says that more time was provided to the AP to comply. When the AP failed again to comply, SO1 fired a second round, hitting the AP. The AP continued to yell and was not obeying commands. At this SO1 was instructed to fire a third round at the AP. This round struck the AP as well.

After the third shot the AP slowly lowered themselves to the ground. Then officers moved in and began arresting the AP. SO1 says that they didn’t see exactly how the AP was approached. SO1 says that after collecting the three Arwen rounds, they had no further involvement in this matter but could hear the AP being vocal with the arresting officers and EHS staff.

Subject Officer 2

SO2 also provide a statement to the SiRT investigator. SO2 stated that they are a member of HRP and were called out for a barricaded person at the hotel in question and there was the possibility of weapons.

SO2 help clear the floor of hotel guests and took up position a few rooms down from that of the AP’s. SO2 could hear the negotiator calling the AP several times to exit the hotel room. After several attempts SO2 heard the AP tell the officers to go away.

When the AP eventually came out, the AP was belligerent, yelling and swearing at officers. The AP refused to get on the ground after being asked several times to do so. SO2 witnessed the Arwen being deployed and strike the AP. SO2 says that this round had no effect on the AP. The AP responded after being hit, “that doesn’t hurt”. The AP was shot a few more time with the Arwen and then complied with demands by getting on the ground.

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SO2 says that their role was to arrest and handcuff the AP once the AP was on the ground. Once on the ground SO2 put a knee on the AP's shoulder and one on his kidney area and secured the AP. SO2 said that two sets of handcuffs were used in this situation.

SO2 says that they were aware that the AP had a previous injury, but the arrest did not involve that part of the AP's body. Once arrested EHS attended, and the AP was placed on a stretcher. SO2 says that they assisted in transporting the AP the police vehicle. That the AP pushed SO2 with their leg that resulted in SO2 falling backwards in the police vehicle. SO2 says that the AP was upset at the time of arrest.

Subject Officer 3

SO3 provided a free and voluntary statement to SiRT in regard to this matter. SO3 stated that they were called on March 20, 2022, for a barricaded person in a Halifax hotel. When SO3 arrived at the hotel they took position in the hallway down the hall from the AP's room. SO3 could see the AP exit the room and could see that the AP was not complying with demands. SO3 saw that the Arwen was fired at the AP and the first round made contact with the AP but had no effect on the AP. After a few more rounds of the Arwen hit the AP, the AP went to the ground and SO3 was apart of the arrest team.

SO3 says that they were aware the AP had an injury from a previous unrelated incident. When they approached the AP for arrest it was clear that the AP was agitated and upset. None of the arresting officers jumped on the AP or asked the AP about previous injuries. SO3 was not aware of any comments made about an explosive device.

Affected Party's Statement

The incident arose on March 20, 2022, the AP did not provide a statement until May 30th, 2022. This was at the AP's own wishes as they wanted time to consider options before providing a statement. Once a statement was obtained the AP also provided consent to obtain medical records. In the videotaped statement the AP stated:

- AP and CW1 were at the hotel in March, possibly the 16th,
- Sometime ago the AP was in a motor vehicle accident and was badly injured. AP had surgery and they put a rod into the injured area.
- AP remembers that CW1 left the hotel room and when CW1 came back they had a smoke in the bathroom and then went to bed.
- Next thing the AP remembers was waking up and it was daylight and that their phone was ringing. It was the police calling.
- AP recalls the person on the phone saying that they had officers in the hallway and asked if the AP had an explosive device.

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- AP agrees that they were upset and were “flipping out that that they would hurt CW1”.
- AP says that they told police they had to get dressed and would be out. It was about two minutes before the AP got the call and went to the door.
- AP says they knocked on the door and said they were on the way out.
- When the AP opened the door, AP says they stepped out and had their hands out so police could see.
- The AP says that as they walked out an officer was behind them and put a gun to their head and said look to your left.
- The AP said that the officer told the AP that they were going to blow their head off.
- AP says that at the same point there was a commotion in a room, AP could see what was going on and another person was taken down.
- AP said they were shot 4 times with a round, without warning. “It came from a small fit guy who was at the bottom of a stack.” Two rounds hit the abdomen, one in the groin and one in the arm.
- AP says that they “picked one round up, it was green and had a happy face on it. It had pellets inside it.
- AP says that they did not resist the police. However, the officer that shot the AP came over and asked what body part was injured. When the AP told the officer the AP says that officer then jumped on that body part causing it to be reinjured.
- The AP doesn’t remember anything else until they were downstairs.
- AP says that officers dragged the AP into the prisoner van and the same officer who shot and jump onto the AP, put the AP into a headlock and was twisting on the AP’s neck.
- A uniform officer told the officer who had the AP in the headlock to stop. Two other officers were present.
- AP says that once inside the van they asked officers to take them to the hospital; however, officers took AP to the police station.
- The AP says it was several hours later, when they took the AP to hospital for x-rays.
- AP says the medical reports proved that they were not using cocaine that day.
- The AP says that they were told that their leg was reinjured, and the previous medical repair procedure was compromised. Also, that the shots had injured three other areas on the AP’s body including his bicep and groin that required medical procedures to correct.

Medical Evidence

The AP permitted SiRT to access their hospital records and the records of the paramedics who were on site at the hotel.

As the medical records were difficult to interpret, considering the AP had a pre-existing injury to his leg, a medical expert was contacted to get an opinion. The medical expert reviewed x-rays that had been previously taken of the AP’s injury with those taken after their encounter with police and compared the two. The medical expert was unable to confirm that the injuries to AP’s leg were caused by their interaction with police. They stated that they may have been caused by

AP's own weight bearing and activities on that day or it also could have been a gradual progression during the preceding weeks between the x-rays.

There were no medical reports of injury to the AP's teeth, bicep, or groin area.

LAW

CRIMINAL CODE

Section 25(1)

Every one who is required or authorized by law to do anything in the administration or enforcement of the law (a) as a private person, (b) as a peace officer or public officer, (c) in aid of a peace officer or public officer, or (d) by virtue of his office, is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

Section 25(3)

a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

Section 26

Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess."

Section 25 of the Criminal Code of Canada deals with protection of persons acting under authority it allows a peace officer, acting on reasonable grounds, to use as much force as is necessary to enforce or administer the law. This section also states that a peace officer is not justified in using force that is intended or is likely to cause death or grievous bodily harm.

More particularly section 25(4)(d) states "a peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended to cause death or grievous bodily harm to a person to be arrested if "the peace of officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm.

DIRECTIVE OF THE MINISTER OF JUSTICE ON SPOUSAL/INTIMATE PARTNER VIOLENCE

On March 28, 1996, the Nova Scotia Minister of Justice directed all police agencies that, in cases of Intimate Partner violence or offences arising from Intimate Partner Violence that:

“The alleged assailant shall be arrested immediately in all cases where the police officer has reason to believe that there will be a continuation or repetition of the offence (including a violation of a ‘no contact’ order, peace bond, civil restraining order or release condition) or if other grounds for arrest are present. Where the police officer releases the alleged assailant on an undertaking (Form 11.1), that undertaking shall contain a ‘no contact’ and other protective conditions appropriate to the circumstances.

The police officer shall lay a charge where there are reasonable and probable grounds to believe that an offence has been committed. The police officer’s decision to lay charges will depend upon the evidence available and not upon the wishes of the victim/complainant. Where the police officer lays a charge, the officer is to inform both the victim/complainant and the accused that the victim/complainant cannot withdraw the charge. The withdrawal of charges is the sole responsibility of the Crown Attorney.”

USE OF FORCE

While other options were considered, police chose to use the less lethal force technique by firing the Arwen gun at the AP. This weapon would be unlikely to cause grievous bodily harm or death to the AP. The Arwen website states:

“The Arwen is an intervention weapon that uses a less lethal projectile whose primary use is not intended to cause serious injury or death. Oleoresin capsicum (OC) spray conducted energy weapons, batons, and the extended range impact weapon fall within this heading. Canadian Police agencies continually review police intervention option trends and advancements within Canada and in the law enforcement community. In 2017 police agencies began examining the utility of the extended range impact weapons, such as the Arwen for frontline duty by patrol officers. Prior to that, only Emergency Response Teams (ERT) and Tactical Support Group (TSG) carried the Arwen. The driving factor in deploying the Arwen to front line policing was to provide officers with an intervention option that could be used from a distance. The goal is to provide more time and distance from the person the officer is dealing with to allow for de-escalation and communication, when tactically feasible”.



Arwen gun with cut away round for demonstration purposes.

Arwen Round Specifications

POC_SPEC_AR-1

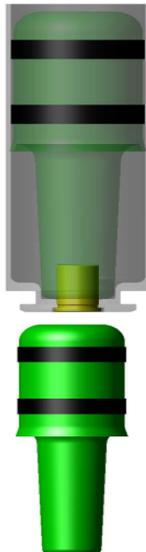
Product Specification Sheet

Revision G 2016-08-23

All specifications are average and are subject to change without notice.

AR-1

ARWEN® Impact Baton, Standard Energy



PHYSICAL & OPERATIONAL

> Model No.	AR-1
> Description	ARWEN® Impact Baton, Standard Energy
> Caliber	37mm ARWEN®
> Cartridge Type	Rebated Cartridge Case
> Cartridge Material	Aluminum, Black Anodized
> Outside Diameter	40mm
> Overall Height	110mm
> Overall Weight	145g ± 1g
> Projectile Weight	78g ± 1g
> Projectile Color	Bright Green
> Not Explosive	0.61g
> Quantity	74m/s (242fps) Average – ARWEN 37 Barrel
> Muzzle Velocity	219J (158ft-lbf)
> Kinetic Energy at Muzzle	100m
> Range	All 37mm ARWEN® Compatible Weapon Systems
> Compatibility	Lacquer coated primer, and sealed propellant cartridge
> Waterproof	

ANALYSIS

There is no question that the AP had an injury to their leg from a previous motor vehicle accident. The question is whether that injury was reinjured by the intentional action of the police during the arrest of the AP.

In this case the AP was the subject of police investigation days before this encounter. The AP became arrestable when CW1 made the allegations to police about the actions of the AP in the hotel room. These allegations were in a domestic context and involved the use of a weapon. There is evidence that the AP may have had an explosive device that would have been capable of causing death or serious bodily injuries to the police officers and/or the public.

A trained police negotiator was brought in to assist with removing the AP from the hotel room. Several attempts were made to contact the AP without success. When contact was made with the AP, the AP was combative and hostile towards officers. It is clear from the evidence that the AP made mention of having an explosive device with the ability to use that explosive device. This was an escalation of an already volatile situation. The use of force by the police to deal with the situation under this circumstance was reasonable.

The AP had ransacked a hotel room and was not responding to calls to the room by officers. After many attempts the AP did speak with police via the phone. The AP exited the room without notice and was not complying with the directions being given by the officers. The decision was made to use a less lethal means to defuse the situation. The Arwen gun was a reasonable choice in this situation.

The first projectile that hit the AP had no effect on the AP. In fact, the AP told the officers this during the encounter. While the AP says that they were stuck four times with the Arwen projectile, I find SO1 stuck the AP three times. Only on the third shot did the AP follow the commands of the officers. Therefore, any injury that the AP may sustained because of being shot by SO1 with the Arwen gun are the consequences of the AP's actions. Furthermore, the AP's claims of injury are not reflected in the medical evidence. Therefore allegation 1 is dismissed.

The AP stated that the SO jumped on the AP's leg reinjuring it. The medical evidence that has been gathered does not support this conclusion. In fact, the medical expert advised that the AP's on body weight may have been the cause of the injury.

WO's have provided their notes and given statements to SiRT. No where in the notes or statements was there any indication of officers jumping on the AP during the arrest. Also, CW3

provided a firsthand account of what took place. CW3 says that the officers approached the AP to check their health. The AP made no mention of being injured or suffering in pain. CW3 heard the AP being belligerent and denying medical assistance.

The medical records of the AP make no mention of any dental issues suffered by the AP. I find that the AP's version of events provided for this investigation do not match the version of events provided by the WOs officer and CW3. I also find that the medical evidence falls short of assisting the AP's claims of physical injuries suffered because of the actions by the SO. Therefore, I find no merit in the AP's second or third allegation.

CONCLUSION

The Serious Incident Response Team has been given the task of investigating any incident that occurs in the province in which an AP claims to have suffered serious injuries as a result of their encounter with police. The aim is to provide assurance to the public that when the investigation is complete, they can trust the SiRT's conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In many cases, those conclusions are presented in a public report such as this one, which completes the SiRT's mandate by explaining to the public what happened in the incident and how the AP came to suffer harm if such harm occurred. Such reports are generally intended to enhance public confidence in the police and in the justice system through a transparent and impartial evaluation of the incident and the police role in it.

In a smaller number of cases, the evidence gathered may give the Director reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the Director authority to lay charges and refer the file to Public Prosecution Service.

The purpose of this investigation was to determine if there are reasonable grounds to believe that the actions of the police contributed to or caused the injuries to the AP. Neither the medical evidence, civilian witness reports, photographs, or the Use of Force policy review support the AP's claim that the use of force by any of the SOs was excessive. The evidence from CW3 made it clear that the AP was neither in medical distress nor suffering from the injuries the AP complained of after being arrest by SOs.

In this case the officers had the legal authority to arrest the AP. I find that it was the AP who resisted the officers that were attempting to arrest the AP. The AP's behaviour was aggressive,

volatile, and out of control. SO1 only used such force as was necessary in the circumstances to arrest the AP. No evidence exists that the force used by the officers exceeded what was necessary to effect the arrest of the AP. The force used did not create, cause, or exacerbate any injury that the AP may have been suffering at the time the AP had contact with SOs.

The facts of this case show conclusively that there are no grounds to consider any charges against any of the SOs in this matter. I now consider the matter closed.