



Summary of Investigation

SiRT File # 2014-023

Referral from

Bridgewater Police Service

July 6, 2014

Ronald J. MacDonald, QC
Director
September 8, 2014

Facts:

On July 6, 2014, at approximately 7:15 p.m., a member of the Bridgewater Police Service (BPS) received information about a person alleged to have stolen groceries from the Bridgewater Superstore. As police approached the 26-year-old-male, the Affected Person (AP), he fled on foot. Three members of the BPS, Officers 1, 2, and 3, joined in the foot chase. AP was eventually observed on the roof of the old post office building on the corner of King and Dominion Streets. He jumped from the roof, and seriously broke his heel on landing. Police called EHS, who arrived and transported AP to hospital.

As a result of the serious injury, and in accordance with the *Police Act*, BPS reported the incident to SiRT shortly after 8 p.m. that evening, at which time SiRT assumed responsibility for the investigation into the circumstances of AP's arrest. The investigation concluded July 16, 2014. Two civilian witnesses were interviewed, as was AP. One witness police officer was also interviewed. BPS police video showing portions of downtown Bridgewater during the foot chase was obtained, as were recordings of police and 911 communications. Photographs were taken of the scene, and AP's relevant medical records were obtained.

The Serious Incident Response Team Regulations made under the *Police Act* provide that subject officers do not have to provide a statement or any notes or reports. In this case Officers 1, 2, and 3, each a subject officer, did provide SiRT with their reports about the matter.

The police reports demonstrate that on July 6, 2014, BPS first received a call from a complainant regarding a theft from his car in the Superstore parking lot. Officers 1 and 2 responded to that matter. As Officer 2 was speaking with the complainant in the parking lot, store personnel approached Officer 1, and directed her attention to AP, whom they suspected had just stolen a cart full of groceries. Officer 1 approached AP, who abandoned the cart of groceries, and ran from the scene.

Officer 1 pursued AP on foot, and radioed for assistance. Officers 2 and 3 joined in the search for AP, as did an off duty officer. AP ran across the "Old Bridge" to King Street, and then through nearby properties in an effort to escape. After some minutes, he was seen on the roof of the "Old Post Office" building, which has been converted to apartments. The lower back part of the building has stairs that lead up to a private deck area. Officer 3 was on the deck, and Officers 1 and 2 were on a wooden walkway leading to this deck. AP had climbed onto the bare roof area, with police no nearer than approximately 10 metres. AP was effectively "cornered" on the roof.

In spite of being ordered to stop, AP moved to the edge of the roof, jumped down onto the slanted roof of a lower level, and then onto a wooden step about 4 metres below. AP was injured by this jump, but managed to crawl under an adjacent small deck in an effort to hide. Officers 1 and 2 ran down from the roof and found AP. Both drew their conducted energy weapons, and AP was then arrested without incident.

AP complained of hurting his foot, and EHS was called. He was taken to hospital for treatment. He suffered multiple fractures to his heel, and eventually received surgery to repair the injury.

SiRT interviewed AP that evening. He was cooperative, and acknowledged that police surrounded him on the roof. In an attempt to escape, he made the decision to jump down, which caused him to injure his foot. He took personal responsibility for the injury, and placed no blame on the police.

The value of goods in the cart was in excess of \$640. As a result of the incident, AP was charged with theft, obstructing a peace officer, and breach of court orders.

Relevant Legal Issues:

As there is no evidence of the direct application of any force by the police to cause the injury, the sole issue is whether Officers 1, 2, and 3 were acting lawfully when they chased AP and yelled at him to stop, in an effort to arrest him.

A police officer, under the *Criminal Code*, has the power to arrest any person he or she finds committing an indictable offence, or where they have reasonable grounds to believe the person has committed an indictable offence. The police are also entitled to use reasonable force to arrest the person if necessary.

Conclusions:

In this case, the police had information from store personnel that AP had stolen a cart load of groceries. AP was identified as the individual responsible for the theft. Officer 1 saw him with the cart of groceries, and when she called out to him he ran off, leaving the groceries behind. That behaviour suggests the person was trying to abandon the stolen property. Having direct evidence from the store personnel, and the evidence of flight, the police had ample grounds to believe AP had stolen the grocery items. They had a right, indeed a duty, to arrest AP. This included reasonable efforts to capture him once he fled on foot. There was no application of force by police that led to the injury. As AP appropriately admitted, his injury was caused by his own decision to try to continue to flee from police.

In these circumstances, there are no grounds to consider any charges against any officer.