

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2016-008

Referral from

New Glasgow Regional Police

March 10, 2016

Ronald J. MacDonald, QC
Director
July 26, 2016

Facts:

On March 10, 2016, SiRT received a referral from the New Glasgow Regional Police (NGRP) about a matter that arose earlier that morning involving a 20-year-old suspect (AP) in a robbery. AP had suffered serious injuries to his leg, and had been transported to the QEII hospital for surgery. As a result of the serious injury, SiRT commenced an investigation into the matter the same day. The investigation concluded on April 29, 2016.

During the investigation SiRT took a statement from AP and one witness officer. The NGRP file in relation to the robbery was received and reviewed. It contained statements from the civilian clerk working at the store during the robbery, as well as the store's owner. It also contained statements from the two other persons alleged to be involved in the robbery.

Although the Serious Incident Response Team regulations made under the *Police Act* provide that a subject officer does not have to give a statement to SiRT, in this case the two subject officers agreed to provide statements to SiRT and give access to their file materials.

The investigation showed that at approximately 1:45 a.m. on March 10, 2016, two males entered the Needs store on the East River Road in New Glasgow and robbed the store of a quantity of money and cigarettes. During the robbery another male waited outside.

NGRP officers were called to the scene, and a call was made by them to the Stellarton Police Service (SPS) for assistance. Two SPS officers, Officer 1 and Officer 2, attended a short time later and were asked to secure an intersection near the robbery. While doing so, they observed three males leave a nearby home. As a tracking dog was going to be covering that area, the officers drove over to the males to prevent the area being disturbed. As they did so, one of the three males, AP, ran from the police down a driveway and behind another neighbouring home. Officer 1 attempted to give chase to AP but quickly lost sight of him behind a snow bank. He did not follow further. The other two males, a 22-year-old and a 20-year-old, were detained by Officer 2.

This information was passed along to Officer 3, from NGRP Police Dog Services, when he arrived with the police service dog a short time later. The Police Service Dog located AP within minutes hiding under a wooden deck. AP indicated to the officer he was injured and would voluntarily exit from under the deck, which he did. Given his injury he was arrested and then taken to hospital.

When AP was interviewed by SiRT he stated that when the police vehicle pulled up quickly he did not realize it was police. The other robbery suspect had earlier told AP that some guys were after the other male in relation to some time he had spent in jail. AP worried the car may have contained those males and thus ran to get away from them. When he got to the end of the

driveway there was a high drop off. He fell and injured his knee. He then crawled to hide under the nearby deck.

The other male involved in the robbery has pled guilty and received a sentence of over four years. AP is still awaiting trial in the matter.

Relevant Legal Issues:

There is no evidence suggesting any improper application of physical force in this matter. The only potential legal issue is whether Officer 1 was acting lawfully when he briefly chased after AP.

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. Police are also permitted to detain persons who may be connected to or have information related to a crime. Thus a person present near the scene of a crime may lawfully be detained in order for police to determine what connection, if any, they have to the crime.

Conclusions:

In this case, police were responding to a complaint of robbery. Officers 1 and 2 were securing the area near the scene in order to permit the Police Service Dog the ability to possibly search for a culprit. If they saw anyone in the area, it made sense to attempt to contact that person to prevent them from contaminating the search area.

In addition, the officers were close to the scene of the robbery, and it was very early in the morning. It was reasonable for the police to investigate why these three males were present in the area at this time.

Thus it was appropriate for Officer 1 and Officer 2 to drive over to the three males in an attempt to speak with them. When one ran off, Officer 1 briefly attempted to detain him, but gave up quickly. His actions were completely lawful to that point, and he did nothing to cause AP injury. AP's statement makes it clear the injury was an accident.

All the actions by police after AP was found appear to have been completely appropriate.

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