

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2018-018

Referral from

Cape Breton Regional Police

June 11, 2018

Felix Cacchione

Director

July 20, 2018

This investigation into serious physical injuries suffered by the AP on June 11, 2018 was commenced that day and concluded on June 18, 2018.

Facts

The AP had been at the Cape Breton Regional Hospital (“CBRH”) under the *Involuntary Psychiatric Treatment Act* (“*IPTA*”) earlier on June 11, 2018 but was released after a two hour stay. Later on the same day, the AP exhibited further behaviour which caused her mother and sister to be concerned about her physical and mental well-being. The AP, while being driven in her sister’s vehicle, began kicking the seats, saying things that did not make sense and threatening to jump out of the moving vehicle. The vehicle was stopped on the side of the road to allow the AP to have a cigarette. The police were called. The AP then ran to the middle of the road and stated she was going to throw herself in front of the next car that came along. The police arrived, and the AP appeared to act calm.

The AP was arrested under the *IPTA*. She was handcuffed and transported to the CBRH. Upon arrival at the hospital one Subject Officer (“SO1”) went to a hospital door to unlock it while the second SO (“SO2”) opened the rear passenger side door to escort the AP into the hospital. As the AP was exiting the police vehicle, she stated she was confused and asked SO2 why she was at the hospital. The AP then began to run. SO1 attempted to stop her but she pulled away and continued running until she ran into a wall. SO2 grabbed the AP person, but was unable to secure a grip and the AP continued running. The AP out ran both SOs and jumped over a half wall approximately one meter high. She landed on a roof top below the half wall and continued running at full speed until she fell off the roof.

The AP fell a distance of approximately 5 meters and sustained fractures to both her legs, compression fractures of two spinal vertebra and multiple soft tissue injuries.

Relevant Legal Issues

1. Did the SOs have lawful authority to take the AP into custody under the *IPTA*?
2. Did the SOs do anything to cause the AP’s injuries?

The *IPTA* allows the police to take a person into custody and then take them 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, is not consenting to go to a hospital and it is not feasible to seek a court order first.

The SOs were aware of the AP’s earlier hospital attendance under the *IPTA*, her threats to harm herself, her erratic behaviour of kicking and screaming while in her sister’s vehicle and her running toward traffic. The SOs had reasonable and probable grounds to believe the AP had a mental disorder which posed an immediate threat to her physical health. It was not feasible in

those circumstances to seek a court order. The SOs had lawful authority to arrest the AP under the *IPTA*.

A review of the video footage from the CBRH security cameras clearly shows that the SOs did nothing to cause AP's injuries. Once out of the police vehicle, the AP ran away from the officers, jumped over a half wall and continued running until she fell off the roof.

Conclusion

In these circumstances there is no evidence to suggest any criminal act by the SOs. The SOs were only trying to assist the AP in getting the mental health treatment she required. Nothing the SOs did would provide a basis to consider any charges against either SO.