

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2022-031

RCMP

August 5, 2022

John Scott  
Interim Director  
November 18, 2022

On August 5, 2022, SiRT received a referral from the Northeast Nova District RCMP regarding an injury suffered by an adult male, the Affected Party (AP) during their arrest.

The AP, a suspect in an alleged break and enter, received the injury when they were struck by a member with the West Hants Detachment. The injury occurred when trying to place the AP under arrest. Immediately following the referral, the on-call SiRT investigator traveled to Windsor, Nova Scotia to start the investigation. The investigation was concluded on August 23, 2022.

The following information was reviewed and considered in preparation for this report: statements of a number of civilian witnesses who made observations on the day in question, two members of the Windsor Fire Department who attended a call at the Windsor Public Library, the notes, general report, and supplementary report of an attending RCMP member to the call who became a Witness Officer (WO1), the notes and general report of an attending RCMP member to the call who became the Subject Officer (SO), photos of the Windsor Library, and the in car video of the SO.

**Caution:**

Due to this matter resulting in charges against the AP, the facts will be summarized as brief as possible as the events of that day are presently before the courts.

**Facts:**

On the early morning of August 5, 2022, three civilian witnesses heard noise (glass breaking), coming from the Windsor Public Library, and called 911. Two members of the Windsor RCMP attended the call. There were windows broken out in the library and eventually the two officers got in through a broken window and encountered the suspect (now referred to as the Affected Party (AP)). A struggle ensued with the AP in placing them under arrest for break and enter. In the struggle to get the handcuffs on the AP, the SO struck the AP in the face, which later revealed a broken orbital bone to the face of the AP. Besides the two RCMP members, one of the attending firemen also helped in getting the cuffs on the AP.

The AP was taken to the RCMP station, but was later transferred to the hospital to receive treatment for the fractured orbital bone. The SO needed three stitches to close a facial wound.

**Legal issue:**

Was the force used by the SO in arresting the AP justified?

**Conclusion:**

When looking at the entire events that occurred that morning, the actions of the SO in effecting

the arrest of the AP were justified. The resistance put up by the AP justified the punch delivered by the SO. The punch was not excessive and was reasonable in these circumstances. Therefore, no charges are warranted against the SO.