

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-032

Referral from

Kentville Police Services

August 9, 2022

John L. Scott
Interim Director
November 29, 2022

On August 9, 2022, SiRT was contacted by the Kentville Police Service (KPS) in regard to an injury suffered by a person arrested by a member of their service. Upon receiving the call, the SiRT investigator immediately went to investigate. The investigation was concluded on August 30, 2022.

The following information was reviewed and considered in the preparation of this report: the notes and report of an officer of the KPS, hereinafter referred to as a Witness Officer (WO), the notes and reports of an officer of the KPS, hereinafter referred to as the Subject Officer (SO), a statement given to the SiRT investigator by the Affected Party (AP), photos taken of the area where the AP was injured and medical records setting out the injury to the AP and treatment administered.

Facts:

On the morning of August 9, 2022, the WO took up surveillance of a home in Kentville, NS where the WO believed there may be a person (AP) living at an address with a friend. The AP was known to the WO and had a couple of outstanding warrants for their arrest under the Criminal Code of Canada. A vehicle parked outside the address had a license plate which belonged to the AP. The WO continued to watch the residence hoping to see if the AP came out. After a period of time, the SO took over surveillance of the residence for the WO.

In the early afternoon, the AP was observed leaving the residence and getting into their vehicle and driving off by the SO. The SO followed AP's vehicle which stopped at a gas station in Kentville. The SO also had previous knowledge of the AP.

The SO, who was in plain clothes and driving an unmarked police car, parked their vehicle next to AP's vehicle, got out and approached the AP who was also exiting their vehicle. The SO told the AP the SO was police and showed their police badge and told them not to move. Immediately, the AP took off running behind the gas station, jumped over a three-foot wooden railing, which protects a six-foot embankment (drop off) on the other side. The AP's jump over the railing caused the AP to fall to the ground approximately seven feet below on to a grassy area. The SO approached the AP, who was in considerable pain from injuring their left knee in the fall, placed handcuffs on the AP and with the assistance of the WO, who had arrived at the gas station as backup, assisted in getting the AP up to the police car. EHS was called due to the injury to the AP's knee. The AP was taken to the hospital where surgery was required to repair the fracture to the AP's knee.

When questioned later by the SiRT investigator, the AP indicated they ran because they weren't sure if the SO was really a police officer. However, the AP also acknowledged there were outstanding warrants for their arrest and the injury to their knee occurred when they fell awkwardly after going over the railing.

Issues arising from the evidence:

The evidence from the SO (showing their police badge) to the AP is not mentioned by the AP. I find as a fact that the SO did show their badge to the AP, the AP was more concerned with running away from the SO than looking and verifying that the badge was indeed that of a police officer. The AP

knew the SO stated they were police and as previously stated knew there were warrants for their arrest, hence the AP's decision to run was entirely voluntary on their part.

Also, there is no question the SO had reasonable and probable grounds to arrest the AP on the outstanding warrants. The only force used by the SO was placing the handcuffs on the AP after the AP fell awkwardly to the ground when running away from the SO. The force used in placing the handcuffs on the AP was reasonable and necessary.

Conclusion:

The AP did suffer a serious knee injury when running from the SO on the day in question. However, the injury occurred entirely as a result of the decision of the AP to run from the police who had the proper grounds to arrest them. Therefore, there is nothing criminal in the actions of the SO arresting the AP and no grounds for any charges against the SO.