

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2012-008

Referral from Halifax Regional Police

July 22, 2012

Ronald J. MacDonald, QC
Director
November 28, 2012

Facts:

On Sunday, July 22, 2012, the Serious Incident Response Team (“SiRT”) was contacted by Halifax Regional Police Service (HRPS) to investigate an incident where a male had suffered a broken wrist as the result of his arrest by two HRPS officers. The SiRT investigation commenced that day, and was completed on September 20, 2012.

The investigation revealed that at approximately 2:30 a.m. on July 22nd, two officers from HRPS, working on foot, were summoned by bouncers of the Palace Nightclub (1721 Brunswick Street) to deal with a group of people arguing on the sidewalk outside the club. As the police approached, one male, the Affected Party (“AP”), was arguing with a female unknown to him or the police. During that argument, she slapped him, and he responded by pushing her. One officer yelled “Police. Stop it.” In response, AP fled on foot. The officers began to chase him shouting “Police. Stop.” AP ignored the commands and ran at full speed north on Brunswick Street and then east on Carmichael Street. Carmichael Street has a steep downhill grade. AP was going too fast to maintain balance and fell with great force into a Metro Centre brick wall. AP got back up and kept running down Carmichael Street. Officers continued to shout for him to stop. The yelling caught the attention of bouncers and HRPS officers who were standing outside the Cheers Lounge on Grafton Street. A Cheers Lounge bouncer grabbed onto AP’s shirt as he ran by. However, AP pivoted 360 degrees and ran out of his shirt. He then continued to run down Carmichael Street and tried to turn north on Argyle Street but lost his footing and tumbled onto the pavement. The police caught him and placed him under arrest for being intoxicated in public.

AP was taken to the HRPS booking unit where he complained of a sore wrist. He was taken by ambulance to hospital where it was confirmed that he had suffered a broken wrist. At this time, AP was suggesting that the arresting members of HRPS were responsible for him falling and breaking his wrist.

Later that morning, a SiRT investigator met with AP at the hospital. AP was no longer under the influence of alcohol. He apologized for any inconvenience he may have caused and the accusations that he may have made towards the police. He explained that had been drinking quite heavily all day Saturday and into Sunday morning. He could not explain why he ran from police, but clarified the police officers did nothing to harm him. When he was arrested, the police did not use any significant force toward him as he was cooperative. He stated he had no one to blame but himself for the broken arm. On July 25, 2012, the AP attended the SiRT office and provided a formal statement where he reiterated that the police did not cause him any harm and that the injury was his own fault. While unsure when he actually broke his wrist, it would have been during one of his falls prior to actual contact with police. Given his description of running into the brick wall of the Metro Centre, it is highly likely to have occurred at that time.

Reports were received from the eight police officers who were involved in or witnessed the incident, and one supervising officer. This included the two officers who were asked to intervene

by the bouncers. They both noted that as they approached the area, they observed a heated exchange between AP and a female. One observed AP's physical response to the female's slap. The other called out "Police, stop it." to prevent anything further from happening. At this point, AP ran from the area, and both officers gave chase as noted above.

All other officer's notes were corroborative of the above facts.

It should be noted that after arresting AP, the woman who slapped him could not be located.

Relevant Legal Issues:

As there is no evidence of the application of any significant force by the police, the sole issue is whether the police were acting lawfully when they chased AP and yelled at him to stop.

In Canada, police officers may detain an individual for investigative purposes if they have reasonable grounds to suspect the individual is connected to a particular crime and that such a detention is necessary.

Thus the issue here is:

- 1) Did police have reasonable grounds to suspect that AP was connected to a particular crime and that his detention was necessary for investigative purposes?

Conclusion:

The police were called to assist bouncers with a physical disturbance. That request and their observations gave them reasonable grounds to suspect an assault may have occurred. AP was connected to that incident. When he ran, it was necessary to attempt to detain him to determine what might have occurred. Thus, the police were justified in chasing after AP. His broken wrist was caused by his decision to run very fast, in an intoxicated state, down a very steep street. As he acknowledged, if he followed police commands he would not have been injured.

I find there are no grounds to consider criminal charges in this matter against any police officer.