

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2016-026

Referral from

RCMP - Pictou

August 26, 2016

Ronald J. MacDonald, QC  
Director  
January 19, 2017

**Facts:**

Early on the morning of August 26, 2016, members of the RCMP – Pictou received a complaint about a stabbing that had occurred at Pictou Landing. They responded and two officers, Officer 1 and Officer 2, subsequently went to a residence where they understood the suspect might be located. On arrival, the suspect, the Affected Person (AP), exited the residence and was placed under arrest. There was a short struggle between AP and the Officers. AP complained about pain in his shoulder and was later taken for medical assessment, where it was learned he had a broken collarbone. As a result of the injury, the RCMP contacted SiRT in accordance with the provisions of the *Police Act*. SiRT assumed responsibility for the investigation into the circumstances of the arrest. The investigation was completed on November 25, 2016. Its completion was delayed as AP originally did not agree to provide a statement, and it was hoped he might change his position. That did not occur.

During the investigation, SiRT also attempted to take a statement from AP's father, the only other civilian who witnessed the arrest. He also did not wish to participate in the matter. However, during the RCMP investigation into the stabbing AP did give a statement to the RCMP, which was reviewed by SiRT. Other civilian statements, including that of the stabbing victim, that were taken as part of the RCMP investigation, were also reviewed. In addition, written reports and notes of ten witness officers were received. None were present at the time of the injury. The RCMP file relevant to the stabbing investigation was also reviewed, as were relevant police radio transmissions. A canvass was made of the neighbourhood to attempt to locate other witnesses, without success.

Under regulations made under the *Police Act*, police officers who are the subject of a SiRT investigation are not required to provide a statement or any written reports. Officer 2 agreed to provide his reports which outlined his actions. Officer 1 chose not to do so.

The investigation showed that on August 26, 2016 at 6:22 a.m. Pictou RCMP received information that AP and the victim had an altercation near a residence on the Pictou Landing Road, during which AP had stabbed the victim several times. Several members of the RCMP, including Officer 1, went to the address, and confirmed the injuries suffered by the victim, who was taken for medical treatment. They also learned the suspect, AP, had left the area on foot.

Officer 2, a Police Service Dog Master, was called to assist. He attempted to find a track for AP but was unsuccessful. A short time later, it was learned AP may have gone to his father's. Officers 1 and 2 then went to that address.

They arrived at the father's residence at approximately 7:40 a.m. They encountered AP's father in the driveway, who confirmed that AP was inside the home. On request of the Officers, AP's father went inside and asked AP to come outside. When he did, Officer 1 told him he was under arrest for the stabbing and took him by the arm. AP quickly attempted to go back into the house, and tried aggressively to pull away. At that time, Officer 2 stepped in to assist and grabbed AP

by the other arm. After a brief struggle, AP was placed in handcuffs. At that point he complained that his shoulder was injured, saying it had “popped” during the arrest.

On his way to the RCMP detachment AP was acting out violently within the car, and had to be moved to a different police vehicle able to contain him more effectively. AP was subsequently taken for medical examination which determined he had a broken collarbone. He was treated and released back into police custody.

At that point AP gave a statement to the RCMP in relation to the stabbing allegations. During that interview, he referred briefly to the arrest by police. AP indicated that when he came out of the house he was told he was under arrest. He said each officer grabbed him by an arm and held him against the railing to handcuff him. He did not describe any additional force applied.

During attempts to make contact with AP to discuss the file’s conclusions, a phone message was left at his home. AP’s father contacted SiRT, and when the conclusions were explained to him he noted that he was there and that it “sounded about right” to him.

**Relevant Legal Issues:**

The legal issues in this matter are:

1. Did police have lawful grounds to arrest AP? The Criminal Code gives police the power to arrest a person when they have reasonable grounds to believe that person has committed an indictable offence.
2. Did police have the right to use force during the arrest of AP? The Criminal Code allows police to use as much force as is reasonably necessary to arrest a person.

**Conclusions:**

In this case the RCMP had received information by phone that AP had stabbed the victim. When they arrived at the scene that information was confirmed, and they were told AP had left on foot. Based on this information police had clear grounds to arrest AP. Indeed, given the seriousness of the matter, they had a lawful duty to find AP as quickly as possible.

Officers 1 and 2 appropriately went to the father’s home based on the information that AP may be there. When AP came out of the house, he was lawfully told he was under arrest by Officer 1. Officer 1 took hold of his arm, which was reasonable in the circumstances. When AP attempted to go back into the house, Officer 2 assisted by taking hold of his other arm. It appears that during the attempts by AP to break free that his arm was pulled with some force, breaking his collarbone. This would appear to be because AP tried get away from the police and escape the arrest. There is no evidence from Officer 2, AP, or his father to suggest any other force was used.

In these circumstances it was very reasonable for the officers to grab AP by the arms and quickly handcuff him. There is nothing to suggest the use of any excessive force in these circumstances. Indeed, by his recent comment, AP's father would appear to agree with this conclusion. In the end, if AP had cooperated with the arrest there would not have been any injury.

In these circumstances, there are no grounds for any charge against either Officer 1 or Officer 2.