

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2017-025

Referral from the

RCMP – Port Hawkesbury

August 25, 2017

John L. Scott
Interim Director
January 10, 2018

Facts

On August 25, 2017, SiRT received a complaint from the District Commander for the RCMP Northeast Nova District. The complaint was in relation to a young woman (17-year-old) suffering a broken ankle after her arrest on August 23, 2017 from a residence on the Waycobah First Nation Reserve. As a result of the injury, SiRT began an investigation into the circumstances of AP's arrest. The investigation concluded on November 6, 2017.

The investigation revealed that the Affected Party (AP) had been drinking heavily on the evening of August 23 with another family member at a residence on the Reserve. The home owner called the police to have both the AP and her relative removed from the residence as the home owner feared the AP was going to get into an altercation with another party in the residence who was seeking alcohol from the bottle belonging to AP.

Upon the arrival of the RCMP officers, the Subject Officer, arrested AP for breach of the peace and, under the *Involuntary Psychiatric Treatment Act*, for making suicide threats.

As AP was being led out of the residence, she ran down the driveway away from the Subject Officer, and fell into a ditch. The Subject Officer helped AP out of the ditch, placed her in handcuffs and put her in his police vehicle. EHS personnel examined AP and found she had no apparent injuries and was placed in police cells overnight to sober up.

While in cells, AP was observed on video to be very agitated and using her foot to kick at the cell door. During one of her kicks to the door, AP heard a loud crack and felt pain shoot up her leg. Her foot began to swell immediately. The next morning, August 24th, AP was transported to Strait Richmond Hospital to be examined for her suicidal ideation. While being assessed at the hospital, she revealed her problem with her leg. An x-ray showed her ankle to be broken.

During the investigation all relevant police officers, civilian witness, and medical personnel were interviewed. The Subject Officer, cooperated fully with the SiRT investigation and AP was more than willing to give a statement to the investigator. It was in AP's statement where she admitted to breaking her own ankle by kicking at the cell door. Further, she stated that when she becomes intoxicated, she not only acts violently, but says things which are suicidal in nature.

Relevant Legal Issues

There is no evidence suggesting any improper application of physical force in the matter. The Subject Officer, had grounds to arrest AP and remove her from the home of the complainant. AP's level of intoxication gave rise to follow up with EHS and a night in police lock-up.

Conclusion:

By AP's own admission, her broken ankle was caused by her own actions of kicking at the cell door. There was nothing done by the Subject Officer that gave rise to the injury suffered by AP. In these circumstances, there are no grounds to consider anything by way of charges against the Subject Officer.