

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2019-043

Referral from

Halifax Regional Police

December 1, 2019

Pat Curran
Interim Director
April 6, 2020

Shortly after noon on December 1, 2019, Halifax Regional Police (HRP) notified SiRT of an incident that day in HRP's Prisoner Care Facility. The Affected Party (AP), a person in custody, sustained what was believed to be a broken arm while being restrained by the Subject Officer (SO), a booking officer in the facility. AP was restrained after allegedly kicking SO twice while SO carried out his duties.

Information was received from two witness officers (WO), HRP's file and the SO. The investigation considered video/audio surveillance footage of HRP's Prisoner Care Facility and medical records from Dartmouth Regional Hospital.

SiRT's investigation was completed on January 2, 2020.

Facts:

On December 1, 2019, AP was detained in a cell at the HRP Prisoner Care Facility on a charge of breaching a recognizance. He complained of pain in a swollen finger on which he wore a ring. The SO called EHS to assist with the finger.

An EHS paramedic arrived in the reception area just before 9:00 am. Another booking officer, a witness officer (WO1), told the paramedic they had been unable to remove the ring from AP's finger. The paramedic said he had a cutting tool for that purpose.

SO brought AP from his cell to the reception area. AP sat on a bench. The paramedic tried unsuccessfully to cut off the ring with his cutting tool, then went back to his vehicle to look for another tool.

When the paramedic left the booking area, AP became upset and stood up. SO asked AP to sit down and said the paramedic would be right back to help him. AP sat down, then got back up and, using his right leg, kicked SO in the leg. SO told AP to stop kicking and sit down. AP did so.

AP got up and kicked SO again, near his groin. AP stumbled backwards after kicking. SO grasped AP's right arm with both hands and brought him to the floor with minimal force.

Another witness officer (WO2), began to put handcuffs on AP. SO held AP's right arm behind the elbow to control it. WO1 held AP's right leg. Using little force, SO moved AP's right arm towards WO2 who applied the handcuffs to AP's right wrist. AP yelled that his arm was broken. Both SO and WO2 said they had heard AP's arm or elbow pop during the process.

At no time did SO apply significant force to AP.

As other officers escorted AP from the reception area, he told SO he was sorry for trying to kick him in the groin.

The paramedic said AP should be taken to Dartmouth General Emergency because they had equipment to remove the ring and they could also tend to his arm injury.

Medical records from Dartmouth General show that AP had suffered a slightly displaced fracture in the proximal humeral shaft of his right arm.

Relevant Legal Issues:

Canadian law entitles all persons to defend themselves against assault. Our law also provides for the use of force by a peace officer carrying out his/her duties while acting on reasonable grounds.

Conclusion:

AP assaulted SO twice by kicking him. AP said he was trying to kick SO in the groin. SO did not respond with force of any kind to the first assault. After the second assault, SO responded with no more force than was required to prevent a further assault and to bring AP under control.

SO was entitled to defend himself against assault. His duties required him to maintain order in the Prisoner Care Facility. He did no more than was needed to achieve those goals.

The force used by SO against AP was justified. It did not constitute a criminal offence.

No charge will be laid.