

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2024-068

Referral from

Halifax Regional Police

September 15, 2024

Erin E. Nauss
Director
February 3, 2025

MANDATE OF THE SiRT

The Serious Incident Response Team (“SiRT”) has a mandate to investigate all matters that involve death, serious injury, sexual assault, and intimate partner violence or other matters determined to be of a public interest to be investigated that may have arisen from the actions of any police officer in Nova Scotia and New Brunswick.

At the conclusion of every investigation, the SiRT Director must determine if criminal charges should result from the actions of the police officer. If no charges are warranted the Director will issue a public summary of the investigation which outlines the reasons for that decision, which must include the information set out by regulation. Public summaries are drafted with the goal of adequate information to allow the public to understand the Director’s rationale and conclusions.

Mandate invoked: This investigation was authorized under Section 26I of *Police Act* due to the serious injury of the Affected Party.

Timeline: SiRT commenced its investigation on September 15, 2024. The investigation concluded on January 15, 2025.

Evidence: The decision summarized in this report is based on evidence collected and analyzed during the investigation, including, but not limited to, the following:

1. Affected Party Statement
2. Medical Records of the Affected Party
3. Subject Officer Report and Statement
4. Civilian Witness Statements (2)
5. Witness Officer Reports and Statements (7)
6. Police Radio Transmissions
7. 911 Call Recordings (4)
8. Civilian Video
9. Photographs
10. Police vehicle GPS data

INVESTIGATION SUMMARY

On September 14, 2024, Halifax Regional Police (“HRP”) responded to several 911 calls stating that an assault was taking place at a shopping plaza at the corner of Hammonds Plains Road and the Bedford Highway. The callers indicated that it was a domestic assault with an adult female assaulting an adult male. Callers noted a child was nearby. Police attended and the Subject Officer

(“SO”) located a female who matched the description from the calls in a vehicle. She ran away from the officer, jumped a fence of over 15 feet, and suffered fractures to her foot.

911 Calls

Four calls were made to 911 reporting a physical altercation taking place between an adult male and female. The first call was made at approximately 5:42pm by a caller who stated they were hitting each other and the male was trying to get away, and there was a child with them. This caller made a follow-up 911 call at 5:51pm, saying the female was continuously hitting the male and pulling his clothes off.

Another 911 call was made at approximately 5:46pm by a different caller, who explained the altercation, and that the female was ripping the male’s clothes off. She stated it was very bad, and the female was yelling about keys.

A Shopper’s Drug Mart employee made a 911 call at approximately 5:55pm to report a conflict inside the store. There were threats made and she was afraid it would get physical. She stated police were needed.

Affected Party (“AP”)

The Affected Party (“AP”) provided a statement to SiRT on September 15, 2024. She stated that she was walking away from her car when a police officer grabbed her by the wrist and told her she was under arrest. She said he told her to put her arms behind her back so she shimmied away because he did not clarify why she was under arrest. The AP stated there were three other officers, and that she walked away. She said she jumped the fence, landed on her feet, and as she walked away there were six officers and four of them had their guns drawn and told her to get to the ground.

The AP stated an officer grabbed her hands behind her back, grabbed her neck and threw her to the ground and smashed her face. She stated a female officer told her why she was arrested and said she tried to tell the AP she hurt her lip when she jumped and landed on the ground. The AP stated she was met by three officers which was why she jumped the fence.

EHS & Medical Records of the AP

EHS records indicate the AP did not wish to take part in a medical assessment. She had a laceration to her lower lip, abrasion to her nose, deformity of her right foot and incontinence of urine. The AP removed and damaged the EHS blood pressure cuff. Once at the hospital, the AP threatened to leave. Radiology reports diagnosed the AP with avulsion and comminuted fractures in her foot.

Civilian Witnesses

None of the civilian witnesses interviewed in the course of SiRT's investigation witnessed the interaction between the AP and the SO. The two civilian witnesses interviewed made 911 calls regarding the initial altercation which resulted in the police responding. A civilian video was obtained which shows the altercation between the AP and an adult male.

Witness Officers ("WO's")

SiRT reviewed police notes and reports and interviewed seven Witness Officers in the course of the investigation. The most relevant evidence is included in this report.

Witness Officer #1 ("WO1") explained that he responded to the call and the SO was first on scene. He heard over police radio the SO had located the AP, and she was irate and not cooperative. He heard that she was running away and jumped a fence or cliff. As WO1 arrived at the shopping plaza he observed a female hobbling from the right side of the building with a bloody mouth. He concluded this was the female involved in the altercation and who had run from the SO. He ordered her to the ground, and she complied. WO1 put the AP in handcuffs behind her back. She yelled and was uncooperative. WO1 called for EHS to attend, and other officers arrived on scene.

Other Witness Officers arrived once the AP was in custody. When WO2 arrived, the officers were having a hard time getting the AP to identify herself. The AP identified herself to WO2, and WO2 read the AP her right to counsel and police caution.

None of the officers interviewed recall seeing anyone with their service pistol/firearm out as suggested by the AP.

Subject Officer ("SO")

The SO is not required by law to provide his notes or reports to SiRT, or to attend an interview. However, the SO agreed to provide his police report and attended an interview with SiRT on December 18, 2024.

The SO stated he was dispatched to the call and heard descriptions of the parties and a fight between a male and female over police radio. When he arrived at the shopping plaza, he observed a vehicle that was not associated with the call but was parked in an irregular manner. He radioed to WO1 that he was going to check the vehicle, did a U-turn and activated his emergency equipment. The vehicle had British Columbia plates and appeared unoccupied. He then saw a female seated in the driver's seat, and she matched the description from the call. He told her to turn off the vehicle, to which she responded with expletives and pulled the vehicle ahead. The SO moved his police vehicle so the AP could not leave in the vehicle. She parked and he asked her to

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remain in the vehicle. The AP did not comply, exited the vehicle and continued to yell at the SO. He stated he told the AP she was detained for investigation because she matched the description of the female involved in the altercation with a male.

The SO stated he asked the AP for her license and registration, and she continued to be verbally abusive. He stated she was irate, had red glossy bloodshot eyes, slurred speech, and appeared to have urinated herself as her pants were wet. The SO stated he reached for the AP's left forearm and radioed for a female officer to assist. The AP ran, and the SO stated he told her she was under arrest for obstruction. The SO stated he did not run after her, and yelled at her to stop, that she was under arrest, Halifax Police. The AP continued to run and made a leap over the fence. He then ran toward the fence as he is aware there is a large drop. He stated the AP was face down on the ground in a paved asphalt parking lot. He radioed that she had jumped and WO1 radioed that he was pulling into the front of the building.

The SO thought the AP may be unconscious, but the AP then swore at the SO and ran/limped toward the front of the building. The SO asked dispatch to send EHS. He drove to the front of the building and saw WO1 in the process of handcuffing her. The SO stated the AP was verbally aggressive and he let other officers effect the arrest. When asked what he would say to the allegation the AP was grabbed by the head and shoved to the ground, the SO stated he did not observe that happening, and when she turned around and swore at him after her jump/fall, she had blood coming from her face area.

Scene photographs

Photographs and measurements were taken of the scene. The distance from the top ledges to the asphalt was 4.68 Meters (15.3 Feet).





Shopping Plaza Area

LEGAL ISSUES & ANALYSIS

Police have a duty to preserve peace, prevent crime and protect life and property. There is a requirement to respond to intimate partner violence. There were numerous complaints of a domestic physical altercation, and the police responded. Case law has held that the police are charged with the duty to investigate alleged crimes and, in performing this duty, they are authorized to make inquiries from relevant sources of information, including persons suspected of committing the alleged crime. Police can detain someone they have reasonable grounds to suspect was involved in the offence. Based on the information in the 911 calls, the SO had reasonable grounds to suspect the AP was an aggressor involved in the altercation. When the SO approached the AP, she made the independent decision to run away and jump a fence.

SiRT is tasked with reviewing situations where a serious injury may have resulted from the actions of a police officer. In this matter, I cannot find that the actions of the SO resulted in the serious injury to the AP. Rather, her independent decision to run and jump a fence with an embankment of over 15 feet caused her injury. The AP stated that officers forcefully pushed her face to the ground and pointed firearms at her. This version of events varies significantly from the accounts

of other witnesses, police, and evidence. I cannot place significant weight on this account of events. The injuries appear to be self-inflicted from the AP's decision to jump the fence.

CONCLUSION

After a careful review of the evidence and the law, I have determined that there are no reasonable grounds to lay a charge against the SO.