

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2021-030

Halifax Regional Police

September 28, 2021

Felix Cacchione
Director
February 18, 2022

The Professional Standards Unit (PSU) of the Halifax Regional Police Services (HRPS) referred an incident which occurred on August 27, 2021, to SiRT on September 28, 2021. An investigation commenced that day and was concluded on February 9, 2022.

The following information was obtained, reviewed and considered in the preparation of this report: HRPS PSU file dated September 28, 2021, audio video statement to SiRT of the Affected Person (AP), photos taken on the day following the incident of bruising on the AP's body, the AP's call to 911, recording of Civilian Witness 1's (CW1) call to 911, CW1's audio video statement to SiRT, Civilian Witness 2's (CW2) complaint to HRPS, CW2's audio video statement to SiRT, Civilian Witness 3's (CW3) audio video statement to SiRT, police radio dispatch recording of CW1's call to 911, interior and exterior photos of the Prisoner Transport Van (PTV), video of PTV arrival at HRPS and AP exiting the PTV, audio video recording of the Prisoner Care Facility lobby (PCF) and the AP's conversation with Subject Officer 3 (SO3) at that location, video of the AP in the PCF cell, security camera videos of the hall, lobby and elevator at the location of the incident, Witness Officer 1's (WO1) notes and report, WO2's notes and reports, WO3 and WO4's notes, Subject Officer 1's (SO1) notes and reports, SO2's response to SiRT questions.

Facts:

In the early morning hours of August 27, 2021, the AP and her boyfriend CW3 were arguing when they entered the apartment where the AP lived with two relatives. The couple proceeded to a bedroom, closed the door, and continued their dispute there. The argument escalated and became louder. The AP asked one relative, CW1, to call the police several times during the argument. CW1 only called 911, the police, after she heard glass breaking. At some point while CW1 was speaking with the call taker, the AP said that CW3 had a knife.

The argument was so loud that when WO1 and WO2 arrived they, from the outside of the building, could hear the AP yelling. The AP could be heard screaming profanities from behind the closed bedroom door when WO1, WO2 and SO1 entered the apartment. The AP was heard uttering a threat to cause death to CW3. When the officers entered the bedroom, the AP was wearing only a bra and refused to get dressed when asked to do so. The AP and CW3 were separated and CW3 was removed from the bedroom. The officers noted that the AP had a bruised left eye, a bloodied scratch behind her left ear and a large bruise on her neck. The officers were informed that the AP had been in a physical altercation, with a person other than CW3, earlier that day before returning to the apartment.

The AP refused to comply with the multiple requests to get dressed, calm down and remain seated on the bed. While awaiting the arrival of female officers, the AP called 911 and reported that the officers were attempting to arrest her boyfriend and rape her. The AP refused to put on clothing even when she was alone with female officers SO2

and SO3 and struggled with them as they attempted to put a dress on her. The AP was out of control and continued screaming and cursing at all the officers. The AP was arrested for uttering threats to CW3 and struggled with the officers even after being placed in handcuffs.

The AP was removed from the building, placed in the PTV and transported to the HRPS PCR. The AP's demeanor and attitude changed during the transport to the PCR and she became more relaxed and calm. The AP was calm and cordial when speaking with SO3 in the lobby of the PCR. When asked by SO3, in the presence of SO2, if she was hurt or if she required a paramedic the AP replied, "oh no". The AP and SO3 also spoke for several minutes about the AP's employment and different types of wine, again in the presence of SO2

Relevant legal issues:

Did the police have legal authority to arrest the AP?

The police are entitled to arrest a person they find committing an indictable offence or who they have reasonable grounds to believe has committed an indictable offence. The police had lawful authority to arrest the AP when she uttered a threat to cause death to CW3.

Were the police entitled to use force in effecting the arrest?

The Criminal Code allows police to use as much force as is reasonably necessary to arrest a person providing that the force is not excessive.

Conclusion:

The AP had the existing visible bruising to her eye and neck together with dried blood behind her left ear when first seen by the police. The AP had been in a physical altercation before her interaction with the police. The bruising depicted in the photos provided by the AP could not have been visible to the officers, noted by them at the time of their interaction with the AP, and referenced in their contemporaneous notes if they were inflicted by the officers at the time of their involvement with the AP. The AP did not complain about being hurt or injured nor did she indicate that she was when asked by SO3.

The totality of the evidence does not establish reasonable and probable grounds to believe that any of the SOs committed any criminal offence. Therefore, no charges are warranted against any of the officers.