

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2022-023

Referral from

RCMP

May 30, 2022

John L. Scott  
Interim Director  
December 16, 2022

On May 30, 2022, Halifax Regional Police (HRP) contacted SiRT regarding an incident that took place the previous evening where three officers arrested a male, hereinafter referred to as the Affected Party (AP). The AP was alleging he suffered a broken rib based on his interaction that evening with police. SiRT commenced its investigation immediately and concluded it on September 21, 2022.

**Note:** This report has not identified any one or more Subject Officer(s) (SO). The SiRT investigation revealed three Witness Officers (WO1, WO2 and WO3) and they will be referred to as such in this report.

The following information was obtained, reviewed and considered in the preparation of this report: audio recording of 911 call from a hotel in the Halifax Regional Municipality (HRM) requesting police attendance, audio recording of police radio communications, video depicting the AP being removed from the hotel and being placed in the police van, two video interviews of the AP obtained by SiRT – the first on June 6, 2022 and the second on August 23, 2022. Photos taken of the AP on June 6, 2022, video interview of each WO, audio interview of the hotel staff person, notes of a phone conversation with a civilian person, and the report of another officer involved with the AP.

**Facts:**

On the early evening of May 29, 2022, an employee of a hotel located in the HRM, called 911 seeking police assistance in removing an unwanted person from their hotel. The employee described the AP as a male in their early 30's with a black eye and scrapes on his arm. The caller indicated he was not a guest of the hotel and was harassing guests and employees and acting and looking like he was on something. The caller indicated that the male wanted to get into a certain room which was occupied by a female who had been placed there by a women's shelter and to which the attending police officers would become aware there were court orders in effect for the AP to have no contact with that female.

Based on the 911 call, three HRP officers attended the hotel. Two officers, WO1 and WO2 arrived in the police van, while WO3 was operating a single officer vehicle. The three officers got more details from the hotel staff as to the identity of the AP and the female who was a guest of the hotel. With that knowledge, the officers were going to a certain room to arrest the AP who was arrestable for breaching court orders not to be in contact with the female located in that room.

When officers arrived at the room, they could hear people inside. They knocked and the female opened the door. The officers could see the AP, who, initially was refusing to come with the officers, but quickly changed his mind. The AP was arrested for breaching conditions of release and handcuffed by the officers. WO1 and WO3 were taking the AP down the hallway towards the elevator, and at the elevator, the AP demanded the removal of the handcuffs. When told the handcuffs would not come off, the AP indicated he would make a "scene" and tried to tug away from the officers. Upon arrival at the police van, the AP minimally resisted and was put in the van by WO1 and WO3.

The AP was transported to the HPD lock-up in Halifax with WO2 driving the van, WO1 a passenger in the van, and WO3 following the van in their police vehicle. On the drive to the police station, there was a radio transmission by the officers in the van stating the AP had hit his head off the silent patrolman. When the police van arrived at the Halifax Police Station, the officers noted an abrasion on the top of AP's head and called EHS to assess the physical condition of the AP prior to being placed in police cells. The AP made no mention of his head injury, but did indicate to EHS that he suffered a rib injury from being jumped a few days prior by persons he would not identify. A couple of hours later the AP was taken from the cells to the hospital complaining of chest pain. The attending police officer was told by the AP that he had injured his ribs a few days earlier from being beaten up in a fight. The next day x-rays verified that the AP had suffered a broken rib.

Approximately one week later, the SiRT investigator was able to meet with the AP. At that time, the AP indicated any injuries he incurred were all caused by the interaction with the HRP officers the night he was arrested. Pertaining to the injury to his ribs the AP indicated it was either when he was thrown into the police van by the officer or when the van was taking him to cells, the van was being driven fast and stopped abruptly causing him to hit the side of the van with his body. All three WOs provided statements to the SiRT investigator. In those statements, WO1, WO2 and WO3 did indicate there were injuries noted on the AP prior to being involved with him that night. All three officers further stated that nothing happened in their interaction with the AP that night which caused any injury to him. Any injury to his head was self-inflicted by banging his head off the side of the van in transport to Halifax cells.

### **Law Applicable to Police Officers**

Section 25 of the Criminal Code of Canada sets out the legal authority for when officers are allowed to use force on a person when performing their duties as police officers. The use of force must be "reasonable" in the circumstances.

Section 26 of the Criminal Code deals with "excessive" force and states that when an officer uses excessive force, he or she is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

### **Conclusion:**

The AP, in his statement to the SiRT investigator said his broken rib occurred either when he was "thrown" into the police van that night upon arrest, or when his body was bouncing off the sides of the van due to the way the driver of the police van was operating the van when taking the AP to the police station. However, he fails to remember telling EHS persons that night he hurt his rib in an altercation with another person prior to his arrest by police that day. The AP made the same comment to a police officer who took him to the hospital that same evening when he complained of chest pain. Furthermore, the AP was not forthcoming in assisting the SiRT investigator in obtaining his medical records from EHS or naming a potential person the SiRT investigator wanted to talk to. Therefore, his blanket statement that the officers are to blame for his

broken rib is not accepted by myself as occurring as a result of the actions of the three WOs. The video of the placing of the AP into the van does not show any degree of force which would cause such injury. The WOs said there was nothing unusual in the operation of the van by the driver which would cause any such injury to his ribs. There is nothing to suggest any excess force was used by any officer that night in arresting the AP and therefore no charges are warranted.