

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2013-011

Referral from

Halifax Regional Police Service

May 10, 2013

Ronald J. MacDonald, QC
Director
February 19, 2014

Facts:

On May 10, 2013, Halifax Regional Police Services (HRP) received a call from a Fairview, Halifax apartment building Superintendent reporting that a female occupant, the Affected Person (AP), was “freaking out” and had smashed a window in her apartment. Two HRP officers (Officers 1 and 2) went to AP’s apartment at 1:45 p.m. After speaking with her for approximately 20 minutes, they decided to take her into custody under the Involuntary Psychiatric Treatment Act (IPTA). While AP did resist, the officers were able to handcuff her and lead her out of the building. At the front door, they noticed blood coming from AP’s abdomen, and determined she had suffered a stab wound. They immediately called for Emergency Health Services (EHS) assistance.

Upon arrival at the QE II Hospital, AP went into cardiac arrest. After being stabilized, she underwent emergency surgery to repair the stab wound, which included cuts to her liver and two major blood vessels. She lost a great deal of blood internally from these injuries. Her religious faith precluded blood transfusions. Unfortunately, at 9:15 p.m., AP died.

Given the serious nature of AP’s injuries, and in accordance with the requirements of the *Police Act*, at 4:23 p.m. HRP referred the matter to SiRT, which immediately assumed responsibility for the investigation. The Director and four investigators responded to the scene that afternoon.

The investigation was completed on January 22, 2014. Conclusion of the file was dependent on receipt of the Medical Examiner’s (ME) report, which was received by SiRT on January 16, 2014. During the investigation, SiRT directed a complete forensic investigation of AP’s apartment. Eleven civilian witnesses were interviewed, including neighbours in AP’s apartment building, and her brother. Ten police witness officers provided either a statement or their notes and reports. Evidence was collected at the scene, and the primary SiRT investigator attended the autopsy of AP. AP’s medical records were acquired, as were all relevant police radio transmissions. Past files held by HRP and the Toronto Police involving AP were obtained and reviewed.

Officers 1 and 2 were both subject officers in the investigation. According to the Serious Incident Response Team Regulations made under the *Police Act* subject officers are not required to give a statement to SiRT, nor are they required to make available their notes or any other reports. Nevertheless, in this case both Officers 1 and 2 provided their reports, and written statements, to SiRT.

The investigation revealed that while AP had a history of substance abuse and mental health issues, when healthy she was well liked by friends and close with her extended family. However, during the 24 hours before the police were called AP had been causing problems at the apartment building. Neighbours told SiRT about her erratic behaviour thought to be caused by drug and alcohol abuse. On the morning of May 10 it was reported by neighbours that she was very upset

at other tenants because she had paid \$50 the night before for some crack cocaine which turned out to be salt.

In the afternoon, she smashed her apartment window from the inside, and went next door to her neighbour, banging on her door, leaving blood from her cut hand on the door. The female neighbour indicated they normally were friends and that she generally tried to help AP.

Around 1:30 p.m., AP was banging a tenant's window with a shovel, and the superintendent called police. Officers 1 and 2 arrived at approximately 1:45 p.m., and went to AP's apartment. They observed blood on the neighbour's door and were told it was AP's. They knocked on AP's door, announced themselves as Police, and were invited in when AP unlocked the door and said "It's open." They entered and began to speak with AP as she sat on her couch. One officer removed one knife and two scissors from the coffee table and put them into the nearby kitchen.

The two officers discussed with AP that she seemed to need psychiatric help. They were prepared to transport her to hospital. AP was relatively calm and cordial. The female neighbour heard the encounter, and indicated that the officers were very polite and tried to help AP.

One officer called AP's brother at her request. The brother described a cordial conversation with the officer, which was suddenly interrupted at approximately 2:10 p.m., when the officer said he had to go. Just prior to this, the other officer, who had been talking to AP, determined that AP should be taken into custody under the IPTA. Her demeanour had changed and she indicated she wanted to kill herself. She did not wish to go voluntarily. At that point the officer attempted to arrest AP who was still on the couch. He got a handcuff on her right hand, but she then flipped onto her stomach with her left hand underneath her. The other officer pulled her left arm out from under her, and handcuffed her left wrist.

As the officers pulled her up from the couch, one noticed a kitchen knife, (the knife) which appeared to be caught in the front of her clothes. That officer grabbed and threw the knife onto the kitchen floor several feet away. He did not have a chance to examine it. The knife was seized during the forensic investigation and its blade was covered with blood.

AP was taken out of the apartment, and up to the front door. The neighbour saw this and noted the officers acted entirely appropriately. Near the entry way drops of blood were seen on the floor and the police realized AP had blood on the front of her clothing. They then saw a stab wound to her stomach and immediately called for EHS. EHS was dispatched at 2:16 p.m., and arrived at 2:23p.m. EHS left the scene at 2:31 p.m. and arrived at the QEII at 2:37 p.m.

DNA analysis on blood droplets found on the floor of the apartment and in the hallway, as well as on the pants of one of the officers, all matched AP's blood. Importantly, DNA tests on blood found on the blade of the knife matched AP, as did tests on a swab from the handle of the knife.

A review of files from Toronto Police and HRP since 1997 shows a long history of mental illness and suicidal tendencies. In Halifax, there were eight matters involving self-inflicted wounds with a knife or a piece of glass and three other attempts to harm herself. In two of the cases AP stabbed herself in the presence of police officers. There were three files from Toronto, all occurred in 2011. In one AP was in hospital and when approached by doctors and police attempted to stab herself with scissors. In the second, police dealt with AP after she stabbed herself in the abdomen with a knife. Six days later police found AP at her apartment with her previous wound open, consuming alcohol. She had a butcher knife and stated that she wanted to be shot by police or she was going to kill herself.

The ME's report notes the wound in this case was on the left side of her abdomen, deep, from front to back, running left to right and downward. Such a wound is consistent with AP stabbing herself when she turned onto her stomach while on the couch.

The report also notes AP had a significant amount of alcohol in her system, as well as a variety of drugs. She had "innumerable" linear scars on both forearms, as well as her abdomen. That examination, and the police reports, confirms that AP caused herself harm on many occasions. Unfortunately on this occasion the cuts to her two major blood vessels caused her to lose a great deal of blood internally which led to her death.

The ME concluded that AP died by suicide, caused by the self-inflicted stab wound.

Relevant Legal Issues:

The legal issues in this case are whether the subject officers had authority to enter AP's apartment, and whether they had authority to detain AP. They knocked on her door and announced themselves. She unlocked the door and said it was open, which they appropriately took as an invitation to enter. They were lawfully in her apartment.

The subject officers spoke to AP at some length, trying to help her. After 20 minutes, she stated she wanted to kill herself. A decision was made to take her into custody under the IPTA. That Act allows the police to take a person into custody and take them to hospital for examination if it is reasonable to believe the person has a mental disorder and is threatening to cause harm to themselves. AP was lawfully detained by the subject officers under the IPTA.

Conclusions:

The facts of this case are somewhat unusual, as they suggest AP stabbed herself while the police were placing her into custody. Such facts require a careful evaluation of the matter. In this case, the evidence of the neighbour, and to some extent AP's brother, show the officers attempted to deal with AP in a calm and appropriate manner. AP was physically fine initially, until she turned

over on the couch as she was being taken into custody. Importantly, the investigation revealed not only a long history of mental health issues and suicide threats and attempts, but also several other incidents where AP actually cut or stabbed herself in the presence of police.

The facts demonstrate that AP stated she wanted to kill herself, and stabbed herself in the stomach on the couch. The ME concluded that AP died by suicide, caused by the stab wound. Unfortunately, the knife cut vital blood vessels which led to a fatal loss of blood.

The sections of the *Police Act* relevant to SiRT state that the Director of SiRT has the sole authority to determine whether charges should be laid in any matter investigated by SiRT. In this case, I have determined there are no grounds to consider any charges against Officer 1 or Officer 2.