

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2014-044

Referral from

Halifax Regional Police

December 29, 2014

Ronald J. MacDonald, QC
Director
September 14, 2015

Facts:

On December 29, 2014, at approximately 3:40 p.m., SiRT received a call from the Halifax Regional Police (HRP) regarding an incident that occurred shortly after 3 p.m. at an apartment building on Tower Road in Halifax. Police had responded to a 911 call about a woman who may be suicidal. When they entered the apartment they found a 39 year old woman, the Affected Person (AP), stabbing herself in the neck. She was taken to hospital but pronounced deceased shortly thereafter. As a result SiRT was contacted, and assumed responsibility for the investigation that afternoon with the Director and investigators attending the scene. The investigation was concluded on June 15, 2015. The completion was delayed somewhat by attempts to contact certain witnesses, and by SiRT's current workload.

The investigation saw SiRT take statements from eight civilian witnesses, which included AP's brother. In addition, photographs and forensic evidence was gathered from the scene, an autopsy was completed, AP's phone and computer were examined, and administrative and support personnel from St. Mary's University were consulted. Other meetings were held with family members. Recordings of the 911 call and other telecommunications were obtained and reviewed.

The Serious Incident Response Team Regulations made under the *Police Act* provide that an officer who is the subject of the investigation is not required to provide SiRT with a statement, notes, or reports regarding the matter. In this case, the three officers who attended the apartment, Officers 1, 2, and 3, each provided SiRT with a copy of their personal notes in relation to the incident which explained their involvement and what they observed.

The investigation revealed that AP was a student at St. Mary's University in their Masters of Finance program. Her home was in China, and in the fall of 2014 she had completed her class work for her program. She had yet to complete her thesis work.

Many persons who knew AP were interviewed. While most knew her from school or church, none could be considered close friends. AP was described as very polite and intelligent, and a person who although friendly tended to prefer to be on her own. While none were aware of her dealing with mental health issues, several noted that she had a young son who now lived in China with her father. Her husband had died in China from surgical complications. Some of those interviewed described AP as sad at times, which was attributed to her husband's death and being away from her son.

At the time of her death AP was living in an apartment on Tower Road. She was subletting a room from another female student from China, Female 1, who was enrolled in the Commerce program at Dalhousie University. Female 1 had spent the fall term in Vancouver in a co-op placement. The apartment was also occupied by another female student from China, Female 2, who had recently left to attend a co-op placement of her own, in China, for several months.

Female 2 and AP had shared the apartment for several months. Female 1 noted that Female 2 told her that sometimes AP demonstrated odd behaviour.

Female 1 had returned from Vancouver a few weeks prior to the incident, and was staying with friends awaiting Female 2's departure. She returned to the apartment on the evening of December 28th. AP was still there, and told Female 1 that she was leaving the next day, December 29th. Female 1 had little interaction with AP other than a short conversation. At about 10 p.m. AP indicated she wished to sleep. She was sleeping on a mattress on the floor of the living room of the one bedroom apartment. Female 1 went into her bedroom and played on her computer for the rest of the evening. She indicated that she got up to use the washroom at 2 a.m. At that time she heard AP either crying or laughing. Female 1 did not go to sleep until about 4 a.m.

A few years prior, AP met a married couple at their Halifax church. The wife was originally from AP's home city in China. While they knew her, the couple saw her infrequently and had not spoken to her for several months. However, in early December AP emailed the wife and indicated that she was going back to China and if the wife needed to send anything back to her home city she could take it for her. AP was planning on taking an extra suitcase with her to take stuff back when she returned to Canada in several months. The wife took advantage of this offer, and her husband went to AP's apartment several days before December 28 and picked up what appeared to be a new suitcase from AP. On December 28 the husband brought the suitcase back, packed with personal items for return to China. At that point AP was happy, and wished him Merry Christmas.

The next afternoon, around 2:30 p.m., AP called the wife. She asked the couple to come see her right away or otherwise the suitcase would be stolen. They began to drive to see her, and on the way AP called the wife again. She said a group of people, described as gangsters, both Chinese and Canadian, were controlling her. It was because of the suitcase. AP urged the couple to come there and they would walk out of the apartment together with a knife. AP did not want the police called. She also said that if they did not come quickly she would commit suicide. She said she was being controlled by the suitcase. After the call the wife called 911. Three HRP officers responded to the call, Officers 1, 2 and 3.

Female 1 did not wake until about 3 p.m. in the afternoon. She was awakened by noise from the other room, and assumed AP was leaving. She remained in her bedroom. She later heard knocking on the door, and thought it may have been a neighbour due to the loudness of the noise. When the door was not opened, Female 1 got out of bed. She went into the living room which was now quite messy. She did not initially see AP, but as she went to the door, she saw AP on the floor of the kitchen, to the left of the door. AP told Female 1 not to open the door,

AP then told her that someone was there to prostitute her and force her to take drugs. When Female 1 continued towards the door AP held a knife to her own neck. AP then said "If you open

door I will die here". Female 1 did not understand what was happening, was afraid and didn't know what to do. She realized it was the police at the door, and opened it. When she did she heard what she thought was the sound of blood coming from AP's neck. She did not look, but rather exited the apartment as the three police entered. She told the police officers AP was committing suicide.

Officers 1, 2, and 3 indicate they had received information about a female in this apartment who was saying bad people were holding her and that if her friend did not go help her she would kill herself. All the officers offered similar views of what occurred when they entered the apartment. They observed AP on the kitchen floor stabbing herself with a knife in her neck. They yelled at her to stop, but she only stuck the knife in more deeply. The officers used two CEW weapons and a police baton to try to stop AP. They had no impact. Eventually the officers were able to pull AP's arm away from the knife. By this time she was losing a great deal of blood from her wounds. EHS was contacted and arrived quickly. In the meantime the police did what they could to stop the bleeding. Unfortunately AP's injuries were severe, and she passed away.

An examination of the scene showed AP's portion of the apartment to be in disarray. The toilet had been stuffed with many different items, including paper products, clothing, and chopsticks. Those were not present when Female 1 used the washroom at 2 a.m. The suitcase packed by the husband and wife was present.

Relevant Legal Issue:

In this case, the relevant issues are whether it was appropriate for the police to enter the apartment, and to apply force to AP.

Police are legally permitted to enter a residential premises where there are "exigent circumstances" that require them to enter without permission from an owner or a court order. Exigent circumstances can include a situation where it is believed someone's life may be in danger.

Police are also permitted to apply force to a person to protect themselves, other persons, or the person against whom the force is applied, so long as the force applied is reasonable.

Conclusions:

The facts of this case are unusual. They demonstrate that AP, while a person who was quiet and tended to spend time on her own, was not observed to show signs of mental illness. Female 2, who was her roommate for several months, did consider her to act oddly on occasions.

It is clear that on the afternoon of December 29th AP became mentally distressed and suicidal. She seemed to have delusions about the possibility of "gangsters" controlling her, and that the

suitcase was somehow to blame. Unfortunately this apparently frightened her so greatly that she decided to take her own life.

The police appropriately responded to a call about a woman who might be suicidal. They rightly entered the apartment when the door was opened, especially given Female 1's comment that AP was suicidal. It was their duty to respond and attempt to prevent harm.

When confronted with what must have been a shocking situation, the officers responded quickly. While this included the application of force from the CEW's and a police baton, in the circumstances dramatic steps were necessary and appropriate. Unfortunately, AP was successful in causing herself very significant injuries, causing her death.

In this case the police actions were not only justified, but commendable. They did everything they could to save the life of AP. There are certainly no grounds to consider any charges against any officer.