

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

Summary of Investigation

SiRT File # 2023-033

Bridgewater Police Service

Nova Scotia

June 25, 2023

Erin E. Naus  
Interim Director  
November 3, 2023

## **MANDATE OF THE SiRT**

The Serious Incident Response Team (“SiRT”) has a mandate under the Nova Scotia *Police Act* to investigate all matters that involve death, serious injury, sexual assault, domestic violence, or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

At the conclusion of every investigation, the SiRT Director must determine whether criminal charges should result from the actions of a 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 at a minimum 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.

## **INTRODUCTION**

On June 25, 2023, the Bridgewater Police Service (“BPS”) referred a matter to the SiRT regarding an incident on June 24, 2023. The matter was referred due to the fact that the Affected Party (“AP”) may have suffered a serious injury as a result of an interaction with BPS officers. The AP attended hospital and it is understood that she was diagnosed with a fractured hip and possibly a fractured elbow.

A serious injury includes:

- fractures to limbs, ribs, head or spine;
- burns, cuts, or lacerations which are serious or affect a major portion of the body;
- loss of any portion of the body;
- serious internal injuries;
- any injury caused by gunshot;
- admission to hospital as a result of the injury (not including outpatient care followed by release).

As a result of the alleged injuries a SiRT investigation was commenced. Due to lack of information, no subject officer was identified in the course of the investigation. The investigation concluded on October 12, 2023.

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

1. Civilian Witness Statements, including Fire personnel (8)
2. Contact with Affected Person
3. Police Incident report

4. Fire Department report
5. Firefighter helmet camera footage
6. Civilian video recordings
7. In-car camera footage
8. Police Radio transmission

### **INCIDENT SUMMARY**

BPS was called to a residence on two occasions on June 24<sup>th</sup>, 2023. This was not long after the Nova Scotia wildfires in the Tantallon area in late May/early June 2023.

The first complaint related to the AP having a large open fire on her property. Civilian Witness 1 (“CW1”) described the fire as an open bucket with flames. Witness Officer 1 (“WO1”) attended the AP’s property and advised her what is and is not permitted for burning under the Town of Bridgewater Municipal By-Law. The AP yelled profanities at WO1, who eventually departed. Civilian Witness 4 (“CW4”) noted that WO1 poured water on the fire to put it out.

Approximately half an hour later, police were called again to the property. It was reported that the AP had poured flammable liquid on a fire causing neighbours to be concerned for their property and personal safety. CW1 described it as a fire stove with gas or diesel being poured, resulting in flames 7-8 feet high. The AP was yelling what sounded like “Open your windows, I am going to smoke you out, I am going to burn you all out.” Three police officers attended due to the interaction at the previous call, including WO1. Upon arriving at the scene, police requested that the Bridgewater Fire Department attend. When the Fire Department attempted to extinguish the fire, the AP positioned herself between the fire and the firefighters and refused to move. CW1 noted that the AP was moving aggressively toward the police and fire personnel. Civilian Witness 5 (“CW5”), a firefighter, noted that the AP was less than a foot away from the firefighters, and that they were concerned for their safety. The AP was advised by police multiple times that if she did not move, she would be arrested. Subsequently, the AP was arrested for obstruction and fell to the ground. CW5 believes that police grabbed the AP by the shoulders to effect the arrest, but that it was “very smooth” and that there was nothing unnecessary done. Civilian witnesses noted that the AP went down on her own and was not put on the ground by police. Civilian Witness 7 (“CW7”), another firefighter, noted that the AP was combative towards police and verbally abusive, and was threatening to start another fire. CW4 noted that they believed two officers put her into the police vehicle.

While being escorted to the police vehicle, the AP was in discomfort. She was taken to hospital where it is understood that she was diagnosed with a fractured hip and a fractured elbow.

Unfortunately, the AP has not provided a statement to the SiRT and has not consented to the release of her medical records. The AP was contacted by phone on June 26 and 28, 2023. The AP returned SiRT's call on June 28, and noted that she had a fractured hip and could not speak to the SiRT at that time. There was another brief conversation on July 7, where the AP noted that she was still in hospital. She was contacted again on August 3 by the SiRT, and she returned the call on August 4 to note that she does not want to speak about the incident. The SiRT advised the AP that if she changes her mind, she may contact us.

## **RELEVANT LEGISLATION**

### *Criminal Code:*

#### Protection of Persons Administering and Enforcing the Law

##### Protection of persons acting under authority

25 (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

##### When not protected

(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

##### When protected

(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

- (a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
- (b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;

- (c) the person to be arrested takes flight to avoid arrest;
- (d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
- (e) the flight cannot be prevented by reasonable means in a less violent manner.

Excessive force

26 Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

**LEGAL ISSUES & ANALYSIS**

1. Were the police officers entitled to use force to effect the arrest?

Section 25 of the *Criminal Code* permits a peace officer, acting on reasonable grounds, to use as much force as is necessary to enforce or administer the law. The AP was in breach of the Town of Bridgewater Chapter 18 - By-law Respecting Fire Protection. The Bridgewater Fire Department was attempting to put out the unlawful fire, and the AP was obstructing them from protecting property and safety. The AP was warned multiple times that she must move or would be arrested. When verbal instructions were unsuccessful the officers were entitled to use force to effect the arrest and to permit the Fire Department to extinguish the fire

2. Was the force used by the SO excessive?

Under the *Criminal Code*, police are entitled to use as much force as is necessary to effect an arrest, provided that the force used is not excessive in the circumstances faced. As noted above, the AP has not provided a statement and has not consented to the release of her medical records. As a result, it could not be established whether any of the alleged injuries were the result of the actions of any of the police officers involved and a Subject Officer could not be identified. Nevertheless, the evidence reviewed in the course of the investigation does not indicate that the force used was excessive. Civilian witnesses noted that the AP was threatening the officers and neighbours, and that the police arrested and put her in the police appropriately. Based on a review of the evidence collected in the course of the investigation, there is no basis to conclude that any of the officers involved used excessive force.

**CONCLUSION**

The matter was referred to the SiRT on June 25, regarding an incident which took place on June 24, 2023. As a result, the SiRT initiated an investigation, which was concluded on October 12, 2023 based on the information obtained in the investigation.

After a thorough review of the evidence and the law, I have determined that there is not sufficient evidence to find reasonable grounds to lay a charge against any of the officers involved.