

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2020-005

Halifax Regional Police

February 22, 2020

Felix Cacchione
Director
October 5, 2020

The Halifax Regional Police Service referred to this matter to SiRT on February 22, 2020 regarding the arrest of the AP the previous evening. An investigation was commenced that day and completed on July 21, 2020.

The following information and evidence was obtained, reviewed and considered in the preparation of this report; statements provided by the AP and his mother, an audio/video recording provided by the AP's mother, audio/video recordings made by the AP at both the Sunnyside Mall and Bedford Place Mall, a newspaper article authored by the AP, the AP's medical records, photographs of the AP's injuries, photographs of the AP at the scene taken on March 18, 2020, Bedford Place Mall video surveillance recordings, scene photographs and measurements, the Incident Report prepared by the Sunnyside Mall security officer as required by her employment duties and her audio statement given to SiRT of her encounter with the AP the Sunnyside Mall, the Subject Officer's (SO) cautioned statement, police notes and report, the Witness Officer's (WO1) police notes, report and additional written statement, the statement of a Witness Officer (WO2) who attended the scene shortly after the incident ended, and statements provided by eight civilian witnesses (CW).

Facts:

The AP and his young female friend were initially at the Sunnyside Mall. Sometime after 7 p.m., the two were heard by a cleaning staff member in a stairwell of the mall. Mall security was notified, and the security officer then observed both youths walking through the basement parking garage to an elevator which they entered. The security officer subsequently located the AP and his friend in the stairwell of the business tower, an area which is not open to the public in the evening hours. The security officer advised them that they were not allowed on the business floors when those businesses are closed. The three then took the elevator to the main floor. While on the elevator the AP asked the security officer why she was bothering them in a public area. The AP was told the main level retail area was a public space but that the business tower was not a public area when businesses in the tower were closed. The AP would not accept this and kept insisting that he had the right to be in that area. When the elevator reached the main level the AP and his friend were informed that there were no longer permitted to be on site. The female left the mall, but the AP did not. The AP sat on a bench, began audio/ videotaping the security officer and insisting that he had a right to be in the mall.

The audio/ videotape made by the AP is over nine minutes long and shows the AP doing most of the talking. The AP did not and would not listen to the reasons given for not being allowed in the business tower part of the mall and being asked to leave the mall. Instead, the AP was argumentative, talked over the security guard as she tried to explain the reasons, laughed at her, berated her, repeatedly called her a clown, told her she did not know how to do her job and accused her of racial profiling. During this encounter, the security guard called the police and the AP left the Sunnyside Mall. The security officer watched the AP and his friend as they proceeded to the Bedford Place Mall.

The SO and WO1 went to the Bedford Place Mall where they found the AP and advised him

that the Sunnyside Mall security did not want him returning to that mall. The AP responded by saying "we're done here". The SO repeated what he had said, and the AP again replied by saying " we' re done here" several times. The SO and WO then turned and began to leave the mall. As they were leaving WO, while holding his handcuffs in his hand said something to the effect that if the AP did not change his attitude, he would one day end up in these. This upset the AP and he followed the officers as they exited the mall. Once outside the AP began filming the two officers as they were walking away. The AP said, "I can go outside if I want to" to which the SO responded, "you'll get arrested ". The AP replied, "really for what, for speaking my mouth, really for speaking". The SO then turned and proceeded toward the AP. The SO put his hands on the AP and a struggle ensued.

As a result of this incident the SO has been charged with committing a common assault.

As this matter is now before the courts and in accordance with SiRT policy, this report will not discuss the facts of the matter in any further detail. To do so may compromise the fair trial interests of the accused. The Serious Incident Response Team Regulations under the Police Act state that the Director may choose to provide a supplemental summary of the investigation at the conclusion of the prosecution.