

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-016

Referral from

RCMP

April 27, 2022

John L. Scott
Interim Director
December 13, 2022

On April 27, 2022, the Nova Scotia Serious Incident Response Team (SiRT) received a referral from Colchester RCMP, (Bible Hill detachment) regarding an incident that occurred the previous day at a residence located on the outskirts of Truro. The incident involved the interaction between an RCMP officer, now referred to as the Subject Officer (SO) and a female arrested under the *Involuntary Psychiatric Treatment Act* (IPTA), hereinafter referred to as the Affected Party (AP). The injuries suffered by the AP were to her right shoulder and right knee. SiRT began its investigation on April 28, 2022 and concluded it on October 21, 2022.

The following information was obtained, reviewed and considered in the preparation of this report: the SiRT investigator's interview with the AP, notes of the RCMP officer who was present at the time of the arrest of the AP, notes of an RCMP officer who spoke to the AP in the hospital on April 27, 2022, notes of the two EHS attendants who were involved with the AP at the time of the arrest and interaction giving rise to the AP's injuries, the written report of the SO including the in-car video of the SO showing how the AP got injured, copies and recordings of the 911 calls requiring the involvement of the RCMP and EHS on April 26, 2022 with the AP, and the medical records of the AP including follow-up reports from the treating doctor.

Facts:

On the late afternoon of April 26, 2022, RCMP officers responded to a call concerning a highly agitated female, the AP, who was mentioning wanting to harm someone she knew and also harming herself. The location of the 911 call was from a home on the outskirts of Truro and it was the second time that day the RCMP and EHS had responded to the caller. The SO arrived first and tried to calm the AP who was very argumentative and was yelling and screaming at the officer. A second RCMP officer arrived and witnessed the AP acting in the same manner. When EHS arrived, the AP was a bit more agreeable to what was being asked of her due to the previous interaction with one of the EHS persons and accepted some medication from EHS to calm her down.

The AP, at one point, went upstairs to her bedroom and slammed the door. The SO and the other officer went immediately after her as they feared she was going to harm herself. The AP was not wanting to go to the hospital, but the SO was emphasizing that they must take her to the hospital to be seen by a psychiatrist. Due to the AP being uncooperative with the officers, she was arrested under the *Involuntary Psychiatric Treatment Act* (IPTA), handcuffed, and taken outside to the ambulance. As the AP settled down in the back of the ambulance, the handcuffs were removed and EHS were content with the SO following the ambulance to the hospital in his police car. The SO activated his in-car camera.

As the ambulance was approaching closer to the town of Truro, the ambulance came to an abrupt stop on the two-lane road. The door of the ambulance opened, and the AP was starting to get out. The SO had stopped his car approximately 10-15 feet behind the ambulance and had gotten out of his police car and was approaching the ambulance when the AP was getting out. The SO was able to stop her from getting completely out and was holding the AP's left arm managing to get the handcuffs on the left wrist of the AP. In trying to get control of the AP's right arm, who was now

completely outside of the ambulance and on the roadway, the AP managed to spin around in an attempt to get away from the SO, but was unsuccessful due to his hold on the left arm of the AP. One of the ambulance attendants assisted while the SO got the handcuffs on the AP. This whole episode was captured on the in-car video of the SO. From the statements given by EHS, the AP had initially been cooperative with EHS, but became agitated, unbuckled her seat belts, and bolted for the back door, necessitating the ambulance driver to stop the vehicle.

The SO called for back-up and two RCMP officers were quickly on scene. When they got the AP on a stretcher and buckled in, one of the officers rode the rest of the way to the hospital in the ambulance while the SO followed the ambulance in their police car. At the hospital, the AP complained of pain in her right shoulder and right leg to the hospital staff. The AP was released the following day after x-rays were done on her right knee and right shoulder and she was seen by psychiatry staff. The shoulder x-ray revealed a displaced right clavicular fracture, which didn't require surgery, but the use of a sling to immobilize the shoulder was needed. The knee x-ray showed nothing abnormal except for bruising. Follow-up monthly appointments showed the shoulder healing.

On April 29, 2022, the AP was interviewed by the SiRT investigator at her home. In the interview, the AP acknowledged she struggles with mental health issues and has not been herself for the past couple months. The AP admitted to calling 911 in a highly agitated state and when told she would have to attend the hospital, she became even more uncooperative with EHS and police. She recalled being driven to the hospital in the ambulance, but believed her attempt to exit the ambulance occurred at the hospital. The AP acknowledged that the injuries she suffered were a result of her not wanting to be handcuffed by the SO and took place in her efforts to get away from the SO who was trying to control her and get her back in the ambulance. The AP had admitted a similar version (admitting it was her resistance to the SO trying to control her) that led to her injuries. This admission by the AP was to an RCMP officer who visited her in the hospital on April 27, 2022.

Legal Issue:

Was the force used by the SO reasonable in trying to get the AP back in the ambulance after she attempted to get out while being taken to hospital?

Conclusion:

The actions of the SO were clearly justified and reasonable in the interaction the SO had with the AP on the date in question. There happens to be three main reasons for saying the SO acted reasonably. The first reason was the AP's own admission that her injuries were of her own doing in resisting the SO; the second, the EHS staff who were present indicated the SO's actions in controlling the AP were justified and not excessive; the third, the SO's in-car video camera clearly showed the SO was using reasonable force. The SO was trying to control a highly agitated woman attempting to enter a busy two-lane road on the outskirts of Truro. The actions of the SO were not only justified, but required in these circumstances. There is nothing criminal arising from the SO's actions, and therefore no grounds for any criminal charges against the SO.