

**Adjudication of a Complaint pursuant to section 32
of the *Police Act*, RSPEI 1988, Cap. P-11.1**

BETWEEN:

LAURA MacARTHUR

COMPLAINANT

AND:

**OFFICER LIAM JAY, OFFICER GREG THOMPSON,
OFFICER COLBY LANDRIGAN, OFFICER JASON POUND,
OFFICER ZACHARY GOULD and OFFICER DAKOTA VanCOLEN**

RESPONDENTS

DECISION

Appearances:

Asha James and Christianne Labelle, counsel for the Complainant, Laura MacArthur
Nasha Nijhawan, counsel for the Respondents, Officer Liam Jay, Officer Zachary Gould,
and Officer Jason Pound

James Giacomantonio, counsel for the Respondents, Officer Greg Thompson, Officer
Colby Landrigan and Officer Dakota VanColen

Chris Montigny and Gillian Lush, counsel for the Minister of Justice, Public Safety and
Attorney General

Karen Campbell, counsel for Police Chief Brad MacConnell

Dates of Hearing – February 23-27, 2026

Oral Arguments on Briefs - March 30, 2026

Date of Submissions:

Complainant's Closing Submissions – February 23, 2026

Respondent officers' Closing Submissions – March 6, 2026

Complainant's Reply Submissions – March 13, 2026

Written Reasons by: The Hon. Wayne D. Cheverie

Date of Reasons: April 27, 2026

Introduction

1. This is an adjudication held pursuant to Section 32 of the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1 (the "Act"). Tyler Knockwood ("Tyler") and Laura MacArthur ("Laura" or "the Complainant") were married and lived together at 2-28 Mount Edward Road in Charlottetown, Prince Edward Island at the time of the events complained of.
2. The Respondents interacted with Tyler on January 16, 2023 as a result of calls for service. Tyler committed suicide on January 17, 2023.
3. Laura initiated a complaint against the Respondent officers pursuant to subsection 21(1) of the Act, in which, in essence, she alleged that the officers did not conduct a proper investigation thereby neglecting their duties. The Chief Officer of the Charlottetown Police Service ("CPS") referred the complaint for investigation to the Summerside Police Service. As a result of that investigation, the Chief Officer of the CPS concluded that the complaint was unsubstantiated.
4. As a result of this decision, Laura requested the Police Commissioner to review the decision pursuant to subsection 28(1) of the Act. In that request for review, Laura alleged that a more in-depth investigation was needed. She disagreed with the conclusion that there was no neglect of duty on the part of the Respondent officers. The Police Commissioner had the request for review and the complaint investigated. Upon completion of the investigation, an attempt was made to informally resolve the complaint (subsection 29(3) of the Act), but without success. Laura exercised her right under the Act and had her request and complaint referred to an adjudicator for a hearing (clause 29(3)(c)(ii) of the Act). I was appointed as the adjudicator by the Lieutenant Governor in Council in July 2024, which appointment was subsequently extended in July 2025 until July 2026.

Procedure

5. Section 32 of the Act, among other things, requires the hearing to be conducted in a forum open to the public, unless otherwise ordered by the adjudicator; sets out the parties who may be heard at the hearing; and requires that the hearing by the adjudicator must be a hearing *de novo*. The Act is silent on any procedure to be followed at the hearing or who has carriage of the action. Numerous conference calls were held with counsel to discuss process, and in the end, Ms. James, counsel for the Complainant, agreed she would present the case if she had full disclosure from the police. After reviewing that disclosure, she agreed to present the case. It is my understanding that had Ms. James declined to present the case, the Police Commissioner was prepared to hire counsel to prosecute the same. In any event, the case was well presented by extremely competent and professional counsel.

Agreed Statement of Facts

6. Tyler was a member of the Lennox Island First Nation. As noted earlier, he married Laura MacArthur and they had two children, Anabel (DOB February 24, 2011) and Thaddeus (DOB July 16, 2021).
7. At the relevant time, Constables Liam Jay ("Jay"), Colby Landrigan ("Landrigan") and Greg Thompson ("Thompson") were members of the CPS, and were assigned to patrol duties and worked a night shift commencing at 7:00 pm on January 15, 2023 and ending at 7:00 am on January 16, 2023. Constable Thompson also worked a night shift commencing at 7:00 pm on January 16, 2023 and ending at 7:00 am on January 17, 2023. Constables Cassidy McGean ("McGean"), Dakota Van Colen ("Van Colen"), Zachary Gould ("Gould"), and Jason Pound ("Pound") were also members of the CPS at the relevant times. Constable Van Colen was assigned to patrol duties and worked a day shift commencing at 7:00 am and ending at 7:00 pm on January 16, 2023.
8. Constables Gould and Pound were members of the Community Wellness Unit ("CWU") of the CPS and were working their regularly scheduled shift from 9:00 am to 7:00 pm on January 16, 2023.
9. On January 13, 2023, at 5:06 pm, Tyler called 911 to the Rodd Charlottetown Hotel, where he had rented a room and reported he had harmed himself by cutting his neck. He was transported voluntarily to the Queen Elizabeth Hospital (QEH) by ambulance.
10. At 7:47 pm, a physician at QEH completed an application for an involuntary psychiatric assessment of Tyler. He was subsequently released from the QEH on January 14, 2023 after a psychiatric assessment.
11. On January 15, 2023, Tyler flew from Charlottetown to Montreal in the morning and returned to Charlottetown on a flight arriving around midnight, and then returned to his residence where Laura was residing.
12. On January 16, 2023, at 6:09 am, Anabel texted Laura's sister, Michelle Buote ("Michelle"), and asked her to come to Tyler and Laura's residence. Anabel also spoke to Michelle on the phone.
13. At 6:18 am on January 16, 2023, Michelle called 911 and reported the contact from her niece, Anabel. Constables Jay, Landrigan and Thompson attended at the residence where Tyler, Laura and their children were present. Tyler was not arrested or transported to hospital.
14. Constable Jay completed a referral under Section 10 of the *Child Protection Act*. Laura, Michelle and the two children went to Michelle's residence while Tyler stayed in the apartment.

15. On January 16, 2023 at 8:39 am, Laura called 911 from Michelle's residence to report that Tyler had been observed walking towards where she was staying. Constable McGean then attended Michelle's residence. At 9:11 am on the same date, Jill Beagan, a Child and Family Services case worker, called 911 to report a concern for the wellbeing of Tyler, who had attended at their offices immediately prior to her call. CWU members, Constable Jason Pound and Constable Zach Gould were assigned to do a wellbeing check on Tyler, and met him at his residence.
16. Laura and her sister attended at the CPS station at approximately 9:15 am on January 16, 2023, and applied for and obtained an Emergency Protection Order (EPO) against Tyler. This order was obtained with the assistance of Constable McGean.
17. On January 16, 2023, at approximately 2:30 pm, Constables McGean and Van Colen gained entry to the Tyler/Laura residence with Laura's key and then breached the locked basement door with the permission of the property manager. The EPO was then served on Tyler. Police then took Tyler from his residence and drove him to the Quality Inn on the Hill hotel in Charlottetown at his request, where he was dropped off at approximately 3:30 pm.
18. Tyler was not able to obtain a room at the hotel because his credit card deposit was declined. Sometime later that day, at approximately between 3:54 pm and 4:31 pm, Tyler attended at the Community Outreach Center. He also attended at Ken's Corner between approximately 5:00 pm and 5:06 pm on January 16, 2023. He entered the Provincial Legislature at some point after 3:04 am on January 17, 2023, and was subsequently found to have hanged himself in the Provincial Legislature building. These facts appear in the Agreed Statement of Facts filed by counsel and entered as Exhibit J-2.

Position of the Parties

19. The Complainant asserts that the Respondents failed to conduct a full and proper investigation and this amounted to neglect of duty as described in Section 5 of the Police Act Code of Professional Conduct and Discipline Regulations, PEI Reg EC 142/10 ("the Code"). The alleged failure to conduct a full investigation included the officers failing to take notes; failing to apprehend Tyler under subsection 8(1) of the *Mental Health Act*, R.S.P.E.I. 1988, Cap. M-6.1, which was in force at the time of the police calls on January 16, 2023 (MHA); failing to arrest Tyler under the Criminal Code, R.S.C. 1985, c. C-46 for forcible confinement or other crime; and failing in their common law duties to protect life and prevent serious injury.
20. In her concluding remarks at paragraphs 101 and 102 of Ms. James' written submissions, the following appears:

101. If a fulsome investigation was completed, then the Respondent officers would have found that Tyler met the grounds for apprehension under the Mental Health Act. In the event that grounds

to apprehend could not be met, although the Complainant specifically contends they could be, the Respondent officers had reasonable and probable grounds to arrest Tyler for forcible confinement. Although criminal charges are not idyllic, if Tyler was in custody his mental condition would have been further assessed.

102. Any of the above actions and steps that the Respondent officers did not take could have prevented the tragedy of the following day. The Respondent officers failed to meet the standards of the Code and neglected their duty in contravention with s. 5 of the Code.

21. These submissions capture the essence of the Complainant's position.
22. The Respondents' position is that any neglect of duty must include a consideration of police officer discretion. They argue the reasonableness of an officer's conduct must be examined considering the circumstances as they exist at a particular time, and an officer is expected to use discretion and judgment in the course of his duties. That discretion or judgment ought not to be examined scrupulously by the benefit of hindsight. (See *Korchinski v. Officer of Independent Police Review Director (OIPRD)* 2022 ONSC 6074 – para. 44 – Tab 5 Respondent Book of Authorities).
23. The Respondents submit that they did a proper investigation and argue they had no specific duty to take notes at the time of the investigation. They argue that after considering all of the evidence before them on January 16, 2023, each of them properly concluded they had no power to apprehend Tyler under the MHA.
24. In response to the Complainant's submissions with respect to powers of arrest under the Criminal Code, the Respondents' position is that the power to arrest without warrant is found in Section 495. They submit Constable Landrigan concluded after considering information provided by Laura, that he had no grounds to arrest Tyler for a Criminal Code offence. Finally, the Respondents argue they had no grounds to exercise any ancillary powers in the circumstances of this case, let alone any duty to do so.

The Law

25. The standard of proof in this case is the civil law standard. The parties agree that the Complainant bears the burden to establish that each individual officer committed a breach of their obligations under Section 5 of the Code, on the balance of probabilities, on clear, cogent and convincing evidence. In the course of discharging the burden upon her, the Complainant must establish that the Respondents failed to discharge their duty under subsection 8(1) of the MHA, thereby committing neglect of duty as provided for in Section 5 of the Code. For ease of reference, I set out both of those provisions here:

Sec. 8.(1) A peace officer may take a person into custody and take him or her forthwith to a place for involuntary psychiatric examination if the peace officer has reasonable grounds to believe that

- a) the person is suffering from mental disorder of a nature or degree so as to require hospitalization in the interests of the person's own safety or the safety of others;*
- b) the person is refusing or unable to consent to undergo psychiatric examination; and*
- c) the urgency of the situation does not allow for a judicial order for psychiatric examination.*

5. Neglect of duty

A police officer or security police officer neglects his or her duties if

- (a) the police officer or security police officer, without lawful excuse, fails to promptly and diligently
 - (i) obey or carry out any lawful order from a superior officer, or*
 - (ii) perform his or her duties as a police officer or security police officer;**
- (b) the police officer or security police officer fails to work in accordance with the policies and procedures of the police agency with which he or she is employed;*
- (c) (c) the police officer or security police officer leaves an area, detail or other place of duty without due permission or sufficient cause or, having left an area, detail or other place of duty with due permission or sufficient cause, fails to return promptly; or*
- (d) the police officer or security police officer is absent from or late for duty without reasonable excuse. (Code of Professional Conduct and Discipline Regulations, PEI Reg EC 142/10)*

- **Neglect of Duty**

- 26. The test to establish neglect of duty is set out in the *Korchinski* case where the evidence must prove:
 - a) a duty existed;
 - b) the officer failed to discharge the relevant duty promptly and diligently; and
 - c) there is no lawful excuse, good or sufficient cause or adequate reason to excuse the failure to discharge the duty (See *Korchinski*, para. 42)

27. The Complainant properly points out that the duties of a CPS officer include those duties enumerated in Section 13 of the Act. Among other things, the officers are charged with maintaining law and order, assisting victims of crime, and apprehending persons who may lawfully be taken into custody. The Complainant also submits that police possess the common law duties of preservation of the peace, prevention of crime, and protection of life and property. (See *R. v. Dedman* 1985 [2 SCR] 2 at pp. 11-12).

28. The Respondents do not take issue with the statutory obligations of police officers, but submit that in the exercise of their authority, police are expected to exercise discretion in the use of that power.

- **Police Discretion**

29. In *R. v. Beaudry* 2007 SCC 5 at paragraph 37, the Supreme Court recognized that the ability and indeed the duty to use one's judgment to adapt the process of law enforcement to individual circumstances, and therefore to the real life demands of justice is, in fact, the basis of police discretion. The court went on to note that discretion is an essential feature of the criminal justice system, but the discretion is not absolute and police officers must justify their decisions rationally. The Complainant recognizes that police discretion is in play, but discretionary decisions must be justified and reasonable. I will discuss discretion in more detail when dealing with the standard of care.

- **Note Taking**

30. The Code does not define a duty upon police officers to make notes. That is acknowledged by the Complainant, however, she submits that does not mean such a duty does not exist. As will be seen from a discussion of the Respondents' evidence, none of them made notes at the scene of their investigation, but there were detailed Occurrence Reports completed immediately thereafter. The Complainant relies on the case of *Wood v. Schaeffer* 2013 [3 SCR] 1053 at paragraphs 62-64 where Justice Moldaver, speaking for the majority of the court, discussed the duty to make notes generally. However, at paragraph 67, he concludes that police officers do have a duty to prepare accurate, detailed and comprehensive notes "as soon as practicable after an investigation". Again, the application of this duty will be discussed upon review of the evidence of the Respondents, as the Complainant argues the lack of note taking is another factor supporting her complaint that the officers neglected their duties.

- **Criminal Code**

31. Consistent with their statutory duty to apprehend persons who may lawfully be taken into custody, the Complainant argues there were sufficient grounds for Constable Landrigan to lay a charge under the Criminal Code, Section 279(2), which reads:

(2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

32. The testimony of Constable Landrigan after receiving information from Laura is key to disposition of this issue. The counter balance to the Complainant's position on this point is made by the Respondents who submit that while a police officer may have power to exercise authority, they are expected to exercise discretion in the use of that power.

Standard of Care

33. Where a court or tribunal is asked to rule on the appropriateness of actions taken by a professional which are beyond the scope of ordinary knowledge possessed by the court or tribunal, it is quite common to hear evidence from experts. In this case, it would be quite normal to hear evidence from a properly qualified expert or experts on the appropriate standard of care for police officers in the City of Charlottetown responding to a MHA call and possible criminal investigation in January of 2023. No expert evidence was called by any of the parties. The Respondents submit that the failure of the Complainant to call expert evidence on the standard of care is fatal to her case.
34. In the preparation and conduct of any case, lawyers have to make decisions on what evidence to call, what questions to ask, and what arguments to pursue – all against the background of offering the best counsel to their client.
35. Rather than call expert evidence, the Complainant called an instructor from the Atlantic Police Academy (APA) to provide evidence on the training the Respondents received. Counsel for the Respondents quite properly points out that this witness is not a police officer, but is an instructor. The Respondents further submit that in the absence of expert testimony on the standard of care, I am left with the training the officers received with respect to mental health calls and investigative tools. Since I do not have police training, especially in the area of mental health cases or warrantless searches, evidence from properly qualified experts in this area would have been helpful. This is not to second guess the decision by the Complainant not to call expert evidence, but is merely a fact. In my view, her failure to call expert evidence on the standard of care is not fatal.
36. Police discretion is an integral part of the standard of care. In *Korchinski*, the Superior Court of Justice, Divisional Court, relies on the Supreme Court of Canada decision in *Hill v. Hamilton-Wentworth Regional Police Services Board*, 2007 SCC 41 at paragraph 73 where the following appears:

73 I conclude that the appropriate standard of care is the overarching standard of a reasonable police officer in similar circumstances. This standard should be applied in a manner that

gives due recognition to the discretion inherent in police investigation. Like other professionals, police officers are entitled to exercise their discretion as they see fit, provided that they stay within the bounds of reasonableness. The standard of care is not breached because a police officer exercises his or her discretion in a manner other than that deemed optimal by the reviewing court. A number of choices may be open to a police officer investigating a crime, all of which may fall within the range of reasonableness. So long as discretion is exercised within this range, the standard of care is not breached. The standard is not perfection, or even the optimum, judged from the vantage of hindsight. It is that of a reasonable officer, judged in the circumstances prevailing at the time the decision was made — circumstances that may include urgency and deficiencies of information. The law of negligence does not require perfection of professionals; nor does it guarantee desired results (Klar, at p. 359). Rather, it accepts that police officers, like other professionals, may make minor errors or errors in judgment which cause unfortunate results, without breaching the standard of care. The law distinguishes between unreasonable mistakes breaching the standard of care and mere “errors in judgment” which any reasonable professional might have made and therefore, which do not breach the standard of care. (See Lapointe v. Hôpital Le Gardeur, [1992 CanLII 119 \(SCC\)](#), [1992] 1 S.C.R. 351; Folland v. Reardon (2005), [2005 CanLII 1403 \(ON CA\)](#), 74 O.R. (3d) 688 (C.A.); Klar, at p. 359.)

37. *Korchinski* went on to state the reasonableness of an officer’s conduct must be examined considering the circumstances as they existed at a particular time. An officer is expected to use discretion and judgment in the course of his duties, and that discretion or judgment ought not to be examined scrupulously by the benefit of hindsight. Instead, such an examination of the circumstances under which the officer exercised that discretion or independent judgment is required. (See *Korchinski*, para. 44).
38. Not stopping there, *Korchinski* stated the impugned conduct must include an element of willfulness in the police officer’s neglect or there must be a degree of neglect which would make the matter cross the line from a mere job performance issue to a matter of misconduct. Failure to comply is not enough, said the court. There must be some evidence of deliberateness or recklessness to the failure to comply or there must be some meaningful level of moral culpability to attract disciplinary penalties (See *Korchinski*, para. 45). Finally, the court said it is not every mis-step or failure to follow a policy which would “extend into the realm of misconduct.” (See *Korchinski*, para. 46).
39. Therefore, with the direction from the Supreme Court of Canada in *Hill* that the standard is not perfection to be judged from the vantage point of hindsight; that the standard is of a reasonable officer judged in the circumstances prevailing at the time the decision was made; and mindful that the law distinguishes between

unreasonable mistakes which would breach the standard of care versus mere errors of judgment which do not breach the standard of care, I must review the evidence, on the balance of probabilities, to determine whether the Complainant has made out her case that the Respondents failed to meet the standard of care required of them.

Evidence from the Complainant

- **Laura MacArthur**

40. Laura gave evidence concerning the events of January 16, 2023 and Tyler's actions in the days prior. She testified that on January 13, 2023, Tyler went to work with his dog, and around 5:00 pm on that date he telephoned her and told her he was at the Charlottetown Hotel. She says he was not comfortable around her and that his tone was guarded. She stated she was concerned because of his increasing paranoia.
41. Laura went on to briefly describe events that took place in October 2019 when Tyler was on drugs. He was hospitalized for two months at that time, but after that, she said he was normal. Prior to January 2023, no other calls were made to the police.
42. When Tyler called her from the Charlottetown Hotel, he asked her to come and get the dog as he was on his way to the hospital. She did not inquire of him as to what was wrong. The next contact she had with him was Saturday afternoon, January 14, by text message. By text, she asked him about his plans and he said he was going to Montreal by plane. Laura testified Tyler had only been in Montreal once before and had no friends or family there, so in her view he didn't have a purpose for going – he just wanted to leave.
43. Tyler did travel to Montreal and immediately returned to the province. He arrived home during the early morning hours of January 16. She testified she was asleep and was awakened by his presence. She described him as "disheveled and tired". He asked her for water and then asked her to drink it first because he had accused her of putting something in the water. The conversation was calm and only the water issue was discussed. She was not concerned for her safety at that time.
44. Laura tried to get some rest in her bedroom, however, around 4:00 am she had an interaction with Tyler when she wanted to go to the bathroom. She said Tyler was lying on the floor outside her bedroom door, and that he didn't trust her and made her pee in a cup. She stated she didn't want to walk over him to get to the bathroom. She also testified Tyler took her cell phone from her. She saw things destroyed in the house all the way to the front door, but she did not ask Tyler about this because of his state of mind. She went back to her bedroom and Tyler shut the door tightly, but it was not locked. She stated she couldn't leave the room because he was laying on the floor right outside her door.

45. Now in the room with her children, Laura testified she was concerned for her safety. She spoke to her sister (Michelle) on the phone, and then by text, and asked her to come over. She said this call was made less than 10 minutes after she was in her bedroom. At some point, she and children "made a run for it" out the front door. Tyler was still on the floor when this happened and did not try to stop them. She found herself standing in her driveway with the children and they were all in their pajamas.
46. The police arrived on the scene as did her sister. She said two officers went into the apartment and one officer stayed outside. Her interaction with this officer was very brief. She stated she tried to give the officer a history of Tyler's mental health up to that time, but he was focused on what was happening right now including her statement that she and the children were held in the bedroom, and Tyler said they were not going to leave. She said the officer motioned with his hands for her to stop; he was clearly focused on what was happening that morning. She testified this occurred between 5:30 am and 6:00 am on January 16, 2023.
47. Laura asked the officer to take Tyler to the hospital because of Tyler's health, and the fear she had for her own safety. She stated she never saw him like this before. In the course of this investigation, she was not asked to provide a statement at the police station nor was her sister or her daughter.
48. Laura testified the officer did not provide her with any business card nor did he ask her whether Tyler threatened to harm himself. She did advise the officer Tyler was just released from hospital, but the officer did not ask her if she had any concern for her safety. She stated this officer was outside of her residence at all times.
49. The officer (who was Constable Landrigan) also spoke to her sister outside the residence, but he never indicated what he was investigating. The other two officers were inside the residence, and they did not speak with Laura.
50. The resolution to the situation proposed by the officer was for Laura go to her sister's residence for the day. Laura did so. She testified the officer said Tyler was "just under the criteria" to be taken to hospital. However, he gave no further explanation of the criteria. The officer suggested she go to her sister's residence and she could then call for a wellness check in a few hours to check on Tyler's condition.
51. Laura testified that the house was in a mess. There were piles of clothing all over the place and items were overturned. She witnessed this when she went back into the house to get some clothing. She said the police did not ask her about the condition of the house at that time. While in the house on this occasion, she had no interaction with the police, but Tyler was calling her names and the officers standing nearby asked Tyler to stop. After this, they all left the scene with the officers leaving last.
52. Later on in the morning of January 16, Laura called and spoke to Constable McGean because Tyler was seen walking near her sister's apartment. Laura says

his condition was deteriorating, and he had no reason to be near her sister's residence. She thought Tyler was coming to see her, and she was scared for all of them. She was concerned Tyler was going to harm her. As it turned out, Tyler was heading for the offices of Child and Family Services and not to Michelle's residence.

53. During her phone call with Constable McGean, Laura said she provided her with some history and what the officers did that morning. Laura then went to the police station with her sister and told McGean everything. An EPO was suggested.
54. Laura stated an EPO was the only option discussed with the police to allow her to go back to her home. She stated she was not asked if she wished to lay charges and was concerned Tyler would kill himself if he was presented with an EPO. She said she told this to the officers "repeatedly". As for the wellness check on Tyler, Laura was not told about the result. However, she did say while at the police station she overheard officers discussing the case and suggesting that drugs were involved.
55. Laura was aware the police were trying to serve Tyler with the EPO. She provided police with a key to the front door so they could serve the document. Tyler was in the basement and the door was locked. She described the basement as a clay basement which was unfurnished and used for storage. She learned that the property manager had to come to the property and allowed the police to break into the basement to get to Tyler. She was nearby her residence when she witnessed the police leaving with Tyler whereupon she went into the house herself. She testified the TV was in the basement, and the house was overturned – you could hardly walk through. She so advised the police. For their part, she says the police did not tell her where they were taking Tyler and, they did not tell her where they left him off.
56. Subsequent to this, she had some contact with a Child and Family Services worker and understood that the worker had contacted the police. Around this time, she checked her bank accounts and saw that Tyler had purchased some goods at Home Depot. She was scared to stay home so she went to her sister's at approximately 7:30 pm.
57. On January 17, 2023, at approximately 5:00 am, she said officers contacted her and asked her where she was. The police arrived in approximately 10 minutes. There were two officers. One of them had been at her house during the morning of January 16. The police advised her Tyler's body had been found.
58. When cross-examined by Ms. Nijhawan, Laura agreed Constable Landrigan was the officer she spoke to outside her apartment when the police responded to the 911 call. She also agreed it was Constable Jay and Constable Thompson who were inside the apartment at that time, but that she had no contact with them. She agreed Tyler never told her he was going to harm or kill himself or her. She agreed there was no history of Tyler trying to kill himself, and Tyler did not tell her why he went to hospital on January 13. He did not tell her he had self-harmed. She

learned this after the fact. In the course of this cross-examination, she also agreed Tyler alleged she was cheating on him, and that she had been doing drugs – both of which she denied.

59. Laura indeed wanted Tyler taken to hospital – to be removed from their home. She agreed with counsel there must be some criteria to remove Tyler from his home. When cross-examined by Mr. Giacomantonio, Laura agreed some of her information is derived from disclosure documents and not from her personal knowledge. When asked about her marriage to Tyler, she said the marriage was not in trouble, and she was not going through a divorce. Tyler had told people at the hospital when he was admitted that he was going through a difficult divorce, and he also told the police that Laura was doing drugs. She denied both of these statements.
60. Laura agreed she told Constable Landrigan about the cheating allegation and her denial of the same. She agreed she was not locked in the bedroom, but that the door was difficult to open. She agreed with counsel she told Landrigan Tyler said she was poisoning his water and air in order to show Landrigan Tyler was not well. Contrary to her direct testimony, she agreed with the suggestion from counsel that Landrigan went into the house two or three times during the 911 call, and he told her there were no grounds to arrest Tyler.
61. It is clear from her evidence she asked the police to take Tyler to hospital numerous times during the events of January 16, 2023. She did not mention seeking to have Tyler arrested for any Criminal Code offences. In addition to the purchases at Home Depot by Tyler, she also saw bank withdrawals that concerned her, but she did not call the police as a result of these observations. She indicated later to counsel that Tyler took out \$5,000.00 each day on the Thursday and Friday preceding January 16.

- **Michelle Buote**

62. The second witness called by the Complainant was her sister, Michelle Buote. On January 16, 2023, it was Michelle who made the 911 call after she received a text from her niece, Anabel, wherein she was asked to come to the apartment. (Exhibit C-1 – copy of text message).
63. On January 12, 2023, at Anabel's request, Michelle was in contact with Tyler. She went to the apartment and said everything was okay at first. Laura and Tyler were in the kitchen and Tyler was upset. Michelle said things were placed over the vents in the apartment, and she had never seen this before. She testified Tyler told her Laura was trying to get rid of him; that she was cheating on him. At this point, Michelle had no concern for Tyler or Laura's safety. However, she did say Tyler started going on about things that didn't make any sense; he was crying; he said he was the father of her son (which was not true).
64. On January 13, 2023, Laura called Michelle to go with her to get the dog at Tyler's request. Michelle testified Tyler's hotel room was overturned and she believes the

mattress was off the bed. She dropped Laura and the dog off at Laura's residence. Between January 13 and January 17, Michelle said she had no contact with Tyler.

65. On January 16, 2023, after she had called 911, Michelle went to 28 Mount Edward Road. She said Laura and Anabel were standing outside; there was a police officer outside; and Laura and Anabel were in their pajamas and shivering. She testified she tried to speak to the officer, but said he held up his hand and stopped her. She said the officer only wanted to talk about the present events and not any history. She said the officer repeatedly said it was only today's events that he was concerned about.
66. Michelle was not asked to provide a statement nor was she interviewed by any police officer about this matter. She testified there were two other police officers inside the apartment, but she did not have any discussion with them. She said she stated Tyler should go to hospital, but was ignored. Michelle stayed on the premises until she was told to go with Laura to her place at approximately 6:20 am.
67. In discussion with Constable McGean, Laura was told she would need to obtain a restraining order in order to go home. It appears from Michelle's testimony that McGean was sympathetic to the situation. In any event, Michelle went to the police station with Laura and McGean where a restraining order was discussed as the only option in these circumstances together with a wellness check. Michelle said she overheard officers speaking about a wellness check, and heard an officer say Tyler was paranoid and may be on drugs. Michelle testified Laura was told Tyler could not be taken to the hospital because he didn't meet the criteria.
68. On January 17, 2023, Michelle was with Laura when the police told them Tyler hanged himself. One of the officers who spoke to them had been present the previous day at the apartment.
69. When cross-examined by Mr. Giacomantonio about events that occurred on January 16, 2023, she agreed it was Constable Landrigan with whom she had contact. When asked how long she was in contact with him, she said it felt like 25 to 30 minutes, but she was not sure. She was asked if Landrigan went in and out of the apartment, but she didn't remember if Landrigan did so or not. It was suggested to her that she wanted to give Landrigan more information and she agreed. It was suggested that Laura was trying to offer the same information and again, she agreed. She wanted to tell the officer about her contact with Tyler on January 12.
70. Michelle agreed the officer said there were no grounds to take Tyler to hospital, and she also agreed the officer suggested she and Laura go to Michelle's apartment, and then do a wellness check later. She stated no other options were presented by the officer, and she agreed Laura told Landrigan Tyler had been to the hospital the other day.

- **Leslie Hadfield**

71. Ms. Hadfield was the final witness called by the Complainant. Her CV was entered as Exhibit C-3. It shows she is an education and training specialist with over 15 years of experience designing, coordinating and delivering evidence informed education and training in a variety of areas including gender-based violence, intimate partner violence, mental health, and crisis intervention across justice, public safety and post secondary environments. Ms. Hadfield clearly indicated she does not have any policing background, but is a Social Science and Learning Manager at the APA.
72. Social Psychology is the main course she teaches with crisis intervention and de-escalation and communications as well. She described the various courses that she teaches, and the length of time it takes to complete each course. All cadets at the Academy must take these courses. She was referred to a document titled "Course Outline" (Exhibit C-4). The course title is Psychology: Police Applied Social Sciences. Part 6 of that Outline is titled "Describe the differences between normal and abnormal behavior". She was asked what was taught in this section, and indicated this was one of the largest pieces that they teach. She said they talk about psychosis and about all the generalities in mental health and put them into four categories. When asked if there was any coverage in terms of the application of the MHA, she clearly indicated that she does not teach that.
73. Ms. Hadfield was asked how police officers are taught to recognize different types of normal and abnormal behaviour. She referenced that a person may be experiencing a manic state – talking very quickly or it might be hallucinations or delusions. She said it would be about recognizing that maybe the person is in an altered state. She stated the person might be bipolar and one would ask if they had depressive episodes. Has there been a lot of spending? Has there been gambling, big purchases, for instance? This is very common with someone who is manic. She further indicated if a person is displaying these type of symptoms, then it is a mental health issue.
74. Ms. Hadfield was questioned about whether the cadets are taught anything specifically with respect to suicide and suicide ideations. She answered in the affirmative. They are taught to do what is called a PIMAL Assessment. This assessment is used to properly validate whether the person has a plan in place; is it immediate; what means have they chosen; do they have access to the means; and is the plan really lethal – hence the name "PIMAL". (underlining mine)
75. The witness was referred to another course outline entitled "Crisis Intervention and De-escalation" (Exhibit C-5). She was referred to section 3 of that Outline and asked specifically to comment on the heading "Review the active listening model". The witness testified she teaches this during Social Psychology. She spends four days teaching it, and says it is about developing rapport and trust – active listening in general and the importance of it in every interaction. She was asked if there was any specific training as to who or where the officer should be gaining information while attending a mental health call and she responded by saying if

there is somebody at the scene then you should ask questions, if possible. She stated often family members know the individual best and if there is a relative or anybody present, a care giver for example, then to ask that person questions. She testified it's often about a change in behaviour, and not so much about what has just happened. She stated most of the mental health symptoms are about big changes in behaviour.

76. The witness indicated the importance of gathering this information is to see if there has been any escalation in behaviour, and whether there is a risk to the individual or someone else.
77. Ms. Hadfield was referred to another Course Outline entitled "Social Psychology: Police Applied Social Sciences" (also Exhibit C-5). When asked about specific types of questions or information that officers are taught to seek when dealing with somebody or in a call that involves abuse, Ms. Hadfield referred to using open ended questions, and separating individuals so they can't communicate even through eye contact or body language. She mentioned gathering information on how they are feeling, without judgments, as to who may be the offender, and trying to develop a rapport, and empathy. She specifically noted that one of the big things for any of the types of communication is empathy and building empathy and trying to understand the positions that a person might be in.
78. The witness was referred to the final Course Outline in this exhibit entitled "Judgmental Scenario Training". She was asked about de-escalation communication and testified that de-escalation is not just about calming a situation. The goal of de-escalation is to see that things do not escalate. So de-escalation is not just about having a person calm down in a situation in strength or intensity. Ms. Hadfield further indicated that in order for de-escalation to happen, the person has to feel emotionally safe – the individual must feel they are being heard and are being listened to.
79. When asked whether there are specific questions officers are trained to ask when they are concerned about potential suicide, Ms. Hadfield said it's important to do the assessment, to understand what is actually happening. Does the person feel despondent; do they feel they are worthless or that they are helpless. These are some red flags to look for. She stated if the officer really has a concern then they should point blank ask the person if they are thinking about killing themselves. Ms. Hadfield noted self-harm or harming yourself can go on for a period of years, and could be a mechanism to escape pain; it could be a coping mechanism. However, she said cutting or self-harm does not always lead to suicide. She added that knowing if someone has had suicidal ideation previously and had previous attempts can be important in the assessment process. Knowing they have acted on the ideation or attempted to act on it is important because in her testimony, the more attempts there have been of suicide can lead to successful suicide.
80. Ms. Hadfield was cross-examined by Ms. Nijhawan. During that cross-examination, she agreed she is not a police officer; and in her work at the APA, she does not teach the application of police procedures or the law. She teaches

how to communicate with individuals in general, but specifically she confirmed she does not teach police cadets how to apply the MHA. She does not teach them what their powers are or what their duties are. Ms. Hadfield confirmed she is not a clinical psychologist or a therapist, but rather she is a teacher of the theory of these concepts. When asked about PIMAL, the witness indicated it is a tool the officers can use. It is not something that is black and white, but it is a way to do basic assessment, and she says it is used in hospitals as well.

81. Ms. Hadfield was asked directly if officers are taught to use this tool (PIMAL) because it is difficult to know what a person is going to do in the future. Counsel suggested this is a way to assess risk. When asked about what she meant by immediate risk, she replied by saying “if they have a plan”. Ms. Hadfield expanded on the PIMAL tool by saying you don’t always have to follow it; it just helps the officer articulate the reason the person may be apprehended. You don’t have to complete the entire assessment in order to ask the question whether a person is going to harm themselves.
82. It is clear from Ms. Hadfield’s testimony that PIMAL is a tool she teaches police officers to use to assess suicide risk. She stated if a person is asked if they are going to harm themselves or commit suicide and they answer no, then that is not necessarily an end to the inquiry. The witness offered it is also how the individual answers, not so much what they say. What is their tone of voice which can often be an answer in itself. She agreed an officer may encounter a situation where suicidal ideation may be in play, and notwithstanding the training they get, she agreed each situation commands a very personalized approach.

Evidence from the Respondents

- **Melissa Craswell**

83. The first witness called was Sergeant Melissa Craswell of the CPS. After providing background on her training and work experience, she indicated that in 2022 she was made sergeant in charge of the Community Wellness Unit (CWU). As sergeant in charge of the CWU, she reviews files and supports the officers. She has nine officers in her command, and two of those are assigned to the CWU. This unit started in September of 2021. She identified a training bulletin for “mental health – crisis intervention training” dated December 17, 2020 marking the starting point for this specialized training (Exhibit R-2). On page 2 of Exhibit R-2, there appears the names of Constables Gould and Pound who were part of the CWU. They have been assigned to this unit and are dedicated to the unit. It operates Monday to Friday from 9:00 am to 5:00 pm.
84. The witness also identified the existence of a mobile mental health team. This team only becomes involved in a case if called in by the CWU which unit must have the consent of the individual who initially called for assistance. In January 2023, the mobile health unit was separate and apart from the CWU. She testified officers in the CWU also received other training and that additional training was taken by both Constables Gould and Pound in 2021 and 2022.

85. As for the training of other specific officers, she said Officer Van Colen has the Social Sciences course, but not the family violence training course. He does have crisis intervention training. Officer Thompson did not have the training, and Officer Landrigan had the Social Science training. When asked about her duties as sergeant in charge of the unit, she said she reviews their files and provides support. The officers operate on 12 hour shifts from 7:00 am to 7:00 pm and vice versa.
86. Sgt. Craswell was directed to Exhibit J-2, Tab 10. She identified the document that appears there as the "Domestic Disputes Policy" for the CPS. This policy was in place in 2023, and it may be accessed by all officers.
87. The witness was referred to Tab 11 of Exhibit J-2 and indicated the reference to the MHA here constitutes the *Mental Health Act* policy of the CPS. Again, all officers have access to the policy. She agreed it is the expectation that each officer knows these policies.
88. When called out, an officer in the CWU does not have access to the criminal information database or any criminal records, but the officer may have prior knowledge of a person that is known to them.
89. As for the policies and their application, she described them as outlines. She indicated not every situation is the same, and there are no hard and fast rules. They are guides.
90. When cross-examined by Ms. James, the witness was asked about her duties and she said she reviews files for quality assurance, and to ensure the matter was handled properly. She referred to the Occurrence Reports completed by the officers, and confirmed it is her responsibility to determine the correctness of those reports. She does this by sitting down with the officer or officers involved; hearing from them as to what they did; and then deciding if it was correct. She is the last person to check on the officers, and there was no further review beyond her.
91. As for the circumstances of the case which is the subject of this hearing, Sergeant Craswell said it did not go to her. It went to the quality assurance sergeant as dictated by the Chief of Police because a death was involved. Sergeant Craswell indicated she does her reviews basically on a weekly basis.
92. The witness was referred to Exhibit J-2, Tab 11 where at Section 3.1 which provides where the department has been requested to assist in regards to a situation involving the MHA, the supervisor shall monitor such requests to ensure policy and act requirements are met and provide assistance as required to the investigating member. The witness indicated the supervisor in this context talks to the officer after the occurrence. As for the CWU, she is the one who speaks to officers Pound and Gould. She did not speak to them on the day of this occurrence because they were called to other cases and then that was followed up by training. She spoke to them the next day after Tyler had died. She said she was satisfied with their performance.

- **Constable Colby Landrigan**

93. Of the three officers who answered the 911 call to attend Laura's residence on January 16, 2023, Constable Landrigan provided the majority of the information surrounding the events of that day. He was trained at the APA in 2019, and ultimately became a member of the CPS in November 2021. With respect to January 16, 2023, Landrigan started his shift on January 15, as he was working the night shift which runs from 7:00 pm on the 15th to 7:00 am on the 16th. He testified that at approximately 6:18 am on that date, Constable Liam Jay received a call for a mental health call involving an individual at 28 Mount Edward Road. He said Jay was dispatched as lead investigator, and Constable Greg Thompson was called as backup. Landrigan was also dispatched as backup. He said the call was a "10-30 Mike" which indicates to police that it is a mental health call. Since Landrigan and Jay were both at the office when the call came in, they attended at the scene in one vehicle.
94. An audio recording (Exhibit R-3) with time stamp 06:21:48 was played. Constable Landrigan said this communication is the dispatch officer telling them over the radio that he has no cautions on Tyler; no flags of violence or anything like that on his record, but that he is a large individual and police had been working with him previously. He interpreted that as a mental health call.
95. The officer indicated they arrived on the scene at 6:21 am. An audio recording (Exhibit R-3) with time stamp 06:22:35 was played and the witness identified the radio transmission as being from another constable who was on their shift that night. That constable was telling them and making them aware that on the date Tyler was taken to hospital, he was cutting himself with a knife and that he had a knife.
96. Constable Landrigan testified that at this point he knows he is dealing with a mental health call, so he is directing his mind towards what type of investigation he is going to be dealing with and trying to rely on the MHA. He is making sure that he is mentally prepared going into the situation, and that the other officers are also safe and doing their jobs. When asked about his priorities when going into a mental health call, he said priorities are protection of life. He wants to make sure the individual who is the subject of the complaint is safe, and anyone around them is safe being from themselves or others. The officer indicated that at the APA he received training in mental health issues, domestic violence, and the social science and law refresher that he took in 2022.
97. The officer then provided details of his involvement at the scene. Upon arrival, he saw a female outside in front of the house who was later identified as Laura. There was also an unknown male parked in a vehicle who he later became aware of was Michelle Buote's father. He saw two children alongside Laura, a small boy and a middle aged girl.

98. He and Jay got out of the police vehicle and started walking towards the residence. Laura's youngest son was brought into one of the warm vehicles that was available and the daughter was also looked after. It was at this time he was made aware that Tyler, the subject of the complaint, was still in the residence. He instructed Constable Jay to go inside the residence. Landrigan was going to stay outside and speak with Laura. Constable Thompson arrived and Landrigan sent him inside the residence with Constable Jay.
99. When asked why officers were deployed in this fashion, he offered that Constable Thompson had only been employed with CPS for a few months, and since Landrigan and Jay had a few years experience, he thought it best for himself and Jay to separate. From the information provided that Tyler was a big individual and that there had been a call where he had a knife in days previous, Landrigan determined it would be best to send two officers inside the residence in the interest of officer safety.
100. Once the other two officers had gone inside the residence, Landrigan spoke with the female who identified herself as Laura. He got her name and reciprocated by giving her his name. She provided him with details of Tyler's actions over the previous days, and that he was experiencing some mental health issues. She detailed that this morning she had fallen asleep on the couch, and was woken up to Tyler getting home from Montreal. Once she was awakened by Tyler, she said he came in close proximity to her and then started to accuse her of cheating. She denied those claims. She mentioned Tyler was acting strange, and that he started moving and throwing items around.
101. Laura then advised Landrigan that she went to the bedroom. Tyler followed behind her and said she couldn't leave and then he shut the door. At this point, Landrigan says he now recognized there may be some family violence present, and he said he switched gears into looking into that side of things. He started asking her questions, and asking her to detail that interaction more to him to see if there was a criminal offence at play.
102. The officer indicated Laura advised him Tyler had closed the door. The officer asked her if he had locked the door, and she told him he hadn't, and he couldn't. He asked her if she felt like she could leave and she said that she could. He asked her if she was fearful for her life, and she said she was not. He asked her if she did leave, and she told him she did end up just leaving the room. He asked her if there had been any threats or any assaults of any type between them, and she advised him there were no threats or assaults. He also asked her if Tyler had made any comments of any self-harm or suicide and she told him he had not.
103. Armed with the information Laura had provided about her interaction with Tyler in the bedroom, the officer concluded there were no grounds or any means of investigating further into a criminal charge. So he turned his attention back to the original dispatch - a mental health call. He tried to get some background information on what had happened in previous days, and said Laura enlightened him on what had taken place. She told him Tyler had gone to the hospital on Friday

night, and he was released on Saturday. He stated they spent a bit of time discussing this because she was upset toward the hospital in that she was strongly of the opinion Tyler shouldn't have been released from the hospital.

104. As his conversation with Laura continued, she told him that on Friday, things were a bit off between the two of them. She told him that on Friday, Tyler took the dog to work with him. She stated that was a little bit out of character, but did mention that Tyler and the dog were very close. She then went back to offer her opinion about the hospital releasing him. After he was released, she had knowledge that he went to Montreal either Saturday night or Sunday morning. Laura told him she found that to be out of character for him, and didn't really know why he would have gone to Montreal.
105. The officer said Laura mentioned Tyler felt like she was poisoning him in the water and in the air. She just denied those claims and didn't go into any further detail. Laura asked him to take Tyler to the hospital. He said she repeated this a few times. That was her ultimate goal. She wanted Tyler returned to the hospital because she felt he shouldn't have been released. The officer said Laura asked him repeatedly to take Tyler to the hospital.
106. Turning his attention to the MHA, Landrigan reflected on the information that he had. He said every call they go to is different, but especially this one. The officer testified that armed with the information provided by Laura, he is trying to determine how he is going to act in accordance with police policies and the MHA. He is aware there is certain criteria that must be met under the MHA before he can force someone to go to the hospital. However, he testified there are alternative options.
107. Constable Landrigan testified to his understanding as to what was necessary in order to apprehend someone involuntarily under the MHA. He testified he would have to feel that they were a danger to themselves or others, or that from his experience, that they are in a position which they can no longer care for themselves. He testified they might be in an out of character state where he feels like they are a harm to themselves or others, so then he can invoke the MHA and enforce that. He also stated he can rely on evidence given from people who are close by, like family members – “around any direct comments of self-harm or suicide that they themselves had observed or witnessed”.
108. Constable Landrigan then spoke of his interaction with Michelle Buote. When she arrived on the scene he described her as being pretty worked up about the whole event, and was insisting that Tyler go to hospital; that he needed to go to the hospital. Michelle told him Tyler had gone to the hospital on Friday into Saturday, and she knew he went to Montreal. She expressed the same concerns Laura did about that trip to Montreal. The officer says he gave Michelle, as he did with Laura, time to say her piece and voice her frustrations with the hospital. The officer was asked if he recalled cutting Michelle off at any point during the discussion with her outside the house, and he said he did not do so at any time. What he did say is

that he redirected both her and Laura. He testified they kept repeating the same information to him.

109. The officer knew Tyler had been taken to hospital and had been released. He knew there was a knife involved, but he said he took some comfort from the fact Tyler had been seen by a doctor at the Queen Elizabeth Hospital and was subsequently released. The Agreed Statement of Facts indicates Tyler was seen by a psychiatrist.
110. So armed with the information he had been given by Laura and Michelle, Landrigan stated he chose to go inside the residence to make his own observations of the situation as well as to check up on Constables Jay and Thompson. In doing so, he told Constable Jay the information he had received from Laura.
111. Landrigan described the residence upon his entry as looking "lived in". There were dirty dishes in the sink and over all the counters and the island itself. He also said there were some piles of clothing that were strewn around. He engaged Tyler in conversation, and was noting how Tyler was speaking and his appearance. At that time, Tyler was in a tank top and shorts, but it was 6:00 in the morning and that seemed fairly normal to Landrigan. He said Tyler was speaking clearly and was answering his questions and seemed to be cooperating with the other two officers who were inside the residence. Landrigan said Tyler was forthcoming with information when questions were put to him.
112. The officer described Tyler as being very calm, and that they had a conversation which was calm and professional. He did not detect any spikes in emotions or that Tyler was getting upset towards them. Tyler maintained a calm demeanor, answered questions, and they had a good conversation. He asked Tyler about the accusations that Laura was cheating on him. He said Tyler had strong opinions on this, and he really felt as though she was cheating on him. When he arrived home he said he went to give Laura a kiss, and he smelled another man on her. He also referred to the piles of clothes in the room and said they did not have his scent on them, and that is why he believed she was cheating on him. He also stated he believed she was using crystal meth. However, he wasn't able to provide any evidence to support that accusation.
113. During this conversation with Tyler, the officer said Tyler remained calm and collected. He said he was tired from travelling back from Montreal that night, and he said he just wanted to go to sleep with his dog, Chief, and just spend the day at home because he felt safe there. At this point, Landrigan asked Tyler if he wanted to go to the hospital and explained the process to him. Tyler calmly declined. He said he didn't need to go to the hospital as he had just been there and he was feeling okay. He said it was just that he was stressed and tired.
114. Landrigan went back outside and made contact with Laura and Michelle. He relayed to them the information he had received inside, and told them Tyler was acting very calm with them and was answering all of their questions. He explained he offered to take Tyler to the hospital, but Tyler had declined. The officer said he

informed the women that at this point there needed to be certain evidence before they were able to apprehend Tyler under the MHA. So the officer asked them if they could remember any details or comments Tyler may have said to them that suggested he was going to commit suicide or that he was going to harm himself or others. He asked them if he had mentioned any plan to harm himself; whether Tyler would have the means to carry out a plan to do harm; or if they had seen him walking around with any weapons or anything like that.

115. According to Landrigan, Laura and Michelle weren't able to give him much more, and kept reverting back to the fact Tyler had been at the hospital a few days before. He stated since they kept reverting back to that topic, he had to redirect their conversation into an area that he said would benefit his investigation. He tried to advise them he needed to know more details about what was taking place tonight, and any more information that might be available from Saturday evening until the time Laura was awakened. He testified Laura and Michelle were not able to provide him with any more detail that he could use in his continuing investigation. He was referred again to the allegation that he cut them off by waving his hands, and his reply was he did not do that. He said he did not raise his hands to cut them off or anything like that. He said that just didn't happen, but he did redirect their conversation a number of times to something that would be beneficial to his investigation.
116. After a lengthy conversation with Michelle and Laura outside, Landrigan decided to go back into the residence and share his observations with Constables Jay and Thompson. The officer noted that from the time he arrived on the scene up to the time he left would have been 40-45 minutes. Landrigan met Constable Jay in the porch of the residence. Constable Jay had informed him that they had done their own assessment inside, and they had no fears or any concerns about Tyler.
117. Landrigan testified he then took a moment to pause and consider the information that he had obtained. He knew that Laura and Michelle were outside, and they were very adamant that Tyler go back to the hospital, so in the words of Constable Landrigan "I wanted to make sure we did our job, and took the time to walk through everything."
118. Landrigan entered the residence and spoke to Tyler again, and put some pointed direct questions to him about his mental health. He wanted to see Tyler's reactions to these direct questions. He wanted to make his own independent observation of Tyler. Landrigan asked Tyler directly if he was feeling suicidal to which Tyler responded that he had not felt so, and that he had gone to the hospital previously and he was feeling a lot better. Landrigan asked him if he had any plans to harm himself or others and Tyler said no he had not. He asked Tyler if he had felt suicidal in the past, but Tyler expressed again that he had a good conversation with the doctors and was feeling a lot better. Tyler reiterated that he was just tired and stressed and wanted to go to bed, and he felt safe at home. He asked Tyler if he had any plans for the day, to which Tyler explained that he was tired from the traveling, and that he intended on getting some rest and hanging out with his dog at home.

119. Constable Landrigan testified it was more than just asking these pointed questions. He wanted to see Tyler's reaction. When asking such questions of an individual he would watch their eyes to see if they are maintaining eye contact. He is also measuring if they are starting to fidget or if their body language changes in any way. The officer said he was measuring to see if their emotions spike or if there is a particular question that really fires them up. When asked if he observed any of these things with Tyler he said no he did not. Tyler remained calm and answered all of his questions in the order that he asked them. Tyler maintained eye contact with Landrigan and he said he just had a good conversation with him. He did ask Tyler again if he would come willingly and voluntarily to the hospital, but again Tyler declined.
120. At this point, based on the information he had gathered from Tyler, Laura and Michelle, Constable Landrigan made the determination that he did not have grounds under the MHA and was not going to be apprehending Tyler.
121. Constable Landrigan went back outside and spoke with Laura and Michelle. He told Laura that at the current time, based on his investigation, there wasn't grounds under the MHA for apprehension. He told her they lacked the grounds to apprehend. She understood, but obviously did not agree with it.
122. The officer then turned his attention to each of Laura and Tyler spending some time apart to make sure they had their own space to calm down. He asked her if she would be willing to go to her sister's place for the time being due to the fact that her sister was right there. Laura expressed some concerns about the apartment. She had mentioned that she was scared that Tyler was going to damage the residence, and that he had done it in the past. At this, Landrigan told her she could call in for a wellbeing check. He gave her the non-emergency police phone number, and told her she could request a wellbeing check on Tyler. She could also have the residence checked. In the end, the officer said Laura was okay going to her sister's place.
123. At this point, Constable Landrigan said he's in the process of formulating a safety plan, that being Laura going to her sister's residence. He went inside the residence again to tell the officers what he had done, and also that Laura was going to be coming inside to collect some belongings. He told Tyler Laura was coming in to which Tyler indicated he didn't want her coming into the residence. However, Laura did enter the residence and grabbed some belongings for herself and the children. During the course of this visit, Landrigan placed himself so that he was between Tyler and Laura, which he testified is a very common practice when investigating any type of family violence or mental health issues.
124. Then Landrigan, Laura and Anabel (who had come into the residence with her mother) went outside. Laura again expressed that she was concerned Tyler may damage the apartment, and Landrigan reiterated the non-emergency phone number that she could call to request a wellbeing check on Tyler. He asked her if she was okay with the plan that she go to her sister's, and Laura said she was fine

with it for the time being. By this time, Constables Jay and Thompson were outside the residence with him and they proceeded to drive back to the police station to begin typing their reports. Landrigan identified his report which is called a "Supplementary Occurrence Report" at Tab 3 of Exhibit J-2. He started typing his report at 7:08 am. He was asked if he took any handwritten notes at the apartment, and he said he did not.

125. When questioned about note taking, he indicated it was not his common practice to take notes when he was not investigating a criminal offence. He wanted to make sure he was respectful towards Laura, and that he was making eye contact with her and was able to build rapport with her. Once he determined there was no criminal offence at play, he knew he did not necessarily need notes at that time. He testified he was taking information he was receiving in real time, and applying that information as he went inside to speak with Tyler. So he did not take the time to make any notes.
126. However, he did take considerable time to do his Supplementary Occurrence Report. He was a backup officer on the file, but he felt he had a key role in the entire event. Upon completion of his report, he testified he and Constable Jay advised the shift corporal that Laura could possibly be calling in for a wellbeing check on Tyler as well as the residence. As for the length of time it took him to complete his report, he said that from start to finish, it took him around an hour to an hour and a half.
127. When asked if he took any statements from any of the witnesses, he said he did not. He did not do so because he was dispatched initially to do a mental health call, and in doing so, he was going to assess someone's mental health due to an event that had just taken place. In those circumstances they do not take statements. He said they get real time information and either choose to act upon that information or just document and deal with the information. The officer stated there is no training to take statements during mental health calls.
128. When asked if at any point Tyler said anything to him which demonstrated a concern that he was out of touch with reality, the officer answered "no". This prompted a question about a statement in his report where he says Tyler exhibited behaviours of a person experiencing some MHA issues. He wrote Tyler appeared to be paranoid, but not actively suicidal. He was asked what he meant by "paranoid" and responded by saying that Tyler was very paranoid about his belief his wife had been cheating on him.
129. Constable Landrigan was extensively cross-examined by Ms. James. When asked if he used anything to refresh his memory prior to providing his evidence, he indicated he referred back to the report he had written on January 16, 2023 and nothing else. The report he referred to was his own Supplementary Occurrence Report. Other than that, his testimony was from memory.
130. The officer agreed that when doing mental health calls, it is not a common practice of his to take notes. He indicated there are guidelines in relation to notetaking and

went on to say that if he was investigating any type of criminal offence, he was required to take notes, but not so in relation to a mental health call. Constable Landrigan indicated on numerous times throughout his cross-examination that every situation is different. So when it was indicated to the officer that he didn't have hard and fast rules of when to take notes and when not to take notes, he agreed. He also agreed that in a circumstance where he wasn't taking notes, the occurrence report he completed should be as detailed as possible and include all of his interactions on that call.

131. The officer confirmed it took about an hour to an hour and a half to write the report, and he was not doing other things during that period of time. He was focused on writing the report. He said he was taking some time to think and make sure he got as much detail as possible. He wanted to make sure he got all the details that he needed in the report. He included information that he felt was important.
132. Counsel then moved on to question the witness about Laura being detained in the bedroom. He indicated Laura stated that when she went into the bedroom Tyler had followed behind and said she couldn't leave. Then Tyler closed the door. The witness asked Laura if she was afraid for her safety whereupon counsel indicated to the witness that in his direct testimony he said he asked Laura if she was afraid for her life – the suggestion being that being afraid for your safety and afraid for your life are two different things. Constable Landrigan stated he asked Laura if she was afraid for her life at that time.
133. As a result of the comments Laura made about being detained in the bedroom, Constable Landrigan testified he was investigating to see if there was a criminal offence at play. This took counsel back to pose questions about note taking again. The officer was referred to the letter from Chief of Police Brad MacConnell dated December 4, 2023 addressed to Ms. MacArthur, which appears at Tab 2 of Exhibit J-1. In particular, the witness was directed to page 2 of the letter where it states that none of the officers on this call had individual notes related to the events. The Chief went on to write that the officers will receive a verbal caution to help ensure robust notes by officers of the CPS in the future. Constable Landrigan interpreted the wording of this statement as being the opinion of Sergeant Corish of the Summerside Police Service who did the investigation. However, Landrigan acknowledges that the letter is from then Chief MacConnell and not from Corish. He testified he spoke to a supervisor about the wording of that paragraph because it referenced a verbal caution with respect to notetaking. Counsel asked other than this reference in MacConnell's letter, did anyone at the CPS speak to him about notetaking and he said "no". MacConnell did not testify at this adjudication to explain his proposed action or inaction.
134. Constable Landrigan agreed when on a mental health call, he was not going to be taking notes because he was in close proximity to the station, and he can go back and write his report. He was asked if that practice was taught to him by someone, and he responded by saying it was not necessarily a teaching. "It's just professional experience on the job, and how we practice those abilities within the department".

135. Constable Landrigan was referred to the fact that Michelle Buote is not referenced by name in his Supplementary Occurrence Report. When asked if there was a reason his report didn't reference her name at all, he answered "there is no particular reason, no". He agreed that Michelle was trying to give him information about Tyler's conduct in the days leading up to January 16, and he indicated Michelle did give him information. He was then asked why he did not record any of that information in his report, and his response was to say that the information Michelle was providing was the same information that Laura had provided. Likewise, he was referred to his direct testimony where he indicated Michelle was insisting Tyler needed to go to the hospital and he agreed with that statement. However, he did not reference that in his report, and his reason for doing so was because it was the same information Laura had provided.
136. The officer was questioned about his direct testimony that he went back into the apartment on three separate occasions, and he confirmed his purpose for doing so. It was then put to the officer there was no mention of these three trips into the residence in his Supplementary Occurrence Report. He was asked why not and responded: "I cannot really say why it's not in there". Counsel then challenged Constable Landrigan that he never had a conversation with Tyler, and that he didn't ask him specific questions because if he had done so, it would have been referred to in his Supplementary Report. The officer responded: "That is not true". He was asked if there was any reason that he didn't include that information in his report and he said there was no particular reason.
137. The officer was questioned at length about certain sections of the Domestic Disputes Policy (Exhibit J-2, Tab 10) with particular reference to the requirement that officers have an obligation to conduct a thorough investigation and what that entailed. He admitted some of the requirements in the sections were not completed, and his reason for not doing so was because he did not enter into a full criminal investigation. He again said every situation is different, and he had obtained verbal information from Laura which could be viewed as a verbal statement. However, in response to a direct question with respect to Section 4.2 of the Domestic Disputes Policy where the investigator is required to obtain statements from all persons involved, the officer agreed that he did not do so because at that time he was not fully investigating a criminal offence.
138. Constable Landrigan was asked what criminal offences he was considering, and he stated he asked Laura about whether an assault had taken place and whether there had been any threats. With respect to Laura's evidence of being kept in the bedroom by Tyler, he was considering forcible confinement. Counsel referred him to Section 18 of the Policy where certain charges may be considered in instances of domestic violence, and she took him through each one of those examples. He agreed he considered physical assault and uttering threats, but did not consider mischief, because of his understanding nothing was damaged and Tyler was in his own home. He was asked if he considered intimidation and he said no. However, he indicated he did consider forcible confinement, but not possession of a weapon. When asked if he considered criminal harassment which appears as an option in

Section 18, he said he did not. His reason for doing so was that criminal harassment is a prolonged period of time of unwanted contact between parties. From the information that was provided to him, he concluded a charge of criminal harassment was not available to him.

139. Counsel concluded her cross-examination of Constable Landrigan by putting two propositions to him. Firstly, she suggested that if he had done a thorough and proper investigation, and if he had spoken to Laura and taken a full history and spoken to Michelle and received a full history and if he had spoken to Anabel, then he would have realized that he did have grounds for criminal charges. The officer responded "I don't agree with you". Secondly, counsel put to the witness that had he actually taken a full history from Laura and Michelle and Anabel about Tyler's deteriorating condition over the week leading up to that event, he would have understood that he had grounds under the MHA for an apprehension. The witness responded "I don't agree with you".

- **Constable Liam Jay**

140. Constable Liam Jay is now a member of the RCMP, but was a member of CPS on January 16, 2023. Like other officers, he is a graduate of the APA and became employed with CPS in November 2021.
141. On January 16, 2023, he was dispatched to 28 Mount Edward Road on a mental health call. He was on the last hour of his shift when the call came in, and he was the lead investigator on this call. Constable Thompspon was also assigned to the call. Constable Jay left the station with Constable Landrigan and Jay was driving. He received information from another constable who told him that Tyler had a knife the day before, and Jay knew Tyler had been transported from Rodd's Hotel to hospital.
142. When they arrived at the scene, Constable Landrigan directed him into the residence while Landrigan remained outside. He described Tyler as being in boxer shorts, but he was otherwise calm and told him to come in. Jay and Thompson went into the apartment.
143. After he entered the residence, Jay asked Tyler what was going on. He said Tyler spoke of his trip to Montreal. He had arrived home late and said there was a smell of another man on Laura. He said he had an argument with Laura, and she threw some things around. He stated he wanted to go to bed. In the officer's opinion, he did not see anything alarming about the state of the residence. Tyler merely wanted to sleep on the floor with his dog.
144. When asked how he got the information from Tyler concerning his allegation of Laura's cheating and so on, Constable Jay said he asked an open-ended question, which prompted Tyler's response. While in the residence, Constable Jay said he did the talking and not Constable Thompson because Jay was more experienced and Thompson was a relatively new officer. Jay engaged Tyler in conversation and they discussed his dog, since Jay was a dog person as well; and Tyler also

spoke about his work at Province House. He stated Tyler was proud of the dog and of his work at Province House. Tyler was calm. Tyler also spoke of his suicide attempt and his subsequent attendance at the hospital, but that now he was feeling good. Constable Jay offered to take Tyler to hospital, but Tyler declined. He said he had just gotten back from Montreal and that he was tired, but that his head was in a better space now after seeing the doctors.

145. Constable Jay asked Tyler if he had any plans for the day, and he said he just wanted to sleep. He wanted more space. Tyler alleged Laura was doing drugs, but when asked for proof, he had none. Constable Jay went on to say that during this investigation, he spoke on three occasions with Constable Landrigan. He said Landrigan was in and out of the apartment on three separate occasions. Jay indicated his conversation in total with Tyler was 30-35 minutes, but at no time did he see any change in Tyler's demeanor. Constable Jay indicated he was aware of his powers under the MHA, and he concluded he did not have grounds to apprehend Tyler based on his conversations with Tyler and his conversations with Landrigan.
146. The officer indicated Landrigan's first trip into the apartment was with respect to Laura's allegation Tyler accused her of cheating and doing drugs. The second time Landrigan came into the house was to put questions to Tyler concerning any harm or suicidal tendencies – mental health questions. Constable Jay says he repeated these questions to Tyler after Landrigan left. Again, Tyler said he was okay and just needed some sleep.
147. The officer stated Tyler was concerned they weren't taking notes, and because he was an Indian standing there in his underwear, he wouldn't be believed. However, the officer said Tyler calmed down. Jay then spoke with Landrigan in the porch, and told Landrigan things were okay inside the house. When asked if it was a criminal offence investigation, Jay said "no".
148. Tyler said he wanted to stay in the residence because he had no other place to go and he claimed Laura had options.
149. Constable Landrigan entered the residence a third time near the end of the investigation. Landrigan announced Laura was coming into the residence to get some clothing items to which Tyler took exception, and didn't want her to come in. However, Tyler did calm down and she was allowed to retrieve things. Constable Jay said that Tyler did ask Laura about her mother's death certificate, but Landrigan immediately intervened and said that was not appropriate and put an end to that conversation. Anabel had accompanied Laura into the residence, and after retrieving their things they left.
150. Jay testified he did a referral to Child and Family Services and completed the appropriate form. He did not think any more police involvement was needed. There was no mention of any health follow up being needed, but Tyler just needed some sleep. Again, Tyler had repeated his cheating allegations, but Jay said Tyler was coherent and presented well.

151. When asked if he had been taught about the signs of mental disorder, the officer said “yes”. He was asked if he was taught about things to look for and again he said “yes” and added he did not see any of the signs he had been taught. He was asked if knowledge of Tyler’s prior suicide attempts caused him any concern and he said “no”. He was satisfied Tyler had been to the hospital, had been seen by doctors and now said he was okay.
152. Constables Jay, Landrigan and Thompson left the scene together and proceeded back to the station. It was now past 7:00 am – the end of the shift. Jay stated he typed up his report as did Landrigan. Since he was the lead officer on the investigation, he provided the general report while Landrigan did a “Supplementary Occurrence Report”. Jay did not take any notes at the scene, but testified that most of the details are in his report. When asked why he made no notes at the scene, he said he would rather listen to the individuals he was investigating, and didn’t want to show any disrespect by writing notes while in conversation with them.
153. Constable Jay did his report at 7:09 am and said it took him about a half hour to complete. He said he had no other interaction with Laura or Tyler. He testified this case is the one and only time he was involved with either Laura or Tyler.
154. The witness was referred to Exhibit J-2, Tab 4 and identified this as the Child and Family Services referral he completed. He stated there is a policy which requires that he do this. He also concluded that this case was not worthy of a criminal investigation, and only Child and Family Services were needed. He stated this referral was necessary where there is a parent and child involved in the context of some marital dispute.
155. When cross-examined by Ms. James, Constable Jay stated he never spoke to Laura on January 16, 2023. He was not aware of Laura’s allegation that Tyler accused her of trying to poison him. He said that would be important to him if he knew that. He did know Tyler told Laura to go to the bedroom and that she couldn’t leave – all of which was important in his mental health assessment.
156. The witness confirmed it was on Landrigan’s second visit to the premises that Landrigan put the pointed questions to Tyler about harm to himself or others. Jay conceded this is not in his report, but says it would be up to Landrigan to disclose this. In any event, when Landrigan left, Jay followed up this line of questioning, but again says this is not in his report. He further indicated that when he and Thompson were in the residence with Tyler, he asked most of the questions and Thompson was only minimally involved. Jay testified he was trying to build trust with Tyler, and he did not ask Thompson to take any notes.
157. In preparation for his testimony at this hearing, Constable Jay said the only document he reviewed was his General Occurrence Report and he did not review any of Laura’s statements.

- **Constable Gregory Thompson**

158. The next witness called by the Respondents was Constable Gregory Thompson. He graduated from the APA in 2022, and joined the CPS in October 2022. On January 16, 2023, Thompson had been on the job for approximately 3 months. He confirmed he was dispatched for a mental health call at Mount Edward Road. He arrived on the scene after Constable Landrigan, and was directed by Landrigan to go inside the residence. He stated Laura and the children were outside, but he had no conversation with her. His job was to go into the residence and assist Constable Jay. He described his job at that time as oversight and safety.
159. Thompson was located in the kitchen area and described it as cluttered, but not the worst premises he had seen. He said there were dirty dishes and piles of clothing, but he did not see any overturned furniture. He did not speak to Tyler very much, but he said Tyler appeared calm; spoke clearly; and was making sense. He heard Tyler speak of just returning from Montreal, and upon his return to the apartment that he could detect the smell of another man on Laura as well as on her clothing. Tyler alleged that Laura had been doing drugs, but the officer said there was no proof of that.
160. Constable Thompson observed that Constable Jay and Tyler had a common interest in dogs, so that was discussed. Jay and Tyler also discussed Tyler's work at Province House. There was mention that Tyler had been in hospital previously, but now said he was good. Constable Thompson said he heard Constable Landrigan ask Tyler questions. He doesn't recall the exact questions, but they were concerning harm or suicide.
161. Thompson indicated he did not take any notes at the scene nor did he file a subsequent report. When asked why no notes were taken, he said it was "disrespectful" to the individual to be taking notes. Thompson testified he was in the residence in total for about 35 minutes, and he did not see any real change in Tyler's mood.
162. On January 17, 2023, Constable Thompson was working the 7:00 pm to 7:00 am shift when he received a call and was dispatched to Province House along with two other officers. It was at this time that Tyler's body was found whereupon Constable Thompson contacted other services which would be required in such a situation. Between 5:30 am and 6:00 am on that date, he spoke to Laura. He had to inform her of Tyler's death. Thompson added that Tyler said he was fine on January 16 and didn't want to go back to hospital.
163. When cross-examined by Ms. James, the officer confirmed it was open to him to take notes in his patrol car after the call. However, he stated that when dispatched to Province House on January 17, he did make notes because he was the lead investigator, and because it was a sudden death that could result in some further action.

164. Counsel suggested to the officer that clothing was in “piles” in the apartment and the witness agreed. Counsel further suggested that the piles were in the form of a “nest” and again, the witness agreed.
165. When asked what he referred to in preparation for this hearing, Constable Thompson said he only read his report. He confirmed he is going from memory only, and when tested on this, he said it was because it was his first suicide and the incident was constantly brought back up as there were several investigations. However, this is the first time he has actually given evidence of the events. He said he has not spoken to others.

- **Jillian Beagan**

166. Ms. Beagan is a social worker with Child and Family Services, and in 2019 she worked with Laura and Tyler in a domestic violence setting. She worked with them for 4 months as the first worker on the file and in 2020, she had contact with them as the second worker on the file. There was no further contact until January 16, 2023.
167. At approximately 8:30 am on January 16, 2023, Tyler was at her office at St. Peters Road. She spoke to him for 20 to 30 minutes. She said he was “down” and very concerned about family. He had a flat affect, and said he expressed that no one was helping him. She subsequently called the police to do a wellness check on Tyler, in part because he had referred to his past suicide attempt. However, at that time she did not think Tyler would harm himself. He presented as “down and defeated”. He said “no one is here to help me”. Ms. Beagan was asked if he was detached from reality and she said there were no delusions, but she thought he was paranoid.

- **Constable Jason Pound**

168. Constable Pound is currently a member of the RCMP stationed in Stratford, PEI, having joined the force in August 2024. He is a graduate of the APA in 2012, and became fully employed with CPS in 2016. He did some part time work with UPEI Campus Police, and his work history includes working at Hillsborough Hospital. While at the APA, he undertook mental health training, and also did online courses including recognition of disturbed persons.
169. In 2013, while in the employ of CPS, he became a member of the Community Wellness Unit. He responded to the training bulletin (Exhibit R-2), and did the training from July 11 to July 15, 2021. He testified as a member of the CWU, that the unit responds to wellness checks. They deal with mental health checks and wellness checks relating to things like intoxication. The unit works regular hours 9:00 am to 5:00 pm, Monday to Friday. His partner in this unit was Constable Gould.
170. Pound stated the CWU was a plain clothes unit, and that they did not wear a uniform. However, they did carry firearms as well as a taser. As a member of the

unit, he testified he has powers to apprehend under the MHA, and also performed general duties as a police officer as needed.

171. On January 16, 2023, he was dispatched to do a wellness check on Tyler. The dispatcher provided him with information, specifically, that they had received a call from Child and Family Services about Tyler. He and Constable Gould were asked to do the wellness check.
172. When he and Gould arrived at 28 Mount Edward Road, Pound went to the door and noted it was slightly open. He was at the front entrance of the apartment. He specifically referred to the door on the porch as being partially opened. He knocked on the door, indicated it was the police and called for Tyler. As is his practice, he then stepped back into the pavement area below the step in the front of the house. Gould was to his right.
173. Tyler came to the door at approximately 9:27 to 9:30 am. He came out of the porch and stepped onto the platform. Pound did not go inside the residence. He said Tyler apologized for not coming out sooner, and he had a piece of trim in his hands saying he had been doing some renovations. Pound introduced himself and Constable Gould. He stated Tyler was dressed and not in a disheveled state. He spoke in a normal voice.
174. Pound explained his role to Tyler as a mental health check, and that they had a call from Child and Family Services. Tyler just acknowledged the situation. When asked, the officer indicated he did not witness any sign of self-harm or intoxication in Tyler and in fact said none were present. However, when the issue of family was raised, Tyler backed off a bit.
175. It was at this point Gould took over as the primary worker, and Pound became secondary. Pound explained this is how they worked as a team. One would be the primary worker or interrogator, and then the other would take over and they would change roles. Pound noticed a tattoo on Tyler's neck which indicated he was indigenous.
176. On a wellness check such as this one, Pound said he is assessing MHA criteria. In doing so, he concluded that there were no grounds to apprehend Tyler at that time. However, he offered Tyler support services. He asked Tyler directly if he was suicidal and Tyler said no. Tyler told him he was fine. The officer offered Tyler a number of services including that of the mobile health unit, the Native Council, detox and so on. Tyler declined all services. Constable Pound said Tyler was not out of touch with reality, and based on his conversation and everything he saw, Pound said he had no basis to apprehend Tyler under the MHA. The officer spoke to Tyler for 15 to 20 minutes. From what he was taught, Pound said he did not see any signs of mental illness. He said he and Tyler parted on good terms. The officer went on to indicate it was a busy day in that they had 3 other calls for service, but never had any contact with Laura and they had no further contact with Tyler.

177. The witness was asked about taking notes. He said he did not take notes because it would divert his attention from the person he was investigating. If he did conclude that apprehension was necessary, then he would make notes. He did not do a written report because Gould had been assigned as the lead investigator on this file. He added that if there had been an apprehension, both of them would provide a report.
178. As for Gould's report, Pound said they did discuss some of the details as their work stations were side by side at the station, and Pound had input. The report was done as soon as they returned back to the station after leaving Tyler. Finally, Pound indicated he was not aware of the prior call for service of Landrigan, Jay and Thompson earlier that day.
179. When cross-examined by Ms. James, Constable Pound confirmed his crisis intervention training took 5 days, and there were other disciplines there as well. He testified that when approaching someone like Tyler on a community wellness check, he tried to build rapport or trust with him. He was asked about the indicia from his training and said he looked for eye contact, rapid speech, etc. He testified if a person had a plan to harm himself then or at some point in the future, then he would act on that, that is, apprehend. When asked about the usefulness of history or background on the person, he said it is useful.
180. On January 16, 2023, Pound was aware of the Child and Family Services information. He was also aware Tyler had attempted suicide previously, and that Ms. Beagan of Child and Family Services expressed concern about Tyler's mental health. He did not ask Tyler what help he was seeking when he went to Child and Family Services.
181. Constable Pound was asked whether he inquired of Tyler about his hospital visit, and he said he did not recall doing so. Counsel wanted to know if Pound asked Tyler about his prior suicide attempt, and Pound said he did not. Counsel also asked him if he asked Tyler about how he was feeling and again, Pound said no.
182. Both Pound and Gould were both present throughout the entire time with Tyler and heard all the questions. Counsel wanted to know about the assertion from Tyler that his family was trying to kill him. Pound said Tyler never mentioned that. However, if he had said that, then the officer would follow up with questions. When it was suggested to the officer that would be a red flag, he answered "yes". When asked if it would need more investigation, the officer answered "yes".

- **Constable Zachary Gould**

183. Constable Zachary Gould was called to testify. He is now a member of the RCMP, but was a member of the CPS in January 2023. He graduated from the APA in 2015 and was a member of the CPS from December 24, 2016 until July 2024.
184. In January 2023, Gould was a member of the CWU. He had received crisis intervention training in January 2021, which training included noting the signs and

symptoms of mental illness. On January 16, 2023, he learned from Constable Pound that Child and Family Services had called the station asking for a wellness check on Tyler. He and Pound were partners at the time. He spoke to Constable McGean on the phone where she provided him with a summary of the situation as she understood it from meeting with Laura. He understood Tyler had a prior attempt at suicide.

185. The officer identified from examining Exhibit R-1, photo number 5, where he was positioned at the door at 28 Mount Edward Road when they arrived at the scene. Constable Pound went to the door while Gould looked around the location. Tyler came to the door and had a piece of trim in his hand and said he had been doing some renovations. At this point, Tyler came out of the residence and was standing on the step.
186. Gould said Tyler was polite and calm. While Pound was in conversation with Tyler, Gould testified he looked at Tyler and surveyed the situation while Pound was creating a rapport with Tyler. Tyler was informed as to why they were there and he accepted that, however, he was annoyed about reference to family issues. Gould saw a tattoo on Tyler's neck, recognized it, and got into a conversation with Tyler about it.
187. When Constable Pound asked Tyler about possible suicide, Gould said there was no bad reaction from Tyler – he was respectful. In Gould's assessment, Tyler was okay. Notwithstanding the information that had been passed on to him from Constable McGean, Gould found Tyler to be polite. As far as the MHA was concerned, Gould concluded Tyler did not meet the criteria for apprehension whereupon he informed Tyler of services that might be available to him. Tyler was not interested. The same services were referred to by Constable Pound such as addictions, the mobile health unit and so on, but all were rejected by Tyler.
188. Both officers travelled back to the station and Constable Gould prepared his report. He testified it took him 20 to 30 minutes to do so and after that, it was busy. He informed Constable McGean in passing at the station of the wellness check, and told her he had no grounds for apprehension. Gould testified they were at Tyler's residence for approximately 30 minutes after which he had no further contact with Tyler.
189. Constable Gould was referred to Exhibit 2, Tab 6 – his report. He indicated he and Constable Pound would talk about the report as it was written. The witness was referred to the summary paragraph at the bottom of page 1 of his report and explained that the initials NFA meant that no further action was needed that day. The report was started at 10:09 am and this was approximately 5 minutes after leaving Tyler at 28 Mount Edward Road.
190. When cross-examined by Ms. James, Constable Gould knew about Tyler's prior visit to hospital. He explained that the first few paragraphs of his report contained information he received from Constable McGean. The next three paragraphs

speak to the details of the call and what they did. The last paragraph on page 2 indicates the conclusion Gould arrived at, not to apprehend under the MHA.

191. Gould was asked by counsel whether he asked Tyler about his allegation that his family was trying to kill him, and Gould said he didn't recall asking that. What Gould did say was building a rapport with Tyler was not easy, but destroying it was easy. It should be noted Gould used his own indigenous background to engage with Tyler.

- **Constable Dakota Van Colen**

192. Constable Dakota Van Colen testified he attended the APA in 2015 and became a full time member of the CPS on November 1, 2021. He had received mental health training and de-escalation training. Like many of the other officers, he took courses offered by Leslie Hadfield.

193. On January 16, 2023, he testified he had not been made aware of the details of Tyler's situation when he was asked by his corporal to assist Constable McGean in serving an EPO. (Constable McGean did not testify at this hearing, but her report is in evidence in Exhibit J-2, Tab 5). Van Colen described himself as the backup officer on this detail, in that it was his responsibility to ensure the safety of the officers, the parties and the public, and also that the scene was secure. He testified he had no information about the basis upon which the EPO was granted. He had no knowledge of Tyler's mental health or his recent hospitalization.

194. Van Colen and McGean left the station and went directly to 28 Mount Edward Road. Their vehicle was parked in the driveway and they approached the front porch door. He and McGean knocked on the door and announced that they were with the City Police and asked Tyler to show himself. They knocked several times, perhaps 4 or 5 times, but no one came to the door. A key to the premises was obtained from Laura and they used it to gain entrance. He described the inside of the apartment as cluttered with dirty dishes and clothes on the floor as well as cushions from the couch which were out of place. However, he said no furniture was overturned.

195. The door to the basement was locked, so the property manager was called to assist and arrived in 10 to 15 minutes. The officers were calling Tyler's name and announcing their presence and looked all over the apartment for Tyler. With the permission of the property manager, Van Colen breached the basement door.

196. Van Colen went downstairs into the basement and described it as unfinished with low light. He got no response when he announced his presence. He saw Tyler at the far end of the basement and described the basement as a storage area – not a living area. Tyler was positioned at the far end with his dog.

197. Tyler agreed to accompany him upstairs where he noted that Tyler was dressed in a tank top and shorts. At this point, McGean took over and explained the EPO to Tyler, and gave him a copy and went over the conditions. Van Colen described

Tyler as composed, articulate, polite, but upset because he had to leave his residence. After the EPO was explained, Constable Van Colen turned his mind to the mental health aspect because now it appeared to him that he was in a mental health call. Again, he said Tyler was respectful, polite, his speech was not rapid and he was not in a mental health crisis. He did not detect any hallucinations and said Tyler looked healthy. Van Colen did not ask any mental health questions, but McGean did. Tyler said he was "fine". Van Colen concluded he had no grounds to apprehend Tyler nor did he have any concerns.

198. At one point, Van Colen asked Tyler if he could call Constable Gould to assist in getting Tyler a place to stay. He saw the tattoos on Tyler, determined he was indigenous, and thought Constable Gould could be of assistance because of his indigenous background. Tyler declined this invitation, and declined all the other resources that were offered. They offered to take Tyler to the Outreach Centre, but again he declined saying he didn't want to be around "druggies". Tyler was asked if he had funds to stay at a hotel.
199. Tyler packed a small bag of belongings in order to leave the premises, and Van Colen told him they could come back the next day for more clothing. The officers and Tyler then proceeded to the police car. Tyler was placed in the back seat, but was not cuffed. McGean drove and they went to the Quality Inn on the Hill hotel. When they arrived, Van Colen got out and let Tyler out.
200. When asked about taking notes at the scene, Constable Van Colen indicated he did not take any notes because he was not the lead investigator. He was the backup, and it was not common practice to do so in these circumstances.
201. When cross-examined by Ms. James, the officer acknowledged that even though he was backup on this call, he was still an active police officer. He stated in the context of this case, his job was to ensure safety, both of the individuals involved, the public and the officers.
202. Van Colen was asked if he saw any weapons in the basement and he said he did not, and he had no memory of seeing a television in the basement with Tyler. In answer to many of the questions put to him by Ms. James, Constable Van Colen said he could not recall. He was asked if he had any concerns about dropping Tyler downtown after Tyler declined the services offered, and he said "no". When asked if he conducted a search of Tyler, he said not that he recalls.
203. Given the witness's testimony that he took no notes while in the house as backup, he was asked why he didn't take any notes afterwards when they got into the police car. Van Colen's response was he didn't do so indoors because he was focused on what was in front of him.

- **James Doohan**

204. The final three witnesses called by the Respondents had contact with Tyler after he was dropped off by the police at the Quality Inn. The first of those witnesses

was James Doohan. He was the front desk clerk at the hotel on January 16, 2023. He remembered Tyler came in and asked for a room on that date. He didn't get one because his credit card was declined, and the hotel did not accept cash. He described Tyler as "friendly". He said Tyler's mood was good, but acknowledged in cross-examination that he does not have any mental health training and he was not trying to assess Tyler.

- **Karen McInnis**

205. Ms. McInnis worked at the Community Outreach Centre in January 2023 as a support worker and was called to testify about her encounter with Tyler on that date. She saw him between 4:00 pm and 6:00 pm on January 16, and testified it was the first time she had met Tyler. She described him as ordinary – average – casual in appearance and dialog. He was calm. When cross-examined, she indicated she only spent about 5 minutes with Tyler, and did not participate in any in-depth questioning. She had no knowledge of Tyler's mental health or recent suicide attempt.

- **Jacinta Brown**

206. The final witness called by the Respondents was Jacinta Brown, who was the program manager at the Community Outreach Centre in January 2023. She met Tyler on January 16. It was between 4:00 pm and 5:00 pm. She described him as calm and friendly and had no concerns about his wellbeing. Her conversation with Tyler was 3 to 5 minutes in duration, and she never really learned what his exact request was in being there. Tyler said he would come back in the morning.

Discussion and Analysis

207. From a purely human perspective, the fact that Tyler took his own life was a tragic event. Laura and her family have no doubt suffered greatly from his loss. This adjudication will not reverse the pain of Tyler's loss.

208. Having said that, my job as adjudicator is to find the facts and apply the law to those facts. In doing so, the issue of whether or not each of the Respondent officers neglected their duty under Section 5 of the Code will be addressed. The task at hand is to determine, based on the evidence which I accept, whether the Complainant has discharged the burden on her to prove neglect on the part of the officers on the balance of probabilities. Inherent in the discharge of that burden is the requirement to establish that each of the officers breached the standard of care which is that of a reasonable police officer in similar circumstances. That standard should be applied in a manner that gives due recognition to the discretion inherent in police investigation. As articulated in the *Hill* case, the standard is not one of perfection, or even the optimum, judged from the vantage of hind sight. Rather, it is that of a reasonable officer, judged in the circumstances prevailing at the time the decision was made. (See *Hill*, para. 73).

209. Constables Landrigan, Jay and Thompson were the officers dispatched to conduct a mental health call at the Knockwood residence on January 16, 2023. The Complainant alleges each of the Respondent officers did not conduct a full and proper investigation and thus, neglected their duties. Constables Pound and Gould attended at the Knockwood residence in response to a request for a wellness check, and did so as members of the CWU. Finally, Constable Van Colen attended at the Knockwood residence in support of Constable McGean who was serving an EPO on Tyler between 2:30 pm and 3:30 pm on January 16, 2023. I shall examine the actions of these officers as they interacted with Tyler and/or Laura on three separate occasions on January 16, 2023 in order to determine whether the Complainant has made out her case.

- **Response to the 911 Call**

210. Constables Landrigan, Jay and Thompson were dispatched to the Knockwood residence in the early morning hours of January 16, 2023 as a result of a call for service. Constable Jay was the lead investigator, but Constable Landrigan had the bulk of the interaction with Laura and Tyler and Michelle. Constables Jay and Landrigan were the more experienced officers while Constable Thompson had only been a member of the CPS for a few months.

211. Constable Landrigan made the decision he would remain outside the residence, and Jay and Thompson would position themselves inside. That arrangement allowed Landrigan to converse with Laura and subsequently Michelle in order to gain information on what had transpired that morning which prompted the call for service. He learned the following:

- a) Tyler had been hospitalized a few days earlier after attempting to cut himself;
- b) he had flown to Montreal and back on the same day after withdrawing large sums of money from their account;
- c) upon his return to the residence, at approximately 4:00 am on the 16th, he accused Laura of cheating on him because he could smell the odor of another man on her and her clothing;
- d) he accused her of trying to poison him by water and by air;
- e) he did not trust her and took her cell phone from her;
- f) he put her and the children in the bedroom and told them not to come out, and although the door was not locked, it was closed tightly;
- g) Laura feared for her life.

212. Constable Landrigan knew he had been dispatched to the residence on a mental health call, but armed with this information from Laura he questioned her further on the bedroom allegation. He testified he was concerned there might also be activity contrary to the Criminal Code. However, when the officer asked Laura if she felt she could leave the bedroom, Laura said that she could. She was not fearful for her life, and she told him that she did end up just leaving the room by making a run for it. He asked her if there had been any threats or any assaults of any type between her and Tyler and she advised him that there had been none.

He also asked her if Tyler had made any comments of any self-harm or suicide and she told him he had not.

213. After considering the entire matter and the fact that she could and did leave the bedroom, he concluded that there were no grounds or any means of investigating further into a criminal charge.
214. When Michelle arrived on the scene, Constable Landrigan spoke with her and she too was insisting that Tyler go to hospital. He testified he gave both Michelle and Laura the time to say their piece and voice their frustrations with the hospital. It had been suggested by Laura and Michelle that he cut off the discussion with them while outside the residence, and in fact raised his hand to them in doing so. The officer denied this, but did indicate he redirected both Michelle and Laura because they kept repeating the same information to him. Landrigan knew Tyler had been taken to hospital previously and had been released. He also knew there was a knife involved, but in his words he took some comfort from the fact that Tyler had been seen by a doctor at the QEH and subsequently released.
215. Armed with the information he had received from Laura and Michelle, Landrigan chose to go into the residence to make his own observations of the situation, as well as to check on Constables Jay and Thompson. He told Jay about the information he had received from Laura, and he engaged Tyler in conversation. He said Tyler was speaking clearly; was answering his questions; and seemed to be cooperating with the other two officers in the residence. When questions were put to Tyler, he was forthcoming with information.
216. Constable Landrigan described Tyler as being very calm, and he did not detect any spikes in emotions from Tyler. Tyler's demeanor was calm; he answered questions; and they had a good conversation.
217. After hearing Tyler's accusation that Laura was cheating on him because he could smell another man on her, he observed that Tyler remained calm and collected. He asked Tyler if he wanted to go to the hospital and explained the process to him, but Tyler calmly declined. He said he didn't need to go to the hospital as he had just been there and he was now feeling okay.
218. Landrigan went back outside the residence, and relayed to Laura and Michelle the information he had received inside and that Tyler was acting very calm. He explained to them that he offered to take Tyler to hospital, but Tyler declined. Constable Landrigan informed Laura and Michelle there had to be certain evidence before he was able to apprehend Tyler under the MHA. So he asked them if they could remember any details or comments Tyler may have said to them that suggested he was going to commit suicide or that he was going to harm himself or others.
219. Constable Landrigan asked them if Tyler mentioned if he had any plan to harm himself and whether he had the means to carry out a plan to do harm (without saying so, he was employing PIMAL). It is Landrigan's evidence that Laura and

Michelle were not able to provide him with much more information, but kept going back to the fact Tyler had been in hospital a few days earlier. He stated he needed to know more about the details about what was taking place at that time from Saturday evening until the time Laura was awakened.

220. After a lengthy conversation with Michelle and Laura outside, Landrigan decided to go back into the residence and share his observations with Constables Jay and Thompson. When he did this, Constable Jay informed him they had done their own assessment inside, and they had no fears or concerns about Tyler. At this point, Landrigan testified that he paused to consider the information he had obtained. He knew Laura and Michelle were outside and they were adamant that Tyler go back to hospital. Landrigan wanted to make sure they did their job, and took time to walk through everything they knew.
221. Constable Landrigan then went back into the residence and put pointed direct questions to Tyler about his mental health. He wanted to see Tyler's reaction to these questions, and to make his own independent observation of Tyler. He asked Tyler directly if he was feeling suicidal and Tyler said no. Tyler indicated he had gone to the hospital previously and that he was feeling a lot better. Tyler was asked if he had any plans to harm himself or others and said he did not. As for feeling suicidal in the past, Tyler expressed again that he had a good conversation with the doctors and was feeling a lot better. He said he was just tired and stressed and wanted to go to bed.
222. More than just asking these pointed questions, Constable Landrigan testified he wanted to see Tyler's reaction. When asking such questions, he would watch the person's eyes to see if they were maintaining eye contact. He was also watching to see their body language and if it changed in any way. He wanted to see if a person's emotions would spike or if there was any particular question that really fired them up. He testified he did not see any of these negative things with Tyler. Instead, he said Tyler remained calm and answered all of his questions in the order in which they were asked. Again, he asked Tyler if he would come willingly and voluntarily to the hospital, but Tyler declined. Based on all the information he had gathered, Constable Landrigan determined that he did not have grounds under the MHA to apprehend Tyler and would not be doing so. He went outside and communicated his decision to Laura and Michelle telling them that he lacked grounds for apprehension. He said Laura understood this, but did not agree with it. He had applied his training in the questioning and observations of Tyler.
223. Constable Landrigan then turned his attention to an alternate plan. He wanted to separate Laura and Tyler to give them a chance to calm down, and he asked Laura if she would be willing to go to Michelle's place for the time being. Laura expressed some concerns about the state of the apartment itself in that she was scared that Tyler was going to damage the residence as he had done that in the past. To this concern, Landrigan told her she could call in for a wellbeing check, and he provided her with the appropriate police number. She could also have the residence checked by the police. In the end, Laura agreed to go to Michelle's place.

224. Landrigan then went into the residence for the third time to tell the other officers what he had done, and that Laura would be coming inside the apartment to collect some belongings. He told Tyler this was going to happen and Tyler objected, but Laura was escorted into the residence and retrieved some belongings for herself and the children. Landrigan placed himself between Tyler and Laura during this visit which he testified was a very common practice in investigations of this type. Shortly thereafter, the officers left the scene and proceeded back to the police station to begin typing their reports.
225. Did Constable Landrigan's MHA investigation fall short of what a reasonable police officer would do in similar circumstances so as to constitute neglect of duty under Section 5 of the Code? In answering this question, one must be cognizant that discretion is an essential feature of the criminal justice system, but this discretion is not absolute and police officers must justify their decisions rationally (see *Beaudry* case, para. 37). In addition, the exercise of police discretion must be justified both subjectively and objectively. (See *Beaudry* case, paras. 38 and 39).
226. Counsel were unable to provide me with any cases on point on the interpretation and application of subsection 8(1) of the MHA which was in force on January 16, 2023. That section gave police officers certain powers to involuntarily take a person into custody for the purpose of examination. The first thing I note about the subsection is that it begins with the words "A peace officer may take a person into custody ...". The section itself is discretionary. Presumably, even if an officer formed reasonable grounds to believe that the person is suffering from a mental disorder of a nature or degree so as to require hospitalization in the interests of that person's own safety or the safety of others; that the person is refusing or unable to consent to undergo psychiatric examination; and the urgency of the situation does not allow for a judicial order for psychiatric examination, the officer might still decline to apprehend the individual in question. As the law requires, the officer would have to provide a reasonable explanation for not doing so.
227. Subsection 8(1) of the MHA sets out conjunctive prerequisites for involuntary apprehension. The question becomes what did Constable Landrigan do and what information did he gather which led him to the conclusion that he did not have grounds to apprehend Tyler?
228. Constable Landrigan asked the questions he had learned and been taught from Ms. Hadfield's courses. He observed Tyler's physical reaction to pointed questions about his mental health. He gathered information from Laura and Michelle – family members. He obtained some family history, but probably could have obtained more. Asking the pointed questions is not enough, and Constable Landrigan went beyond that to satisfy himself from his own observations that Tyler was not suffering from a mental disorder of a nature or degree so as to require hospitalization in the interests of his own safety or the safety of others. Tyler refused hospitalization, and the situation did not allow for a judicial order for psychiatric examination. Constable Landrigan concluded Tyler did not meet the indicia contained in paragraph 8(1)(a) of the MHA.

229. Considering all of the information that Constable Landrigan gathered together with his own interaction with Tyler in the circumstances of this case, I am satisfied that Constable Landrigan's decision not to apprehend was reasonable.
230. Constable Landrigan embarked upon an alternate plan to defuse the situation by arranging for Laura to go to her sister's residence, and thus separated Laura and Tyler for the time being to allow for a cooling off period. This alternate plan was reasonable in the circumstances and thus, there was no breach of the standard of care.
231. With respect to the whole of Constable Landrigan's testimony, I found him to be a credible witness. As noted, he was thoroughly cross-examined, and when asked why he didn't include certain items in his Supplementary Occurrence Report, he candidly responded that he had no reason for doing so. I reject counsel's submission that by leaving out certain details from his Supplementary Occurrence Report that he loses credibility. He testified on all matters from his memory and his reference to his report. He testified this matter had been on his mind for three years because of the ongoing reviews and investigations.
232. In further support of his credibility, I am mindful of his testimony that he took some comfort from the realization Tyler had recently been taken to the QEH and had been examined by a doctor and subsequently released. When I first heard this, I thought it was a bit of a soft answer, but on reflection, when considering the whole of the circumstances as known to Constable Landrigan, it was quite reasonable for him to adopt this position. He was going through the process of determining whether apprehension was available under the MHA, and one of the factors he considered was that Tyler had recently been seen by a psychiatrist, and expressed to Landrigan that he was feeling fine; that he was okay; that his head was in a better place.
233. The Complainant argues that if Constable Landrigan had done a more fulsome and complete investigation, he would have concluded he had grounds to charge Tyler with a criminal offence such as forceable confinement or criminal harassment. Constable Landrigan did consider forceable confinement, but concluded on the basis of his discussion with Laura that he did not have sufficient grounds to lay that charge. Constable Landrigan was challenged on his decision not to pursue a criminal harassment charge, but he maintained that according to his understanding of the necessary components of that offence, he did not have sufficient evidence to support it.
234. Hindsight is always 20/20. In the circumstances facing him, Constable Landrigan was confronted with a fluid situation. Should he have conducted a deeper and more robust investigation into possible criminal activity – perhaps? Since he had put aside the possibility of charging Tyler with forceable confinement, he returned to the primary purpose of the 911 call, that being mental health. As already noted, after concluding he did not have grounds to apprehend Tyler under the MHA, he opted to devise a safety plan so as to de-escalate the situation, and allow Laura

and Tyler time away from each other in order to calm the situation. I find that approach to be reasonable in the circumstances.

235. With respect to the criminal investigation, as a police officer, Constable Landrigan possessed the power to lay a charge under the Criminal Code, but not a duty to do so. Even if Constable Landrigan concluded he had grounds to lay a charge under the Criminal Code, it was still open to him to exercise his discretion not to pursue such a charge as long as that decision was reasonable in the circumstances. This is consistent with the statement of the law that appears in the *Korchinski* case at paragraph 44 where the court established the reasonableness of an officer's conduct must be examined considering the circumstances that existed at a particular time. An officer is expected to use discretion and judgment in the course of his duties, but that discretion or judgment ought not to be examined scrupulously by the benefit of hindsight. As a practical matter, if police officers, armed with the power to lay charges, had a duty to lay such charges in every case, our criminal justice system would come to a grinding halt. The Complainant's allegation that Constable Landrigan neglected his duty under Section 5 of the Code by conducting it in the manner described in the evidence fails on the balance of probabilities.
236. Another component of neglect of duty advanced by the Complainant deals with note taking or the absence of note taking by all of the Respondents. When Constable Landrigan was asked about note taking, he testified it was not his common practice to take notes when investigating a mental health call. He admitted he did not take any notes during the course of his investigation at the Knockwood residence on January 16, 2023. However, immediately after attending at that residence, he completed his Supplementary Occurrence Report which contained many details of the investigation.
237. When asked why he made no notes, he testified that he was making eye contact with Laura and was able to build a rapport with her. Likewise he was focusing his attention on Tyler's answers to his questions, both verbally and non-verbally.
238. The officer agreed there were no hard and fast rules of when to take notes and when not to take notes. He also confirmed that in a circumstance where he wasn't taking notes, his Occurrence Report should be as detailed as possible, and include all of his interactions on that call. Constable Landrigan testified that he spent an hour to an hour and a half in writing his report, and tried to make sure he recorded as much detail as possible.
239. The Supreme Court of Canada addressed the issue of note taking in two cases referred to by the Complainant. The first is *Wood v. Schaeffer*. In that case, the court stated that the duties of a police officer include a duty to make notes on the events that transpired during the officer's tour of duty, but acknowledged that no definitive statement endorsing that proposition had been made by the Supreme Court of Canada. (See para. 63). The court went on to adopt the statement that the preparation of accurate, detailed and comprehensive notes as soon as

possible after an event has been investigated is the duty and responsibility of a competent investigator. (See para. 65).

240. After canvassing the issue, Justice Moldaver concluded as follows at paragraph 67:

“Against that background, I have little difficulty concluding that police officers do have a duty to prepare accurate, detailed, and comprehensive notes as soon as practicable after an investigation.”

241. When that statement is applied to the circumstances of this case, I am of the view that Constable Landrigan complied with his obligation with respect to note taking in the course of his investigation by completing his Supplementary Occurrence Report immediately thereafter. In reaching this conclusion, I am mindful of the admissions made by Constable Landrigan in the course of his cross-examination where he agreed that he did not include the fact that he had entered the Knockwood residence on three occasions in his report. He also agreed that he did not mention Michelle’s name in his report after having conceded that it was important to include as much detail as possible. Those omissions do not constitute neglect of duty.
242. The second case referred to by the Complainant is *R v. Beaver*, 2022 [3 SCR] 718. In that case, the Supreme Court dealt with the issue of contemporaneous police notes when there is a warrantless arrest. At paragraph 75, the Court agreed that contemporaneous notes are generally desirable when determining whether the police had reasonable and probable grounds for a warrantless arrest, but the Court disagreed that such notes should be mandatory in all cases. The Court went on in the same paragraph to state that our law has never insisted on contemporaneous notes for all warrantless arrests, and the Court would not impose such a requirement. To insist on contemporaneous notes in all cases could undermine the ability of the police to respond appropriately to dynamic situations they face each day. That pronouncement is relevant to the discussion of note taking in the present case. It is a recognition of the diverse circumstances which police officers face on a daily basis, and are not to be constrained by hard and fast rules about taking notes. The Court concluded that contemporaneous notes are not legally required for a warrantless arrest in all cases. (See para. 77).
243. Constable Landrigan testified that his preparation for giving evidence in this matter amounted to a review of his Supplementary Occurrence Report and his memory. He conceded that his memory would have been better at the time than it is three years later. Witnesses routinely rely on their memory in giving their evidence and at paragraph 66 of the *Beaver* case, the Court stated *“courts routinely evaluate the existence of reasonable and probable grounds based on the arresting officer’s testimony and other evidence.”*
244. Applying the test for neglect of duty to the actions of Constable Landrigan, I conclude that he did have a duty to investigate when answering the mental health

call for service on January 16, 2023, and that he discharged that duty diligently and promptly on that date.

245. Turning now to an examination of Constable Jay's involvement. He was the lead investigator when dispatched with Constable Landrigan and Constable Thompson to the Knockwood residence on January 16, 2023. He and Constable Landrigan travelled to the scene together, and Constable Jay possessed information from another constable that Tyler had a knife the day before, and he knew Tyler had been transported to the QEH.
246. Upon arriving at the scene, he was directed inside the residence by Constable Landrigan. Both Constable Jay and Constable Thompson went inside. Jay stated Tyler was in boxer shorts, but he was otherwise calm and told Jay to come in. After entering the apartment, Jay asked Tyler what was going on. Tyler told him of his trip to Montreal and of his arriving home late and that he could smell the odour of another man on Laura. He had an argument with Laura. Tyler stated he wanted to go to bed and in the officer's opinion, he did not see anything alarming about the state of the apartment. His question to Tyler about the allegation of Laura cheating on him was open-ended. Constable Jay said he did the talking and not Constable Thompson, because Jay was more experienced and Thompson was a relatively new officer.
247. Constable Jay engaged Tyler in conversation and they discussed Tyler's dog. Jay found some common ground here because he is a dog person as well. They also spoke about Tyler's work at Province House, and Tyler was proud of that work and stated so in a calm manner. Constable Jay testified Tyler also spoke about his suicide attempt, and his subsequent attendance at hospital, but that he was now feeling good. Jay offered to take Tyler to the hospital, but Tyler declined. Tyler said his head was in a better space now after seeing the doctors. Constable Jay inquired of Tyler as to what plans he had for the day to which Tyler replied he just wanted to sleep.
248. Constable Jay also had conversations with Constable Landrigan on three separate occasions during this investigation as Landrigan was in and out of the residence. Jay's conversation with Tyler was between 30 and 35 minutes, and at no time did he see any change in Tyler's demeanor.
249. When Constable Landrigan came into the apartment the second time, he put direct questions to Tyler concerning any harm or suicidal tendencies – mental health questions. Constable Jay testified he repeated these questions to Tyler after Landrigan left. Constable Jay and Constable Landrigan exchanged information in the porch of the residence, including Tyler's indication he wanted to remain in the residence because he had no other place to go and that Laura had options.
250. In his assessment, Constable Jay concluded there were no grounds to apprehend Tyler under the MHA. Constable Jay said Tyler was coherent and presented well. Aside from doing a referral to Child and Family Services, Constable Jay did not think any more police involvement was needed.

251. The officer was asked if he had been taught about discerning the signs of mental disorder and he said yes. He was asked about whether he was taught to look for indications of mental disorder and again he said yes, but he did not see any of the signs in Tyler. He was satisfied Tyler had been to the hospital, had been seen by doctors and now was indicating he was okay.
252. After leaving the scene, Jay and the other officers returned immediately to the CPS station where Constable Jay completed his report which took him about half an hour.
253. I accept Constable Jay's testimony that he also put pointed mental health questions to Tyler in follow up to Constable Landrigan's questions for which he was present. Asking Tyler an open-ended question about what was going on was consistent with his teaching at the APA. His questioning and observations of Tyler were also consistent with his training when investigating a mental health call. Tyler's consistent statement that he had been seen by doctors and was now okay was also taken into account by Constable Jay. Tyler was in Constable Jay's presence and view throughout the investigation inside the Knockwood residence. The officer testified he was aware of the requirements of the MHA and concluded that he had no grounds to apprehend Tyler. In doing so, he was aware Tyler told Laura to go into the bedroom and that she couldn't leave. He considered this as part of his mental health assessment.
254. Although each officer is required to make his own assessment under the MHA, there is nothing to prohibit them from exchanging information, as Landrigan and Jay did on this occasion. As his training directed, Jay took the time to engage Tyler in matters of common interest so as to establish a rapport with him. Their common interest in dogs was a vehicle to achieve that rapport. This is consistent with his training.
255. After considering Jay's role in this investigation based on his evidence as well as relevant portions of Landrigan's evidence, I am of the view that Constable Jay did not neglect his duty as provided in Section 5 of the Code. He was also aware of Landrigan's plan to separate Laura and Tyler which goes to the reasonableness of an alternative to apprehension under the MHA.
256. The issue of note taking was also raised with Constable Jay. He did not make notes at the scene, but testified most of the details of his encounter with Tyler were contained in the report which he did immediately following his investigation. When asked why he made no notes at the scene, he said he would rather listen to the individuals he was investigating, and didn't want to show any disrespect by writing notes while in conversation with them. In his face to face contact with Tyler, it was reasonable that he would not be making notes, since his training told him to develop a rapport with the individual under investigation. When coupled with the fact that he prepared a detailed report immediately following his investigation, his actions were reasonable and satisfied any requirement for note taking.

257. Constable Jay was focused on Tyler as the subject of the mental health call, and did not conduct a criminal investigation. It must be remembered that the impetus for the criminal investigation conducted by Constable Landrigan emanated from information provided to him by Laura and Michelle. Constable Jay was not privy to those conversations and focused on his obligations under the MHA.
258. When the test for neglect of duty is applied to Constable Jay, I am satisfied that a duty existed to investigate the mental health call, and that he discharged that duty promptly and diligently. He applied the training he had received.
259. Constable Thompson joined the CPS in October 2022. At the time of the 911 call, he had been on the job for approximately three months. He was dispatched to the Knockwood residence on Mount Edward Road, and was directed by Constable Landrigan to go inside. He stated Laura and the children were outside the apartment, and he did not have any conversation with her. He said his job was to go into the residence and assist Constable Jay. He was to provide oversight and safety.
260. Constable Thompson did not speak to Tyler at any length, but testified Tyler appeared calm; spoke clearly; and was making sense. He heard Tyler speak of his trip to Montreal and his allegation that Laura had been cheating on him because he detected the smell of another man on her and her clothing. Tyler's previous attendance at hospital was mentioned, but Tyler now said that he was good. Constable Thompson testified overhearing Constable Landrigan put questions to Tyler concerning harm or suicide, but he did not recall the exact questions.
261. Constable Thompson did not take any notes at the scene nor did he file a subsequent report. When asked why he did not take any notes, he said it was "disrespectful" to the individual to be taking notes.
262. To attribute neglect for lack of a proper and full investigation by Constable Thompson in the circumstances of this case is a stretch. He was indeed a police officer on the scene on January 16, 2023, but he was told his responsibility at the scene was to provide oversight and safety. He did his job, and also provided his observations of Tyler. Would it be reasonable for a young inexperienced officer to step forward in these circumstances and embark on his own investigation when directed to perform specific duties? I think not. In contrast, he was the lead investigator on January 17, 2023 who attended at Province House and confirmed Tyler had hanged himself. He completed a detailed report of his attendance at Province House on that date, and subsequent actions including discharging the difficult task of advising Laura that Tyler was deceased.
263. When questioned by counsel as to what he did in preparation for this hearing, Constable Thompson said he read his report, and then testified from memory. Constable Thompson said that this was his first suicide case, and there were several investigations about the whole matter such that it was constantly being raised, and in my view, quite fixed in his memory.

264. I find Constable Thompson did not neglect his duty.

The CWU Call

265. The Complainant alleges Constables Pound and Gould, or either of them, failed to do a full investigation under the MHA, and thereby breached Section 5 of the Code. Their contact with Tyler on January 16, 2023 was to conduct a wellness check as a result of a call from Child and Family Services.
266. Constable Pound is a graduate of the APA and undertook mental health training as well as online courses including recognition of disturbed persons. He stated that the CWU was a plain clothes unit, however they did carry firearms and tasers. He testified he has power to apprehend under the MHA, as well as general duties as a police officer.
267. On January 16, 2023, he and his partner, Constable Gould, were dispatched to do a wellness check on Tyler. He and Constable Gould work as a team. Upon arriving at the Knockwood residence, Pound noted the door was slightly open. He knocked on the door, and indicated it was the police and called for Tyler. At approximately 9:27 am to 9:30 am, Tyler came to the door and stepped out onto the platform. Pound did not go inside the residence.
268. Tyler apologized for not coming out sooner, and indicated he had been doing some renovations. Pound introduced himself and Constable Gould. Constable Pound testified Tyler was dressed, not in a disheveled state, and that he spoke in a normal voice. He explained to Tyler what they were doing there as a result of a call from Child and Family Services. Constable Pound indicated he did not witness any sign of self-harm or intoxication in Tyler, but when the issue of family was raised, Tyler backed off a bit.
269. At this point, Constable Gould took over as the primary worker and Pound became secondary. They worked as a team and changed roles from primary to secondary as the situation dictated. It was Pound who noticed that Tyler had a tattoo on his neck which indicated he was indigenous.
270. From his observations of Tyler and his questions of Tyler, Pound concluded he did not have grounds to apprehend under the MHA. He asked Tyler directly if he was suicidal and Tyler said he was not. Tyler told him he was fine. Tyler was offered a number of support services including that of the mobile health unit, the Native Council, detox and so on. Tyler declined all suggested services. He spoke with Tyler for 15 to 20 minutes on January 16, and from what he was taught, he did not see any signs of mental illness.
271. Constable Pound was asked about taking notes, and said he did not do so because it would divide his attention from the person he was investigating. He added that if he concluded apprehension was necessary, then he would make notes.

272. Constable Gould had been assigned as the lead investigator so he prepared the written report on this file. Constable Pound added that if there had been an apprehension, both of them would provide a report. Gould's report was done as soon as they returned to the station after leaving Tyler, and in keeping with the law as expressed by the Supreme Court of Canada, I am satisfied that discharged any obligation that might have been on the officers to take notes.
273. In doing a community wellness check, Constable Pound stated he was using his training. He tried to build a rapport or trust with Tyler. From his training, he said he looked for eye contact or rapid speech and so on. If a person had a plan to harm himself then or at some point in the future, then Pound said they would act on that and apprehend.
274. Pound was not aware of Tyler's allegation that his family was trying to kill him. He said Tyler never mentioned that. If he had mentioned that, Constable Pound said he would have followed up with questions.
275. As mentioned earlier in these reasons, no expert evidence was called to assist in determining the appropriate standard of care required of a police officer in the circumstances of this case in Charlottetown in 2023. The only measure I have is whether the officers employed the training they received at the APA and any subsequent courses that they took. Did Constable Pound follow his training? Were his actions reasonable in the circumstances of this case? I think it is fair to say Constable Pound and the other officers employed their training received at the APA to various extents. None of the officers, including Constable Pound, applied all of the training spoken to by Ms. Hadfield in her testimony. That would require a standard closer to perfection which is not the standard of care to be applied.
276. Accordingly, I am satisfied that Constable Pound acted reasonably in the circumstances of this case and on the balance of probabilities did not breach Section 5 of the Code.
277. In January 2023, Constable Gould was a member of the CWU. He is a graduate of the APA in 2015, and a member of the CPS from December 24, 2016 until July 2024, when he became a member of the RCMP. He received crisis intervention training in January 2021, which included noting the signs and symptoms of mental illness.
278. On January 16, 2023, he and his partner, Constable Pound, responded to a request from Child and Family Services to do a wellness check on Tyler. Before attending at the Knockwood residence, he spoke to Constable McGean on the phone where she provided him with a summary of the situation as she understood it from her meeting with Laura. Constable Gould also understood Tyler had a prior attempt at suicide.
279. When they arrived at 28 Mount Edward Road, Constable Pound went to the door while Gould reviewed the location. Tyler came to the door and Gould described him as polite and calm. While Pound was engaged in conversation with Tyler,

Gould testified he looked at Tyler and surveyed the situation. Pound was establishing a rapport with Tyler. Gould saw a tattoo on Tyler's neck, recognized it, and got into a conversation with Tyler about it.

280. In Gould's presence, Constable Pound asked Tyler about possible suicide. Gould said there was no bad reaction from Tyler at this question. He was respectful. Gould testified that in his assessment, Tyler was okay. He found Tyler to be polite, and this was notwithstanding information that had been passed on to him from Constable McGean. Gould concluded Tyler did not meet the criteria for apprehension under the MHA, but then informed Tyler of services that might be available to him. Tyler was not interested. These were the same services referred to by Constable Pound such as addictions, the mobile health unit and so on. Tyler rejected all of these proposals.
281. Constable Gould travelled back to the station with Constable Pound and prepared his report. He said it took him 20 to 30 minutes to do so. Gould said they were at Tyler's residence for approximately 30 minutes, after which they had no further contact with him.
282. Constable Gould testified that he and Constable Pound would talk about the report as it was written. The report was started at 10:09 am which was approximately 5 minutes after leaving Tyler at his residence. In the summary portion of the report on page 1 (Exhibit J-2, Tab 6), it states Knockwood was coherent and calm while declining any and all assistance or services. No further action was required. Gould used his own indigenous background to engage with Tyler and said building a rapport with him was not easy, but destroying it was easy.
283. Constable Gould relied on his training to satisfy himself he did not have grounds to apprehend Tyler under the MHA. He engaged Tyler in conversation and watched his reactions to specific questions about suicide. As with the other officers who asked pointed questions to Tyler, that action in itself would not be sufficient to reach a conclusion under the MHA. However, as other officers did, Gould was actively observing Tyler, both while Pound was asking questions, and when Gould was doing the interrogation. Constable Gould was alive to the information he had received from Constable McGean, but still concluded the criteria for apprehension were not present. Constable Gould had a duty to perform when dispatched to the Knockwood residence to conduct a wellness check on Tyler. He discharged that duty promptly and diligently and did so in keeping with his training.
284. Neither Constable Gould nor Constable Pound took any notes at the scene, but immediately upon leaving the scene, Gould prepared his report with input from Pound. That report included information received from Constable McGean as well as the details of his attendance at the residence. As a member of the CWU, Gould wrote in his report that they spoke with Tyler at length who indicated he was fine and did not require any assistance. Gould wrote that he informed Tyler to call CWU if anything changes or if he wanted to seek any assistance. In my view, the report satisfies any requirement to make notes at the scene.

285. Given that Constable Gould was dispatched to do a wellness check on Tyler; that he was armed with information provided by Constable McGean; and knowing that Tyler had a prior suicide attempt, it was reasonable for him in these circumstances to pose appropriate questions to Tyler and to observe his reaction and general demeanor. Further, Constable Gould went beyond his MHA assessment, and informed and offered Tyler a variety of services that were available to him. When Tyler declined, Constable Gould made it clear that if there were any changes, Tyler could call for the CWU for assistance. The evidence does not support a finding that Constable Gould breached Section 5 of the Code on January 16, 2023.

The EPO

286. The last of the Respondents in his case is Constable Dakota Van Colen. Like his colleagues, he attended the APA in 2015. He became a full time member of the CPS in November 2021. As part of his training, he received mental health education, and de-escalation training and took courses offered by Ms. Hadfield.
287. Unlike the other Respondents, Constable Van Colen was not aware of the details concerning Tyler's situation when he was directed by his corporal to assist Constable McGean in serving an EPO. He testified he was the backup officer on this detail, and it was his responsibility to ensure the safety of the officers, the parties and the public. He was also to determine that the scene was secure. He had no information about the basis upon which the EPO was granted, and he had no knowledge of Tyler's mental health or his recent hospitalization.
288. Constable Van Colen went with Constable McGean to the Knockwood residence on Mount Edward Road. Both he and McGean knocked on the door and announced their presence. They attempted this several times without success, and then obtained a key to the premises from Laura which they used to gain entrance.
289. Van Colen and McGean called out Tyler's name and looked for him throughout the apartment, without success. The door to the basement was locked and with permission from the property manager, Van Colen breached the basement door and descended into the basement. He announced his presence, but got no response. He saw Tyler at the far end of the basement with his dog.
290. When Tyler agreed to go upstairs, Constable McGean explained the EPO to him, gave him a copy, and went over the conditions. Constable Van Colen described Tyler as composed, articulate, and polite, but he was upset because he had to leave his residence. It was after the EPO was explained, that Constable Van Colen testified he turned his mind to the mental health aspect, because it now appeared to him that he was in a mental health call. Again, he testified Tyler was respectful, polite, his speech was not rapid and he was not in a mental health crisis. The officer also said he did not detect any hallucinations in Tyler who otherwise looked healthy to him. The officer did not ask any mental health questions, but Constable McGean did so. Constable Van Colen concluded he had no grounds to apprehend Tyler under the MHA nor did he have any concerns.

291. Constable Van Colen saw the tattoos on Tyler, determined he was indigenous, and thought Constable Gould might be of assistance because of his indigenous background, so he asked Tyler if he could call Constable Gould to assist in getting Tyler a place to stay. Tyler declined this invitation and declined all other resources that were offered. After Tyler packed a small bag of belongings, the officers proceeded to take Tyler in the police car to the Quality Inn on the Hill hotel.
292. Constable Van Colen did not take any notes at the scene because he said he was not the lead investigator. He says his duties were prescribed as a backup, and it was not common practice to take notes in these circumstances. He did acknowledge that even though he was backup on this call, he was still an active police officer. However, he described his job as being one of ensuring safety. When asked why he didn't take any notes in the residence, he offered that he was focused on what was in front of him.
293. While I find Constable Van Colen's inquiry and assessment under the MHA was reasonable in the circumstances, his failure to take notes was not. He was thrust into a situation of providing security as backup to Constable McGean who was serving an EPO on Tyler. He had no background information. However, at the point in his investigation when he determined that he now had a mental health issue facing him, he was in a dilemma as a backup officer. He turned his mind to assessing Tyler's mental state in relation to the MHA, and in doing so applied his training.
294. However, he knew or ought to have known that an EPO must be examined by a Justice of the Supreme Court within a few days, and that Tyler would have the right to have that EPO reviewed. Any notes made by Van Colen at the scene would be of assistance to the Supreme Court if Tyler had requested a review of the Order. This of course didn't happen because Tyler committed suicide. But Constable Van Colen did not know that at the time, but he did know, or should have known, the EPO review process.
295. Unlike the other officers, Constable Van Colen did not provide a report immediately after his encounter with Tyler so as to record details which would assist his memory should there be an EPO review. The question is whether that amounts to a breach of Section 5 of the Code resulting in his neglect of duty? The *Korchinski* case at paragraph 45 provides some assistance in dealing with this issue. It was there that the court stated the impugned conduct must include an element of willfulness in the officer's neglect or there must be a degree of neglect which would make the matter cross the line from a mere job performance issue to a matter of misconduct. Applying that reasoning, I find that Constable Van Colen's lack of note taking in the particular circumstances confronting him on January 16, 2023 was a job performance issue rather than a matter of misconduct, and therefore not neglect of duty.

Common Law Duties of Police Officers

296. The Complainant submits that in addition to their statutory duties, the Respondent officers failed in their common law duties by not considering the protection of life and prevention of serious injury, as well as not considering the information provided by Laura of the preceding days. The Respondents concede that they have common law duties as well as powers derived from statutory authority, and those powers include preserving the peace, preventing crime and protecting life and property. These powers allow the police to act proactively, and not just in reaction to complaints. (*Fleming v. Ontario*, 2019 SCC 45, at para. 82).
297. After reading and re-reading the Factum of the Complainant Closing Submissions, and the Reply Factum of the Complainant Closing Submissions, I am uncertain as to the merits of her argument that the Respondents breached their common law duties in this case. The cases relied upon by the Complainant in support of her argument are *R v. Manning*, 2019 NLCA 46 and *R v. Squires*, 2016 NLCA 54. These cases are factually different from the facts as I have determined them in this adjudication. Those facts do not describe a situation involving Tyler which would authorize the Respondents to arrest him in the interests of preserving the peace, preventing a crime or protecting life and liberty.
298. If the Complainant is suggesting that notwithstanding there is no breach of statutory duties on the part of the Respondents, they still should have arrested Tyler, that engages constitutional protection. The Canadian Charter of Rights and Freedoms is the supreme law of the land, and Section 7 enshrines the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. It must be remembered that once the officers concluded they had no grounds for apprehension under the MHA or to lay a charge under the Criminal Code, then an alternate plan of safety was devised and implemented. That being so, I believe the answer to this issue is found in the *Fleming* case where the Supreme Court held at paragraph 98 as follows:
- “[98] ... For an intrusion on liberty to be justified, the common law rule is that it must be “reasonably necessary”. If the police can reasonably attain the same result by taking an action that intrudes less on liberty, a more intrusive measure will not be reasonably necessary no matter how effective it may be. An intrusion upon liberty should be a measure of last resort, not a first option. To conclude otherwise would be generally to sanction actions that infringe the freedom of individuals significantly as long as they are effective. That is a recipe for a police state, not a free and democratic society.”*
299. In the present case, the Respondents devised and carried out an alternate plan for the safety of both Laura and Tyler and thus acted according to law. That being so, I am not prepared to find the Respondents breached any common law duty.

Summary and Conclusion

300. Following the tragic end of Tyler's life, Laura pursued her rights under the Act. She filed a complaint with the Chief Officer of the CPS; then proceeded to have the Police Commissioner review the matter; and finally sought an adjudication. The circumstances of January 16, 2023 were fully canvassed at this hearing.
301. After considering all of the evidence and the legal arguments advanced by the parties, and for all the foregoing reasons, I conclude the Complainant has failed to prove her case on the balance of probabilities and therefore her request and complaint is hereby dismissed.


Costs

302. Counsel for the Complainant and the Respondents each raised the issue of costs in their submissions. Given my decision, if counsel wish to pursue this issue, they should advise me by May 11, 2026. Once such notification is received, I will provide direction as to the mode and timing of such submissions.

Time for Rendering Decision

303. Subsection 32(8) of the Act requires my written decision including reasons to be delivered within 20 days after the date of the hearing. Final submissions were heard on March 30, 2026 and therefore the 20 day period expired April 20, 2026. While I made every effort to meet the 20 day guideline in the Act, I failed to do so.
304. This adjudication was the first of its kind under the Act. Five counsel participated in the hearing on behalf of the Complainant, the Respondents, the Chief Officer of the CPS on January 16, 2023, and the Attorney General for the province of Prince Edward Island. Five full days of evidence followed by written briefs, and then oral argument on those briefs was completed on March 30, 2026.
305. Due to the amount of evidence provided and the able arguments advanced by counsel and despite my best efforts, I was unable to render a decision within the 20 day period. In my view, the legislation did not contemplate the complexity of the present adjudication. The 20 day period very well may work with more basic complaints against police officers, but the Act fails to allow for a more complex and in-depth hearing as was the case here.

Dated: April 27, 2026



Hon. Wayne D. Cheverie
Adjudicator