

NOVA SCOTIA POLICE REVIEW BOARD

IN THE MATTER OF:

The *Police Act*, Chapter 31 of the *Acts* of 2004 and the Regulations made pursuant thereto

-and-

IN THE MATTER OF:

An appeal filed by **Karen Lovatt**, Complainant, against the **Halifax Regional Police** requesting a review of a disciplinary decision made by Inspector Ron Legere dated May 15th, 2024.

BEFORE:

Hon. Simon J. MacDonald, Vice-Chair
Kimberly Ross, Board Member
Don McMillan, Board Member

COUNSEL:

Karen Lovatt, Self-Represented
Andrew Gough, Counsel for Halifax Regional Police

HEARING DATE:

May 12th – 13th, 2025

DECISION DATE:

May 22nd, 2025

[1] This is the decision for the above-mentioned matter that must be in writing pursuant to section 79(4) of the *Police Act*.

[2] Ms. Lovatt's Form 5 complaint is dated February 22nd, 2024, and it concerns an event which happened at the QEII Emergency Hospital in the emergency-room area, on Monday, January 16th, 2024.

[3] The basis of her complaint was set forth in a four-page document dated February 20th, 2024, and was e-mailed to the Professional Standards Office of the Halifax Regional Police.

[4] In it, she sets forth the purpose of her complaint.

“The purpose of this complaint is to receive complete transparency of the incident in the hope that whatever failures of police protocol and procedure allowed this incident to occur will be rectified.

My primary concern is for the safety of hospital patients who are vulnerable and unable to protect themselves, as I was. I am equally concerned for the safety of our healthcare professionals who, it seems, are routinely subjected to violence while trying to fulfil their mandate to keep patients from harm.”

[5] On page four of the document, she listed several questions that she wished to have answered.

- Why was this dangerous offender brought to the public hospital emergency department given what had taken place earlier in that day?
- Why was the offender not properly restrained and therefore in a position to escape from the police and harm people in the hospital?
- Why was this assault, which was committed on a patient in a public hospital by a violent offender in the course of evading police custody (which is itself a criminal offence), not reported to the public by HRP?
- Why has the offender not been charged with this crime?
- Why did no one from Halifax regional police reach out to me afterwards to discuss the incident?

- Is there an HRP report that includes the assault on me? If not, why not? If so, I would ask to have access to that document.
- What is the formal HRP procedure for a situation in which a dangerous offender is deemed to need emergency medical care?
- Are there protocols that are understood between HRP and hospital personnel adequate to ensure the protection of patients already under care at the hospital?
- What are these procedures and protocols? Is this publicly accessible information?

[6] On her Form 5, in the section that requests the names of the police officers being complained about, she stated;

“Complaint alleges the failure of the department itself to meet public expectations.”

[7] As required under the *Act*, the complaint was referred to the Halifax Regional Police Disciplinary Authority.

[8] On May 15th, 2024, the Disciplinary Authority filed his Form 11 decision, dismissing Ms. Lovatt's claim.

[9] Ms. Lovatt filed her Form 13 Notice of Review on June 10th, 2024. She stated in summary, that she was not satisfied, and did not agree with the decision of the Disciplinary Authority. Some of her remarks on her appeal documents showing her concern are;

“I am filing this appeal because I am not satisfied that the concerns I raised through the course of the subsequent investigation into this matter have been appropriately addressed. Nor am I satisfied that the position stated in the decision of the Police Authority is justified.

Description of alleged misconduct itself misrepresents the nature of my complaint. The original complaint was focused, not on individual police officers, but on the procedures and protocols (or lack thereof), that permitted the violent incident of which I was a victim to occur at all.

The HRP report disavows any authority or responsibility over the offender once that individual is in the hospital system. I have many questions as to why this should be the case, not least of which: at what point does authority transfer and to whom?

It has become clear through the process of investigation that there is no policy or procedure covering transfer of violent offenders from police custody to that of hospital personnel. The decision report states: ‘This disciplinary review process does not have any jurisdiction over the Nova Scotia Health Authority, therefore, their policies and procedures have not been reviewed and do not form any part of this decision.’”

[10] Justice Robin Gogan of the Supreme Court, in **Fraser v. Sampson**, 2003 NSSC 355 summarizes the procedures required in matters such as the one before the Review Board, in dealing with complaints. In paragraphs 23 and 25 she states;

The Commissioner relies on an extensive list of authorities and on the legislative scheme that governs complaints under the *Act*. The process is well covered in the parties’ written submissions. I would only note here that the key parts of the process are found at sections 71, 72, 74, 78 and 79. Section 71 describes the beginning of the complaint process. Section 72 allows for the outcome of the initial stage to be reviewed. Under s. 72(2), the second stage in the process involves a review by the Board. This review can be requested by either party to the complaint. If review is requested, the complaint must first go to the Commissioner (s. 72(2)).

If a party requests Board review, under s. 72(2), the complaint must stop first with the Commissioner who exercises the powers given under s. 74. Section 74 requires the Commissioner to attempt to resolve the complaint. The Commissioner has the power to investigate to resolve the complaint. If efforts to resolve are unsuccessful, the complaint continues its way to the Board, unless the Commissioner is satisfied that it is: (1) frivolous, (2) vexatious, (3) without merit, or (4) an abuse of process.

(Note: the Commissioner who referenced this quote is not the same Commissioner in this matter.)

[11] The above procedures have been followed, and the matter has now been placed before the Review Board. In this case, the Police Commissioner referred the matter to the Review Board for a hearing by letter dated September 3rd, 2024, and stated;

“This is to advise that pursuant to s. 74(4) of the Police Act, this matter is being referred for a hearing before the Police Review Board in regards to relevant policies, procedures, and practices.”

[12] The Review Board has no authority to deal with such matters as can be seen, from the reasons that follow.

[13] The hearing was set to begin when Mr. Gough made a motion on the lack of jurisdiction. He summarized the event that happened to the Board.

[14] In short, a dangerous offender, Mr. Gamon Leacock, who was under arrest at the Prisoner Care Facility, claimed he was having a medical emergency. The EHS arrived and determined he was possibly suffering a heart attack and had to be rushed to the QEII hospital. Upon arrival, Cst. Andrews removed Mr. Leacock’s handcuffs as requested by healthcare staff personnel. He was then placed on a stretcher and brought into a room to be treated. Cst. Andrews was sat outside of the treatment room, when Mr. Leacock jumped off the stretcher and ran down the hallway. Cst. Andrews pursued him and wrestled him to the floor. During the course of this action, Ms. Lovatt, who was on a stretcher in that same hallway, was knocked over and injured by the escaping prisoner, Mr. Leacock.

[15] There were no allegations of disciplinary default made by her against Cst. Andrews, or any other police officer. Her complaint dealt with protocol and policies governing these types of situations, that were in effect with the Halifax Regional Police and the Nova Scotia Health Authority.

[16] Ms. Lovatt did not exchange documents by the agreed dates reached at the conference call. Mr. Gough wrote to the Review Board and Ms. Lovatt on May 2nd, 2025, pressing upon her the need to disclose. He wanted to know which officers were involved, and what she alleges they

did wrong. As well, he opined that her complaint seemed not focused on any particular police officer, but on procedures and protocols, or lack thereof, that allowed this violent incident to happen.

[17] Section 79 of the *Police Act* deals with matters before the Review Board and states as follows;

Powers of a Review Board at hearing and decision

79 (1) At a hearing under this Act, the Review Board may

- (a) determine all questions of fact and law;
- (b) dismiss the matter;

(3) The decision of the Review Board is final.

[18] The police Code of Conduct is referred to in section 24 of the regulations made pursuant to the *Police Act*. The applicable section states;

24 (1) A member who engages in discreditable conduct in any of the following ways commits a disciplinary default:

- (a) acting in a disorderly manner or in a manner that is reasonably likely to bring discredit on the reputation of the police department;

[19] In this matter, Ms. Lovatt states that her complaint is not against any individual police officers.

[20] Under the heading of Municipal Board of Police Commissioners, of the *Police Act*, Section 55, states in part, for the purposes of this hearing;

Function of the Board

55 (1) The function of the board is to provide

(a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and

(3) Without limiting the generality of subsection (1), a board shall

(a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

(f) recommend policies, administrative and organizational direction for the effective management of the police department;

[21] The only disciplinary portion of which the local Municipal Board of Police Commissioners would deal with would be that of the chief of police. They have involvement with the disciplinary process for the chief of police. However, there is no allegation against a chief of police here that would impact this Board's hearing.

[22] The administration and policies are the jurisdiction of the Municipal Board of Police Commissioners. In this case, the Halifax Board of Police Commissioners.

[23] Matters dealing with protocol, policies and regulation are dealt with by the Halifax Board of Police Commissioners, as governed by section 55 of the *Police Act*. This Board deals with disciplinary matters. Here, the Review Board can find no disciplinary default alleged against any

police officer, or officers under any disciplinary violation covered by the *Police Act*, nor the Halifax Regional Police, which if any, policy or protocol it violated.

[24] There were several requests made for disclosure and reminding Ms. Lovatt of the importance of specifying which officers, or procedures and policies she says were violated. She didn't advise of any.

[25] As recent as April 24th, 2025, Mr. Gough set forth in his request, for further particulars of the relief sought to bring it under the Review Board's jurisdiction. In her remarks at the hearing, Ms. Lovatt stated concerns for who she could trust as the reason for not supplying it. However, she still didn't provide the Review Board with the information.

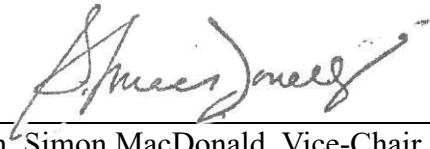
[26] For the above reasons, the Review Board dismisses her complaint for lack of jurisdiction, and failure to provide particulars of any policies or protocols allegedly violated by the Halifax Regional Police.

[27] The Review Board also dismisses any complaint made about the Nova Scotia Health Authority because that too, is not within the Review Board's jurisdiction. The Review Board only deals with police matters.

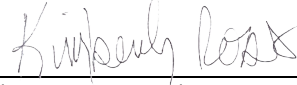
[28] It is important, however, to mention that citizens should have an independent body to oversee interactions between the police and its citizens, especially if they feel aggrieved by police action. However, there is the odd case where there becomes an obstacle to proceeding with the complaint, and this is such case.

[29] There are no costs being assessed against either party.

Dated in Halifax, Nova Scotia, this 22nd day of May, 2025.



Hon. Simon MacDonald, Vice-Chair



Kimberly Ross, Member



Don McMillan, Member