



Summary of Investigation

SiRT File # 2017-016

Referral from

Halifax Regional Police

May 16, 2017

Ronald J. MacDonald, QC
Director
September 20, 2017

Facts

On Tuesday, May 16, 2017, at approximately 4:50 p.m. a male member of the Halifax Regional Police (HRP) was responding to a call in his police vehicle. As he entered the “Willow Tree” intersection from Cogswell St., intending on continuing down Quinpool Road, there was a collision between his vehicle and a civilian vehicle driven by a 33-year-old female, the Affected Person (AP). There was another police officer on the passenger side of the police vehicle. AP was driving alone. She suffered a fractured collarbone in the crash. The police officers were not seriously injured.

As a result of AP’s serious injury, SiRT was contacted and commenced an investigation into the circumstances of the collision that evening. The investigation was completed on August 2, 2017. SiRT’s investigation included the following:

- statements were obtained from 11 civilian witnesses;
- statements or reports were received from two witness police officers;
- a forensic collision reconstruction report was received, which included an analysis of event data recorders from each vehicle; and
- video was received from two sources;

On September 22, 2017, two charges under the Motor Vehicle Act of Nova Scotia will be laid against Cst. Brandon Scott Hurley, a 27-year-old member of HRP:

- 1) Failing to Stop at a Red Light, contrary to section 93(2)(e) of the Motor Vehicle Act;
- 2) Failing to Drive with Due Regard for All Persons Using the Highway, contrary to section 93(6) of the Motor Vehicle Act.

Cst. Hurley will be summoned to appear in Provincial Court in Halifax on October 25, 2017.

Relevant Legal Issues:

The offence of Failing to Stop at a Red Light is committed when a person operating a motor vehicle on a roadway fails to stop at an intersection when they are facing a red light and to remain stopped while the light remains red.

The offence of Failing to Drive with Due Regard for All Persons Using the Highway is committed when a police officer who is operating a police vehicle with its emergency lights and siren activated enters an intersection without stopping at a red light and does so without a sufficient degree of care and attention for other motor vehicles on the highway.

Where reasonable grounds exist to believe an offence has been committed, the Director may charge the police officer. Any offence must be proven beyond a reasonable doubt before the accused can be found guilty.

Conclusion

This investigation has led to the conclusion that there are sufficient grounds to lay charges of Failing to Stop at a Red Light and Failing to Drive with Due Regard for All Persons Using the Highway, both offences fall under the Motor Vehicle Act of Nova Scotia.

This matter is now currently before the courts. In accordance with SiRT policy, this report will not discuss the facts of that matter in any further detail. To do otherwise might compromise the fair trial interests of the accused.

The Serious Incident Response Team Regulations under the *Police Act* state that the Director may choose to provide a supplemental summary of the investigation at the conclusion of the prosecution.