

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2016-011

RCMP – Cole Harbour

April 16, 2016

Ronald J. MacDonald, QC

Director

October 6, 2016

Facts

On April 16, 2016 at approximately 7:30 p.m. a male member of the RCMP - Cole Harbour was responding to a call in his police vehicle. When he entered the intersection of Cole Harbour Road and Forest Hills Parkway his vehicle was struck by a civilian vehicle driven by a female with two female passengers. The police vehicle then struck a third vehicle. A passenger in the civilian vehicle suffered a broken ankle as a result of the collision. No other persons suffered serious injury.

As a result of the injury suffered by the passenger, SiRT was contacted and commenced an investigation into the circumstances of the collision that evening. During the investigation, SiRT obtained statements from 11 civilian witnesses and two police witnesses. In addition, a forensic collision reconstruction report was prepared, which included an analysis of airbag module data from both vehicles and GPS information from the police vehicle. Further information was obtained from relevant police files and recordings of police radio transmissions were obtained. The investigation was concluded on September 23, 2016, after receipt of the collision reconstruction report.

On October 11, 2016 two charges under the Motor Vehicle Act of Nova Scotia will be laid against Cst. Mitchell Hire, a 32-year-old member of the RCMP – Cole Harbour:

- 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. Hire will be summoned to appear in Provincial Court in Halifax on November 22, 2016.

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 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.