

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2022-015

Referral from

RCMP

April 27, 2022

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Interim Director  
Updated

November 4, 2022

On the late evening of April 27, 2022, Northeast Nova District of the RCMP contacted SIRT regarding a motor vehicle collision just west of Antigonish on Highway 104, near James River. A member of the Antigonish Detachment, hereinafter referred to as the Subject Officer (SO), had hit a male person, hereinafter referred to as the Affected Party (AP), with his vehicle. The SO could not say that the AP, who was deceased, may have already been hit by another vehicle earlier and was lying in the middle of the road when he ran over the AP. SiRT immediately began an investigation and concluded it on September 7, 2022.

The following information was obtained, reviewed, and considered in the preparation of this report: a number of Civilian Witness (CW) statements, various notes and reports from various RCMP members, reports from IDent, DNA results from the RCMP forensic lab, and the autopsy report from the Medical Examiner's Office. Photos of the highway scene and involved vehicles. The SO gave both his police report and a statement to the SiRT investigator. The Witness Officer (WO) also gave his report and statement to the SiRT investigator.

**Facts:**

On the late evening of April 27, 2022, the AP was living in the James River area of Antigonish County with his parents. The AP was a young male in his early twenties who had mental health issues and had just recently been a patient of the Abbie Lane Hospital in Halifax. At approximately 10:00 p.m., the mother of the AP went to give her son his medication, but could not locate him in the house. She notified nearby siblings and immediately family members went looking for him. The AP's family was concerned as there was no reason to leave the house at that hour.

At approximately 10:25 p.m., on April 27, 2022, a truck driver was operating his transport vehicle on Highway 104 in the Antigonish area. The truck driver, hereinafter referred to as Civilian Witness 1 (CW1) was driving towards Antigonish (eastbound), in the area where there are only two lanes of traffic. CW1 observed a young man, around 20 years of age, with short hair wearing a red jacket or shirt run from the westbound side of the road to the yellow line and turn around. CW1 called 911 to let them know what he just observed. CW1 indicated there were no other vehicles in the area and there was no reason this person couldn't see CW1's truck as he was only 50-75 feet away when he stopped his run and turned around

On the same evening, April 27, 2022, Civilian Witness 2 (CW2) was operating his 18-wheeler truck in the same area of Antigonish County. CW2 was on the way to River John, Nova Scotia going westbound on Highway 104. CW2 was in front of a car and another truck when he came upon the area just west of Antigonish where the 4-lane highway goes back to 2 lanes. The weather was overcast, a misty rain falling, and this area has no artificial lighting. CW2 observed the car lights behind him in the mirror, he looked and heard a bang and thought he had just struck a deer in the middle of the road. CW2 had struck a deer a month or two earlier and to him it had the same impact on the truck. His truck had no problems in its operating ability after this striking and CW2 noted the car and the truck behind him were still the same distances away and did not have to swerve to avoid anything. CW2 continued on his way but did stop an hour later at a gas station to check the front of

the truck for damage and to call his boss about hitting the deer. CW2 noticed damage to the middle of the grill where it was dented and also noticed fragmented material in the grill. CW2 drove the truck to River John where he proceeded to sleep in the truck overnight. When he woke up, he had a conversation with a couple of friends where he learned about a fatal collision in the area where he had driven past last evening.

CW2 checked on Facebook about the fatal crash and feared that what he thought was a deer he struck may in fact be the AP. CW2 along with his wife and the owner of the truck went to Stellarton RCMP Detachment to report what occurred the night before on his drive past the area of Antigonish. Even though CW2 was given the police warning, he was fully cooperative in describing that he hit something on the road, but thought it was a deer.

The truck CW2 was driving was seized by the investigator.

As a result of the 911 call made by CW1, two RCMP members from the Antigonish Detachment accepted the call to look for a person running dangerously out onto the 104 Highway just west of Antigonish. The first officer responding, hereinafter referred to as Witness Officer 1 (WO1), patrolled in the general area where the 911 call indicated this person, the AP, was last seen. Although WO1 did patrol past the area where the AP was struck, this occurred prior to the AP being struck on the highway. WO1 was returning to Antigonish when the SO indicated he ran over something on the highway.

The second officer to answer the 911 call was the SO. The SO was in communication with WO1 about the area where the person was last observed. The SO patrolled out where the 104 Highway is only 2 lanes and decided to turn around and go back east towards Antigonish. As he was proceeding, he was in communication with WO1 when suddenly the SO indicates rolling over something on the highway. At first the SO thought it maybe an animal or something low to the ground. Given the nature of the call, the SO was investigating, the SO turned his vehicle around and checked to see what was on the road. The SO found the AP lying on the highway deceased. The SO radioed the other members of what just occurred, and the road was blocked in both directions. Appropriate personnel were called in to take part in the securing of evidence, including a member of SiRT who was notified and immediately attended the accident scene.

Members of the AP's family who went looking for the AP that night, did come across the accident scene not long after the police discovered the body. They confirmed through clothing worn by the AP that it was their son deceased on the highway, but were not allowed near the body on the highway.

The SiRT investigator took many reports from various RCMP members who were involved in this matter. There was an accident reconstructionist report, as well as DNA testing done on the front grill of CW's truck, the front and underneath portion of SO's vehicle and DNA taken from the AP.

Testing on both CW2's truck and the SO's police car showed nothing operationally wrong with either vehicle.

**Conclusion:**

The events that unfolded on the night of April 27, 2022 were indeed tragic and impacted many individuals. The weather was overcast with misty rain falling and the area where the accident occurred was dark and on a 2-lane highway where construction was occurring.

CW's assessment of what he observed that night brought out a couple of RCMP officers to look for a male near or on the highway.

Unfortunately for CW2 he was the driver of the truck that struck the AP resulting in his death. There is absolutely no fault on CW2 in striking the AP and certainly it is understandable to assume it was a deer that he struck. Also, the next morning when CW2 discovered it may have been his truck that ran into the AP, he immediately went to the RCMP to describe what happened. The DNA results confirmed that the AP was indeed hit by CW2's truck.

The two responding RCMP officers were just performing their policing duties looking for a person who was observed behaving dangerously on the highway. The SO had just driven by the area where the person was previously observed by CW1 and decided to turn around and return in an easterly direction towards Antigonish. In going back, the SO, due to no fault of the SO, ran over the deceased body of the AP which had been just struck by CW2's truck approximately a minute or so earlier. Absolutely no question that the SO ran over an already "deceased body" which was confirmed by the autopsy performed on the AP. The autopsy ruled the death occurred immediately from the blunt force injuries when CW2's truck hit him.

This was indeed a tragic event which impacted many people's lives, but there is nothing criminal in any way with what happened on the night in question. Therefore, there are no grounds for charges against the SO.