

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2024-014

Referral from

RCMP “H” Division

March 2, 2024

Erin E. Naus
Director
August 23, 2024

MANDATE OF THE SiRT

The Serious Incident Response Team (“SiRT”) has a mandate to investigate all matters that involve death, serious injury, sexual assault, and intimate partner violence or other matters determined to be of a public interest to be investigated that may have arisen from the actions of any police officer in Nova Scotia and New Brunswick.

At the conclusion of every investigation, the SiRT Director must determine whether criminal charges should result from the actions of the police officer. If no charges are warranted the Director will issue a public summary of the investigation which outlines the reasons for that decision, which must include the information set out by regulation. Public summaries are drafted with the goal of adequate information to allow the public to understand the Director’s rationale and conclusions.

Mandate invoked: This investigation was authorized under Section 26I of *Police Act* due to the death of the Affected Party (“AP”).

INTRODUCTION

On March 2, 2024, the SiRT received a referral from the RCMP regarding an incident that occurred earlier that day. The RCMP responded to a 911 call and were dispatched to a home in Bramber, Hants County, Nova Scotia. When police arrived on scene, an adult male (the “Affected Party”/ “AP”) refused to exit a vehicle or identify himself. The AP was subject to warrants for his arrest. He eventually exited the vehicle and was placed in handcuffs and brought to the ground. Soon thereafter the AP went into medical distress. Police officers, first responders and Emergency Health Services (“EHS”) provided emergency first aid. The AP was pronounced deceased at the scene by EHS. An autopsy later determined the cause of the AP’s death was cocaine toxicity, with the manner of death an accident.

Timeline: The SiRT commenced its investigation on March 2, 2024. The investigation concluded on August 15, 2024. There was some delay awaiting autopsy and toxicology reports.

The decision summarized in this report is based on evidence collected and analyzed during the investigation, including, but not limited to, the following:

1. Civilian Witness Statements (4)
2. Police Reports, including notes and reports of the Subject Officers
3. Forensic Identification Examination Reports
4. Police Radio Communications
5. 911 Calls
6. Autopsy and Toxicology Reports
7. Photographs and videos of the scene

INCIDENT SUMMARY

Overview of Events

At approximately 4:00 a.m. on March 2, 2024, a 911 call was received and the operator could not hear anyone on the line. The 911 operator returned the call, and the AP answered and stated he was wanted under warrant and that he wanted to “go to Burnside” (this could be a reference to the Central Nova Scotia Correctional Facility). The 911 operator had some difficulty understanding the AP and could not hear a response to questions whether there was any injury or other issue. As a result of the call, the West Hants District RCMP was dispatched to an address in Bramber, Hants County, Nova Scotia. The police were advised that EHS would be staging in the area.

Subject Officer #1 (“SO1”) was dispatched at 4:13 a.m. and Subject Officer #2 (“SO2”) was called as backup at 4:43 a.m. Due to the distance and winter road conditions, the SO1 arrived at the residence at 5:33 a.m. There were lights on inside and no vehicles in the driveway. When SO2 arrived at 5:41 a.m. both officers observed a vehicle traveling in their direction. It parked across the road and the driver, Civilian Witness #1 (“CW1”) walked past the officers. He would not identify himself but told the officers that the person they were looking for was in the passenger seat of the vehicle.

Due to the 911 call, the officers advised CW1 they would need to enter the residence. CW1 permitted the SOs to enter and they performed a cursory examination. Nothing was identified to indicate a risk to anyone’s safety.

The SOs returned to the vehicle and spoke to the AP, who was seated in the front passenger seat. He provided the officers with a name that was later determined to be inaccurate. During their interaction he periodically tightened the hood of his hoodie around his neck. Since the AP was understood to have warrants for his arrest, and would not exit the vehicle, when he eventually exited and would not identify himself, he was arrested for obstruction. The SOs applied minimal force to place the AP in handcuffs and bring him to the ground.

Soon after, the AP had a seizure. He was placed in the recovery position and was breathing. The AP had a second seizure and began to spit up blood, and subsequently became unresponsive. Officers were not able to find a pulse and radioed for EHS to attend. The SOs performed CPR. The Summerville Fire Department attended and assisted until EHS arrived at the scene. CW1 came to assist and provided the AP’s true name. EHS pronounced the AP dead at the scene.

Subject Officers

Although not required by law, both Subject Officers provided their police notes and reports to the SiRT for the purpose of the investigation. The in-car camera in one police vehicle was not activated and was not functional in the other police vehicle.

SO1 received details regarding the 911 call on his way to the scene. He learned that on a 911 call back a male was mumbling and was difficult to understand and said something like "I got warrants" and that he needed the police. SO1 requested information on the phone owner and dispatch confirmed that the owner of the phone had warrants for his arrest. Due to the information he had and the remote area of the call, he requested back-up which resulted in SO2 being called in to assist. He provided SO2 details over the radio and waited for him to arrive at the scene, which was located on a road that had no exit.

SO1 and SO2 were approaching the residence when they saw a vehicle approach and pull into an empty lot across the road just past the residence. They knocked on the door of the residence and there was no response. SO1 observed a male walk toward the residence. He asked him his name, but he refused to provide it. When SO1 mentioned the 911 call the male said he was not involved. The male was later identified as CW1 and told SO1 he lived at the address with his wife and children who were at home. SO2 noted that CW1 kept repeating "I don't want to get involved."

SO1 explained that they would have to enter the residence due to the 911 call to ensure that everyone was ok. CW1 eventually agreed. CW1 told SO1 that no one in the home had called 911, but the male in his vehicle had called 911. CW1 told police that he did not know the male's name and that he barely knows him. SO1 asked CW1 if he knew if the male had any weapons or if he was on drugs, and he said he didn't know.

SO1 noted that he and SO2 then approached the vehicle. It was very dark, but they saw someone in the front passenger seat. SO1 opened the driver side door and spoke to the person, who was the AP. He noted he had a hoodie wrapped around his head and face and was pulling it tighter. SO1 asked him to remove the hoodie but he refused and said he was scared of police and wanted them to leave. SO2 noted the AP saying something like "if you touch me, the sweater will choke me to death."

The AP provided a name and date of birth. SO1 radioed it in but dispatch could not locate any information associated with the information. The AP was asked multiple times to remove the hoodie but did not comply. SO1 noticed a box cutter between the car seats, which he removed and placed on the roof of the car and fell to the ground. He turned off the vehicle and placed the keys

on the roof. SO1 asked SO2 to stay with the AP so he could return to the house to seek more information from CW1 and CW2.

CW1 then told SO1 he couldn't remember the AP's name but that he freaked out inside his home, throwing things, and then smashed a window and crawled outside. CW1 said that he took the AP in his vehicle to get him away from his family.

SO1 returned outside and the AP was out of the vehicle speaking to SO2. He asked him again to remove the hoodie but he refused, and when asked for a wallet or identification he said it was at his home in Timberlea, NS. SO2 advised they could transport him home if he agreed to be searched and handcuffed for safety reasons pursuant to policy. The AP refused and became fidgety. SO2 advised that he would be placed under arrest if he did not comply. After he failed to comply, SO1 took the AP's left arm and SO2 took his right arm. SO1 noted the AP resisted a bit so he was brought to the ground in a controlled manner. SO2 noted the AP was unsteady on his feet and fell slowly to the ground, guided by the officers.

The AP attempted to put his left arm under his chest, but SO1 regained control and SO2 applied handcuffs. The SOs removed the hood from the AP's face and neck area. SO1 noted he was speaking with the AP while SO2 went to retrieve his police vehicle. SO2 noted they had no concerns about medical issues, although they suspected the AP was intoxicated by drugs due to his actions. The AP began to seizure. SO1 radioed police dispatch to advise of this and to ask for EHS assistance and was told EHS would arrive in approximately 41 minutes. The SOs moved the AP into a recovery position, covered him with an emergency blanket, and placed his hoodie as a pillow. The AP suffered a second seizure. SO1 could not locate a pulse, and the officers began CPR and emergency first aid.

SO1 noted that CW1 came to the scene and told the SOs the AP's actual name, and stated he believed the AP was using fentanyl. CW1 stated he did not want to identify the AP before as he was wanted by police. SO2 administered Narcan but it had no effect. Dispatch confirmed to SO1 the name provided by CW1 for the AP had outstanding warrants. The Summerville Fire Department assisted with first aid until EHS arrived.

Other Evidence

CW1's vehicle was examined as part of the SiRT investigation. A large number of needles, intravenous paraphernalia and several empty pill bottles were found in the vehicle. A review of court documents revealed that at the time of the police interaction, the AP had three outstanding arrest warrants in the Province of Nova Scotia. The cell phone used to call 911 was not

recovered through the course of the investigation despite multiple efforts and investigative approaches taken by the SiRT.

CW1 provided a statement at the scene on March 2, 2024. CW1 stated that the AP was his friend and arrived at his door asking for help. He stated the AP told him he called police and that he had warrants, and was acting “weird”, delusional, and couldn’t control himself. He stated the AP locked himself in his daughter’s unoccupied room, and when CW1 told him the police were there, the AP jumped out of the window. He stated he convinced the AP to get into his car. He referred to the AP being in a program and on drugs.

CW2 is married to CW1, and she provided a statement to the SiRT on March 4, 2024. She stated she was asleep and woke up at around 3:30 to 4:00 am and heard the AP outside talking to CW1, and then CW1 had the AP trapped in a bedroom to calm him down. She tried to get a Naloxone needle ready as the AP “wasn’t right”. She heard them talking about the next day’s plan, and the AP say something about calling his lawyer to turn himself in, and that he had called the police. She stated CW1 told the AP that he had to go, and the AP jumped out the window. CW2 stated she was aware the AP had a safe supply of drugs, and that she thinks he took some bad drugs. She saw police doing CPR.

Family members of the AP were also interviewed by SiRT on March 4th and 7th, 2024. They provided helpful background information regarding the AP and his interactions with CW1. CW1 and the AP were well known to each other and the AP had spent time at CW1’s residence.

An autopsy was performed on March 3rd, 2024, by the Nova Scotia Medical Examiner Service. It determined that the cause of death was cocaine toxicity, and the manner of death was deemed as an accident.

LEGAL ISSUES & ANALYSIS

In the present situation, the SOs were lawfully in the execution of their duties as police officers when they attended the scene and placed the AP under arrest after he provided false names and would not identify himself. The officers had information that the AP may be subject to warrants for arrest, and he failed to comply with their directions.

Section 25 of the *Criminal Code* permits a peace officer, acting on reasonable grounds, to use as much force as necessary to enforce or administer the law, provided that the force used is not excessive based on all the circumstances. The SOs used very minimal force to apply handcuffs to the AP and guide him to the ground. He went into medical distress, and they took valiant steps to

provide emergency first aid while waiting for EHS to arrive. The autopsy determined the cause of death to be cocaine toxicity. The investigation did not reveal anything to indicate that the actions of either officer contributed in any way to the AP's death.

CONCLUSION

My review of the evidence indicates there are no reasonable grounds to believe either of the SOs committed a criminal offence. This was an unfortunate situation with a tragic outcome, and the SiRT team sends condolences to those impacted.