

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-037

Referral from

RCMP

September 2, 2022

Alonzo Wright, KC
Director
March 6, 2023

INTRODUCTION

On September 2, 2022, SiRT received a referral from Annapolis District RCMP about a motorcycle collision that occurred the previous evening. The motorcycle driver suffered injuries that required hospitalization. SiRT commenced an investigation into the matter that day and completed it on February 2, 2023.

SiRT's mandate is to investigate all matters that involve death, serious injury, sexual assault and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

At the conclusion of every investigation, SiRT will determine whether or not criminal charges should result from the actions of the police officer. The Director will issue a public summary of the investigation which will outline the reasons for that decision.

The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

1. Statements
2. Police Incident Reports/Notes
3. Photographs
4. Medical Records of the AP
5. EHS Report
6. GPS Data
7. Police Radio Transmissions

NARRATIVE

On September 1, 2022, two police officers were on patrol in a marked police vehicle in Middleton, NS. At approximately 9 p.m., they traveled eastbound on Main Street and noted a motorcycle stopped at a red light with no taillights activated on the vehicle. It was a very dark evening, and the officers were concerned for the safety of the driver of the motorcycle getting struck from behind by another vehicle. The motorcycle faced east on Main Street at the intersection of Commercial Street.

The officers followed the motorcycle through the intersection with the intention to perform a traffic stop. The traffic stop was for the purpose of notifying the driver they had no functioning taillights. The motorcycle made an immediate left turn from Main Street onto Queen Street to

head north. The police activated their emergency equipment after the motorcycle proceeded through the intersection, however, the motorcycle failed to stop for the police. The motorcycle increased speed and headed north at a high rate of speed. The operator of the motorcycle, the Affected Party (AP), was clearly aware that the police were attempting to complete a traffic stop on them, but the AP refused to pull the motorcycle over. The motorcycle approached the T intersection of Queen Street and George Street in excess of the posted speed limit. The police vehicle was not in pursuit.

The officers attempted to contact the Risk Manager of the RCMP to advise him of the situation. The Risk Manager determines if vehicle pursuits should continue or be terminated by the police. Before the officers were able to make contact with the Risk Manager, the AP locked the brakes of the motorcycle which resulted in the AP failing to negotiate the turn and lose control of the motorcycle. The motorcycle slid on its right side and came to rest in the driveway of a residence on George Street. The AP was pinned between the motorcycle and the roadway.

The officers exited their vehicle and approached the AP to check on the AP's well being. The AP was conscious and was able to speak to the officers. The AP advised the officers that they were experiencing significant pain as a result of the collision. It was observed that the AP was in shock.

The officers advised the AP the purpose for the police stop was to alert the AP the taillights were not operational. The AP acknowledged he had no excuse for refusing to stop. The AP was placed under arrest for flight from police and the officers requested EHS attend the scene. EHS transported the AP to the hospital for treatment of his injuries.

The police interaction lasted one minute and 20 seconds from the time they activated the emergency equipment on Main Street until the AP had the collision. The total distance traveled was 290 metres. GPS data from the police vehicle showed the highest police speed at 54 km/hour.

LEGAL ISSUES AND CONCLUSION

The Serious Incident Response Team has been given the task of investigating any incident that occurs in the province in which an AP is involved in a collision after fleeing from the police. The aim is to provide assurance to the public that when the investigation is complete, they can trust the SiRT's conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In many cases, those conclusions are presented in a public report such as this one, which completes the SiRT's mandate by explaining to the public what happened in the incident and how the AP came to suffer harm if such harm occurred. Such reports are generally intended to enhance public confidence in the police and in the justice system through a transparent and impartial evaluation of the incident and the police role in it.

In a smaller number of cases, the evidence gathered may give the Director reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the Director authority to lay charges and refer the file to Public Prosecution Service.

The purpose of this investigation was to determine if there are reasonable grounds to believe that the actions of the police contributed to the collision that resulted in injuries to the AP.

Typically, in cases of a crash during a pursuit the relevant possible offences would be Dangerous Driving under the *Criminal Code*, and Careless and Imprudent Driving or Speeding under the *Motor Vehicle Act*.

However, in this case the available evidence shows the police vehicle did not pursue the motorcycle. On one hand, the police vehicle did not have any real chance to do so. The motorcycle only travelled 290 metres before crashing, which, given its speed, means the crash occurred in a very short time after AP sped off from the police. In addition, the evidence of the police, corroborated to a certain extent by the vehicle's GPS data, was that they did not pursue the motorcycle.

Given the non-functioning taillight of the AP's motorcycle and the darkness of the night, Officer 1 and Officer 2 were amply justified in their attempt to pull the motorcycle over to advise the AP of the potential danger.

The facts of this case show conclusively that there are no grounds to consider any charges against either police officer in this matter. Rather, it was the unfortunate decision by AP to speed away from a lawful attempt to stop him that led to the crash.