



## Summary of Investigation

SiRT File # 2025-0034

Referral from

Halifax Regional Police

April 8, 2025

Erin E. Nauss  
Director  
July 29, 2025

## **SiRT MANDATE**

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, on or off duty, in Nova Scotia and New Brunswick. This mandate encompasses incidents that occur on or off-duty, to avoid the real or perceived bias of police investigating police.

At the conclusion of every investigation, the SiRT Director must determine if 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 serious injury of the Affected Party.

**Timeline:** SiRT commenced its investigation on April 8, 2025. The investigation concluded on July 2, 2025.

**Terminology:** This summary uses the following language in accordance with regulations made under the *Police Act* and to protect the privacy of those involved:

- “**Affected Party/AP**” means the person died or was seriously injured, may have been sexually assaulted or involved in an incident of intimate partner violence, or was affected by a serious incident that is determined under the Act to be in the public interest to be investigated.
- “**Civilian Witness/CW**” means any non-police individual who is a witness to or has material information relating to a serious incident.
- “**Witness Officer/WO**” means any police officer who is a witness to or has material information relating to a serious incident.
- “**Subject Officer/SO**” means a police officer who is the subject of an investigation, or whose actions may have resulted in a serious incident.

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

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| 1. Affected Party Statement                    | 8. GPS from police vehicles                      |
| 2. Medical Records of the Affected Party       | 9. Police Reports                                |
| 3. Subject Officer Notes and Reports           | 10. Cell phone video footage from Affected Party |
| 4. Witness Officer Reports and Statements (12) | 11. Metro Transit CCT footage                    |
| 5. Medical Records of Witness Officer #1       | 12. HRP Prisoner Care Facility CCTV footage      |
| 6. Civilian Statements (3)                     | 13. CEW (Taser) Download                         |
| 7. Police Radio Transmissions                  |  |

## **INVESTIGATION SUMMARY**

### **Introduction**

On April 7, 2025, at approximately 9:14pm, Halifax Regional Police (“HRP”) received a call regarding a disturbance on a Metro Transit bus in Halifax. It was reported that an intoxicated adult male on the bus was smashing windows and taunting other passengers.

Officers responded immediately and confirmed that windows had been broken on the bus and the male responsible had left on foot. A witness on scene stated that the male may be in possession of a knife. This was broadcast over police radio. Witness Officer #1 (“WO1”) located the male (the Affected Party/ the “AP”), advised him he was under arrest, withdrew his CEW (Conducted Energy Weapon/Taser) and ordered him to get on the ground and put his hands behind his back.

The AP got on the ground but did not put his hands behind his back. He recorded part of the interaction on his cell phone and kept his hands underneath him. WO1 continued to provide instructions to put his hands behind his back, but the AP did not comply, and a struggle ensued. WO1 dropped his Taser and delivered several strikes to the AP’s head and face. The AP bit WO1’s finger, causing it to bleed.

Other officers arrived to assist. In their notes and statements, they confirm the AP was struggling, kicking, spitting, swearing, and not responding to directions. Multiple officers were reaching for

his hands, holding him down, and trying to secure handcuffs. The Subject Officer (“SO”) delivered a knee strike to the AP’s left side to gain control of his left arm.

Once in handcuffs, the AP struggled with police while being escorted to a police vehicle. He was aggressive in the vehicle and at the HRP Prisoner Care Facility, where he was held overnight. The next morning, the AP was taken to the hospital where he was diagnosed with a broken left rib.

**Initial Call & Police Radio Transmissions**

On April 7, 2025, at approximately 9:13 pm, a passenger on a Metro Transit bus (Civilian Witness #1 (“CW1”) called HRP to report a disturbance. In the call CW1 reported that there was an intoxicated male on the bus causing a disturbance, harassing passengers, and broke a window on the bus. She requested police right away.

Atlantic Transit called HRP to report a disturbance at approximately 9:19 pm. The caller noted that there was a group of youth that just caused a disturbance on a bus, and they were then actively fighting with a male in the roadway. The caller provided the closest civic address to the incident.

Police radio transmissions obtained by SiRT recorded police being dispatched to the call. At 9:22 pm an officer confirmed on-air that there was damage to the bus, and that the male responsible was arrestable for mischief. Witness Officer #2 (“WO2”) is recorded stating: “...One of the guys here is saying that he actually has a knife on him, in his backpack. He headed towards Atlantic Superstore on Joseph Howe....”

At 9:24pm, WO1 is recorded saying: “I have one at Taser point with being told he has a knife.” (*Director’s note: This is understood to mean the officer had encountered a person and withdrew their Taser*). Subsequent transmissions at 9:25pm repeat “One resisting.” At 9:26 pm it is stated that one is in custody, and someone can be heard in the background saying, “he bit me.”

**Affected Party**

The AP provided a statement to SiRT on April 10, 2025. He stated that on the night in question he was on the bus, and that he had worked all day and was not drinking. He stated there were young people on the bus being exceptionally loud, so he went to the bus driver to ask them to quiet down, and the driver agreed he would at the next stop. The AP stated that the driver did not do anything at the next stop, so he approached him again. The AP stated he asked the driver if he was not doing anything because the AP was white and he was the same background as the teenagers. He stated the bus driver told him to get off the bus, so he did. He stated one of the teenagers also got off the bus and challenged him to fight. He said he said he would not fight him, and he went to the bus

driver's window and said "Look what you caused. All I asked you to do is ask them to quiet down and this kid is trying to attack me."

The AP said he was frustrated so he went to the back of the bus where the young people were jeering at him, and he hit the window, causing it to crack like a spider web. He stated he walked away and within 4 to 5 minutes a police officer approached him.

The AP stated the officer aggressively told him he was under arrest and swore. He stated the officer had a Taser, and that he complied with the officer and that he did not resist. He provided a video he recorded of the interaction he took on his phone to SiRT. The video shows hands holding a cell phone, and you can hear an officer telling him he is under arrest and to get on his stomach and put his hands behind his back. Expletives can be heard on the recording. In his statement the AP says he was complying with his hands behind his back, but his phone was on and the officer started to hit him. The AP's statement differs from the accounts of thirteen police officers, who all state the AP did not put his hands behind his back as requested.

The AP stated an officer (WO1) hit him hard 12 to 15 times. He stated: "It reminded me of when a UFC fighter gets someone submitted on the ground and they just pound and pound with their left and their right and their left and their right repeatedly." He said the officer took his phone and that once he was arrested, he was thrown in the police vehicle. He only recalled one other officer, a female who read him his rights. The AP stated he didn't say anything in the police vehicle, and that he was not spitting. This differs with the accounts of multiple police officers.

The AP stated that when he was in police cells there were two officers kneeling on him, and that he couldn't breathe. He said that after that he felt pain in his ribs and believed this is how they were broken. He stated that only WO1 and the officers in cells used force on him that night.

Medical records for the AP confirm that he was triaged at hospital on April 8, 2025, at approximately 8:19 am, to be assessed for injuries to his face/head and sore ribs. Records confirm an acute fracture of a left rib.

### **Civilian Witnesses**

CW1 was interviewed by SiRT on May 1, 2025. She made the call to police from the bus. CW1 stated that the teenagers on the bus were talking a bit louder than usual, and the AP yelled profanities at them. She stated he was very aggressive and when he approached the bus driver she smelled alcohol from his breath. She stated the AP began screaming, swearing, and threatening the bus driver, and then smashed one of the bus windows.

Civilian Witness #2 (“CW2”) was also on the bus and was interviewed by SiRT on May 13, 2025. His statement was consistent with other civilian witnesses. He stated the AP got very angry and told his friend “Shut up—go back to your country.” He stated he was sitting on the bus, and the AP punched the window by his shoulder, which hurt his shoulder.

### **Police Officers**

Thirteen police officers had some level of connection to this incident and were designated as “Witness Officers” at the outset of this investigation. A Witness Officer is any police officer who is a witness to or has material information relating to a serious incident. As the investigation unfolded, evidence suggested that one of the officers should be designated as a “Subject Officer,” as his actions during the AP’s arrest may have resulted in the broken rib.

The SO reported using a knee strike to the AP, and Witness Officer #3 recalled seeing the SO deliver a knee strike but did not see where it contacted the AP. Video footage from HRP’s Prisoner Care Facility shows officers restraining the AP, but there is no evidence any force was used that would result in injury. As a result, the SO was designated as the Subject Officer.

### ***Subject Officer***

Although not required by law, the SO agreed to provide his notes and statements to SiRT once he was notified that his status had changed from a Witness Officer to a Subject Officer.

His reports note that when he arrived on scene, he observed the AP with his hands under his chest, actively resisting being handcuffed. He heard officers giving verbal commands.

The SO’s Subject Behaviour Officer Report (commonly known as a “Use of Force” Report) states that he grabbed the AP’s left arm and delivered one knee strike to his upper thigh in an attempt to gain compliance. He wrote that the AP was actively resisting and would not remove his arms from beneath his chest. An excerpt from the report reads: “At this time [WO1] advised the male had bitten him on the hand. With the information that the male may be in possession of a knife it was a priority to get his hands free from under his chest and secured.”

The SO’s reports also note the AP was resisting all the way to the police vehicle and that he continued to kick, spit and bang his body off the inside of the vehicle once inside, while shouting profanities.

***Witness Officers***

The reports, notes, and interviews of twelve Witness Officers were obtained and considered in SiRT's investigation. All WO notes, reports, and statements were reviewed to identify if there were any inconsistencies but overall, they were consistent and have therefore been summarized to avoid repetition.

***Witness Officer #1***

WO1 was interviewed by SiRT on April 14, 2025. He was the first on scene in response to the call. He stated there were approximately 20 to 30 people outside the bus. He observed the broken bus window which confirmed he had grounds for arrest. WO2 arrived on scene and began speaking with witnesses, and he left to find the AP to protect public safety. WO1 located someone who matched the description given by witnesses, parked his vehicle, and spoke to the AP, who confirmed that he was the male on the bus. As he was approaching the AP, he heard over the radio discussion about a knife the AP had during the offence. WO1 stated that since he was aware the AP had assaulted people on the bus, damaged property and was possibly in possession of a knife, there was an elevated risk. WO1 stated the AP was verbally aggressive, so he withdrew his CEW (Conducted Energy Weapon /Taser). WO1 told the AP he was under arrest and ordered him to get on the ground. WO1 stated that he used a profanity in this circumstance because he finds it can show someone you are serious. The AP got on the ground but would not put his hands behind his back. WO1 stated the AP was reaching for his bag. In attempting to gain control he used strikes to the AP's head for distractionary purposes and pain compliance. He ended up placing his Taser on the ground to his right. He stated that since he was still on his own, he needed to go hands-on with the AP. WO1 stated he reached underneath the AP to gain control of his right arm, and the AP bit a finger on WO1's right hand. WO1 delivered another series of strikes to the AP's face/head.

WO1 stated the bite caused puncture wounds and bleeding, which was confirmed through medical records.

As part of the investigation, SiRT obtained a download of WO1's CEW/Taser data. The data confirmed WO1 armed the Taser at 9:23:36pm, most likely during his interaction with the AP, but did not pull the trigger. The Taser was then made safe again 38 seconds later at 9:24:14pm.

***Witness Officer #2***

WO2 was interviewed by SiRT on April 30, 2025. She had arrived on scene and began speaking to witnesses. She located three young people outside of the bus. She stated they all agreed that there was some mention of a knife, so she aired over the radio that there was possibly a knife.

When WO2 heard over police radio that WO1 had the AP, she jumped in her police vehicle to locate him. When she arrived, she saw multiple officers attempting to restrain the AP.

***Witness Officer #3***

Witness Officer #3 (“WO3”) was interviewed by SiRT on April 14, 2025. He stated he was the second officer to arrive on scene and saw right away that the AP was actively resisting. He observed both his hands beneath his chest and heard WO1 repeatedly telling him “Show me your hands, get your hands out, get your hands out, get your hands out.” WO3 stated he removed a cell phone from the AP’s hand and then used a police technique where he pushed his hand into the AP’s shoulder to try to gain control of his right hand. He stated at this point he was unaware whether the AP had a knife under his body. WO3 recalled seeing the SO deliver a knee strike, but did not see where it contacted the AP.

***Witness Officers #4 and #5***

Witness Officer #4 (“WO4”) arrived and assisted by trying to hold the AP’s legs. She stated she saw that WO1’s Taser was on the ground. She got it out of the way and handed it off to Witness Officer #5 (“WO5”) to ensure the AP could not reach it. WO5 secured it in a locked police vehicle.

***Other Witness Officers***

In addition to the above officers, numerous other Witness Officers recounted officers trying to get the AP’s arms behind his back, the AP struggling, kicking, and pulling away, yelling, and spitting at officers, and overall resisting arrest. Witness Officer accounts articulate that the AP struggled and was aggressive when being placed in the police vehicle and banged his head off the inside of the vehicle. They also reported he was aggressive, yelling, and belligerent at the HRP Prisoner Care Facility.

***Video***

- ***Metro Transit***

CCTV footage from Metro Transit on the evening of April 7, 2025, was provided to SiRT. The following synopsis sets out relevant portions of the recordings:

**21:00:00** – The AP is sitting alone in the middle section of the bus on the driver’s side.

**21:04:30** – A group of youth board the bus and head to the back and are seated.

**21:06:51** – the AP turns around and says, “I’m trying to listen to my headphones. Shut the fuck up, huh? Fucking idiots.”



**21:07:00** – The AP walks towards the front of the bus and asks the driver to tell the young people to shut up, says he’s calling the police, and that he is being recorded. The bus driver replies, “Can you take your seat? And I will do that next stop. Just let me get to the next stop.”

**21:07:24** – The AP returns to his seat and appears to be speaking with someone on the phone.

**21:08:41** – The AP gets back up. He has an exchange with the bus driver. The AP speaks over the driver, swears, calls him a racist, and makes other comments. He tells the driver he is recording (there is no indication he was recording the incident.).

**21:10:44** – From a different camera angle, the AP is seen walking to a window near the rear of the bus.

**21:10:53** – As the bus drives away, the AP hits the window of the bus. Passengers yell to the driver that he broke the window. The bus stops. The group of youth from the back of the bus exit and it appears they are in a verbal confrontation with the AP.

**21:13:05** – The AP walks around the outside of the bus and can be heard yelling, “Racist.”

**21:13:22** – One of the youths on the bus asks the bus driver to open the back door. When the bus driver refuses to do so, the youth begins kicking the doors.

**21:13:41** – The bus driver opens the back doors, and the youth leaves the bus.

**21:15:33** – The AP can be seen outside the bus in a verbal altercation with the youth, but what is being said cannot be heard. The AP is behaving very aggressively towards the bus driver and the youth.

**21:15:58** – The bus driver can be heard saying, “Leave me alone man. I haven’t done anything to you.” The AP screams and yells profanities from outside the bus.

**21:16:16** – From another camera angle, the AP can be seen pointing at the group of youth, and yelling. He yells, “Get the fuck away from me.”

**21:17:30** – Although it cannot be seen on camera, banging can be heard from outside the bus, which is believed to be the AP banging on the bus, given the reaction of the bus driver.

**21:18:46** – The AP appears to be getting into a physical altercation with one of the youths.

**21:19:40** – The group is separated, and it appears as though the AP walks away.

- ***HRP Prisoner Care Facility***

Video from the HRP Prisoner Care Facility was also obtained as part of the investigation. It shows the AP’s time in custody at HRP from the time he arrived at 9:53 pm to when he was taken to hospital the next morning at 8:09 am. A spit hood was placed on him due to continual spitting at officers. The video shows the AP being escorted into the facility, being searched, and escorted into a cell.

At 10:03 pm the AP is placed onto his stomach in the cell to remove his jacket and handcuffs. The AP is recorded screaming that he cannot breathe, and an officer tells him that he is screaming, so

he is breathing. From 10:06 to 10:13 pm he repeatedly screams profanities, that he wants a lawyer, and he wants to go to the hospital. At 10:13 pm an officer attends to ask him questions for a medical form. He yelled and refused to respond. At 1:56 am he is transferred to another cell and is much calmer. He leaves the facility at 8:09 am.

## **RELEVANT LEGISLATION**

### ***Criminal Code:***

#### **Protection of persons acting under authority**

25 (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

#### **When not protected**

(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

#### **When protected**

(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

- (a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
- (b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;
- (c) the person to be arrested takes flight to avoid arrest;
- (d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
- (e) the flight cannot be prevented by reasonable means in a less violent manner.

Excessive force

26 Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

**LEGAL ISSUES & ANALYSIS**

I must now assess the evidence to determine whether there are reasonable and probable grounds to believe a criminal offence has been committed. Reasonable and probable grounds is a standard lower than a balance of probabilities or beyond a reasonable doubt, and more than reasonable suspicion.

Police have a duty to preserve peace, prevent crime, and protect life and property. Section 25 of the *Criminal Code* permits a peace officer, acting on reasonable grounds, to use as much force as is necessary to enforce or administer the law, provided that the force used is not excessive based on all the circumstances. The Supreme Court of Canada in *R v Nasogaluak* [2010] 1 S.C.R. 206, at paragraph 35 stated:

Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances. As Anderson J.A. explained in *R. v. Bottrell* (1981), 60 C.C.C. (2d) 211 (B.C.C.A.):

In determining whether the amount of force used by the officer was necessary the jury must have regard to the circumstances as they existed at the time the force was used. They should have been directed that the appellant could not be expected to measure the force used with exactitude.

The officers involved were lawfully in the course of their duties when they responded to the call. They had reasonable grounds to believe the AP had committed mischief by damaging a window on a Metro Transit bus. Responding officers also believed he may have been in possession of knife.

When police officers use force in the administration or enforcement of the law, their legal constraints are articulated in the *Criminal Code*. Police forces have developed tools to assist officers in assessing risks and determining what type of intervention is consistent with the law. HRP follows the National Use of Force Framework. This framework is not law but developed to help officers properly apply the law. The National Use of Force Framework instructs police officers to assess the situation, subject behaviour, situational and tactical considerations when determining what type of force to use.

Although the AP went to the ground when requested, his subsequent behaviour was non-compliant and assaultive in nature. I am satisfied that when multiple officers were trying to handcuff the AP, he resisted by failing to put his hands behind his back. He swore, spit at, and pulled away from the officers, and bit WO1's finger, causing punctures and causing it to bleed. All officers who were dealing with the AP stated the AP was not compliant with their requests. There was information that the AP may have a knife, and therefore there was a sense of urgency to apply handcuffs. Furthermore, WO1 had put down his Taser, which elevated the risk to public safety and the safety of other officers. WO1 used strikes to the AP's head, WO3 used a hand technique on the AP's shoulder to gain control of his right arm, and the SO used a knee strike to the AP's left side to gain control of his left arm. This force was effective in that it allowed the officers to gain control of the AP and take him into custody.

Following the interaction with police, the AP was diagnosed with a fractured rib. While the AP believed the injury happened in the cells, video footage confirms that an officer had a knee over the left side of his back but did not use force that would cause an injury. It is reasonable to conclude the AP was injured during his interaction with police and that he sustained a broken rib, likely as a result of the SO's knee strike. However, based on my review of the evidence, the force used in this matter was not excessive and was necessary in the circumstances. The use of force used was justified given the situation.

## **CONCLUSION**

After a careful review of the evidence and the law, I have determined that there are no reasonable grounds to lay a charge against the SO.