

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2025-0101

Referral from

Halifax Regional Police

August 27, 2025

Erin E. Naus

Director

November 19, 2025

SiRT MANDATE

The Serious Incident Response Team (“SiRT”) has a mandate to investigate all matters that involve death, serious injury, sexual assault, 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. 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* in the public interest.

Timeline & Delays: SiRT commenced its investigation on August 27, 2025. The investigation concluded on October 22, 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 who died, was seriously injured or impacted in relation to a serious incident.
- “**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:

1. Police Incident Reports
2. Police Radio Transmissions
3. Subject Officer Statement, Notes and Reports
4. Witness Officer Statement, Notes and Reports
5. Civilian Witness Statements (7)
6. Civilian video footage
7. Forensic Investigation Services Reports & Photographs
8. Firearm Analysis
9. Vehicle Analysis

INVESTIGATION SUMMARY

Introduction

On August 27, 2025, two Halifax Regional Police (HRP) officers, the Subject Officer (SO) and Witness Officer (WO), responded to a routine call on Main Avenue in Halifax at approximately 6:58pm. As they were leaving the call, the officers observed a vehicle traveling westbound. It was very loud and appeared to have fish-tailed coming off the Bedford Highway. As a result, they attempted to stop the vehicle by going into the street on foot and motioning for the vehicle to stop. Multiple witnesses observed the vehicle accelerate toward the officers. The WO was able to move out of the way, and the SO drew his firearm and fired twice at the vehicle.

The vehicle fled the scene and was not located until the early morning hours of the next day. The driver and passenger were arrested when they were located, and no injuries were sustained as a result of the incident.

Police Incident Reports & Radio Transmission

Police incident reports and radio transmissions show that at approximately 7:00pm, the SO stated over police radio that shots had been fired. Members began responding to the scene. Officers learned that a black sedan had attempted to hit the SO, and that he discharged two rounds at the vehicle, which then fled the scene.

Radio transmissions recorded the SO state after the events: "... for the sake of clarity, we tried to pull the vehicle over for driving erratically up Main Avenue. As soon as I motioned for them to stop, they accelerated straight toward me. Two shots fired into the windshield."

On Thursday, August 28, 2025, at approximately 1:12am, the black sedan was located by HRP at another location in Halifax. Officers arrested the driver and his girlfriend. The vehicle had a single bullet hole in the front right passenger side door.

Affected Parties

Both the driver and passenger of the vehicle were interviewed by HRP on August 28, 2025. They each declined to cooperate with the SiRT investigator and did not provide statements for the purpose of this investigation.

Subject Officer

Subject officers are not required by law to provide their notes or reports, or to provide an interview to SiRT. In the present case, the SO consented to provide his notes and reports and attended an interview with SiRT on September 26, 2025.

The SO stated that him and the WO had just completed a call and were leaving a building on foot. As they were walking back to their police vehicle, they heard an extremely loud muffler. The SO stated that he went into the road to see, and as a vehicle turned onto Main Avenue from the Bedford Highway it looked like it was going to fishtail. He felt it was unsafe to be driving in that manner, so he and the WO stepped into the road to stop the vehicle, roughly to the middle of the road. The SO made a motion for the driver to slow down and pull over. His reports note that he had his flashlight on strobe mode, pointing it at the vehicle while waving for it to pull over. The SO stated that it looked like the driver started to slow down and then “just gunned it right for me.” The SO stated it looked to him like the driver adjusted his path to hit him, as there was plenty of room to go around. The SO stated it felt like a deliberate act to run him over, and he heard the roar of the engine as the driver stepped on the gas.

The SO stated that this was the scariest moment he has had in his career and also noted that he lived in a war zone and experienced bombing, but that this was the most deliberate attempt someone has ever made to harm him. The SO perceived the AP’s actions as deadly force, and that he was trying to run the SO over. He stated he fired two shots in self defence while trying to get out of the line of attack. The SO stated he fired at the vehicle to neutralize the threat, that he was not really aiming and did not have time to take a proper stance and fire with two hands. He believed he fired at the windshield. He did not feel that communication, de-escalation, or repositioning were options, as there was no time and this was a very deliberate act.

Witness Officer

The WO provided her notes and reports and attended an interview with SiRT on October 21, 2025. She and the SO had just finished attending to a call and heard the loud muffler of a vehicle that appeared to be traveling at a high rate of speed. The WO stated that she and the SO made their way onto the street to conduct a traffic stop. She was in the middle of the street and had her hands up to stop the vehicle, which was several vehicle lengths away.

The vehicle appeared to be slowing down, and she thought it was going to stop. She stated that the vehicle swerved toward them so she ran out of the way. The SO was about five feet ahead of her. She stated that as a result, he was in more jeopardy than she was. She stated that she feared for her life when the vehicle swerved, and her immediate reaction was to get out of the way. She thought that her and the SO were going to be hit and killed.

She heard two shots, and the vehicle continued up the road. The WO turned to the SO to make sure he was ok and asked whether they had been shot at or if he delivered the shots. The SO stated that he had fired the two shots and called the incident in over police radio.

The WO could not run the license plate as the vehicle had taken off. She recalled it was an older model black sedan and tried to provide a description of the vehicle on police radio while they guarded the scene and canvassed for witnesses. She was not involved in locating the vehicle.

The WO noted that she later heard over the air that HRP officers had stopped a vehicle at Shoppers Drug Mart on Joseph Howe Drive. She arrived on scene at 7:19pm, along with the SO, and they advised that this was not the vehicle involved in the incident.

Civilian Witnesses

Seven civilian witnesses were interviewed related to this investigation. Some were interviewed by HRP as part of their concurrent criminal investigation. Full audio recordings were provided to SiRT.

Civilian Witness #1 (CW1) provided a statement to HRP on August 27, 2025, and a follow-up statement to SiRT on September 22, 2025. In these statements he noted that he had just parked his car and was preparing to go into a building. He saw that there was a car behind him that was loud and noisy, and he observed a police officer wave to stop them. CW1 stated the vehicle was going slow past his car, but when the officer started waving, the vehicle started going faster, "with the accelerator on". He stated the vehicle did not stop and almost hit the police officer, driving right at him. CW1 stated that the officer shot at the vehicle's tire twice. He observed the driver and one

passenger in the car. He stated: "...I think to protect himself, what he did, he just shoot on the car twice."

Civilian Witness #2 (CW2) was interviewed by HRP on August 27, 2025. He stated that he saw a car coming up the road, and officers were trying to guide him over. CW2 stated the driver of the car all of a sudden nailed the gas, and the officers barely got out of the way. He said the vehicle drove straight towards the officers. CW2 did not hear shots and did not see the occupants of the vehicle.

Civilian Witnesses #3 and #4 (CW3 and CW4) were in their home when the incident occurred. They both provided statements to HRP on August 27, 2025. They heard a loud vehicle and two gunshots.

Civilian Witness #5 (CW5) looked out the window when she heard a loud car and saw it swerving. She captured video of the car driving towards the officers and the shots, which was provided to SiRT.

Civilian Witness #6 (CW6) was interviewed by HRP on August 27, 2025. They saw the SO fire shots but did not see the full sequence of events. She observed a vehicle drive away.

Civilian Witness # (CW7) was also interviewed by HRP on August 27, 2025. He was on his back deck at the time of the incident and heard two loud bangs. He then heard a vehicle take off up the street very loudly and saw a black vehicle with a male driver.

Civilian Video Evidence

SiRT obtained five video files of the area from one civilian address at around the time of the incident; however, only two capture the black sedan heading west on Main Avenue, and do not show the interaction with police.

A video from another address on Main Avenue was obtained and enhanced, and clearly shows the following:

- 6:58:17 pm – The SO walks into the roadway and the black sedan can be heard revving its engine.
- 6:58:24 pm – The SO walks towards the vehicle, which accelerates and swerves towards the SO.
- 6:58:25 pm – The SO and WO get out of the way of the vehicle.
- 6:58:26 pm – The SO fires two rounds at the side of the vehicle as it accelerates past.

- 6:58:27 pm – The vehicle accelerates faster up the hill, chirping its tires.

Forensic Identification Services, Vehicle, and Firearm Analysis

SiRT does not have its own specialized services and has a policy that when those services are required, they are engaged from a police service that is separate from the agency that employs the Subject Officer. In this case, Forensic Identification Services from the RCMP attended the scene. Two shell casings were recovered at the scene.

HRP conducted a search of the black vehicle involved in the incident, and a bullet hole was noted in the front passenger door, close to the side mirror. No other bullet impact was observed.

The SO's firearm was sent to be examined by the National Weapons Enforcement Support Team, and it was confirmed it was functioning correctly.

RELEVANT LEGISLATION

Criminal Code:

Defence of person - Use of threat of force

34 (1) A person is not guilty of an offence if

- (a) They believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;
- (b) The act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and
- (c) The act committed is reasonable in the circumstances.

(2) In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:

- (a) the nature of the force or threat;
- (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
- (c) the person's role in the incident;
- (d) whether any party to the incident used or threatened to use a weapon;
- (e) the size, age, gender and physical capabilities of the parties to the incident;
- (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
- (f.1) any history of interaction or communication between the parties to the incident;

- (g) the nature and proportionality of the person's response to the use or threat of force; and
- (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.

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.

Based on the observation that the black sedan was driving erratically and dangerously, it is clear the SO and WO were justified in conducting a traffic stop.

Section 34 of the *Criminal Code* provides a defence for conduct that would otherwise constitute an offence. The conduct can be justified if it was intended to deter a reasonably apprehended threat of force to yourself or another person. In the present case, I must determine if the use of force used by the SO is legally justified. In order to make that determination, I must assess whether it was reasonable in the circumstances.

The reasonableness of the conduct must be assessed in light of the relevant circumstances, including such considerations as the nature of the force or threat; the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force; whether any party to the incident used or threatened to use a weapon; the person's role in the incident; and, the nature and proportionality of the person's response to the use or threat of force.

In the present situation, there is nothing to indicate that the force used by the SO fell outside of the protection in Section 34. I accept that the SO felt he had no other option than to use his firearm to disable the vehicle. The SO has split seconds to decide on a course of action when the driver of the vehicles placed the lives of the SO, WO, and any potential bystanders in danger. The accounts of the officers and civilian witnesses indicate that there was not enough time for the SO to successfully move out of the way. A vehicle can be used as a weapon and can cause serious bodily harm or death. The decision to discharge his firearm twice at what the SO thought was the windshield of a vehicle may be subject to scrutiny. However, since the SO felt that his life was imminently in danger due to the actions of the driver, it does not seem that the use of the firearm was disproportionate to the threat he faced at that moment. The WO stated that she thought that her and the SO were going to be hit and killed, and she had more distance from the vehicle. As he said in his statement, the SO discharged his firearm in self-defence.

CONCLUSION

I have determined that there are no reasonable grounds to lay a charge against the SO.