

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2025-0111

Referral from

RCMP “J” Division

September 27, 2025

Erin E. Nauss
Director
April 2, 2026

SiRT MANDATE

The Serious Incident Response Team (“SiRT”) has a mandate under the Nova Scotia *Police Act*, and through agreement, under the New Brunswick *Police Act*, to investigate or take other steps related to 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, on or off-duty, in Nova Scotia or New Brunswick.

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 issues a public summary of the investigation which outlines the reasons for that decision. The summary must include specific information set out by regulation. Public summaries are drafted with the goal of including adequate information to allow the public to understand the Director’s rationale and conclusions.

Mandate invoked: This investigation was authorized under Section 24.6 of the New Brunswick *Police Act* due to the death of the Affected Party.

Timeline & delays: The SiRT investigation started on September 27, 2025, and concluded on February 13, 2026.

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 or was seriously injured in relation to a serious incident.

“Civilian Witness/CW”: means any non-police individual who is a witness to, was present at or has material information related to a serious incident.

“Witness Officer/WO”: means any officer who is a witness to, was present at or has material information related to a serious incident.

“Subject Officer/SO”: means the 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. 911 call recordings
3. Police Radio Communications
4. Subject Officer Statement
5. Witness Officer Notes, Reports, & Statements (9)
6. Civilian Witness Statements (17)
7. Photographs
8. Civilian Video Footage
9. Business Video Footage
10. Forensic Investigation Report & 3D scan
11. Firearms Analysis
12. Affected Person Autopsy Report

INCIDENT SUMMARY

Overview

At approximately 1:50 pm on September 27, 2025, several 911 calls were made related to a situation in progress involving the Affected Party (AP). The incident began with an armed robbery at a bank in Moncton. The AP fled on foot to a residential area, removing his jacket. He unsuccessfully attempted to steal an occupied vehicle while pointing a firearm. The AP continued on foot. A civilian recognized the AP from the bank robbery and began to follow him in his vehicle. The AP fired a shot at the vehicle. He then broke into a home and pointed his firearm at the occupant, who was able to flee unharmed.

RCMP located the AP inside the residence and issued commands to comply with them. The AP appeared to cooperate but then retreated into the house and fired two shots in the direction of an officer. The AP remained in the house for over an hour and called 911 several times. He set a vehicle in the driveway on fire and then set the house on fire. He exited out the back of the house and police told him to stop. The AP pointed his firearm at officers and threatened them. He ran to a neighbouring home and was attempting to break in. Police continued to issue commands. The AP was fishing for something in his pants and threatened to kill officers. He turned around, raised his arms, and pointed his firearm at officers. The Subject Officer (SO) fired three rounds from a carbine rifle, striking the AP. Emergency Response Team (ERT) members attended and confirmed the AP was no longer a threat. The AP was pronounced deceased at the scene.

Other Scenes/Interactions

As noted above, the AP was engaged in numerous crimes and scenes before his interaction with police. The other scenes impacted by the AP were managed by the RCMP as the police of jurisdiction. Many civilian witnesses were interviewed related to those incidents. For the purpose of this summary and the investigation, SiRT focused on the police interactions with the AP at two

residential homes. The following is a high-level overview of events leading up to interaction with police.

At around 1:50 pm, multiple RBC clients called 911 to report an armed robbery. The AP held up an RBC employee at gunpoint and fled the bank on foot with cash. Civilian Witness #1 (CW1) drove by at approximately 1:52 pm as the AP was running out of the bank. Based on what he observed, he assumed the AP had robbed the bank and decided to follow him in his vehicle. SiRT reviewed video evidence of this occurring.

Video also captured the AP running towards other businesses and jumping a fence behind a restaurant near the bank. He proceeded through a residential area and stopped to remove and discard his jacket. A civilian witness observed this and called 911. The AP continued on foot and approached two occupants of a vehicle. He pointed a firearm at them and ordered them out of the vehicle. The AP entered the vehicle but could not start it without the remote/key FOB which was with the vehicle owner.

The AP continued on foot through backyards. CW1 had continued to follow him and drove slowly in front of a residence. Video substantiates CW1's account that a gunshot was fired in his direction at 1:59 pm. CW1 then called 911.

SiRT Investigation of Interaction with Police

Video captured the AP breaking into a home at approximately 2:01 pm. 911 recordings confirm that Civilian Witness #2 (CW2) called 911 at 2:02 pm, advising that a male had pointed a gun at him at the back door of his house and smashed his way inside the house. CW2 fled the house and ran to his neighbour's residence.

Witness Officer #1 (WO1) was responding to the armed robbery call at RBC and was asked to set up in the residential neighbourhood nearby. A vehicle flagged him down to advise where the AP was located. CW1 also stopped WO1 and advised he had been shot at the by the AP, and that he was now located behind a house.

WO1 stated that he grabbed his carbine rifle and went in the direction of that house. He heard a commotion and then observed CW2 run from the house. Based on CW2's actions, he presumed the AP was inside the house. He went to the back and observed the AP in the house through a broken glass door. The AP saw WO1, and WO1 told him to put his hands up, and he complied. WO1 then tried to get up onto the deck of the house to be on the same level as the AP. The AP took this opportunity to run into the house. WO1 tried to see inside, heard bullets flying by his head, and realized he was being shot at. He stated he saw the AP go downstairs in the house.

WO1 got out of the way, moved behind a shed, and other members arrived. Police were notified that there was no one in the house with the AP, and that the only occupant, CW2, had safely fled. WO1 observed another member was evacuating nearby houses, while others were blocking the street and securing the area.

WO1 stated he heard noises from inside the house from the AP smashing things. He heard updates on police radio about conversations another member was having with the AP, which caused him to believe the AP was erratic. WO1 stated he heard glass breaking out front and saw the car in the driveway was on fire. He was then advised that the house was on fire.

Other members came to the back of the house, and WO1 stated he repositioned so he could see the back door. When the AP exited, WO1 yelled at him to show his hands. The AP turned around and yelled obscenities. WO1 took cover, and the AP was moving towards another residence. WO1 stated he heard other officers yelling commands at the AP, and he heard two loud bangs shortly after. Someone yelled shots fired. WO1 could see the AP behind the BBQ. He stated it looked like he was crouching, and officers were yelling at him to show his hands. WO1 could see the AP's face and it looked like he was in pain. The AP shifted lower down and did not respond to repeated commands. The RCMP Emergency Response Team (ERT) arrived and deployed devices to make noise to get a reaction from the AP. There was no movement of reaction from the AP and it was determined he was no longer a threat.

Witness Officer #2 (WO2) described what he observed and heard in his response to the incident and his positioning around the residences involved. He estimated he was in a prone position for an hour or two while watching the scene. He stated he did not observe the AP leave the first residence and travel to the next, but as he was moving toward the SO, he saw the AP trying to break the glass patio door and heard the SO ask him to show him his hands. He heard the AP say, "Fuck you, I'll shoot you.". He heard two shots and moved towards the SO. The AP was behind a BBQ, and ERT members arrived and confirmed he was no longer a threat.

Witness Officer #3 (WO3) was called in to assist tracking the AP with his Police Service Dog (PSD). On his way to the scene, he heard WO1 state over the police radio something like "he is shooting at me" or "shot at me". He learned the AP was now in a house. WO3 stated that the risk assessment was high, so he ensured he and his PSD had the appropriate gear. He heard phone calls between the AP and Witness Officer #4 (WO4). He observed a Molotov cocktail thrown on the car in the driveway, and it slowly caught fire. A few minutes later the AP opened the front door poured liquid on the porch. He was given commands by at least six officers to come out and show his hands, but he screamed at police and then shut the door.

WO3 described repositioning and he was eventually in the back of the second residence. He could see the AP on the deck of the house trying to break a glass window in a door. He observed the SO and WO2 to his left, shouting commands at the AP and pointing their carbines in his direction. WO3 stated the AP stopped banging on the door trying to break in, turned around and looked at the SO and WO2. The AP raised his hands and pointed a firearm in the general direction of the SO and WO2. He looked toward the officers to see if they saw the AP and his firearm and heard 2- or 3-gun shots. He stated he was not sure of the exact number of shots he heard as there were sounds coming from the car burning next door. He saw gun smoke coming from the carbine. WO3 stated he then saw the AP curl up, turning around towards the door. He made eye contact with the AP who was behind a BBQ. He took cover and gave police commands to the AP, to which there was no response. ERT arrived and took steps to determine there was not longer a threat.

Witness Officer #4 (WO4) was a team leader and responded to the calls. She heard over police radio that WO1 had been shot at by the AP. Once inside the house, the AP called 911 and asked to speak to someone, so she took the call. This conversation lasted about 18 minutes. WO4 stated the AP was hysterical, frantic, screaming, out of breath, and in a rush. He was belligerent with her, using expletives and calling her names. The AP would not identify himself but repeatedly asked to speak with his wife and stated he was not going to make it. WO4 tried to determine if he had been shot or needed medical attention, but he was hysterical and would not respond to her questions. WO4 stated she thought he was having a mental health crisis or using an intoxicating substance. He eventually provided contact information and where to locate the person he identified as his wife.

RCMP contacted the person the AP identified, who was not his wife. She stated that the AP had been acting differently that day, and that he had smoked crack cocaine earlier that day. WO4 called the AP back, and he continued to be angry and belligerent. He said that all he wanted was to speak with his wife. She asked for some time to arrange that, and the AP continued to hang up, call back, or answer when she called back. The conversations were brief. WO4 stated the AP at one point asked, "Am I going to speak with her, if not, well I'm just going to shoot myself in the head". She called him back a few minutes later and he said, "Tell your members not to get any closer or something will happen, the members will be put in danger." WO4 asked what he meant and he did not respond.

Throughout these conversations, WO4 was updating colleagues on police radio. There is video footage from inside the house, including when he was speaking to WO4. This footage shows his state of mind at the time, as he appeared very angry, agitated, emotional, desperate and threatening. He is seen walking with a gas can and pouring some gas inside the residence.

When the car and house were on fire, she heard another member state the AP had come out the back and was going towards a neighbour's house. She ran in that direction and heard shots and a member saying shots fired.

Witness Officer #5 (WO5) also provided a statement to SiRT, and his description of events aligns with those of the other officers. He heard the shots but did not see the AP or witness them being fired.

Subject Officer

Subject Officers are not required to provide their notes or reports or provide an interview to SiRT. However, in this case, the Subject Officer (SO) consented to provide a statement to SiRT. He was interviewed on October 29, 2025.

The SO was on duty on September 27, 2025, and was finishing a statement on another call when reports came in about a robbery. He responded and made his way to the residential area where the AP had been located. He saw WO1 with his carbine pointed at a house, and that the back door of the house had been smashed out. The SO stated he turned on his vehicle emergency lights, exited, and ran to WO1. WO1 updated him on the situation and shared that he had been shot at. The SO stated he checked WO1 over to ensure he did not have any injuries he was unaware of due to the adrenaline. Other members were in front of the house and confirmed the AP was inside.

Due to the fact that the AP had committed an armed robbery and had shot at WO1, the SO stated he ran back to his police vehicle for hard body armour and his carbine rifle. He joined WO1 so he was not positioned alone and was joined by another officer. At that point the SO became aware that the AP had tried to hijack a vehicle at gunpoint, and that he called 911 saying he would like to speak with his wife and that he wasn't going to make it. The SO stated that this caused him to believe the AP was preparing for a gun fight.

The SO went to the homes on either side of the house where the AP was located and helped them exit safely. He was now in the front of the house and took cover with WO5. The SO described the positioning of various officers around the house. At one point, he moved to a different position to get a better view and then heard over the air that WO2 required back-up on the back-left side of the house, so he positioned himself there. The backyard had a high fence and pool, so there was the ability for officers and the AP to be concealed. He sent photos of their position to his supervisor. The SO heard banging and smashing from inside the house and could hear information over the

air. The house was equipped with cameras, so officers could see some of what the AP was doing inside. The AP had grabbed a gas can and doused the inside of the house and set it on fire. Then he threw an improvised device at a car in the driveway, also setting it on fire.

The SO stated there was lots of noise, as the house was on fire and the car started to explode. He heard a door and a thump coming from the patio of the house next door and ran in that direction. He observed the AP throwing items at the patio door, trying to break in. The SO stated he pointed his carbine rifle and told the AP he was under arrest, to drop his gun, and put his hands in the air. The SO stated the AP reached into his pocket, yelled expletives, and stated “I am going to shoot and kill you”. He continued throwing things, and the SO continued to give verbal commands, which the AP ignored. The SO stated that his risk assessment was high, since he was aware he had fired shots at another officer, committed armed robbery, and believed he hijack a car.

The SO stated that the AP continued to fiddle in his pocket and took something out. The SO stated the AP turned around to face him and started raising his arms. The SO assumed he had a firearm, and that he planned to shoot at him. The SO stated he felt that the AP would cause bodily harm or death. He discharged his carbine rifle at the AP, and stated he believes he fired three shots. The AP fell behind a BBQ. He continued to give commands, and then ERT arrived quickly.

Autopsy & Toxicology

An autopsy was performed by the Nova Scotia Medical Examiner Service (NSMES) on September 29, 2025. The NSMES concluded the AP was struck by three gun shots, in the right chest, upper right arm and right forearm/wrist. The manner of death was deemed homicide and the cause of death was a gunshot wound to the chest. *(Director’s note: Across Canada, coroners and medical examiners are required to categorize deaths according to what is called the cause of death and the manner of death, both of which are reflected on the death certificate. The “manner of death” means the mode or method of death and can be deemed: natural, homicide, suicide, accident or undetermined. This is not a determination of criminality and does not have the same meaning as criminal or culpable homicide).* The toxicology report shows the AP had consumed cocaine and methamphetamine. The New Brunswick Coroner issued a report dated December 21, 2025, which confirmed agreement with the toxicology levels and the cause and manner of death.

Firearms Analysis

The AP presented and pointed a firearm multiple times. At the scene of the shooting, a restricted firearm was found under the AP’s body, tied to a string around his neck. The AP was prohibited from owning or possessing a firearm. SiRT sent the firearm for analysis and testing. The report concluded that the firearm was capable of causing serious bodily harm or death.

An analysis was also conducted on the SO's firearm, and found it was functioning correctly.

Forensic Identification

SiRT engaged a municipal police agency to provide Forensic Identification Services (FIS) of the scene, which included a 3D scan of the location. FIS located three shell casings near the location where the SO was standing when he engaged the AP. This aligns with the three shots heard on video. The SO also stated he fired three shots. It is also consistent with the findings of the autopsy. The 3D scan shows that the distance between the SO and the AP was approximately 17.56 m.

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.

Defence — use or 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.

Factors

(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;
- (g) (f.1) any history of interaction or communication between the parties to the incident;

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

No defence

(3) Subsection (1) does not apply if the force is used or threatened by another person for the purpose of doing something that they are required or authorized by law to do in the administration or enforcement of the law, unless the person who commits the act that constitutes the offence believes on reasonable grounds that the other person is acting unlawfully.

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. It also requires that the grounds be justifiable from an objective point of view. In other words, a reasonable person must be able to find that grounds exist. In determining whether there are reasonable and probable grounds to lay a charge, all the evidence gathered must be considered.

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. A peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm if they believe on reasonable grounds that the force is necessary for the purpose of protecting the peace officer or another person from imminent or future death or grievous bodily harm. 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.

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. The RCMP follow the Incident Management Intervention Model (“IMIM”). The IMIM is not law, but developed to help officers properly apply the law. The IMIM states that police officers should assess the behaviour of the subject, situational factors, use of their own perception, and tactical considerations when determining what type of force to use. As set out above, pursuant to s. 25 of the *Criminal Code*, the use of lethal force (force that is intended or is likely to cause death or grievous bodily harm) is permissible only when an officer reasonably believes it is necessary for the protection of themselves or others from death or grievous bodily harm (see also *R v. Nasogaluak*, supra, at para 34).

The SO and the other officers were lawfully in the execution of their duties as police officers when they responded to apprehend the AP. The AP had committed armed robbery, a carjacking at gunpoint, and fired shots at civilians and a police officer. He was not responding to commands to surrender and he proceeded to set a home and vehicle on fire. He was displaying erratic, dangerous behaviour, and could not be reasoned with. Video from inside the house showed that the AP was angry, distraught, and emotional. They learned from his partner that he had consumed illicit drugs that day. Officers were genuinely and legitimately concerned for their safety and the safety of others. When the AP quickly raised his hands after threatening to shoot officers, and appeared to be holding a firearm, it was reasonable for the SO to believe that discharging his carbine rifle was necessary to protect himself and others.

The law respecting self-defence or the defence of others is also applicable to police officers. Section 34 of the *Criminal Code* sets out how the defence applies to the use of force utilized in defending yourself or another person. It provides that conduct that would otherwise constitute an offence is legally justified if it was intended to deter a reasonably apprehended application of force, either actual or threatened to yourself or another person, and the conduct itself was reasonable. The reasonableness of the conduct must be assessed in light of all the relevant circumstances.

An examination of each of the factors in subsection 34(2) of the *Criminal Code* is required to determine whether the discharge of a firearm by the SO is reasonable in the circumstances, to consider the relevant circumstances of the person, the other parties, and the act in question. I have applied each of the factors to the facts in this matter:

(a) the nature of the force or threat – a firearm can cause significant physical injury or death. The AP had pointed and fired a firearm on multiple occasions and immediately before the SO fired. It was clear the AP was willing and prepared to use the firearm.

(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 – when the SO fired at the AP, it was reasonable for him to presume the threat was imminent. The AP was trying to break into a residence, turned around quickly and raised his hands. He had fired at civilians and an officer previously, had threatened to kill officers, and did not respond to reasoning or commands over a lengthy period. There was no opportunity for the SO to use communication, alternative means or less-lethal options to respond, as to do so could put his life and the lives of others at risk.

(c) the person's role in the incident – the AP committed multiple criminal offences leading up to the encounter with the SO. He made the decision to engage in this behaviour and discharged and pointed a firearm in the direction of others. The AP did not respond to multiple requests to surrender. His actions played a role in the way that police and ultimately the SO responded.

(d) whether any party to the incident used or threatened to use a weapon - the AP had threatened to kill the officers on multiple occasions and was clearly in possession of a firearm. He fired at civilians and a police officer.

(e) the size, age, gender and physical capabilities of the parties to the incident - the AP was an adult male armed with a firearm and was clearly willing and able to use it. He could inflict serious injury or death.

(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 – the AP threatened police when they tried to reason with him and issued commands.

(f.1) any history of interaction or communication between the parties to the incident – the AP's communications with WO4 made it clear he was not responding to reasoning and was threatening to cause harm.

(g) the nature and proportionality of the person's response to the use or threat of force – the AP pointed a firearm, and due to his actions, it was not possible to employ a less-lethal response to the threat he posed.

(h) whether the act committed was in response to a use or threat of force that the person knew was lawful - this clause is not applicable to the assessment in this case as the use of the firearm by the AP was not lawful.

Based on a review of the facts and the law, I am satisfied that the SO acted reasonably to stop a major threat. The circumstantial evidence supports the perception of the SO that there were reasonable grounds to believe the threat to his own life and the lives of other officers and civilians.

CONCLUSION

My review of the evidence indicates there are no reasonable grounds to believe the Subject Officer committed a criminal offence.