

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2025-0124

Referral from

Miramichi Police Force

October 27, 2025

Erin E. Nauss
Director
April 14, 2026

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 24.6 of the New Brunswick *Police Act* due to the serious injury of the Affected Party.

Timeline & delays: The SiRT investigation started on October 27, 2025, and concluded on February 20, 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 Agency File
2. New Brunswick Police Commission Public Complaint
3. Subject Officer Report & Statement
4. Witness Officer Report & Statement
5. Affected Person's Medical Records
6. Body Worn Camera Footage

INVESTIGATION SUMMARY

Overview

The New Brunswick Police Commission (NBPC) received a complaint from an adult female (The Affected Party/AP) on October 21, 2025, which alleged that a police officer from the Miramichi Police Force (MPF) broke her wrist during an arrest. The NBPC forwarded the complaint to the Chief of MPF on October 23, 2025. MPF contacted SiRT on October 27, 2025, to advise of the allegation.

On September 21, 2025, MPF received a call from an employee of a gas station, who stated that a customer was parked at a gas pump and refused to move her vehicle. The Subject Officer (SO) and Witness Officer (WO) responded to the call. The SO was first on the scene, and spoke with the AP, who refused to move her vehicle, would not provide identification, and started to roll up her window. The SO then opened her vehicle door, stated she was under arrest for obstruction and mischief and began to physically move her out of the vehicle. The WO arrived on scene to assist. The AP resisted arrest and the officers used force to remove her, secure handcuffs, and to guide her to the police vehicle.

After the AP was handcuffed, she was searched by the WO, and then the SO guided the AP by her left wrist into the police vehicle. At this time the AP yelled "you broke my wrist" and resisted getting into the vehicle. The officers were able to get her inside the vehicle, and transported her to the Miramichi Detention Centre, where she was assessed by paramedics. She was admitted to hospital for other reasons. On September 26, 2025, she had an x-ray and was diagnosed with a fractured wrist.

Affected Party

- *Complaint to NBPC*

The AP submitted a written complaint to the NBPC dated October 21, 2025. In the complaint, she indicates that on October 22 or 23, 2025, she pulled into a gas station in Miramichi, as she had been driving on zero kilometers to empty for quite a while. She parked at the pump, put her hazard lights on, and placed a gas can on top of her vehicle. She noted that she did not have funds to pay for gas.

The AP submitted that the gas attendant asked her to move her truck as other customers needed to use the pump. She told him that she did not have gas or money and could not move her truck. He stated he was calling the police.

The AP's complaint states that the SO asked her name, and she believed he already knew her name. She alleged he ripped open her door and pulled her out of her vehicle. She wrote that while the SO was bringing her to the back of his car, she felt and heard her wrist break. In other correspondence with the NBPC, the AP stated that she was receiving treatment for injuries to her wrist.

The AP agreed to meet with the SiRT investigator and provide a statement. However, despite numerous attempts this did not occur. She subsequently advised that her written complaint was accurate, and she did not wish to make a statement.

- *Medical Records*

The AP consented to the release of her medical records. They show that she was admitted to hospital for other reasons on September 25, 2026. While in hospital, she refused an x-ray for her wrist on September 25, 2025. On September 26, 2025, she had an x-ray and was diagnosed with a fractured wrist.

Civilian Witness ("CW")

The Civilian Witness, who was the gas station attendant, provided a statement to the MPF for the purposes of their investigation into the AP. That statement was provided to SiRT. In that statement he said on September 21, 2025, between 5:00pm and 6:00 pm, the AP came in with a white truck. She made a food purchase but indicated she didn't have much money. She then went into her truck that was parked by one of the gas pumps. Approximately 15 minutes later, she exited the truck and pulled out a gas can, but did not get any gas. Three or four different customers pulled up to use the pumps, and one customer was waiting for her to move. The CW went outside to ask her to move the truck and the AP advised she did not have gas or money and could not move it. The CW called

his employer who advised him to report the incident to the police. The police arrived and arrested the AP. The CW stated that the AP was screaming “no, no, no” at the officers.

Subject Officer (“SO”)

Although not required by law, the SO provided his police reports to SiRT and consented to attend for an interview. SiRT interviewed him on January 15, 2025. The SO indicated that on September 21, 2026, when the call related to the AP came in, he was finishing his shift, and the WO was starting her shift. He decided to attend the scene to ensure she had a backup officer. The SO arrived first and went inside to speak with the CW, who told him the AP would not leave and had been there for a while. The SO exited to talk to the AP, who was sitting in her car. The AP told him she couldn’t leave, had no ID, and refused to identify herself. He stated that at this point, he had grounds to arrest her for mischief (for not leaving) and obstruction (for refusing to identify herself). The SO tried to explain the situation to her, and the AP started to talk over him and put the car window up. The SO stated he opened the door to her truck and pulled her out. He stated this action had to be quick because he didn’t know if she had any weapons in the vehicle. The SO also indicated he has been a police officer for a while and acknowledged the situation was uncertain. Once the AP was out of the vehicle, the WO arrived and helped the SO place the AP in handcuffs. He said it was better to have two officers at this point, because it was safer for all involved. The SO stated the AP was kicking, screaming, bracing her feet, and throwing her body weight. The SO stated he used pain compliance by squeezing her upper arms. He stated generally this is harmless and usually only leaves bruises. When they arrived at the SO’s vehicle, the SO put the AP’s left arm in a wristlock to immobilize her further so the WO could effectively search her. The SO started to guide her into the vehicle, while he still had her in a wrist lock. He stated he wasn’t angry or trying to hurt her, but he heard a “pop” and her wrist broke. He stated he wasn’t sure how it happened. Even after the wrist broke, the AP continued to struggle to get into the back of the vehicle. The AP hooked her foot under the door so she couldn’t get in, so the WO went to the other side to pull her in. The AP started to yell that he had broken her wrist. The SO read the AP her rights and called dispatch to advised he had someone in custody and an ambulance should be called to assess the AP. When they arrived at the detention centre, the ambulance assessed her and put her wrist in a splint. Police transported her to hospital for further assessment. In the SO’s notes he stated once he was at the detention centre and had further communication with the AP, it was obvious she was experiencing a mental health issue, so police transported her to hospital for assessment. The SO stated that after dealing with her, he saw her around town wearing a cast.

Witness Officer (“WO”)

The WO provided her police report and attended an interview with SiRT on January 15, 2026. She stated that she was dispatched to a local gas station regarding an individual who was blocking the gas pumps with her vehicle and refusing to move. When she arrived, the SO was

already on scene and was trying to get the AP out of the vehicle. She was unsure what happened prior to her arrival, but it looked like the SO needed help and the WO rushed over to assist. The WO stated that the AP was resistant and did not want to get out of the vehicle. Once the AP was out of the vehicle she was placed in handcuffs. The SO's vehicle was parked behind the AP's vehicle, so they walked the AP to the SO's police vehicle. The WO stated the entire time the AP was pushing back and refusing to walk forward. They eventually arrived at the police vehicle, and the AP was placed against the car so the WO could search her to make sure she had nothing on her. During the search, the SO had a hold of the AP's left hand, and the WO searched her pockets and boots. When the WO finished her search, the AP refused to enter the vehicle. The WO went around to the other side and pulled the AP through the vehicle to get her in. The WO stated the AP yelled "you broke my wrist" but could not recall if this was after she finished the search or while they were getting the AP inside the vehicle. The WO stated she did not hear an injury occur. The SO transported the AP to the MPF Detention Centre, and the WO met them there in her police vehicle. Prior to leaving the gas station the WO ran the license plate on the AP's vehicle and checked some papers in the back of the vehicle to confirm the AP's identity. At the Detention Centre, the WO did not have any interaction with the AP but stated paramedics arrived to assess her wrist. They put a splint on her arm, but she refused to go to hospital.

Body-Worn Camera Footage

SiRT obtained footage from the SO's body-worn camera, which captured the response to the call and the police interaction with the AP. It shows the SO getting information from the gas station employee and speaking to the AP, who was seated in her vehicle. The SO attempted to speak with the AP, get her name and date of birth, and have her move her vehicle so other customers could get gas. She refused to provide any information and began to roll up her window as the SO was speaking with her. The footage shows the SO open the vehicle door and physically remove the AP from the driver's seat. The SO puts the AP's hand behind her back as the WO arrives on scene and assists with placing the AP in handcuffs. The AP is screaming and saying she just needs gas. The SO tells her she is under arrest for obstruction as she cannot refuse to identify herself. The officers walk the AP to the police vehicle and she continues to yell. The WO asks the AP if she has anything on her and the AP replies "no, my ID is in my car". The AP is searched by the WO while the SO has a hold of her left hand. When the search is complete, the AP starts saying she has no gas and that she is a victim of identity theft. The SO says, "in you go" and guides the AP into the back of the police vehicle. While guiding her, he still has a hold of her left wrist. A crack noise can be heard and the AP yells "you broke my wrist". The SO tells the AP to get in the car and put her leg in. The AP appears in pain and says she can't get in. The WO goes to the other side of the vehicle and pulls her in. The SO gets in the driver's seat and takes notes and reads the AP the reason for her arrest and her legal rights. The AP is calm and cooperative during this process. The SO exits the car to talk with the WO, who is checking the AP's vehicle for identification. The SO then

drives the AP to the detention centre. The SO requests that paramedics attend the detention centre to assess the AP's wrist. When they arrive at the detention centre, the AP exits the vehicle and walks to the booking area. The SO removes the handcuffs and tells the AP the paramedics are on their way. The AP is cooperative during this process. Swelling is observed on the AP's wrist, and she rests her arms on a desk until the paramedics arrive. When the paramedics arrive, the AP is assessed. While in the detention centre she stated that she broke a bone on her left hand two months prior. She also said she has broken bones before and knows when one is broken. The paramedics put a splint on her arm and recommended she go to hospital for X-Rays. The AP did not want an X-Ray and it was determined she did not need an ambulance transport to hospital. The SO is heard discussing the situation with another officer. He says there are mental health concerns, and they need to have her assessed. Two other MPF officers tell the AP they will transport her to hospital.

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 have assessed the evidence to determine whether the force used amounts to 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.

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.

For Section 25 of the *Criminal Code* to apply, a police officer must be required or authorized by law to do anything related to the administration or enforcement of the law. On the date of the incident, the SO had a duty to attend the call related to the AP. When he arrived, he learned she was refusing to remove her vehicle from the premises. While attempting to speak with her, she refused to provide her name to the officer. The officer formed the grounds to place the AP under arrest for mischief and obstruction of justice. The arrest of the AP was lawful in the circumstances.

When police officers use force in the administration or enforcement of the law, their legal constraints are articulated in the *Criminal Code*. The officers must use only as much force as necessary. The force used must be considered in relation to the circumstances, and it is not required that a person weigh the force used with precision. The important considerations are reasonableness, necessity, and proportionality. Police forces have developed tools to assist officers in continually assessing risks to ensure officer and public safety, and to assist in determining what type of intervention is consistent with the law. The Miramichi Police Force's Use of Force Policy relies on the National Use of Force Framework. It 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.

In the present case, the SO's decision to use physical force was based on his perception and tactical considerations. The SO was called to the gas station to deal with the AP who was refusing to leave. The SO tried to talk with her, but the AP was not cooperating or providing her name. When the AP started to roll up the window in her vehicle, the situation escalated and the SO removed her from the vehicle. The AP was unknown to the SO, it was not known whether she had anything dangerous in her vehicle, and there was the possibility she could drive away. Since the SO had grounds for her arrest, the force used to remove her from the vehicle was reasonable in the circumstances. Once out of the vehicle, the AP continued to resist by refusing to walk toward the police car and getting into the vehicle. The AP used physical control techniques (a wrist hold and pain compliance) to bring her to the police vehicle, while she was being searched and to get her into the vehicle. It was during this time that the injury occurred. The SO recognized there was an injury and arranged for medical assessment immediately. Considering the actions of the AP, from refusing to cooperate with the police initially to actively resisting during her arrest, the physical force used to by the SO was reasonable in the circumstances.

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.