



Summary of Investigation

SiRT File # 2025-0128

Referral from

RCMP “J” Division

November 13, 2025

Erin E. Nauss

Director

August 12, 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* in the public interest.

Timeline & delays: The SiRT investigation started on November 20, 2025, and concluded on June 11, 2026. There was some delay in the investigation awaiting the independent use of force expert report, which was received on June 8, 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:

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| 1. Police Incident Reports | 6. Civilian Witness Statements (3) |
| 2. 911 call recordings | 7. Body Worn Camera Footage |
| 3. Police Radio Communications | 8. Photographs |
| 4. Affected Person Statement | 9. CEW Data Analysis |
| 5. Witness Officer Notes, Reports, & Statements (2) | 10. Expert Use of Force Report |

INCIDENT SUMMARY

Referral

SiRT was contacted by the RCMP on November 13, 2025, to advise of a public complaint they received regarding an incident that took place on October 3, 2025. RCMP reviewed the materials related to the interaction, which involved the discharge of a Conducted Energy Weapon (CEW/Taser) and referred the matter to SiRT to determine if the use of force was excessive. SiRT commenced an investigation in the public interest on November 20, 2025.

Overview of Incident

On October 3, 2025, three RCMP officers from the Perth Andover detachment responded to a 911 call related to a domestic disturbance. All officers who responded captured the interaction on body worn cameras, which was provided to SiRT as part of the investigation.

Based on the information provided to 911 and to the officers through police dispatch, the officers understood there was an ongoing physical dispute involving multiple people. AP1 was known to police, they had been called related to violence previously, and he was believed to be under the influence of drugs. Officers had attended the home multiple times in the past.

Upon arrival on scene, one officer spoke with the 911 caller outside, and the other two entered the home. Three occupants were in the kitchen. They began speaking and yelling at the two officers. The Subject Officer (SO) approached an adult male (the Affected Party #1/AP1) who was seated at a kitchen table and told him he was being detained. AP1 stood up from his chair and moved toward the kitchen counter, struggling with the SO. As the struggle continued, the SO told AP1 he would be tased, and then discharged his CEW at AP1's back, and he fell to the floor. Family members were yelling and an adult female (Affected Party #2/AP2) approached. The SO pointed his CEW at AP2 and said she would be tased if she did not step away. Officers then attempted to place AP1 in handcuffs, and the SO discharged his CEW at AP1 a second time.

911 Calls/Police Radio Communications

A review of the 911 call indicates that an adult female, Civilian Witness #1 (CW1) called 911 at approximately 12:53am and reported that she had been assaulted and choked by a family member, AP1. She stated the dispute was ongoing, but she was out of the residence and was relatively safe. There was an earlier abandoned 911 call from this same number. Police dispatch advised the responding officers of the call, and that there was a history at the address. AP1 was known to the officers from previous incidents. Subsequent radio communications from the dispatcher noted that AP1 seemed to be attacking people on scene, and that he had held CW1 down in a choke hold. It was communicated that AP1 was on drugs.

Affected Party #1

SiRT interviewed AP1 on December 9, 2025. He described interactions with his family on the day in question, and a conflict that ensued with a family member, CW1, where they both threw punches. AP1 stated that he put CW1 in a choke hold, and got her outside, and she called 911. AP1 stated that when police arrived, they focused on him. He said that police “knew what they had to do” and grabbed him from his seat at the kitchen table. He said that he asked them what was going on, but the police responded all at once and the SO tried to take him down. AP1 stated he told the police this was excessive and he almost landed on the island. The SO told AP1 he was going to tase him, and he did. AP1 stated he was trying to protect himself from hitting the kitchen island and he did not want to go down. He stated he knows the dangers of the kitchen island as there are dishes everywhere. AP1 estimated it was about 5 to 10 seconds between the time the SO stated he was going to tase him to when he discharged the taser. Once he was down, police tased him again. He stated that the SO told him if he wanted to fight, he was going to jail. He was put in handcuffs and transported to a police vehicle. He was checked by ambulance personnel and taken to cells.

AP1 stated that he feels the police don't take his complaints seriously and that this could have been personal. He stated that he chipped a tooth at some point that night.

Affected Party #2

Affected Party #2 (AP2)_ was another family member present for the interaction with police. She was interviewed by SiRT on December 9, 2025. AP2 stated that she begged CW1 not to call the police, but she did anyway, and the police showed up. AP2 stated that an officer went toward AP1 and AP1 stated, “you don’t have to attack me”. She stated the officers did not ask about what happened or tell AP1 he was under arrest. They grabbed AP1 and told him if he moved, they would tase him. AP2 stated he did not move but they still tased him. He screamed and fell to the floor.

AP2 stated she stood up, took a step forward, and asked the police what they were doing. The SO pointed a Taser at her. She stated the police handcuffed AP1 and pulled him outside. Since everyone was outside, she went inside and locked the door, as a young family member was sleeping inside. She stated that police then banged on the door, and when she opened the door, the SO grabbed her and smashed her against a rail and then handcuffed her. She was taken to a police vehicle. In her statement, AP2 stated that she was roughed up and showed the SiRT investigator photos of bruises.

Civilian Witnesses

SiRT interviewed CW1 on December 3, 2025. She described interactions with family on October 3, 2025, and a physical altercation with AP1 that resulted in him punching and choking her. She called the police, and when they arrived, she met them outside. CW1 stated that when she was speaking to an officer, she heard a skirmish occurring inside the house. The officer she was speaking to went to the house, and she followed her. She observed AP1 on the floor between the kitchen and the entryway, face down and struggling with police. He was handcuffed and she then left the space to avoid being there when he was taken out.

SiRT interviewed Civilian Witness #2 (CW2), another family member who was present, on December 9, 2025. He described an altercation between AP1 and CW1, and said he tried to break it up before CW1 called the police. CW2 described one of the police officers coming toward AP1. He stated that the officer told AP1 that if he resisted, he would be tased. CW2 stated he did not see AP1 resist, but he was tased anyway. They took him away in handcuffs. CW2 stated he did not think the police needed to use the Taser, and that they did not have a discussion with AP1 about what happened before arresting him.

CW2 stated that AP2 then locked the front door of the house and police got short with her and gave her one last warning to unlock it and were threatening to arrest her.

Witness Officers

SiRT interviewed the two witness officers involved in the incident on December 22, 2025.

Witness Officer #1 (WO1) responded to the call and went inside the home with the SO. WO1 stated that AP1 said something like "don't you come in here like that, this is my house". The SO advised AP1 that he was being detained and to stand up and then grabbed AP1 by the arm. WO1 stated he saw them struggle and went to help. AP1 was resisting and they could not get his arms behind his back. They tried for what felt like 20 seconds but could not restrain AP1. WO1 stated that the SO told AP1 he was going to be tased and told WO1 to get his hands off. AP1 was standing with his back to the SO when the SO discharged his CEW. WO1 stated that AP1 went to

the ground in a controlled fashion. WO1 then focused on keeping AP2 away, as she was yelling and trying to get involved. As a result, he did not see AP1 get handcuffed.

Witness Officer #2 (WO2) stated that she was aware of the residence in question when the 911 call came in regarding an ongoing assault with choking. Her report states that their intent was to arrest AP1 as they did not know if the assaults were ongoing. When they arrived, she went to speak with CW1, who had visible lip injuries and signs of choking. As they were speaking, she heard a disturbance occurring in the residence, so she made her way to the house. Prior to entering she heard a taser being deployed, and as she entered, she observed AP1 on the floor. WO2 stated that she immediately tried to restrain him. She grabbed for his wrist to handcuff AP1 but could not remove it from under him. She stated she tried to pry his shoulder, but AP1 was resisting and was tased a second time by the SO. AP1 screamed and became compliant. They were able to handcuff him and take him to the police vehicle. WO2 stated that AP2 and CW3 were screaming, and the kitchen was cluttered with glasses, dishes, utensils and knives on the kitchen island.

WO2 stated that after they had AP1 outside, AP2 kept opening the door and screaming at the officers to leave. WO2 explained they were unable to leave as they were still dealing with the incident. AP2 then locked the door and refused to let the other family members inside. They were concerned about her being inside with a child due to the situation. WO2 stated they knew the family members had been consuming alcohol and AP2's behaviour continued to be erratic, with screaming and locking herself inside the house. Eventually she opened the door, was arrested under the *Intoxicated Persons Detention Act* and was handcuffed.

Subject Officer

Subject Officers are not required to provide their notes or reports or provide an interview to SiRT. In this case the Subject Officer (SO) did not consent to provide his notes, reports or a statement to SiRT.

Body Worn Camera Footage

All three responding officers were wearing body worn cameras, and the footage was provided to SiRT as part of the investigation.

Once the officers arrive on scene, WO2 can be heard stating "There's [AP1's name]. He's in the house." The SO and WO1 go directly to the house. WO2 stayed with CW1, who answers questions consistent with what was shared with the 911 dispatcher. WO2 yells "Body cam", and the SO activated his body-worn camera as he climbed the stairs to the house.

The body-worn camera footage from the SO and WO1 shows them enter the house through a porch into a kitchen, where AP1, AP2 and CW3 are located. AP2 is standing, CW3 is seated to the left of the officers, and AP1 is seated at a kitchen table across the room. AP2 yells “It’s not him, it’s him!” as she points to CW3. There is some back and forth between the officers and the house occupants.

AP1 then states “Don’t you come towards me like that into this house.” The SO states “Ok, right now you are being detained. Stand up or you’re gonna get tased.” The SO approaches AP1, takes his arm, and a struggle ensues. The SO states “Stand up” and WO1 takes AP1’s right arm. They move past the kitchen island. AP1 states “Don’t hit me!” but there is nothing on the footage to show that he was hit or struck by the officers.

The officers attempt to handcuff AP1. The SO states that he will be tased, and AP1 continues to resist. AP1 swears and notes that they are in his house. You can then see a light from the CEW, and the SO instructs WO1 to let AP1 go. The struggle lasts about 15 seconds, and then AP1 turns toward the door with his back to the SO. The SO deploys the CEW and both probes make contact. (CEW data analysis shows there was a 5-second cycle from the CEW). The SO yells at AP1 not to move and to get on the ground, and WO2 enters the kitchen through the porch.

AP2 can then be seen approaching the SO and raises her arm. He points the CEW at her and yells “Step away or you will be tased too.” WO1 moves AP2 out of the way. At this point, WO2 is attempting to handcuff AP1, and the SO yells “Get your hands behind your back, now!” while WO2 tries to move AP1’s left hand behind his back. The SO then discharges his CEW a second time, approximately 6 seconds after the first cycle concluded. The SO yells “Hands behind your back! Do not move!”. WO2 then handcuffs AP1. The situation deescalates and AP1 is taken to a police vehicle.

The body-worn camera footage captured a discussion between the SO, WO1, and CW3, where they discussed the charges against AP1 and the SO explained why he used the CEW. He stated that AP1 said not to come near him, and resisted arrest. The SO stated that there were knives on the counter, and that AP2 and CW3 were nearby, and he didn’t want to hurt AP1 or be injured himself.

AP2 locked herself in the house with a young child and police eventually removed and arrested her. Body worn camera footage shows police and CW1 reasoning with AP2, and expressing their concern for the child inside the home. CW1 tells police that AP2 is bruised, and that if they touch her she would bruise. Police stated that AP2 would not be charged if she came out. AP1 opens the door and swears at police. You can hear WO2 say “we’re trying to be gentle”. AP2 is handcuffed

and escorted away, and WO2 ensures they have shoes for AP1 and AP2. WO2 speaks to CW2 to ensure the child is ok and checks on him. The child was asleep and safe.

CEW Analysis

A download of the CEW/Taser was obtained. It shows the CEW was deployed twice, consistent with the other evidence. The location of the probes indicate that the deployments would have been effective both times.

Expert Use of Force Report

SiRT engaged an independent Use of Force Expert to provide an expert opinion on the force used in the incident of October 3, 2025. The Expert was provided with all file materials, including body worn camera footage. SiRT received this report on June 8, 2026.

The determination of whether the force used by the SO was excessive is a legal question and the legal analysis is below. The Use of Force Expert identified tactical decisions and factors related to this specific circumstance that officers are trained to consider before using force. The expert stated that the SO's decision to detain AP1 was tactically sound, based on the information he had received prior to arriving at the residence. He also noted officers are trained to look at environmental factors. In this case the officers were in a confined space, with other people present (AP2 and CW3), and a kitchen is known for potential weapons of opportunity (such as knives and glass). Once the officers committed to detaining AP1, they needed to control him, especially as he began to resist. The Expert noted:

It is important to note that physically controlling an individual who is resisting an officer's attempts to do so can be extremely difficult, even if there are two officers, as in this case. The subject's and the officers' size, strength, leverage, previous experience, and mental state can all be factors. In addition, officers are generally trying to accomplish a specific task, such as placing the subject's arms behind their back and keeping them there to apply handcuffs, which is much more difficult than delivering a strike, for example. As well, in any physical confrontation, the potential for injury to the officers, subject or even bystanders is high. Tactical training emphasizes the use of appropriate intervention options when feasible...

The Expert opined that the second deployment of the taser was not in accordance with the RCMP policy, as multiple deployments may place an individual in a medically high risk situation. The expert noted that the second deployment occurred quickly, likely before the SO had the opportunity to assess the post deployment behaviour of AP1. (*Director's Note: WO1 stated that AP1 was checked by EMS due to the CEW deployment and there were no medical issues*).

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. 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.

Crampton v Walton, 2025 ABCA 81 is often cited by Canadian Courts when applying s. 25 of the Criminal Code. In that case at para 22 states:

22 Essentially, s. 25(1) is a safe harbour from liability for those who are required to enforce the law. The police are often placed in situations in which they must make difficult decisions quickly, and are to be afforded some latitude for the choices they make...Courts recognize that law enforcement is dangerous; no one wants police officers to compromise their safety. On the other hand, s. 25(1) is not an absolute waiver of liability, permitting officers to act in any manner they see fit...The police are entitled to be wrong, but they must act reasonably.

In para 42 the court states:...

42 Police officers are not expected to measure the precise amount of force the situation requires...Nor will they be denied protection of s. 25(1) if they fail to use the least amount of force that would achieve the desired result. Allowance must be made for the officer, in the exigency of the moment, misjudging the degree of necessary force...Accordingly, the immediate decisions a police officer makes in the course of duty are not assessed through the “lens of hindsight”.

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.

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. The SO and the other officers were lawfully in the execution of their duties as police officers when they responded to the call related to a domestic disturbance. The circumstances authorized entry into the home without warrant due to the exigent circumstances. Based on the information provided to 911 and then to the officers through police dispatch, the officers understood there was an ongoing physical dispute involving multiple people. AP1 was known to police, and he was believed to be under the influence of drugs.

The situation and AP1’s behaviour influenced the decision to use physical force. This would be based on the SO’s perception and tactical considerations. The body worn camera footage shows that when detained by the SO, AP1 actively resisted arrest. The officers and others were in a confined space. There were knives, glasses, and other kitchen utensils within arm’s reach that could be used as weapons to inflict bodily harm. There was therefore a heightened risk of disengaging from AP1. The SO verbally advised tAP1 that he would be tased if he did not comply, and AP1 failed to do so. One can deduce from the body camera footage as well as the comments made on camera that the SO feared for his own safety and the safety of the other officers and civilians present.

Similarly, when AP2 approached the SO with her arm raised in the ongoing dynamic situation involving the AP1, it was reasonable for the SO to interpret the actions as threatening in nature and to point the CEW. There was no evidence to indicate that there was excessive force used when AP2 was later arrested and removed from the home. AP2 provided SiRT with photos of bruising. However, on the body camera footage CW1 stated to officers that AP2 was bruised and that she bruises very easily. The interaction was captured on body camera footage, and it does not show anything to indicate excessive force was used.

For the second CEW deployment, it was reasonable for the SO to be concerned AP1 could not be contained as WO2 was not able to secure handcuffs, and similar risk factors could be at play. The independent Use of Force Expert found that the second deployment was quick and was not exercised in accordance with RCMP policy. Breaches of policy do not always meet the same standards or elements required for criminal conduct. Considering the case law above and the fact that police actions cannot be held to a standard of perfection when responding in challenging and exigent circumstances, I am not able to conclude that there are reasonable and probable grounds to believe a criminal offence has been committed. Any policy or conduct breaches will be dealt with and investigated by the police agency of jurisdiction.

CONCLUSION

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