

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2026-0037

Referral from

RCMP regarding

Bridgewater Police Service

March 29, 2026

Erin E. Nauss

Director

October 1, 2026

SiRT MANDATE

The Serious Incident Response Team (SiRT) is responsible for investigating incidents involving death, serious injury, sexual assault, intimate partner violence, and other matters that are determined to be in the public interest. These incidents may arise from the actions of any police officer in Nova Scotia or New Brunswick.

SiRT investigates incidents that occur both on and off duty. This independent oversight helps ensure public confidence in the process and avoids any real or perceived bias that could result from police officers investigating other police officers.

At the conclusion of each investigation, the SiRT Director must decide whether the evidence supports laying criminal charges against the officer involved. If the Director determines that charges are not warranted, a public summary of the investigation is released. This summary explains the reasons for the decision and includes the information required by regulation. Public summaries are prepared to provide sufficient information for the public to understand the Director's findings, reasoning, and conclusions.

Mandate invoked: This investigation was authorized under Section 26I of *Police Act* due to the death of the Affected Party.

Timeline: SiRT commenced its investigation on March 29, 2026. The investigation concluded on August 21, 2026. The duration of the investigation was impacted by the need to await completion and receipt of autopsy and expert reports.

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 or has material information relating to a serious incident.
- **“Witness Officer/WO”** means any police officer who is a witness to or has material information relating to a serious incident.

- “**Subject Officer/SO**” means a police officer who is the subject of an investigation, or whose actions may have resulted in a serious incident.

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

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| 1. Police Reports | 8. Civilian Witness Statements (4) |
| 2. 911 Call Recordings | 9. CCTV Footage from Gas Station |
| 3. Police Radio Transmissions | 10. Collision and Accident
Reconstruction Report |
| 4. Dash Camera Footage | 11. Autopsy and Toxicology Reports |
| 5. Body-worn Camera Footage | 12. Vehicle Mechanical Inspection
Report |
| 6. Subject Officer Statement | 13. Photographs |
| 7. Witness Officer Statements, Notes &
Reports (9) | |

INVESTIGATION SUMMARY

Introduction

On March 28, 2026, police from both the Halifax Regional Police (HRP) and the RCMP responded to separate calls related to a group of four adults, including an adult male (the Affected Party/AP) whose vehicle had run out of gas. At approximately 11:23pm, two RCMP officers responded and located a vehicle and occupants on the side of Highway # 103 in Upper Tantallon. One of the officers drove the AP to a nearby gas station to fill up a gas can. The officer left the AP at the gas station to respond to an urgent call.

Shortly thereafter, the AP departed the gas station on foot. He was observed on Highway # 103 near Exit #5 by civilians who were driving on the highway. One civilian captured the incident on their vehicle dash cam. Around the same time, an off-duty member of the Bridgewater Police Service was traveling in her personal vehicle (the Subject Officer/SO). As she entered the highway from the on ramp at Exit #5, the AP quickly stepped into the roadway and was struck by the SO's vehicle. RCMP and EHS responded, and the AP was pronounced deceased at the scene.

The off-duty Bridgewater Police officer was designated a Subject Officer. None of the RCMP officers who interacted with the AP were deemed to be Subject Officers in this file. The

investigation examined the facts and evidence related to their involvement in making that determination.

Civilian Witnesses

SiRT interviewed Civilian Witness #1 (CW1) on April 15, 2026. CW1 was working at a gas station in Upper Tantallon on March 28-29, 2026. CW1 stated that he received a call to see if they had a gas jug that could be rented. He responded that they did. He also recalled a male who subsequently arrived with the RCMP at around midnight because his vehicle had run out of gas. Before CW1 could get the jug, the police got an emergency call and had to leave.

CW1 stated that the AP wanted around \$15 worth of gas, but he was out of money. CW1 stated the AP spent five to ten minutes inside the store asking for money to get gas, using his phone to ask someone for money. The AP paid for approximately \$15 worth of gas, filled the gas jug, and left.

The RCMP interviewed Civilian Witness #2 (CW2) on April 1, 2026. The interview was provided to SiRT. CW2 stated that on March 28, 2026, at approximately 11:35–40pm, she was driving home with her husband. They went onto the Highway # 103 at Exit #5, making their way toward New Ross. CW2 stated that she observed a dark-colored vehicle ahead suddenly swerve right and initially thought it was avoiding potholes. Her husband then warned her about a pedestrian on the roadway. CW2 stated she saw the pedestrian at the last second, first noticing a white plastic bag before seeing the male, who was wearing all black and standing on the dotted merge line. She swerved right to avoid him. She did not observe him attempting to signal traffic or being struck. She continued home and later learned the pedestrian had been struck by another vehicle.

Civilian Witness #3 (CW3) was interviewed by SiRT on April 10, 2026. He is CW2's husband and was seated in the passenger seat. He stated that he and his wife stopped in Tantallon at approximately 11:15 p.m. before continuing home toward New Ross. As they entered Highway # 103 at Exit 5, they observed a red SUV ahead of them suddenly swerve. He then noticed what appeared to be a person wearing very dark clothing running from left to right across the median area near the onramp, with the only visible feature being a white bag. CW3 stated that due to the person's dark clothing, the bushes, and the limited visibility from their headlights, they barely saw the person. CW3 believed the car ahead of them swerved to avoid the pedestrian. CW3 stated that CW2 swerved to the right toward the ditch to avoid the person. CW3 described the person as appearing to be male based on their build and stated that, given how difficult it was to see, he would not have been surprised if someone had struck him.

RCMP interviewed Civilian Witness #4 (CW4) at the scene of the collision on March 29, 2026, at approximately 12:23am. The interview was captured on body-worn camera and was provided to SiRT. CW4 stated that he was driving outbound on Highway # 103 and had just passed Exit #5. A vehicle entered the highway from the exit. He moved into the left lane to allow the vehicle to merge and estimated his speed was approximately 116 km/h. He stated that while driving slightly behind the other vehicle, he observed a male on the side of the road carrying a gas jug and appearing to possibly wave down passing vehicles. CW4 stated the male then suddenly stepped into the roadway, directly in front of the vehicle in the right lane. He estimated that approximately two seconds passed between seeing the male and him entering the roadway. CW4 stated he believed the driver had no time to react. The vehicle struck the male head on. He stopped and checked on both the driver and the male who was struck. The driver called 911. He believed the male was deceased and remained at the scene until fire and police arrived. CW4 provided dash cam footage captured of the incident.

Witness Officers

SiRT interviewed Witness Officer #1 (WO1) on April 27, 2026, and reviewed her officer reports. SiRT also accessed and reviewed her body-worn camera footage. The body-worn camera footage aligns with WO1's account of events.

Just after 11:00pm on March 28, 2026, WO1 responded to a call reporting that a vehicle ran out of gas. The caller thought the occupants were impaired. WO1 was first officer to arrive at the vehicle. As she arrived, she observed a male walking towards Tantallon on the side of the road. WO1 stated that she spoke to three occupants of the vehicle, including the AP's partner. The AP's partner told WO1 that none of them had been drinking or driving. She stated the person walking on the road was her common law partner (the AP), and that he had taken her cell phone and purse.

Witness Officer #2 (WO2) picked up the AP and arrived on scene with the AP in the rear passenger seat. WO1 asked the AP to return his partner's purse and phone, but he stated he needed them to buy gas and receive an e-transfer. WO1 stated she was about a foot away from the AP and did not smell alcohol or suspect anything from the parties. WO2 told her he would drive the AP to the gas station. WO1 remained with the parties at the vehicle. A priority call came in, where the 911 caller stated that if police did not attend in ten minutes, they would need a body bag. WO2 called WO1 to advise he would respond to the other urgent call and directed WO1 to clear the scene. This is all captured on police dispatch.

WO1 told the vehicle occupants that the AP was at the gas station and would be walking back on his own. WO1 left, and then heard dispatch advise of a vehicle and pedestrian collision on

Highway # 103 near distance marker 274. She attended the scene of the motor vehicle accident and radioed that someone needed to attend to the AP's partner and friends. Another member took her position, and she traveled to advise the AP's partner and friends that he had been struck. Once WO1 became aware the AP had died, she advised the AP's partner and provided support.

WO2 provided a statement to SiRT on April 10, 2026. He was responding to a call related to a suspicious vehicle on Highway # 103 on March 28, 2026. On his way, WO1 advised him that the driver of the vehicle was walking on the highway toward Tantallon. He picked up the AP, who stated he was walking to get gas. WO2 stated that the AP was very chatty and upset about the vehicle running out of gas. He did not detect any smell of alcohol and did not feel the AP was impaired or intoxicated.

The evidence shows that they arrived at Wilsons gas station at approximately 11:24 pm. The AP was trying to complete an e-transfer to pay for gas. He advised the AP that he could not wait and he would have to walk back. WO2 left the gas station at 11:27 pm. WO2 was responding to another urgent call when he became aware of a report of a pedestrian struck on Highway # 103. WO2 attended the motor vehicle accident and secured the scene. Another officer was already there and multiple other officers arrived.

WO2 took an audio statement from the SO which was captured on body-worn camera. There was no other body-worn camera footage captured for WO2. WO2 stated the SO was coherent and he had no concerns of impairment.

SiRT obtained notes, reports, and body-worn camera footage from other witness officers, which was reviewed and considered. No other officers were immediately involved in the events leading up to or were involved in the collision, and therefore this evidence has not been included in this report.

Subject Officer (SO)

Subject officers are not required by law to submit to an interview. In this case, the SO attended an interview with SiRT and consented to the release of the interview she gave to the RCMP on the scene after the incident.

WO2 interviewed the SO at 12:07am on March 29, 2026. Audio of the interview was captured on his body-worn camera. The SO stated that she was traveling westbound on Highway #103 and was merging onto the highway. She stated she was in the merge lane, did a shoulder check, and was getting up to speed. The SO had observed a car in another lane who had moved over so she could merge onto the highway. She stated that a male came from the ditch and ran right in front of her

car. He came over the front of the car and smashed the windshield. After the impact, another man stopped to see if she was ok.

SiRT interviewed the SO on April 20, 2026. She explained that earlier in the day she attended a family birthday party in Bible Hill. The SO stated she was at the family party from approximately 6:00pm to just after 10pm. She consumed one beer upon arrival and approximately half of another beer at approximately 7:00pm. She ate dinner and cake and did not consume any other alcohol.

The SO drove to and from the family party with her son and dropped him off at his home in Tantallon. She stayed for a few minutes and then left in her vehicle to drive home. She stated that she traveled along Hammonds Plains Road and came to Exit # 5, to get onto the highway. She was in the merge lane and noticed there was another vehicle traveling on the highway, which moved over into the far lane so she could merge. She stated she did a quick shoulder check and started to move over. When she turned back to face the road, there was a person running in front of her car. The car collided with the person, and he came through the windshield. The SO pulled out her phone and tried to call 911. The male who was driving the vehicle in the other lane had stopped and asked if she was ok. She stated she did not know where the male who ran in front of her car came from, and there was nothing she could have done. She called 911, and police and firefighters arrived on scene.

Affected Party

An autopsy was performed by the Nova Scotia Medical Examiner Service on March 30, 2026. SiRT obtained a copy of the Medical Examiner Report and the Toxicology Report. The Medical Examiner determined the cause of death was blunt force injuries, and the manner of death was an accident. The Toxicology Report identified a number of substances: Benzoylcegonine, Ecgonine Methyl Ester, Morphine, Hydromorphone and Fentanyl. The report notes that some of these substances can be the byproduct of Cocaine. There was no presence of alcohol.

Video Footage

CCTV footage from the Wilsons gas bar, the gas station where WO2 took the AP, was obtained. It shows the AP arrive with WO2 at 11:24pm, and WO2 leave at 11:27pm. The video captures the AP leaving with a gas can at 11:33pm.

Dashcam footage from CW4's vehicle captured a forward-facing view from the vehicle as it traveled behind the SO's vehicle, which can be observed merging onto the highway from Exit # 5. The footage captures a person stepping into the roadway and being struck by the SO's vehicle. Braking can be observed prior to the collision, and the SO vehicle's left turn signal is flashing.

Police Radio Communications and 911 calls

SiRT obtained 911 call recordings related to all interactions with the AP. At approximately 5:36pm, HRP responded to a call of a suspicious vehicle in Beechville, NS. The police file noted that the vehicle had run out of gas, and nothing out of the ordinary was noted during this interaction by police.

At approximately 11:02 pm a civilian called about a suspicious vehicle on the side of Highway #103 just past Exit # 5. The caller reported people on the side of the highway. He stated that a car was stopped, so he got out to help them. The caller stated: "I think they're totally impaired." He observed two males and two females and helped them push their vehicle to the shoulder of the highway. WO2 responded to the call.

911 call recordings captured the SO calling 911 at 11:49pm to report that she had struck someone on Highway # 103. She was distraught and stated that a person ran out of the ditch and appeared to be deceased.

SiRT obtained the relevant radio communications and 911 recordings associated with the call WO2 responded to when he left the gas station. Although the matter was unrelated to the subsequent collision, officers indicated that the incident had escalated and required their immediate attention. The audio recordings clearly demonstrate the urgency of the situation and the need for a prompt police response. Dispatch requested a response by multiple officers and advised that one of the individuals involved "will confront police.". The caller stated that if police don't do anything they might as well bring a body bag.

Mechanical Inspection

A mechanical inspection of the SO's vehicle was completed on April 1, 2026, by an independent automotive business. Aside from damage sustained in the collision, the vehicle's mechanical components were found to be in good working order.

Collision and Accident Reconstruction Report

A Collision and Accident Reconstruction Report was prepared by an independent police agency. This thorough report found that the cause of the collision was a result of the pedestrian encroaching the path of the SO's vehicle. It further concluded that based on the conditions and an analysis of any other contributing factors, that there "...was no expectation upon the driver of Vehicle One [the SO's vehicle] to anticipate a pedestrian in the lanes of an arterial highway."

RELEVANT LEGISLATION

Criminal Code:

Criminal Negligence

219 (1) Every one is criminally negligent who

(a) in doing anything, or

(b) in omitting to do anything that it is his duty to do, shows wanton or reckless disregard for the lives or safety of other persons.

Definition of duty

(2) For the purposes of this section, duty means a duty imposed by law.

Dangerous Operation

320.13 (1) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstance, is dangerous to the public;

(2) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public and, as a result, causes bodily harm to another person.

Motor Vehicle Act (Nova Scotia):

Duty to Drive Carefully

100 (1) Every person driving or operating a motor vehicle on a highway or any place ordinarily accessible to the public shall drive or operate the same in a careful and prudent manner having regard to all the circumstances.

(2) Any person who fails to comply with this Section shall be guilty of an offence.

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.

When assessing criminal negligence, there must be a marked and substantial departure from what a reasonably prudent person would do in the circumstances. Criminal negligence requires proof of

a wanton or reckless disregard for the life of another person. A person would need to be aware of the risks but persist in their actions anyway. In the present situation, there is no evidence to indicate that the SO was speeding, driving erratically, or operating her vehicle in a manner that can be described as having a wanton or reckless disregard for the life of another person. I cannot find there was a substantial and marked departure from what a reasonable person would do in the circumstances.

Turning to dangerous driving, the Supreme Court of Canada has articulated the law in *R v Beatty*, [2008] 1 S.C.R. 49 (S.C.C.) and *R v. Roy*, [2012] 2 S.C.R. 60 (S.C.C). First, there must be consideration whether the driving was done “in a manner that was dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the place at which the motor vehicle is being operated and the amount of traffic that at the time is or might be reasonably be expected at that place.” An accident does not necessarily mean there was dangerous driving. There must be a meaningful inquiry into the manner of driving, not the consequences of driving, such as an accident. Second, there must be consideration as to whether “the dangerous manner of driving was the result of a marked departure from the standard of care which a reasonable person would exercise in the same circumstances.” (*R v. Beatty*, supra, para 48).

In this case I cannot conclude that the SO was operating her vehicle in a dangerous manner. Upon review of the evidence, there is nothing to indicate the SO was speeding, it is clear she was driving in the correct lane, and another driver (CW4) observed her entering the highway appropriately. Dashcam footage shows she had her signal light activated and captured the accident. The expert Collision and Accident Reconstruction Report found that the SO could not anticipate a pedestrian on the highway.

There is no indication from the evidence that the vehicle was being operated in a manner that was a marked departure of what should be expected. I cannot conclude the SO’s actions rise to a criminal standard for dangerous driving.

I must also assess whether the SO was in violation of any provincial driving offence. Subsection 100(1) of the Nova Scotia *Motor Vehicle Act* requires that everyone operating a motor vehicle drive in a careful and prudent manner having regard to all the circumstances. Courts have held that perfection is not the standard. However, drivers must proceed with care that is reasonable, having regard to circumstances affecting the safety of others. It has been noted that the offence of careless driving is something which goes beyond mere error in judgement--it indicates a measure of indifference, a want of care and an indifferent regard for the rights of others. The fact that there has been a collision does not necessarily mean that the offence of careless driving has been committed, and circumstances of each situation must be considered. Imprudent and careless

driving looks at all the circumstances but particularly looks at whether the driver has intentionally assumed a particular risk.

Based on the evidence, it is clear that the AP was walking on the highway in the dark and moved into the road where vehicles were traveling at highway speeds. The SO was merging onto the highway, operating her vehicle appropriately. There is nothing to indicate that the SO did anything inappropriate, intentionally put anyone at risk, or engaged in dangerous behaviour.

CONCLUSION

After a careful review of the evidence and the law, I have determined that there are no reasonable grounds to believe the SO committed a criminal offence.