



Summary of Investigation

SiRT File # 2026-0068

Referral from

RCMP “J” Division

May 17, 2026

Erin E. Nauss
Director
August 25, 2026

SiRT MANDATE

The Serious Incident Response Team (“SiRT”) has a mandate to investigate all matters that involve death, serious injury, sexual assault, and 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 injuries of the Affected Party.

Timeline: SiRT commenced its investigation on May 17, 2026. The investigation concluded on July 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 Agency File | 6. Collision Analyst/Reconstructionist Analysis and Report |
| 2. Police Radio Transmissions | 7. GPS Data |
| 3. Body Worn Camera Footage | 8. Statement of the Affected Party |
| 4. Civilian Video Footage | 9. Affected Party's Medical Records |
| 5. CCTV Footage from Local Businesses | |

INVESTIGATION SUMMARY

On May 17, 2026, SiRT received notification of a motor vehicle collision in Hartland, New Brunswick, involving an RCMP police vehicle. The Subject Officer (the "SO"), an RCMP member, was operating a police vehicle (a 2024 Chevrolet Silverado), while responding to a 911 call regarding an unconscious male on a wooded trail. The Affected Party (the "AP"), a volunteer firefighter, was responding to the same incident on a 2019 Polaris Ranger 570 side-by-side (the "ATV"). The two vehicles were near the intersection of Rockland Road and Clark Street, and they collided. The ATV flipped on its side and the AP was transported to hospital where he was diagnosed with a broken wrist, head injury and lacerations. Additional first responders, not involved in the collision, attended the scene of the unconscious male.

Affected Party

On May 25, 2026, the SiRT investigator obtained a statement from the AP. He stated he is a volunteer firefighter and on May 17, 2026, at 6:17 pm, he received a page to attend an "off road rescue call". He responded to the call on his personal ATV, which did not have any emergency equipment. He said it was unusual for him to respond to calls on his ATV, but it is common for volunteer members to respond in personal vehicles if it is more accessible. The AP stated he was driving on the road, wearing a helmet, but was not wearing a seatbelt. While he was driving on Orser Street, he saw another car coming on the road, so he waited for that vehicle to pass before he turned onto Rockland Road. He stated he did not see any other vehicles at that time. He then drove on the right-hand side of Rockland Road and slowed down to turn left to access the trail, which was the location for the call. He stated that as he started to turn left, he was struck by the RCMP vehicle.

The AP stated that he did not know the RCMP vehicle was behind him. He stated he did not hear sirens, and when he got up after the collision, he did not see any lights activated on the police

vehicle. He stated he has a rearview mirror on his ATV, but he did not notice anything in the rearview mirror prior to the collision. He further stated that if he had heard emergency sirens, he would have pulled over and not attempted to turn.

The AP attended the hospital following the incident and returned to hospital the following day for a consult with a surgeon. The AP stated that as a result of the accident he had a fractured wrist with cartilage damage, a laceration on his forehead, and road rash over his body. He required surgery on this wrist following the incident. The AP consented to SiRT obtaining his medical records, which confirmed the injuries.

Subject Officer

Subject Officers are not required by law to provide a statement or their notes/reports for the SiRT investigation. In this case, the SO did not consent to provide these materials to SiRT.

Body Worn Camera Footage

Body Worn Camera (BWC) footage was obtained from the SO and other witness officers who attended the scene after the collision.

The SO's BWC captures him driving the RCMP vehicle. Due to the positioning of the camera, the footage only shows the steering wheel and dash area. Prior to the collision, there is no footage of the SO's view of the road. The BWC shows the SO driving and then he quickly turns the steering wheel to the right and the video shakes, before the SO stops and exits the vehicle (*Director's Note:* There is also no audio during this part of the BWC. BWC audio does not turn on until 30 sec after the recording begins). The SO exits the vehicle, and the AP is observed standing on the sidewalk. The AP's ATV is observed on its side on the road and sidewalk. When the audio starts, the ATV can be heard running. The SO is heard radioing for Emergency Medical Services (EMS) to attend the scene and asks the AP if he is okay. He then goes to the police vehicle to look for a first aid kit. The footage shows that the emergency lights of the police vehicle had been activated, as they are still engaged. The SO enters the police vehicle, pulls it over to the side of the road and then exits to walk toward the AP to assess his injuries. Another police officer arrives on scene. The SO talks to a bystander, another volunteer firefighter, who is asking questions about what happened. The SO tells him he was heading up the road and as the ATV pulled over, the SO tried to pass him. The SO returns to the AP to obtain some information and administer first aid.

Approximately 12 minutes after the collision, EMS arrives on scene to assess the AP. The BWC also captures the SO speaking with another officer. The SO states he struck the rear of the ATV. When talking to another officer, the SO stated he had his emergency lights and sirens on and that the ATV did not have any emergency equipment turned on.

BWC footage of the second officer on scene showed a helmet in the middle of the road close to the ATV. The second officer also interviewed a witness, which was captured on BWC. He said that he did not see the collision but observed the ATV in the right lane and the police vehicle move into the left lane trying to go around the ATV (*Director's Note: The SiRT Investigator made attempts to contact this witness to obtain a statement but was unsuccessful*). The officer canvassed the neighbourhood to see if anyone else witnessed the accident. However, no one saw the accident. Some heard a loud noise from their homes.

A third officer was on scene after the collision. His BWC footage showed the interaction with officers and civilians at the scene. He also canvassed the neighbourhood to determine if anyone witnessed the incident. He was not able to locate any witnesses.

Other Video Footage

Following the incident, SiRT was contacted by a civilian who had camera footage from her property of the incident. The video is 25 seconds in length. At 6 seconds, the police siren can be heard. At 10 seconds, the ATV is seen travelling on Rockland Road and slowing down near the entrance of the trail. At 12 seconds, the RCMP vehicle is observed driving. At 13 seconds, the video captures the sounds of screeching tires and a crash. The collision between the vehicles can be seen on the camera, but some of the view is obstructed by the treeline.

GPS Data and Radio Communications

GPS Data of the police vehicle was provided to the SiRT Investigator. The time and speeds of the police vehicle were as follows:

- 6:14:54 pm – police vehicle travelling at 93 km/hr
- 6:15:09 pm – police vehicles travelling at 0 km/hr [*Director's Note: based on the radio communications, this is consistent with the time of the collision*]
- 6:18:09 pm – police vehicle travelling at 6 km/hr [*Director's Note: based on the BWC footage, this is consistent with the timing of when the SO moved the vehicle to the side of the roadway*]

Radio communications confirm that at 6:15:30 pm, the SO radioed asking for EMS to attend his location as he was involved in a collision.

Collision Analysis/Reconstruction

A Collision Analyst/Reconstructionist from the RCMP attended the scene. When engaging specialized services, SiRT often uses a police agency that does not employ the Subject Officer. In this case, at the time of the referral, the RCMP collision analyst was en route to the scene. Considering the time of day and the travel time to the scene, it was determined the RCMP collision analyst should attend to ensure the process was started before it was dark and evidence

was lost. The RCMP Forensic Collision Analyst Team is independent from the regular division, and they were working under the direction of SiRT.

The Reconstructionist drafted a detailed report, with supporting documentation, which was turned over to the SiRT Investigator. The Reconstructionist's findings, based on the evidence, were:

...a 2024 Chevrolet Silverado [the police vehicle] was travelling east into his proper lane of travel onto Rockland Road in Hartland, New Brunswick. As it approached civic 115 and the intersection with Clark Street, the Chevrolet Silverado started moving into the opposite lane of travel to overtake a 2019 Polaris Ranger 570 [the ATV] which was traveling east into the eastbound lane of travel. As it was being overtaken, the Polaris Ranger 570 abruptly turned left from the eastbound lane of travel to the westbound lane of travel and in front of the Chevrolet Silverado. The marked police vehicle went into maximum braking and shortly thereafter, collided with the Polaris Ranger 570. The impact was an oblique near side impact- rear side from the front-center of the pick-up to the rear-left wheel of the ATV...

The Reconstructionist also determined the point of impact between the two vehicles was near the middle of the westbound lane. Neither the SO or the AP had their seatbelts on at the time of the collision. The speed limit for the street was posted as 50 km/hr. Based on the analysis, it is believed the police vehicle was traveling between 92-99km/hr at impact.

RELEVANT LEGISLATION

Criminal Code:

s. 320.13 – Dangerous Operation

- (1) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, 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.

Violations of the New Brunswick Motor Vehicle were also considered, including Section 110:

Emergency vehicles

110(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

110(2)The driver of an authorized emergency vehicle may

- (a) park or stand, irrespective of the provisions of this Act,
- (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation,
- (c) exceed the maximum speed limit so long as the driver does not endanger life or property, and
- (d) disregard regulations governing direction of movement or turning in specified directions.

110(3)Subject to subsections (3.1) and (3.2), the privileges set forth in this section apply only when the driver of the authorized emergency vehicle sounds a bell, siren or exhaust whistle while the vehicle is in motion and when the vehicle is equipped with at least one lighted lamp displaying a flashing red light visible under normal atmospheric conditions from a distance of one hundred fifty metres to the front of the vehicle.

110(3.1)An authorized emergency vehicle operated as a police vehicle by a peace officer is not required to be equipped with a lighted lamp displaying a flashing red light or display a red light visible from in front of the vehicle and the peace officer when following a suspected violator of the law is not required to sound a bell, siren or exhaust whistle.

110(3.2)The driver of an ambulance is required to sound a bell, siren or exhaust whistle only when the ambulance is approaching a vehicle, a pedestrian or an intersection.

110(4)This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and property.

LEGAL ISSUES & ANALYSIS

I must now assess the evidence to determine whether there are reasonable and probable grounds to believe a criminal or provincial 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 considering whether the SO's actions amount to the criminal offence of dangerous driving, I must consider the elements of the offence. The Supreme Court of Canada in *R v. Beatty*, [2008] 1 S.C.R. 49 (SCC) and *R v. Roy*, [2012] 2 S.C.R. 60 (SCC) have articulated the law on dangerous driving. 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 the driving, such as an

accident. In doing this inquiry, there must first 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” (see *R v. Beatty*, *supra*, para 43).

Second, there much 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 *R v. Roy*, *supra*, at para 36, the Court stated as follows:

36... It is helpful to approach the issue by asking two questions. The first is whether, in light of all the relevant evidence, a reasonable person would have foreseen the risk and taken steps to avoid it if possible. If so, the second question is whether the accused’s failure to foresee the risk and take steps to avoid it, if possible, was a marked departure from the standard of care expected of a reasonable person in the accused’s circumstances.

In this case, the AP and the SO, both in their capacity as first responders, were responding to an incident in a wooded area. The AP used his personal ATV, which was not equipped with emergency equipment. The SO was in his police vehicle, travelling above the speed limit (approximately 90 km/hr) with his lights and sirens activated.

The accident reconstructionist report states that the police vehicle and ATV were travelling in the same direction and the police vehicle tired to overtake/pass the ATV. At the same time, the ATV made a left turn, heading toward a wooded trail. The SO applied the brakes but collided with the ATV. The point of impact was near the centre of the westbound lane. The conclusion of the accident reconstructionist is not only supported by the evidence they gathered at the scene, but consistent with the video footage provided, the witness statement captured on the BWC, and the statement of the AP. I have also considered the road conditions and area the police vehicle was operating in. The video footage provided by civilian and the BWC footage show that it was a clear day and the incident occurred during daylight. The road is a residential road, with little traffic. At the time of the collision, the roadway was not busy.

Considering these factors, I cannot conclude the SO was operating the police vehicle in a dangerous manner. The SO was responding to a call, and it was reasonable for him to be travelling the speed he was travelling with his emergency equipment activated. Emergency vehicles have the right of way on a roadway and it was reasonable for the police vehicle to pass the ATV. A reasonable person would not have foreseen the risk of the ATV turning as the police vehicle was passing.

I have also considered violations under the New Brunswick *Motor Vehicle Act*. In doing so, I am mindful of s. 110 of the *Motor Vehicle Act* which authorizes an emergency vehicle, responding to a call, to exceed the speed limit so long as the driver does not endanger life or property, and to disregard regulation governing direction of movement or turning in specified directions. The driver must have their emergency equipment (lights/sirens) engaged and has a duty to drive with due regard for the safety of all persons and property.

In considering the legislation and the previously mentioned factors, I cannot conclude the SO was operating his motor vehicle in manner violating the *Motor Vehicle Act*.

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 or provincial offence.