



Summary of Investigation

SiRT File # 2026-0073

Referral from

RCMP “J” Division

June 2, 2026

Erin E. Nauss
Director
October 16, 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* as a matter to be investigated due to the serious injury of the Affected Party.

Timeline & delays: The SiRT investigation started on June 2, 2026, and concluded on August 18, 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 | 5. Subject Officer Notes and Statement |
| 2. Statement of the Affected Party | 6. Witness Officer Notes and Statements (3) |
| 3. Medical Records of the Affected Party | 7. Photos of ERT Vest |
| 4. Photos of the Affected Party | |

INVESTIGATION SUMMARY

Overview

On June 2, 2026, at approximately 5:00 am, RCMP officers attended a property in Moncton, New Brunswick to execute a search warrant to search the Affected Party's (the "AP") property. The search warrant also gave the officers authority to detain all people on the property at the time of the execution of the warrant.

Due to the risks associated with the operation, the RCMP deployed their Emergency Response Team (ERT) to assist. ERT utilizes armoured vehicles, carbine firearms and have vests that state "POLICE" in capitalized letters.

When officers entered the property, they yelled "Police, Search Warrant" several times. Three people exited a garage, and another person exited a trailer on the property. Three people were cooperative with the police and followed their directions (two of these individuals came from the garage, while the third came from the trailer). The fourth person, the AP, appeared from the garage with a water bottle in his hand. The Subject Officer (the "SO") issued commands for the AP to put his hands in the air. The AP did not comply and continued to walk toward the SO.

The SO grabbed the arms of the AP and told him to get down on the ground to which the AP resisted. The SO took the AP to the ground, causing the AP to hit his face. The AP sustained an injury to his face and was transported to hospital. Medical records confirm the AP was diagnosed with a fractured nasal bone and nasal septal deviation towards the right side.

Affected Party

On July 2, 2026, SiRT obtained a statement from the AP. The AP stated he was inside a garage on his Moncton property on June 2, 2026. The building had an open, 20-foot roll-up garage door and contained equipment, including car hoists and a forklift. He stated he suddenly saw flashing lights throughout the area and began walking toward the door with the other occupants. Outside, he saw armoured vehicles and people carrying firearms. The AP explained that he is hard of

hearing. He stated that although he could see an officer speaking or yelling, he could not hear what was being said and repeatedly asked, “What?” He said his hearing aids were not working, and he was not wearing them when police arrived. He recalled raising a hand to indicate that he could not hear and saying, “I can’t hear you.” At the time, he was holding a bottle of water. He saw the other two occupants being handcuffed and taken to a police vehicle. The AP stated that the next thing he remembered was being pushed against a forklift and taken to the floor. He said the officer placed his knees on the AP’s back and pushed his face into the floor. He stated that when he returned to his feet, his nose was cut, marked, and bleeding. He believed he had been struck in the face but was unsure whether the contact came from the officer’s elbow or part of the officer’s firearm. Once on the ground, the AP was handcuffed, lifted from the floor, and transferred to another officer.

The AP said he never heard the officer tell him not to resist. He described the officer as wearing a dark uniform and carrying what he believed was a machine gun. He stated that because he could not hear the officer, the AP did not know he was dealing with police. He did not recall seeing the word “POLICE” on the officer’s uniform.

The AP said he was placed in a police vehicle and transported to the police station. Because blood was running from his nose, he was then taken to hospital, where he was treated and diagnosed with a broken nose. He confirmed that he had no previous injury to his nose and that the fracture occurred during his interaction with police.

With the AP’s consent, SiRT obtained his medical records. The records confirmed that a CT scan of his head and face identified a fractured nasal bone and a rightward deviation of the nasal septum.

The AP stated the interaction with the SO should be captured on the security camera footage from his property. Despite requests to the AP and his lawyer, the footage was not provided to SiRT.

Subject Officer

Subject officers are not required by law to provide statements, notes, or reports to SiRT. In this case, however, the SO consented to provide his notes and took part in an interview with SiRT.

During the interview, the SO stated that he was a member of the ERT assisting with the execution of a search warrant at a Moncton property. Before the warrant was executed, he attended a briefing and was assigned responsibility for the garage area. He said the threat level had been assessed as high because of several operational factors. When the SO arrived, it was still dark. He positioned himself near the garage bay door and began yelling, “Police. Come out. Show us your hands,” as loudly as he could. The emergency lights and sirens on the police vehicle were activated. The SO explained that the sirens were activated initially for identification

purposes and then turned off so police commands could be heard. He stated that when he did not immediately see anyone, he continued yelling to identify the police presence and direct the occupants. After a delay, he saw movement in the garage, and three individuals—two males and a female—emerged from its left side. The SO stated that one male and the female made eye contact with officers, kept their hands visible and raised, and complied with directions. The SO did not consider them a threat, and another officer secured them. While monitoring those two individuals, the SO also watched the garage, and he stated that debris, large machinery, and vehicles created potential threat areas.

The SO then saw a third individual, the AP, who appeared angry and frustrated. Despite commands to raise his hands, the AP kept both hands down and carried what appeared to be a one-litre pop bottle. The SO considered this response unusual given the substantial police presence and believed that a reasonable person would not approach a tactical police team while carrying a bottle. The AP continued walking toward the SO without following his commands. The SO repeatedly yelled, “Put your hands in the air. Drop the bottle,” but the AP did not comply or communicate. The SO recalled that debris and large machinery separated them. As the AP continued to disregard commands, the SO stated he believed he had to act quickly. He knew that the other officers were dealing with other tasks, so he concluded that he needed to quickly gain control of the AP. The SO stated he stepped forward and placed his hands on the AP’s arms. The AP tensed and tried to pull away. The SO then grabbed him and pinned him against a forklift. He explained that ERT members wear substantial equipment, including a carbine. The SO stated that while pinned, the AP continued moving, twisting, and trying to pull away. Because the operation remained in progress, the SO said he needed to gain control quickly. He ordered the AP to get on the ground. By that point, the AP was resisting less. The SO turned him, applied pressure, and the AP went to the ground quickly. Once there, the AP’s behaviour changed immediately: he stopped resisting, followed commands to place his hands behind his back, and cooperated while being handcuffed. The SO then asked the AP to roll onto his side and bring up his legs. The SO stated that at that point, the AP said, “I can’t hear.” The SO said this was the first time the AP had communicated a hearing issue and that, during the interaction, the AP had not otherwise indicated or gestured that he could not hear. The AP was brought to his feet and transferred to another officer. The SO later located the AP’s glasses and brought them to him. He stated that he never removed his carbine or used it to strike the AP.

Witness Officers

SiRT also obtained statements from officers who were present at the scene. Two of those officers observed the interaction between the AP and the SO.

Witness Officer #1 (WO1) was a member of the ERT assigned to the operation. He described the property as an expansive compound that presented a challenging operational environment. He said the ERT was deployed because the operation was considered high risk.

WO1 was partnered with the SO, and both were responsible for covering the garage. The garage door was open when they arrived. The SO covered the left side, while WO1 covered the right. As they entered, the SO repeatedly called out in a loud voice, "Police, search warrant, put your hands up." Almost immediately, three individuals emerged from a room on the left side. WO1 said that one male and a female quickly raised their hands and complied with police commands. The AP followed behind them. WO1 heard the SO continue directing the AP to "get your hands up" and "come over here." Based on what he heard, WO1 believed the AP was not following the commands. He then heard the SO grab the AP and repeatedly say, "Get down on the ground." WO1 asked whether the SO was okay but received no response. He heard a scuffle and, when he quickly looked back, saw the SO holding the AP against a piece of machinery and then saw the AP on the ground. When WO1 looked back again, he saw the SO lifting the handcuffed AP from the floor and noticed a scratch on the AP's nose. WO1 explained that he could not observe the entire interaction because he was monitoring the scene to ensure that no one else entered the garage area.

WO1 stated that the officers were wearing "full assault gear," including green uniforms, body armour, hard plate carriers, and ballistic helmets, with "POLICE" markings on the front and back. He also said that blue and red police lights flashed outside the building throughout the interaction. The sirens sounded initially but were turned off before officers entered the building. According to WO1, the commands directed at the AP were loud, and there was no background noise. WO1 learned only after the AP's arrest that he was hearing impaired. He described the AP's behaviour as passive resistant. When asked whether hearing may have been a factor, WO1 said it may have been, but noted that the commands were repeated, the other two individuals complied, and there were clear indicators of a police presence.

Witness Officer #2 (WO2) was present during the operation and was responsible for taking control of detainees at the scene. Shortly after the ERT entered the building, WO2 took custody of three individuals and transferred them to general duty members.

WO2 then heard an officer, whom he believed to be either the SO or WO1, yelling, "Show me your hands. Drop it." He said the commands were delivered in a raised voice. When he looked over, he saw the AP on the ground being handcuffed. WO2 later took custody of the AP, whom he described as quiet and compliant when directed to sit and lean against the police vehicle.

Witness Officer #3 (WO3) was assigned to arrest the AP and he provided the police caution and Charter rights to the AP and transported him to the detachment. When WO3 first saw the AP, he noted that the AP's face was red and that he appeared generally normal, although somewhat sluggish. In his notes, he indicated there was bleeding from his nose and small cuts were observed. The bleeding was thicker than a normal nosebleed. WO3 said the AP was hard of hearing and that he had to raise his voice when speaking with him. The AP requested an ambulance, stating that he was dizzy and had been "thrown to the ground." After arriving at the detachment, the AP was assessed by paramedics, and it was determined he needed to go to hospital. WO3 accompanied the AP by ambulance to the hospital, where he was diagnosed with a broken nose. WO3 photographed the AP's injuries after he was discharged from hospital.

Civilian Witnesses

The SiRT investigator attempted to obtain statements from the other people detained during the execution of the search warrant to see if they witnessed any interaction between the AP and the SO. Despite best efforts, the SiRT investigator was unable to make contact with these individuals.

Additional Evidence

A photo was obtained of the ERT vests, which confirmed "POLICE" is written in large black letters on both sides.

Aerial photos of the property were obtained by the RCMP prior to the execution of the search warrant. SiRT reviewed these photos as part of its investigation. The photos capture the extensive size of the property. There are numerous large outbuildings, vehicles and sea can/shipping containers.

RELEVANT LEGISLATION

Criminal Code:

Assault causing bodily harm

s. 267 Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years or is guilty of an offence punishable on summary conviction who, in committing an assault

...

(b) causes bodily harm to the complainant, ...

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.

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 assess the evidence to determine whether there are reasonable and probable grounds to believe that a criminal offence was committed. This threshold is higher than reasonable suspicion but lower than either the balance of probabilities or proof beyond a reasonable doubt.

Section 25 of the *Criminal Code* authorizes a peace officer who acts on reasonable grounds to use as much force as is necessary to administer or enforce the law, provided that the force is not excessive in the circumstances. In *R. v. Nasogaluak*, 2010 SCC 6, [2010] 1 S.C.R. 206, at paragraph 35, the Supreme Court of Canada 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.

In this case, the search warrant lawfully authorized police to enter the property and detain the individuals present. The officers assessed the entry as high risk and deployed the ERT. During the SO's interaction with the AP, the AP did not comply with commands to raise his hands and continued advancing toward the SO. The SO therefore moved to gain control of the AP, first pinning him against a piece of machinery and then taking him to the ground. The situation was dynamic, and officers did not know how many people were on the property. They had to detain

those present quickly so that the property could be safely cleared. The property's size and the presence of numerous vehicles, machines, and outbuildings added to the operation's complexity and heightened the need to secure the scene promptly for officer and public safety. The SO and witness officers stated that loud commands were repeatedly given.

The AP stated that he was hard of hearing, and the SiRT investigator confirmed his hearing impairment. At the time of the incident, however, neither the SO nor the other involved officers knew or reasonably could have known of his condition. The AP said he could not hear the officers' commands, including those given by the SO, and did not understand that police were on his property. He recalled asking, "What?" and gesturing toward his ear. However, when I consider the evidence of the SO and the witness officers, the objective indicators of a police presence were apparent: emergency lights were flashing, the officers wore full police equipment marked "POLICE" on the front and back, and the other individuals at the scene quickly complied with police commands. Photographs of the police uniforms corroborated the visible markings.

Given the identified risks and the AP's failure to follow the SO's commands, it was reasonable for the SO to use force to gain control of the AP and secure him in handcuffs. I find that pinning the AP against the machinery and taking him to the ground was reasonable and not excessive 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 officers involved.