

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

Summary of Investigation  
SiRT File # 2019-028  
Referral from  
RCMP  
August 25, 2019

Felix Cacchione  
Director  
July 24, 2020

This investigation commenced on August 25, 2019 at 3:05 a.m. as the result of a referral by the RCMP concerning a motor vehicle accident which had occurred approximately 30 minutes earlier. The accident involved a civilian vehicle driven by Affected Party 1 (AP1), which was being followed by a marked RCMP vehicle driven by the Subject Officer (SO).

SiRT completed its investigation on May 7, 2020.

The following items were obtained, during the course of the investigation, and reviewed in preparation of this report; statements from the passenger in the vehicle Affected Party (AP2), eight civilian witnesses, the SO's report, AP1's medical records, autopsy and toxicology reports, involved vehicle history, the notes of six Witness Officers (WOs), RCMP radio communications, the SO's vehicle GPS showing the route travelled and speed, photographs showing the route travelled, video camera surveillance footage from five different locations, the accident reconstructionist's report and photographs of the scene and the RCMP policy in respect of Emergency Vehicle operations (Pursuits).

**Facts:**

At approximately 2:20 a.m. on August 25, 2019, the SO observed a vehicle being driven by AP1, without its headlights on, in the rear parking lot of a drinking establishment. The vehicle entered the highway without its headlights on and was travelling in the opposite direction of the SO's vehicle. As AP1's vehicle passed the SO's vehicle it was partially over the center line which forced the SO to veer to the right and on to the shoulder of the road. The SO activated his emergency lights, made a U-turn, and attempted to follow AP1's vehicle which was not stopping.

When the SO activated his emergency lights, AP2 told AP1 to pull over but AP1 did not. The SO then activated his siren as AP1 continued to increase his speed. Some civilian witnesses heard squealing tires followed seconds later by the siren. AP1's speed at times exceeded 160 km/h.

The SO then radioed for assistance from other officers and provided the route and direction of AP1's travel. The SO was able to close the gap between the two vehicles enough to observe and transmit AP1's license plate number. The SO then radioed that a crash had occurred, and paramedics were being called to the scene. This entire exchange took less than one minute.

AP1 and AP2 were transported to the hospital. AP1 died at the hospital. AP2 survived his injuries but required surgery to repair fractured vertebrae.

AP1's vehicle was travelling in excess of the posted speed limit when it went off the road onto the gravel shoulder on the right side. The vehicle then travelled across the two lanes of the road in a counterclockwise motion before striking a concrete retaining wall. The vehicle then toppled over before coming to rest on its roof.

At the time of the accident, AP1 was a suspended driver who was operating an uninsured and unregistered vehicle. He was ejected from the vehicle because he was not wearing his seatbelt. The presence of cocaine, alcohol, and THC in AP1's system was noted in the toxicology report.

**Legal issue:**

Did the SO have reasonable grounds to believe that AP1 had committed or was committing a criminal offence?

A peace officer can arrest a person without warrant if the officer believes on reasonable grounds that person has committed or is about to commit a criminal offence.

**Conclusion:**

The SO had reasonable grounds to believe that AP1 was committing the criminal offence of impaired driving based on AP1 driving his vehicle without its headlights on and driving over the centerline of the roadway. The SO also knew that AP1 was committing an offence by failing to stop while being pursued by a police vehicle with its emergency lights and siren activated.

This fatal accident was caused by AP1's decision to operate the vehicle at high speeds while under the influence of alcohol and drugs and to flee the SO's attempt to stop him.

Other than some of the speeds attained during the pursuit, there is no evidence to indicate that the SO was operating his vehicle in a dangerous manner. There are no reasonable grounds to believe that the SO was criminally responsible for AP1's death.