



Summary of Investigation

SiRT File # 2014-016

Referral from

Halifax Regional Police

June 9, 2014

Ronald J. MacDonald, QC
Director
October 17, 2014

Facts:

Shortly before 11 a.m., on June 9, 2014, Officer 1, a member of the Halifax Regional Police, observed a motorcycle go through a stop sign without stopping at the corner of Tacoma Dr. and Hartlen Dr. in Darmouth. Officer 1 intended to make a traffic stop, and turned on his emergency equipment. The motorcycle then sped away and crashed several seconds later on Tacoma Dr. The 27-year-old driver, the affected person (AP), was injured and taken to hospital by EHS. He was found to have broken his lower right arm.

As it appeared AP had been seriously injured, in accordance with the requirements of the *Police Act*, HRP referred the matter to SiRT within 20 minutes of the incident occurring. SiRT commenced an investigation that day, which concluded on October 1, 2014. The conclusion was delayed by SiRT's workload over the summer months. The investigation included taking or obtaining statements from three civilian witnesses, including AP, as well as obtaining evidence generated by a forensic review of the scene.

The Serious Incident Response Team Regulations made under the *Police Act* do not require a subject officer to provide SiRT with a statement or notes about the matter. Nevertheless, Officer 1, who was the subject of the investigation, provided a statement to SiRT investigators.

Officer 1 indicated he was operating his police van when he saw AP roll through a stop sign at the intersection of Tacoma Dr. and Harlten Dr. He turned on his lights and siren, and began to turn around to attempt a traffic stop of the motorcycle. As he did, he saw AP run another stop sign at the Tacoma Dr. intersection with Valleyfield Rd. AP continued at a high speed on Tacoma, looking back to see the police vehicle. As he did this, he travelled to the left side of the road. An oncoming vehicle pulled to the side of the road to avoid collision. When AP turned to look forward he tried to avoid the collision but struck the driver's side of the vehicle. He then crossed to the right side of the road at high speed and struck a power pole. AP was thrown from the motorcycle and lay injured on the road. EHS was called immediately.

The incident lasted well under a minute, and the motorcycle only covered a few hundred metres before it crashed.

The driver of the motor vehicle that was struck by the motorcycle confirmed several of the facts as given by Officer 1. She indicated she thought the motorcycle was travelling at highway speeds at the time of the collision.

A male civilian witness observed the incident from a local restaurant. He too confirmed the facts as given by Officer 1.

AP was interviewed by investigators later that day. He acknowledged his responsibility for the accident. He indicated he sped away, and ran the second stop sign, in an effort to get away from

the police. He did this because he did not have a driver's licence, and did not have insurance on the motorcycle that he had recently purchased. He said he tried to cut the turn in the road to get away but realized too late he was in the lane of oncoming traffic. He was unable to avoid the collision, and eventually struck the power pole. AP indicated that the accident was his fault as he should have stopped for the police. He told the investigators that the police were only trying to do their job and he apologized for any trouble that he may have caused.

Relevant Legal Issues and Conclusions:

The purpose of a SiRT investigation is to determine whether the facts of a case justify any charges against a police officer. Normally in "pursuit" cases the relevant possible offences would include dangerous driving or careless and imprudent driving.

In this case, while Officer 1 was trying to conduct a traffic stop, there was no pursuit as the incident occurred over a very short distance in a very short period of time. Officer 1 had just started the process of the stop when the motorcycle sped off and crashed a short distance away. Therefore, the only issue is whether Officer 1 had a valid reason to attempt the traffic stop.

Officer 1 indicated that he saw the motor cycle fail to stop at the stop sign at Tacoma and Hartlen Drives. This is a violation of the *Motor Vehicle Act* and gives justification to attempt a traffic stop of the motorcycle.

The sections of the *Police Act* relevant to SiRT state that the Director has the sole authority to determine whether charges should be laid in any matter investigated by SiRT. In this case there are no grounds to consider any charges against Officer 1. As AP himself acknowledged, the injuries he suffered would have been avoided if he had done what the law requires – pull over when police sound their siren and engage their flashing lights.