

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-027

Referral from

Halifax Regional Police

June 25, 2022

John L. Scott
Interim Director
January 18, 2023

On June 25, 2022, SiRT received a referral from the Halifax Regional Police regarding a two-vehicle collision with injuries including a pedestrian who was struck. Moments earlier police attempted to stop a vehicle, but quickly abandoned their effort due to excess speed. The SiRT investigation commenced immediately to determine whether the actions of the police impacted on the collision that occurred which resulted in a broken leg to the pedestrian that was struck. SiRT concluded its investigation on October 20, 2022.

The SiRT investigator attended the accident scene, talked to civilian witnesses regarding what they observed and learned the names of all HRP officers involved. Based on initial findings, the SiRT investigator viewed all officers as Witness Officers (WO). The police officers' notes and reports were obtained by SiRT, but no formal statements were sought.

The following information was obtained, reviewed, and considered in the preparation of this report: the notes and reports of a number of HRP officers involved in the matter; statements from two civilian witnesses operating vehicles in the area where the collision occurred and who observed the collision; statements from two civilian witnesses living by the collision scene as to what they observed; statements from the driver and two passengers in the struck vehicle; a statement from the pedestrian on the sidewalk who received a broken leg from the collision; review of the HRP operational policy manual on pursuits.

Facts

The following information is taken from key police radio broadcasts which are time stamped. To separate individual officers, I have given an assigned number to indicate the individual involvement of each officer.

11:50-11:53 a.m. – HRP officers were coordinating containment of a vehicle at an apartment building located on the Herring Cove Road in relation to a theft/fraud investigation.

11:54 a.m. WO1 radios there are four police vehicles on scene.

11:56:08 a.m. WO2 radios “male” at passenger side of suspect vehicle.

11:57:02 a.m. Unknown officer yells on radio “block that car” (suspect fleeing the area).

11:57:16 a.m. WO1 radios inbound (towards Armdale Rotary) Herring Cove Road, too much traffic, shut it down (start and end of attempted vehicle stop).

11:57:31 a.m. WO1 radios vehicle inbound, high rate of speed 140km/hr., following at a distance (no sirens could be heard in audio).

11:57:55 a.m. WO2 who is driving the opposite direction on the Herring Cove Road observes the collision happen with the run vehicle operated by the suspect hit another vehicle driving the struck vehicle into a pedestrian walking on the sidewalk. WO3 states on radio “accident on Herring Cove Rd”.

Based on these precise timelines, the suspect was fleeing the parking lot of the Herring Cove Road apartment building observing the police vehicles there at 11:57:02 a.m. and at 11:57:16 a.m., WO1 is shutting down the attempt to stop the vehicle. This is 14 seconds later and included the police

vehicles going from a stopped position and the officers reacting to putting their cars in motion. WO3 who observes the collision, radios that it occurred at 11:57:55 a.m., which is 53 seconds after the suspect vehicle left the parking lot, but also 39 seconds after the HRP officers abandoned the attempt to stop the suspect vehicle.

The WOs who were involved in attempting to stop the suspect vehicle continued to drive inbound on the Herring Cove Road and did come upon the accident scene. Two of the HRP vehicles remained to assist the injured parties at the scene while a third HRP vehicle drove around the area in search of the run vehicle. The distance covered by the suspect vehicle to where the collision occurred was 1.2 kms. The suspect vehicle was later found abandoned but efforts to locate the suspect, who is known to police, was unsuccessful.

The SiRT investigator took statements from the three persons in the vehicle struck by the suspect vehicle. All three parties indicated they did not see the vehicle which struck them before the collision. Their vehicle was going in the same inbound direction on the Herring Cove Road as the suspect vehicle, but was struck as the suspect vehicle was trying to go by them at a high speed. All three parties suffered soft tissue injuries and were treated and released from the hospital. The pedestrian who suffered a broken leg was struck by the vehicle, which was hit by the suspect vehicle, and driven up on to the sidewalk. The pedestrian indicated he heard a noise and the next thing he was on the ground being attended by other persons in the area.

There were also four other civilian witnesses who gave statements to the SiRT investigator. Two of these were individuals driving separate vehicles in the same area of Herring Cove Road. Both witnesses observed the suspect vehicle pass them at a high rate of speed and strike the vehicle in the curb lane forcing it up onto the sidewalk. Both witnesses indicated there were no police cars chasing the suspect vehicle, and it was only after a period of time these other police cars came along at a normal speed.

Two other civilian witnesses who lived next door to where the vehicles collided, gave statements indicating the suspect vehicle was not being pursued by police when it struck the other vehicle. They did see police vehicles arrive soon after to check on the injured parties.

Analysis of Evidence and Conclusion

This factual situation gives rise to one of the most difficult situations that arises for a police officer in performing his duties. Attempting to stop a vehicle which has an occupant(s) inside it that were involved in some form of criminal activity versus continuing to pursue the vehicle and thereby putting innocent members of the public at risk who may be in the area of the pursuit. For an officer to continue chasing a vehicle, the officer(s) pursuing must have reasonable grounds to believe that the person(s) they are chasing have committed, is committing or about to commit a serious offence. To continue a pursuit, the officer must be satisfied the risk to the public, which is created by the chase, is outweighed by the seriousness of the offence and the need to arrest the person(s) inside the vehicle.

In weighing the risk to public safety, several factors must be considered including the nature of the offence, the distance, time and speed involved in the pursuit, road conditions (urban vs rural area), time of day, volume of vehicle traffic, and pedestrians on the road where pursuit could take place are just a few of the major factors to consider.

In looking at our present situation factually, WO1 made the right call in abandoning the attempt to stop the suspect vehicle. These factors were key to abandoning the attempted stop of the suspect vehicle: June 25, 2022 was a Saturday; the time of day was around noon hour; Herring Cove Road is a very high-volume vehicle and pedestrian traffic area; shopping mall in area of pursuit; criminal activity of theft/fraud not on the serious spectrum; vehicle pursued not involved in criminal activity at time of pursuit.

Conclusion

The actions that caused the injuries to the three occupants of the struck vehicle and the injury to the pedestrian are the sole responsibility of the actions and criminal behavior of the suspect operating his vehicle in a dangerous manner. WO1 followed the policies set out in the HRP manual in weighing the relevant factors and deciding quickly to terminate the attempted stop. The officers following WO1 in the attempt to stop the suspect vehicle, followed the instructions given them and abandoned as well. Therefore, no actions of the police officers involved contributed to the collision that occurred and no charges arise from their actions.