

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2023-045

Fredericton Police Force

New Brunswick

September 24, 2023

Erin E. Nauss
Interim Director
November 9, 2023

MANDATE OF THE SiRT

The Serious Incident Response Team (“SiRT”) has a mandate under the Nova Scotia *Police Act* to investigate all matters that involve death, serious injury, sexual assault, and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia. Through agreement and the New Brunswick *Police Act*, the SiRT is authorized to review this matter in New Brunswick.

At the conclusion of every investigation, the SiRT Director must determine whether 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 at a minimum 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.

In cases like this one these where charges were laid, and since the matters are currently before the courts, in accordance with SiRT policy, this report will not discuss the facts of that matter in detail. To do otherwise might compromise the fair trial interests of the accused. The Director may choose to provide a supplemental summary of the investigation at the conclusion of the prosecution.

INCIDENT SUMMARY

On September 24th, 2023, the Fredericton Police Force referred a matter to the SiRT regarding incidents alleged to have taken place on September 24, 2023, by a member of the Fredericton Police Force.

As a result of the allegations, the SiRT commenced an investigation. The investigation that led to the charges outlined below was completed on October 17th, 2023.

On September 24, 2023, the Subject Officer, Constable Colin Scott Holmes attended the residence of the Affected Party (“AP”). It is alleged that Mr. Holmes pushed his hand through the screen of a door and entered the locked residence. It is also alleged that Mr. Holmes made threats to the AP and grabbed the AP by the arm and throat.

In the course of the investigation, the AP and two witness police officers were interviewed.

LEGAL ISSUES

Under subsection 72(1) of the *Criminal Code*, an offence of forcible entry takes place when a person enters real property that is in the actual and peaceable possession of another in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace.

An assault under Section 266 of the *Criminal Code* takes place when a person commits assault as set out in Section 265. If there is evidence to show that a person applied force intentionally to another person without their consent, they have committed assault.

If a person utters, conveys, or causes a person to receive a threat to cause death or bodily harm to that person, this will attract criminal consequences under Section 264.1 of the *Criminal Code*.

CONCLUSION

After a review of the evidence, the investigation led to the conclusion that there were sufficient grounds to lay charges. On October 17, 2023, charges for forcible entry, assault, and uttering threats were laid against Colin Scott Holmes.