



December 12, 2025

25-23

**BC Prosecution Service announces no charges following motor vehicle incident
involving Nakusp RCMP officer**

Victoria – The BC Prosecution Service (BCPS) announced today that no charges have been approved against a Nakusp RCMP officer involved in a motor vehicle incident on November 25, 2024. The police officer was following a stolen vehicle, with both its lights and siren activated, when the suspect driver lost control and crashed into a ditch. The suspect driver was fatally injured in the accident.

Because a person was fatally injured, the incident was investigated by the Independent Investigations Office (IIO). Following the investigation, the Chief Civilian Director of the IIO determined that there were reasonable grounds to believe the officer may have committed *Motor Vehicle Act* offences and submitted a report to the BCPS (IIO file 2024-274).

In this case, the BCPS has concluded that the available evidence does not meet the charge assessment standard. There is no substantial likelihood of conviction for any *Motor Vehicle Act* offence in relation to the incident. As a result, no charges have been approved.

In order to maintain confidence in the integrity of the criminal justice system, a Clear Statement explaining the reasons for not approving charges is made public by the BCPS in cases where the IIO has investigated the on-duty conduct of officers and forwarded a report for charge assessment.

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Clear Statement

Overview

On November 25, 2024, at approximately 3:15 p.m., a Nakusp RCMP officer, the Subject Officer (SO), was travelling on Highway 23, when he attempted to initiate a traffic stop of a truck that had been reported stolen (the Truck). The SO executed a U-turn, activated their lights and siren and began following the Truck onto Highway 6. The driver of the Truck, referred to here as the Affected Person (AP), accelerated past a school bus, and then lost control of the Truck while negotiating a curve. The Truck went off the road into a ditch and then flipped over. The AP died at the scene from injuries sustained in the accident. The passenger of the Truck suffered no injuries.

This Clear Statement provides a summary of the evidence gathered during the investigation and the applicable legal principles. These are provided to assist in understanding the BCPS's decision not to approve charges against the SO. Not all the relevant evidence, facts, case law, nor legal principles are discussed. The charge assessment was conducted by Crown Counsel with no prior or current connection to the SO.

Charge Assessment

The charge assessment guidelines that are applied by the BCPS in reviewing all Reports to Crown Counsel are established in BCPS policy and are available at:

www.gov.bc.ca/charge-assessment-guidelines

BCPS guidelines for assessing allegations against officers are also established in policy and are available at:

www.gov.bc.ca/allegations-against-peace-officers

The BCPS applies a two-part test to determine whether charges will be approved, and a prosecution initiated. Crown Counsel must independently, objectively, and fairly measure all available evidence to determine:

1. whether there is a substantial likelihood of conviction; and, if so,
2. whether the public interest requires a prosecution.

Under BCPS policy, a substantial likelihood of conviction exists when Crown Counsel is satisfied there is a strong, solid case of substance to present to the court. To reach this conclusion, a prosecutor will consider what evidence is likely to be admissible and available at trial; the

objective reliability of the admissible evidence; and the likelihood that viable, not speculative, defences will succeed.

If the Crown Counsel is satisfied that the evidentiary test is met, Crown Counsel must then determine whether the public interest requires a prosecution. The charge assessment policy sets out a non-exhaustive list of public interest factors to be considered, both for and against a prosecution.

Charges considered

The potential charges considered in this case were careless driving, contrary to section 144 of the *Motor Vehicle Act*, and excessive speeding, contrary to section 148 of the *Motor Vehicle Act*. The IIO did not recommend any charges under the *Criminal Code* or the *Motor Vehicle Act* in relation to the AP's death.

Timeframe for assessment

The IIO first submitted a Report to Crown Counsel in August 2025.

Relevant law

Careless driving

To prove careless driving under section 144 of the *Motor Vehicle Act*, the Crown must establish a person operated a motor vehicle on a highway (a) without due care and attention, (b) without reasonable consideration for other persons using the highway, or (c) at a speed that is excessive relative to the road, traffic, visibility or weather conditions. A standard of perfection is not required, but rather that drivers operate vehicles in a manner that is objectively reasonable with regard to all the circumstances.

Excessive speeding

To prove excessive speeding under section 144 of the *Motor Vehicle Act*, the Crown must establish a person operated a motor vehicle on a highway at a speed greater than 40 km/h over the applicable speed limit.

Legal defences

In cases where on-duty police officers are alleged to have committed *Motor Vehicle Act* offence(s), section 122 of the *Motor Vehicle Act* is an available defence. Section 122 of the *Motor Vehicle Act* permits on-duty police officers to exceed the speed limit, as well as commit other actions that would otherwise be contrary to the *Motor Vehicle Act*.

However, these privileges must be exercised with due regard for safety and in accordance with the *Emergency Vehicle Driving Regulations (EVDR)*.

The *EVDR* requires a police officer to have reasonable grounds to believe that the risk of harm to members of the public from the exercise of those privileges is less than the risk of harm to members of the public should those privileges not be exercised.

In considering whether there are reasonable grounds, a police officer must consider any pertinent factors, including:

- the nature and circumstances of the suspected offence or incident
- the risk of harm posed by the manner in which the emergency vehicle is being or is likely to be operated
- the risk of harm posed by the distance, speed, or length of time required or likely to be required to exercise the privileges
- the nature, condition, and use of the highway
- the volume and nature of pedestrian or vehicular traffic that is, or might reasonably be expected to be, in the area

The police officer must also weigh the degree of risk of harm to members of the public against the seriousness of the nature and circumstances of the suspected incident. Factors which will increase the risk of harm to members of the public include:

- attempting to close the distance between a peace officer's vehicle and another vehicle
- if there is poor visibility
- if there is pedestrian or other vehicular traffic on the highway
- if the peace officer must disregard a yield sign or pass through a crosswalk or uncontrolled intersection

At a trial of this matter, the Crown would be required to disprove this available defence.

Summary of evidence

The Truck, a green Ford F350, was reported stolen in Nelson, BC on the morning of November 25, 2024. A description of the Truck was broadcast over the police radio, including its licence plate, its silver trim, and a distinctive sticker in the back window. At approximately 3:15 p.m., the SO was operating a marked police vehicle and observed a vehicle matching this description (but bearing a different plate number) driving on a highway in the outskirts of Nakusp.

At 3:15:34 p.m., the SO made a U-turn on Highway 23, then turned left onto Highway 6 and activated the vehicle's emergency lights and siren for purposes of initiating a traffic stop of the suspected stolen vehicle. After conducting the U-turn, and following the path taken by the

Truck, the SO increased speed and followed behind the Truck for approximately one minute. The Mobile Data Terminal in the police vehicle recorded a maximum speed of 130.7 km/h at 3:16:14 p.m. As the SO approached a bend in the highway, the speed of the police vehicle decreased to approximately 93 km/h at 3:16:31 p.m. There is no electronic data available for the speed of the Truck, but the AP's passenger said the AP increased speed as the Truck approached this bend. Moments later, the AP drove off the road into a ditch, just past the intersection of Highway 6 and Highway 23A. At 3:16:55 p.m. the police vehicle stopped at the accident scene. The subsequent investigation confirmed the AP's vehicle was stolen.

The maximum posted speed limit on this highway is 60 km/h in both directions of travel. CCTV footage obtained from a residential property across from the accident site showed that this is a rural two-lane highway with trees on one side and residential properties on the other. The CCTV footage showed a few other vehicles travelling at a high rate of speed around this corner shortly before the accident. A civilian witness stated that driving above the posted 60 km/h speed limit was common in this location. There are no sidewalks on the highway, just a gravel shoulder, and no pedestrians were present during the relevant time. Visibility and driving conditions were normal for the time of year, with some snow/slush on the roadway.

Two civilian witnesses observed the accident: a passenger in the Truck and a second witness who was driving another vehicle nearby. The passenger of the Truck did not realize there was a police vehicle behind them until they reached the bend in the highway and had passed a school bus, at which point they saw the police vehicle with its lights on. After turning the music off in the Truck, the passenger could hear the police siren. The passenger indicated that the AP then sped up to about 140-160 km/h.

The other civilian witness observed the police vehicle, with lights and siren on, three to four car lengths behind the Truck. The civilian witness recalled first seeing the Truck when it sped past the school bus. They described the police vehicle turning the corner "at a reasonable rate" and the Truck driving "very fast", between 90-100 km/h. They stated the SO was not tailgating the Truck. This witness did not observe the Truck drive off the road.

The forensic collision analyst concluded there was insufficient evidence to accurately determine the speed of the Truck at any point, including when it drove off the road.

The CCTV footage from across the road from the accident site captured the Truck losing control while turning the corner, spinning, going off the road into the ditch, and then flipping over. The SO's police vehicle, with emergency lights activated, travelling a short distance behind the Truck, is then seen pulling over to the side of the highway near the accident. The SO advised dispatch of this event, then exited the police vehicle to assist the Truck's occupants.

Analysis

The evidence demonstrates that the SO operated their police vehicle at a high rate of speed for approximately one minute while following the AP's vehicle on a highway with a marked speed limit of 60 km/h. The highest recorded speed during that minute was 130.7 km/h, more than 40 km/h above the posted speed limit. Absent justification under section 122, the *actus reus* of the offence of excessive speeding is established.

Apart from speed, there is no evidence the SO's driving otherwise contravened any provisions of the *Motor Vehicle Act*. As such, the offence of careless driving would only be established by evidence showing the SO's speed was excessive relative to the road, traffic, visibility or weather conditions.

Section 122 of the *Motor Vehicle Act* permits on-duty police officers to exceed the speed limit when certain conditions are met. The police officer must drive with due regard for safety, having regard to all of the circumstances of the case, including: the nature, condition, and use of the highway; the amount of traffic that is on, or might reasonably be expected to be on, the highway; and the nature of the use being made of the emergency vehicle at the time.

The *EVDR* provides additional rules for how and when a police officer may exceed the speed limit. There are two different sets of rules, depending on whether the police officer is in pursuit or is attempting to close the distance to a target vehicle.

Section 1 of the *EVDR* defines a "pursuit" as the driving of an emergency vehicle by a peace officer while exercising the privileges granted in section 122 of the *Motor Vehicle Act* for the purpose of apprehending another person who refuses to stop as directed by a peace officer and attempts to evade apprehension. This section defines "attempting to close the distance" as attempting to close the distance between a peace officer's vehicle and another vehicle but does not include a pursuit. RCMP policy is designed to prohibit police pursuits in low-level offences where the increased risk to public safety outweighs the need for immediate apprehension.

The available evidence is not sufficient to establish that the SO was engaged in a pursuit of the AP. To be characterized as a pursuit, the SO would need to be speeding for the purpose of apprehending an AP who is refusing to stop as directed and is attempting to evade apprehension. The evidence indicates the AP drove past the SO in the opposite direction of travel. At 3:15:34, the SO did a U-turn, activated the lights and siren, and increased speed to catch up to the AP. The passenger of the Truck did not realize they were being followed by the police vehicle until just before reaching the bend in the highway. The SO was three to four car lengths behind the AP at this point (3:16:31). The AP then accelerated while the SO decelerated.

During the approximate one minute that the SO was driving in excess of the speed limit, the evidence is consistent with the SO attempting to close the distance between his vehicle and the Truck for the purpose of initiating a traffic stop of the suspected stolen Truck.

The available evidence indicates that the SO activated their lights and siren shortly after executing the U-turn to follow behind the Truck, which they (correctly) believed was stolen. Theft of a vehicle is an indictable offence. The highway was relatively isolated with light traffic, driving at routinely high speeds, in ordinary winter driving conditions, with no pedestrians present. The above factors, along with the relatively brief period the SO was speeding, with lights and siren activated, in an attempt to close the distance with the Truck, suggest that the risk of harm posed by the SO's conduct was minimal.

The available evidence suggests the SO met the requirements of the *EVDR*, thereby engaging the privileges set out in section 122 of the *Motor Vehicle Act*. In these circumstances, there is no substantial likelihood of conviction for careless driving or excessive speeding.

Conclusion

No charges have been approved in relation to the SO's involvement in this incident.