

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Supplemental Summary of Investigation

SiRT File # 2015-014

Halifax Regional Police

May 21, 2015

Ronald J. MacDonald, QC

Director

February 1, 2017

This is a supplemental summary filed pursuant to subsection 9(5) of the Serious Incident Response Team Regulations made pursuant to the *Police Act*. In cases where SiRT lays a charge, that section provides that the Director may file a supplemental summary at the conclusion of the prosecution, setting out reasons why the charge was laid. SiRT is required to publish a public report at the conclusion of each investigation. Those reports are designed to ensure transparency regarding SiRT's investigations. Thus it is SiRT policy, in accordance with the Regulations, to publish a supplemental report in cases where the facts relevant to the charge decision were not originally made public and were not subsequently disclosed during court proceedings.

The original summary for this matter is dated January 25, 2016. Charges in the matter were laid on January 27, 2016, charging Officer 1 with the offences of theft, breach of trust and obstruction of justice. The Crown entered a stay of proceedings in relation to those matters on May 30, 2016. SiRT was informed on January 27, 2017 that the Crown does not intend to recommence those proceedings.

As Officer 1 no longer faces charges, he will not be identified in this report.

Facts

On May 21, 2015, the Halifax Regional Police (HRP) contacted SiRT with information regarding a potential theft, breach of trust, and obstruction of justice committed by Officer 1. The allegations of theft and breach of trust related to a substance known as "cut" which went missing from an HRP exhibit locker. "Cut" is used in the illegal drug trade and is mixed with the actual drug to increase quantity and profitability. The allegation of obstruction of justice relates to alleged steps taken to help a third party avoid detection and arrest by other HRP members.

During the investigation, SiRT obtained statements from 20 police witnesses and five civilian witnesses. Other investigative steps included certain forensic investigations, as well as a review of documentary evidence. The investigation was completed on December 23, 2015.

The Serious Incident Response Team regulations made under the provisions of the *Police Act* provide that a subject officer, in this case Officer 1, is not required to provide a statement to SiRT. Officer 1 did provide a statement.

The evidence gathered from the investigation showed that the cut went missing in late January, 2015 from an HRP exhibit locker. It was delivered by Officer 1 to another individual shortly after it was taken. Officer 1 did not dispute that he took the cut and made the delivery, but took the position that his Sergeant permitted him to do so. That was disputed by the Sergeant in question, and SiRT had gathered other evidence that questioned certain other details put forward by Officer 1.

Other evidence received from a witness suggested that Officer 1 had warned a person that other HRP officers were attempting to make an arrest on a warrant. Officer 1 disputed this. After this charge was laid significant issues arose as to whether this witness would be available to give evidence on this point at trial.

Relevant Legal Issues:

A theft is committed when a person takes property which belongs to another person or other entity without consent. A breach of trust is committed when a public official, acting in his official capacity, breaches the standard of conduct required of him as a public official in a manner that is a marked departure from expected standards and for a purpose other than the public good. Obstruction of justice is committed when a person acts in a way that attempts to obstruct or defeat justice by a specific action.

Where reasonable grounds exist to believe a criminal offence has been committed, the Director may charge the police officer. Any offence must be proven beyond a reasonable doubt before the accused can be found guilty.

Conclusion

This investigation led to the conclusion that there were sufficient grounds to lay charges of theft, breach of trust, and obstruction of justice. As a result, charges were laid on January 27, 2016, and SiRT's file was provided to the Crown on March 15, 2016. Subsequently, the Crown entered a stay of proceedings on May 30, 2016. On January 27, 2017, SiRT was informed by the Public Prosecution Service that due to issues related to delays in the prosecution of the charges, that the charges would not be re-instituted.

As a result, Officer 1 is deemed never to have been charged with any criminal offence.