

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2018-011

Referral from

RCMP – “H” Division

April 18, 2018

Felix Cacchione
Director
June 6, 2018

SiRT began an investigation on April 18, 2018, of a possible sexual assault which occurred on April 17, 2018, involving members of the RCMP “H” Division Tactical Team conducting semi-annual training exercises at CFB Aldershot, Nova Scotia. The investigation was concluded on May 25, 2018.

It was during the investigation of what was initially believed to be one incident involving a single AP, that SiRT became aware of the second AP.

On April 17, 2018, the members on training attended a private function at a local licensed establishment which was organized as a team building exercise. Beer and food was served at this function which began at approximately 7 pm and ended near midnight. Transportation to and from the event was provided by a shuttle bus and van.

Near the end of the evening, those still present were gathered near the bar paying their bills and socializing. The first Affected Party (“AP”) was waiting to pay her bill and speaking with several Witness Officers (“WO”), when the Subject Officer (“SO”), who was standing behind her and a person she had never met before, put both hands up her shirt and touched her breasts. A WO who observed this pulled the AP away from the SO. Once the AP was pulled away, she looked back to see who had done this to her and observed the SO putting his hands up the shirt of another female member.

The second AP was standing in the same area as the first AP when she felt a hand come up under her shirt from behind and touch her breasts. She swatted the hand away and continued speaking with a WO. Soon after she felt the same thing again. She turned to face the SO, whom she did not know, and punched him in the face. The punch appeared to have no effect on the SO. Soon after this someone intervened, and the SO was removed from the premises.

The second AP described the SO as very drunk to the point of not being able to acknowledge what was happening. On a scale of 1 to 10, with 10 being passed out, she described the SO as an 8 or 9.

A WO, who was with the first AP, could not exactly say what the SO was touching on the AP but recognized it as being so inappropriate that he pulled the AP away. This WO described the SO as “clearly inebriated beyond”.

An officer who did not witness anything that occurred to either of the APs was approached by one of them that evening and advised of what had occurred. This officer spoke to the SO and advised him of the allegation of inappropriate behavior. He received no acknowledgement from

the SO and believes it was because the SO did not understand due to his level of intoxication. This officer was approached by another officer who indicated that he would assume responsibility for the SO.

The officer who assumed responsibility for the SO accompanied him on the bus (he described the SO as “pretty drunk”). While en route to the barracks the SO vomited. This officer also advised the second AP that he would report the matter up the chain of command.

Statements from the APs, an eye witness and peripheral witness statements were reviewed during this investigation. The SO declined to contribute to the investigation. As this was an off-duty incident no police reports were available for review.

Relevant Legal Issue

A sexual assault is committed whenever a person intentionally applies force to another person without that person’s consent in circumstances of a sexual nature where the sexual integrity of the person is compromised. Consent is only obtained where the person against whom force is applied voluntarily agrees to the application of force.

In this case it is clear that both APs were touched, in circumstances of a sexual nature, without their consent and therefore a charge of sexual assault under sec. 271 of the Criminal Code of Canada could be brought against the SO. However, both APs indicated in writing that they did not wish to have this matter brought to the stage of criminal charges being laid. Both APs were advised that their wishes would be a factor weighed in any decisions made about whether to prosecute or not.

In the present situation, there is no legislative direction dictating that a prosecution should proceed despite the wishes of the victim and the wishes of both APs against a prosecution have been considered.

The details of the offences are not such that the public interest outweighs the clear wishes of both APs.

Accordingly, no charges will be laid.