

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2018-004

Referral from

Halifax Regional Police

February 22, 2018

Felix Cacchione  
Director  
June 12, 2020

This matter was referred to SiRT on February 22, 2018 by a member of the Halifax Regional Police Service (HRPS)/RCMP Integrated Sexual Assault Unit, as a result of a brief conversation that was had with the Affected Party (AP) concerning an alleged sexual assault. The AP was reluctant to provide any further information to the police as she believed the matter would not be properly investigated.

SiRT concluded the investigation on January 15, 2020. The writing of this report was delayed due to unforeseen circumstances.

The evidence obtained in the course of this investigation and reviewed in preparation of this report consisted of the following; the APs audio/video recorded statements of February 23 and October 15, 2018, a supplemental typed statement dated February 28, 2018, some text messages between the AP and SO, Sexual Assault Nurse Examiner (SANE) reports and kits dated February 17 and March 25, 2018, GPS printouts of the SO's police vehicle for February 12 and March 25, 2018, surveillance videos of the rear exterior of a Canadian Tire store, photos of the same location, aerial scene photos of that location and another location in Bayers Lake, and the SO's audio video statement taken July 22, 2019.

**Facts:**

The AP met the SO through an online dating site. A short time after this online meeting the AP drove to the SO's residence on February 8, 2018 to meet him in person. Four days later, in the late evening of February 12, 2018 the AP texted the SO who was on duty and arrangements were made for them to meet. They met at the rear loading dock area of a Canadian Tire store. The SO sat in the front passenger seat of the AP's vehicle. The AP performed oral sex on the SO and they had sexual intercourse in the front passenger seat.

On February 15, 2018 the AP drove to the SO's residence where further sexual activity occurred. On February 17, 2018 the AP went to the Cobequid Health Center and was examined by a SANE nurse. A report was prepared noting the alleged offence occurred on February 14, 2018 in the SO's police vehicle. The AP returned to the Health Center on February 20, 2018 and provided underwear she had worn on February 15, 2018. The meeting on February 15 was not disclosed in either the audio video statement of February 23 or the supplemental written statement of February 28.

The AP and SO met again in the early morning hours of March 25, 2018 in the parking lot of a store in Bayers Lake. The SO sat in the front passenger seat of the AP's vehicle and sexual intercourse ensued. Approximately four hours later, the AP went to the QE Health Sciences Centre where she was examined and a SANE report and kit was completed.

There were numerous contacts between the AP and the investigator either by phone or email in the period between February 23 and October 15, 2018. The AP's first disclosure of the February 15 and March 25, 2018 events was made on October 15, 2018.

On several occasions the AP was asked for an update on how she wished the matter to proceed. She was provided with information on how the investigation could continue including the fact that the SO would be asked if he wished to provide a statement. The AP indicated that she did not want the SO interviewed. On several occasions the AP indicated that she did not want to proceed with this investigation or have the matter referred to the HRPS Professional Standards unit.

On March 21, 2018 the AP indicated that she wished to proceed and have a victim services person with her. A meeting was scheduled for March 28. On March 26 the AP advised that she had, earlier that week, been pulled over by an HRPS officer and alluded to it being the SO. She inquired whether a license plate number run through the police databank system could be tracked. She provided very few details when queried about being stopped. Twelve days later the AP inquired about whether any information that been obtained from the SO and was advised that it had. She was asked again if she wished to proceed but did not answer. The following day the AP requested the same information and was advised that such information would not be shared with her as she had not provided any details about what, if anything, occurred when she was stopped. The AP refused to provide information alleging she could not remember all of what happened and because of concerns for her safety. The AP, when asked about the February 12 incident, stated that she did not want to proceed with a criminal investigation. She was told that such investigation could not proceed but that it could be reopened at any time.

The following day the AP advised that her hesitation in speaking about the March event was because she had attended a late movie that evening and was not permitted, by the driver's license she held at the time, to be driving at that late hour. There was no further contact with the investigator until June 27, 2018.

On June 27 the AP indicated that she wanted to continue with this matter and have her caseworker involved. As a result of comments about the male investigator made to the Director through the AP's caseworker, arrangements were made to have a female officer conduct a further interview. The AP was advised of this decision and responded that her preference was to have the male investigator carry out the interview but in a different location. Through her caseworker, the AP then raised concerns about the female officer either working with or being connected to the SO. She was advised that they did not know each other.

On October 15, 2018 the AP was interviewed by the female officer and disclosed two previously undisclosed incidents, one alleged to have occurred at the SO's residence on February 15 and the second in her vehicle on March 25 in Bayer's Lake. There was no further contact with the AP until January 2, 2019 when the investigator inquired via email about proceeding with the investigation and advised that the next step would be to interview the SO. The AP did not respond to this inquiry. On February 4, 2019 the AP was advised that the investigation would be concluded and the exhibits destroyed. The AP responded and indicated that she did not want the exhibits destroyed. She was then notified that the exhibits would not be destroyed, and the file would remain dormant until she indicated how she wished to proceed. The AP had no further

contact with the investigator.

On June 13, 2019 an article about this investigation appeared in the Halifax Examiner, an online publication. It stated that the AP, referred to under a pseudonym as Elizabeth, had been raped twice by an HRPS officer. As a result of the publication of this article, the SO was notified on June 28 for the first time of this investigation.

Although not required to provide, under the governing legislation and regulations, a statement or any notes, the SO gave a cautioned statement, provided his personal cell phone for analysis and offered to take a lie detector test. The SO referred to having consensual sex with the AP on four occasions, twice in her vehicle and twice at his residence.

**Legal issue:**

A sexual assault is committed whenever a person intentionally applies force to another person without their consent in circumstances of a sexual nature, where the sexual integrity of the complainant is compromised. Consent is only obtained where the complainant voluntarily agrees to engage in the sexual activity in question.

**Conclusion:**

The AP stated that the SO forcefully and aggressively penetrated her on all the occasions. She described him as being extremely rough and stated that she struggled and fought with him. The SANE reports note no bruising swelling or physical injuries of any sort. Inconsistencies existed between what she stated in her first statement and what she told the first nurse examiner about when and where the first alleged offence occurred. Other inconsistencies exist between what she told the SANE nurse, her statement about the March 25 incident, and the proven facts. There are no reasonable and probable grounds to believe that any criminal offence was committed by the SO. Therefore, no charges will be laid.