

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation
SiRT File # 2021-022
Referral from
RCMP
August 12, 2021

Felix Cacchione
Director
September 17, 2021

On August 12, 2021, SiRT received a referral from the RCMP concerning an allegation that the Subject Officer (SO) had, in the preceding days, pointed their service pistol at their spouse, the Affected Party (AP). An investigation began that day and concluded on September 7, 2021.

The following information was obtained, reviewed and considered in the preparation of this report: the AP's audio video statement taken on August 12, 2021, referral to the Department of Community Services from the counselling therapist, interview and notes of the counselling therapist, police reports, interview case notes of the AP and SO's children conducted by Department of Community Services, statement of the SO, audio and video recording of the SO's Truth Verification (polygraph) examination and the result of that examination.

Facts:

The AP and SO began seeing a counselling therapist because of the SO's infidelity. There were only three sessions with the therapist; the first on July 27, 2021, attended by both the AP and the SO and separate ones on August 10, 2021, with the SO and on August 11, 2021, with the AP.

The therapist called a social worker with the Department of Community Services on August 12, 2021 and advised they had been told by the AP that the SO had pointed their service pistol at them. The social worker in turn contacted the RCMP who then attended the AP and SO's residence to ensure the safety of the AP and their family.

The AP denied, to the attending police officers, that they told the therapist the SO had pointed their firearm at them.

The AP was interviewed by a SiRT investigator and again denied the allegation against their spouse. The AP also offered to take a polygraph examination.

The AP denied ever being threatened, subjected to physical violence, or having a firearm pointed at them. After having read the disclosure made by the therapist to the social worker, the AP questioned whether what they read was even their words. The AP believed the therapist had misunderstood what they said when referring to the SO pointing a gun at themselves many years before in another province. The AP was adamant that the SO had never pointed a firearm at them.

The therapist, practicing under the supervision of a licensed therapist, has been a registered counselling therapist candidate since January 2020 having received their diploma in couples therapy in December 2019. The therapist acknowledged during the interview with the SiRT investigator that they were not clear on when the alleged incident they reported occurred. The therapist stated that they did not write much in their notes about any specific disclosure of

incidents in the past five years. It is understandable that, because of the volume of information provided and circumstances beyond the therapist's control, a misunderstanding could have occurred.

The SO provided a statement to the SiRT investigator knowing that they were not obliged, nor could they be compelled to do so. The SO denied ever pointing their service pistol at their spouse and offered to take a polygraph examination to prove their veracity. A polygraph examination conducted on August 19, 2021, confirmed the SO's denial.

Legal issues:

1. Requirement for the laying of an information alleging the commission of a criminal offence.
2. The essential elements to be proven in the offence of pointing a firearm.

An information alleging the commission of a criminal offence can only be laid if reasonable grounds exist to believe that a person has committed an indictable offence.

Pointing a firearm is an indictable offence that requires proof beyond a reasonable doubt that the person named in the information intentionally directed or aimed a firearm at another person without a lawful excuse.

Conclusion:

The SO and the AP both denied that the SO ever pointed a firearm at the AP. There was, during the only one on one session the AP had with the therapist, reference made by the AP to the SO pointing a firearm. This was a reference to the SO pointing a firearm at themselves many years before in another province. Given the unusual nature of these therapist/patient sessions, because of circumstances beyond the therapist's control, there exists the strong possibility of a misinterpretation or misunderstanding by the therapist of what the AP said.

Based on the totality of the information obtained in this investigation no reasonable grounds exist to believe that the SO pointed a firearm at the AP. Therefore, no charges are warranted.