

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation
SiRT File # 2020-007
Referral from
RCMP
March 16, 2020

Felix Cacchione
Director
July 28, 2020

This matter, regarding an assault on the Affected Party (AP) by an RCMP member, was referred to SiRT by the RCMP on March 16, 2020. An investigation was commenced that day and concluded on May 15, 2020.

The following items were obtained, reviewed and considered during the investigation and in preparation of this report; the AP's video recorded statement of March 19, 2020, a torn shirt provided by the AP, numerous pages of text messages between the AP and the SO, a 43 page letter sent to the SO by the AP, audio recordings surreptitiously made by the AP during one of the incidents and after another incident, four YouTube monologs totaling four hours made by the AP and sent to the SO, a statement provided by the SO, a spreadsheet of the SO's intimate partner relationships created by the AP and a consultation with the Domestic Violence Care Coordinator for the Halifax Regional Police based on evidence of the AP's behaviour gathered during this investigation.

Facts:

The AP contacted someone in the RCMP that he knew personally for advice about a domestic matter not knowing that this officer would be obliged to report the matter both internally and to SiRT. This investigation dealt with four incidents alleged to have occurred on December 15-16 2018, March 17, 2019, August 12, 2019, and February 20, 2020.

The AP was involved in a two-year relationship with the SO. The AP is 6'2" tall, weighs 215 pounds and has a multilevel black belt in karate. The SO is just over 5'1" tall and weighs approximately 120 pounds.

During the relationship, the AP accessed the SO's phone, computer and searched the SO's home without the knowledge and consent of the SO. This led to the AP obtaining information about the SO's prior intimate relationships and then creating a list of those prior relationships commencing when the SO was 16 years old. The list contained the following: the SO's age, the length of the relationship, and the names and number of prior intimate partners. The details which the AP obtained were repeatedly used against the SO to pass judgement on the SO's behaviour and morality.

This knowledge of the SO's prior intimate relationships became a point of contention between the two and an obsession for the AP. The AP was fixated on and upset because of these prior relationships. The AP constantly wanted to discuss them to ascertain the SO's moral standards. The SO's morality became the focus of many lengthy discussions, arguments and often one-sided lectures by the AP. A large part of the turmoil in the relationship was because of the AP's inability to contend with the SO's prior relationships. The SO's morality was also the topic of many text messages and videos sent by the AP to the SO. In these communications the AP wanted the SO to apologize to him and accept responsibility for her actions.

In the four incidents that were investigated, the AP often lectured the SO about the consequences of her past and accused the SO of lying to him. The AP lectured the SO about her prior intimate relationships.

He warned of the spiritual dangers of sex, the darkness of a prior intimate relationship, the SO's behaviour being driven by Satan's manipulation and attack on the SO's mind. The AP wanted the SO to express disgust because of the SO's past and to repent by praying.

The electronic communications and verbal comments made by the AP at times contained extremely derogatory language and comments about the SO and the SO's morality. These communications and the AP's persistent and compulsive behaviours provoked the altercations specifically addressed in this investigation.

The AP, although not a trained psychologist or psychiatrist, analysed the SO as having PTSD, exhibiting self-damaging and psychopathic behaviour as the result of sexual trauma.

The AP would, at times, behave in a loving and apologetic manner. He would sometimes say that the cause of the argument was not the SO's fault but rather his because of his inability to overcome his feelings about the SO's past. On other occasions the AP would say that no matter how wrong the SO was, he was willing to stay in the relationship to save the SO because he loved her.

The evidence does point to intimate partner violence occurring on several occasions during this relationship. The consumption of alcohol may have been a factor in each of these occasions.

The AP initially spoke to a friend in the RCMP about these incidents and then contacted an RCMP Inspector he knew to seek advice about these incidents. The AP believed that the SO needed help from the RCMP. He did not intend to have a criminal investigation pursued. As a result of the information he provided the allegations were, contrary to the AP's wishes, reported to SiRT because of the mandatory reporting requirements in place in the province regarding intimate partner violence.

Legal issues:

Was the AP assaulted? If so, was the application of force by the SO justified? Who was the dominant aggressor in this situation of domestic violence?

An assault is the intentional application of force to another person without that person's consent.

Conclusion:

There is no question that intimate partner violence occurred on several occasions in this relationship. The application of force by the SO when it occurred was as a direct result of the AP's persistent and obsessive need to probe every minute detail of the SO's prior sexual history. This probing at times lasted for hours and led to verbal arguments and on occasion to violence.

The term "dominant aggressor" has been defined by various police agencies across the country. The Halifax Regional Police's Intimate Partner policy defines "dominant aggressor" as "a person who it has been determined by a thorough investigation has used the most significant rather than the first use of force and because of provocation causes the second party to act in self defence. Where a dominant aggressor is identified, guilt of the second party is unfounded, and it is in the public interest not to prosecute the second party. Other factors which can lead to a determination of the dominant aggressor are:

- a. Past call or criminal history of the participants.
- b. Physical size of the persons involved.
- c. Control or domination by one of the persons involved.

Emails, text messages and YouTube videos sent by the AP to the SO together with lectures on morality, prayer and the SO's need to repent, all provide evidence of persistent, dominant aggressive, compulsive, psychologically abusive and controlling behaviours by the AP towards the SO.

No basis exists for a finding that the SO committed a criminal offence. Therefore, no charges are warranted against the SO.