

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2012-006

Referral from RCMP

June 28, 2012

Ronald J. MacDonald, QC
Director
November 5, 2012

Facts:

On the morning of June 28, 2012, the SiRT received a referral from the RCMP's Northeast Nova Scotia District Policing Officer. The RCMP had received information from a third party about an allegation of domestic violence by a male member posted in the area. The assault allegedly occurred within the previous two weeks. Prior to referring the matter to the SiRT, RCMP spoke briefly to the alleged affected party (AP) to confirm if a referral to SiRT was required.

Two SiRT investigators were assigned to the matter and contact was made with the AP. She agreed to provide a statement to the SiRT and was interviewed on July 5 after postponing two previous appointments.

The AP's statement disclosed facts consistent with a deteriorating domestic relationship, but did not disclose any facts that were consistent with an assault or other criminal offence. Respecting the specific incident in question, she indicated that during an argument involving her spouse and adult son, she accidentally fell while attempting to get into her car. In the fall, her lower leg was bruised and cut from gravel.

The SiRT took a statement from an adult son of the AP who was present at the time of the above incident. His statement was consistent with the information his mother provided.

The SiRT also interviewed the third party provider of information to the police. This person referenced discussions with the AP about her deteriorating domestic relationship but had no evidence to support an allegation of domestic assault or other criminal offence.

The information obtained by the RCMP from the AP was brief and somewhat ambiguous in nature. The RCMP member who spoke with the AP wanted to ensure nothing was done to impact SiRT's jurisdiction and therefore appropriately kept inquiries short.

When speaking to the RCMP, the AP briefly described the fall and disclosed that her spouse and son had an argument outside her vehicle. She stated that during the argument, the two men pushed up against her, knocking her to the ground. This caused bruising and cuts to her leg. The member indicated that the information he received led him to conclude this all happened very quickly and falling was accidental.

No other potential witnesses were identified. According to the SiRT Regulations under the *Police Act*, the subject officer is not required to provide a statement in any SiRT investigation.

Relevant Legal Issues:

- 1) Does the evidence obtained during the investigation disclose any facts that are capable of giving reasonable and probable grounds that an assault or any other criminal offence occurred?

Conclusion

The referral arose out of a legitimate suspicion of a possible domestic assault and was based on the information available to the RCMP at the time. It was appropriate to refer the matter to SiRT. Allegations of domestic violence involving a police officer fall within the SiRT's mandate. The referral allows for SiRT to make an independent determination about what happened.

In the end, available evidence indicated that the AP fell accidentally therefore removing any reasonable and probable grounds to proceed with any criminal charge.