



Summary of Investigation

SiRT File # 2012-018

Referral from Chester RCMP

November 12, 2012

Ronald J. MacDonald, QC

Director

April 10, 2013

**Facts:**

On Monday November 12, 2012, at approximately 7:00 p.m., the Chester RCMP contacted SiRT and advised that at approximately 6:20 p.m. a male had taken his life with a firearm in the Mill Cove area. At the time of the incident, the deceased Affected Party (AP) had been in the presence of two RCMP members, Officers 1 and 2, for approximately 30 minutes. When he shot himself, a third member, Officer 3, had been speaking to him via a telephone patch over RCMP radio for two minutes. As a result of these circumstances SiRT began an investigation into the matter that evening. Two investigators and the Director attended the scene at that time.

The investigation was completed on March 8, 2013. SiRT interviewed six RCMP officers, including Officers 1, 2, and 3, who were identified as “subject officers” under the SiRT regulations made under the *Police Act*. Under those regulations they are not required to give a statement or provide notes to SiRT. However, all three consented to provide statements, notes and reports. SiRT also interviewed four civilian witnesses, which included AP’s ex-girlfriend, and the individual who owned the relevant firearm. In addition, the investigation included forensic examinations of the scene, a review of radio and 911 communications, and a report from the Medical Examiner’s office.

Shortly after 5:00 p.m. on November 12, 2012, AP texted his ex-girlfriend asking her to call 911. They had been exchanging texts throughout the day. During those messages AP made it clear he was considering taking his life. His ex-girlfriend constantly tried to dissuade him. She considered calling police earlier in the day, but was concerned it might aggravate AP as he was wanted on an outstanding warrant. He had talked about taking his life in the past and she felt it was reasonable to believe that he would not follow through with these threats. At the time she did not believe he had access to firearms. As the day progressed she became more concerned, and when he made the specific request for her to call 911 she did so. Interviews demonstrated that AP had struggled with depression and suicidal thoughts for many years.

Officers 1 and 2 responded to the property where AP was located. He was staying in a travel trailer on the property of a friend. The property also contained a mobile home. There was no electricity. Officers 1 and 2 exited their car, and then located AP outside sitting on the ground armed with a shotgun. At that point Officers 1 and 2 retreated to a position behind the police vehicle. AP did not threaten the RCMP members in any way. The firearm was pointed only at himself and he repeatedly expressed a desire to shoot himself. A review of radio transmissions confirms the Officers spoke with AP at length in an effort to change his mind. They also arranged for Officer 3, who AP knew well, to speak with AP through a radio patch of a telephone call. Despite these efforts, in the midst of the conversation with Officer 3, AP took his own life by shooting himself once under the chin.

The investigation demonstrates the officers’ actions were consistent with the best efforts and practices of crisis intervention. Indeed, while they dealt with him, AP seemed quite cooperative

with the members, except that he refused to relinquish his gun and leave where he was seated in the yard. Officers 1, 2 and 3 did nothing to aggravate the situation by their presence or their actions. They identified the gravity of the circumstances quickly and responded calmly and competently in an attempt to deescalate matters. They worked to establish a dialogue and tried to help AP agree to resolve the situation without carrying out his threat.

The investigation revealed that AP obtained the firearm while he was staying alone at a friend's home the previous several days. The friend was in hospital during this time. The friend was unaware AP took the firearm.

Interviews with friends and a family member confirmed that AP was a troubled person and suffering from particularly difficult life circumstances at the time.

The forensic examination of the scene demonstrated the presence of powder burns on AP's hand and near the entrance wound consistent with the fact AP took his own life. A suicide note was also found on his person. Copies of the cell phone texts to his ex-girlfriend were obtained. They confirmed evidence of his intent.

**Relevant Legal Issues:**

As there is no evidence of the direct application of any force by the police, the sole issue is whether any of the subject officers did anything to encourage or assist in the suicide. If so, such behaviour could constitute the offence of counselling, aiding, or abetting a suicide under Section 241 of the *Criminal Code*.

**Conclusion:**

There is no evidence whatsoever that Officers 1, 2 and 3 did anything other than work as best they could to convince AP to not take his own life. In fact, their actions were commendable in the circumstances. Nothing they did aggravated the situation intentionally or otherwise.

I find there are no grounds to consider any criminal charges against any officer in this matter.