



Summary of Investigation

SiRT File # 2013-002

Referral from

RCMP – Lower Sackville

January 5, 2013

Ronald J. MacDonald, QC  
Director  
April 18, 2013

## **Facts**

On Saturday, January 5, 2013, at 1:11 a.m., SiRT was contacted by the RCMP Lower Sackville and advised of a possible domestic violence incident involving Zeran (Justin) Simmonds, a constable with the RCMP. The alleged victim was Cst. Simmonds' girlfriend.

On January 5th 2013 at 12:19 a.m., RCMP members of the Lower Sackville Detachment responded to a residence in Beaver Bank as a result of a 911 call requesting police assistance. On arrival, the responding officers received information from Cst. Simmonds' girlfriend and subsequently placed Cst. Simmonds under arrest for domestic assault.

The Director and three SiRT investigators responded to the incident shortly after being contacted by the RCMP. SiRT assumed responsibility for the investigation from that point forward under authority of the *Police Act*.

The SiRT investigation was completed on February 20, 2013. During the investigation, six civilian witnesses were interviewed, and statements, or notes and reports, were received from 13 police witnesses.

On January 10, three charges of assault contrary to section 266 of the *Criminal Code* were laid against Cst. Simmonds, alleged to have occurred between December 31, 2012, and January 5, 2013.

## **Relevant Legal Issues**

An assault is committed whenever a person intentionally applies force against another without their consent. Any such offence must be proven beyond a reasonable doubt before the accused can be found guilty.

## **Conclusion**

This report is filed to meet the requirements of the *Police Act*, which mandates that the SiRT Director file a public summary of an investigation within three months of its completion. However, this matter is currently before the courts, returning to Dartmouth Provincial Court on February 25 to 27, 2014 for trial. In accordance with SiRT policy, this report will not discuss the facts of the matter in any further detail. To do otherwise might compromise the fair trial interests of the accused. The Serious Incident Response Team Regulations under the *Police Act* state that the Director may choose to provide a supplemental summary of the investigation at the conclusion of the prosecution