



Summary of Investigation

SiRT File # 2013-30

Referral from

RCMP – Colchester

October 16, 2013

Ronald J. MacDonald, QC
Director
March 27, 2014

Facts:

On Wednesday October 16, 2013, at approximately 6 p.m., the affected person (AP), a 49-year old-man, took his own life, using a firearm, while seated in a small truck parked near the shoreline in Portapique, Nova Scotia. The Royal Canadian Mounted Police (RCMP) had been speaking by phone with AP for many hours attempting to negotiate his peaceful surrender. As a result of the police involvement, in accordance with the provisions of the *Police Act*, the RCMP contacted SiRT at 6:18 p.m. SiRT commenced its investigation at that time, and that evening the Director and two investigators attended the scene.

SiRT's investigation was completed on February 7, 2014. Eight witness officers from the RCMP were interviewed. No civilian witnesses were interviewed. SiRT also obtained and reviewed notes and reports received from those witness officers, the Medical Examiner's certificate of death, and copies of relevant text messages from AP's phone. The investigation also reviewed numerous photographs of the scene, autopsy, and AP's truck, various forensic reports, and related RCMP file information. In particular, SiRT carefully reviewed approximately 15 hours of the recorded phone conversations with AP.

Officer 1 and Officer 2, each trained negotiators, spoke with AP for the majority of the 15 hours. Each was designated as a subject officer. As such, under the Serious Incident Response Team regulations made under the *Police Act* they have no obligation to provide SiRT with a statement. Nevertheless, both provided statements.

The investigation revealed that either late on the evening of October 15, or very early on the 16th, AP murdered his wife in their home in Truro Heights, N.S. He then left the home and drove for several hours, eventually parking in the location near the shore in Portapique. At that point he called 911, which began the 15 hours of conversation. The first two and a half hours were with the 911 operator, and then Officers 1 and 2 thereafter.

During his conversations with police AP gave details of how he murdered his wife and spoke about his intent to end his own life. He was very distraught about what he had done. Officers 1 and 2 spoke with him throughout with the goal to have AP surrender himself without harm to anyone. AP told police he had a shotgun along with a rifle. He told them he planned to use the shotgun and was careful to stress he did not want to harm any police officer.

The RCMP Emergency Response Team (ERT) was deployed to the area. AP was considered a danger to himself and possibly others. Several officers were situated near AP's truck, out of sight of AP. While AP knew officers were nearby, there was no contact between any of those officers and AP.

Throughout the day Officers 1 and 2 were very professional and demonstrated the best aspects of a person trained in negotiation techniques. Nevertheless, near 6 p.m., AP indicated he was going

to carry out his plan and hung up. ERT officers saw the passenger door of the truck open, and heard a single shot. AP died immediately from a gunshot to the head.

The Medical Examiner was present to examine the scene personally the evening of October 16. After the autopsy, he confirmed the cause of death was a self-inflicted gunshot to the head.

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 or 2 did anything other than work as best they could to convince AP to not take his own life. Together with the 911 operator, they worked hard to have AP consider options rather than taking his own life. All are to be commended for their work in very difficult circumstances. Nothing they did aggravated the situation intentionally or otherwise. AP was intent on taking his own life and did so.

The sections of the *Police Act* relevant to SiRT state that the Director of SiRT has the sole authority to determine whether charges should be laid in any matter investigated by SiRT. In this case I have determined there are no grounds to consider any charges against Officer 1 or Officer 2.