

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2015-028

Cape Breton Regional Police

July 22, 2015

Ronald J. MacDonald, QC

Director

February 2, 2016

Facts

On different occasions during July, August and September, of 2015, Kathryn McNeil, 49, of New Waterford, made complaints to the Cape Breton Regional Police (CBRP) and SiRT, regarding the actions of a member of the CBRP, Officer 1. Given the matters complained of involved allegations of possible domestic violence and criminal harassment committed by a police officer, the CBRP referred the matters to SiRT. SiRT first assumed the investigation of these matters on July 22, 2015. The investigation was completed on December 15, 2015.

During the investigation, SiRT spoke with two civilian witnesses, and seven police witnesses. Other investigation techniques were utilized to obtain relevant evidence.

On December 3, 2015, Ms. McNeil was arrested by SiRT investigators for four offences related to the matter. On January 20, 2016, Ms. McNeil was charged with public mischief with intent to mislead SiRT and the CBRP, attempt to obstruct justice, fabricating evidence, and breach of undertaking. Her first appearance on these charges is scheduled for February 23, 2016, in Sydney Provincial Court.

Relevant Legal Issues:

Public mischief with intent to mislead a police officer can be committed when a person gives false information to a police officer that falsely accuses a person of committing a crime. An attempt to obstruct justice can be committed when a person delivers information to police that is false and that is intended to impact a current judicial proceeding. Fabricating evidence can be committed when a person creates false evidence with an intent it be used in a judicial proceeding. A breach of undertaking is committed when a person commits an act that is prohibited by a court order.

Where reasonable grounds exist to believe a criminal offence has been committed, the Director may charge a person. Any offence must be proven beyond a reasonable doubt before the accused can be found guilty.

Conclusion

This investigation has led to the conclusion there are no grounds to charge Officer 1, but there are sufficient grounds to lay the charges noted above. This matter is now currently before the courts. In accordance with SiRT policy, this report will not discuss the facts of that 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.