

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2018-006

Referral From

Halifax Regional Police

March 4, 2018

Felix Cacchione  
Director  
June 28, 2018

On March 4, 2018, SiRT began an investigation after receiving a referral from the Halifax Regional Police. The referral was in relation to the actions of Cst. Laurence Gary Basso in affecting an arrest on a 54-year-old man at the Metro Turning Point. SiRT concluded its investigation on April 11, 2018.

### **Facts**

On February 25, 2018 Halifax Regional Police received a call for assistance from the Metro Turning Point. The call was in relation to a client who had been barred from the shelter for a period of 24 hours but refused to leave the outside of the building. During the arrest, the Affected Party (“AP”) was assaulted by Cst. Basso and sustained injuries that required medical treatment.

During the investigation, SiRT took statements from two civilian witnesses and two witness police officers. Other evidence relevant to the matter was collected.

Based on evidence gathered during the course of the investigation, reasonable and probable grounds existed to lay charges against Cst. Basso.

On April 13, 2018, SiRT laid one charge of assault, one charge of public mischief and one charge of breach of trust against Cst. Laurence Gary Basso. The offences are alleged to have occurred on February 25, 2018. The matter is scheduled for trial on November 26 and 27, 2018.

### **Relevant Legal Issues**

An assault is committed whenever a person intentionally applies force against another person without their consent. Police officers have the right to use reasonable force when arresting a person they have reasonable grounds to believe has committed an offence. Police officers also have the right to use reasonable force to protect themselves against a use of force by another person. However, if the force used by a police officer is not reasonable, the actions of the officer can constitute the offence of assault. Where reasonable grounds exist to believe such an offence has been committed, the Director may charge the police officer. Any offence must be proven beyond a reasonable doubt before the accused can be found guilty.

A breach of trust involves a public official who commits a dishonest act in connection with the official duties of his office for a purpose other than the public good. The conduct must be of such a nature as to show a serious and marked departure from the standard of conduct and responsibility demanded by the nature of the office held.

Public mischief pertains to the making of a false statement that accuses some other person of having committed an offence. It may also relate to doing anything that is intended to cause some other person to be suspected of having committed an offence that the other person has not

committed or to divert suspicion from himself. This must be done with the underlying intent to mislead.

### **Conclusion**

This investigation has led to the conclusion that there were sufficient grounds to lay a charge of assault, a charge of public mischief and a charge of breach of trust against Cst. Laurence Gary Basso. However, this matter is currently before the courts. 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.