

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2019-039

Referral from

RCMP – Pictou

November 7, 2019

Pat Curran  
Interim Director  
February 7, 2020

SiRT began its investigation on November 7, 2019, with a referral from the Royal Canadian Mounted Police (RCMP) – Pictou District, concerning an alleged sexual assault by a male member of the RCMP, the Subject Officer (SO). The person alleged to have been assaulted was a young adult female, the Affected Person (AP), who knew the SO, but was not related to him. The complaint was made by a community member, not by the AP.

SiRT received information from three civilian witnesses.

The AP was interviewed by SiRT in the presence of a female interviewer.

With the consent of the AP, SiRT obtained a medical report related to her and accessed photographs and messages on her cell phone.

SiRT's investigation was completed on November 15, 2019.

**Facts:**

The AP was a young adult throughout the time in question. The SO was significantly older than the AP.

The SO and the AP engaged in sexual activity on a number of occasions over a few months. The SO and the AP exchanged many electronic messages, affectionate, but not sexual, in tone. The SO and AP also exchanged photographs, none of a sexual nature.

When interviewed, the AP said her sexual activity with the SO was consensual and she did not want the SO to get into trouble because of it.

**Relevant legal issues:**

Under s.273.1(2)(c) of the Criminal Code, no consent to sexual activity is obtained if:

the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority . . .

There is no evidence the SO used his position as a police officer to induce the AP to engage in sexual activity. There is nothing to indicate the SO had, or attempted to exercise, authority over the AP or that he was in a position of trust with respect to her.

Consequently, the SO did not induce sexual activity with the AP by abusing a position of trust, power or authority. The AP's consent was valid.

**Conclusion:**

There are no reasonable grounds to lay a criminal charge against the SO in relation to his sexual activity with the AP.