



**THE FIRST YEAR
IN REVIEW**
2012-2013 ANNUAL REPORT

TRUST - CONFIDENCE
INTEGRITY - INDEPENDENCE

August 15th, 2013

Honourable Ross Landry
Minister of Justice
4th Floor
5151 Terminal Road
PO Box 7
Halifax, NS B3J 2L6

Dear Minister Landry:

I have the honour and pleasure of presenting you with the first annual report of the Nova Scotia Serious Incident Response Team. This report is mandated by Section 26N of the *Police Act*.

The Team became operational on April 20, 2012. This report covers our first year, from that date until March 31, 2013. Future annual reports will cover an annual period based on the fiscal year.

In addition to providing the statistics as required by Section 26N, and Section 10 of the Serious Incident Response Team Regulations made under the *Police Act*, I have provided other information about the Team, including my general observations of the Team's operations as well as an outline of our goals for the upcoming year.

All of us at the Serious Incident Response Team thank you for the opportunity to work on behalf of the public of Nova Scotia in this capacity.

Yours very truly,



Ronald J. MacDonald, QC
Director

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Message from the Director



Ronald J. MacDonald, QC

The Serious Incident Response Team became operational on April 20, 2012. Following my appointment as Director in September 2011, necessary steps were taken to build the Team. These included a great many activities, including hiring two full time investigators, selecting two seconded investigators, developing memorandums of understanding with all police forces in the province, working on the development of Regulations enacted by the Governor in Council, designing and constructing office space, educating police forces across the province regarding SiRT, and creating a Community Liaison Committee.

Investigators first reported on April 2, 2012, and commenced a period of training and development of policies and protocols.

During the first year, the Team undertook 22 investigations, a number higher than anticipated. These matters involved 34 subject officers, with six charged. Five of the individuals charged involved domestic violence allegations, and one involved a sexual assault allegation. All six of these incidents related to off duty conduct. In all other investigations, I found that no charges should be laid. In all, 153 civilian witnesses were interviewed, and 136 police personnel, both witness and subject officers, were interviewed. The nature of each investigation is outlined on page eight of this report.

As required by provisions of the *Police Act* that relate to SiRT, I published public “summaries of investigation” at the conclusion of each matter. Fourteen such reports were issued this year, along with two supplemental reports. The transparent nature of these reports helps to ensure the public understands the decisions made by our independent team. All reports and media releases, are posted on the SiRT website: sirt.novascotia.ca

In addition, SiRT received 33 referrals from police agencies reporting possible cases, and 35 referrals from the public. All required careful consideration of whether the matter met the mandate of SiRT, a decision which ultimately must be made solely by the Director. All of these referrals did not lead to an investigation.

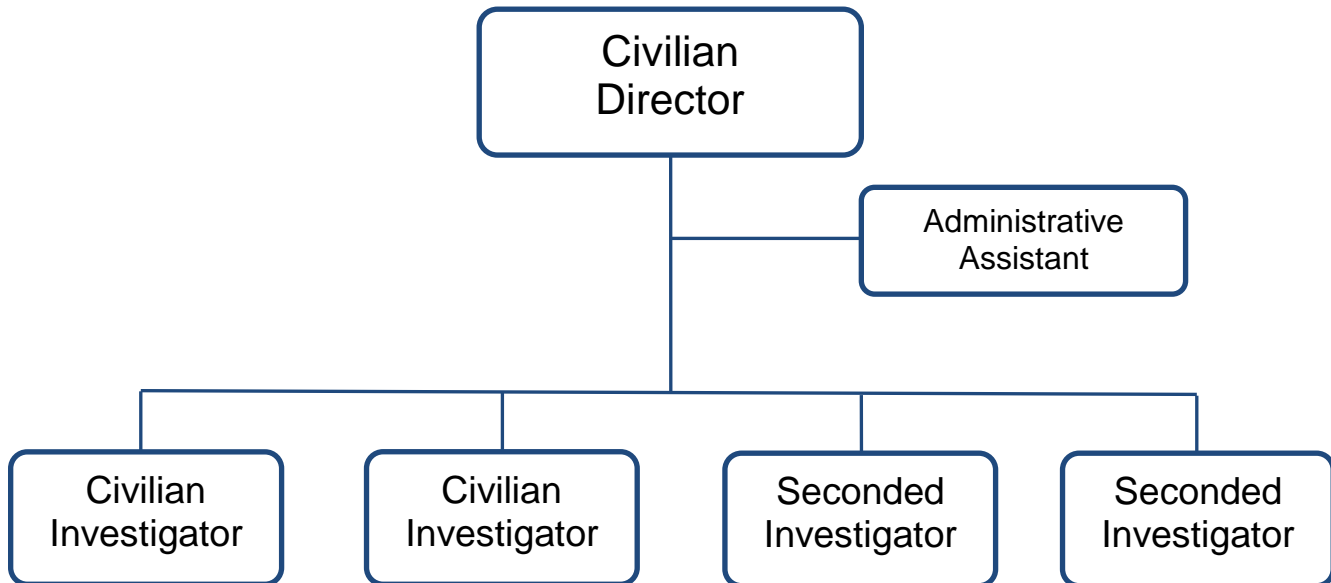
As the year proceeded, the Team modified and streamlined our processes to some extent. For example, we commenced a process of “review”, where in certain cases, if all the facts are not entirely clear, we will undertake some preliminary investigative steps to first determine whether a matter fits our mandate. These cases, known as “Review” files, may involve several hours of investigative time. All information is maintained on the file even where it is determined the matter does not fit the SiRT mandate and a formal investigation is not opened.

As much as possible, SiRT investigative files are maintained electronically. This allows for great efficiencies when working with files and in their transfer, security and disclosure when necessary.

The year also demonstrated a need to possibly re-visit how the SiRT mandate is defined. In particular, there may be a need to modify the role public interest plays in determining when a matter meets the mandate.

Overall, the members of SiRT have been both challenged and honoured to have the opportunity to work on behalf on the public of Nova Scotia in the investigation of serious incidents arising from the actions of police in the province.

The Team



The Serious Incident Response Team includes:

- Director (Civilian). The first and current Director of SiRT is Ron MacDonald, Q.C.
- Two civilian investigators, each with over 33 years of criminal investigative experience. These are Terry Balleine and Keith Stothart.
- Two full-time seconded police officers who answer only to the Director while seconded, one from the Halifax Regional Police, S/Sgt. Don Moser and one from the Royal Canadian Mounted Police (RCMP), S/Sgt. John Langille.
- Other police resources as required.
- Administrative support provided by Joanne Fisk.

The team operates independently of law enforcement agencies, with decision-making authority residing with the civilian team Director.

The combination of civilian investigators and seconded police officers is required to achieve a balance between independence and operational effectiveness.

Under the sections of the *Police Act* which created SiRT, a current or former police officer cannot be the Director.

The budget of the Team is about \$800,000 annually. The province covers all administrative and overhead costs associated with the Director, provincial investigators and administrative support. Seconded police resources are provided by the relevant police agency.

Mission and Mandate

The mission of the Nova Scotia Serious Incident Response Team is:

“To ensure Nova Scotians have the utmost trust and confidence in the investigation of serious incidents involving police.”

SiRT’s mandate is to investigate all matters that involve death, serious injury, sexual assault and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

SiRT has determined that a serious injury includes:

- fractures to limbs, ribs, head or spine;
- burns, cuts, or lacerations which are serious or affect a major portion of the body;
- loss of any portion of the body;
- serious internal injuries;
- any injury caused by gunshot;
- admission to hospital as a result of the injury (not including outpatient care followed by release).

At the conclusion of every investigation, the Director of SiRT will determine whether or not criminal charges should result from the actions of the police officer. The Director will issue a public summary of the investigation that will outline the reasons for that decision.

Independence

SiRT is independent of government and police. The Director of SiRT is a civilian, and is responsible for the general direction of all investigations and whether a charge should be laid. This ensures a more transparent and independent way to investigate serious incidents involving police.

Investigative Process

How do we decide if we should be involved? First the Director or his designate determines the nature of the incident and whether the matter fits our mandate.

Cases will often meet the mandate even though there is no allegation of wrongdoing on behalf of the police.

How do we respond? If the matter does not fit SiRT's mandate, no investigation is conducted. The police service and member of the public who made the referral, if relevant, are notified.

If the matter fits SiRT's mandate, a primary SiRT investigator and as many additional investigators as necessary are assigned to the case. The Team attends the incident scene as quickly as possible and an investigation begins.

What happens when SiRT conducts an investigation? SiRT engages in a thorough and balanced investigative process, which generally includes (but is not limited to) the following:

- examining the scene and securing all physical evidence;
- monitoring the medical condition of anyone who has been injured and consulting with medical personnel about the nature and cause of injuries;
- locating and securing the cooperation of all witnesses, including police witnesses. This will likely involve the canvassing of the area where the incident occurred for additional witnesses;
- seizing police equipment for forensic examination;
- having all forensic examination conducted as necessary in the case;
- consulting with the medical examiner if there has been a death;
- notifying next of kin and liaising with the family of the deceased or injured parties to keep them informed;
- appointing a community liaison to work with the affected party and the Team where appropriate.

During the course of the investigation, the SiRT investigative team prepares various internal reports and attends investigative team meetings designed to keep the Director informed of their progress. Upon completion of the investigation, the primary investigator is required to submit an investigative report, which is reviewed by the Director.

SiRT will usually issue a media release at the outset of a case to assure the public that an independent investigation of the serious incident has begun. Other releases may occur during investigations that are necessary.

After SiRT becomes involved, police may need to continue their criminal investigation into the initial incident. For example, police may have been responding to a robbery when they became involved in the serious incident. SiRT works with the police agency to ensure that the interests of justice are met.

Who decides what happens after the investigation? The Director determines whether a charge should be laid in relation to the actions of the police who were the subject of the investigation. Throughout the investigative process SiRT liaises, as necessary, with the NS Public Prosecution Service (Crown). If a charge is laid, SiRT turns the case over to the Crown for prosecution and the SiRT investigator(s) may provide support to the Crown in its prosecution.

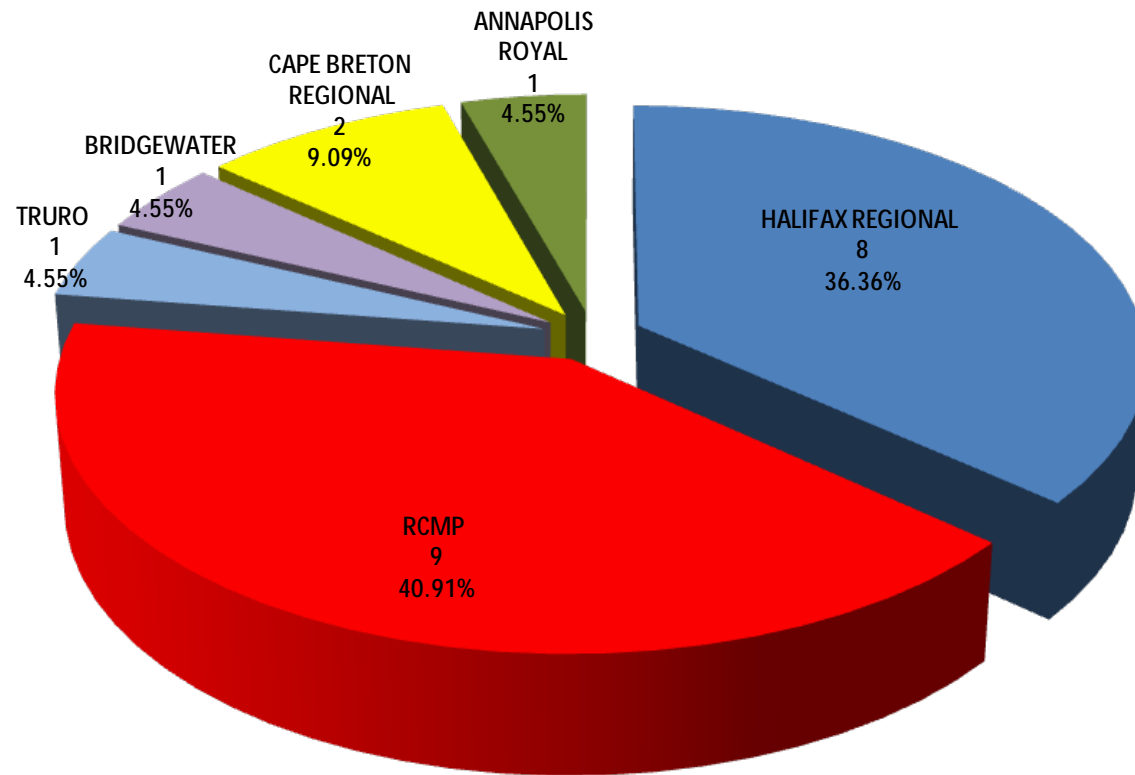
What information is made available? At the end of an investigation the Director of SiRT is required to make a summary of the investigation available to the public. That summary, subject to the *Freedom of Information and Protection of Privacy Act* and the needs of the investigation, will provide the information necessary to explain the reasons behind the Director's decision.

What about those involved? Particular attention is paid to the need for the affected person or next of kin to have a full understanding of the investigative results. This is generally accomplished through direct personal contact by the lead investigator and the Director. Similar contact is made with the police officer(s) who is (are) the subject of the investigation.

Files By Police Agency

SiRT became operational on April 20, 2012 and received its first investigation on April 21, 2012. In the first year, SiRT handled 22 investigations.

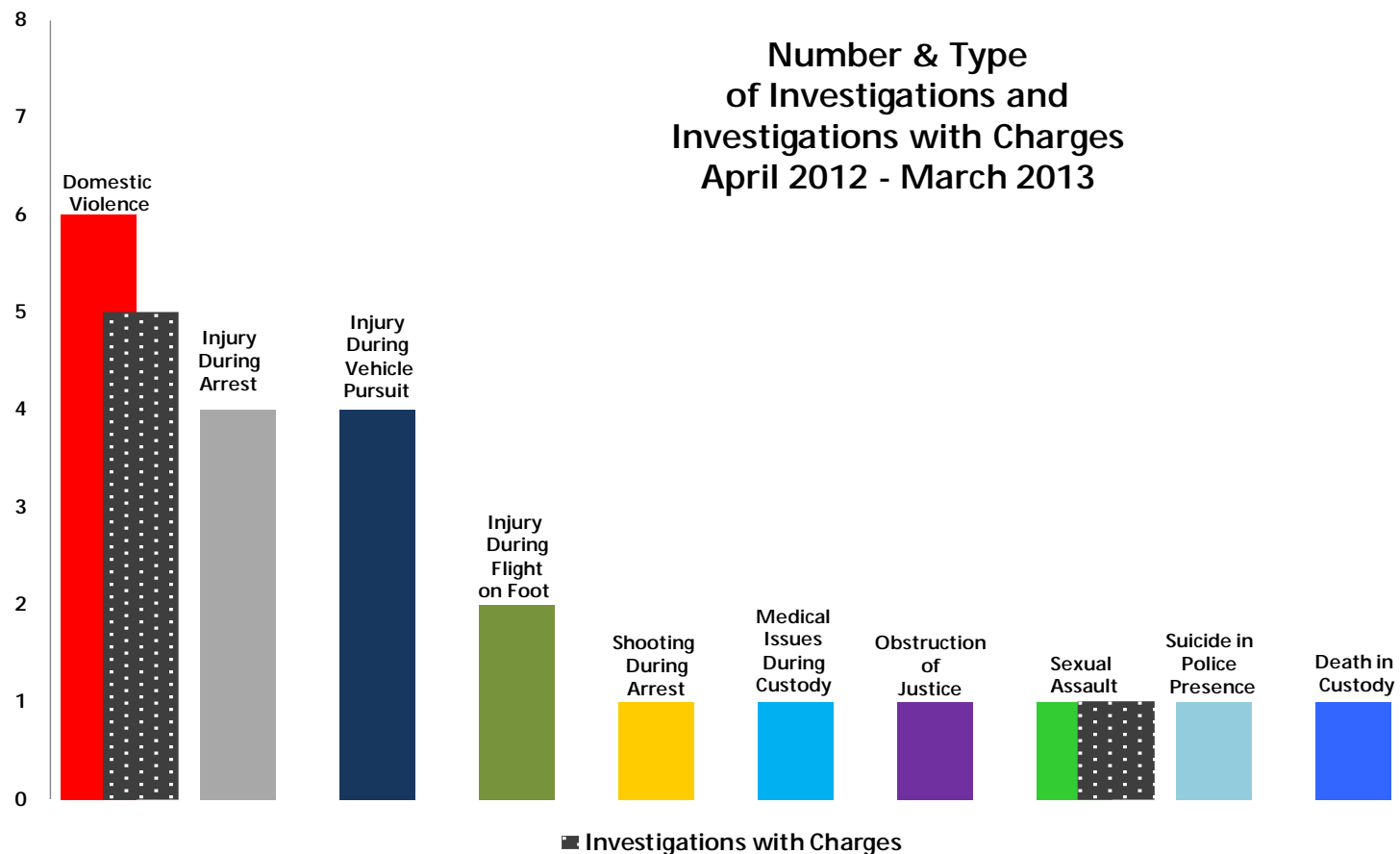
SiRT Files By Police Agency April 2012- March 2013



*SiRT did not have any investigations during this reporting period for the following police agencies: Amherst, Kentville, New Glasgow, Springhill, Stellarton, Westville

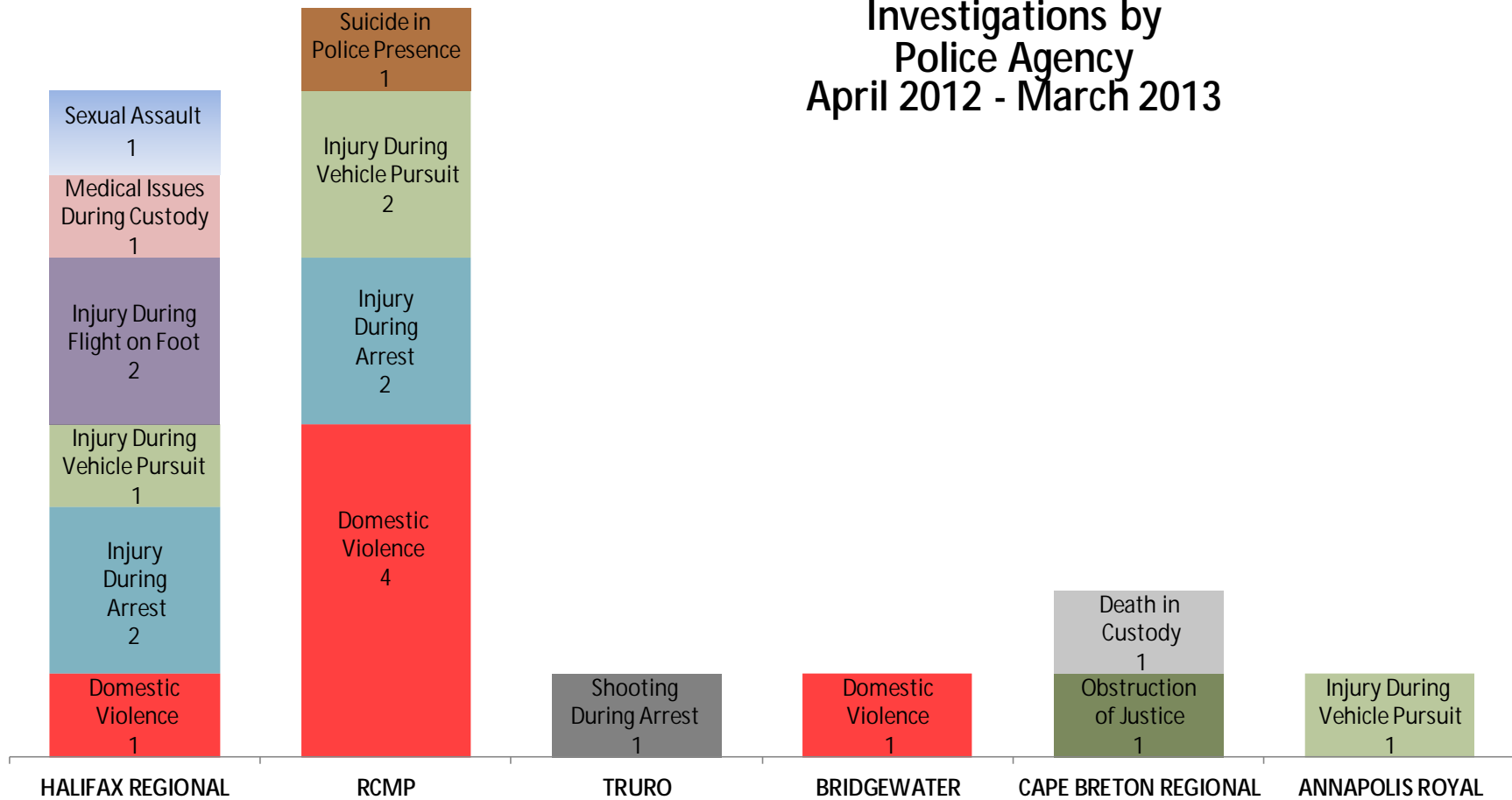
Types of Investigations & Investigations with Charges

The types of incidents SiRT investigated included: Domestic Violence, Sexual Assault, Injury During Arrest, Death in Custody, and Obstruction of Justice. SiRT laid a total of six charges.



Number & Types of Investigations By Police Agency

Number & Type of Investigations by Police Agency April 2012 - March 2013



Looking Ahead – SiRT Team Goals 2013-2014

Issue	Desired Outcome	How to get there	Timeline to Completion of Goals
Timeliness and Transparency	Defined process to assure timeliness and transparency about length of time investigation takes to be completed	<ol style="list-style-type: none"> 1. Regular team meetings 2. System of updates to AP 3. Report will contain section which identifies timeliness issues and reasons 	October 1, 2013
Community Involvement	Enhance the visibility of SiRT in all communities, and focus on education in relation to cultural competence training to allow for more effective investigations within identifiable communities.	<ol style="list-style-type: none"> 1. Continue outreach 2. Obtain team training 	March 30, 2014
Consider Scope of Mandate	Consider issues surrounding statutory mandate and give recommendations to Department of Justice for consideration of Statutory or Regulatory amendments.	<ol style="list-style-type: none"> 1. Consider recommendations regarding regulatory or legislative changes 2. Assist with Justice process 3. Make recommendations to Dept. of Justice 	October 1, 2013
General Legislative Amendments	Work to ensure <i>Police Act</i> provisions are consistent with experiences from first year.	<ol style="list-style-type: none"> 1. Consider recommendations regarding regulatory or legislative changes 2. Assist with Justice process 3. Make recommendations to Dept. of Justice 	March 30, 2014
Track personnel resources	Develop a system that identifies personnel hours expended on a per file or other task basis	<ol style="list-style-type: none"> 1. Develop time capturing tool 2. Develop policy regarding utilization of tool. 	October 1, 2013



1256 Barrington Street
Suite 203
Halifax, Nova Scotia B3J 1Y6
902.424.2010
sirt.novascotia.ca