

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

Summary of Investigation  
SiRT File # 2020-008  
Public Referral Involving  
Bridgewater Police  
March 13, 2020

Felix Cacchione  
Director  
January 22, 2021

The Affected Party (AP) contacted SiRT on March 13, 2020 and stated that he had been sexually assaulted, at the time of his arrest on November 20, 2019 by an unnamed police officer. The AP stated the police pulled down his pants three times and that one officer put his hand down between the cheeks of his buttocks. This investigation began on March 16, 2020 and was completed on December 10, 2020.

The completion of this investigation was severely impacted by the spread of the COVID-19 virus. The lockdowns imposed to prevent the spread of the virus prevented and/or delayed the interviewing of the AP, civilian and police witnesses. It was only on June 9, 2020 that the AP was able to provide a statement of what occurred.

The following information was obtained, reviewed and considered in the preparation of this report: the AP's statement, interviews of four civilian witnesses and supplementary reports of five police officers including notes of two of these five officers.

**Facts:**

The AP made his complaint of being sexually assaulted 85 days after it purportedly occurred. A warrant for the AP's arrest had been issued the previous month. The AP was enrolled in a program run by the Department of Community Services at Freeman House in Bridgewater. One of the police officers (PO1) was scheduled to attend a meeting at Freeman House on November 20, 2019. Shortly before leaving his office to attend the meeting this officer was notified by a member of the South Shore Street Crime Enforcement unit (PO2) that there was an outstanding arrest warrant for the AP and source information indicated the AP might be in the Bridgewater area.

PO1 attended Freeman House and saw the AP there. He told the AP that he was under arrest, but the AP did not comply with the instructions he was given. The AP resisted arrest and PO1 called for assistance. PO3 arrived to assist PO1. The AP continued resisting arrest and during the course of the struggle the AP bit PO3's hand hard enough to break the skin. Shortly after PO3 arrived, PO2, PO4 and PO5 who were working in the area of Freeman House also attended the scene and assisted in the arrest of the AP.

The AP was unable to say with any certainty which of the five police officers put their hand between his buttocks. None of the four employees who were present where the arrest took place observed what the AP said happened. There were no closed-circuit video cameras in Freeman House.

**Legal issues:**

**Did the police officers involved have legal authority to arrest the AP?**

The police officers were aware of an outstanding warrant for the AP's arrest and had a legal authority to arrest the AP when they found him.

**Was the AP sexually assaulted?**

Sexual assault is an assault committed in circumstances of a sexual nature. The question to be asked is whether, in light of all the circumstances, the sexual context of the assault is visible to a reasonable observer.

**Conclusion:**

No Subject Officer (SO) was named in this investigation because the AP was unable to say which of the five police officers who dealt with him did what he alleged. None of the independent civilian witnesses present at the time of the AP's arrest observed his pants being pulled down three times or any officer putting their hand between the AP's buttocks. Based on the totality of the evidence there are no reasonable grounds to conclude that the AP was sexually assaulted by any of the five police officers who dealt with him or that any of the officers committed a criminal offence.