

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2021-011

Public Referral Involving
Cape Breton Regional Police

February 13, 2021

Felix Cacchione
Director
October 8, 2021

This matter was referred to SiRT on February 13, 2021, by a parent of the two Affected Persons (AP1 and AP2). The parent stated they had been told by AP1 and AP2 of being sexually assaulted by the other parent, a police officer (Subject Officer – (SO)) with the Cape Breton Regional Police. An investigation commenced that day and was completed on September 27, 2021.

The following evidence was obtained reviewed and considered in the preparation of this report: AP1's audio/video statement of February 17, 2021, AP1's email statement of March 27, 2021 and audio statements of March 29, 2021, AP2's audio/video statement of February 17, 2021, audio/video statement of the APs' grandparent dated March 18, 2021, audio/video statement of the APs' parent dated February 17, 2021 and that parent's hand written notes dated February 10, 11, 12, 13, 14, and 15, 2021, audio statement of the APs' aunt dated March 11, 2021, the SO's pre-polygraph written statement dated April 29, 2021, audio/video polygraph examination of the SO dated June 8, 2021, email from the SO's counsel dated August 3, 2021, responding to questions regarding some allegations of physical abuse made by AP1 and AP2, email letter dated August 27, 2021 sent to the SO's counsel regarding further allegations of physical abuse, email dated August 30, 2021, from the SO's counsel responding to the latest allegations and the Child Protection Services file of the Nova Scotia Department of Community Services.

Facts:

AP1 began having memories in February 2021 of incidents involving the SO that happened when AP1 was a young child. AP1 spoke to AP2 about these incidents and was told by AP2 that the SO had also physically and sexually assaulted them. AP2 then reported what they had been told to their parent who then reported it to SiRT.

AP1 has been diagnosed with anxiety and depression. AP1 gave a statement on February 17, 2021 and referred to the SO screaming at both AP1 and AP2, pushing them against walls and pushing their finger into the neck or chin of AP1 and AP2. AP1 also referred to the SO rubbing their crotch area over their clothing when AP1 was six or seven years old.

In a March 27, 2021, email to the investigator, AP1 referred to remembering incidents of a marked sexual nature. AP1 alleged that when they were between the age of six and eight years old the SO made them perform oral sex and also "raped" them on three separate occasions. AP1 recalled bleeding on the bed the first time that they were raped.

AP2 alleged that when they were approximately 12 years old the SO, while applying sunscreen to them, put their hand under AP2's bathing suit top and touched their breast. AP2 also recalled when they were "younger than 10", waking up in bed, not wearing underwear with the blankets and their nightgown pushed up and the expressionless SO standing over them.

AP2 referred to instances where the SO pushed or poked them with a finger, screamed at them and on one occasion dragged both AP1 and AP2 by their hair up the stairs in the house. AP2 alleged being picked up by the shirt, thrown to the ground and witnessing AP1 being picked up by their shirt or hair and thrown out an open bedroom door. These incidents occurred when they were young.

Both APs lived with the SO for periods of time following their parents' separation. At the time AP1 made the disclosure, which initiated this investigation, AP1 had been living with the SO for approximately four months.

In 2016 AP2 spoke to a guidance counsellor at their school about the SO hitting AP2's head on the armrest of the couch where they were sitting. The guidance counsellor reported this to the Department of Community Services which then began an investigation. The investigation conducted by the Child Protection Services (CPS) involved speaking with both the guidance counsellor and AP2 at school, an unannounced visit to the family home and interviews with AP1, the SO, and the other parent. The purpose of the investigation and interviews was to determine and assess the risk to both APs.

AP2, when interviewed at school, told the CPS worker that the SO had grabbed their arm and pulled them down a set of stairs causing them to bang into a wall and received a small cut to their arm. AP2 also repeated their initial complaint made to the guidance counsellor and indicated that the SO had also done similar things to AP1.

AP1 was interviewed alone at home by the CPS worker and spoke positively about both parents. AP1 denied witnessing any physical violence. The worker noted no concerns in the home and reported that AP1 did not exhibit any fear of the SO. During the same visit the SO and the other parent were both interviewed. The SO denied ever physically hitting AP2 but indicated that the incidents reported by AP2 did occur but not in the manner described by AP2. The SO described how AP2's arm was grabbed after AP2 cursed at the other parent and refused to leave the house with the rest of the family when they were all leaving the residence.

The SO referred to the couch incident as play wrestling. The other parent, who was present for both incidents, confirmed the SO's description of those incidents. This parent also told the CPS worker on two separate occasions that AP2 had very bad anxiety and often exaggerated.

The CPS worker's investigation which lasted four months and was reviewed by the worker's superior, determined there was no conclusive evidence to establish that physical discipline (violence) took place and that AP2's anxiety, as noted by their parent, may have caused AP2 to view what happened differently than what actually occurred.

The SO denied ever engaging in any sexual activity with either AP1 or AP2, causing any physical injury to either AP, pulling either by the hair or throwing them to the ground.

The polygraph examination of the SO conducted on the allegation of sexual intercourse with AP1 determined that the SO's denial of having such sexual intercourse was truthful.

Relevant Legal Issues:

1. Was there a sexual interference of AP2 by the SO?

Sexual interference is the touching of a person under the age of 16 for a sexual purpose.

2. Did the SO commit incest with AP1?

Incest involves knowingly having sexual intercourse with a blood relative. Sexual intercourse requires some degree of penetration.

3. Did the SO sexually assault either AP1 or AP2?

Sexual assault is the intentional application of force, in circumstances of a sexual nature, to a person knowing that the person does not consent to the intentional application of force.

Conclusion:

There is no question, based on the totality of the information obtained in this investigation, that life in the home of AP1 and AP2 was turbulent. It was characterized by disorderly commotion typified by angry outbursts and verbal arguments which caused mental and emotional agitation to all family members.

It is clear the SO became angry and loud over trivial things such as AP1 or AP2 making too much noise or accidentally breaking a dish. This would be manifested by the SO at times towering over either AP1 or AP2 while yelling at them. There is no doubt that the SO's discipline was at times emotionally aggressive and inappropriate in light of what the APs had done. However, the totality of the evidence does not establish reasonable and probable grounds to believe that either AP was assaulted by the SO. There are, as well, no reasonable and probable grounds to believe that the SO sexually interfered with or sexually assaulted AP1 and AP2 or committed incest with AP1.

Accordingly, no criminal offence was committed, and no charges are warranted against the officer.