



## Serious Incident Response Team

Decision of the Civilian Director  
SIRT-NL File No. 2021-004

Michael NR King  
Director  
January 18, 2022

## **Introduction**

On March 23, 2021, the Royal Canadian Mounted Police (RCMP) notified the Serious Incident Response Team (SIRT-NL) of an incident involving one of its members in Glovertown, NL. The RCMP provided the notification after receiving information alleging an RCMP officer assaulted his seven-year-old stepson.

## Mandate

SIRT-NL is a civilian led police oversight agency that conducts its own investigations into serious incidents. Serious incidents within this context are those involving serious injury, death, sexual offence, domestic violence or any matter of significant public interest arising from the actions of a police officer in Newfoundland and Labrador. As noted, the within matter involves an allegation of domestic violence by a police officer. For that reason, the matter falls under SIRT-NL mandate. Consequently, I directed a SIRT-NL investigation into the incident.

## Investigative Timeline

The SIRT-NL investigation began on March 30, 2021 and concluded on December 14, 2021.

## **Overview**

I have substituted “AP” (affected person) for the name of the child involved in the alleged incident. In addition, I have substituted “SO” (subject officer) for the name of the police officer involved. Finally, I have substituted “WO# (witness officer #) and W# (witness #), respectively, for the names of police officers and civilian witnesses who provided relevant information.

On March 17, 2021, Glovertown RCMP received a referral from Children Seniors and Social Development (CSSD) regarding an alleged assault by SO on his seven-year-old stepson, AP.

Details of the reported incident are as follows:

- On the evening of March 17, 2021, the Glovertown detachment received a referral from CSSD involving an RCMP member, SO.
- The source of the referral was a social worker with CSSD, who has a duty to report any allegations of domestic violence to the police. The social worker

reported she had been in contact with SO's wife, W1 (AP's mother), who was seeking assistance from CSSD. Specifically, W1 wanted to refer her son for counselling.

- W1 reported AP had told her that, on March 15, while SO had AP out for an activity, AP was acting up and "that his stepdad ran at him, picked him up, slammed him to the ground and hit him on the buttocks three times as hard as he could".
- SO told W1 he "spanked [AP's] bum". W1 has asked SO to leave the home. A 30-day safety plan was put in place by CSSD.
- On March 18, 2021, WO1 was advised of the complaint and made arrangements to interview W1 and AP at the Clarendville detachment on March 20, 2021.
- On the Morning of March 20, 2021, W1 advised WO1 she did not want her husband to face criminal charges and instead she believes he needs to avail of mental health resources. She declined to bring her son, AP, in for an interview or to be interviewed herself.
- WO1 asked if there were any issues in relation to W1's and AP's safety. W1 advised there were not. WO1 advised either he or an outside agency will still have to speak with SO. WO1 advised he would follow up with W1 the following week regarding her and her child's interview to see if she had changed her mind.
- On March 23, 2021, the RCMP Chief Officer was advised CSSD interviewed W1 and informed of a previous domestic violence incident and possible previous incidents involving the child alleged to have been committed by the member, SO.
- WO1 again followed up with W1 but W1 again declined to speak to the police. W1 advised she is not in fear for her safety or that of AP. W1 informed WO1 it would not matter which agency spoke with her, she does not want to co-operate with the investigation.

As stated, the matter was referred to SIRT-NL.

## **Investigation**

SIRT-NL took over this investigation after some preliminary work was done by the RCMP. The incident is alleged to have occurred on March 16, 2021 in the gym at the Glovertown, RCMP detachment. Present at the time was the subject officer and his stepson, the affected person. There were no other witnesses.

There was no forensic evidence to collect. The investigative plan relied on review of RCMP reports as well as conversations and interviews with civilian witnesses, the affected person, a witness officer and the subject officer.

### Witness 2 (W2) – The Social Worker

The SIRT-NL investigator contacted CSSD and spoke with the assigned social worker, W2. W2 stated the following:

W2 interviewed W1, SO and AP. W2 would not provide SIRT-NL with the file, but could share the contents of her notes verbally. She stated both parents are being co-operative with CSSD and are actively participating in counselling and accepting help. There is a 30-day safety plan in place and SO is not presently in the home.

W2 interviewed AP. AP told her he hit his dad in the face with a boxing glove. AP threw it at him. AP's dad hit him three times on the bum with an open palm. It hurt and he cried. AP's dad pushed him to the ground, starting with his head down and putting him on his stomach. AP described it as like when his dad uses police moves when they are playing/wrestling. One time, at home, his dad pushed him and another time he picked him up by the head.

W2 interviewed SO. SO has sometimes picked AP up under the arms but never by the head. They sometimes play wrestle. SO is very remorseful about spanking AP. SO was very open about it and did not seem to be hiding anything. He understands the ramifications and provided some insight into the stressors in his life. SO signed the safety plan without hesitation. He is getting counselling and is willingly participating in CSSD processes.

W2 had several conversations with AP's mother, W1. W1 only wanted counselling for AP as he has some behaviour issues. SO has never been violent toward her or AP before. W1 is not afraid of SO. W1 and SO are both seeing counsellors. W1 is being protective of AP as per direction from CSSD. Everyone involved is co-operating with CSSD. As soon as SO and AP came home on the day of the incident, SO told her he spanked AP. AP told her SO pushed him to the ground.

### Witness 1 (W1) – The Mother of the Affected Person

Throughout the course of this investigation, SIRT-NL made several attempts to obtain a statement from AP. AP's mother, W1, would not permit SIRT-NL to speak with AP. Thus, no statement was obtained. W1 would not provide a statement herself either, but she did offer some information during conversations with the SIRT-NL investigator over the phone.

W1 told the investigator she contacted CSSD because she was looking for help. She wanted to have some counselling set up for AP. She did not intend for SO to get in trouble and she is not happy about this investigation. If she had known this would happen, she would not have reached out for help. SO is not a violent person. There have never been any issues before. He is a good dad. He and AP are very close. AP misses SO now that SO is out of the house. AP asks when SO can come back. AP feels bad.

AP told W1 what happened and SO admitted to her he had hit AP. SO said he hit AP three times on the bum. SO felt bad and offered to leave the house. AP had no mark on him and was not injured. AP is getting some counselling through CSSD. W1 is not afraid of SO. W1 and SO are doing counselling together and SO is doing counselling on his own.

W1 was adamant SIRT-NL not speak with AP about this. W1 said she would think twice before asking for help again. She feels "frustrated" because asking for help should not have come to this.

On April 30, 2021, the investigator followed up with W1. W1 stated that AP had one counselling session and [the counsellor] said he was okay. No further sessions are planned. The CSSD safety plan has expired and SO has moved back home. Things are going well. SO is continuing with therapy. W1 does not see how this investigation benefits anybody. She will not re-consider allowing an interview with AP. The investigator followed up again on May 10, 2021. W1 said she has not changed her mind and would appreciate if the investigator did not call again.

#### Witness Officer 1 (WO1)

On March 17, 2021, the day after the subject incident occurred, SO confided in his former supervisor, WO1. WO1 provided an audio-recorded statement to the SIRT-NL investigator on April 23, 2021. The statement contained the following relevant information:

WO1 worked with SO from September 2018 until just before this incident. Specific to their conversation about the incident, SO told WO1 he had taken AP with him to the detachment gym to work out. AP was acting up in the gym and would not listen. SO had to speak to AP repeatedly and told him to stop. SO was lifting heavy weights and AP was throwing an exercise ball at SO's legs. SO had weights across his shoulders and was thrown off balance. SO told AP to stop. AP's behaviour continued. SO bent down to pick something up and AP threw a sparring glove at SO's face, cutting him. SO said he

was angry. AP attempted to run away and SO got ahold of him, put him on the floor and spanked his bum. SO had a cut on his face when he spoke with WO1.

### The Subject Officer (SO)

On April 23, 2021, Pursuant to Section 11 of the Newfoundland and Labrador *Serious Incident Response Team Regulations*, SO designated a subject officer with respect to this investigation. His rights were read and explained to him and he was advised a SIRT-NL investigator would be contacting him to request he provide a statement after he had an opportunity to consult with legal counsel.

Subsequently, the investigator attempted, numerous times, to arrange an interview with SO. Although the investigator left several voice mail messages with SO, SO did not respond to any of our requests.

On December 2, 2021, two SIRT-NL investigators travelled to Glovertown and spoke with SO at his residence. SO was unwilling to provide an interview and said the family had “moved on” from this.

### **Issues and Conclusion**

The issue for my consideration is whether there are grounds to believe the subject officer committed an offence in relation to the incident.

This investigation was challenged in that the mother of the affected person would not provide our investigators with a statement nor would she permit our investigators to speak with the child, AP. As well, the subject officer declined to provide a statement, as is his right.

While we were able to obtain a general overview of the alleged incident, the standard for laying a charge – that being reasonable grounds to believe an offence was committed – requires more factual detail. As SIRT-NL was unable to speak with AP directly, we were unable to gather further detail or test the veracity of his information.

The Criminal Code allows a parent to use force by way of correction toward a child who is under his care, as long as the force does not exceed what is reasonable under the circumstances. Again, from the information we have, we were not able to assess whether that standard was breached.

In conclusion, as the civilian director of SIRT-NL, I do not consider there are reasonable grounds to believe the RCMP officer involved in the subject incident committed an offence. Accordingly, no charge will be laid.

This file is concluded.

**Final Report prepared by:**

Michael NR King, Director  
Serious Incident Response Team - Newfoundland and Labrador  
January 18, 2022  
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