



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2022-0002

Michael King
Director
April 28, 2022

Introduction

On February 10, 2022, the Royal Canadian Mounted Police (RCMP) notified the Serious Incident Response Team (SIRT-NL) of an allegation of theft against an RCMP officer out of the Placentia-Whitbourne district. The RCMP requested that SIRT-NL investigate the matter.

Mandate

SIRT-NL is a civilian led 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. Because the within matter involves a breach of trust, which is a matter of significant public interest, and because the RCMP specifically requested that SIRT-NL investigate the matter, I directed a SIRT-NL investigation into the incident.

Overview

I have made the following substitutions to protect the privacy of those involved:

- “Subject officer” or “SO” for the name of the RCMP officer who is the subject of the investigation;
- “Affected person” or “AP” for the name of the individual making the allegation; and
- “Witness #” or “W#” for the civilian witness who provided relevant information.

On January 25, 2022, members of the Placentia-Whitbourne district RCMP, including SO, were attempting to locate AP to effect his arrest for dangerous operation of a motor vehicle, assault with a weapon and breach of peace bond. At 2:50pm, SO saw AP driving his vehicle in Whitbourne. SO, who was driving an RCMP marked patrol vehicle, followed AP and activated his emergency equipment to stop AP. AP did not stop and continued travelling in the community of Whitbourne, followed by SO. Eventually, AP pulled in the driveway of a residence. SO pulled behind AP’s vehicle, approached the driver side, placed AP under arrest and took him without incident in the back of the police car. SO secured AP’s vehicle, collected the car keys and left for the Whitbourne detachment, where AP was placed in a prisoner’s cell. AP was released with conditions the following day.

AP returned to his vehicle and later noticed a paper bag containing medications (Ativan) was missing. On January 27, 2022, AP made a complaint to the Whitbourne

detachment RCMP, alleging SO stole his medication. AP stated, however, he did not witness SO taking the pills. Initially, the RCMP commenced an investigation into the complaint, but then terminated same as it was determined the matter would be referred to SIRT-NL. Before SIRT-NL took over, the RCMP was able to confirm with AP's pharmacy that 57 tablets of Ativan had been issued to AP on January 24, 2022.

SIRT-NL Investigation

The SIRT-NL investigation began on February 10, 2022 and concluded on April 11, 2022.

The investigative strategy was a traditional one, focusing on interviews with AP, SO and a civilian witness, W1. During the investigation, the following steps were taken:

- The SIRT-NL investigator obtained and reviewed the RCMP "Notification to SIRT-NL Form" together with all relevant RCMP files and documents; and
- The SIRT-NL investigator interviewed the affected person, the subject officer and a civilian witness.

The Affected Person – AP

The SIRT-NL investigator conducted an interview with the affected person, in which AP stated the following:

In January, AP was arrested by SO after he parked his car in the driveway of a friend in Whibourne. He was placed in the back of the police vehicle. He saw the police officer going back to his car to lock the door. The officer returned with the car keys. AP was then taken to the Whitbourne detachment, where he was placed in a cell and held overnight. Upon his release the following day, AP returned to his car and later noticed a paper bag with his medication (Ativan) was missing from the front seat. He had purchased the pills from the pharmacy on the morning of his arrest or maybe a few days before. He had placed the bag next to him on the driver seat. It contained a full month prescription of Ativan. Nobody had access to his car other than SO. However, AP stated he did not see SO taking the pills or returning to the police car with the paper bag.

The Subject Officer – SO

The SIRT-NL investigator conducted an interview with the subject officer. In the interview, SO advised the following:

On January 25, 2022, SO was assisting other officers in locating AP to effect his arrest for a number of offences. He located AP, who was driving his car in Whitbourne. SO activated the emergency equipment in his marked patrol vehicle and followed AP until AP parked in the driveway of a residence in Whitbourne. SO approached the driver's side of AP's vehicle and arrested him without incident. SO took AP to the police car, returned to AP's vehicle to lock it and took the keys back to the police car. After locking AP's car, SO tried the door to ensure he had properly secured it. This is something he does routinely in these situations. When approaching AP's vehicle to make the arrest, SO quickly scanned the inside of the vehicle for weapons. He did not notice anything unusual in the car and never retrieved anything from the car. He escorted AP to the Whitbourne detachment and placed AP in a cell. SO secured the keys of AP's vehicle along with AP's other personal effects. SO did not have any dealings with AP since this incident. He ensured he had no contact with AP due to this investigation.

Civilian Witness – W1

W1 provided a witness statement to the SIRT-NL investigator. In her statement, she advised the following:

W1 remembered the events that took place in late January, when AP was arrested. She did not witness the actual arrest, but was told AP had been arrested by the RCMP and his car was left in a driveway. Later that day, she noticed a black car driving a few times by her house and slowing down as if to look at AP's vehicle. At one point, the car even drove in the driveway, not far from AP's car, and left. She also noticed a truck doing the same thing. W1 found this to be very unusual. The morning after AP was arrested, W1 went to the driveway near AP's car and noticed the driver's door was slightly opened. She closed the door and thought maybe the seat belt had prevented the door from closing when AP was arrested. She did not notice anything unusual around the car. AP came back later to get his car.

Issues and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officer committed theft of AP's pills.

For the following reasons, I have not formed the requisite grounds to believe an offence occurred:

- AP's allegation against SO is based on an assumption only. AP did not witness SO taking the medication.

- The SIRT-NL investigator found no corroborating evidence to support AP's allegation.
- The civilian witness observed suspicious activities around AP's unattended vehicle.
- There is simply no evidence, beyond AP's speculation, that SO stole any items from AP's vehicle.

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

SIRT-NL recognizes the serious nature of these cases and is available to provide assistance by explaining our role, process and findings to the officer and affected person.

Final Report prepared by:

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