



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2022-0003

Michael NR King
Director
May 24, 2023

Introduction

On February 17, 2022, a lawyer representing a member of the public contacted the Serious Incident Response Team (SIRT-NL) alleging two RCMP officers assaulted his client on January 18, 2020. The lawyer further alleged the incident involved an element of racial discrimination by the officers.

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. As this matter involved an allegation of racial discrimination, it is a matter of significant public interest. For this reason, I directed a SIRT-NL investigation into the incident.

The offence under investigation is assault, contrary to Section 266 of the **Criminal Code of Canada**.

Terminology

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

- “Affected person” or “AP” for the civilian alleging he was assaulted;
- “Subject officer #” or “SO#” for the police officers who are the subject of the allegations and this investigation;
- “Witness #” or “W#” for any other civilian who provided relevant information.

Investigation

The SIRT-NL investigation began on March 9, 2022 and concluded on April 20, 2023.

The investigation involved the following:

- SIRT-NL investigators interviewed the affected person;
- Investigators obtained statements from two civilian witnesses and two witness officers;
- Investigators obtained and reviewed the following material:
 - Documents received from the affected person’s lawyer, which included two typed statements of the affected person and one typed statement from Witness 1;
 - The affected person’s medical records;

- Photographs of the affected person's injuries;
- Police notes and reports of Subject Officer 1; and
- RCMP documents and recordings pertaining to the relevant police file;
- SIRT-NL investigators interviewed Subject Officer 1;
- Subject Officer 2 declined the opportunity to provide a statement; and
- In response to requests made to the RCMP by SIRT-NL, the RCMP confirmed the police vehicles operated by SO1 and SO2 did not have a system to track speed, location or stops. There was no audio or video recording equipment in the vehicle. The RCMP also confirmed that no RCMP members in NL have body-worn-cameras.

Overview

On January 18, 2020, at 11:53pm, Witness 1 contacted the Bay D'Espoir detachment of the RCMP to report her father, AP, was operating his vehicle while impaired by alcohol. SO1 and SO2 were dispatched to respond to the call for service. At approximately 1:07am, the officers located AP at his residence in Conne River and arrested him for impaired operation of a motor vehicle. The officers removed AP from his home and placed him in a police vehicle to be conveyed to the RCMP detachment for breath testing. The officer did not initially handcuff AP.

During the ride from Conne River to Grand Falls, AP became angry. SO1 stopped the police vehicle and an altercation took place between the officers and AP. During the altercation, SO2 used pepper spray to subdue AP. The officers then handcuffed AP and placed him in the back seat of the vehicle. Following the altercation, the officers took AP to the Grand Falls-Windsor RCMP detachment. They arrived at the detachment at 2:50am. AP has since stated he became angry because the officers had used derogatory terms about Native Americans and made sexually suggestive comments about AP's girlfriend.

At the Grand Falls RCMP Detachment, AP failed to provide a proper breath sample. He was released from custody the following afternoon and was charged with impaired driving, refusal to provide a breath sample, resisting arrest, dangerous operation of a motor vehicle, unsafe storage of a firearm and assaulting a police officer.

On July 7, 2021, AP's lawyer contacted SIRT-NL via email to inquire how to file a complaint on behalf of a client. SIRT-NL responded to these inquiries forthwith. The lawyer did not contact SIRT-NL again until February 17, 2022, at which time, he provided typed statements of AP and his girlfriend, W2, and photographs of AP's injuries. AP's lawyer requested that an investigation be initiated. The complaint alleged that two RCMP officers assaulted AP and made racial comments while they were transporting AP to the RCMP detachment. On August 22, 2022, AP's lawyer sent an email to SIRT-NL with an amended version to AP's initial statement.

The Affected Person (AP)

As indicated above, AP provided an initial statement to SIRT-NL through his lawyer. Subsequently, AP provided an amended statement. Third, on August 21, 2022, the SIRT-NL investigator interviewed the affected person.

Initial Typed Statement (provided to SIRT-NL on February 17, 2022):

On January 18, 2020, AP finished work at 4:00pm. He was spending the evening at home with his girlfriend, W2. As he expected a few friends or relatives to visit, he put a flask of whiskey on the table. Nobody came and neither AP nor W2 drank any of the whiskey. The two had supper around 6:00pm, after which, AP worked on his snowmobile. Around 10:00pm, his daughter, W1, unexpectedly stopped by. She sat around for an hour and watched television. Around 11:00pm, AP intended to go for a snowmobile ride. W1 grabbed the keys from him, claiming he had been drinking. AP then left the house and drove around in his truck for about an hour.

When AP returned home, W1 had left and W2 was in bed. AP had two or three drinks of whiskey, which “pretty much finished” the remainder of the flask, and went to bed. Around 1:00am, AP was awoken by two RCMP officers, SO1 and SO2, who told him to get dressed. Once AP was dressed, the officers took him to the police vehicle. AP did not know where they were taking him. SO1 removed three rifles from the wall in AP’s bedroom. While in the police car, AP heard SO1 tell SO2 “if she won’t give a statement, charge her.” AP believed they were referring to W2.

While travelling on the Conne River access road, the officers made comments about AP and his girlfriend. One of the officers said “what is a white girl doing with the likes of you.” The officers then started laughing. AP was not in handcuffs and started knocking on the plexi-glass divider between the front and back seats of the vehicle. SO1 suddenly pulled the car over, exited, opened the rear door and told AP to get out. As AP got out, SO1 grabbed him by the throat and said: “you want to have a fight, let’s go.” As SO1 choked AP, AP knocked SO1’s hands off AP’s throat. AP was punched in the back of the head and the side of his face. SO2 kicked AP in the back of his knees, knocking him down on the pavement. The officers pulled him up and put him in the back of the car. SO1 said “let’s take this Indian to Grand Falls”.

AP was taken to Grand-Falls and held in custody overnight. When he was released the next day, AP attended the Conne River medical clinic to have his injuries treated.

Amended Typed Statement (provided to SIRT-NL on August 20, 2022):

Worthy of note are the following changes, deletions and additions:

- The sentence in the initial statement “I had put our Christmas Whiskey flask on the table, so they [his friends / relatives] could have a drink if they wanted” was deleted in the amended statement.
- The sentence in the initial statement “Neither myself or [W2] drank any of the whiskey” was replaced with “neither myself or [W2] had been drinking that day or that evening”.
- AP indicated in his amended statement that he returned home from his drive at 12:30 am.
- The sentence in the initial statement “I had a two or three drinks of whiskey before I turned in for the night. That pretty much finished what was left in the flask” was amended to “I had two or three drinks of whiskey from the flask before I turned in for the night”.
- AP added: “[SO2] hit me on the bridge of my nose with a can of pepper spray, then sprayed it on my face” (In AP’s initial statement, there was no mention of any officer using pepper spray on him).
- Added at the end of the amended statement, AP added, “I have amended my complaint and the additions are bolded. My solicitor forgot to put in what I had mentioned about being hit with the pepper spray can and pepper sprayed by [SO2]”.

SIRT-NL Investigators’ Interview of AP (January 9, 2023):

AP finished work at 4:00pm and went home. He had been working since 4:00am. He decided to work on his snowmobile and wanted to go to his cabin. He worked on the snowmobile until about 6:00pm and then had supper. After supper, he continued to work on the snowmobile. By the time he finished, his daughter, W1, came to his house, as she wanted W2 to do a social media video with her. W1 and W2 went outdoors and did the video. AP took a shower.

W2’s family had showed up that day. There was a leftover “26’er” on the end table that they finished drinking. When AP finished showering, he knew the 26’er was empty so he decided to get another one to take to the cabin; he knew they would be at the cabin for a couple of days. W1 left around 9:00pm to get the bottle. She returned around 9:45pm, dropped it off and left again. Around 10:30pm or 11:00pm, W1 came back and accused AP and W2 of drinking the first 26’er. AP stated W2’s family had drank that 26’er. He “never had a drop”. W1 warned AP that, if he took the snowmobile, she was going to call the police. She argued with AP that he was drinking all day. They got into an argument so AP decided to leave.

AP drove around the community and out the access road. He then turned around and went home. He got home about 11:30pm or 12:30am. When he returned, W2 had gone to bed. AP decided to drink the flask, as he wanted to unwind. AP drank three glasses of the whiskey that W1 had picked up for him. After he finished, he went on to bed.

W2 got out of bed and said someone is in the house. She went out and saw two police officers in the porch. The officers asked where AP was. They came back to the bedroom and woke AP up as he had fallen back to sleep. The officers said they wanted to talk to him out in the car. AP got out of bed and got dressed. One of the officers, SO1, saw three rifles on a gun rack. AP took the rifles off the rack and gave them to SO1. SO1 said they were charging AP for improper storage of a firearm. SO2 brought the rifles to the police car.

While the officers were taking AP to the police car, W1 came down the driveway, yelling, "take him to Grand Falls. Put him in the drunk tank." AP heard SO1 say to SO2 "If [W2] don't give a statement, charge her".

As they were leaving Conne River, the officers were talking about a new movie they had seen. When they got out to the access road, they started acting up, saying "What's a pretty white girl doing with the likes of you", which AP thought was racist. AP knocked on the window three times and told them to stop being racist. By then, the officers stopped the car and told AP to get out.

SO1 opened the door and AP got out. When AP stood up, SO1 grabbed him by the throat and pushed him up against the roof of the car. SO1 was choking AP, who started to pass out. AP fought to get SO1 off. He thought SO1 was going to kill him.

SO1 kicked AP's feet out from under him and start punching him in the back of his head, ears, nose and lip. First, when SO1 pulled AP out of the car, SO1 said "you want a fight, we will give you a fight". That is when SO1 grabbed AP by the throat and jammed him up against the car. After that, SO1 kicked AP's feet out and was down on top of AP on the ground. SO2 hit AP with a pepper spray bottle across the bridge of the nose. One of the officers kicked AP in the ribs. They then threw him back in the car and said "let's take this dirty Indian to jail". They drove to Grand Falls. There was not much talking for the remainder of the drive.

AP stated that when they arrived at the detachment, he did the best he could to blow into the breathalyzer but, due to the injuries to his nose, lips and throat being swelled, he could not. After trying three times, the officers said AP was refusing and charged him for failing to provide a breath sample. AP stated he was bleeding from his nose while at the detachment but the officers never offered him any medical attention. After he was released, AP had photographs taken of his injuries by W2 and then attended a medical clinic for treatment.

AP reiterated that, that day, he did not have any alcohol, from the time he got home from work until after he came back from the drive. He had a few drinks of whiskey after he went for the drive.

When the SIRT-NL investigators asked AP to explain the time lapse (18 months) between the incident and the complaint to SIRT-NL, AP said he would have to speak to his lawyer, as he could not remember the reason. The interview was paused to provide AP an opportunity to speak with his lawyer. Upon consulting with his lawyer, AP advised the delay in reporting the incident was due to "Covid".

Civilian Witnesses

Investigators obtained statements from two civilians, AP's daughter, W1, and AP's girlfriend, W2.

Witness 2 (W2)

Initial Audio-recorded Statement (January 19, 2020):

On the night of the incident, W2 provided an audio-recorded statement to SO2, in which she stated the following:

W2 stated AP was drunk and took his truck. She was not sure where he was going but his daughter, W1, went after him. AP returned home and went to bed. When asked how much AP had to drink, W2 stated they picked up a flask for AP and he also had a 26'er before that but he did not drink it all. W2 had a couple of drinks from the 26'er. W2 stated AP had just got in the door prior to the police arriving. AP started drinking around 8:00pm that evening.

Typed Statement (provided to SIRT-NL on February 17, 2022):

W2 subsequently provided a typed statement, which AP's lawyer provided to SIRT-NL.

On the night of January 19th, 2020, around 1:00am, W2 and AP were asleep in their bed when SO1 and SO2 entered her house without knocking or identifying themselves. They placed AP in a police car. W2 followed them outside and saw AP's daughter, W1, speaking with SO2. SO2 then approached W2 and asked for a statement. W2 told him she would not be providing one. SO1 then told SO2 them to charge W2 if she did not provide them a statement. W2 decided to give a statement, as she was afraid the officers would arrest her if she did not. W2 answered SO2's questions as best she could.

The officers left with AP around 1:30am. Sometime the following morning, SO1 and SO2 returned to W2's house to seize AP's truck. They told her that AP would claim he had been beaten and subjected to racist remarks, which the officers denied.

AP returned home in the afternoon. He had cuts on his face, dried blood in his nose, a swollen ear and bruises and scratches on his face. W2 took pictures of him and took him to the Conne River medical clinic.

W2 made no mention of alcohol in this statement.

SIRT-NL Investigators' Interview of W2 (January 9, 2023):

On January 9, 2023, SIRT-NL investigators obtained an audio-recorded statement from W2 in the presence of her lawyer:

W2 claims her initial statement to the RCMP was not voluntary. Her typed statement was prepared a week or two after the night of the incident. Regarding her initial statement to the RCMP, she stated W1 was cutting in and out during the statement, threatening W2.

On the night of the incident, W2 and AP were home. W2 cooked supper. AP got home from work around 3:00pm and started working on his snowmobile. W1 showed up and wanted to record a social media video, which W2 agreed to do. After that, W2 and AP had planned to go to the cabin. AP asked W1 to go and get him a flask to take to the cabin. W1 brought back the flask about 11:30pm. W1 then accused AP and W2 of drinking all day. W1 tried to take AP's keys for the truck and snowmobile.

W2 stated AP was not drinking and never had anything to drink all day. When W1 was accusing AP, he went for a drive to cool down. AP returned home around 12:30am. W2 was in bed. AP had a couple of drinks before he went to bed.

All of a sudden, W2 was awoken by the turning of a doorknob. She jumped out of bed to see someone standing in the doorway. A second person was standing behind him. They were dressed in police uniform. They did not say what they wanted and did not have a search warrant. They did not introduce themselves. W2 was scared.

The officers walked back into the room where AP was. When SO1 walked through the door, he had his hand in a fist. It looked like he had keys in his hand. When W2 went in the bedroom, SO1 had his hand under AP's pillow as if he was pretending he had AP's keys. He was trying to frame AP.

The two officers took AP out of bed. They grabbed AP by the arm and pulled him through the house and out to the police car. The officers then asked W2 to give a statement. She refused. W1 threatened to beat W2 up if she did not give a statement and implicate AP. SO1 told SO2 to charge W2 if she would not give a statement. W2 gave a statement because she was scared, but her statement was not true.

After that, the officers took AP away in the police car. W2 did not know where they were going. W2 next saw AP when he was released the following afternoon. She stated AP had a busted lip. His neck was bruised and cut. His nose was busted up and he had black eyes. He had bruises on his ear and on the side of his face. W2 took AP to the clinic in Conne River. She took the photographs of his injuries that night.

At the end of her statement, W2 offered several points of clarification. She denied sending a message to W1, asking her to come to the residence. W2 said family had dropped by her residence before AP got home from work. There was a 26-ounce bottle of Weiser's whiskey on

the table that the family had finished before AP arrived. When the family left, the bottle was empty.

Witness 1 (W1)

Initial Statement to the RCMP (January 19, 2020):

Witness 1 provided an audio-recorded interview to the RCMP on January 19, 2020. In her interview, she advised the following:

When asked why she called the police, W1 responded that she received a message from W2 that W1's dad, AP, was being foolish and saying he was going to take off on the snowmobile. When W1 arrived at her father's residence, he was still there. W1 warned him that, if he left on the snowmobile, she was going to call the police. AP then left in his truck. W1 got in her truck to catch up with AP. She then called the police. While she was following her father, he was all over the road and exceeding the speed limit to the point W1 had to stop following him. W1 also referenced that she was at her father's house earlier in the day. She noted a 26'er there and she picked up a flask for AP. AP was drinking the alcohol straight.

Statement to SIRT-NL (January 9, 2023):

On January 9, 2023, SIRT-NL investigators obtained an audio-recorded statement from W1. She stated as follows:

Around 9:00pm or 10:00pm, W1 received a phone call from her father, AP, asking her to go to the liquor store for him. W1 went to the liquor store and dropped off the liquor at her father's house. She stayed there awhile before leaving again.

Later that night, around 12:00am, AP's girlfriend, W2, called W1, stating she and AP were in an argument and AP was going to leave on the snowmobile. W1 went to AP's house. When she arrived, she went straight to the snowmobile to take the keys. She then went to the truck to take the keys, but could not find them.

W1 went in the house. AP was inside, leaning and hunched over against the wall. He was so drunk he could not stand up straight. AP was angry and arguing with W2, who was crying.

W1 called police and told them what was going on. When she was on the phone with dispatch, AP had left in his truck. W1 followed him. AP was driving so fast, she could not keep up with him. The roads were slushy. W1 eventually went back to AP's house, where she met the police coming up the driveway with AP. AP was not handcuffed and the police had two rifles with them. W1 and W2 spoke with police and gave their statements.

W2 also provided a statement that night. W2 was crying. SO2 asked W2 if she wanted to provide a statement and she agreed. There was nothing else said by the RCMP officers. The only statement W1 made to W2 about giving a statement was that it was up to her.

With regard to the RCMP interaction with her father, W1 witnessed them walking, side-by-side with him, up the driveway. They seemed fine and were not angry or aggravated.

Subject Officers

Subject Officer 1 (SO1)

On March 10, 2023, SIRT-NL obtained a video and audio statement from SO1. He stated as follows:

On January 19, 2021, SO1 received a call around midnight from SO2 who stated that AP was operating a motor vehicle while impaired. AP's daughter, W1, made the complaint.

SO1 left his residence to assist SO2. SO1 observed the subject vehicle, based on the description of the vehicle that was provided, headed North on Route 360. The road conditions were poor. The vehicle was driving excessively fast. SO1 was traveling 160 km/h at the time and was unable to catch up. He observed the vehicle turn into Conne River. He turned off the emergency equipment and reduced his speed.

At 12:55am, the officers pulled up to AP's residence. SO2 felt the hood of AP's vehicle and commented that it was still hot. The officers knocked on the door of the residence, which was answered by W2, who stated "[AP] is in the bedroom". The officers entered the residence and located AP, who was fully clothed and laying on the bed. The officers observed two unsecured firearms above the bed and seized them. When AP got out of bed, he had difficulty walking and his speech was slurred. At this time, the officers placed AP under arrest. SO1 took him outside and placed him in the rear of the RCMP vehicle. He did not handcuff AP as there was not a lot of room in the rear of the vehicle and AP was co-operative at the time.

While driving, SO1 and SO2 were discussing a movie they had just watched when AP screamed "what did you just say about my girlfriend" and started hitting the windows. SO1 pulled over and exited the vehicle. He opened the rear door, reached in and grabbed AP to remove him from the vehicle to be handcuffed. As AP exited the vehicle, he grabbed ahold of SO1, clenched his fist and swung at SO1. AP missed SO1 but struck SO2. AP then struck SO2 a second time. SO2 deployed his pepper spray. SO1 then grabbed ahold of AP and it became a pushing match. The officers were able to get AP to the ground, at which time SO2 got on AP's back and handcuffed him. Once AP was restrained, the officers placed him back in the rear of the vehicle. They proceeded to the Grand Falls detachment to be held overnight.

AP was mumbling and accused SO1 of saying inappropriate things to him, which SO1 denied. Upon arrival at the detachment, AP again alleged that SO1 used derogatory remarks against him, calling AP a "Dirty Indian."

While at the detachment, SO1 noticed a drop of blood in AP's nose. AP was provided with a tissue. AP was charged with several offences and placed in a cell for the night.

A couple of days after the incident, SO1 learned that AP was alleging SO1 had made derogatory remarks against him. SO1 stated to the SIRT-NL investigator that his ex-wife and children are Cree and he found these allegations repulsive.

When the SIRT-NL investigator questioned SO1 about W2's demeanor on the night of the incident, SO1 stated W2 was very co-operative and never questioned why the officers were in the house.

The investigator then asked SO1 directly about AP's and W2's specific allegations. In response, SO1 stated:

- SO1 did not enter AP's residence without permission. W2 invited the officers inside the residence when they arrived.
- SO1 did not tell SO2 to charge W2 if she did not provide a statement.
- SO1 did not make any derogatory comments to AP.
- SO1 did not grab AP by the throat during the altercation nor did SO1 kick AP when AP was on the ground.
- When the investigator advised SO1 that AP was alleging SO1 would not provide him an opportunity to seek medical attention, SO1 stated he only saw a drop of blood on AP's nose. AP never referenced being injured and never indicated he required medical attention.

In addition to the audio/video-recorded statement, SO1 consented to the release of his police notes and reports associated with the arrest of AP. Upon our review, these notes and reports are consistent with the SO1's statement.

Subject Officer 2 (SO2)

On March 21, 2023, SO2 formally declined to provide a statement to the SIRT-NL investigator. The following day, he advised he would not consent to the release of his police notes or reports in relation to the incident.

Medical Records

On January 9, 2023, the SIRT-NL investigator obtained AP's medical records in relation to the injuries he incurred on January 19, 2020:

- AP attended the Conne River Health and Social Services Centre on January 19, 2020 at 6:22pm.

- AP advised the physician that one of the officers grabbed him by the throat and held him up against a door. AP pushed the officer away, at which point the second officer pepper sprayed AP. The first officer then struck AP once in the eye. The officers pushed AP to the ground and handcuffed him. When at the detachment, AP was unable to blow into the breathalyzer, as he could not get enough air due to the officer grabbing him by the throat.
- AP complained of a sore throat and difficulty swallowing.
- AP admitted to drinking whiskey last night.
- The physician noted bruising around his right eye and under lip, a small abrasion on his neck and a small abrasion on his right forearm.
- The physician prescribed Tylenol for pain and recommended that AP rest at home.

Photographs

The photographs of AP's injuries that were taken by the RCMP prior to AP being placed in the holding cells reveal bruising under AP's right eye and an abrasion to the right side of his nose.

The photographs of AP's injuries that were received from his lawyer reveal:

- Bruising under his right eye;
- Abrasion to the right side of his nose;
- Bruising on his left shoulder;
- Abrasion on his neck; and
- Abrasion on his left forearm.

Issue and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officers assaulted the affected person.

The only evidence of an assault (and racial discrimination) comes from AP himself. There were no witnesses to the altercation between AP and the two subject officers. W1 and W2 gave evidence regarding the circumstances giving rise to the encounter. Consequently, grounds to lay a charge must be based on the credibility and reliability of AP's statements and, to a lesser extent, W1's and W2's evidence. In assessing an individual's credibility and reliability, it is necessary to examine all corroborating or refuting evidence. Minor inconsistencies or discrepancies are natural. We cannot expect an individual to have a perfect memory of every detail. Significant inconsistencies or discrepancies, however, on key points, may be more problematic.

In assessing all the evidence, I have several points of concern in relation to AP's and W2's credibility and reliability. They are as follows:

AP

In his initial statement, AP stated he and W2 were expecting W2's family to visit, but nobody came. In his subsequent audio statement, AP stated W2's family came over and drank the 26'er.

In AP's second and third statements, he mentioned his daughter, W1, brought him a flask of liquor. He did not mention this in his initial statement.

AP stated he had arrived home approximately one hour prior to the RCMP arriving at his residence. The RCMP records, W2's statement to the RCMP, W1's statements and SO1's statement, notes and reports all contradict this.

AP stated he consumed two to three drinks of whisky before going to bed. Other than that, in his statements, AP distanced himself from alcohol consumption. The statements of W1, W2 and SO1, on the other hand, all indicate AP was quite intoxicated when the police showed up and arrested him.

Finally, I have concerns regarding the circumstances under which AP reported the incident to SIRT-NL. As stated, he made the complaint over two years after the incident. I am not satisfied with AP's explanation for the delay – that being "Covid". I also note AP made the complaint as his trial on the charges against him was approaching. Given that, as part of his defence in that proceeding, AP alleged his **Charter** rights were violated, the credibility of the subject officers would likely be an important issue at trial. In other words, AP would stand to benefit if the officers were charged.

AP alleged he sustained injuries during the altercation and provided evidence of this via photographs. There is no doubt AP received injuries resulting from the altercation with the subject officers. The injuries consisted of bruising and abrasions to his facial area and forearm. Having said that, SO1 acknowledged there was an altercation, which resulted from the officers having to restrain AP. It is not surprising that AP sustained injury during this altercation. The evidence of injury, therefore, does not necessarily indicate an assault.

W2

W2's typed statement and audio-recorded statement to the SIRT-NL investigator completely contradict the statement she provided to the RCMP on the night of the incident. She explained this by claiming the RCMP officers and W1 threatened her, thereby inducing her to implicate AP. If this was the case, it is highly coincidental that W2's initial statement, implicating AP, is consistent with the statements of SO1 and W1. In addition, W1 and SO1 denied making any threats to W2. The audio-recording of W1's statement supports W1's and SO1's account and refutes W2's account. Upon review of the recording, there were no threats made and no interruptions.

SO1

In contrast, I have no issue with the statements of AP's daughter, W1, or with the statement, notes and reports of SO1. SO1 was open and up front with SIRT-NL investigators. His evidence was consistent. He acknowledged he and SO2 had an altercation with AP but stated the altercation arose when AP was being belligerent in the back of the police vehicle. In response to this, the officers attempted to handcuff AP to prevent damage to the vehicle. When AP resisted, the altercation ensued. SO1 denied making any discriminatory comments to or about AP. SO1 stated he was repulsed by the accusation as SO1's ex-wife and children are Cree.

In summary, due to the above noted issues I have with AP's (and W2's) evidence, I have not formed reasonable grounds to believe the subject officers committed a criminal offence under s. 266 of the **Criminal Code**. Accordingly, I will not lay charges in this matter.

This file is now concluded.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
May 24, 2023
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