



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2022-022

Michael King
Director
October 3, 2022

Introduction

On May 19, 2022, the Royal Newfoundland Constabulary (RNC) notified the Serious Incident Response Team (SIRT-NL) of a report of domestic violence involving a Royal Canadian Mounted Police (RCMP) officer. The spouse (the “affected person”) of the subject RCMP officer reported to the RNC that the officer assaulted him in the RNC detachment parking lot in Mt. Pearl as the two were exchanging custody of their daughter. The affected person alleged the subject officer shut her car door on his foot. The affected person also alleged a separate incident in which the subject officer used RCMP databases to locate and identify the affected person’s current girlfriend. During another incident, the affected person alleged the subject officer used her police identification to obtain a credit card receipt from a local jewelry store under the guise of a criminal investigation.

As the investigation progressed, the affected person made further allegations which will be discussed below.

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, among other things, an allegation of domestic violence, it falls within our mandate.

Terminology

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

- “Affected person” or “AP” for the spouse of the subject officer who is alleging the criminal conduct;
- “Subject officer” or “SO” for the police officer who is the subject of the allegations and this investigation;

Investigation

The SIRT-NL investigation began on May 24, 2022 and concluded on September 10, 2022.

The strategy for this investigation was a traditional one, focusing on interviews of the affected person, five witnesses and corroborating evidence.

During the SIRT-NL investigation, the following steps were taken:

- SIRT-NL collected and reviewed all preliminary investigative material, including a statement by the affected person, documents received from the affected person, as well as RNC and RCMP documentation in relation to the matter.
- The SIRT-NL investigator interviewed the affected person.
- Statements were obtained from several civilian witnesses, including the assistant manager of the involved jewelry store and social workers involved with the family.
- SIRT-NL obtained RCMP database information to determine whether the subject officer conducted the searches alleged by the affected person.

Civilian Witnesses

As noted above, investigators took statements from several individuals. For the purpose of this report, I will focus on the statements of particular relevance.

The Affected Person (AP)

On May 31, 2022, the SIRT-NL investigation interviewed the affected person. In summary, AP stated:

- In April 2022, AP was waiting in the RNC detachment parking lot in Mount Pearl to proceed with the exchange of his daughter to SO. SO arrived and parked her vehicle such that her driver's door was next to AP's driver's door. They had an argument about the daughter's MCP card. SO took the daughter from AP and slammed AP's car door, crushing his foot, which was partly outside the door. AP pushed the door back, hitting the daughter, who started crying. AP claimed SO was using her daughter as a shield. AP then went to the hospital to have his foot checked; however, he tested positive for Covid-19 and could not see a doctor. It turned out that his foot was bruised.

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- In September 2021, AP was waiting in Holyrood to pick up his daughter from SO. He parked his car 10 to 15 feet away from SO's car. He picked up the daughter and took her back to his car. She was crying. SO came to AP's car and prevented him from putting the daughter in the car seat. He then went to the other side of his car and placed the daughter in the car seat. An argument ensued between SO and AP. At one point, SO told AP he was a poor father and, if he wasn't already in hell, SO would put him there. She said she would make AP suffer and take the children away from him. AP perceived this as a death threat or a threat of violence and claimed to fear for his safety. AP drove a few feet away and stopped the car to secure the daughter in her car seat. He called the RCMP to report this incident.
 - AP claimed that, while SO was off duty, she accessed RCMP databanks to identify AP's current girlfriend's name by running a check on her vehicle plate number. AP claimed SO then obtained his girlfriend's work email address and sent her an email, wanting to discuss the welfare of the children. His girlfriend did not respond to her email. AP stated that, a few days before his girlfriend received the email, he was in her car, leaving a parking lot, and spotted SO in a vehicle. It appeared to him SO was writing something down and he assumed it was his girlfriend's plate number. Coincidentally, a few days later, SO sent an email to the work account of AP's girlfriend. AP speculated that the only way SO could obtain that email address was by searching RCMP/MRD systems.
 - In August 2018, AP purchased a memory ring from a jewelry store in St. John's and gave it to SO. AP claimed that later SO had obtained, from the store, a copy of the receipt for the purchase of the ring under the guise of an ongoing investigation. AP did not know for what purpose SO was doing this. In addition, while AP and SO were separated, he complained that SO showed up in his house in uniform and in a police car, to search for some items. SO was authorized to look for specific personal effects but searched the whole house, including AP's computer.
 - During an application procedure SO initiated at Supreme Court of Newfoundland and Labrador, SO provided details of a referral to Children, Seniors and Social Development (CSSD) involving her child and AP. AP believed SO obtained this information from CSSD without proper authorization.
 - At one time, when the exchange of the children was to take place, SO dropped the children on the side of the road at the bottom of AP's house. She left and the

children walked to the house. AP was not home when this happened but his girlfriend was there. When AP returned home, his daughter told him SO had sent her a text message, asking the daughter to tell her when AP arrives. Because of this text message, AP alleged SO was conducting surveillance on his residence and on him.

On August 19, 2022, AP contacted the SIRT-NL investigator again to report further allegations against SO. He alleged SO perjured herself in sworn affidavits before the Court. During that conversation, AP stated his lawyers would not inform Court of the SIRT-NL investigation until the results are known and are favorable.

On September 4, 2022, AP sent an email to the investigator in which he repeated the allegations above and asked that SIRT-NL forward these concerns to the Minister of Justice and Public Safety and the “commander” of the RCMP in Newfoundland and Labrador. He indicated these complaints would be the basis of a lawsuit to claim damages for harassment and abuse of power by the RCMP.

Witness 1 (W1)

In an effort to corroborate AP’s allegation regarding SO obtaining a receipt from a St. John’s jewelry store, the SIRT-NL investigator contacted the store and spoke with the assistant manager (W1). W1 did not recall any incident of this nature and did not find any record of this ever happening.

Children, Seniors and Social Development (CSSD)

In relation to AP’s allegation SO used her authority to obtain CSSD information, the SIRT-NL investigator contacted a social worker at CSSD to inquire as to who would normally receive information in relation to a CSSD file. On August 1, 2022, the social worker advised the investigator that the mother of the child would be informed of the complaint received and would be provided details.

On August 25, the investigator followed up with CSSD and spoke with a second social worker to confirm how the information was communicated to SO. The social worker indicated that CSSD would have informed SO of the complaint. The social worker confirmed, via email, that information relating to referrals on children would be shared with both parents.

Police Officers

The Subject Officer (SO)

The SIRT-NL investigator contacted the subject officer and invited her to be interviewed. As is her right, SO declined.

Before SIRT-NL's involvement, however, SO sent an email to the RNC regarding the alleged assault. The email stated as follows:

An incident happened in that location on Thursday, 14 April between 15:19 hrs and 15:30 hrs between myself, my ex-partner, [AP] and our [***] daughter where our daughter was very upset due to raised tension and voices, and her father pushing his truck door away from me which hit our daughter on her left side and thigh while she was on my left hip. I learned today from Youth Protection that he reported that I "crushed" his foot while slamming his truck door and he in turn pushed his truck door away and hit [our daughter]. There are two versions of what happened from myself and he, therefore I am looking to determine if your organization has the actual video coverage of what took place. There is a long history of reports at both your agency and the RCMP, involving himself and now me, and there has been Family Law matters since 2020 that are yet unresolved. The lack of cooperation and legal aggression has been intensifying where I will be seeking the help of the best suited Domestic Violence protection for me and my children. In the meantime, I look forward to hearing from someone to advise if there is a video recording of the timeframe I state above at your [***] Mount Pearl Safe Drop Zone parking spots.

Other Evidence

In relation to the allegation of assault in the RNC detachment parking lot in Mount Pearl, the RNC had obtained a video of the incident from Mount Pearl Municipal Enforcement. SIRT-NL obtained a copy of that video. The video showed an SUV and a truck pulling into designated parking spots; however, the vehicles were too far away to observe the results of the interaction between the affected person and the subject officer. The video provided no usable footage due to poor camera quality and the location of the parked vehicles.

In relation to the allegation of unauthorized use of a computer, the SIRT-NL investigator contacted the Canadian Police Information Centre (CPIC) on July 26, 2022 to confirm

whether the alleged searches on AP's girlfriend's name and plate number had taken place. On July 28, 2022, CPIC informed SIRT-NL that no searches were conducted.

In addition, the SIRT-NL investigator obtained a copy of the actual email sent to AP's girlfriend by SO, in which SO explains she found the girlfriend's email address by searching her name on the internet. To confirm this was possible, the investigator conducted his own internet search and was easily able to find AP's girlfriend's work email.

In relation to the allegation SO was conducting illegal surveillance on the affected person's property, the investigator obtained a copy of the texts that led AP to this belief. The relevant portion of the texts stated:

SO: ...“please remember to msg when your dad gets home with you guys. I'm sticking around until then. In the area.

Finally, regarding the allegation of perjury, the SIRT-NL investigator obtained a copy of the affidavit in which SO is alleged to have perjured herself.

Issue and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officer committed any crime as alleged by the affected person. I will deal with the allegations separately.

- **Unauthorized use of RCMP computer:** As indicated above, the SIRT-NL investigator contacted the CPIC Centre to confirm whether searches had been conducted on the name of the affected person's girlfriend and her vehicle license plate number. The CPIC Centre informed SIRT-NL that no such searches were conducted. In addition, the investigator obtained a copy of the email from the subject officer to the girlfriend, in which SO explains she found the girlfriend's email address by searching her name online. To confirm whether this was possible, the SIRT-NL investigator conducted his own internet search and was able to find AP's girlfriend's work and email address. In summary, there is simply no evidence, beyond AP's speculation, of any unauthorized use of computer by the subject officer.
- **Obtaining a receipt under the guise of an investigation:** Again, beyond the affected person's speculation, there is no evidence to suggest the subject officer obtained the jewelry store receipt under the guise of an investigation. As advised by

the assistant manager at the store, there is no record of this ever happening. Again, there is no evidence, beyond AP's speculation, that this ever happened.

- **Searching the affected person's house while looking for personal items:** This matter does not constitute a serious offence as defined within the Serious Incident Response Team Act. Accordingly, the matter does not fall within our mandate.
- **Accessing CSSD information:** The affected person is speculating the subject officer obtained confidential information from CSSD using her police credentials. As indicated by the CSSD social workers, information related to referrals on children would be shared with both parents. It is abundantly clear, from the communication with CSSD, there are no grounds to believe the subject officer obtained the information in an inappropriate manner.
- **Illegal surveillance:** This allegedly occurred when the subject officer dropped off the children at the bottom of the affected person's street. The children walked alone to AP's house. AP was not home when this happened but his daughter later informed him SO had sent her a text message to tell her SO was watching the house and to let her know when her father arrived. As indicated above, AP provided a copy of the text to SIRT-NL. Because of SO's reference to staying in the area, AP is alleging she was conducting surveillance on his residence and on him. However, one could also interpret the text as SO attempting to ensure the children would not be left unattended. This is not indicative of criminal harassment. There are not sufficient grounds to believe the subject officer committed a criminal offence in this regard.
- **Perjury:** On August 22, 2022, the affected person provided two sworn affidavits made by the subject officer before a Commissioner of Oaths. The first is an Interim Application, which is in process at family court. SO is applying for an interim order on a number of points, one of which being that Covid-19 booster shots/vaccination be provided to the two children. AP claims the children were already vaccinated when the affidavit was filed and SO knew this. Therefore, according to AP, she lied in the affidavit. On the second affidavit, also sworn before a Commissioner of Oaths, the issue revolved around the children's passports and MCP cards. Since these matters are currently before the Court, SIRT-NL will not investigate these allegations. The Court will deal with representations made by the parties.

- **Uttering Threats:** The alleged threat occurred on September 17, 2021 during another exchange of SO's and AP's daughter, at which time SO allegedly told AP he was a poor father and that, if he was not already in hell, she would put him there. AP perceived this as a death threat or a threat of violence and claimed to fear for his safety. In determining whether SO's statement was a threat, the words are to be viewed objectively in the circumstances in which they were spoken. In this case, the words were spoken in the context of an acrimonious dispute over child custody. An objective and dispassionate person could interpret these words as SO conveying an intention to make AP's life difficult. The evidence collected is not sufficient to lay a charge in relation to uttering threats.
- **Assault:** The incident allegedly occurred on April 14, 2022 in the parking lot of the RNC detachment in Mount Pearl, while the parties were exchanging physical custody of their daughter. AP claims SO closed AP's vehicle door on his foot, crushing it. The RNC took photos of AP's injury, which consisted of a small red colored bruise on the outside of his left foot, near his smallest toe. No other injuries were reported or observed at the time. AP was not treated for his injury in hospital. In an email to the RNC, SO presents a different account of the incident and claims AP was the aggressor. SIRT-NL obtained a video of the incident but it provided no usable footage due to poor camera quality and the location of the parked vehicles. There were no witnesses to the incident.

In light of the above, this is a "he said/she said" situation. Grounds to believe SO committed an assault rest largely on the credibility of AP's allegations. It is evident AP bears a significant amount of animosity toward SO. He has displayed an eagerness to make criminal complaints against her, some of which have been based on speculation. These two individuals are engaged in a bitter separation that involves a court dispute. AP stated to the SIRT-NL investigator he intends to use the results of the SIRT-NL investigation in family court. He further stated he would use the results as the basis for a lawsuit.

Due to the two opposing accounts of the incident, the lack of corroborating evidence, and the above-noted issues with AP's credibility, I have not formed grounds to lay a charge of assault against SO.

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

This file is now concluded.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
October 3, 2022
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