



## Serious Incident Response Team

Civilian Director's Report  
SIRT-NL File No. 2023-0020

Michael NR King  
Director  
September 27, 2023



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## Introduction

On May 8, 2023, the Royal Canadian Mounted Police (RCMP) notified the Serious Incident Response Team (SIRT-NL) of a criminal harassment complaint against an RCMP officer in central Newfoundland.

## 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 this matter involves an element of domestic violence, it falls within SIRT-NL mandate. Accordingly, I directed a SIRT-NL investigation.

## Terminology

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

- “Affected person” or “AP” for the individual who alleged she was harassed;
- “Subject officer” or “SO” for the police officer who is the subject of the allegations and this investigation;
- “Witness officer #” or “WO#” for any police officer who provided relevant information; and
- “Witness #” or “W#” for any civilian who provided relevant information.

## Investigation

The SIRT-NL investigation began on May 9, 2023 and concluded on August 16, 2023.

During the investigation, SIRT-NL took the following steps:

- Collected and reviewed the following from the RCMP:
  - A copy of the associated RCMP file;
  - RCMP communication center recordings pertaining to the associated RCMP file, including AP’s initial call to the RCMP;
  - RCMP correspondence relating to SO’s work schedule;
  - AP’s audio-recorded statement to the RCMP;

- Police notes authored by and exhibits received by witness officers involved in the associated RCMP file.
- Interviewed AP twice;
- Obtained, by consent, AP's phone records;
- Obtained, by consent, video and various documents, including emails, text messages, Facebook messages, etc., from AP;
- Interviewed SO;
- Obtained, by consent, SO's phone records together with text messages between SO and AP;
- Interviewed 8 witness officers;
- Interviewed 8 civilian witnesses;
- Obtained, by consent, text messages and emails exchanged between the witness officers and between the witness officers and SO;
- Obtained, by consent, text messages between civilian witnesses, AP and SO.
- Conducted a canvas in AP's neighbourhood to determine whether there had been an increased police presence in the area over the previous four to six weeks.

## Overview

On May 7, 2023, AP (a civilian) contacted the RCMP, reporting SO had been harassing and stalking her for the past couple of months. Following that, the RCMP interviewed AP to gather details regarding her complaint. AP provided the RCMP officers with a pair of leggings (with bag and receipt) SO had allegedly purchased for her and left in her vehicle.

## Affected Person (AP)

May 11, 2023 audio-recorded statement to SIRT-NL Investigators.

AP, a schoolteacher, met SO in the fall of 2022 when SO was at her school for a parade. She recalls seeing SO next around February 2023 when SO was on duty and responding to an incident at AP's school. Over the next few months, there were many incidents at the school and AP would message SO for this purpose. One day, an administrative assistant at the school passed AP a message from SO in which SO asked if the RCMP could participate in a breakfast program the school was offering. The message included SO's personal cell phone number.

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After school that day, AP texted the number and introduced herself. AP and SO had a quick conversation confirming the RCMP would attend program. AP and SO began exchanging text messages after that. The RCMP, including SO, would attend the school to participate in the program. SO would find any reason to text AP or visit the school to see her.

AP and SO exchanged many messages. AP described SO as a “listening ear” for her. AP’s marriage was not doing well and she disclosed this to SO. In February 2023, AP found a card and chocolate on the front seat of her vehicle. AP did not know where it came from but felt it was from SO as he had asked what she was doing for Valentine’s Day. SO later confirmed to AP the card and chocolates were from him. AP was uncomfortable but she thanked him.

Over Easter break, SO contacted AP, saying he had an Easter gift for her. SO said he thought AP might need a little pick-me-up and asked where he could drop off the gift. AP told him she was not at work. SO offered to come to her house and drop it off. He kept on and on about dropping off the gift. After speaking with her friend about the situation, AP told SO it was not appropriate for him to leave presents in her vehicle. She did not want a gift from him but appreciated the gesture. AP explicitly and blatantly told SO to leave her alone. She begged and pleaded.

Over the course of Easter break and beyond, AP began attempting to distance herself from SO. In April, the situation worsened as AP felt SO was following her. SO would drop off tea for AP at the school. Every few days, SO would come to the school and AP would interact with him. AP stated she kept falling into the trap of convincing herself everything was ok.

SO became jealous over other male friends of AP. SO began calling AP from another phone number. On May 4, SO texted AP, “We have to talk”. SO stated one of his co-workers came to him and said he had heard a rumour that SO and AP were having an affair. AP stated she then started to spiral. She said to SO “My god, this is what I told you was going to happen. I’ve told you a million times to stay away from me and now this is affecting me”. AP begged SO; crying and pleading with him to never come near her again. She blocked SO to prevent him from sending any other text messages.

Despite this, AP stated SO came to the school that day and she had to hide away from him. She confided in her friend, W1, who firmly suggested to her she should call SO and demand he stop contacting her. AP called SO. When he answered, he was so angry with AP, he would not even let her speak. AP told SO repeatedly, “I told you to leave me alone. You’re making me want to hurt myself. You’re making me scared for my life; you’re making me scared for my kids’ lives”. She continued, “I know I’ve said it before, I

am going to your bosses. I have to. I have to protect my family and now you're chasing [W1] around and I just had to hide away in the school because I was terrified you were gonna find me. This is crazy”.

According to AP, SO continued to call and message her and drive by her house. Included in the text messages were videos of SO in a hot tub, asking “Are you coming up?”

On May 6, AP found a Lululemon bag on the seat of her car, containing a new pair of leggings. The leggings were in her size, with a gift receipt. AP recalled a couple of weeks ago, SO asked her what size her leggings were because his wife was of similar stature and, while visiting St. John's, he was going to get his wife a pair. SO also asked what leggings AP liked. Those were the kind on her seat. AP was shaking. SO left a voice mail on AP's phone, which stated, “I bought those pants when I thought we loved each other.”

AP then decided to go to the police station but met SO along the way. She stopped him and said to him “Please, just leave me alone. I don't know what else to say or how else to put it. Leave me alone!” Despite this, AP stated SO continued to call her.

Following this, AP went to W1's house for supper. She began receiving text messages from a number she did not recognize. AP provided this number to the SIRT-NL investigator. The text messages stated:

- You have a young family my lady. You shouldn't be with the young man. This community sees things and what cars you use. You should care about your family.
- you should worry about what your husband will say
- People see you and where you go and spend nights. The cat's away. Cameras everywhere, my lady
- I know your husband also, so good luck in denying it. He's a good man and deserves better. Your husband will be told. If he already hasn't. Cat's got your tongue now, or will soon enough.
- Maybe the police man might help you out, at least he isn't a boy

AP stayed at W1's house that night. The following day, May 7, AP was sitting down at W1's house when there was a banging on the door. W1 had been out in his vehicle and had just told AP he had seen SO at a local drive-through. AP could see that it was SO outside, banging on the door. AP went outside and confronted SO. She asked SO what he was doing there. SO claimed he was there to clear the air with W1 as W1 was intimidated by SO.

AP demanded that SO get off the deck. At first, SO refused. AP put her finger on SO's police vest and pushed him backward. AP told W1 to go back in the house. W1 went back in and recorded the incident with his cell phone. AP provided a copy of the video to the SIRT-NL investigators. AP threatened to call 911 if SO did not leave. SO walked away.

That night, while she was at home with her family, SO requested to add AP's husband on Facebook. At that point, AP left in her vehicle and called 911. She also called her phone provider and changed her phone number. The following day, May 8, AP provided a statement to two RCMP officers.

When AP went to work the next day, she had a Facebook message request from a profile named "J\*\*\* H\*\*\*\*\*". The messages from the account contained the same lingo ("missy", "my lady") as the texts she had received the day before. It appeared to AP that SO was going back and forth between texting her and messaging her on Facebook.

AP explained that Saturday night (May 6) was one of the worst nights of her life. It was then she realized she was in danger. AP provided investigators with a number from which SO had been calling and texting her. She indicated SO had used more than one number. When questioned by the investigators, AP confirmed there was no CCTV at her school.

AP provided the SIRT-NL investigators with a phone number (709-4\*\*-3\*\*\*). AP was of the belief this was another number SO was using to contact her.

#### May 16, 2023, audio-recorded statement to SIRT-NL Investigators.

Investigators asked AP if she still had the voice message she referenced from SO regarding the Lululemon leggings. AP played the voice mail, which stated:

I just want to let you know that I am really fucking sorry about everything that's going on. And, uh, I bought you those pants, uh, when, you know, when I thought we loved each other. Uhm, so, I hope you enjoy em. And, I'm really fucking worried about you. I'm concerned for you. Anyway, this is my last call to you. So just letting you know that no matter what happened and what's going on, I did love you and uh, you know, it is what it is, I guess. Bye.

Investigators questioned AP in relation to a text message she sent to a co-worker (W2), wherein AP told W2 she took her vehicle to a local Ultramar station where they discovered a tracker in AP's vehicle. AP explained she was pressured by several people, including W2, to have her vehicle checked for a tracking device. AP checked

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the vehicle herself and found a piece of black plastic. She panicked. It turned out the piece of plastic was not a tracker.

AP admitted she concocted her message to W2 so W2 would not pressure her any further and would believe her. AP has since told W2 there was no tracking device in her vehicle. When questioned further by investigators, AP clarified she never brought her vehicle to Ultramar.

## **Subject Officer (SO)**

### June 7, 2023 audio-recorded statement to SIRT-NL Investigator

SO denied following AP or any member of her family. He has not been continuously contacting her. Part of SO's regular policing duties is to drive by the school as it is on the main road. When he works a dayshift, he parks between the high school and elementary school, monitoring traffic.

AP has never requested SO to stop following her or communicating with her. SO and AP have been having an affair since January and SO's wife and family are now aware. There has been no communication with AP since she made the harassment complaint against SO.

AP initiated the relationship, which continued up to the weekend AP made the complaint. In January, AP reached out to SO via email, requesting assistance at the school. SO attended the school and met with SO, W2 and a few students. After the meeting, AP asked SO to stay behind and they had a private conversation.

AP followed up with a second email to SO regarding issues she was having at the school. SO again met with AP at the school. The following day, SO received another email from AP, in which AP thanked him and provided her cell number. At that point, SO and AP began communicating with each other. The conversation started over Snapchat but continued with text messages.

SO and AP met "a bunch of times". SO has been at AP's house several times when her children were at home. During one of the visits, AP gave SO a book as a gift. SO and AP communicated daily. SO attended multiple functions at the school.

SO described their relationship as sexual. They would kiss, make out and have had sexual encounters. SO voluntarily provided SIRT-NL investigators with copies of text messages between SO and AP. Included in the messages was an intimate image of



AP. SO stated AP sent him the message on April 29, 2023. He identified the person in the photo as AP. Regarding the messages, SO stated he and AP were texting and he asked what she was doing. AP responded that she was in the tub. SO requested a “pic”, at which time AP sent an intimate photograph of herself. SO confirmed he has not deleted or removed any text messages sent to or received from AP.

SIRT-NL investigators questioned SO in relation to what occurred between SO and AP on May 4-7. SO stated he heard a rumour from a co-worker that SO was having an affair with a teacher, AP. SO denied the rumour. He sent an email to another co-worker, who apparently was spreading the rumour, to tell her he did not appreciate it. Earlier in the day, SO told AP he had a gift for her. He dropped by the school to check on a vandalism complaint. He did not see AP or talk to her while he was there.

After some further conversation between AP and SO, they decided they would lay low for a few days to allow the rumours to settle. SO admitted to leaving a gift on AP’s car seat on May 6. That same day, as SO was leaving the RCMP detachment, AP pulled up alongside his vehicle and was upset and crying. She said they had to talk. They later spoke and concluded their relationship had to end. AP stated she could not handle the stress.

On May 7, SO saw W1 at a local coffee shop and decided he wanted to chat with W1 as AP previously told SO that W1 was intimidated by SO. While he did not approach W1 at the coffee shop, SO later saw W1’s vehicle at W1’s home. SO stopped and knocked at W1’s door. AP answered the door and was in a rage. SO did not know AP would be there. AP told SO to get off the step. She demanded that W1 go back in the house. AP told SO they were done. SO explained he was there to clear the air with W1. SO estimated he was there for approximately 10 minutes.

SO had no further communication with AP until AP emailed him, stating he had crossed the line and she was laying a complaint against him. SO responded that he hoped AP had her facts straight because she was slandering his name. This was the last communication between them.

SO stated he has been at AP’s house four or five times but AP has never been at SO’s house. AP did pick up and drop off SO at his house. Their sexual encounters occurred in two other locations.

SO admitted to giving AP a Valentine’s Day card as they were in a relationship at the time. He dropped off the card to AP at school and she was happy to get it. SO also admitted to dropping off an Easter chocolate to AP. He had planned to give it to her at

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Easter but, because he never had an opportunity to do so, he put it in AP's vehicle. AP sent SO a photo the following day of AP eating the chocolate.

SO admitted to gifting AP a pair of Lululemon leggings. He had been in St. John's shopping and told AP he was going to buy her something. AP confirmed her size in Lululemon pants. Rather than give the leggings to AP in person, SO dropped the gift off in her vehicle because they were not talking at the time.

SO admitted to adding AP's husband as a friend on Facebook as SO was considering telling him about the relationship between SO and AP. SO never did contact AP's husband.

SIRT-NL investigators questioned SO in relation to SO sending and then deleting Facebook messages to AP on May 8. SO initially claimed he could not remember doing so but then admitted to sending the messages. He explained he was upset with AP over what was going on between them at the time. SO believed AP blocked him from messaging her on May 5, as none of his messages to her would send. AP did not tell him she had blocked him.

SO identified a phone number he used to communicate with AP and admitted to messaging AP on May 6, pretending to be somebody else. He did this because he was upset as he thought they loved each other. SIRT-NL investigators asked SO how many Facebook accounts he used to communicate with AP. He admitted to using his own account and another account he created on the weekend of May 5-8 (This is the account referenced in AP's statement – "J\*\*\* H\*\*\*\*\*"). Again, SO admitted to sending messages from this account, pretending to be someone else. He explained he did this because he was upset. In hindsight, he realized he never should have done this. He did not use the Facebook account for any other purpose.

SO stated he is flabbergasted AP made the complaint against him. He had no idea why she did this as everything between them was going well up until the weekend she made the complaint. SO stated he has never done anything to hurt AP or her family and he never would.

## **Witness Officers**

### Witness Officer 1 (WO1)

SIRT-NL interviewed WO1 on May 15, 2023.

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WO1 is a police officer working in the same detachment as SO. He heard third and fourth-hand information about something going on between SO and AP. SO has never made any comment to WO1 about the relationship.

#### Witness Officer 2 (WO2)

SIRT-NL interviewed WO2 on May 16, 2023.

WO2 is a police officer working in the same detachment as SO. He has participated in the local school breakfast program a couple of times. He has heard rumours in the community of a relationship between AP and SO.

#### Witness Officer 3 (WO3)

SIRT-NL interviewed WO3 on May 16, 2023.

WO3 is a police officer working in the same detachment as SO. He has heard rumours that a police officer and a teacher were together. The rumours were that SO and AP were “fooling around”. WO3 advised SO of these rumours. WO3 stated he was the school liaison. Despite this, AP would call SO, rather than WO3, for any school/police issues. WO3 was confused by AP’s complaint because AP and SO always seemed close.

#### Witness Officer 4 (WO4)

SIRT-NL interviewed WO4 on May 29, 2023.

WO4 had a text conversation with WO3, wherein WO4 stated she heard that a local teacher and a police officer were in a relationship. WO4 heard this rumour from three to five people in the community who were not police officers. Subsequently, WO4 received a text message from SO, in which SO accused WO4 of spreading false information.

### **Civilian Witnesses**

#### Witness 1 (W1)

SIRT-NL interviewed W1 on May 15, 2023.

W1 is friends with AP. AP has told W1 about SO following her around. W1 has witnessed SO travelling behind AP’s vehicle as well as pulling up behind her and

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leaving again while AP was parked. At one point, AP called SO in W1's presence and begged SO to leave her alone. She was upset and crying.

On May 6, SO showed up at W1's door, in uniform and in a police car. W1 does not know why SO was there. AP had stayed the night at W1's house. W1 corroborated AP's account of the altercation. W1 recorded a portion of the incident with his cell phone. AP told SO to leave and get off the bridge. She was begging SO to leave her alone. SO said, "I will leave you alone. I understand. I'm sorry". W1 has had no direct interactions with SO. W1 described his relationship with AP as "great friends".

### Witness 2 (W2)

SIRT-NL interviewed W2 on May 11, 2023.

W2 is AP's co-worker. She stated, until recently, she did not realize there was any issue between SO and AP. SO came to the school quite often. SO and AP seemed quite friendly together. They would chat and would go into AP's office together. W2 saw nothing that made her uncomfortable. SO was always pleasant and nice. People around town were saying SO and AP were together a lot.

On May 8, AP came to school and told W2 and another co-worker (W3) what SO was doing, which scared AP. AP said she had been with the police all morning. AP showed W2 and W3 the video taken by W1. AP was sad. W3 was asking her questions, which AP did not seem to like. AP started crying and said that her personal life had nothing to do with them. The next morning, AP made it clear to W2 and W3 she was upset with the way they reacted.

### Witness 3 (W3)

SIRT-NL interviewed W3 on May 15, 2023.

W3 is AP's co-worker. On May 8, AP told W3 SO had been harassing her for weeks, if not months. He was calling AP, texting her, coming to her house and dropping off gifts. AP told W3 about SO showing up at W1's house. AP told W3 that, one night, AP and her husband slept with a gun in their room because AP was so afraid SO was going to come to her house.

On the weekend of May 12-14, AP told W3 that the people who worked at Ultramar found a tracking device on her vehicle. AP stated she brought her vehicle in and, within three minutes, they found the device. AP described the device as being like an air pod or air tag under the driver's seat. W3 provided the investigator with a copy of the text

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messages, wherein AP told W3 about the device. AP later told W3 the tracking device was for 400 meters.

AP told W3 about SO leaving a pair of Lululemon leggings for her in her car. W3 questioned how SO knew AP's size. AP said she had no idea.

W3 confirmed that AP changed her phone number. W3 stated SO visited the school more often than other police officers. He had been in and out quite often and had brought AP tea. W3 found this to be strange, but AP and SO seemed to be friends.

W3 had heard that SO was telling people he and AP were in a relationship and SO had left his wife. AP denied she and SO were in a relationship.

#### Witness 4 (W4)

SIRT-NL interviewed W4 on May 15, 2023.

W4 is AP's sister. The first time she heard about the harassment complaint was a week ago when SO contacted W4 via Facebook. W4 met and spoke with SO about the situation. She had been hearing around town, for the last few months, that something had been going on between SO and AP. To W4, SO seemed to be indicating he and AP were having some sort of an affair. They had met up a few times. AP's complaint seemed to be a huge blow to SO.

W4 stated she does not really know what to believe. She and AP are very close and that, if anyone was harassing AP, AP would have mentioned this to W4.

#### Witness 5 (W5)

SIRT-NL interviewed W5 on May 18, 2023.

W5 has been married to AP for eight years. W5 took their children to St. John's for the weekend on May 5-7. When he returned home, he noticed a local police officer had added him as a friend on Facebook. When he told AP about this, she told him about some ongoing issues she was having with the officer.

AP told W5 she had a working relationship with the officer. She stated the officer was showing up at her work unexpectedly and had been contacting her excessively through text messages and phone calls. AP told W5 about the incident at W1's house and she showed W5 the recording of the incident.

The SIRT-NL investigator questioned W5 as to whether he took any safety precautions because of the information AP disclosed to him. W5 stated they began locking their doors. The investigator asked whether W5 had any firearms in his house. W5 responded he did but they are secured in the basement.

After this interview concluded, W5 contacted the investigator again to state he needed to provide additional information. As a result, the investigator conducted a second interview, in which W5 stated he removed one of his guns from the basement and stored it on the landing on top of the basement stairs, as he feared for the safety of his family. He did not make AP aware of this until after his May 18 interview with SIRT-NL. W5 explained he did not tell the investigator about the gun during the first interview, as he was afraid he would get in trouble.

## **Text Messages & Phone Records**

AP provided her March, April and May 2023 phone bills to SIRT-NL. These records capture phone calls to and from her phone but do not capture text messages. AP also provided specific text messages she selected.

SO provided a copy of his phone records as well as screenshots of text messages between SO and AP from April 12 to May 7, 2023. There were 892 text messages in total.

A review of the combined phone records revealed that, between February 2 and May 7, 2023, SO contacted AP, via text or phone call, 663 times. AP contacted SO, via text or phone call, 302 times.

I will include the most salient portions of the text messages exchanged between AP and SO:

### **April 28**

#### **4:12pm:**

- SO: good and bad week.
- AP: you were the only good parts

#### **10:02pm:**

- SO: hot tub Sunday night.
- AP: Yes. I'm going to drive to long harbor tomorrow and come home Sunday morning.

#### **10:41pm:**

- SO: still miss you.
- AP: I'll miss you too.

**11:19pm:**

- SO: I love you.
- AP: Love you xox.

**April 29****8:05am:**

- SO: Good morning baby.
- AP: Good morning (with a heart emoji).

**1:28pm:**

- SO: A tea now.
- AP: Okay. Sure (with a heart emoji).

**3:35pm:**

- SO: At.
- AP: Tub.
- SO: pic.
- AP: \*intimate photo of AP in a tub\*. (SO identified the person in the photo as AP).

**April 30:****9:36am:**

- SO: Good morning.
- AP: Morning (with a heart emoji).

**12:18pm:**

- SO: I didn't tell you I love you this morning (with a heart emoji).
- AP: I love you too.

**May 1:****8:23am:**

- AP: \*photo of AP and a young child with a heart emoji\*.

**10:22am:**

- AP: I can't believe how much I trust you in the short time I've known you.

- SO: it's easy to talk to you.
- AP: I feel the same (with a heart emoji).

**1:04pm:**

- AP: \*photo of herself with a heart emoji\*
- SO: So beautiful. I better be the only that photo went to.
- AP: Not even to my husband. Xo.
- SO: your beauty is unmatched baby.
- AP: Thank you (with a heart emoji).

**5:08pm:**

- AP: Just got a chance to watch your video from earlier. I love you too (with a heart emoji).

**11:28pm:**

- SO: good night beautiful, I love you (with a photo of himself).
- AP: goodnight...love you xo.

**May 2:****1:35 pm:**

- SO: what size of shirt do you take? blouse
- AP: depends on the make. L or XL
- SO: No way your XL. Give me a break
- AP: Yea I am. Boobs
- SO: Mmmmm. Ok. What's your favorite brand? Lulu is good I'm sure. What size leggings? 10
- AP: Yes...why are you doing that?
- SO: I'm just browsing and nice to know in case I see something that I think you'll like

**2:52 pm:**

- AP: Good luck with your appt. (with a heart emoji)
- SO: Thanks Babe (with a heard emoji)  
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- SO: Time will [AP's husband] be home. I won't message you when he is home.
- AP: [AP's husband] will be home after supper. Checking times now.
- AP: \*a photo of herself \*.



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- SO: Love it baby. Looks gorgeous. You're such an amazing looking woman.
  - AP: Thank you with a heart emoji

**5:03 pm:**

- SO: do you have a cross body bag from lulu
- AP: like the little purse one
- SO: yea
- AP: I do
- SO: If not is it something that you would like. Ok
- AP: You're way too sweet. Oh my
- SO: I like to spoil if I can
- AP: Nobody has ever spoiled me
- SO: cause you weren't loved by me

**9:19pm:**

- SO: \*a video\* (unable to open)
- AP: Heart emoji

**May 4:****7:27am:**

- SO: I love you.
- AP: Love you too.

**9:38am:**

- SO: We need to talk!
- AP: Why? What's wrong.
- SO: What was specifically said to me was "which RCMP officer is fooling around with the [school teacher]". I lost my mind with him.
- AP: When? I'm not ok.
- SO: Just now.
- AP: Why did you lose your mind
- SO: That apparently was said to him before I went on vacation
- AP: Wow

**8:12pm:**

- AP: Do you know how much it kills me to have to say that to you? To stay away? I thought it would have been a given to lay low for a few days. I already said no to tea today.

**11:07pm:**

- AP: You have put me at risk so many times tonight with [AP's husband]. He even asked to see my phone once. You really don't understand.

**May 5:****3:04pm:**

- SO: Are we done?
- AP: I don't think this is a conversation for text messages.

The final text message from AP to SO was sent at 4:52pm. SO continued to message AP periodically, without response, until 7:28am on May 7.

## Issue and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officer committed a criminal offence.

The allegation, in particular, is that the subject officer criminally harassed the affected person by repeatedly contacting her, following her and leaving gifts in her car. AP stated she did not want this contact and asked SO repeatedly to stop. AP stated she was in fear of SO and feared for her family. In contrast, SO denied harassing AP and stated the two were engaged in a romantic and sexual relationship. AP broke off the relationship shortly after rumours of their affair began to circulate around their community.

S. 264(2) of the Criminal Code outlines conduct, which could amount to criminal harassment:

- a) Repeatedly following from place to place the other person or anyone known to them;
- b) Repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- c) Besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

- d) Engaging in threatening conduct directed at the other person or any member of their family.

In addition, the following are essential elements of criminal harassment, which are required to establish the offence:

1. SO has engaged in the conduct set out in s. 264(2) of the Criminal Code (set out above);
2. AP was harassed;
3. SO knew the complainant was harassed or he was reckless or willfully blind as to whether AP was harassed;
4. The conduct caused AP to fear for her safety or the safety of anyone known to her; and
5. AP's fear was, in all the circumstances, reasonable.

If the evidence falls short of establishing any one or more of these five essential elements, there is no basis on which to lay a charge of criminal harassment. Evidence to establish the second and fourth elements can only come, directly or indirectly, from AP. Her credibility is therefore vital.

In assessing an individual's credibility, it is necessary to examine all internal and external corroborating and 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 credibility. I will discuss them in detail.

### Relationship between AP and SO

SIRT-NL investigators interviewed AP on two occasions – May 11 and May 16, 2023. Combined, the two interviews lasted approximately two hours and 50 minutes. Throughout the entirety of the interviews, AP completely denied having been in any type of relationship with SO other than a professional one. Yet, The text messages obtained by SIRT-NL depict an affectionate conversation, spanning several weeks, between two people who are romantically involved with each other, at least emotionally, if not physically. None of the text message conversation includes work-related discussion other than an occasional brief reference.

During the several weeks preceding AP's harassment complaint, she had been messaging SO, stating several times, "I love you", "I miss you", "xo", etc. She sent photos of herself to SO, one of which was an intimate image of AP in the tub. Despite

AP's claims, she did not once ask AP to stop contacting her. It appears from the text messages the relationship was romantic up until May 4, when AP learned of the rumours of AP and SO in the community. It was only then, four days before making the harassment complaint, that AP began attempting to distance herself from SO.

This is all completely contrary to AP's claim she was not romantically involved with AP at any point. This is not to say SO cannot be guilty of harassment simply because he and AP were in a relationship. Here, the relationship is only significant in that AP was dishonest about it and portrayed a much different situation than the one that existed.

This undermines her credibility significantly.

### The Lululemon Leggings

During her interview, AP stated that, on May 6, she found a Lululemon bag on the seat of her car containing a new pair of leggings, in her size, with a gift receipt. She recalled that, a couple of weeks prior, SO asked her what size her leggings were because his wife was of similar stature and he was going to get his wife a pair. AP stated she was shaking when she found the leggings.

The text messages tell a different story. The conversation between AP and SO about the leggings actually occurred only four days prior to AP finding the leggings in her car:

May 2 at 1:35pm:

- SO: what size of shirt do you take? blouse
- AP: depends on the make. L or XL
- SO: No way your XL. Give me a break
- AP: Yea I am. Boobs
- SO: Mmmmm. Ok. What's your favorite brand? Lulu is good I'm sure. What size leggings? 10
- AP: Yes...why are you doing that?
- SO: I'm just browsing and nice to know in case I see something that I think you'll like

At 5:03pm:

- SO: do you have a cross body bag from lulu
- AP: like the little purse one

- SO: yea
- AP: I do
- SO: If not is it something that you would like. Ok
- AP: You're way too sweet. Oh my
- SO: I like to spoil if I can
- AP: Nobody has ever spoiled me
- SO: cause you weren't loved by me

The messages contradict AP's account, as it is clear, SO is asking AP's size because he intends to buy something for AP. She was not only aware of this but expressed appreciation. Again, this conversation occurred only a few days before AP found the leggings in her car; yet, AP was supposedly "shaken".

This, in my opinion, is another example of AP being untruthful with investigators.

#### The Tracking device

AP sent a text message to her co-worker, W2, in which AP stated she took her vehicle to a local Ultramar station, at which time they discovered a tracking device in AP's vehicle. When questioned about this by SIRT-NL investigators, AP admitted she concocted this story so W2 would believe her and refrain from pressuring her. When investigators questioned her further, AP clarified she never brought her vehicle to Ultramar.

This is another example of AP's willingness to exaggerate and even fabricate evidence to get others to believe her. This further undermines AP's credibility.

#### The Unknown Phone Number

As stated above, during her first interview with SIRT-NL investigators, AP provided the phone number "709-4\*\*-3\*\*\*\*" and stated she suspected it was a number SO was using to contact her as she had blocked his regular number. A few months later, in the course of our investigation, the primary investigator called the phone number three times in an attempt to determine the user. The calls went directly to voice mail. The investigator did not leave a message. Later in the day, the investigator received an email from AP, questioning why he was calling her daughter's cell phone. The investigator explained he was attempting to contact the user.

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From this, it is obvious AP knowingly provided her daughter's cell phone number to SIRT-NL investigators, falsely claiming it may be a number SO was using to contact AP.

This is a further example of blatant deception on AP's part.

When all evidence was gathered, our investigative team discussed the glaring issues with AP's evidence. In an effort to give AP the benefit of the doubt, we decided the primary investigator would contact AP and give her an opportunity to meet and discuss some of these significant contradictions, including, but not limited to, the text messages we had obtained. AP advised she did not wish to meet.

Because of these significant issues with AP's credibility, the evidence gathered does not establish she was harassed or was in fear of SO. As a result, not all essential elements of criminal harassment are present. Accordingly, I have not formed reasonable grounds to believe the subject officer committed a criminal offence and I will not lay a charge in this matter.

One should not construe this report as condoning SO's behaviour. In my opinion, there are several concerns with his conduct. For example, messaging an individual from a fake social media account, pretending to be someone else, is below the standard one should expect of a police officer. As well, SO should not have gone to W1's house in full police uniform on May 7. Whatever his intentions were, the visit was not in relation to his police duties. Some of these issues may properly be the subject of an RCMP internal disciplinary process. Again, however, SO's conduct does not rise to the level of criminal activity, which is the threshold of a SIRT-NL investigation.

Due to the concerns I have in relation to the officer's conduct, I am referring this matter to the Civilian Review and Complaints Commission (CRCC) for the RCMP, pursuant to s. 12(h) of the Serious Incident Response Team Act.

This file is now concluded.

**Final Report prepared by:**

Michael NR King, Director  
Serious Incident Response Team - Newfoundland and Labrador  
September 27, 2023  
File No. 2023-0020