



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2024-0013

Michael NR King
Director
November 18, 2024

Introduction

On May 30, 2024, a member of the public contacted the Serious Incident Response Team (SIRT-NL), alleging she was being harassed by an RCMP officer in the Carbonear/Harbour Grace area.

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 involved an allegation a member of the public was being criminally harassed by an RCMP officer, and that the officer was using her position to negatively impact the affected person's life, the complaint was a matter of significant public interest, which 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 the police officer who provided relevant information; and
- “Witness #” or “W#” for any civilian who provided relevant information.

Investigation

The SIRT-NL investigation began on July 3, 2024 and concluded on October 1, 2024.

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

- Collected and reviewed the following from the RCMP:
 - Police notes authored by the witness officer.
 - All related RCMP files.

- Interviewed the affected person and obtained from AP a log she kept in relation to her interactions with the RCMP.
- Interviewed the subject officer and obtained from SO text messages between SO and AP.
- Interviewed one witness officer.
- Interviewed two civilians: AP's fiancé (W1) and an official (W2) with Children, Seniors and Social Development (CSSD).

Overview

On May 7, 2023, AP (a civilian) contacted the RCMP, reporting that an RCMP officer (SO) had been harassing her. SO was in a relationship with AP's ex-partner and father of AP's child. AP alleged SO was the cause of repeated RCMP traffic stops and surveillance of AP and her fiancé, W1. AP also alleged SO was using her position to prevent AP from gaining employment, and to report AP to Child, Seniors and Social Development.

Affected Person (AP)

July 4, 2024 audio-recorded statement to the SIRT-NL Investigator

The incidents of harassment dated back to 2018-2019. Around that time, AP's ex-partner and father of her son began a relationship with the subject officer. Initially, AP and SO had a good relationship. AP also began a relationship with W1, who was known by the RCMP as having a drug addiction and impaired driving charges.

In 2021, W1 overdosed at home in AP's presence. At the time, AP and W1 were living in W1's parents' basement. When AP's son was 11, SO told him about the overdose and provided all the details. AP felt her son became cold and argumentative with AP after that. The son's father began taking him a little more after the incident. AP feels the subject officer was responsible for this.

AP had noticed social workers, who are dealing with the custody issue involving her son, had been posting on SO's social media page. AP identified these two social workers to the investigator. Approximately six months ago, AP called the RCMP as there was a disturbance in her home. AP also text messaged SO to make her aware of the incident. The RCMP attended her residence that night and CSSD was notified of the incident. At the time of the interview, AP had been off work since September 2023 due

to the stress this has brought on. AP stated she could not obtain employment as she is held up with the case worker's investigation. AP does not know where to go or what to do. She is scared and fearful that further retaliation will occur.

AP stated there have been several times AP and W1 had been followed and stopped by the RCMP. She had been keeping a log of these incidents since April 6, 2024. She later stopped keeping the log as the incidents became too frequent. The SIRT-NL investigator took photos of these log entries, which were dated as follows: April 6, 2024, April 7, 2024, two incidents on April 15, 2024, and May 23, 2024. AP stated her boyfriend, W1, has a suspended driver's license, which she did not know at first.

AP felt that SO was using her power to "divide and conquer", as AP no longer sees her child. AP emphasized she was not a criminal and has done nothing wrong. Despite this, things were getting worse. AP stated these incidents were influencing her life and well-being but she is not sure if anything criminal had taken place. SO has blocked AP from SO's social media several times. AP felt that SO was out to get her. AP advised the SIRT-NL investigator she had several text messages between AP and SO which AP thought would assist in the investigation as they reveal SO's character.

On June 11 or 12, 2024, AP attended the RCMP detachment and met with WO1, at which time she told him about the issues she was having with SO. WO1 took notes during their meeting but did not give AP any indication whether there would be any follow up. WO1 kept the meeting very brief.

AP told the SIRT-NL investigator that, in the past two years, she and W1 had been pulled over between 10-12 times and later stated it was over 12 times. She indicated W1 would have been driving about half of those times. One of the stops was in Bay Roberts, at which time W1 was driving. AP did not know W1's license was suspended at the time. Four police cars surrounded them, which AP described as traumatizing. W1 was detained and the vehicle was impounded.

AP was pulled over in Carbonear approximately three or four weeks ago. On another night, she was pulled over after driving out of her driveway. At that time, the police said they were checking to determine whether W1 was driving. A year and a half ago, AP was pulled over on a highway, at which time the police said they had received a call that she was driving all over the road. Last winter, AP was stopped and told there was too much snow on her car. AP stated that SO has never stopped AP or W1. AP has never been issued a ticket.

As stated above, AP advised the SIRT-NL investigator she had text messages between AP and SO that would assist in the investigation as they revealed SO's true character. Since the interview, despite numerous requests by the SIRT-NL investigator, AP has not provided a copy of these messages. Since August 21, 2024, AP has not replied to any correspondences from the SIRT-NL investigator (text messages, phone calls/ voice messages and emails).

Log

The SIRT-NL investigator took photos of the log AP had been keeping of her interactions with the RCMP. All interactions were in 2024.

- “April 6th- Ridge Rd, following up from Victoria, PU truck, got caught in traffic and lost sight after turning onto Chapel Hill. RCMP pick up passed Chapel Hill on Main Rd. after [W1] and myself turned off. [AP's son] is here”.
- “April 7th- RCMP pick-up truck passed house @ 11:55 hrs. after we pulled into driveway. [W1] was stood up outside passenger side door when truck proceeded toward backroad/ chapel hill area. Truck was originally ahead of us when it turned left @ bottom of the road near the Legion. By the time we pulled into the driveway, the pick-up had proceeded back up St. Clare Ave and passed us as we had just pulled into driveway where [W1] was standing outside of passenger side door. [AP's son] is here.”
- “April 12th- RCMP parked @ lookout @ approx. 2100 hrs. [AP's son] is staying here for the weekend. No other observations throughout the week.”
- “April 15th- 1945 hrs. passed RCMP pick up on Church Rd Victoria. Upon passing truck, truck immediately turned around and proceeded to follow us up road. Becoming suspicious that truck was following us, we turned right onto Penny's Hill Rd and proceeded to Irving so [W1] could use the restroom. Waited there for some time before noticing RCMP truck proceed past Irving while passenger of truck proceeded to look directly at my car. I waited for [W1] to get back to the car before we proceeded back onto Penny's Hill Rd. While waiting, at @ 2006 HRS, a black ghost car pulled onto the Irving lot from the entrance/ exit closest to Penny's Hill Rd. Car pulled onto parking lot, drove under the gas canopy and exited the parking lot. The car did not get gas, did not stop, and nobody exited the vehicle.”

- “April 15th- At approx. 1945 hrs. passed RCMP pick-up truck on Church Rd Victoria while attempting to take dog for a walk. Noticed pick-up truck immediately turned around and proceeded to follow car up Church Rd. I took a right turn onto Penny’s Hill Rd after [W1] informed me, he wanted to use the bathroom before we started walking. We proceeded onto Irving parking lot where we remained until [W1] was finished using the bathroom. At approx. 2010 hrs. RCMP pick-up truck was observed by myself and [W1] driving towards Carbonear on the Main Rd. directly across from the Irving station. Passenger of the truck was looking directly at my vehicle upon passing by us at the Irving station. At approx. 2015 we proceeded back onto Penny’s Hill Rd to take [AP’s dog] for a walk. We continued up Penny’s Hill Rd and back onto Church Rd before dropping [W1] and [AP’s dog] off at the beginning of walking trail. No sign of RCMP. I dropped [W1] off and proceeded back to Irving parking lot. At approx. 2018-2020 HRS, an unmarked black RCMP car was observed entering the parking lot and exiting the parking lot immediately after entering. Car proceeded onto the lot, across the parking lot (under the gas canopy) and then exited the parking lot. Driver observed looking directly at me. At approx. 2020 hrs., RCMP pick-up truck once again passed the Irving station, driving towards the Carbonear area on the Main Rd in Victoria. I pulled out of the parking lot behind RCMP truck, at which point, the truck took an abrupt left onto the side of the post office area. Between the hours of 2020- 2025 HRS, the truck left the parking lot as I was passing it and proceeded to drive behind me until I eventually took a right onto Valley Rd. Truck remained in passing lane of road until I turned off. No more signs of RCMP.”
- “May 23rd- Chapel Hill, Carbonear. Approx 2pm officer proceeded behind me with flashing lights. I pulled over (approx. half foot to the edge of the curb) Officer approached the vehicle and asked for my license and insurance. He then proceeded to inform me that he watched me driving all over the road and that if an oncoming vehicle was coming I would have been into them. I was not driving in the middle of the road or all over the road. I had about a half foot to haul into the curb. That clearly indicated that I was not in the middle of the road. The officer proceeded to stare at me and analyze my facial expressions before stating that my eyes looked like I was under the influence of something (I had just woke up). He then notified me that he was going to run my name to see if I was known for drugs in the area, as he continued to analyze my eyes, he took my license, proceeded back to the truck, ran my information and returned to my car. He also informed me that he was on his way to another call when he witnessed me. He pulled out his cell phone to show me the address where he was headed but the

address on his phone stated Chapel Hill Carbonear. I was in no way breaking the law or driving recklessly.”

Subject Officer (SO)

August 15, 2024 audio-recorded statement to the SIRT-NL Investigator

SO denied all allegations made by AP. She acknowledged being familiar with AP as AP is the mother of SO’s stepson. SO stated she has never been in a patrol vehicle when either AP or W1 were stopped by the RCMP.

SO is familiar with only one of the CSSD workers named by AP. SO knows the social worker but does not socialize with her. The only involvement SO has had with [CSSD] is when they called SO one time after an incident. W1 had an impaired by drug charge laid against him at the time. CSSD called SO to determine what knowledge she had regarding the incident. SO was not working on the night of the incident; however, AP had called SO and made her aware of what took place. AP also asked the RCMP officers involved to have SO attend the scene. SO did not do so.

In relation to AP’s allegation SO used her authority as a police officer to prevent AP from gaining employment, SO stated she did not even know how to respond. SO did no such thing. SO explained her current relationship with AP as being non-existent. SO has known AP since 2017. SO stated she has always tried to be nice to AP. Since March 2024, SO has not communicated with AP.

SO stated she has never completed or facilitated a traffic stop of either AP or W1. She is aware they have been stopped as part of her duties is to review every RCMP file in the district. SO explained AP and W1 have been stopped several times because there have been “tons of calls” on them. Furthermore, W1 had impaired by drug charges laid against him and had his license suspended. SO stated that, in May 2024, AP was stopped for driving the wrong way on a one-way street. When AP was stopped, she complained to the officer that SO was behind the traffic stop.

SO has never watched or followed either AP or W1 but is aware they have been watched and followed by the RCMP for other reasons, in relation to their own conduct and activities.

Text Messages

On August 12, 2024, SO provided to SIRT-NL (through her legal counsel) a series of text messages between SO and AP between the period of November 17, 2021, and July 1, 2024. The last message SO sent AP was on March 10, 2024.

From reviewing these text messages, SIRT-NL has learned the following:

- In 2021-22, there were messages from AP to SO, complimenting SO on being a great person.
- In 2022-24, there were messages from AP to SO, complimenting SO specifically on how she is caring for AP's son.
- In 2022-24, there were messages from AP, in which she reached out to SO for assistance in dealing with issues in her life.
- There are numerous messages from AP to SO, in which AP vented that her son does not want to spend any time with her or return her calls. AP asked SO to speak with him about it. SO responded that she had been encouraging him to spend time with AP; however, he is the one that had to make the decision. AP, at no time, placed any blame on SO for limiting the contact between AP and her son.
- There are numerous messages from AP to SO, in which AP thanked SO for things SO is doing for her son.
- There is no indication in any of the messages that AP is in fear of SO.

On September 27, 2024, SO's legal counsel provided the SIRT-NL investigator with a text message that appears to have been sent by AP to SO on September 26, 2024. The message reads:

Hi [SO], can we have a one on one chat. I don't want to be on opposite sides. I wanna be the daughter I used to be, I wanna be the mom I used to be, I wanna be the friend I used to be and I'm ready to talk to you and give you some information that may be useful to you. I'm ready to be the person that I used to be. I'm ready to be honest and take back my integrity and my dignity, I hope you will accept my offer as I am willing to work with you. I hope to hear from you soon.

Witness Officers

Witness Officer 1 (WO1)

SIRT-NL interviewed WO1 on July 25, 2024.

WO1 is a police officer working in the same detachment as SO and is the RCMP District Commander of the Trinity Conception District. WO1 confirmed he met with AP on May 30, 2024. The meeting was not recorded; however, WO1 took notes, which he provided to the SIRT-NL investigator.

At the meeting, AP told WO1 that, over the past 2 years, she and her boyfriend, W1, had been continuously followed and stopped by the RCMP. WO1 then generated a printout of all RCMP related calls with AP and W1. WO1 noticed interactions had increased over the past four years since AP began her relationship with W1. W1 was well known to the RCMP as a drug user and a person who routinely drives intoxicated. There appeared to be no direct involvement with SO in any of the files. AP admitted there had been some drug issues since she began her relationship with W1.

WO1 assured AP that SO was not involved in the last interaction, as SO was actually with WO1 in a meeting at the time. WO1 told the SIRT-NL investigator that SO told him at the time that, if AP makes a complaint, AP will allege SO was involved.

WO1 explained to AP that anything family related was not a police matter. He also advised AP he had met her son, who was now a 16-year-old and was able to make his own decisions in relation to wanting to visit AP. WO1 suggested AP's son may not want to visit based on what he is seeing.

WO1 encouraged AP to contact him if any future issues occurred.

Civilian Witnesses

Witness 1 (W1)

SIRT-NL interviewed W1 on July 25, 2024.

W1 has been in a relationship with AP for four years. They were now engaged. AP has a 16-year-old son with her ex-boyfriend. The ex-boyfriend is now in a relationship with SO. W1 has had no interactions with SO in her role as an RCMP officer.

W1 stated there have been numerous times when the RCMP have been parked in a parking lot across the street from his house. He also stated he and AP have been stopped by the RCMP after leaving their house. On one occasion in the past year, W1 was stopped by three RCMP cars and five or six officers. At that time, he was detained and brought back to the RCMP detachment. They thought he had a suspended license at the time, but according to W1, they later realized his license was not suspended, and they released him. In 2019, W1 was charged with impaired driving.

AP's son used to stay with AP and W1 often when they first started their relationship. Over time, however, W1's drug use has come up. As a result, W1 stated AP's ex and SO are not allowing the son to visit.

W1 confirmed that SO has not been directly involved in the mentioned traffic stops or watching their home. W1 questioned, however, whether SO was "behind the scenes pulling the strings".

Criminal Record – W1

On August 23, 2024, SIRT-NL obtained a copy of the criminal record W1. The record indicates W1 has an outstanding charge of impaired driving while under the influence of a drug. This matter is currently before the courts. W1 previously received two convictions for impaired driving while under the influence of a drug.

Witness 2 (W2)

SIRT-NL interviewed W2 on July 25, 2024.

W2 works with the Department of Children, Seniors and Social Development (CSSD), covering the area of Conception Bay South (CBS), Harbour Grace, Bay Roberts and surrounding areas. W2 has had no direct involvement with AP; however, in her position, W2 would have reviewed cases that involved AP.

W2 stated AP does not have an active file with CSSD and has not since 2016. There have been referrals received at CSSD since that time; however, those referrals have

been screened out. One of those referrals was made by SO. In February 2024, SO made a professional referral to CSSD in her capacity as an RCMP officer. When SO made the referral, she did so by identifying herself as an RCMP officer and notifying that she was making the referral in her professional capacity. The referral was in relation to AP's misuse of substances in the presence of her son.

CSSD assessed the referral and screened it out as there were protective measures in place: (i) AP's parents were present at the time; and (ii) AP's son was not living with AP primarily at the time. W2 identified the three CSSD individuals assigned to the file. I note here that neither of the social workers named by AP had any involvement.

W2 has reviewed the referral and was satisfied the social workers completed the proper action. W2 was also satisfied the referral was necessary as it fell within SO's duty to report. W2 had no concerns with either the referral being made, nor the involvement of CSSD.

Issue and Conclusion

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

The affected person alleges the subject officer has harassed her. AP is in fear of SO. AP states she and her fiancé have been constantly followed and watched by the RCMP and she feels SO is behind this. AP also claims SO has used her position as a police officer to prevent AP from obtaining employment and has caused issues with AP in relation to CSSD.

In response, SO denies harassing AP, whatsoever. SO states she has had no involvement in the RCMP following and watching AP and W1 and suggests this is perhaps happening because of AP's and W1's nefarious conduct.

From a review of the evidence, the only possible applicable criminal code violation would be criminal harassment.

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 she 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.

In this case, I need not go further than the first essential element. Beyond AP's and W1's speculation, there is simply no evidence to establish SO engaged in any of the conduct outlined in s. 264(2). It appears obvious to me that SO had nothing to do with the RCMP following or watching AP and W1. This police action seems to be a response to third party complaints the RCMP has received as well as the fact the RCMP regards W1 is a known drug user and impaired driver. Furthermore, there is no evidence to suggest SO has had any impact on AP's ability to obtain employment, nor did SO cause any issues between AP and CSSD, beyond what was necessary.

Even if the first element was met, I note the evidence to establish the second and fourth elements above can only come, directly or indirectly, from AP. Her credibility is therefore crucial.

In assessing an individual's credibility and reliability, 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/reliability. I will discuss them in detail.

1. The text messages provided to SIRT-NL by SO are inconsistent with AP's claims she is in fear of SO. The messages depict AP as being quite complementary to SO and even asking SO for assistance in relation to family issues. In particular, I note that AP text messaged SO in September 2024, while this investigation was ongoing. Among other things, AP asked SO for a "one on one chat" and stated, "I hope to hear from you soon". This is not reflective of a person who is in fear.
2. It appears AP has some animosity towards SO due to the fact AP's son is spending more time with his father and SO than he is with AP. AP blames SO for this. This may be a possible motivation for AP's allegations. As stated above, beyond AP's claims, there appears to be no evidence that SO is engaging in any harassing conduct. Even in the log provided by AP, there is no evidence, beyond AP's belief, of any specific instances of harassment by SO.
3. Finally, as noted above, AP advised the SIRT-NL investigator she had text messages between AP and SO that would assist in the investigation. SIRT-NL made several requests for this evidence since AP's interview. Despite this, AP has not provided the material and, since August 21, 2024, has not replied to any of the investigator's messages.

In conclusion, the evidence gathered does not establish SO harassed AP. 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.

This file is now concluded.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
November 18, 2024
File No. 2024-0013