Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2026 0024

Richard Deveau
Director
November 20, 2026

Introduction

On May 14, 2026, the Serious Incident Response Team (SIRT-NL) received a notification from the Royal Newfoundland Constabulary (RNC) pursuant to section 11(b) of the **Serious Incident Response Team Act** (SIRT Act) that a member of the public was alleging having been sexually assaulted by one of its officers while he was on duty in the province of Newfoundland and Labrador.

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 or intimate partner violence, or any matter of significant public interest arising from the actions of a police officer in Newfoundland and Labrador. Because this matter involved a sexual offence (as defined in the **Serious Incident Response Team Regulations**) alleged to have been committed by a police officer, it fell within SIRT-NL's mandate.

Terminology

The following substitutions are made to protect the privacy of those involved:

- “Affected person” or “AP” for the individual who alleges having been victimized;
- “Subject officer” or “SO” for any officers who are the subject of this Investigation;
- “Witness #” or “W #” for any civilians who provided relevant information; and
- “Witness officers #” or “WO #” for any officers who provided relevant information.

Investigation

The SIRT-NL investigation began on June 9, 2026, and concluded on August 24, 2026.

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

Collected and reviewed:

- Dispatch records and police documents for RNC File 2026-26095
- Dispatch records from taxi company
- Property records related to RNC File 2026-26095

Obtained audio-recorded statements from:

- Affected Person “AP”
- Subject Officer “SO”

- 3 Witness Officers “WO1” “WO2” “WO3”
- 3 Civilian Witnesses “W1’ “W2” “W3”

Overview

During the early morning hours of April 29, 2026, RNC officers responded to a complaint alleging that a young person, hereinafter “AP”, had obtained the services of a taxi, but while traveling towards his destination, he had informed the driver, hereinafter “W1”, that he did not have any money to cover the fare. W1 further alleged that AP also had threatened him personally and threatened to damage his vehicle. The police obtained dispatch information from the taxi service and eventually located the vehicle. Once located, police removed AP from the vehicle and detained and searched him, incidental to his detention. Police subsequently arrested him for uttering threats and fraudulently obtaining transportation, read him his rights and caution, including his rights under the Youth Criminal Justice Act, and then brought him back to his residence.

On April 30, AP alleged, in a disclosure made to a social worker with the Department of Social Supports and Wellbeing, hereinafter “W3”, that the officer who conducted the search of his person upon detention, hereinafter “SO”, had touched him inappropriately during the search. He also alleged during this disclosure that police had taken some jewelry from him, specifically a gold watch and chain.

The Affected Person (AP)

On October 21, 2024, a SIRT-NL investigator obtained an audio/video recorded statement from AP.

In his interview, AP confirmed that around midnight on April 28, going into the morning hours of April 29, despite the youth worker at the home where he was a resident refusing permission, he called a taxi to meet a friend. He recalled having some money to pay for the taxi but believed he lost it either before getting into the vehicle or while en route to his destination. He confirmed that W1 contacted police once he had told him he did not have any money to pay his fare but denied threatening him or threatening to damage his vehicle by lighting it on fire.

AP acknowledged having consumed cannabis before getting into the vehicle and, as such, further acknowledged his memory of the events is somewhat impaired when it comes to details. When pressed by the investigator as to when and where he consumed cannabis, which led to his impairment, he could not provide many details other than stating that, between him calling for a taxi and getting into the vehicle, he consumed some

cannabis from a stranger who was simply on the side of the road near where he was collected.

AP originally made no mention of a torn jacket, but later alleged officers damaged it during the search. When it was suggested by the investigator that a worker at the group home, hereinafter “W2”, advised that AP had told him days prior that the tear in his jacket was the result of the actions of one of his friends, AP accused W2 of lying.

As for the gold chain and watch, AP first made no mention of it having been taken by officers during his narrative and responded in the negative when asked by the investigator if police had taken anything else from him, later revising himself and claiming they did, and then revising himself again by alleging that W1 took these items from him. When asked about how W1, the taxi driver, would have ended up with these items, he stated he does not remember because he was “stoned”.

As for details of his interaction with the police, he recalled six officers being present to effect his arrest, that he was thrown on the back of the taxi by an officer, and that upon being searched, officers seized from his person nicotine pouches and two bags of cigarettes, even providing details to the investigator about the type of cigarettes allegedly seized. He recalled them also taking his vape device, but that it was later returned to him. Finally, he alleged that after having been placed under arrest, he was placed in the back of the police vehicle on scene and remained there for three hours.

As for the allegation of sexual touching, AP alleged that while SO was conducting his search, he pulled the waistband of his pants away from his body and proceeded to grab his penis, lifting it so he could look underneath it. In a later iteration of the alleged incident, he stated SO grabbed his testicles to look underneath. When asked what kind of pants he was wearing that would have allowed SO to pull on the waistband and reach in, he could not provide details beyond saying they were black. When asked whether SO said anything during this part of the search, he responded negatively.

Civilian Witnesses

Witness 1 (W1)

A SIRT-NL Investigator obtained and reviewed the statement W1 provided to RNC investigators as part of File 2026-26095. W1 had advised as follows:

That he collected AP as a passenger from his residence on the night in question. Because AP was wearing a hood and a hat and appeared, from his perspective, to be trying to hide his face, he requested payment up front. AP advised that he left his wallet at home and thereafter threatened to call police and alleged that W1 had kidnapped him if W1 prevented him from leaving the vehicle. He further alleged that AP then threatened to set his vehicle on fire and did activate a lighter near the seat as part of the threat. AP also allegedly threatened to rob him.

On July 23, 2026, a SIRT-NL Investigator obtained an audio/video recorded statement from W1.

W1 reiterated the information he provided to police in his original statement. He stated that officers directed AP to exit the vehicle and to put his hands up, and that he observed AP as being uncooperative and refusing to comply with officers' demands at the outset of the interaction. He acknowledged he did not have visual of most of the interaction between AP and the police, as it occurred behind the vehicle while he remained in the driver's seat. When asked whether he observed any inappropriate action by the police against AP, he advised he did not observe any. He further advised that he did not hear AP verbalize any such allegations during the interaction, nor did he observe AP act or react in a way that suggested something inappropriate occurred. In his opinion, AP was dishonest about the allegation, as he had been dishonest with him about money during the ride. He also advised that he had a recording of a phone conversation with W2 about covering AP's fare that occurred while AP was in his vehicle and before police attended the scene.

A SIRT-NL Investigator obtained and reviewed the recording of the conversation between W1 and W2, which can be summarized as follows:

W1 contacted the residence where AP was picked up from to settle the fare. W2 advised that, to his knowledge, AP had no money on him and that neither AP nor the residence had money to cover the fare. He further advised W1 that AP had been told not to summon a taxi for that very reason. W1 provided W2 with the same information he would later provide to the RNC and the SIRT-NL investigator regarding the alleged threats. W1 advised W2 that he had contacted the police and that he was considering simply bringing AP back to the residence. W2 requested W1's contact information so payment of fare could be arranged the following day.

Witness 2 (W2)

A SIRT-NL Investigator obtained an audio/video recorded statement from W2 and learned as follows:

W2, a support worker in the group home where AP was residing, picked up AP on the evening in question, at which point AP was obsessing about going out again past midnight. W2 steered him away from those thoughts, advising him that he was too young to be out that late, did not have permission to do so, and did not have money for a taxi. Back at the residence, around midnight, W2 heard a vehicle outside the residence honking to signal it was there. W2 checked on AP, noted he was not in his room, and realized he had left in a taxi.

W2 then advised he received a call from W1 stating he had AP in his vehicle and that AP did not have any money to pay the fare. Approximately an hour and a half later, AP was brought home by police.

W2 further advised that upon his return to the residence, AP was primarily upset about police having seized his vape and nicotine products. He made no mention of jewelry being taken or stolen from him, either when police delivered him home or the next morning when W2 was still on shift. He did allude to his coat being torn, but W2 reminded him that the damage had occurred before his taxi ride downtown, as they had discussed earlier that evening.

Finally, as it pertains to the allegation of inappropriate touching, W2 advised that at no point that night or the next morning did AP make any disclosure of an officer touching him in his private area. When asked whether AP had issues with truthfulness, W2 responded in the affirmative, stating AP often exaggerated or even fabricated stories and provided examples.

Witness 3 (W3)

A SIRT-NL Investigator obtained an audio/video recorded statement from W3 and learned as follows:

W3, a social worker with the Department of Social Supports and Wellbeing, advised that AP was a resident in an individualized living arrangement under a continuous custody order from the courts. He described AP as an individual with complex needs, with concerns regarding honesty, exaggerations, and making false allegations.

W3 confirmed that on April 30, 2026, AP disclosed to him the subject matter of this investigation, where AP alleged that an officer had touched him inappropriately and that his gold watch and chain were stolen. When W3 pressed him on the inappropriate

touching allegation, AP alluded to being searched and an officer grabbing his testicles, but no further details were provided.

Witness Officers

Witness Officer 1 (WO1)

On June 29, 2026, a SIRT-NL Investigator obtained audio/video recorded statement from WO1 and learned as follows:

WO1, along with her training officer W2, was dispatched to a call involving a taxicab and a youth who had allegedly threatened to set the vehicle on fire. Upon arrival on scene, the vehicle had been pulled over, and SO already had the youth outside of the vehicle and was either in the process of applying handcuffs to him or had already done so. She recalled that the youth complained the handcuffs were too tight, so she loosened them.

WO1 observed SO, whom she identified as the arresting officer, searching AP after he had been placed in handcuffs. She described the search as a routine pat down. She observed SO patting down both of AP's legs, checking his pockets, and removing items found during that check. She did not observe what items were removed during the search, nor did she observe any search beneath AP's clothing; nothing about the search of AP was unusual, inappropriate, or alarming, and she did not observe any reaction from AP. She did, however, acknowledge that her view of the search was obstructed, as she was standing behind SO and AP.

Witness Officer 2 (WO2)

On June 29, 2026, a SIRT-NL investigator obtained audio/video recorded statement from WO2 and learned as follows:

WO2, along with WO1, responded to a call involving a taxicab and a youth who had allegedly threatened to set the vehicle on fire. SO located the vehicle and conducted a traffic stop. WO2 estimated arriving on scene about 10 seconds after SO and witnessed SO opening the back seat door of the taxi vehicle where AP was seated. Because of the threat allegation, WO2 immediately assisted SO in removing AP from the vehicle. WO2 confirmed that AP was detained immediately and his identity was confirmed.

WO2 believed SO searched AP upon detention. He described the search as a standard officer-safety pat-down involving pockets, pant legs, waistband areas, and outer clothing to locate weapons or dangerous items. He did not recall removing any specific items from AP; he did not observe any inappropriate conduct or touching during the search, and he did not hear any complaints from AP regarding the search.

Witness Officer 3 (WO3)

On July 15, 2026, a SIRT-NL Investigator obtained an audio/video recorded statement from WO3 and learned as follows:

WO3 identified himself as the lead investigator. He advised that on the evening in question, he and other officers were dispatched to a call involving a taxi that was still in motion. He advised that another member eventually located the taxi, and when he arrived on scene, AP had already been removed from the vehicle and placed in handcuffs; he also advised that a search of AP had already occurred, as he observed AP's belongings around the rear of the vehicle. He spoke with W1, obtained a verbal account of what occurred, and then delegated obtaining a written account to WO1. He then proceeded to advise AP that he was under arrest for fraudulently obtaining transportation and uttering threats and transported him to his unit. He searched AP's jacket pockets but understood that a search had already been done. He did not observe the search by SO and therefore could not speak to it, nor did he observe any officers placing their hands inside AP's clothing.

After arresting him, WO3 spent about an hour with AP and eventually returned him to his residence. During this period, AP made no mention of being sexually assaulted, inappropriately touched, or having been searched inappropriately.

WO3 advised that AP contacted him, at a later date, inquiring about seized items, including a vape, cigarettes, and nicotine pouches. AP also inquired about a watch and a gold chain and was advised that police had not seized these items and neither he nor other officers involved recalled seeing a gold chain or watch at the scene.

Subject Officer

On August 24, 2026, a SIRT-NL Investigator obtained audio/video recorded statement from SO and learned as follows:

SO became involved in this matter after assisting with a complaint from a taxi driver who reported that a passenger, who admittedly did not have money to pay the fare, was attempting to set the rear seat on fire with a lighter. SO located the vehicle and effected a traffic stop, spoke with the driver, W1, and eventually detained the passenger, later identified as AP, for investigative purposes.

SO advised that when AP exited the vehicle, he had placed one of his hands in his pockets and was not compliant when instructed to remove it; as such, SO placed him against the vehicle, gained control of one of his arms, and then proceeded, with the assistance of WO1 and WO2, to secure him in handcuffs.

SO then conducted what he characterized as a systematic officer-safety search, which consisted of searching his person from top to bottom, with particular attention to waistbands for concerns of weapons or contraband potentially concealed beneath them. As part of his search and focus on the waistband area, SO moved AP away from the vehicle and asked for WO1 to lift AP's top garment, thereby giving him access to the waistband area. Once the garment was lifted, SO noticed what he believed to be an object protruding from his waistband. As such, he reached with his gloved hand to remove the object but realized, upon trying to remove the object, that it was AP's penis that was tucked in upwards underneath his waistband. SO immediately removed his gloved hands away from AP when he realized the error and then made no further contact with AP's genital area. SO described himself as mortified, shocked, and embarrassed by the mistake, as he had never experienced anything of this nature in his fifteen years of policing. SO recalled AP asking him why he had touched his penis, and he did not respond, as he was caught off guard by the incident and the question, and he did not know how to react. SO further stated that the rest of the investigation was routine.

SO advised that he did tell WO2 about AP's penis having been tucked into his waistband, but he did not report the incident to a supervisor because he felt it would have been awkward and because the search was lawful, the mistaken belief that AP's penis was a concealed object was incidental. When advised of AP's allegation of under-the-clothing touching and searching, including the lifting of the AP's testicles, SO categorically denied it, reiterating that the only contact that occurred was the one resulting from his mistaken belief that AP's penis was a concealed object.

Applicable Law and Legislation

Criminal Code of Canada

Assaults

265(1) A person commits an assault when

> (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
>
> (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or

A Sexual assault is an assault, within any one of the definitions of that concept in **265(1)**, which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. It is punishable pursuant to section **271**.

Protection of persons acting under authority

25(1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person,

(b) as a peace officer or public officer,

(c) in aid of a peace officer or public officer, or

(d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

Applicable Legal Standard

The legal standard for laying charges against an individual alleging a criminal offense under the Criminal Code of Canada is reasonable and probable grounds to believe. This threshold is higher than reasonable suspicion but lower than the criminal conviction standard of proof beyond a reasonable doubt, the civil standard of a balance of probabilities, and the Prosecution threshold of a reasonable likelihood of conviction.

Analysis and Conclusion

The issue for my consideration is whether there are reasonable grounds to believe that SO applied force to AP, and if he did, whether the application of force was of a sexual nature, thereby meeting the definition of a sexual assault. Further, was the contact or application of force captured by s. 25 of the Criminal Code, was SO exercising his legal authority to enforce the law, and if so, were his actions justified, and did he use only the force necessary in the circumstances?

The circumstances of this case can be summarized as follows: a search of an individual at night in the dark on the side of the road, who was alleged to have threatened violence against someone and who was refusing to show one of his hands upon being instructed to do so by SO.

First, let's first address the alleged application of force. The only evidence of an assault, sexual or otherwise, comes directly from AP. That said, I have considerable concerns with both his credibility and reliability. Concerns with his reliability are a result of his lack of recall in general and of the fact that any recall could be impacted by his admitted impairment by drugs at the time of his arrest. In his statement, AP not only acknowledged having consumed cannabis, but he also confirmed his consumption had an impairing effect on his memory of the events in question, potentially speaking to his lack of details as to the alleged act itself and peripheral particulars. He could not recall what kind of pants he was wearing; he could not recall how he ended up in the taxi with no money, or where he may have lost it. He recalled 6 officers being on scene, when all evidence points to only 4, and he recalled being detained for 3 hours, when independent evidence puts his entire interaction at about an hour and a half. Finally, when he was asked for details about how the taxi driver, W1, would have allegedly taken his gold watch and chain, he doubled down again on his lack of recall due to his consumption of cannabis, stating he did not remember because he was "stoned".

As for his recall of when, where, how, or with whom he consumed cannabis, it also lacked details, and the details he provided bring into question whether he even consumed cannabis at all. It is not beyond the pale to conclude he may not have consumed any drugs but rather is feigning impairment to account for the fact that he was unable to provide enough details to substantiate his narrative. He claimed he got a hit off a random individual just walking down the street, outside his residence. The area where he was residing and where this random individual would have been is residential bordering on suburban; therefore, while it is not impossible that someone may have been coincidentally outside his residence around midnight on a Thursday night smoking cannabis, it is highly unlikely. It is therefore a situation where he either consumed drugs that bring into question his reliability or that he misled the investigator about his drug consumption or how he consumed, which then brings into question his credibility.

AP's credibility is even more troublesome than his reliability, even before considering evidence from two civilian witnesses who allude to his propensity and history of lying, exaggerating, fabricating stories, and making false claims. AP's narrative includes many misleading statements and exaggerations. He exaggerated the number of officers present at the scene and how long he was in police custody. He falsely accused the police and then W1 of having taken his gold watch and chain, and that was after threatening W1 that he was going to falsely accuse him of kidnapping. He also falsely claimed police had seized a bag of cigarettes from him, which is not supported by the evidence of the officers

on scene or what was logged as seized property. He also falsely alleged that an officer damaged his jacket, which W2's evidence contradicts; when confronted with this falsehood, he falsely accused W2 of lying.

There are also inconsistencies and exaggerations about the alleged contact itself. He first stated that SO grabbed his penis to look underneath, later revising himself, saying he grabbed his testicles. While either iteration, if true, would be an application of force without consent that could be considered sexual in nature, in some contexts, I surmise that neither version is likely. That an officer, in the presence of three other officers, on the side of the road, pulled someone's waistband away from their body and then proceeded to slide their hands into a detainee's pants and undergarment to then lift either his penis, testicles, or scrotum to look underneath, without any other officers noticing and intervening or the subject being searched objecting to a degree that other officers would have heard it, is highly unlikely on its own. When you consider it with all other discredited or uncorroborated details of AP's narrative, discussed above, and the evidence of WO1, WO2, and WO3, it is even more unlikely that the contact occurred as AP described.

Finally, a minor consideration in assessing the credibility of his claim is that he did not raise the search issue with the other officers on scene and, most notably, with the staff member on shift when he returned to the house or the next morning. I say all this recognizing that in Canadian criminal courts, no adverse inference is to be drawn from delayed disclosure, especially in allegations of sexual assault. However, he made the allegation only after being confronted with his own behavior the night before, some 24 hours later, which could be interpreted as a false allegation intended to distract or deflect from the fact that he was himself now subject to criminal charges. With that said, my findings as to his credibility would be the same regardless of this consideration.

As for his propensity to make false allegations, exaggerate, lie, and fabricate, in court it would undoubtedly be subject to contested application, whether as character evidence or collateral fact, as to what use can be made of it and the weight it ought to carry. That said, from an investigational standpoint, it provides context and further calls into question both his credibility and his motive for making the allegation. Regardless, even if some of that evidence could be contested and set aside, the other evidence elaborated upon, touching on his credibility and reliability, still leaves me with the conclusion that I cannot form the necessary grounds to lay charges against SO based on AP's evidence. As such, on his evidence alone, I do not believe we have reasonable and probable grounds to proceed with charges for assault or sexual assault.

It leaves for consideration SO's evidence. He did acknowledge in his statement having mistakenly touched AP's penis, therefore an application force that was not consented to; however, his admission on its own does not lead me to believe the contact was of a sexual nature or for sexual purposes nor that it was so unreasonable in the circumstances to not be justified under s. 25. What SO's evidence does leave with me with, is a reasonable

belief that he did in fact make contact with AP's penis, but it formed part of a search executed as result of him believing AP could have had a concealed object that could have been used as a weapon and that he used no more force than necessary to execute that search. Accordingly, I cannot form the necessary grounds to charge SO with an offense pursuant to s. 271 of the Criminal Code. As for the theft allegation pursuant to s. 334 of the Criminal Code, there is no evidence whatsoever supporting such a charge. In these circumstances, I do reason that AP should have reported the incidental contact or at least noted it, but I believe he recognizes this to some extent during his interview and would more than likely do so henceforth.

SIRT-NL will now conclude this file.

Final Report prepared by:

Richard Deveau, Director
Serious Incident Response Team - Newfoundland and Labrador
November 19, 2026
File No. 2026-0024