

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2022-020

RCMP

May 11, 2022

John Scott
Interim Director
July 8, 2022

On May 11, 2022, the Kings District RCMP received a call from the Department of Community Services (DCS) who had been contacted by staff from a Kings District elementary school. A teacher, who was helping the children with a Mother's Day poem, became concerned when they saw a child had written "I cry when daddy punches you". When the teacher asked the child about what they had written, the child told the teacher "I cry when my parents play fight".

As the father was a police officer, the RCMP referred the matter to SiRT. An investigation began that day and was concluded on June 14, 2022.

The following information was obtained, reviewed, and considered in the preparation of this report. Referral from DCS, the notes of the DCS case worker involving the Subject Officer (SO) and the Affected Party (AP), audio statements of the SO and AP's children conducted by DCS and two civilian witness statements.

Facts:

The main facts giving rise to this referral came from the audio taped statements given to the assigned social worker from Family and Children's Services from the two children of the SO and AP (ages 8 and 6).

In a statement, the 8-year-old told the interviewer I wrote "I cry when dad play fights with you". Although further questioning occurs, the young child never wavered from calling the interaction between the parents nothing more than play fighting. Neither parent suffered any injury.

When the interviewer talked separately with the 6-year-old, there was nothing forthcoming from the young child. However, in response to a question "Have you ever seen dad hit mom?", the young child said yes and indicated that the SO punches the AP.

The SiRT investigator spoke to the AP, who declined to give a formal statement, but denied all allegations of being assaulted by the SO. The SO provided no statement to SiRT. Furthermore, there is nothing to suggest that there was any previous history of family violence in that household.

Relevant Legal Issues:

1. Requirement for the laying of an Information alleging the commission of a criminal offence.

An Information alleging the commission of a criminal offence can only be laid if “reasonable and probable” grounds exist to believe a criminal offence has occurred.

2. The essential elements to be proven in the offence of assault.

An assault occurs whenever a person intentionally applies force to another person without their consent. The force used does not require contact.

Analysis of Evidence:

Although the 6-year-old has stated the SO has hit the AP, the reliability of such evidence must be weighed. The young child is 6 years of age and leading questions were required. The older child says their parents playfight (contact, but just playing). The AP says there is nothing assaultive occurring between the AP and the SO.

Conclusion:

In Nova Scotia there is a zero-tolerance policy when it comes to domestic violence. Cooperation from a victim is not required to proceed with laying of criminal charges. However, to lay a criminal charge, one must have “reasonable and probable grounds”. In my review of all the facts gathered in this investigation, this test has not been met. Therefore, no grounds exist to lay a criminal charge against the SO.

Gratuitously, I must commend the staff at the school along with the work done from the Department of Community Services for their assessment in dealing with this matter.