

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2013-025

Referral from

Cape Breton Regional Police

September 16, 2013

Ronald J. MacDonald, QC
Director
May 22, 2015

Facts:

In early September, 2013, SiRT was contacted by the Cape Breton Regional Police Service (CBRPS). They had received information from an individual who made allegations of obstruction of justice against a CBRPS officer (Officer 1) that may impact an ongoing prosecution. Given the nature of the allegations in this case, and the potential for a negative impact on the use of certain investigatory techniques, no media release was made at the outset of this matter.

As a result, SiRT commenced the investigation on September 16, 2013, which concluded on April 30, 2015. Numerous investigative steps were taken which involved an extensive review of significant documentation. Sixteen civilian witnesses were interviewed. No witness police officers were interviewed.

As the investigation progressed, information obtained caused SiRT to broaden the investigation to include two other CBRPS officers, Officer 2 and Officer 3. The potential offences under consideration also broadened to include possible breach of trust and acting as a party to other criminal offences. The Serious Incident Response Team regulations made under the provisions of the *Police Act* provide that a subject officer is not required to provide a statement. Officers 1, 2, and 3, all subject officers, did not provide statements in this case.

The allegations related to potentially filing false information before the court, and also acting as a party to a criminal offence.

The investigation was extensive, and involved the gathering of information which, if disclosed or discussed, could jeopardize the safety and legal rights of certain individuals.

Relevant Legal Issue:

Obstruction of justice can be committed in various ways. Providing false information to the court could constitute the offence. Those actions might also constitute a Breach of Trust on behalf of the officer.

A person can be a party to an offence if they commit the offence themselves, or aid or encourage others to commit the offence.

In order to lay any charge, there must be reasonable grounds, based on admissible evidence, to show a person committed an offence.

Conclusions:

After this extensive investigation, it was determined there was no evidence available to support reasonable grounds that any offence had been committed. As a result, no charges will be laid against Officers 1, 2, or 3.