

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2014-002

Referral from

Halifax Regional Police

January 27, 2014

Ronald J. MacDonald, QC

Director

November 13, 2014

Facts:

On January 27, 2014, shortly after noon, SiRT was contacted by the Halifax Regional Police (HRP) about a possible domestic violence incident involving one of its members, Cst. Jason Marriott, which arose early that morning. SiRT commenced its investigation that afternoon, which included exploring whether other incidents of domestic violence may have occurred prior to January 27, 2014. The investigation of those matters covered several months.

During its investigation, SiRT interviewed five civilian witnesses, and received reports or took statements from five witness police officers. Video of the January 27, 2014 incident was obtained, and photographic evidence was acquired of relevant scenes. The complainant was initially interviewed by HRP, and then by SiRT, on January 27.

The initial incident took place between 4:30 a.m. and 5:40 a.m. on January 27, 2014 at an apartment building lobby in downtown Halifax. Video evidence, and evidence from the complainant, indicates that Cst. Marriott took actions which could be considered an assault on the complainant. Cst. Marriott pled guilty in Halifax Provincial Court on September 22, 2014, to one count of assault arising on that date. He is due to be sentenced on December 16, 2014. The facts relating to that matter will be disclosed publically during the sentencing hearing and will therefore not be disclosed further in this report. The Serious Incident Response Team Regulations made under the *Police Act* provide that the Director may file a supplementary report after the conclusion of any prosecution.

The complainant provided three other statements relating to alleged incidents occurring prior to January 27th. The investigation into those matters continued until October 8, 2014. At the conclusion of the SiRT investigations of these matters the complainant's evidence indicated that no other offences had occurred.

Relevant Legal Issues:

An assault is committed whenever a person intentionally applies force against another without their consent. Any such offence must be proven beyond a reasonable doubt before the accused can be found guilty.

Conclusions:

Based on the evidence collected in relation to the January 27, 2014 incident, it was determined there were reasonable grounds to believe an offence had been committed. As a result Cst. Marriott was charged with one count of assault on February 20, 2014. As noted, he pled guilty on September 22, 2014 and will be sentenced on December 16, 2014.

With respect to other allegations, all available evidence was reviewed, and the Public Prosecution Service was consulted. It was determined the evidence did not disclose a sufficient basis to consider any further charges.

The sections of the *Police Act* relevant to SiRT state that the Director has the sole authority to determine whether charges should be laid in any matter investigated by SiRT. In these circumstances, the only charge justified by the facts was the charge of assault relating to what occurred in the early morning of January 27, 2014.