



**SERIOUS INCIDENT
RESPONSE TEAM**

Summary of Investigation

SiRT File # 2015-005

Referral from

Halifax Regional Police

March 4, 2015

Ronald J. MacDonald, QC
Director
August 18, 2015

Facts:

On March 4, 2015, the Halifax Regional Police (HRP) referred to SiRT a complaint they had received from a manager at Casino Nova Scotia. That person had informed HRP on February 28, 2015, that he observed a male HRP member, Officer 1, possibly in violation of certain court ordered conditions by being present in the Casino. SiRT began its investigation of the matter on March 4. Given the uncertain nature of the violation, at the time no media release was issued. The investigation was completed on May 19th, 2015.

During the investigation SiRT took statements from three civilian witnesses, and received notes from one police officer. In addition, HRP file material was reviewed, and video evidence was received from Casino Nova Scotia.

The investigation revealed that Officer 1 was subject to court conditions that prohibit him from being in an establishment licensed to serve alcohol unless it held an eating establishment licence.

The evidence also showed that Officer 1 was at the casino on both February 26th and 28th, 2015. On both occasions he was present in a section of the casino that is licenced to serve alcohol only. Other portions of the casino are also licenced to serve food. Casino personnel did confirm that Officer 1 could have ordered and received food from the section of the casino where he was located.

Direct evidence confirmed that Officer 1 did not consume any alcohol on either occasion.

Relevant Legal Issue:

A person can be found to be in violation of a court ordered condition if they commit an act which is prohibited by the condition and they know their behaviour was in breach of the condition.

Conclusions:

In this case the facts demonstrate that Officer 1 was in a portion of the casino on both February 26th and 28th, 2015, which was licensed to serve alcohol and was not licensed as an eating establishment. However, the casino has several different licences for different areas. This section did allow for the ordering and delivery of food. Officer 1 was careful to follow the other conditions of his order, which included not consuming alcohol. In these circumstances one could very reasonably believe that this area of the casino held an eating establishment licence.

Advice was sought from the Public Prosecution Service in this matter prior to concluding the file.

In these circumstances it has been determined that the facts are not capable of showing that Officer 1 was knowingly in a place that was only licenced to sell alcohol. Therefore these facts do not justify any charges against Officer 1.