

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2023-031

Halifax Regional Police

Nova Scotia

May 21, 2023

Erin E. Naus
Interim Director
November 1, 2023

MANDATE OF THE SiRT

The Serious Incident Response Team (“SiRT”) has a mandate under the Nova Scotia *Police Act* to investigate all matters that involve death, serious injury, sexual assault, and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

At the conclusion of every investigation, the SiRT Director must determine whether criminal charges should result from the actions of the police officer. If no charges are warranted the Director will issue a public summary of the investigation which outlines the reasons for that decision, which must include at a minimum the information set out by regulation. Public summaries are drafted with the goal of adequate information to allow the public to understand the Director’s rationale and conclusions.

INTRODUCTION

On May 21, 2023, the Halifax Regional Police (“HRP”) referred a matter to the SiRT regarding a complaint that a member of the HRP allegedly uttered threats on April 19, 2023, to the Affected Person (“AP”). The AP is the HRP member’s son and is a young person. Due to the nature of the complaint, a SiRT investigation was commenced in the public interest. The investigation was completed on September 20, 2023.

The decision summarized in this report is based on evidence collected and analyzed during the investigation, including, but not limited to, the following:

1. Civilian Witness Interviews (4)
2. Affected Person Interview
3. Police files

INCIDENT SUMMARY

The matter in question involves an interaction between the AP and the Subject Officer (“SO”) on April 19, 2023. Civilian Witness 1 (“CW1”), the AP’s mother, reported to the RCMP that their son was threatened at school by his father, the SO. CW1 was not in attendance for the incident, but advised that the AP told her about it. The RCMP referred the matter to the HRP who contacted the SiRT.

On April 19, 2023, the SO was off-duty and attended the AP’s school. The SO called the AP to the office, and they engaged in a discussion regarding the AP’s use of his cell phone. CW1 noted that she understood that the AP and the SO had a dispute, and that the SO told the AP that if they came one step closer, they would hit or punch them in the throat.

A staff member at the school, CW2, noted that she was nearby when the incident took place, and that although what she heard was distressing and made her uncomfortable, she did not hear any threats made. She contacted Child and Family Services as a result of the interaction.

CW3 is also a staff member at the school and was approximately 5 feet away when the incident took place. She overheard the SO speaking in a very loud voice and saying negative and unkind things to the AP. She noted that the AP was very upset, and she was concerned for his safety. However, she did not hear any threats of bodily harm or references to punching.

The AP was interviewed by the SiRT in partnership with a social worker from Child and Family Services. The AP explained that the SO attended the school and was yelling at him, but that no threats of punching or bodily harm were made to him.

RELEVANT LEGISLATION

Criminal Code:

Uttering threats

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

- (a) to cause death or bodily harm to any person;
- (b) to burn, destroy or damage real or personal property; or
- (c) to kill, poison or injure an animal or bird that is the property of any person.

Punishment

(2) Every one who commits an offence under paragraph (1)(a) is guilty of

- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction.

Idem

(3) Every one who commits an offence under paragraph (1)(b) or (c)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b) is guilty of an offence punishable on summary conviction.

LEGAL ISSUES & ANALYSIS

If a person utters, conveys, or causes a person to receive a threat to cause death or bodily harm to that person, this will attract criminal consequences under Section 264.1 of the *Criminal Code*. In the present situation there is not sufficient evidence that threats were in fact made by the SO to the AP. CW1 stated that the AP told her that threats were made, but the AP himself, CW2 and CW3 all consistently stated that although the dispute was distressing, there were no threats made.

CONCLUSION

The matter was referred to the SiRT on May 21, 2023, regarding alleged uttering threats on April 19, 2023. As a result, the SiRT initiated an investigation, which has now concluded.

The behaviour described regarding the SO is inappropriate; however, after a thorough review of the evidence and the law, I have determined that there are no reasonable grounds to lay a charge against the SO.