



SiART

Nova Scotia's Independent
Police Investigation Agency

TRUST

CONFIDENCE

INTEGRITY

INDEPENDENCE

Annual Report
2016-2017



October 13, 2017

Honourable Mark Furey
Minister of Justice
1690 Hollis Street
PO Box 7
Halifax, NS B3J 2L6

Dear Minister Furey:

I have the honour and pleasure of delivering to you, the fifth annual report of the Nova Scotia Serious Incident Response Team. This report is mandated by Section 26N of the *Police Act*.

This report covers SiRT operations from April 1, 2016 to March 31, 2017.

The report provides the statistics required by Section 26N of the *Police Act*, and Section 10 of the Serious Incident Response Team Regulations made under the *Police Act*. I also included statistical information for the first five years of SiRT's existence.

The Serious Incident Response Team continues to be proud of the work we do and the role we are able to play in Nova Scotia's justice system. We thank you for the opportunity to work on behalf of the public of Nova Scotia in this capacity.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Ronald J. MacDonald".

Ronald J. MacDonald, QC
Director

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Message from the Director



Ronald J. MacDonald, QC

This is the fifth Serious Incident Response Team Annual Report I have filed. As it turns out, it will also be my last, as I discuss further below. This report not only reviews the past year, but also contains statistical information for the first five years of SiRT's existence.

To begin, it is important to remember why SiRT began five years ago: to increase the confidence the public has in the investigation of serious incidents involving police. While it is difficult to provide concrete measures on how well SiRT has met this goal, I believe it can be said that for the vast majority of our investigations we have received wide acceptance of our findings. Public reaction has been generally positive, and we have avoided any significant negative media reports.

The road to this success has involved the collaboration of many organizations and stakeholders, working together to provide the public with a process they can trust. In that regard, credit must be given to all, including members of the public, media, police agencies, police associations, community representatives, and government. This has been a joint effort to create a successful change in Nova Scotia's justice system. I am very thankful for this widespread cooperation.

During the 2016-2017 year, SiRT opened 22 full investigations within Nova Scotia, and was also asked to assist with four additional investigations in other maritime provinces. Those other investigations for the most part involved me, as Director, giving oversight to investigators from outside of SiRT who did the actual investigative work.

This number of full investigations falls within the expected annual range of cases for SiRT. As such, our resources have been able to respond adequately to the work involved. Indeed, the average length of time from the opening of a file to the filing of my Director's Summary of Investigation for files closed between January 2016 and September of 2017 was 150 days. That number compares very favourably to other jurisdictions. Given that SiRT's ratio of investigators to files is one of the lowest in the country, this demonstrates that SiRT is fortunate to have what I consider to be some of the best investigators in the country.

However, on occasion some files take longer to complete. This is something SiRT works hard to avoid. However, two cases should be mentioned: one involves a death in custody at Halifax Regional Police (HRP) in June of 2016, and the other concerns the shooting of a suspect by the RCMP in Hillsburn, in July of 2016. As noted in a media release from Nova Scotia's Public Prosecution Service (PPS), the HRP matter had been referred by SiRT to the PPS many months ago for advice. They subsequently made a determination the matter raised a conflict. As a result, they referred the matter to the prosecution service in Manitoba. That matter remains outstanding.

In addition, the RCMP matter has been awaiting a report from an outside expert for many months. Upon receipt, we hope that matter will be concluded quickly.

These two cases highlight an issue that faces SiRT and other similar organizations across the country: at times our investigations are stalled awaiting important information from third parties. There is little that can be done in these cases except urge timeliness by those other parties.

In addition to the work on full investigations, SiRT had 11 review files, which are matters where SiRT must conduct some investigation to determine whether the matter meets SiRT's mandate or not. Often that work can be time consuming, and involve interviews and other work. Where it is determined the matter does not meet SiRT's mandate, a brief report is filed with the home police agency to outline the work we have conducted and the reasons why we found the matter did not meet our mandate.

In addition to the above matters, SiRT received 30 referrals from police and 32 referrals from the public. In each case, SiRT received the information and made a determination the matter did not meet SiRT's investigative mandate. While the police referrals are usually straightforward, the public referrals involve a process that captures their information, any relevant documentation, and the response the Director provides to the person who has called.

As an organization, SiRT, at the end of five years, has been able to develop structures and processes to support the organization as it moves forward. This includes a policy manual, certain investigative protocols, community engagement, and the development of an established brand. That work, together with a team of experienced, highly professional and excellent investigators, will ensure ongoing success for SiRT in the years ahead.

Looking ahead, SiRT may well play a lead role in the creation of team that will be responsible for conducting investigations of serious incidents involving police throughout Atlantic Canada. There is much left to accomplish before that model becomes active, but it is clear that all four provinces now recognize the importance and usefulness of independent oversight, and are committed to consider the formation of an Atlantic team.

As this is the end of SiRT's first five years, it is a good time to consider whether the Team can change or improve in the coming years. While I have said the Team has been successful to date, some areas may require further thought. For example, typically SiRT is required to use seconded police resources to conduct forensic scene analysis. This is an area which would benefit from a consideration of how the perception of independence might be enhanced. In addition, SiRT currently utilizes two full time seconded investigators, one from HRP and one from the RCMP. Again, it may well be time for these positions to become full time positions to further boost the appearance of independence of SiRT's work.

As I noted above, this will be my last Annual Report filed on behalf of SiRT. As of October 24, 2017, I will assume the role of Chief Civilian Director of the Independent Investigations Unit for British Columbia. While I am truly thankful for the wonderful opportunity I have had to both build and then lead SiRT through its first five and a half years of existence, I am unable to resist the challenges inherent in leading a much larger team in British Columbia. Of course, it is not easy to leave Nova Scotia as it is my home, and I will leave behind a team of not only talented individuals but good friends.

In particular, I must give thanks to my assistant since day one, Joanne Fisk. She has been the backbone of SiRT the entire time. Without her, nothing would run as smoothly as it does. Joanne deserves much of the credit for all that has happened at SiRT!

Lastly, I want to again thank the government and people of Nova Scotia for the opportunity to hold this position for the last six years. It has been a wonderful experience to work every day toward meeting SiRT's mission: *to ensure the public of Nova Scotia are able to have the utmost trust and confidence in the investigation of serious incidents involving police.*

The Team

The Serious Incident Response Team includes:

- Director (Civilian). The first and current Director of SiRT is Ronald J. MacDonald, Q.C.
- Two former police, now civilian investigators, each with over 36 years of criminal investigative experience. These are Terry Balleine and Keith Stothart.
- Two full-time seconded police officers who answer only to the Director while seconded, one from the Halifax Regional Police, S/Sgt. Kevin Smith and one from the Royal Canadian Mounted Police (RCMP), Sgt. Gord Vail.
- Other police resources as required.
- Administrative support provided by Joanne Fisk.



The SiRT Team from left to right: Terry Balleine, Civilian Investigator, Gord Vail, Seconded Investigator, Ron MacDonald, Director, Keith Stothart, Civilian Investigator, Kevin Smith, Seconded Investigator. Missing from photo: Joanne Fisk

The team operates independently of law enforcement agencies, with decision-making authority residing with the civilian team Director.

The combination of civilian investigators and seconded police officers is required to achieve a balance between independence and operational effectiveness.

Under the sections of the *Police Act* which created SiRT, a current or former police officer cannot be the Director.

The budget of the Team is about \$850,000 annually. The Province covers all administrative and overhead costs associated with the Director, provincial investigators, administrative support, and operational expenses. Seconded police resources are provided by the relevant police agency.

Mission and Mandate

The mission of the Nova Scotia Serious Incident Response Team is:

“To ensure Nova Scotians have the utmost trust and confidence in the investigation of serious incidents involving police.”

SiRT’s mandate is 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.

SiRT defines a serious injury as including:

- fractures to limbs, ribs, head or spine;
- burns, cuts, or lacerations which are serious or affect a major portion of the body;
- loss of any portion of the body;
- serious internal injuries;
- any injury caused by gunshot;
- admission to hospital as a result of the injury (not including outpatient care followed by release).

At the conclusion of every investigation, the Director of SiRT will determine whether or not criminal charges should result from the actions of the police officer. The Director will issue a public summary of the investigation that will outline the reasons for that decision.

Independence

SiRT is independent of government and police. The Director of SiRT is a civilian, and is responsible for the general direction of all investigations and deciding whether a charge should be laid. This ensures a more transparent and independent way to investigate serious incidents involving police.

Investigative Process

How do we decide if we should be involved? The Director receives a referral, or assumes a case on the Director's own initiative and after considering the nature of the incident determines whether the matter fits our mandate.

Cases will often meet the mandate even though there is no allegation of wrongdoing on behalf of the police.

How do we respond? If the matter does not fit SiRT's mandate, no investigation is conducted. The police service or the member of the public, who made the referral, is notified.

If the matter fits SiRT's mandate, a primary SiRT investigator and as many additional investigators as necessary are assigned to the case. The Team attends the incident scene as quickly as possible and an investigation begins.

What happens when SiRT conducts an investigation? SiRT engages in a thorough and balanced investigative process, which generally includes (but is not limited to), the following:

- examining the scene and securing all physical evidence;
- monitoring the medical condition of anyone who has been injured and consulting with medical personnel about the nature and cause of injuries;
- locating and securing the cooperation of all witnesses, including police witnesses. This will likely involve the canvassing of the area where the incident occurred for additional witnesses;
- seizing police equipment for forensic examination;
- having all forensic examination conducted as necessary in the case;
- consulting with the medical examiner if there has been a death;
- notifying next of kin and liaising with the family of the deceased or injured parties to keep them informed;
- appointing a community liaison to work with the affected party and the Team, where appropriate.

During the course of the investigation, the SiRT investigative team prepares various internal reports and attends investigative team meetings designed to keep the Director informed of their progress. Upon completion of the investigation, the primary investigator is required to submit an investigative report, which is reviewed by the Director.

SiRT will usually issue a media release at the outset of a case to assure the public that an independent investigation of the serious incident has begun. Other releases may occur during investigations as necessary.

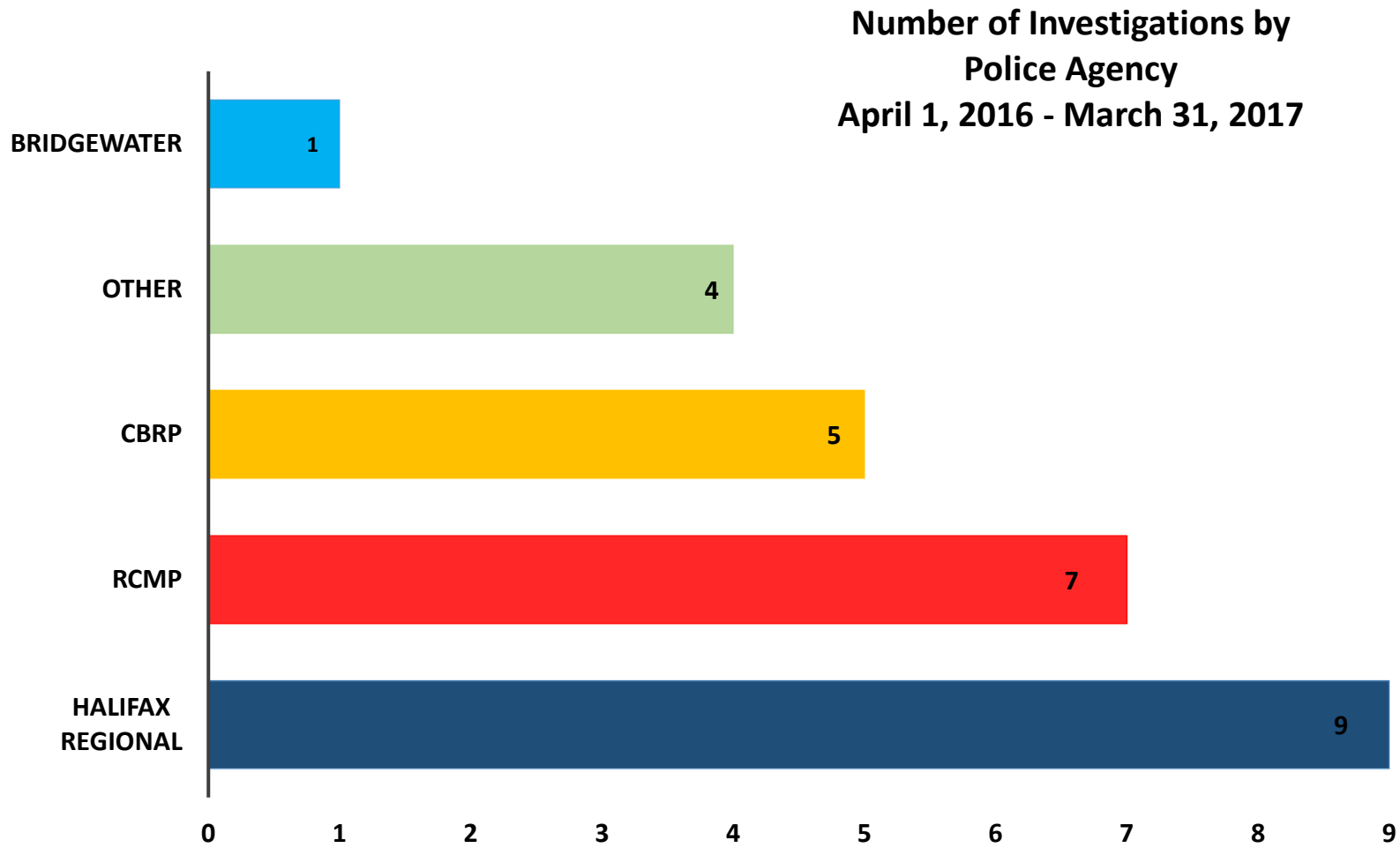
After SiRT becomes involved, police may need to continue their criminal investigation into the initial incident. For example, police may have been responding to a robbery when they became involved in the serious incident. SiRT works with the police agency to ensure that the interests of justice are met.

Who decides what happens after the investigation? The Director determines whether a charge should be laid in relation to the actions of the police who were the subject of the investigation. Throughout the investigative process SiRT liaises, as necessary, with the NS Public Prosecution Service (Crown). If a charge is laid, SiRT turns the case over to the Crown for prosecution and the SiRT investigator(s) may provide support to the Crown in its prosecution.

What information is made available? At the end of an investigation the Director of SiRT is required to make a summary of the investigation available to the public. That summary, subject to the *Freedom of Information and Protection of Privacy Act* and the needs of the investigation, will provide the information necessary to explain the reasons behind the Director's decision.

What about those involved? Particular attention is paid to the need for the affected person or next of kin to have a full understanding of the investigative results. This is generally accomplished through direct personal contact by the lead investigator and the Director. Similar contact is made with the police officer(s) who is (are) the subject of the investigation.

Number of Investigations by Police Agency

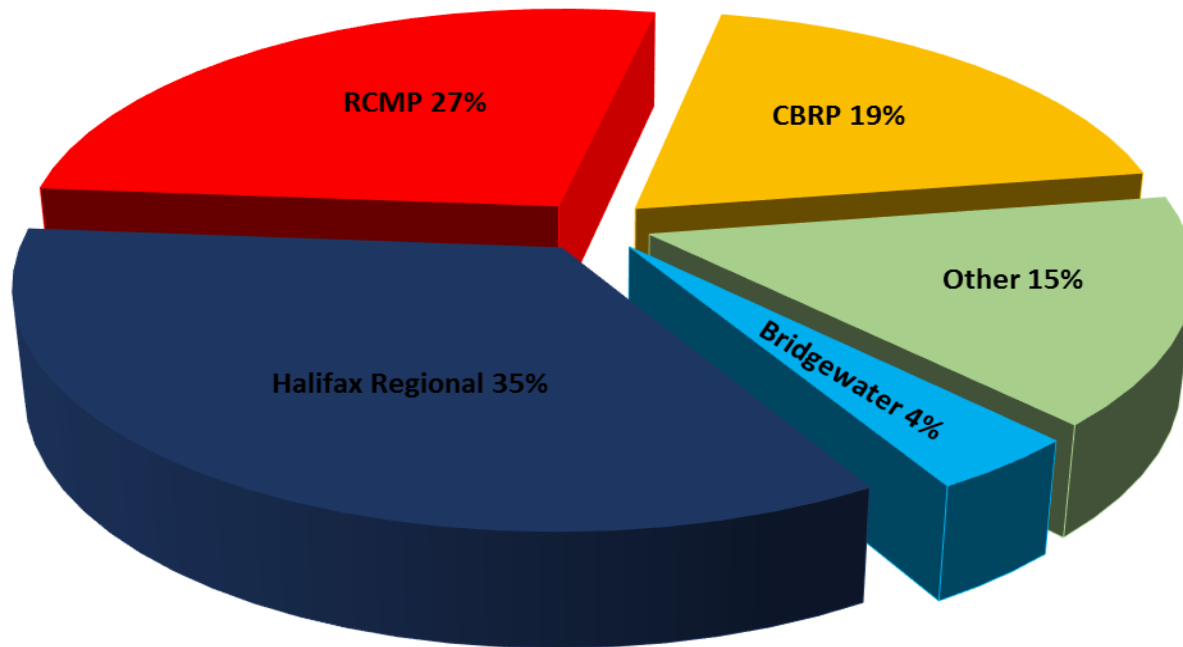


*SIRT did not have any investigations during this reporting period for the following police agencies: Truro, Annapolis Royal, Amherst, New Glasgow, Westville, Stellarton, Kentville.

SIRT investigates any serious incident that may have arisen from the actions of a police officer. This **does not require an allegation of wrongdoing.

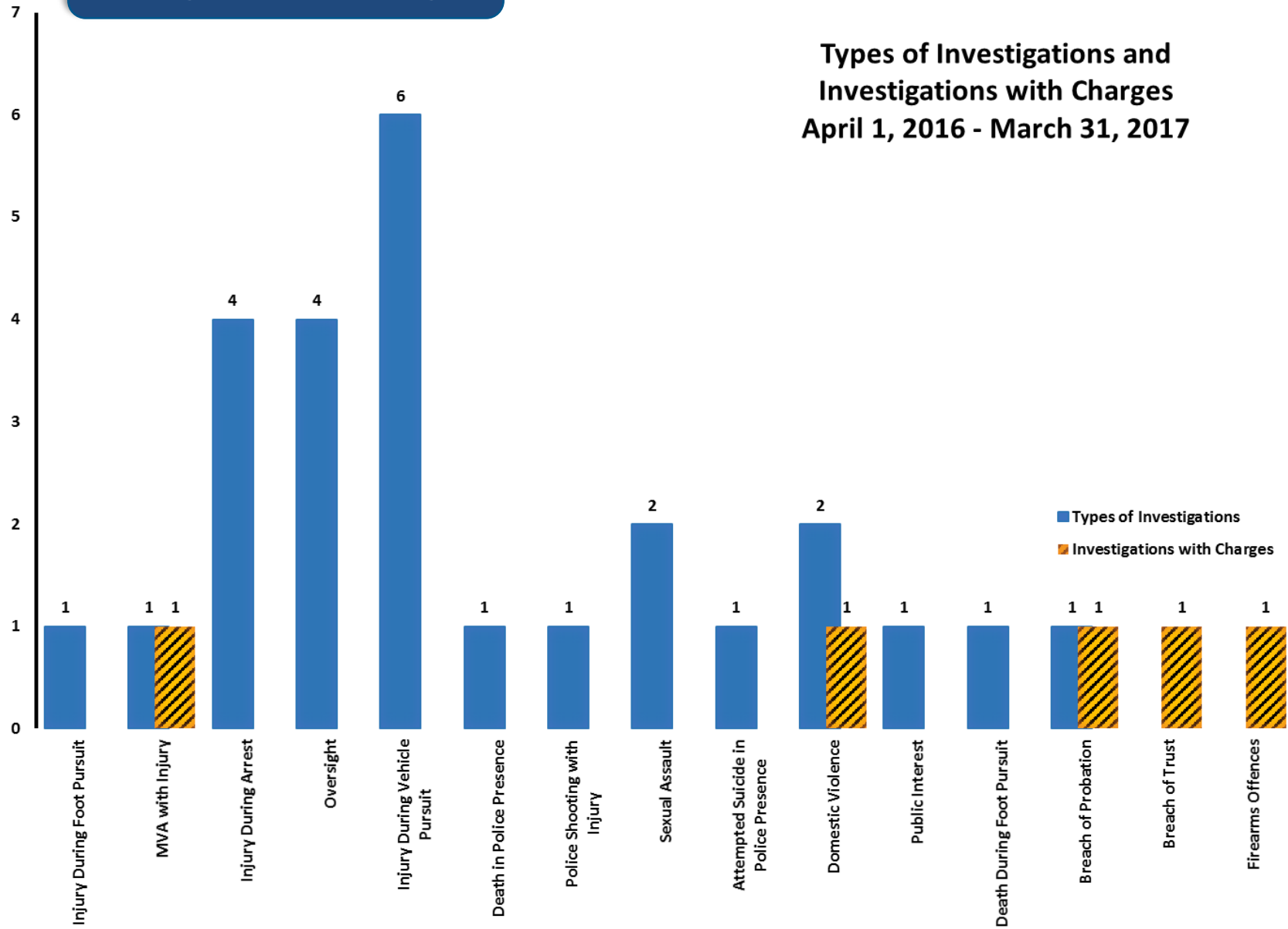
Percentage of Total Investigations by Police Agency

Percentage of Total Investigations by Police Agency
April 1, 2016 - March 31, 2017

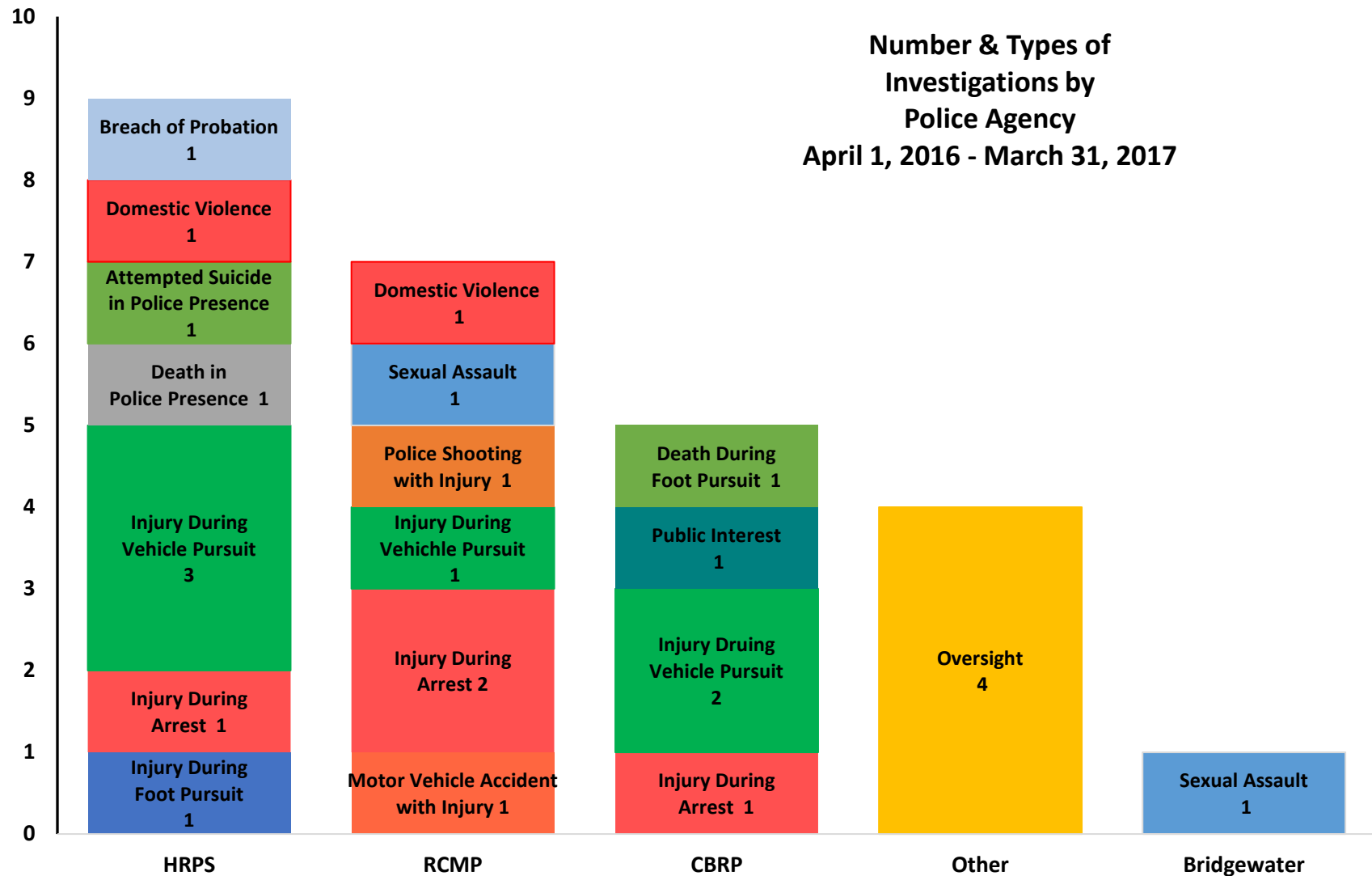


Other includes SiRT investigations conducted in other provinces

Types of Investigations & Investigations with Charges



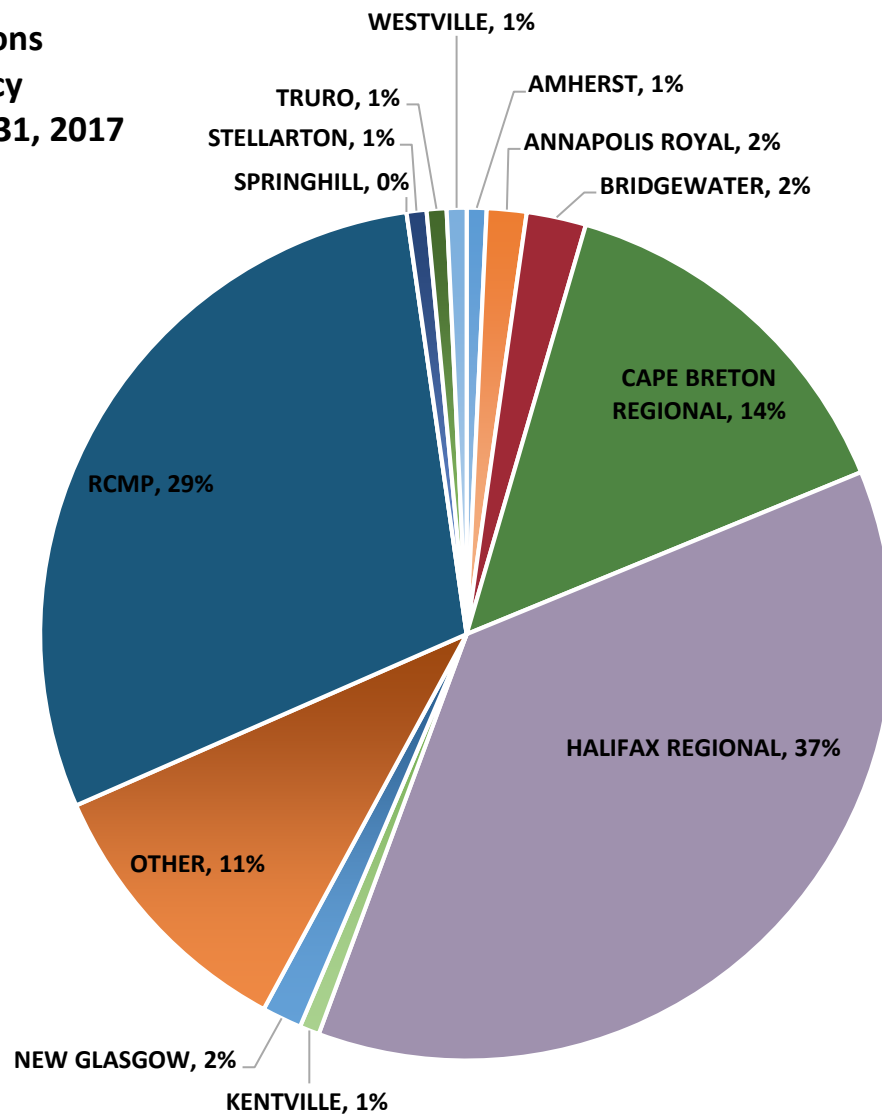
Number & Types of Investigations by Police Agency



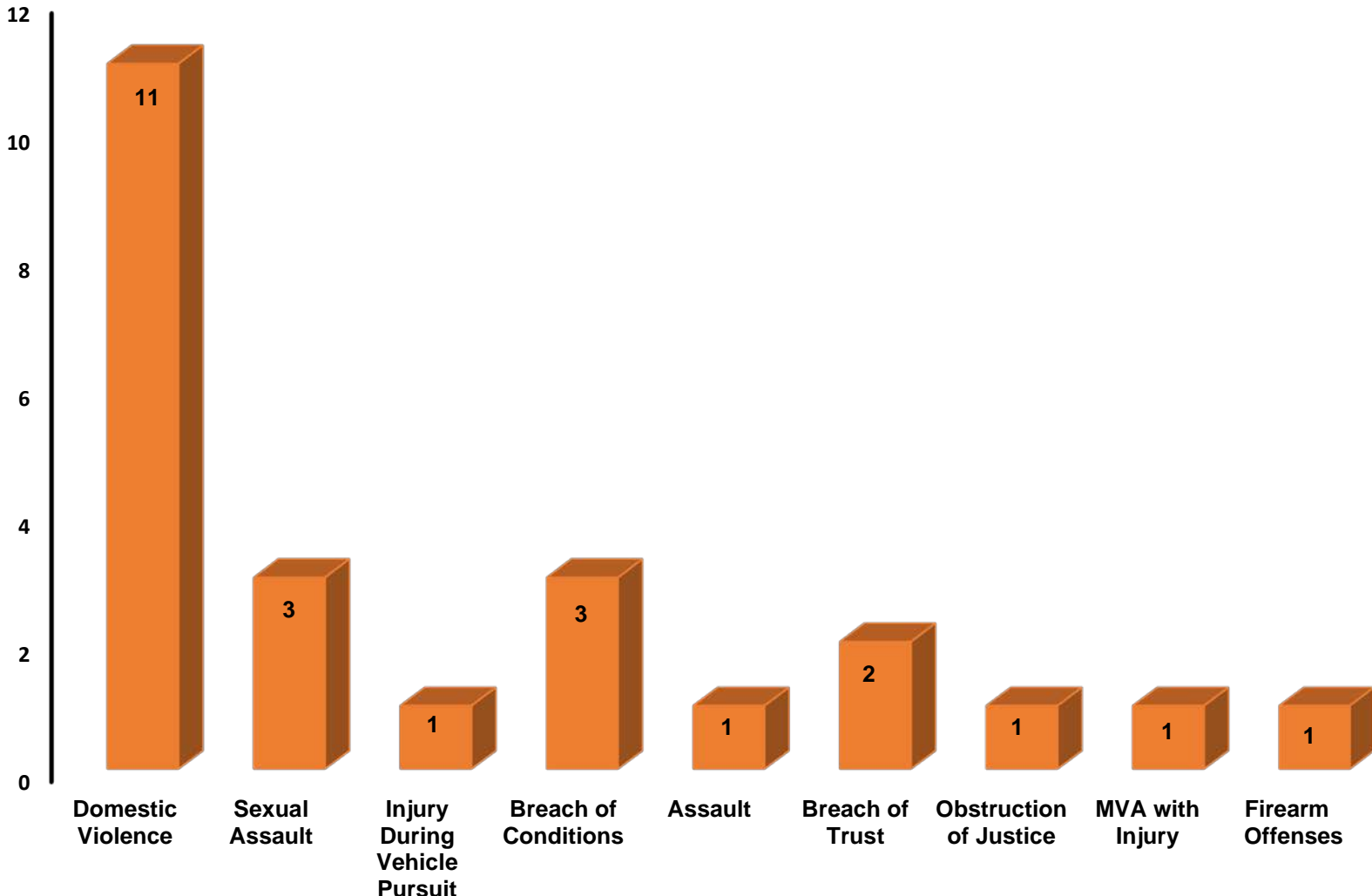
Other includes SiRT investigations conducted in other provinces

Five Year Statistics

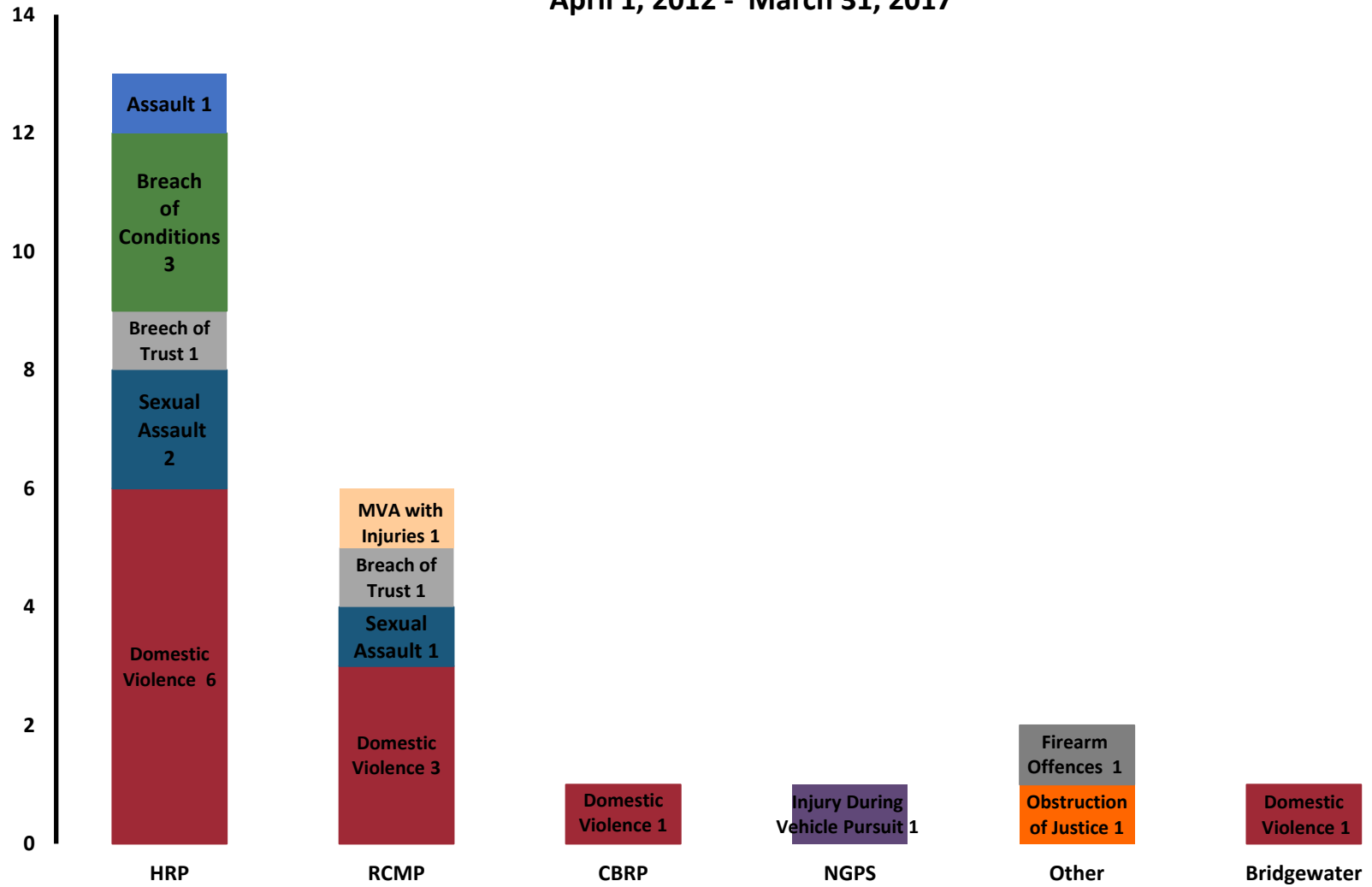
Percentage of
Total Investigations
by Police Agency
April 1, 2012 - March 31, 2017



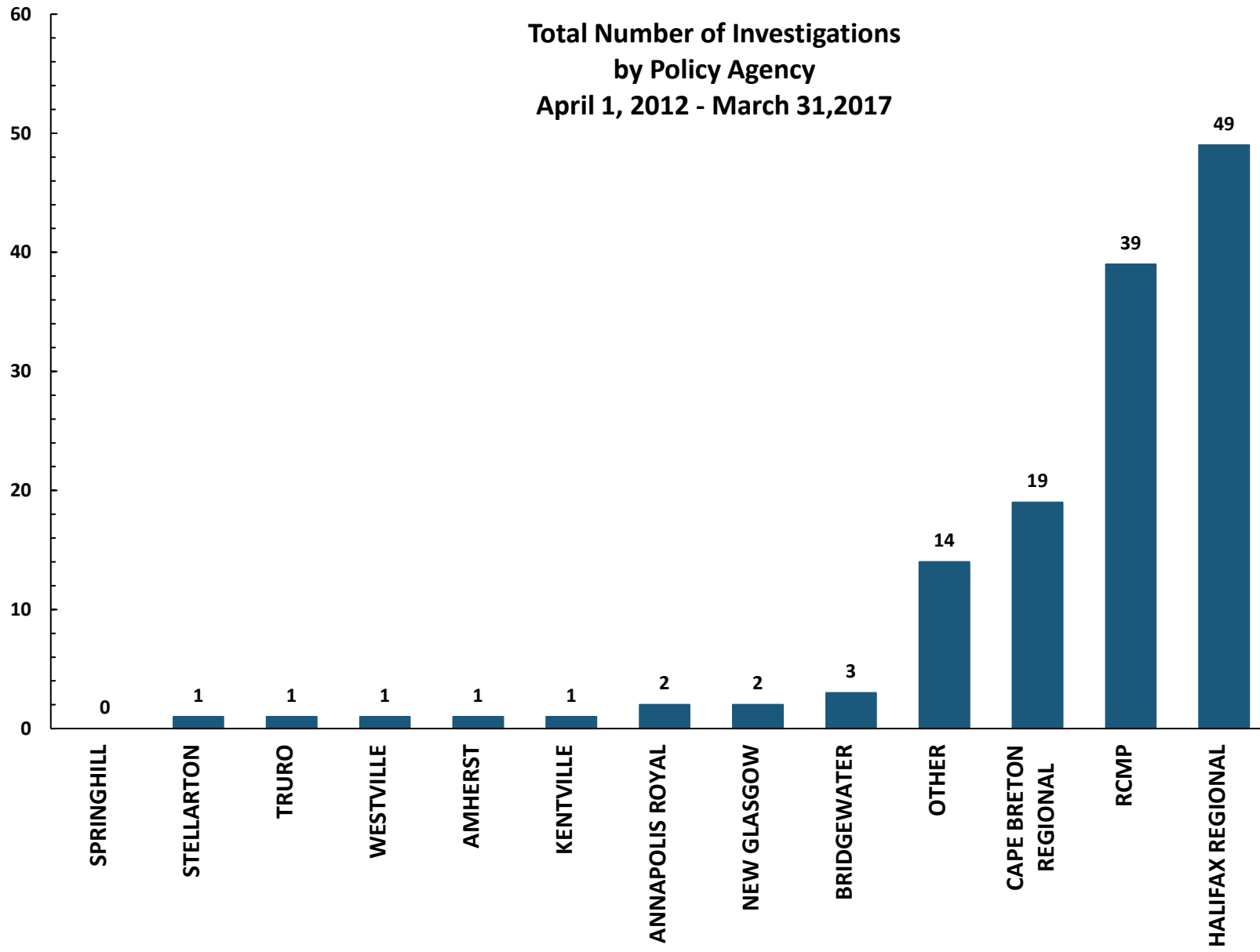
**Investigations with Charges
April 1, 2012 - March 31, 2017**



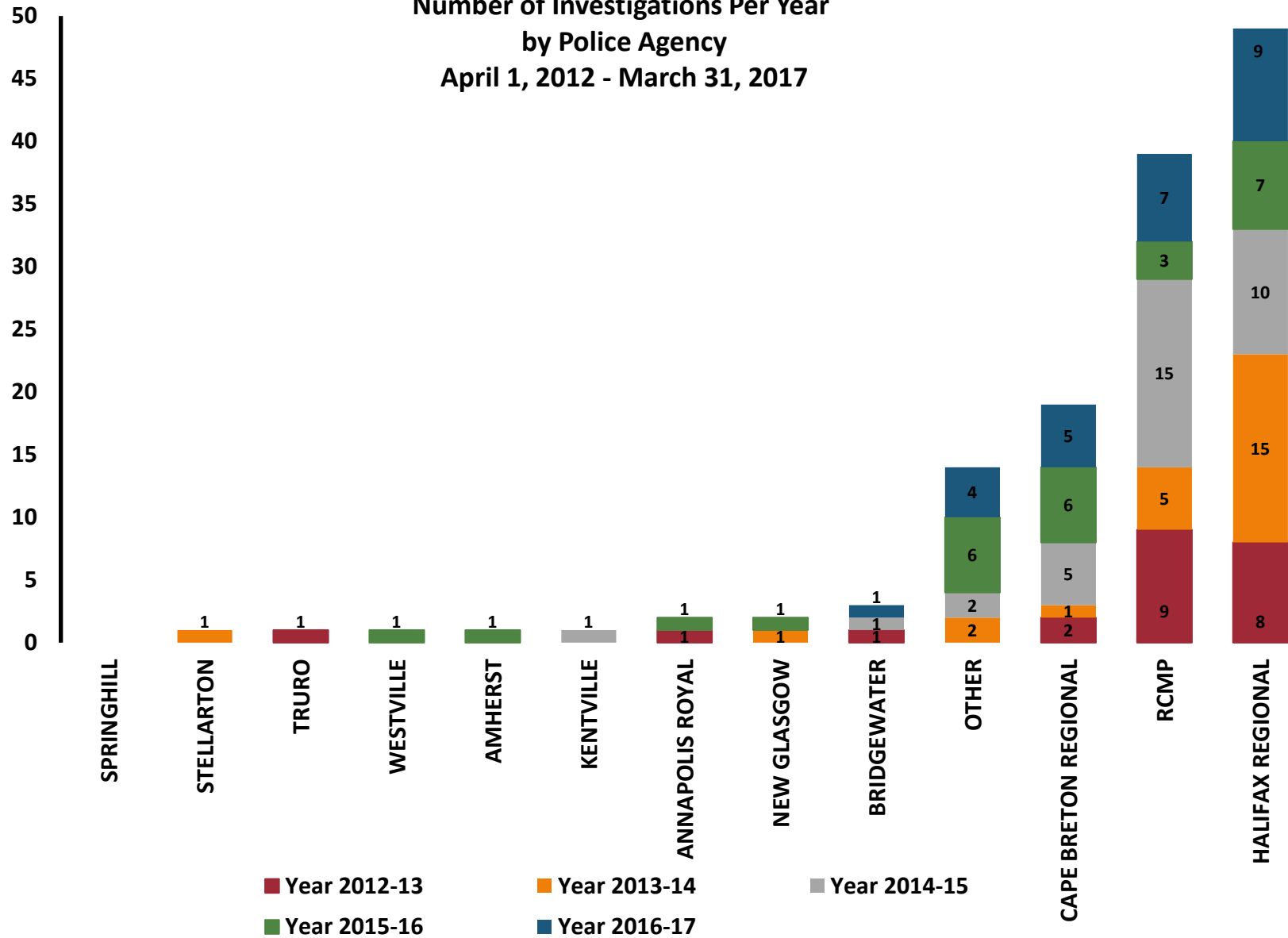
**Investigations with Charges
by Police Agency
April 1, 2012 - March 31, 2017**



**Total Number of Investigations
by Policy Agency
April 1, 2012 - March 31, 2017**



**Number of Investigations Per Year
by Police Agency
April 1, 2012 - March 31, 2017**



SiRT Team Goals 2016-2017

Issue	Desired Outcome	How to get there	Outcomes/Updates
Police Supervisors and Front Line Personnel need SiRT resource materials	<ol style="list-style-type: none"> 1. Police Supervisors will understand when and how to contact SiRT in a timely manner regarding cases involving a possible Serious Incident. 2. Front Line police will be able to identify situations that may involve a Serious Incident and require notification of their supervisor 	<ol style="list-style-type: none"> 1. Develop training material for Police management and Front Line personnel that explains SiRT's mandate, the definition of Serious Incident, and gives practical advice about the steps to take whenever a serious incident may have occurred. 	Although some material was developed, SiRT's workload prevented completion of this goal in 2017.
Enhancement of Public's understanding of SiRT, its mandate, and processes	<ol style="list-style-type: none"> 1. Public will understand the mandate of SiRT and how it carries out its role. 2. Public will understand the distinction between SiRT and the Office of the Police Complaints Commissioner. 	<ol style="list-style-type: none"> 1. Develop overall communications strategy. 2. Implement communication enhancements on website. 3. Develop and distribute hardcopy SiRT flyer for public education. 	Some aspects of the required work is complete.
Develop a more comprehensive policy regarding secondment of police resources	<ol style="list-style-type: none"> 1. Seconded resources will remain available to SiRT in an effective and timely manner. 2. These resources will be delivered in a way that ensures actual and apparent independence. 	<ol style="list-style-type: none"> 1. Meet with Police agencies to review how seconded resources are provided. 2. Develop amendments to MOUs to enhance actual and apparent independence where deemed necessary. 	Meeting and agreements have been reached with police agencies on these matters.
SiRT Policy Manual	<ol style="list-style-type: none"> 1. SiRT will have a complete policy manual outlining policy and practices on all issues relevant to the operation and administration of SiRT 		Completed.
SiRT investigators need ongoing training	<ol style="list-style-type: none"> 1. SiRT investigators will receive regular training opportunities. 	<ol style="list-style-type: none"> 1. Work to identify appropriate training for SiRT investigators. 2. Training will be provided on regular basis. 	Investigators attended the annual CACOLE meeting in St. John's, taking part in the agencies education conference

Note: Goals for the upcoming year have not been set due to the change of Director.



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