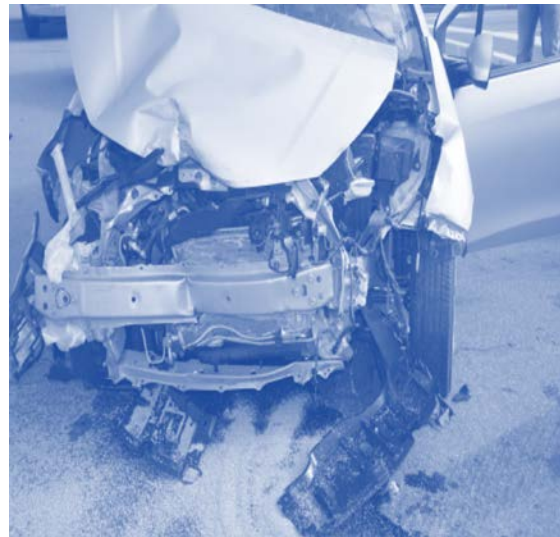


Serious Incident Response Team

TRUST ♦ INTEGRITY
CONFIDENCE ♦ INDEPENDENCE

Annual Report 2017-2018



April 30, 2020

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 sixth annual report of the Nova Scotia Serious Incident Response Team. This report is mandated by Section 26N of the *Police Act*.

Extenuating circumstances during 2017-2018 and in the two years since delayed the preparation of this report. This report covers SiRT operations from April 1, 2017 to March 31, 2018.

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*.

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,



Pat Curran
Interim Director

Mission Statement

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.

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Executive Summary

This is the Sixth Annual Report of the Nova Scotia Serious Incident Response Team (“SiRT”). This report provides an overview of the organization and a summary of the various investigations conducted by the Team.

During the year, SiRT experienced a leadership change with the departure of Ron MacDonald. John Scott, a former Crown Attorney with the Public Prosecution Service of Nova Scotia, took on the role of Interim Director until a permanent replacement was found. In March 2018, retired Supreme Court Justice Felix Cacchione was appointed as the new Director of SiRT.

Between April 1, 2017 and March 31, 2018, SiRT conducted 18 investigations in Nova Scotia and five additional serious incidents within Atlantic Canada. The nature of these investigations included allegations of sexual assault, an officer involved shooting, assault, and domestic violence, to name a few.

Year to year, the number of investigations has remained fairly steady. This year, SiRT saw a slight decrease in investigations (23 vs. 26) compared to last year and referrals received from the police were also down by approximately 12%. This indicates a better understanding of our mandate by law enforcement. Review files, files that require some investigation to determine if the matter

meets the mandate of SiRT, remained the same at 11.

Of the 23 investigations started by SiRT in 2017-2018, five were not completed within the fiscal year. This was due in large part to waiting for information from subject matter experts, delays in receiving third party reports, as well as the date on which the investigation commenced. The average length of time from the opening of a file to the filing of the Director’s Summary of Investigation report for files closed was 129.5 days.

It appears the public recognizes the important work of SiRT and continues to have confidence in the organization. SiRT received 26 public referrals this fiscal year. Although many of those referrals did not meet the mandate of SiRT, the affected party’s concerns were not dismissed, but redirected to a more appropriate agency.

About SiRT

The Serious Incident Response Team (“SiRT”) was established under the *Police Act* and became operational in April 2012. Under Section 26A of the *Act*, the Serious Incident Response Team provides oversight of policing by providing independent investigation of serious incidents involving police in the Province.

Under Section 26I(1), SiRT must be notified by municipal police agencies and/or the RCMP of any incident that may have occurred in which the actions of a police officer may have resulted in the death, serious injury or sexual assault of any person.

SiRT is a civilian agency which operates independently of all law enforcement agencies in the province of Nova Scotia. It is lead by a Civilian Director appointed by the Governor in Council; the director cannot be a current or former police officer.

The Team

The Team is relatively small compared to other investigative units across the country. The Team consists of six members including the civilian director, two civilian investigators (former police officers), two seconded officers – one from Halifax Regional Police and one from the Royal Canadian Mounted Police (RCMP) and one administrative assistant.

Staff

Felix Cacchione – Director

Keith Stothart – Civilian Investigator

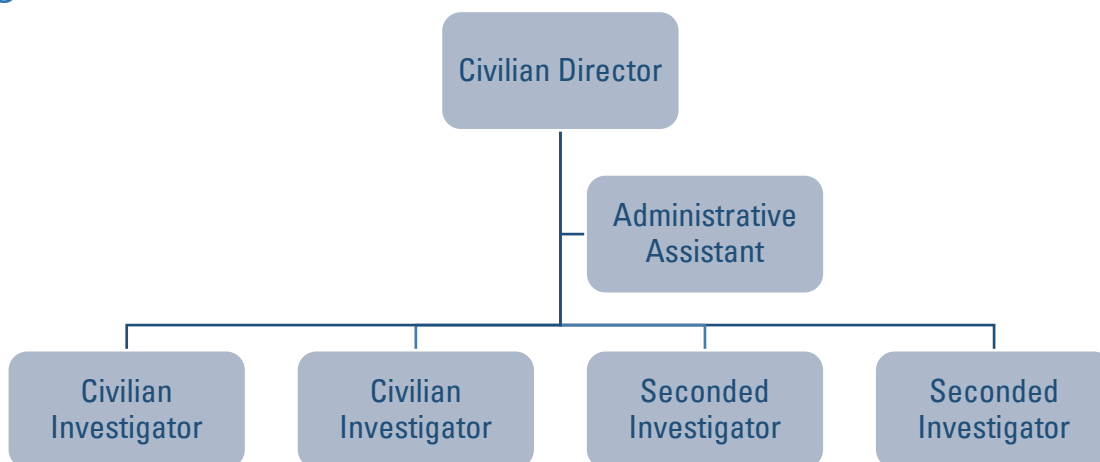
Terry Balleine – Civilian Investigator

S/Sgt. Kevin Smith – Seconded Officer – Halifax Regional Police

Sgt. Gord Vail – Seconded Officer – RCMP

Joanne Fisk – Administrative Assistant

Organizational Chart



Mandate

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;
- an injury that results in admission to hospital.

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. If a charge is laid, so as not to affect the right to a fair trial of the accused, the Director's summary will not discuss the facts of the matter in great detail.

The Investigation 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 the mandate of SiRT.

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;
- obtaining police radio communications;
- having forensic examinations 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? Within three months, after the end of an investigation, the Director 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. If a charge is laid, the Director may provide a supplemental summary at the conclusion of the prosecution.

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.

Statistically Speaking

During the 2017-2018 fiscal year, the Serious Incident Response Team (SiRT) opened 34 files including five outside of Nova Scotia. Of those 34 files, 23 became investigations while the remaining 11 were classified as review files*.

Investigations

Number of investigations	23
Number of review files	11
Number of charges laid	6

Charges laid include:

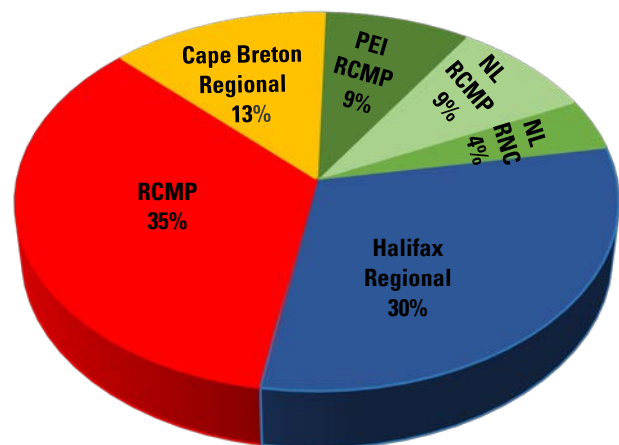
- Sexual Exploitation (s.153 (1)(a)(b) CC)
- Sexual Assault (s. 271 CC)
- Causing Death by Criminal Negligence (s. 220 CC)
- Fail to Stop at Red Light (s. 93(2) MVA)
- Assault (s. 266 CC)

The investigations conducted outside of Nova Scotia included two on Prince Edward Island and three in Newfoundland. Those investigations were at the request of the respective provincial governments.

*A review file is one where some preliminary investigation is conducted to determine if the matter meets the mandate of SiRT as defined by the *Police Act of Nova Scotia*

In 2017-2018 SiRT conducted 18 investigations in Nova Scotia, 2 investigations on Prince Edward Island and 3 in Newfoundland and Labrador. The investigations involved the following police agencies: Halifax Regional Police, Cape Breton Regional Police, RCMP, and Royal Newfoundland Constabulary (RNC).

**Percentage of Investigations by Police Agency
2017-2018**



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

Investigations by Police Agency

The Serious Incident Response Team tracks the various types of investigations it conducts, and the police agency involved.

The table below lists the types of investigations conducted, the police agency of the subject officer being investigated, as well as the total number of investigations for each police agency

Number & Types of Investigations by Police Agency 2017-2018

		HRP	RCMP NS	CBRPS	RCMP PEI	RCMP NL	RNC NL
Types of Investigations	Assault	2	-	-	1	-	-
	Death (Other)	-	-	1	-	-	-
	Domestic Violence	-	1	1	-	-	-
	Foot Pursuit (Injury)	1	1	-	-	-	-
	Injury During Arrest	-	2	-	-	-	-
	Medical Issue in Custody	-	1	-	-	-	-
	Motor Vehicle Collision (Injury)	1	-	-	-	-	-
	Motor Vehicle Pursuit (Death)	-	1	-	-	-	-
	Motor Vehicle Pursuit (Injury)	-	1	1	-	-	-
	Oversight	-	-	-	-	1	1
	Police Shooting (Injury)	-	1	-	1	-	-
	Sexual Assault	3	-	-	-	1	-
	Total Investigations Per Police Agency	7	8	3	2	2	1

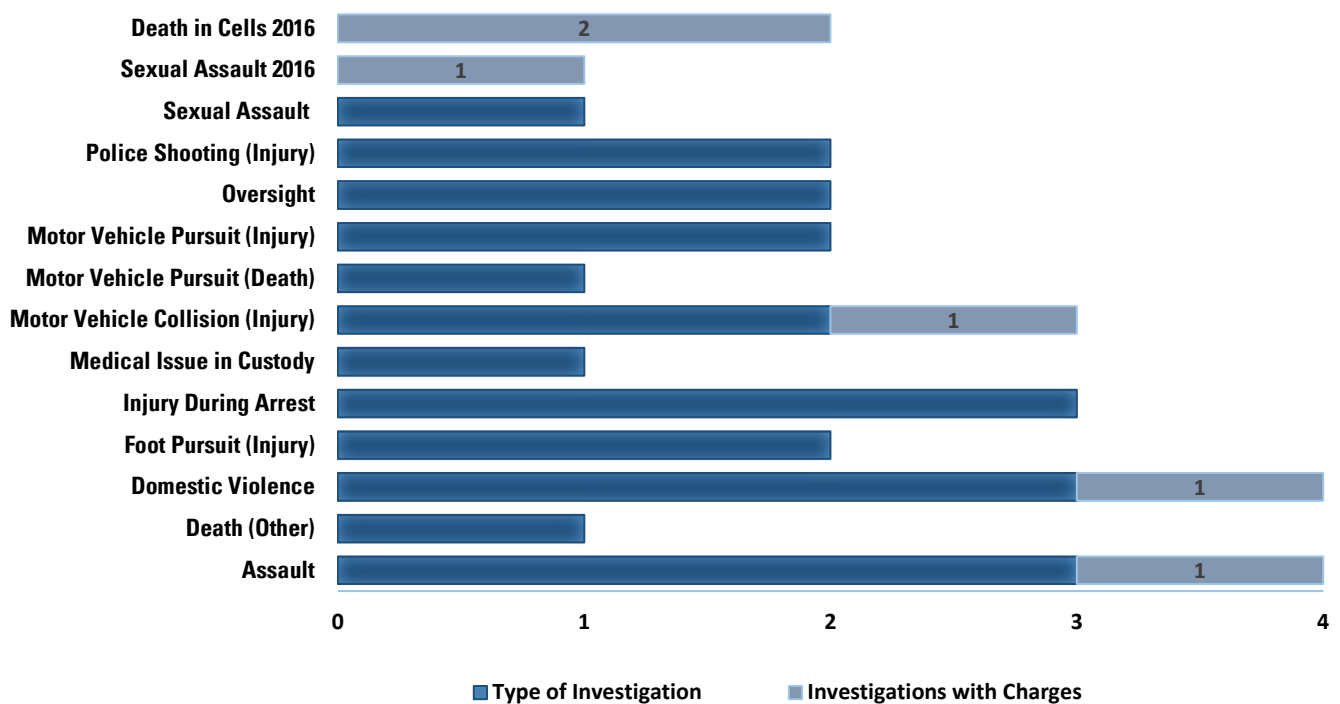
HRP	Halifax Regional Police
RCMP NS	Royal Canadian Mounted Police Nova Scotia
CBRPS	Cape Breton Regional Police Services
RCMP PEI	Royal Canadian Mounted Police Prince Edward Island
RCMP NL	Royal Canadian Mounted Police Newfoundland & Labrador
RNC NL	Royal Newfoundland Constabulary Newfoundland & Labrador

Investigations with Charges

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.

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. In 2017-2018, a total of 6 charges were laid. Three of those charges related to investigations that started in 2016-2017 fiscal year.

Types of Investigations and Investigations with Charges 2017-2018



*Investigations started in 2016, charges not laid until 2017

Affected Persons

Affected Persons (APs) are individuals who are directly involved in an occurrence investigated by SiRT as a result of interactions with police. The AP may have sustained a serious injury

such as a broken bone, died, are alleging that they had been sexually assaulted or involved in domestic violence. There may be more than one AP in a SiRT investigation.

Number of Male and Female Affected Persons by Type of Investigation 2017-2018

Type of Investigation	Male	Female
Assault	3	-
Death (Other)	1	-
Domestic Violence	-	2
Foot Pursuit (Injury)	1	1
Injury During Arrest	2	-
Medical Issue in Custody	1	-
Motor Vehicle Collision (Injury)	-	1
Motor Vehicle Pursuit (Death)	1	-
Motor Vehicle Pursuit (Injury)	1	1
Oversight	1	1
Police Shooting (Injury)	2	-
Sexual Assault	-	4
Totals	13	10

Referrals

SiRT receives referrals from police agencies, as well as members of the public. If it can be determined at the time a referral is received it does not meet the mandate of SiRT, it does not proceed beyond the intake stage.

Number of Referrals Received from Police Agencies in 2017-2018 that did not meet the SiRT Mandate.

Police Agency	Number of Referrals
Amherst Police Services	2
Bridgewater Police Services	1
Cape Breton Regional Police	2
Halifax Regional Police	4
RCMP	8
Stellarton Police	1
Truro Police	2
Totals	20

Number of Referrals Received from the Public in 2017-2018 that did not meet the SiRT Mandate.

Month of Referral	Number of Referrals by Males	Number of Referrals by Females
April	-	-
May	-	1
June	5	2
July	-	2
August	1	2
September	2	2
October	-	-
November	3	-
December	-	1
January	-	-
February	1	1
March	1	2
Totals	13	13



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