

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

Summary of Investigation  
SiRT File # 2020-037  
Referral from  
RCMP  
October 10, 2020

Felix Cacchione  
Director  
November 10, 2020

The RCMP referred this file, involving an alleged incident of domestic violence by one of its members, to SiRT on October 10, 2020. The investigation began that day and was completed on November 3, 2020.

The following evidence was obtained, reviewed and considered in the preparation of this report: Halifax Regional Police General Occurrence report dated October 10, 2020, call history, the AP's audio/video recorded statement taken on October 10, 2020 by the RCMP, the AP's audio recorded statement to the SiRT investigator taken on October 20, 2020, photographs of the AP's injuries, the audio/video statement of a civilian witness (CW1) taken by the RCMP on October 10, 2020, photographs of CW1, a verbal statement made by another civilian witness (CW2) present at the scene of the incident, reports and notes of three witness officers (WOs) who attended the scene, audio recordings of calls made to 911 by the AP, photographs of the scene taken on October 20, 2020, audio/video footage taken by a security camera located outside the front door of the residence and a description of events provided by the SO's counsel to SiRT.

**Facts:**

The SO and AP had been seeing each other for a couple of months. On the evening of October 9, 2020 they attended a social gathering at the home of CW1 where they consumed some food and alcoholic beverages. Later that evening the SO returned alone to their nearby residence. The AP remained at the gathering and consumed more alcoholic beverages. Several hours after the SO's departure, the AP was driven to the SO's residence by a CW1. The AP was, at this point, visibly intoxicated. The AP argued with the SO about the SO's reason for leaving the gathering. The SO repeatedly told the AP to leave the residence, but the AP would not. Voices were raised during this verbal argument. CW2, the SO's offspring who was also in the residence, also unsuccessfully kept telling the AP to leave. The SO pushed the AP once to get them out of the house. The AP did not leave but continued arguing with the SO. CW2 then called CW1 for assistance in removing the AP from the residence.

Prior to the arrival of CW1, the AP called 911 and told the operator that that they had been attacked by the SO. The AP stated that they had been pushed to the ground where they struck their head on a coffee table and lost consciousness. The AP also stated that the SO was nearby right beside them and that they were perfectly comfortable staying there with the SO and CW2 until the police arrived. The police response was somewhat delayed by the priority of other calls. The AP remained in the residence until the arrival of CW1. CW1 tried to convince the AP to leave the residence but the AP would not except for one occasion when the AP went outside to have a cigarette and then returned. A struggle between the AP and CW1 occurred near the main entrance when CW1 attempted to get AP out of the house. During this struggle both CW1 and the AP fell into a closet. CW1 landed on top of the AP and CW1's head struck the AP. A shelf at ground level in the closet broke when the AP's head struck it. The AP suffered a small cut on the bridge of their nose, a bloody nose, minor facial abrasions, and a bump at the rear of their head.

The AP was not only intoxicated by alcohol that evening but was also under the influence of several antianxiety medications when the call to 911 was made and the audio/video recorded statement, taken shortly after the incident, was given to the police. The AP spoke to the SiRT investigator on October 13 and 19 and provided an audiotaped statement on October 20. The AP advised that the antianxiety medications alone cause them to have memory loss and that the combination of alcohol and antianxiety medications cause them to be confused. The AP stated that upon reflecting on the events of that evening they concluded that there was no physical incident between them and the SO.

Photographs of the scene taken by the police shortly after their arrival show the residence to be tidy and in good order except for a broken shelf in the entrance area closet. Photographs of the area where the coffee table was situated do not depict any evidence of the coffee table being marked or moved as a result of being struck. The items on top of the coffee table are not disturbed and the area shows no signs of a disturbance.

**Legal issue:**

Did the SO assault the AP?

An assault is the intentional touching of another person without their consent.

**Conclusion:**

The totality of evidence establishes that the SO did not assault the AP as they described it to the 911 operator and the police on October 10, 2020. The SO did not trip the AP and the AP's head did not strike a coffee table. The AP did have an altercation which caused some minor injuries, but that altercation was not with the SO. The AP's recollection of events which occurred in the early morning hours of October 20, 2020, as recounted to the police that day, was affected by the consumption of alcohol and medications. The AP's recollection is unreliable.

Accordingly, there is no basis to conclude that the SO committed a criminal offence and therefore no charges are warranted against the SO.