



Summary of Investigation

SiRT File # 2024-083

Referral from

RCMP “J” Division

November 21, 2024

Erin E. Nauss

Director

September 22, 2025

SiRT MANDATE

The Serious Incident Response Team (“SiRT”) has a mandate under the Nova Scotia *Police Act*, and through agreement, under the New Brunswick *Police Act*, to investigate or take other steps related to all matters that involve death, serious injury, sexual assault, intimate partner violence or other matters determined to be of a public interest to be investigated that may have arisen from the actions of any police officer in Nova Scotia or New Brunswick. This mandate encompasses incidents that occur on or off-duty, to avoid the real or perceived bias of police investigating police.

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

In drafting the public summary report, I must also consider whether any privacy interests exist. Furthermore, I am mindful of the sensitivities and challenges related to reporting alleged incidents of sexual assault. Sexual assaults are generally under reported, and the release of detailed information or the fear of not being believed may prevent a person from reporting. These sensitivities have been considered when summarizing the evidence in this report. The Affected Party and the Subject Officer have a privacy interest in the evidence gathered as part of this investigation. Their privacy interests outweigh the public interest in having the entirety of the evidence published. As such, I have omitted certain details and information from the report.

Mandate invoked: This investigation was authorized under Section 24.6 of the New Brunswick *Police Act* due to the allegation of sexual assault.

Timeline & delays: The SiRT investigation started on November 21, 2024, and concluded on August 28, 2025. There were delays in obtaining a statement from the Subject Officer and liaison with his counsel.

Terminology: This summary uses the following language in accordance with regulations made under the *Police Act* and to protect the privacy of those involved:

“Affected Party/AP”: means the person who died or was seriously injured in relation to a serious incident.

“Civilian Witness/CW”: means any non-police individual who is a witness to, was present at or has material information related to a serious incident.

“Witness Officer/WO”: means any police officer who is a witness to, was present at or has material information related to a serious incident.

“Subject Officer/SO”: means the police officer who is the subject of an investigation or whose actions may have resulted in a serious incident

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

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| 1. Affected Party Statement | 6. Electronic Communications |
| 2. Affected Party’s Medical Records | 7. Photographs |
| 3. Civilian Witness Statements (2) | 8. Subject Officer’s Polygraph |
| 4. Subject Officer Statement | Interview and Results |
| 5. Subject Officer Medical Records | |

INCIDENT SUMMARY

On November 20, 2024, the Affected Party (“AP”) contacted the New Brunswick RCMP to report she was sexually assaulted by the Subject Officer (“SO”) in October 2023. The RCMP referred the file to SiRT on November 21, 2024, and an investigation started that day. The AP and the SO met online in 2023 and went on some dates. In the Fall of 2023, the AP attended the SO’s apartment and sexual activity occurred. The AP stated the sexual activity was not consensual and the SO stated the sexual activity was consensual.

Statement of the AP: The AP provided a statement to the SiRT investigator on November 27, 2024. In that statement she stated she met the SO in September 2023, and they went on a few dates. She stated she picked him up at his apartment on one occasion and then attended his apartment on two other occasions before the alleged sexual assault occurred. She stated that a sexual assault occurred in the SO’s apartment in October 2023. Her statement described the details of the incident and what occurred after, including communication with others and the SO.

Statement of the SO: Subject Officers are not required by law to provide their notes or reports or attend an interview. The SO consented to provide a statement to the SiRT investigator on February 16, 2025. In that statement he said he met the AP online in May 2023 and they met up in person

in September 2023. They went on a couple of dates, which included coffee and chatting. The SO stated the AP picked him up for one of the dates. He stated she attended his apartment on September 15, 2023, and that this was the date when they had sex. He provided a screenshot of a message sending the AP his address. The SO stated the sexual activity was consensual. He provided details to the SiRT investigator about the incident and what happened after the fact.

Statements of Civilian Witnesses: Two civilian witnesses were interviewed by the SiRT investigator. Civilian Witness #1 (“CW1”) was a friend of the AP who stated the AP confided in her following the incident. He recalled having conversations with the AP in October and November 2023. Messages between the AP and CW1 were obtained to confirm they were talking about the incident in early October. Civilian Witness #2 (“CW2”) provided a statement saying the AP contacted her shortly after the incident and disclosed details. She recalled that happening in September 2023.

Medical Records: Medical records were obtained from the AP and the SO. These records assisted with establishing a timeline for the incident and corroborated details provided by the AP and the SO.

Documents provided by the SO: The SO provided screenshots of messages between the AP and SO. These messages were sent/received on snapchat and through text message. The SO also provided photographs of his mattress.

Polygraph: The SO agreed to complete a polygraph. The polygraph focussed on a discrepancy between the statements of the SO and the AP respecting a detail of the encounter. The SO passed the polygraph, meaning his response was deemed truthful.

LEGAL ISSUES & ANALYSIS

I must now assess the evidence to determine whether there are reasonable and probable grounds to believe the criminal offence of sexual assault, pursuant to s. 271 of the *Criminal Code* has been committed. Reasonable and probable grounds is a standard lower than a balance of probabilities or beyond a reasonable doubt, and more than reasonable suspicion. It also requires that the grounds be justifiable from an objective point of view. In other words, a reasonable person must be able to find that grounds exist. In determining whether there are reasonable and probable grounds to lay a charge, all the evidence gathered must be considered.

I am mindful that the results of a polygraph would not be admissible in a criminal trial, however the statements made by the SO may be admissible. The polygraph test is one piece of the evidence

to be considered. I will also note the AP was not offered a polygraph. It is not considered best practice and is against trauma-informed interview techniques to polygraph alleged victims of sexual assault.

The incident under investigation occurred in private and the AP and SO are the only two who can provide evidence to what occurred. Their credibility and reliability are central to the investigation. In determining an individual's credibility, you must examine all internal and external corroborating and refuting evidence. Minor inconsistencies are normal and expected, as we cannot expect a person to have perfect memory of every detail, especially providing statements more than a year after the incident.

In assessing the statements given by the AP and SO in isolation, both appear to be credible. Both parties were cooperative and forthcoming. However, the evidence as a whole does not establish the reasonable and probable grounds to believe the Subject Officer committed a criminal offence.

CONCLUSION

My review of the evidence indicates there are no reasonable grounds to believe the Subject Officer committed a criminal offence.