

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2023-010

RCMP

New Brunswick

February 24, 2023

Erin E. Nauss  
Interim Director  
January 10, 2024

## **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 intimate partner violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia. Through agreement and the New Brunswick *Police Act*, the SiRT is authorized to review this matter in New Brunswick.

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.

In cases like this one where charges were laid, and since the matters are currently before the courts, in accordance with SiRT policy, this report will not discuss the facts of that matter in detail. To do otherwise might compromise the fair trial interests of the accused.

## **INCIDENT SUMMARY**

On February 24<sup>th</sup>, 2023, the North East District of the RCMP “J” Division referred a matter to the SiRT regarding an incident alleged to have taken place on May 16-17, 2022, by an off-duty member of the RCMP.

As a result of the allegations, the SiRT commenced an investigation. The investigation was completed on October 11<sup>th</sup>, 2023. The investigation found that on May 16-17, 2022, the Affected Party (“AP”) attended the residence of the Subject Officer, Constable Vincent Pageau, and that he committed sexual assault.

In the course of the investigation Mr. Pageau, the AP and five civilian witnesses were interviewed.

## **LEGAL ISSUES**

A sexual assault consists of an assault within any of its definitions in the *Criminal Code* that is sexual in nature and violates the sexual integrity of the victim.

### Assault

265 (1) A person commits an assault when

(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly.

(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or

(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

#### Application

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

#### Sexual assault

271 Everyone who commits a sexual assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

#### **CONCLUSION**

After a review of the evidence, the investigation led to the conclusion that there were sufficient grounds to lay charges. On January 8, 2024, a charge of sexual assault was laid against Vincent Pageau.