

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2024-088

Referral from

RCMP “J” Division

December 3, 2024

Erin E. Nauss  
Director  
April 24, 2025

## **MANDATE OF THE SiRT**

The Serious Incident Response Team (“SiRT”) has a mandate to investigate all matters that involve death, serious injury, sexual assault, and 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 and New Brunswick.

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 will issue a public summary of the investigation which outlines the reasons for that decision, which must include 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.

**Mandate invoked:** This investigation was authorized under 24.6 of the New Brunswick *Police Act* in the public interest.

**Timeline & Delays:** SiRT commenced its investigation on December 3, 2024. The investigation concluded on March 10, 2025. There was some delay due to the inability of the Affected Party to provide records.

**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 or has material information relating to a serious incident.
- “**Witness Officer/WO**” means any police officer who is a witness to or has material information relating to a serious incident.
- “**Subject Officer/SO**” means a 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:

1. Affected Party Statement
2. Correspondence from Witness Officer
3. Civilian Witness Statement
4. Police Records and Exhibit Ledger

### **INVESTIGATION SUMMARY**

On July 27, 2023, the RCMP executed a search warrant at the Affected Party's (AP) residence in Rosedale, NB, and seized a firearm and money in the form of cash, along with other evidence. The AP and his common law partner were charged with firearms offences. One of the officers involved in the file, the Subject Officer ("SO") was the exhibit custodian (*Director's note: an exhibit custodian is a police officer who is responsible for the administration, management, storage, documentation, security and disposal of evidence*).

The SO was charged in Fall 2024 with multiple criminal offences. These charges were related to other criminal investigations. As a result, the firearms charges involving the AP and his partner were dropped due to the SO's involvement as exhibit custodian.

On November 28, 2024, the AP contacted the RCMP to retrieve the items seized during the July 27, 2023, search. He was advised that \$120 cash was seized and would be returned. The AP stated that \$1200 was seized. As a result of the allegation, the RCMP contacted SiRT on December 3, 2024.

#### **Affected Party ("AP")**

SiRT interviewed the AP on January 15, 2025. He stated that the amount of cash seized by police on July 27, 2023, was \$1200. The AP stated he had cashed a family cheque or assistance cheque the night before and had won big in an online betting win. The AP was not sure what else was seized and taken by police, but he was told it would be returned to him once the money issue was resolved.

The AP stated that he and his partner always cash their cheques and take the money out of the bank. He stated he would attempt to get bank records to show the deposit/withdrawal. He also stated that his online betting win was done under his ex-girlfriend's name, and that he would get the records from her. No evidence was provided by the AP or uncovered to substantiate the claim that a greater amount of money was seized than what was recorded by the RCMP. The SiRT

investigator explained to the AP the importance of providing a record(s), and nothing was provided.

Civilian Witness

SiRT interviewed the AP's common law partner, who was also in attendance during the police search in July 2023. She stated they had money on the AP's side of the bed, and that it would have been \$1200, which is the amount of the child tax benefit, which they had withdrawn the night before and did not spend. She stated the funds get directly deposited into her account.

Police Records

There is a record of the money seized by the SO in the police exhibit ledger which indicates that \$120 was seized. The SO did not follow policy and take photos of the money seized or where it was seized. The SO did not document whether the money was counted with another member in accordance with policy.

Witness Officer

An officer who was present the night of the search communicated with SiRT by email. He wrote that he recalls cash by the side of the bed that was seized. He found the cash, but did not photograph it or move it, so the exhibit officer (the SO) could photograph and process it in its original state. He wrote that "it was a small amount of loose cash; no more than \$200 I would safely say." The officer's police report states that he noted a small amount of Canadian Currency in the drawer of the nightstand on the left side of the bed.

Subject Officer

Subject Officers are not required by law to provide their notes to SiRT or attend an interview. The SO did not provide his notes or attend an interview.

**CONCLUSION**

There is insufficient evidence to determine whether a theft or other offence has been committed. The AP has stated there was more money in his residence than what was returned by the RCMP. A witness officer, who was present during the search, recalled seeing cash of not more than \$200. The AP was unable to recall the exact amount of money he had in the house and did not provide any financial documents to confirm an amount. Even if the AP was able to prove the amount of cash in the residence, there is no evidence of who would have taken the money. There were multiple officers inside the residence during the arrest and search. Although the SO failed to follow policy in handling the exhibits, this is not evidence to establish he committed a criminal offence. There is no basis upon which to conclude a criminal offence has occurred.