

FINAL REPORT: IIU investigation into domestic assault and unauthorized access to computer data concludes

On July 23, 2021, at 8:20 a.m., the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an allegation of a domestic assault and unauthorized access to computer data that arose on July 21.

An excerpt of the written version of this notification read, in part:

“On July 21st, 2021, RCMP received a complaint from the Affected Person (AP), the ex common law of the subject officer (SO). They are currently going through a separation and she advised that she has been receiving harassing emails from SO...AP stated that she was in a relationship with SO for approximately seven years, the relationship started to deteriorate in 2019 ... In August 2019, AP advised that they got into a heated argument and she had thrown a pillow at him. SO grabbed her and pinned her against the dresser. AP stated that she kicked him in the groin and he let her go. She sustained some minor scrapes, was sore the next day and confirmed she never reported this incident to the police... In the fall of 2020, AP moved out of the house she shared with SO... into a new rental... On July 12th, AP obtained new plates for her vehicle... Two days later, SO emailed her with her licence plate information and knew her new address. AP stated that she is concerned that SO used his position as a police officer to query her licence plate through the Canadian Police Information Center (CPIC) or Manitoba Public Insurance Corporation (MPIC)...”

As the allegations in the notification are discretionary matters pursuant to the provisions of The Police Services Act (PSA), the civilian director determined that it was in the public interest for an independent investigation to be undertaken by IIU. Accordingly, pursuant to s. 75 of the PSA, IIU assumed conduct of this matter and commenced an investigation. IIU investigators were assigned to this investigation.

Additional information obtained and reviewed by IIU investigators included:

- occurrence summary report
- copies of emails between AP and SO
- copies of text messages between AP and SO

IIU investigators met with and interviewed AP and SO. IIU investigators conducted audits of access to CPIC and MPIC computer systems to ascertain whether AP’s license plate information was subject to any access, authorized or otherwise.

Interview of AP

AP stated that her seven year relationship with SO was deteriorating by June 2020. AP stated that several attempts to reconcile were not successful and resulted in her moving out of their joint residence and into a new location on July 15, 2021. Just prior to moving, AP stated that she changed her vehicle registration to the new address and obtained a new licence plate. AP stated that she did not share the new address or plate number with anyone as she did not want SO to know where she was living. AP stated that on July 19th, she received an email from SO where he made reference to her new licence plate and that he is going to "*drop off*" some of her stuff at her new residence. AP stated that she surmised that SO had either accessed CPIC or MPIC systems or, alternatively, had someone else do it for him, to get this information particularly as she did not share her new plate number or address with anyone.

During the interview, AP was asked about the alleged assault that was reported to the IIU. AP stated that it happened sometime in 2019 (with no further information on a date or time) and was an incident where she "*threw a pillow*" at SO as they were having an argument. When she tried to leave the room, SO quickly grabbed her arm and pinned her to a wall. In response, AP stated she "*kneed him...*" SO let her go and that was the end of the incident. AP stated that she does not believe this was an assault nor was she the victim of an assault as this was a mutual and consensual act by both parties and where she struck SO as well. AP stated that she mentioned this incident to the RCMP but did not think it should have been reported to the IIU. AP stated that she is not concerned about this incident. AP stated that her primary concern was her belief that SO may have accessed systems in order to find her and her licence plate.

Interview of Subject Officer

Pursuant to the provisions of the PSA, a subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this case, the subject officer agreed to attend for an interview with IIU investigators. SO was given a Legal Caution in relation to statements by IIU investigators. SO confirmed that he was participating in the interview on a voluntary basis and that he did not wish to have legal counsel present. SO was informed of the allegations against him, namely that he assaulted AP sometime in 2019 and that he accessed restricted police databases to obtain her vehicle registration and address. SO stated that he has never been "*physical*" or has assaulted AP at anytime during their relationship. SO stated that he does not recall any incident where a pillow was thrown at him, that he pinned AP to the wall or was kicked by her.

Furthermore, SO denied that he has ever accessed AP's licencing and address information and states that he has never used restricted databases for his personal use. SO stated that he would never ask anyone to do it for him. SO stated that he had recently seen AP's vehicle parked on a street and noted that the license plate number had changed. SO stated that he also surmised that AP had moved to a location that she had referenced several times on previous occasions. SO stated that it was a guess on his part that AP had moved to her new residence when he emailed her in July 2021. SO stated that he had sent several emails and texts to AP during their breakup but as time has passed, he realizes that the breakup is now for the best.

CPIC Audit

As part of this investigation, IIU investigators requested an audit of CPIC for any query history of licence plate information and personal information for AP. The audit was requested for the time period of August 1, 2019 to the present day. An audit was conducted and results were forwarded to IIU investigators. The results were negative for any CPIC queries of either licence plate and vehicle information and for any personal queries for AP. All aliases were included in the query (maiden names, married names etc.).

Manitoba Public Insurance Audit

As part of this investigation, IIU investigators requested an audit of MPIC for any query history of licence plate information and personal information for AP. The audit request was to check all systems capable of access by the RCMP, as well as all systems accessed by individuals outside of law enforcement (for example, insurance agencies). The query request included any plate queries of AP's present and former license plate numbers. An audit was conducted and the results were forwarded to IIU investigators. The report was negative for any queries from RCMP computers or any other sources, save from the insurance agency that was involved in the issuance of AP's new plates on July 12.

Conclusion

Following the review of this investigation, the following conclusions have been reached:

1. There is insufficient evidence to support any finding that reasonable grounds exist in respect to an allegation of assault from 2019; and
2. IIU investigators have established that no one, including SO or anyone on behalf of SO, has accessed any computer system or obtained any computer data that would disclose either AP's current license plate number or address.

There are no grounds or evidence to support any charge against SO. Accordingly, IIU has completed its investigation and this file is closed.

Final report prepared by:
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Independent Investigation Unit
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