

DECISION

File No. PC-23-0193

NOVA SCOTIA POLICE REVIEW BOARD

IN THE MATTER OF:

The *Police Act*, Chapter 31 of the *Acts* of 2004 and
the Regulations made pursuant thereto

-and-

IN THE MATTER OF:

An appeal filed by **Danette Varner**, Complainant
against **Sgt. Michael Carter** of **Halifax Regional
Police**, requesting a review of a decision made by
Inspector Ron Legere dated March 21st, 2024.

BEFORE:

Jean McKenna, Chair
Hon. Simon J. MacDonald, Vice-Chair
Kimberly Ross, Board Member

COUNSEL:

Danette Varner, Self-Represented
Brian Bailey, Counsel for Sgt. Michael
Carter
Andrew Gough, Counsel for Halifax Regional
Police

HEARING DATE:

May 26th – 28th, 2024

DECISION DATE:

July 7th, 2025

[1] This is the complaint of Danette Varner against Sergeant Michael Carter a member of Halifax Regional Police. Ms. Varner is a resident of Upper Onslow, Nova Scotia. She testified at the hearing, and much of her direct evidence was given through reading her Form 5 complaint.

[2] She was self-represented and was clearly very nervous. However, she was articulate and thorough in her presentation.

[3] Sgt. Michael Carter was the only other witness.

[4] On November 23rd, 2023, Ms. Varner went to the MicMac Mall in Dartmouth to do some Christmas shopping. At approximately 4:00 PM, she went into “Aeropostale”, a clothing store in the mall. She was looking for clothing for her three sons. One son had mentioned a particular brand and colour of sweatpants and hoodie, and she located a similar pair of sweatpants in the men's section, a size small. She picked out a pair, but thought the size might not work, so she took them with her over to the women's section, thinking that perhaps a men's size might have been mistakenly hung in that section.

[5] As she was searching the clothing, she overheard a staff person loudly complain that someone had “pissed all over” some clothing in the change rooms. Ms. Varner knew nothing of this, as when she entered the store it had apparently already happened, but she felt that this loud comment was rather inappropriate in a store full of customers. She continued her shopping, having not found a size that she was looking for but browsed the store for other items. She then approached a staff member to ask if it was possible that there might be an appropriate size of the sweatpants in stock, but not on display, and was politely told that all that they had was on the floor.

[6] She then asked another salesperson (the salesperson who had made the loud comment about the mess in the change rooms) whether they could hold the pants that she had found and was told in what Ms. Varner described as an angry, intimidating manner, “that was not possible”.

[7] Ms. Varner then returned the pants to the rack in the men's section, and proceeded out of that store, intending to look elsewhere in the mall for the pants that she hoped to purchase. In her Form 5 complaint, she said that once outside, she was approached by three security guards and a police officer (Sgt. Michael Carter, the subject of this complaint). She testified that Sgt. Carter told her that she was suspected by store staff of shoplifting. She said that his voice was loud and intimidating, and says that when she asked for his name, he simply showed her the name tag on his uniform.

[8] Not surprisingly, Ms. Varner felt intimidated, and very upset, as her interaction with police and security took place in the public area of a busy shopping mall. She was “surrounded” by four men, one of whom was wearing a police uniform.

[9] She denies that she was argumentative, but says that she was verbally and visually upset, and disputed the allegation. She testified that she was 'heightened in her emotions’.

[10] Apparently store staff had assumed that she was the one who had left urine-soaked clothing in the change room and put on a pair of their merchandise. No one from the store testified at the hearing, and the only source of information from them is noted in the Form 11 investigation report, some of which was put to her in cross-examination. The staff information cannot be considered as evidence, of what staff had reported to Sgt. Carter, although it does somewhat demonstrate their questionable thought process, and Sgt. Carter’s reason for attending.

[11] In the course of her interactions with Sgt. Carter, Ms. Varner showed him the logo on the pants she was wearing, which were not even a brand sold by Aeropostale. She also noted that she was not wearing clothing which could conceal stolen merchandise, as she had left her outerwear in the car when she went into the mall.

[12] Sgt. Carter appears to have accepted that she was being truthful and at some point, said to her; “It’s not a race thing” or words to that effect. (Ms. Varner is white, Sgt. Carter is African Canadian). He did not arrest her, although she was certainly detained.

[13] She said that Sgt. Carter suggested that she could go back into the store and speak to staff, which she interpreted as a 'direction', however, she later did return to the store, intending to do further shopping and was treated discourteously by store staff, who one would have expected to be profoundly apologetic.

[14] Sgt. Carter testified he has been a member of Halifax Regional Police for 20 years and currently acts as a patrol Sergeant for East Division. At the time of this incident, he was not on HRP duties, but rather was performing “extra duty work”, as security, employed by MicMac Mall. He was wearing his HRP uniform.

[15] He became involved when he was contacted by security staff, who told him that Ms. Varner was suspected of shoplifting by store staff. He apparently spoke to store staff, although there is no evidence from any staff person as to what he was told. He spoke to Ms. Varner and explained why he was involved. He agrees that he asked her for identification, and that when she asked him (repeatedly) for identification, he simply pointed to his uniform name tag. He agrees that he commented to her about it not being a 'race thing', and that this was an attempt to

emphasize with her, letting her know that he himself had been suspected of shoplifting because of his skin colour.

[16] He said that he was contacted by the civilian security guard, who pointed out Ms. Varner (we assume, but didn't have evidence as at that point she had already been detained by security). He then spoke to the store manager, outside of the store. Aside from the Form 11 referencing store staff versions, we don't know what he was told, but apparently, it gave him grounds to at least speak to Ms. Varner.

[17] He testified that Ms. Varner became "argumentative", and repeatedly demanded his name, and he agrees that he directed her to his name tag. He says that he made the comment about race in response to her comment "Do I look like someone who shoplifts?" Sgt. Carter said that he did not raise his voice, rather, he wanted to calm her down. and that he was at all times arms length from her. He says that his job was to get her 'story', and from that he concluded that she had not shoplifted.

[18] He testified that the incident took approximately 5-10 minutes.

[19] The Board completely accepts that this was a highly emotional and upsetting experience for Ms. Varner. She was quite naturally intimidated. She felt, and feels, that Sgt. Carter did not present himself appropriately; she takes issue with his manner. She also expressed concern with the complaint process, even to the point where she sees the attempt to resolve the matter by HRP (which is a statutory requirement) was just a means to "make it go away".

[20] The Board does not interpret her reaction and distress as vindictive. It is simply a reaction to the circumstances as a whole, as a citizen who has had no prior involvement with the police.

[21] Sgt. Carter's dealing with her may have in her eyes seemed abrupt / intimidating. He differs, and the reality is the perception of the two; an officer who has a duty to investigate an allegation, and who cannot go into it favoring one side or the other, and a citizen who for the first time is dealing with police, in response to what we can easily see as a very false and unsupportable allegation in a very public and humiliating setting.

[22] To his credit, Sgt. Carter very quickly determined Ms. Varner's innocence.

[23] Fault in this case very much lies with store staff.

[24] The complaint is dismissed.

Dated in Halifax, Nova Scotia, this 7th day of July, 2025.

ORIGINAL SIGNED

Jean McKenna, Chair
Nova Scotia Police Review Board

ORIGINAL SIGNED

Hon. Simon MacDonald, Vice-Chair
Nova Scotia Police Review Board

ORIGINAL SIGNED

Kimberly Ross, Member
Nova Scotia Police Review Board