



IN THE MATTER OF AN ALTERCATION IN WETASKIWIN RCMP CELLS ON
SEPTEMBER 3, 2020

DECISION OF THE ASSISTANT EXECUTIVE DIRECTOR OF THE ALBERTA
SERIOUS INCIDENT RESPONSE TEAM

Assistant Executive Director:

Matthew Block

ASIRT File Number:

2020-0052(N)

Date of Release:

August 8, 2024

Introduction

On September 4, 2020, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate an altercation the previous day in Wetaskiwin Royal Canadian Mounted Police (RCMP) cells involving the affected person (AP). ASIRT designated one subject officer (SO), with notice to him. ASIRT's investigation is now complete.

ASIRT's Investigation

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed the AP, a commissionaire working in cells, and three police officers including the SO. ASIRT investigators reviewed the cell video, which captured the entire incident.

Circumstances Surrounding the Incident

On September 2, 2020, the AP was arrested and brought to cells in Wetaskiwin. The next day at 12:48 p.m., the SO entered the AP's cell to speak to him about his charges. While doing this, the SO stood near the open cell door. The AP sat on the cell bench directly across from the door.

At 12:51:02 p.m., the AP got up and walked toward the open cell door. The AP told ASIRT investigators that he saw his ex-girlfriend in the hall and wanted to talk to her. The SO said that the AP said he was "outta here." The SO stepped in front of him and pushed him back onto the bench with two hands. The AP immediately got up and pushed the SO back. The SO pushed the AP back down and the AP struggled against him. At that point, the witness officer (WO) stepped into the cell and yelled at the AP.

The AP stood up while struggling with the SO. The AP's hands were in the SO's chest or face area. At 12:52:19 p.m., the SO looked back at the WO. When he looked away, the AP hit the SO's arm away forcefully. The SO stepped in and hit the AP in the face once. The hit was with a fist but more of a pushing motion, which pushed the AP back onto the bench. The AP immediately stood up and punched the SO in the head once. The two then

grappled and fell to the ground at 12:52:23 p.m. The WO then entered and assisted with controlling the AP. As they struggle, the SO can be seen punching the AP. Additional officers then entered the cell and assisted with handcuffing the AP.

The AP said he was not injured. He said he knew he would not be allowed to leave the cell. The SO had soreness on the left side of his head.

Analysis

The AP was a prisoner in cells at the time of this incident. As he said to ASIRT investigators, he was not free to leave through the open door. The SO was required or authorized by law to prevent him from trying to leave. When the AP started to leave, it was reasonable to push him back and, after the AP struck his arm, it was reasonable to escalate to hitting him once. The minor uses of force were proportionate, necessary, and reasonable.

Conclusion

On September 3, 2020, the AP attempted to leave his cell and an altercation with the SO occurred. The minor uses of force in this altercation were justified, and there are no reasonable grounds to believe that an offence was committed.

Original signed

Matthew Block

Assistant Executive Director

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