



**IN THE MATTER OF A SERIOUS INJURY INCIDENT INVOLVING EDMONTON
POLICE SERVICE ON FEBRUARY 28, 2021**

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

Assistant Executive Director:

Matthew Block

ASIRT File Number:

2021-0015(N)

Date of Release:

April 3, 2023

Introduction

On February 28, 2021, pursuant to s. 46.1 of the *Police Act*, the Alberta Serious Incident Response Team (ASIRT) was directed to investigate a man falling from a balcony after contact with Edmonton Police Service (EPS) officers. ASIRT designated no subject officers. 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. Investigators interviewed all relevant police and civilian witnesses, and secured and analyzed all relevant video and radio communications.

Circumstances Surrounding the Incident

On February 28, 2021 at approximately 7:40 a.m., the civilian witness (CW) called police about her husband, the affected person (AP). She said that the AP had been using methamphetamine and marijuana, had not slept for three days, and that she was concerned for his welfare. Soon after, she added that he was threatening to commit suicide by jumping off the balcony of their tenth floor apartment.

The three witness officers arrived at the apartment at 8:12 a.m. The AP let them into the apartment and talked with the officers. He then moved onto the balcony and used a screwdriver to jam the balcony door closed. The officers continued to talk to the AP through the balcony door. The officers requested that emergency medical services (EMS) come to the area, and started to reach out to the police and crisis response team (PACT). PACT units are comprised of a mental health worker and a police officer.

Around 9:00 a.m., the AP became more agitated and he threatened to throw items off the balcony. He picked up a propane tank. At 9:03 a.m., the witness officers backed off in an attempt to calm the AP down. The AP sat and then stood on the balcony railing. EPS tactical unit was involved in the call at this point, and officers requested a negotiator.

At 9:07 a.m., the AP climbed down from the tenth floor balcony to the ninth floor balcony. The witness officers also went down to the ninth floor. They entered the apartment next to the AP, but did not go on the balcony. At 9:11 a.m., the AP was on the balcony railing

and took off his belt. He wrapped the belt around a pole on the railing. At 9:18 a.m., he began to use the belt to lower himself down to the eighth floor balcony. Multiple civilians were recording the AP on their cellphones at this time. The AP appeared to lose his grip on the belt, and fell to the ground. The civilian videos showed that there was no one else on the balcony with the AP around when he fell.

EMS arrived on scene at 9:20 a.m. and transported the AP to the hospital. He survived but sustained life-altering injuries.

Analysis

There is no evidence of a use of force by the officers. Based on the evidence available, the witness officers were only in the same room as the AP briefly. They were never on the balconies with the AP. The videos provide clear evidence of why the AP fell, and no police officers were near him at the time he fell.

Potential routes to criminal liability for officers that do not involve a use of force are criminal negligence and failing to provide the necessities of life. These involve an officer's acts or omissions leading to death in ways other than a use of force.

Criminal negligence requires a link between acts or omissions and the injury. There is no such evidence present here. Failing to provide the necessities of life requires a marked departure from the conduct of the reasonably prudent person. Here, there is no evidence that the officers acted improperly in any way. The witness officers appear to have dealt with the AP carefully, and attempted to get other appropriate services such as EMS, PACT, and a negotiator in place.

Conclusion

On February 28, 2021, the CW called police because she was concerned about her husband, the AP. The witness officers arrived and, when the AP was clearly becoming agitated, they took steps to reduce the pressure their presence might have on him. They also took appropriate steps to summon professionals who might be better able to deal with the AP. Unfortunately, the AP began the climb down from balcony to balcony, and fell to the ground.

There was no evidence of any use of force, criminal negligence, or failing to provide the necessities of life by the witness officers. As a result, there are no reasonable grounds to

believe that an offence was committed. The witness officers acted properly in the situation they found themselves.

Original signed

Matthew Block

Assistant Executive Director

April 3, 2023

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