



**IN THE MATTER OF A FATAL OFFICER-INVOLVED SHOOTING INVOLVING
OFFICERS WITH THE CALGARY POLICE SERVICE ON MARCH 3, 2021**

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

Executive Director:

Michael Ewenson

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Introduction

On March 3, 2021, the Alberta Serious Incident Response Team (ASIRT) was directed pursuant to s. 46.1 of the *Police Act*, to enter an investigation into the circumstances surrounding a fatal officer-involved shooting involving officers of the Calgary Police Service (CPS). The shooting was reported to have happened during a check on the welfare of an individual who called 911.

ASIRT's Investigation

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols and principles relating to Major Case Management. Evidence from witness officers, 911 audio recordings, and importantly body camera (BWC) video provided sufficient context to determine whether the force used by the subject officers during this critical incident was reasonable.

Circumstances Surrounding the Officer Involved Shootings

On March 3, 2021, the CPS received a 911 call from a female, the affected person (AP). The initial 911 call had been received by the RCMP but had been transferred to the CPS. AP advised the 911 operator that she had a gun and was going to kill herself. It was determined that she was in a hotel room. CPS officers were dispatched to this call.

The two subject officers (SO1 and SO2) arrived at this hotel and positioned themselves at the bottom of a stairwell that had a view of the room AP was confirmed to be occupying. The officers yelled at AP to come out with nothing in her hands. AP originally opened the door and looked out of the room in both directions, appearing to see the police, she then retreated back into the room. Shortly thereafter, AP re-emerged with a replica BB handgun in her hands and moved it from an upward facing position to a pointed position towards the officers.

AP was facing the subject officers with the replica gun in her hand. A click, similar to a misfire can be heard on the BWC just before the subject officers began to fire at her. A total of 13 rounds were fired between the two subject officers. AP fell back into the room. The subject officers were told to wait for tactical officers to arrive. Upon their arrival, AP was found on the floor deceased, with the replica gun close to her body.

An autopsy of AP determined that she had been hit with five bullets. Toxicology showed AP had cocaine and trace amounts of methamphetamine in her blood. She also had a fairly high concentration of alcohol in her blood.

Interviews

While statements were obtained from a civilian witness and witness officers there is no need to set out the contents thereof, given the direct video evidence of the actual fatal encounter. Doing so would not add anything to the analysis of the use of force employed during this event. As is their right, the subject officers chose not to provide a statement to ASIRT.

Audio & Video Evidence

Incident Communications

AP called 911 from her hotel room. She had a noticeable French speaking accent, and also sounds possibly intoxicated.

AP repeatedly says that she has a gun and “I will kill me.” and at one point says, “I have a gun I kill me police coming please.” The 911 operator tries to tell AP that police are on the way, and that they do not want her to hurt herself and that help is coming. There are periods where AP does not speak and just background music can be heard. When AP does speak, she often references “I kill me.” Eventually, the operator asks AP if she can go out into the hallway as the police are there. AP says “I’m coming out the door now, I’m coming now.” The 911 operator repeatedly tells AP to make sure her hands are empty. You can hear the officers challenging AP with commands in the background. Thereafter gunfire is heard, followed by AP apparently screaming/moaning. The recording ends seconds later.

Video Evidence

All of the officers that attended the initial 911 call for service were wearing BWCs. The most informative of the BWCs is that of SO1, as he is best positioned on the second floor stair landing looking upwards towards AP’s hotel room door on the third floor.

You can hear SO1 apparently speaking with the CPS communications centre advising that they are in place and to tell AP to come out into the hallway with nothing in her

hands. After a short period of time, SO2 who is standing close to SO1, but more down the staircase yells out and calls AP by her first name and tells her that it is the Calgary Police Service. You can then hear SO2 say “whoa...hands, hands in the air” and then you can see AP step slightly out into the hallway and look to her right then to the left where the officers are. She then retreats back into the room. SO2 states “nothing in your hands”. AP then re-emerges with what appears to be a handgun. She is holding it upwards initially, but then quickly brings it down so that it is pointed towards where the officers are standing. A click can be heard just before the subject officers start discharging their firearms at AP. Once the officers cease firing, you can hear AP screaming/moaning. The officers confirm that none of them have been shot and then give directions to AP to not touch the gun she had. Some more commands are given for her to crawl out into the hallway as they could only see her legs. AP ceased making any further sounds relatively shortly after the shooting.



Replica gun found near AP's body

Autopsy

An autopsy was conducted on AP. The medical examiner found that the immediate cause of AP's death was multiple gunshot wounds to the torso. The medical examiner further stated, in part:

"AP exhibited suicidal intent initially by calling 911 with threat of self-harm and later on by behaving in such manner that suggests she had a desire for officers to end her life by escalating (sic) the situation with pointing a fake/toy gun at the direction of the law enforcement personnel at the scene. Suicide by cop (police assisted suicide) is a term to describe a method of suicide when an individual engages in threatening behavior towards law enforcement personnel which poses an apparent risk for serious injury or death with the intent to precipitate the use of deadly force by officers. When a person commits suicide by forcing the police to shoot to death (sic) may be classified as homicide. It is my opinion, based on the circumstances surrounding death and the findings at autopsy that AP died as a result of multiple gunshot wounds of torso. The manner of death is best classified as homicide."

Toxicology found that AP had cocaine and trace amounts of methamphetamine in her blood. She also had an elevated level of alcohol in her blood.

Use of Force

Analysis

The subject officers were lawfully placed and acting in the execution of their duties, having responded to a report of AP being in possession of a gun and wanting to kill herself.

The Use of Force

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for the execution of their duties. Where this force is intended or is likely to cause death or grievous bodily harm, the officer must believe on reasonable grounds that the force is necessary for the self-preservation of the officer or preservation of anyone under that officer's protection.

A police officer's use of force, in law, is not to be assessed on a standard of perfection nor using the benefit of hindsight and the opportunity to consider alternatives with the luxury of time, recognizing the exigencies of the circumstances and the decisions and reactions that must occur in split seconds.

With the benefit of hindsight, time for detached reflection and knowledge of the ultimate outcome, it is easy to speculate about how things could have been done differently. That is not the standard, however, against which an officer's conduct is measured. The question is, applying principles of proportionality, necessity, and reasonableness, whether the force used falls into a range of possible reasonable responses.

Proportionate Response

Proportionality requires balancing a use of force with the action to which it responds. Here, the subject officers were aware that AP told 911 operators that she had a gun. AP initially opened the hotel room, scanned the area and saw where the officers were. She retreated inside, and shortly thereafter reappeared ultimately pointing what appears to be a gun towards where the subject officers were. A gun is certainly capable of causing death or grievous bodily harm to a person. As such, the subject officers' respective responses to an apparent gun being pointed towards them, in using their firearms to shoot at AP, was proportionate to the threat of death or grievous bodily harm that she appeared to pose to them.

Reasonably Necessary

As previously noted, AP presented the officers as a lethal threat given the apparent gun she possessed and was pointing in their direction. Under the circumstances as then faced by the officers, no other use of force options were reasonably available for attempted use. Reliance on using their firearms to incapacitate this threat was reasonably necessary. AP's subsequent death, while untimely and tragic, does not change the analysis.

While the "gun" AP possessed and pointed in the direction of the officers turned out to be a replica BB gun, there was no reasonable way to determine this at the time that AP first presented it. As noted in the picture included in this report, this item looks like a real gun, and the subject officers were reasonable in believing that it was a real gun capable of causing death or grievous harm to themselves. As such, their respective responses to this reasonably perceived lethal threat were both proportionate and necessary.

Conclusion

Under s. 25 of the *Criminal Code*, a police officer, is justified in doing what he or she is authorized to do and to use as much force as is reasonably necessary where he or she has reasonable grounds to do so. Force intended to cause death or grievous bodily harm is

justified if the officer believes, on reasonable grounds, that the force was necessary to prevent the death or grievous bodily harm of the officer and/or any other person.

After a thorough, independent and objective investigation into the conduct of the subject officers, it is my opinion that they were lawfully placed and acting properly in the execution of their duties. There is no evidence to support any belief that they engaged in any unlawful or unreasonable conduct that would give rise to an offence. While the death of AP is unfortunate, the force used by the officers was necessary and reasonable in all the circumstances.

ASIRT's investigation having been completed and our mandate fulfilled, I have concluded our file.

Michael Ewenson
Executive Director

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