



Report to the Minister of Justice and Solicitor General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the _____ Court House
in the _____ City _____ of _____ Red Deer _____, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the _____ 18th _____ day of _____ July _____, _____ 2019 _____, (and by adjournment
year
on the _____ day of _____, _____),
year
before _____ James A. Glass _____, a Provincial Court Judge,
into the death of _____ Russell Edward Pohl _____ 37 _____
(Name in Full) (Age)
of _____ <Redacted> Red Deer, Alberta _____ and the following findings were made:
(Residence)

Date and Time of Death: _____ December 25, 2015 at 1:30 p.m. _____

Place: _____ Hwy / Road South of Township Road 391 on Range Road 273, Rural Red Deer, AB _____

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – *Fatality Inquiries Act*, Section 1(d)).

Multiple gunshot wounds to the torso.

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – *Fatality Inquiries Act*, Section 1(h)).

Homicide

Circumstances under which Death occurred:

See Attached

Recommendations for the prevention of similar deaths:

See Attached

DATED January 6, 2020,

at Red Deer, Alberta.

Original signed

A Judge of the Provincial Court of Alberta

**RUSSELL EDWARD POHL
FATALITY INQUIRY CIRCUMSTANCES AND RECOMMENDATIONS**

This report has been redacted to protect the privacy of victims of domestic violence

Circumstances under which Death occurred:

1. Russell Edward Pohl, aged 37 years, died of multiple gunshot wounds to the torso fired by members of the Royal Canadian Mounted Police. Mr. Pohl had earlier assaulted his common law spouse and had seriously assaulted her son with a knife. Mr. Pohl evaded police by stealing vehicles, ramming police vehicles and eventually stealing a front end loader that he used as a weapon against the RCMP. The pursuit of Mr. Pohl lasted close to 9.5 hours. Mr. Pohl was under the influence of methamphetamines and amphetamines and had previously indicated to his common law spouse that he intended to die that day.

Circumstances:

2. For the purposes of this report, I have taken the liberty of utilizing much of the summary of the event provided in Inspector Sage's Incident Review (Exhibit 1, Tab 5):

On December 25, 2015 at 0357 hrs, Red Deer RCMP members received a call for assistance to <Redacted> in Red Deer, Alberta. <Redacted> advised that his mother, <Redacted> was being assaulted by her on and off again boyfriend, Russell POHL. Upon members arrival it was learned that <Redacted>'s other son, <Redacted> had returned home and confronted Mr. POHL trying to defend his mother. After a physical altercation, Mr. POHL pulled a knife from his pocket and sliced <Redacted> on his face, causing a large laceration and extensive bleeding. <Redacted> told <Redacted> to run and he fled the residence. Mr. POHL then forced <Redacted> by knife point to get into his vehicle, a black 1995 Chevy GMT pickup truck and they left the scene before police arrived.

At 0407 hrs <Redacted> made a call to 911 from her cell phone advising that she was being assaulted and held against her will. Mr. POHL was driving and she was unsure where they were. The phone was then taken from her by Mr. POHL where he advised the OCC operator that <Redacted> tried to stab him and that he was only taking <Redacted> to a hotel. The phone was then disconnected and members were unable to make contact on that phone after that.

At 0907 hrs Police received a call from <Redacted> who was very distraught advising that she was back at her residence. When members arrived they observed that Mr. POHL'S black Chevy truck was parked in the driveway but he was not at the residence. <Redacted> had several injuries and was having a difficult time breathing. Members on scene called EMS to attend the residence to assess <Redacted>. <Redacted> was transported to the hospital and checked by medical staff.

<Redacted>

At 0958 hrs Olds RCMP received a complaint of a stolen truck from a rural property. The truck that was taken was a 2008 Black Dodge Ram 5500. The complainant, Brenton RYRIE advised that the truck has easily identifiable decals on it that say "B-line" which is the name of his company.

At 1114 hrs Sylvan Lake RCMP received call of a suspicious male who was involved in a hit and run with the complainant on a rural road outside of town. Two neighbors, Warren PETERSON and Todd MCBRIDE observed the noted stolen Dodge 5500 vehicle driving on his property and approached the driver. The driver, believed to be Mr. POHL, fled the scene with Mr. PETERSON and Mr. MCBRIDE following Mr. POHL on RR 20 where the truck came to a stop in the middle of the road. The driver put the truck in reverse and then stepped on the gas, smashing into Mr. PETERSON's truck at about 60 km/hr, pushing them into the ditch. This disabled Mr. PETERSON's truck and Mr. POHL fled.

At approximately 1130 hrs, est. R. JOHNSON located Mr. POHL driving the Dodge 5500 on Township Road 380 in the rural area of Sylvan Lake. Cst. JOHNSON activated his police vehicle emergency equipment to initiate a stop with Mr. POHL. The vehicle came to a stop in the middle of the road. Cst. JOHNSON pulled in behind the driver and prepared to conduct a high risk takedown on Mr. POHL. Mr. POHL then suddenly put the truck in reverse and backed up quickly into Cst. JOHNSON's vehicle. POHL rammed Cst. JOHNSON with great force causing major damage to the police car, making it inoperable. Cst. JOHNSON sustained minor injuries during the Collision.

Mr. POHL fled the scene and was last seen heading back towards the Red Deer area. Members in Red Deer were notified of the hit and run by Sylvan Lake. Members in both detachment areas continued to actively search for Mr. POHL.

At approximately 1230 hrs, Red Deer RCMP received a call from a female, Nikia HUGHES, advising that a male, who is believed to be Russell POHL just left her residence. He told her that he was in serious trouble, that he had rammed a police car and that he needed money. After Ms. HUGHES refused to give him money, he departed the residence. As he departed he rammed the Dodge 5500 into their house, knocking out a front pillar and window of the house and destroying a snowmobile.

At approximately 1314 hrs, video surveillance from Finning in Red Deer located at 7553 Edgar Industrial Drive, captured a front end loader being driven around in their main parking lot, believed to be stolen and driven by Mr. POHL. The front end loader that Mr. POHL was operating was a Caterpillar 938K, which is 10' 11" tall, 9' wide and weights over 35,000 lbs. Police vehicles were able to locate and give slow pursuit to this loader driven by Mr. POHL.

Red Deer RCMP members located the front end loader in the area of the Edgar Industrial Park. The driver, Russell POHL had driven through fences at Finning, Baker Hughes and had smashed into vehicles intentionally with the loader in the parking lot. Members continued to track POHL as he drove through farmers'

fields and properties. Calgary Police Service HAWCS were notified and were on route to the area.

RCMP later received a statement Dan DEMELO, who works for commercial vehicle enforcement in Red Deer. He observed the loader driving by Mr. POHL drive along the east ditch of Hwy 2. He observed him hitting a chain link fence and a flag pole. He observed the police vehicle stop behind the loader when he saw the loader operator turn the loader around and started to head towards the police vehicle, positioning his bucket in a downward movement to strike the police vehicle. This action forced the police vehicle to retreat in a backwards motion to avoid the collision. Mr. DEMELO's perception was that the driver of the loader was going to take out the police car, either with the bucket or to run into the vehicle.

The VIC's camera in one of the vehicles recorded the conversation of the members during this path of destruction, trying to discuss options available to the members. Discussions were had that it was believed by the members that if the loader hit a vehicle, a fatality would result. This raised concerns as Mr. POHL paralleled Hwy 2 and crossed over Hwy 11.

Once Mr. POHL left the Industrial Area, he crossed Hwy 11 and drove across various fields where he used the loader to knock over bales of hay and damage fencing. As he approached C & E Trail, it appears Mr. POHL cleared a path of snow that was pushed along the road. It appeared that Mr. POHL was creating an access point so the members in police vehicles could enter the field.

As the loader travelled north on C & E Trail, civilian traffic was still travelling south on this road. Cst. STURGIS and Cpl. HAMMOND were north of POHL and numerous police vehicles were south of him. This contained POHL, visually by police officers, but obviously under powered by the strength of the loader.

Cst. STURGIS parked in a driveway on the west side of the road and could see the front end loader in the field. Cst. STURGIS deployed the spike belt on the east side of the road and readjusted his deployment. At this time Cst. STURGIS believes the driver of the front end loader saw him. Cst. STURGIS believes this because the front end loader made a fast and straight approach toward him. Cst. STURGIS got in his Black Charger, backed out of the driveway and began backing north on C & E Trail (Range Road 273A). STURGIS believed he could drive faster backwards than the front end loader could forward. However, Cst. STURGIS had to slow down because Cpl. HAMMOND was also driving north. Cst. STURGIS said the loader was gaining on him. He honked his horn trying to make Cpl. HAMMOND go faster. Cst. STURGIS saw a drive way and turned into it. He states that he was 80% in the driveway when the front end loader hit him on the front left side of his car. He believed he hit a tree and stopped. Cst. STURGIS bailed out of his car and ran for cover in trees. Cst. STURGIS then heard the front end loader beating his vehicle. Then he heard several pops. This made him think, that he needed to stop the threat ... Cst. STUGIS removed his glove and took a sight picture and fired. STURGIS saw the window break out, readjusted his aim and fires again. Cst. STURGIS says his training took over and he obtained a target

and fired 2 to 3 rounds and did this a couple of times. On the third or fourth time, he heard someone yell out in pain. The front end loader then drove off. Cpl. HAMMOND came up to STURGIS and said "I thought he killed you". Cpl. HAMMOND was not wearing his vest, so he asked for another magazine. Cpl. HAMMOND reloaded and so did Cst. STURGIS.

Cpl. HAMMOMD was aware of the serious injury Mr. POHL inflicted on <Redacted> and his mother. He was also aware of the developing incidents with Mr. POHL ramming a police vehicle and hitting the house with his truck. He then began to observe Mr. POHL's recklessness as he was destroying property with the loader. He did some research on him learning his criminal history and that he was extremely unpredictable using Methamphetamine. As he observed Mr. POHL destroying property, he feared that if a member's vehicle became stuck, serious injury would result. As Mr. POHL went onto Hwy 2, he voiced out on the radio that they needed to shut the highway down. After Mr. POHL continued driving across a field, he positioned himself north of him with Cst. STURGIS to warn residents of the potential danger. As he was in his unmarked police vehicle, he suddenly saw the loader directly in front of him which startled him. Mr. POHL had the loader bucket all the way up in the air which was unusual and not typical of driving a loader. Cpl. HAMMOMD has experience with loaders in how they operate. He observed Mr. POHL driving directly towards Cst. STURGIS with his bucket up. Cpl. HAMMOMD and Cst. STURGIS began backing up but the loader was gaining on Cst. STURGIS when he saw the loader hit Cst. STURGIS's vehicle. Believing Cst. STURGIS was still in the vehicle, he exited his police vehicle with his badge and gun where he observed Mr. POHL continue to ram Cst. STURGIS's vehicle with the bucket of the loader. Thinking POHL was trying to kill Cst. STURGIS, Cpl. HAMMOMD fired 12 shots at POHL, shooting through the Plexiglass of the loader. When he fired what he believed to be his 10th shot, he heard another large echo which startled him. He looked to his right and saw Cst. Sturgis beside him firing at the loader too. Mr. POHL turned his loader towards them. Cpl. HAMMOMD asked him for another magazine for his gun which he did and they both ran to the trees. As this occurred, Cpl. HAMMOMD looked up and Mr. POHL had the bucket directly over him. Fearing for his own life, he states he shot another 10 to 12 shots. Mr. POHL then drove the loader away from them and into a field where the loader eventually came to a stop.

At 1330 hrs, Gary DAVIS who lives at 39048 C & E Trail observed Mr. POHL's interaction with the Police and described the same event from his perspective. Mr. DAVIS provided a statement he heard a large bang and looked out the window. He saw a wheel loader had struck a car and was pushing it into their neighbor's driveway. He saw officers chasing the wheel loader and shooting at it.

3. The entire incident lasted approximately 9.5 hours. Mr. Pohl stole the frontend loader approximately 30 minutes before the police shot him. During this 30-minute period, the danger to the public increased significantly. Mr. Pohl was damaging property without care, was close to and briefly on Alberta's busiest highway (QEII), pursued police vehicles and severely damaged a police vehicle.

4. Inspector Sage testified that all the officers involved were trying to formulate a non-lethal plan to stop the frontend loader ranging from the use of spike belts to shooting out the tires of the frontend loader. None of these were effective and the use of lethal force occurred in approximately a ten second span when the officers firmly believed that Mr. Pohl was trying to kill them with the frontend loader. The officer's restraint and desire to avoid this result was evidenced by the fact that no further shots were fired once the frontend loader ceased its assault against the officers and moved away into a field.
5. Inspector Sage has considerable experience in policing, training of police officers, being a member of the Emergency Response Team and being in command positions. He opined that the officers had done everything they could, with the tools at their disposal, to prevent the public being put at further risk. In fact, upon consideration months after the event, Inspector Sage was not able to offer other realistic and effective solutions to stop the frontend loader. He contemplated and ruled out the following:
 - Use of the ERT's armored vehicle – this vehicle, while armored, is lighter than the front end loader and would not have been able to stop the frontend loader. In fact, Inspector Sage opined it would have been negligent for a command decision to put the vehicle in that kind of harm's way;
 - Shooting the tires, engine or oil reservoir – the weapons that the officers had available to them would have been ineffective. The officers did try to shoot the tires without any effect. If the ERT members had arrived, it would have been unlikely that they would have tried (even though they had more powerful weapons at their disposal) given that there were members of the public close by and the risk of ricochet's remained. In addition, it was not clear that they would have been effective against this type of machinery.
6. The strategy employed by the officers was to try to stay ahead of Mr. Pohl and safeguard the public by clearing a path. That too was made difficult given Mr. Pohl's erratic behavior and driving pattern.
7. The other police officers that testified confirmed the summary of the evidence above and agreed with the conclusions and comments made by Inspector Sage. As a result, I do not intend to review their evidence in detail.
8. I also had the benefit of the ASIRT report and letter (Exhibit 1, Disclosure Tabs 23 and 24) that concluded that the officers involved followed all policies regarding use and discharge of their firearms in an incident. Inspector Sage arrived at the same conclusion.
9. The Medical Examiners reports are found at Tabs 1-4 of Exhibit 1. The report confirms that Mr. Pohl died from multiple gunshot wounds to the torso. The toxicology report concluded that there was evidence of recent methamphetamine and amphetamine use, however, this use did not contribute to the cause or manner of his death.
10. This Fatality Inquiry was conducted in one day. There were 7 witnesses and one binder of Exhibits, including the Certificate of the Medical examiner and the Autopsy Report. There was one other Exhibit entered being a Google Map.

RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS:

11. This report under the Fatality Inquiries Act contains findings of facts relating to the identity of the deceased; the date, time and place of death; the circumstances under which death occurred; the cause of death; and the manner of death. The Fatality Inquiries Act specifically provides that the findings of the judge in the Inquiry shall not contain any findings of legal responsibility or any conclusions of law. The Report, however, may contain recommendations for the prevention of similar deaths.
12. I am unable to make any recommendations regarding the prevention of similar deaths.
13. This was a fast moving, highly volatile event. The evidence that I received and that I accept make it clear that in these unique circumstances, the RCMP did everything reasonably available to prevent further injury to the public. The officers involved demonstrated calm and professionalism in what was undoubtedly an extremely stressful situation. Their actions were reasonable, measured, very well thought out and commendable.

CONCLUSION

14. Tragically, Mr. Pohl determined that he was going to take his own life that day by involving the police. Unfortunately, society is seeing more of these “suicide by police” incidents and most, as a result of the training and professionalism of our police services, do not end tragically. In this case, Mr. Pohl had predetermined that he was going to end his life and nothing that the members of the RCMP could do or say was going to change his resolve.
15. Unfortunately, Mr. Pohl’s decision and actions left behind him a number of victims who had no choice in the matter – including, but not limited to, Mr. Pohl’s family, <Redacted>, her son, the <Redacted> family, the officers involved and their families. I conclude this report by adopting the comments of Ms. Hughson, Q.C., Executive Director, ASIRT:

“Officers must respond to situations others place them in and, sometimes, they have no choice but to act and take the most difficult step of resorting to the use of lethal force. The impact on the officers in these situations is largely unseen and not understood. I don’t know what can be done to educate the public that, generally, officers do not do their job without conscience and that, in many ways, they also come out of these events a victim of the affected person’s actions.”

Dated January 6, 2020,
at Red Deer, Alberta.

Original signed
James A. Glass
A Judge of the Provincial Court of Alberta