

Investigation Report
Peace Officer altercation with tenant
Worker Fatality- August 10, 2012

This document reports OHS' investigation of a fatal incident in August 2012. It begins with a short summary of what happened. The rest of the report covers this same information in much greater detail.

Incident summary

A Community Peace Officer II/Bylaw Officer (Peace Officer) was following up on a dog/land use complaint. The Peace Officer had an altercation with the tenant. The tenant overcame the Peace Officer and put him in the back of his patrol vehicle. The tenant transported the Peace Officer to a Calgary Police Service (CPS) station where he was found to be unresponsive. The Peace Officer's injuries were fatal and the tenant was criminally charged by CPS.

Background information

The Municipal District of Foothills No. 31 is located south of Calgary covering approximately 3,600 square kilometres with a population of approximately 19,736 people. At the time of the incident, the Protective Services, Municipal Enforcement division consisted of:

- an Administrative Assistant
- a Health and Safety Advisor
- a Bylaw Officer
- a Community Peace Officer II/Bylaw Officer
- three Community Peace Officer I
- a Protective Services Supervisor

The Peace Officer was hired by the MD of Foothills in 2009 after retiring from the RCMP in 2006. His primary duties were responding to and investigating animal complaints.

The tenant who was the subject of the complaint had kept dogs at the site since approximately September, 2011. The tenant would only permit the Peace Officer to conduct an inspection with the RCMP present.

The owner lived near the site and had rented it to the tenant for approximately one year. The site was a Quonset and was not meant to be a residence. The tenant did not originally live at the site when it was rented.

Equipment and Materials

Quonset

The Quonset hut the dogs were kept in was located on a property near Priddis, a community southwest of Calgary. The Quonset was approximately 22.86 meters by 24.38 meters with approximately 557.42 square meters internal space. Approximately 34 dogs were kept at the site.



Figure 1



Star shows the approximate location where the incident occurred.

Figure 2



Looking Northwest, shows the Quonset where the incident occurred.



Shows the entrance to the Quonset where the incident occurred.

The MD of Foothills Patrol Vehicle

The MD of Foothills Patrol Vehicle was a 2008 Chevrolet Tahoe.

Figure 4



Shows the Peace Officer vehicle involved in the incident.

Sequence of events

On September 14, 2011, The MD of Foothills Protective Services section received a dog complaint. The complaint was assigned to the Peace Officer. On September 15, 2011, the Peace Officer contacted the owner of the property and was advised that the tenant had approximately 60 dogs on the property. The owner of the property thought the tenant had a permit for the dogs. The Peace Officer explained the permit was from another jurisdiction and did not apply to the MD of Foothills. The Peace Officer arranged to inspect the rented property on September 21.

On September 21, 2011, the Peace Officer attempted to conduct an inspection of the property. The quonset building on site was locked. The Peace Officer could hear dogs barking but was not

able to inspect the Quonset. The Peace Officer spoke with the owner of the property. The owner showed the Peace Officer a permit for livestock operations and the Peace Officer explained the permit was not for dogs.

The Peace Officer made multiple attempts to conduct inspections from September 21, 2011 to August 10, 2012. The tenant did not have a personal phone and did not live on the rented property which made contacting him difficult.

On March 20, 2012, the Peace Officer spoke to the owner. The owner told the Peace Officer he had picked up a permit form, and had told the tenant he had until the end of March to get the permit or remove the dogs from the site.

On April 26, 2012, the Peace Officer conducted an inspection of the site. The tenant had called the RCMP to attend as well. The tenant did not want the Peace Officer to conduct the inspection and insisted the Peace Officer wear a "bio suit". The Peace Officer observed approximately 34 dogs on site and informed the tenant that he needed to get a permit within one week.

On May 4, 2012, the MD of Foothills issued a Stop Order for the dog kenneling operation to the tenant. The tenant was not on site and the Peace Officer posted the Stop Order on the Quonset.

On May 30, 2012, the MD Development Officer received an email from the tenant stating he would not get a permit. The email was considered to be threatening. The MD Development Officer informed the Peace Officer who informed the Protective Services Coordinator. The Protective Services Coordinator informed his chain of command and the RCMP.

From May 31, 2012 to August 10, 2012, the Peace Officer attempted to contact the tenant and worked with the owner to resolve the situation.

On August 10, 2012, the Peace Officer went to the rented property. An altercation ensued and the tenant is believed to have assaulted the Peace Officer. The tenant transported the Peace Officer to a Calgary Police Service (CPS) station. The CPS constables found the Peace Officer in the cargo area of his MD patrol vehicle. The Peace Officer was unresponsive and was pronounced deceased at hospital.

Completion

A preliminary review of the file was arranged with Alberta Justice on January 10, 2014. A copy of the investigation report was sent to Alberta Justice for review on March 19, 2014. On March 31, 2014 Alberta Justice reviewed the case and determined the case did not support any charges under the Occupational Health and Safety Legislation.

The file was closed December, 2014

Signatures

ORIGINAL REPORT SIGNED

July 22, 2014

Lead Investigator

Date

ORIGINAL REPORT SIGNED

July 22, 2014

Manager

Date

ORIGINAL REPORT SIGNED

August 25, 2014

Director

Date