



**IN THE MATTER OF A FATAL TRAFFIC COLLISION INVOLVING CALGARY
POLICE SERVICE ON DECEMBER 12, 2020**

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

Executive Director:

Michael Ewenson

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Introduction

In the early evening of December 12, 2020 the Calgary Police Service received numerous calls from concerned members of the public reporting a vehicle travelling at an excessive speed westbound on 17th Avenue SW. Descriptions were given of the vehicle and shortly after receiving this information a marked Calgary Police Service (CPS) unit, occupied by two CPS officers, encountered the vehicle at the intersection of 17th Avenue and 45th Street SW. The officers noted the vehicle to be travelling at excessive speed as it went by them. The CPS officers turned onto 17th Avenue SW and followed the same direction of the speeding vehicle though they did not travel at excessive speeds in order to catch up to the vehicle. Instead, due to a red light which stopped traffic, they found themselves pulling up behind the vehicle at the intersection of 17th Avenue and 69th Street SW. Once the light turned green CPS officers activated their emergency lights and attempted to stop the vehicle. The vehicle did not comply with the traffic stop and instead fled from CPS at an excessive speed. The CPS officers did not initiate a pursuit at this time and instead remained stopped at the side of the road in order to provide radio communication about the vehicle. Once their communication had been acknowledged they continued on 17th Avenue SW at a normal rate of speed without emergency equipment activated. The speeding vehicle was out of their line of sight. As the CPS vehicle approached the intersection of 17th Avenue and 85th Street SW the officers noticed civilian vehicles pulled over and numerous people walking around. The CPS officers activated their emergency lights and took control over what they quickly realized was a collision scene. They noted that the vehicle they had previously attempted to pull over was on its side near a storm drain and that two civilians were deceased at the scene with the driver of the vehicle still in the driver's seat but unresponsive.

On December 12, 2020 ASIRT was directed pursuant to *s. 46.1* of the *Police Act* to investigate this incident. As ASIRT is only concerned with investigating the actions of the police the focus of this investigation dealt with the actions of the CPS officers who conducted the traffic stop and specifically whether any pursuit of the speeding vehicle occurred. From a review of numerous sources of evidence, including civilian witnesses, video from both the CPS vehicle and body worn cameras, and the CPS officers themselves, the CPS officers had no role in the tragic collision between the speeding vehicle and the two pedestrians.

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 interviewed all relevant civilian and police witnesses and obtained and reviewed all available relevant video evidence as well as radio transmissions and GPS positioning for the Police Vehicle.

Circumstances of December 12, 2020

Two lives were lost in the early evening of December 12, 2020 in Southwest Calgary when a car, occupied by a male adult driver and travelling at approximately 200 km/hr, hit two individuals who had the right of way on a cross walk at a controlled intersection.

Just minutes before this event several members of the public made calls to 911 reporting that a silver Acura sedan was travelling erratically and at high speeds westbound on 17th Avenue SW. This information was then broadcast to CPS members alerting those officers in that area to be on the look out for this vehicle. At the same time that the message was broadcast two CPS officers were travelling together in a marked CPS unit back to the 2 District CPS office which is located near the intersection of 17th Avenue SW and 45th Street. While waiting at this intersection to cross 17th Avenue these officers witnessed a vehicle travel past them on 17th Avenue SW at a notably high rate of speed. The CPS vehicle was driven by a junior officer who was being mentored by a 'coach' officer who was seated in the front passenger seat. This arrangement is a normal part of a junior officer's training.

The CPS vehicle entered 17th Avenue SW and began travelling westbound with emergency equipment activated in an attempt to close the distance to the speeding vehicle however the speeding vehicle was nowhere in sight. The CPS vehicle continued westbound on 17th Avenue until it arrived at a controlled intersection where the light was red. The stop in traffic flow allowed the CPS vehicle to approach the speeding vehicle at which time a license plate check determined that the speeding vehicle was the same one that prompted the earlier 911 calls. At this point the emergency equipment on the CPS vehicle had been deactivated. Once the light turned green, at the 69th Street and 17th Avenue SW intersection, the CPS vehicle once again activated its emergency equipment and attempted to conduct a traffic stop. The silver Acura sedan initially came to a stop in the right hand lane but only remained stationary for approximately

nine seconds and then fled at a high rate of speed. When the Acura sped away the CPS vehicle did not pursue and instead remained stationary. The senior officer broadcasted on her radio that the Acura had 'taken off' and after doing so the CPS vehicle continued westbound on 17th Avenue SW at the posted speed limit. As the CPS vehicle continued down the road the next major intersection they encountered was 17th Avenue SW and 85th Street. As the CPS vehicle approached this intersection both officers noticed a number of vehicles parked around the intersection with numerous civilians present. As the officers exited their vehicle and began to compile information they were told that there had been an accident and that there were bodies on the ground. Neither officer suspected that the Acura had been involved as it had left the roadway and was initially obscured from view. The officers were then directed towards an embankment which descended towards a pond. At that time, they located the Acura resting on its side with one adult male occupying the driver's seat. He was unconscious but noted to be breathing. On the ground near the vehicle were two deceased adults, a male and female who were engaged to be married and had been out for a walk that evening. They were recognized by the officers immediately as being deceased. The driver of the Acura was provided medical assistance and rushed to the hospital where he died from his injuries a few days later. At the time of the collision his blood alcohol level was determined to be 4 times the legal driving limit.

ASIRT's Determination

The role of ASIRT in this investigation was to examine the actions of the two CPS officers who conducted the initial traffic stop and determine whether any fault attaches to them for the fatal collision. In examining their actions ASIRT not only reviewed the statements provided by these officers but also looked for corroboration in other areas of evidence. ASIRT expresses thanks to the civilian witnesses who cooperated with this investigation. After publically asking for assistance ASIRT had no less than nine civilian witnesses who came forward with their accounts of the events. When these statements are looked at in conjunction with one another the entire interaction between the CPS officers and the Acura was witnessed by civilians. Witnesses provided statements to ASIRT about the Acura's initial travel up 17th Avenue prior to CPS involvement; the moment that the CPS vehicle reached the Acura at a red light; the traffic stop and subsequent flight of the Acura from the stop; the collision between the Acura and the pedestrians; and the arrival of the CPS vehicle at the collision scene. All witness statements corroborate the information provided by the CPS officers. Once the Acura

fled the traffic stop, which of course was a lawful stop given the previous speeding of the Acura, the CPS vehicle did not pursue the Acura. One witness, who resides near the accident scene, heard the collision and immediately looked out his window. He viewed the accident scene and its aftermath. This witness noted that there was no CPS vehicle present and a notable amount of time elapsed before he saw the CPS vehicle approach the intersection at a normal rate of travel.

Cooperation of the public in such a matter was of great assistance. It should also be mentioned that members of the public either directly witnessed, or at least were aware of, a very traumatic event. Recounting these events to investigators can be difficult for anyone, but especially a member of the public who may not have had previous experience with such events.

Eye witness evidence must be critically examined as errors in perception can arise with even the most well intentioned witness. The CPS utilizes a number of pieces of recording equipment that captured both radio transmissions, video from the event, and GPS locations of the CPS vehicle. All of these recordings substantially corroborate the statements from the officers and civilian witnesses. Once the Acura fled the traffic stop the CPS officer did not engage in a pursuit. The CPS vehicle remained stationary and only began travelling in the same direction of the Acura once the officers finished some tasks within their vehicle.

In certain investigations ASIRT may determine that there was no criminal wrong doing by officers but nonetheless may offer some critical comments if a breach of policy or poor decision making was engaged in by officers. Such comments can serve the purpose of providing transparent decisions to the public as well as hopefully pointing out areas in which improvements can be made in the relationship between the police and the community they serve.

After examining all of the evidence in this investigation it is clear that the two CPS officers not only have no blame whatsoever for what occurred but their actions prior to the fatal collision should be commended. As witnessed on the various recording devices there was proper and intelligent communication between the coach officer and the junior officer. Throughout the interaction with the Acura the junior officer sought guidance from the coach officer and the coach officer provided clear instruction to the junior officer including the direction to not pursue the Acura when it fled the traffic stop. While this direction did not prevent the Acura from colliding with the two pedestrians, if the officers had engaged in a pursuit that may have caused the Acura to drive even faster and more erratic. Clearly if the Acura was willing to flee a traffic stop at such a

rate of speed a pursuit by the CPS vehicle would not have caused the driver to stop prior to the collision. Furthermore, once the officers were on the scene of the collision the body worn camera of the coach officer documented a direction from the coach officer to the junior officer that they shouldn't discuss the events together, which was a recognition that due to the deaths of the civilians there would be an investigation and as witnesses it is poor practise to discuss the events prior to giving a statement. That the coach officer was able to recognize this while also taking proper control of a traumatic accident scene, without any preparation or warning, deserves recognition.

Original signed

Michael Ewenson
Executive Director

March 24, 2023

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