



Vigilance
Courage
Pride

February 23, 2022

Via E-Mail

Mr. Abid Mavani
Fatality Inquiry Coordinator
Alberta Justice and Solicitor General
9th Floor, Peace Hills Trust Tower
10011 - 109 Street
Edmonton, Alberta T5J 3S8

Dear Mr. Mavani:

Re: Jason Gary Roy – Public Fatality Inquiry Report of the Honourable Judge Margaret M. Keelaghan dated December 3, 2021 (the "Inquiry Report")

Response of the Calgary Police Service (the "CPS") to Recommendations Arising from Inquiry Report

Thank you for your letter dated February 4, 2022 enclosing a copy of the Inquiry Report arising out of the Fatality Inquiry concerning Mr. Jason Roy. The CPS appreciated being able to assist the Court with testimony about the events of February 28, 2014 and having the opportunity to respond to the Inquiry Report. As set out in further detail in this letter, the CPS accepts the recommendations that appear in the Inquiry Report.

Background to the Fatality Inquiry and Report

The Fatality Inquiry into the death of Mr. Roy occurred between January 27-29, 2021 and April 13-14, 2021, before the Honourable Judge Margaret M. Keelaghan. It concerned the death of Mr. Roy who was fatally shot by two CPS Tactical Unit members, after driving a stolen F350 truck (the "**Vehicle**") in an extremely dangerous manner while under the influence of methamphetamines. The passenger in the Vehicle, Ms. Ashley Silver, was also shot while attempting to draw fire from a CPS Tactical Unit member, and survived.

The events of that night were reviewed in detail by the witnesses at the Inquiry, and by the Court in the Inquiry Report.

On February 28, 2014, the CPS responded to a call regarding shots fired near the 1400 block of Copperfield Blvd SE. When the CPS arrived on scene, members observed the Vehicle driving erratically in the area. These types of trucks are extremely heavy and capable of inflicting significant damage and injury to others. Per CPS policy, the CPS members did not pursue the Vehicle and instead observed the Vehicle using the HAWCS helicopter and long-range surveillance techniques in order to avoid alerting the Vehicle to the CPS's presence and thus escalate the already dangerous situation. The primary objective was to wait until the Vehicle had come to a stop to safely effect the arrest of the driver.

During the period of surveillance, CPS members observed the Vehicle continue to drive dangerously, including intentionally colliding with civilian vehicles, driving through red lights at high speeds, and attempting to sideswipe a marked CPS vehicle in the area.

The climax of the dangerous event, and the need for the CPS to intervene, occurred on Deerfoot Trail south of MacKenzie Lake Boulevard. At this point, Mr. Roy stopped the Vehicle, turned left and drove across three lanes of southbound traffic on Deerfoot Trail and tried to jump the concrete barrier separating the north and southbound traffic on Deerfoot Trail. The Vehicle failed to breach the barrier and ended up facing northbound in the southbound lane. Two CPS members from the CPS's Tactical Unit rammed the Vehicle in an effort to stop it from driving into oncoming southbound traffic. The Vehicle repeatedly rammed the CPS vehicles trying to contain it and sideswiped the Tactical Unit vehicle. Due to the resulting danger to the public because the Vehicle was not contained and was believed to be attempting to drive in the wrong direction down Deerfoot Trail, two CPS members discharged their firearms and killed the driver, Mr. Roy.

Immediately, Ms. Silver began gesturing towards the CPS members with what appeared to be a firearm yelling at CPS members that she was going to kill them. Ms. Silver was subsequently shot by a member of the CPS's Tactical Unit, and survived after life-saving measures were performed by the CPS members and the Emergency Medical Services ("**EMS**") members.

The Alberta Serious Incident Response Team ("**ASIRT**") completed a thorough investigation and determined that the CPS was justified in its use of force against both Mr. Roy and Ms. Silver.

The testimony at the inquiry demonstrated that the event had escalated extremely rapidly and Mr. Roy had been using the Vehicle as a weapon. It was also disclosed during the Inquiry that Mr. Roy and Ms. Silver were well-known to police and faced charges related to similar incidents involving vehicles. ASIRT also confirmed that Mr. Roy and Ms. Silver had consumed methamphetamines and that Mr. Roy had not slept in days prior to the incident.

As noted in Her Honour's Inquiry Report, the Court had the benefit of evidence from various subject matter experts within the CPS who provided evidence on the CPS's Use of Force Policy, firearms training and the approach to investigating auto theft in Calgary. The Court was also assisted by the April 2018 report authored by the Honourable Neil Wittmann, Q.C., "*The Use of Force in the Calgary Police Service*" (the "**Wittmann Report**"). This year-long review was a comprehensive assessment of a wide range of use of force issues, specific to the CPS and the City of Calgary.

The CPS Response to the Recommendations

The Honourable Judge Keelaghan made three recommendations in the Inquiry Report concerning the CPS:

Inquiry Recommendations

- Critical thinking training must continue to be at the forefront of all officer training, whether new recruit or on-going training;
- Use of Force policy should continue to address evolving crime trends and newly available technology for the assistance it may provide in addressing these trends; and
- Use of Force policy review should be prioritized for completion on an annual basis.

The following is the response of the CPS to the three questions set out in your letter dated February 3, 2022 regarding the three recommendations.

1. Whether the Calgary Police Service accepts, accepts in principle, does not accept, or has a different response to each recommendation.

The CPS accepts the recommendations in the Inquiry Report.

2. A brief explanation of why that decision was made

The CPS has accepted the recommendations in the Inquiry Report because these recommendations are consistent with the CPS's ongoing commitment and long-standing efforts to improve its use of force and critical thinking training, policies and practices.

3. **If the Calgary Police Service intends to accept the recommendations, or to implement different measures, what steps will be taken in that regard.**

Critical Thinking Training

As noted in the Inquiry Report, critical thinking is a "crucial component of training and culture within the [CPS]". In the Inquiry Report, the Court further noted that "[t]he ability to evaluate a situation and use decision-making skills and to later be able to articulate the reasons for the action taken is central to the training in [the Tactical Unit] and, as noted, critical thinking has now evolved increasingly as a component in frontline officer training as well."

The CPS is committed to equipping its members with the tools and education required to operate an effective modern police force. Chief among these tools is an officer's ability to engage in critical thinking when carrying out their duties. CPS members respond to dynamic situations every day. Critical thinking training provides CPS members with the ability to proportionally respond to each of these scenarios.

Today, CPS training emphasizes critical thinking in decision-making and the principles of de-escalation training are now woven throughout the Recruit Training Program and all ongoing use of force training provided to frontline members. Tactical-based scenarios incorporating these principles has been a part of the CPS training for recruits since 2009, and remains a significant part of the Recruit Training Program in the new Course Training Standard ("**CTS**"), developed by a dedicated CPS project team.

The Chief Crowfoot Learning Centre ("**CCLC**") continues to prepare modernized scenarios for the Recruit Training Program designed to challenge recruits with current issues while using the most current techniques. Evaluation of recruits now promotes a blend of decision-making ability and tactical use of force skills.

Frontline CPS members continue to receive training in critical decision-making after completing the Recruit Training Program. The Field Training Unit ("**FTU**") rolled out Service-wide "Strategic Communications and De-escalation Training" in 2017 with scenario-based applications of de-escalation and use of force critical decision-making. In 2020, CPS developed it as a mandatory annual e-learning course for all active sworn members in the Service. These principles of de-escalation and critical decision-making have been enhanced throughout all CPS lesson plans.

Frontline CPS members are also provided training in critical decision-making through the District Training Officer ("**DTO**") program and through the CCLC. Frontline members have a mandatory 30 week training block, with ongoing

development of the curricula to be responsive to the changing policing environment and community needs, and to provide timely opportunities to the frontline members.

As noted in the Inquiry Report, the CPS's Service-wide training teaches members to conduct continual threat assessments, including primary decision-making to engage or not to engage. This applies to a wide range of scenarios, including those involving motor vehicles. At the Inquiry, Sgt. Colin Morgan, who provided evidence from the CPS's Auto Theft Unit, explained how critical thinking training equips CPS members with the ability to assess a situation involving motor vehicles to come to the best possible outcome in the circumstances.

Members of the CPS Tactical Unit receive additional training in critical thinking. Scenario-based training in critical thinking is a key component of the Basic Tactical Operations Course ("**BTOC**"), the six-month mandatory training course for members of the CPS Tactical Unit. As noted by Her Honour, the CPS Tactical Unit's BTOC "is one of the longest and most intensive programs in North America". In addition, critical thinking exercises are a central component of ongoing training for the Tactical Unit, which is mandated to spend 25% of its time training, including specific training on firearms training and vehicle-based tactics.

Review of the CPS Use of Force Policy

The CPS's Use of Force Policy, now called the De-Escalation and Use of Force ("**DUOF**") Policy, is designed to provide guidelines and instruction on how and when CPS members use force in the operation of their duties. This important Policy is heavily scrutinized by a wide range of subject matter experts and stakeholders in order to respond to Calgary's ever-changing needs and shifting policing landscape. The DUOF Policy is now reviewed and updated by the CPS's De-Escalation and Use of Force Committee (the "**Committee**"). The Committee is made up of officers and civilian members from across the CPS, including members from the Professional Standards Section ("**PSS**"), Anti-Corruption, the Public Affairs and Media Relations Unit ("**PAMRU**"), Policy and Development, the Anti-racism Committee, Subject Matter Specialists, and its Legal Department. The Committee meets monthly to review, integrate, and recommend changes to the Policy, including with reference to the recommendations in the Wittmann Report. The new DUOF Policy has been recently approved by the CPS Executive Leadership Team, and is to be rolled out to the CPS members in the coming weeks with a communication strategy around all of the enhancements. Some notable changes to the DUOF Policy are the following:

- The Policy has been renamed to explicitly include "De-escalation" in the title of the Policy, and introduces a detailed section on de-escalation principles and tactics, to complement the existing mandatory training on de-escalation;

- Statements of Principle have been created to articulate: the CPS's core values; the CPS's commitment to the sanctity and preservation of life, human rights, and the dignity of every individual; managing subject encounters with paramount regard to the public, officer, and subject safety; and the need for continuous risk assessment to adjust tactics (among other Principles); and
- The Policy creates for the CPS members a "duty to intervene" and to report any concerns of excessive use of force.

As noted already, the Committee meets monthly to consider use of force issues. However, the CPS is not constrained by schedule in evaluating changes to use of force law, tactics, tools and the evolving needs of the City of Calgary, and implementing immediate changes in training as indicated, even if the Policy does not change immediately. As recommended in the Inquiry Report, the CPS will also review the Policy on an annual basis to ensure the service is adapting to any changes in use of force practices and theory, and evolving crime trends.

Revising CPS Use of Force Policy to Address Evolving Crime Trends and Newly Available Technology

As further recommended in the Inquiry Report, the CPS will continue to investigate new technologies that could assist its members with training and in responding to incidents, and ensure that its Policy and training adapts accordingly. The following are some examples that have been introduced in recent years:

- Introduction of and training on the Anti-Riot Weapon Enfield ("**ARWEN**") launcher. Now in its fourth year of usage for frontline CPS members, the ARWEN launcher is one use of force tool that may be used in responding to dynamic calls for service, and which can reduce the need to resort to lethal force in appropriate scenarios. The CPS has also introduced a separate Policy to address the indications for use of the ARWEN use of force tool;
- Update of the Code 600, Vehicle Pursuit Policy and creation of the Code 700, Vehicle Based Tactics ("**VBT**") Policy. The update of the Code 600 Policy and creation of the Code 700 Policy was done as a direct response to an increase in vehicle incidents that were placing officers and the public in great danger. VBT training and requalification opportunities provide recruits and in-service CPS members with the necessary skills for blocking vehicles to prevent entry and exiting of vehicles, static and mobile vehicle containment, pinning, and PIT maneuvers. These skills are necessary to prevent the movements of a vehicle that pose an imminent risk of death or grievous bodily harm using as minimal force as necessary. As of the end

of 2021, there were 1,459 members trained in VBT, and 741 members trained in High Risk Vehicle Stops ("**HRVS**").

- Incident Command responses to high risk events. Incidents involving high risk subjects who have been contained and when there is available discretionary time are upgraded to a Level II Critical Incident Command ("**CIC**") call. It is during these calls that there is a rollout of resources, including nationally certified members of the "Crisis Negotiator Unit" ("**CNU**") who work in conjunction with the CIC and Tactical Unit with the ultimate mission to safely resolve these situations through the effective use of communication, when possible, and appropriate and reasonable force, only when necessary.
- Resources to address mental health issues:
 - Ongoing training is being developed to enhance the CPS's response to persons in crisis. The Police and Crisis Team ("**PACT**"), a partnership between Alberta Health Services ("**AHS**") and CPS that responds to certain situations involving individuals experiencing a mental health, addictions or psycho-social crisis, has expanded the number of teams, and is available in appropriate circumstances to the entire Service;
 - The CPS now has a Mobile Response Team ("**MRT**") that police can contact to get guidance on how to best approach persons experiencing a mental health crisis; and
 - CNU negotiators are trained in dealing with persons in crisis through effective use of communication in a variety of ways and styles, while being certified in recognizing persons suffering from a variety of mental illnesses and disabilities. Negotiators also have readily available resources and subject matter expertise through an on-call CPS Psychologist that aids in options for a safe resolution. These resources are also available to frontline patrol members on a 24 hours per day, 7 days per week basis and can be accessed through the Duty Inspector and Duty Staff Sergeants.

The Inquiry Report raised that spike belts should be an option for CPS members where their use would not endanger officers or members of the public. As noted in the Inquiry Report, "it is clear that a spike belt would not have been of use" in the incident involving Mr. Roy. As further noted in the Inquiry Report, "spike belts are generally ineffective if the driver is able to avoid the spike belt by swerving or if they are very motivated to escape". Motor vehicles today are very resilient to a flat tire and a motivated driver fleeing from police will be able to continue to drive, creating a new safety concern for themselves and the public, because steering will

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be compromised with tire deflation of any kind. That said, the CPS is continuing to evaluate the potential uses of spike belts at CPS through the Code 700 Committee, including the availability of new technology that would mitigate the safety concerns for CPS members and the public during deployment.

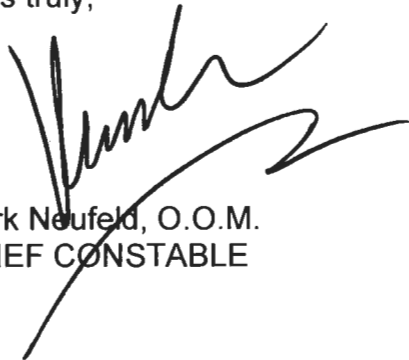
The Code 700 Committee also continues to research new technologies and tactics as options to resolve these high risk, dynamic and volatile calls for service, and will bring new options to the De-escalation and Use of Force Committee for consideration as research and evidence supports alternative tactics and tools. Of course, the ability of the CPS to acquire any new tools and technology, and to provide the requisite training to accompany new equipment, is dependent upon available budget allocated to the CPS.

Summary

The CPS is committed to equipping its members with the tools and training required to respond to the City of Calgary's needs. This includes continuing to prioritize critical thinking training for all CPS members, including in both the Recruit Training Program and in the ongoing training the CPS provides to its members. In addition, the CPS will continue its iterative reviews of the De-escalation and Use of Force Policy and will continue to examine new technologies that could assist in responding to evolving crime trends.

On behalf of the CPS, thank you for the opportunity to respond to the Inquiry Report.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mark Neufeld', with a long horizontal flourish extending to the right.

Mark Neufeld, O.O.M.
CHIEF CONSTABLE