



**IN THE MATTER OF A CALGARY POLICE SERVICE OFFICER-INVOLVED
SHOOTING ON FEBRUARY 29, 2024**

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

Executive Director:

Michael Ewenson

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Introduction

On the evening of February 29, 2024, ASIRT was directed pursuant to s. 46.1 of the *Police Act* to investigate a non-fatal Calgary Police Service (CPS) officer-involved shooting. The shooting involved one officer, who was designated as a subject officer (SO), and one affected person (AP). The incident occurred in the Temple area of Calgary.

Circumstances of the incident

At approximately 7:00 p.m. on February 29 there were numerous 911 calls requesting police assistance regarding an adult male who was brandishing a firearm and engaging in criminal behavior with the public. The 911 callers provided a description of the male and various locations where the male was harming members of the public. One caller indicated that they had been the victim of an attempted carjacking by a male with a gun; another indicated that they witnessed a robbery attempt by a male possessing a gun; yet another stated that a male approached them with a gun in his hand and struck them in the head which left them bleeding. Based on the timing of these calls, and area the callers were calling from and the description of the male, the same individual was believed to be involved in all occurrences.

CPS officers began travelling to the area of the complaints in response to the 911 calls. The SO was working alone in a marked CPS car and had been attending another call in the general area. He drove to the location of the calls while receiving updates about the movements of the male with the firearm.

While traveling on Temple Drive NE the SO encountered a male, the AP, who matched the description provided to him. Notably the AP was still in possession of a handgun and brandishing it in his right hand. The SO drove diagonally across an intersection and parked his car directly in front of the approaching AP. The SO's car was equipped with a front-facing video camera which was operable. The SO also had a body worn camera (BWC) which he had activated. The entire interaction between the AP and the SO was therefore captured by two video systems as well as having the audio captured by the BWC.

The SO first indicated on his radio that he had located the AP and then exited his police vehicle. He turned on the 'white' lights on his overhead light bar which illuminated the area. Once the SO exited the vehicle he identified himself as a police officer and told the AP to show his hands. He then continued to yell seven separate commands to the AP to

drop the gun. While the SO was yelling these commands the AP maintained possession of the firearm in his right hand and walked in a rapid fashion directly towards the SO.



Figure 1 - The AP as captured by the in-car digital video recording system. The AP is pointing the gun at the SO who had just exited his police vehicle.

At one point the AP placed his left hand on the top part of the gun in what appears an attempt to manipulate the slide on the gun. As the AP got closer to the SO he started waiving both hands in the air in an erratic fashion while maintaining possession of the gun.



Figure 2 - The AP as captured on the SO's BWC advancing towards the SO with the gun in his right hand

The SO continued to issue commands to drop the gun and walked backwards away from the AP and curled around the back of his police vehicle. In doing so the SO attempted to create distance and safe cover from the AP. The AP followed the SO while maintaining possession of the gun and waving it in the air in an apparent attempt to intimidate the SO with it. Once the AP reached a point even with the front driver's door of the police vehicle the SO, now positioned slightly behind the police vehicle, fired three shots. One shot hit the AP which caused him to throw the gun onto the roadway. The AP then fell on the ground and the SO approached him and ordered the AP to show his hands. Although the AP did not immediately do so the SO did not resort to any other use of force and instead approached the AP in an effort to arrest him and start first aid. Two other officers, who arrived just moments after the shots were fired and also had their BWCs operable, told the SO to retreat until the scene is deemed safe. They then all approached the AP together at which point he was handcuffed without incident and provided first aid. The AP was struck once in the leg and received hospital treatment for the injury.



Figure 3 - The position of the AP as captured by the BWC of the SO at the moment when the SO fired his weapon

Conclusion

The SO was clearly lawfully placed in the execution of his duties. Numerous citizens sought police assistance due to a male wielding a firearm committing random acts of violence in a residential area of Calgary. The SO encountered the AP, who matched the description of the male with a firearm. Proper commands were given for the AP to show his hands and drop the weapon. Instead the AP walked briskly towards the SO while waving the gun in the air and followed the officer as he retreated for cover. Only once the cover was about to be comprised, with the AP about to circle behind the vehicle, did the SO fire his weapon. The SO had exhausted his options by already issuing numerous lawful commands and attempting to create a safe distance from the male.

A police officer has the same protections afforded civilians when defending themselves pursuant so s. 34 of the *Criminal Code*. In this situation the SO resorted to lethal force when faced with a member of the public who was confronting them with what presented as a lethal weapon. An examination of the gun afterwards determined it to be an airsoft gun. This is immaterial to the legal analysis. The gun presented as a real weapon and the SO was justified under the circumstances as treating it as a lethal threat.

This investigation was concluded by ASIRT efficiently due to the proper use of the BWC system by the officers involved. The in-car video system was also of great assistance in determining the facts of the incident and whether the shooting was lawful. There will be investigations where, although police generated video is present, nonetheless a conclusion cannot be reached as efficiently. Different investigations will present different, and sometimes complex analysis. Due to the presence of two different video recordings documenting the actions of the male with the gun, as well as a clear audio recording of the officer issuing numerous lawful commands, the SO is cleared by ASIRT.

Original signed

Michael Ewenson
Executive Director

March 18, 2024

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