



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

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Edmonton Law Courts

in the City of Edmonton, in the Province of Alberta,

on the 19th to 22nd day of November, 2012, (and by adjournment

on the day of,),

before S.E. Richardson, a Provincial Court Judge,

into the death of Bernadette Mabel AUGER, 48

of Edmonton, Alberta and the following findings were made:

Date and Time of Death: January 16, 2010 at 15:22 hrs.

Place: Edmonton, Alberta

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 – The Fatality Inquiries Act, Section 1(d)).

Gunshot wounds to the neck and head.

Manner of Death:

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

Homicide.

Circumstances under which Death occurred:

At the time of her death, Ms. Auger was a 48 year old woman who was living with her common law husband, George Coward, and one of her three adult sons. Approximately six years earlier, she had been involved in a motor vehicle accident that left her with some brain damage and chronic pain.

On the evening of January 15, 2010, two of her sons were visiting at her apartment. Ms. Auger became angry with her sons and there was a family disagreement. The next morning, Ms. Auger was still angry with her sons and eventually called 911. When the 911 operator answered, George Coward took the phone from Ms. Auger, told the operator “she’s drunk” and hung up the phone. The operator called back and Mr. Coward answered and was told that the police were on their way. Two officers were dispatched to a “trouble not known” call on the basis of the 911 hang up call.

Constables Ferguson and Peterson arrived at the apartment and spoke to the caretaker who was on the front step. He let the police officers into the building and told them who lived in the suite, which was on the third floor. The officers walked to the stairwell, with Constable Ferguson in the lead. When they entered the stairwell, they saw Ms. Auger who was standing on the landing above the officers. She had what the officers believed to be a gun in her hand. She was holding the gun down at her side. Ms. Auger appeared very still and displayed no emotion. The officers drew their firearms and verbally demanded that she drop the gun. Ms. Auger raised the gun and pointed it at the officers. Constables Ferguson and Peterson retreated from the stairwell and radioed for assistance, saying that Ms. Auger had a gun.

The officers took a position at the bottom of the stairwell landing. Ms. Auger pursued the officers down the stairs. She continued to point the gun at the officers. The officers further retreated from the building, choosing not to engage Ms. Auger with their firearms given that they were inside a residential apartment building.

Constables Ferguson and Peterson left the building to take cover in the parking lot and awaited assistance. While they were crouched behind a vehicle, Ms. Auger came out of the building, looked around briefly and then went back inside.

Unbeknownst to the officers on scene, Ms. Auger returned to her suite and called 911 again. This time she remained on the line and had a conversation with the operator. Ms. Auger sounded like she was under the influence of drugs or alcohol. She asked to speak to “George”, explaining that he left and hadn’t come back. She told the operator that she wanted to speak to the police who were at her apartment. She asked the operator to send the police to her. She told the operator three times that she was sorry, and then said that she had a gun. She was told to put the gun down and stay on the line. After this, the line remained open with no conversation from Ms. Auger.

After she stopped talking on the phone, Ms. Auger went outside into the parking lot. She had the gun in her hand, held down at her side and slightly away from her body. Constables Ferguson and Peterson had been joined by several other officers. Two were with them behind a dumpster in the parking lot. One of these assisting officers was a Dog Master and he was present with his police service dog. The other was a patrol officer who was present with his police issued carbine rifle. There was also an officer positioned across the avenue from the parking lot, in a residential back yard, also with a police issued carbine rifle. This officer, Constable Bodnaruk, was 46 meters away from the parking lot, and was viewing the events perpendicular to them unfolding, so he saw Ms. Auger’s left side as she approached the officers behind the dumpster.

As Ms. Auger was walking in the parking lot, with the gun in her right hand, pointed to the ground and slightly away from her body, Detective Kassian, the Dog Master, decided that she was not a lethal threat and that the release of the police service dog was the appropriate action. In order to focus the dog, he stepped out from behind the dumpster and instructed the dog to disable Ms. Auger. At this, Ms. Auger saw where the police were hiding, raised her right hand, and pointed the gun directly at Detective Kassian. She was seven meters away from Detective Kassian.

As Ms. Auger raised the gun and pointed it at Detective Kassian, the remaining three officers behind the dumpster continued yelling verbal commands for her to drop the gun. Ms. Auger stood completely still with the gun pointed at Detective Kassian. The police service dog got confused and attacked Constable Ferguson, biting her on the leg. Detective Kassian attributed the dog's confusion to two facts: that Ms. Auger was not moving and police dogs are traditionally pursuing fleeing targets, and as Ms. Auger was wearing a white t-shirt against the backdrop of a winter day, in a snow covered parking lot, it was likely difficult for the dog to focus on her.

As soon as Ms. Auger raised the gun and pointed it at Detective Kassian, he decided that she posed a lethal threat to him. He unholstered his firearm and shot her, striking her in the mouth with a single, lethal shot.

As soon as Ms. Auger raised her gun and pointed it at Detective Kassian, Constable Bodnaruk, from across the avenue, decided that she posed a lethal threat to Detective Kassian. He discharged his carbine rifle, striking her in the neck with a single, lethal shot.

These two shots occurred simultaneously. The members present heard only one shot.

As soon as Ms. Auger raised her gun and pointed it at Detective Kassian, Constable Ferguson decided that she posed a lethal threat to Detective Kassian. She rose from her crouched position to fire at Ms. Auger. Constable Ferguson was prevented from discharging her firearm as the police service dog then bite her leg and took her to the ground.

As soon as Ms. Auger raised her gun and pointed it at Detective Kassian, Sergeant Chmilar decided that Ms. Auger posed a lethal threat to Detective Kassian. He decided to discharge his carbine rifle. He was prevented from doing so because Constable Ferguson, in being attacked by the police service dog, fell on his legs, jostling him, and he had to take some time to steady himself, by which time, Ms. Auger had already been shot.

Police later discovered that the gun Ms. Auger hand in her hand was an Airsoft toy pistol that had been altered. Both the clear plastic top portion and the inside and outside of the orange colored muzzle had been painted black. This Airsoft toy gun was similar in size, style, color and external characteristics as the police issued firearm. All officers present thought the item was a real handgun. George Coward told the police that this gun was from the home he shared with Ms. Auger and that he had told her several times to get rid of it as people could mistake it for a real handgun. He did not have any information about who altered its appearance or when or why that was done.

Unknown to the police at the time, Ms. Auger was under several different prescription medications, all of which had sedative side effects. She also had 230 mg/% of alcohol in her blood. The combination of the alcohol with the medication in her system enhanced the sedative effect of each drug.

Mr. Coward, in his interview with the police, believed that Ms. Auger was attempting to commit suicide by forcing the police to shoot her. This opinion is supported by the fact that she had tried to commit suicide in the past, she was under chronic pain due to injuries suffered in the car accident six years before, she sent him away after calling 911 and after knowing that the police

were on the way, she knew the toy gun she carried could be confused for a real firearm, she met the police in the stairwell and pointed the gun at the officers, she pursued them down the stairwell, she pursued the officers out of the building, when she couldn't see them, she called 911 and asked the operator to send the police to her suite, she then pursued the police out of the building again, raising the gun directly at Detective Kassian from a distance of seven meters.

The attending police took all evasive and non lethal approaches to deal with the threat posed by Ms. Auger: they retreated from the building, took shelter behind vehicles in the parking lot, they gave verbal directions to drop the weapon, the 911 operator told her to put the gun down and leave her suite, Detective Kassian decided to release the police service dog. It was only when Ms. Auger raised the gun and pointed it directly at Detective Kassian, at a distance of seven meters, in a public parking lot of a residential building, at 2:30 in the afternoon, that four officers all came to the same conclusion; that Ms. Auger posed a lethal threat. Two of those officers simultaneously discharged their firearms, each striking her with one bullet, each of the bullets on its own being fatal.

Recommendations for the prevention of similar deaths:

The Inquiry is indebted to Inspector Butler from the Calgary Police Service for providing the academic articles and the training materials on the issue of Subject Precipitated Homicide.

In this case, there was nothing that the police could have done differently when faced with these events. Accordingly, there are no recommendations to make for the prevention of similar deaths.

DATED _____ January 30, 2013 _____ ,

at _____ Edmonton _____ , Alberta.

Original signed by

S.E. Richardson
A Judge of the Provincial Court of Alberta