



Province of Alberta

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

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the _____ Provincial Court House
in the _____ City _____ of _____ Edmonton _____, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the _____ 18, 19, and 20 _____ day of _____ October _____, _____ 2006 _____, (and by adjournment
year
on the _____ 22 and 23 _____ day of _____ February _____, _____ 2007 _____),
year
before _____ James K. Wheatley _____, a Provincial Court Judge,
into the death of _____ Charles Jacob Wula _____ 38 _____
(Name in Full) (Age)
of _____ 793 Abbottsfield Rd. _____ and the following findings were made:
(Residence)

Date and Time of Death: _____ July 17, 2005 _____

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)).

Drowning.

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)).

Accidental.

Circumstances Under Which Death Occurred:

Edmonton Police Service was dispatched to the residence of Rose Juwan, July 17, 2005 to investigate a domestic complaint.

A third party had reported to the police that Mr. Wula (the deceased) had attended at Ms. Juwan's (his wife) premises and in doing so was in breach of a restraining order against him.

Constable Abbott, an experienced police officer, and Constable Korobanik, a police officer on his third day on the job attended at the premises.

They were met at the door by Ms. Juwan who advised them that Mr. Wula was upstairs. The officers headed upstairs, conducted a search of the premises and found Mr. Wula hiding under a bed in one of the children's room. Mr. Wula was ordered to leave that location and in fact the sighting mechanism on the Tazer was pointed at him in his place of hiding. The Tazer was not deployed. A child was sleeping in the room, so Mr. Wula was asked to accompany the officers downstairs to discuss the matter.

Mr. Wula led the procession downstairs followed by Constable Korobanik and Constable Abbott. Mr. Wula was not placed in restraints as the officers thought they were in the mere early stages of investigating the matter and that Mr. Wula was cooperative. During the course of going down the stairs, Ms. Juwan was requested to provide the restraining order and hesitation in the movement down the stairs resulted whereupon Mr. Wula availed himself of not having been placed in restraints and fled out the door of the home pursued by Constable Korobanik. A chase ensued for some time and distance.

Mr. Wula was ordered on many occasions to stop and refused to do so. A police handler and dog joined the chase. Mr. Wula was again requested to stop and refused to do so. The dog was deployed and due to the nature of the heavy undergrowth surrounding the North Saskatchewan river in the location of the pursuit, sight of the dog was lost by the handler and Constable Korobanik, who remained in the chase. The dog was deployed and the evidence before the inquiry would indicate that the dog in fact caught up with Mr. Wula. Through medical evidence provided to the inquiry it is a fact, that at some time during the chase, the dog was able to grab Mr. Wula's buttocks and appendages as evidenced by tearing. The evidence from medical experts at the trial was that the tearing found upon Mr. Wula's dead body was not such that would have prevented him from remaining on his chase or stopping as he had been commanded to do.

The chase led the officers and the dog into the water; Mr. Wula emerged from the water on an island a short distance into the North Saskatchewan River. The dog handler officer requested Mr. Wula to surrender himself and to return to the bank side of the river. Mr. Wula refused to do so, re-entered the river and was seen floating or swimming down the river.

Various police patrols and observers were deployed in an attempt to follow Mr. Wula and get him to shore. Those efforts were unsuccessful and sight was lost of Mr. Wula in the next ensuing hours.

Mr. Wula's body was found seven days later, July 24, 2005, hung up on an irrigation pipe in the North Saskatchewan River. He was deceased. The Medical Examiner certified that the cause of death was drowning. As previously stated there were indications of lacerations, medically attributed to dog bites on the buttock and extremities of Mr. Wula. The medical evidence was that the bites were not the cause of death and would not have physically incapacitated Mr. Wula.

Evidence was heard at the inquiry setting out the use of force models used by the Edmonton Police Service. The methodology and practice of dog deployment and the protocols involved in chase by both police officers and canine units was reviewed. Evidence was heard at the inquiry that a formalized protocol in respect of canine use was not in place with the Edmonton Police Service although various drafts of such protocol were in process or were waiting for formal adoption and approval.

The inquiry heard and is satisfied that Mr. Wula was given many opportunities to stop and surrender himself to police who were requesting him to do so. The inquiry heard and is satisfied that Mr. Wula, of his own free will, exercised an option to run from police and to continue his run in an attempt to escape from police engaged in a lawful arrest.

Recommendations for the Prevention of Similar Deaths:

1. When police officers place a person suspected of committing an offence, such as Mr. Wula in an investigative detention, the officer should, after advising the detained person of any information and or rights required in law, ensure that their method of detention is appropriate and is able to ensure the security of the person being detained such that that person cannot exercise an impulse to escape and run.
2. The Edmonton Police Service properly formulate and adopt a formal policy on the use of canines and appropriate protocol for their use, release, and control.
3. That if a police officer deploying a canine and when deployed, loses sight of the person being pursued by the canine or of the canine, such controlling officer consider and when appropriate recall the dog to avoid unsighted events.
4. That the Edmonton Police Service in formulating a policy and protocol in respect of use of canines consider and implement, if appropriate after due consideration, a policy of recapture of a released canine upon confrontation with a pursued person to lessen an emotional continuation of a pursued chase or inappropriate attack by a canine in an inappropriate circumstance.
5. That the Edmonton Police Service ensure that they have a policy in place to identify appropriate procedures to be followed in arrest and pursuit of non English speaking persons.

DATED _____ May 10, 2007 _____ ,

at _____ Edmonton _____ , Alberta.

James K. Wheatley
A Judge of the Provincial Court of Alberta