



**IN THE MATTER OF A CALGARY POLICE OFFICER-INVOLVED SHOOTING ON  
AUGUST 5, 2022**

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

**Assistant Executive Director:**

**Matthew Block**

**ASIRT File Number:**

**2022-0029(S)**

**Date of Release:**

**January 12, 2024**

## **Introduction**

On August 5, 2022, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate a Calgary Police Service (CPS) officer-involved shooting causing injury earlier that day. ASIRT designated one subject officer (the SO), with notice to him. ASIRT's investigation is now complete.

## **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 investigators interviewed four civilian witnesses including the affected person (AP), four paramedics, and six police officers.

ASIRT investigators reviewed body-worn camera (BWC) video from officers involved in this incident, including the SO, and police vehicle camera video. The incident itself was captured on video from multiple angles. Such video is extremely valuable to ASIRT investigations.

## **Circumstances Surrounding the Incident**

On August 5, 2022, at 9:56 p.m., CPS received a 9-1-1 call from the AP's family member. She said that the AP had two knives, was suicidal, and had cut his own throat. The AP knew that the police were being called and had said something about sending the SWAT team.

Multiple CPS officers, including the SO, and emergency medical services (EMS) went to the scene. A police officer with a less-lethal weapon, an ARWEN baton launcher, headed to the scene but did not arrive until after the incident.

At 10:10 p.m., five CPS officers including the SO and two K9 officers arrived. A tactical EMS paramedic was also on scene, with additional EMS paramedics staged further back from the scene.

At 10:10:12 p.m., the SO parked his marked police vehicle slightly down the street from the location of the complaint and exited. He walked a few metres closer to the house until

he was on the street in front of the house next to the AP's residence. At 10:10:40, the SO said, "are you [AP's first name]? What's going on, [AP's first name]?" The SO raised his flashlight to illuminate the AP (Figure 1).

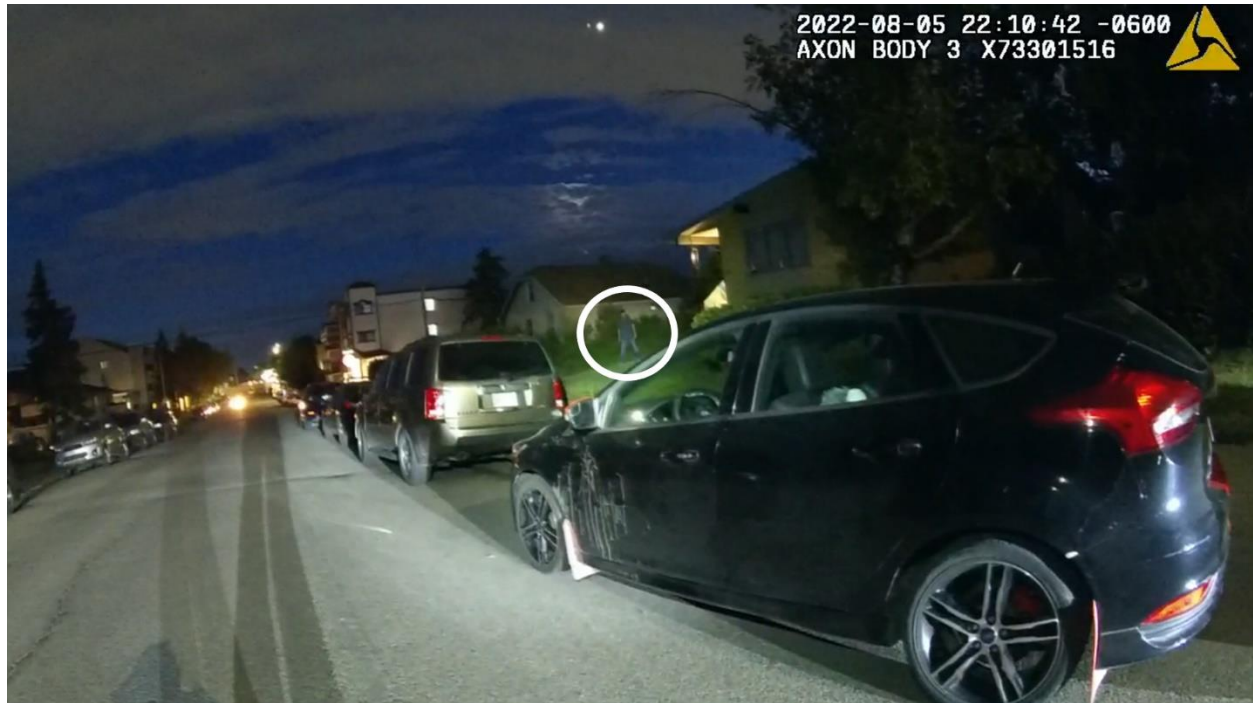


Figure 1 – Video from the SO's BWC showing the AP, circled, standing in front of a residence in the distance.

The SO continued to talk to the AP in a loud but conversational tone, saying, "why don't you drop the knife and come talk to us?" There was no audible response on the BWC video from the AP. The SO continued, "hey? I need you to drop that though. Hey?" The AP responded, "no" and the SO asked, "why not?" There was no audible response from the AP. The SO then said, "why don't you just drop the knife and come talk to us, make this easy."

The AP responded but his words were not captured on the BWC video. The SO continued, "I'm not coming over there like that." The AP said, "come take it from me." The SO responded "what's that? No, we don't want to get into some confrontation with you. Hey? It would just be easier if you'd just drop that so we could talk." While the SO was saying this and again after he said it, the AP told him to "come take it from me."

The SO said "I'm not coming over to take it from you because we've had – that goes nowhere. Right? That goes nowhere, it doesn't help anything. It's just easier if you just drop it, [AP's first name]."

The AP responded, "nope, not happening" at 10:11:31. The SO asked him, "what's that?" and he responded by yelling, "not happening!" The SO asked him why three times over the next few seconds, with no audible response from the AP.

At 10:11:51, the AP started to walk toward the street. The SO said, "[AP's first name], where are you going?" He repeated himself and then drew his firearm at 10:11:58. Two seconds later, the AP came out from between parked vehicles and started walking toward the SO (Figure 2).



Figure 2 – Video from the SO's BWC showing the AP emerging from parked vehicles and walking toward the SO.

As the AP emerged, the SO said, "don't do it! [AP's first name], don't do it! Don't do it!" The SO walked backwards away from the AP with his firearm raised. The AP continued to walk toward the SO at a normal walking pace and appeared to have one dark object in each hand. The SO continued to talk to the AP, saying, "stop it!" and then, at 10:12:05, "I'm not going to give you many more options." The AP continued to walk toward the

SO until he was approximately the length of one parked vehicle away from the SO. The SO said, “[AP’s first name], stop it!” at 10:12:07. The AP continued and, at 10:12:09, the SO fired five shots in quick succession at the AP (Figure 3).



Figure 3 – Video from the SO’s BWC showing the AP with objects in both hands at the time of the SO’s first shot.

The AP fell to the ground, dropping two items from his hands (Figure 4).



Figure 4 – Picture of the two items that the AP dropped after being shot.

These two items were a knife and a boxcutter (Figures 5 and 6).



Figure 5 – Knife dropped by the AP.



Figure 6 – Boxcutter dropped by the AP.

The AP rolled on the ground near the knife and boxcutter. At 10:12:25, a police dog ran up and bit onto the AP in the leg area. The AP was then dragged away from the two items. The AP was arrested and, at 10:12:07, the tactical EMS paramedic began treating the AP. While being treated, the AP said, “just shoot me.” At 10:13:45, an ambulance that had been waiting nearby drove up near the AP and those paramedics joined in the AP’s treatment.

EMS transported the AP to the hospital. His injuries were superficial cuts to the neck, bite marks, and five gunshot wounds to his legs, right arm, and torso. Two of the gunshots hit his femur, causing fractures. The AP remained in hospital for some time for numerous surgeries and treatments.

#### *Scene Examination*

The scene was processed by CPS forensic officers working at the direction of ASIRT investigators. The SO’s shell casings and the AP’s knives were four to seven metres apart. The truck that the SO and the AP were standing next to was approximately six metres long.

### *Affected Person's (AP) Statement*

ASIRT investigators interviewed the AP on August 10, 2022, while he was in hospital. The AP generally agreed with the above events. He could not remember certain parts that were verifiable by video, such as holding a second knife. He was unable to explain what he thought would happen if the SO had tried to take the knives away from him and could not explain why he did not put the knives down.

### *Subject Officer (SO)*

The SO did not provide a statement to ASIRT investigators. As the subject of a criminal investigation, he is entitled to rely on his right to silence.

## **Analysis**

### *Distance between the SO and the AP*

At the time of the first shot, both the SO and the AP were standing next to a truck. Based on the SO's BWC video, the SO was near the front wheel of the truck and the AP was near the back bumper. The SO's position is somewhat confirmed by the position of shell casings in front of the truck. Since shell casings are ejected forcefully and can move considerably, this is only approximate. The AP's position is confirmed by the position of the knives and bloodstains on the ground. This is also approximate since the AP fell slightly forward once shot.

Based on the measurements obtained, the distance between the SO and the AP at the first shot was therefore four to seven metres.

### *Section 25 Generally*

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for execution of their duties. Where this force is intended or is likely to cause death or grievous bodily harm, the officer must believe on reasonable grounds that the force is necessary for the self-preservation of the officer or preservation of anyone under that officer's protection. The force used here, discharging a firearm repeatedly at a person was clearly intended or likely to cause death or grievous bodily harm. The SO therefore must have believed on reasonable grounds that the force he used was necessary for his



self-preservation or the preservation of another person under his protection. Another person can include other police officers. For the defence provided by s. 25 to apply to the actions of an officer, the officer must be required or authorized by law to perform the action in the administration or enforcement of the law, must have acted on reasonable grounds in performing the action, and must not have used unnecessary force.

All uses of force by police must also be proportionate, necessary, and reasonable.

Proportionality requires balancing a use of force with the action or threat to which it responds. This is codified in the requirement under s. 25(3), which states that where a force is intended or is likely to cause death or grievous bodily harm, the officer must believe on reasonable grounds that the force is necessary for the self-preservation of the officer or preservation of anyone under that officer's protection. An action that represents a risk to preservation of life is a serious one, and only in such circumstances can uses of force that are likely to cause death or grievous bodily harm be employed.

Necessity requires that there are not reasonable alternatives to the use of force that also accomplish the same goal, which in this situation is the preservation of the life of the officer or of another person under his protection. These alternatives can include no action at all. An analysis of police actions must recognize the dynamic situations in which officers often find themselves, and such analysis should not expect police officers to weigh alternatives in real time in the same way they can later be scrutinized in a stress-free environment.

Reasonableness looks at the use of force and the situation from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

### *Section 25 Applied*

The SO was responding to a call of a potentially suicidal individual that day. Such calls require careful action by police so that the situation is not exacerbated. They are also dangerous calls for responding officers since suicidal individuals, especially those with weapons, have acted violently toward officers.

The SO and the other officers acted with care when they responded. The SO engaged the AP from a distance when he arrived. He told the AP that he wanted to talk to him in a conversational tone. He asked the AP to drop the knife instead of ordering him to drop

it. When the AP escalated by telling the SO to come take it, the SO continued to calmly ask to drop the knife and talk.

When the AP started to approach him, the SO continued to talk to the AP in a measured way. He told him, “don’t do it” repeatedly and gave him a warning that he would not give him many more options. The SO backed up to give more space to the AP. Only when the AP came within a few metres did the SO fire. The AP, who had a knife and a boxcutter in his hands, could have covered the few metres between them within seconds. Police officers do not have to wait to respond until force is actually used on them in situations such as this where the threat is clear.

The AP with the knives at that distance risked the SO’s self-preservation. By shooting at the AP, the SO intended to cause him death or grievous bodily harm. These two are proportionate.

The SO was making an honest attempt to avoid a confrontation with the AP. The AP was intent on confronting the SO. By coming at the SO with two knives, the AP made the SO’s actions necessary.

Overall, the SO acted reasonably in a difficult situation. The entire incident from the SO’s first words to the first shot was less than 90 seconds.

As a result, the defence available to the SO under s.25 of the *Criminal Code* is likely available to him.

### *Section 34 Generally*

A police officer also has the same protections for the defence of person under s. 34 of the *Criminal Code* as any other person. This section provides that a person does not commit an offence if they believe on reasonable grounds that force is being used or threatened against them or another person, if they act to defend themselves or another person from this force or threat, and if the act is reasonable in the circumstances. For the act to be reasonable in the circumstances, the relevant circumstances of the individuals involved and the act must be considered. Section 34(2) provides a non-exhaustive list of factors to be considered to determine if the act was reasonable in the circumstances:

(a) the nature of the force or threat;

(b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;

- (c) the person's role in the incident;
- (d) whether any party to the incident used or threatened to use a weapon;
- (e) the size, age, gender and physical capabilities of the parties to the incident;
- (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
- (f.1) any history of interaction or communication between the parties to the incident;
- (g) the nature and proportionality of the person's response to the use or threat of force; and
- (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.

The analysis under s. 34 for the actions of a police officer often overlaps considerably with the analysis of the same actions under s. 25.

#### *Section 34 Applied*

In this situation, the threat that the AP posed to the SO was clear. A police officer, like anyone else, does not have to wait to see if an angry person coming at them with two knives will actually stab them. The SO was entitled to respond as he did in self-defence. As a result, the defence under s.34 will also likely apply.

#### **Conclusion**

On August 5, 2022, the AP was in a mental health crisis and had cut his own neck. CPS officers and EMS responded quickly. The SO spoke to the AP in a non-confrontational way and tried to get the AP to drop the knife and boxcutter that he was carrying. The AP refused and began to walk toward the SO while carrying those two knives. He did not stop when told to do so by the SO. When he came within four to seven metres of the SO, the AP risked the SO's self-preservation. The SO fired his handgun five times, striking the AP. Based on the threat the AP presented to the SO, this use of force was justified

under both s. 25 and s. 34 of the *Criminal Code*. As a result, there are no reasonable grounds to believe that a criminal offence occurred.

**Original signed**  
\_\_\_\_\_  
**Matthew Block**  
**Assistant Executive Director**

**January 12, 2024**  
\_\_\_\_\_  
**Date of Release**