

Dec. 21, 2018

EPS officers acted reasonably in shooting

On Mar. 13, 2017, the Alberta Serious Incident Response Team (ASIRT) was directed to investigate the circumstances surrounding the serious injury of a 36-year-old man during an encounter with Edmonton Police Service (EPS) officers.

Shortly after 11:30 a.m. that day, EPS received multiple calls reporting a man with a long-barrelled firearm at the intersection of 137 Avenue and 50 Street. Witnesses and complainants reported that the man was pointing a rifle at people and passing vehicles in the area, including two Edmonton Transit buses. Some reported fearing for their lives, expressing they might die as they were essentially gridlocked with no place to go.

Police responded immediately, but due to traffic congestion in the area, the first two officers on scene were forced to abandon their vehicle and approach the intersection on foot. The officers believed the man was aware of their arrival, but he made no attempt to flee or put down the firearm when they arrived. Based on observations from witnesses and police, the man's firearm appeared real but it wasn't possible to determine whether it was loaded.

An officer took cover behind a nearby vehicle while another officer positioned himself on a grassy area approximately 20 to 30 metres from the intersection, with his service carbine rifle. When the man dropped down into a stable, low shooting position, looked through the scope of his firearm and pointed it at police, an officer directed him to drop his firearm, but he failed to do so. He again, pointed his firearm at the officer. The officer fired his carbine, hitting the man and causing him to fall down. The officers approached and moved the firearm out of the man's reach, and provided emergency medical aid until Emergency Medical Services (EMS) arrived. The incident was over in less than four minutes.

Under S.25 of the *Criminal Code*, a police officer is permitted to use as much force as is reasonably necessary in the lawful execution of their duties. In this case, it is clear that the armed man presented an immediate lethal threat to a large number of people in the area. He was pointing his firearm indiscriminately at civilians and police. Both officers on scene had the lawful ability and duty to protect both the public and themselves, and were permitted to use reasonably necessary force to do so.

Having reviewed the matter, the actions of the officers were not only reasonable and lawful in the circumstances, they were necessary. Concern is often raised with how an officer-involved shooting can occur in such a high-traffic location. Police officers did not choose that location, nor did they create the circumstances requiring the use of lethal force. In this situation, any response other than the use of lethal force would have allowed time for the man to shoot and presented an unacceptable risk to the lives of the many people trapped in this harrowing event. As such, there are no reasonable grounds, nor reasonable suspicion, to believe that the officers on scene committed any *Criminal Code* offence(s).

ASIRT's mandate is to effectively, independently and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person.

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Media inquiries may be directed to:

ASIRT Media Line

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