



# Report to the Minister of Justice Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the \_\_\_\_\_ Court House  
in the \_\_\_\_\_ Town \_\_\_\_\_ of \_\_\_\_\_ Stettler \_\_\_\_\_, in the Province of Alberta,  
(City, Town or Village) (Name of City, Town, Village)  
on the 19<sup>th</sup> and 20<sup>th</sup> day of \_\_\_\_\_ October \_\_\_\_\_, 2023 \_\_\_\_\_, (and by adjournment  
year  
on the XX day of \_\_\_\_\_ XX \_\_\_\_\_, XX \_\_\_\_\_),  
year  
before \_\_\_\_\_ Justice T. M. Scrase \_\_\_\_\_, of the Alberta Court of Justice,  
into the death of \_\_\_\_\_ Justin Robert POTTS \_\_\_\_\_ 33 \_\_\_\_\_  
(Name in Full) (Age)  
of \_\_\_\_\_ Lacombe, Alberta \_\_\_\_\_ and the following findings were made:  
(Residence)

**Date and Time of Death:** \_\_\_\_\_ October 19, 2017 at 1:23pm \_\_\_\_\_

**Place:** \_\_\_\_\_ University of Alberta Hospital, 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 – *Fatality Inquiries Act*, Section 1(d)).

Gunshot wound to head

**Manner of Death:**

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

Homicide

**Circumstances under which Death occurred: see attached schedule**

**Recommendations for the prevention of similar deaths: see attached schedule**

DATED October 20, 2023

at Red Deer, Alberta.

*Original Signed*

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A Justice of the Alberta Court of Justice

Justice T. M. Scrase  
Alberta Court of Justice

Justin Robert POTTS Fatality Inquiry  
Schedule of Circumstances of Death

1. On October 19, 2017, at around 8:00 am, RCMP in Bashaw, Alberta received a report of a suspicious truck parked with a sleeping driver on Range Road 234, just south of Highway 11.
2. The RCMP in Stettler, Alberta had been investigating the theft of a large service truck from a Gas Plant in the area not far from where the suspicious truck was sitting. A check of the license plate marker confirmed it was the same truck.
3. Two members of the Bashaw RCMP detachment attended the scene, Constable Fraser ANDERSON and Constable Benjamin WITMER, along with Constable David LUKEMAN of the Stettler RCMP.
4. The three RCMP members met near the location of the stolen truck and formulated a plan. They would simultaneously pull their police vehicles in front of and behind the truck to block it in. A spike belt would be placed behind the wheels of the truck. Lukeman would make contact with the driver while Anderson would cover the truck from the front with his C-8 Carbine Rifle. Witmer would provide further cover by backing up Lukeman at the door of the vehicle.
5. The plan was followed, and Lukeman stopped his police vehicle behind the stolen truck. He first went to the passenger side and observed through the passenger window that the lone occupant was the still sleeping driver. A drug-use needle was observed in the cup holder of the truck. The driver's side window was observed to be open.
6. Lukeman went around the vehicle to the driver's door, opened it, and woke the driver. The driver was Justin Robert POTTS. He was not known to any of the members on scene. Lukeman was standing with Mr. Potts seated in front of him and the open driver's door beside him.
7. Upon awakening, Mr. Potts was told by Lukeman he was under arrest. Mr. Potts did not comply with the demands of Lukeman and a struggle ensued. Lukeman attempted to shut the vehicle off by removing the keys but discovered that the vehicle was running without keys, and he was unable to stop the engine. Mr. Potts began to push on the accelerator and Lukeman punched Mr. Potts repeatedly in an effort to stop Mr. Potts as Mr. Potts grabbed at the gear shift next to the steering wheel. Mr. Potts did not stop and was able to move the gear shift into reverse.

8. The truck began to move in reverse with Lukeman being dragged along by the open driver's door. An attempt by Lukeman to pull Mr. Potts out of the vehicle was futile as Mr. Potts had his seatbelt on.
9. The stolen truck collided with Lukeman's police SUV and continued in reverse pushing the police vehicle while accelerating. The force of the reversing truck and the position of the open driver's door had trapped Lukeman.
10. Anderson followed on foot with his carbine in a high ready position. All three officers were yelling for Mr. Potts to stop the vehicle. Anderson could no longer see Lukeman's upper body, only his legs.
11. Anderson feared for the safety of Lukeman and believed he was in danger of grievous bodily harm or death by being dragged or sucked under the tires of the truck. He brought the rifle up to aiming position and sighted on Mr. Potts' center mass through the windshield of the stolen truck.
12. Anderson was aiming through the scope located on the top of his carbine. With the rifle in the aimed position, he did not see Lukeman duck under the door and roll away safely from the vehicle. Anderson fired three rounds from the carbine at Mr. Potts.
13. The vehicle continued to accelerate and reverse away pushing Lukeman's police vehicle. Both the stolen truck and police vehicle entered the ditch with the truck coming to rest against some trees. The three officers ran down the hill and checked on Mr. Potts.
14. The engine of the truck was still revving, and they had to remove Mr. Potts' foot from the accelerator. Mr. Potts was suffering from a critical gun shot wound to the head resulting from one of the rounds from Anderson's carbine rifle. Mr. Potts was gasping for air.
15. Emergency Medical Services were summoned and attended the scene. STARS Air Ambulance attended the scene and transported Mr. Potts to the University of Alberta Hospital in Edmonton.
16. Mr. Potts was unable to recover from his head injury despite medical efforts and died in the hospital at 1:23p.m.

Justin Robert POTTS Fatality Inquiry  
Schedule of Recommendations

The Royal Canadian Mounted Police have policies and training procedures for assessing and dealing with the many dangerous situations that members encounter regularly. These policies and procedures include situations where a member is placed in danger of grievous bodily harm or death to themselves or any other person. These policies and procedures are based on the collective knowledge and experience gathered through many years of active policing. The policies and procedures in place appropriately cover the circumstances that occurred in the death of Mr. Potts and therefore no recommendations are made in these circumstances.