IN THE MATTER OF AN INDIVIDUAL SUFFERING SERIOUS INJURY AFTER FLEEING IN A VEHICLE FROM AN OFFICER OF THE CALGARY POLICE SERVICE

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

Executive Director: Michael Ewenson
ASIRT File Number: 2020-0048(S)
Date of Release: August 24, 2023
Introduction

On August 18, 2020, the Alberta Serious Incident Response Team (ASIRT) was directed pursuant to s. 46.1 of the Police Act, to enter an investigation into the circumstances surrounding a collision resulting in serious injury to the affected person (AP) that was reported to have involved a criminal flight from an officer of the Calgary Police Service (CPS).

ASIRT’s Investigation

Our investigation was comprehensive and thorough, conducted using current investigative protocols and principles relating to Major Case Management (MCM). Investigators interviewed the affected person, civilian and police witnesses, collected CCTV, police audio transmissions, in-car digital video and GPS coordinates for the vehicle driven by the subject officer (SO).

Circumstances Surrounding the Incident

On August 18, 2020, at approximately 1:15 P.M., a civilian witness (CW1) who was working with SO on a problem residence in the community called him to report some suspicious activity involving a number of males moving property from the house to a nearby vehicle. SO who was working nearby drove to the residence in his unmarked police vehicle. Upon arriving SO observed a male outside the residence in possession of a trolley. A black car that was reported by CW1 to be involved with the males was parked nearby where SO had stopped. SO activated his emergency lights on his vehicle. A male ran back into the house, while AP was sitting in the driver’s seat of the black car. AP then drove away from SO at a high rate of speed. SO proceeded to follow after AP with his emergency lights activated. SO did not have his siren activated at this time.

AP continued to speed away from SO, who by now had radioed in that he had a vehicle that was not stopping for him. Shortly thereafter, SO pulled over and advised dispatch of the last known direction of the black vehicle being driven by AP.
At 1:31 P.M. CPS received several 9-1-1 calls reporting a single vehicle crash blocks away from where SO had last seen the fleeing vehicle. The calls reported that a vehicle had crashed into the Tuxedo Park Community Centre, and the driver, AP, was trapped in the car under the deck to the house. Numerous police officers, including SO then attended the location of the crash. Calgary Fire Department members and EMS also attended the location. AP was subsequently removed from the wreckage of the vehicle and transported to hospital with serious upper body and head injuries.

**Witness Interviews**

ASIRT investigators obtained statements from several civilian and police witnesses, but only those that are necessary to address ASIRT’s mandate will be referenced herein. As is his right, the subject officer did not provide a statement to investigators.

Civilian Witness #2 (CW2)

CW2 lived across the street from the Tuxedo Community Centre. He heard a vehicle travelling at a high rate of speed, and then the sound of a crash when the vehicle went under the community center. He went to check on things and found that the vehicle was completely imbedded under the deck. The driver, AP, was unconscious.

The first responders did not arrive on scene for 5-10 minutes. He learned from other bystanders that apparently the driver was being pursued by police. This surprised him, because he stated if that had been the case, he would have expected they would have been on scene sooner.

Civilian Witness #3 (CW3)

CW3 was outside at a friend’s place about a half block from the crash scene. He saw the black Ford Mustang being driven extremely fast. He estimated it was going at a minimum of 100 km/hr. The driver could not make the turn and crashed into the building. He ran over to the scene and immediately called 9-1-1. Within about 5 minutes the first police officer showed up in a fully marked vehicle followed by EMS and the fire department.

CW3 confirmed that he did not observe any police officers chasing the Ford. There were no sirens or any indication that AP was being chased by anyone.
Electronic Evidence

Radio Transmissions

ASIRT obtained the relevant radio transmissions for this event. In reviewing the transmissions, it is clear that SO began following the Ford as AP drove away in it. SO gave a partial license plate number and then stated that he only had a “long eye” on the vehicle as AP was going quick. SO subsequently advised of the last known direction of travel for the Mustang. Approximately one minute later there are comments over the radio that the vehicle collision that had just been reported will be the Mustang that fled from SO.

GPS data for SO’s vehicle

The GPS data for the vehicle SO was driving during this incident shows that while he was driving near where the males were first reported to be moving property he was going between 12-38 km/hr. About two minutes later, the speed on SO’s vehicle increased to between 80-100 km/hr for only a matter of seconds. SO’s vehicle is then shown as travelling at 20 km/hr eastbound on 2500 block. Shortly after this, GPS shows SO’s vehicle to be northbound on Edmonton Trail going 78 km/hr. A couple minutes later, GPS shows SO’s vehicle to turn around on Edmonton Trail to then be heading southbound and the speed increased to 96 km/hr before slowing to turn onto 29 Avenue NE where AP’s vehicle was located. GPS showed that SO’s vehicle remained at this location for the rest of the time.

Analysis

ASIRT was directed to investigate a serious injury motor vehicle collision and the actions of SO, as they related to this event. ASIRT’s investigation found that while SO did initially begin pursuing AP on the basis of a suspicious persons complaint, he ceased pursuing the vehicle shortly after he began to. While SO ceased pursuing AP, AP chose nonetheless to continue to drive at a very high rate of speed, and subsequently crashed his vehicle into the building resulting in his significant injuries.

Conclusion

While SO began pursuing AP’s vehicle, he ceased doing so very shortly thereafter. The subsequent crash and injuries to AP rest solely with him. Under these circumstances, there is no basis to believe that SO committed any criminal offence. As such, this matter has been concluded. This said, it appears that SO may have breached some CPS policies as they relate to entering into and participating in a criminal flight response. These are
issues that are outside the scope of ASIRT’s mandate, and can be addressed by the CPS as they deem necessary/appropriate.

Original signed  
Michael Ewenson 
Executive Director

August 24, 2023   
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