IN THE MATTER OF A FATAL OFFICER-INVOLVED SHOOTING INVOLVING
RCMP IN RED DEER ON MAY 24, 2021

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

Executive Director: Michael Ewenson
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Introduction

On May 24, 2021, 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 fatal Red Deer Royal Canadian Mounted Police (RCMP) officer-involved shooting. The shooting was reported to have happened during the investigation of an erratic driver complaint.

ASIRT’s Investigation

ASIRT’s investigation was comprehensive and thorough, conducted using current investigative protocols and principles relating to Major Case Management. Evidence from civilian witnesses, the subject officers, police in-car and private security video recordings provided sufficient information to determine whether the force used by the subject officers during this critical incident was reasonable.

Circumstances Surrounding the Officer-Involved Shooting

In the evening of May 24, 2021, Red Deer RCMP received several complaints about a vehicle being driven erratically. Around 9:00 P.M., subject officer #1 (SO1) was parked in their marked police vehicle near the Red Deer Regional Hospital parkade when the vehicle that was the subject of the complaints pulled up alongside of them, with the affected person (AP) driving. Unprompted the AP made a statement to SO1 about having a weapon and he was going to the hospital. SO1 immediately requested the assistance of other officers while the AP drove away in the direction of the hospital which was very close by.

SO1 followed AP into the hospital parkade. AP stopped his vehicle in the first portion of the parkade which was largely empty of vehicles. The area where the AP parked had a security camera directly above the vehicle which was operational. AP then exited his vehicle with a compound bow as well as additional arrows that he tucked into a pocket on his pants. AP’s unoccupied vehicle began to roll backwards toward SO1’s vehicle, eventually coming in contact with the front bumper of it. AP was then holding the compound bow with an arrow nocked pointed in the direction of SO1. SO1 backed their police vehicle up and activated the emergency lights. SO1 was yelling commands to AP
to drop the weapon and was trying to get AP to talk with them. Civilians who were present in the other portion of the parkade confirmed to ASIRT that they heard SO1 give numerous commands to the AP for the weapon to be dropped. AP was yelling back that he was not going to drop the bow. This back and forth occurred a few times. Subject officers 2-5 (SO2-SO5) arrived on scene to back up SO1. They parked outside the parkade and came in through an opening and all took cover near SO1’s police vehicle. A sole officer then ran out of the parkade and returned with a carbine, which is a long-barrelled gun, and took up a position close to a wall at the entrance to the parkade.

Officers continued to give commands for AP to drop the compound bow. Instead of complying, AP moved towards the officers and brought the bow up to a shooting stance, with it directed at several of the back-up subject officers. All five subject officers then discharged their respective firearms at AP. A total of 28 rounds (27 9mm rounds and one round of .223) were fired at AP. Having been shot, AP fell to the ground. All of the officers then moved towards AP using SO1’s vehicle as cover. The officers provided first aid while waiting for emergency medical services (EMS) to arrive. EMS subsequently attended and provided emergency care before pronouncing AP deceased.

At autopsy it was determined that AP had four gunshot wounds to his body.

**Video Evidence**

The entire event within the parkade, as set out above, was captured on video from SO1’s police in-car recording system. Additionally, security CCTV from the parkade also captured the events within the parkade, though it is without audio unlike the in-car recording. The video recording from SO1’s vehicle was forward facing while the security camera from the parkade captured the incident facing the back of the AP. In tandem the entire incident is captured from beginning to end by good quality video. While statements were obtained from civilian witnesses, and the subject officers, there is no need to set out the contents thereof, as they align with the video evidence and doing so would not add anything to the analysis of the use of force employed during this event. As mentioned above, the independent civilian witnesses corroborate SO1’s statement of providing numerous commands to the AP to drop the weapon. These commands are also
captured on the audio recording from SO1’s vehicle. SO1 stated to the AP “I don’t want to shoot you, just put it down, we can talk about it...put it down, just talk to me...what’s going on?...we can talk about it...”. SO1 continued attempts to deescalate the situation at the same time that the AP was walking towards SO1’s vehicle with the bow raised.

Below are two screen captures from the parkade security camera which show the AP with the compound bow aimed at SO1.
Analysis

The officers were lawfully placed and acting in the execution of their duties, SO1 having initially followed AP into the parkade to investigate the concerning comments AP made to them just outside the parkade. Considering the AP made a statement about being armed with a weapon and travelling to a public location SO1 was duty bound to follow the AP. The additional subject officers were lawfully placed in assisting SO1 in dealing with the now armed AP.

The Use of Force

Under s. 25 of the Criminal Code, police officers are permitted to use as much force as is necessary for the 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. A police officer also has the same protections for self-defence under s. 34 of the *Criminal Code* as any other person.

A police officer’s use of force is not to be assessed on a standard of perfection nor using the benefit of hindsight.

With the benefit of hindsight, time for detached reflection and knowledge of the ultimate outcome, it is easy to speculate about how things could have been done differently. That is not the standard, however, against which an officer’s conduct is measured. The question is, applying principles of proportionality, necessity, and reasonableness, whether the force used falls into a range of possible reasonable responses.

*Proportionate Response*

Proportionality requires balancing a use of force with the action to which it responds. Here, the subject officers were faced with an individual that possessed a notched compound bow, and was refusing to drop it, notwithstanding numerous commands to do so. This individual was moving forwards towards some of the subject officers, and then raised the bow in their direction. An arrow shot from a compound bow is certainly capable of causing death or grievous bodily harm to a person. As such, the subject officers’ responses in using their firearms to shoot AP was proportionate to the threat of death or grievous bodily harm that he posed to them, and their fellow officers also present.

*Reasonably Necessary*

As previously noted, AP presented the officers as a lethal threat given his possession of the compound bow, and his refusal to drop it. Under the circumstances as then faced by the officers, no other use of force options were reasonably available for attempted use. The subject officers’ reliance on using their respective firearm to incapacitate this threat was reasonably necessary. AP’s subsequent death, while tragic, does not change the analysis.

*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. In order 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.

In this incident, the subject officers were defending themselves from AP, while also
defending the other officers present. For the same reasons as stated above in relation to
s.25, this defence is also available to the subject officers.
Conclusion

Under s. 25 of the Criminal Code a police officer is justified in doing what he or she is authorized to do and to use as much force as is reasonably necessary where he or she has reasonable grounds to do so. Force intended to cause death or grievous bodily harm is justified if the officer believes, on reasonable grounds, that the force was necessary to prevent the death or grievous bodily harm of the officer and/or any other person. A compound bow is often used for hunting purposes and is capable of killing a large animal. Clearly a compound bow presents a lethal threat to human beings. The analysis under s.34 of the Criminal Code leads to a similar finding that subject officers’ actions were lawfully permitted.

After a thorough, independent, and objective investigation into the conduct of the subject officers, it is my opinion that they were lawfully placed, and acting properly in the execution of their duties. There is no evidence to support any belief that any officer engaged in any unlawful or unreasonable conduct that would give rise to an offence. While the death of AP is unfortunate, the force used by the subject officers was necessary and reasonable in all the circumstances.

ASIRT’s investigation having been completed and our mandate fulfilled, I have concluded our file.

______________________________          November 17, 2023
Michael Ewenson                   Date of Release
Executive Director