

*April 7, 2021*

## **RCMP used reasonable force during serious injury incident**

On April 29, 2019, the Alberta Serious Incident Response Team (ASIRT) was directed to investigate the circumstances surrounding injuries sustained by a 33-year-old man during his arrest by members of the Lloydminster RCMP that same date.

On that date, members of the Lloydminster RCMP observed a male driver operating a stolen Dodge Ram 2500 truck within Lloydminster city limits. The truck had been stolen earlier that day during a break and enter at a local vehicle repair shop. Video footage from the repair shop depicted the 33-year-old man as the individual responsible for the break and enter, and at the time, the man was also under investigation in relation to a homicide that had occurred on April 27, 2019.

Police attempted to conduct a traffic stop on the stolen truck, but the truck fled. Officers elected not to pursue the vehicle; however, the vehicle was known to have engine problems and was not expected to be drivable for long. A short time later, two police officers observed the stolen truck in an industrial area of the city. In order to avoid a pursuit, both officers followed the truck from a distance until they observed plumes of smoke emanating from the truck, leading them to believe that the vehicle's engine had failed.

The two officers stopped their fully marked police vehicles in front of and behind the truck, blocking its path. The man exited the driver's side door of the truck and fled on foot toward the rear of the truck and into a fenced compound. One of the police officers pursued the man on foot while the second ensured the stolen truck was empty before joining the foot pursuit a short distance behind. As the first officer ran, he called out to the man by name, advising him that he was under arrest. The man continued to run, but soon lost his footing and stumbled on the gravel. The officer drew his conducted energy weapon (CEW) and issued a verbal command for the man to stay down. When the man rose to his feet and began running again, both officers observed a black handgun in the man's right hand. The first officer radioed that the man had a gun, then drew his service pistol from its holster and issued repeated verbal commands for the man to drop the gun. The man continued running and, as he rounded the corner of a building, he pointed the handgun at the pursuing officer, who then fired his service pistol.

After the officer fired, the man ran behind a parked Volkswagen Jetta. As he turned to get behind the Jetta, still holding the gun in his right hand, the officer fired again. The man ducked behind the car as the officer fired at him through the window of the parked Jetta. The second officer described the man's actions as a tactical movement to use the vehicle as cover, and after the first officer fired, the man crouched down behind the vehicle. As both officers shouted repeated verbal commands for the man to drop the firearm, the man rose and lifted his firearm. At that moment, the officer fired again – this time striking the man, who fell to the ground, still holding the handgun. Following repeated verbal commands, the man eventually pushed the gun away and rolled over, at which time the second officer placed him in handcuffs.

With the man now in handcuffs, the first officer placed pressure on his wound while the second officer retrieved a first aid kit from the police vehicle. The two officers administered first aid to the man until he was transported by EMS to hospital, where it was confirmed that he had sustained a single penetrating gunshot wound to his left shoulder.

A loaded semi-automatic .22-calibre handgun was recovered from the incident scene, along with other items associated with both the man and the owner of the stolen vehicle. An image of the recovered firearm is not being released at this time, as it relates to a matter that remains before the courts.

Physical and video evidence confirm that five shots were fired during the incident by the first police officer, with approximately 22 seconds elapsing between the first shot and the final shot. Video evidence confirms the placement of the two officers matches the description in their statements, and civilian witness evidence confirms that the man retained possession of the firearm up until the officer's final shot.

Under Section 25 of the *Criminal Code*, a police officer is authorized to use as much force as is necessary in order to carry out their lawful duties. In this case, the evidence conclusively establishes that both police officers were on duty, were operating marked RCMP vehicles, and were attired in RCMP uniforms. At the time of the incident, the man was subject to lawful arrest for both the theft and possession of the stolen truck, as well as the flight from police that preceded the incident. In addition to those grounds for arrest, the officer who fired was also aware of the man's involvement in a homicide incident several days prior, during which a firearm was used. The officer's knowledge of the man's involvement and the nature of that incident reasonably elevated the officer's risk assessment of the situation.

During his interview, the man denied any intention to harm police; however, it is clear from the evidence that throughout the incident he repeatedly refused to follow verbal commands and maintained possession of a firearm until after the officer's final shot. The man's actions during the incident, combined with the information available to the officer, were more than sufficient to establish an objectively reasonable fear of death or grievous bodily harm on the part of the officer, and to justify a use of force proportionate to that threat.

While the man sustained an injury during the arrest, his actions gave the officer reasonable cause to believe that his life was endangered; therefore, the force that he used to address that danger was also reasonable. Accordingly, there are no grounds to believe that an offence was committed by any police officer, and no charges will be laid.

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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