



IN THE MATTER OF AN INJURY INVOLVING AIRDRIE RCMP IN LINDEN ON  
JUNE 30, 2020

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

Assistant Executive Director:

Matthew Block

ASIRT File Number:

2020-0039(S)

Date of Release:

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## **Introduction**

On July 6, 2020, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate injuries sustained by the affected person (AP) during his arrest in Linden by Airdrie detachment Royal Canadian Mounted Police (RCMP) officers. ASIRT designated one subject officer (SO), with notice to him. ASIRT's investigation is now complete.

## **ASIRT's Investigation**

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed four police officers and two paramedics. The AP refused to be interviewed by ASIRT, but investigators reviewed an earlier interview of the AP by the RCMP. ASIRT investigators also reviewed video from the police vehicles involved and reviewed radio communications from the incident.

## **Circumstances Surrounding the Incident**

Just before midnight on June 30, 2020, the SO, witness officer #1 (WO1), and witness officer #2 (WO2) were at a residence near Linden investigating a threats complaint. The subject of the complaint was a man in a white Chevrolet truck. The man had said he was watching the complainant and referred to the complainant's residence. While they were at the residence, the AP drove by in his light-coloured truck. The officers thought it might be the white truck from their complaint, so the SO drove after the AP and stopped him.

At 11:45:33 p.m., the AP stopped his truck, which was a silver Ford, inside of Linden. The AP immediately got out of his truck and walked toward the SO's police vehicle. He walked close enough to the driver's side of the vehicle to be out of view for the vehicle's front camera. The following exchange, caught on the police vehicle video occurred from 11:45:41 to 11:45:54 p.m.:

SO: Get back in your vehicle! Get back in your vehicle!

SO (getting out of his vehicle): Get back in your vehicle now!

AP: Why?

SO: Get back in your vehicle, sir.

AP: Why are you yelling?

SO: Okay so turn around, get back in your vehicle.

The SO and the AP then took a few steps forward so that they were at the edge of the field of view for the police vehicle camera. The two were facing each other and talking animatedly, although the conversation was not caught on video.

At 11:47:10 p.m., the SO reached out to grab the AP's left arm. The AP pulled his arm up and away from the SO. The SO placed both hands on the AP's shoulder area and pushed the AP back, turning him slightly. The SO put one arm around the AP's neck from behind and appeared to pull the AP to the ground as they left the camera's field of view.

The following was caught on the police vehicle video from 11:47:21 to 11:49:04 p.m.:

SO: You are under arrest.

AP: For what?

SO: Obstruction!

AP: For what?"

SO: For not obeying the commands of a police officer! You're interfering me with doing my job, now you're...

AP: No.

SO: ...resisting arrest.

AP: No. You're going to beat me up.

SO: Yup.

AP: You're going to beat me up because I stand out of my vehicle.

SO: Because you didn't respond [indiscernible] I arrested, you resisted.

SO: Put your hands behind your back! Do it now! Do it now! Hands behind your back! Put your hands behind your back! Do it now!

SO: Put your other hand behind your back! Do it now! Do it now! Do it now!

SO: Put it behind your back, stop resisting.

WO1 arrived and began to help the SO gain control of the AP. WO2 arrived shortly after, and the three officers handcuffed the AP and brought him to a police vehicle.

The officers requested emergency medical services (EMS), who arrived a short time later. Paramedics found that the AP had a small cut on the bridge of his nose, but no other injuries. He did not complain of pain and, after cleaning and covering his cut, there was no further need for care. Both paramedics thought that the AP was belligerent and had been consuming alcohol.

#### *Affected Person (AP)*

On July 5, 2020, the AP provided a statement to the RCMP, and ASIRT investigators reviewed that. From July 8, 2020, to July 27, 2021, ASIRT investigators made attempts to get a statement from the AP. The AP would not speak to ASIRT.

The AP told the RCMP that he was driving home from a friend's residence when stopped by the SO. He got out and approached the SO, who told him to get back into his vehicle. The AP refused repeatedly and told the SO that he did not respect him. He told the RCMP that he was "pissed off."

The AP was unsure what happened next but thought that the SO may have hit him. He was then on the ground and bleeding. There was a struggle to get cuffs on him and two other officers arrived.

His injuries were a scratched cornea, cut above his left eyebrow, damage to the cartilage in his nose, and numbness in the right side of his face.

The AP refused to allow ASIRT investigators to access his medical records.

#### *Affected Person's Criminal Charges*

The AP was charged with impaired driving, refusing a breath demand, and two counts of obstructing a police officer from this incident. The charges were withdrawn on June 17, 2021.

### *Subject Officer (SO)*

On August 18, 2020, ASIRT investigators interviewed the SO. As the subject of a criminal investigation, the SO was entitled to rely on his right to silence like any other person and did not have to talk to ASIRT.

The SO said that he stopped the AP to determine if he was the subject of the complaint at the nearby residence. The AP exited his vehicle and was yelling, "You don't have the right to pull me over. You're a member of a corrupt government. I don't respect you." The SO told him to go back to his vehicle multiple times. The AP was close to him and in his face.

The AP continued to yell at the SO and the SO said he was unable to get any information from the AP as a result. He then decided to arrest the AP for obstruction. He told the AP he was under arrest and to turn around, but the AP refused. The SO then tried to grab his arm but the AP pulled away, so he wrestled him to the ground. The AP was trying to get up, so the SO delivered three or four punches to the AP's head to distract him. The AP started to bleed.

WO1 and WO2 then arrived and helped get the AP under control. The SO thought that the AP was impaired by alcohol.

### **Analysis**

#### *Effect of the Affected Person's Lack of Participation*

The AP did not agree to be interviewed by ASIRT. While the RCMP interview was reviewed, the AP's lack of participation affects the quality of the evidence available.

ASIRT was unable to obtain the AP's medical records. The most reliable evidence of injury without these records is therefore the evidence of the paramedics. Their evidence was that the AP had a small cut.

#### *The Traffic Stop*

When the SO first stopped the AP, he was investigating the threats complaint. He was entitled to stop the vehicle and briefly detain its occupants to determine if they were involved. While the truck in the complaint was a white Chevrolet and the AP was driving

a silver Ford, the SO was still entitled to briefly stop the vehicle given the similarity and the proximity to the complaint.

Traffic stops are dangerous situations for police officers. Police officers have been shot by drivers during routine traffic stops and officers are therefore justified in controlling the movements of drivers during traffic stops. The SO was justified in telling the AP to return to his vehicle, and the AP was acting unreasonably when he refused to do so.

### *Obstruction*

Section 129 of the *Criminal Code* reads:

Every one who

(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,

...

is guilty of

(d) an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(e) an offence punishable on summary conviction.

To arrest a person, a police officer must have reasonable grounds to believe that an offence is being committed. This is a lower standard than proof beyond a reasonable doubt, which is the standard for conviction.

As noted above, the SO was performing his duties when he stopped the AP to investigate the complaint. By the AP's admission, he was "pissed off" and did not respect the SO or his requests. The video shows the AP as agitated and in the face of the SO. The SO clearly had grounds to arrest the AP in this scenario. When the AP pulled away from the SO and did not submit to the arrest, the SO was justified in using force to gain his compliance. A significant amount of force would not have been justified.

The evidence here is that the SO brought the AP to the ground and punched him three to four times in the head, causing a small cut. This use of force was proportionate, necessary, and reasonable.

## **Conclusion**

On June 30, 2020, the SO pulled over the AP as part of an investigation. The AP was angry about being pulled over and walked up to the SO's police vehicle. When the SO told him to return to his vehicle, he refused and argued with the SO. His actions were obstructing the SO and, when the SO attempted to arrest him for this, he resisted. The SO was justified in a minor use of force to overcome this resistance and arrest him. As a result, there are no reasonable grounds to believe that an offence was committed.

*Original Signed*

**Matthew Block**

**Assistant Executive Director**

**June 27, 2024**

**Date of Release**