



CANADA
Province of Alberta

Report to the Minister of Justice and Attorney General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the _____ Provincial Court
in the _____ City _____ of _____ Calgary _____, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the _____ 5th _____ day of _____ January _____, _____ 2015 _____, (and by adjournment
year
on the _____ 6th, 7th, 8th & 9th _____ days of _____ January _____, _____ 2015 _____),
year
before _____ K. R. McLeod _____, a Provincial Court Judge,
into the death of _____ Jonathan George Rawlings _____ 36 _____
(Name in Full) (Age)
of _____ Calgary, Alberta _____ and the following findings were made:
(Residence)

Date and Time of Death: _____ August 8, 2011 at 0119 hours _____

Place: _____ Peter Lougheed Centre, Calgary, 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 – The Fatality Inquiries Act, Section 1(d)).

Multiple gunshot wounds.

Manner of Death:

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

Homicide (see attached report addendum).

Circumstances under which Death occurred:

See attached report addendum.

Recommendations for the prevention of similar deaths:

See attached report addendum.

REPORT ADDENDUM CONTENTS

I. OVERVIEW

II. THE EVENTS OF AUGUST 11 – 12, 2011

A. Police Witnesses:

- 1) Cst. Eric Hiscock
- 2) Cst. David Wood
- 3) Sgt. Brian Kostyniuk
- 4) Cst. Anthony Stiles
- 5) Cst. Wade Going
- 6) Cst. Steven James Wilkinson

B. Civilian Witnesses:

- 1) Chudi Nato
- 2) Donald Monroe
- 3) James Wilson

C. Witnesses Who Did Not Testify

III. INVESTIGATIVE AND EXPERT WITNESSES:

- a) Autopsy
- b) S/Sgt. Kevin Kunetski
- c) Cst. Joseph Tassone
- d) Chris Lawrence

IV. CPS TRAINING AND POLICIES

V. SUMMARY OF CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

VI. RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

VII. CONCLUDING COMMENTS

I. OVERVIEW

[1] At about 0119 hours on August 8, 2011, Jonathan George Rawlings died as a result of being shot by a police officer, Cst. James Wilkinson. This is the report following a Fatality Inquiry into the death of Mr. Rawlings.

[2] That shooting took place in an area between two houses in northeast Calgary. The only persons present were the deceased and Cst. Wilkinson, although several neighbours heard parts of their encounter and other police officers heard radio communications just before and after the shooting.

[3] For about two hours prior to the shooting, the police had been following two stolen vehicles – sometimes surreptitiously, sometimes openly. Mr. Rawlings was one of the three occupants of those stolen trucks. The occupants seemed determined to avoid being stopped by the police by whatever dangerous driving was necessary.

[4] After one of the stolen trucks was abandoned, Mr. Rawlings and a female ran from the other truck into a residential area in northeast Calgary. The truck continued to drive, followed by police, while Cst. Wilkinson left the police vehicle he was travelling in with his partner and pursued Mr. Rawlings on foot. The shooting likely occurred less than a minute after Cst. Wilkinson left his vehicle.

[5] Twelve witnesses were called at the Inquiry. Of the police witnesses, one was on regular Calgary Police Service (“CPS”) patrol duty, two were with the CPS High Enforcement Auto Theft Team (“HEATT”), and three were members of the CPS Tactical Unit. An Edmonton Police Service officer was called to give evidence about biomechanics and bullet trajectories. The primary police investigator in the Alberta Serious Incident Response Team (“ASIRT”) testified about the ASIRT investigation into the shooting. A former police officer testified as an expert on the police use of force and weapons.

[6] Three witnesses testified about what they heard of the shooting from their homes. The deceased’s two accomplices did not testify but their statements to ASIRT were entered as evidence before the Inquiry.

[7] Inquiry counsel presented the evidence. Separate counsel appeared for the CPS and Cst. Wilkinson. The family of the deceased was not represented by either a lawyer or family members.

II. THE EVENTS OF AUGUST 10 – 11, 2011

A. Police Witnesses

[8] These events began with an observation of a Ford truck bearing a stolen licence plate by a uniformed officer in a marked vehicle on patrol, and the subsequent following of that truck by HEATT, the specialized CPS stolen vehicle unit. That unit was joined by the CPS HAWCS helicopter and members of the CPS Tactical Unit in what became an effort to stop the suspected stolen trucks.

[9] Cst. Jason Hiscock first observed a white Ford 250 truck on Deerfoot Trail in Calgary at about 2300 hours. Because Ford Super Duty trucks like the F250 are high on the list of the most frequently stolen vehicles (according to the police evidence, Ford F250s and F350s are easy to steal), Cst. Hiscock queried its licence plate. He discovered its plate was stolen, alerted dispatch to the situation and followed the white Ford F250 at a distance while he waited for support. He did not make any attempt to stop the vehicle or alert its driver to his presence.

[10] However, near the end of his surveillance of the white F250, Cst. Hiscock noticed the driver and sole occupant apparently make eye contact with him. After that, the F250 became evasive and essentially took off. Cst. Hiscock reported that to HAWCS. Because of the driver's awareness of the police presence and the apparent attempt to flee, Cst. Hiscock decided not to conduct a traffic stop and not to follow the F250 any further. That would have been, in his view, too dangerous and, in accordance with CPS policy, he let the vehicle go.

[11] By then, Cst. Hiscock's supervisor had called in covert assistance to assist HAWCS. That included HEATT and canine.

[12] Now retired from the CPS, David Wood was the CPS Duty Inspector on the evening of August 10, 2011. His job that night was in essence to be the "street boss" for the city.

[13] After being alerted to Cst. Hiscock's observations, then Inspector Wood requested that the HEATT Unit be involved and that no marked vehicles encroach on the white F250 while HAWCS surveilled the vehicle and the HEATT members got into position. He had direct communications with Sergeant Brian Kostyniuk, the team leader of HEATT.

[14] The HEATT Unit is a covert unit of unmarked vehicles and non-uniformed CPS members involved in the specialized investigation, detection, surveillance, and pursuit of stolen vehicles. In most cases the HEATT Unit does not stop and arrest, leaving those duties to other units, and, particularly in the case of high-risk vehicle stops and arrests, to the CPS Tactical Unit.

[15] At about 2320 hours, the HEATT Unit members became involved in assisting the HAWCS helicopter in the surveillance of the white Ford F250. Sergeant Kostyniuk believed that there were six members, including himself, in six vehicles, involved in this surveillance.

[16] The white F250 was by then in the northeast part of the city. The driver, who was ultimately determined to be Ryan Witvoet, had picked up a female passenger, a person later learned to be Morgan Trytten, from the Arbour Lake area. The white F250 was joined by an unknown male driving a black Ford F350. The driver of that vehicle was later learned to be the deceased, Jonathan Rawlings.

[17] As noted, the licence plate on the white Ford F250 was known to the police at that time to have been stolen. Both the F250 and the black Ford F350 were stolen but that was not then known to the police, in the latter case because the truck had not yet been reported as stolen. Nonetheless, in part on account of the driving patterns of the two vehicles, the police operated on the assumption that both trucks were stolen.

[18] Then Inspector Wood continued to direct the surveillance. By this time, members of the CPS Tactical Unit had responded to a request to assist. Those members included Cst. Anthony Stiles, alone in his vehicle, Cst. Wade Going and Cst. James Wilkinson, partnered in their vehicle, their acting Staff Sergeant and other Tactical Unit members.

[19] The two trucks continued with their erratic driving patterns, driving to an industrial area in northeast Calgary. That driving included U-turns, excessive and slow speeds and other conduct that were regarded by the police as "heat checks" - efforts to determine if the police were following them. They stopped and the occupants appeared to be transferring items from one truck to the other.

[20] Then Inspector Wood decided that the area and circumstances were appropriate for the deployment of a spike belt. Csts. Going and Wilkinson set the spike belt up and Cst. Going, activating his vehicle's emergency lights, approached the two trucks and they fled, driving over the spike belt.

[21] Two of the tires on the white F250 and three tires on the black F350 were punctured. Both vehicles though continued to flee and drove into a parking lot at an auction mart located at a dead end. The two occupants of the black F350 abandoned that vehicle and got into the white F250 (perhaps Ms. Trytten had joined Mr. Rawlings in the F350 during the stop a short time earlier). By then, a number of police vehicles were either at the entrance to or in the parking lot.

[22] Unsuccessful attempts were made using the police vehicles to box the white F250 in and the latter rammed a parked car and escaped. Four rounds from an ARWEN gun were fired at the truck and one of the large Tactical Unit vehicles rammed the white F250 in the side. The truck still managed to elude the police and fled south, back towards the residential part of Calgary. (Police witnesses also testified about the challenges in stopping Ford F250s and F350s.)

[23] The HAWCS helicopter and the various police vehicles continued to follow the white F250 but at a distance and without emergency lights. The truck, driven by Ryan Witvoet with Ms. Trytten and Mr. Rawlings as passengers, drove even more dangerously at high speeds, without headlights, down the wrong lanes of traffic, causing numerous vehicles to take evasive action. The truck travelled over five kilometres southbound in the northbound lanes of 68 Street in northeast Calgary.

[24] At around this time, the HAWCS helicopter had to return to its base for fuel, but the various police vehicles were able to continue ground surveillance of the truck. Although then Inspector Wood directed that the truck, if possible, be pinned or physically contained, there was no opportunity for that.

[25] While westbound in the residential area of Whitehorn, the white F250 slowed and the two passengers jumped out. This was observed by members of the HEATT Unit who broadcast that information over the radio. Csts. Going and Wilkinson, following behind, observed the truck and an individual running from it. Cst. Wilkinson, the passenger in the police vehicle, leapt out and pursued the individual on foot. That individual was Jonathan Rawlings.

[26] Cst. Wilkinson's departure from the police vehicle was not broadcast to other members of the team, but Cst. Going drove their vehicle around the block to the alley behind the houses where he believed his partner had pursued the fleeing suspect. There was no discussion by the two officers about the foot pursuit; it was an instantaneous decision that both officers testified they knew reflected the only course of action to be taken. Cst. Wilkinson's object was to apprehend a person who appeared to be a danger, who had committed a number of criminal offences, and who was fleeing from the police.

[27] Initially, Cst. Wilkinson saw Mr. Rawlings at the back of and then at the passenger side of a vehicle parked on that road (and thought the suspect might have been trying to steal that vehicle). Cst. Wilkinson, running across the grass median with his pistol drawn, yelled, "Police – don't move". The suspect took off running from beside the vehicle to a house across the street. When he was at a gate entering the side yard of that house, Cst. Wilkinson yelled, "Police – don't you move".

[28] Mr. Rawlings eventually disappeared through the gate that entered an area beside and between that house and its neighbour. That was roughly 60 metres from where Cst. Wilkinson stepped out of his vehicle, and across a small green space and the road in front of the house.

[29] The gate is part of a fence at the front corner of the house. The main entrance of the house is inside the gated area, up a few steps from the walkway, at the side of the house about 15 or 20 feet from the front gate. A patio area of about 15 by 25 feet is outside of that main

entrance. The walkway continues around a corner of the house to the back yard where there is another gate at the back corner of the house leading to the back yard. That walkway is about six feet wide and twenty-two feet long. When standing at the opening of the front gate, the front door can be seen (a side view) and the first few feet of the walkway to the back gate can be seen.

[30] The suspect at the gate did not respond to Cst. Wilkinson but went through the gate into the darkness of the area beside the house. It was about midnight and Cst. Wilkinson did not observe any lights on inside or outside the house. Cst. Wilkinson continued in pursuit, running to the gate with his pistol in the ready position (finger off the trigger, gun pointed in a direction to cause no harm if it were to go off) and with a flashlight Cst. Wilkinson keeps secured underneath the barrel of his Glock pistol on, illuminating the direction that the gun was pointed in.

[31] Hearing what he believed to be the sound of someone vigorously pulling at a screen door (and possibly trying to break into the house), Cst. Wilkinson headed through the gate. He scanned the area inside the fence around the front door, saw nothing, but thought he caught a glimpse of someone's back around the corner of the house where the walkway goes towards the back yard along the side of the house. Again, Cst. Wilkinson yelled, "Police – don't you move".

[32] Cst. Wilkinson took the corner wide to maintain some distance between him and the suspect and observed the suspect, a large man (Mr. Rawlings), on the walkway facing away from Cst. Wilkinson towards the back gate.

[33] Cst. Wilkinson's recollection was that the suspect quickly spun around towards him, slightly bent over, knees bent, fists clenched, holding what appeared to be a knife in his hand and yelled, "I've got a fucking knife". Cst. Wilkinson said that the subject was "probably about eight feet away from him" at this point.

[34] The person started moving towards Cst. Wilkinson with what looked like a six inch blade and Cst. Wilkinson shot him four times very quickly, in perhaps a second. Mr. Rawlings' arms dropped, he stood there momentarily and Cst. Wilkinson yelled at him to get on the ground. Mr. Rawlings fell face forward onto the concrete in front of Cst. Wilkinson.

[35] Cst. Wilkinson leaned down to control the suspect and retrieve the knife, telling him not to move. Cst. Stiles appeared and said, "It's okay, I've got him" and kneeled down and took over Mr. Rawlings.

[36] Cst. Wilkinson then saw and briefly spoke to an older couple at the door of the house, holstered his pistol and got on his radio, advising more or less "shots fired, offender down", where he was, and that medical attention was needed.

[37] Based on all of the evidence heard at the Inquiry, less than sixty seconds would have passed between the time Cst. Wilkinson left his vehicle and when he fired the shots at Mr. Rawlings; indeed, it was probably closer to thirty seconds. Cst. Wilkinson estimated that he was about eight feet away from the suspect when Mr. Rawlings was shot.

[38] Cst. Going appeared, asking Cst. Wilkinson how he was. Cst. Wilkinson then recalled others taking over the scene and he was transported back to district police office.

[39] Cst. Stiles of the Tactical Unit had arrived in the vicinity of the house just after Csts. Going and Wilkinson. As he drove up, he saw a person running towards the trees in front of the

houses nearby. After observing Cst. Going drive away along the road in front of the houses, he got out of his vehicle.

[40] As he did, Cst. Stiles heard some shouting or yelling, then the sounds and flashes of three or four gunshots. He recalled hearing only one voice but could not identify that voice. He ran to the area between the two houses where the flashes had come from. Rounding the corner to the area between the houses, Cst. Stiles observed Mr. Rawlings face down on the sidewalk and Cst. Wilkinson standing near or over him.

[41] The subject, Mr. Rawlings, was having difficulty breathing. Cst. Stiles rolled him over, observed some blood and, picked up, from underneath Mr. Rawlings' stomach area, a screwdriver with a four inch blue handle and an approximately six inch long working end.

[42] A CPS patrol member arrived and applied compressions to Mr. Rawlings while Cst. Stiles applied gauze from his first aid kit to the wounds. Fire personnel arrived, took over, and then EMS came and dealt with Mr. Rawlings.

[43] The CPS patrol member who arrived happened to be Cst. Hiscock. While on patrol, he heard a broadcast over the police dispatch system and responded to that location. He observed Cst. Wilkinson, other Tactical Unit officers, and Mr. Rawlings. Retrieving his first aid kit, he applied CPR until the Calgary Fire Department members arrived and took over.

[44] Cst. Going, having watched his partner pursue the fleeing subject on foot towards the nearby houses, drove to the back alley behind the houses to cut the suspect off. Slowly driving down the alley, he then heard Cst. Wilkinson broadcast over the radio that there was a shooting, an offender was down with multiple shots, and that he (Cst. Wilkinson) was okay.

[45] Cst. Going left his vehicle, ran up to a fence where he heard Cst. Wilkinson respond to his shout for him, and observed a large male on the ground – a male who he believed to have been the passenger in the white F250 – being given first aid by Cst. Stiles. Cst. Wilkinson was standing in the area.

[46] Cst. Going came around to the front, attended to Cst. Wilkinson to make sure he was alright, and asked Cst. Wilkinson what happened.

[47] By about this time, Morgan Trytten had been arrested, hiding in the backyard of the house next door.

[48] In the meantime, the HEATT Unit had continued to follow the white Ford F250. Eventually, after the F250 had engaged in more highly erratic and dangerous driving, the vehicle was stopped and its driver, Ryan Witvoet, was arrested and charged with a number of criminal offences.

B. Civilian Witnesses

[49] Three individual residents in homes at or near where the shooting took place testified.

[50] Arudi Nato lived at the house directly across the back alley from and behind the house where the shooting took place. He was in his bedroom at the back of the house doing paperwork relating to his employment. The bedroom faced the alley and its window was open a little bit.

[51] At about midnight, Mr. Nato heard what, based on his experience, he thought were three or four gunshots in rapid succession. Immediately after that, he heard a male voice say “drop

the knife” one or two times. After “some time” (a short time), Mr. Nato then heard some conversation amongst “maybe a couple of people” – two to four voices in total. He was unable to make out the words in the conversation. One of the voices sounded angry.

[52] After that, he heard nothing more.

[53] Donald Monroe and his wife lived next door, on the east side of the house where the shooting took place. Their side entrance was immediately opposite the door and walking area where the shooting occurred. A fence and some bushes separated the yards. They resided in their home with two tenants who lived in their basement.

[54] At about 12:30 a.m. on August 11, 2011, Mr. Monroe was sleeping with his wife in their bedroom. That bedroom was on the second floor of their split level home, at the back northeast corner of the house. Their bedroom window, which faced north into their backyard, was open.

[55] Something caused Mr. Monroe to wake up at about 12:30 a.m. He heard some voices outside and then said to his wife, “What was that?”. Mr. Monroe’s wife said more or less that she was not sure but she “just heard ‘knife’”. They moved to the window to hear better and were able to hear two different male voices. One was saying, “Where’s the knife?” and the other was saying “my stomach”.

[56] At the same time, Mr. Monroe heard some “rumbling around, just footsteps and stuff like that” – people walking around. Curious, he and his wife left their bedroom and looked out a front window to the main street and saw red and blue lights. Looking next out their kitchen window, just below their bedroom window, they again just saw blue and red flashing lights.

[57] They then went to their side door that faced the neighbouring house to the west, James Wilson’s home. A police officer was there who told them to go back into their house.

[58] James Wilson lived at the house where the shooting took place. His bedroom was in the basement on the east side of the house. A typical basement window (perhaps three feet wide by eighteen inches high) looked out onto the walkway where the shooting took place. The middle of that window would have been about sixteen feet south of the gate into the backyard (the gate being to the left of the window as you looked out) and about six feet north of the corner of the house at the south end of the walkway. That window looked east towards the fence, about six feet away, that separated Mr. Wilson’s property from the Monroe property.

[59] As was his customary practice, at about 9:45 p.m., Mr. Wilson went outside through the main door of his house onto the patio on the east side of his home to have a cigarette. He shut the front gate and went back into the house. He locked the door, although the screen door was left unlocked to allow for mail delivery through the slot in the main door. The outside lights were off.

[60] His parents, who also lived in the house, would have been in bed by about 10:00 p.m. in their bedroom on the main floor. After watching the TV news, Mr. Wilson went downstairs to his bedroom and bathroom area, readying himself for bed.

[61] At about 11:45 p.m. he was laying on his bed considering what he had to do the next day, and he heard “a ruckus outside [his] window”. There were two distinct voices and what sounded “like arguing and struggling”. Initially, he thought it may have been the two tenants next door having a little scuffle or argument. But it “got a little louder and louder”.

[62] Mr. Wilson got up and went to the window, which was open about two or three inches, and opened the drapes. He then heard the words “stay down” repeated three times. Standing

on his bed, he was eye level with the window and he could see to his right as he was facing the window (he said there was a bit of a moon that night) the outline of somebody cantered a bit towards him and what looked like an arm.

[63] Mr. Wilson then heard three gun shots in rapid succession. He dropped down onto the floor, pulled on his jeans and went upstairs to the front door, turned the outside light on, opened the main door and then pushed open the screen door. Hearing some voices, he went out and saw a police officer and a person lying on the ground. That person was laying maybe three feet north of his bedroom window, up against the foundation of the house. A police officer then asked Mr. Wilson to step back and stay on the step by the front door. Two or three other police officers then came running up. A police officer then took Mr. Wilson into his house and Mr. Wilson stayed at the screen door for “the whole time”. As the screen was open, he was able to hear all that was going on.

[64] He observed other police officers arrive, firefighters arrive, heard gasping, and saw firefighters bring a defibrillator. Paramedics arrived and eventually placed a man on a gurney.

[65] The gate at the end of the walkway going into Mr. Wilson’s back yard was, in his words, “demolished”. He said he first noticed that the next morning at about 8:00 a.m. and that it would have been in proper condition and closed earlier in the evening on August 10, 2011. The photographs taken of the gate show that a number of its vertical boards have either been pushed or kicked off the frame into the backyard. It also appears to have been pushed past the latch into the backyard by a couple of inches.

[66] The back gate in fact was, according to Mr. Wilson, intended to open south or inward, towards the person going into the backyard. It was also a bit difficult to open on account of some work done on the fence.

C. Witnesses Who Did Not Testify

[67] Although a number of potential witnesses were not called at the Inquiry, the only two who were not called who might have provided evidence important to the issues were Morgan Trytten and Ryan Witvoet, Mr. Rawlings’ associates in the dangerous driving in the stolen trucks and the flight from police.

[68] Mr. Witvoet apparently could not be found. Although Ms. Trytten could have been obliged to attend, she had moved away from Calgary by the time of the Inquiry and her recollection was not regarded as being reliable enough or sufficient to arrange for her attendance.

[69] However, lengthy statements each gave to the police soon after these events were entered into evidence. Certain information from those statements may be of some use.

[70] Morgan Trytten had little recall of the events when she was interviewed by the police for several hours on the early morning of August 11, 2011. What little memory she had could not be regarded as reliable, if for no other reason than her assertion that she was high on methamphetamine at the time of these events and for the four or five days leading up to them. She did not know Mr. Witvoet at all, claiming she only met him earlier that night. Although she only had known Mr. Rawlings for four or five days, she felt that he was not using methamphetamine that night. However, that does not accord with other evidence before the Inquiry.

[71] Overall, Ms. Morgan seemed to be simply along for the ride, as a companion to Mr. Rawlings.

[72] Mr. Witvoet was interviewed by the police briefly on August 19, 2011, and more extensively on October 22, 2011. Most of his two statements seemed to be consistent with the police evidence.

[73] Having stolen the white Ford F250 a day or two earlier, Mr. Witvoet arranged to meet Jonathan Rawlings in northeast Calgary. At Mr. Rawlings' request, Mr. Witvoet picked up the latter's girlfriend, Ms. Trytten, on the way. Having been a heavy methamphetamine user for a long time, Mr. Witvoet had done some methamphetamine about an hour before setting out. He assumed that Mr. Rawlings would have been high as well. A forensic lab test revealed that Mr. Witvoet had methamphetamine in his system at 1.157 mgs/litre – a significant amount associated with impairment and sometimes with erratic driving and violent or irrational behaviour.

[74] After picking Ms. Trytten up, Mr. Witvoet noticed a police presence and sought to elude the police and was "chased" on Deerfoot Trail.

[75] He met up with Mr. Rawlings, who was driving a stolen black Ford F350, in northwest Calgary. They travelled in tandem to the northeast part of the city, again having observed a police presence.

[76] The vehicles were approached by a police vehicle, fled, drove over the spike belt and ended up fleeing to the parking lot of the auction mart. There, the F350 was abandoned, and the other two individuals joined Mr. Witvoet in the white F250.

[77] They eluded the police efforts to box them in and ram them and continued their flight. Driving along 32 Avenue N.E., they noticed a Jeep parked at the side of a nearby road with its lights on and apparently running. Mr. Witvoet slowed the vehicle down, and Mr. Rawlings and Ms. Trytten jumped out. The plan was to steal the Jeep and Mr. Witvoet would drive around to the Jeep, abandon the F250 and join the others in the Jeep.

[78] Mr. Witvoet saw someone "pop up" in the driver's seat of the Jeep and Mr. Rawlings kept running. Observing a large police presence in the vicinity, Mr. Witvoet fled the area.

[79] Mr. Witvoet had brought with him a screwdriver and flashlight, tools he used for stealing vehicles. He thought that Mr. Rawlings would also likely have had at least one of those tools. He recalled that Mr. Rawlings had something in his hand – possibly a flashlight – when he left the white F250.

[80] Eventually stopped and arrested by the police, Mr. Witvoet later pleaded guilty to a number of charges arising out of these events, including dangerous driving, flight from police, possession of stolen property and breaches of recognizance. A sentence of approximately three years' imprisonment (28 ½ months in jail after credit for pre-trial custody and the guilty pleas) imposed on him was upheld by the Alberta Court of Appeal. In so doing, the Court of Appeal observed that Mr. Witvoet "led police throughout the city of Calgary on an extremely dangerous chase in a stolen vehicle for over two hours" and that the "horrendous driving pattern" continued even when police vehicles had stopped pursuing him.

[81] Having heard most of the available testimony about the driving that night, I conclude that "horrendous" and "extremely dangerous" aptly capture its character.

III. POST EVENT INVESTIGATIONS AND EXPERT WITNESSES

A. The Autopsy Report

[82] The autopsy report concluded that multiple gunshot wounds were the immediate cause of Mr. Rawlings' death.

[83] There were four gunshot wounds to the central chest, the upper abdomen, the left upper back and the left lateral upper back. There was "no soot or gunpowder stippling noted on the skin". That likely contributed to the medical examiner's report that the wounds were "most in keeping with so-called distant-range gunshot wounds".

[84] Multiple abrasions were also observed on Mr. Rawlings' extremities.

[85] No alcohol was detected but the post-mortem toxicology revealed some methamphetamine and amphetamine in Mr. Rawlings' system. That amount – 0.32 mg/litre – exceeded what would be therapeutic doses which, according to the chief toxicologist, are usually less than 0.1 mg/litre. However, there was evidence from Sergeant Kevin Kunetski, the head ASIRT investigator, that he understood that post-mortem levels of methamphetamine do not necessarily reflect the pre-death levels. While Sergeant Kunetski was not an expert in this area, his understanding and the lack of any other evidence on the point operates as a caution against drawing conclusions based on the toxicology results on their own.

[86] However, during the autopsy, a clear plastic bag containing what was later determined to be 13.5 grams of methamphetamine was found between Mr. Rawlings' buttocks. That in combination with the methamphetamine in his system, the admitted use of methamphetamine that night by Mr. Witvoet and Ms. Trytten, and the expectation of Mr. Witvoet that Mr. Rawlings would have also been using methamphetamine, makes it difficult to conclude anything other than that Mr. Rawlings was under the influence of methamphetamine at the time of these events.

B. Sergeant Kevin Kunetski

[87] A member of the RCMP, Sergeant Kunetski was seconded from the RCMP to ASIRT in Calgary at the time of these events. He was the primary ASIRT investigator on the case. ASIRT mainly investigates cases of serious injury or death that may have resulted from the actions of a police officer.

[88] Sergeant Kunetski directed the ASIRT investigation into the shooting and prepared the final investigation report of April 17, 2012. That report went to ASIRT's civilian executive director, who is responsible for making a decision, sometimes in consultation with Crown prosecutors, as to whether the officer involved would be charged with any criminal offences. In this case, ASIRT concluded that there was no criminal wrongdoing on the part of Cst. Wilkinson and no charges were laid.

[89] Most of the original statements of the witnesses who testified at this Inquiry were gathered by Sergeant Kunetski and his team. Additionally, there was certain forensic and expert evidence that ASIRT included in its report. According to Sergeant Kunetski, this case was one of ASIRT's largest investigations.

[90] Sergeant Kunetski also gathered some background information on Jonathan Rawlings, Ryan Witvoet and Cst. Wilkinson.

[91] Jonathan Rawlings was 36 years old and known to police as an associate of Ryan Witvoet. On August 11, 2011, he was on bail for charges of break and enter, theft and possession of a dangerous weapon. That bail included a number of conditions that he was obviously violating on August 10 and 11, 2011. Mr. Rawlings had a criminal record with convictions from 1997 to 2010 involving drugs, threats, stolen property and other offences.

[92] Ryan Witvoet was 27 years old and also on bail at the time of these events on a number of criminal offences. On the evening of August 10, 2011, he was also obviously in breach of a number of those conditions, including a prohibition on contact with Jonathan Rawlings. His record included a number of convictions between 2007 and 2009.

[93] Cst. Wilkinson had no prior history of wrongdoing or other concerns in the view of ASIRT. As of August 2011, he had been a member of the CPS for 10 years and a member of the CPS Tactical Unit since 2009. He had substantial training, much of it in his Tactical Unit tenure, with respect to high-risk arrests, the use of force and the use of weapons.

[94] Part of the ASIRT investigation involved ascertaining the source of the blue handled, nine and one half inch long screwdriver that was apparently on Mr. Rawlings' possession. It was determined that it was taken from a dark blue Ford F350 truck stolen in Olds, Alberta, on August 9, 2011. Documents in the name of Jonathan Rawlings were found in that stolen truck when the owner recovered it. Some identification of the owner of the Olds stolen truck was found in the stolen black Ford F350 truck that Mr. Rawlings was driving on August 10, 2011. The screwdriver was found underneath Mr. Rawlings' body after he had been shot.

[95] The only rational conclusion that one can draw from that evidence is that Mr. Rawlings was in possession of that screwdriver and that he was holding it in some manner when he was shot by Cst. Wilkinson.

[96] The photographs taken by the ASIRT investigators provide additional helpful evidence. They show that the back gate at the end of the walkway where the shooting took place was substantially damaged. Coupled with Mr. Wilson's evidence, it is clear that at some time during the evening of August 10 or early morning hours of August 11, 2011, significant force was applied to that gate in an effort to push it open in the wrong direction. That forceful effort to open the gate was almost certainly applied by Mr. Rawlings in an effort to flee the police. In light of Mr. Wilson's evidence that the screen door was not locked, the sound that Cst. Wilkinson thought might have been someone pulling at a screen door was, instead, likely the sound of Mr. Rawlings attempting to force his way through the back gate the wrong way.

[97] ASIRT examined the Glock pistol used by Cst. Wilkinson, the location of the bullet casings, and the bullet wounds of Mr. Rawlings. However, ASIRT was unable to conclude where Cst. Wilkinson was or how far away he was from Mr. Rawlings when the shots were fired. Because of the absence of gunshot residue patterns on Mr. Rawlings, it could only be said that Cst. Wilkinson's gun was fixed at a distance of at least 24 inches from Mr. Rawlings. Cst. Wilkinson, through his lawyer, told ASIRT that he thought he was about eight to ten feet away from Mr. Rawlings when he fired his gun. In his testimony at the Inquiry, Cst. Wilkinson stated that he estimated the distance as "probably" eight feet.

[98] As to the timing of the firing of the shots, Sergeant Kunetski advised that a review of all of the records and communications by ASIRT revealed that about one minute and fifteen seconds passed between the time that a HEATT Unit officer called over the radio that someone (Mr. Rawlings or Ms. Trytten) had run from the white Ford F250 and when Cst. Wilkinson advised over his radio that shots had been fired. From that and the other evidence, it is reasonable to conclude that about 35 to 45 seconds elapsed between Cst. Wilkinson's departure from his vehicle and the shooting of Mr. Rawlings.

[99] Efforts were made to ascertain the positioning of Mr. Rawlings and Cst. Wilkinson through an examination of the bullet entry wounds. That attempted replication was mainly done by Cst. Tassani of the Edmonton Police Service at the request of ASIRT.

[100] With respect to other weapons and use of force issues, ASIRT engaged the services of an expert, Chris Lawrence, of the Ontario Police College.

C. Cst. Joseph Tassone

[101] Cst. Joseph Tassone is a member of the Edmonton Police Service attached to the tactical team. He prepared two reports for the ASIRT investigation.

[102] The first report was a four page report dated December 5, 2011, about the “edged weapon incident”. It addressed “action – reaction” times and police officer responses to edged weapon threats with firearms against the backdrop of a statement from Cst. Wilkinson. That statement comprised about one and one half pages of the four page report.

[103] The second report is a twelve page document dated October 4, 2012. ASIRT sought some follow-up from Cst. Tassone in connection with the location of the bullet entrances on Mr. Rawlings’ body. Cst. Tassone was to use that and other information to assess “biomechanics”, focussing on Mr. Rawlings’ movements during the shooting, and “shooting and assessment”, including Cst. Wilkinson’s “stop shooting response”.

[104] Part of the second report were four pages of photographs attempting to replicate the positions of Mr. Rawlings and Cst. Wilkinson during the encounter. As with the first report, Cst. Tassone’s opinions were in part informed by Cst. Wilkinson’s statement. That appears to have been the same statement relied on for - but redacted from - the first report. A small portion of that statement or perhaps a synopsis of a portion of it seems to be included in the second report.

[105] Cst. Tassone was neither presented nor qualified as an expert witness in any particular area, including human biomechanics, reaction and responsiveness, or ballistic analysis.

[106] An important aspect of Cst. Tassone’s reports and testimony was his understanding of the respective body positions of Mr. Rawlings and Cst. Wilkinson just prior to the shots being fired.

[107] Those assumptions relied on a statement from Cst. Wilkinson that was either not at all or not fully before this Inquiry. And his assumptions seemed to rely on a perception Cst. Tassone’s about Cst. Wilkinson’s view of the events that was not consistent with Cst. Wilkinson’s *viva voce* testimony at this Inquiry.

[108] It was suggested by counsel for Cst. Wilkinson during the Inquiry that the “statement” relied upon by Cst. Tassone that was provided to ASIRT through legal counsel was privileged. My view is that the statement would not be protected by any known form of privilege. It may have been provided “in confidence” or without prejudice or on the basis that it could not be used against Cst. Wilkinson in any future proceeding, but it would not be privileged. The point was never fully argued, no ruling was made on the question, and the Inquiry proceeded without that statement before it. That was done on the basis that the absence of that statement might have some implications for the court’s assessment of Cst. Tassone’s evidence.

[109] I have concluded that Cst. Tassone’s assumptions respecting the body positions of Mr. Rawlings and Cst. Wilkinson do not accord with the evidence that is before this Inquiry, including that of Cst. Wilkinson.

[110] That gives rise to the situation where a witness has provided what seems to be opinion evidence on several matters where:

- The witness was neither presented as nor qualified as an expert witness entitled to give opinion evidence;
- The topics of Cst. Tassone's evidence are things beyond ordinary, everyday experience;
- Certain assumptions made by Cst. Tassone in support of his opinions were based on purported facts either not before the Inquiry or that were inconsistent with evidence heard at the Inquiry.

[111] Accordingly, in all of those circumstances, I am unable to give any meaningful weight to Cst. Tassone's evidence or his two reports.

D. Chris Lawrence

[112] Chris Lawrence was qualified as an expert witness in the area of the use of force by police officers.

[113] Mr. Lawrence has considerable experience as a police officer, as a police officer trainer and as a trainer of police trainers. In the course of those duties, he has completed considerable research in the area of the police use of force. He has been qualified as an expert witness in this area on numerous occasions in many different fora.

[114] His evidence covered two general areas: the police use of firearms in circumstances similar to those in this case, and the likely positions of Cst. Wilkinson and Jonathan Rawlings.

[115] As for the latter subject, I am not entirely convinced that the ambit of Mr. Lawrence's qualification was broad enough to include it. Though his expertise in bullet speed and trajectory, ballistics, and firearms handling were of assistance here, the absence of human biomechanics and bullet wound assessment expertise limited the weight of his testimony on this topic.

[116] In any event, Mr. Lawrence was ultimately "unable to determine with confidence the position of either the subject [Mr. Rawlings] or the police officer when the subject received the gunshot wounds".

[117] While Mr. Lawrence thought that Mr. Rawlings was not likely shot in the back – his back wounds being "elliptical" and more consistent with an angular or side bullet entry – that is a conclusion that seems available with or without some specialized expertise. Similarly, Mr. Thomas opined that one of the front wounds of Mr. Rawlings, being a circular entry wound, was suggestive of a perpendicular or straight bullet entry.

[118] Broadly speaking, Mr. Lawrence thought that, assuming the accuracy of Cst. Wilkinson's description of the incident, Mr. Rawlings' wounds would be consistent with a combination of Cst. Wilkinson's movement or turning and Mr. Rawlings' movement or falling during the shooting.

[119] More importantly, Mr. Lawrence commented upon the police use of force in circumstances like these where a police officer is faced with what he perceives as a threat of grievous bodily harm from a subject carrying an edged weapon at relatively close range.

[120] Mr. Lawrence's assessment was premised on a distance of approximately six to eight feet between Cst. Wilkinson and Mr. Rawlings at the point immediately before the shots were fired. Cst. Wilkinson testified that Mr. Rawlings "was probably about eight feet away". The ASIRT report stated that the two were approximately eight to ten feet apart at this time – that number apparently being derived from information provided to ASIRT by Cst. Wilkinson's legal counsel. If Mr. Wilson's evidence is accepted (that the shooter was to the right of his basement window as he looked out of it), that testimony, coupled with the scene photographs (including the blood on the sidewalk demarking where Mr. Rawlings fell), might support a distance between the two men of more like twelve feet just before the shots were fired.

[121] These discrepancies may not be of great consequence. In the context of Mr. Lawrence's evidence, "close range" in circumstances involving a perceived threatening subject in a darkened area would include distances of at least twelve feet. Based on the evidence before this Inquiry, a police officer would be at risk of serious harm from a subject armed with an edged weapon at that distance.

[122] Mr. Lawrence described the various responsive options available to a police officer in those circumstances in ascending order by degree of force.

[123] Having regard to the situation, including the proximity of the two individuals, Mr. Lawrence stated that "disengaging" was not a realistic option for Cst. Wilkinson, in part because of the "measured disadvantage" a police officer has in getting away safely in those situations.

[124] Next, reliance on physical skills would not likely be that effective given the tight quarters and the presence of a weapon. That would not be a primary response and would only be utilized in the absence of any other options.

[125] Mr. Lawrence described the use of a police baton in these circumstances as "not very effective", as its optimum use requires close proximity to the subject. Where, as here, the subject apparently has a weapon, the officer attempting to use a baton is put at risk.

[126] Pepper spray can, according to Mr. Lawrence, be effective at shorter distances of six or eight feet, but as distance increases, its effectiveness diminishes. Its weaknesses include not working on all subjects, the ability of subjects to block it, and challenges in deployment. It is not something that is generally recommended in the situation that confronted Cst. Wilkinson.

[127] Though there was no evidence that Cst. Wilkinson was armed with a taser, Mr. Lawrence would not have regarded that as a viable option. Apart from the difficulties in striking the subject with the required two elements of the taser cartridge, in the particular situation confronting Cst. Wilkinson, taser use is not recommended without what Mr. Lawrence described as "lethal overwatch". That requires another police officer present watching over with a firearm.

[128] In Mr. Lawrence's view, that left as the only realistic option for Cst. Wilkinson the use of his sidearm. According to Mr. Lawrence, police officers are told to use a sidearm in situations where the officer believes he or another person is going to suffer serious bodily harm or death. This is, as Mr. Lawrence described it, "the default response" for a police officer in North America in circumstances involving a deadly weapon and a perception that the subject is going to use that weapon.

[129] If there is time, the police officer should give a warning but, if the subject is closing the distance, that may not be possible.

[130] As for the use of the firearm, police officers are not trained to either wound or to kill. According to Mr. Lawrence, they are trained to shoot for the centre of the mass of the subject –

the torso, between the shoulders and the waist. That offers the best prospect of hitting the target and stopping the threat. Police officers are instructed to shoot not a particular number of times but until the threat stops. In essence, they are to use the force necessary in the circumstances.

[131] The evidence here was that Cst. Wilkinson fired four shots from his Glock pistol in rapid succession, striking Mr. Rawlings four times. While there was no express warning of the possible use of a gun immediately preceding the shooting, Cst. Wilkinson warned Mr. Rawlings of his presence as a police officer and directed him to stop three times in the 30 to 40 seconds before the shooting.

[132] Having regard to the circumstances as perceived by Cst. Wilkinson – including Mr. Rawlings brandishing a screwdriver thought to be a knife about eight to ten feet away, a distance that could be covered very quickly – Mr. Lawrence opined that it would have been reasonable for Cst. Wilkinson to consider that he was in danger and “the use of lethal force was a reasonable option”.

IV. CALGARY POLICE SERVICE TRAINING AND POLICIES

[133] Relevant considerations respecting training and policies include Cst. Wilkinson’s training, any CPS policies that might apply to these events and whether the training and policies are appropriate and in accord with reasonable standards.

[134] As a member of the CPS Tactical Unit, Cst. Wilkinson was amongst the most highly trained CPS officers in the areas of the apprehension of fleeing or threatening subjects, and the use of force, including firearms.

[135] Cst. Wilkinson joined the CPS in 2001 and became a member of the Tactical Unit in 2009. While his initial training was that common to all CPS officers (including use of force training), his training with the Tactical Unit was in certain respects particularly pertinent to this incident.

[136] The Tactical Unit deals with a range of high risk situations, including barricade or hostage events, search warrant entries, high risk pursuits, and takedowns of armed or high risk offenders.

[137] Specialized training is a large part of the unit’s work. After an initial selection process, team members complete a five and a half month training program. Continued training amounts to roughly twenty-five percent of the annual work hours of a Tactical Unit member, substantially more than a regular police officer.

[138] A significant component of that training involves the use of force, weapons and firearms training both generally and in the context of elevated risk pursuits and apprehensions. Scenario-based training is an element of the program, and that can include foot pursuit scenarios. The latter, both on the evidence heard at this Inquiry and as a matter of common sense, pose additional risks, in part because officers are often on their own for parts of the pursuit.

[139] Cst. Wilkinson had successfully completed all of this training, including about two years of the intensive training involved in being a Tactical Unit member at the time of these events. As well, at the time of this Inquiry in early 2015, Cst. Wilkinson had been a CPS use of force instructor “for a number of years”.

[140] Cst. Wilkinson was clearly well-trained for incidents of this kind.

[141] As for CPS policies, the most relevant is the Use of Force Policy. Section 6, “Lethal Force”, the most pertinent part of that policy as it was in place in August, 2011, provides, in part, with respect to the use of firearms:

- A. Discharge of a firearm where it is intended to cause death or grievous bodily harm is **prohibited** unless it is necessary to protect the police officer or other persons under the officer’s protection from death or grievous bodily harm as stated in s. 25(3) and s. 25(4) of the *Criminal Code*.
...
- B. A firearm may be drawn and held at the ready position when there is reason to believe that weapons may be involved, or in other dangerous situations.

[142] Cst. Wilkinson drew his sidearm and had it in the ready position prior to arriving at the side of the house and perceiving that Mr. Rawlings had some kind of a weapon. For a number of reasons, based on his knowledge of the circumstances, he regarded this as a dangerous situation at the time he drew his firearm and placed it in the ready position.

[143] When he ultimately discharged his firearm, Cst. Wilkinson perceived that Mr. Rawlings was carrying some kind of edged weapon, yelled “I’ve got a fucking knife”, and had turned around to face him at relatively close quarters as though to come after Cst. Wilkinson. He believed Mr. Rawlings was about to seriously harm or kill him.

[144] While this Inquiry is not to make any legal findings, it is evident that, in those circumstances, it would be reasonable to conclude that Cst. Wilkinson was compliant with the Calgary Police Service Use of Force Policy, both in terms of drawing his sidearm and discharging it.

[145] The expert, Chris Lawrence, concluded that Cst. Wilkinson’s actions were reasonable in the circumstances and consistent with general and appropriate police practices with respect to the use of force and, in particular, the use of a firearm in situations of close quarters and a potentially armed subject who poses a serious threat to the officer.

[146] Although Mr. Lawrence did not comment on the Calgary Police Service Use of Force Policy directly, that policy is entirely consistent with, and indeed reflects his evidence about appropriate procedures for the police use of force.

[147] Of secondary interest, the Calgary Police Service Use of Force Training and Qualifications Policy includes provisions respecting police training and the use of force. It is clear from the evidence that Cst. Wilkinson’s training and qualifications exceeded those requirements.

[148] Finally, of perhaps marginal relevance is the Calgary Police Service Code 600 Policy relating to police vehicle pursuits. The circumstances of the vehicle pursuit here, while important background narrative, need not be addressed in the context of the mandate of this Inquiry. That policy, amongst other things, establishes procedures for vehicle pursuits and mandates certain reporting and review procedures following a police vehicle pursuit.

[149] However, there is no similar CPS policy respecting foot pursuits involving serious incidents like this one. While the expert Mr. Lawrence confirmed the risks of foot pursuits and the availability of some foot pursuit training in certain jurisdictions, he was not aware of any police service that had implemented a specific foot pursuit policy.

V. SUMMARY OF THE CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

[150] Jonathan Rawlings was shot four times by a police officer following lengthy and dangerous nighttime driving in Calgary by him and another individual in two stolen trucks. Covert and overt police pursuit of Mr. Rawlings and his associate led to Mr. Rawlings fleeing a stolen vehicle on foot.

[151] In an effort to apprehend Mr. Rawlings, Cst. James Wilkinson pursued Mr. Rawlings on foot into a darkened area beside a house in a residential neighbourhood. Despite Cst. Wilkinson's directions to stop, Mr. Rawlings continued to flee. When Mr. Rawlings turned to the officer, holding some sort of apparent edged instrument (which turned out to be a screwdriver) in his hand in an aggressive fashion, he shouted he had a knife. Cst. Wilkinson, fearing serious bodily harm or death, shot Mr. Rawlings four times with his police issue sidearm. Mr. Rawlings died as a result of his injuries.

[152] Although Mr. Rawlings had been using methamphetamine that night, whether and to what extent that affected his conduct cannot be known with certainty.

[153] Having regard to all of the evidence before this Inquiry, particularly as the circumstances unfolded before Cst. Wilkinson, he, acting under a supervising officer's directions to apprehend Mr. Rawlings, reasonably chose the option of using his sidearm to deal with the threat he perceived. Other, less lethal, force options were not realistic alternatives in the circumstances that Cst. Wilkinson appeared to be confronted with. Other, less lethal weapons were not practically useful. Withdrawal from the scene or de-escalation were not realistically available.

VI. RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

[154] Given the circumstances of this incident, it is difficult to formulate many recommendations that could, with any realistic prospect, prevent similar deaths. Nothing in the evidence suggested that police policies were deficient, that those policies were not complied with, or that Cst. Wilkinson did not act in accordance with generally accepted practices.

[155] The shooting was preceded by dangerous driving and a flight in two apparently easily stolen, difficult to contain, trucks. While that was part of the causal chain here, there was insufficient evidence before the Inquiry to permit any recommendations about encouraging or obliging truck manufacturers to make these vehicles less susceptible to theft.

[156] It is, however, apparent that police foot pursuits engender particular dangers, for the pursued subject, for police officers, and for innocent bystanders.

[157] In the circumstances here, Cst. Wilkinson was – initially and for the critical first minute or so of the foot pursuit – on his own. Outside of his partner, Cst. Going, who shared a vehicle with him, no other police officers involved were apprised of his departure from the vehicle and his pursuit of Mr. Rawlings.

[158] There are substantial risks where a single police officer seeks to apprehend a fleeing subject in these circumstances. Whether an additional officer could realistically have been nearby at the critical time, or whether broader immediate communication of Cst. Wilkinson's foray would have made any difference to the outcome here is very difficult to tell.

[159] However, while the CPS has comprehensively reviewed two other significant aspects of this incident – the vehicle pursuit and the use of force – the foot pursuit does not appear to have been subsequently examined. While reviews cannot alter what has happened, they can have

some beneficial preventative effect. Against that backdrop, I make the following recommendation:

That the CPS give consideration to formulating a policy on police foot pursuits, including a consideration of holding reviews of those pursuits in serious incidents directly involving foot pursuits.

[160] There was some discussion about police body cameras and current CPS endeavours to implement body cameras. That mechanism has the potential to assist greatly in reviews of incidents of this kind – and, thus, the possible prevention of future untoward events. However, given the ongoing CPS body camera initiative and the lack of evidence presented at this Inquiry about body cameras, I will not make any recommendations on that subject.

VII. CONCLUDING COMMENTS

[161] This was a tragic and difficult incident, not just for Mr. Rawlings and those who may have cared for him, but also for Cst. Wilkinson and the police officers involved who were doing what they were trained to do.

[162] In that latter regard, it should be noted that while the event is labeled a homicide, that term includes culpable and non-culpable homicide and, in using that term, I do not, nor would I have the jurisdiction to, imply fault on the part of any police officers.

[163] Despite Inquiry counsel's best efforts, Mr. Rawlings was not represented by family members or legal counsel. That was unfortunate but, in part due to the thorough preparation and presentation of the evidence by Inquiry counsel, I am satisfied that a full review of these events has taken place. I thank Inquiry counsel for that and I thank counsel for the CPS and Cst. Wilkinson for their cooperative approach to the conduct of this Inquiry.

DATED November 16, 2015, 2015

at Calgary, Alberta.

Original signed by

Kenneth R. McLeod
A Judge of the Provincial Court of Alberta