



**IN THE MATTER OF A FATAL RCMP OFFICER-INVOLVED SHOOTING ON  
DECEMBER 1, 2022**

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

**Assistant Executive Director:**

**Matthew Block**

**ASIRT File Number:**

**2022-0049(N)**

**Date of Release:**

**March 27, 2024**

## **Introduction**

On December 22, 2022, the Alberta Serious Incident Response Team (ASIRT) was directed pursuant to s. 46.1 of the *Police Act* to investigate a then non-fatal Royal Canadian Mounted Police (RCMP) officer-involved shooting. The shooting of the affected person (AP) was reported to have happened during an interaction with him, as a result of him being a suspect in a complaint of a man with a gun. While AP initially survived, he died of complications from the shooting the following day.

## **ASIRT's Investigation**

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols and principles relating to Major Case Management. Information from civilian witnesses, the subject and a witness officers, and importantly video recordings provided sufficient information to determine whether the force used by the subject officer during this incident was reasonable.

## **Circumstances Surrounding the Officer-Involved Shooting**

On December 01, 2022, Maskwacis RCMP received a call reporting that a male [AP] had been drinking and left the caller's house with a gun. AP was shooting the gun in the country (believed to be the area around the residence). Two RCMP officers responded. Witness officer (WO) located AP walking on the road with a rifle. AP walked toward WO's marked police vehicle with the rifle pointed at the vehicle/WO, while WO was seated in the driver's seat. WO then exited his vehicle with his carbine rifle and moved to the rear of his vehicle while AP kept the rifle pointed at the police vehicle. The subject officer (SO) arrived on scene, but came from the opposite direction. AP turned around and walked toward SO with the barrel of the rifle pointed upwards. SO exited his police vehicle with his service pistol drawn and walked toward AP while he repeatedly provided verbal direction to AP to drop the firearm. AP and SO were walking toward each other; at that time AP still had the barrel of the rifle pointed upward. As SO and AP got within approximately five meters of each other, AP lowered the barrel of the rifle and pointed it directly at SO. SO fired multiple rounds and struck AP with four rounds causing AP to stumble, drop the rifle and fall to the ground. AP initially survived the shooting and was transported to an Edmonton hospital, where he underwent emergency surgery. The following day, AP succumbed to his injuries.



Picture 1: AP with his rifle raised in the air as SO is telling him to drop it



Picture 2: AP lowered his firearm down now pointing it at SO

## **Use of Force**

### **Analysis**

The subject officer was lawfully placed and acting in the execution of his duties in dealing with AP as a person who was the subject of a complaint about him being in possession of a firearm and shooting it off.

#### *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'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 was armed with a gun and pointing it in their direction. As such, the response by the subject officers in using their respective firearms to shoot AP was proportionate to the threat of death or grievous bodily harm that he reasonably posed to both of them.

#### *Reasonably Necessary*

As set out previously in this report, AP presented as a lethal threat to both SO and WO given his actions in pointing his rifle at them. While WO did not shoot during this incident that does not impact the analysis of SO's actions. Under the circumstances as then faced by SO, no other use of force options were reasonably available for attempted

use. The use by SO of his firearm to incapacitate this lethal threat was reasonably necessary.

Given the above, the defence available to SO under s. 25 of the *Criminal Code* would apply.

### **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. The analysis under s.34 of the *Criminal Code* leads to a similar finding that subject officer's 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.

The force used was proportionate, necessary and reasonable in all the circumstances.

*Original signed*

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Matthew Block

Assistant Executive Director

**March 27, 2024**

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