



IN THE MATTER OF A FATAL COLLISION IN EDMONTON ON JULY 14, 2020

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

Assistant Executive Director:

Matthew Block

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Introduction

On July 14, 2020, pursuant to s. 46.1 of the *Police Act*, the Alberta Serious Incident Response Team (ASIRT) was directed to investigate a motor vehicle collision in Edmonton that resulted in the death of the affected person (AP). This collision was shortly after an Edmonton Police Service (EPS) officer attempted to stop him, and ASIRT therefore designated that officer as the subject officer (SO) in this investigation. 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. Investigators interviewed all relevant police and civilian witnesses, and secured and analyzed all relevant radio communications and video. GPS data from the SO's vehicle was analyzed. While he was not required to do so, the SO provided a copy of his reports and notes.

Circumstances Surrounding the Incident

On July 14, 2020, EPS officers noticed a black Honda Accord with a license plate that did not match the vehicle. These officers spoke to other officers about conducting a traffic stop on that Accord, and the SO and witness officer #1 (WO1) offered to do the stop. The two were in a marked police vehicle, with the SO driving.

The AP was driving the Accord southbound on 101 Street in downtown Edmonton and, at 7:59 p.m., he came to a stop at a red light at Jasper Avenue. The SO was directly behind him and activated his emergency lights and, briefly, his siren. The AP then accelerated through the red light, continuing southbound on 101 Street and then onto Bellamy Hill Road, where he drove through another red light at 97 Avenue, and onto 104 Street.

The SO pursued him with his emergency lights still active. The police vehicle's GPS showed that the SO was travelling at 77 km/h at Jasper Avenue, and up to 119 km/h on Bellamy Hill Road. Once the Accord drove off from them, WO1 notified the on street monitor of the pursuit, witness officer #2 (WO2). WO2, as the on street monitor, was a supervising police officer who directed officers who were in a pursuit. WO2 directed the

SO to terminate the pursuit within approximately 30 seconds of it beginning. One of the reasons given was that there was “lots of traffic.” According to the SO and WO1, the SO immediately slowed down and came to a stop. The GPS data showed the SO still driving at 103 km/h at 8:00:42, which was approximately 45 seconds after the start of the pursuit. A few seconds later at 8:00:46, however, the SO was at 50 km/h, and then at 11 km/h by 8:01:05. While the data is not detailed enough to confirm that the SO came to a complete stop, it is possible that he did around that time. At the very least, he slowed down to a very low speed. The SO appears to have stopped or slowed down considerably in the area of 104 Street and 96 Avenue, which is approximately 600 metres away from the Walterdale Bridge.

The AP continued on to River Valley Road westbound. He then turned south onto the Walterdale Bridge. Traffic on the Walterdale Bridge is northbound only so, once the AP turned onto it, he was driving into oncoming traffic. The AP made a wide turn, ending up in the lane furthest on the west side of the bridge. There were a number of vehicles on the bridge at that time, including a taxi cab with a camera in it. The cab’s video showed a Ford Ranger in the west lane, being driven normally. The AP then collided with the Ford Ranger head on, causing both to spin on the bridge. A fire started in the Accord shortly after the collision.

Civilian witness #1 (CW1) was the driver of the Ford Ranger. He told investigators that he was driving across the bridge in the far left lane when the Accord appeared. The Accord was straddling CW1’s lane and the one next to him. CW1 attempted to swerve out of the way of the Accord, but it hit him head on. CW1 was bruised considerably from the collision.

Civilian witness #2 (CW2) was the passenger in the Accord. He and the AP had been drinking that afternoon and consumed 26 ounces of vodka between the two of them. After the AP drove away from the police, CW2 thought he was driving about 100 km/h. The AP was not wearing a seatbelt. When they turned onto the Walterdale Bridge, he thought the AP was driving about 80-90 km/h. At this point, the police vehicle was far behind them. CW2 received a fracture in his hand, knee, and rib from the collision.

Various other civilian witnesses were interviewed by investigators. Many of these witnesses were on foot in the area of the Walterdale Bridge at the time. All witnesses described the Accord as travelling at high speed when it turned onto the bridge. Some witnesses described that the tires were squealing and the Accord was skidding in the turn.

CW1 and CW2 were able to exit their vehicles. The SO and WO1 noticed the collision, notified WO2, and asked for fire and emergency medical services to attend. At this point, it had been approximately 75 seconds since the pursuit began. The SO drove to the collision scene. The SO was able to remove the AP from the burning Accord, and an off-duty nurse who was at the collision began CPR on the AP. Emergency medical services arrived shortly after that, but their efforts to save the AP were not successful.

Scene

On the scene of the collision, tire marks from the Accord showed it was turning to the left or east just before the collision. No marks indicating braking were found from either vehicle.

Autopsy

An autopsy was conducted on the AP on July 20, 2020. The medical examiner determined that “the cause of death is best attributed to multiple blunt force injuries sustained from the motor vehicle collision.” She also found that impaired driving, through the use of methamphetamine, was a significant contributing factor. Alcohol was also detected in his blood.

Analysis

This investigation examined the actions of police leading up to the fatal collision in order to determine whether police conduct caused or contributed to the death and injury that ultimately resulted. While police officers are lawfully entitled to pursue fleeing suspects, criminal flights are inherently a dangerous situation for all involved – police, the fleeing suspect, and other civilians. Accordingly, the decision to pursue a fleeing vehicle must be made carefully, and with constant assessment and re-assessment of the danger involved.

Prior to the AP fleeing, the potential infraction was a *Traffic Safety Act* matter, and not criminal offences. The SO was aware that the license plate did not match the vehicle. Traffic offences are relatively minor and do not provide justification on their own for a prolonged pursuit. Short pursuits for traffic offences, however, are common. Short pursuits still require a balancing of the risks involved, such as the presence of pedestrians and other vehicles.

The pursuit by the SO was approximately 45 seconds long. The time from the attempted traffic stop to the collision on the bridge was less than 75 seconds. The point where the SO stopped was up to 600 metres away from the collision site.

During the pursuit, there were pedestrians present around some of the roads travelled on. According to WO2, there was significant traffic on the roads. The pedestrians and other drivers were at risk in a pursuit.

Before the collision happened, the SO had terminated the pursuit, at the direction of WO2. The AP then continued to drive very fast, and then drove the wrong way on a busy bridge. The AP's extremely dangerous driving was the cause of the collision. He was risking the lives of pedestrians and other drivers with his actions. It is fortunate that the injuries to CW1 and CW2 were not more significant.

The SO discontinued his short pursuit and mitigated the risks it presented. As such, it cannot be said that the SO caused or contributed to the death or injury that resulted from the collision.

Conclusion

It is my opinion that the investigation does not provide reasonable grounds to believe that the SO committed any *Criminal Code* offence. While the death of the AP was both tragic and criminal, that criminality relates to the conduct of the AP. The moral and legal responsibility for this death and injury rests with him, and not the SO.

Original signed

Matthew Block

Assistant Executive Director

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