



# Report to the Minister of Justice and Solicitor General Public Fatality Inquiry

*Fatality Inquiries Act*

WHEREAS a Public Inquiry was held at the \_\_\_\_\_ Court House

in the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ St. Albert \_\_\_\_\_, in the Province of Alberta,  
(City, Town or Village) (Name of City, Town, Village)

on the \_\_\_\_\_ 24<sup>th</sup> to 25<sup>th</sup> \_\_\_\_\_ days of \_\_\_\_\_ April \_\_\_\_\_, \_\_\_\_\_ 2019 \_\_\_\_\_, (and by adjournment  
year

on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_),  
year

before \_\_\_\_\_ Bruce R. Garriock \_\_\_\_\_, a Provincial Court Judge,

into the death of \_\_\_\_\_ David Matthew Wynn \_\_\_\_\_ 42 \_\_\_\_\_  
(Name in Full) (Age)

of \_\_\_\_\_ 98 Forest Drive, St. Albert, Alberta \_\_\_\_\_ and the following findings were made:  
(Residence)

**Date and Time of Death:** \_\_\_\_\_ January 21, 2015 at 5:15 a.m. \_\_\_\_\_

**Place:** \_\_\_\_\_ University of Alberta Hospital, Edmonton, 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 – *Fatality Inquiries Act*, Section 1(d)).

Gunshot wound of head

### **Manner of Death:**

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

Homicidal



**Report to the Minister of Justice  
and Solicitor General  
Public Fatality Inquiry**

*Fatality Inquiries Act*

WHEREAS a Public Inquiry was held at the \_\_\_\_\_ Court House  
in the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ St. Albert \_\_\_\_\_, in the Province of Alberta,  
(City, Town or Village) (Name of City, Town, Village)  
on the \_\_\_\_\_ 24<sup>th</sup> to 25<sup>th</sup> \_\_\_\_\_ days of \_\_\_\_\_ April \_\_\_\_\_, \_\_\_\_\_ 2019 \_\_\_\_\_, (and by adjournment  
year  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_),  
year  
before \_\_\_\_\_ Bruce R. Garriock \_\_\_\_\_, a Provincial Court Judge,  
into the death of \_\_\_\_\_ Shawn Maxwell Rehn \_\_\_\_\_ 34 \_\_\_\_\_  
(Name in Full) (Age)  
of \_\_\_\_\_ 83 Aspenglen Place, Spruce Grove, Alberta \_\_\_\_\_ and the following findings were made:  
(Residence)

**Date and Time of Death:** \_\_\_\_\_ January 17, 2015 at 10:59 a.m. \_\_\_\_\_

**Place:** \_\_\_\_\_ 25102 Township Road 542, St. Albert, 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 – *Fatality Inquiries Act*, Section 1(d)).

Gunshot Wound of Head

**Manner of Death:**

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

Suicidal

## Circumstances Under Which Death Occurred:

### Introduction

On January 17, 2015, at St. Albert, Alberta, Wynn was shot in the line of duty as an RCMP officer by Rehn. Wynn died of his wound on January 21, 2015.

On January 17, 2015, after the aforesaid confrontation with Wynn, Rehn left the scene of the shooting, broke into an unoccupied residence and later shot and killed himself.

While I acknowledge that it is not the goal of this Report to make findings outside of the parameters expressed in Section 53 of the *Act*, given the extensive public dialogue concerning judicial interim release (“bail”) hearings generally and, in particular, Rehn’s judicial interim release, I feel that it is contextually relevant to report on:

- 1) Rehn’s latest judicial interim release; and
- 2) judicial interim release procedures in Alberta following the Armstrong Report and the Irving Report.

### Topics

1. Preliminary Matters
2. Attachments to this Report
3. Rehn’s Judicial Interim Release
4. Wynn Incident - RCMP Policies and Procedures
5. Rehn Incident - ASIRT Investigation and RCMP Policies and Procedures
6. Weinberg Qualifications
7. Wynn Medical Examination
8. Rehn Medical Examination
9. Judicial Interim Release Review
10. Submissions
11. Conclusion
12. Recommendations for the Prevention of Similar Deaths

Throughout this Report (except as hereinbefore or hereinafter stated), all dates are in 2015, and:

“ACPS” means Alberta Crown Prosecution Services

“AFRRCS” means the Alberta First Responders’ Radio Communication System (being a new two-way radio network for first responders)

“AFRRCS Briefing Notes” means the AFRRCS Briefing Notes dated April 23, 2019, (Exhibit 9 to the Inquiry)

“ASIRT” means Alberta Serious Incident Response Team

“EPS” means Edmonton Police Service

“ERT” means RCMP Emergency Response Team

“JOIN” means Justice Online Information Network

“OCC” means Operational Communications Centre

“PPSC” means Public Prosecution Service of Canada

“PRISM” means Prosecution Information System Manager, a record keeping software program

“RCMP” means Royal Canadian Mounted Police

“Act” means the *Fatality Inquiries Act*, RSA 2000, c. F – 9

“Agreed Statement of Facts” means the Agreed Statement of Facts regarding the Incidents attached to this Report (Exhibit 2 to the Inquiry)

“Alberta Bail Update” means the August 25, 2017 update to the Irving Report attached to this Report (Exhibit 8 to the Inquiry)

“Armstrong Report” means that June, 2015 Report by Armstrong, “Report on Shawn Rehn: A Review of the Involvement of the Alberta Crown Prosecution Service with Shawn Maxwell Rehn” (Tab 59 in Exhibit 1 to the Inquiry)

“Casino” means the Apex Casino in St. Albert, Alberta

“Criminal E-file” is a “beginning-to-end” disclosure process that allows policing agencies (not just in the context of bail, but in the context of the creation of their investigative file and the forwarding of it to the Crown) to upload the file and have it accessible to the Crown

“Date of the Incidents” means January 17

“Exhibit Binder” means that binder of exhibits containing Tabs 1-60 (Exhibit 1 to the Inquiry)

“Incident Review” means that review of the Incidents by Bennett (Tab 53 in Exhibit 1 to the Inquiry)

“Incidents” means the Wynn Incident and the Rehn Incident

“Inquiry” means the Public Fatality Inquiry into the deaths of Wynn and Rehn held in St. Albert Provincial Court on April 24 and 25, 2019

“Irving Report” means that February 29, 2016 Report by Irving, “Alberta Bail Report-Endorsing a Call for Change” (Tab 60 in Exhibit 1 to the Inquiry)

## Report – Page 5 of 23

“Rehn Certificate” means that Certificate of Medical Examiner regarding Rehn’s death dated March 18 signed by Weinberg

“Rehn Incident” means the events at the Residence on the Date of the Incidents involving the RCMP and Rehn

“Report” means this Public Fatality Inquiry Report into the deaths of Wynn and Rehn

“Residence” means that residence located at 25102 Township Road 542, St Albert, Alberta

“Wynn Certificate” means that Certificate of Medical Examiner regarding Wynn’s death dated February 12 signed by Weinberg

“Wynn Incident” means the events at the Casino on the Date of the Incidents involving Wynn, Bond and Rehn

Reference may be made to the following persons:

“Armstrong” means Kimberley Armstrong, QC

“Bennett” means John Bennett, former RCMP Inspector, North District, NWT

“Bond” means RCMP Auxiliary Constable Derek Bond

“Bruns” means EPS Sgt. Ken Bruns

“Caissie” means RCMP Constable Denise Caissie

“Flanders” means Inquiry co-counsel Jessica Flanders

“Harris” means counsel for the EPS, Lorena Harris

“Irving” means Nancy L. Irving, former General Counsel at the Ottawa Headquarters of the PPSC

“Ms. Rehn” means Ms. Mona Rehn, the mother of Rehn

“MacInnis–Wynn” means Mrs. Shelley MacInnis-Wynn, Wynn’s widow

“Quan” means EPS Constable Wilson Quan

“Regehr” means counsel for the RCMP, Cameron Regehr

“Rehn” means Shawn Maxwell Rehn

“Tolppanen” means Eric John Tolppanen, Assistant Deputy Minister of the Alberta Crown Prosecution Division of the Ministry of Justice and Solicitor General

“Weinberg” means Mitchell Lewis Weinberg, Assistant Chief Medical Examiner for the Alberta Office of the Chief Medical Examiner

“Whittaker” means Inquiry counsel Lionel Whittaker

“Wynn” means RCMP Constable David Matthew Wynn

## 1. Preliminary Matters

A Pre-Inquiry Conference was held on April 16, 2018, at the Court House, St. Albert, Alberta, at which time:

- no objection to me presiding at the Inquiry was made;
- the RCMP was granted “interested person status” under section 49(2)(d) of the *Act*;
- a request from MacInnes-Wynn for a change in venue was denied due to the likely delay that would be encountered in obtaining hearing dates elsewhere and further, that a change in venue would not deflect or minimize social media coverage of the Inquiry; and
- the Pre-Inquiry Conference was adjourned in order that Whittaker could examine potential Inquiry issues.

A second Pre-Inquiry Conference was held on May 14, 2018, at the Court House, St. Albert, Alberta, at which time:

- the dates for the Inquiry were set for December 12 - 14, 2018 [inclusive] at the Court House, St. Albert, Alberta, commencing at 9:30 AM each date, unless otherwise stipulated;
- the issues for the Inquiry were confirmed as follows:
  - a) How judicial interim release for Rehn was dealt with leading to the Date of the Incidents?
  - b) How has judicial interim release procedure changed, if at all, as a result of the Irving Report and the Armstrong Report?
  - c) What was the interaction of Wynn and Rehn at the Casino on January 17 and the RCMP protocol relating thereto?
  - d) Examining the RCMP protocol and application thereof to the Rehn Incident.
- prospective witnesses were discussed;
- as to disclosure, it was determined that exhibit binders would be provided by Whittaker, subject to the provisions of the *Act*, to the RCMP and MacInnis-Wynn; and
- Whittaker would endeavour to locate Rehn’s personal representative/next of kin to determine if such person(s) wanted to receive disclosure and/or attend the Inquiry.

A third Pre-Inquiry Conference was held on October 15, 2018, at the Court House, St. Albert, Alberta, at which time:

- new Inquiry dates of April 24 – 26, 2019 (inclusive) were established;
- the EPS was granted “interested person status” under section 49(2)(d) of the *Act*; and

- an exhibit binder was made Exhibit 1 to the Inquiry.

At the commencement of the Inquiry, and before evidence was heard, I advised those present of the various, applicable provisions of the *Act*, including those of section 49 and the right of interested persons to apply for standing at the Inquiry. No one indicated a desire to apply for such standing at that time.

## **2. Attachments to, and forming part of, this Report**

- a) The Index to the Exhibit Binder
- b) The Agreed Statement of Facts
- c) The Alberta Bail Update

## **3. Rehn’s Judicial Interim Release (“Bail”)**

Quan testified that in September, 2014, he was a constable with the EPS in an area known as “I MAC”. His duties, since early 2011, included conducting judicial interim release hearings in front of a Justice of the Peace, assuming the role of a prosecutor. He had a training period of two to three months. By September 2014, Quan had appeared in close to 4000 bail hearings.

He confirmed that his role as prosecutor at a bail hearing comprised the following:

- consenting to the release of an accused, either outright or by way of security and/or conditions;
- arguing for the detention of an accused; and
- asking for a matter to be adjourned into court.

Quan was authorized to proceed with bail at his discretion.

Quan advised that a Crown Prosecutor would sometimes assist in certain files. He admitted that during his first 500 to 600 files, when he faced a serious matter, his tendency was to deny bail. However, he stated that he learned very quickly that law is drastically different in theory versus practice. Quan said that he quickly needed to learn the whole process of a bail hearing (how to conduct himself, what techniques to use, what case law was important and when to use it and how to articulate grounds). As a police officer, he said “you really do want everybody - like, all the people that commit crimes, you want them to go to gaol. But one of the fundamental principles of that bail process is you are innocent until proven guilty and everybody deserves the right for reasonable bail.”

Quan explained the grounds for judicial interim release; being primary (failing to appear for court in the past), secondary (has the accused been convicted of this same charge(s) or are there outstanding warrants for the same charge(s) and protection of the public), and tertiary (maintaining confidence in the Court and strength of the Crown's case for more serious charges). The factors that Quan would look at when arguing detention was the strength of the Crown file, involvement of firearms, serious drug offences or anything that he believed, if a person was released, would lower the confidence of the public's trust in the court system (i.e.; for very serious crimes). The onus would be on the Crown to show why the accused should not be released. However, Quan explained that an accused would bear the onus to show why he should not be detained in certain circumstance (a reverse onus situation).

Quan assumed the role of prosecutor for Rehn's bail hearing on September 4, 2014. Quan said that he would have reviewed the files for that morning prior to the hearing including Rehn's bail package (Exhibit 3 to the Inquiry).

Quan understood that there were charges from two different offence dates (Edmonton and Redwater charges as well as a warrant in Redwater) when he reviewed the bail package.

Quan confirmed that by reviewing the bail package, he had the full criminal history of Rehn, including how many times Rehn had been charged and/or convicted of breaching his bail conditions, failing to appear in court and breaching other court orders.

Quan believed the primary and secondary grounds to deny bail were applicable in Rehn's case, and also, that Rehn needed to show cause as to why he should be released (i.e., the onus was on Rehn). Further, even though Quan considered applying to cancel the existing release of Rehn, he did not pursue such application in order to concentrate his approach on requesting a denial of bail.

As at September 4, 2014, Quan was not aware that a Crown Prosecutor had previously argued in favour of Rehn's detention on bank fraud charges. Quan said that the bank fraud charges were in the report, and that he had actually seen on the system that another Recognizance had been granted, but he could not confirm same because, at that point, he did not have access to the Crown PRISM system. Quan stated that he did not attempt to contact the Crown Prosecutor because he felt that he was well prepared.

Quan spoke prior to the bail hearing with Rehn's counsel by telephone. Quan was familiar with this counsel, who he felt had knowledge about what was going on with Rehn at that time.

Quan explained to Rehn's counsel that he was relying on the primary and secondary grounds to request a denial of bail. Rehn's counsel said that Rehn was turning his life around and, regarding his last conviction, the Judge gave him one day for an assault. Further, Rehn's counsel told Quan that he would make sure that Rehn attended court. As to the secondary grounds, Rehn's counsel said that he would be dealing with the Redwater charges and questioned the Crown's strength regarding the Edmonton charges. Quan said that at that time, due to lack of consistent cooperation within departments, he had no information on Rehn's Redwater charges, except that they were outstanding. Based on this discussion, Quan felt that the strength of the Crown's case was diminished.

Quan was concerned that if the Justice of the Peace heard arguments for judicial interim release from Rehn's counsel, that bail would not be denied. Quan said [page 35, lines 17-18]: "Cause, at that time, in our system, with our percentages, our stats, it was pretty much under 10% for us to actually get a bail denied."



Quan maintained that, despite reference in the transcript of Rehn's September 4, 2014 bail hearing (where Rehn's counsel represented that he should be endorsed for "today's purposes only"), Quan had checked and Rehn did have counsel at the time.

Quan eventually suggested to Rehn's counsel that Rehn could be released on a Recognizance with \$8000 security plus conditions. Quan admitted that, at that time, \$8000 was a substantial amount of money which one only saw in "drug trafficking like cases." Quan related that he wanted to ensure that Rehn got to court to deal with the matters. Quan and Rehn's counsel agreed to \$4500 cash bail.

Quan felt comfortable with \$4500 cash and release conditions. As Quan stated [page 37, lines 35-37]: "it was high enough and from what – the comments made from counsel was it would take him time to get this money. I felt it was a good decision to come in with a joint submission."

Quan said Rehn's counsel made "great representations" and possessed historical knowledge that Quan did not have. Quan felt that \$4500 cash would take Rehn some time to obtain, as was described to Quan by Rehn's counsel. Quan acknowledged that the EPS court report on Rehn described him as a statutory release violator having repeated convictions for most of the stated charges, and further, he was believed to be a flight risk based on his previous record (travelling from city to city while committing criminal offences). As well, there was reference in the said report to a failing to attend court conviction, that Rehn was arrested on seven criminal warrants out of Redwater and that he was believed to be a danger to the public, (based on carrying a weapon). Quan said that he took all of this information into consideration when arriving at the joint release submission.

Quan stated (page 43, line 23 and 26): "I believe I made the proper – obviously, in hindsight, right, but – at that time."

On examination by Harris, Quan confirmed that he was satisfied because:

- (a) the likelihood of Rehn coming up with the \$4500 security within two weeks [Rehn's next appearance date] was unlikely; and
- (b) ultimately, the Justice of the Peace accepted the joint submission.

#### **4. Wynn Incident - Policies and Procedures**

Bennett testified that in early October he was tasked with conducting the Incident Review.

Bennett said that he separated the Incident Review into three components:

1. Events leading up to and including the shootings;
2. The response of RCMP personnel to the shootings and subsequent containment of Rehn; and
3. The response of the RCMP Critical Incident Program.

Bennett testified that his focus was to examine the actions of involved persons in the context of applicable policies and procedures; in other words, making sure that what occurred was done in accordance with RCMP policy and procedures and to identify any deviations therefrom.

Bennett was previously a Critical Incident Commander (overseeing the ERT) and he had 25 plus years of operational policing experience in different policing environments, as well as experience completing reports and reviews of different types of events.

Bennett described the importance of the communication equipment and the unsuccessful attempts by Caissie to contact Wynn when he was in the Casino. This led to the decision by Caissie to send Bond into the Casino.

Bennett referred to the fact that Bond was sent into the Casino to locate and speak with Wynn contrary to RCMP policy. As to the possible effect of this action (although being outside of the scope of Bennett's review), in Bennett's words, it was "unlikely to have changed the tragic sequence of events."

Bennett referred to the AFRRCS Briefing Notes, which mentioned a memorandum of understanding that allowed the RCMP to access AFRRCS; (i.e., that the RCMP would move from their current system to AFRRCS). Bennett said that this was a work in progress. Bennett explained that one of the benefits of this transition was moving from an analog system to a digital system for better radio communication. As well, the digital system would provide seamless ability to roam throughout the province, enhancing radio coverage as a whole with direct communication between first responders. It was stated in the AFRRCS Briefing Notes that "portable radios for RCMP members remain unable to transmit at Apex Casino in St. Albert", and that "cellular phones have been assigned to every RCMP vehicle since January, 2015, to be utilized by RCMP members when entering locations without radio service". Bennett said that this was a mitigation strategy to ensure the safety of the officers involved. The AFRRCS Briefing Notes referred to the fact that the St. Albert RCMP detachment was scheduled to begin training on AFRRCS in March 2019 with the "go live date" in early April, but that unforeseen technical issues had delayed this transition until October, 2019.

Bennett testified that the AFRRCS Briefing Notes described an excerpt from the St. Albert Detachment Operation Manual under section 16.9 "Request for Back-up" (which appeared to be dated some time in 2015), where Appendix "A" thereto listed the Casino as a known area with deficient radio communication. Reference was also made to the following sections in this Manual:

"1.2 When responding to calls for service at locations known not to have radio coverage, members must request assistance to ensure a multiple member response.

1.3 When a call for service is received and a member finds there is no radio communication in an area or building not previously identified as having no radio communication the member must immediately treat the situation as a known area that has no radio communication, and follow 1.2 requesting a second member attend."

Bennett agreed that, since the Incidents, the RCMP have taken steps to address the problems with radio communications. Cell phones have been provided and members in possession thereof have to make sure that the dispatcher knows that they have a cell phone and have it available to utilize. Bennett felt that it was unknown, had such a policy been in place on the Date of the Incidents, whether that policy would have prevented the tragedy at the Casino.

When I questioned Bennett as to his determination, if any, of RCMP compliance in the Wynn Incident, Bennett stated, “I would say in most situations, whether it was reporting requirements and those things, everything was compliant with relevant policy. The issue of, sort of the radios, and the backup, and those things, I think what I said in there, although unlikely to have changed the tragic sequence of events, it was nevertheless a deviation from the policy standard at the time. Speaking from my own personal experience, would that have changed anything? Probably not.”

Bennett then explained that there were a couple of further items he wanted to comment on:

1. An auxiliary constable is not a police officer. The auxiliary constable is trained to a certain level and there was a finding that Bond was acting in an operational capacity “... on the scale, a relatively minor thing at the time.” The Court was told that an auxiliary constable is an unpaid, unarmed volunteer, although such constable does wear a uniform similar in appearance to a police officer’s uniform, but with different markings. An auxiliary constable would have some minimal operational tools (like handcuffs) and would possess peace officer status. An auxiliary constable also had to be under direct supervision of a police officer. Bennett went on to explain that auxiliary constables provide a valuable service, specifically being familiar with the community. Following the Incidents, Bennett referred to a direction from RCMP headquarters in Ottawa to review all auxiliary functions. That review took a period of time and was not finalized at the time of Bennett’s retirement from the RCMP.
2. With regard to tactics, Bennett said “it may have been an appropriate tactic for Wynn to notify the member outside that he was going to look for the individual, to attempt to identify him.”

## **5. Rehn Incident – ASIRT Investigation and RCMP Policies and Procedures**

Bennett stated that the RCMP conducted themselves at the Residence with “textbook compliance” regarding applicable protocols, procedures and policies.

Bruns testified that as a 24-year member of the EPS, he was seconded to ASIRT as an investigator. Bruns explained that ASIRT has a mandate to investigate incidents that result in either serious injury or death that may have been caused by actions involving the police, as well as to investigate incidents, or even allegations of incidents, that are serious and of a sensitive nature. As the Rehn Incident involved the police, ASIRT was tasked to conduct an investigation into the “custody death” of Rehn. This was considered by ASIRT to be an “in-custody death” because it was believed (and as determined later) that Rehn was inside the Residence and the police had that Residence contained. In other words, Rehn had no way of leaving that Residence without dealing with the police.

Bruns confirmed that he was the primary investigator responsible for the collection of all of the evidence that came to him via the task investigators, reviewing all of the Rehn Incident reports and making sure that the investigation was complete. The investigation was carried out as independently as possible, in a professional and thorough manner, outside of the RCMP. However, in the spirit of cooperation, ASIRT relied on other agencies, including RCMP, to cooperate and provide certain things, such as forensic results.

Reference was made to the final report of ASIRT on the Rehn Incident (Tab 11 in Exhibit 1 to the Inquiry). Bruns confirmed that the direct witness evidence came from the ERT. After several hours, attempting with loud-hailers and sirens trying to make contact with Rehn inside the Residence, the ERT utilized a mechanical device containing a camera to clear the main floor. The said device was then sent downstairs to clear the basement, but became disabled. The ERT then broke the window of the first bedroom they decided to search in the basement, but could not see anyone. Prior to breaking the window of the next bedroom from the outside, the ERT heard a bang of some kind. They breached that bedroom window and looked inside. By way of the reflection in the bedroom mirror, they saw Rehn laying on his back on the floor.

ERT members then entered the Residence through the front door to properly clear the upper floor and make sure that no other people were present. They then went downstairs, cleared the basement and discovered Rehn on the floor of a basement bedroom. Rehn was observed to have a handgun in his hand and a severe injury to the front of his face in the right eye area. After removing the handgun from Rehn's hand, the ERT members checked Rehn for signs of life, which they could not find. Emergency medical personnel were then escorted into the bedroom; they checked and confirmed that Rehn was deceased.

The ERT did not fire their guns. Two holes were noted in the ceiling of the said bedroom; one was fairly small (perhaps from some fragmentation) and beside it was a larger hole going up through the drywall. Two, 9 millimetre (mm) bullet casings were discovered, one on the floor and one under Rehn's body. A bullet was found inside the larger hole in the ceiling, as well as another bullet in the floor of the said bedroom.

In order to eliminate the possibility that either of these bullets came from the ERT members (who carried 9 mm pistols), the discovered two bullet casings were examined. They exhibited a different headstamp than on the ERT ammunition. A trajectory rod indicated that the bullet in the ceiling came from the area where Rehn's body was discovered. Rehn's autopsy confirmed that the trajectory of the bullet was consistent with Rehn facing the bed, down low to some degree. The bullet travelled up through his head into the ceiling.

The handgun in Rehn's possession was a Smith and Wesson, 9 mm pistol, which contained five live bullets, each of which exhibited the exact headstamp as did the bullet casings found on the floor in the bedroom.

All of the witness statements were consistent with no RCMP member firing a round and further, that the ERT just started to breach the second bedroom window when they heard the bang. Bruns stated that his investigation found no inconsistencies in the evidence or witness statements. As well, there were several communications back and forth involving the ERT; their main goal, as expressed on the radio from their team commander, was to achieve a successful conclusion without injury to anyone. This approach was supported by the length of time it took (from approximately 3:00 AM to approximately 11:00 AM), to find out where the owners were (they were determined to be away on vacation), as well as several attempts were made to contact Rehn.

In conclusion, ASIRT determined that Rehn was the victim of a self-inflicted gunshot wound.

## **6. Weinberg Qualifications**

Weinberg testified that since July, 2012, he was employed at the Edmonton Office of the Chief Medical Examiner. Weinberg explained that he was primarily a staff forensic pathologist who performed post-mortem examinations.

Weinberg said that when a death occurs that either does, or may, fall under the mandate of the Chief Medical Examiner under the *Act*, or his office determines that it has jurisdiction, a post-mortem examination is performed by one of the staff forensic pathologists for the primary purpose of determining cause and manner of death. Their office then produces various documents surrounding these activities (such as the Death Certificate, the Certificate of Medical Examiner and the Examination Report) documenting the various findings and some opinion as to what happened and the conclusions reached.

After describing his qualifications, Weinberg was qualified as an expert witness to provide opinion evidence in the field of forensic pathology.

## 7. Wynn Medical Examination

Weinberg examined Wynn on January 22. He performed an external examination as he believed that he could obtain the information that was required without performing a full autopsy.

Introduced as Exhibit 6 to the Inquiry was the External Examination (Form 2) for Wynn. Weinberg explained that Exhibit 6 illustrated, by means of diagrams, the entrance gunshot wound at the top left of the head and the exit gunshot wound on the back of the head, relatively central and far down. This indicated that the bullet travelled front to back, downward and left to right. Weinberg was questioned about the Emergency Medical Services Patient Care Report for Wynn (Tab 9 in Exhibit 1 to the Inquiry), which indicated the bullet and exit wounds to be opposite to that as stated in Exhibit 6. Weinberg disagreed with that description, explaining that this happens sometimes; the first responders who prepared the said Report have different goals, and are primarily focused on treating the patient in a harried, frenzied environment.

In further support of his opinion about the entry and exit wounds, Weinberg explained that when examining Wynn, he noted a number of small punctuate marks (minute spots or depressions) on the upper aspect of Wynn's face which, in his opinion, represented healing stippling marks. He went on to explain that one of his important tasks is to determine, if possible, a range of fire. The core feature of an intermediate range gunshot wound (as opposed to an indeterminate range wound) is the presence of stippling on the skin around the gunshot wound. This is from some amount of unburned and un-combusted gunpowder particles that exit the barrel with the bullet, and which are going to strike the skin if the tip of the weapon is close enough to the person who has been shot. This is what Weinberg believed had occurred in this case; this caused the little markings on the skin of the entry wound. Weinberg confirmed that stippling marks would not exist around an exit wound and further, that he did not discover any stippling marks on the back of Wynn's head.

The toxicology report dated February 10 (Tab 3 in Exhibit 1 to the Inquiry), noted that ketamine was detected in Wynn's body. Weinberg explained that ketamine is often used in emergency response situations; he believed it was employed as part of resuscitative efforts on Wynn a few minutes before a blood specimen was collected and further, did not contribute to death.

In addition to the said gunshot wound and the stippling at the entry wound, Weinberg testified that he noted a couple of bruises to Wynn's left arm which had no bearing on the cause or manner of death. Further, there were areas of bruising around the ears and the eyes which were related to the gunshot wound.

Weinberg explained that in addition to his external examination, he utilized the medical records then available to him in making his determinations (including imaging of the head and brain that documented the wound path through the brain and the devastating injury that resulted as well as the subsequent effects to the brain; the swelling in particular).

Referring to his External Examination Form (Exhibit 6 to the Inquiry) Weinberg confirmed his understanding that Wynn was shot on January 17, and that he was declared deceased on January 21. Weinberg further confirmed that medical treatment and care between the time of shooting and the time of death had nothing to do with Wynn's death.

Weinberg stated that he had no reason to change his findings as to manner of death (homicide at a public place) or described circumstances of injury/incident (shot in the head during an altercation with a suspect at a casino, in St. Albert, Alberta while on duty as an RCMP member) listed in the Medical Examiner's Medical Certificate of Death (Tab 1 in Exhibit 1 to the Inquiry).

Weinberg acknowledged that he made the determinations and signed the Certificate of Medical Examiner (Tab 2 of Exhibit 1 to the Inquiry), and further, that he did not have any reason to change any of the determinations contained therein.

## **8. Rehn Medical Examination**

Referring to the Medical Examiner's Medical Certificate of Death for Rehn (Tab 5 in Exhibit 1 to the Inquiry), Weinberg confirmed that he completed this document and signed it on January 19. In order to complete this form, Weinberg carried out an external examination as he had concluded that an autopsy was not necessary.

Referring to the External Examination Form for Rehn (Exhibit 7 to the Inquiry), Weinberg confirmed that this examination involved a through-and-through gunshot wound with the entry at the right eye. The wound path was front-to-back, right-to-left and upward, exiting at the back of the head. Weinberg explained that the appearance of the injury to the right eye was absolutely consistent with a contact-range entry gunshot wound, with the wound to the back of the head having features consistent with an exit gunshot wound. Weinberg explained this meant the gun was basically pressed against the skin or extremely close to it when fired. Further, Weinberg noticed the presence of soot and the absence of stippling, which is supportive of being a contact-range gunshot wound.

When asked how he determined (as stated in the said Certificate of Death for Rehn), that the manner of death was suicide, Weinberg said that this conclusion was based on his examination as well as the investigative information available to that point in time. It was clear, from the investigation, that there were no other individuals in the room with Rehn when the gunshot was heard. As well, Weinberg had the information in the Toxicology Report, (Tab 7 in Exhibit 1 to the Inquiry), available to him prior to completing the Certificate of Medical Examiner. Weinberg described that the toxicology findings confirmed that Rehn had used "a pretty high level of methamphetamine" as well as cocaine prior to his death. Weinberg confirmed that the presence of said drugs did not contribute in any way to Rehn's death, which was caused by a gunshot wound to his head. Weinberg went on to state that other than the stated gunshot wound, there were no other causes or significant conditions contributing to Rehn's death.

As to the time of death, Weinberg stated that Rehn would have lived no more than a few moments, if at all, after such a devastating gunshot. However, death would not have been formally pronounced until Rehn had been assessed and formally confirmed as deceased. Referring to the Certificate of Medical Examiner (Tab 6 in Exhibit 1 to the Inquiry), Weinberg confirmed that he signed this document, that he made all the determinations therein and that he had no reason to change any of said determinations.

## **9. Judicial Interim Release Review**

Tolppanen testified that he was the Assistant Deputy Minister of the ACPS, the Ministry of Justice and Solicitor General, since June. He confirmed that on January 21, the then Minister of Justice and Solicitor General directed that his Deputy Minister Armstrong conduct a review of the involvement that the ACPS had with Rehn. As a result, the Armstrong Report was prepared.

Tolppanen stated that the Armstrong Report made two recommendations:

1. A comprehensive review of the conduct of judicial interim release hearings be undertaken with consideration as to who should conduct such hearings and in what circumstances, how best to utilize section 524 of the *Criminal Code*, what information should be provided in bail packages prepared by policing agencies and how best to ensure the accuracy and availability of that information, how various programs can be utilized to effectively ensure accurate information is available during bail proceedings and coordination of bail proceedings between the offices of the ACPS with the offices of the PPSC.
2. Pending receipt of the foregoing information, education be reviewed and developed to ensure that it provides effective guidance to Crown Prosecutors; that this education specifically address the use of section 524 of the *Criminal Code*, that the ACPS consider implementing or enhancing guidelines respecting the recording of information and management of files and that current education programs respecting decisions to prosecute be reviewed to ensure that they address the significant public interest in proceeding with compliance and breach charges where there is reasonable likelihood of conviction.

Thereafter, and as a result of the Armstrong Report, Irving was commissioned to undertake the said judicial interim release review, resulting in the Irving Report. As stated in the Irving Report, the review contained therein “was initiated in response to the fatal shooting of RCMP Constable David Matthew Wynn and the wounding of Auxiliary Constable Derek Walter Bond by Shawn Maxwell Rehn, who later took his own life. The incident occurred in St. Albert in January 2015 while Rehn was out on bail pending a court appearance on outstanding charges.”

The Irving Report further determined that there was common ground upon which such report and its recommendations were built; “virtually all stakeholders would agree that the administration of justice is best served when:

1. all roles in the system are properly delineated and assigned;
2. all participants are properly resourced and trained;
3. all participants have access to complete and accurate information; and
4. all accept that convenience and efficiency must not be allowed to trump the integrity of the process.”

Tolppanen explained that under the previous bail system, police presenters would present before Justices of the Peace at first appearance bail hearings and Crown Prosecutors would present if the bail hearing was being held before either a Provincial Court Judge or a Court of Queen’s Bench Justice. There was no specific program in place previously that had Crown Prosecutors or people from the Ministry of Justice training police officers for bail hearings. That system has now changed, resulting in all bail applications involving Crown prosecutors. Before the Crown took over, there was no standardized bail package.

Tolppanen explained that the Irving Report made 31 recommendations.

He referred to the Alberta Bail Update (as annexed hereto) which updated the status of implementation of the said recommendations.

Tolppanen also commented as to a number of recommendations in the Irving Report that were not dealt with in the Alberta Bail Update as follows:

Recommendation 6: The Review recommends that the ACPS and PPSC provide education to police agencies in Alberta to ensure that police are properly trained in the use of their release powers under the *Criminal Code*.

Status - The training is being provided *ad hoc*. There is no specific training provided by the Crown Prosecutors.

Recommendation 9: The Review recommends enhanced training in the law of bail be made available to judicial officers in Alberta. It further recommends the public disclosure of basic information about that training, while respecting the principles of judicial independence.

Status -The strategic plan for the Provincial Court of Alberta emphasizes education. There are training programs available to new Judges and Justices of the Peace with respect to bail. There is a mentorship program that continues this training for a period of time and there is ongoing training on these topics.

Recommendation 10: The Review recommends that resource and management issues relating to wait times at the Hearing Offices be addressed as soon as possible.

Status - Response to this recommendation is on an ongoing basis. There are a number of committees that have been established. One of these committees, the Hearing Office Provincial Implementation Committee, which is essentially a governance committee, addresses the wait times at the JP bail stage. This governance body is reported to by the Hearing Office Standing Committee, which is a committee that addresses, on the more granular level, some of the processes put into place to address delay at the Hearing Office stage. On each of these committees there are representatives of the police, the judiciary, the prosecution services, Legal Aid, defence counsel, and Correctional Division of the Justice Ministry. Since the start of this pilot in Edmonton, Alberta in October 2016, there have been numerous workshops with all stakeholders, addressing the processes through the bail stage at the Hearing Office.

Recommendation 11: The Review recommends that the use of tele-bail in Alberta be eliminated as soon as practicable and that all bail be done by video.

Status - no steps have been taken to implement this recommendation outside of Edmonton and Calgary. There is a lot to consider in terms of how would you hook up a videoconferencing system to the RCMP detachments and other law enforcement agencies, outside of Edmonton and Calgary.

Recommendation 12: The Review recommends that Legal Aid duty counsel be made available at Hearing Office bail hearings, in conjunction with greater Crown involvement.



Status - Initially, duty counsel were not part of the JP bail process. As of May 2018, duty counsel began appearing on Calgary bail matters, and, as of September 24, 2018, they covered the whole province. There are 21 staff duty counsel who attend to JP bail.

Recommendation 13: The Review recommends that Legal Aid Alberta be provided with the additional funding required to properly discharge the added responsibility of providing duty counsel.

Status - Government funding has been made available.

Recommendation 14: The Review recommends that more light be shed on the bail-hearing functions of the Hearing Offices, and that those hearings be reasonably accessible to the public.

Status - There is work being done to have materials and protocols accessible through the Alberta Courts' website. There is nothing specific that has been done at this point, but that is part of the plan.

Recommendation 16: The Review recommends that the Red Deer pilot project continue and the results of the project be made public, while respecting the principles of judicial independence.

Status - In Red Deer, there was a pilot project (that has since ceased) whereby, if bail was not spoken to at the first appearance, then the "return bail" would be before a Justice of the Peace at set times.

Recommendation 18: The Review recommends that the Government of Alberta facilitate the development of an e-court document management system as soon as possible.

Status - This matter is led primarily by the Court Services division. There is an e-courts working group/committee which is looking at all manner of changing what are currently papered processes into electronic processes.

Recommendation 22: The Review recommends that the ACPS extend the availability of PRISM and Criminal E-file to all of its offices and the PPSC, and enhance the access of in-house prosecutors and agents to the documentation they require for s. 524 revocation applications.

Status – PRISM has been extended to all provincial Crown prosecution offices. Any communication between Crown and a callee, the police and others would take place through PRISM. The entire Crown brief is linked into Criminal E-file, so the entire investigative brief and Crown brief are available through PRISM; one spot for prosecutors to get all of that information. The benefit is that a Crown Bail Office prosecutor would be able to look up not only the record, but the background to any incidents or defences regarding same, as well as if there is an outstanding allegation. In reflecting upon Rehn's bail hearing that occurred in September, 2014, if this new system was then in effect, the Crown would have been able to look at PRISM and see that there was an outstanding case against Rehn, that he was to appear in court on bank fraud and further, see that in November, 2013 when bail was spoken to, that the Crown had opposed release. Tolppanen commented that "from a substantive decision-making perspective, a bail Crown making a decision about whether to seek bail revocation, or whether to consent to release or not, being able to look back and see the notes of what another prosecutor did on that case might be of some value."

Recommendation 23: The Review recommends that the Chief Judge of the Provincial Court clarify the role of the Hearing Offices with respect to s. 524 revocation applications.

Status - Tolppanen said that he spoke with the Deputy Chief Judge about this which is addressed through the protocols he described earlier.

Recommendation 28: The Review recommends that police always do a JOIN check when preparing bail packages, and that Alberta Justice and Solicitor General facilitate greater police access to the database and training in its use.

Status - Every bail package that is sent to the Crown (whether it is sent through Criminal E-file or through email) has a JOIN check performed. All policing authorities within the Province have access to JOIN.

Recommendation 29: The Review recommends that police and prosecution services explore opportunities to increase information-sharing between provincial jurisdictions, including information on criminal convictions, outstanding charges and release orders.

Status – At this point, there have been no steps taken in this respect to work with other provincial jurisdictions.

Recommendation 30: The Review recommends that the major/minor agreement between the ACPS and PPSC be amended to specifically address the coordination of bail hearings, including revocation applications and information sharing. This will provide greater clarity to prosecutors in both agencies.

Status - There are occasions where people are alleged to have committed *Criminal Code* offences, as well as drug offences. *Criminal Code* offences are prosecuted by the ASPSP. Drug offences under the *Controlled Drugs and Substances Act* are prosecuted by the PPSC. Decisions have to be made as to who will take conduct of a particular case. The major/minor agreement establishes a grid that sets out what is considered to be a major offence versus a minor offence; for example, if someone is charged with a serious drug trafficking allegation and is also charged with being in possession of a stolen lighter, obviously, the drug trafficking offence is a major offence, so the PPSC would take conduct of the entire case. This is an ongoing work in progress that had to be amended recently to reflect the new impaired driving legislation.

Recommendation 31: The Review recommends improving bail-related data collection to allow a more complete understanding of the operation and outcomes of the bail process in Alberta.

Status - There have been considerable advances made with respect to the collection of data regarding the bail stage in front of a Justice of the Peace. These technological advances allow the Ministry of Justice and Solicitor General to record and to interpret that data.

When asked by Harris if he agreed with the following statements taken from the Irving Report, Tolppanen said that he did, namely:

- “The law of bail favours the release of the accused, pending a resolution of the case.”
- “Granting bail is the cardinal rule, as opposed to detention, which is seen as the exception.”
- “There are circumstances in which a person charged with a serious crime may still be released into the community.”
- “The decision whether or not to keep a person in custody or release an accused involves a balancing of all relevant circumstances.”
- “An accused ought not to be denied bail without just cause.”

Tolppanen also agreed that in addition to conditions, the accused may also be compelled to pay a monetary amount in order to attempt to secure his or her appearance before court later on and further, that the conditions and said amount have to be reasonable. If they are too excessive or too onerous, release does not occur. He also concurred that it happens fairly often that the accused or the accused’s counsel can agree on terms and conditions of bail with the Crown’s representative, which joint position is then put to either the presiding Justice of the Peace or the Provincial Court Judge for a ruling. It is ultimately up to either the Justice of the Peace or the Provincial Court Judge to determine if the conditions recommended jointly are appropriate. In fact, reference was made to the following excerpt from the Irving Report:

“The prosecutor and accused can agree to terms and conditions,” (providing the judicial officer determines that release on the agreed conditions is appropriate).”

Tolppanen acknowledged that the Irving Report referred to the fact that in May, 2008, the Alberta Justice Minister told the Legislature of the Government’s intention to have Crown Prosecutors replace police presenters in Hearing Office bail hearings and further, that this project was cancelled as a result of the lack of resources.

Tolppanen also agreed that in 2009, the EPS Chief advised Alberta Justice that the police would cease doing bail hearings, but Alberta Justice objected, so there continued to be police presenters. Further, Tolppanen stated that he knew that most of the police services in Alberta believed that presenting at bail hearings was a Crown function, not a police function.

## 10. Submissions

Whittaker submitted that, in his position as Inquiry counsel, his responsibilities were to objectively place evidence before me. As such, he was reluctant to make submissions, given that same could call his objectivity into question.

*Submissions by Harris*

Tragedies such as being examined in this Inquiry cause an examination into whether things ought to have been done differently and whether things can be better, and changes are made. However, that does not necessarily mean that the individuals or the organizations who were doing things before changes occurred were doing them poorly.

Quan was an experienced member of the EPS who had done hundreds of bail hearings and was well-versed in the principles associated with bail. His testimony reflected his awareness of the aforesaid bail principles that Tolppanen agreed with. He acted appropriately in carrying out his duties regarding the bail application for Rehn. Quan relied not only on the file and other information that was on hand for him regarding Rehn, but also on information supplied by Rehn's counsel. The agreement with Rehn's counsel, including cash bail of \$4500 (which Quan believed was sufficiently high and increased the likelihood of Rehn being detained in custody until his next court date) was reasonable. This consent bail approach benefited both the public as well as Rehn. Quan's handling of the bail hearing was "text book".

What would have happened if Crown counsel had handled Rehn's bail application?

Firstly, there is no evidence before this Inquiry that there would have been any different outcome.

Secondly, had Crown counsel been involved, the matter would have begun and ended with the fact that this was an exercise of prosecutorial discretion.

Thirdly, as outlined in the Armstrong Report, there were two subsequent court appearances for Rehn (September 28 and October 2) when his lawyer appeared for him. The Court issued warrants to hold (whereby the warrant is held and is not released to the police to execute). It is within the Judge's discretion to hold a warrant, which allows the accused to attend court without police having to find and arrest him. The Court did not see fit to release the Rehn warrants at that time.

The EPS raised the issue of having Crown counsel conduct bail hearings as far back as 2008; this was not acted upon by Alberta Justice.

The jurisprudence reveals that police conduct ought not to be judged through the lens of hindsight; we must review the case through the officer's position as it was at the time. The evidence shows that the actions of Quan were not lacking.

In conclusion, there were no recommendations made by the EPS in this case.

*Submissions by Regehr*

Re: Wynn Incident

1. The radio communications issue at the Casino:

- a. There was no causal relationship between issues with the radios and Wynn’s tragic death. The situation developed far too quickly for Wynn to have had the opportunity to use his radio to call for backup within the Casino once he encountered Rehn. This entire incident lasted only about 10 seconds from the time that Wynn and Bond encountered Rehn near the front security desk of the Casino. This situation escalated quickly from a fairly standard police investigation into a stolen vehicle to a situation that was far from routine, one in which lethal force was being used with respect to the officers. There was simply not enough time to even use a radio to call for help, much less time for that help to arrive.
- b. As stated by Bennett, there are currently major changes to the radio communication system used by the RCMP currently underway in Alberta as described in the AFRRCS Briefing Notes. AFRRCS more than doubles the number of radio towers under the old system, resulting in approximately 95% coverage throughout highways in populated areas within Alberta with full operation compatibility with other agencies. Unfortunately, AFRRCS is not yet operational in St. Albert.
- c. In order to mitigate radio communication issues, cellular phones have been assigned to every RCMP vehicle at the St. Albert detachment and are utilized by members entering locations without radio service. The Casino is an area with known radio deficiencies as outlined in Appendix “A” to the AFRRCS Briefing Notes:

“1.2 When responding to calls for service at locations known not to have radio coverage, members must request assistance to ensure a multiple member response.”

“3.1.1 While at a location known to have a radio communication deficiency, a member must, in addition to following the backup plan, ensure that:

3.1.1.1 Telecoms has been advised of your location, reason for attending the area, and ask for a timer so safety checks can be made at regular intervals.

3.1.1.2 Ensure the backup member has arrived or is enroute and is in close proximity to your location.

3.1.1.3 Attend with a cellular phone and ensure Telecoms has the cellular phone number you can be reached at logged in with the patrol unit and portable radio.

3.1.1.4 Where practicable, provide regular updates to the OCC and request they advise other responding members of critical information.

3.1.1.5 When you have identified a new location with radio communication deficiencies, notify your Watch Commander.”

2. Re: Auxiliary Constable issue:

- a. Bennett noted in his Incident Review that Bond was performing operational duties outside of his authority; this was not a cause of Wynn's death.
- b. Bennett identified that there have been changes as to the RCMP's use of auxiliary constables that resulted directly from the Wynn Incident. A new model has been implemented consisting of multiple tiers of potential involvement of auxiliary constables. This change has yet to be implemented in Alberta.

Re: Rehn Incident

Bruns testified that Rehn's death was not caused by the actions of any RCMP members. The unequivocal evidence was that Rehn died of a self-inflicted gunshot wound. Bruns determined that the stated goal of the ERT was to obtain Rehn's peaceful surrender without injury. There is no evidence of any deficiencies or shortcomings by the RCMP and their response, or of any steps that could have been taken and were not, that could have prevented Rehn's death.

#### *Submissions by MacInnis-Wynn*

MacInnis-Wynn expressed that Quan, "... should never have been placed in that position, to conduct the bail hearing, just as many officers before him have had to, including my husband."

She further stated, regarding the RCMP, "... how hard it is to make the change within the 'Big Red Machine', as we all refer to it. In saying that many officers, over the past 15 years who lost their lives because of one supporting factor, and that is the poor radio system within the organization, issues that were supposed to have been dealt with years ago. On January 17, 2015, that could've been so much worse and we are all lucky that it wasn't because of this issue. I invite the RCMP to keep pushing for those changes, and I will continue to fight for the safety of the officers, and also to advocate for their spouses and families."

#### *Submissions by Ms. Rehn*

Ms. Rehn submitted that her son should have had an autopsy performed in place of the examination that occurred.

## **11. Conclusion**

Revisiting the issues expressed at the second Pre-Inquiry Conference, namely:

1. How judicial interim release for Rehn was dealt with leading to the Date of the Incidents?

I concur with the aforesaid submissions by Harris. Quan was an experienced bail officer who acted in accordance with his training and the resources available to him at the time. The joint submission for Rehn's judicial interim release was accepted.

2. How has judicial interim release procedure changed, if at all, as a result of the Irving Report and the Armstrong Report?

As noted earlier in this Report under the heading "Judicial Interim Release Review," significant changes to the judicial interim release procedure have been implemented and further potential changes are being considered.

3. What was the interaction of Wynn and Rehn at the Casino on the Date of the Incidents and the RCMP protocol relating thereto?

The Agreed Statement of Facts describes the interaction of Wynn and Rehn at the Casino on the Date of the Incidents. Regehr submitted that there was no causal relationship between issues with the radios and Wynn's tragic death. While I agree that the situation developed far too quickly for Wynn to utilize his radio to call for backup after his encounter with Rehn, I note from the Agreed Statement of Facts that Bond was asked to go into the Casino to check on Wynn because Caissie was aware that portable radios did not function well inside the Casino. This, in turn, resulted in Bond performing operational duties outside of his authority as an auxiliary Constable (as noted by Bennett). As stated by Regehr, steps have been taken by the St. Albert RCMP detachment in this regard (use of cell phones, multiple member response and protocols for attending a location known to have a radio communication deficiency). Further, the RCMP has developed a new model consisting of multiple tiers of potential involvement of auxiliary constables.

4. Examining the RCMP protocol and application thereof to the Rehn Incident

Bruns testified that Rehn died as a result of a self-inflicted gunshot wound. No RCMP member fired a round while at the Residence. I concur with the submission by Regehr that there was no evidence of any deficiencies or shortcomings by the RCMP and their response, or of any steps that could have been taken and were not, regarding the Rehn Incident.

#### **Recommendations for the Prevention of Similar Deaths:**

As identified in the "Conclusion" above, I recommend that:

- 1) the RCMP take steps to address radio communication issues; and
- 2) the new model for involvement of auxiliary RCMP constables be implemented in Alberta.

In summary, this was a tragic situation that involved the loss of two lives. I conclude by referring to, and adopting, the closing submission by MacInnis-Wynn:

"What I can do and what we can all do is to continue to fight for change, changes within our Justice system, changes within the RCMP, to better officer safety and, more importantly, changes to support within our communities, our schools, and recognize when these children are starting to make the wrong turn down the path of life, being there to support them, guide them and, most importantly to love them."

DATED \_\_\_\_\_ May 28, 2020 \_\_\_\_\_,

At \_\_\_\_\_ St. Albert \_\_\_\_\_, Alberta.

*"Bruce R. Garriock"*

\_\_\_\_\_  
Bruce R. Garriock  
A Judge of the Provincial Court of Alberta

**EXHIBITS**

Tab	Description	Pages
<b>OFFICE OF THE CHIEF MEDICAL EXAMINER – CST. DAVID MATTHEW WYNN</b>		
1.	Medical Examiner's Medical Certificate of Death	00001
2.	Certificate of Medical Examiner	00002
3.	Toxicology Report	00003
4.	Fatality Review Board Case Summary/Recommendations	00004
<b>OFFICE OF THE CHIEF MEDICAL EXAMINER – SHAWN MICHAEL REHN</b>		
5.	Medical Examiner's Medical Certificate of Death	00005
6.	Certificate of Medical Examiner	00006
7.	Toxicology Report	00007
8.	Fatality Review Board Case Summary/Recommendations	00008
<b>EMERGENCY MEDICAL SERVICES</b>		
9.	<ul style="list-style-type: none"> <li>• Patient Care Report Cst. David Wynn from January 17, 2015</li> <li>• Patient Care Report for Shawn Rehn from January 17, 2015</li> </ul>	A – F G – J
<b>UNIVERSITY OF ALBERTA HOSPITAL RECORDS</b>		
10.	Patient Chart (Cst. David Wynn)	00009-00020
<b>ALBERTA SERIOUS INCIDENT RESPONSE TEAM ("ASIRT")</b>		
11.	Final Report	00021-00035
12.	Timeline	00036-00041
13.	Investigative Summary	00042-00048
14.	Tabs 14 – 23 (Pages 00049-00086) Removed: (a) Duplicates RCMP documents (b) Redactions inconsistent with RCMP documents	
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		



Tab	Description	Pages
24.	Selected Photographs	00087-00095
25.	Letter from the Executive Director of ASIRT to Deputy Commissioner M.C. Ryan, Commanding Officer, "K" Division (September 8, 2015)	00096-00097
26.	Letter from the Executive Director of ASIRT to Ms. Mona Rehn (September 4, 2015)	00098-00101
<b>RCMP DOCUMENTS</b>		
<b>Melenka</b>		
27.	Transcript – Witness Statement 1	00102-00147
28.	Transcript – Witness Statement 2	00148-00228
29.	Interview Notes – Cst. Rubuliak	00229-00231
<b>Aux Cst. Bond</b>		
30.	Transcript – Witness Statement	00232-00259
<b>Cst. Caissie</b>		
31.	Monitor Notes – S/Sgt. Tewfik	00260-00261
32.	Statement – Handwritten	00262-00265
33.	Handwritten Notes – 2015-01-16	00266-00268
34.	Transcript – Witness Statement	00269-00275
<b>Cst. Hallett</b>		
35.	Handwritten Notes	00276-00284
<b>Cpl. Bellamy</b>		
36.	Handwritten Notes	00285-00291
37.	Typed Notes	00292-00293
<b>Sgt. Corbett</b>		
38.	Handwritten Notes	00294-00300
39.	Typed Notes	00301-00303
40.	Transcript	00304-00312
<b>Cpl. Malacko</b>		
41.	Handwritten Notes	00313-00324
42.	Typed Notes	00325-00326
43.	Transcript	00327-00342
<b>Cst. Williams</b>		
44.	Handwritten Notes	00343-00350

Tab	Description	Pages
45.	Typed Notes	00351-00354
<b>Cst. Mitchell</b>		
46.	Handwritten Notes	00355-00360
47.	Typed Notes	00361-00363
48.	Monitor Notes	00364-00369
<b>Cpl. Wiebe</b>		
49.	Handwritten Notes	00370-00376
<b>Cst. Collins</b>		
50.	Handwritten Notes	00377-00379
<b>Cst. Moneta</b>		
51.	Handwritten Notes	00380-00381
<b>Cst. Browne</b>		
52.	Handwritten Notes	00382-00383
53.	Incident Review by Supt. John Bennett	00384-00417
54.	Aerial Photo of Apex Casino	00418
55.	Diagram of Apex Casino	00419
56.	Diagram of Rural Scene	00420
57.	Chronology	00421-00446
58.	Casino Videos <b>REMOVED</b>	<b>CD</b>
59.	<b>Report on Shawn Rehn – A Review of the Involvement of the Alberta Crown Prosecution Service with Shawn Maxwell Rehn</b>	00447-00497
60.	<b>Alberta Bail Review – Endorsing a Call for Change</b>	00498-00624

**IN THE PROVINCIAL COURT OF ALBERTA  
JUDICIAL CENTRE OF EDMONTON**

**FATALITY INQUIRY**

**CST. DAVID MATTHEW WYNN AND SHAWN MAXWELL REHN**

---

**AGREED STATEMENT OF FACTS**

---

1. On the evening of September 3, 2014, Shawn Rehn was arrested and charged with a number of offences in Edmonton (the "Edmonton charges"), including possession of a stolen motorcycle, possession of a spring loaded folding knife, possession of marijuana, possession of break-in tools, possession of a weapon contrary to a court order, failure to comply with a recognizance, and escaping from lawful custody. He was also arrested on an outstanding warrant related to the December 2013 incident in Redwater (the "Redwater charges").
2. On the morning of September 4, 2014, Rehn, who was represented by counsel, was brought before a justice of the peace to speak to bail. The Crown was represented by Cst. Wilson Quan of the Edmonton Police Service. Following presentation of a joint submission by the Crown and Rehn's counsel, Rehn was released on these new charges. The justice of the peace also released him on the outstanding Redwater charges. On both sets of charges, he was eligible for release on certain conditions and only if cash bail of \$4,500.00 was deposited.
3. On September 13, 2014, Rehn's bail money was deposited and he was released from custody. Conditions of his release required him to appear in court on

September 25, 2014, to answer to the Redwater charges, and on October 2, 2014, for the Edmonton charges.

4. Rehn did not personally attend either of the court appearances. On both dates, a lawyer attended on his behalf, and on both occasions, a warrant to hold was issued. The judges ordered that the warrants be held until November 2014 when Rehn was to appear personally in court.
5. Rehn did not appear in court on November 12, 2014, in relation to the Edmonton charges. He also did not appear in court on November 13, 2014, in relation to the Redwater charges. On both dates, the "held" warrants were released, meaning that police were then entitled to arrest him.
6. Further warrants were issued for Rehn's arrest on November 28, 2014, when he did not attend in court for a fraud trial, and on January 6, 2015, as a result of an incident that occurred on October 28, 2014 when he was alleged to have fled from EPS officers who were attempting to conduct a traffic stop.
7. At the time of the incident that occurred on January 17, 2015, Rehn had outstanding arrest warrants relating to 29 different Criminal Code charges arising from 4 different offence dates.
8. On January 16, 2015, RCMP Cst. David Wynn was working the night shift from 7:00 PM to 6:00 AM on general duties based out of the St. Albert RCMP Detachment.
9. At 2:32 AM on January 17, 2015, Cst. Wynn located a Ford F350 pickup truck in the parking lot of the Apex Casino in St. Albert, Alberta. He determined that the licence plate did not match the vehicle and commenced an investigation into a potential stolen vehicle. After determining the Vehicle Identification Number, Cst. Wynn confirmed that the vehicle was stolen.

10. Cst. Denise Caissie and Auxiliary Cst. Derek Bond arrived at the Apex Casino while Cst. Wynn was investigating the stolen truck. They remained with the stolen vehicle while Cst. Wynn went inside the casino to speak with security staff. Cst. Wynn then attempted to identify the individual associated with the stolen truck by viewing the Casino's security system video footage.

---

11. Several minutes later, a radio dispatcher attempted to contact Cst. Wynn but there was no reply. Cst. Caissie was aware that portable radios did not function well inside the casino due to poor radio reception. Cst. Caissie asked Auxiliary Cst. Bond to go into the casino and check on Cst. Wynn. Cst. Caissie remained outside with the stolen vehicle.
12. Auxiliary Cst. Bond located Cst. Wynn inside the casino. They viewed video surveillance footage and obtained a description of a male, later identified as Shawn Rehn, who they believed to be associated with the stolen truck.
13. Cst. Wynn and Auxiliary Cst. Bond then returned to the front desk area of the casino. Simultaneously, Shawn Rehn was walking nearby. Cst. Wynn, Auxiliary Cst. Bond and Shawn Rehn came together in the vicinity of the front desk.
14. Shawn Rehn turned and ran away from Cst. Wynn and Auxiliary Cst. Bond between a narrow row of slot machines. Cst. Wynn and Auxiliary Cst. Bond pursued Rehn.
15. Auxiliary Cst. Bond made first contact with Rehn as Rehn was turning around. Rehn pulled a handgun from his waist area and shot Auxiliary Cst. Bond in the arm and torso. Auxiliary Cst. Bond immediately fell to the floor.

---

16. Cst. Wynn then came into contact with Rehn and a very brief struggle ensued. During the struggle, Rehn broke free from Cst. Wynn's grasp which resulted in

Cst. Wynn being in a slightly bent forward position. Rehn shot Cst. Wynn in the head with his handgun. Cst. Wynn fell to the ground unconscious.

17. The time period between Cst. Wynn and Auxiliary Cst. Bond's initial encounter with Rehn near the front desk and Rehn's flight from the casino after the shooting was approximately 10 seconds.

18. Following the shooting of Cst. Wynn and Aux. Cst. Bond, Rehn fled from the casino.

19. Cst. Caissie was in her RCMP vehicle near the stolen truck as Rehn fled from the casino. She was unaware of what had occurred inside. She saw Rehn enter the truck and begin driving out of the parking lot. Cst. Caissie pursued the stolen vehicle.

20. As this was occurring, the St. Albert dispatch received a call reporting that RCMP members had been shot inside the casino. On-shift members attended the casino and emergency medical services were called. Prior to their arrival at the casino, a number of patrons and casino employees tended to Cst. Wynn and Auxiliary Cst. Bond. Additional RCMP personnel and emergency medical services arrived and both Cst. Wynn and Auxiliary Cst. Bond were transported to hospital.

21. Cst. Wynn died of his head wound at 5:15 am on January 21, 2015, without regaining consciousness.

22. Auxiliary Cst. Bond recovered from his injuries.

23. Cst. Caissie pursued the stolen truck driven by Rehn onto Venness Rd. The road was snow-covered and, as a result, Cst. Caissie lost control of her vehicle and entered the ditch. Cst. Caissie was unable to continue her pursuit and lost sight of the stolen truck.

24. Another RCMP member located the stolen truck in the ditch of Range Rd. 251 approximately five km from the casino. The truck was stuck in the snow and Rehn was not present.
25. The RCMP's Police Dog Service was called and attended the scene of the stolen truck. An RCMP Police Dog handler and the RCMP member who located the stolen truck began a dog track to locate Rehn.
26. The RCMP members and the police dog followed a track from the stolen truck to a nearby rural private residence. Broken glass was located at the front door. During this time frame, an alarm company reported that the house alarm at the same residence had been activated.
27. At approximately 5:46 AM, the RCMP Emergency Response Team (ERT) established containment around the residence. The ERT spent the next several hours attempting to communicate with the subject, whom they believed to be inside the residence.
28. The ERT made various efforts to establish contact with Rehn inside the house but were unsuccessful. The ERT then began clearing the basement by means of breaking windows and visual inspection.
29. At 10:48 AM, ERT members breached a basement window and a gunshot was heard inside the residence. ERT members observed Rehn lying on the floor of a basement bedroom unconscious and bleeding from the head. ERT members observed that the door of the bedroom was barricaded.
30. ERT members then entered the residence and breached the basement door. Emergency medical services entered the residence at 10:56 AM. At 10:59 AM

on January 17, 2015, Rehn was confirmed deceased by emergency medical services personnel.

---

---



August 25, 2017  
Issue 13

# Alberta Bail Update

Crown Bail Office:  
1-855-432-8828;  
JSG-ACPS-Bail@gov.ab.ca

Federal Crown on duty:  
1-844-851-9574

## The Irving Report Recommendations

**It was the decision by the Court of Queen's Bench in *Hearing Office Bail Hearings (Re)*, 2017 ABQB 74, that brought a major change to the justice system in Alberta. However, it was the *Alberta Bail Review: Endorsing a Call for Change (Irving Report)* by Nancy Irving that initially made recommendations for changes to the bail system. To date, half of the recommendations in the report have already been implemented and several are in progress.**

- ✓ The Review recommends that Crown prosecutors replace police presenters at Hearing Office bail hearings.

As of June 21, 2017, Crown prosecutors have replaced police presenters at all Hearing Office bail hearings in Alberta.

- ✓ The Review recommends that the provincial and federal governments provide the additional resources necessary for their respective prosecution services to properly discharge these added responsibilities.

25 Crown prosecutors and 18 support staff were hired to work in the Alberta Crown Bail Office.

- ✓ The Review recommends that ACPS and PPSC consider using specially assigned Hearing Office and docket court prosecutors on a full-time basis.

Staff at the Alberta Crown Bail Office work 16 hours a day, 7 days a week (including holidays) conducting only first appearance bail matters.

- ✓ If Alberta Justice and Solicitor General and police services wish to maintain the practice of police representing the Crown at Hearing Office bail hearings, the Minister of Justice should (1) satisfy herself that police have the requisite authority under the *Criminal Code*, and/or (2) seek an appropriate amendment to the *Criminal Code*.

The decision in *Hearing Office Bail Hearings (Re)*, 2017 ABQB 74 stated the police do not have legal authority to conduct bail hearings.

- ✓ If Alberta Justice and Solicitor General and police services wish to maintain the practice of police presenting at Hearing Office bail hearings, the Review recommends that the Crown's position on detention or release (including the conditions of release) be determined by a prosecutor.

No longer relevant due to Court decision. All positions on detention or release are determined by a prosecutor.

- ✓ The Review recommends the continued involvement of both Provincial Court judges and justices of the peace in Alberta's bail system.

Status quo

- ✓ The Review recommends that justices of the peace preside at first appearances and Provincial Court judges preside at subsequent appearances at the bail stage, wherever possible.

The Return Bail Protocol moved return bail hearings out of the Hearing Office into Provincial Court and ensures that the accused's file is adjourned to court within three clear days of first appearance. All subsequent appearances are heard by Provincial Court judges.

- ✓ The Review recommends a way be found to ensure that all contested bail hearings after first appearance in the Grande Prairie and Peace River districts be heard by a Provincial Court judge.

Grande Prairie and Peace River contested bail hearings are now all heard by a Provincial Court judge.

- ✓ The Review recommends that prosecutors always consider seeking bail revocation when an accused on bail allegedly commits indictable offences or fails to comply with a release order.

A Prosecution Pointer was developed by the ACPS to provide guidance on bail revocation applications and recommends that prosecutors should strongly consider revocation in all such cases as described in the recommendation.

- ✓ The Review recommends the use of electronically transmitted information wherever feasible for the purposes of the bail process.

All bail packages are being electronically transmitted to the Crown Bail Office. The Crown Bail Office also electronically submits a request for service to the Hearing Office. Results of bail hearings are being electronically sent to law enforcement agencies.

- ✓ The Review recommends the ACPS and the PPSC develop Practice Directives to guide prosecutors on how best to address s. 524 bail revocation applications when the outstanding charges (and release orders) are in another jurisdiction.

A Bail Revocation Protocol was developed and issued to ACPS on July 7, 2017.

- ✓ The Review recommends the ACPS and the PPSC receive enhanced training on the revocation procedure set out in s. 524 of the *Criminal Code*.

A Bail Revocation Prosecution Pointer was developed and distributed to Crowns to provide guidance on making an application for revocation of bail.

- ✓ The Review recommends that the Resolution and Court Administration Services Division of Alberta Justice and Solicitor General work with the Provincial Court to find a solution to the "no venue" for bail revocation problem in the Peace River, Grande Prairie and Red Deer regions as soon as possible.

All matters subsequent to first appearance have been returned to the Provincial Court and therefore bail revocation can be heard in those regions.

- ✓ Before a bail hearing, the police should provide Crown counsel with the following information, at a minimum:

- A copy of the Information setting out the criminal charges;
- An accurate synopsis of the allegations/ circumstances of the offences;
- An up-to-date criminal record, including both a CPIC print out and JOIN sheet;
- Information on outstanding charges and copies of forms of release on those charges;
- Details of the accused's personal circumstances, e.g., residence, employment, ties to the community, etc.;
- If police are recommending unusual or restrictive terms of release, or that bail be denied, the factual basis for their justification should also be included.

Stakeholders were consulted and agreed upon a list of documents, which includes the documents listed above, that should form the bail package to the Crown.

- ✓ The Review recommends that (a) bail presenters discontinue sending bail packages to the Hearing Offices and send instead only the following documents in advance of a bail hearing: a request for service form; a copy of the Information; a copy of the warrant remanding the accused; and a copy of the accused's criminal record; (b) that the criminal record not be considered by the JP until it is entered as an exhibit and becomes part of the evidentiary record.

Stakeholders were consulted and agreed upon a list of documents, which includes the documents listed above, that should form the JP package sent to the Hearing Office.

- ✓ The Review recommends that Crown counsel assume responsibility for providing disclosure at Hearing Office bail hearings.

A copy of the bail package can be provided to defence counsel upon request by contacting the Crown Bail Office.

## Christmas Closure

The courts will be closed between December 25, 2017, and January 1, 2018. They will re-open on January 2, 2018. The Hearing Office and Crown Bail Office will remain open and operate as usual during this break.

The Hearing Office will also staff an additional courtroom in Edmonton and Calgary law courts on December 28, 2017, to deal with return bail hearings for the province.