

**REPORT TO THE MINISTER OF JUSTICE
PUBLIC FATALITY INQUIRY
THE FATALITY INQUIRIES ACT RSA
(2000) c-F-a as amended**

**C A N A D A
PROVINCE OF ALBERTA**

WHEREAS a Public Inquiry was held at the City of Calgary, in the Province of Alberta, from time to time commencing on the 27th day of August, 2002 and concluding on the 14th day of March, 2003 before the Honourable Terence C. Semenuk, a Provincial Court Judge.

AND WHEREAS a jury was not summoned, and an Inquiry was held into the death of Constable DARREN BEATTY, date of birth April 3, 1972, a member of the Calgary Police Service, and the following findings were made:

1.	Date and Time of Death:	October 17, 2001 at or about 12:00 p.m.
2.	Place:	District Office #7, Calgary Police Service, Silver Springs Training Centre, Calgary, Alberta.
3.	Medical Cause of Death:	Single gunshot wound of the neck by a Calgary Police Service issue firearm, Model 22 Glock pistol, semi-automatic handgun, medium caliber, 40 S & W bullet.
4.	Manner of Death:	Homicide
5.	Circumstances	As follows - pages 2 to 13

INTRODUCTION

During the course of the inquiry a significant amount of evidence was called as to the Calgary Police Service Rules and Procedure for Firearms Safety and Training Exercises. An understanding of these Rules and Procedure is requisite to a proper appreciation of the circumstances of the death. This report will commence with the circumstances of the death followed by the Calgary Police Service Rules and Procedure for Firearms Safety and Training Exercises in place both before and after the death of Constable Beatty on October 17, 2001.

CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

THE FACTS

[1] On October 17, 2001 a Calgary Police Service TAC Team training exercise was to be held at the Silver Springs Training Centre in District '7' in northwest Calgary, Alberta. The designated training officer was Constable Grant Fong, and he was to be assisted by Constable Mike Worden. The other members in the training exercise were Constables Shawn Wallace, Tom Marston, Rob Hamel, Cyril Pratt, and the deceased, Darren Beatty. Each member wore a standard Calgary Police Service, TAC Team issue uniform being: (i) pants, (ii) T-shirt, (iii) bulletproof vest over the T-shirt; (iv) shirt or "jumper top" over the vest; and (v) a duty belt.

[2] Fong, Worden, Wallace, Marston, Hamel, Pratt and Beatty met in the parking lot outside the Training Centre at about 10:00 a.m. Prior to entering the Training Centre a "safety check" was done on the Model 22 Glock semi-automatic handguns carried by each member of the team. The "safety check" involved the "unloading" of each handgun accompanied by a "physical" and "visual" check (i.e. "pinch check" technique) to ensure that there was no live round in the firing chamber of the gun.

[3] The "unloading" was accomplished by each member first pushing the magazine release ejecting the magazine from the handle of their gun while holstered. The gun was then unholstered and the "slide", located on the top of the gun, was pulled back expending the one live cartridge from the firing chamber of the gun. The one live cartridge was then put back into the magazine. Live magazines taken from the gun were then placed in each members' left or right pants' pocket. Two other live magazines carried by each member were seconded in a magazine

pouch on the members' duty belt.

[4] After a personal "physical" and "visual" check was done each member did a "buddy check". The "buddy check" involved each member exchanging handguns in a circle to the member standing next to him and once again doing a personal "physical" and "visual" check of each other's gun.

[5] The evidence is not clear who stood next to whom, and who checked that member's gun in the "buddy check". Once the "safety check" and "buddy check" were completed, all members of the team entered the Training Centre satisfied that all handguns were unloaded and holstered. On all the evidence heard by me, there is no doubt that all handguns were unloaded prior to the members entering the Training Centre to commence the morning training exercise.

[6] The Training Centre itself is attached to the District '7' Calgary Police Service Office. The parking lot outside the entrance to the Training Centre is a public parking lot. The Training Centre is depicted in a scale drawing entered as Exhibit #8 at the inquiry. In essence, it is a rectangular facility constructed of metal studding, drywall and hollow core doors. There are seven (7) adjoining rooms separated by a hallway that runs down the length and breadth of the building. Two of the rooms were identified as Room #203 and the "incident room". The "incident room" was located across the hallway from Room #203.

[7] Once inside the Training Centre the team discussed the exercises that were to be done. Over a period of approximately two hours, four or five training exercises were conducted. None of the exercises involved "quarries" or live targets. All exercises involved the stealth clearing of rooms by the team.

[8] During each exercise members of the team would unholster their handgun and hold

it in the ready position. Some of the members “dry fired” their handguns (i.e. racking the “slide” back and pulling the trigger) and did additional “condition checks” during the course of, and between each exercise. Hamel testified that he was “very anal” about this kind of thing ensuring the condition of his handgun at all times. It had been drilled into all members during their training that it was their personal duty to know the condition of their handguns at all times. Pratt had no specific recollection of doing any “condition checks” on his handgun during the morning training exercises, although he may have done so.

[9] In passing, it is to be noted that a Model 22 Glock semi-automatic handgun weighs 33 ounces when loaded with a magazine containing 15 live rounds of ammunition. “Unloaded” the gun weighs 22 ounces. In a non-stress environment, the difference in weight would be known by a member by feel, simply by holding a loaded or unloaded handgun.

[10] After completing the morning training exercises the training officer, Fong, and his assistant, Worden, left the Training Centre to go to another training site located at the Manchester School in Calgary to co-ordinate and plan afternoon training exercises at that site. The remaining members of the team, Wallace, Marston, Hamel, Pratt and Beatty were left behind at the Silver Springs Training Centre to eat lunch, and perhaps check out some new camera equipment. The team was to meet later that afternoon at the Manchester site when called by Fong and/or Worden via radio.

[11] While Fong and Worden were absent from the Training Centre, Wallace, Hamel, and Beatty discussed testing out the new camera equipment by doing an impromptu “tough scenario” training exercise involving a “hostage” and a “quarry”. This was suggested by Beatty and it was agreed that Wallace would be the “hostage” and Beatty would be the “quarry”.

Neither Marston nor Pratt were aware of the “tough scenario” discussed. At the time of the discussion Marston had gone to the washroom inside the Training Centre, and Pratt had left the Training Centre to retrieve the new camera equipment locked inside his police vehicle in the public parking lot.

[12] In the hallway in the Training Centre prior to going into the public parking lot to retrieve the camera equipment Pratt reloaded his gun. “Reloading” was accomplished by him unholstering his handgun; taking the live magazine from his left pants’ pocket, where it was normally kept when unloaded; inserting the magazine into the handle of the gun; pulling back the “slide” on the top of the gun to put a live round into the firing chamber; and holstering the gun.

[13] Pratt’s police vehicle, a Suburban, was parked 15 to 20 feet away from the front entrance to the Training Centre. It took him 5 to 7 minutes to retrieve the camera equipment. Pratt justified reloading his handgun because, in his mind, the training exercises were over and he was going back into a public area.

[14] Other members of the team, if put in Pratt’s position, may or may not have reloaded. That being said, none of the other members would question Pratt’s personal decision to reload in light of the duty requirement to be loaded in public areas, and the absence of policy in the particular circumstances of this case.

[15] Pratt retrieved cameras, tripods and cable reels from the police vehicle. Fong talked briefly with Pratt in the parking lot and looked at the camera equipment prior to heading off to the Manchester site. Fong testified that he forgot to reload his handgun before leaving the Training Centre as would be his normal practise. Fong reloaded his handgun in the police vehicle on the way to the Manchester site.

[16] When Pratt re-entered the Training Centre, via a pass card, with the camera equipment, his hands were full and Marston gave him a hand. Only after re-entering the Training Centre was Pratt advised that a decision had been made to do a scenario "hostage rescue" using the camera equipment as video surveillance.

[17] The camera equipment was then set up in the hallway by Pratt. Hamel was asked by Pratt to remain in the hallway to monitor the video monitor during the scenario. Wallace and Beatty were inside Room #203 putting together the details of the scenario. Pratt and Marston assumed the role of "rescuers" in the scenario.

[18] Prior to re-entering the Training Centre with the camera equipment Pratt did not do a "pinch check" technique safety check of his handgun to ensure that it was not loaded. After setting up the camera equipment in the hallway, and prior to the commencement of the new scenario, Pratt did not do a "pinch check" technique safety check of his handgun to ensure that it was not loaded. Pratt had no discussion with any other member in terms of his reloading his handgun prior to retrieving the camera equipment. All members agreed that the onus for ensuring the condition of a handgun being loaded or unloaded, at the time, was on the individual member at all times.

[19] During the new scenario the Training Centre was very dark. The camera equipment had infrared capabilities, and was designed to aid in viewing the whereabouts of the "hostage" and "quarry" in the dark. Hamel operated the camera equipment from the hallway inside the Training Centre. Through the video monitor he had a clear view down the hallway. He gave verbal instructions, via radio, to the "rescuers", Marston and Pratt, once he located the "hostage", Wallace, and the "quarry", Beatty, inside a room in the Training Centre.

[20] On all the evidence heard by me, I am satisfied that there was no clear structure to the impromptu training exercise. The specific activity of all members of the team during the exercise was not clearly articulated and agreed upon by all members before the exercise was actually carried out. All members had done “hostage rescues” in the past, and once their respective roles were “assumed” they relied on their training and intuition reading off each other to execute the scenario.

[21] No personal “physical” and “visual” safety check or “buddy checks” of members’ handguns were done prior to the commencement of the new scenario to ensure that all members’ handguns were unloaded. Although Hamel was the senior officer in charge, no member assumed the role of training officer or safety officer to conduct a final check of all members’ handguns to ensure they were not loaded. Beatty, the “quarry”, was not given an opportunity to conduct a final check of all members’ handguns to ensure they were not loaded prior to the commencement of the scenario.

[22] All members, except Pratt, had one live magazine in their pants’ pocket, and all members had two live magazines in pouches on their duty belts during the exercise. The rooms in the Training Centre where the exercise was to be carried out were not “sanitized”. (i.e. all live ammunition secured outside the rooms)

[23] Neither Fong nor Worden approved the impromptu training exercise, or had any knowledge that it was to be carried out. That being said, Fong was not surprised that such a scenario would be suggested, and carried out by the team in his absence.

[24] The training exercise commenced with the “hostage”, Wallace, in a chair in Room #203. To make the exercise realistic the “quarry”, Beatty, was yelling that he had a hostage, was

armed with a weapon, and was going to kill the hostage. After about 10 minutes Beatty got Wallace out of the chair and moved him across the hallway into the “incident room”. Beatty again seated Wallace in another chair in a corner near the far wall of that room. At this time both “rescuers”, Marston and Pratt, were in the hallway of the Training Centre waiting for verbal radio instructions from Hamel to enter the “incident room”.

[25] While in the “incident room” Beatty began a countdown from 20 threatening to kill the “hostage”, Wallace. When Beatty’s count was at 15, Hamel, who could see Beatty and Wallace in the “incident room” with the use of the camera equipment, notified both of the “rescuers”, Marston and Pratt, over the radio to commence their rescue by saying “assault, assault, assault”. This was the verbal signal to Marston and Pratt to enter the “incident room” and “neutralize” (i.e. kill) the “quarry”, Beatty, by “dry firing” their handguns at him.

[26] Marston entered the “incident room” first through the doorway to the left with a flashlight activated and attached to his handgun under the barrel; gun at the ready; and pointed it at Beatty. Marston pulled the trigger, “dry firing” his handgun, and said, “bang”. Following closely behind Marston, Pratt entered the “incident room” through the doorway to the right with a flashlight activated and attached to his handgun under the barrel; gun at the ready; and pointed it at Beatty. Pratt heard Marston’s handgun “dry fire”, but did not hear him say “bang”. In Pratt’s mind, the scenario would not be over until both he and Marston had “dry fired” at Beatty. Marston expected Pratt to “dry fire” at Beatty. Pratt, intending to fire at Beatty’s head, pulled the trigger and his gun went off striking Beatty in the back of the left shoulder. At the time Pratt fired he had a profile look at Beatty with Beatty’s left back area and side facing him “bent over a little bit”.

[27] What followed was shock and confusion. After hearing Pratt's gun discharge Marston said, "What was that?" and saw a bullet in the wall out of the corner of his eye. Wallace yelled to Hamel in the hallway to turn the lights on in the Training Centre. When the lights came on Pratt, Marston and Wallace saw Beatty lying on the floor face down in the corner of the room in a pool of blood. Beatty's handgun was also lying on the floor.

[28] Pratt immediately ejected the magazine from his handgun; expended the live round from the firing chamber in the gun; put the magazine in his left pants' pocket; put the live round in his right pants' pocket' and reholstered his gun. The live round in his right pants' pocket was subsequently kept by Pratt in his locker at the TAC Team office, and turned over to homicide detectives some 6 to 8 weeks after the incident.

[29] Distraught and shocked Pratt could not recall saying anything after the shooting. Wallace heard Pratt say, "Why, why", and when told by Wallace that everything would be okay, Pratt said, "No, it won't".

[30] Marston asked Pratt to leave the "incident room". Marston also took Pratt's handgun, placing it on the chair where the "hostage", Wallace, had been sitting prior to the incident. Wallace then escorted Pratt out of the "incident room" and told Hamel, "Darren's been shot. Darren's been shot."

[31] Wallace then radioed for an ambulance. Hearing Wallace radio for an ambulance, and surmising the seriousness of the situation, Hamel also radioed for an ambulance. He reached a dispatcher, and advised that a friendly fire accident had occurred at the Training Centre.

[32] Hamel entered the "incident room" and saw Beatty being attended to by Marston. He then spoke with Pratt who was by himself in an equipment room across the hall. Hamel saw

that Pratt did not have his handgun, and that his holster was empty. Wanting to get Pratt's gun away from him, he asked Pratt where his gun was, and Pratt said, "I don't know." Hamel then asked Pratt, "What happened? Did you unload this morning?" Pratt replied, "I did, Robby, but I fuckin loaded up when I went out to get the camera. Then I forgot to, you know."

[33] Hamel knew what Pratt meant when he said, "You know". Hamel testified that Pratt forgot to unload or forgot the first cardinal safety rule. (i.e. all guns are loaded)

[34] Pratt testified that when he came back into the Training Centre, after retrieving the camera equipment, he had no expectation that any type of scenario was about to be done, and that he simply forgot to unload his handgun. Pratt testified that when he re-entered the training facility after retrieving the camera equipment he knew his gun was loaded. Pratt testified that he did not do a "buddy check" with Marston prior to assuming the role of "assaulters" prior to the training exercise commencing because they had very limited time to deal with the scenario and were somewhat in a rush after being busy setting up the camera system and ensuring that it was functioning properly. Pratt obviously did not realize at the commencement of the new scenario that he did not have a live magazine in his left pants' pocket where it was normally kept when he was unloaded. Nor did Pratt feel the difference in weight in his loaded handgun when he had it at the ready during the scenario.

[35] In terms of experience, Pratt testified that he had joined the Calgary Police Service in May, 1998. Prior to joining the Calgary Police Service he had been a member of the RCMP, Emergency Response Team, in British Columbia. He joined the Calgary Police Service TAC Team in the fall of 2000. On the day in question he had not consumed any alcohol or ingested any type of prescription or non-prescription drug.

[36] After the ambulance arrived, and after speaking with Hamel, Pratt and Hamel left the Training Centre together in a police vehicle to get away from the chaos.

[37] At around 12:00 noon on the date in question Derek Scott Steedman, the Administration Sergeant at the '7' District Calgary Police Service Office, heard what sounded like a gunshot. He then received a telephone call from the duty inspector at the time asking if things were quiet. He was told, "Well, we just got a report of a negligent discharge at the Silver Springs office." Steedman replied that he knew nothing about it, but said that he'd go check it for him. Steedman then proceeded to the "incident room" at the Training Centre and saw what had happened. Marston was kneeling down over top of Beatty attending to him at the time.

[38] Steedman told Marston, "We have to bring him back." They pulled Beatty over to his side and he was spitting out air and blood from his mouth. Steedman said, "We've got to give him an airway. We've got to help him." They undid Beatty's shirt and bulletproof vest and cut his T-shirt away because it was twisted. Checking for a pulse Steedman grabbed Beatty's hand and said, "If you can hear me squeeze my hand." Beatty squeezed Steedman's hand and they knew he was still alive.

[39] At about the time the ambulance arrived with Emergency Medical Service personnel Steedman continued to talk to Beatty saying, "You're not going anywhere. Think of your family."

[40] In addition to EMS a fire truck arrived. Firemen entered the "incident room". Beatty's duty belt was removed and he was placed on a stretcher. One of the EMS technicians working on Beatty was Brent Zelmer. Upon seeing Beatty, Zelmer's first impression was a lot of blood with definite airway concerns. At the time Zelmer only knew that Beatty had suffered

a gunshot wound to his upper torso, neck or head area. Zelmer's chief concern was Beatty's respiration and not locating the gunshot wound.

[41] Zelmer attempted to pass an endotracheal tube through Beatty's mouth in order to aid Beatty's respiration, however the procedure was not possible due to the amount of blood. He next tried to suction Beatty's airway, but was unable to keep up with the amount of blood to keep it clear.

[42] With the assistance of some firemen Beatty was removed from the Training Centre to the ambulance. In the ambulance, it was determined that it was necessary to do a surgical airway to aid Beatty's respiration. A "surgical cricathrotomy" was performed. In essence, a surgical incision in the neck was done, passing a tube through the incision in an attempt to ventilate Beatty's lower airway.

[43] The intervention was successful and Beatty's condition improved slightly. En route to the Foothills Hospital Beatty was hooked up to a heart monitor. Three to four minutes prior to arriving at the hospital Beatty went into an "asyitole rhythm" indicating that there was no electrical activity from his heart. Due to Beatty's low blood pressure and bleeding an I.V. could not be established. Steedman, who was in the ambulance, attempted to do CPR chest compressions on Beatty. At the time, Beatty was pulseless and, in Zelmer's estimation, had lost about three (3) litres of blood.

[44] The ambulance arrived at the hospital at 12:17 p.m. and Beatty was seen in the Emergency Room by Dr. Robert Abernathy at 12:20 p.m. Dr. Abernathy observed that Beatty had suffered a single gunshot wound with an entrance wound in the left rear shoulder area. Beatty had many loose fractured teeth, was pulseless, had no electrical activity from his heart, and was

being ventilated through cricothyrotomy. Intravenous lines were established and Beatty was administered standard resuscitative drugs. At 12:40 p.m. Beatty was given 250 cc's of Packed Red Blood Cells. At 12:41 p.m. he was given another 250 cc's of Packed Red Blood Cells. At 12:42 p.m. Beatty had zero pulse and was showing asystole on the heart monitor. Beatty was pronounced dead by Dr. Abernathy at 12:42 p.m. Beatty was 29 years of age.

[45] On October 18, 2001 Dr. Lloyd Denmark, the deputy chief medical examiner for the Province of Alberta performed an autopsy on Beatty. The path taken by the bullet after striking Beatty was succinctly stated by Dr. Denmark in the Autopsy Report he prepared, marked Exhibit #4 at the inquiry, as follows:

“A medium-calibre bullet has entered through the back of the left shoulder, passing upwards and towards the midline, chipping off the lateral border of the C6 neck vertebra, passing through the left carotid artery, which is torn in half, into the back of the throat, from which it strikes the front of the jaw just to the right of the midline and apparently exits through the mouth. Bleeding from the carotid artery would be torrential, and death would be expected in a matter of a small number of minutes. There is also evidence of aspiration of blood into the lungs.”

[46] Dr. Denmark was unable to determine the range from which the gunshot was fired as there was no gunshot residue found on Beatty's skin.

[47] Subsequent analysis on Beatty's shirt did not disclose any gunshot residue. Alan John Voth, a forensic firearms examiner at the forensic laboratory in Edmonton, testified that after forensic testing the Model 22 Glock semi-automatic handgun fired by Pratt was unlikely to deposit any identifiable gunshot residue pattern “at a distance greater than 2 feet.” Under the circumstances in this case it was not possible to determine how far away Pratt was from Beatty when he was shot.

CALGARY POLICE SERVICE RULES AND PROCEDURE FOR FIREARMS SAFETY AND TRAINING EXERCISES

[48] Sergeant Brian Robert Willis, assigned to Calgary Police Service Firearms Skills and Procedures Unit, testified at the inquiry as to safety rules and procedure generally in force within the Calgary Police Service on the incident date. The *Calgary Police Service Administration Manual* relating to service firearms was marked in evidence as Exhibit #11 at the inquiry. The manual sets forth **Four Cardinal Safety Rules** relating to the handling of service firearms as follows:

“HANDLING SERVICE FIREARMS

1. A police officer will:
 - a. **handle all firearms as if they were loaded;**
 - b. keep firearms pointed in a safe direction;
 - c. keep his or her finger out of the trigger guard and off the trigger until he or she has sight alignment on the target and has made the decision to fire; and
 - d. be aware of what is between, behind and beside the target.”
(emphasis added)

[49] Willis was not responsible for the training of the TAC Team. The TAC Team had its own training officers responsible and assigned to various training responsibilities within the unit. Other than the TAC Team, and other specialized units within the Calgary Police Service, Willis and six (6) constables were generally responsible for the basic training of all members within the Calgary Police Service in relation to safety practices for the handling of service firearms.

[50] After the incident, on October 28, 2001, Willis prepared a report for the Calgary Police Service Internal Affairs Section entitled *Skills And Procedure Unit Firearms Handling Practice Report* outlining safety practices in effect on October 17, 2001 marked in evidence as

Exhibit #12 at the inquiry. Willis could not say if the TAC Team was or was not bound by the safety practices outlined in his report.

[51] In relation to Model 22 Glock Pistols the report states, in part, as follows:

“Model 22 Glock Pistols: These are the person issue weapons used by officers during some building clearing and high-risk vehicle stop training.

Safety Practices:

Whenever members are using their issue Glock Pistols they are directed to prove their own weapon by removing the source of ammunition, locking the slide to the rear, then visually and physically checking the weapon and every magazine to ensure there is no ammunition that can be injected into the weapon. The officer then inserts an issue bullet blocker into the barrel of the weapon to ensure that no live ammunition can be chambered in the weapon. There is a colored portion of the bullet blocker that protrudes from the end of the barrel to ensure that these weapons are easily identifiable as safe.

The weapon is then handed butt first to a training partner who goes through the same process of proving the weapon. The weapon is then returned to the officer who inserts an empty magazine and holsters the weapon. This process is repeated until two officers have checked every weapon. No officer is allowed to utilize a regular firearm which does not have a bullet blocker inserted in the barrel.

Follow-up Issue:

Beginning immediately the firearms will be checked a third time by a safety officer/instructor prior to commencement of training.

(emphasis added)

[52] Willis generally outlined the change in safety practices in effect after the October 17, 2001 incident in the Firearms Skills And Procedures Unit at the Silver Springs Training Centre as follows:

(a) The training centre has unloading stations for members to unload their

service issue firearms in the main hallway entrance prior to their going into the classrooms and building clearing areas;

- (b) Signs at both ends of the hallway and beside the unloading stations indicate to members that they are required to unload all service firearms and that there will be no loaded firearms in the hallway or any of the rooms leading off the hallway;
- (c) Lockers are located at one end of the hallway off the main entrance where members can leave their loaded magazines or firearm in a key locked locker with the member retaining possession of the key while at the Training Centre.
- (d) Safety practice also includes sanitization of all members in the Training Centre prior to the commencement of any training by the attending training officer (i.e. No member is allowed to have in his possession in the Training Centre any live ammunition; live weapons; or other weapons including knives, OC spray and service issue batons);
- (e) Where firearms are going to be used in a training exercise prior to the commencement of the exercise each member participant is required to go through a safe unloading of the weapon; the member is required to withdraw the weapon from the holster; lock the slide up to the rear; and visually and physically check their own weapon and any of the magazines they have on them to ensure that the weapon is unloaded and there is no ammunition in any of the magazines;

- (f) The member would then insert bullet blocker into the barrel of the weapon.
A bullet blocker is a plastic device resembling a Q-tip that inserts into the barrel, orange or yellow in colour, and a part of it protrudes out the end of the barrel so that anyone looking at the weapon in an officer's hand would know there is a bullet blocker in the weapon;
- (g) A bullet blocker prohibits or keeps a member from being able to chamber a live round in the firearm even if a magazine with live ammunition was inserted;
- (h) Having done that the member will hand his weapon, butt first, to an assigned training partner who will again inspect the member's weapon and all magazines and physically search the member to ensure that he has no weapons and/or ammunition on them. This process will then repeat itself with the member doing the same to his training partner. This process is referred to in the evidence as a buddy check;
- (i) After the buddy check the instructor who serves as a safety officer conducts a final check of every weapon to ensure that the weapon is unloaded and that the magazines have no ammunition in them;
- (j) The final weapons safety system in place for training exercises involves the use of simunitions pistols manufactured by Glock that visually is identical to the Model 22 service pistol issued to members but configured only to take simunitions FX marking cartridges, being training ammunition composed of a silk based compound fired from the weapon in training

environments;

- (k) The simunitions pistols are issued to the members by the instructor after checking them. The same individual and buddy check procedures are done prior to loading the pistol with the simunition FX marking cartridges.
- (l) If a member is involved in a training exercise involving quarries those members playing the role of quarry and/or victim in any exercise would do a final check of all weapons to be used in the exercise to ensure that no live weapons or live ammunition enters any of the training areas. (emphasis added)

[53] Willis testified that bullet blockers had been used in the Firearms Skills And Procedures Unit for approximately six (6) years prior to the October 17, 2001 incident. The unloading stations were put in place in November, 2001 after the incident. The lockers were installed in early May or June, 2002 after the incident.

[54] Finally, all member recruits and in service members are issued a bullet blocker for them to keep for any training exercise involving the use of a service issue firearm. The only “live firearms training” for members is conducted in the level 2 officer safety course at the Calgary Police Service outdoor range located off 68th Street S.E. in Calgary.

[55] When the TAC Team used the Silver Springs Training Centre for training exercises no one from the Firearms Skills And Procedure Unit is present. The TAC Team is provided with a key to the Centre, and the members were responsible for their own safety procedures and training at the Centre. Sergeant Anthony Manning, the training sergeant attached to the TAC Team, testified that the TAC Team was not bound by the safety practices outlined in Willis’

Report (supra) on October 17, 2001, the incident date.

[56] Manning testified that any member of the Calgary Police Service is eligible, and can apply to be a member of the TAC Team. All members of the TAC Team would therefore have gone through the Firearms Skills And Procedures Unit offered to every member of the Calgary Police Service as outlined by Willis. Each recruit accepted on the TAC Team goes through a rigorous 26 week training period covering every possible scenario that the Calgary Police Service TAC Team is responsible for. After completing the 26 week training program and accepted as a member of the TAC Team each member continues with ongoing training exercises when not deployed.

[57] The *TAC Team Training Safety Rules* in effect on October 17, 2001 were marked in evidence as Exhibit #13 at the inquiry and state in part as follows:

TRAINING SAFETY RULES

Four Cardinal Safety Rules:

1. **All guns are loaded.**
2. Point the muzzle in a safe direction (safe direction is a direction that, should an accidental discharge occur, only minor property damage and no human injury will occur).
3. Keep your finger outside the trigger guard until you are on target and have decided to fire (probably the main cause of friendly fire casualties in Tactical Units is when this rule is broken).
4. Target Identification. What's beside it, behind it and between you and it.

Involuntary Contractions:

Unpreventable involuntary muscle contractions due to:

- Startle effect

- Loss of balance
- Maximum exertion

Condition Check:

Whenever you pick up any firearm (even one that has been out of your Direct Control for an instant), open the action and check if it's loaded. (emphasis added)

[58] It is to be noted in passing that the **Four Cardinal Safety Rules** for the TAC Team are almost identical to the **Four Cardinal Safety Rules** relating to handling service firearms found within Exhibit 11 of the *Calgary Police Service Administration Manual* referred to earlier.

[59] Manning testified as to the Glock Model 22 service pistol issued to members of the TAC Team. It is a semi-automatic pistol that is capable of carrying 16 live rounds in the magazine but that the TAC Team only carries 15 live rounds in the weapon. When a member of the TAC Team is carrying this Glock Model 22 in uniform and on duty there will always be one (1) live round in the chamber, and 14 live rounds in the magazine. In other words, a TAC Team member **is expected to always carry a loaded service firearm while on duty in any public place.**

[60] Part of the training material of the TAC Team in effect on October 17, 2001 was a document entitled *Sanitized Students/Room* marked Exhibit #14 at the inquiry which states in part as follows:

SANITIZE STUDENTS/ROOM

- Any ammunition which can be fired in the weapons being handled must be removed from pockets, magazines, belt, etc. and secured outside the room.

[61] As stated by Manning the rule is to ... **“ensure that any ammunition that can be**

fired by any weapon is not in the room, or is simply removed from the room, so there is no ammunition in that room.”

[62] Also contained within Exhibit #14 is the *Pinch Check Technique* which reads as follows:

PINCH CHECK TECHNIQUE

1. **DEVELOPED BY OUR DEPARTMENT AND NOW TAUGHT BY IALEFI AND ‘GLOCK’**
2. **DESIGNED TO CONFIRM A LOADED CHAMBER**
3. **MUST BE DONE EVER TIME YOU LOAD**
4. **MAY BE DONE ANY TIME YOU MAY WANT TO DOUBLE CHECK A LOADED WEAPON**
5. **ANOTHER OPTION: MAY USE TIP OF FINGER (LEFTIES USE THUMB) ON EXTRACTOR**
6. **MAY USE BEFORE HIGH RISK ENTRY (NEVER A FOOL FOR CHECKING)**
7. **PASSES ALL REQUIREMENTS OF A SAFE CONDITION CHECK**
8. **(THE ACTION OPENS JUST ENOUGH TO SEE/FEEL THE CASING)**
9. **DONE WHILE IN THE READY POSITION (FINGER OFF TRIGGER; POINTED IN SAFE DIRECTION)**
10. **FINGERS AND HANDS STAY BEHIND THE EJECTION PORT AND AWAY FROM MUZZLE**
11. **IT IS CONTROLLABLE (NO OVER TRAVEL OF SLIDE ALLOWING THE CHAMBERED ROUND TO EJECT OR ‘STOVEPIPE’**
12. **OFFICERS OF SLIGHT STATURE CAN HANDLE IT WITH EASE**

DESCRIPTION

- WEAPON IN READY POSITION, FINGER OFF TRIGGER
- USE SUPPORT HAND TO OPEN ACTION PLACE THUMB OF SUPPORT HAND AGAINST REAR OF RECEIVER
- HOOK SECOND JOINT OF INDEX FINGER IN FRONT OF REAR SIGHT
- **A SIMPLE PINCH WILL OPEN ACTION JUST ENOUGH TO VISUALLY CONFIRM A LOADED CHAMBER**
- IN A CLASS OF EIGHT STUDENTS ON A FORTY HOUR COURSE WE OFTEN FIND 4 OR 5 FAILURES TO CHAMBER WHEN LOADING
- THESE ARE USUALLY DUE TO FAILING TO PROPERLY SEAT THE MAG
- IF THIS MISTAKE IS MADE AT THE BEGINNING OF SHIFT YOU WOULD SPENT YOUR SHIFT WITH AN UNLOADED GUN
- **AT ANY GIVEN MOMENT YOU SHOULD BE PREPARED TO BET YOUR LIFE, YOUR PARTNER'S LIFE OR A MEMBER OF THE PUBLIC'S LIFE THAT YOU ARE LOADED.**¹ (emphasis added)

[63] As stated by Manning ... "That's a method of checking your weapon once you've loaded it to ensure the condition of that weapon, once you've loaded it or unloaded it to ensure the condition of the weapon".

[64] Every member of the TAC Team must pass the *Tactical Pistol Course Exam* marked in evidence as Exhibit #15 at the inquiry. Part of the exam requires the member to state the **Four Cardinal Rules** of safety referred to earlier.

[65] On October 17, 2001 the training chain of command for the TAC Team was as follows:

¹ **** Memo to Reasons

1. “Operational team sergeant” having overall command of the team;
2. If the operational team sergeant was called away for any reason the “training officer”, at the time, would be responsible for the logistics of the training, setting up the training, and issues; and
3. Each individual member would be responsible for safety issues.

[66] On October 17, 2001 the TAC Team was to be engaged in entry training. The “operational team sergeant” had been called away. The “training officer” at the time was Constable Fong. A member of the TAC Team is designated “training officer” for one year, and designations would rotate through the team in order of seniority.

[67] Manning testified that on October 17, 2001 the TAC Team did not use bullet blockers as described by Willis and mandated as a safety practice in the service Firearms Skills And Procedures Unit referred to earlier in his *Report*, Exhibit #12. Manning stated that the TAC Team didn't use a bullet blocker at the time for the sake of realism, and because it was a “visual stimulus”. As the TAC Team training exercises are generally done in low light conditions the bullet blocker would not be seen, and would therefore be ineffective as a “visual stimulus”. Manning admitted that the member installing a bullet blocker would know that his firearm could not be fired. That being said, each member was ultimately expected to accept responsibility for the condition of their firearm at all times.

[68] Manning stated that the *Calgary Police Service Administration Manual*, Exhibit #11, is the TAC Team guideline that gives the TAC Team the authority to train as a specialized unit within the Calgary Police Service with specific training needs flexibility is given to tailor the training to the needs of the team. In effect, the standard operating procedure at the time was that

each member of the TAC Team was individually responsible for his weapon in training. As stated by Manning, performance on duty on the TAC Team is very stressful and that ... **“We expect and demand that they know the condition of their weapon at all times ... at all times. If they can’t do it in training ... how on earth can we have the discipline to be deployed in a very volatile, high risk situation with the kind of weapons that we deploy these members with. So we put the onus on the individual and never in my time have I seen it fail before.”**

[69] At the time of the incident there were no procedures in place to ensure that no live ammunition was involved. As stated by Manning ... **“It was down to the individual member, Sir. He was responsible for his weapon.”**

[70] After the incident, as an interim measure, immediate changes were made by the TAC Team as follows:

1. A full time safety and training officer was assigned to each TAC Team;
2. Each member of the team had the authority to make safety and training issues within the team;
3. Bullet blockers were used;
4. Buddy checks were undertaken;
5. A safety briefing was conducted at all times prior to training. If a member misses the briefing he doesn’t train. If a training officer is not present there is no training.
6. If a member leaves for any reason he cannot recommence training without a re-briefing and authority from the training officer;
7. A safety checklist called *Tactical Training Day Safety Briefing* marked Exhibit #16 at the inquiry was developed, and was used on every tactical training day;

8. A safety and training officer was 100 percent responsible for removing all live ammunition from the training area, and would personally check every member training that day;
9. Any live ammunition is stored in the tactical vehicles outside the training area during the training exercises;
10. Prior to training there is a personal check, a buddy check and a safety and training officer check on all weapons and ammunition;
11. If “quarries” are involved in the training exercise after the third check by the safety and training officer they are given the opportunity to conduct a final check; and
12. Equipment wise simunition was still not available in sufficient quantity needed for the different weapons systems used by the TAC Team. This appears to be a budget issue in the Calgary Police Service.

[71] As well, a new manual was created entitled *Safety In Training Operations*, marked Exhibit #17 at the inquiry, covering every aspect of safety that could be thought of after consultation with other TAC Teams in Canada, the United States of America, and Europe. The manual reads in part as follows:

2- Technique Skill Training

This involves training in the specific techniques involved in a certain skill area, such as *Hostage Rescue Techniques*.

Although weapons play a part in this training, the primary purpose of the training is practice in the technique involved in a hostage rescue operation. This is true in many other areas of responsibility for tactical unit members. **Ideally, a non-lethal weapon such as Simunition weapons would be used in this type of training.**

This training may be conducted in different areas throughout the City of Calgary. This type of training will be dry or simunition

type training.

During technique skill training, it is the responsibility of each tactical member to ensure that his weapons are unloaded and that he has no live ammunition anywhere on his person for any weapon he is carrying. All ammunition will be removed from the training site. This ammunition will be stored in the locked, secured rear area of the tactical vehicles.

After unloading weapons, the member will ensure that another member of the unit checks all his weapons.

The Training and Safety Officer will conduct final inspection of the unloaded weapon.

A bullet blocker will be installed in any Functioning Firearm being used in this type of training.

If Simunitions are to be used, the Safety Officer will be responsible for issuing the Simunition weapons. He will inspect each weapon to determine its condition and will also individually inspect each magazine to ensure it is empty.

He will then check each box of simunition ammunition to ensure no live rounds have found their way into the ammunition, if satisfied he will issue the weapon, magazines and simunition ammunition.

Each individual tactical member who receives a simunition weapon package from a safety officer will then be individually responsible to ensure,

The condition of the weapon.

The condition of the magazine. (Empty)

Inspect each round of simunition ammunition to ensure it is in fact simunitions.

This member will then, in the presence of the training and safety officer, load the simunition weapon.

Training & Safety Officers

Each team will have an assigned Training and Safety Officer on it. This member will have the rank of Acting Sergeant, giving him the authority to enforce training and safety issues.

No training involving weapons or techniques will be undertaken without the Training and Safety Officer being present.

Specialty training will be conducted under the direction and control of the Training and Safety Officer. It may not be possible for the Training and Safety Officer to be present at all locations where speciality training will be conducted simultaneously, that being sniping, explosive training and gas technique training, however he will ensure that all this training is conducted in a safe manner, that it is properly supervised, and that a specific assigned qualified

member assumed responsibility for the training and safety. The Training and Safety Officer will be responsible for all training and safety issues on the team, this includes, but is not limited to, ensuring all weapons have been proven unloaded, and that there is no live ammunition in any training area. The exception to this is when the Tactical Unit is conducting weapon training or live fire entries.

If the Training and Safety Officer has to leave a training site for any reason, the training will cease.

Safety Briefing

The Training and Safety Officer will conduct a safety briefing prior to any training. This briefing will include the type of training that is being undertaken and the objectives of the training and any safety related issues that may be applicable. No members will be involved in a training scenario without attending the safety briefing first.

Radio Protocol

Members will follow Tactical Unit protocol at all times. The Training and Safety Officer will have the authority to immediately suspend any training if he feels it is necessary.

[72] It must be noted that much of what is contained in *TAC Team Safety In Training Operation Manual*, Exhibit #17 (supra), was already in place in the Calgary Police Service service Firearms Skills And Procedures Unit earlier outlined by Willis in his *Report*, Exhibit #12 (supra).

[73] Finally, following the incident, a *Firearms Training Review Committee* was set up by the Chief of Police for the Calgary Police Service. On February 21, 2003 a *Report To The Chief's Executive Committee* was submitted and marked Exhibit #20 at the inquiry. The **ISSUE AND RECOMMENDATIONS** contained in the *Report* are as follows:

ISSUE

The Firearms Training Review Committee was struck to review the firearms training safety practices followed by the Calgary Police Service, as well as those followed by outside agencies and those recommended by outside authorities to determine, draft and

implement changes to the Calgary Police Service training policies and standard operating procedures, in keeping with best practices.

RECOMMENDATIONS

1. That the Calgary Police Service approve and implement changes to the Calgary Police Service Policy and Procedure Manual contained in the draft policies attached to this Report.
2. That the Calgary Police Service approve and implement Standard Operating Procedures for Tactics Training, Sniper Rifle Training and Firearms Training, as attached to this Report.
3. **That the Calgary Police Service permanently discontinue the use of functioning weapons in all non-live fire training exercises in favour of using simulated weapons, as defined in the draft policies attached to this Report.**
4. That all police officers of the Calgary Police Service be required to read and sign-off on the attached Service Firearms policy and Standard Operating Procedures, as applicable to their work area.
5. That the read and sign-off process be included in the Annual Self Audit, Service-wide.
6. That the Annual Self-Audit also include a component that monitors the Glock cleaning audits. (emphasis added)

[74] As a result of the research and work done by the *Committee* it was determined that there should be no distinction made between the TAC Team and other units within the Calgary Police Service, and that there should be consistency in terms of firearms safety, training policies, procedures and protocols throughout the Police Service.

[75] The specific ASSESSMENT AND EVALUATION made by the Committee is stated in the Report as follows:

ASSESSMENT/EVALUATION

Based on the research the Committee conducted, it appears that the 'ideal policy' would allow for the most realistic training experiences, with the highest degree of safety. Such a policy would include the following elements:

1. At all times, members will follow the 4 basic safety rules:
 - a. **Handle all firearms as if they are loaded**
 - b. **Keep firearms pointed in a safe direction**
 - c. **Keep your finger out of the trigger guard and off the trigger until on target and the decision has been made to fire**
 - d. **Be aware of what is 'between, behind and beside' the target**
2. Tactics training and firearms training will be clearly defined and differentiated from one another so as to allow members to readily identify the need to follow a safety protocol.
3. **Non-live fire exercises with functioning firearms will NOT be permitted. Each member will remain responsible for ensuring his or her firearm is unloaded and that there is no live ammunition in the Staging Area or Training Area.**
4. A specific safety protocol will be designed and followed for Simunitions weapons used in tactics training, which will include any necessary protective gear or special handling requirements.
5. **All tactics training will be conducted by a Training Officer in Charge, using current lesson plans which will detail the required safety practices for that exercise.**
6. **All tactics training will have an assigned Safety Officer, who is responsible for:**
 - a. **Reviewing the exercise safety practices for adequacy, and suggesting corrections to the lesson plan where warranted for safety reasons**
 - b. **Establishing and ensuring an Unsafe Area for the personal storage of live weapons and ammunition**

- and inspection of anyone entering the Staging or Training Area for live weapons and ammunition
- c. Briefing participants on safety procedures prior to the commencement of the exercise
 - d. Personally distributing all simulated weapons and ammunition prior to the training and collecting them after the training
 - e. Monitoring the training throughout to ensure safe firearms practices are followed
7. Participants will be responsible for storing their weapons and ammunition safely in the Unsafe Area prior to each training session.
 8. Training weapons will be stored safely, and clearly identified. No real weapons, lethal weapons or live ammunition of any type will be stored with training weapons. (emphasis added)

[76] The *Report* contains suggested **STANDARD OPERATING PROCEDURE**

TACTICS TRAINING as follows:

STANDARD OPERATING PROCEDURES TACTICS TRAINING

Definitions and Responsibilities

Tactics Training:

- Any instruction in the techniques of armed combat, where simulated weapons will be used in demonstrations, practical exercises or scenarios, excluding Subject Control Tactics courses. Training may include but is not limited to; building or area search, high-risk vehicle stops, rapid intervention and decision making scenario training.

Sanitized

- *A thorough search has been conducted and all functioning weapons and ammunition have been removed from the area.*

Simulated Weapons include:

- Model 17T Simunition pistols

- **Dedicated Remington 870 Shotguns configured for Simunition ammunition**
- **Dedicated Glock Model 22 pistols with FATS laser inserts**
- **Model 22P Glock inert pistols**
- **Injection molded 'Red Guns'.**

Unsafe Area:

The Unsafe Area is a secure area that is clearly marked and separate from the Staging and Training Areas. No training will take place in the Unsafe Area. The following tasks will be performed in the Unsafe Area:

- Unload, secure and leave all firearms in this area.
- Secure and leave all magazines, ammunition and other weapons in this area.
- Everyone involved in the training exercise including participants, quarries, role players, observers, instructors and safety officers will conduct a self-search.
- Everyone involved in the training exercise including participants, quarries, role players, observers, instructors and safety officers will be searched by a fellow participant.
- Everyone involved in the training exercise including participants, quarries, role players, observers, instructors and safety officers will be searched by the Safety Officer.

Staging Area:

The Staging Area is a pre-sanitized area separate from the Unsafe and Training Areas where the Training Officer in Charge Administrative Briefing and the Safety Officer Safety Briefing are conducted. The following tasks will be performed in the Staging Area:

- The Safety Officer will issue simulated weapons and ammunition.
- At the direction of the Safety Officer simulated weapons will be loaded.

Training Area:

The Training Area is a pre-sanitized area where the tactics training exercise will occur. The Training Area includes any vehicles or structures utilized in the Tactics Training Exercise. This area will be cordoned off and clearly marked. If any person involved in the Tactics Training Exercise leaves the training area for any reason, prior to being allowed back in the training exercise they must:

- Conduct a self-search and secure all weapons in the Unsafe Area.
- *Present themselves to a fellow participant to be searched.*

- Present themselves to the Safety Officer to be searched.

Range Officer:

- A person who is authorized to supervise and provide basic instruction at a Service range by virtue of meeting the current Range Officer qualifications established by the Sergeant, Firearms Training Unit *or as authorized by the Inspector, Support Section if these activities are undertaken by Tactical Unit personnel. A Range Officer will stop any Tactics Training where a safety breach occurs.*

Training Officer in Charge:

- **The *Training Officer in Charge* is the lead instructor and person in charge of establishing (setting up) and running the Tactics Training. The *Training Officer in Charge* works closely with the Safety Officer to ensure the safety of all the Tactics Training participants while primarily focussing on achieving the training objectives as previously established for the training session. Prior to the commencement of the Tactics Training the *Training Officer in Charge* is responsible for providing an administrative briefing to all participants outlining the overall objectives of the exercise. A *Training Officer in Charge* will stop any Tactics Training where a safety breach occurs.**

Safety Officer:

- **The *Safety Officer* is the person who is authorized to monitor the safety of Firearms and Tactics Training by virtue of having met the current Safety Officer qualifications established by the Sergeant, Firearms Training Unit and the Sergeant, Skills and Procedures Unit *and is authorized by the Inspector, Support Section, if these activities are undertaken by Tactical Unit personnel.* The *Safety Officer's* sole responsibility is to ensure the safety of all personnel involved in the Tactics Training. The *Safety Officer* is in charge of and responsible for the safety of the training exercise and all persons involved. The *Safety Officer* will provide the Safety Briefing to all participants prior to the commencement of the Tactics Training. The *Safety Officer* will stop any Tactics Training where a safety breach occurs.**

Quarry:

- Any person performing the role of the 'subject(s)' during Tactics Training. The lead instructor will brief quarries

detailing expected behaviors during the exercise. The Safety Officer will also brief quarries.

Role Player:

- Role players are any persons acting as innocent bystanders or victims during Tactics Training.

Restrictions

Tactics Training involving the use of Simunitions weapons will be restricted to the following areas:

- Firearms Training Unit
- Skills and Procedures Unit
- Support Section

Prohibitions

- **No one involved in a Tactics Training will be permitted inside the Staging or Training Areas with functioning firearms, live ammunition or any other weapons.**
- Members will not attend Subject Control Tactics training sessions in uniform.
- Members will not bring their issued pistol, magazines or O.C. spray to a Subject Control Tactics training session.

General Safety

Safety is the primary consideration in any Tactics Training. Although there are designated Safety Officers, all participants must understand that safety is the responsibility of everyone involved. Any participant, quarry, role player, instructor or safety officer in a Tactics Training *will* stop the training at any time if there is a concern for the safety of the persons involved.

The phrase 'ACTUAL STOP' will be used to indicate the immediate cessation of training. For large training exercises a secondary audible signal may be employed to designate Actual Stop. This may be a *pre-designated signal* from a horn, whistle or siren.

Tactics Training Safety Procedures

Tactics Training:

- A. Will not proceed without the establishment of the

following:

- An Unsafe Area,
 - A Staging Area,
 - and a Training Area, as previously defined.
- B. Will have a designated Training Officer in Charge who is qualified to instruct the specific session. The Training Officer in Charge will be clearly identified by wearing a florescent vest identifying them as an instructor. The Training Officer in Charge will not participate in the Tactics Training exercise.
- C. Will have a minimum of one designated Safety Officer who will be present at all times during the training session. The Safety Officer(s) will be clearly identified by wearing a florescent vest identifying them as a Safety Officer. The Safety Officer will not participate in the Tactics Training.
- D. The Safety Officer's sole responsibility is to ensure the safety of all personnel involved in the Tactics Training. The Safety Officer is in charge of the safety of the training exercise and all persons involved. They are responsible for:
- Reviewing the exercise safety practices for adequacy, and suggesting corrections, where warranted, for safety reasons.
 - Establishing and ensuring an Unsafe Area, Staging Area, and Training Area for each exercise.
 - Personally supervising participant self-search and secondary search by fellow participant.
 - Personally searching all participants in the Unsafe Area physically.
 - The purpose of searching all participants is to ensure all firearms, magazines, ammunition, knives, and OC Spray are removed and properly secured.
 - Where available, a metal detector may be used.
 - Briefing participants on safety procedures prior to the commencement of the exercise
 - Personally distributing all simulated weapons and ammunition prior to the training and collecting them after the training
 - When Simunitions weapons and FX Marking Cartridges are

used in the Tactics Training Exercise ensure that all participants, observers, role players, quarries, safety officers and instructors wear the mandatory full fact, throat and groin protection.

- **Monitoring the training throughout to ensure safety procedures are followed**
- E. All members are responsible for monitoring training activities for safety.
- F. No person will be permitted inside the Staging or Training Areas with functioning firearms, live ammunition or any other weapons. Every person entering the Staging or Training areas during Tactics Training is personally responsible for ensuring that he or she adheres to this requirement and for storing his or her firearms and ammunition safely prior to each training session.” (emphasis added)

[77] As a result of the research and work done by the *Committee*, on March 11, 2003 all **RECOMMENDATIONS** contained in the *Report (supra)* were implemented as *Policy* by the Calgary Police Service. The new *Policy* in relation to Service Firearms was marked Exhibit #21 at the inquiry.

[78] The relevant *Policy* in relation to **TACTICS TRAINING AND FIREARMS TRAINING** now in force throughout the Calgary Police Service is as follows:

15. **TACTICS TRAINING AND FIREARMS TRAINING**
 1. ***Definitions:***
 - a. **Simulated weapons:** Weapons used in tactics training, i.e. Simunition guns and ammunition, FATS laser guns, Red Guns and Glock inert training pistols.
 - b. ***Safety Officer:*** A sworn member who is authorized to ensure the safety of firearm and tactics training by virtue of having met the current Safety Officer qualifications established by the Sergeant, Firearms Training Unit and the Sergeant, Skills and Procedures Unit and is authorized by the Inspector, Support Section, if these activities are undertaken

by Tactical Unit personnel.

- c. *Range Officer*: a person who is authorized to supervise and provide basic instruction at a Service range by virtue of meeting the current Range Officer qualifications established by the Sergeant, Firearms Training Unit or is authorized by the Inspector, Support Section, if these activities are undertaken by Tactical Unit personnel.
- d. *Unsafe Area*
- entry or re-entry point to tactics training
 - clearly marked area
 - separate from Staging and Training areas
 - Unload of Service Pistol or other firearm conducted
 - provides secure and safe storage of all live weapons, ammunition, sniper rifle bolts and magazines
 - all participants self-search for weapons and ammunition
 - all participants buddy-searched for weapons and ammunition
 - all persons searched for weapons and ammunition by Safety Officer prior to entry into Staging Area
- e. *Staging Area*
- pre-sanitized area, separate from Unsafe and Training Area
 - no live weapons or ammunition
 - participants briefed on exercise
 - Safety Officer issues simulated weapons and ammunition
 - on direction of Safety Officer, simulated weapons may be loaded
 - entry or re-entry permitted through the Unsafe or Training Area only
- f. *Training Area*
- pre-sanitized area where training occurs
 - cordoned off and clearly marked and posted with signs, locked or guarded by Safety Officer or designates
 - entry through Unsafe and Staging Area
 - re-entry through Staging Area
 - if member leaves the training exercise, re-entry

through Unsafe then Staging Area

2. *Prohibitions*
 - a. **Members will not attend Subject Control Tactics training sessions in uniform. Members will not bring their issued pistol, ammunition, magazines or OC spray to a Subject Control Tactics training session.**

3. Firearm safety is every individual police officer's responsibility. A police officer will follow the **Four Basic Safety Rules**:
 - a. **handle all firearms as if they are loaded;**
 - b. **keep firearms pointed in a safe direction. A safe direction is one that, should an unintentional discharge occur, will not result in loss of life or injury and only minimal property damage;**
 - c. **keep finger out of trigger guard and off the trigger until on target and decision has been made to fire; and**
 - d. **positively identify the target and be aware of what is 'between, behind and beside' the target.**

4. *Tactics Training*
 - a. **Tactics training: Any instruction in the techniques of armed combat, where simulated weapons will be used in demonstrations, practical exercises or scenarios, excluding Subject Control Tactics courses. Training may include, but is not limited to: building or area search, high risk traffic stops, armed engagement, rapid intervention and decision-making scenario training.**

 - b. *Tactics training:*
 - i) **Will not proceed without the establishment of an Unsafe Area, a Staging Area and a Training Area, as described in this policy.**
 - ii) **Will only be conducted by a qualified subject-matter Instructor, who is not the Safety Officer for the exercise.**
 - iii) **Will have an assigned Safety Officer present at all times, who is responsible for:**
 - (a) **reviewing the exercise safety practices for adequacy, and implementing corrections where**

- warranted for safety reasons;
 - (b) establishing and ensuring an Unsafe Area, Staging Area and Training Area for each exercise, and personally searching all participants in the Unsafe Area for weapons and ammunition;
 - (c) inspecting sniper rifles to ensure that functioning bolts and magazines have been removed and are secured in the Unsafe Area. The chamber of the rifle will be physically and visually checked, and the training bolt inspected prior to insertion in the sniper rifle;
 - (d) briefing participants on safety procedures prior to the commencement of the exercise;
 - (e) personally distributing all simulated weapons and ammunition prior to the training, and collecting them after the training; and
 - (f) monitoring the training throughout to ensure safe firearms practices are followed.
- c. The Safety Officer will not participate in tactics training.
- d. All members are responsible for monitoring training activities for safety.
- e. Functioning firearms and live ammunition will NOT be permitted inside the Staging or Training Area. Everyone is personally responsible for ensuring that he or she adheres to this requirement, and for storing their firearms and ammunition safely.
- f. Non-live fire exercises with functioning firearms will NOT be permitted.
- g. A written safety protocol for rendering inoperable each and every sniper rifle used in non-live fire exercises will be

completed by the Safety Officer. Such protocols will include the marking or painting of inert replacement bolts and magazines so as to clearly differentiate them from functioning components.

- h. Training weapons and training munitions will be stored safely and securely, and will be clearly identified.
 - i. **Functioning firearms, lethal weapons and live ammunition of any type will NOT be stored with training weapons.**
 - j. Where an officer fails to meet the course training standard during tactics training, the instructor will document the deficiencies and forward them to the Inspector, Chief Crowfoot Learning Centre, who will consult with the member's Commander for a determination of necessary remedial action. If it is a Support Section exercise, the deficiencies will be forwarded to the Inspector, Support Section.
5. *Firearms training:*
- a. Any classroom instruction or demonstration in the maintenance or safe, efficient handling or operation of a firearm. **NO live ammunition is permitted in the classroom.**
 - b. Any practical exercise, live fire exercise or less-lethal projectile training.
 - c. Firearm safety is every individual police officer's responsibility. A police officer will follow the **Four Basic Safety Rules:**
 - i) **handle all firearms as if they are loaded;**
 - ii) keep firearms pointed in a safe direction. A safe direction is one that, should an unintentional discharge occur, will not result in loss of life or injury and only minimal property damage;
 - iii) keep finger out of the trigger guard and off the trigger until on target and decision has been made to fire; and
 - iv) positively identify the target and be aware of

what is 'between, behind and beside' the target.

- d. All members are responsible for
 - i) monitoring training activities for safety;
 - ii) conducting themselves safely;
 - iii) immediately calling any observed safety issues to the attention of the Safety Officer; and
 - iv) immediately calling "CEASE FIRE" if a safety hazard is observed.

- e. **For any non-live fire classroom exercise or demonstration, the Safety Officer is responsible for:**
 - i) **establishing appropriate exercise safety practices;**
 - ii) **establishing Unsafe, Staging and Training Areas, with the same characteristics as described in Part 2, Chapter E, s. 15.1.d, e and f;**
 - iii) **personally searching all participants in the Unsafe Area for ammunition;**
 - iv) **briefing participants on safety procedures prior to the commencement of the exercise; and**
 - v) **monitoring the exercise throughout to ensure safe firearms practices are followed.**

- f. **Where there is a designated Safety Officer, he or she will not participate in the firearms training.**

- g. **Live fire firearms training will only be conducted by qualified Range Officers and qualified subject-matter instructors.**

- h. The ratio of Range Officers to participants will be established by the Sergeant, Firearms Training Unit or Inspector, Support Section for each exercise, and will be adhered to at all times.

- i. For any live fire exercise, a Safety Officer may be

- designated, and will be responsible for:
- i) establishing appropriate exercise safety practices;
 - ii) briefing participants on safety procedures prior to the commencement of the exercise;
 - iii) establishing a Staging Area, where only magazines may be loaded; and
 - iv) monitoring the exercise throughout to ensure safe firearms practices are followed.
- j. Where there is no Safety Officer, the Range Officer is responsible for the Safety Officer duties as described in the above section, in addition to supervising and providing basic firearms instruction to participants.
- k. Where an officer fails to meet the course training standard during firearms training, the instructor will document the deficiencies and forthwith forward them to the Inspector, Chief Crowfoot Learning Centre, who will promptly consult with the member's Commander for a determination of necessary remedial action. If it is a Support Section exercise, the deficiencies will be forwarded to the Inspector, Support Section." (emphasis added)

[79] It is to be noted that as a result of the new *Policy (supra)* all prior firearms safety rules and procedures contained in Exhibits #11 to #17 (*supra*) have been superceded.

[80] The end result is that there is no remaining discretion in the TAC Team, or any other unit within the Calgary Police Service, to conduct firearms training exercises outside the *Policy* contained in Exhibit #21. All training is now down with "**simulated weapons**".

[81] The Calgary Police Service has purchased and received 200 simulated weapons (i.e. Red Gun training guns) and 25 orange plastic training shotguns. As well, 38 inert Glock pistols have been ordered that perform all the functions of a Glock pistol but can in no way chamber or fire a live round. Finally, 110 protective helmets and 130 protective neck guards have been ordered.

[82] Following the new *Policy* implementation the Calgary Police Service has also taken steps to assign specific members of the TAC Team as Training Safety Officers responsible for safety in all areas during all training undertaken. The assignments and responsibilities are all contained in Exhibit #22 marked at the inquiry.

[83] Lastly, a *Scenario Based Safety Briefing Checklist*, marked Exhibit #23 at the inquiry, was prepared and is now in use at each and every firearms training exercise conducted by the TAC Team.


CONCLUSION

[84] The Calgary Police Service as a result of the work done by the *Firearms Training Review Committee* and the new *Policy* (Exhibit #21) implementing all of the **RECOMMENDATIONS** made by that *Committee* in the *Report to Chief's Committee* (Exhibit #20) in relation to firearms safety training has taken every possible precaution to prevent the type of incident resulting in the death of Constable Dean Beatty from re-occurring.

RECOMMENDATIONS

[85] In light of the steps already taken, and new *Policy* implemented by the Calgary Police Service on March 11, 2003, I make no recommendations.

DATED this 21st day of July, 2003.



T.C. SEMENUK
A Judge of the Provincial Court of Alberta