



**IN THE MATTER OF A FATAL OFFICER-INVOLVED SHOOTING INVOLVING  
OFFICERS WITH THE RCMP ON AUGUST 30, 2020**

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

**Executive Director:**

**Michael Ewenson**

**ASIRT File Number:**

**2020-0051(N)**

**Date of Release:**

**March 18, 2024**

## **Introduction**

On August 30, 2020, the Alberta Serious Incident Response Team (ASIRT) was directed pursuant to s. 46.1 of the *Police Act* to enter an investigation into the circumstances surrounding a fatal Royal Canadian Mounted Police (RCMP) officer-involved shooting. The shooting was reported to have happened during the investigation of a domestic violence complaint.

## **ASIRT's Investigation**

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

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

On August 30, 2020, the Affected Person (AP) was involved in a domestic dispute with his common-law spouse, civilian witness #1 (CW1), in Onion Lake, Saskatchewan. AP removed his infant daughter from the vehicle and subsequently ran over CW1's arm when she tried to prevent him from driving away. CW1 notified the Onion Lake RCMP.

With the information provided by CW1 the Saskatchewan RCMP determined AP was arrestable for aggravated assault, was armed with a firearm and was suicidal. They began trying to locate AP through his mobile phone and sent a "*Be on the Lookout for*" (BOLO) to Saskatchewan and Alberta RCMP that AP was wanted. AP drove into Alberta posting videos on Facebook where he made suicidal and homicidal comments, brandished a rifle, talked about the police pursuing him and drank alcohol along the way. Police did not know the existence of the Facebook videos until after the officer-involved shooting.

AP was located by pinging his phone as he drove west on Highway 16 towards Edmonton. A criminal flight event occurred culminating in RCMP successfully deploying a tire deflation device, which flattened the front tires on the vehicle AP was driving. Despite flattened tires, AP continued driving and AP brandished a rifle out of the driver's side window.

Fearing that AP would reach the populated town of Entwistle, Alberta the RCMP Emergency Response Team (ERT) conducted a Pursuit Intervention Technique (PIT) manoeuvre that successfully disabled AP's vehicle and concluded the criminal flight

event. Police reported that AP picked up his rifle and began to move it in the direction of an RCMP ERT officer (Subject Officer #1 – SO1). SO1 and two other officers (SO2 and SO3) then shot at AP multiple times. Emergency medical care was attempted until Emergency Medical Services pronounced AP dead.

At autopsy it was determined that AP died from multiple gunshot wounds. Toxicology showed that he had alcohol, methamphetamine and cocaine in his system at the time of this event.

## **Witnesses**

### Civilian Witnesses

*CW1 was interviewed by ASIRT and provided the following information*

CW1 stated she and AP had been together since 2016 and had a 1-year-old child together. They got into an argument that culminated in AP attempting to drive off with her clinging to him through the then open driver's side door. CW1 fell off and her arm was run over. She proceeded to contact the RCMP and advise that AP was threatening suicide and that he *"was going to blast himself or the cops"*.

### Witness Officers

While several witness officers were interviewed, only those that have information germane to the issue on whether the use of force by the officers was reasonable will be set out within this decision. All of the witness officer information is contained within the investigative file though.

#### Witness Officer #1 (WO1)

*WO1 was interviewed by ASIRT and provided the following information*

WO1 was working in his capacity as an Emergency Response Team (ERT) officer with SO1 as his partner. He was driving the vehicle they were in when they were pursuing AP's vehicle. WO1 observed a gun extended out of the driver's window. It appeared that AP was trying to point it backwards at them. After a successful PIT manoeuvre disabled AP's vehicle he heard SO1 yell at AP to drop the gun; followed by the sound of gunshots.

*WO2 was interviewed by ASIRT and provided the following information*

WO2 was working in his capacity as an ERT officer with a partner. He was a passenger in their vehicle and were pursuing AP's vehicle. WO2 observed AP point a firearm out

of the driver's window on two separate occasions. WO2 heard the police loud hailer numerous times telling AP he was under arrest. WO2 observed the successful PIT manoeuver and then exited their vehicle. WO2 heard gunfire but did not know who had fired.

#### Subject Officers

*SO1 read a prepared statement and was interviewed by ASIRT and provided the following information*

SO1 was working in his capacity as an ERT officer and he received information regarding AP being arrestable, suicidal and possessing a firearm. He observed AP waving a firearm outside the window of the vehicle he was operating. SO1 used the loud hailer in their police vehicle to instruct AP to stop his vehicle and surrender. Once the vehicles stopped, he exited their vehicle and was two to three meters from AP. He observed AP pick up his rifle and move it towards him. SO1 then fired several rounds at AP.

*SO2 read a prepared statement and was interviewed by ASIRT and provided the following information*

Their ERT commander provided information regarding AP being arrestable, suicidal and possessing a firearm. SO2 observed AP waving a firearm out of the window. He heard commands issued to AP to surrender. After a PIT manoeuvre was successful in immobilizing AP's vehicle, SO2 observed AP moving his rifle in the direction of SO1 and thought that AP was going to shoot SO1. At that point SO2 fired several rounds at AP.

*SO3 read a prepared statement and was interviewed by ASIRT and provided the following information*

He and the other ERT officers were provided information regarding AP being arrestable, suicidal and possessing a firearm. SO3 observed AP waving a firearm out of the window with his finger on the trigger. He heard commands issued to AP to surrender. After a PIT manoeuvre, SO3 observed AP moving his rifle in the direction of SO1 and believed that AP was going to shoot SO1. SO3 then fired several rounds at AP. SO3 attempted emergency medical life saving measures on AP.

## **Video & Text Evidence**

### **Watchguard**

While the general duty RCMP vehicles had Watchguard dashcam videos, none of the ERT vehicles were similarly equipped. As the general duty vehicles were some distance back from the ERT vehicles the shooting event was not captured on any of the Watchguard videos.

### **Facebook Live**

While AP was driving and being pursued by the RCMP he was using Facebook Live to livestream aspects of the pursuit. The existence of these videos only became known to police once ASIRT began investigating. Investigators subsequently obtained five Facebook Live videos. In all of the videos AP is speaking out loud to those he was streaming to. He was quite emotional in all of the videos speaking to aspects of his life that had caused him to feel the way he did. AP would periodically drink from one of two alcohol bottles on his lap. AP would also hold/reference a black rifle that was in his possession. On numerous occasions AP would make comments inferring his desire/intent to die. While holding the rifle, one such comment was, "I ain't going out like no bitch man! A bullet in here has my name on it."

### **Text Messages**

AP texted back and forth with CW1 after he had the argument with her and injured her arm while driving away. In these texts AP apologizes for his actions, and made comments throughout the conversation that evidence his then state of mind, that included: "I'm almost out of gas...once this tank is done...I got one in the chamber with my name on it.", "My life is so fucked up.", "Now I legit have nothing at all..nothing.", "My life is iver (sic)." and " I don't even have a reason to live anymore."

### **Scene Evidence**

At the scene, investigators located a black Cooley .22 rifle that was with AP when officers immobilized his vehicle and confronted him.



Rifle found at scene and observed in AP's Facebook live stream

## Use of Force

### Analysis

The subject officers were lawfully placed and acting in the execution of their duties investigating a domestic violence complaint, and further attempting to arrest AP for this offence, and for failing to stop for police officers.

#### *The Use of Force*

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for the execution of their duties. Where this force is intended or is likely to cause death or grievous bodily harm, the officer must believe on reasonable grounds that the force is necessary for the self-preservation of the officer or preservation of anyone under that officer's protection.

A police officer's use of force is not to be assessed on a standard of perfection nor using the benefit of hindsight.

With the benefit of hindsight, time for detached reflection and knowledge of the ultimate outcome, it is easy to speculate about how things could have been done differently. That is not the standard, however, against which an officer's conduct is measured. The

question is, applying principles of proportionality, necessity, and reasonableness, whether the force used falls into a range of possible reasonable responses.

#### *Proportionate Response*

Proportionality requires balancing a use of force with the action to which it responds. Here, SO1 was faced with an individual that possessed a rifle and was starting to point it in his direction. AP's actions in directing an item at SO1 caused SO1 to believe AP intended to cause him death or grievous bodily harm. As such, SO1's response in using his firearm to shoot AP was proportionate to the threat of death or grievous bodily harm that AP then posed to him.

The same rationale applies equally to the other two subject officers who shot at AP to protect SO1 from the lethal threat AP posed to him.

#### *Reasonably Necessary*

As just noted, AP presented SO1 as a lethal threat given his actions in starting to point a firearm at him. SO1's reliance on using his firearm to incapacitate this threat was reasonably necessary. AP's subsequent death, while tragic, does not change the analysis. Again, the same rationale applies to the other two subject officers.

### **Conclusion**

In this incident, SO1 was defending himself from AP who possessed a firearm. The other two subject officers were also defending SO1 from the lethal threat that AP presented.

Under s. 25 of the *Criminal Code* a police officer is justified in doing what he or she is authorized to do and to use as much force as is reasonably necessary where he or she has reasonable grounds to do so. Force intended to cause death or grievous bodily harm is justified if the officer believes, on reasonable grounds, that the force was necessary to prevent the death or grievous bodily harm of the officer and/or any other person.

After a thorough, independent, and objective investigation into the conduct of the subject officers, it is my opinion that they were lawfully placed, and acting properly in the execution of their duties. There is no evidence to support any belief that any of the subject officers engaged in any unlawful or unreasonable conduct that would give rise to an

offence. While the death of AP is unfortunate, the force used by the subject officers was proportionate, necessary, and reasonable in all the circumstances.

ASIRT's investigation having been completed and our mandate fulfilled, I have concluded our file.

**Original signed**

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**Michael Ewenson**  
**Executive Director**

**March 18, 2024**

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**Date of Release**