



**IN THE MATTER OF A FATAL COLLISION INVOLVING CALGARY POLICE
SERVICE ON FEBRUARY 10, 2020**

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

Assistant Executive Director:

Matthew Block

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Introduction

On February 10, 2020, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate a fatal motor vehicle collision following contact with Calgary Police Service (CPS) officers. ASIRT designated two subject officers, with notice to each. ASIRT's investigation is now complete.

ASIRT's Investigation

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management. Investigators interviewed all relevant police and civilian witnesses, and secured and analyzed all relevant radio communications. Video from the police vehicle and the body worn cameras of the officers were also analyzed.

Circumstances Surrounding the Incident

In the early morning hours of February 10, 2020, subject officer #1 (SO1) was on duty and conducting patrols in his police vehicle, with subject officer #2 (SO2) as passenger. At approximately 3:25 a.m., the subject officers were on their way to assisting with a call when they noticed a black Toyota Sequoia driving in a shopping plaza under construction with its lights off. As shown by GPS, the subject officers spent 88 seconds near the shopping plaza. The Toyota, driven by affected person #1 (AP1), drove away quickly.

The subject officers followed AP1 as he drove west on Country Hills Boulevard Northeast. They attempted to catch up to AP1 to get a license plate and query it through dispatch, but only obtained a partial plate at approximately 3:25 a.m. CCTV in the area showed that the subject officers were able to get approximately 25 metres behind AP1. AP1 did not have any lights on, and the subject officers' police vehicle did not have emergency lights activated.

While driving on Country Hills Boulevard, the camera in the police vehicle started recording. When first activated, it showed AP1 in front of the subject officers (Figure 1).



Figure 1 – AP1 driving ahead of the subject officers.

GPS showed that, while on Country Hills Boulevard, SO1 drove as fast as 152 km/h. According to the police vehicle video, AP1 is driving a similar speed at first and then faster than the police vehicle. This section had a speed limit of 70 km/h.

At this time, affected person #2 (AP2) had left work and was travelling north on Metis Trail Northeast. AP2 drove into the intersection of Metis Trail and Country Hills Boulevard Northeast on a green light.

AP1 drove toward that same intersection which, for him, was displaying a red light. Just before entering the intersection, AP1's brake lights illuminated for approximately one second. AP1 struck AP2 in the intersection. At the time of collision, AP2 was going 47 km/h according to the vehicle recorder. AP1 was going at least 126 km/h, since the Toyota's recorder was not capable of recording a speed above 126 km/h. The subject officers advised dispatch that there had been a collision 49 seconds after their initial query of the license plate. The collision was visible on the police vehicle video 14 seconds after it started (Figure 2).



Figure 2 – Collision at the intersection ahead of the subject officers.

AP1, who was not wearing a seatbelt, was ejected from his vehicle. The subject officers, emergency medical services, and Calgary Fire Department provided emergency care to AP1, but he died on scene.

AP2 was seriously injured by the collision. She was transported to hospital. Her injuries included fractures of two vertebrae, a hip fracture, a rib fracture, and a wrist fracture. She had a concussion and suffered from whiplash. She stayed in hospital for one week and had surgery on her hip fracture. She will likely have some permanent mobility issues and pain from the collision.

The Toyota Sequoia driven by AP1 was stolen.

The subject officers' police vehicle's lights were not activated until after the collision.

Analysis

This investigation examined the actions of police leading up to the fatal collision to determine whether police conduct caused or contributed to the death and injury that resulted. While police officers are lawfully entitled to pursue fleeing suspects, criminal flights are inherently a dangerous situation for all involved – police, the fleeing suspect,

and other civilians. Accordingly, the decision to pursue a fleeing vehicle must be made carefully, and with constant assessment and re-assessment of the danger involved.

Prior to AP1 fleeing, the subject officers were merely suspicious about what AP1 was doing. While he was in a stolen vehicle, they did not know that yet. Once AP1 sped away, the potential infraction was a *Traffic Safety Act* matter, and still not a criminal offence. Traffic offences are minor and do not provide justification on their own for a prolonged pursuit. Short pursuits for traffic offences, however, are common. Short pursuits still require a balancing of the risks involved, such as the presence of pedestrians and other vehicles.

From the police vehicle video, the time from the subject officers querying AP1's license plate to them airing the collision was 49 seconds. The actual pursuit by the subject officers could have been slightly longer or shorter than this, depending on when it started. The entire interaction, however, was approximately one minute or less.

During the pursuit, there was some traffic, mostly at the intersection where the collision occurred. As was tragically realized, other drivers were at risk in a pursuit.

SO1 pursued AP1 for approximately one minute or less with no emergency equipment activated. This was a short pursuit where AP1 was pulling away from them and the short pursuit did not cause the collision. The collision was caused by the driving of AP1. AP1 drove through a red light into an intersection with other vehicles. The responsibility for the collision and the resulting injuries rests with AP1.

While there are no reasonable grounds to believe the subject officers committed a criminal offence, this pursuit, while brief, was still problematic. While emergency lights may cause a fleeing vehicle to speed up, they also provide a warning to other users of the road that something is happening. This may draw their attention and allow them to avoid the fleeing vehicle. Additionally, the extreme speed that the subject officers were travelling at always presents a risk to other users of the road.

Conclusion

On February 10, 2020, the subject officers noted what they thought was a suspicious vehicle. The vehicle, driven by AP1, was in fact stolen, although they did not discover this until later. When they went to investigate, AP1 drove off quickly. The subject officers pursued for up to one minute, and AP1 started to pull away from them despite their

speed of 152 km/h. AP1 drove through a red light, colliding with AP2. AP1 was killed, and AP2 was seriously injured.

The collision was the result of AP1's dangerous driving. The short pursuit by the subject officers did not cause the collision and there are therefore no reasonable grounds to believe that an offence was committed. The issues with the brief pursuit are best addressed through CPS disciplinary processes.

Original signed

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Assistant Executive Director

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