

# ASIRT DECISION

**IN THE MATTER OF A FATAL YUKON RCMP  
SHOOTING ON JANUARY 27, 2026**

Acting Executive Director: Matthew Block

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## Introduction

On Jan. 27, 2026, pursuant to the memorandum of understanding with the Yukon Government, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate a fatal RCMP shooting outside of Whitehorse that happened earlier that day. ASIRT investigators arrived in Whitehorse on Jan. 28. ASIRT designated three 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.

ASIRT investigators interviewed the following civilians:

Civilian witness #1 (CW1), who was driving on the Alaska Highway and witnessed the shooting from a distance; and

Civilian witness #2 (CW2), who was a paramedic that treated the affected person (AP).

ASIRT investigators interviewed the following police officers:

Subject officer #1 (SO1);

Subject officer #2 (SO2);

Witness officer #1 (WO1), who was present during the shooting;

Witness officer #2 (WO2), who was present during the shooting; and

Witness officer #3 (WO3), who was present during the shooting.

Subject officer #3 (SO3) did not agree to be interviewed by ASIRT, as is his right.

ASIRT investigators obtained video from the body worn cameras of five officers. They did not capture the shooting. CW1 also provided a video and photographs, which all taken after the shooting.

The scene was initially processed by RCMP forensic identification section (FIS) officers at ASIRT's direction. When ASIRT investigators arrived on Jan. 28, they reviewed the scene and the AP's vehicle.

## Circumstances Surrounding the Incident

On Jan. 25, an arrest warrant was issued for the AP on three counts of assault with a weapon, one count of break and enter, two counts of fail to comply with a release order, three counts of pointing a firearm, one count of possess a firearm when knowing possession unauthorized, one count of possessing a weapon for a dangerous purpose, and one count of uttering threats. These were in addition to other outstanding arrest warrants and pending criminal charges from the previous month and a half.

The RCMP began to search for the AP to arrest him. In the early morning of Jan. 27, RCMP officers located the AP in his vehicle on the Alaska Highway. Officers attempted to stop the AP, but he drove away quickly, and the pursuit ended.

Due to the AP's escalating behaviour and the involvement of weapons, the RCMP M Division emergency response team (ERT) joined other units and officers in planning how to arrest the AP. Around noon, the AP's vehicle was located. It was initially unclear if the AP was in the vehicle. Officers

used a drone and drove by the vehicle and were able to determine that the AP was in the vehicle, and that he had obscured his appearance using a black paint or similar. Before officers could move in to arrest the AP, he drove onto the Alaska Highway.

Nearby officers began to follow the AP. WO2 was driving a van with SO2 and SO3 inside, SO1 was in a truck, and WO3 was in another truck. WO1 was in another vehicle a short distance behind. WO2 intentionally contacted the AP's vehicle, causing it to go into the ditch and get stuck in the snow.

Officers exited their vehicles and began to issue commands to the AP. The AP did not comply, and attempted to free his vehicle, causing the tires to spin. WO2 threw a distraction device at the AP's vehicle and then fired 40mm less-lethal ballistic impact projectile rounds through the windows. SO2 threw a gas canister into the AP's vehicle.

The AP exited his vehicle and started to move through deep snow toward the treeline. WO2 fired another 40mm less-lethal round, striking the AP in the leg and causing him to fall. The AP got up and continued to move toward the trees.

As he did so, he turned back toward the officers. SO1 and SO2 saw a handgun in his hand, and SO2 yelled "gun!" The three subject officers fired and struck the AP. He fell into the snow.

WO2 and WO3 piloted a drone to determine where the AP's gun was. Officers then approached and removed the AP from the ditch. Once he was on the road, the officers provided first aid until emergency medical services (EMS) arrived. The AP was then declared deceased. The AP's gun was a paintball gun that closely resembled a real gun.

### *Civilian Witness #1 (CW1)*

ASIRT investigators interviewed CW1 on Feb. 20, 2026.

CW1 was driving on the Alaska Highway at about 1 p.m. when she saw several vehicles stopped on the road. As she got closer, she saw a man wearing a police vest and carrying a large gun. The man turned toward her and told her to move her vehicle back.

CW1 then saw a man walking slowly across deep snow. She noticed that he was not moving very far. Suddenly, the man fell to the ground. CW1 did not hear any gunshots, but she believed the man fell because he had been shot.

She said he was moving very slowly and taking unsteady steps through the snow. His back was facing her the entire time, and she did not see him turn around. She did not see him holding anything in his hands.

About five minutes later, CW1 saw four officers walk over to the man. They picked him up and carried him across the snow toward the road. A fifth person later joined them to help. CW1 could see the officers standing and moving around the man, but she could not see exactly what they were doing. She did not see anyone pick up anything near the man.

Once the officers and the man reached the roadway, CW1's view was blocked by vehicles. She did not hear anyone yelling, but she remained inside her car the entire time.

CW1 left the area at about 1:20 p.m. after being told that the road would be closed for several hours. She said she was surprised that the man had been shot in the back. In her view, it appeared unlikely that the man could have escaped, and she felt the use of force seemed severe.

## *Witness Officer #1 (W01)*

ASIRT investigators interviewed W01 on Jan. 29, 2026.

W01 was the acting sergeant in the Major Crimes Unit on the date of the shooting. He had extensive training in surveillance and believed he would be most useful by driving an unmarked vehicle in the community to look for the AP. He had done so the day before without success. He was wearing plain clothes but put on soft body armour marked "POLICE" on the front and back before arriving at the scene. Radio coverage was unreliable on the Alaska Highway outside Whitehorse, so he added updates to a group chat that had been started by another officer. W01 said he saw photos of the AP in the group chat that had been added by other officers.

W01 drove south on the Alaska Highway to be closer to S03 and W03 in case they located the AP and his vehicle. His plan was to watch the AP's vehicle if he found it and maintain visual contact until more ERT officers arrived to assist them.

At 12:38 p.m., W01 learned through the group chat that a vehicle matching the AP's had been found on the McLintock Bridge.

W01 described traffic on the Alaska Highway as light. He only saw the ERT van, a semi-truck, and one other vehicle. He said a Crime Reduction Unit officer was covering the Alaska Highway from the north and that the AP's vehicle was parked on Swan Haven Road. W01 planned to cover the highway from the south. The ERT vehicles used the same turnaround point where W01 had been stopped, and he then followed them while continuing to cover the highway from the south.

The AP's vehicle entered the Alaska Highway and drove north toward Whitehorse. W01 then saw the AP's truck fishtail and drive into a snowbank. W01 knew he was in the best position to block the highway because he was the last vehicle in line. He drove into the oncoming lane, turned on his emergency lights, and blocked both lanes of traffic. He focused on stopping approaching traffic while also watching W03, who was about 60 feet in front of him. A woman tried to drive through the active scene, and W01 had to stand in front of her vehicle to stop her.

W01 heard W02 yell a warning and saw a flash from a distraction device. He heard yelling and saw a 40mm less-lethal round fired into the cab of the AP's vehicle. He heard someone yell "gas" and saw chemical gas being used inside the vehicle. W01 described the AP's movements inside the vehicle as chaotic and very frantic.

W01 then saw the AP run from the vehicle toward the trees. He heard someone yell "hit him with the 40mm," followed by another 40mm round being deployed, which struck the AP. W01 saw the AP stumble and then turn toward the ERT officers. He described seeing the AP's full face turn toward him. W01 then heard gunfire and estimated that 10 to 12 rounds were fired. He did not see who fired the shots. He knew it was not W03 because he saw smoke coming from where the other ERT officers were positioned but not from W03. He said the AP fell immediately.

W01 continued to hear yelling. He saw ERT officers check each other for possible gunshot wounds. They then deployed a drone toward the AP, who was still on the ground. W01 heard someone say the gun should be near the AP's head.

## *Witness Officer #2 (W02)*

ASIRT investigators interviewed W02 on Jan. 29, 2026.

WO2 said that he and another ERT member received a call from WO3, who said that the general investigative section was requesting ERT assistance to help find the AP.

When WO2 met up with the rest of the ERT, he heard the AP had been spotted on a road. Due to concerns that the AP might flee and possibly had a firearm, a plan was made to use intentional vehicle contact to stop the AP's driving. WO2 was driving a van, with SO2 in the front passenger seat and SO3 in the back. SO1 was driving a truck and WO3 was driving another truck.

WO2 said the AP's vehicle was no longer there when they arrived. They turned around and returned to their previous location to come up with another plan. As they approached the road where the AP had last been seen, WO2 observed the AP's vehicle turn right and head south onto the Alaska Highway. A new plan was made for SO1 to follow behind the AP's vehicle, WO2 to pull in front and box him in, and WO3 to provide lethal overwatch. SO2 and SO3 were to exit their vehicle and assist with lethal overwatch.

WO2 stated that the AP did not stop. WO2 drove the van into the front passenger side of the AP's truck, which caused the truck to go into the ditch. WO2 said members exited their vehicles and that the AP was trying to drive out of the ditch, with the tires spinning. WO2 could hear the AP screaming inside the truck. Police yelled, "Police! Stop! Show us your hands," but the AP did not comply. WO2 observed the AP reaching into the back of the truck and yelled that the AP was reaching for something.

WO2 gave a warning and threw a distraction device onto the hood of the truck. The device detonated, but the AP still did not comply. WO2 could hear yelling from inside the AP's truck but could not make out what was being said. He said it was clear the AP would not show his hands, and the AP continued reaching around in the back of the vehicle.

WO2 then fired two 40mm less-lethal rounds through the rear window of the truck. He moved to WO3's position and fired two more 40mm less-lethal rounds, one through the rear passenger side and one through the front passenger side. WO2 said ERT members continued to give commands without success. He believed SO2 deployed a gas canister into the back of the truck.

Shortly after, the AP exited the truck and ran toward the treeline. WO2 fired a 40mm less-lethal round at the AP from about 25 feet away and believed it struck the AP in the lower body. WO2 heard the AP yell. The AP fell to the ground but then got back up. WO2 said he then either returned to the van to get another less-lethal round or looked down to reload. At that time, he heard SO3 and SO2 yell, "Gun, gun, gun" and then heard several shots. He looked up and saw the AP turned toward the ERT members. The AP was struck by gunfire and fell to the ground.

WO2 did not see a gun in the AP's hands. He was positioned about one metre behind SO3 and SO2 and could not see clearly from there.

WO2 deployed a drone, which WO3 initially operated. WO3 saw that a gun was on the ground, the AP was not moving, and the gun did not appear to be in the AP's hands. WO2 then took over the drone and monitored the AP to ensure there was no movement while other ERT members approached.

Once the AP was handcuffed, WO2 landed the drone and assisted in moving him to the road. WO2 said that once on the road, he applied high tourniquets to both legs due to gunshot wounds to the legs. A tourniquet was also placed higher on the left arm for a gunshot wound. WO2 placed a blanket under the AP to help keep him warm. WO3 inserted a valve into the AP's airway, and CPR was performed until paramedics arrived. WO2 recalled that he and WO3 took turns performing CPR. A medic later

pronounced the AP deceased.

### *Witness Officer #3 (WO3)*

ASIRT investigators interviewed WO3 on Jan. 29, 2026.

WO3 said he was generally aware of previous files involving the AP through conversations with SO3. He knew the AP had previously produced and pointed a firearm at his ex-wife and that other officers had been searching for him. WO3 was also aware that there were warrants for the AP's arrest, which he believed were related to firearms offences.

WO3 said that on the morning of January 27, he was informed that officers had attempted a traffic stop on the AP the night before. He was told the AP fled, a pursuit occurred, and the pursuit was later terminated. ERT was then asked to assist in trying to locate the AP's vehicle. WO3 was added to a group chat and began receiving photographs of the AP and his vehicle, including a photo showing the AP pointing a firearm at a witness.

WO3 said he and SO3 drove down the highway to try to locate the AP or his vehicle. He knew radio communications would be poor in that area, so before leaving town they spoke with the Critical Incident Commander (CIC) to discuss intervention options and arrest plans.

WO3 stated that about 25 km outside of town they passed a Dodge truck that generally matched the description of the AP's vehicle, so they turned around to look at it more closely. At the same time, the truck turned off the main highway onto Sawmill Road and stopped near a set of mailboxes roughly 20 metres off the highway. WO3 noted the licence plate was covered in snow and the driver was wearing a hood pulled up over his head.

WO3 deployed a drone from a distance to monitor the vehicle and try to identify the driver. As they drove past, he noticed something yellow hanging from the Dodge's rear-view mirror, which he recalled was similar to an item seen in a photo earlier shared in the group chat. WO1 also drove past the Dodge and initially believed a Black male was driving.

The Dodge was followed to another location, and WO3 used the drone again. Using the drone, he observed the driver exit the vehicle and saw the male had white hands and a white bald spot, while his face appeared quite black. SO2 and WO2 arrived to assist, and the group developed a plan to safely stop the Dodge. Around that time, SO3 moved into the vehicle being driven by SO2 and WO2, leaving WO3 alone in his own truck.

WO3 said that as they moved into position to stop the Dodge, the vehicle became mobile and returned to the main highway. The vehicle was later located parked on Swan Haven Road, and a plan was made to box it in there. As they again moved closer, the Dodge started moving and turned onto the Alaska Highway.

WO3 stated that as the Dodge entered the highway, the ERT white van intentionally made low-speed contact with it, causing the Dodge to slide into the ditch and become stuck in deep snow. WO3 parked his vehicle on the passenger side of the Dodge. He could hear other officers giving commands to the AP, including telling him he was under arrest, advising him of some charges, and ordering him to show his hands and get out of the vehicle.

From his position, WO3 had a partial view into the passenger side of the Dodge. He observed the AP raise his hands at times, then lower them again and appear to reach around inside the vehicle. He also noticed the Dodge's tires continued to spin, even though the truck was stuck, which led him to believe

the AP was trying to get free and flee.

WO3 observed a 40mm round go through the rear window of the Dodge. He did not believe the round struck the AP or changed his behaviour. WO3 continued giving verbal directions, telling the AP to get out of the truck. He then saw a distraction device detonate near the front of the truck, which caused the AP to jump.

WO3 asked WO2 to come to his side of the vehicle and use the 40mm to put a hole in the passenger-side window to make it easier for the AP to hear commands. WO3 could not recall whether the round went through the front or rear passenger-side window. He said the AP stared at him briefly through the broken window, and WO3 continued giving verbal commands.

WO3 stated that another officer deployed gas into the vehicle, which caused the AP to yell and exit the truck. He said this was the only time he heard the AP speak. After exiting from the driver's side, the AP ran through the snow, quickly breaking through the surface and getting stuck in deeper snow. WO3 believed the AP moved about 15 metres toward the treeline before turning away from him to the AP's left.

As the AP turned, WO3 heard someone shout "gun," followed by numerous gunshots. He believed WO2 may have fired another less-lethal round at the AP after the AP exited the vehicle but was unsure if it struck him. From his position, WO3 could see gunfire hit the AP and observed the AP fall to the ground almost immediately. He could not see the AP's hands before the shooting.

WO3 said he contacted the CIC by phone to provide an update because radio communications were not working. The members then made a plan to take the AP into custody. WO3 flew a drone toward the AP and observed him lying on his right side, with his right arm tucked underneath his body. The AP's right hand was visible near the left side of his body, and what appeared to be a black firearm was lying in the snow just out of the AP's reach. This drone did not have video recording capability.

WO3 said he handed control of the drone to WO2 and helped approach the AP. As they moved in, SO2 secured the handgun, cleared it, and placed it into a pouch. The AP was then carried out of the snow and onto the roadway.

WO3 said he and SO3 are both tactical medics, and they provided medical assistance to the AP. WO3 stated that EMS arrived about 30 minutes later. At that point, CPR was stopped and the AP was pronounced deceased.

### *Subject Officer #1 (SO1)*

SO1 gave a statement to ASIRT investigators on March 11. SO1 provided a written statement and answered follow up questions.

SO1 has been employed by the RCMP since June 2007 and is currently assigned to the Whitehorse ERT. On January 27, SO1 deployed to assist in locating the AP, who was wanted for multiple violent, firearm-related offences.

The AP was believed to be armed and living in a green Dodge pickup truck. A tracking warrant on the AP's phone was active but was initially unsuccessful. Drone footage and a report from a member of the public placed a similar truck south of Whitehorse. Although the driver initially did not appear to match the AP, a later phone signal near the McClintock River bridge supported that the AP was likely in the area.

At the time, SO1 had been working in the Crime Reduction Unit and then transitioned into an ERT role. He put on hard armour and assisted with planning. ERT members planned to arrest the AP using a stationary box-in with several unmarked vehicles.

When the AP attempted to flee, ERT members boxed in his truck, which collided with an ERT van and slid into a ditch. SO1 positioned his vehicle to block civilian traffic and took cover with his carbine. The AP did not comply with police commands and repeatedly hid his right hand while making movements that appeared consistent with reaching for a weapon.

ERT members deployed 40mm less-lethal rounds, a distraction device, and gas. The AP eventually exited the truck and ran into deep snow. SO1 called out for additional less-lethal deployment by yelling "40, 40, 40" to try to stop the AP.

While running, the AP turned away from SO1 and toward other officers while holding a handgun in his right hand. Believing the other officers were in immediate danger, SO1 fired three to five rounds from his carbine. Other officers also discharged their firearms. The AP fell forward and stopped moving.

A drone was used to confirm that a handgun was beside the AP. ERT members moved through the deep snow, secured the weapon, and provided medical aid. The handgun appeared real but contained a gas canister in the magazine, which suggested it may have been an air pistol. EMS later arrived and the AP was declared deceased at 1:41 p.m.

### *Subject Officer #2 (SO2)*

SO2 gave a statement to ASIRT investigators on March 10. SO2 provided a written statement and answered follow up questions.

SO2 stated that he has been with the RCMP for 18 years and has been a part-time member of ERT for about six years. On the date of the incident, he learned that the AP was wanted on several warrants related to firearms offences and was believed to still be in possession of a firearm. He also learned that the AP had fled from police the day before.

SO2 said that on the date of the incident he was wearing a green ERT uniform, which included hard body armour marked "POLICE" and a helmet. He was carrying a carbine and was driving an unmarked police vehicle.

SO2 was deployed to the Alaska Highway to support other ERT members after a truck similar to the AP's was located near the McClintock Bridge. A cellphone ping also indicated that the AP was in that general area. ERT members used a drone and drove past the truck, which led them to believe the AP was inside. A plan was made to arrest the AP while the vehicle was stationary, but before the plan could be carried out, the AP drove onto the Alaska Highway.

SO2 said an ERT vehicle made contact with the AP's truck, which slid into a ditch and became stuck in the snow. Once the truck was lodged, SO2 could hear the engine revving and saw the tires spinning as the AP tried to free the vehicle. He could hear the AP yelling inside the truck but could not understand what was being said. SO2 shouted commands, identifying that they were police and telling the AP he was under arrest and to place his hands outside the vehicle.

SO2 observed the AP reaching repeatedly into the area between the seats but could not see what he was reaching for. He stated that the AP's left hand was visible out the driver's window at times. A distraction device was deployed, though SO2 did not notice any clear reaction from the AP. He said that 40mm rounds were fired by another officer to break the vehicle windows and identified WO2 as

the officer who deployed them but did not know how many rounds were used.

S02 said he deployed gas into the truck through a damaged rear window. Almost immediately, the AP exited the vehicle and began walking away toward a treeline through waist-deep snow. The AP did not turn toward officers and did not speak. S02 observed the AP's left arm swinging freely while his right arm remained close to his waist, which led S02 to believe the AP was holding something. He believed the AP was struck by a single 40mm round while walking away.

The 40mm round caused the AP to fall forward into the snow. The AP then stood up and began turning back toward the officers. As the AP turned to his right, S02 saw a black handgun extended in the AP's right hand. S02 yelled "gun, gun, gun" and fired his carbine at the AP. The AP immediately fell face down into the snow and stopped moving. S02 said he could hear other ERT members firing but did not know how many shots were fired.

After the shooting ended, the ERT members checked each other for injuries and made a plan to safely approach the AP due to the exposed area. A drone was used to clear the area. W03 operated the drone and reported that a firearm was visible in the snow next to the AP, partially under his body and protruding from the AP's left side.

When officers approached the AP, S02 seized the handgun, which was either in or very close to the AP's hand. He assisted with handcuffing by moving the AP's left arm, which he described as limp and motionless. Other officers with additional medical training took the lead in providing medical care.

S02 stated that after medical care began, he examined the handgun and noted it appeared to be a CO2 gun.

### *Subject Officers' Firearms*

The subject officers' firearms were seized and analyzed. They all worked properly.

Based on round count and what each said he normally loaded in a magazine, S01 shot five times and S02 shot ten times. Based on round count, S03 likely shot 14 times.

### *Scene*

RCMP FIS officers started processing the scene on Jan. 27. When ASIRT investigators arrived the next day, they viewed the scene and the AP's vehicle. Twenty-five casings from bullets were located on scene.

The AP's handgun was examined. It was a Umarex T4E TPM1 paintball gun and closely resembled a

real firearm (Figure 1).



Figure 1 - The AP's paintball gun recovered from the scene.

## Autopsy

A forensic pathologist conducted an autopsy of the AP on Jan. 30. The pathologist advised that the AP died of multiple gunshot wounds.

## Analysis

### Section 25 Generally

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for 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. The force used here, discharging a firearm repeatedly at a person, was clearly intended or likely to cause death or grievous bodily harm. The subject officers therefore must have believed on reasonable grounds that the force they used was necessary for their self-preservation or the preservation of another person under their protection. Another person can include other police officers. For the defence provided by s. 25 to apply to the actions of an officer, the officer must be required or authorized by law to perform the action in the administration or enforcement of the law, must have acted on reasonable grounds in

performing the action, and must not have used unnecessary force.

All uses of force by police must also be proportionate, necessary, and reasonable.

Proportionality requires balancing a use of force with the action or threat to which it responds. This is codified in the requirement under s. 25(3), which states that where a 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. An action that represents a risk to preservation of life is a serious one, and only in such circumstances can uses of force that are likely to cause death or grievous bodily harm be employed.

Necessity requires that there are not reasonable alternatives to the use of force that also accomplish the same goal, which in this situation is the preservation of the life of the officer or of another person under his protection. These alternatives can include no action at all. An analysis of police actions must recognize the dynamic situations in which officers often find themselves, and such analysis should not expect police officers to weigh alternatives in real time in the same way they can later be scrutinized in a stress-free environment.

Reasonableness looks at the use of force and the situation from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

### *Section 25 Applied*

On Jan. 27, the AP had warrants for his arrest on many serious charges. Some of these charges involved firearms. He had also shown that he was not complying with Court or police direction, as he had breached his release conditions repeatedly and had failed to stop for police officers.

This situation engaged the duties of the Whitehorse RCMP officers, including the duty to prevent offences, the duty to preserve life, safety, and property, and the duty to enforce warrants. They were required by law to seek out the AP and arrest him. Given the AP's actions including those with a firearm, he was clearly a risk to any police officer who was attempting to arrest him.

WO2 intentionally contacted the AP's vehicle to stop him. This was justifiable since he had failed to stop for officers earlier that day. When the AP failed to follow police commands, it was also justifiable for officers to use various tactics to get him out of the vehicle.

The AP was not free to leave and, when he was trying to get to the treeline, WO2 shot him in the leg with a 40mm less-lethal round. This was a low-end use of force and was proportionate, necessary, and reasonable in the circumstances. After the AP got up, he turned toward the officers and SO1 and SO2 saw a handgun in his hand.

The paintball gun that the AP had closely resembled a real gun. Only close examination would reveal that it was a paintball gun, and the AP knew this. When the AP pointed it at the officers, he knew they would think it was a real gun.

When the AP pointed what appeared to be a real gun at the subject officers, they reasonably perceived that their lives and the lives of their fellow officers were at risk. They responded to this lethal threat by firing their guns at the AP. These two actions were proportionate.

The AP was pointing what appeared to be a gun at the officers and, if it had been real, he could have shot at them in less than a second. There was no time for other uses of force or taking cover in this situation. Further, they did not have to wait to see if the gun was real. To expect the subject officers to

confirm whether the gun was real or not would result in the officers being shot if the gun turned out to be real. They were entitled to act when they did.

Finally, the actions of the involved officers were reasonable. In a dangerous situation, they gave the AP time to surrender. When he did not, a lesser use of force was used to try to stop him. Only when the AP appeared to threaten their lives did the subject officers respond with lethal force.

The subject officers' use of force was proportionate, necessary, and reasonable. As a result, the defence provided them in s. 25 of the *Criminal Code* is likely to apply.

### Section 34 Generally

A police officer also has the same protections for the defence of person under s. 34 of the *Criminal Code* as any other person. This section provides that a person does not commit an offence if they believe on reasonable grounds that force is being used or threatened against them or another person, if they act to defend themselves or another person from this force or threat, and if the act is reasonable in the circumstances. For the act to be reasonable in the circumstances, the relevant circumstances of the individuals involved and the act must be considered. Section 34(2) provides a non-exhaustive list of factors to be considered to determine if the act was reasonable in the circumstances:

- (a) the nature of the force or threat;
- (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
- (c) the person's role in the incident;
- (d) whether any party to the incident used or threatened to use a weapon;
- (e) the size, age, gender and physical capabilities of the parties to the incident;
- (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
  - (f.1) any history of interaction or communication between the parties to the incident;
- (g) the nature and proportionality of the person's response to the use or threat of force; and
- (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.

The analysis under s. 34 for the actions of a police officer often overlaps considerably with the analysis of the same actions under s. 25.

### Section 34 Applied

The AP pointed what appeared to be a gun at the officers. They were entitled to defend themselves in that situation, and they did so in a reasonable way. The defence under s. 34 is also likely to apply to them.

### Conclusion

The subject officers were part of an operation to arrest the AP on warrants for serious charges. He had shown himself not to be compliant with police. The involved officers forced the AP's vehicle off the road. The AP did not comply with commands and attempted to run away from officers. When he

pointed a paintball gun at the officers, the subject officers shot him. The defences under ss. 25 and 34 are likely to apply to their actions and as a result there are no reasonable grounds to believe that an offence was committed by the subject officers.

Original signed

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Matthew Block  
Acting Executive Director

May 20, 2026

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Date of Release