

ASIRT DECISION

**IN THE MATTER OF AN RCMP SHOOTING CAUSING
INJURY ON ERMINESKIN CREE NATION ON JUNE 24,
2025**

Executive Director: Matthew Block

File No.: 2025-0025(N)

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Introduction

On June 24, 2025, 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 Royal Canadian Mounted Police (RCMP) non-fatal shooting that occurred that afternoon. The shooting of the affected person (AP) arose in the context of a call for service relating to a possible trouble with person complaint at a residence. This investigation began prior to the establishment of the Police Review Commission on December 1, 2025, and associated changes to the *Police Act*.

ASIRT designated two subject officers and provided them with notice. 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 three civilian witnesses, including:

- The AP;

- Civilian Witness #1 (CW1) – the AP's mother; and

- Civilian Witness #2 (CW2) – the AP's common law spouse.

They also obtained written statements from two paramedics who attended the scene and provided medical aid to the AP.

ASIRT investigators interviewed two police witnesses – witness officer #1 (WO1) and witness officer #2 (WO2) – both of whom were present during the shooting.

As the subjects of a criminal investigation, the subject officers were entitled to rely on their right to silence and not speak to ASIRT. In this case, subject officer #1 (SO1) provided a written statement, while subject officer #2 (SO2) provided a written statement and participated in an interview with ASIRT investigators.

ASIRT investigators also reviewed all available video of the incident, including video footage from five police vehicles (WatchGuard system is equipped with forward-facing and rear-facing cameras). Three of these vehicles arrived after the shooting. Investigators further reviewed video from the body worn cameras (BWC) of SO2 and WO1.

ASIRT investigators also reviewed 911 calls and all relevant RCMP radio transmissions.

ASIRT investigators also oversaw a scene examination conducted by members of the RCMP Forensic Identification Service (FIS) unit.

Circumstances Surrounding the Incident

On June 24, 2025, at approximately 2:30 p.m., police were dispatched to a residence on the Ermineskin Cree Nation following a disconnected 911 call placed by CW1.

Before the call was terminated, the 911 operator heard the caller state, “get out of my room.” This information was broadcast to responding officers, who believed the caller was CW1 based on an earlier interaction that day with the Maskwacis RCMP detachment’s non-emergency line.

During that call, CW1 reported concerns regarding the AP, her son, indicating that he had been yelling, screaming, and may have been engaging in self-harming behaviour. Officers had been dispatched to the location but based on their observations and interaction with the AP at the time, no further action was taken. Dispatch advised responding officers that the AP had a documented history of violence and was bound by a firearms prohibition.

WO1, WO2, and SO1 arrived at the residence at approximately 2:39:10 p.m. in two unmarked police vehicles, parking side by side in the driveway facing the residence. Upon arrival, the AP was already outside the residence. The AP and CW2 were standing on the staircase leading to the front entrance.

As officers parked their vehicles, CW2 entered the residence, while the AP walked toward the arriving officers and positioned himself near the steps leading to the residence. He stood facing the officers with a wide stance and appeared to be holding a long object in each hand.

The AP then began pointing the object in his right hand toward the officers while manipulating the object in his left hand in a manner consistent with either preparing to throw it or strike one object against the other (Figure 1).



Figure 1 - The AP pointed an object in his right hand and wielded a second object in his left hand. Image sourced from: WO1's police vehicle.

As the officers exited their vehicles, they repeatedly directed the AP to "drop it." WO1 positioned himself behind the open driver's door of his vehicle, while WO2 and SO1 respectively took positions near the rear driver's side and passenger side of the second vehicle. Within seconds, WO1 announced that the AP was holding a gun and moved to the rear of his vehicle for cover.

S01 then discharged three rounds from his service pistol at 2:39:29 p.m. Despite continued commands to “drop the gun” and “drop it now,” the AP ran and took cover behind a vehicle parked beside the residence, ahead of the police vehicles. When the AP reappeared, still holding both objects, S01 fired a further volley of approximately six rounds at 2:39:35 p.m. (Figure 2).



Figure 2 - The AP re-emerged from behind a parked vehicle, still holding objects in both hands. Image sourced from: WO1's police vehicle.

WO1 advised dispatch over the police radio that shots had been fired. Officers continued issuing commands for the AP to drop the gun. The AP remained behind the vehicle, intermittently crouching and peering over the trunk toward police. SO1 subsequently fired another volley of five rounds at 2:39:46 p.m.

SO1 then announced that he needed to reload his firearm. Shortly thereafter, SO2 arrived on scene. As WO1 continued shouting commands for the AP to drop the gun, SO1 observed the AP advancing toward the officers and yelled, "he's coming" (Figure 3).



Figure 3 - The AP (identified by red arrow) advanced toward the officers. Image sourced from: SO2's police vehicle.

W01, W02, and S01 retreated to the driver's side of W01's vehicle. The AP then moved to the rear of the police truck and briefly pointed the firearm in the direction of the officers' position before turning away. During this sequence of events, S02 fired approximately seven rounds at the AP at 2:39:53 p.m. (Figure 4).



Figure 4 - W01, W02, and S01 (collectively circled in blue) retreated as the AP (identified by red arrow) advanced. Image sourced from: S02's police vehicle.

The AP then entered the passenger seat of the vehicle previously occupied by W02 and S01 (Figure 5).



Figure 5 - The AP (identified by red arrow) entered the passenger seat of the police vehicle. W01, W02, and S01 are circled in blue. Image sourced from: S02's police vehicle.

S01 repositioned himself to the passenger side of that vehicle. A final volley of approximately 13 to 15 rounds was then discharged by S01 at 2:39:59 p.m. (Figure 6).



Figure 6 – S01 repositioned to the passenger side of his vehicle. The AP (identified by red arrow) is seated on the passenger seat. Image sourced from: S02's police vehicle.

S02 was subsequently observed running from his vehicle, which was parked further down the driveway, toward the other officers, who were directing S01 to seek cover. S01 then retreated behind his vehicle. The officers began directing the AP to get on the ground.

The AP exited or fell out of the vehicle and remained lying down on the ground (Figure 7).



Figure 7 - The AP (identified by red arrow) exited or fell from the vehicle and complied with directions to get on the ground. Image sourced from: S02's police vehicle.

SO1 remarked that the AP had been shot and that he had “a gun down his sleeve.” WO1 requested Emergency Medical Services (EMS) over the police radio. During this time, other occupants of the residence exited and began screaming, crying, and approaching the officers. WO1, WO2, SO1, and SO2 repeatedly directed these individuals to remain back. They eventually complied and returned inside the residence as other officers began arriving on scene.

SO2 directed the AP to show his hands, and the AP complied. SO2 then approached, placed the AP in handcuffs, and began assessing him for injuries. The AP sustained multiple gunshot wounds to the chest and wrist. Officers immediately provided first aid until EMS arrived on scene. The AP was then transported by air ambulance to the University of Alberta Hospital where he underwent surgery.

WO1 recovered what appeared to be a metal pipe from the ground near the AP. A yellow shotgun shell was also observed nearby. WO1 subsequently removed a second cylindrical metal object from the front passenger seat where the AP had been seated, along with two spent projectiles. As he secured the items in his police vehicle, WO1 commented that he was uncertain what the objects were. In response, SO1 stated, “it looked like a gun, did it not?” and WO2 replied, “it was a gun, it’s 100% a gun!”

911 calls

ASIRT investigators reviewed the 911 calls in relation to this incident.

CW1 contacted the Maskwacis RCMP non-emergency dispatch line at 2:35 p.m. requesting immediate police assistance. The dispatcher noted that the background of the call was relatively quiet and heard CW1 tell someone, “Get out of my room.” While the call was being transferred to the emergency line, the caller disconnected. Subsequent attempts by the 911 operator to return the call were answered; however, the individual who answered did not speak and disconnected the call.

At 2:37 p.m., CW1 called 911 and advised that she required assistance at her residence involving her son. She confirmed that she had contacted police earlier that morning, but that he had not been apprehended.

CW1 reported that the AP continued to make suicidal statements and stated, “he has a pipe and a gun, I mean a pipe inside that pipe.” Moments later, she remarked, “they’re outside, thank you,” apparently referring to the arrival of police officers.

CW1 did not, however, disconnect the call. Approximately seven seconds later, a woman, believed to be CW2, could be heard screaming in the background, followed by the sound of gunfire. CW1 then asked, “did they hit him?” Additional gunshots, continued screaming, and CW2 yelling, “there are kids in here,” were subsequently heard. Further screaming and another volley of gunfire followed. A woman, believed to be CW2, was then heard yelling, “stop,” while male voices could be heard directing someone to “get back.”

Over the following several minutes, CW1 was intermittently heard stating, “there was no gun, it wasn’t even a gun” and “I told them he doesn’t have a gun.”

CW2 was also overheard expressing her belief that the AP had died. CW1 later remarked, “this is what he was planning because he came in my room awhile ago and said I want to go be with [his deceased brother] now.”

The call was disconnected at 2:46 p.m.

Scene

WO1 recovered a pipe, a metal tool, and an unfired 20-gauge shotgun cartridge on the passenger side of the police vehicle where the AP was seated (Figure 8).



Figure 8 - The objects in the AP's possession at the time of the shooting.

The pipe was later identified as a cut section of a commercially manufactured shotgun barrel, while the tool appeared to be a steel axle from an unidentified machine.

The items in the AP's possession were determined to constitute an improvised firearm, commonly referred to as a "pipe gun." Firearms analysis confirmed that the device met the definition of a prohibited firearm and was capable of discharging the 20-gauge shotgun cartridge recovered from the passenger side of the police vehicle occupied by the AP.

Affected Person (AP)

ASIRT investigators interviewed the AP.

The AP reported that the incident occurred at the residence of his mother, CW1, on the Ermineskin Cree Nation. Present in the home at the time were members of his immediate family, including his common law spouse, CW2, their four children aged between 12 and 16 years, and CW1.

According to the AP, he was returning outside to continue repairing a motorcycle located at the base of the front entrance stairs when a truck carrying four individuals arrived. He stated that the occupants, who were dressed in plain clothes, immediately pointed firearms in his direction. As he did not initially recognize them as police officers, he took cover behind his vehicle. He alleged that the individuals then began firing at him and that some rounds struck the residence where his family was located. After the gunfire ceased, the AP moved toward the truck and positioned himself behind the open door for cover. He stated that he raised his hands in surrender and was about to tell the individuals to stop shooting when he was struck by two gunshots, one to his arm and another to his hand. He believed that he then fell to the ground.

The AP acknowledged that he was holding a tool during the interaction, which he described as a motorcycle sprocket, a round metal component with teeth similar to the gear mechanism on a bicycle that moves the chain.

The AP stated that he could not think of any reason why police would have been called to the residence that day and could not recall the officers saying anything during the encounter. He denied entering a police vehicle. He also denied possessing a pipe gun and maintained that the sprocket was the only item in his possession at the time of the incident.

The AP stated that his next memory was drifting in and out of consciousness before awakening in an ambulance and later at the hospital. He reported that several of his teeth were missing and assumed that he had sustained a gunshot wound to the mouth. He further reported an injury to his right wrist and stated that he has sensation in only two fingers on his right hand. The AP recalled reviewing his medical records and learning that he had sustained approximately 10 gunshot wounds. He also stated that medical imaging revealed three bullets remained lodged in his body.

Civilian Witnesses

ASIRT investigators interviewed the AP's mother, CW1, and spouse, CW2.

CW1 confirmed that she contacted police on three occasions on the date of the incident. Her first two calls were prompted by concerns that the AP was engaging in self-harming behaviour. She suspected that the AP was using methamphetamine and reported that he had not slept for several days. Police attended the residence in response to those calls but did not apprehend or remove the AP.

CW1 reported that she contacted police again at approximately 2:30 p.m. because the AP appeared restless and anxious. She advised that she had encouraged him to go outside and work on his vehicle and last observed him doing so before hearing gunfire. Looking through her bedroom window, she observed the AP crouching behind his vehicle and holding a wrench. She stated that police were firing at the AP and that rounds were striking the residence. CW1 then moved to the front door, where she observed the AP lying on the ground some distance from the location where she had initially seen him. She did not observe how he moved from one location to the other. She further reported that officers subsequently approached the AP and took him into custody in handcuffs. CW1 maintained that the AP was not in possession of a firearm and had only been holding a silver wrench.

CW2 expressed concerns similar to those raised by CW1 regarding the AP's behaviour in the period leading up to the shooting. She reported that the AP was acting out of character, making comments about wanting to be with his deceased brother and engaging in acts of self-harm. CW2 also confirmed that the AP had not slept for two days. She was aware that CW1 had contacted police prior to their arrival and stated that she immediately recognized the arriving vehicles as police vehicles.

CW2 reported that, upon arriving at the residence, officers exited both vehicles, drew their service firearms, and directed the AP to get on the ground. She recalled hearing an officer ask whether the AP was holding a gun, after which police began firing at him. According to CW2, the AP attempted to take cover near a vehicle parked in front of the residence. She stated that she yelled at the officers to stop shooting because children were inside the home. CW2 advised that she did not believe the AP was holding anything at the time of the shooting other than, possibly, a socket wrench that he had been using before police arrived. She maintained that the AP was not in possession of a firearm.

Witness Officers

ASIRT investigators interviewed two police witnesses who were present at the time of the shooting. Each officer provided accounts that were consistent with the events depicted in the available video footage.

WO1 reported that upon arriving at the residence and exiting his vehicle, he observed the AP holding what appeared to be two metal pipes. He initially drew his conducted energy weapon (CEW); however, when the AP began striking one pipe against the other, WO1, who was familiar with pipe guns, believed he possessed a firearm. Given his proximity to the AP, approximately 10 metres, he holstered his CEW and drew his service pistol out of concern for his safety and the safety of others, fearing grievous bodily harm or death. WO1 then took cover beside his police vehicle and warned the other officers on scene about the presence of a gun. From his position of cover, he heard multiple gunshots but was unable to see the AP or determine who had fired.

WO1 subsequently moved to the rear of his vehicle and observed that the AP had gone around a second covert police vehicle and entered the front passenger seat. WO1 then saw SO1 discharge his service pistol at the AP. He next observed the AP on the ground, at which point SO2 approached and began handcuffing him. WO1 assisted with handcuffing and conducting a search for injuries. During that process, he observed that the AP had sustained two gunshot wounds to the chest and one to the wrist.

WO1 also confirmed that he was wearing a grey RCMP shirt with shoulder patches and an RCMP vest displaying the word "POLICE" on the front at the time of the incident.

WO2 reported that as he arrived at the residence, with SO1 seated in the front passenger seat of his vehicle, he observed a commotion occurring near the front of the residence. An individual was standing at the top of the front staircase, while the AP was positioned at the bottom. After parking, both he and SO1 exited the vehicle and remained on their respective sides with the doors open. WO2 observed the AP holding two objects that he initially believed to be tire irons. He quickly realized they were a pipe gun and loudly alerted the other officers by yelling, "gun." He recalled that WO1 directed the AP to drop the gun. WO2 then observed the AP raise one of the pipes and point its end toward the officers while raising the second pipe above his head. The AP subsequently began walking purposefully toward SO1. At that point, SO1 discharged his firearm.

Due to the position of the vehicle, WO2's view of the AP was obstructed, and he could not see the AP's hands or the pipes when the shots were fired. He then observed the AP enter the front passenger seat of his truck. Because the AP's back was facing him, WO2 could not see what he was doing inside the vehicle. WO2 believed that the AP subsequently exited the truck, at which time SO1 fired additional rounds. Once the shooting had ceased, WO2 moved to the passenger side of the truck, observed the AP lying on the ground and assisted SO2 in handcuffing him.

Subject Officer #1 (SO1)

As is his right, SO1 declined to participate in an interview with ASIRT investigators. He did, however, provide two statutory declarations setting out his recollection of the incident.

In his declarations, SO1 stated that he was one of the officers dispatched in response to concerns raised by CW1 regarding the AP's behaviour. He attended the residence as a passenger in a vehicle driven by WO2, while WO1 arrived at approximately the same time in a separate vehicle. SO1 advised

that he was dressed in plain clothes and was wearing a dark blue police vest bearing the word "POLICE" in white lettering on both the front and back.

Upon arrival, S01 observed the AP standing on the front steps of the residence with another individual. According to S01, the AP looked toward the arriving police vehicles and attempted to descend the stairs, but an adult female pulled him back. The AP then jumped from the steps and displayed what appeared to be a firearm tucked into his shirt. S01 reported that he could see the barrel of the firearm in the AP's right hand and heard another officer shout "gun."

S01 stated that the AP began pointing the barrel of the firearm toward the officers while crouching and repeatedly rising back up, all the while continuing to point the firearm at police. He and other officers repeatedly instructed the AP to drop the gun, but the AP refused to comply. Instead, he moved behind a vehicle while continuing to point the firearm in the officers' direction. S01 indicated that he feared grievous bodily harm or death to himself and the other officers and believed it was necessary to stop the threat posed by the AP. He therefore drew his service pistol and, after clearing a malfunction, fired approximately 14 rounds at the AP. During this exchange, S01 observed the AP repeatedly moving up and down from behind the vehicle as though attempting to reposition himself to obtain a better angle from which to shoot at police.

S01 further stated that he was required to reload his pistol and took cover behind his police vehicle to do so. During that time, the AP emerged from his position of cover and ran toward S01 while still holding the firearm. The AP then abruptly changed direction and ran to S01's nearby police vehicle, entering through the front passenger door. S01 noted that the vehicle was running and that the keys were in the ignition. He also recalled hearing S02, who was positioned behind him, discharge his firearm at the AP.

S01 advised that he then repositioned himself to obtain a clearer view of the AP inside the vehicle. As he did so, the AP turned toward him and pointed the firearm in his direction. S01 fired an additional 14 rounds. The AP then fell from the vehicle, at which point S01 ceased firing. He subsequently approached the AP and began administering first aid. During that interaction, S01 observed that the AP had sustained gunshot wounds to the chest and wrist.

S01 also recalled prior interactions with the AP and advised that, during a previous search of the AP's residence, police had located ammunition and a homemade pipe gun.

Subject Officer #2 (S02)

ASIRT investigators interviewed S02.

S02 reported that he responded to a disturbance call at a residence on the Ermineskin First Nation while dressed in full police uniform. As he approached the residence, he observed a truck, which he believed was operated by either WO1 or WO2, turn into the driveway ahead of him. As he made the same turn into the driveway, he heard S01 broadcast, "gun, gun, gun". S02 stopped his vehicle near the end of the driveway and, as he exited, heard gunshots being fired. He was unable to determine who was discharging the rounds. Fearing grievous bodily harm or death to himself and the other officers present, he immediately drew his service pistol.

S02 observed two police vehicles parked in close proximity to the residence. He noted that S01 was positioned on the far-right passenger side of his vehicle, WO1 was on the far-left side of another vehicle, and WO2 was situated between them. He then observed the AP running toward the officers

and saw SO1 reposition toward the driver's side of his vehicle. The AP subsequently came into SO2's line of sight on the passenger side of SO1's vehicle, where SO1 had previously been standing. SO2 observed that the AP appeared to be holding a firearm, which he described as a metal barrel consistent with a homemade pipe gun. In response, SO2 discharged several rounds from his service pistol at the AP.

According to SO2, the AP then entered SO1's police vehicle. It appeared to him that the AP may have been attempting to take control of the vehicle. He was concerned that the keys, as well as a police firearm, might be inside. SO1 then repositioned to the passenger side of the vehicle. Shortly thereafter, SO2 observed the AP fall from the vehicle. He advanced to the rear of SO1's vehicle and moved in to secure the AP in handcuffs. During that process, he observed that the AP had sustained gunshots to the chest and wrist.

Analysis

ASIRT investigates where serious injury or death is caused by a police officer, in addition to other sensitive investigations of police officers. These are criminal investigations only.

Here, the actions under investigation are the shots fired by the subject officers that resulted in serious injury to the AP.

Section 25 Generally

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 the force used by an officer is intended or is likely to cause death or grievous bodily harm, s. 25(3) applies and 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 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 to which it responds. As noted above, where force is intended or is likely to cause death or grievous bodily harm, s. 25(3) codifies a requirement that 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.

Necessity requires that there are not reasonable alternatives to the use of force that would also accomplish the same goal. These alternatives can include no action at all. 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 as a whole 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

SO1, SO2, WO1 and WO2 were lawfully placed and acting in the execution of their duties while responding to a call for service concerning an unknown disturbance involving the AP. This was the second police response that day prompted by concerns regarding the AP's behaviour and wellbeing. Consistent with their duties to preserve the peace and preserve life, safety, and property, the officers were both authorized and obligated to attend the residence, investigate the circumstances, and, if required, apprehend the AP.

The evidence of both the subject and witness officers corroborate each others' accounts that immediately before the shooting, the AP pointed a firearm in the direction of the officers. Despite repeated police commands to disarm, the AP refused to comply and instead advanced toward the officers while still armed. These accounts are corroborated by the available video evidence.

In contrast, the AP's evidence is not entirely consistent with the video evidence, which diminishes its reliability. His description of events leading up to and during the shooting, including hiding behind his vehicle and subsequently advancing toward the police vehicles, is supported by both the video evidence and the accounts of the involved officers. However, the AP denied possessing a pipe gun and denied entering the police vehicle. These were the two most significant factors informing the officers' perception of an imminent threat of grievous bodily harm or death. The available video evidence directly contradicts these denials.

Both CW1 and CW2 also denied that the AP possessed a firearm. While it is possible that they did not observe the weapon from their position inside the residence, the audio recording of the 911 call placed by CW1 shortly before police arrived captures CW1 stating, "he has a pipe and a gun, I mean a pipe inside that pipe." This statement reflects CW1's real-time observations as the officers arrived and undermines her later assertion that the AP was not armed.

The interaction between the AP and police unfolded rapidly. From the officers' arrival on scene to the conclusion of the shooting, only approximately 56 seconds elapsed. Upon the officers' arrival, the AP immediately displayed aggressive behaviour. His decision to point a firearm at the officers was unprovoked.

The AP's assertion that he did not recognize the individuals as police officers would likely not be accepted by a court, given the reliability concerns associated with his evidence and the objective circumstances. Notably, both WO1 and SO1 were wearing police vests clearly marked "POLICE" on the front and back, and shortly after the arrival of the unmarked vehicles, SO2 arrived in a marked police vehicle.

There can be little doubt that the officers' decision to discharge their firearms was a reasonable response to the threat they faced. A pointed firearm presents an immediate risk to the preservation of life. Once the AP aimed the firearm at the officers, they were required to take action to protect themselves and their colleagues. The law does not require officers to wait until a firearm is discharged before responding. The AP continued to pose a threat even after SO1's initial discharge of his firearm and further escalated the confrontation by advancing toward the officers while armed, despite repeated commands to drop the weapon and after multiple volleys of shots had already been fired.

It was necessary for the officers to fire at the AP when they did. The AP presented a threat that could reasonably be perceived as immediate and capable of causing grievous bodily harm or death. He repeatedly refused directions to disarm and escalated the encounter by advancing toward the officers

while armed. In these circumstances, it was reasonable for the officers to conclude that he had no intention of complying with police commands.

SO1 was in closest proximity to the AP and maintained the clearest and least obstructed view of him for most of the encounter. SO1 estimated that he discharged approximately 28 rounds in two separate volleys during the incident. The video evidence confirms that SO1 fired three short volleys before reloading and then discharged a final, longer volley.

Nothing turns on the discrepancy between SO1's recollection of firing 28 rounds in two volleys and the video evidence showing four distinct volleys. SO1 consistently recalled firing multiple rounds, reloading, and then continuing to fire, which aligns with the objective evidence.

SO2 also discharged several rounds, particularly at a point when SO1 was retreating from the AP, who continued to advance toward his position, and immediately after SO1 announced that he needed to reload. SO2 subsequently moved toward the officers from the end of the driveway while SO1 left his position of cover in an effort to obtain a clearer view of the AP's actions inside the police vehicle. The available video footage does not capture the interior of the vehicle or the AP's movements while inside. At that stage, SO1 was the only officer with a clear line of sight to the AP. His uncontradicted evidence that the AP turned and pointed the firearm toward him would likely be accepted by a court in the absence of evidence to the contrary. SO1's account is further supported by WO2's evidence that the AP's back was facing him, given the relative positions of WO2 and SO1. SO1 then discharged his firearm again and ceased firing once the AP fell from the vehicle. It was both necessary and reasonable for SO1 to continue using force until he perceived that the threat had abated, which occurred when the AP was no longer capable of pointing the firearm.

The AP presented as a lethal threat throughout the encounter. In the circumstances confronting the officers, no other force options were reasonably available. The use of service firearms was therefore proportionate to the threat of grievous bodily harm or death that the AP reasonably appeared to pose to the subject officers and other officers in the immediate vicinity.

One possible interpretation of the AP's conduct is that he was attempting to provoke the police into using deadly force, commonly referred to as suicide by police. Both CW1 and CW2 confirmed that the AP had expressed a desire to be with his deceased brother, had voiced suicidal thoughts, and had engaged in self-harming behaviour.

His immediate decision to point a pipe gun at responding officers could reasonably be viewed as an invitation to a violent confrontation.

After being shot at, he persisted in escalating the encounter by continuing to advance toward the officers while armed. This interpretation is consistent with CW1's post-shooting statement captured during the 911 call that "this is what he was planning," referring to the AP's earlier comments about wanting to join his deceased brother.

The subject officers were required or authorized by law to act that day and acted on reasonable grounds. Their use of force was reasonable, proportionate, and necessary. As a result, the defence provided by s. 25 of the *Criminal Code* is likely to apply to the subject officers.

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

As noted above, this incident involved a reasonable police action.

Based on the evidence, there is no reasonable interpretation other than that the subject officers were acting to defend themselves and their fellow officers when they fired at the AP.

There were no other means available to the subject officers to respond to the threat of grievous bodily harm or death presented by the AP. As such, the defence under s. 34 of the *Criminal Code* is likely to apply to S01 and S02.

Conclusion

The subject officers' use of force was proportionate, necessary, and reasonable. As a result, there are no reasonable grounds to believe that an offence was committed.

Original signed

Matthew Block

Executive Director

August 12, 2026

Date of Release

