

ASIRT DECISION

**IN THE MATTER OF ABUSE OF POWER ALLEGATIONS
AGAINST A TSUUT'INA NATION POLICE SERVICE
OFFICER ON MAY 30-31, 2024**

Executive Director: Matthew Block

File No.: 2025-0038(S)

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Introduction

On August 28, 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 allegations of abuse of power and perjury arising from testimony provided during a criminal trial in May 2024.

The affected person (AP) was the accused in that proceeding. This investigation was initiated prior to the establishment of the Police Review Commission on December 1, 2025, and associated changes to the *Police Act*.

ASIRT designated one subject officer (SO) and provided him 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 the AP. They also obtained a written response to specific questions from civilian witness #1 (CW1), a Crown prosecutor who became involved in the prosecution after the SO testified at trial.

ASIRT investigators also obtained the official court transcripts of the relevant proceedings.

As the subject of a criminal investigation, the SO was entitled to rely on his right to silence and not speak to ASIRT. In this case, the SO exercised that right.

Circumstances Surrounding the Incident

The AP was investigated by the Tsuut'ina Nation Police Service. His trial on serious criminal charges commenced on May 27, 2024. During the proceedings, it emerged that the SO had several undocumented meetings with one of the complainants both prior to and following a video-recorded statement to police. These interactions included taking the complainant for lunch on several occasions and an invitation for the complainant to participate in a community hockey tournament after charges had been laid against the AP.

During cross-examination, the SO was questioned extensively regarding these interactions, as well as the potential use of leading questions and the introduction of certain language during the complainant's interview. The trial was subsequently adjourned. Thereafter, Crown and defence counsel reached a resolution by way of a joint submission, resulting in the AP entering guilty pleas to two charges of lower severity. All remaining charges were withdrawn.

Affected Person (AP)

ASIRT investigators interviewed the AP.

The AP advised that he first encountered the SO at the time of his arrest in October 2021, and that his next interaction with the SO occurred during the trial. He stated that the SO's testimony at trial demonstrated breaches of applicable policies and procedures. In support of this position, the AP cited several examples, including that the SO met with the complainant on four occasions, conducted additional undocumented interviews with the complainant, and engaged in numerous email communications with the complainant's mother. The AP further noted that the SO invited the complainant to participate in a community hockey tournament, which he characterized as an event

intended to promote community engagement.

The AP alleged that the SO demonstrated malicious intent by advising the complainant that he would “put this man in jail for [him],” and by electing not to interview the AP or pursue alternative investigative avenues. However, the AP subsequently acknowledged that, following his arrest, efforts were made to obtain a statement from him, which he declined to provide.

Civilian Witness #1 (CW1)

CW1 declined to provide a formal statement to ASIRT investigators but agreed to respond to certain questions via email. When specifically asked why the more serious charges against the AP were withdrawn, CW1 referred generally to concerns regarding the SO’s conduct and issues related to trial delay. CW1 noted that there were errors on the investigation, which were not criminal in nature. He did not provide further particulars regarding his concerns about the SO’s conduct and indicated that he was not aware of any formal complaint by the Crown’s office concerning the SO’s actions.

Court records

ASIRT investigators obtained the official transcripts of the relevant court proceedings.

The trial commenced on May 27, 2024. During his examination-in-chief regarding the circumstances surrounding his video recorded statement to police, the complainant disclosed previously unknown information concerning earlier, and apparently related, complaints made to police about the AP. Neither Crown counsel nor defence counsel had been aware of these prior complaints. As a result, the proceedings were adjourned to permit further inquiries. The trial resumed on May 28, 2024, with the continuation of the complainant’s examination-in-chief, followed by the commencement of cross-examination by defence counsel.

Cross-examination of the complainant continued May 29, 2024. During his evidence, the complainant disclosed that he had met with the SO on two occasions prior to providing his video-recorded statement and on two occasions thereafter. The complainant maintained that the specifics of any abuse allegations were not discussed during these additional meetings. He also recalled that the SO had taken him for lunch during some of these interactions. Neither Crown counsel nor defence counsel had identified any reference to these meetings in the SO’s notes. Consequently, the trial was adjourned until the following day to permit the SO to attend and provide evidence. It was anticipated that the complainant’s testimony would resume later.

The SO testified on May 30 and May 31, 2024. Crown counsel elected not to conduct an examination-in-chief, and the SO’s evidence consisted solely of cross-examination by defence counsel. During the cross-examination, defence counsel relied in part on notes provided by Crown counsel concerning an off-the-record discussion that had occurred between Crown counsel and the SO on the evening before the SO’s court appearance.

The SO acknowledged that his notes did not document every occasion on which he met with the complainant. He also confirmed that he had taken the complainant for a hamburger on two occasions, although he could not recall any additional lunches. The SO maintained that while not every meeting was recorded in his notes – particularly those intended solely for rapport-building purposes – he documented all meetings during which substantive disclosures relating to the alleged offences were made or investigative steps were undertaken. He stated that this approach was consistent with his usual practice.

Although the SO initially testified that he could not recall meeting with the complainant following the video interview, he corrected his evidence on the second day of testimony. He confirmed that he had invited the complainant to participate in a Tsuut'ina Nation hockey tournament and to play on his team. The SO maintained that the event was a community-based activity and that no discussion concerning the police investigation took place.

The SO was also questioned regarding his use of leading questions and certain language introduced during his interview of the complainant. He explained that his interviewing techniques were intended to foster trust and rapport in light of the sensitive nature of the allegations being investigated.

At the conclusion of the SO's evidence, defence counsel advised that she was contemplating bringing a *Charter* application alleging an abuse of process. Crown counsel also raised concerns regarding trial delay. The proceedings were subsequently adjourned to allow counsel to engage in further discussions and to determine the appropriate next steps.

Analysis

Perjury is established where a person knowingly makes a false statement, under oath or solemn affirmation, with an intent to mislead. The statement must be made before a person legally authorized to receive it, whether by affidavit, solemn declaration, deposition, or oral testimony. Where an allegation of perjury relies primarily on the evidence of a single third-party witness, that evidence must be corroborated in a material respect by independent evidence linking, or tending to link, the individual to an essential element of the offence, namely the falsity of the statement.

In this case, there is no evidence to suggest that the SO made a false statement.

The AP's concerns appear to be directed primarily at the quality of the police investigation and the investigative techniques employed in relation to the charges laid against him. Those matters fall outside ASIRT's mandate.

A review of the court transcripts indicates that the SO was subjected to extensive cross-examination regarding his use of leading questions and the introduction of certain language during his interview of the complainant. Defence counsel also scrutinized his judgment in attending a community hockey event at which he socialized with a witness involved in an ongoing investigation or prosecution, raising concerns about the appropriateness, or at least the appearance of impropriety, associated with that interaction.

The SO provided candid evidence regarding his dealings with the complainant and appropriately relied on his notes to refresh his memory. On the second day of testimony, he advised the court that he had subsequently recalled inviting the complainant to participate in a community hockey event. He acknowledged that this interaction had not been documented in his notes. An imperfect recollection is an inherent aspect of human memory and, absent additional evidence, does not support a reasonable inference that he intended to mislead the court or provide false testimony. This is particularly so where, as here, the SO took proactive steps to correct an earlier omission once the information came to mind.

While police officers maintain contemporaneous notes to assist with the accurate recollection of investigative events, the SO's notes in this instance were incomplete. It is unclear whether he was required to document all interactions with the complainant, including those unrelated to the investigation, such as attendance at a community engagement event. Nevertheless, with the benefit of hindsight, documenting such contact may have assisted in addressing any potential perception of

undue influence.

The practice of maintaining contemporaneous notes reflects the well-recognized limitations of memory, particularly where officers may be required to testify months or years after the events in question. It is reasonable to expect that the SO understood the importance of thorough notetaking as an essential part of the investigative process. At the same time, officers are generally afforded broad discretion in determining what information should be recorded and the level of detail to include. When testifying, however, an officer is expected to provide a clear, accurate, and reliable account of events, often relying upon those notes to refresh their memory.

Police notes serve as a testimonial aid rather than as evidence in and of themselves. Nonetheless, incomplete notes, or an inability to independently recall matters not adequately documented, may affect an officer's credibility or reliability as a witness. Such assessments are necessarily fact-specific and must be determined in light of the particular circumstances of each case.

Crown prosecutors are vested with broad discretion in the conduct of criminal prosecutions, including decisions regarding whether to proceed with charges, resolve matters through plea agreements, and determine the manner in which a prosecution will be advanced. They have an ongoing obligation to assess both the reasonable likelihood of conviction and whether a continued prosecution remains in the public interest.

In this case, CW1 cited investigative deficiencies, concerns regarding the SO's conduct, and issues relating to trial delay as factors supporting the resolution of the matter by way of guilty pleas to lesser offences. The court transcripts clearly demonstrate that concerns were raised regarding the completeness and reliability of the SO's notes, as well as the manner in which evidence was elicited from the complainant during the investigative interview. However, it is also significant that the complainant did not complete his testimony. Further, any *Charter* application advanced by the defence, regardless of its ultimate merits, would have resulted in additional delay to the proceedings.

The decision to accept guilty pleas to lesser offences was ultimately a matter of prosecutorial discretion. It reflected Crown counsel's assessment of the nature and strength of the evidence presented at trial, the anticipated delay associated with both the continuation of the trial and the proposed *Charter* application, and the Crown's evaluation of the likelihood of success of that application. Viewed in its proper context, the resolution appears to have been the product of a considered prosecutorial judgment rather than the evidence of wrongdoing on the part of the SO.

Conclusion

When considering the totality of the circumstances, there are no reasonable grounds to believe that an offence has been committed by the SO.

Original Signed

Matthew Block

Executive Director

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