

ASIRT DECISION

**IN THE MATTER OF AN RCMP SHOOTING IN COLD
LAKE ON DECEMBER 14, 2024**

Acting Executive Director: Matthew Block

File No.: 2024-0065(N)

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Introduction

On December 14, 2024, 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) fatal shooting that occurred that evening in Cold Lake. The shooting of the affected person (AP) arose in the context of a call for service involving an altercation between two males at a bus stop, one of whom was reportedly armed with a knife. ASIRT designated one subject officer 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 four civilian witnesses. They also reviewed an interview conducted by RCMP officers of a fifth civilian witness.

ASIRT investigators interviewed four police officers, including the subject officer (SO). They also reviewed the written report and notes of three additional officers.

ASIRT investigators reviewed all available video of the incident, including videos from three police vehicles (WatchGuard system is equipped with forward-facing and rear-facing cameras), video obtained from a restaurant nearby, and a brief cellphone video clip taken by an unidentified person that had been shared with a news outlet.

ASIRT investigators reviewed the originating 911 call and all relevant RCMP radio transmissions from the incident.

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

Circumstances Surrounding the Incident

On December 14, 2024, at approximately 8:10 p.m., RCMP officers were dispatched following a 911 call reporting that two males were fighting inside a bus shelter and that one of them was armed with a knife. A description of the AP, identified as the individual with the knife, was provided to responding officers.

Witness Officer #1 (WO1) and Witness Officer #2 (WO2) arrived separately at approximately 8:19 p.m. Upon arrival, they observed the AP—who matched the provided description—standing near the bus stop. The officers stopped to speak with him, and WO1 informed the AP that he was being detained in relation to the reported knife incident. The AP became verbally aggressive and began to walk away.

By this time, the SO had arrived and approached on foot. The AP pulled a knife from his waistband, prompting all three officers to draw their firearms. The SO advised the AP that he was under arrest for assault and the officers directed him to "drop the knife." The AP then focused his attention on the SO and advanced toward him quickly while still holding the knife. The SO retreated; however, the AP closed the distance to approximately six to ten feet. The SO discharged his firearm three times.

Following the shots, the AP walked away from the officers toward the SO's police vehicle, continuing to ignore commands to "drop the knife" and "get on the ground." WO1 deployed his conducted energy weapon (CEW), causing the AP to fall to the ground.

WO1 and WO2 then moved in, gaining control of the AP and placing him in handcuffs. The SO used his foot to move the knife away from the AP for officer safety.

Emergency Medical Services arrived shortly thereafter and transported the AP to hospital. The AP had sustained three gunshot wounds and was pronounced deceased approximately 20 minutes after arriving at the hospital.

Autopsy

An Office of the Chief Medical Examiner (OCME) pathologist performed an autopsy on the AP. The medical examiner opined that the immediate cause of death was a gunshot wound of the chest.

The pathologist found that the AP sustained three gunshot wounds. One wound entered and passed through the front right side of the abdomen. A second gunshot wound entered the back of the left shoulder and travelled through the armpit into the upper left chest, causing damage to the left lung, before passing through the ribcage and exiting the right side of the body. A third gunshot wound entered the back of the right shoulder and exited through the front right chest, resulting in a collapsed right lung. The gunshot wound involving the left chest was determined to be fatal. The pathologist found that there was no evidence indicating that a CEW had contacted or had any physiological effect on the AP.

Toxicology results revealed the presence of ethanol and methamphetamine in the AP's blood, indicating that he ingested those substances some time before death. The pathologist advised that these substances did not cause or contribute to the AP's death.

Scene

ASIRT investigators oversaw a scene examination conducted by members of the RCMP FIS. The scene was located on a service road in front of a restaurant, near a bus shelter.

A knife was located under the rear driver's side bumper of the SO's police vehicle. The knife had an approximate five-inch fixed steel blade, which was heavily serrated along one edge. The handle was open in the middle with black electrical tape encasing the entire handle (Figure 1).



Figure 1 - The AP's knife

Civilian Witnesses

ASIRT investigators reviewed an interview conducted by RCMP officers of civilian witness #1 (CW1). They also interviewed an additional four civilian witnesses.

CW1 reported that he was seated inside a bus shelter and speaking on his cellphone with his mother when the AP approached him. CW1 stated that the AP initially displayed a knife in his hand without making any verbal threats. Without warning or provocation, the AP then attacked CW1, attempting to stab him in the ribs and neck. CW1 reported that he pushed and punched the AP in self-defence and was able to avoid injury. He then fled the area and boarded another bus, where other passengers contacted the police.

Civilian Witness #2 (CW2) stated that he was standing outside the bus shelter with Civilian Witness #3 (CW3). He observed a male, believed to be CW1, seated inside the shelter speaking on the phone with his mother. Another male, believed to be the AP, was standing near the corner of the shelter's entrance. CW2 reported that, without warning, the AP suddenly jumped on CW1 and attempted to steal his phone. When the AP was unable to take the phone, he produced a knife and continued to assault CW1. CW2 believed that CW1's layered clothing may have prevented him from being stabbed. Upon seeing the knife, CW2 and CW3 ran across the street and boarded a different bus. CW1 later crossed the street and boarded the same bus; he appeared visibly upset and was crying.

CW3 provided an account that was largely consistent with CW2's observations. CW3 reported seeing CW1 seated inside the bus shelter using his phone. He described the AP as behaving unusually, appearing "off" and "high," and acting aggressively. While speaking with CW2, CW3 heard a commotion and turned to observe the AP pointing a knife at CW1. He described the weapon as a short silver hunting knife with a black handle. CW3 stated that he observed CW1 block the knife with his arm. CW2 and CW3 then ran across the street and boarded another bus. CW1 subsequently boarded the same bus and appeared frightened and traumatized.

The remaining two witnesses were paramedics who responded to the scene following the shooting. They reported that the AP was unresponsive upon their arrival but still had a faint pulse. The AP was wearing multiple layers of clothing, which the paramedics cut away in order to provide medical care. During this process, they located a taser probe attached to a wire within the clothing. The paramedics observed three gunshot entry wounds on the right side of the AP's body and transported him to the hospital. Upon arrival at the hospital, an additional taser probe fell from the AP's hoodie, believed to have been embedded in one of the outer layers of his clothing. Approximately 20 minutes after arriving at the hospital, the AP was pronounced deceased.

Subject Officer

The SO provided a written statement and submitted to an interview with ASIRT notwithstanding his right to silence. He provided a full account of the incident, with the below areas being particularly relevant to ASIRT's investigation.

The SO reported that on December 14, 2024, Bonnyville RCMP officers were covering calls in the Cold Lake area. At approximately 8 p.m., officers were dispatched to a high-priority call involving a reported stabbing near a bus stop. While en route, the SO was advised by WO1 and WO2 that they had located the suspect. The SO proceeded to their location, where WO1 and WO2 were already outside their marked police vehicles speaking with the AP.

Upon exiting his marked police vehicle, the SO drew his service pistol. He stated that he did so because he believed the AP remained in possession of a knife and had already demonstrated a willingness to use it. The SO further noted that the AP was wearing a backpack and a large winter jacket, and he believed that a CEW would likely be ineffective given the AP's attire.

As the SO approached, WO1 advised the AP that he was being detained. The AP responded by waving his hands, telling officers to "fuck off," and refusing to comply with directions. The SO then advised the AP that he was under arrest for assault with a weapon and directed him to get on the ground. The AP immediately focused on the SO and responded with words to the effect of, "is that right?" while reaching into his waistband. The AP then produced a knife with his right hand, prompting the officers to shout, "knife!" The SO described the knife as having a large, fixed silver blade. At that point, the SO feared for his own safety, the safety of WO1 and WO2, and that of the public in the area.

The AP began walking toward the SO and adopted a bladed stance, focusing exclusively on him. Based on their respective positions, the SO did not believe that WO1 and WO2 were well-positioned to immediately assist him, if needed. The AP then advanced toward the SO at a rapid pace while holding the knife in a stabbing motion. Believing that the AP was about to stab him, the SO discharged his service pistol three times.

After the shots were fired, the AP turned away and walked towards the SO's police vehicle, still holding the knife and continuing to ignore commands to "drop the knife." The SO followed while continuing to point his service pistol at him. WO1 indicated an intention to deploy his CEW; however, the SO advised against it, noting that the AP's back was turned and that the backpack he was wearing would likely impede its effectiveness. The AP eventually reached the rear passenger side of the police vehicle. WO1 re-positioned himself and successfully deployed his CEW, causing the AP to fall to the ground. WO1 and WO2 moved in and gained control of the AP. The SO approached and kicked the knife, which was on the ground and within the AP's reach, away for safety. The AP was subsequently handcuffed by WO1 and WO2.

While awaiting EMS, the AP was observed to be moving and making groaning noises; however, he ceased these movements upon the arrival of EMS.

At the conclusion of the interview, the SO was provided an opportunity to review video footage from his police vehicle and offer any additional observations. After viewing the footage, the SO noted that the AP appeared to turn quickly at the time the third shot was fired. The SO maintained that he believed he had ceased firing once he observed the AP turning away, and that at the time the third shot was discharged, he believed the AP was still facing him and that it would have struck the AP in the chest rather than the back.

Witness Officers

ASIRT investigators interviewed three witness police officers. Only two of these officers were on scene at the time of the shooting.

WO1 reported that he was dispatched to a call involving a fight between two males at a bus stop, where one of the males was reported to be armed with a knife. WO1 and WO2 arrived separately at the location. Upon arrival, WO1 observed the AP, who was the only individual present near the bus stop and who matched the suspect description provided.

WO1 and WO2 exited their marked police vehicles and maintained distance from the AP due to the reported presence of a knife. From approximately 10 – 15 feet away, WO1 called out to the AP and advised him that he was being detained. The AP continued walking away from the officers and verbally argued with them. WO1 directed the AP to stop and reiterated that he was being detained. The AP then stopped and turned to face the officers.

WO1 observed that the AP repeatedly placed his right hand behind his right thigh, appearing to conceal an object. WO1 could see that the object was shiny but could not identify it. The AP was directed several times to show his hands, but he refused to comply.

The AP then began walking back towards the bus stop area, where the SO had just arrived and was parking his marked police vehicle. At that point, the AP began yelling at the officers in an aggressive and threatening manner, stating at one point that he was “going to fuck [us] up.” In response, all three officers drew their service pistols. The SO advised the AP that he was under arrest, which caused the AP to direct his attention toward him. WO1 heard an officer yell, “drop the knife!”

Upon observing that all officers had their service pistols drawn, WO1 decided to transition to his CEW. He noted that the CEW cartridges he had loaded were better suited for longer distances and began switching to cartridges more appropriate for close-quarter deployment. While WO1 was in the process of changing the cartridges, the AP began advancing toward the SO. The AP then ran toward the SO, closing the distance to approximately five feet, at which point the SO discharged his service pistol three times.

Following the gunfire, the AP hunched over and walked away towards the SO’s police vehicle, continuing to ignore commands to “drop the knife.” WO1 announced his intention to deploy the CEW; however, the SO advised against it, indicating that the AP had turned away from the officers and was wearing a backpack, which would likely render the CEW ineffective.

The AP walked to the rear of the SO’s police vehicle and stopped but continued to refuse commands to drop the knife. WO1 repositioned himself to the left of the AP and announced that he was ready to deploy his CEW. The SO told him to do so, and he deployed his CEW. The deployment was effective, causing the AP to fall to the ground and drop the knife beside him. WO1 and WO2 immediately moved in and placed the AP in handcuffs. The SO then kicked the knife away from the AP to ensure officer safety. WO1 observed that the AP was breathing and groaning in pain but was unresponsive to questions.

WO2 provided a substantially similar account to that of WO1 and offered additional observations.

WO2 noted that when the AP began advancing toward the SO, WO1 and the SO were positioned approximately 20 – 25 feet apart. WO2 estimated that the AP closed to within six to 10 feet of the SO when the SO discharged his firearm. WO2 further noted that the SO had limited options for cover or concealment, as WO2's police vehicle was the closest available, located approximately 10 – 15 feet away from the SO.

Video Evidence

ASIRT investigators reviewed all available video of the incident, including video from three police vehicles, video obtained from a restaurant nearby, and a cellphone video recorded by an unidentified person that was shared with a news outlet. The cellphone video was very brief and appeared to have been recorded from the parking lot of the same restaurant where video was already obtained.

WatchGuard Videos

ASIRT investigators reviewed the WatchGuard videos from the police vehicles being operated by the SO, WO1, and WO2. WO1's police vehicle, which was parked directly in front of WO2's police vehicle, largely obstructs the view from WO2's in-car camera. The following is an amalgamated summary of the relevant portions of the video recordings from WO1's and the SO's police vehicles. At various points during the interaction, one vehicle's camera provided clearer visual coverage, while the other captured superior audio of the same events.

WO1 was observed pulling up to the dispatch location and could be heard calling out, "hey" to the AP, who was walking away from the bus shelter towards the adjacent highway, and advising him to "show his hands." As the SO pulled up and exited his police vehicle, WO1 could be heard explaining to the AP that he was being detained and being told to "drop whatever is in your hand."

The SO was observed pulling up to the dispatch location at 8:19:35 p.m. WO1 and WO2 were observed standing in the snow beside the service road interacting with the AP who was standing several feet away (Figure 2).



Figure 2 – As the SO arrived, WO1 and WO2 were observed speaking to the AP (circled in green) on the snow-covered greenspace beside the service road. Source: WatchGuard video from the SO's police vehicle.

The SO exited his police vehicle and began approaching W01, W02, and the AP on foot (Figure 3).



Figure 3 - The SO exited his police vehicle and approached on foot. The AP (circled in green) continued to speak with W01 and W02. Source: WatchGuard video from the SO's police vehicle.

As the SO crossed onto the snow-covered greenspace beside the service road and began heading towards the AP, so too did W01 and W02; thereby, triangulating on the AP (Figure 4).



Figure 4 - Officers triangulated on the AP (circled in green). Source: WatchGuard video from the SO's police vehicle.

The AP began retreating toward the highway that runs parallel to the service road on the opposite side of the greenspace, while concurrently moving in the SO's direction, eventually stepping just outside camera's field of view. A muffled exchange could be heard as officers repeatedly yelled commands to "get on the ground."

The SO's stance suggests that he had drawn his service pistol. W01 and W02 also drew their weapons, and W01 subsequently appeared to begin transitioning to a different weapon.

The SO then began backing up with his service pistol pointed at the AP, while still giving indiscernible directions (Figure 5).

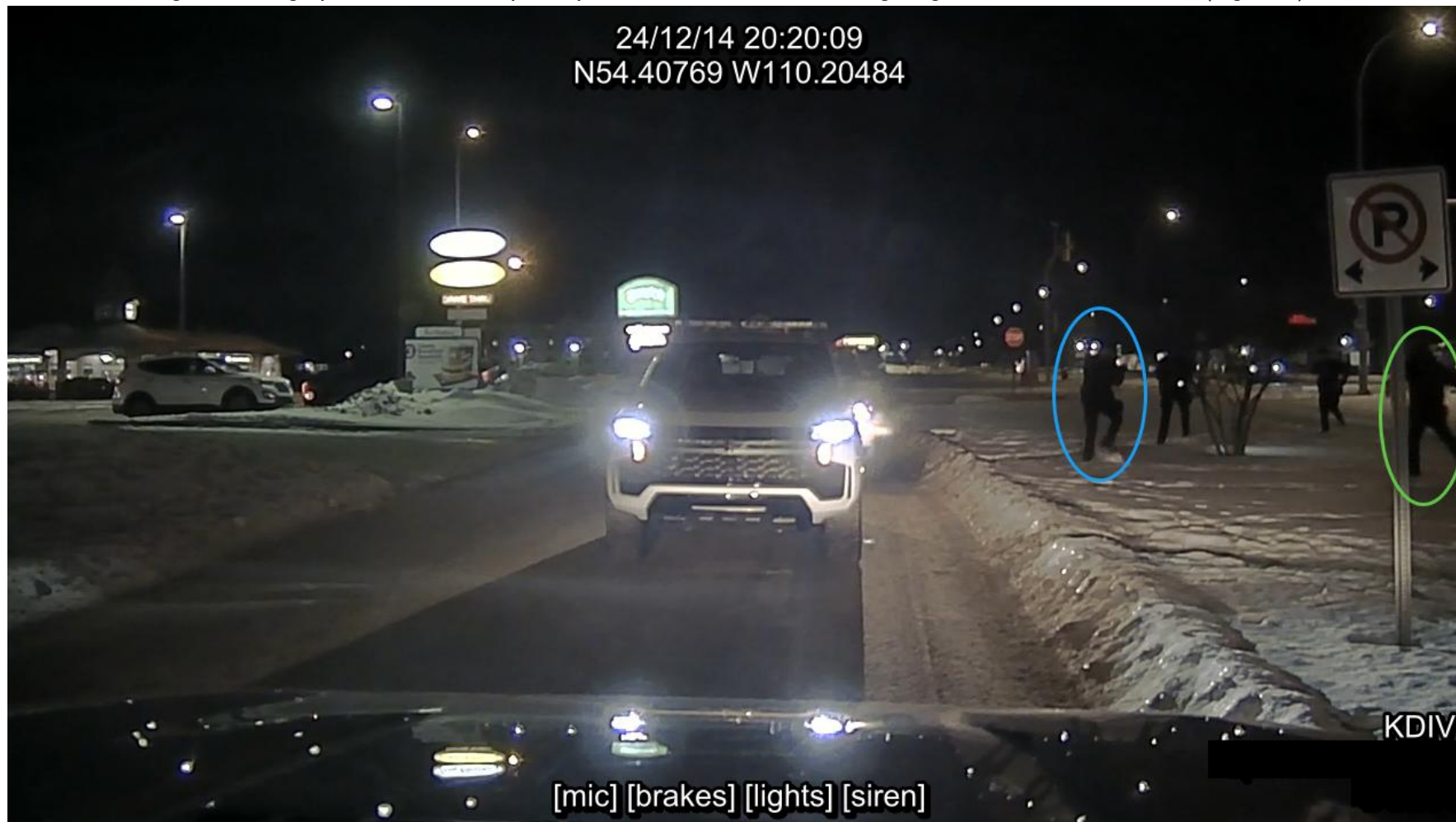


Figure 5 - Officers backed away from the AP (circled in green) as he began walking towards the SO (circled in blue). The SO had his service pistol pointed. W01 was standing next to the SO and the light on his CEW had just illuminated. Source: WatchGuard video from the SO's police vehicle.

The AP suddenly ran towards the SO prompting the SO to discharge his firearm three times. The following images were taken at the time of each gunshot being fired (Figures 6, 7, and 8).



Figure 6 - The SO (circled in blue) discharged his service pistol at the AP (circled in green) for the first time. Source: WatchGuard video from the SO's police vehicle.



Figure 7 - The SO (circled in blue) discharged his service pistol at the AP (circled in green) for the second time. Source: WatchGuard video from the SO's police vehicle.



Figure 8 - The SO (circled in blue) discharged his service pistol at the AP (circled in green) for the third time. Source: WatchGuard video from the SO's police vehicle.

After being shot, the AP ran from the officers toward the SO's police vehicle (Figures 9 and 10).



Figure 9 - The AP ran from officers after being shot. Source: WatchGuard video from the SO's police vehicle.



Figure 10 - The AP continued running from officers toward the SO's police vehicle. The SO is circled in blue and WO1 can be observed still holding the illuminated CEW. Source: WatchGuard video from the SO's police vehicle.

The AP could be heard yelling in apparent pain as he ran away from officers. He subsequently stopped at the front of the SO's police vehicle, bent forward several times, and continued to disregard repeated commands to "get on the ground" and "drop the weapon" (Figure 11).



Figure 11 - The AP stood at the front of the SO's police vehicle and continued to refuse to put the knife down. The SO (circled in blue) still had his service pistol pointed at the AP. Source: WatchGuard video from SO's police vehicle.

The AP was heard repeatedly stating, “no” in response to police directives and making other indiscernible comments while continuing to walk away from officers along the passenger side of the SO’s police vehicle (Figure 12).

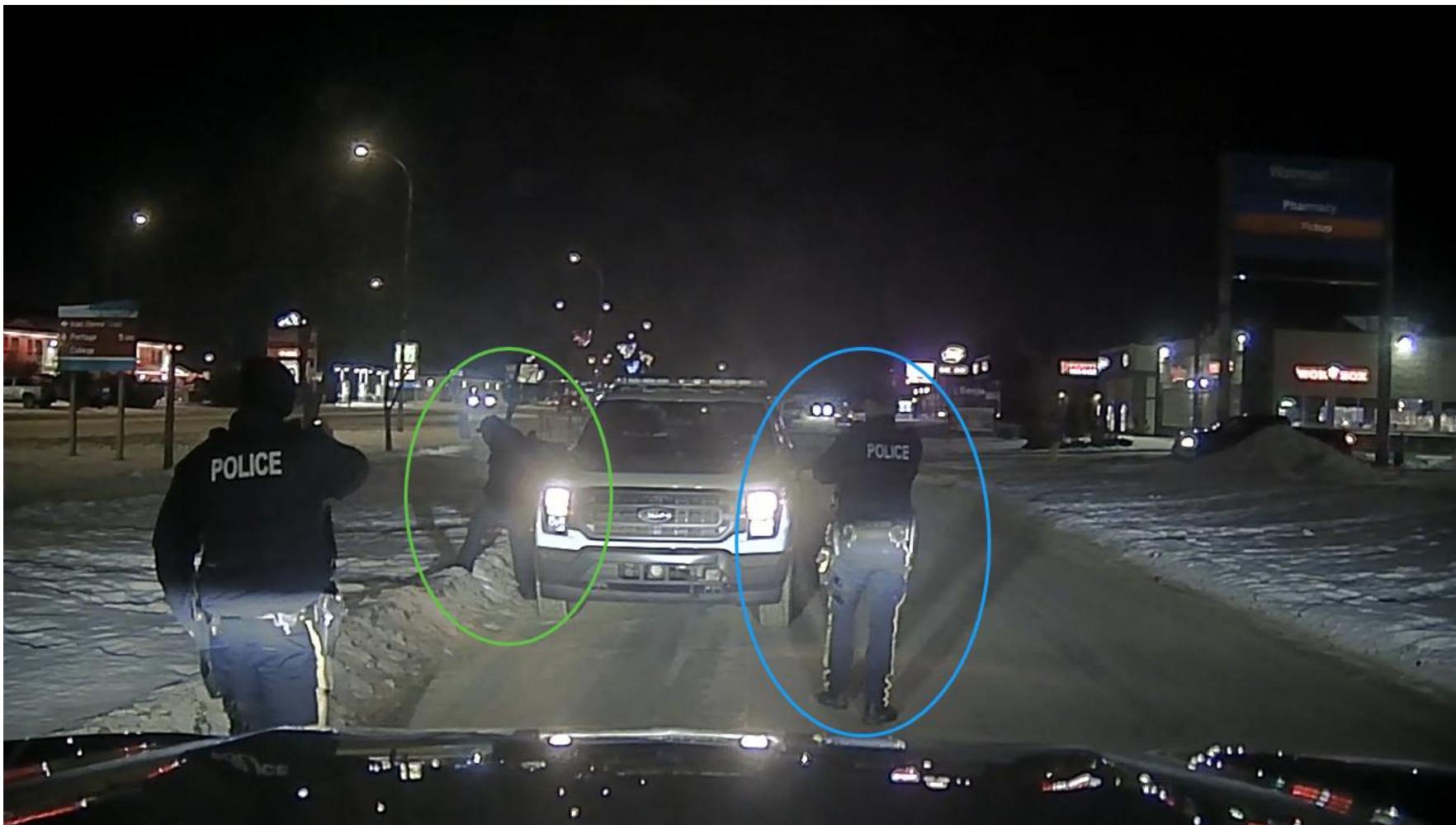


Figure 12 - The AP (circled in green) continued to walk away from officers along the side of the SO's vehicle. The SO is circled in blue. WO1 can also be seen pointing his CEW. Source: WatchGuard video from WO1's police vehicle.

As the AP continued walking alongside the SO's vehicle, WO1 was heard yelling, "taser, taser, taser" followed by, "I can't tase." Another officer, believed to be the SO, was also heard stating, "don't go." Officers continued issuing commands for the AP to, "stop where you are!," "drop the knife," and "get on the ground." As the AP reached the rear of the police vehicle, WO1 repositioned onto the adjacent greenspace and advised the other officers, "I can take him right now". Another officer, believed to be the SO, was heard responding "take him," and "yep, yep." WO1 then successfully deployed his CEW at the AP (Figure 13).



Figure 13 - WO1 (denoted by yellow arrow) successfully deployed his CEW at the AP, who is standing behind and therefore obscured by the SO's police vehicle. The rear-facing camera in the SO's vehicle captured the shadow of the AP through the rear window falling to the ground at 8:20:53 p.m. Source: WatchGuard video from WO1's police vehicle.

WO1 and WO2 moved in and handcuffed the AP. The SO approached the back of the police vehicle after one of the officers commented about the location of the knife. An officer could be heard arresting the AP. The AP could intermittently be heard groaning and officers could be heard repeatedly telling him to, "stop moving around" and telling him that EMS was on the way. EMS arrived at 8:24 p.m.

CCTV from the restaurant

ASIRT investigators reviewed CCTV from the exterior of a nearby restaurant. The camera is positioned above the front doors of the restaurant and faces the direction of the bus stop shelter. There is no audio on the videos.

The first video began at 7:10 p.m. At 7:27 p.m., a person believed to be CW1 can be seen walking to the bus shelter and sitting down inside. 21 minutes later, the AP exited the restaurant and stood on the sidewalk outside (Figure 14).



Figure 14 - The AP (circled in green) can be seen standing outside the restaurant. The AP can be seen sitting inside the bus shelter (denoted by the yellow arrow).

After a few minutes, the AP walked towards the bus shelter. At 8:01 p.m., the AP began standing beside the bus shelter. A minute later, the AP entered the bus shelter where CW1 was still seated. Two other people, believed to be CW2 and CW3, arrived four minutes later (Figure 15).



Figure 15 - CW1 (denoted by yellow arrow) was seated inside the bus shelter. The AP (denoted by green arrow) can be seen standing inside the bus shelter. CW2 and CW3 (denoted by the red arrow) are shown arriving at the bus shelter.

At 8:06 p.m., CW1 stood up and movement consistent with a struggle between CW1 and the AP inside the bus shelter could be observed. CW2 and CW3 were seen running away. The AP and CW1 exited the bus shelter, and each remained near it, but on opposite sides, over the next several minutes. At 8:12 p.m., CW1 crossed the main highway and ran in the same direction as CW2 and CW3. The AP followed behind and then returned towards the bus shelter two minutes later.

WO1 and WO2 arrived at 8:19 p.m. As they exited their respective police vehicles, the AP was seen trying to walk away before stopping and walking back towards the officers. The SO arrived less than a minute later. The AP could be seen gesturing with his hands and walking away from WO1 and WO2 as the SO ran toward them. Much of the remainder of the police interaction was obstructed by WO1's police vehicle.

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 SO that caused the AP's death.

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 officer therefore must have believed on reasonable grounds that the force he used was necessary for his self-preservation or the preservation of another person under his 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

The SO was lawfully placed and acting in the execution of his duties in responding to a call for service relating to the AP. The initial information provided was that the AP was in possession of a knife, which he had used in some kind of altercation with another male. Under their core duty to investigate offences the officers were required or authorized by law to apprehend the AP. They were acting on this duty throughout the incident.

The entirety of the event unfolded relatively quickly and was captured in its entirety on the WatchGuard video footage from the SO's and WO1's police vehicles and the restaurant nearby. Due to the distance of the camera vantage points, poor lighting conditions, and the individuals' dark clothing, the cameras were unable to clearly capture the weapons being held or specific movements, including precisely how the AP was holding the knife while advancing toward the SO. Notwithstanding these limitations, the evidence of the SO, WO1, and WO2 corroborates that, at the time of the shooting, the AP was focused on and quickly advancing towards the SO while armed with a knife. The SO's uncontradicted evidence that the AP was holding the knife in a stabbing motion while rapidly closing the distance between them is likely to be accepted by a Court.

From the outset, the AP was immediately uncooperative with police, and his behaviour escalated significantly upon the arrival of the SO. He was initially belligerent and argumentative with WO1 and WO2 and refused to show his hands or reveal the object he was concealing. When advised by the SO that he was under arrest, the AP challenged that authority by stating "is that right?" and refused repeated directions to get on the ground. The AP then brandished the knife that he had been concealing and threatened to "fuck [them] up." Despite repeated police commands to "get on the ground," the AP began walking toward, and then rapidly advancing on, the SO. At no point did the AP demonstrate any intention to comply or surrender, and he continued to close the distance between himself and the SO, while armed and disregarding all police directions.

There is no doubt that the SO responded reasonably by firing at the AP. The SO was confronted with an individual who had threatened police, was believed to have previously assaulted a civilian with a knife – prompting the 911 call – and was rapidly advancing towards him while armed and non-compliant. The AP persisted in his approach despite being outnumbered by police officers, all of whom had their weapons drawn.

The fact that the two shots entered through the AP's back cannot be ignored. Their placement suggests that, at the moment those shots were fired, the AP was turning away from the SO, such that the imminent threat he posed was abating. The video evidence confirms that the SO discharged three shots within approximately three seconds. The first shot was fired at 8:20:10 p.m., while the remaining two shots were fired at 8:20:12 p.m. The first discharge occurred while the AP was advancing toward the SO. The second shot was fired as the AP began turning to his right, away from the SO, with his left shoulder rotating forward and his body following.

The third shot was fired as the AP completed the turn and took several steps away, at which point his back was fully oriented toward the SO.

The SO was unequivocal in his evidence that he believed that he had discharged his service pistol only while the AP was facing him. He indicated that he ceased firing once he clearly observed that the AP's

back was turned towards him. Consistent with this belief, the SO did not continue firing as the AP fled towards the SO's police vehicle. Upon reviewing the video footage, the SO acknowledged that he had not appreciated, in real time, that the AP had turned as he fired the third shot. Notably, even after reviewing the footage multiple times, the SO did not recognize that the AP had begun turning at the time the second shot was fired.

Police actions are not to be judged against a standard of perfection. Officers are frequently required to make split-second decisions in circumstances that are volatile and dangerous; therefore, a contextual analysis of the situation must be undertaken. The Courts have been clear that this analysis does not include a step-by-step hindsight analysis, or in this case a frame-by-frame dissection of the video footage of the shooting, from the comfort of one's computer. The objective reasonableness of the SO's grounds must be assessed from the standpoint of the reasonable person standing in the shoes of that officer at the relevant time.

In this case, the two final shots were fired within the same second, during which the AP was able to turn and begin moving away from the SO. Even with repeated frame-by-frame review of the video footage, the precise moment-to-moment changes in the AP's body positioning were difficult to discern. It follows that it would be unrealistic to expect the SO to have detected and processed those subtle changes in real time, with sufficient precision to cease firing after the first shot. This also provides context for why the SO still did not recognize, even upon subsequent review of the footage, that the AP had begun turning at the time the second shot was fired. In these circumstances, it would be unreasonable to conclude that the SO should have perceived and reacted to the AP's change in orientation quickly enough to stop firing sooner.

It was necessary for the SO to fire at the AP when he did. The AP presented the SO with what he reasonably believed to be an imminent threat of grievous bodily harm. He had ignored repeated commands to "get on the ground" and "drop the knife," and had issued threats towards officers. WO2 estimated that WO1 was approximately 20 – 25 feet from the SO at the time the AP advanced; however, the video evidence suggests that this distance more likely separated WO2 and the SO, with WO1 positioned between them. Regardless of exact positioning, WO1 confirmed that he was in the process of changing the cartridge on his CEW when the AP advanced. These circumstances are consistent with the SO's belief that neither WO1 nor WO2 was well-positioned to provide immediate assistance.

A lesser use of force was not available given the speed with which the AP was advancing and the fact that WO1 had not yet completed readying his CEW. The officers were in an open environment offering minimal opportunities for cover or retreat. WO2 noted that the only potential cover available to the SO was WO2's police vehicle, located approximately 10 – 15 feet away, which would have required the SO to traverse uneven, slippery snow-covered terrain, posing a significant risk. Retreating would also have left WO1 and WO2 vulnerable should the AP redirect his attack toward them. Under the circumstances as then faced by the SO, no other use of force options were reasonably available.

The SO's use of his firearm to shoot the AP was also proportionate to the threat of grievous bodily harm that he reasonably appeared to pose to the SO.

The SO was required or authorized by law to act that day and acted on reasonable grounds. It was reasonable, necessary, and proportionate for the SO to use his firearm to shoot the AP to neutralize the threat of grievous bodily harm that he presented. As a result, the defence provided by s. 25 of the *Criminal Code* is likely to apply to the SO.

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 SO was acting to defend himself when he fired at the AP.

There were no other means available to the SO to respond to the threat of grievous bodily harm presented by the AP. As such, the defence under s. 34 of the *Criminal Code* is likely to apply to the SO.

Conclusion

The SO's 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

Acting Executive Director

June 24, 2026

Date of Release