

ASIRT DECISION

**IN THE MATTER OF AN INJURY DURING ARREST BY
EDMONTON POLICE SERVICE ON OCTOBER 10, 2024**

Acting Executive Director: Matthew Block

File No.: 2024-0054(N)

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Introduction

On October 11, 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 an incident in which the affected person's (AP's) arm was broken during an arrest by Edmonton Police Service (EPS) officers on October 10, 2024. Two officers were designated as 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:

AP;

Civilian witness #1 (CW1) – a bank employee who observed the AP and an acquaintance causing problems and called police;

Civilian witness #2 (CW2) – another bank employee who observed the actions of the AP and her acquaintance;

Civilian witness #3 (CW3) – an emergency medical services (EMS) member;

Civilian witness #4 (CW4) – an EMS member partnered with CW3 who also observed AP's demeanor and injury and sedated AP; and

Civilian witness #5 (CW5) – observed a suspicious person with alcohol outside the Canadian Brewhouse and, when police arrived, went inside and did not see anything after that.

ASIRT investigators unsuccessfully attempted to locate civilian witness #6 (CW6), the male that had been with the AP and had been arrested without incident.

ASIRT investigators interviewed witness officer #1 (WO1), a patrol officer who attended the scene after the use of force.

ASIRT investigators reviewed reports and notes from the following police officers:

Witness officer #2 (WO2) – patrol officer who attended the scene after the use of force;

Witness officer #3 (WO3) – patrol officer who attended the scene, escorted CW6 to a police vehicle and subsequently lodged him in cells; and

Witness officer #4 (WO4) – patrol officer who attended the hospital where the AP was taken and maintained custody over her.

ASIRT investigators obtained notes and reports from subject officer #1 (SO1) and obtained notes from subject officer #2 (SO2).

ASIRT investigators obtained the external security video from the bank.

Circumstances Surrounding the Incident

On October 10, 2024, EPS were called to a bank on 127 Avenue and 97 Street, where it was reported that two adults were intoxicated and causing a disturbance in the parking lot. The two persons in question, the AP and a male acquaintance, were scaring employees as they arrived at the bank, they

were throwing rocks at vehicles and the male was trying door handles on vehicles in the parking lot.

Upon arrival, the first two EPS officers arrested the acquaintance for public intoxication without incident, and he was placed in their police car. The AP was in the vicinity and pointed out by the bank employees. When the officers attempted to engage the AP for committing mischief to vehicles and being intoxicated in a public place, she was uncooperative and combative. The AP stomped on SO1's foot, causing a minor injury. Thereafter, SO1 delivered a palm strike to AP's head, and the two subject officers took her down to the ground to control her. On the way down, officers heard a dull snap, and the AP advised her arm was broken. The officers provided first aid until EMS arrival, and she was then transported to hospital with a confirmed broken upper right arm, which required surgery to repair.

Affected Person (AP)

The AP was interviewed and provided the following information to investigators.

She had been drinking that day and recalls it was about 10 a.m. She had just finished talking with a lady when she was approached by police who were saying something to her which she didn't understand due to a pre-existing hearing impairment.

A large officer "attacked" her, telling her she was under arrest, and he grabbed her right arm and threw her to the ground. She heard a tear in her shoulder, and she realized her right arm was broken above the elbow and had popped out of the shoulder socket. After her arm was broken, the officer still applied force to her arm by pulling on it. The officers did not end up handcuffing her as her arm was too injured.

She did not remember being transported to the hospital by EMS but believes that is how she got there.

AP's Medical Records

The AP consented to release of her medical records for this incident to ASIRT. Those records showed that the AP suffered a comminuted and displaced fracture of the mid/distal humerus, which was repaired through surgery. The records also noted that the AP has a known history of alcohol and methamphetamine misuse.

Civilian Witness #1 (CW1)

CW1 provided an audio recorded statement to ASIRT investigators. CW1's statement included the following information. She arrived at work, and the AP was in the parking lot loitering. She was a shorter female, who was talking to herself and seemed disoriented, wearing a black hoodie pulled up over her head, baggy jeans (kind of falling off her butt), with a bigger build. CW1 initially remained in her car until the AP moved from the lot. Other team members also observed the AP around the branch when they were coming in, and shortly thereafter, an adult male joined the female, and he was trying door handles to access vehicles. It appeared the two persons were drinking something and most likely under the influence of alcohol as they were staggering around.

Her branch manager, CW2, walked outside and confronted the two individuals and told them to leave the property. The two individuals gestured towards them, yelled profanities like they were angry at them, and the AP began walking towards them, so they re-entered the bank, locked the doors and called police.

They continued to watch what the two were doing and saw them picking up rocks and throwing them at vehicles. CW1 turned on her car alarm to scare them away and they began to depart. The male

walked around the bank to the corner, and the AP walked towards the Brewhouse, an adjacent business.

The police arrived pretty quickly and went to speak with the male who was on the corner of the street behind the building. The male tried to walk away from police and went to a vehicle that stopped at a nearby stop sign. While the vehicle was still stopped, he tried to get in the back door. The police then arrested the male by handcuffing him to the rear, and he went willingly into the back seat of the police car.

The police drove to the front of the bank, located the AP and began speaking with her. The interaction the police had with the female was not very long, and then she started moving in the direction of 97 street, so one of the officers grabbed her by the shoulder and spun her around. The officers tried to put her arms behind her back and handcuff her, and she appeared to get angry and flail her arms around, moving her shoulders and struggling pretty hard to get away, yelling and aggressively moving around and kicking hard, trying to wiggle her way out of it, so the officers took her to the ground.

Once the AP was on the ground, one officer had his knee on the pavement and they were holding her down on her stomach by her arms so she wouldn't run, and one police officer spoke into his radio. More police cars started to arrive at the scene. The police officer who had called for back-up then limped / hopped away from the woman as a third officer took his place holding her down, and the limping officer appeared as though he had been injured. He could not put pressure on his foot and subsequently took his boot off. Officers maintained control of the AP, and then an ambulance arrived.

Civilian Witness #2 (CW2)

CW2 provided an audio/video recorded statement to ASIRT investigators. CW2's statement included the following information.

She was working at the bank on October 10, 2024, and arrived to work about 9 a.m. As she came into the building, her team was chatting about two people in the parking lot who were loitering, yanking on employees' and clients' car door handles, and throwing rocks at vehicles. There were a few clients in the lot, using the ATM, and coming into the bank.

The male with the hoodie [subsequently determined to be the AP] pulled open a client's car door, and the two in question were getting out of hand so she went outside and told them sternly to leave the area or she'd call the police. The person with the hoodie [AP] said something that was incoherent to her, and started walking towards her, and both were acting out of sorts as if they were possibly intoxicated. The bank employee re-entered the bank and locked the door to keep her staff and clients safe from the two. She called the police and told the dispatcher the two were being disruptive and causing a safety issue, creating trouble, causing a disturbance for the parking lot and neighborhood.

The male went around to the back of the bank.

The police arrived at the back of the bank first. Both officers were in full uniform, and arrested the male without incident, handcuffed him without much use of force. Just prior to his arrest he had tried to run away and jump into a passerby's vehicle at 127 Ave. The man under arrest was yelling at the police, making it hard for her to communicate with them about the AP who was then at the front of the bank by the Canadian Brewhouse. She thanked the officers for their patrol and told them about the woman [AP] at the front of the bank, that she was also causing problems and would not walk away when she confronted her earlier.

The officers drove around to the front of the bank and approached AP. CW2 stood inside the vestibule by the ATM and therefore could not hear any conversations taking place outside. However, she could see the police officers interacting with the AP, who began to run away and pulled her arm away from one of the officers. The two officers grabbed the AP (one on each arm) and she continued to resist and kick at them.

The officers used force by one officer leaning his shoulder into her and taking her to the ground, face down, as she put up a big fight, kicking and thrashing. CW2 was about 75 to 100 feet away (about 23 to 30 metres) from the arrest. From where she was standing, she did not see the police use any intervention options such as a conducted energy weapon, etc., and she felt the officers' actions were not out of the ordinary.

Within a minute, backup officers arrived and a one of them "swapped out" the taller officer. He got up limping with an obvious injury to his foot or leg. More police cars arrived, then the ambulance. She observed that the AP was conscious and walked to the stretcher and was put into the ambulance.

Civilian Witness #3 (CW3)

She was an EMS member who arrived and treated the AP's arm injury. Upon arrival, she was given some background information relating to the arrest of the AP and her injury. She noted the AP to be intoxicated and that a bottle of alcohol was found on her. CW3 stated that the AP had an obvious closed fracture of her right humerus.

The AP was verbally abusive toward the police officer inside the ambulance. The AP was transported to the hospital. Due to the AP's behaviour within the ambulance, she was chemically sedated for the safety of EMS and the police officer for the duration of the transport to hospital.

Witness Officer #1 (WO1)

WO1's report and notes were obtained. These items included the following information.

He arrived on scene and described seeing two officers controlling someone on the ground. As he knelt beside the female, later identified as the AP, she began to kick her feet, so he crossed her legs to mitigate the risk of her kicking anyone.

He accompanied the AP into the ambulance for her to be transported to hospital. EMS paramedics advised him that the AP had a fractured right humerus. He was present while EMS was trying to assess the AP and noted that she appeared to be attempting to kick them. Thereafter, EMS sedated AP.

When EMS went through AP's property they located a liquor bottle in one of the jackets she was wearing.

Witness Officer #2 (WO2)

An audio/video recorded statement by ASIRT investigators was conducted with WO2. His statement included the following information.

He heard over the radio that two of his patrol squad members asked for another car to help them. While enroute he heard over the radio that a category 2 use of force had been used. This was later learned to relate to the takedown of the AP.

Once at the scene, he observed the subject officers both kneeling with one knee on the ground, on

either side of AP, who was face down on the ground. The AP was not handcuffed, and her right arm was out to her side and bent a bit. She was moving her feet and complaining and yelling about the pain. SO1 and SO2 each had a hand on her back and were trying to keep her calm.

SO1 asked him to take his position, as SO1 had an injured foot. SO1 limped over to the police vehicle and WO2 took over kneeling on AP's right side. None of the officers were kneeling on any part of AP's body, but just had their hands placed on her back while telling her to stay calm, and not to move her arm as it would agitate it, and that EMS was coming. The AP was saying her arm got "ripped" and telling the officers to stop leaning on her arm, yelling "fuck...you fucking cops". He was also trying to reassure the AP and told her that no one was leaning on her arm. He believed the AP was under the influence of something, as she was not making sense and slurring her words.

When the ambulance arrived, he and SO2 helped the AP up and got her to the stretcher, and she was put into the ambulance.

Subject Officers

Subject officers, like all individuals under criminal investigation, have the same constitutional right to silence. They are not required to participate in an ASIRT interview or provide any information. In this case, however, SO1 chose to provide his notes and report for use in the investigation, while SO2 chose to provide just his notes.

Subject Officer #1 (SO1)

SO1 provided the following information to investigators.

He and his partner, SO2, were dispatched to a trouble with persons complaint at a bank at 127 Avenue and 97 Street. It was reported that two people were in the parking lot throwing rocks at cars, causing a disturbance and had refused to leave after being requested to. Upon arrival at the scene, they located the male, and he appeared intoxicated, waving his arms around and slurring indiscernible lyrics. He spoke with this individual for a period of time before the male ran up to a vehicle stopped at a stop sign and attempted to get into it. He formed the grounds that this male was arrestable for intoxicated in a public place. He was arrested without incident and placed in the back of the police car.

The bank staff exited the building and approached him and stated that while the male was one of two suspects, the other person [the AP] was now in front of the Brewhouse.

He and SO2 relocated and found the AP. SO2 exited their vehicle first and SO1 followed several paces behind. He could not hear the initial interaction, but the AP began to walk away. SO2 followed and took hold of the AP's left arm. SO1 observed the AP draw her right arm back at her waist with a clenched fist as though she had the intention to punch at SO2. He moved beside the AP and took hold of her right arm, fearing she was going to punch SO2.

He provided verbal commands to stop resisting and that she was under arrest; however, the AP ignored the direction from him and pulled against him with clenched fists yelling indiscernibly. The AP then stomped on the top of his right foot. He then delivered a palm strike to the side of her face to distract her from pulling against his attempts to handcuff her. He determined that control of the AP would be safer and easier on the ground. He verbalized this to SO2 and attempted a take down by raising the AP's arms behind her back in an under-hook fashion while pulling her down in a sweeping motion. He heard a pop during the takedown and believed this was when the AP's arm broke. Once on the ground the AP stopped fighting, he declared a category 2 use of force and immediately requested

EMS. Once backup arrived, he was relieved of control of the AP. He advised members of her probable injury. She remained unhandcuffed.

He was experiencing pain in his right foot as a result of the stomp by the AP and rolling his ankle during the arrest of her. He was subsequently transported to a hospital where it was determined that nothing was broken, but rather it was a soft tissue injury that required him to use crutches for the following days.

Subject Officer #2 (SO2)

SO2 provided the following information to investigators.

Upon their arrival at the bank, they located the male that was the subject of the complaint. They discussed with him options for where he could be taken given his intoxicated state and his unwanted behaviour. He refused to provide an answer, and at one point attempted to get into the rear of a car that had stopped at a nearby stop sign. At that point, the male was arrested and placed into the police car. They were going to take him to jail when they were flagged down by employees of the bank saying that the other subject of the complaint was present out front by the Brewhouse.

They drove to that nearby location and found the AP there. He stopped their police car and, as he exited, she began walking away. He told her to stop as they needed to speak with her, and that she was not free to go. The AP became verbally aggressive towards them, but her statements did not make sense. He caught up to the AP and told her she was under arrest. He took a hold of both her wrists, but she pulled her right arm away and made a fist with it. SO1 moved in and took a hold of AP's right arm. The AP tensed up and tried to bring her arms with fists made to her front. She began thrashing about and was told to stop resisting.

He heard SO1 make an exclamation in pain, followed by him telling SO2 that they should take AP to the ground. As they took the AP to the ground, he heard a dull pop sound. Once on the ground, the AP complained that her arm hurt. She remained unhandcuffed. EMS arrived and the AP was kicking at them while they were trying to access her. Eventually, they got the AP to her feet and had her walk to the stretcher. While being loaded onto the stretcher, she once again began kicking at the EMS personnel.

Video Evidence

The bank had external CCTV security cameras that covered the front of the building and a large portion of the parking lot. At approximately 9:42:25 am, a marked police vehicle drives through the parking lot and then turns right at the top of the screen, exiting out of view. At approximately 9:42:48 am, near the top of the screen two people are seen walking from right to left, with a third person trailing behind but walking in the same direction.

Given the far distance, it is not possible to definitively identify anyone. However, based on the information from the subject officers, it appears that the first person is the AP, with SO2 following her, and SO1 following after them. It appears that the second person [believed to be SO2] does a short quick jog to catch up to the first person [believed to be the AP]. The third person [believed to be SO1] catches up to where the two people are now located. Shortly thereafter, the three are moving as a group appearing to be moving in the direction where they had originally come from, and where the police vehicle had been seen going. At approximately 9:43:27, the AP is taken to the ground. There was no throwing motion observed. Thereafter, police vehicles are seen arriving, followed by an ambulance a

few minutes later.

Analysis

The subject officers were lawfully placed as they were on-duty and responded to calls for service respecting the concerning conduct of two persons, one of which was the AP. As a result, they were lawfully placed to investigate both subjects.

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.

A police officer's use of force, in law, is not to be assessed on a standard of perfection nor using the benefit of hindsight and the opportunity to consider alternatives with the luxury of time, recognizing the exigencies of the circumstances and the decisions and reactions that must occur in split seconds. 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.

With the benefit of hindsight, time for detached reflection and knowledge of the ultimate outcome, it is easy to speculate about how things could have been done differently. That is not the standard, however, against which an officer's conduct is measured. The question is, applying principles of proportionality, necessity, and reasonableness, whether the force used falls into a range of possible reasonable responses.

Section 25 Applied

Proportionality requires balancing a use of force with the action to which it responds. The subject officers were dealing with a situation where the AP met the requirements to be arrested for being intoxicated in a public place. They attempted to gain the AP's cooperation in being handcuffed. However, the AP did not cooperate and actively pulled her arms away and stomped on SO1's foot.

Given AP's level of resistance, the subject officers decided to take the AP to the ground to be in a better position to control her. In the process of doing so, the injury to AP's arm occurred. The video did not appear to show the takedown as being dynamic, and this was confirmed by what CW2 said about seeing the takedown occur. This use of force was proportionate to the level of resistance that the AP presented.

During the attempted arrest of the AP, she stomped on SO1's foot. SO1 delivered a single palm strike to the side of her face to distract her from pulling against his attempts to handcuff her. This application of force was also proportionate under the circumstances.

Necessity requires that there are not reasonable alternatives to the use of force that 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 in the moment to weigh alternatives in the same way they can later be scrutinized in a stress-free environment.

Given AP's reported actions by the civilian witnesses and her level of intoxication, the AP needed to be arrested. Her actively resisting arrest and having assaulted a police officer, the initial palm strike to her head and the subsequent use of force in taking the AP to the ground to gain control and handcuff her

were necessary.

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.

Given that the AP had resisted efforts at being handcuffed, and assaulted one of the officers it was reasonable for the subject officers to physically take control of AP as they did to complete the handcuffing.

Given the above, the defence available under s. 25 of the *Criminal Code* would apply to their actions.

Conclusion

Under s. 25 of the *Criminal Code*, a police officer, is justified in doing what he or she is authorized to do and to use as much force as is reasonably necessary where he or she has reasonable grounds to do so.

After a thorough, independent and objective investigation into the conduct of the subject officers, it is my opinion that they were lawfully placed and acting properly in the execution of their duties. There is no evidence to support any belief that either officer engaged in any unlawful or unreasonable conduct that would give rise to an offence. While the use of force in taking the AP to the ground did result in the AP suffering a serious fracture to her arm, this was an unfortunate and unintended consequence of a lawful use of force. The use of force by the subject officers was proportionate, necessary and reasonable in all the circumstances.

Original signed

Matthew Block

Acting Executive Director

March 19, 2026

Date of Release