

ASIRT DECISION

**IN THE MATTER OF AN EDMONTON POLICE SERVICE
SHOOTING ON JULY 17, 2024**

Acting Executive Director: Matthew Block

File No.: 2024-0044(N)

Date of Release: February 18, 2026

Introduction

On July 17, 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 Edmonton Police Service (EPS) fatal shooting that occurred that morning. The shooting of the affected person (AP) arose in the context of a call for service involving a man pointing a handgun at pedestrians and traffic along 82 Avenue. 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 or reviewed interviews conducted by EPS officers of five civilian witnesses, including the following:

Civilian Witness #1 (CW1) – original 911 caller;

Civilian Witness #2 (CW2) – a bus driver who observed the AP with a gun prior to the police interaction; and

Civilian Witness #3 (CW3) – witnessed the shooting and recorded a portion of the incident on video.

ASIRT investigators interviewed six police officers. They also reviewed the written report and notes of the subject officer (SO).

ASIRT investigators reviewed all available video of the incident, including videos from nearby buildings, an Edmonton Transit Service (ETS) bus, and a cellphone video taken by CW3.

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

ASIRT investigators also oversaw a scene examination conducted by members of the EPS Crime Scene Investigation Unit (CSIU).

Circumstances Surrounding the Incident

On July 16, 2024, at approximately 11:57 p.m., EPS officers were dispatched in response to a 911 call reporting that the AP had followed a group of three people as they crossed 82 Avenue, pointed what looked to be a handgun at them, and then held the gun to a woman's head. He continued to follow the woman, who was trying to duck away from the AP and hide behind her shopping cart. The AP then began walking eastbound down the middle of 82 Avenue while pointing the gun. The 911 caller provided a description of the AP.

The SO and WO1 arrived in the area at approximately 12:04 a.m. on July 17, 2024. They observed the AP, who matched the provided description, point a gun at a bus driving by before he continued to walk eastbound. They exited their unmarked police vehicle, identified themselves as police, and began giving the AP verbal directions to stop where he was and to "drop the gun." The AP did not comply. Instead, he walked towards the officers while holding the gun. The officers gave further verbal directions to the AP, and he began running towards them while pointing the gun. When he was within 20 metres of the officers, the SO fired two rounds from his carbine, which struck the AP. The AP fell to

the ground and his gun fell out of his hand and landed approximately eight feet away from him. The AP's recovered gun was subsequently identified as an air pistol. Medical aid was immediately rendered on scene and the AP was transported to hospital.

The AP sustained a gunshot wound to his pelvis and died two days later in hospital despite medical and surgical intervention.

Autopsy

An Office of the Chief Medical Examiner (OCME) pathologist performed an autopsy on the AP. The AP sustained a single gunshot wound, which traversed his right lower groin and buttock. The pathologist, in her report of May 7, 2025, concluded that the immediate cause of death was a gunshot wound of the pelvis.

Toxicology results showed the AP ingested methamphetamine and alcohol sometime before death. The AP's blood alcohol level was noted to be approximately twice the legal limit.

Scene

ASIRT investigators oversaw a scene examination conducted by members of the EPS CSIU.

An unloaded air pistol, which resembled a double-action Colt Python .357 Magnum revolver, was found near the AP (Figure 1).

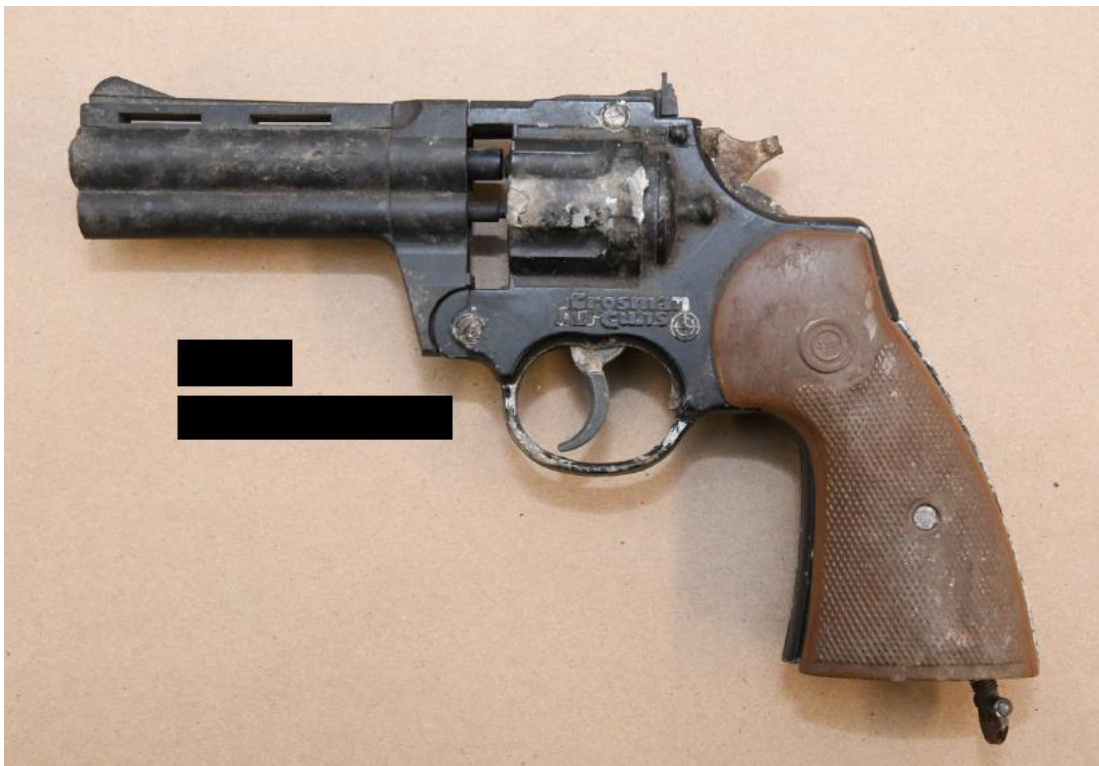


Figure 1 – The AP's air pistol.

Further testing confirmed that the air pistol was not functional without numerous replacement parts, and as such could not be formally classified as a firearm.

Civilian Witnesses

ASIRT investigators interviewed or reviewed interviews conducted by EPS officers of five civilian witnesses.

CW1 confirmed that on July 16, 2024, she had stopped her vehicle on 82 Avenue eastbound to allow two people with shopping carts to cross the road southbound at 96 Street. CW1 observed the AP crossing the road behind the two people and pointing what appeared to be a handgun at them. The AP then approached those people on the street corner and held the gun up to a female's head as she tried to duck and hide behind her shopping cart. CW1 noted that the AP appeared to see her watching him, and he turned and pointed the gun at her car. She then drove slowly away and called police at approximately 11:57 p.m. She last observed the AP walking down the middle of 82 Avenue towards the Mill Creek bridge, pointing the gun with his arms outstretched. CW1 indicated that it looked like he was trying to fire the gun down the street, but she did not hear any shots. CW1's daughter was also in the vehicle and provided a similar account.

CW2 was working as an ETS bus driver on July 17, 2024, operating a route that travelled along 82 Avenue. At approximately 12:04 a.m., he was driving eastbound on 82 Avenue. He approached the stop just after the Mill Creek bridge, which was determined to be just east of 93 Street, and was preparing to stop for one of his passengers to exit. As he got closer, he slowed the bus and observed that the AP was standing on the sidewalk with his arm raised and he was holding a small revolver gun that was pointed towards the bus (Figure 2).

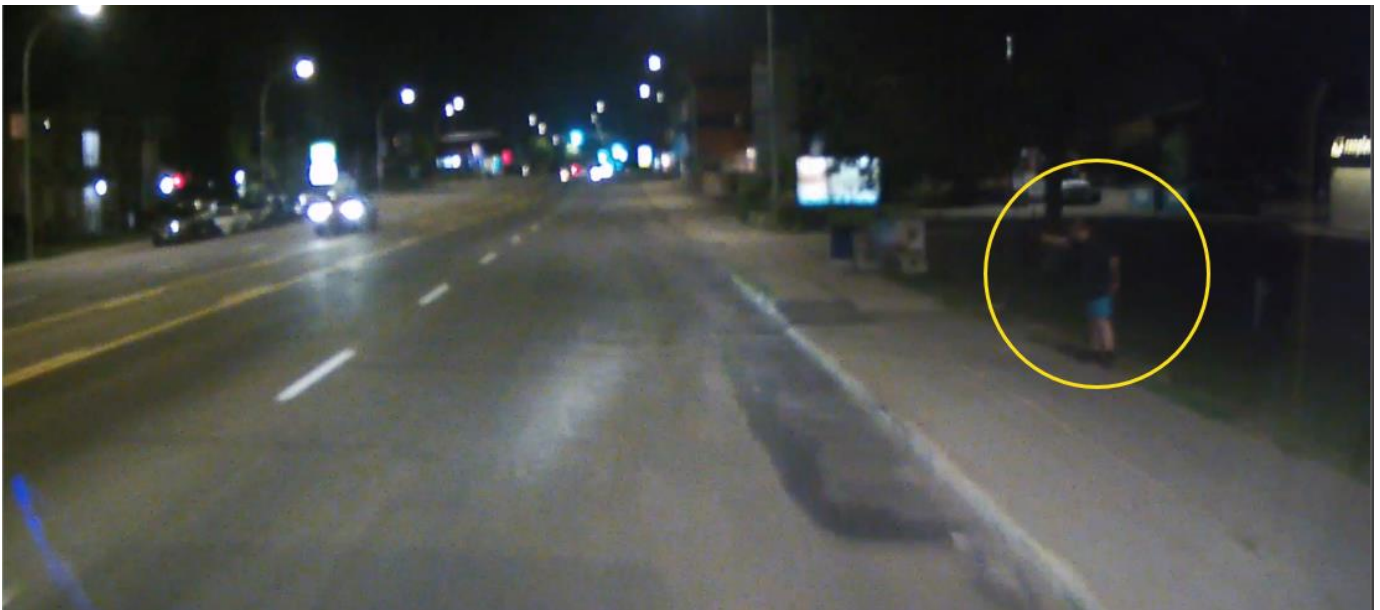


Figure 2 - Video from the ETS bus being operated by CW2 captured the AP (circled in yellow) standing on the south sidewalk with his arm outstretched, as described by CW2. Due to the quality of the video, the gun is not clearly visible in the image.

CW2 did not stop the bus and instead pulled the bus over by 91 Street. He warned the passengers as they exited that there was someone with a weapon. Video from the ETS bus confirmed CW2's account.

CW3 confirmed that she had been standing in a gazebo on the northwest side of 82 Avenue at 93

Street, when she observed a vehicle pull up to the intersection, which two officers then exited. She observed the AP further down the street walking with a small, black gun in his right hand. She heard police telling the AP to “stop” and “drop the weapon,” but the AP did not comply. The AP then began running at police while holding the gun and she heard two or three shots being fired. CW3 did not recall seeing the AP point the gun and believed the AP was holding the gun downward as he ran with it. CW3 recorded a video on her cellphone, which she provided to ASIRT investigators.

Subject Officer

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, he provided ASIRT investigators with his report and notes.

The SO responded to a call about a man on 82 Avenue who was waving a gun around, pointing it at a woman’s head, and then walking down the middle of the road pointing the gun. A description of the suspect was provided. He drove to the area with WO1 in his unmarked police vehicle and observed the AP, who matched the description, walking eastbound on the south curb of 82 Avenue. The SO noted that the AP was holding what appeared to be a black revolver in his right hand, which he pointed at a bus travelling eastbound. The SO provided this update over the radio.

The SO continued to drive westbound past the AP, and as he did so, the AP pointed his gun at the police vehicle. The SO turned around and parked at the south curb of 82 Avenue and 93 Street, facing eastbound. He noted that there were youths standing outside a nearby shelter and civilians in the lobby of a supportive housing facility at that corner. He also noted that there was a convenience store further east where people often loitered around at all times of day and that the AP was still walking in that direction. The AP continued to point the gun at passing motorists as he walked.

The SO and his partner, Witness Officer #1 (WO1), began exiting their police vehicle. While doing so, the SO tried to activate the emergency overhead lights of the vehicle but missed the button as he was simultaneously holding and readying his carbine. While the SO was still exiting the vehicle, WO1 began giving verbal commands to the AP, whom he estimated was approximately 50 – 60 metres away. WO1 announced that they were police and told the AP to stop where he was. The AP immediately turned around and began walking in their direction at a brisk and deliberate pace. Both he and WO1 stood behind the police vehicle and continued to give the AP verbal commands to stop where he was and to “drop the gun.” The AP did not respond or comply with any directions, rather he continued to walk directly towards them while raising his gun up, down, and in their direction. WO1 said over the radio that the AP was not complying. The police radio communications confirmed this update was provided at 12:06:01 a.m.

The SO and WO1 both moved from the rear to their respective sides of the police vehicle. The SO raised his carbine from the low ready position to pointing it directly at the AP, while continuing to yell verbal commands. The AP continued to walk directly towards them and the SO advised WO1 that he may need to fire his carbine given the AP’s behaviour. Another civilian van stopped in the lane beside the SO, which caused a momentary distraction. He lowered his carbine and told them to get out of the area, as he was concerned that they would be in harm’s way if the AP shot at them. As he looked back at the AP, he observed that the AP was now sprinting towards them and appeared to be running side to side. At this point, the AP was approximately 30 metres away from them.

The SO perceived this as an escalation because the AP had initially been walking and he was now running towards them while still holding the gun, and in the face of repeated directions to the contrary.

He believed that the AP running from side-to-side was purposeful to avoid the officers being able to acquire sights on him. He believed the AP appeared motivated and seemed intent on harming him or WO1. The SO determined that if the AP approached the curb to cross 93 Street with the gun still in hand, this would be the "action line," or point where he had to act to stop the threat the AP was presenting, and after already giving him a reasonable amount of time to comply with their demands. He was concerned that the AP would shoot at him, WO1, or other civilians nearby, or attempt to enter the supportive housing building while still armed with the gun.

As the AP was getting to the SO's action line, still in possession of the gun, the SO gave one final command for the AP to "stop," and he did not comply. The SO then raised and fired two rounds from his carbine. The AP immediately fell to the ground and his gun flew out of his hand and landed on the concrete approximately eight to ten feet away. WO1 radioed that shots had been fired. The AP did not respond to them as they approached; other members, including witness officer #3 (WO3), arrived and assisted in providing first aid.

Witness Officers

ASIRT investigators interviewed six police officers. Three of the officers arrived on scene after the shooting.

WO1 was the SO's partner on this date. They were dispatched to a high-priority call along 82 Avenue for a report of a man that had pointed a gun at a woman. While en route, they received updates that the suspect was waving around a handgun, acting erratically, and walking towards a bus shelter.

As they were driving westbound on 82 Avenue, they observed the AP on the south sidewalk holding a gun in his right hand. They observed the AP point the gun at an ETS bus travelling eastbound, which had appeared to slow for the stop, but then drove off without stopping. He noted that there was a passenger seated in the bus. The SO provided an update over the radio.

The SO drove past the AP on 82 Avenue and then came back eastbound to park at the crosswalk of 93 Street. The AP was approximately 30 – 40 feet away and was walking towards them on the south sidewalk. He pointed the gun towards their unmarked vehicle. WO1 exited the vehicle and drew his service pistol. He then took cover behind the police vehicle. The SO exited the driver-side door equipped with his carbine.

WO1 indicated that he was aware that people were behind him on 82 Avenue, where two shelters were located. He stepped out from behind the police vehicle so that he could position himself straight on with the AP. He yelled, "Police, drop the gun," but the AP did not react or respond. The AP continued to walk erratically, as though he was intoxicated, towards them. He had what appeared to be a black revolver in his right hand, which at the time was pointed downwards. WO1 again yelled at the AP to "drop the gun," but the AP did not comply. The SO commented that he "might have to shoot this guy," and WO1 provided a further update over the radio that the AP was not following verbal commands.

As the AP approached the southeast corner of 82 Avenue and 93 Street, he took three quick steps forward to begin running diagonally towards the SO, who was positioned on the driver's side of the police vehicle. The AP was holding his gun down by his stomach, pointed towards them. At this point, they were separated only by the width of 93 Street. He heard the SO yelling but was unsure of what he said. Just as WO1 was about to press the trigger of his handgun, he heard two gunshots in rapid succession. The AP's gun flew out of his hand and landed eight to 10 feet away in the middle of the intersection. The AP crumpled forward to the ground. WO1 radioed that shots had been fired. Both he

and the SO then approached the AP. Another officer, believed to be WO3, arrived and they began to provide first aid to the AP.

Witness officer #2 (WO2) drove westbound on 82 Avenue and observed two officers, one of whom was holding his carbine, out of their vehicle and they were yelling at the AP. He could not hear what was being said. The AP was approximately half a block away from officers when he began sprinting towards them while waving his hands around, in a manner he described as “different from a person who had his hands up surrendering.” When he was directly across the intersection from the officers, shots were fired. WO2 then observed a black wooden-grip revolver on the ground approximately 10 feet from the AP.

WO3 was travelling westbound on 82 Avenue when he observed the AP’s silhouette moving quickly westbound from the southeast curb of 82 Avenue and 93 Street towards a vehicle that was parked facing eastbound on the southwest side of that intersection. Approximately one second later, he heard two quick gunshots, and the AP dropped to the ground. As he got closer, he observed that the parked vehicle was an unmarked police vehicle and that two uniformed EPS members, the SO and WO1, were standing beside it. He also observed a revolver-type handgun lying on the street.

Video Evidence

ASIRT investigators reviewed all available video of the incident, including video from the ETS bus driven by CW2, which was summarized above, and a cellphone video recorded by CW3.

Videos were also obtained from nearby buildings, including a building on the southwest corner of 82 Avenue and 93 Street. There is no audio on the videos. One video from the side of that building captured the AP walking eastbound on 82 Avenue along the south sidewalk at approximately 12:03 a.m., while holding and swinging what appeared to be a gun in his right hand (Figure 3).



Figure 3 - The AP was observed walking eastbound along the south sidewalk of 82 Avenue. He was seen holding what appeared to be a gun (circled in blue) in his right hand.

The bulk of the videos provided were from a position inside the glass-enclosed foyer of the building.

Although the vantage point of the camera captured most of the intersection, there are several blind spots in the video on account of foliage, window decals, reflections in the windows, and low lighting outside that do not allow for a clear view of the east side of the intersection, which is where the AP was predominantly located.

At 12:03:47 a.m., the AP was observed walking to the southwest corner of 82 Avenue and 93 Street. He stopped briefly and pointed his right hand, which was still holding an object believed to be a gun, in the air and then towards 82 Avenue (Figure 4).



Figure 4 - The AP stood at the intersection of 82 Avenue and 93 Street, holding an object believed to be a gun in his right hand. He pointed his right hand in the air (image on left) and then towards 82 Avenue (image on right).

He then continued walking along 82 Avenue where traffic was observed flowing in both directions. At 12:04:23 a.m., an ETS bus, believed to be the one driven by CW2, appeared to slow down just east of the intersection and then continued without stopping. The AP was then seen walking east from the point where the bus had slowed.

The SO and WO1's police vehicle pulled up to the intersection at 12:05:37 a.m. WO1 exited and moved towards the rear of the vehicle. Another civilian vehicle notably pulled up beside the police vehicle and remained stopped at the intersection in the adjacent eastbound lane. The AP was observed walking westbound along the south sidewalk of 82 Avenue at 12:06:07 a.m., though he was mostly in shadow and obscured by the above noted blind spots in the video. At 12:06:19 a.m., as he came within approximately 10 – 20 feet of the southeast corner of the intersection, the AP broke into a run and began moving sideways as though preparing to run onto 82 Avenue. One second later, the AP was observed falling forward onto the pavement. The civilian vehicle sped off and turned northbound as other police vehicles began arriving. The SO, WO1, WO3 and other responding officers immediately rendered medical aid to the AP.

CW3 took cellphone video from the courtyard of a building on 82 Avenue across the road from the

stopped police vehicle. The SO was observed standing beside the driver's side of the vehicle and pointing his firearm east. Another civilian vehicle was stopped in the lane beside the SO. Two male voices can be heard, which are believed to be the voices of the SO and WO1. One officer clearly identified themselves as police. Both officers were giving clear directions to the AP to, "drop the gun," "drop it," and "stop where you are" throughout the interaction. After 20 seconds of interacting with the AP, an officer is heard yelling "drop it," and then two gunshots were heard in quick succession. CW3's video did not capture the AP as it was primarily pointed at the officers' vehicle, and when it briefly panned to the east, the AP was out of frame.

Analysis

ASIRT investigates when 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 gun, which he was pointing at random civilians. As the SO and WO1 were arriving in the area, they also observed

the AP point the gun at a passing bus and their unmarked police vehicle. This information gave the responding officers grounds to arrest the AP. Under their core duty to protect the public, the officers were additionally required or authorized by law to apprehend the AP. They were acting on this duty throughout the incident.

The SO provided his report and notes for consideration in this investigation. The contents therein are untested and are prima facie lower-quality evidence by comparison to other witnesses whose evidence was tested in an interview. While the SO is entitled to exercise his right to silence, the weight that can be afforded to the information he provided in his report and notes is a factor that must be considered when evaluating the evidence as a whole. The SO's evidence was notably consistent with the evidence of the witness officers, including WO1, who was similarly placed at the relevant time, and corroborated by the available video evidence.

Although the police interaction itself unfolded relatively quickly, the SO and WO1 had occasion to observe the AP for over a minute prior to engaging with him. The AP was observed behaving in a manner that was consistent with what was reported to 911 – he was passively walking along 82 Avenue and randomly pointing a gun at a passing bus and at their unmarked police vehicle. The officers would have had no way of knowing that the AP's gun was an air pistol.

The AP's conduct escalated immediately after the officers engaged with him. Although they were travelling in an unmarked police vehicle, which did not have its emergency lights activated, the SO and WO1 were readily identifiable as police from their uniforms and had verbally identified themselves as such. Despite officers repeatedly directing him to "stop where [he was]" and to "drop the gun," the AP began purposefully walking directly toward them and refused to drop the gun. As he got closer to the officers, he then began sprinting towards them while still holding the gun. The AP disregarded all police directions and began rapidly closing the distance between himself and the officers, while armed. There was no indication he intended to surrender or comply with direction.

WO1's evidence was clear that the AP had transitioned from holding the gun facing downward as he walked towards them, to holding it at stomach-level and pointing it towards them as he began sprinting forward. The SO's report and notes were unclear with respect to his observations relating to how the AP was holding his gun immediately prior to the shooting, and the vantage points of WO2 and WO3 did not allow them to see what the AP was doing with the gun prior to being shot. The available videos were also not clear in this respect. WO1's uncontradicted evidence that the AP was pointing a gun towards them is likely to be accepted by a court due to the absence of other evidence.

There is no doubt that the SO responded reasonably by firing at the AP. A pointed firearm presents an immediate risk to the preservation of life. When the AP began pointing his gun in the direction of the officers, it engaged their duty to protect themselves and the lives of fellow police officers and members of the public in the vicinity. There is no requirement in law that an officer wait to see if the person will shoot before acting.

It was necessary for the SO to fire at the AP when he did. The AP presented the SO with what they reasonably believed was an immediate and lethal threat. The AP had refused to comply with police directions to "stop" and to "drop the gun" and chose to continue to advance on the officers while holding and pointing the gun at them. Under the circumstances as then faced by the SO, no other use-of-force options were reasonably available to him. Retreating would have exposed members of the public in the vicinity to the risk of death or grievous bodily harm if the AP fired his gun in any direction. It also would have increased the risk that the AP could have fled into one of the supportive housing

facilities nearby while armed, which would have elevated the risk to the public. WO1's evidence that he had been just about to press the trigger on his own service pistol as the SO fired his carbine further supports that the officers felt it was necessary to act quickly and provides mild evidence supporting the objective reasonableness of the SO's actions.

The SO's use of his firearm to shoot the AP was also proportionate to the threat of death or grievous bodily harm that he reasonably appeared to pose to the SO, WO1, and civilians in the immediate area.

The SO was required or authorized by law to act that day and acted on reasonable grounds. His 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 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, WO1, and other civilians in the immediate vicinity when he fired at the AP.

There were no other means available to the SO 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

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.

Matthew Block
Acting Executive Director

February 18, 2026

Date of Release