

ASIRT DECISION

**IN THE MATTER OF AN INTIMATE IMAGES
INVESTIGATION BEGINNING JUNE 30, 2026**

Executive Director: Matthew Block

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Introduction

On June 30, 2026, pursuant to s. 19(3.1) of the *Peace Officer Act*, the Chief Executive Officer of the Police Review Commission directed the Alberta Serious Incident Response Team (ASIRT) to investigate an allegation of non-consensual AI-generated intimate images as a Level 1 incident or complaint. ASIRT's investigation focused on one Alberta Sheriffs peace officer, the subject officer (SO). He was not formally designated. ASIRT's investigation is now complete.

ASIRT's Investigation

ASIRT's investigation looked at whether a potential criminal offence was disclosed. It was conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed the following civilians:

- Affected person #1 (AP1);
- Affected person #2 (AP2); and
- Affected person #3 (AP3).

ASIRT investigators interviewed the following peace officers:

- Witness officer #1 (WO1), who was a manager of the SO;
- Witness officer #2 (WO2), an Alberta Sheriffs supervisor; and
- Witness officer #3 (WO3), an Alberta Sheriffs supervisor.

Circumstances Surrounding the Incident

In April 2026, a family member found a number of apparent intimate images on the SO's personal phone. These images were of adult women, including the SO's coworkers, and appeared to be AI-generated. They appeared to be generated from non-intimate images posted on social media.

The existence of the images was brought to the attention of the Alberta Sheriffs. In April 2026, the SO admitted to his manager, WO1, that he had created these images using an AI app but said that he had not distributed them.

AP1, AP2, and AP3 were all represented in the photos. They all confirmed that the images were not photographs and must have been computer-generated.

There was no claim made that the SO had distributed the images.

Analysis

Section 162.1 of the *Criminal Code* addresses intimate images. This section was significantly amended in 2026. Prior to this amendment, the section read:

162.1 (1) Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty

- (a) of an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) of an offence punishable on summary conviction.

Definition of intimate image

(2) In this section, intimate image means a visual recording of a person made by any means including a photographic, film or video recording,

(a) in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity;

(b) in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy; and

(c) in respect of which the person depicted retains a reasonable expectation of privacy at the time the offence is committed.

On June 18, 2026, Bill C-16 received royal assent and amended this section. The bill contained a clause that stated that the changes took effect 30 days after passing. The revised section states (with changes underlined):

162.1 (1) Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty

(a) of an indictable offence and liable to imprisonment

(i) for a term of not more than 10 years, or

(ii) for a term of not more than 14 years if the accused knew or ought to have known that, at the time the intimate image was made, aggravated sexual assault was being, or had just been, committed against the person depicted in the image; or

(b) of an offence punishable on summary conviction.

Threat to publish, etc.

(1.1) Everyone who, with the intent to intimidate or to be taken seriously, knowingly threatens to publish, distribute, transmit, sell, make available or advertise an intimate image of a person knowing that the person depicted in the image would not give their consent to that conduct, or being reckless as to whether or not that person would give their consent to that conduct, is

(a) guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years; or

(b) guilty of an offence punishable on summary conviction.

Definition of intimate image

(2) In this section, intimate image means

(a) a visual recording of a person made by any means including a photographic, film or video recording,

(i) in which the person is nude, is nearly nude, is exposing their sexual organs or is engaged in explicit sexual activity,

(ii) in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy, and

(iii) in respect of which the person depicted retains a reasonable expectation of privacy at the time the offence is committed; or

(b) a visual representation that is made by any electronic or mechanical means, including by means of artificial intelligence software, and that shows an identifiable person who is depicted as nude, as nearly nude, as exposing their sexual organs or as engaged in explicit sexual activity, if the depiction is likely to be mistaken for a visual recording of that person.

Prior to the amendment, there was therefore one offence: publishing, distributing, transmitting, selling, making available or advertising an intimate image, which at the time did not expressly include AI-generated representative images. After the amendment, the offence was expanded to include artificial intimate images and made it an offence to threaten to publish, distribute, transmit, sell, make available or advertise an intimate image.

When the ASIRT investigation began on June 30, the old provisions applied. The discovery of the images and subsequent disclosure about the images by the SO occurred prior to that. The SO's conduct did not meet the elements of the offence as it was defined at that time because the images were AI-generated. Additionally, there is not evidence that he published, distributed, transmitted, sold, made available, or advertised the images.

Conclusion

The SO's conduct is serious. It will have lasting impacts on his female coworkers and their ability to feel safe in the workplace.

At the same time, it was not a criminal offence. As ASIRT's mandate covers only criminal matters, the SO's conduct is best addressed by the Alberta Sheriffs under their code of conduct.

Original Signed

Matthew Block

Executive Director

September 2, 2026

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