

ASIRT DECISION

**IN THE MATTER OF A CALGARY POLICE SERVICE
DOG BITE ON NOVEMBER 16, 2023**

Acting Executive Director: Matthew Block

File No.: 2023-0042(S)

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Introduction

On November 17, 2023, 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 a Calgary Police Service (CPS) dog bit the affected person (the AP) on November 16, 2023. No officers were designated as subject officers in this incident. 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:

The AP; and

The civilian witness (CW) – the father of the AP who was home when the police arrived and when the AP fled out the back door.

ASIRT investigators interviewed the following police officers:

Witness officer #1 (WO1) – a patrol officer who attended the AP's address to arrest him; and

Witness officer #2 (WO2) – a canine officer who assisted witness officer #4 (WO4).

ASIRT investigators obtained video from the body worn camera (BWC) of the four officers on scene.

Circumstances Surrounding the Incident

The AP was part of a youth robbery project targeting offenders involved in robberies that included weapons and violence. Through that project, investigators determined that on October 28, 2023, the AP breached his court-ordered curfew and one additional probation condition.

On November 16, 2023, uniformed CPS officers, WO1 and witness officer #3 (WO3), went to a residence in Calgary to arrest the AP for those breaches. When the AP came to the door, WO1 and WO3 told him that he was under arrest. The AP said that he had not breached his conditions and fled out the back door.

The officers pursued the AP for several blocks but lost sight of him. WO1 located the AP again, and the AP fled a second time. CPS then deployed a canine unit. WO4 deployed his police dog in the area where the AP was believed to be hiding, and WO2 helped him search for the AP. During the search, officers warned the AP to surrender, or the dog would be released.

The dog tracked through one yard and into an adjacent yard, where it went beneath a deck. Officers then heard the AP yell that the dog was eating him alive. The AP had been hiding under debris. The dog pulled the AP from the hiding place, tearing the hood of his pullover. Officers immediately directed the dog to release, and the AP was secured in handcuffs.

Once secured, officers observed that the AP had sustained dog bite injuries, including a one-inch laceration on his neck behind the jaw and a laceration to his left earlobe, both of which were bleeding. EMS was requested, and the AP was transported to a hospital for medical treatment.

Affected Person (AP)

ASIRT investigators interviewed the AP.

He said he decided to run from police because he did not want to go back to the youth remand centre. He heard them announce themselves as Calgary Police and saw they wore police uniforms. He hid underneath plywood under a deck for some time before he was found and bitten by a police dog.

Due to administrative issues at the hospital with the request for the AP's medical records, ASIRT did not receive these records. The AP's mother told investigators that the AP had scarring on his ear and head from the dog biting him. When removed from under the deck, WO2's BWC showed that the AP was bleeding from his neck and left ear area.

Witness Officer #1 (WO1)

ASIRT investigators conducted an audio-recorded interview with WO1. In that statement, WO1 described assisting WO3 with a youth robbery project focused on individuals suspected of committing robberies involving weapons and violence. The AP was one of the suspects in that project. WO1 stated that the AP had previously been charged with similar offences and was associated with individuals connected to firearms. WO3 advised him that the AP had earlier been found outside his permitted curfew hours, making him arrestable for failing to comply with his release order.

WO1 and WO3 attended the AP's residence, where CW answered the door and called the AP to come speak with the officers. When the AP came to the door, the officers explained that they were there to arrest him. The AP denied breaching his conditions but appeared to understand that he would be leaving the residence with the officers. While gathering footwear near the back door, the AP suddenly ran outside. The officers pursued him on foot, shouting that he was under arrest. The AP did not stop and managed to stay ahead of them. WO1 eventually stopped running and began returning toward the AP's residence. While doing so, he heard over the radio that other officers had seen a group of four males walking nearby. WO1 went to that location and observed that the AP was part of the group. When the AP made eye contact with him, he ran again. WO1 maintained containment at the last place he saw the AP and waited for a police dog service member to arrive. He held that position until WO2 and WO4 arrived.

WO1 then observed WO4 begin tracking with his police service dog and issue several verbal police challenges, warning the AP that he was under arrest and directing him to surrender or a dog would be used. After tracking through one yard and into another, WO1 saw the dog move toward a deck and begin sniffing intensely. The dog went underneath the deck, and WO1 heard a scream of pain. He observed the dog pulling and heard the AP yelling about the dog and his neck. WO1 saw the dog holding onto the hood of the AP's sweater and pulling. WO2 removed the AP from beneath the deck, and officers secured him in handcuffs.

WO1 observed the AP's injuries and described them as a cut behind the jaw and neck, approximately one inch in length, and a torn left earlobe split vertically. He noted that there was a significant amount of blood running down the AP's neck. WO1 escorted the AP out of the yard and requested emergency medical services (EMS) to attend to treat his injuries. He remained with the AP until EMS arrived.

Witness Officer #2 (WO2)

ASIRT investigators conducted an audio- and video-recorded interview with WO2. In his statement, WO2 explained that he was working day shift with his police service dog when he received a request to

assist uniformed officers who were searching for a male who had fled from police. Based on the time of day, the distance to the call, and the risk that foot traffic would interfere with the tracking scent, he decided not to attend with his dog at that time. He advised officers to update him if the AP was seen again.

Shortly afterward, WO1 advised over the radio that he had seen the AP running toward nearby residences where WO2 was located. WO2 attended WO1's location. WO4 and his service dog also arrived. Because WO4 was working a later shift and his dog was fresher, WO2 turned responsibility for the search and tracking over to WO4.

At the rear fence gate where the AP had last been seen, WO2 called out a police order advising that police were on scene and that a police service dog was present. WO4 took the lead and began searching the backyard with his dog. The dog indicated that someone had gone over a fence into the neighboring yard. WO4 lifted the dog over the fence, and both continued into the adjacent yard.

WO2 observed WO4 and the dog move up a set of stairs to an above-ground deck. The dog stopped and showed signs of picking up a fresh scent. WO4 then moved the dog back down the stairs toward a large space beneath the raised deck. The area under the deck was cluttered, and WO2 did not initially see anyone there. The dog continued searching in that space. WO2 then heard the AP yell something that he could not clearly understand and saw that the dog had hold of the hood of the AP's sweater. WO2 assisted in pulling the AP out from under the deck. He and WO1 then secured the AP in handcuffs.

While helping with the arrest, WO2 observed injuries to the AP, including a laceration to the back of the neck and head.

WO2 believed the AP was aware that police were searching for him and that a dog was being used. He explained that it is not unusual for a police service dog to bite a person it is searching for, and that this does not require a specific command. He described differences in how a service dog searches for a lost or missing person compared to someone actively trying to avoid police. He noted that handlers have separate commands for releasing a dog and for making contact with an offender. Aside from the search command used by WO4, WO2 did not observe any other commands given. He stated that WO4's dog was actively searching under the deck before making contact and did not stop or clearly indicate the presence of a person beforehand. At first, WO2 believed the dog had only grabbed the AP by the hood and did not realize there had been skin contact. He moved in to help remove the AP from under the deck, and WO4 then commanded his dog to release. WO2 estimated that approximately 10 seconds passed between the dog making contact and releasing the AP.

Video Evidence

All officers involved were equipped with BWCs, which were obtained and reviewed by investigators. The most relevant footage was from WO2's BWC, as it captured WO4's tracking efforts and the eventual discovery of the AP under a deck. The video can be summarized as follows.

WO2 arrived in his police vehicle near the area where the AP had last been seen. He spoke with WO1, who explained the AP's most recent direction of travel and pointed out a nearby fence that the AP had recently jumped. WO4 then joined WO1 and WO2, and the three officers discussed the possibility of conducting a track. WO2 instructed WO4 to "cast" his dog into the same yard to begin the search.

WO4 repeatedly called into the yard, advising the AP that he was under arrest and directing him to surrender or a police dog would be deployed. The officers entered the yard, and WO4 walked through it with the police dog on a leash. WO4 indicated that the AP appeared to have gone over a nearby fence. WO4 and his dog then crossed that fence into an adjoining yard, with WO2 following. WO4 called out the AP's first name and telling him to come out.

WO4 tracked with his dog up a set of stairs toward an elevated deck. WO2 pointed out what he believed to be recently disturbed snow beneath the stairs leading to the deck. WO4 directed the police dog to search underneath the deck. Shortly after, WO2 drew his pistol and ordered the AP to show his hands. WO4 gave the same command while maintaining control of the dog. An audible yell was then heard from beneath the deck. WO4 again instructed the AP to show his hands and to come out, warning that the dog was present. The AP was told to crawl out, to which he responded that the dog was "eating [him] alive."

WO2 went underneath the deck and confirmed that the dog had hold of the hood of the AP's sweater. The AP screamed and said he was "gushing blood." He also stated that he was going to pass out and could not breathe. WO2 responded by telling him that he was fine, confirmed that he would receive medical attention, and directed him to calm down.

WO4 then advised the AP that he was going to disengage the dog. WO2 took control of the AP and removed him from under the stairs, bringing him out into the yard and onto his chest. WO1 assisted in securing the AP in handcuffs behind his back. Blood was visible, and there was an open wound on the right rear side of the AP's neck. WO2 exited the backyard while WO1 maintained control of the AP.

Analysis

All the police officers were lawfully placed as they were on-duty and were involved in the attempted arrest of the AP for breaching his release conditions. As a result, they were lawfully placed in trying to locate the AP after he fled from the initial officers.

The available evidence indicates that WO4 did not intend for his dog to bite the AP. Instead, he was tracking the AP and there was a risk that the dog would bite the AP when he found him.

Criminal Negligence Causing Bodily Harm Generally

Police officers may owe a duty of care to people they interact with. The following questions should be considered:

- Is there evidence that the acts or omissions of the involved persons showed a wanton or reckless disregard for the life or safety of the person?
- Is there evidence that the acts or omissions caused the bodily harm?
- and-
- Were the acts or omissions that caused the bodily harm a marked and substantial departure from the standard of care of the reasonably prudent person in similar circumstances including what they knew or ought to have known?

The standard of care applicable to a police officer would be that of the reasonable officer in similar circumstances. An officer must live up to the accepted standards of professional conduct to the extent that it is reasonable to do so in the circumstances. The factors relevant to determining the reasonable officer standard include: the likelihood of known or foreseeable harm, the gravity of harm, the burden

or cost which would be incurred to prevent the injury, external indicators of reasonable conduct, and statutory standards.¹

The conduct of officers is to be measured against the standard of how a reasonable officer would act in similar circumstances. This standard must be applied while giving the appropriate recognition to the discretion that is inherent in police investigations and law enforcement. The law does not require perfection, and officers are not guilty of an offence simply because matters could be done differently or better with different consequences. What is required is that police act reasonably.²

Criminal Negligence Causing Bodily Harm Applied

The AP had fled a lawful arrest, and the officers were required to locate the AP and take him into custody. Using a police dog to search for someone who has fled is a valid tactic.

During the search, the officers repeatedly told the AP to come out and warned him about the dog. The AP chose to hide and ignore the warnings. WO4 did not command his dog to bite the AP. From the video, it is clear that the dog located the AP before WO4 knew where he was.

There is therefore no evidence that WO4 showed a wanton or reckless disregard for the life or safety of the AP. WO4's search with the dog was valid, and not a marked and substantial departure from the standard of care of the reasonably prudent officer.

Conclusion

After a thorough, independent and objective investigation into the conduct of the officers involved in this incident, it is my opinion that they were lawfully placed and acting properly in the execution of their duties. WO4's actions were reasonable and do not rise to the level of criminal negligence.

While the use of the police dog did result in the AP suffering injuries, this was an unfortunate and unintended consequence of a lawful use of the canine.

Original Signed

Matthew Block
Acting Executive Director

May 6, 2026

Date of Release

¹ *Hill v Hamilton-Wentworth (Regional Municipality) Police Services Board*, 2007 SCC 41, 2007 CarswellOnt 6265 at para 70; *Meady v Greyhound Canada Transportation Corp.*, 2015 ONCA 6, 2015 CarswellOnt 46 at para 67.

² *Hill v Hamilton-Wentworth (Regional Municipality) Police Services Board*, 2007 CarswellOnt 665 (SCC) at para 3.