

ASIRT DECISION

**IN THE MATTER OF A USE OF FORCE BY AN RCMP
OFFICER ON OCTOBER 29, 2023**

Executive Director: Matthew Block

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Introduction

On Nov. 22, 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 allegations of an excessive use of force during an arrest on Oct. 29, 2023. This investigation was initiated prior to the establishment of the Police Review Commission on Dec. 1, 2025, and associated changes to the *Police Act*.

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 the affected person (AP) and three civilian witnesses, including:

Civilian witness #1 (CW1) – Passenger in the vehicle being operated by the AP at the time of the incident.

They also obtained and reviewed the AP's medical records in relation to this incident.

ASIRT investigators interviewed four police officers, including the subject officer (SO). They also reviewed the SO's report and notes.

ASIRT also reviewed video recordings from the SO's police vehicle (WatchGuard system equipped with forward-facing and rear-facing cameras). The footage captured the incident in its entirety. However, because the SO was not equipped with an external microphone, only portions of the verbal interaction between the SO and the AP that occurred outside the vehicle are discernible.

ASIRT investigators also reviewed the originating 911 call and all relevant RCMP electronic communications and radio transmissions from the incident and conducted a scene reconstruction.

Circumstances Surrounding the Incident

On Oct. 29, 2023, at about 11:30 p.m., police were dispatched in response to a 911 call from a motorist who reported that another vehicle had been travelling at high speed, cut him off, and an occupant had thrown rocks at his windshield. The caller provided a description of the vehicle, including its make, model, colour and direction of travel toward Valleyview.

Shortly after midnight, the SO located a vehicle matching the description being driven by the AP. The SO activated his emergency lights in an attempt to conduct a traffic stop; however, the AP sped away. After obtaining authorization, the SO initiated a pursuit and subsequently activated his siren. During the pursuit, the AP drove erratically at high speeds along rural roads, repeatedly crossing into oncoming lanes of traffic.

After approximately five minutes, the AP stopped on the left shoulder of the lane designated for oncoming traffic, reversed past the SO's vehicle, and continued driving down a dirt road. Approximately two minutes later, the vehicle appeared to become disabled and came to a stop. As the vehicle was stopping, the SO directed the AP to pull over. The SO parked behind the vehicle, exited, and initiated a high-risk traffic stop.

The SO repeatedly directed the AP to show his hands and turn off the vehicle. The AP did not comply. Although he rolled down the driver's window and looked back at the SO, he continued to disregard the

commands. It was only after the SO advised, "Show me your hands, or I'll shoot you," that the AP extended his hands out the window, appearing to hold a set of keys. When directed to exit the vehicle, the AP instead withdrew his hands back inside. Despite repeated commands to exit the vehicle and keep his hands visible, the AP remained non-compliant.

The SO then approached the vehicle with his service pistol drawn and pointed toward the AP. Using his free hand, he deployed pepper spray through the open driver's window before retreating to his police vehicle (Figure 1).



Figure 1 - The SO used his left hand to deploy pepper spray through the open driver's side window of the subject vehicle, while simultaneously pointing his service pistol in his right hand.

The pepper spray had no apparent effect on the AP's behaviour, as he remained seated inside the vehicle with his hands concealed. The SO continued to direct the AP to turn off the vehicle and exit.

The SO subsequently approached the vehicle a second time, still holding his service pistol while using

a flashlight in his other hand (Figure 2).



Figure 2 -The SO stood at the driver's door of the subject vehicle pointing both a service pistol and a flashlight at the AP, who was seated in the driver's seat.

He opened the driver's door and directed the AP to step out. When the AP failed to comply, the SO tried to remove him from the vehicle. The AP resisted, causing the SO to lose his footing on the gravel surface. During the interaction, the SO reached into the vehicle and was observed quickly retracting his firearm while stating, "Don't grab my gun — if you grab my gun again, I will shoot you." The SO continued issuing commands for the AP to exit the vehicle. As the driver's door began to close, the AP extended his left leg to keep it open. The SO again attempted to pull the AP from the vehicle and made two grabbing or jabbing motions toward him with the hand holding the flashlight.

The AP eventually exited the vehicle slowly while appearing to shield his eyes, seemingly due to the

effects of the pepper spray (Figure 3).



Figure 3 - The AP exited the vehicle while at gunpoint.

The SO directed him to get on the ground and holstered his firearm. When the AP did not comply with commands, the SO physically brought him to the ground. A struggle followed, during which the SO appeared to strike the AP. At one point, the SO disengaged briefly, appeared to wipe his eye, and broadcast over the police radio that the AP was assaulting him before re-engaging. The SO ultimately gained control of the AP, positioning him on his stomach and restraining him by the wrists.

The SO's attention then shifted to the passenger, CW1, who remained seated in the vehicle. The SO pointed his firearm and directed CW1 to exit. He briefly pointed the firearm toward the back of the AP's

head before re-holstering it and handcuffing the AP (Figure 4).



Figure 4 - The SO pointed his service pistol (identified by yellow arrow) at the back of the AP's head, while he was lying in a prone position on the ground.

The SO then stood, leaving the AP handcuffed on the ground.

The SO again pointed his firearm at CW1 and directed her to get out of the vehicle. During this time, the AP began trying to roll over from his stomach. The SO stomped his foot down on the AP near his head or neck and maintained that position until CW1 exited the vehicle by climbing across to the driver's

side and lying prone on the ground as directed (Figure 5).



Figure 5 - The SO placed his foot on the head or neck area of the AP as he was lying in a prone position on the ground. He pointed his service pistol at CW1, who remained inside the vehicle.

The SO then re-holstered his firearm. Approximately two minutes later, a second officer arrived. That officer observed a can of bear spray on the rear floorboard of the AP's vehicle behind the centre console.

Emergency Medical Services (EMS) attended the scene and assessed the AP, concluding that his injuries did not require immediate attention. Several hours later, EMS conducted a further assessment at the RCMP detachment cells and recommended taking the AP to hospital the following morning for evaluation of a possible broken nose. On Oct. 30, 2023, the AP was transported to Valleyview Health Centre, where medical staff determined that he had sustained a contusion and two lacerations on his head.

Affected Person (AP)

ASIRT investigators interviewed the AP.

The AP reported that he was travelling between Grande Prairie and Valleyview with CW1 and their cat. According to the AP, CW1 was initially driving and tried to pass a semi-trailer truck when another truck approached in the opposite direction while allegedly swerving across the highway, forcing their vehicle into the ditch. The AP stated that the truck subsequently turned around and drove back toward them, prompting him to throw rocks at it in an effort to "wake this guy up, before he killed someone." The AP then assumed control of the vehicle.

The AP advised that the SO later attempted to conduct a traffic stop and followed them for an extended period with the emergency lights activated. He acknowledged that he did not immediately pull over because he did not have a valid driver's licence.

The AP stated that, after eventually stopping, the SO pointed a firearm at him and repeatedly yelled for the occupants to raise their hands and exit the vehicle. The AP indicated that he was trying to remove his cat from his chest and had reached into the backseat to retrieve cigarettes when the SO approached and deployed pepper spray through the vehicle window. According to the AP, the spray also affected CW1 and the cat.

The AP further alleged that the SO then struck him on the top of the head with an object he believed to be the SO's firearm. He stated that he tried to shield himself from the blows and believed he may have pushed the firearm into the SO's face during the interaction, as the SO later told him that he had been struck.

According to the AP, the SO subsequently pulled him from the vehicle, forced him to the ground, and struck him in the head with the firearm. He alleged that the SO pushed his head into the gravel and then stomped on his head with a foot. The AP reported that he remained lying on his stomach with his hands cuffed behind his back until a second police officer arrived.

The AP advised that he later received six stitches to a laceration on the top of his head.

AP's Medical Records

The AP's medical records were obtained by ASIRT investigators pursuant to a signed consent release.

The medical records confirm that the AP sustained a contusion to the left side of his face and two lacerations to the left lateral aspect of his scalp, measuring approximately one inch and three-quarters of an inch in length, respectively. Both lacerations were treated with two sutures.

The records further indicate that the AP was scheduled to undergo a CT scan of his facial bones at the Grande Prairie Regional Hospital. However, subsequent efforts to contact the AP regarding follow-up medical care were unsuccessful.

Civilian Witness #1 (CW1)

ASIRT investigators interviewed CW1, a friend of the AP who was a passenger in the vehicle.

CW1 reported that she bought the vehicle involved in the incident the previous day. At the time of the events, the vehicle had not yet been registered or insured, as it required repairs. She advised that she was initially driving when she encountered a semi-trailer truck that allegedly did not have its taillights activated and was swerving across the roadway. According to CW1, she needed to take evasive action to avoid the truck. She subsequently pulled over and asked the AP to take over driving. CW1 acknowledged that she was aware the AP did not possess a full driver's licence and expressed regret for having asked him to drive. She stated that they later passed the semi-trailer but had no interaction with its driver.

CW1 recalled that a police officer, believed to be the SO, later pulled in behind their vehicle and activated the emergency lights. She stated that the AP continued driving because he knew he would face consequences for driving without a valid licence. CW1 indicated that she was focused on her cat and therefore paid little attention to the way the AP was driving.

According to CW1, once the vehicle came to a stop, the SO approached and immediately pointed a firearm at the occupants. She recalled that the SO was shouting commands but was unable to clearly understand what was being said, other than directions to "get out of the car." CW1 acknowledged that the AP turned and reached toward the centre console for cigarettes, which she believed may have caused the SO to think that he was reaching for an object.

CW1 stated that the AP did not say anything to the SO as he approached the vehicle. She recalled that the SO then deployed a substance into the vehicle, which caused her eyes to sting and resulted in blurred vision. CW1 understood that the AP was subsequently removed from the vehicle, but she was unable to observe the interaction between the AP and the SO due to her impaired vision. She stated that she could hear the AP making sounds that suggested he was in pain.

After exiting the vehicle, CW1 observed the SO's boot positioned near the AP's head. She then complied with police directions and laid on the ground beside the AP. A second police officer arrived shortly thereafter.

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 written report and notes and also participated in an interview.

The SO reported that he was conducting patrols on Highway 43 near Grande Prairie, when he observed a vehicle travelling at a high speed that matched the description provided in a recent 911 complaint. He began following the vehicle and activated his emergency lights as he closed the distance. The vehicle failed to stop, and the SO initiated a pursuit. The SO advised dispatch of the pursuit over the radio and subsequently received authorization to continue.

According to the SO, the vehicle was driven erratically at varying speeds along several secondary roads and repeatedly crossed into oncoming traffic lanes. The pursuit ultimately ended when the vehicle turned onto a range road and became disabled after travelling a short distance. The SO then initiated a high-risk vehicle stop with his service pistol drawn. He explained that he assessed the risk level as high because he was the sole responding officer, had information suggesting the driver may have tried to force a transport truck off the roadway, and had just been involved in a high-speed pursuit.

The SO stated that he repeatedly directed the driver, the AP, to exit the vehicle. The AP responded "Why? Who the fuck are you?" The SO observed the AP reaching behind him and warned that he would be shot if he continued. The SO further reported seeing a can of bear spray in the rear seat area of the vehicle and became concerned that other weapons, including a firearm, might be present. He advised the AP that he was under arrest. When he observed the AP trying to restart the vehicle, the SO became concerned that the AP would resume driving and thereby continue to pose a danger to the public. As a result, he approached the driver's window and deployed pepper spray.

The SO advised that he then tried to remove the AP from the vehicle. During that effort, the AP allegedly grabbed the front portion of his firearm. In response, the SO delivered a strike intended to distract the AP, regained control of his firearm, and pulled it free from the AP's grasp. The SO stated that he could not be certain whether he struck the AP more than once. He then forcibly removed the AP from the vehicle and took him to the ground when the AP continued to refuse to comply with police commands.

According to the SO, the AP continued to actively resist while on the ground, punching him and pushing a finger into his eye. The SO reported using multiple distractionary strikes to the AP's head in an effort to gain compliance, after which he was able to arrest and handcuff the AP.

Once the AP was secured, the SO drew his service pistol a second time and directed the passenger, CW1, to exit the vehicle. CW1 was arrested without incident. A second police officer subsequently arrived on scene and assisted with managing CW1.

Analysis

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. 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.

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

At all material times, the SO was acting lawfully in the execution of his duties to investigate offences and preserve the peace. He was responding to a 911 report of erratic driving involving a vehicle that matched the description of the subject vehicle and conducted a lawful traffic stop. Based on the driving behaviour he personally observed, including the manner in which the vehicle was driven prior to coming to a stop, the SO had reasonable grounds to arrest the driver for dangerous operation of a motor vehicle and flight from police.

The evidence establishes that the SO employed several uses of force against the AP, including the deployment of pepper spray, the delivery of multiple strikes to the AP's upper torso, head, and neck areas while apparently holding a flashlight in the same hand, the pointing of his service pistol at the back of the AP's head, and the application of force to the AP's head or neck area with his boot. Having regard to the circumstances confronting the SO at the time – including the preceding high-speed pursuit, the information received through the 911 complaint, and the fact that he was alone dealing with two vehicle occupants on a dark rural roadway – some degree of force may have been reasonably necessary to effect the arrest and maintain control of the situation.

Two aspects of the SO's conduct are of concern: the decision to point his firearm at the back of the AP's head and, separately, the application of force to the AP's head or neck area with his boot. Both actions occurred at a time when the AP was at least partially restrained. Following the AP's removal

from the vehicle, a brief struggle ensued before the SO was able to bring him to the ground, position him prone, and gain control of his wrists. At that stage, the SO pointed his firearm at the back of the AP's head, despite already having achieved a significant degree of positional control. After re-holstering the firearm and applying handcuffs to the AP, the SO stood and stepped on the AP's head or neck area while the AP remained prone on the ground.

Pointing a firearm at a person's head, even momentarily, is an inherently dangerous act. The risk is heightened when, as here, it occurred immediately following a physical struggle and before the handcuffing process had been completed. Had the AP resumed resisting or struggling, there existed a real possibility that the firearm could have been unintentionally discharged. Absent additional justification, the use of a firearm to control a partially restrained individual is, on its face, excessive, particularly where less intrusive force options are available. Any threat posed by the AP had objectively waned once he was prone on the ground and his wrists were under the SO's control, whether prior to, or following, the application of handcuffs. In those circumstances, the use of a firearm was neither reasonably necessary nor proportionate, and it follows that the act of pointing the firearm was not justified. The brevity of the conduct may, however, suggest that the SO quickly recognized its impropriety and altered his approach.

The head and neck are especially vulnerable areas of the body, and the application of force to those areas by means of a foot will rarely be justified. The SO stepped on the AP's head or neck area while the AP was handcuffed, prone, and on the ground. The action appears to have been precipitated by the AP's attempt to roll from his stomach onto his side or back at a time when the SO's attention was divided. Specifically, the SO was directing CW1 to exit the vehicle while she was simultaneously moving across the driver's seat to comply. Although the objective of preventing the AP from rolling over could likely have been achieved by applying force to a less vulnerable area of the body, it is unclear from the evidence whether the SO's action was deliberate or reflexive and whether he intentionally chose to apply force to the AP's head or neck.

Certain aspects of the video evidence following the stop of the subject vehicle are also difficult to reconcile with the SO's account of his interaction with the AP. The SO's version of events also contains several notable omissions. In particular, he did not report pointing his firearm at the back of the AP's head, did not disclose that he stepped on the AP's head or neck area while the AP was on the ground, stated that he pulled the AP from the vehicle when the video appears to show the AP exiting on his own, and did not disclose that he delivered strikes while holding a flashlight in the same hand. These discrepancies are relevant when assessing the reliability and completeness of the SO's account.

ACPS Opinion

As a result of ASIRT's investigation, there were reasonable grounds to believe that an offence was committed by the subject officer. Accordingly, as required by the *Police Act*, this matter was referred on Oct. 24, 2024, to the Alberta Crown Prosecution Service (ACPS) for an opinion on whether charges should be laid.

On June 10, 2026, ASIRT received the requested opinion from the ACPS.

It is important to note that ASIRT and ACPS are bound by different standards when assessing the viability of charges arising out of an investigation. ASIRT, as the investigative body, applies a *Criminal Code* standard that determines whether reasonable grounds exist to believe that an offence has been committed. ACPS, based on its internal policy regarding criminal prosecutions applies a standard

which examines whether there is a reasonable likelihood of conviction arising out of the evidence, and whether it is in the public interest to proceed with a prosecution. As is evident in this case, the application of these two different standards to the same investigation will, in some cases, result in different conclusions regarding the same file. In this case, while ASIRT found reasonable grounds to believe an offence had been committed, for the reasons provided in their opinion, the ACPS did not recommend that charges be laid.

Conclusion

In accordance with the opinion provided by ACPS, ASIRT will not lay charges against the subject officer.

Original Signed

Matthew Block
Executive Director

August 19, 2026

Date of Release