

ASIRT DECISION

**IN THE MATTER OF AN EDMONTON POLICE
SHOOTING IN LEDUC ON JUNE 20, 2024**

Acting Executive Director: Matthew Block

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Introduction

On June 20, 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 a fatal Edmonton Police Service (EPS) shooting of the affected person (AP). ASIRT designated two officers as subject officers (subject officers #1 & #2, SO1 & SO2), 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:

Civilian witness #1 (CW1), AP's mother;
Civilian witness #2 (CW2), the former girlfriend of AP; and
Civilian witness #3 (CW3), daughter of CW2.

ASIRT investigators interviewed the following police officers:

Witness officer #1 (WO1), a tactical officer present for the shooting;
Witness officer #2 (WO2), a tactical officer present for the shooting;
Witness officer #3 (WO3), a tactical Sergeant who present for the shooting and was in charge of the scene after the shooting;
Witness officer #4 (WO4), a canine officer present at the scene after the shooting;
Witness officer #5 (WO5), an RCMP officer involved in the early investigation and present for the shooting, but behind other vehicles at the time;
Witness officer #6 (WO6), a tactical officer in the lead truck that passed AP;
Witness officer #7 (WO7), a tactical officer in the same vehicle as WO3; and
Witness officer #8 (WO8), a tactical officer driving the lead truck that passed AP.

ASIRT investigators obtained notes or reports from the following police officers:

SO1, a subject officer who shot at AP;
SO2, a subject officer who also shot at AP;
Witness officer #9 (WO9), an RCMP officer who heard AP hit a police vehicle at the detachment and was involved in the subsequent investigation but did not witness the shooting;
Witness officer #10 (WO10), an RCMP officer who heard AP hit a police vehicle at the detachment and was involved in the subsequent investigation but did not witness the shooting;
Witness officer #11 (WO11), an RCMP officer involved in the early investigation and present for the shooting, but behind other vehicles at the time;
Witness officer #12 (WO12), an RCMP officer involved in the early investigation and present for the shooting, but behind other vehicles at the time;
Witness officer #13 (WO13), an RCMP officer involved in the early investigation and present for

the shooting, but behind other vehicles at the time;

Witness officer #14 (WO14), an RCMP officer involved in the early investigation and present for the shooting, but behind other vehicles at the time;

Witness officer #15 (WO15), an RCMP officer was posted at a location and heard but did not see the shooting; and

Witness officer #16 (WO16), an RCMP officer was posted at a location and heard but did not see the shooting.

ASIRT investigators obtained audio or video from the following sources:

Air 1, the EPS helicopter;

Security video from business #1;

Security video from business #2, which only showed AP's vehicle being driven past the location followed by police vehicles and, moments later, recorded the sound of gunshots; and

Phone recordings between an RCMP negotiator and AP.

Circumstances Surrounding the Incident

On June 20, 2024, the Leduc RCMP received a call from CW2 reporting that AP had told her he was suicidal and had consumed alcohol along with prescription medication. She also advised that AP had previously attempted suicide and owned a pellet pistol. Shortly thereafter, CW1 contacted the RCMP and provided similar information regarding AP's mental state and intentions.

RCMP officers attended AP's residence, which was unoccupied, and located a suicide note addressed to CW2. To determine AP's whereabouts, officers initiated a GPS "ping" of his mobile phone. While attempting to locate him, the RCMP received information that a vehicle had rammed several police cars at the Leduc detachment before fleeing the scene.

The RCMP Operational Command Centre then called AP's cellphone. When AP answered, he stated that he was at the detachment with a 9mm pistol. He admitted to ramming multiple police vehicles and said he intended to provoke officers into shooting him—commonly referred to as "suicide by cop." AP also sent text messages to CW2 conveying the same intention.

The GPS ping indicated that AP remained nearby in Leduc. An RCMP crisis negotiator contacted him repeatedly. During these calls, AP was angry and openly suicidal. He insisted he was armed with a 9mm pistol and stated that he wanted police to kill him. Although he claimed he did not wish to harm officers, he said he would fire at them. The RCMP requested assistance from the EPS Tactical Unit and Air 1. Air 1 located AP sitting in his truck and maintained surveillance while officers deployed spike belts around the area.

AP eventually drove away and ran over one of the spike belts. After travelling a short distance on deflated tires, he brought his truck to a stop. Two EPS tactical trucks stopped close behind him. Air 1 video showed AP exiting the driver's side door and quickly moving toward the rear of his truck. His right arm was extended horizontally, holding an object pointed directly at one of the tactical trucks. The two subject officers fired their carbines through their windshield. AP fell to the ground, and an object resembling a pistol fell from his hand, landing within his immediate reach.

Because the apparent pistol remained beside AP's hand, EPS Tactical officers did not approach him.

Instead, they deployed two 40mm less-lethal rounds in an effort to elicit a response and assess whether it was safe to move closer. The proximity of the apparent pistol continued to pose a safety risk. Officers therefore requested an EPS Canine Unit to safely pull AP away from the weapon so that medical aid could be provided.

An EPS canine officer arrived shortly thereafter. The police dog dragged AP away from the apparent pistol, allowing officers to approach. Medical assistance was administered immediately; however, AP was already deceased.

Civilian Witness #1 (CW1)

CW1 provided ASIRT investigators with an audio-recorded statement. She explained that AP had longstanding mental-health challenges and was prescribed psychiatric medication. He had previously attempted suicide.

On the day of the incident, AP called her and said he wanted to "say goodbye." She described his tone as resolute and final. AP told her he intended to end his life and could no longer continue. During the call, he also stated that he had a gun. This was the first time CW1 had ever heard him claim to possess any type of firearm.

CW1 later learned that the item AP referred to was a pellet pistol that, according to her understanding, had been given to him by an unidentified friend. AP told her that if police located him, he would shoot at them so that they would be forced to kill him – a scenario commonly referred to as "suicide by cop."

Civilian Witness #2 (CW2)

CW2 provided ASIRT investigators with an audio- and video-recorded statement. She explained that she had known AP for more than 30 years. Although they had dated in the past, they remained close friends after their relationship ended and continued to communicate daily by phone and text, despite her living in British Columbia.

CW2 described AP as someone who held a well-paid job but struggled with excessive alcohol consumption during his days off. On April 3, 2024, AP sent her a photograph showing his coffee table covered in loose pills. Because she was at work, she did not respond immediately. She believed this upset AP, as he soon sent a second photograph of the same table with the pills removed. Concerned for his safety, she called 911. She was connected to the Leduc RCMP, who located AP's basement suite, forced entry, and found him unconscious. He was transported to hospital by emergency medical services (EMS) and survived the suicide attempt.

CW2 also recounted that AP had previously told her he would never receive another impaired driving charge because he kept a gun under the seat of his vehicle. Although he told her the firearm was only a pellet gun, she understood this to mean that he intended to use it to provoke police into shooting him.

On the morning of June 19, 2024, AP began sending her text messages that made it clear he had been drinking. His tone was angry. Later that evening, while she was at work, AP called her. She did not answer, but he left a voicemail stating, "It's fucking hilarious, I just called to say I love you, it's 10:19... called to say goodbye," and told her there was a note for her on his table.

She did not hear from him again that night. Instead, she received a voicemail from CW1 urging her to call for help immediately and reporting that AP had said he was "on the mountain" and was thinking about shooting at police.

CW2 again contacted 911, relayed all the information she had, and provided the responding officer with screenshots of AP's text messages.

Civilian Witness #3 (CW3)

CW3 provided ASIRT investigators with an audio- and video-recorded statement. She explained that she is CW2's daughter and that her mother had dated AP intermittently throughout her childhood. CW3 described AP as more of a father figure to her than her biological father. Although they had grown apart in recent years due to AP's drinking, he continued to call her occasionally.

On June 19, 2024, at approximately 10:40 p.m. (BC time), AP phoned her. Late-night calls from him were not unusual, but they typically meant he was drunk. During this call, AP told her that she wouldn't believe what he had done and that he was in trouble. He said the incident would be on the news and that he did not want her to think less of him.

AP eventually disclosed that he had crashed into three police vehicles and fled the scene. When she asked where he was, he refused to say. He told her he was hiding and that he intended to "commit suicide by cop."

CW3 tried to reassure him, telling him it was not too late to fix what had happened because he had not hurt anyone. AP responded, "I'm not walking away from this, there's a gun on my dash and I'm not walking away."

She challenged him, asking, "Why would you call me if you're planning on dying?" AP apologized and hung up. He did not call back, nor did he respond to the text message she later sent.

CW3 told investigators that AP sounded as though he had a plan, and he told her it was "set in motion." She was aware, through her mother, that AP had previously attempted suicide, although she did not have firsthand knowledge of that attempt.

She emphasized that AP intended to be killed by a police officer and that he wanted to die at the hands of police.

Witness Officer #1 (W01)

W01 provided an audio- and video-recorded statement to ASIRT investigators. He identified himself as a member of the EPS Tactical Unit and described the events leading up to, during, and after the shooting.

W01 said a suicide note had been located that indicated AP wanted a shootout with police. Because the incident was unfolding in Leduc and there was concern AP might travel to Edmonton, Leduc RCMP requested immediate assistance from EPS. The RCMP Emergency Response Team could not respond quickly enough, and the situation required a rapid tactical response.

The EPS tactical team deployed in three tactical trucks. S02 was driving, S01 occupied the front passenger seat, and W01 was seated directly behind them in the rear passenger seat. While traveling southbound on Highway 2, Air 1 located AP's vehicle near the scene and relayed its exact position.

The team leader briefed the unit and positioned them with a contingency plan should AP's vehicle remain stationary. AP began driving and Air 1 tracked his direction of travel. Leduc RCMP had established a makeshift containment using marked police vehicles and spike belts in the area where AP was operating his truck.

WO1 observed AP's vehicle facing westbound on the east side of an intersection and initially at a full stop. The tactical trucks pulled to the shoulder to observe AP's actions. AP then drove over the spike belts; the spike belts were moved to allow the tactical vehicles to pass.

The team leader announced over the radio that intervention tactics would be used to disable AP's vehicle and box it in. That plan was approved by the RCMP officer in command. As AP's truck proceeded southbound, Air 1 reported that the vehicle appeared to have flat tires and was having difficulty negotiating a turn.

WO1's vehicle was second in the stack of three tactical trucks. The driver of the lead truck prepared to intentionally contact AP's truck, but AP slowed and came to a complete stop just before the attempt. The lead truck then passed, placing WO1's vehicle directly behind AP's truck.

As WO1 began to access a flash-sound diversionary device (FSDD), he saw and heard SO1 and SO2 discharge their carbines through the windshield of their tactical truck. WO1 did not observe AP's actions immediately prior to the shooting and could not say what precipitated the officers' decision to fire. He heard a substantial volume of gunfire from their vehicle and was uncertain whether return fire had been received.

After the gunfire ceased, WO1 exited the passenger side and deployed the FSDD toward AP's location. He then checked on SO2 and, for the first time, observed AP lying on his back with his right hand near the curb and a black pistol within reach. AP exhibited little movement.

Concerned that AP might be feigning incapacitation to lure officers into a dangerous approach while the pistol remained within reach, the team moved to the rear of their truck to assess the situation. The team leader directed WO2 to deploy an ARWEN round; WO2 fired an ARWEN, a less-lethal launcher that fires hard plastic batons. WO2 later deployed an additional ARWEN round; WO1 did not personally observe AP's reaction but was told by colleagues that AP did not respond.

The team leader requested a canine unit so AP could be safely moved away from the firearm. He also ordered another FSDD to attempt to rouse AP; WO1 deployed the device but was informed AP did not move.

When the canine unit arrived, the police dog dragged AP away from the pistol. Officers were then advised that AP was in custody. The team leader directed WO1, SO1, and SO2 to clear AP's vehicle, which they did.

Tactical Emergency Medical Services (TEMS) arrived and began CPR on AP. AP was subsequently declared deceased in the ambulance.

Witness Officer #2 (WO2)

WO2 provided an audio- and video-recorded statement to ASIRT investigators. He said he was assigned to the EPS Tactical Unit and, for this incident, was seated in the back of the primary tactical truck.

WO2 observed AP driving his truck and reported that the tactical team was positioned close behind, preparing to initiate a Precision Immobilization Technique (PIT) manoeuvre. Before the PIT could be attempted, AP applied his brakes. The tactical vehicles continued past AP's truck to clear the area. As they passed, WO2 heard a volley of gunfire; he described the sound as muffled.

After the primary vehicle stopped, WO2 ran back to the scene. SO2 advised that AP had a handgun.

WO2 observed AP lying on his back with his feet toward the officers and his arms at his sides, one hand resting on the curb. Although WO2 could not personally see the firearm, other officers involved in the shooting told him a handgun lay near AP's right hand. WO2 noted some movement by AP and that he could sometimes see AP's chest rise.

The team leader then designated WO2 as the less-lethal option officer. WO2 retrieved an ARWEN and fired two baton rounds at AP (one to the shin and one to the thigh) to determine whether AP was alive or feigning incapacitation. Both rounds struck AP and produced no reaction.

Because AP was lying with a firearm within reach, officers judged it unsafe to bring a medic forward and did not call TEMS onto the scene immediately. Instead, they requested a canine unit. Once the canine officer arrived and the dog dragged AP away from the firearm, an RCMP TEMS medic moved in to provide first aid. An EPS TEMS medic subsequently assisted before EMS arrived.

Witness Officer #3 (WO3)

WO3 provided an audio- and video-recorded statement to ASIRT investigators. He said he was the sergeant in charge of the tactical team.

According to WO3, after the shooting he observed a handgun lying next to AP's hand. WO3 observed that AP was breathing and moving. WO3 reported that officers had used a FSDD and ARWEN rounds but did not see any reaction from AP; he described those tactics as not "foolproof."

WO3 said he was not comfortable having his officers approach AP while the handgun remained within reach, and he therefore requested the EPS Canine Unit to attend and drag AP away from the weapon. He also stated that he was mindful AP would require medical attention, so he had the TEMS person stage closer so that, once he and the other officers had cleared the scene and made it safe, they could respond more quickly.

Witness Officer #4 (WO4)

WO4 gave an audio- and video-recorded statement to ASIRT investigators. He said he was a member of the EPS Canine Unit and that he arrived on scene seven minutes after being called.

Upon arrival, WO4 observed TEMS staged with medical equipment ready to deploy. He then deployed his canine, which dragged AP by his foot away from the handgun.

Subject Officer #1 (SO1)

Subject officers, as individuals who are the focus of criminal investigations, possess the same right to silence as any other person and are not required to submit to an ASIRT interview or to provide any information. In this matter, the subject officers elected to supply their respective notes and reports to investigators for use in the investigation.

SO1 provided the following information to investigators.

SO1 said he was assigned to the EPS Tactical Unit on the date in question and was partnered with SO2. He was in uniform bearing a police logo on the front and back. He was dispatched to a suicidal male complaint in Leduc and was advised that AP had rammed several RCMP vehicles and was in possession of a 9mm pistol. Air 1 located AP and broadcast that AP was waving something out of the window. Although Air 1 could not positively identify the object, SO1 believed it to be the handgun reported to be in AP's possession.

SO1 reported that, after AP stopped his truck, AP exited quickly and walked back toward the approaching tactical vehicles. AP held a black pistol in his hand and raised it, pointing it at the vehicle occupied by SO1 and SO2. Fearing that AP was about to shoot him or other tactical members, SO1 fired five to six rounds from his carbine through the windshield at AP.

After the shooting, AP fell out of view. SO1 observed that a gun remained within AP's reach and that AP was not complying with verbal directions; officers observed AP breathing and occasionally moving. The team called for an EPS Canine Unit to attend and drag AP away from the firearm. First aid was provided to AP once he had been secured.

Subject Officer #2 (SO2)

SO2 provided the following information to investigators.

He said he was assigned to the EPS Tactical Unit and was dispatched to Leduc to assist with a suicidal male complaint. For this incident he was driving the tactical vehicle and was partnered with SO1; WO1 was also in the vehicle. SO2 stated he had been informed that AP had attended the Leduc RCMP detachment armed with a "9mm" handgun and had rammed an RCMP vehicle there. AP was located and SO2 followed his truck.

SO2 reported that AP drove over a tire deflation device, then stopped his truck and quickly exited through the driver's door. AP was holding a black handgun and walked toward the tactical truck, pointing the handgun at them. SO2 stopped their police vehicle and fired four rounds from his carbine. AP stumbled toward the curb still holding the handgun, at which point SO2 fired two additional rounds. AP then fell against the curb and the handgun remained within his reach. A plan was announced to have a police dog attend to drag AP away from the gun.

Autopsy Report

An autopsy determined that the immediate cause of death was a gunshot wound to the chest. The post-mortem examination identified injuries from three gunshot wounds and multiple shrapnel-like bullet-fragment strikes. Toxicological analysis of post-mortem blood detected alcohol at very high levels, as well as cocaine, bupropion, and amlodipine, indicating these substances had been ingested some time before death.

Air 1 Video

Air 1 located AP while he was seated in his stationary truck. The footage shows AP driving away and running over a tire-deflation device. After a short distance he stopped his truck, exited, and walked quickly toward the rear of his vehicle and the approaching tactical vehicle.

The video then shows AP raise his right hand, pointing an apparent pistol toward the tactical vehicle (Figure 1).



Figure 1 - AP with apparent handgun pointed towards police vehicle containing the subject officers and WO1.

The subject officers discharged their carbines through the windshield; the gunshots are visible on the footage as minute fragments of windshield glass traveling in a linear path toward AP. AP fell to the roadway and lay on his back.

A FSDD was deployed. The apparent pistol came to rest approximately two feet to AP's right, within reach of his right hand. Officers stated over the radio that they were not approaching AP because of safety concerns given the proximity of the gun. About 15 seconds after the shooting, there was no further visible movement by AP.

Approximately 21 minutes later, WO4 sent his dog in and the dog dragged AP by the foot. Officers then approach AP's vehicle and appear to clear it. EMS then arrives at the scene approximately 24½ minutes later.

Business #1 Video

Security footage from a nearby Business #1 corroborated the Air 1 recording. The front-facing camera captured the driver's-side profile of AP's truck as it came to a stop. The video shows AP exiting the vehicle and walking purposefully toward the rear of his truck and the approaching tactical trucks. AP

raised his right arm to shoulder height and pointed it at the police (Figure 2).

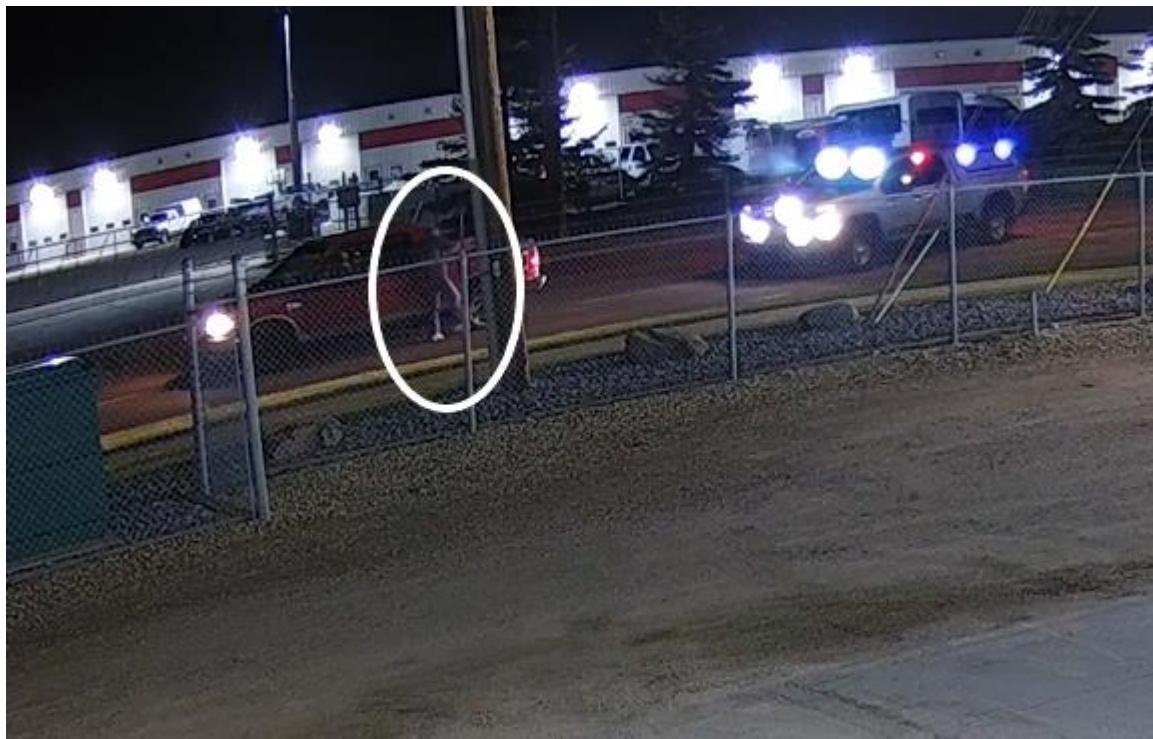


Figure 2 - Business #1 security video showing AP, circled in white, raising his arm.

Tactical officers fired through their windshield and AP fell to the ground. An FSDD discharged shortly thereafter. AP remained in that position until an EPS canine arrived and dragged him away.

Negotiator Call Audio

An RCMP negotiator contacted AP by cell phone and conducted a series of calls aimed at securing his peaceful surrender. These calls were recorded, and the following passages summarize the most relevant portions of those calls.

The negotiator introduced herself as an RCMP officer, acknowledged that AP was upset, and asked if there was anything she could do to help resolve the situation. AP told her he was in his vehicle and in possession of a 9mm handgun. When the negotiator asked whether the gun was real, AP said, "I fuckin' don't want to hurt anyone else, but it's called suicide by fuckin' cop."

AP told the negotiator that he had "drank poison" and had attempted suicide by heroin, fentanyl, cocaine, whiskey, and by taking all his high blood pressure pills, but that none of those attempts had worked. He said that consuming those substances had made him very angry and that he was ready to put the gun to his head. He told the negotiator he would never hurt the officers and that the worst he would do is shoot at their feet.

AP said he had "smashed up" three cop cars and was considering returning to town to damage more vehicles. He said he was drinking whisky in his vehicle. The negotiator's call ended while she was speaking when AP hung up.

In the next call, AP told her he could see police officers and that the only way he wanted to resolve the situation was "suicide by cop." He repeated that he would shoot at the police officers' feet because he would never want to hurt them.

At one point AP became angry because his phone "lights up" when the negotiator calls and he suspected the police were looking for that. He asked the negotiator if she had a gun and requested that she use it to shoot him in the head. He said he had expected that by smashing into police cars he would have been killed. He told her he had took out two police cars in the parking lot, but that he knew there was no one in those cars when he hit them; he said that if there had been anyone in the cars he wouldn't have hit it, and reiterated, I just want to die.

AP instructed the negotiator to tell the police officers to turn their police lights off and said he would smash the police vehicles parked in front of him. He told her there were approximately 10 police officers in front of him and said he was going to "take out" the police officers; the negotiator asked him not to.

AP again stated he had a 9mm gun and said he would try to get out of there but would call the negotiator back in 10 minutes. He became angry at the negotiator for calling him, said he was about to end his life, and said goodbye.

AP then said he was 10 feet from the road where he is going to meet his demise. His tone shifted from anger to crying and sadness. He asked the negotiator if she wanted to "hear this." AP then stopped speaking and it sounded as though he placed the phone down at a distance; after that, only background noise is audible.

During the call AP can be heard yelling "fuck" while the negotiator asks him to stop. At one point he yells, "fucking shoot me!" The negotiator repeatedly asks where the gun is while AP continues to shout "shoot me" in the background.

AP says, "I'm done, I'm out of here," and the sound of a vehicle driving is heard; the negotiator tells him to stop driving. The truck then sounds like it stopped and AP says, "fuck it." Moments later, several gunshots are heard. In the background another voice can be heard shouting, "don't move!" and "show your hands!" The negotiator ended the call a short time later.

Scene

The scene was a four-lane undivided roadway in a Leduc industrial park. AP's truck had four flat tires. The tactical vehicle had numerous bullet holes in the windshield. The "gun" AP possessed and pointed at the officers was located next to the curb. An examination of this item revealed that it was a pellet

gun that resembled a handgun (Figure 3).



Figure 3 - Pellet gun found at the scene.

Analysis

All EPS officers on scene were present to assist the RCMP in attempting to apprehend AP in light of his suicidal ideation and his ramming of RCMP vehicles. They were therefore lawfully placed when they followed AP's truck and engaged him after he exited the vehicle holding and pointing the apparent handgun.

Air 1 video and officer statements show that, after being shot, AP remained lying on the roadway for a period of time before medical treatment was attempted. Air 1 video shows the apparent gun lying within a couple of feet of his right hand. As recorded on the video, the officers made a conscious decision not to approach AP because of safety concerns given the proximity of the apparent gun.

From the time AP was shot until WO4 sent his dog in to pull AP away, approximately 21 minutes elapsed. AP's vehicle was then cleared to ensure there were no other threats. Once that task was completed, EMS were permitted to enter the scene; their arrival occurred approximately 24½ minutes after the shooting. Just prior to EMS arriving, officers can be seen tending to AP. Video indicates that, about 15 seconds after being shot, there was no further material movement by AP.

A delay in providing medical aid to a person injured by police can, in some circumstances, give rise to criminal liability for offences such as failing to provide the necessities of life or criminal negligence

causing bodily harm or death. In this case, however, the delay in providing medical care was attributable to reasonable welfare concerns for the officers on scene. There is no evidence that the time taken to make the scene safe for EMS or TEMS converted the officers' delay into a criminal act.

Facts

AP informed CW1, CW2, and the RCMP negotiator that he was armed with a handgun and intended to force police to shoot and kill him. Although he stated he did not want to harm officers, that assertion does not alter the manner in which police are required to respond; people's intentions can change. AP also said that he would shoot at the officers' feet. A person of unknown state with a handgun who has said he will shoot in the direction of officers is not functionally different than one who has said he will shoot them; he risks hitting and killing the officers all the same.

After driving over a spike belt, AP's vehicle became disabled; he stopped his truck, immediately exited, and approached the EPS tactical vehicle occupied by the subject officers and WO1 while holding what appeared to be a handgun. AP then raised that item in the direction of the tactical vehicle and its occupants.

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 this force is intended or is likely to cause death or grievous bodily harm, 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.

A police officer's use of force is not to be assessed on a standard of perfection nor using the benefit of hindsight.

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. Here, the subject officers were aware that AP had indicated that he was suicidal and had rammed police vehicles at the Leduc RCMP station. AP was reportedly in possession of a gun and had made comments that indicated that he was going to force the police to shoot him confronting them with his gun. AP's vehicle became disabled after driving over the spike belt. He stopped his truck, exiting it immediately, and approached the EPS tactical vehicle holding what appeared to be a handgun. AP raised this item in the direction of the tactical vehicle and its occupants. A gun is certainly capable of causing death or grievous bodily harm to a person. The subject officers responded by shooting at AP, which was intended or likely to cause death or grievous bodily harm. As such, the subject officers' responses were proportionate to the threat of death or grievous bodily harm that he appeared to pose to them.

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.

AP presented a lethal and immediate threat to the officers given the apparent gun he pointed in their direction. Under those circumstances, any other lesser use of force would have provided AP with time to shoot and kill the officers.

While the “gun” AP possessed turned out to be a pellet gun, there was no reasonable way to determine this at the time that AP first presented it. As noted in the picture included in this report, this item looks like a real gun, and the subject officers were reasonable in believing that it was a real gun capable of causing death or grievous bodily harm to themselves.

No other use of force option was reasonably available, and the subject officers’ use of their firearms was necessary. AP’s subsequent death, while unfortunate, does not change the analysis.

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 AP had an apparent gun and was pointing it at the vehicle the three police officers were in, it was reasonable for the subject officers to shoot AP as they did.

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

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. In order 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.

Section 34 Applied

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.

In this incident, the subject officers were defending themselves and other officers from AP. For the same reasons as stated above in relation to s.25, this defence is also available to them.

Conclusion

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 they engaged in any unlawful or unreasonable conduct that would give rise to an offence. While the death of AP is unfortunate, the force used by the officers was justifiable in the circumstances.

Original signed

Matthew Block

Acting Executive Director

February 18, 2026

Date of Release