

ASIRT DECISION

**IN THE MATTER OF AN INJURY INVOLVING CALGARY
POLICE ON AUGUST 21, 2018**

Executive Director: Matthew Block

File No.: 2018-0045(S)

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Introduction

On Aug. 22, 2018, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate the injury of the affected person (the AP) during apprehension by Calgary Police Service (CPS) officers the previous day. ASIRT designated one subject officer (the SO), with notice to him. 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), mother of the AP who was present for the incident;

Civilian witness #2 (CW2), father of the AP who was present for the incident;

Civilian witness #3 (CW3), neighbour of the AP who saw the incident;

Civilian witness #4 (CW4), neighbour of the AP who saw some of the incident;

Civilian witness #5 (CW5), who was with CW4; and

Civilian witness #6 (CW6), neighbour of the AP who saw some of the incident.

ASIRT investigators interviewed the witness officer (the WO). The SO, as the subject of a criminal investigation, was entitled to rely on his right to silence and did not speak to ASIRT.

ASIRT investigators obtained video from CW3's home surveillance cameras.

Circumstances Surrounding the Incident

At the time of this incident, the AP was a 12-year-old boy diagnosed with autism spectrum disorder.

On Aug. 21, 2018, the AP was at his Calgary home with his mother, CW1, and his brother. The AP became upset at CW1 and his brother. CW1 took the AP upstairs and away from his brother and locked him in his bedroom. The bedroom door could be locked from the outside.

CW1 had not seen the AP this upset in a long time. She called her husband, CW2, who was at work. CW2 advised her to call the police and ask that the AP be taken to the Alberta Children's Hospital. At approximately 6:15 p.m., CW1 called 911 and expressed concerns about the AP's mental health. She reported that he was uncontrollable and was causing damage inside the home.

CW2 returned home before police arrived. The WO and his partner, the SO, arrived shortly afterward. CW2 met them at the front door while CW1 remained inside. The officers asked CW1 what assistance she was seeking. She explained that she was concerned for the AP's safety and was worried that he might act out. She told the officers that he could become aggressive when he saw them. Her goal was to have police assist in taking the AP to the Alberta Children's Hospital for crisis intervention and to obtain help regarding his medication. The AP had not taken the medication during the last five days. CW1 suggested that the officers go upstairs to check on him.

The WO and the SO went to the AP's bedroom. By that time, the AP had calmed down considerably. He became upset when the SO opened the door and asked for his mother. The WO went downstairs and asked CW1 to come upstairs. When they returned, the WO confirmed with the SO that he could go back downstairs to speak with CW2.

CW1 and the SO tried to discuss going to the hospital with the AP. He remained emotionally distressed and would not cooperate. CW1 attempted to persuade him to stand up and walk to the vehicle, but he refused.

The officers agreed to assist in transporting the AP to the Alberta Children's Hospital, with CW1 accompanying them. Emergency medical services (EMS) was also called to assess the AP. EMS attended, examined him, and determined that he could be transported to hospital by his parents. EMS then left.

The AP remained in his bedroom and did not want to go with the officers. The WO later heard a disturbance upstairs and returned to check on the situation. CW1 was attempting to encourage the AP to leave the house.

The AP asked for his father. CW2 went upstairs and was able to calm him. The AP began cooperating, and CW2 helped him to his feet. They started walking toward the police vehicle, but the AP suddenly entered the upstairs bathroom. CW2 told the officers to do whatever they needed to do to get him out. The SO entered the bathroom and took hold of the AP. The AP panicked, struggled, and tried to pull away. The SO held one of the AP's arms while the WO held the other.

The AP was not handcuffed. He continued to resist and struggled to remain inside the house. As they moved downstairs, the SO walked in front, the AP was in the middle, and the WO followed behind. CW1 and CW2 followed them down the stairs.

When they reached the main floor, the front door was already open and they continued outside toward the police vehicle. Each officer held one of the AP's arms, maintaining control of his wrists and elbows. CW1 and CW2 followed closely behind. The AP was anxious about leaving and continued to resist. He pulled away and braced his legs. The officers pulled him toward the police vehicle.

Once beside the vehicle, the WO asked the SO if he could briefly release the AP in order to retrieve the vehicle keys. The SO said he could manage. The WO let go and moved to unlock the doors. The SO held both of the AP's arms behind his back and positioned him against the side of the police vehicle. The SO's right leg was positioned between the AP's legs.

CW2 told the AP to stay calm and listen. The AP struggled against the SO and shouted, "Bastard!" While maintaining his grip on the AP's arms, the SO immediately turned to his left and took the AP to the ground. The AP's head struck the pavement with significant force.

EMS was called back to the scene. They transported the AP to the Alberta Children's Hospital, accompanied by CW1. At the hospital, the AP was diagnosed with a basal skull fracture.

Affected Person (the AP)

The AP was interviewed by a forensic psychologist on Sept. 7, 2018. He provided the following information.

The AP said he was in his room yelling and crying. He believed his mother had called the police to take him to a "mental place."

When police arrived, both officers came to his room. One officer, the WO, stayed and spoke with him while the other spoke with his parents. The AP described the WO as kind and supportive. The WO told him they were going to take him somewhere safe. The AP said he explained that he was sad and frustrated and described the events that had made him angry.

The AP said he spoke with the SO and felt the SO was rude and dismissive. He believed the SO disregarded his feelings. The AP said this upset him further. He was being told he had to leave, but he did not want to go.

The AP said his father then came upstairs and spoke calmly with him. His father asked about his trip and told him they were going somewhere that could help him. The AP believed they were going to place him in a group home. He said his father's efforts helped calm him, and he stopped screaming. He held his father's hand and began walking.

As they walked, there was discussion about whether he would travel in his mother's vehicle or the police SUV, and who would be riding with him. The AP said he did not want to go anywhere. He wished he could go back in time so that he had not become angry.

The AP said the SO came too close to him, causing him to become frightened. He then "ducked" into the bathroom. According to the AP, the SO "barged open the door, stomped in and pulled him out of the bathroom." He said the SO "just went in and pulled [him] out of the bathroom and yanked me downstairs." The AP said he could not clearly remember whether the SO gave him a "hug and then picked him up" or restrained his arms.

The AP said he felt uncomfortable and began struggling. He screamed and yelled for the SO to let go. He stated that the SO "yanked" him down the stairs and forced him to leave the house. The AP said he was off the ground, which was why his feet were swinging. He said he kicked his feet while trying to break free as they moved down the stairs. He recalled his father being behind them.

The AP said the SO pulled or carried him down the exterior stairs. He believed only one officer took him outside. Because he was screaming, he could not hear whether the officer was speaking to him. He remembered continuing to struggle outside and said the SO "aggressively forced" him against the police vehicle. According to the AP, the SO held him and pushed his face against the vehicle. He described his memory from that point as "dizzy."

The AP believed the SO was trying to handcuff him and was holding his wrists. He felt he was being treated unfairly and called the SO a "bastard." He said he was slightly off the ground and that the SO had a leg positioned between his legs. The AP stated that the SO then pushed or shoved him over that leg. He recalled the SO holding his wrists at some point. The AP said the SO shoved or threw him sideways to the ground. He remembered feeling pain in his back.

The AP said the next thing he remembered was waking up in the ambulance. He was coughing up blood, vomiting, and feeling very dizzy. He also recalled still having a bump on his head.

Civilian Witness #1 (CW1)

That day, she picked the AP and his brother up at the airport and brought them home; they were returning from her parents' house.

At home, she got into an argument with the AP and the situation became one where she separated the boys. The argument continued when the AP went back downstairs to where his brother was. She took the AP back upstairs, and he was still arguing. He went back downstairs again, and the argument got worse with yelling and screaming so she took him back upstairs. She put him in his room and locked the door, which locks from the outside. The AP was more upset than she had seen for a long time.

The AP was still stomping and screaming at the top of his lungs 10-15 minutes later.

She called her husband, CW2, and told him she did not know what to do. He said maybe we need to just phone the police if he's not going to calm down. She called 911, as the AP was still yelling and screaming. She told them about his mental health issues. During the 911 call, she realized that the AP had not taken his medication over the last five days.

She opened the door to check on the AP and he broke the lamp in the bedroom. She closed the door again. The AP was screaming incoherently and she told him he needed to just stay put until the police got there. This was about 30 minutes into the call, and the police were about five minutes away.

CW2 arrived home at some point before the police came and they just waited for the police, who showed up shortly after this. She let both officers know that the AP had not taken his medication, and he was autistic. She told the officers, "I'm not sure how he's going react. He will probably get aggressive if he sees you."

She asked the officers if they wanted to go to the room first or if the officers wanted her and her husband to go first. She further told them that she was concerned for his safety, and was concerned he may act out, so it might be best if her and her husband went up first to make sure that he was okay.

After they had talked to the officers for a minute, the officers went upstairs. She waited downstairs. The AP asked for her upstairs, so the officers asked her to come upstairs. The AP did not want to leave, he was crying, and he had lots of questions. He asked, "Am I coming home? Can't I just stay here?"

They tried to talk the AP through the need to go to the hospital, but he was not cooperating. He was crying and was emotionally elevated. She tried to get him to stand up and walk to the car and he said he was not going. The AP asked for his dad.

CW2 went upstairs and was able to get the AP to cooperate. He got him standing up and they started to walk out to the police car. However, the AP ducked into the bathroom. She believed it was the SO that entered the bathroom and grabbed the AP and said, "My patience is wearing thin."

Once the officer had the AP from the bathroom, she went downstairs. She thought she waited on the main floor until they got him safely down the stairs and then they all walked out together. The officer had control of the AP and there was not a big kerfuffle.

They got across the lawn when the AP panicked and said he was not going in the police car.

She told the AP she would ride with him, as they had already discussed this with the officers. They agreed that she could ride with them as she figured the AP would be scared and anxious and not want to get into the police car.

When they got a few feet from the police car, the AP started to panic a little bit, but the SO had control of him. At the police car, the AP was still resisting. At that point, the SO pushed the AP against the police car. The officers were within seconds of being able to handcuff the AP, when the WO went to the front passenger door and opened it.

CW2 was trying to talk to the AP to get him to cooperate. The SO had the AP up against the door of the police car with his hands behind his back and he had control. The SO had the AP up against the car with his leg in between the AP's legs. She saw that the officer had the AP's whole chest against the police car. He was not going anywhere. She said the AP was not moving but he yelled, "I don't wanna get in the cop car," and "You bastards. You're not gonna cuff me!"

She then looked down to step off the curb and then she heard a pop and the AP was laying on the ground. She reached down and said, "Oh, fuck what happened?"

In her opinion, there was no way that the AP just fell. He was belligerent, but the SO was in control. He wasn't flapping his arms and he wasn't flailing. He was just standing there.

After the AP was on the ground, he was not coherent. She said to him, "talk to mom." She asked CW2 to get some ice, but she couldn't get a response from the AP. The AP's head started to swell and there was discoloration and some bleeding.

CW2 argued with the SO, stating, "Why did you do that. What happened?" The SO replied, "He tripped."

The AP regained consciousness and asked if he was dreaming, and what was going on. She told him they just needed to get him in the police car, and she needed him to cooperate so that he did not get hurt. The more she talked to him, the more she realized he was out of sorts, and they needed an ambulance.

They waited for EMS to arrive. The AP said, "You are on my leg, you're hurting my leg." She looked down and saw the officer was kneeling on top of him by his feet, so she asked the officer to get up and the officer did so.

EMS arrived and the AP was able to stand up and get on the stretcher. Once he was on the stretcher, CW2 asked for the supervisor's information from the officer. It was heated with CW2 and she thought it was going to escalate. She told him to just get into the car.

She did not understand how a grown man could not keep her son from "falling" when he had him up against the police car. She had restrained the AP before on her own.

Civilian Witness #2 (CW2)

CW2's account was consistent with CW1's, with some additional details.

CW2 arrived home before police attended.

After the officers arrived and were upstairs, CW2 could hear the SO speaking with the AP. He recalled hearing the AP say that he did not want to go and hearing the SO repeatedly say, "I don't really care what you want to do," and, "My patience is growing real thin with you." CW2 believed that the AP would not respond well to that type of language and went upstairs to see what was happening.

When CW2 went upstairs, the AP took his hand and began walking down the hallway with him. As they approached the bathroom, the AP entered it for no apparent reason. By that point, he was no longer crying.

CW2 stated that the SO then said, "I've had enough of this," pushed open the bathroom door, entered, grabbed both of the AP's arms, and "yanked" him into the hallway. The AP became frightened and tried to pull away. CW2 recalled the AP saying, "Don't do that, don't grab me." He said the SO was attempting to place the AP's arms behind his back.

CW2 said the AP did not like physical contact, even from his parents.

He estimated that the AP was about 5'3" tall and weighed approximately 90 pounds. According to CW2, the AP flailed and tried to pull free while the SO had difficulty maintaining control of him.

Concerned that the AP might fall down the stairs, CW2 suggested that the SO handcuff him. He said the SO replied, "I got this," and then forcibly moved the AP down the stairs, out the front door, and to the rear passenger side of the police vehicle. The WO walked to the driver's side to unlock the vehicle.

CW2 said the SO stood behind the AP while holding his arms and pinned him against the side of the police vehicle so that his chest was against it. CW2 stated that the AP was not moving or resisting at that point. He also said the SO was not giving the AP any instructions.

According to CW2, the AP asked the SO to let go of him, and the SO told him to stand still. The AP said words to the effect of, "You're not putting those cuffs on me," and the SO responded, "You're not telling me what to do."

CW2 said the AP then stated, "You're not putting those cuffs on me, you bastard." CW2 believed the SO became angry and immediately threw the AP face-first to the ground, rendering him unconscious.

CW2 said he shouted, "What did you do?" and recalled the SO responding, "He fell."

CW2 said that the only reason the SO took the AP to the ground was because the AP had called him a "bastard." He believed that response was unwarranted because, in his opinion, the officer already had complete control of the AP.

Civilian Witness #3 (CW3)

CW3 is a neighbour of CW1 and CW2. CW3 stated that he heard significant yelling and swearing outside and saw a CPS SUV parked in front of the residence.

He viewed the incident through his home surveillance system, which included a camera at the front door and another camera positioned on the second level facing downward. He saw EMS arrive and then leave.

Civilian Witness #4 (CW4)

CW4 was sitting on his front deck with a friend, CW5. He observed police officers arrive at a nearby residence and enter the home.

EMS later arrived, and CW4 saw a female paramedic enter the residence before leaving a short time later.

CW4 stated that the police eventually emerged from the house with a child, followed shortly afterward by the child's parents. He heard the AP yelling loudly while the officers were attempting to place him in the police vehicle. A post partially blocked his view, preventing him from clearly seeing the physical interaction between the AP and the officers. He observed two male police officers dealing with the AP.

According to CW4, the AP was shouting statements such as, "Why are you doing this?" He described the officers as appearing calm and controlled throughout the interaction. The AP's brother also came outside and said words to the effect of, "You can't take my brother away," and "You're tearing the family apart."

CW4 recalled that the AP's mother appeared upset and was speaking loudly. He heard her accuse the police of using excessive force and heard her use the word "pushing." At that time, the AP was lying on the pavement. CW4 did not see how the AP came to be on the ground.

EMS returned to the scene shortly afterward. CW4 observed paramedics place the AP on a stretcher and transport him away in an ambulance.

Civilian Witness #5 (CW5)

From the deck with CW4, he observed a police SUV arrive at a nearby residence. Two male police officers exited the vehicle and entered the home. He estimated that the officers remained inside for approximately 20 minutes before EMS arrived. The paramedics entered the residence and left about five minutes later.

Approximately 10 to 15 minutes after EMS departed, CW5 saw the officers leave the residence with the AP. One officer was positioned on each side of him. CW5 did not notice whether either officer was physically holding the AP. The AP's mother was walking behind them. The group proceeded toward the police vehicle, and CW5 assumed the AP was being placed into it.

A few minutes later, CW5 heard the AP screaming in distress. He also heard the officers request EMS over their police radio.

EMS returned to the scene and placed the AP on a stretcher before transporting him by ambulance.

CW5 described the officers as calm throughout the incident. He did not see or hear anything that caused him concern.

Witness Officer (the WO)

The WO was interviewed and provided the following information.

The WO stated that he was partnered with the SO on the day of the incident. A supervisor assigned them to a mental health call involving the AP. Before arriving, the WO understood from the information provided that the AP was a 12-year-old boy who had not been taking his medication and who had been locked in his room. He also learned that the AP had previously threatened his parents.

When the WO and the SO arrived at the residence, there was information suggesting that the AP may have injured himself. CW2 was standing at the front door waving them over. The WO could hear CW1 crying from the living room area.

The WO asked what had happened and was told that the AP had not been taking his medication. He asked CW1 whether it would be acceptable for the officers to go upstairs and speak with the AP.

The WO believed the officers were lawfully present because CW1 had requested police assistance in transporting the AP to the hospital, and there were reports of damage inside the home. He understood that the family was seeking police assistance for the AP and wanted to determine what support could be provided, including transportation.

The WO asked CW1 how the AP might react to seeing police officers. She replied that she did not know. The WO and the SO then went upstairs while the AP's parents remained downstairs.

The SO unlocked and opened the AP's bedroom door. The WO could see the AP sitting inside the room and crying. According to the WO, the AP appeared frightened when he saw the officers and immediately began screaming that he did not want to go.

The WO told the AP, "You're not going anywhere buddy, I just wanna know what's going on."

The AP stood up, moved across the room, and sat on a clothes basket. The SO entered the room while the WO remained outside.

The AP said that he did not want to go anywhere and wanted to see his mother. The WO returned downstairs and told CW1 that the AP wanted to speak with her. CW1 then went upstairs, where the AP remained upset and crying.

The WO confirmed that the SO was okay on his own upstairs and then he returned downstairs and spoke with CW2 near the front entrance. Throughout this period, the WO could hear yelling and screaming from upstairs, followed by periods of calm. He never felt that the situation required him to rush upstairs.

The WO explained to CW2 that they wanted EMS to attend so there would be documentation that EMS had been involved before the AP was taken to hospital. CW2 appreciated that approach. After they arrived, a female paramedic went upstairs and examined the AP. She advised that he was medically stable and that EMS would be leaving.

Shortly afterward, the WO heard CW1 say upstairs, "Okay, okay [first name of the AP], we gotta go see a doctor." The WO returned upstairs and saw the AP seated in the doorway of his bedroom. CW1 was sitting across from him and calmly telling him, "we gotta go, we gotta go."

CW2 then came upstairs. The WO remained nearby while the SO stayed in the room. CW2 told the AP, "we gotta go to the hospital." The AP said he did not want to go.

CW2 told the AP, "Well [first name of the AP], you can either come out with dad, or you're gonna have to go with the police."

The AP continued to say that he did not want to go. CW2 knelt beside him, took hold of his arm, and said, "Okay, [first name of the AP], we gotta go."

Because there was limited space upstairs, the WO began walking toward the stairwell. As he reached the first step, he heard the AP yelling. He turned around and returned.

The AP was now inside the nearby bathroom. The SO was standing in the bathroom doorway and CW2 was standing outside it. The AP was crying, yelling, and repeatedly saying that he did not want to go.

The WO recalled CW2 saying, "Do whatever you need to do to get him out."

According to the WO, the SO took hold of the AP's left arm while the WO took hold of his right arm. The WO encouraged him by saying, "Come on [first name of the AP]," and heard the SO say, "Come on, [first name of the AP], we gotta go."

The WO held the AP's arm with one hand and the officers guided him out of the bathroom. The WO stated that because the AP was a child, he was not gripping him forcefully. As they left the bathroom, the AP continued yelling and screaming that he was not going.

The AP pulled away with both arms and attempted to kick. As they approached the stairwell, he broke free of the WO's grip. The WO said this happened twice while they were trying to escort the AP from the house.

As they started down the stairs, the WO heard CW2 say, "Handcuff him if you have to."

The stairwell was too narrow for all three to walk side by side. The SO went first, followed by the AP, while the WO followed behind while maintaining a hold on the AP. CW1 and CW2 followed behind them.

According to the WO, the AP became somewhat calmer once they reached the main floor. The front door was already open and the group continued outside.

As they descended the exterior front steps, the WO maintained a hold on the AP's arm while the AP continued to struggle. The WO could hear CW1 behind them saying, "[first name of the AP], I'm coming." The WO repeated to the AP, "[first name of the AP], your mom's coming."

The WO and the SO escorted the AP to the rear passenger side of the police vehicle. The SO maintained hold of the AP's left arm while the WO continued holding his right arm.

He had the key to the vehicle tucked into his waistband. He asked the SO if he could hold the AP's right arm while he opened the vehicle. The SO replied, "Yeah." When the SO moved to take hold of the AP's right arm, he initially grabbed the wrong arm before taking hold of the AP's right arm.

He began to turn and insert the key into the vehicle when he saw the AP's right leg move up against the car, as though he was climbing. He saw the AP's right leg rise and, from the corner of his eye, saw the AP go over the SO's knee. Both of them then fell to the ground. As he turned back around, he heard the AP's head strike the pavement. He described the sound as an awful crack. He saw that the SO still had hold of both of the AP's arms and that the SO's leg was positioned between the AP's legs while they were on the ground.

There was a brief period, about five seconds, during which everything was quiet.

CW1 was standing on the sidewalk and CW2 was behind the police vehicle. He approached the group. CW2 said, "What did you do?" He heard the SO respond, "He fell."

As the AP regained awareness, he asked, "What's going on? What happened?" CW1 was crying and holding the AP. CW2 was upset. At that point, the AP began crying as well.

As he walked away from the group, he requested that EMS return.

He observed a bump on the left side of the AP's face. He did not see any blood.

EMS arrived about five minutes later. It was the same crew that had attended earlier. He told them that the boy had fallen and struck his head hard on the pavement.

He stood to the side while EMS assessed the AP. He then saw the AP get to his feet, walk to the stretcher, and climb onto it. He followed EMS to the hospital.

Subject Officer (the SO)

As is his right, the SO declined to participate in any interview process or provide a statement in relation to the incident.

CW3's Surveillance Cameras

CW3's residence was equipped with home security cameras. One camera captured the area where the police vehicle was parked and where the WO and the SO escorted the AP after leaving the residence.

The video showed:

07:13:57 – The SO entered the camera's field of view while escorting the AP toward the police vehicle. The SO was holding the AP's left forearm with his left hand and the AP's left elbow with his right hand.

The AP was resisting, pulling backward, and bracing his legs (Figure 1).

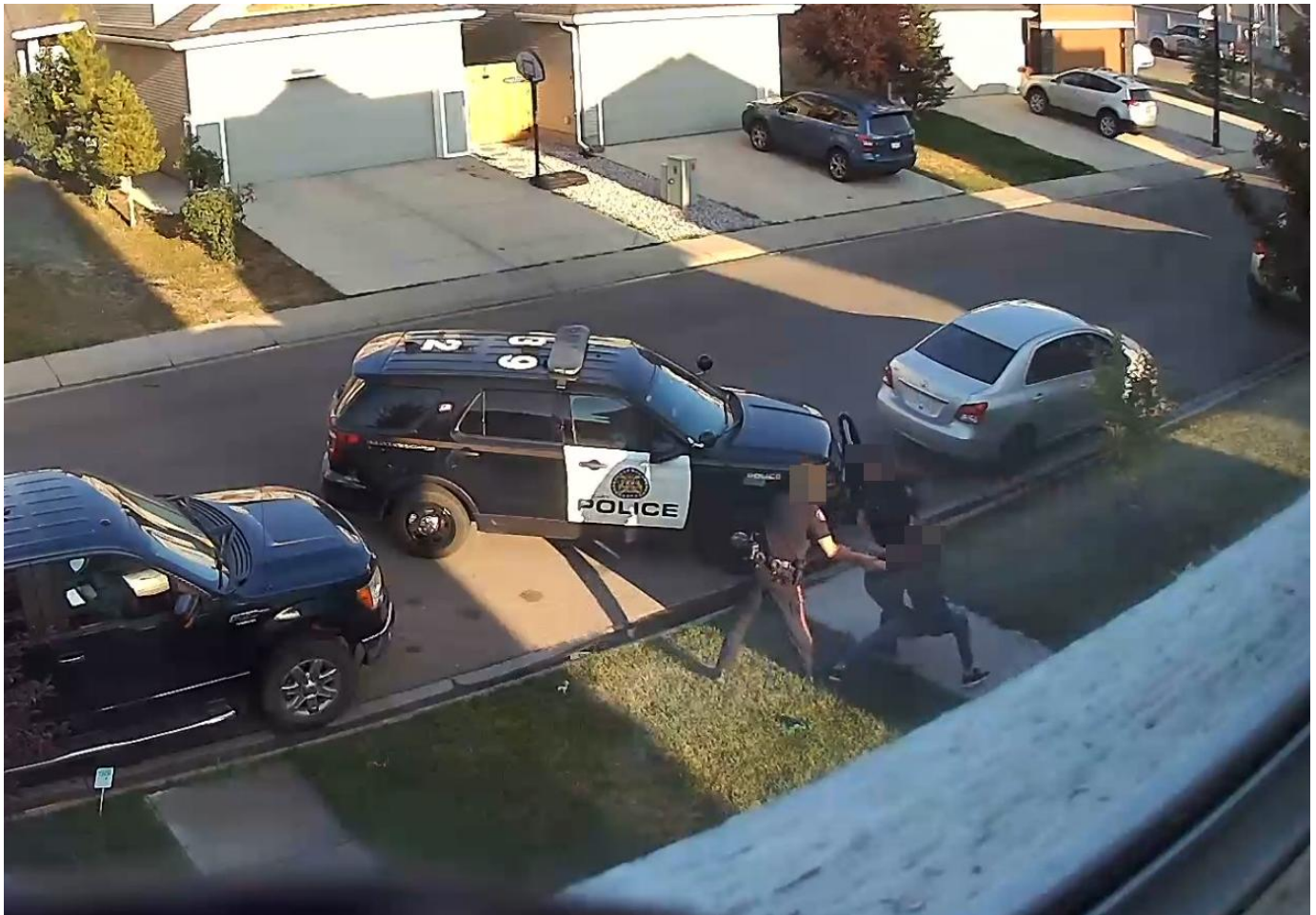


Figure 1 - The AP resisting the officers. Source: CW3's camera.

The SO pulled him forward. The WO was holding the AP's right forearm with his right hand and his right elbow with his left hand while also escorting him toward the vehicle.

07:14:01 – The SO, the WO, and the AP reached the passenger side of the police vehicle. CW1 entered the camera's field of view. The AP continued pulling away from the officers. He spread his legs apart while resisting and leaned backward as he pulled away.

07:14:01 – CW1 said, "It's okay, I'm going to go with you okay."

07:14:06 – The SO attempted to take control of the AP's right arm and briefly grabbed the WO's right forearm before adjusting his grip and taking hold of the AP's arm.

07:14:08 – The WO asked, "Do you got him?"

07:14:08 – The SO replied, "Yes." At that point, the SO was holding both of the AP's arms behind his back and had the AP pressed against the side of the police vehicle. The SO's right leg was positioned between the AP's legs. The WO was facing the rear passenger door. CW2 then entered the camera's field of view behind the officers. The WO then opened the front passenger door of the police vehicle

An aerial view of a residential street scene. A dark-colored SUV is parked on the street, with its rear door open. A police officer in a white shirt and dark pants is standing near the open door. A woman in a light blue dress is standing next to the officer. A man in a white shirt and dark pants is walking away from the SUV. A green arrow labeled 'AP' points to the rear door of the SUV. A blue arrow labeled 'SO' points to the man in the white shirt. The scene is set on a residential street with houses and parked cars in the background.

07:14:12 – CW2 said, “[First name of the AP], just stay calm. Listen [first name of the AP] ...” The AP’s right foot lifted off the ground. Shortly afterward, it moved out of view.

07:14:14 – The AP screamed, “Bastard!” (Figure 3).

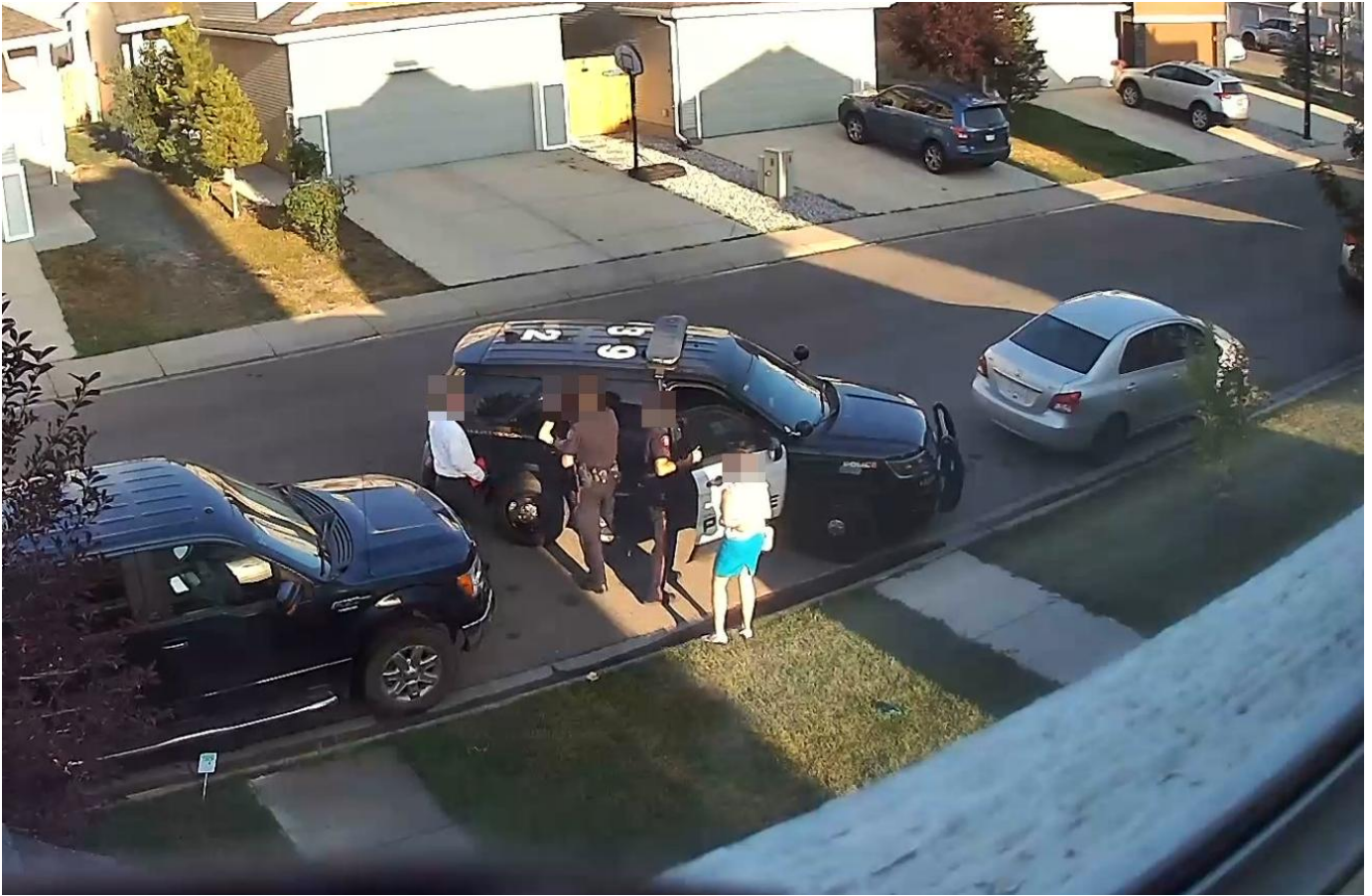


Figure 3 - The AP twisting around and yelling at the SO. Source: CW3's camera.

Almost immediately afterward, the SO used a rapid twisting motion combined with a downward

movement and took the AP to the ground (Figure 4).

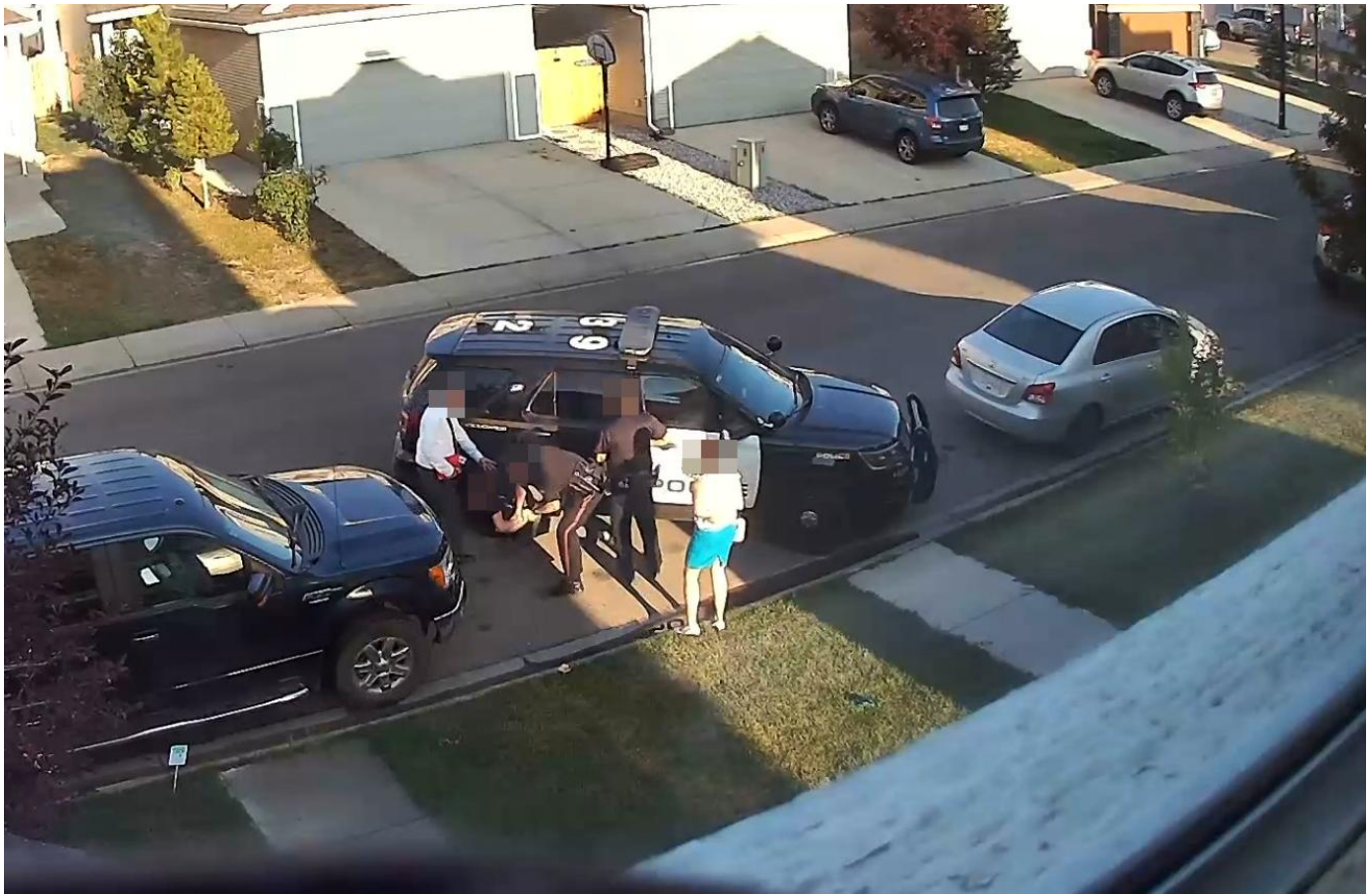


Figure 4 - The SO taking the AP to the ground. Source: CW3's camera.

The WO was positioned behind the SO with his left side near the SO's back. A loud impact could be

heard, consistent with the AP's head striking the pavement (Figure 5).

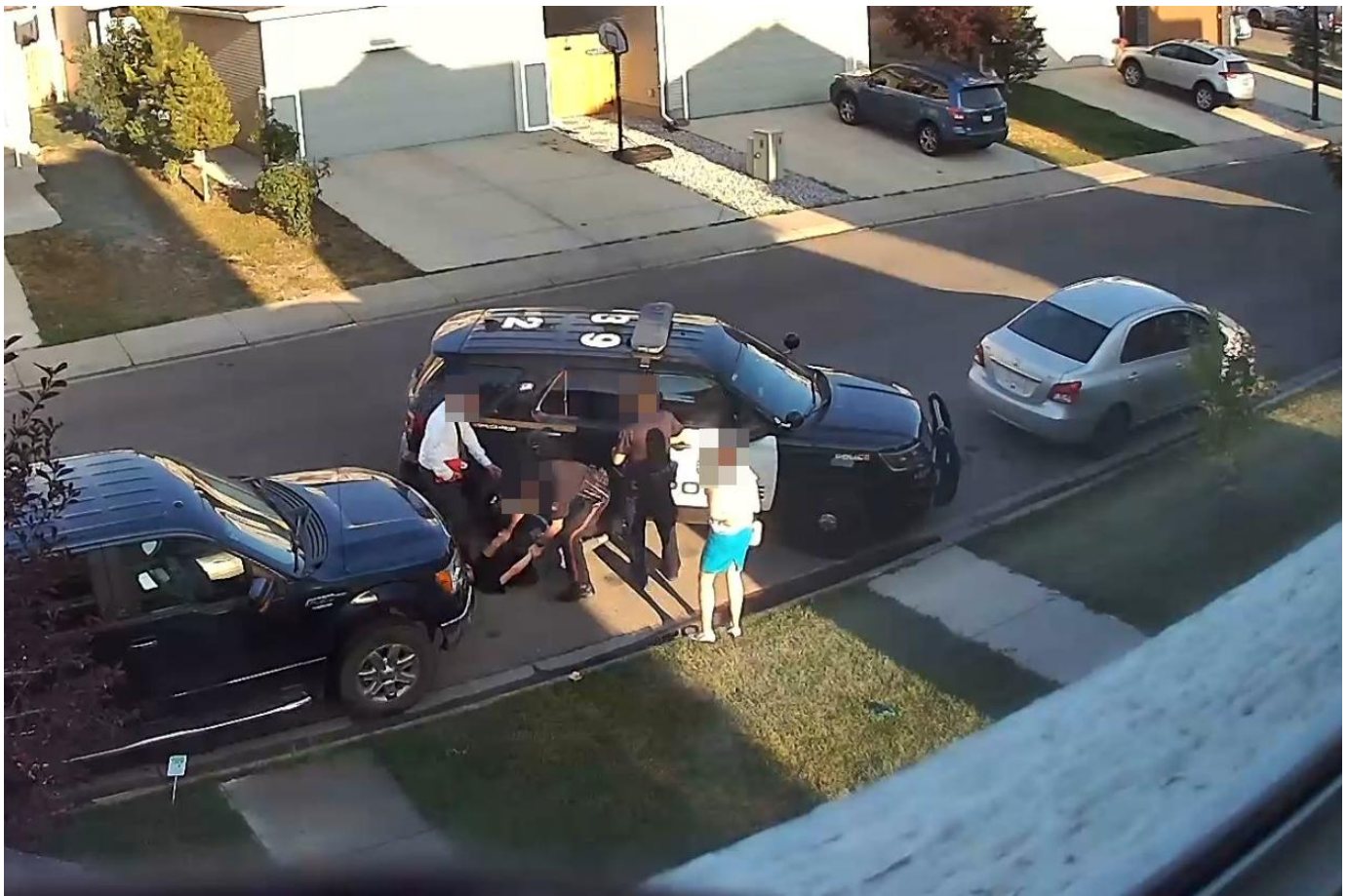


Figure 5 - The AP hitting the ground. Source: CW3's camera.

CW1 visibly flinched in response.

07:14:16 – The SO stated, “Stop.”

07:14:17 – CW2 said, “Oh come on.”

07:14:18 – The SO stated, “He fell.”

07:14:19 – CW1 said, “Oh fuck.” She placed her purse on the ground and went to assist the AP.

07:14:19 – CW2 asked, “What did you do that for?”

07:14:20 – The SO replied, “I didn’t mean it.”

07:14:21 – CW2 stated, “You threw him to the ground.”

07:14:23 – The SO replied, “No.”

07:14:27 – The WO asked, “What can we get him?”

07:14:27 – CW2 responded, “You did too.”

07:14:29 – CW1 asked, “Do you have ice?”

07:14:30 – CW2 stated, “Now you need to call EMS.”

07:14:31 – The AP could be heard screaming.

07:14:35 – CW1 said, “Hey, hey, listen.”

07:14:36 – The WO turned away from the group, walked a short distance, and activated his police radio microphone. The SO knelt beside the AP and positioned himself over the AP’s legs.

07:14:38 – The SO stated, “He spun up over my leg.”

07:14:40 – The AP continued screaming while CW1 attempted to calm him, saying, “Hey, listen to me.”

Medical Records

The medical records indicate that the AP was diagnosed with a basal skull fracture. Surgery was not required. He was treated with Tylenol and Advil for pain management. The AP was medically cleared by both the emergency department and the neurosurgery service.

Analysis

Section 25 Generally

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for 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 can 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 from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

Where the force used by an officer 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.

Section 25 Applied

The SO was dealing with a 12-year-old child and brought him forcefully down to pavement. An injury is predictable when you bring someone down to pavement forcefully and the head is a very likely spot for this injury. All blows to the head risk serious injury. Another officer was present and only a meter away if the SO required assistance.

ACPS Opinion

There were therefore reasonable grounds to believe that an offence had been committed by the SO and, as required by the *Police Act*, this matter was referred to the Alberta Crown Prosecution Service

(ACPS) on Sept. 16, 2025, for an opinion on whether charges should be laid. On May 14, 2026, the ACPS recommended no charges.

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

Based on the opinion provided by the ACPS, no charges will be laid.

Original Signed

Matthew Block

Executive Director

August 26, 2026

Date of Release