

ASIRT DECISION

**IN THE MATTER OF AN EDMONTON POLICE
SHOOTING ON MAY 25, 2024**

Acting Executive Director: Matthew Block

File No.: 2024-0033(N)

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Introduction

On May 25, 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 the Edmonton Police Service (EPS) shooting of the affected person (AP). One officer was designated as a subject officer (SO), with notice to her. 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) – a customer in the gas station who observed aspects of the interaction between AP and SO;

Civilian witness #2 (CW2) – a customer outside the gas station who observed aspects of the interaction between AP and SO;

Civilian witness #3 (CW3) – a customer in the gas station who observed aspects of the interaction between AP and SO; and

Civilian witness #4 (CW4) – the store clerk who provided no information that was not otherwise provided by another civilian witness.

ASIRT investigators interviewed the following police officers:

Witness officer #1 (WO1) – patrol officer who went to the scene after the incident and provided first aid to AP;

Witness officer #3 (WO3) – patrol supervisor who went to the scene after the incident and located a CEW in AP's pocket;

Witness officer #4 (WO4) – patrol officer who went to the scene after the incident; and

Witness officer #5 (WO5) – patrol officer who went to the scene after the incident.

ASIRT investigators obtained notes or reports from the following officers:

SO;

Witness officer #2 (WO2) – patrol officer who went to the scene after the incident and went to the hospital with AP;

Witness officer #6 (WO6) – patrol officer who went to the scene after the incident;

Witness officer #7 (WO7) – patrol officer who went to the scene after the incident;

Witness officer #8 (WO8) – patrol officer who went to the scene after the incident;

Witness officer #9 (WO9) – partner officer of SO who was not involved in the incident;

Witness officer #10 (WO10) – a supervisor who attended the scene, conducted the public safety interview questions with SO, and transported her to police headquarters; and

Witness officer #11 (WO11) – patrol officer who was at the hospital monitoring AP but not interacting with him.

ASIRT investigators obtained a security video from the business where the incident occurred.

Circumstances Surrounding the Incident

On May 25, 2024, SO entered the convenience store of a gas station at 92 Street and 144 Avenue in Edmonton to use the washroom. Almost immediately, she was confronted by AP, who removed a “stun gun”-style conducted energy weapon (CEW) from his pocket and pointed it at her, moving it up and down as he did so. While advancing toward her, he made unusual remarks suggesting he had a gun and asked whether she was scared. AP then returned the device to his pocket and left the store. SO exited shortly afterward, having already requested assistance.

Once outside, SO began walking in the direction AP was heading. She shouted for him to stop. AP turned and rapidly moved toward SO, who was holding her service pistol at that point. In response, SO repositioned herself and fired several rounds, causing AP to fall to the ground. She maintained control of the scene by holding him at gunpoint until additional officers arrived, secured him, and began providing emergency first aid.

AP was transported to the hospital with life-threatening gunshot wounds. He survived.

Affected Person (AP)

As is his right, AP declined to speak with ASIRT investigators and did not authorize the release of his medical records. Consequently, AP’s account of the incident, as well as the precise nature and extent of his injuries, remains unknown.

Civilian Witness #1 (CW1)

CW1 provided an audio-recorded statement to ASIRT investigators, during which he relayed the following information.

He observed SO enter the Shell station and walk toward the rear of the store. AP entered immediately after her. AP was speaking to the officer, but CW1 could not make out what he was saying. He heard SO respond, “What are you even saying?” CW1 believed AP was under the influence of some substance, noting that AP’s behaviour and mannerisms appeared unusual.

CW1 saw an object in AP’s right hand, which prompted the officer to draw her pistol. He described the item as rectangular, approximately three inches by nine inches, and resembling a battery pack. CW1 later stated that he believed the item was a “Taser,” based on comments from others in the store and his familiarity with similar devices from television. AP then left the store, followed by the officer.

From his vantage point, CW1 saw the officer backing up while AP advanced toward her. He observed AP move quickly toward the officer just before he heard gunfire. He recalled hearing three shots — one, followed by a brief pause, then two more. After the shots, he heard the officer yelling at AP to stay down. CW1 went to the window, looked outside, and made eye contact with AP. He noted that AP was down but not fully on the ground.

Civilian Witness #2 (CW2)

CW2 provided an audio- and video-recorded statement to ASIRT investigators, in which he relayed the following information.

He was seated in his vehicle outside the gas station store when he noticed AP standing near the convenience store. CW2 described AP as looking “very suspicious,” which prompted him to continue watching. AP’s behaviour struck him as unusual — he appeared “all shaky,” and CW2 believed he might attempt to get into someone’s car. Based on AP’s shakiness, CW2 thought he was possibly under the influence of a drug.

CW2 then observed SO park her vehicle near the gas station and walk inside. He saw AP approach her as she entered. The two appeared to speak briefly in the entranceway before AP followed her further into the store. Although CW2 could not hear the conversation from his vehicle, he could partially see inside through a window. From that vantage point, he saw the officer place a hand on her firearm. AP then exited the store and began walking west. When he was approximately six feet from the doorway, he stopped, turned back toward the entrance, and SO emerged with her gun drawn.

Once the interaction moved outside, CW2 could hear what was being said. SO directed AP to get on the ground, but AP did not comply. The officer began backing away while repeating her command. AP then moved quickly toward her. As he advanced, SO was saying, “Get back!” CW2 stated that AP charged at the officer and reached toward her or her firearm. He described AP extending both hands in a manner that appeared to be an attempt to grab either the gun or the officer herself.

Civilian Witness #3 (CW3)

CW3 initially expressed reluctance to participate, explaining that she feared being targeted by police and becoming the next victim of police force. After speaking with an ASIRT investigator, she agreed to provide a phone interview. In that interview, she relayed the following information.

She was inside the store and observed the interaction between SO and AP. She heard the officer say, “Back up,” though she could not clearly hear what AP was saying in response.

CW3 stated that she saw what she believed to be a cell phone in AP’s hand, not a weapon, while SO had her hand on her firearm. According to CW3, AP appeared to be attempting to speak with SO, but SO did not seem interested in engaging and repeatedly told him to “Back up.”

CW3 believed that AP did not intend to harm SO and was not going to do anything. AP then left the store, followed by SO.

She stated that AP turned and moved toward SO, who again said, “Back up, back up,” before SO shot him and then instructed him to “Stay down.”

In CW3’s view, SO should have remained inside the store and left AP alone, as she believed the incident would not have occurred had SO done so.

Witness Officer #1 (WO1)

An audio- and video-recorded statement was obtained from WO1 by ASIRT investigators. His statement included the following information.

He heard SO transmit over the radio, “He pulled a Taser on me.”

WO1 arrived at her location shortly thereafter, initiated life-saving measures on AP, and observed three bullet wounds on him.

Witness Officer #2 (WO2)

WO2’s report and notes were obtained and contained the following information.

He heard SO broadcast a request for assistance over the radio, indicating that she had a male at gunpoint, followed shortly thereafter by the transmission, "Shots fired."

Upon arriving at the scene, he observed officers performing life-saving measures on AP. He saw a black "stun-gun"-type Taser and noted two bullet wounds to AP's abdomen, one wound to his right upper arm, an exit wound on the left side of his back, and a wound to his right thigh.

He later accompanied AP to the hospital.

Witness Officer #3 (WO3)

An audio- and video-recorded statement was obtained from WO3 by ASIRT investigators. His statement included the following information.

He was acting in a supervisory role when he heard SO report over the radio that someone had pulled a Taser on her and that she had the individual at gunpoint. As he was en route to her location, he then heard the transmission, "Shots fired."

Upon arriving at the scene, he observed SO holding her firearm at a low-ready position and AP lying on the ground. He directed SO to maintain lethal coverage while he handcuffed AP. During his search of AP, he located a Taser in the front pocket of AP's hoodie and tossed it aside.

Subject Officer (SO)

Subject officers, like all people under criminal investigation, are entitled to the constitutional right to remain silent. They are not obligated to participate in an ASIRT interview or to provide any information. In this case, however, the subject officer elected to provide her notes and report. Those materials contained the following information.

She went to the gas station to use the public washroom. As she approached the entrance, she saw AP walking toward her.

She described AP as having "open wide eyes," watching her continuously, and whispering something. She recounted an unusual exchange in which AP said, "I have a gun," while reaching into his hoodie pocket. She instructed him to stop reaching into his pocket, and he initially complied.

Once inside the store, AP commented that she was scared, removed a "Taser" from his hoodie pocket, and his expression shifted from "smirking" to angry. He asked her if she knew what the item was. She recognized it as a manufactured Taser. She told AP to drop it and asked, "What are you doing?" Noting AP's odd behaviour, she placed her hand on her firearm. At that point, two males in the store approached AP. She did not know whether they were associated with him. AP continued to hold the Taser and stare intently at her.

She recalled AP's earlier statement that he had a gun and noted that his hoodie pocket still appeared weighed down even after he removed the Taser. As a result, she drew her firearm, pointed it at AP, and shouted at him to "Drop it!" AP abruptly returned the Taser to his hoodie pocket, then suddenly turned and walked out of the store.

SO radioed that she had encountered a male brandishing a Taser, that she was alone, had drawn her firearm, and required backup. She immediately went outside to attempt to arrest AP for weapons offences and to protect bystanders.

When she exited the store, AP was approximately six feet to the west. He turned to face her as she

yelled, "Stop! Get on the ground." AP stared at her firearm while grinning, then lunged at her with both arms outstretched. SO believed AP was trying to take her firearm. She felt her only option was to fire her weapon to prevent AP — who was taller and heavier — from seizing it, and to avoid a physical struggle in which her firearm could be discharged at her or others. She fired her weapon two to three times. AP appeared unfazed, maintained a determined expression, and continued moving toward her. She then fired an additional two to three rounds, at the moment AP got his left hand around her right hand, which was holding her firearm. AP fell to the ground as she pulled her firearm away. She ordered him not to move and radioed that shots had been fired and that an ambulance was needed.

She maintained lethal coverage over AP until other officers arrived to assist.

Video Evidence

The store where the incident occurred was equipped with interior CCTV security cameras. The video depicts the following:

SO approaches the store and attempting to hold the door open for a male, AP. AP appears to insist that she enter first. After she walks inside, AP begins to follow but pauses at the doorway. He then retrieves a handheld black object from his left pocket, switches it to his right hand, and lifts it up and down in a manner that appears directed toward SO, who has walked to the upper right area of the store and is no longer visible on camera (Figure 1).



Figure 1 - AP holding a black object in his hand.

AP then fully enters the store and walks in the direction SO went, stopping just within the far-right edge of the camera's view. He continues lifting the black object up and down. AP appears to be engaged in a conversation with SO. The interaction may be confrontational, as several patrons turn their heads or bodies toward the two, seemingly trying to see what is occurring.

AP then exits the store, followed by SO, who has her firearm drawn in her right hand and is keying her microphone with her left. Just before stepping outside, SO holsters her firearm.

AP walks to the right of the store and out of camera view. SO follows, stopping just within the far-right edge of the camera's frame.

Suddenly, SO is seen retreating backward quickly with her firearm pointed toward AP. AP is visible advancing rapidly toward her, and near the entrance doors he appears to lunge at her (Figure 2, Figure 3, Figure 4, Figure 5).



Figure 2 - AP approaching SO outside the store with arms appearing outstretched towards SO.



Figure 3 - AP still advancing on SO.



Figure 4 - AP very close to SO.



Figure 5 - AP appearing to make contact with SO.

AP then appears to fall to the ground to the left of the doorway. SO pivots and moves backward to the right, her firearm still drawn, and continues pointing it toward the area where AP fell. She remains positioned near the entrance until additional officers arrive to assist and take control of AP.

Scene

The shooting occurred on the sidewalk running along the south-facing windows and entrance doors at the front of the store.

The scene was processed by the EPS Crime Scenes Investigation Section under the management of the ASIRT scene investigator. A search of the area resulted in the recovery of four empty 9-mm cartridge casings, which is consistent with the presence of 13 remaining live rounds in SO's 17-round capacity magazine.

Personal property belonging to AP was located on the ground, along with a “stun-gun”-style CEW that had been found in one of his pockets and tossed aside by one of the handcuffing officers, WO3 (Figure 6).



Figure 6 - CEW found in AP's pocket.

Analysis

Facts

SO, CW1, and CW2 all provided similar accounts of the incident that coincided with the video evidence. CW3's evidence, which was slightly different than the other evidence, was of lower quality on points such as what AP was holding. While CW3 thought he was holding a cellphone, CW1 and SO saw a CEW and a CEW was found later. A court would find that AP was holding a CEW.

Based on the video and the evidence of CW1 and CW2, there is little doubt that a court would accept the evidence of SO on what happened, including that AP was going for SO's firearm. AP provided no evidence to be considered in this 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. 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. The force used here, discharging a firearm repeatedly at a person, was clearly intended or likely to cause death or grievous bodily harm. SO therefore must have believed on reasonable grounds that the force she used was necessary for her self-preservation or the preservation of another person under her protection. Another person can include other police officers. 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 or threat to which it responds. This is codified in the requirement under s. 25(3), which states that where a 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. An action that represents a risk to preservation of life is a serious one, and only in such circumstances can uses of force that are likely to cause death or grievous bodily harm be employed.

Necessity requires that there are not reasonable alternatives to the use of force that also accomplish the same goal, which in this situation is the preservation of the life of the officer or of another person under his protection. These alternatives can include no action at all. An 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.

Section 25 Applied

Prior to the incident, SO was on duty but simply trying to use a washroom when she encountered AP at the store. AP was the one who initiated the interaction between the two of them when he approached her holding a CEW, which is a prohibited weapon.

Once AP approached with a CEW, SO's duty to preserve life and safety and her duty to investigate offences were engaged. AP's claim of holding a weapon further engaged these duties. SO was required by law to apprehend AP. SO followed AP and provided commands to him in keeping with those duties. At that point, AP turned, moved quickly toward SO, and reached for her firearm.

It was reasonable for SO to conclude that AP was trying to take her firearm. AP was already acting in a threatening manner toward her, with pointing the CEW, reference to a gun, and reference to her being scared. Reaching for a police officer's gun alone is a serious act, although the context is important in determining what is a reasonable response to that. At the time that AP began to go for SO's firearm, she knew a number of things about the threat he presented. These included that he had a prohibited weapon that was designed to incapacitate people, that he said he had a gun, that he was acting erratically, and that he was attempting to get her firearm. Here, given AP's threatening nature, the context reasonably leads to the conclusion that AP intended to do SO harm with her gun.

The harm that AP could have done to SO with her gun is clear: he could shoot her and seriously injure or kill her. SO responded with that same firearm. The two are proportionate.

When AP turned and quickly moved to take SO's firearm, it was a sudden and serious situation. AP covered the distance quickly and was able to touch SO's firearm. Had SO waited any longer, AP may have taken the gun. There was also no prospect of other officers intervening, since SO was alone. If SO had tried a lesser use of force such as pepper spray or her CEW, an ineffective deployment would have meant that AP was in physical contact with her. Since ineffective deployments are common with lesser uses of force such as pepper spray and CEWs, these were not reasonable options for SO. She also could not flee because of the speed with which AP approached her. It was necessary for SO to respond as she did.

SO acted reasonably in her encounter with AP and in her use of force. While AP was not holding a weapon at the time that SO shot him, it was clear from the evidence that AP was attempting to take SO's gun. Any other action by SO would have risked her own life.

Given the above, the defence available to SO under s. 25 of the *Criminal Code* is likely to apply.

Conclusion

Under s. 25 of the *Criminal Code* a police officer is justified in doing what he or she is authorized to do and to use as much force as is reasonably necessary where he or she has reasonable grounds to do so. Force intended to cause death or grievous bodily harm is justified if the officer believes, on reasonable grounds, that the force was necessary to prevent the death or grievous bodily harm of the officer or any other person.

After a thorough, independent and objective investigation into the conduct of SO, it is my opinion that she was lawfully placed and acting properly in the execution of her duties. There is no evidence to support any belief that she engaged in any unlawful or unreasonable conduct that would give rise to an offence.

Original signed

Matthew Block

Acting Executive Director

February 18, 2026

Date of Release