

ASIRT DECISION

**IN THE MATTER OF A USE OF FORCE BY CALGARY
POLICE SERVICE OFFICERS ON JUNE 8, 2018**

Executive Director: Matthew Block

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Introduction

On August 8, 2019, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate allegations relating to the use of force by Calgary Police Service (CPS) officers during the arrest of the affected person (AP) on June 8, 2018. The complaint giving rise to the investigation was submitted by the AP through legal counsel.

ASIRT designated three subject officers and provided them with notice. ASIRT's investigation is now complete.

ASIRT's Investigation

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed the AP and reviewed his medical records related to this incident.

ASIRT investigators interviewed four additional civilian witnesses. They also reviewed interviews conducted by CPS Professional Standards Section (PSS) with two additional civilians.

ASIRT investigators also interviewed 12 police witnesses and obtained the notes of an additional 11 police witnesses.

As the subjects of a criminal investigation, the subject officers were entitled to rely on their right to silence and not speak to ASIRT. In this case, the SOs exercised that right. ASIRT investigators did, however, obtain copies of their notes.

ASIRT investigators reviewed all available video of the incident, including video from one police vehicle (WatchGuard system equipped with forward-facing and rear-facing cameras) and video footage from the police detachment.

ASIRT investigators also conducted a scene examination.

Circumstances Surrounding the Incident

On June 8, 2018, members of the CPS Integrated Fugitive Apprehension Detail (IFAD) were conducting surveillance of the AP. At about 9:15 p.m., the AP parked and exited his vehicle in a residential parking lot located on 69 Avenue SE. Members of the CPS Tactical Unit approached the AP in unmarked police vehicles. Subject officer #1 (SO1), subject officer #2 (SO2), and two additional officers exited their vehicle and identified themselves as police, directing the AP to get on the ground.

Rather than comply, the AP fled on foot and jumped over a fence into an adjacent alley, landing awkwardly after an estimated seven-foot drop. He quickly regained his footing and continued running until subject officer #3 (SO3) approached in a second unmarked police vehicle. The AP subsequently fell face-first to the ground. It remains unclear whether the vehicle made contact with the AP before he fell.

SO1 and SO2 then moved in to arrest the AP, at which point a struggle ensued. The AP refused repeated commands to show his hands and instead continued reaching towards his beltline. In response, SO1 delivered a strike to the AP's lower left side near the beltline and applied pressure to the AP's head and eye area.

SO2 delivered two strikes to the AP's leg and two strikes to his lower abdomen. Following the struggle, SO1 and SO2 were able to secure the AP in handcuffs.

Officers observed that the AP was bleeding from an area above one eye and continued to complain of back pain, particularly while seated. A Tactical Emergency Medical Services (TEMS) paramedic attended the scene and offered a medical assessment; however, the AP declined. The AP was subsequently transported to the CPS District One detachment by witness officer #1 (WO1), arriving at 9:53 p.m.

Upon arrival, witness officer #2 (WO2) assumed responsibility for the AP's custody and consulted with other officers regarding potential criminal charges. At 10:40 p.m., WO2 attended the holding area, formally arrested the AP, and provided the requisite Charter and police cautions in relation to several charges. During this interaction, the AP advised that he was in pain and had injured his back during the arrest. He requested to speak with legal counsel and was immediately provided the opportunity to do so. After consulting with counsel, the AP advised that his lawyer had recommended he seek medical attention. WO2 then requested EMS.

EMS attended and transported the AP to Foothills Hospital, where he arrived at approximately 12:21 a.m. on June 9, 2018. The AP was triaged and underwent further medical assessment and testing. A cast was applied to his right arm. Following treatment, a physician completed the necessary documentation indicating that the AP was medically fit for discharge back into police custody at about 5 a.m.

The AP was then transported back to the CPS detachment by witness officer #3 (WO3).

Affected Person (AP)

ASIRT investigators interviewed the AP on August 25, 2021.

The AP reported that, on the date of his arrest, he was driving a vehicle with two friends. He acknowledged that he was the subject of an outstanding warrant at the time. After arriving at an apartment complex and parking his vehicle, he proceeded toward the rear entrance of the building. As he approached the door, a black SUV mounted the sidewalk at speed and stopped nearby. A male, whom the AP later identified as a police officer, exited the vehicle and shouted, "stop."

The AP stated that due to the manner in which the vehicle was being driven and because the individuals had not identified themselves as police officers, he feared for his safety and immediately fled. He reported jumping over a short concrete wall and dropping approximately seven feet (2.13 metres) onto a ramp leading to a garbage bay, landing on his feet. After standing up, he observed an unmarked sedan approach. The AP alleged that, as he attempted to run around the front of the sedan from the driver's side, the driver turned the vehicle toward him and struck him. He stated that the impact caused him to slide across the hood and fall to the ground. According to the AP, he extended his hands to break his fall, but the left side of his face also struck the ground. He later learned that he had sustained fractures to his right hand, which he attributed to the incident. He further reported pain in his legs and lumbar spine, which he believed resulted from his body twisting when he was struck by the vehicle.

The AP alleged that, after he fell to the ground, a male officer, believed to be SO3, exited the sedan and restrained his legs. He further alleged that the officer who had initially pursued him, believed to be SO1, punched him several times, while another officer, believed to be SO2, kicked him in the face. The AP stated that one officer pulled his head upward by his hair while another placed a knee on his neck. He recalled officers instructing him to stop resisting, although he denied offering any resistance. He also alleged that officers used their cellular phones to take photos of him during the arrest and

directed racial and derogatory comments toward him.

Following his arrest, the AP stated that he was handcuffed and that officers refused his requests for an ambulance, advising instead that he could be transported in a police vehicle. He reported being transported by a marked police vehicle to a police detachment, where he was lodged in a cell. The AP maintained that he continued to request medical attention during the transport to the police station, and due to his pain, was unable to sit comfortably. He stated that he repeatedly requested medical attention over the following several hours. While speaking with legal counsel, he advised that he had been denied access to medical care. According to the AP, he subsequently informed the officer assigned to monitor him, believed to be WO2, that he required hospital treatment and that his lawyer had advised that police could not deny him medical care. The AP stated that WO2 then reluctantly contacted EMS.

The AP was subsequently transported to Foothills Hospital for assessment, where he remained under police guard. He reported overhearing officers discussing efforts to expedite his medical treatment so that he could be returned to the police detachment for processing. The AP stated that, as he was being discharged, he raised concerns about his hand injury and was returned for further examination, including x-rays. He reported that the medical assessment ultimately determined that he had sustained two fractured lumbar vertebrae, a broken wrist, and a laceration above his left eye. The AP advised that he continued to receive treatment for these injuries over the subsequent three years. He further alleged that, at the time of his interview with ASIRT, he continued to experience vision loss in his left eye and hearing loss in his left ear. The AP denied that his injuries were caused by his fall after fleeing from police and maintained that they resulted from being struck by the unmarked police vehicle.

AP's Medical Records

The AP also provided written consent for ASIRT investigators to obtain and review his medical records relating to the treatment he received following his arrest.

The medical records indicate that the AP was not fully forthcoming during medical assessments. Healthcare providers documented that he often provided vague responses or declined to provide information relevant to his care. Notably, the AP did not provide details regarding the mechanism of his injuries, requiring medical personnel to rely primarily on information provided by police officers.

When EMS initially attended the police detachment, officers advised that the AP had jumped over a fence and fallen approximately seven feet (2.13 metres) to the ground, landing face down. The AP reported pain in his buttocks, lower back and right wrist. Paramedics observed swelling around his left eye, as well as abrasions around both wrists, on his upper back, and on his left hip. The AP was noted to be alert and ambulatory.

The AP subsequently underwent further diagnostic testing at the hospital. X-rays of his lumbar spine and right wrist were completed at 1:57 a.m. on June 9, 2018. A repeat x-ray of the wrist was performed at 3:27 a.m. after the initial imaging report recommended obtaining a dedicated scaphoid-view image. The diagnostic imaging revealed a hairline fracture of the AP's right wrist and an acute compression fracture of the second lumbar vertebra. The age of the wrist fracture could not be determined. The AP was discharged from hospital with a cast on his right wrist and prescribed pain medication.

Civilian Witnesses

ASIRT investigators interviewed four additional civilian witnesses. Of those witnesses, only two directly observed portions of the police interaction with the AP and his subsequent arrest.

Civilian witness #1 (CW1) reported observing an unmarked police van arrive in the area. She saw officers exit the vehicle and yell, "police, get on the ground" toward the AP. CW1 stated that the AP ran, jumped over a fence, and fell to the ground. He then got back up and ran down the alley. However, as officers were approaching from that direction, the AP turned and ran another way, at which point CW1 lost sight of him.

Civilian witness #2 (CW2) reported observing the AP come over a fence. He described the AP as having "landed wrong," face down on the ground, and appearing injured, dazed, and in pain. CW2 stated that officers began yelling at the AP to "stop," after which the AP got up and limped away. He eventually complied with police commands and got on the ground. By that time, CW2 was standing approximately 80 feet (24.4 metres) away. From that distance, he observed officers place their knees on the AP while taking him into custody and reported seeing one officer place a thumb in the AP's ear.

Neither CW1 nor CW2 reported witnessing the AP being struck by a vehicle.

Civilian witness #3 (CW3), the TEMS paramedic, confirmed that he identified himself to the AP while the AP was seated on the ground in police custody. CW3 stated that the AP did not appear to be in pain but was uncooperative with his attempts to conduct a medical assessment. CW3 explained that the AP's consent was required to perform the assessment and that the AP declined to answer his questions.

Subject Officers

As the subjects of a criminal investigation, the subject officers were entitled to rely on their right to silence and not speak to ASIRT. In this case, the SOs exercised that right. ASIRT investigators did, however, obtain copies of their notes.

SO1 reported that he was the first officer to exit the arrest van, which had driven onto the sidewalk as the AP approached the entrance of an apartment building. According to SO1, the AP turned and looked at him as he ran toward the AP and placed his hands into his pants pockets. Concerned that the AP – who was known to police due to a history of violence and weapons-related offences – might be reaching for a weapon, SO1 drew his service pistol and shouted, "Police, you're under arrest."

The AP immediately fled, jumping over a fence and falling approximately seven feet (2.13 metres) to the ground, landing face-first. SO1 then climbed over the fence in pursuit. As the AP regained his footing and continued running through the alley, another surveillance vehicle, believed to have been operated by SO3, entered the alley. SO1 reported that the AP ran into the front of the vehicle, rebounded, and fell face-first to the ground near the rear driver-side wheel. From his position, SO1 was unable to see the AP's hands.

SO1 stated that he moved on top of the AP and repeatedly commanded him to show his hands. The AP refused to comply. In an effort to gain control, SO1 struck the AP on the lower left side near the beltline, then grasped the AP's head and applied pressure to his eyes to prevent him from reaching toward his waistband. SO2 then assisted SO1 in gaining control of the AP's hands and securing him in handcuffs.

Following the arrest, SO1 observed that the AP was bleeding from an area above his eye and asked

whether he wished to receive medical attention. According to SO1, the AP did not respond. As the AP complained of back pain while seated, SO1 permitted him to lie on his side and requested that TEMS attend to assess him. The attending medic, believed to be CW3, advised that the laceration above the AP's eye did not require medical treatment. The AP, however, declined to discuss his back pain with the TEMS medic. The AP was subsequently transported to the police detachment by another officer.

SO2 provided an account that was generally consistent with that of SO1. He recalled that the AP jumped over a fence and fell approximately seven feet (2.13 metres) to the ground before continuing to flee through the alley while repeatedly looking back. During the pursuit, SO2 shouted, "police, stop." SO2 reported that SO1 eventually took the AP to ground, following which a struggle ensued. While assisting with the arrest, SO2 repeatedly directed the AP to provide his hands; however, the AP continued reaching toward his waistband. In an effort to gain compliance, SO2 delivered two strikes to the AP's leg and two strikes to his lower abdomen.

SO3 reported that he drove his police vehicle into an alley and observed the AP jumping over a fence. He subsequently observed other officers taking the AP into custody. SO3 then assisted with the arrest and maintaining continuity of the exhibits seized during the investigation.

Witness Officers

ASIRT investigators interviewed WO1 and WO3 and obtained and reviewed WO2's notes.

WO1 confirmed that he arrived at the scene after the AP had already been handcuffed and subsequently assumed custody of the AP from SO3. He observed a TEMS paramedic conducting a medical assessment of the AP and noted abrasions to the left side of the AP's face, as well as a small cut on his hand. WO1 also recalled the AP mentioning soreness in his tailbone; however, he did not appear to be significantly distressed by his injuries. Although WO1 could not specifically recall whether the AP requested an ambulance, he advised that it is his standard practice to involve EMS whenever an individual reports injuries or medical concerns. In this instance, the AP had already been assessed by a TEMS paramedic.

WO2 confirmed that he assumed custody of the AP from WO1 upon arrival at the police detachment. He then consulted with other officers regarding potential charges, as additional information had been received that a firearm had been located in the AP's vehicle. WO2 subsequently met with the AP, formally arrested him on several charges and provided him with his Charter rights and police caution. He facilitated the AP's request to speak with legal counsel and, upon the AP's request, arranged for an ambulance to attend. When EMS assessed the AP and determined that transport to hospital was appropriate, WO2 arranged for another officer to accompany him. Later that morning, following the AP's return from hospital, WO2 received documentation from WO3 confirming that a physician had deemed the AP fit for custody, after which the AP was re-admitted into police custody.

WO3 confirmed that he assumed custody of the AP at the hospital shortly before the AP was taken for x-rays at about 3:25 a.m. The AP was discharged from hospital at about 5 a.m., at which time a physician provided WO3 with signed documentation confirming that the AP was medically fit to return to police custody. WO3 then transported the AP back to the police detachment and transferred custody of him to WO2.

Video Evidence

ASIRT investigators obtained and reviewed video recordings from the CPS detachment as well as in-car video footage from WO1's police vehicle.

During the AP's transport to the police station, he made several comments indicating discomfort and questioned the decision not to transport him by ambulance. Upon arrival at the detachment, although the AP continued to complain of back pain, he did not request medical attention.

Detachment video footage shows the AP at various times sitting, standing, walking around the holding room, stretching, and placing his hand on his lower back. The footage further depicts WO2 entering the room and engaging in conversation with the AP, providing him with a telephone directory, and then leaving the room. A subsequent interaction between WO2 and the AP was also captured before the AP was again left alone in the holding room. Later, WO2 returned accompanied by EMS personnel. EMS assessed the AP, after which WO2, the EMS personnel, and the AP exited the room together.

Analysis

Section 25 Generally

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for the execution of their duties. For the defence provided by s. 25 to apply to the actions of an officer, the officer must be required or authorized by law to perform the action in the administration or enforcement of the law, must have acted on reasonable grounds in performing the action, and must not have used unnecessary force.

All uses of force by police must also be proportionate, necessary, and reasonable.

Proportionality requires balancing a use of force with the action to which it responds.

Necessity requires that there are not reasonable alternatives to the use of force that would also accomplish the same goal. These alternatives can include no action at all. Analysis of police actions must recognize the dynamic situations in which officers often find themselves, and such analysis should not expect police officers to weigh alternatives in real time in the same way they can later be scrutinized in a stress-free environment.

Reasonableness looks at the use of force and the situation as a whole from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

Section 25 Applied

The SOs were lawfully engaged in the execution of their duties as members of a surveillance operation targeting the AP, who was the subject of several outstanding warrants. Under their core duty to enforce warrants, the officers were required and authorized by law to apprehend the AP. The actions of the SOs throughout the incident were undertaken in furtherance of that duty.

As was their legal right, the SOs declined to participate in interviews with ASIRT investigators. Only their notes relating to their interactions with the AP were reviewed. As a result, the available evidence concerning the officers' subjective perceptions of the threat posed by the AP at the time force was used was limited. The absence of interviews also constrained ASIRT's ability to fully explore the precise nature and extent of the force allegedly employed, particularly with respect to any involvement by SO3. It also further limited ASIRT's ability to examine the circumstances and rationale underlying SO1's application of pressure to the AP's eyes – a vulnerable area of the body where the use of force

carries a risk of serious injury.

The AP maintained that all his injuries resulted from being struck by a police vehicle operated by SO3. However, the available evidence concerning this allegation was inconsistent and relied largely on the AP's account of events. Moreover, the injuries sustained by the AP are also capable of being explained by the fall he experienced when he jumped over a fence and landed from an estimated height of seven feet (2.13 metres).

ACPS Opinion

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

On May 12, 2026, ASIRT received the requested opinion from the ACPS.

It is important to note that ASIRT and ACPS are bound by different standards when assessing the viability of charges arising out of an investigation. ASIRT, as the investigative body, applies a *Criminal Code* standard that determines whether reasonable grounds exist to believe that an offence has been committed. ACPS, based on its internal policy regarding criminal prosecutions, applies a standard which examines whether there is a reasonable likelihood of conviction arising out of the evidence, and whether it is in the public interest to proceed with a prosecution. As is evident in this case, the application of these two different standards to the same investigation will, in some cases, result in different conclusions regarding the same file. In this case, while ASIRT found reasonable grounds to believe an offence had been committed, for the reasons provided in their opinion, the ACPS did not recommend that charges be laid.

Conclusion

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

Original Signed

Matthew Block
Executive Director

August 5, 2026

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