

Nov. 25, 2016

## **Investigation into EPS officer-involved shooting complete**

On December 27, 2015, the Alberta Serious Incident Response Team (ASIRT) was directed by the Director of Law Enforcement to investigate the circumstances surrounding an officer-involved shooting resulting in injuries to a 50-year-old man.

On Sunday, December 27, 2015, at approximately 3:52 a.m., a 911 call was received from a person identifying himself, advising that he was going to "pull out a gun and shoot himself". He repeatedly stated he wanted "suicide by cop" and had a rifle in his hands. He advised he would point the rifle at police officers when they walked in so they would shoot him. At approximately 4:05 a.m., a 911 dispatcher spoke to another man in the same residence who advised the man had been drinking, had a pellet rifle, and had been shooting off pellets. He advised there was no ammunition in the house and he believed there was no ammunition in the BB gun.

Two Edmonton Police Service (EPS) officers responded to the residence in their unmarked police vehicle with emergency lights and sirens activated. The man exited the residence carrying what appeared to be a long-barrelled gun, pointing it in the direction of the officers. Although one officer yelled several times for the man to drop the gun, he failed to do so continuing to move towards them. Both officers drew their police service weapons, positioning themselves behind the police vehicle. The man continued to move forward and when he arrived at the sidewalk, one officer yelled out again, telling him to drop the gun or he would shoot. The man failed to follow directions which resulted in the officer firing two shots. Upon being struck, the man fell to the ground. This entire event occurred in less than one minute. Officers immediately provided emergency medical care until emergency medical services arrived. He was treated and transported to hospital where he underwent surgery for serious but non-life-threatening injuries. It was determined that he sustained a single gunshot wound to his left leg.

Blood analysis confirmed that the man's blood alcohol concentration was almost four times over the legal limit.

ASIRT Executive Director Susan D. Hughson, Q.C., received the completed ASIRT investigation, and carefully reviewed all the evidence. Not only does the evidence demonstrate that there are no grounds to believe that an offence was committed, it establishes that at the time of the officer's dealings with the man, all the officers involved were lawfully placed and acting in the lawful execution of their duties. On the evidence, it is my opinion that the officers not only needed to engage with the man, and had grounds to arrest, they had a duty to do so, given his armed presence outside the residence in a residential area. At the time the officers dealt with the man, he presented what could have been a considerable risk of harm to the other officers on scene, to members of the public possibly in the area, and to himself. The officer exercised considerable restraint and provided the man with numerous directions and opportunities to put down his weapon. While there was some information that the rifle the man had might have been an air rifle or BB gun, in the circumstances the officers encountered, it also could have been a fully functioning loaded rifle. It would have been impossible to make that determination in the very quickly unfolding advance on police that he made while brandishing the weapon. In my opinion, his conduct left the

officer with little option other than to respond with potentially lethal force to eliminate the observable threat.

ASIRT's mandate is to effectively, independently, and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person, as well as serious or sensitive allegations of police misconduct.

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**Media inquiries may be directed to:**

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