



**Report to the Minister of Justice
and Attorney General
Public Fatality Inquiry**

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the _____ Edmonton Law Courts _____

in the _____ City _____ of _____ Edmonton _____, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)

on the _____ 3rd to the 5th _____ day of _____ February _____, _____ 2014 _____, (and by adjournment
year

on the _____ day of _____, _____),
year

before _____ S.E. Richardson _____, a Provincial Court Judge,

into the death of _____ Shawn Michael PRICE _____ 36 _____
(Name in Full) (Age)

of _____ Edmonton, Alberta _____ and the following findings were made:
(Residence)

Date and Time of Death: _____ May 10, 2009 at 2:15 a.m. _____

Place: _____ Edmonton, Alberta _____

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – The Fatality Inquiries Act, Section 1(d)).

Gunshot wound of chest

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – The Fatality Inquiries Act, Section 1(h)).

Homicide

Circumstances under which Death occurred:

Cst Horchuk and Cst Gowin, were on routine patrol when they were approached by a male who complained that he had just been robbed. He described the assailant and pointed out a direction where he had fled on foot. The officers headed to that area in an unmarked police vehicle, quickly approaching Mr. Price and a small group of others. Price matched the description given by the complainant.

The officers, both in full EPS uniform, stopped their vehicle and spoke to Price. When the officers approached, Price placed his hands in the pocket of his hoodie. The officers told him to remove his hands. He complied and then placed his hands back in his hoodie. At this, Cst Horchuk told Price that he was going to conduct a pat down frisk search for officer safety. Price then took a crack pipe out of his pocket and threw it on the ground. While this was going on, Cst Horchuk told Price that the officers wanted to speak to him about a robbery. There was a conversation back and forth on the robbery complaint. After Price threw the crack pipe to the ground, Cst Horchuk became concerned about his actions and told him that he was being arrested and placed under investigative detention. Price complied. Cst Horchuk took out his handcuffs to place them on Price. While conducting this frisk search, Cst Horchuk told Price that he was arresting him for the robbery.

At this, Price became physically resistant and aggressive. Price struggled to break the officer's grasp as handcuffs were placed on him. Both men went to the ground. Cst Horchuk was able to get one handcuff on Price and place the second handcuff on as well. However, as Price physically resisted being handcuffed, the second handcuff locked around the sleeve of his hoodie, and therefore failed to sufficiently tighten around his wrist. Price was able to slip out of his hoodie, at which time the unsecure handcuff released. One of his hands was now free and the other hand had a secured handcuff and a loose, unclamped handcuff dangling from the handcuff chain. Cst Horchuk had hold of the dangling handcuff, knowing the danger this posed to both him and Price. Cst Gowin assisted him in trying to get Price to the ground. All three struggled, with Cst Gowin being pinned against a parked vehicle. Price was able to break free from the officers and run a short distance before tripping. Cst Horchuk caught him and placed him in a headlock. Price performed a scissor kick and got out of the headlock. Cst Horchuk tried to control Price while he was on the ground. Price continued physically resisting and pulling at the officer.

During this stage of the struggle, Cst Gowin, took out her baton and struck Price 4-6 times on his leg and upper thigh, attempting to induce a "Charlie horse" and subsequently have Price attend to the pain in his leg and stop struggling with Cst Horchuk.

During this struggle, Cst Horchuk was never actually struck by Price; instead, Price was grabbing at the officer and removing implements from Cst Horchuk's uniform. Price removed the officer's handheld radio speaker, which was clipped to his shirt as well as the actual radio from his belt. Price was also able to remove and discard the pepper spray canister from Cst Horchuk's belt.

Cst Horchuk knew his radio was gone when he tried to use it to call in a distress code. Once he realized his radio was gone, he felt Price's hands on his firearm. As soon as Cst Horchuk realized Price was attempting to remove the firearm, the officer concluded that he would have to shoot Price as this action demonstrated an intention to cause grievous bodily harm.

Cst Horchuk called out to Cst Gowin that Price was "going for my gun". Cst Gowin discarded the baton she was using to strike Price and pulled out her firearm. Both Cst Horchuk and Price were wrestling on the ground in the yard of an apartment building.

The struggle between Cst Horchuk and Price continued, with Cst Horchuk using both his hands to prevent Price from removing the firearm. Price had both hands on the firearm, and at one point, had

been able to bypass the securing mechanism in the holster and Cst Horchuk felt the gun actually being removed. He was able to force Price's hands down, and prevented the firearm from being fully released.

Cst Gowin, seeing the struggle and having not been able to stop Price by striking him with the baton, and hearing Cst Horchuk's distress call that Price was "going for my gun" made a decision that she would have to shoot Price in order to stop his attempt to obtain the firearm. She waited for a clear shot, so that Cst Horchuk was not at risk and the nearby apartment would not be struck. She discharged her firearm and shot Price in the back.

Cst Horchuk heard the shot, but Price continued his physical struggle. Price continued to pull on the firearm. Cst Gowin made the decision to shoot Price again. She discharged her firearm, shooting Price in the chest.

Again, Price did not immediately stop his physical attempt to obtain Cst Horchuk's firearm.

Cst Gowin made the decision to shoot Price a third time. She was able to place her foot on Price's head (he and Cst Horchuk were still struggling on the ground) and took aim for a third shot however, by the time she was ready, Price had ended his struggle.

The entire interaction with Price lasted approximately 30 seconds.

Both officers made concurrent decisions to shoot Price in order to stop his attempt to obtain Cst Horchuk's firearm. Cst Horchuk was physically struggling with Price and not in a position to safely remove his firearm. Cst Horchuk had used his close combat training to stop Price advancing on him. Cst Gowin had used her baton to stop Price. Neither of these was successful. Cst Gowin ruled out the possibility of using her pepper spray given that all three parties were in close proximity. In the struggle with Cst Horchuk, the holster security mechanism had been bypassed by Price's attempt to obtain the firearm. The firearm holster is designed to permit an officer to release the firearm with ease, with dispatch and with one hand. There is no benign reason for a person to attempt to remove a firearm from a police officer in a physical struggle. The concerted action by Price presented the officers with no alternative assessment but that he intended grievous bodily harm against the officers or others and he was intent on securing the means to do this.

Recommendations for the prevention of similar deaths:

In this case, there was nothing that the officers could have done differently. Accordingly, this Commission has no recommendations to make for the prevention of similar deaths.

DATED March 18, 2014

at Edmonton, Alberta

Original signed by

S.E. Richardson
A Judge of the Provincial Court of Alberta