



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2021-011

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Director
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Introduction

In the early morning hours of June 11, 2021, the Royal Canadian Mounted Police (RCMP) notified the Serious Incident Response Team (SIRT-NL) of an officer involved shooting that resulted in the death of an individual. The incident occurred a short time earlier in Grand Falls-Windsor. In response, I directed a SIRT-NL investigation into the incident. SIRT-NL investigators responded and commenced the investigation immediately.

Mandate

SIRT-NL is a civilian led oversight agency that conducts its own investigations into serious incidents. Serious incidents within this context are those involving serious injury, death, sexual offence, domestic violence or any matter of significant public interest arising from the actions of a police officer in Newfoundland and Labrador. Because the within matters involves a death caused by a police officer, it falls within our mandate.

Terminology

I have made the following substitutions to protect the privacy of those involved:

- “Affected person” or “AP” for the deceased individual involved in the incident;
- “Subject officer” or “SO” for the police officer who is the subject of this investigation;
- “Witness officer #” or “WO#” for each police officer who provided relevant information; and
- “Witness #” or “W#” for each civilian who provided relevant information.

Overview

At 2:56am on June 11, 2021, multiple calls came in to 911 from a cell phone registered to W1. During the initial call, nobody was speaking directly to the call-taker but there was yelling in the background, indicating a disturbance. The 911 call-centre then contacted the RCMP and provided the details of the call and the approximate location of the incident. Four RCMP officers responded to the scene. Upon arrival, the officers

could see a male (W2) in an upstairs bedroom hiding behind an upright mattress. He motioned for police to enter. The officers forced entry into the home and located people in the upstairs bedroom. In addition to the male hiding behind the mattress, there was a second male (AP) wielding two steak knives, a teenage boy (W3) and an adult female (W1) holding a baby. The officers shouted commands for AP to drop the knives. He did not comply and grabbed W1, who was still holding the baby. One of the officers deployed a CEW (Taser) but it was ineffective. A second officer then fired his pistol twice, hitting AP. AP fell backwards. The officers immediately entered the room and requested an ambulance over the radio. AP later succumbed to his injuries.

Pursuant to the Serious Incident Response Team Regulations, SIRT-NL designated the officer who fired his pistol as the “subject officer”. The other three officers were designated as “witness officers”.

Investigation

The SIRT-NL investigation began on June 11, 2021 and concluded on August 23, 2022. Due to the size of the investigation, the RNC provided short-term seconded resources.

Before SIRT-NL investigators arrived in Grand Falls, RCMP officers, who were not involved in the incident, secured the scene. The involved officers were separated from each other and were told not to discuss the incident.

During the SIRT-NL investigation, the following steps were taken:

- A Major Case Management Triangle was established (Team Commander, Primary Investigator and File Coordinator). In addition to the Triangle, the investigative team consisted of a Family Liaison/Field Investigator/Interviewer, an Affiant, a Canvas Coordinator/Field Investigator/Interviewer, Forensic Identification Services, additional interviewers and a Criminal Analyst.
- All 911 and RCMP dispatch recordings were obtained.
- An analysis was done of the subject officer’s firearm.
- Statements were taken from 10 civilians, including those present during the incident, family and friends of the deceased, paramedics and social workers.
- Statements were taken from eight witness RCMP officers, including the three officers who were present during the incident.
- The subject officer provided a written statement via his legal counsel.
- All relevant RCMP police reports were obtained.
- A neighbourhood canvass was conducted, resulting in the acquisition of CCTV footage.

- Overall forensic examination was conducted of the scene. This included photography of the scene and of injuries sustained by those involved, drone photography, seizure of exhibits, etc.
- Forensic investigators attended the autopsy performed on AP and the Chief Medical Examiner (CME) provided a report.
- The Criminal Analyst prepared a timeline of the events leading up to the incident.
- A Use of Force expert was retained and provided a report on the reasonableness of the subject officer's actions during the incident.
- Recordings and transcripts from the affected person's recent Provincial Court Judicial Interim Release Appearance were obtained.
- The Family Liaison Officer maintained regular contact with a member of the affected person's family.

Civilian Witnesses

As noted above, investigators took statements from numerous civilians and police officers. For the purpose of this report, I will focus on the statements of particular relevance.

Witness 1 (W1)

W1 is AP's ex-girlfriend. The incident occurred at her residence in Grand Falls-Windsor, where she lives with her two children.

On June 10, 2021, W1 and her boyfriend, W2, were at W1's residence. She had W2 stay over because she was afraid AP would come there. She and W2 had fallen asleep on the couch watching television. Her baby woke up around 1:30am (now June 11) and they went upstairs to bed. They brought the baby into bed with them. Sometime later, W1 was awoken from her sleep by the sound of glass shattering. She woke W2 and told him AP was there. She heard what she thought was someone rummaging through the utensil drawer in the kitchen. W2 got up to block the door to the bedroom.

AP started kicking at the bedroom door. W2 was yelling that it did not need to go this way and was telling AP to leave. AP kicked the bedroom door in. W1 was laying on the bed with the baby in her arms. AP had two steak knives, one in each hand and W1 thought he was going to kill them. She was hugging the baby tightly and telling him it was going to be ok. AP was upset.

AP walked into the bedroom and was yelling and screaming at W1. He said something like, "I'm going to kill you". AP's eyes were wide and he looked possessed. He was raging and angry.

W1's oldest son, W3 (14 years old), came into the bedroom. He told AP not to hurt his mom or his brother and, if AP wanted to hurt someone, he could slit his throat. AP backed up and told W3 to go outside. AP kicked the bed, moving it away from the wall at an angle.

W2 picked up the mattress and the box spring and was using it to block AP from them. W2 was saying "it doesn't have to go down this way" and asking AP to leave. AP was lunging at W1 with the knives and W2 was trying to intervene. At one point, W1 noticed that W2 had a cut on his arm.

W2 took a piece of a fan and was using it to get AP away from them. W2 noticed that W1's phone had fallen on the floor. He did not know the passcode so he used the emergency option to call 911. They could not speak but W1 could hear the phone and the person saying "911, what is your emergency". AP was yelling at W3, telling him to call the police. W2 was able to tell 911 what the address was. They were asking AP to leave. AP responded that he would be leaving in a body bag.

W2 noticed the police were outside. He was back on to the window and he put his hand out the window to let the police know where they were. The police beat in the door and came into the house. When AP saw the police, he grabbed W1 and pulled her backwards into him and on to the floor. He had a knife in each hand and held them to her neck. He was using her as a shield. She still had the baby in her arms, in a cradle position. He was saying to the police "back off or I will fucking kill her". She was too afraid to move and the knives were on either side of her throat. The police were saying "drop your weapons or we are going to tase you". They said it forcefully like a warning voice. AP did not comply. W1 was sitting on the floor when she heard the buzzing sound and AP went backwards. She thinks the police Tasered him once but it hit his coat and then Tasered him again and he went backwards.

W2 lunged forward and pushed AP's hands away from W1 because AP still had the knives to her neck. W1 moved forward and AP moved toward her again. His arms had not completely come away from her and she felt them going around her again. She heard a loud bang and then she remembers W2 telling her she was safe. At the time, she did not know it was a gunshot, she thought it was a Taser. W2 took the baby from her.

The paramedics were doing CPR on AP. W1 heard someone ask for the time and someone else say "3:39". They said they were "calling it, the time of death is 3:39am".

Background

W1 was in a relationship with AP for approximately 10 years. She states she ended their relationship around Easter 2021. AP is the father to her youngest son and has been a father figure to W3 for approximately 10 years.

W1 stated that AP had been charged for assaulting her and was on a no-contact order. He had previously broken into her residence. Just after Easter 2021, AP was on court conditions not to contact her. He threatened to take the baby, threatened W1 and harassed her mother. He was arrested, charged and released on additional conditions.

W1 stated that, on June 9, 2021, AP was arrested again and held overnight for court. His truck was impounded. He was released the next day. AP's father called her that day (June 10) and told her AP was stuck in Grand Falls and he was going to come for her. He told her to be careful because AP blamed her for his truck being gone and for his being arrested. He said that AP was very angry with her. Recently, AP was out of control, was getting violent and his father noticed behavior changes. AP was using a lot of crack cocaine.

Witness 2 (W2)

W2 is W1's boyfriend. They do not live together; however, W2 stayed with W1 at her residence on June 10, 2021. He was present when this incident occurred. W2 provided two separate audio/video recorded interviews to SIRT-NL. A summary of the information he provided is as follows:

On June 10, 2021, W1 got a call that AP had been released on bail. Because W2 was worried for the safety of W1 and the children, he decided to stay at W1's house in case something happened. That night, they watched a movie with the kids. The kids went up to bed at around 10:00pm and he and W1 fell asleep on the couch. Before bed, he locked up the house. At around 2:00am, the baby woke up. They got him out of his crib and took him into bed with them because he usually does not go back to sleep once he wakes up. They all fell asleep.

W1 woke W2 abruptly at around 3:00am. W1 heard a window smash. W2 heard AP coming up the stairs. W2 braced against the bedroom door so AP could not get in. AP started kicking at the door with a lot of force and eventually was able to get the door open. AP was holding two steak knives with serrated blades. W1 was on the bed, holding the baby. W2 scrambled over by the window. AP turned on the light and saw W2. AP yelled "I'm gonna kill you/stab you", "Get out", "Off my bed", "I have nothing to live for". W2 thinks AP was on drugs. He pleaded with AP to leave and not make things worse. AP lunged at him and tried to stab him. AP also tried to stab W1. AP was leaning across the bed trying to get at them. After about five minutes, W3 came

out and engaged with AP. W3 was in the hallway, about five feet from the door. W3 pleaded with AP to stop and leave.

W2 wanted to call 911 but did not have his phone. He saw W1's phone on the floor and pressed the emergency button to call 911. He left the phone on the floor. The 911 operator came on but he could not talk to her. He thought they might be able to track the cell phone signal. He tried to bend down and whisper the address in the phone, but he believes he gave the wrong civic number.

At this point, AP had not stabbed anyone, but had attempted. At one point, W2 grabbed the base of a stand-up fan and swung it at AP in an attempt to knock the knives out of his hands. W2 grabbed the mattress and pulled it upright to create a barrier between them and AP. There was a physical struggle between W2 and AP and W2 struck his elbow on the dresser, splitting it open. AP scraped the knife along W2's stomach several times. AP backed off and there was more yelling. W3 came into the bedroom.

W2 noticed the police arrive outside. He tried to get their attention by waving out through the open window. He thinks he got the female officer's attention. The officers came in through the front door. AP kept lunging at W1, who had the baby in her arms.

The cops came up over the stairs. There were four of them. There was a Taser and guns drawn. The cops were saying "Drop the weapon, drop the weapon". AP grabbed W1 in sort of a headlock. He had the knives up around her face and neck. She was still holding the baby. The baby was screaming and crying. AP was saying "I'll kill her, I'll kill her". He had said before that he was not leaving unless he was in a body bag. It was like he had planned it in his head. The Taser was deployed. It struck AP's clothing but did not work. About 10 seconds later there was another Taser deployment, but W2 did not see more wires. AP said "I'll fucking kill her". AP was determined to hurt W1. There was a loud bang when the gun went off. AP went down but was still holding W1 and the baby. W2 pushed the knives out of the way and grabbed W1 and the baby to get them away. The officers went to AP. One of them said, "stay with me buddy".

The paramedics arrived. W2 heard someone call the time of death at 3:39. There were four officers present. W2 believed it was the female officer holding the Taser. He thinks he heard two Taser deployments and one gunshot. He could not see who pulled the trigger on the gunshot.

W2 said the cops had no other option. He felt they did a "great job". Everything happened fast. All the officers had full uniforms on and he thinks he remembers them announcing their presence when they first arrived.

Police Officers

Witness Officer 1 (WO1)

WO1 was working nightshift in Grand Falls-Windsor on June 10-11, 2021. At approximately 2:45am, WO1 was at the office with SO, WO2 and WO3. Dispatch advised there was an abandoned 911 call. The dispatcher said they could hear two males arguing and one male saying “he is going to stab me with a knife”. The dispatcher was not certain of the civic number but the telephone number was associated to [W1] and her address. All four officers travelled to the scene (in two police vehicles – two officers in each).

When they arrived at the scene, WO1 saw a male in the upstairs window, flagging them with his hand. There was a mattress in the corner of the room and it looked like they were using the mattress to hide. WO1 tried the entrance but it was locked. SO kicked the door and, after several attempts, they gained entry. WO1 was the first one in the house. WO1 and SO yelled, “Police” as they entered.

WO1 went up the stairs first, followed by the other three officers. In one of the bedrooms, WO1 saw a male standing at the back of the room with a knife. WO1 told the other officers there was a knife and drew her pistol. The male with the knife was about 15 feet away from her. He was in the back of the bedroom and the mattress was in the far right corner. There was a woman with a baby in her hands, a teenage boy, who appeared to be about 13-14 years old, and the male who had flagged them in. When WO1 saw the baby, her heart dropped because the family was helpless and the man had two knives. He had them in a fighting stance. WO1 was saying “police, drop the knife”. She felt a tap on her shoulder and could see a pistol in her peripheral vision so she knew she had lethal over watch. She was the only officer there with a Taser. She could hear SO, to her left, saying “police, drop the knife”. She was taking out her Taser and saying “drop the knife or you are going to be Tasered”. She drew her Taser in her left hand and still had her pistol in her right.

At some point, the male with the knives grabbed the female. WO1 holstered her pistol and transitioned her Taser to her right hand. The man had the woman in a headlock and had two knives in his hands. The baby was in the woman’s hands. WO1 felt nervous and scared because she did not want to hurt the baby or the woman but she knew she had to stop the male from hurting or killing them. She was yelling at him that he was going to be Tasered. The Taser safety was off and the red dot was on. The red dot was aimed at the male’s center mass and she kept saying “drop the knife, drop the knife”. The male was not compliant. She heard SO say “do it” and she deployed the Taser. The male jolted. She knew the trigger cycle was 5 seconds. The male with the knives was saying, “do it again”. She knew from her training that, when the Taser works, there is neuromuscular incapacitation. Because the male with the knives was talking and telling her to do it again, she knew it was not working. She tried to pull the

trigger again but nothing happened. The Taser was doing what it was supposed to do in the five-second cycle.

After this, she heard the first shot coming from her left. Then she heard the second shot. The male fell and she believes she holstered her Taser and ran into the room. The male, who had the knives, was in a seated position and the mattress was on the floor in front of him. She approached the male by his feet. One of the knives was at his feet. She picked it up and threw it out of the room. SO handcuffed the male. When WO1 approached the male, she saw he had been wearing a jacket, hoodie and a t-shirt. She knew the Taser probes would not go through a lot of clothing.

WO1 asked SO if the male had been shot. SO pulled the male's hoodie and jacket to the right. They saw a red round mark on the male's chest. WO1 radioed there had been shots fired and reported that all members were okay.

SO left the room and WO1 stayed until the paramedics arrived. When they arrived, WO1 told them the male had been shot. She then got out of their way. It was a tight space. WO1 went to W1, who was in the bathroom, kneeling on the floor. WO1 closed the bathroom door so W1 did not see what was happening. The paramedics said they were going to bring the male out of the room to work on him.

Subject Officer

The subject officer voluntarily provided a written account of the events through his legal counsel. The following email serves as SO's statement and is copied verbatim (with the appropriate redactions to protect the privacy of those involved):

On 2021-06-11 at approx. 0256 hrs, members were dispatched to a disturbance at [a residence] in Grand Falls Windsor. Police dispatchers advised they were on with an open cell phone call with 911 and could hear unknown persons arguing loudly in the background. Police dispatcher also told members that she could hear someone threaten to stab another person during that phone call.

At the time of this initial call there was confusion over the actual address of the incident. There were several different addresses possible in the town. Given there was no actual address, my client did not run lights or siren. One of the possible addresses was [*****] in Grand Falls Windsor. As members attended the area they noted there was no actual [*****] on that street.

As members were searching for [*****], my client learned via police radio from dispatchers that the phone was registered to a female who had a listed address at [*****] in Grand Falls Windsor NL.

At the time of this response, my client had a new member on the Field Training Program in the vehicle with him. My client was training [WO2] who was currently on his 9th shift at the GFW detachment and as a regular member of the RCMP. I would also note that at the time of this call for service, my client was wearing the operational uniform of the RCMP and operating a fully marked police vehicle. As were the other responding members to this call.

At approx. 0306 hrs, the members arrived on scene at the address associated to the phone which had dialed 911. The members were my client, [WO2], [WO1] and [WO3]. As the members arrived in front of that address, my client could see a male with a baseball cap standing in an upstairs room with the window open. The male was pointing away from the window yelling at someone that the police were here. My client could also hear the loud, shrieking screams of what sounded like a female. The male appeared to be holding what appeared to be the top of a bed mattress. My client could hear someone yelling "not to hurt him".

[WO1] was the first member at the door and found that it was locked. [WO1] kicked the door, but was unable to breach the entry door. My client then took over the breach attempt with another kick to the door. It did not give way. He then realized the door was metal and that the dead bolt was likely activated making the entry more difficult.

My client then took a run at the door with his left shoulder and body. The door did move but did not give way. He stepped back and ran at the door a second time this time the door broke open and he entered the home. My client could now hear that the screams from the upper level rooms were louder and panicked.

As he entered the residence he yelled that it was the police. He went past the stairwell to the left as he entered. The other members ascended the stairs to the upper level with my client behind.

As my client got to the top of the stairs there was a small landing area outside what appeared to be a bedroom. This was the room that the yelling and screaming was coming from and it was pure panic and chaos inside the room. As my client moved forward he saw [WO1] transition to Taser. [WO2] was in lethal over-watch with his pistol drawn and pointed into the room. Both members were yelling for someone to drop a weapon and drop that knife.

At this point, my client could see the male who was in the window pointing toward a female who was standing against the back wall holding a very young child to her chest. She was crying and screaming don't hurt him. The child was also red faced and screaming.

My client moved in past [WO2] to take over the position of lethal over-watch from the less experienced member. My client was up against the left door frame of the bedroom door as [WO1] was against the right door frame.

As my client drew his service pistol, he could now see a male against the back wall with a silver bladed knife in each hand. He yelled several loud commands for the male to drop his weapons. My client did a quick scan of the room and saw the male with the ball cap holding a bed mattress between himself and the knife wielding male and was yelling and screaming at him. My client noted that there was what appeared to be blood on one of the male's arms as he held the mattress. There was another male in the room with a reddish colored shirt and he was also attempting to get away from the man with the knife.

My client again yelled for the male to drop the knife. This male, who was wide eyed and seemed to just stare past or through my client, turned and looked back at the female. He did not comply with my client's direction and stepped toward the female. My client told [WO1] to hit him, meaning deploy Taser, as she had the less lethal means. My client could see the Taser probes strike the male with one hitting his lower torso. He appeared to jolt quickly but was otherwise unaffected. The male then reached around the head of the female and with a knife at her neck and child's face he began to pull her into him.

At this point, my client believed there was a male in this room that had already been assaulted, and possibly stabbed given the initial report. The suspect male was not complying with several commands from uniformed police officers with weapons drawn on him to drop the two knives. He was yelling that he was "going to do it" as he reached for the female with a knife in each hand. My client believed 100 % that the male was about to stab and kill the female and possibly the child.

My client could only see approximately 6 to 8 inches of the male's right side between he and the female and it appeared that the suspect male was moving to get fully behind the female. My client fired two rounds into the upper torso of the suspect male to prevent him from killing the female and child.

As the first round made contact, the male was pulling the female into him and down. My client fired a second round as he was not letting her go and he was bringing the second knife in his right hand to her stomach area where the child was still being held.

They all fell to the floor landing in a plastic tote with clothing. My client and [WO1] holstered weapons and rushed into the room and took hold of the suspect male's wrists. The two officers removed the knives as the male was not resisting at this point and appeared to pass out. My client secured the male in hand cuffs. [WO1]

radioed dispatch advising of the shots fired and requesting an Ambulance [*****] for a male with gunshot wounds.

My client moved the male's shirt and jacket to check for wounds and could see one small round hole in lower right side abdomen. The male was rousing and my client told him to stay awake. He faded out and my client tapped his cheek and yelled for him to stay awake, "stay with me". The male's head dropped and he took a loud gasp for breath and was gone. He searched for a pulse and there was none. The male's eyes were open with no response. He also contacted dispatch and advised of shots fired with a suspect down and requiring ambulance and also directed police dispatch to contact [WO4] and advise him of the situation.

Ambulance with Paramedics arrived on scene within a minute or so and checked the suspect male. They connected an AED and other equipment but the male was obviously deceased.

It was shortly afterward when my Client recognised the suspect male as [AP] as he was referred to by name by a resident. Earlier that day (the afternoon of the 10th) my client assisted in the release of [AP] from Grand Falls - Windsor Cells. He was read conditions by the court and the released from cells. He was very angry and upset when he left the detachment.

The time from my client's arrival on the scene to the discharge of his pistol was within a minute and a half approx.

My client responded in the only way possible given:

1. [AP] knew they were there.
2. [AP] knew they were police officers.
3. They had a firearm and Taser pointed at him.
4. They were giving loud clear demands for him to drop the knives.
5. They attempted less lethal means to stop him and he still went after the female and child with two knives saying that he was going to do it.
6. My client was left no choice and no further time to attempt another means of resolution.
7. He fired two rounds from his service pistol to stop this attempted murder.
8. The female and baby were within 6 to 8 inches of the rounds and he never would have fired unless it was the absolute last resort to save their lives.
9. He believed that she and her child were about to be killed.
10. He believes that he and the other members acted within the IMIM and officer response model to the very best of their abilities given all of the circumstances

Neighbourhood Canvassing

Investigators canvassed the neighbourhood to speak with those individuals who had relevant evidence. Several neighbours reported hearing something around the time of the shooting, but no one reported seeing anything noteworthy. CCTV footage was obtained from two nearby residences. Most noteworthy is one video recording, which captured the arrival of the police. This is followed by two loud pops which are consistent with the sound of gunshots. The two pops can be heard three seconds apart.

Forensics

The residence was secured and processed following the incident. Of particular relevance are the following observations:

- The bottom glass pane of the back entrance door was broken in and the door casing was split.
- There was a large quantity of glass around the inside entrance/furnace/laundry area.
- There was a disturbed bedroom, upstairs at the front of the house. This is the primary scene.
- A bed frame was broken and in pieces with the mattress and box spring in opposite positions to their intended purpose.
- There was red staining, consistent with blood, observed on the webbing on the bottom of the box spring.
- The bedclothes and clothing, personal items and laundry baskets were strewn about the room, blocking the pathway around the bed.
- The deceased was in the hallway, on his back with medical equipment still attached. Statements indicate the body was moved into the hallway from the bedroom to facilitate medical treatment.
- There was blood found inside the bedroom, on the dresser, windowsill, wall and box spring.
- A partially burned sheet was seized from where the affected person attempted to set it afire.

Photos were taken of the injuries to W1 and W2. SO's firearm and WO1's Taser were examined. SO's firearm was sent to the RCMP forensic laboratory for examination.

In summary, the results of the forensic examination were consistent with the statements obtained.

Chief Medical Examiner

The Chief Medical Examiner conducted the autopsy of AP and provided a report to the primary investigator. The report notes the cause of death as “[g]unshot wound to the chest”. The CME described two gunshot wounds: (1) gunshot wound to the right forearm, which exited the forearm and re-entered the right anterior chest; and (2) gunshot wound to the right flank. Upon examination of AP’s clothing, there were two Taser prongs present on the upper and lower right front side of the hoodie, not fully perforating the clothing.

These results were consistent with the statements obtained from those involved in the incident.

Use of Force

The Use of Force expert provided a written Use of Force Review report to SIRT-NL. The expert stated that, in order to justifiably use lethal force against a subject, the officer would need to be satisfied, based upon the totality of circumstances, that the offender had the ability, intent and means to cause death or grievous bodily harm.

With respect to the risk of harm that AP presented in this case, the expert stated as follows:

1. [AP] was in very close proximity to several civilians and police officers and being in possession of edged weapons, he had the **ability** to immediately cause serious bodily harm or death. ...[E]dged weapons are capable of inflicting serious, often fatal injuries very quickly. ... In this particular case, the weapons were edged weapons; serrated-edge steak knives that were capable of quickly inflicting significant, if not fatal, injury.
2. [AP] had clearly indicated his **intent** to attack [W1] and perhaps inflict serious injury to others. [AP] had made multiple verbal threats to harm [W1] by stating he was going to kill her. His comments pertaining to not leaving the house unless he was ‘in a body bag’ speaks clearly of his criminally minded intention to inflict harm and to not give up until he was dead. ... [AP] knew that the police had arrived on scene at the residence and had made entry into the house and yet in spite of this and the fact he had more than adequate time to disarm himself prior to the arrival of the police, he retained possession of the weapon.

[AP]’s physical actions in maintaining possession of two knives capable of inflicting fatal injury, aggressing towards [W1], and grabbing her after making repeated threats that he was going to kill her, and committing all these acts in the presence of clearly visible, uniformed and armed police officers while he was

armed with a weapon capable of causing serious bodily harm or death, clearly speaks to his intent.

In addition, the fact that the Taser deployment by [WO1] did not in any way deter [AP] or cause him to deescalate his actions, further reinforces his criminally minded, violent mindset.

3. [AP] had the **means** to carry out his attack by virtue of the fact that he had purposefully armed himself with two edged weapons, serrated-edged steak knives. Knives are contact weapons which means that in order to be able to use this weapon against [W1] or anyone else, [AP] would have to close the distance towards [W1], or others, such that he would be able to strike them with the knife. Given the constrained environment in the bedroom and the short distances involved between [AP] and [W1] the threat of serious harm to [W1] (as well as [her baby] and [W2]) was immediate.

In the case in question, [AP] was approximately 5-7 feet away from [W1] prior to the Taser deployment attempt. At this distance, [AP] was well inside the action/reaction time response time of the officers and was therefore already presenting an imminent threat of grievous bodily harm to anyone present in the room where the confrontation was taking place. I am of the opinion that even prior to the attempted Taser deployment, the use of lethal force would have been necessary and proportionate under the circumstances. I do not make this comment to be critical of the attempted use of the Taser. I believe that the officers' efforts to subdue [AP] with a Taser deployment speaks volumes about their mindset of desiring to resolve this situation without lethal force even though it would have been justified as per RCMP IMIM training.

AP was a lethal threat and immediately had the Ability, Intent and Means to inflict potentially fatal injury when he had grabbed onto W1 while armed with edged weapons.

Had [SO] not fired his weapon when he did, it is probable that [AP] would have been able to begin stabbing [W1] and/or her son and perhaps [W2] as well, multiple times before any of the officers would have been able to intervene.

In his final analysis, the expert concluded:

I am of the opinion [SO]'s use of lethal force was measured and appropriate given their independent and objectively held evaluation of the immediate harm that [AP] presented at the time [SO] discharged his firearm.

Issue and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officer committed a crime when he fatally shot the affected person. This requires a determination of whether SO's use of lethal force was reasonable and appropriate in the circumstances.

The Criminal Code of Canada states as follows:

s. 25(1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

(3) Subject to subsection (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

Section 25 authorizes the use of as much force as is necessary to do something that is required or authorized by law in relation to the administration of justice or law enforcement. The person is justified in their actions if they are acting on reasonable grounds and use no more force than is necessary.

The facts in this matter are not in dispute. All witness accounts – those of the civilians and the police – are consistent. These statements are supported by the independent evidence gathered, such as the 911 calls, the forensic examination, the CCTV footage and the autopsy report.

For the following reasons, I have not formed the requisite grounds to believe an offence occurred:

- The affected person displayed and communicated a clear intent to cause harm or death to W1, who was holding a baby in her arms.
- The affected person was wielding two steak knives, which are edged weapons, capable of inflicting grievous bodily harm or death.

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- AP had W1 in a headlock. He presented an imminent danger to W1 and others in the room.
 - The police officers first attempted de-escalation by commanding AP to drop the knives. AP was not compliant.
 - WO1 then used less-lethal means (the Taser) to separate the affected person from W1. This did not work.
 - Only then did SO fire his pistol, fatally wounding the affected person.
 - In my opinion, the officers were acting on reasonable grounds and SO was justified in his actions. SO used no more force than was necessary in the circumstances.

In conclusion, as the civilian director of SIRT-NL, I do not consider there are reasonable grounds to believe the subject officer committed a criminal offence. Accordingly, no charge will be laid.

This file is now concluded.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
September 16, 2022
File No. 2021-011