

SIRT

Serious Incident Response Team

Investigation Summary:

Incident Type: Serious Injury

SIRT File No.: 2024-01

Incident Date: February 3, 2024

Agency Involved: Saskatoon Police Service

Civilian Executive Director: Greg Gudelot

Date of Report: September 27, 2024

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Introduction

On Saturday, February 3, 2024, at approximately 3:37 a.m., the Saskatchewan Serious Incident Response Team (SIRT) received a notification from the Saskatoon Police Service (SPS) regarding an officer-involved shooting that had occurred over the course of the evening of February 2 and early morning of February 3 in Saskatoon. SIRT accepted the notification as within mandate and directed an investigation to be conducted by SIRT.

On the evening of Friday, February 2, SPS commenced an investigation related to a residence on the 600 block of Lisgar Avenue in Saskatoon. During the course of that investigation, SPS members applied for a search warrant and established containment around the residence. While the residence was contained, several individuals emerged from the residence and were arrested without incident. At approximately 2:19 a.m. on Saturday, February 3, a third individual, a 34-year-old male, subsequently referred to as the affected person, emerged from the residence and a confrontation with police occurred during which one member of SPS discharged their service firearm, striking the affected person. SPS members contacted EMS and provided first aid until EMS arrived. EMS attended the scene and provided care to the man before he was transported to hospital in Saskatoon with a single gunshot wound.

Timeline

SIRT was notified of the incident on February 3, 2024, at approximately 3:37 a.m. A team consisting of five SIRT Investigators was immediately deployed to begin the investigation. On July 3, 2024, the completed investigation was submitted to the Civilian Executive Director for review.

The Investigation

SIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of Major Case Management (MCM). During the course of the investigation, all relevant police and civilian witnesses were interviewed, a scene examination was conducted of the incident location, and relevant audio, video, and documentary evidence was seized.

Sixteen police officers were interviewed during the course of SIRT's investigation, including the Subject Officer. Despite being under no legal obligation to do so, the Subject Officer voluntarily participated in an interview with SIRT. Evidence directly from a Subject Officer is frequently invaluable and provides firsthand evidence of the beliefs and perceptions of the Subject Officer during the incident.

Three civilian witnesses were interviewed, including the two females who emerged from the residence under containment, and the medic who immediately provided care to the affected person after he was shot. The affected person provided consent for the release of his medical records to SIRT and, at the time, made comments to SIRT investigators regarding his actions and beliefs during the incident. When approached for a formal interview after his release from hospital, the affected person refused to provide a statement.

Following the incident where the affected person was shot, a body was discovered inside the residence from which the affected person emerged. This discovery, and the resulting investigation, are separate from SIRT's investigation and do not form part of this report. As those matters remain before the court, certain details have been omitted from this report pursuant to S.7.6(2) of *The Police Regulations*, 95/2022 s5.

Summary

On February 2, 2024, SPS commenced an investigation into an aggravated assault that was believed to have occurred. During the course of that investigation, SPS sought a judicial authorization to search a residence on the 600-block of Lisgar Ave in Saskatoon. This investigation was led by the SPS Crime Reduction Team (CRT) and assisted by members of the SPS Tactical Support Unit (TSU). The subject of the investigation, a 34-year-old man and the affected person in SIRT's investigation, was known to police. The affected person was subject to a lifetime weapons prohibition drawing from a prior conviction for weapons offences. During the course of his arrest on those offences, the affected person was noted as stating that he would not return to jail and would shoot police during a future encounter. These comments were noted on the affected person's police record and were made known to the involved members of SPS at the 5:30 p.m. briefing that preceded the establishment of containment around the residence. The prior comments by the affected person were noted as the reason that TSU was engaged in this operation.

As the judicial authorization was being sought, members of SPS established containment around the residence. Based on the information already available, the members containing the residence were instructed to arrest anyone who emerged from the residence prior to the execution of the warrant.

At approximately 2:15 a.m. on February 3, the north door to the residence opened and two females emerged from the residence and walked into the alley and towards a vehicle that had been identified as being related to the investigation. Members of TSU repositioned to arrest the two females, but as the unmarked police vehicle pulled up, both subjects fled in opposite directions. The Subject Officer and another member of TSU pursued the first female on foot, and arrested her on Lisgar Ave. Another TSU member repositioned an unmarked police vehicle in an attempt to shield the arrest from anyone who may have remained inside the residence, but it was unclear if this was successful. The second female, who ran the opposite direction, was pursued and arrested by two members of TSU outside of a residence on nearby Pope Cres.

As the arrest of the two females was occurring, a male, subsequently identified as the affected person, emerged from the north door of the residence, carrying a long cylindrical object. The affected person was observed to run to the front of the residence and in the direction of where the first female has been arrested. This was observed by several TSU members and called out over the radio. The affected person was described as running towards the location of the arrest at a full sprint with the cylindrical object in a two-handed grip before coming to a halt and raising the object to his shoulder. As this occurred, the Subject Officer, a member of TSU, fired two shots from his carbine, striking the affected person once, causing him to fall to the ground.

SPS members immediately provided first aid to the affected person, engaging Tactical Emergency Medical Services (TEMS) to provide care until EMS arrived. EMS attended to the scene, assumed responsibility for the affected person's care, and conveyed him to hospital. Following the shooting, while the affected person was

on the ground, he made comments stating that he was “saving the girls,” and believed someone was being kidnapped.

The cylindrical object, revealed to be a rolling cover, consistent with an SUV cargo cover, and a knife were recovered from the scene of the incident. The affected person was admitted to hospital suffering from a single gunshot wound to the abdomen and has since been released.

Analysis

Following a comprehensive review of the evidence gathered during the course of SIRT’s investigation, it was determined that the information available to police, including the Subject Officer, was sufficient both to provide lawful grounds for the arrest of the affected person, and to create a heightened sense of risk on the part of those present. The affected person’s prior history with weapons, and the prior threatening comments towards police could both reasonably influence the police perception of the affected person’s actions, and justify actions responsive to that risk.

While the object the affected person possessed was later determined not to be a firearm, the overall appearance of the object is such that it could reasonably be mistaken for a firearm, particularly given the speed with which the event unfolded, the lighting conditions at the time of the incident, and the affected person’s prior history with weapons. The affected person’s comments, both at the time of the incident and later to SIRT investigators regarding his intention to protect the females who had emerged from the residence, are at minimum consistent with the police description of the affected person having held the object and later raised it in a manner resembling a firearm, and suggest that the affected person likely intended to represent the object as a firearm to achieve his stated purpose of protection.

Under S. 25 of the *Criminal Code*, a police officer is entitled to use as much force as necessary in the lawful execution of his or her duties. This can include force that is intended or likely to cause death or grievous bodily harm, when the officer reasonably believes that such force is necessary to defend themselves or someone under their protection from death or grievous bodily harm. Further, under S. 34 of the *Criminal Code* any person, including a police officer, is entitled to the use of reasonable force in defence of themselves or another. Factors in assessing the reasonableness of force used can include the use or threatened use of a weapon, the imminence of the threat, other options available, and the nature of the force or threat of force itself.

The actions of the affected person upon contact with police, who were lawfully entitled to arrest him, were capable of giving rise to a reasonable fear of death or grievous bodily harm. The Subject Officer observed what he reasonably perceived to be a firearm in the possession of the affected person, which was rapidly pointed in the direction of himself and other police officers. In these circumstances, the Subject Officer’s perception of this action as constituting an immediate risk of death or grievous bodily harm to himself or others was reasonable, and his actions in response to that perceived risk, namely the discharge of his service carbine, were reasonable.

In this case, following the application of the facts established by the evidence to the standard established by law, the force employed by the Subject Officer falls within the range that is protected by law, and accordingly,

provides no grounds to believe that the Subject Officer committed any *Criminal Code* offence during the course of this incident. As a result, no charges will be laid.

Decision

There being no grounds to believe an offence was committed by any police officer, SIRT's involvement with this matter is concluded without referral to the Attorney General for Saskatchewan in accordance with S.91.08(10)(a) of *The Police Act, 1990*.

Original Signed

Greg Gudelot
Civilian Executive Director
Serious Incident Response Team (SIRT)

September 27, 2024

Date of Report