

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2015-003

Referral from

RCMP Halifax

February 12, 2015

Ronald J. MacDonald, QC

Director

November 4, 2015

Facts:

On February 12, 2015, members of the Halifax Regional Police (HRP) and RCMP Integrated Criminal Investigative Division responded to information they received about a threat of a mass shooting at a Halifax shopping mall to occur on February 14, 2015. Their investigation led them to a residence on Tiger Maple Drive in Timberlea. After making phone contact with a 19-year-old male at that residence, the Affected Person (AP), a gunshot was heard. Police confirmed AP was deceased shortly after 1 a.m. SiRT was first contacted after the gunshot was heard, and began their investigation after AP's death was later confirmed. SiRT's primary investigator was on scene early the next morning and entered the residence, along with police investigators and the Medical Examiner, after police had obtained a warrant to enter the premises. The investigation concluded on September 21, 2015.

During the investigation, SiRT conducted interviews, or received notes and/or reports, from 39 witness officers, and received information from two civilian witnesses, AP's parents. In addition, portions of the RCMP/HRP files related to the overall investigation were reviewed, as well as police radio transmissions related to the incident on Tiger Maple Drive. Information was received regarding AP's medical records, autopsy and toxicology results, and scene forensic photographs and a forensic report were reviewed.

Regulations made under the *Police Act* provide that an officer who is the subject of an investigation does not need to provide SiRT with a statement or their notes or reports. In this case, there were two subject officers, Officer 1 and Officer 2. Officer 1 was the only officer to have contact with AP, by phone, and Officer 2 was acting in a supervisory capacity at the time. Both provided their notes and reports respecting the incident, and Officer 2 participated in an interview.

The SiRT investigation took part in the context of a broader police investigation in relation to allegations of a plan to kill members of the public. That police investigation has led to charges of conspiracy to commit murder against two persons: Lindsay Souvannarath, a resident of Illinois, USA, and Randall Shepperd, of Halifax. Those charges remain outstanding. In order to protect the fair trial interests of those persons this report will only discuss facts relevant to their charges which are necessary to explain the incident involving AP.

SiRT's investigation found that early on February 12, 2015, police received information about a possible shooting planned by AP and a female at a Halifax mall on Valentine's day. Searches of social media provided confirmation of a connection between AP and the female identified in the information. As well, there were images on AP's Tumblr account of AP posing with a shotgun, knife, rifle, and wearing fatigue gear. He also was shown wearing a t-shirt from a German rock band which has a following of people with ideologies associated with mass shootings. The social media content also showed an affinity for information relating to school shootings. Taken together police determined there were grounds for the arrest of AP.

In the afternoon, non-uniformed police officers began surveillance on AP's home where he lived with his parents. Because of the photographs it was assumed AP had access to firearms. As a result of that and the nature of the threat, police decided against making an immediate approach to the home.

In early evening two vehicles left the property. One was driven by AP's mother, the other by his father. Shortly after 7 p.m. AP's mother was stopped by police as she was on her way back home. Officer 1 spoke to her by phone. She was advised about the situation under investigation. She confirmed the presence of long guns in the home owned by her husband, but did not believe AP had access to the available ammunition in the house. She indicated that AP had been diagnosed with social anxiety disorder a few years earlier, and that lately he had been acting differently and secretive. AP's mother confirmed AP was home when she left earlier in the car. She had never known AP to be violent and expected that if contacted by police that he would be cooperative. She offered to go to the home and bring AP out herself. However, police determined the possible risks were too great.

Based on the information from AP's mother, particularly the advice that AP would be cooperative, Officer 2 determined that Officer 1 would call AP in an effort to convince him to come out of the home to be arrested by the police.

At approximately 8:30 p.m., AP's father was stopped in his vehicle as he returned home. Officer 1 also made contact with him and explained the situation. The father was upset but cooperative. He thought it unlikely AP was involved with such a plot. He did confirm the presence of two rifles upstairs in the home, but also said that AP would not know where the ammunition was. He also offered to get AP from the home but that offer was also declined.

Officer 1 called AP on his cell phone at 8:59 p.m. The contents of the call were not recorded. Officer 1 gave a detailed report of its content, and Officer 2 overheard what Officer 1 was saying in the call and confirms his evidence. In addition, the record of police radio transmissions contains discussions consistent with that evidence. The call lasted 5 minutes and 12 seconds, and throughout AP was said to be cooperative and not emotional. Officer 1 explained the police had to investigate what was seen on social media, and that they needed to speak with him. AP was told the police outside his home did not have uniforms and were using unmarked vehicles. Thus there would be no scene if he was to come out and go with them. AP agreed to come outside, and told Officer 1 he was heading downstairs to go to the door. This information was passed along by Officer 2 to the police on scene. At one point, AP said "Just a minute" and did not say anything to Officer 1 for several seconds. Officer 1 then asked if he was outside, to which AP said "Yes". However, police on scene said they could not see him. Moments later, at approximately 9:05 p.m., Officer 1 heard a loud bang on the phone and officers on scene heard a gunshot.

At this point the police near the home took cover, and assessed the situation. They quickly confirmed that the single shot came from inside the home, not from police. No one outside was hurt.

As a result of the shot, the police Emergency Response Team (ERT) was called into the scene. Given the possible risk to officer safety, police took time to assess the situation and plan further steps. During this time many phone calls were placed to both AP's cell phone and the home phone in the house. Neither was answered.

Some hours later a remote controlled camera unit was placed into the home. It was unable to locate any person on the home's main floor. At approximately 1:20 a.m. on February 13, 2015, ERT members entered the home. They located AP on the upper floor of the home in his bedroom. He was deceased. His death was caused by a gunshot to his head.

The autopsy performed by the Medical examiner confirmed death was caused by a single gunshot wound to the head which was self-inflicted. Death would have been instantaneous.

Relevant Legal Issue:

There is no evidence of the direct application of any force by the police to AP in this case. Thus the sole issue is whether any of the subject officers did anything to encourage or assist in the suicide. If so, such behaviour could constitute the offence of counselling, aiding, or abetting a suicide under Section 241 of the *Criminal Code*.

Conclusions:

While the facts relevant to this investigation are related to a matter that is large and likely complex, in the end the conclusions related to AP's death are not complex.

The police had received information suggesting a potentially significant act of violence was going to occur in Halifax on Valentine's Day. AP was identified as a possible suspect and information was found to corroborate his potential involvement. Police took steps to ensure they knew the location of AP, and began surveillance on his home. They had a duty to protect public safety, as well as the safety of the police officers and AP.

With the information they had, the police had grounds to arrest or at least detain AP for questioning. Their decision to keep AP's mother or father from re-entering the home was reasonable. Based on what AP's parents told them about AP's likely cooperation, the decision to call AP to determine if he would surrender to police was also reasonable. That call went exactly as planned, with AP cooperating, until he made the decision to end his own life. Nothing the police did encouraged or assisted AP in that decision. Indeed, the goal of the police was to get AP out of the home safely.

There is no evidence to suggest any criminal act by any police officer. Thus there are no grounds to consider any charges against Officer 1 or Officer 2.