

# SiRT

SERIOUS INCIDENT  
RESPONSE TEAM

## Summary of Investigation

SiRT File # 2020-016

RCMP

April 19, 2020

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Director  
December 15, 2020

This incident of an officer involved fatal shooting was referred to SiRT within minutes of its occurrence on April 19, 2020. This investigation began that day and concluded on December 8, 2020.

The facts as found in this report are based on a review and consideration of all the evidence obtained during the investigation. The following is a list of that evidence: statements from the two Subject Officers (SO1 and SO2), general occurrence reports and or notes of the 19 witness officers (WOs), statements of 10 civilian witnesses, a timeline and maps of the events and the Affected Party's (AP) actions, reports from the firearms and tool mark identification section of the Forensic Science and Identification services laboratory, photographs and reports from the office of the Medical Examiner, police radio communications, Forensic Identification Section reports and photographs, video screenshots and videos from the Irving Big Stop, National Weapons Enforcement Support Team report, RCMP policies, a Use of Force report and the statement of a WO wounded by the AP.

**Facts:**

Beginning in the late evening of April 18, 2020 and continuing into the late morning of April 19, 2020 the AP went on a killing rampage that left 22 persons dead and injured several others. The AP also set fire to numerous homes and motor vehicles. The scene witnessed by the responding police officers was described by one of the WO as being in a war zone. The AP's victims were either killed or injured by gunfire. The AP had in his possession an arsenal of weapons.

At the time the AP was shot by SO1 and SO2 the AP was in a stolen vehicle which contained in the front driver's side area a Smith and Wesson 9 mm pistol and ammunition the AP had stolen after killing an RCMP officer. On the floor below the front driver's seat was a loaded Glock 40 calibre pistol equipped with a pressure activated laser pointer sighting grip. The front passenger seat area contained a cardboard box with ammunition and a metal can containing various calibre loaded ammunition magazines, and an empty overcapacity ammunition magazine. The rear seat of vehicle contained two semiautomatic assault rifles with loaded overcapacity magazines and an empty semi-automatic pistol also equipped with a pressure activated laser pointer sighting grip.

SO1 and SO2 both witnessed first-hand the results of the AP's murderous acts in Portapique when they came upon several victims lying dead where they had been shot and various buildings burned to the ground and vehicles set on fire by the AP. As the search for the AP proceeded all police officers including SO1 and SO2 were made aware through various radio communications of other victims being randomly shot to death or injured including one of their colleagues who

had been injured and another in a different location who had been killed by the AP. The officers also knew the AP had threatened to kill his intimate partner and other family members. After the AP killed the RCMP officer, a civilian who happened upon the scene was killed by the AP. The AP then set fire to both the RCMP officer's police vehicle and the mock police vehicle he had been driving and drove away in the civilian's Chevrolet Tracker.

Unbeknown to the police, the AP then drove a short distance to the residence of an acquaintance where he entered the residence and killed the acquaintance. The AP then changed out of the RCMP clothing he had been wearing and into civilian clothes. The AP then drove away in his latest victim's grey Mazda 3 vehicle leaving behind the Chevrolet Tracker and the discarded RCMP clothing.

The AP was headed toward Halifax-Dartmouth when he stopped for gas at the Irving Big Stop in Enfield. SO1 and SO2 were travelling together and unaware that the AP was no longer driving the Chevrolet vehicle when they pulled in to refuel at the same Irving Big Stop. SO1 was driving the police vehicle and stopped at a pump adjacent to a pump where a grey Mazda 3 vehicle was parked. SO1 exited the vehicle to begin re-fueling and as he looked across to the adjoining pump he observed a male with a noticeable hematoma and some blood on his forehead.

SO1 recognized this person as the AP from photographs he had seen at the command post. SO1 drew his service weapon and alerted SO2 that the AP was in the vehicle parked next to theirs. SO2, a member of the Emergency Response Team, left the vehicle and moved across the front of the police vehicle. The AP then raised the pistol he had stolen from the RCMP officer he killed approximately 30 minutes earlier. SO1 and SO2 then began firing their service weapons. The AP died at the scene.

**Legal issues:**

1. Did the police officers have legal authority to arrest the AP?

Police officers are entitled to arrest a person they find committing an indictable offence, or who they have reasonable grounds to believe has committed an indictable event. SO1 and SO2 knew the AP had shot and killed a number of persons, had threatened to kill more and was in possession of at least one firearm when they came upon him. The AP was armed and dangerous.

2. Were SO1 and SO2 entitled to apply force to protect themselves?

Section 25 of the Criminal Code allows a police officer, acting on reasonable grounds, to use as much force as is necessary to enforce or administer the law.

3. Was the force used by SO1 and SO2 excessive?

Section 25 (4) allows a police officer to use force that is intended to cause death or bodily harm if the police officer believes on reasonable grounds that the force is necessary for the purpose of protecting the police officer or any other person from imminent or future death or grievous bodily harm.

**Conclusion:**

The two SOs along with many other police officers were actively searching for the AP knowing that he had randomly killed many persons both known and unknown to him. SO1 and SO2 were acutely aware that the AP was armed and dangerous. They could properly infer from the AP's previous acts and the possession of firearms that the AP intended to continue his killing spree and represented a pressing threat to the public, themselves, and other police officers. It was a mere coincidence when the SOs stopped to refuel their vehicle that unbeknown to them the AP was at an adjacent pump sitting in a vehicle that the SOs were not on the lookout for. As soon as SO1 recognized the AP and yelled out to SO2, the AP raised a pistol he had. At that moment SO1 knew the AP was an immediate threat and split-second high consequence decisions were made. Both SO1 and SO2 began firing their weapons to stop the imminent threat of death or grievous bodily harm. Their actions under these circumstances were lawfully justified and not excessive.

Accordingly, there is no basis to conclude that the SOs committed any criminal offence, therefore no charges are warranted against either officer.