



**IN THE MATTER OF A USE OF FORCE BY CALGARY POLICE SERVICE  
OFFICERS ON NOVEMBER 19, 2023**

**DECISION OF THE ACTING EXECUTIVE DIRECTOR OF THE ALBERTA  
SERIOUS INCIDENT RESPONSE TEAM**

**Acting Executive Director:**

**Matthew Block**

**ASIRT File Number:**

**2023-0048(S)**

**Date of Release:**

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## **Introduction**

On November 24, 2023, pursuant to s. 46.1 of the *Police Act*, the Director of Law Enforcement directed the Calgary Police Service (CPS) Professional Standards Section to investigate allegations of an excessive use of force in the course of a youth's arrest during a public protest on November 19, 2023.

On November 29, 2023, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to take over carriage of the investigation. ASIRT designated four subject officers, with notice to each. ASIRT's investigation is now complete.

## **ASIRT's Investigation**

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed the affected person (AP) and reviewed his medical records related to this incident.

ASIRT investigators reviewed an interview with the AP's father, civilian witness #1 (CW1), conducted by the CPS Professional Standards Section. CW1 also provided a written statement, two photos of the AP's injuries, a video taken of the AP in hospital, and a video apparently taken in the moments after the AP was released from police custody. CW1 also provided video of the incident, which was one of the same videos posted on social media referenced below.

ASIRT investigators also interviewed two police officers, including one of the subject officers. As the subjects of a criminal investigation, subject officers are entitled to rely on their right to silence and not speak to ASIRT. Three of the subject officers exercised that right. The report of the arresting subject officer was also reviewed.

ASIRT investigators also reviewed more than 50 social media posts on various social media platforms relating to the protest on November 19, 2023. These posts contained

either videos or screenshots of the user's commentary. Only 15 of these posts captured the AP and several of these posts contained the exact same video, or portions thereof, being re-shared by different social media accounts. The persons filming the videos were not identified.

ASIRT also reviewed body worn camera (BWC) footage from seven officers, including the four subject officers. They also reviewed video footage taken during the main protest by the CPS Public Safety Unit (PSU) and Helicopter Air Watch for Community Safety (HAWCS).

### **Circumstances Surrounding the Incident**

On November 19, 2023, an organized protest took place in downtown Calgary. The CPS Police Liaison Team had coordinated a plan with organizers prior to the protest to address public safety and public order concerns. This included designating approved routes for the protesters to walk and having police shut down roads along the way.

The event proceeded in an orderly fashion until a large group of people broke away from the main body of the protest who had congregated at City Hall and blocked the intersection of Fourth Avenue S.E. and Macleod Trail. The AP was among this group. PSU moved into the area to disperse the group.

Officers formed a line along the east side of Macleod Trail separating the protestors from the four lanes of one-way traffic along Fourth Avenue S.E. that they were obstructing. Some of the officers in the line held their batons horizontally in both hands across their chests, creating a clear visual and physical barrier. Some protestors began behaving derisively and aggressively towards police and were not following police directions. As a result, they were either being pushed back or pulled through the police line to be arrested. The AP stood at the front of the protestors facing the police.

The AP spat at subject officer #1 (SO1), who immediately moved forward and grabbed the AP out of the crowd and pulled him behind the police line. As he did so, they crossed paths with subject officer #2 (SO2), who pushed the back of the AP's head in the direction

that SO1 was pulling him. The AP and SO1 collided with a group of officers and another larger protestor who was actively resisting arrest. Subject officer #3 (SO3) used his baton, which was being held in both hands, horizontally across his body, to push against one of the officers arresting the other protestor. This created some space for SO1 and the AP to get by to an area with fewer people. SO3 then adjusted his grip on the baton to hold it upward in one hand, as he quickly moved past the AP, who was now being controlled by SO1 and subject officer #4 (SO4) and headed towards the crowd of protestors to keep them back. SO1 and SO4 took the AP to the ground. The AP landed on his right side, with the right side of his face against a pile of icy snow and his knees bent. SO1 advised the AP that he was under arrest and, with the assistance of SO4, handcuffed the AP and sat him up. The AP was then stood up and escorted a bit further away from the protest line. The actions of each subject officer vis-à-vis the AP noted above were confirmed by reference to BWC footage.

Approximately 10 minutes later, CW1 arrived in the area and officers confirmed that he was the AP's father. Witness officer #1 (WO1), who was a member of the Police Liaison Team, intervened. The AP was released from police custody at the scene without charges on the clear understanding that charges may still be pending.

#### *Affected Person (AP) Interview*

ASIRT investigators interviewed the AP.

The AP confirmed his attendance and participation at the demonstration on November 19, 2023. He noted that they were at a set of traffic lights between City Hall and the Harry Hays Building. He advised that immediately before his arrest, he had been walking with his friend, selling flags, shouting protest slogans and on his way to get his brother so that they could leave. He believed that police arrested him because of what he was shouting.

The AP advised that when the police pulled him in to arrest him, they were also holding his friend's hand. He observed a lady slap that hand away causing his friend to fall to the ground. The officer used two hands to pull him forward and then pushed him on the

ground. Initially, he was being held by his hands but then the officer switched to using one hand to grab his arm and the other to grab his neck. He described being grabbed “pretty hard.” The police pulled him down to the floor, on the snow, and this caused the marks on his face. The AP described his head and knees hitting the ground at the same time, followed by the rest of his body. He indicated that police were applying a lot of pressure to him, and that he went straight into the ground face-first and then moved his head, so only the right side of his face remained on the ground. The AP recalled telling police that he couldn’t breathe, but that they wouldn’t do anything.

The AP advised that the officers were sitting on him. He felt pressure on his right kidney, leg, and head as they were holding him on the ground. His hands were then pulled behind his back and he was handcuffed. He told police that the handcuffs were very tight, and they were loosened. After he was stood up, the officer advised him that he was under arrest for assaulting a police officer and when he questioned how, the officer said it was for spitting.

When the AP was asked to clarify the force applied to him during his arrest, the AP said he was hit two or three times with a baton in the centre of the back of his head while he was being taken down to the ground. He later confirmed that he didn’t see the object that struck him, but it felt hard and like something fell on his head. He sustained a bump on the back of his head. He said he was also hit more times on his leg and face once he was on the ground and that the back of his legs were being stepped on while police were moving around.

The AP said that when police were searching him and observed the money he was carrying, they questioned where he got it and responded, “ya, sure” when he told them he had been selling flags. They then searched his bag. He confirmed that none of his property was removed from him. He advised that police did not ask him if he needed medical attention and only asked him if he wanted to speak to a lawyer. He remained standing by a fence for approximately 90 minutes until WO1 spoke to them and he was released.

The AP confirmed he did not go to the hospital straight away. He went home and slept. His parents took him to the hospital after observing that he had a fever, his face was swollen, he was vomiting, had an episode of nighttime incontinence, and was complaining of body pain. He confirmed that they did a head scan, and he was diagnosed with a concussion. He advised that he remained in hospital for approximately a day and a half and that it took approximately six days for the red marks on his face to heal.

When asked directly, the AP denied spitting on the officer.

#### *AP's Medical Records*

The AP's medical records were obtained by ASIRT investigators pursuant to a consent release signed by CW1.

The medical records confirmed that the AP was admitted to the Calgary Alberta Children's Hospital on November 19, 2023, at 11:20 p.m. and discharged on November 20, 2023, at 2:05 p.m.

Upon admission, the AP was complaining of pain to the back of his head, generalized abdominal pain, and a sore ankle. His left ankle was wrapped in a tensor bandage and the AP confirmed that his foot injury preceded his interaction with police, but that an officer had stepped on his foot, which had worsened the pain. The AP was observed to have scratches on the right side of his face but no facial swelling (Figure 1).



*Figure 1 - View of the scratch marks on the side of the AP's face. Source: BWC of non-subject officer.*

No obvious swelling or bruising was observed on his abdomen or head; however, some mild diffuse tenderness was reported during palpation of those areas. It was also reported that the AP had felt dizzy and nauseous since the incident. He had reportedly slept for an hour after getting home. When his parents woke him up, it was observed that he had wet the bed and began vomiting. He had vomited five times and his headache had persisted. The AP's mother reported that she felt the AP was slower to respond than usual.

A comprehensive work-up was completed and the AP was sent for further tests. X-rays of his spine and left foot were normal. A CT scan of his head was also normal. Throughout his hospital admission, he was administered ibuprofen, acetaminophen and an antiemetic medication. The AP was diagnosed with a concussion and discharged from hospital. The AP's family requested that he be admitted for observation for 24 hours; however, it was deemed to be more optimal for the AP to get some rest and recover at home.



During his admission to hospital, the AP and his mother provided medical staff with an overview of how he sustained his injuries. The records reflect that hospital staff were advised that the AP was in an altercation with police during a protest, and that he was hit with a stick in the back of the head and mid-back multiple times. He was then thrown to the ground and handcuffed. The AP noted that his pain began after a police officer sat on his abdomen for a period and when he asked the officer to get off him because he couldn't breathe, the officer did not move.

#### *Civilian Witness #1*

ASIRT investigators reviewed an interview with CW1 that had been conducted by an officer with the CPS Professional Standards Section on November 23, 2023. CW1 had a friend assist with translation.

CW1 confirmed that he was not present at the time of his son's arrest. He had spoken with other witnesses who had advised him that the AP had just arrived and was walking by when he was grabbed by the officer and hit with a baton. CW1 provided CPS with the names and contact information of some of those witnesses. WO1 had told him that the AP had spat at the officer and that there would be video of same, but other witnesses deny this occurred. CW1 advised that he had a video relating to the AP's arrest and subsequently provided it to police. It was the same video that was being widely circulated on social media.

CW1 indicated that when he arrived in the area, the AP was on the ground being handcuffed. He approached an officer who was rude to him and told him that he couldn't speak to his son unless he wanted to be arrested and thrown in with him. He then saw WO1 and called over to him to assist.

He confirmed that the AP was discharged from hospital on November 20, 2023, with a concussion and bruises and cuts to his face and that he was advised to follow up with a family doctor.

ASIRT investigators also received a written statement from CW1.



In this statement, CW1 confirmed that his family attended the rally on November 19, 2023. The AP was selling flags and had fallen behind in the protest. He was at Calgary City Hall when he received a frantic phone call from the AP's friend advising that the AP had been arrested and "beaten up badly by the city police." He ran to the area and tried to talk to the police. He identified himself as the AP's father and the police threatened to arrest him and throw him beside his son if he continued talking while the AP was crying. They rudely ordered him to walk to the other side and would not let him speak to the AP. He observed WO1 speaking to the AP and called him over to ask for help. WO1 then went and spoke to the other officers for approximately 40 minutes and convinced them to release the AP. CW1 took the AP to the hospital after they had gone home and the AP had begun vomiting, shivering, and had wet himself.

CW1 offered his comments on what he had seen in some social media videos online. Overall, CW1 believed that the AP was grabbed from the back of the crowd, beaten up by more than three officers and thrown on the ground. CW1 also alleged that he witnessed officers covering their body worn cameras.

CW1 had also interjected during the AP's interview when ASIRT investigators asked the AP if he had spat at the officer. He advised that WO1 had told him at the time of the arrest that the officer claimed the AP had spat at him. He confirmed that WO1 had not seen any video of same at the time. CW1 commented that many of the officers' body worn cameras did not have a red light on, accordingly, he did not believe they were recording. He then commented that "even if he spit, he doesn't have a right to do this to a 13-year-old kid."

*Witness Officer #1 (WO1)*

ASIRT investigators interviewed WO1.

WO1 confirmed that he is a member of the Police Liaison Team and part of his role was negotiating a plan with the organizers, including making rules about approved routes so that police can facilitate shutting down roads and ensuring that protesters do not

otherwise block intersections. He had dealt with the organizer for this rally previously and had never had any issues. He had also known the AP and CW1 for approximately two years and indicated they attend every protest.

After the planned walk, the main group proceeded as planned to City Hall for an "open mic" portion of the rally. Others formed a splinter group which kept walking northbound on Macleod Trail. He had tried to speak to the leader of the splinter group and was "pretty much told to fuck off." He radioed to advise that he would follow his group to City Hall but that he was not sure of the plans of the splinter group. He was still at City Hall when he began hearing updates on the police radio about a sit-in on Fourth Avenue S.E. and that PSU was calling for back up. He also observed that many of the protestors at City Hall began receiving text messages about what was going on and an announcement was made that they needed to go and help the others. WO1 tried to deter the protest organizer from doing so, and when that failed, he provided an update over the radio that hundreds more were headed towards the sit-in.

The Police Liaison Team generally holds back and does not get involved until they are called in to assist. He made his way into the area of the sit-in and observed people in the roadway, and they were chanting to release the arrestees. He observed the arrestees on a curb and then noticed that the AP was among them. He observed the AP's mother and father screaming and told them to calm down and that he would go and speak to the arresting officer. He made enquiries of the arresting officer, SO1, and confirmed that the AP had been arrested for assaulting a police officer. WO1 said he did not obtain any details about the assault itself and did not recall hearing anything about the AP spitting.

He then made enquiries of his incident commander about the possibility of negotiating the release of one of the arrestees, which he believed may quell the disturbance and significantly reduce the number of protestors in the street. SO1 agreed to take down the AP's information and leave charges pending until later. He observed SO1 speak to the AP about the charges and inform him of same. WO1 then walked the AP over to his parents and another officer explained to them that the AP was still arrestable as he may have assaulted an officer, and then released him into their custody. He told them to leave

the area. CW1 said he would leave but instead, grabbed the AP and went into the middle of the crowd to chant that “he has been released by WO1,” which garnered applause and half of the crowd dispersed.

While the AP was in police custody, WO1 spoke to him. Although he speaks Arabic, he advised he spoke to the AP in English because he wanted SO1 to understand what he was saying. The AP was crying. The AP told him that he believed he had been following the flow of the main group and did not realize he had followed a splinter group. He observed the AP to have scratches on the right side of his face, which were not bleeding, and some dirt on the front of his clothes, which he attributed to the AP likely having been taken to ground during his arrest. The AP told him that he had pain in his body but did not specify where. Upon the AP’s release, WO1 offered to call Emergency Medical Services (EMS), which was declined. He noted that from what he could see, the AP looked okay and did not note anything that needed urgent EMS care.

A subsequent review of SO1’s BWC confirmed that WO1 had a conversation with the AP in English and Arabic while he was in custody. The Arabic portions of the conversation were translated and confirmed that the AP told WO1 he didn’t realize he wasn’t following the main protest group. It also captured WO1 asking the AP if he had spat at SO1. The AP denied doing so and said he had just been talking when he was arrested. WO1 pointed at SO1’s BWC and told him that it was all recorded. WO1 reinforced that spitting alone is an assault and the AP acknowledged not knowing that before but that he had talked to the officer, and now he knows. The AP apologized twice for spitting. Throughout the conversation, WO1 lectured the AP about spitting and not remaining with the main protest group because he knows better.

It is noted that SO1’s BWC footage clearly contradicts WO1’s statement to ASIRT investigators that he had no knowledge of the spitting allegations.

### *Subject Officers*

As the subjects of a criminal investigation, subject officers are entitled to rely on their right to silence and not speak to ASIRT. In this case, only SO3 submitted to an interview with ASIRT. The report of SO1 relating to the AP's arrest was also obtained and reviewed.

### *Subject Officer #1 (SO1)*

The arrest report of SO1 confirmed that he was operating as a PSU mountain bike team member at the protest. He reported that at approximately 4:30 p.m., the protest march had concluded at City Hall and a group of approximately 150 people splintered off and began walking northbound on Macleod Trail. His team was advised not to follow the group. Approximately four minutes later, it was voiced over the radio that the group was sitting in an intersection blocking traffic and so his unit attended the scene.

Upon their arrival, they observed the Crowd Management Team struggling to deal with the situation as the crowd became more vocal and was growing in numbers while traffic backed up and motorists were becoming increasingly angry. He observed police members running towards a commotion and people were being pulled from the group. A line of officers formed to stop protestors from engaging with the arrests and SO1 filled a gap in that line. He observed the AP step forward, look him directly in the eyes, and spit at him. The spit landed on his left leg. SO1 immediately grabbed the AP, pulled him from the group, took him to ground on the southeast corner of the intersection, handcuffed him, stood him up and moved him to a fence a few feet away to escape the volatile crowd.

The AP was identified and arrested for assault. Once the crowd was moved back and the area was deemed safe, the AP was read his *Charter* rights. While speaking with the AP, WO1 approached and notified him that the AP was the son of the protest organizer and having him in custody was creating heightened hostility. It was decided that the AP

would be released from custody into the care of his father. The AP was told that charges may be laid later.

*Subject Officer #3 (SO3)*

SO3 provided a full account of the incident, with the below areas being particularly relevant to ASIRT's investigation.

On the date of the protest, SO3 was operating as a member of the PSU mountain bike team. The protestors had gone on a march through the downtown core, which ended at City Hall. He reported that there had been no incidents and that protestors had generally been receptive to police presence and there had been no breach of traffic laws. Once at City Hall, a group remained there, and another smaller group continued walking northbound on Macleod Trail. Initially, the Crowd Management Team followed this splinter group for one block but were then told by the incident commander to just let them go without police escort as it was believed they were simply going home. Approximately five minutes later, they learned of a sit-in protest blocking Fifth Avenue at Macleod Trail. It is believed that SO3 misspoke when he identified that the sit-in was occurring at Fifth Avenue rather than Fourth Avenue.

His mountain bike team made their way into the area and staged in the middle of Macleod Trail. All the traffic lanes were blocked. After a couple minutes, he became aware that some protestors were being arrested and he could hear people shouting and trying to surge forward. He joined some of his fellow bike officers and proceeded to block the crowd along the sidelines. He held his baton horizontally, close to his body, with both hands. He observed two people being arrested, one of whom was the AP, and who was being escorted over to where he was standing.

The AP was coming directly towards him at a 45-degree angle. When it was obvious that they were going to come through his arc, he purposefully rested his baton, which was still being held horizontally, on SO1, to try to move them out of the way so he could focus on the crowd. He also wanted to steer them away from the crowd for a safer arrest. As

their momentum was crossing his path, he then broke his grip on the baton and brought it up above his shoulder with his right hand to get it out of the way of the AP and to avoid accidentally hitting someone with it.

He placed his left hand on the front of the AP's right shoulder to assist him past his point but remained primarily focused on the crowd nearby. He noted that he was not pulling on the AP, but rather the AP's momentum was already going in his direction and towards the ground. As the AP was being taken down to the ground, he believed that his upper chest may have moved forward with the pull of the AP's momentum because his left hand was still underneath the AP's shoulder. His baton may have come down to about chin height as a result. Once the AP was on the ground, he stepped over them and moved back towards the crowd. It was at this point that he resumed holding his baton in both hands across his chest.

SO3 was clear that he did not believe that he pushed or pulled the AP to the ground. He maintained that he did not intentionally hit the AP or anyone else with his baton and he does not believe he did so accidentally either. He maintained that his right hand, which was holding the baton, did not make contact with the AP.

SO3 knew that SO1 was the officer dealing with the AP but did not know the circumstances of the arrest. He also could not comment on how many officers were involved in the AP's arrest as once they passed him, they were outside his field of view while he resumed focus on the crowd.

SO3 advised he subsequently interacted with CW1. He described CW1 as calm and understanding of the process. After the AP was released, he observed him walk through the crowd and over to a nearby fence where his mother was.

#### *Body-worn cameras (BWC)*

ASIRT investigators reviewed the BWC's of seven officers, including the four subject officers, which captured relevant portions of the protest and the AP's arrest from

different angles. BWC's are typically positioned on an officer's torso and capture audio and video of the activity occurring directly in front of the officer.

*BWC of SO1*

SO1 arrived into the area of Fourth Avenue S.E. and Macleod Trail at approximately 4:33 p.m. and the sit-in protest was already underway. SO1 moved into the police line and was standing facing the AP. At 4:34:33 p.m., the AP was standing in a bladed

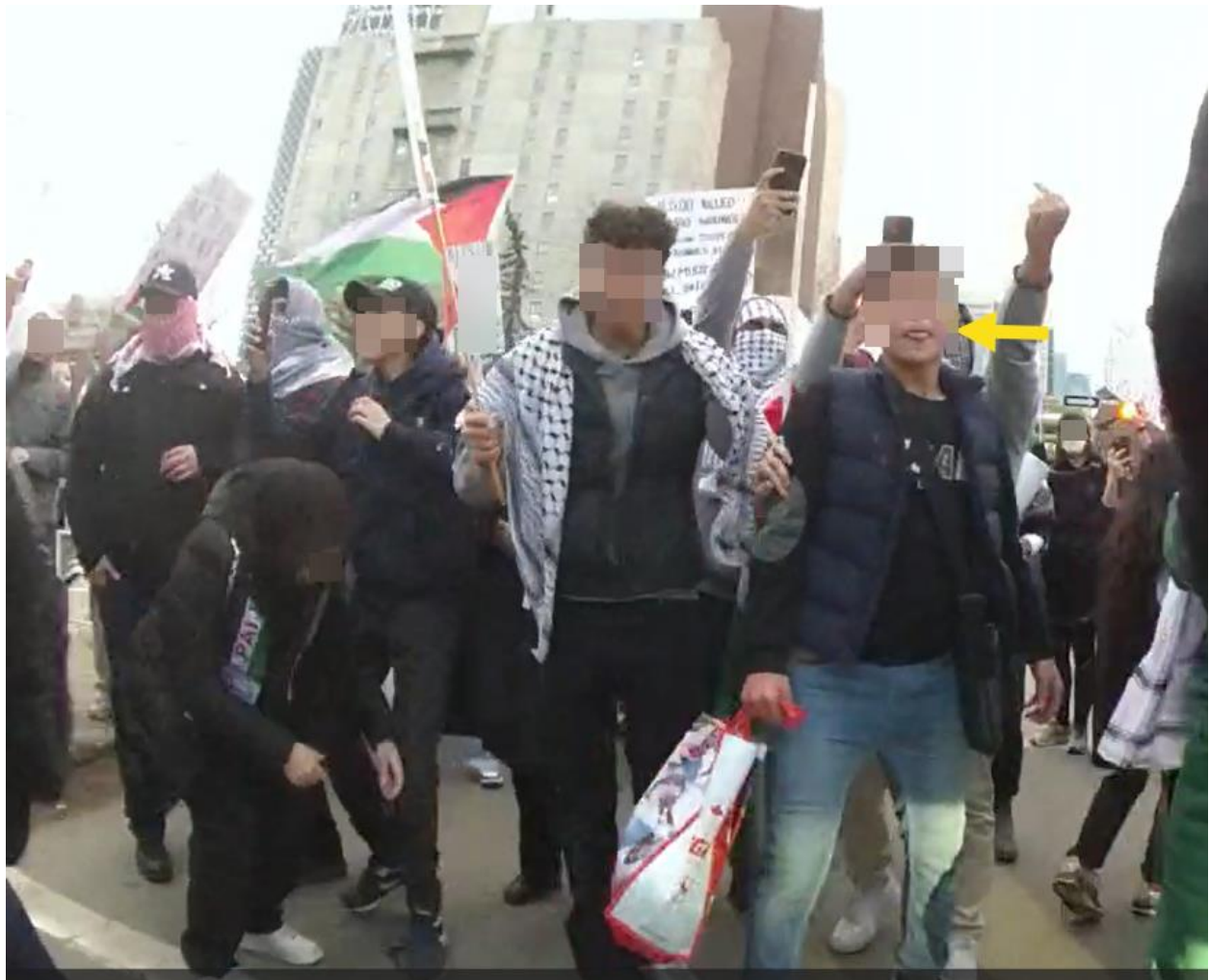


stance facing SO1. The AP pulled his head back slightly and then juttred it forward as he spat directly towards police (Figure 2).



*Figure 2 - View from SO1's BWC of the AP spitting at SO1. The yellow arrow is pointed at spit emanating from the AP's mouth.*

The spit was clearly directed at police, not towards the ground or to his side, and the spit clearly travelled toward SO1. The AP then began licking his lips and continued to glare at police (Figure 3).



*Figure 3 - View from SO1's BWC of the AP licking his lips after spitting. Yellow arrow is pointed at the AP's lips.*

SO1 immediately moved forward and the AP began to back up, but SO1 grabbed onto him at 4:34:36 p.m.

SO1's BWC was subsequently obstructed by the AP's body being held against him until 4:34:42 p.m. when the AP was lying on his right side, with his knees bent. The right side of his face is resting on an icy patch of snow on the ground (Figure 4).



*Figure 4 - View from SO1's BWC of the AP lying on his right side on the ground.*

SO1 was bending over the AP, and his right knee appeared to be placed on or behind the AP as he told the AP he was under arrest. It appeared that SO4 had his knees on either side of the AP's head while assisting with handcuffing the AP (Figure 5).



*Figure 5 - View from SO1's BWC of the AP being handcuffed on the ground. The AP's head is noted to be in between SO4's knees as he squats down beside the AP.*

The AP said, "I can't breathe." The AP did not make any other comments while he was on the ground.

SO1 asked the AP, "how's that spitting working out for you?" while applying the handcuffs. SO1 then lifted the AP's upper body off the ground so that he was in a seated position. SO1 held onto the AP's left arm and gripped the back of his neck. SO1 then had the AP stand up and moved him towards a fence at the southeast corner of the intersection and away from the crowd and other nearby arrests that were underway. SO1 released his grip on the AP's neck once he was standing by the fence. Other than

what appeared to be a couple of marks or scratches on the right side of the AP's face, which were not bleeding, there were no other injuries observed.

The AP began crying and complained that his hands hurt in the handcuffs. He would intermittently stop crying and ask officers to grab the bag he had been carrying, which was undisturbed on the ground a few feet away. The AP asked SO1, "why did you hit me?" and SO1 replied, "how did the spitting work out?" The AP told SO1, "you hit me so hard on my hand and my leg is broken," which was met with comments reflecting that it was the AP's own choices that led to the consequences he faced. The AP continued to stand calmly and quietly with SO1 until police were finally able to move people out of the intersection and further away from the area at approximately 4:37 p.m.

The AP enquired if he was being arrested and was told by SO1 that he was already under arrest for assault. The AP told SO1 that he was 13 years old, and SO1 informed him that he could still be arrested. SO1 then proceeded to loosen the AP's handcuffs. At approximately 4:39 p.m., SO1 enquired about the whereabouts of the AP's parents, but after looking around, nobody was identified. SO1 asked the AP what he had in the cross-body bag that he was wearing. The AP told SO1 that he had money from selling flags and then as SO1 opened the AP's bag, which was still hung around his body, the AP told SO1 what he would find in each of the pockets.

At approximately 4:42 p.m., the crowd had been dispersed and SO1 proceeded with reading the AP his formal arrest and *Charter* rights. When SO1 told the AP again that he was under arrest for assault, the AP questioned what the nature of the assault was. SO1 advised that the assault was spitting. The AP questioned, "that's assault?" and said, "I was not spitting, I was speaking." SO1 told the AP that he was spitting and that the whole thing was on video. The AP declined to speak to a lawyer. Immediately after



being told he did not have to say anything, the AP again said "I didn't know spitting was an assault." This prompted the following exchange:

SO1: "What is spitting in someone's face gonna do?"

AP: [Shrugged]

SO1: "Is it allowed? Is it acceptable behaviour?"

AP: "No"

SO1: "No, it is not acceptable behaviour, as you found out."

AP: [Nodded] "It's my first time."

The AP continued to express that his face hurt and was squinting his right eye.

At approximately 4:45:47 p.m., CW1 can be seen walking north along Macleod Trail and approaching police nearby, including SO3. SO3 then approached and made enquiries of the AP and he identified CW1 as his father. In anticipation of transporting the AP to a separate location for release, another officer approached and enquiries were made about any injuries the AP may have sustained. The AP only indicated that he was diagnosed with ADHD, and provided no response when it was clarified that they were asking about any current injuries. Both officers noted no injuries.

At approximately 4:50 p.m., WO1 approached and asked SO1 if the AP was releasable. He then proceeded to speak to the AP in a mix of Arabic and English. WO1 made various comments about spitting to the AP and educating him that it is an assault, that it would be on camera, and he should not have been at this protest and should have remained with the main group at City Hall. The AP apologized for the spitting. WO1

then commented to SO1 that it was a misunderstanding and that the AP claimed he was not about to spit. The following exchange then occurred:

SO1: "What are we saying about the spitting part?"

AP: "I'm sorry for spitting."

SO1: "Ya, I was looking at you right in the eyes. I'm not making stuff up. I didn't just grab you for no reason."

The discussion continued about how there had been a lot going on in the melee of protestors and it was further reinforced to the AP by both SO1 and WO1 that a charge of assaulting a police officer could have significant consequences for him.

Ultimately, WO1 and SO1 had two private conversations which were not recorded on the BWC, and a decision was made to release the AP to his father without charges.

#### *BWC of SO2*

SO2 arrived into the area of Fourth Avenue S.E. and Macleod Trail at approximately 4:33 p.m. and the sit-in protest was already underway. Initially, he assisted with blocking the southeast corner of Macleod Trail to prevent further protestors from joining the sit-in. He then joined the police line and stood directly in front of the AP who was observed yelling and swearing at police, repeatedly calling them "fucking pussy ass bitch" among other profanities.

Another protestor began aggressively approaching and pushing against the police line. SO2 shoved her back causing her to lose her balance and fall down at the AP's feet. Although SO2 continued to focus on the increasingly volatile crowd, his body turned and his BWC captured the AP stepping back while licking his lips and being grabbed by SO1 and pulled out of the crowd. SO2's right hand then came across his body and pushed out as the AP was being pulled through the line. As SO2 was making this



motion, the same protestor he had previously dealt with and others, were continuing to approach him and the police line. SO2 then continued to deal with the crowd.

### *BWC of SO3*

SO3 arrived into the area of Fourth Avenue S.E. and Macleod Trail at approximately 4:31 p.m. and the sit-in protest was already underway. He remained positioned on the south side of Macleod Trail, alongside SO1, SO2, and SO4, until his unit was directed to assist with fencing off the southeast corner of the intersection with their mountain bikes to prevent other protestors from joining the sit-in.

At approximately 4:34 p.m., SO3 began walking into the crowd from the southeast corner as a larger protestor was being arrested. He grabbed onto one of the arresting officers arms and pulled him back. A blur of bodies then obstructed SO3's BWC. At 4:34:37 p.m., the AP was observed crouched forward and moving toward SO3's position. As they got closer, SO3 pushed his horizontal baton against SO1's arm and then lifted it as the AP crossed his path, which obstructed the view of his BWC.

At 4:34:39 p.m., SO3 was once again facing the crowd with his baton held horizontally and began pushing the crowd back. Within the two seconds that SO3 was in close proximity to the AP, his baton was not observed striking the AP. SO3 subsequently continued to deal with the crowd who became increasingly aggressive.

At 4:44:33 p.m., CW1 walked into the area and approached SO3 and his supervisor. CW1 enquired about why his son was arrested. SO3 and CW1 had a very calm and respectful conversation to confirm who his son was and CW1 agreed to wait a few minutes for SO3 to obtain some information. SO3 approached the AP and confirmed that CW1 was his father and then returned to obtain CW1's contact information to provide SO1. SO3 provided CW1 with the limited information that he had and advised that someone would contact him but that he was welcome to wait off to the side for any

updates. At approximately 4:50 p.m., WO1 and other liaison officers arrived in the area and approaching the AP.

At approximately 4:51 p.m., SO3 began assisting in moving any members of the public who remained at the intersection back to the the intersection of Fifth Avenue S.E. and Macleod Trail, where many of the protestors from the main group had been blocked from approaching the sit-in. Once positioned at the new police line at Fifth Avenue, SO3 ended up speaking with the AP's mother and confirmed that CW1 was with the AP.

At approximately 5:08 p.m., the AP, CW1 and WO1 passed through the police line at Fifth Avenue S.E. and headed into the crowd of protestors while telling them "we've got him." Protestors began dispersing at approximately 5:24 p.m.

#### *BWC of SO4*

SO4's BWC captured the AP during the main protest march at approximately 4:18 p.m. running across the intersection of Seventh Avenue S.E. and Third Street S.E., in contravention of a red light, to catch up to the main group.

SO4 subsequently arrived into the area of Fourth Avenue S.E. and Macleod Trail at approximately 4:31 p.m. as the sit-in protest was already underway. He remained positioned on the south side of Macleod Trail until his unit was directed to assist with fencing off the southeast corner of the intersection with their mountain bikes to prevent other protestors from joining the sit-in.

At approximately 4:34 p.m., SO4 began walking into the crowd and observed as two other protestors were being arrested. One of those arrests appeared to be getting in the way of the AP's arrest. SO4 approached as the AP was being pulled towards him, and

as SO3 was disengaging from the AP and heading towards the crowd. The AP ran directly into SO4's chest, ergo his BWC, face-first.

The AP is next observed falling forward and landing in the snow, with his face turned onto its right side. SO4's hand appeared to be on the back of the AP's head as he was landing. SO4's hand then moved to the AP's shoulder as he crouched beside the AP to maintain body control and assist SO1 with the handcuffing. SO1 appeared to be holding the AP down by applying his right knee on top of the AP's upturned flank, while his left leg maintained his balance out to the side. SO4 disengaged from the AP at 4:35:01 p.m. after SO1 confirmed he had control of the AP. SO4 then moved back to assist with crowd control.

#### *BWC of other officers*

BWC from three other officers was reviewed by ASIRT investigators. The footage from one of these officers only captured the AP standing by the fence with SO1 and the interaction where the AP was asked about having any injuries, which is referenced above.

BWC from another officer who arrived in the area at approximately 4:30 p.m., captured protestors squatting, kneeling and standing in the intersection of Fourth Avenue S.E. and Macleod Trail. Some law-abiding protestors were seen trying to encourage these individuals to move out of the intersection and looked deflated at their refusal to do so. The AP was observed standing with a friend at the front of the protestors, directly in front of the traffic being obstructed, and shouting to the crowd. An officer near that point was overheard warning protestors that they will be arrested if they don't move. The AP's friend was holding a megaphone and began yelling, "he's under arrest," which prompted the crowd to get agitated and triggered the Crowd Management Team to push forward and create the police line.

This officer joined that police line and was standing close to the AP, who was seen yelling at police and calling them "fucking pussy ass bitches." As multiple other

protestors began pushing into the police, some of whom were being pulled through the police line to be arrested, the AP was seen continuing to yell the same profanity.

At 4:34:37 p.m., the AP was observed being pulled forward by SO1. SO2 put his left hand on the front of the AP as he was getting pulled forward by SO1 and his right hand pushed the back of the AP's head. Based on what is observed on the video, SO2 appeared as though he was initially going to help SO1 pull the AP through the police line but in the same split second, decided to maintain the police line and reflexively pushed them past his location.

BWC footage from a third officer who arrived in the area at approximately 4:29 p.m. captured protestors sitting and standing in traffic lanes. The AP was observed walking and waving to other people and making his way to the front of the protest line. The officer then joined the police line and their BWC primarily captured portions of the arrest of two other protestors who were trying to push their way through the police line. By the time the AP comes into view again, he was standing with SO1 by the fence.

#### *Social media footage*

ASIRT investigators reviewed over 50 social media posts relating to the protest. Of those posts, 15 contained relevant footage of the AP.

Many of the videos uploaded to social media appeared to be portions of the same longer video. Thus, there were not 15 distinct videos of the same arrest being captured. The original video appeared to have been shortened and re-shared by multiple social media users who made their own edits with respect to which portion of the video would be shared. The edited versions of the video were also frequently uploaded out of chronological order amongst other videos taken throughout the day. It was not possible to identify the original videographer from the videos being circulated nor were any videos timestamped.

By comparing the social media videos to BWC footage, a more fulsome picture and timeline of events unfolded from a variety of angles. The social media videos which

captured the AP's arrest were all taken from an angle either directly facing the police line or from the southeast side of the intersection, which was where the AP was ultimately taken to ground. Accordingly, none of the social media videos captured the AP spitting at SO1. They do, however, capture portions of the arrest which were not visible on any BWC's due to other activity obstructing their view.

The following is a reconciliation of what is observed on the social media videos in conjunction with observations made on BWC footage of the exact same interaction to piece together, like a puzzle, the most complete and accurate step-by-step depiction of

what can be objectively observed regarding the police interactions with the AP after he spat at police.

SO1 entered the crowd and pulled the AP forward through the police line. SO2's right hand came across his body and pushed out as the AP was being pulled through the line (Figure 6).



*Figure 6 - View of SO2 pushing out as the AP is pulled forward through the police line by SO1. Image sourced from a video posted to social media.*

SO1 held the AP's right arm with his right hand and grabbed onto a fistful of the scruff of the AP's jacket with his left hand. As SO1 was pulling the AP forward towards the southeast curb where he was ultimately taken to ground, they inadvertently intersected with the arrest of another protestor who was actively resisting arrest. The AP ran headfirst into the flank of that protestor before being pulled away by SO1 (Figure 7).



*Figure 7 -View of the AP (identified by yellow arrow) colliding with another protestor. Image sourced from a video posted to social media.*



SO3 used his baton, held with both hands horizontally, to push against one of the officers struggling with the other protestor, which created the space to allow SO1 to pull the AP away (Figure 8).



*Figure 8 - SO3 pushing his baton against an officer dealing with another protestor. The blue line traces the baton being held by SO3. Image sourced from a video posted to social media.*

SO3 then pushed his baton again against SO1 as SO1 and the AP are coming directly towards him (Figure 9).



*Figure 9 - View from SO3's BWC of SO3 pushing his baton (traced in blue) against SO1 as he is approaching with the AP. The baton is notably not making contact with the AP.*

SO3's left hand then released the baton and came across the front of the AP as they crossed paths. SO3 simultaneously raised his baton in an upright position in his right hand, and moved it away from the AP and anyone else. SO3's gloved left hand made

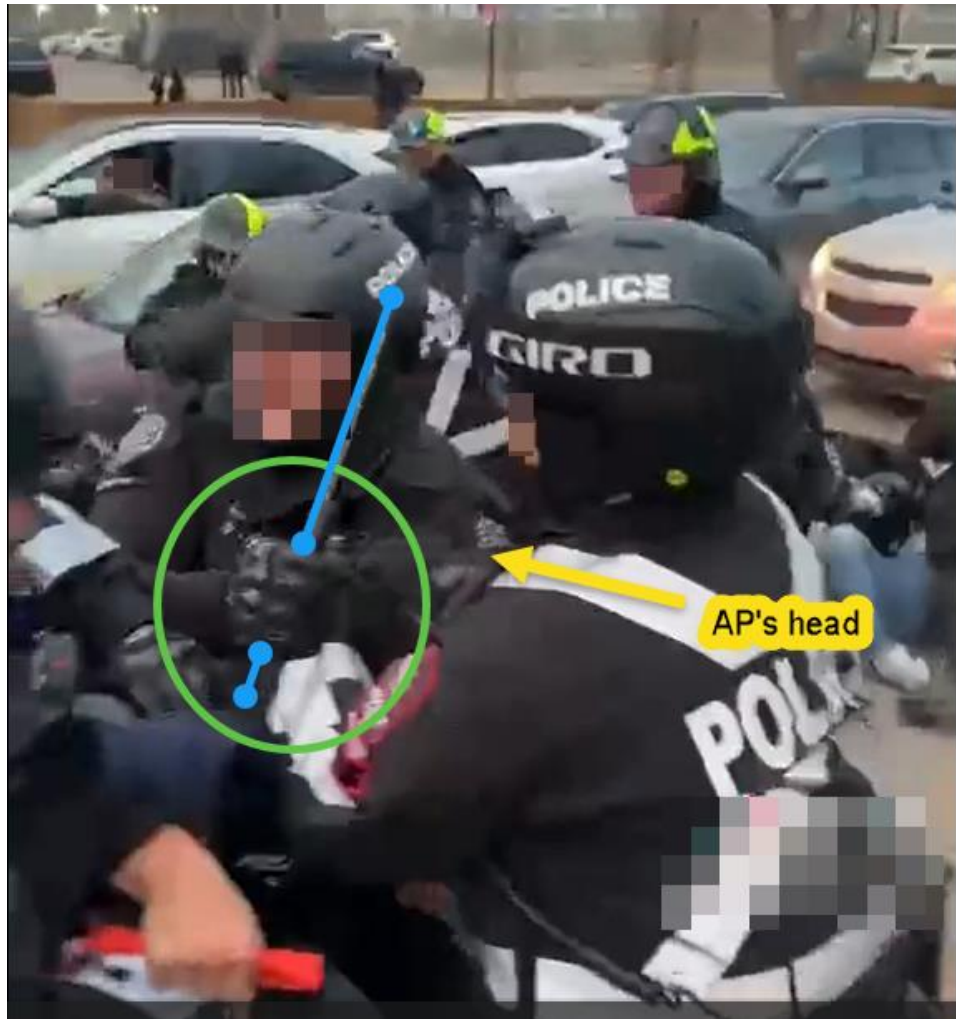
contact with the AP's lower chin and right cheek as the AP's momentum continued forward (Figure 10).



*Figure 10 - SO3's hand connecting with lower chin and right cheek of the AP. SO3's baton can be seen being held upright behind the AP's head. Image sourced from a video posted to social media.*

As the AP's body continued to move forward, SO3's body was also pulled forward as his left hand was still caught underneath the AP. This caused SO3's right hand, which was still holding the baton, to come down beside the right side of the AP's head as he is simultaneously pulling his left hand out from underneath the AP. SO4's hand is noted to be grabbing the back of the AP's right shoulder and pulling the AP towards him. It

appeared that the butt of SO3's baton – the small portion just under where SO3's hand is gripping it – may have struck SO4's gloved hand (Figure 11).



*Figure 11 - SO4's hand positioned on the back of the AP's right shoulder as he pulls him forward. The butt of SO3's baton (traced by blue line) connects with SO4's gloved hand (see inside green circle). The location of the AP's head is identified with a yellow arrow. Image sourced from a video posted to social media.*

SO3 then quickly moved away from the AP towards the crowd.

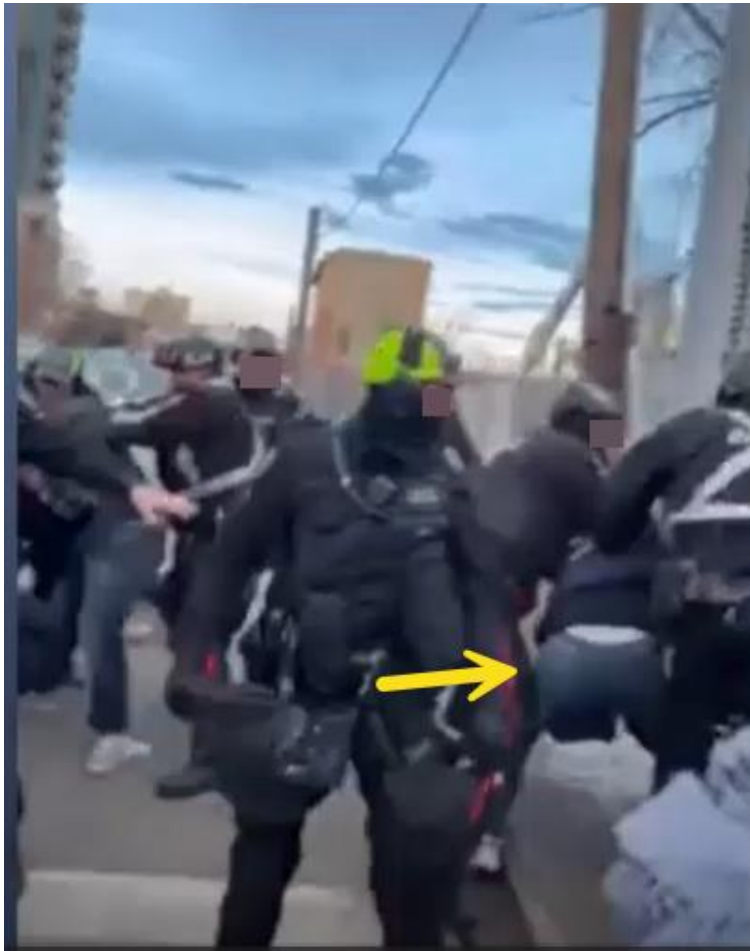
Several of the videos appeared to show SO3's baton bouncing back off of something, after coming down quickly and close to the AP. This reasonably left the impression that the baton had hit something and to speculation that it had hit the AP. The speed with which the baton came down and the fact that most video angles were unable to discern that SO3's other hand was caught underneath the AP, also left the impression that it was an intentional action on the part of SO3 to hit the AP with the baton.

After reviewing all of the available video, no deliberate motion on the part of SO3 to wield the baton at the AP was observed. SO3's baton was also not observed striking the AP. Indeed, due to the placement of SO4's hand on the AP's shoulder, it does not appear, in these circumstances, to have been a realistic possibility that SO3's baton



could have struck the AP either intentionally or inadvertently. If SO3's baton struck anything, it was the back of SO4's gloved hand.

After SO3 had moved away from the AP, the AP is observed bending over and squatting at the knees before falling onto his right side with knees bent (Figure 12).



*Figure 12 - The AP (identified by yellow arrow) is bending at the knees before going down to the ground. Image sourced from a video posted to social media.*



SO4's gloved hand is on the AP's head as he falls the remaining short distance to the ground. The side of the AP's face ended up resting in a patch of icy snow. SO1 and SO4 are the only officers dealing with the AP at this time.

SO4 appeared to be squatting down around the AP's head, with his knees on either side of the AP's head and his hands on the AP's upturned shoulder. SO4 appeared somewhat unbalanced and does not appear to be putting his full weight on the AP, which would have kept himself steady. His footing appeared to slip on the icy snow a couple of times and this may have inadvertently resulted in more pressure being briefly applied to the AP's shoulder. SO4 then adjusted his stance and kept only his right knee down on the ground beside the AP and balanced his body weight against his bent left

leg while SO1 completed the handcuffing. SO1 had one knee on the AP's upturned left flank while he was handcuffing the AP (Figure 13).



*Figure 13 - SO4 (on right) and SO1 (on left) effecting arrest of the AP, who is lying on his right side on the ground. SO1's right knee is on the AP's left flank. The AP's head is in between SO4's knees. Image sourced from a video posted to social media.*

One video posted on social media was recorded after the AP was released from police custody. He was standing in a crowd of protestors speaking into a megaphone and

telling the crowd, “So, they start coming on us. They start pushing us everywhere. They throw me on the ground and they hit my leg and they pressed on my face so hard and they’re arresting me.” The right side of the AP’s face is also visible in this video and a couple scratches running down the length of his cheek are noted.

## **Analysis**

### *Section 25 Generally*

Under s. 25 of the *Criminal Code*, police officers are permitted to use as much force as is necessary for the execution of their duties. For the defence provided by s. 25 to apply to the actions of an officer, the officer must be required or authorized by law to perform the action in the administration or enforcement of the law, must have acted on reasonable grounds in performing the action and must not have used unnecessary force.

All uses of force by police must also be proportionate, necessary, and reasonable.

Proportionality requires balancing a use of force with the action to which it responds.

Necessity requires that there are not reasonable alternatives to the use of force that would also accomplish the same goal. These alternatives can include no action at all. Analysis of police actions must recognize the dynamic situations in which officers often find themselves, and such analysis should not expect police officers to weigh alternatives in real time in the same way they can later be scrutinized in a stress-free environment.

Reasonableness looks at the use of force and the situation as a whole from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

### *Section 25 Applied*

At all times on this date police were acting in the lawful course of their duties to preserve the peace. Leading up to the protest, police liaison officers, including WO1, had worked with protest organizers on a plan to ensure public safety while allowing participants to express themselves peacefully. The plan included implementing crowd and traffic control measures to proactively prevent breaches of the peace from occurring. Those efforts had been largely successful, until a splinter group of protestors decided to break off from the main group and wilfully took steps to disturb the peace and instigate conflict. They did so in the face of a clear warning by WO1.

When the splinter group of protestors decided to conduct a sit-in at a busy intersection, the police duties to prevent offences or investigate any offences that occurred were also engaged. The sit-in consisted of protestors sitting on the ground or standing and walking in a busy major intersection. Their actions brought all four lanes of one-way westbound traffic along Fourth Avenue S.E. to a complete standstill, which persisted for a minimum of eight minutes until steps were taken to allow some traffic to get through. These protestors were not only necessarily instigating conflict with police, but they were also knowingly inciting a response from the drivers they were impeding.

As noted, four lanes of one-way traffic on Fourth Avenue S.E. were being blocked at Macleod Trail. This meant that the vehicles coming off the Memorial Drive ramp at Fourth Avenue S.E. or who were travelling west over the Fourth Avenue S.E. bridge could not see the blockade ahead and try to avoid the disruption. Impacted commuters could not even turn around as they would then be travelling against the lawful flow of traffic. It is unclear if this was a calculated move on the part of the splinter group's organizers, but they certainly walked past other intersections before choosing to stop there.

Protestors sought to overwhelm police by their sheer numbers, and they refused to follow police direction to clear the intersection. They also became increasingly aggressive towards police officers who tried to get them to move on. Officers would have been well within their authority to arrest any one of those protestors, including the AP, for mischief.

That is not what occurred here. The AP was lawfully arrested for intentionally spitting at SO1, which constitutes an assault against a police officer.

The allegations of excessive use of force made against the subject officers primarily relied on the evidence of the AP, CW1, and social media videos. As previously discussed, the social media videos capture only certain angles of the arrest of the AP and, on their own, do not paint a complete picture of what occurred. They were helpful, however, in providing perspectives that the BWCs alone could not capture. The reconciliation of all available video footage, both social media and BWC's, was the most objective evidence available for consideration and was given preferential weight in this analysis.

CW1 was not present during the arrest of the AP. CW1 primarily relied on social media videos, the version of events that AP told him, and the subjective views of other purported civilian witnesses to support his assertions that his son was mistreated by police. Many of his comments on collateral issues over which he would have had first-hand knowledge, such as how officers treated him when he approached them to ask about the AP, were directly contradicted by BWC footage. CW1's claim in his written statement that he had witnessed the AP on the ground being handcuffed was also contradicted by BWC footage showing him arriving in the area at 4:44 p.m., which is approximately 10 minutes after the AP was arrested and when most of the crowd had already been dispersed from that intersection.

The AP's evidence is also not entirely consistent with the video evidence, which reduces its reliability. First and foremost, the AP has repeatedly denied spitting at SO1 despite being told multiple times, both at the time of his arrest and during his interview with ASIRT investigators, that the events were recorded on the officer's BWC. This denial also stands directly in contrast to the apologies he made to SO1 prior to his release, which were also captured on BWC.

The AP's description of how he was pulled out of the crowd by SO1 and that at some point SO1 grabbed the back of his neck are corroborated by what is seen on the video. SO1 gripped the back of the AP's neck after he was handcuffed and in a seated position on the curb. SO1 maintained that grip until the AP stood up and was escorted over to

the nearby fence. Video confirmed that SO1's hand was in this position for approximately 13 seconds.

The AP's description of the way he was taken to the ground, how he landed, and police actions while he was on the ground are not entirely consistent with what was seen on the videos. The AP described his head hitting the ground at the same time as his knees, that officers were sitting on him and holding him on the ground, and that while on the ground he was hit more times on his leg and face and the back of his legs were being stepped on. The videos showed the AP squatting down before falling directly onto his right side with his knees bent. His knees are not observed hitting the ground. Neither SO1 nor SO4 were observed sitting on the AP. SO1 had his right knee pressed against the AP's left hip and SO4 had his hands on the AP's left shoulder for the brief period while the AP was being handcuffed. Apart from the physical contact described above by SO1 and SO4 during the AP's handcuffing, no other contact with the AP by any officer was observed while he was on the ground. In fact, other officers held a perimeter a few feet away from the AP that prevented anyone else from getting close to the AP while he was on the ground.

The AP also described being hit two or three times with a baton in the centre of the back of his head while he was being taken down to the ground. A review of the video confirmed that the only officer who was in any proximity to the AP and had his baton deployed was SO3. As outlined above, SO3 did not strike the AP with his baton during his very brief interaction with the AP. During his interview, the AP confirmed that he did not see what struck him in the back of the head, but the object felt hard and like something fell on his head. It is possible that his head striking the BWC of SO4 when he ran into him head-first could account for this sensation.

CW1 provided a list of names and contact information for other people who purportedly witnessed his son's interaction with police. ASIRT investigators did not pursue interviews with these individuals as it became clear almost immediately – from a review of commentary on the social media videos circulating and the evidence of CW1 and the AP – that subjective accounts of what occurred in this highly politicized situation were

not reliable. The most objective evidence available were videos and any person's subjective commentary on select videos was of limited use to the investigation.

Each of the four subject officers had distinct interactions with the AP and it is important to be able to particularize what the evidence can establish regarding the actions of each officer which could constitute a use of force against the AP. Only then can this evidence be weighed in the context of a s. 25 analysis. For the purposes of this analysis, the evidence of the AP has only been relied upon insofar as it is corroborated by the video footage, which is the best available evidence.

SO1 was the arresting officer. To effect a lawful arrest of the AP, he grabbed onto him and pulled him forward to cross the police line and separate him from the rest of the crowd of protestors. While pulling him towards the southeast curb, there was inadvertent contact with another arrestee and SO4 before he was taken to the ground and handcuffed. There is no evidence to support that the AP was taken to ground with extraordinary or unreasonable force. While on the ground, the AP was lying on his right side and SO1's knee was pressed on his upturned left flank. Once the AP was handcuffed, he was pulled up to a seated position. SO1 then grabbed onto the AP's left arm with one hand and gripped the back of the AP's neck with his other hand and brought him up to standing. He was escorted over to a nearby fence and for the remainder of the interaction stood calmly beside SO1.

The amount of force applied to the AP by SO1 during his arrest was minimal. Each of SO1's actions can be readily recognized as basic techniques that are reasonable, proportionate, and necessary to maintain physical control of an individual who has been detained. No more force than necessary was used by SO1 during his arrest of the AP.

SO2 was among those officers holding the police line in the face of an increasingly volatile crowd of protestors. His attention was primarily occupied by a protestor who persisted in trying to break through the line despite being pushed back repeatedly. SO2's only action vis-à-vis the AP was to briefly push the AP's head as he was being pulled past him.

Video footage supports that SO2's action appeared to be a quick reflexive motion designed to move the AP quickly through the police line, so that he could then close the



gap and prevent other protestors, including the same protestor he had already been dealing with, from breaking through. The fact that SO2's hand connected with the AP's head does not imbue this action with any additional significance. A momentary reflexive touching of the AP's head which, considering the context that the officer was dealing with in trying to keep the protestors back, is at the lowest end of the spectrum of what could reasonably constitute a use of force. SO2's action was reasonable, necessary, and proportionate considering the overall dynamic situation that the officer was dealing with at the time.

SO3 briefly crossed paths with the AP during his arrest. He pushed the melee surrounding another arrestee away from the AP. His left hand then went across the front of the AP, grazing the AP's chin and cheek, as the AP's momentum was pulling him forward into the path of SO3. It was alleged that SO3 hit the AP with his baton; however, the video evidence refuted those allegations. SO3's interaction with the AP lasted two seconds. Apart from the moment where SO3's hand came across the front of the AP and grazed him, there was no other physical contact with the AP. The video footage corroborates the evidence SO3 provided to ASIRT investigators. Accordingly, there is no evidence to support that any use of force was applied by SO3 and no further analysis is warranted.

SO4 assisted SO1 with taking the AP to the ground and handcuffing him. Prior to going to the ground, the AP ran head-first into SO4. SO4's hand was on the AP's head as he fell to the ground. Once the AP fell to the ground on his side, SO4 positioned himself around, but not on, the AP's head and placed both hands on his upturned shoulder. He also assisted SO1 with handcuffing the AP. There is no evidence to support that the AP running into SO4 was anything but accidental. The amount of force applied to the AP while he was on the ground being handcuffed was minimal. The force used was reasonable, proportionate, and necessary to maintain physical control of the AP who had been lawfully detained. No more force than necessary was used by SO4 during the AP's arrest.

Each of the subject officers were required or authorized by law to act on this date and acted on reasonable grounds. SO3 did not use any force against the AP. The respective uses of force by SO1, SO2, and SO4 were reasonable, proportionate, and necessary. As a result, the defence provided by s. 25 of the *Criminal Code* is likely to apply to each of them.

#### *AP's injuries*

The AP sustained visible scratches to the right side of his face during his interaction with police. Based on the AP's evidence, those scratches healed within six days. The available video does not assist in pinpointing exactly when during the police interaction the facial injury was sustained or the precise cause.

Based on a review of the video footage, there appear to be two possible causal candidates. It is possible that some scratches were sustained when SO3's gloved hand contacted the AP's lower chin and right cheek, as they were initially crossing paths. It is also possible that he sustained those scratches when the right side of the AP's face was resting on an icy patch of snow while he was on the ground being held down by his shoulders and handcuffed. The AP himself attributed the marks on his face to the snow.

The AP's medical records confirmed a diagnosis of a concussion. Though the diagnosis was premised on what is now known to be an erroneous report of being hit with a stick in the back of the head, there are two other sources of possible head injury evident from a review of the video footage. To be clear, the available video evidence confirmed that there were no deliberate or directed hits to the AP's head by a baton, or otherwise.

The AP had what appeared to be a hard collision with another volatile arrestee who crossed his path while being escorted to the southeast side of the intersection. At the time of the collision, the AP's head was facing downward and his forward momentum propelled him head-first straight into the flank of that arrestee. After the collision, he continued moving forward with his head down and he ran straight into the chest, and BWC, of SO4 before going down to the ground.

From a review of the video, when the AP was taken to the ground, he did not appear to land with any remarkable degree of force. He was observed bending over and squatting at the knees before falling the remaining distance onto his right side, with the right side of his face coming to rest on the snow. The lack of any other facial injury further supports that no other part of the AP's face hit the ground notwithstanding that the AP suggested otherwise. BWC footage of SO4 also confirms same. Based on what is observed in the videos, it is unlikely that any head injury was sustained by the AP from merely being taken to ground.

It is evident that the AP hit his head during his arrest, but it is also clear that he was not hit in the head by any officer. This is an important distinction. Based on the totality of the evidence, it is more likely that the AP's concussion was sustained as a result of inadvertent collisions during his arrest and not as a result of any intentional use of force applied by any police officer.

## **Conclusion**

On November 19, 2023, the AP was lawfully arrested for assaulting a police officer, namely spitting at SO1. The arrest occurred in the context of an ongoing protest, which was obstructing a busy downtown Calgary intersection. Police had created a line separating traffic from the protestors.

After being spat at, SO1 pulled the AP through the established police line and away from the crowd towards the southeast curb. As they were crossing the police line, SO2 pushed the AP in the direction that SO1 was pulling him. SO3 briefly crossed paths with the AP before the AP ran into SO4, who then assisted SO1 with bringing the AP to the ground and handcuffing him.

Each of the subject officers were required or authorized by law to control the AP and acted reasonably in doing so. After careful review, it was determined that SO3 did not use any force against the AP. The uses of force by SO1, SO2, and SO4 were proportionate,

necessary, and reasonable. As a result, there are no reasonable grounds to believe that an offence was committed.

*Original signed*

**Matthew Block**

**Acting Executive Director**

**September 18, 2025**

**Date of Release**