



Report to the Minister of Justice and Solicitor General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Law Courts Building
in the City of Edmonton, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the 10th to 12th day of March, 2014, (and by adjournment
year
on the _____ day of _____, _____),
year
before Hon. R.A. Philp, a Provincial Court Judge,
into the death of Cyrus Green 17
(Name in Full) (Age)
of Edmonton, Alberta and the following findings were made:
(Residence)

Date and Time of Death: February 5, 2011 at 4:33 a.m.

Place: Edmonton, Alberta

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – *The Fatality Inquiries Act*, Section 1(d)).

Gunshot wounds to chest and abdomen.

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – *The Fatality Inquiries Act*, Section 1(h)).

Homicide.

Circumstances under which Death occurred:

In the late evening of February 4, 2011, Constable Jack Redlick of the Edmonton Police Service was on duty and in a patrol car, with Constable Offin and Constable Larson. These officers at that time worked both the McCauley and Alberta (or 118th) Avenue patrols, in the City of Edmonton.

Cst's Redlick, Offin and Larson had just left a drug house in the vicinity of 112th Avenue and 97th Street. While at the drug house or as they were leaving the officers heard from police communication that a robbery was in progress at the Coliseum LRT station, located at 75th Street and 118th Avenue, some two to three kilometers away from their current location.

As Cst's Redlick, Offin and Larson approached their police vehicle they heard a further communication that stated a "couple of guys" were down in the LRT station with a bat and a knife. The officers heard further communication from Constable Whattam that he was in a foot pursuit with an individual armed with a knife and bat. Cst. Whattam reported that he had been challenged by the armed individual.

With Cst. Redlick driving the patrol car, the three officers drove to the vicinity of the Coliseum LRT station with lights and siren activated.

Based on police communication two individuals were being pursued, one of whom was visibly armed with a knife and bat. The foot pursuit was taking place in the vicinity of a busy nightclub and lounge on a Saturday night.

Cst. Whattam in foot pursuit of the individuals lost track of one individual; the individual with the knife and bat was still being pursued.

Upon arriving at the scene, Cst. Redlick brought the police vehicle to a stop on the north curb of 118th Avenue, near an alley between the north and south bound portions of Wayne Gretzky Drive.

Looking north in the alley, Cst. Redlick saw an individual running southbound in the alley, being pursued by Cst. Whattam. Cst. Whattam got out of the way because he believed a lethal force encounter was about to occur. Cst. Redlick drew his firearm as he exited the patrol car, as he could see the individual was still armed with a bat. Cst's Redlick, Offin and Larson were in full EPS uniform, with the usual equipment, including side arms. On exiting the driver's seat of the "police vehicle" Cst. Redlick had his firearm drawn and was advancing toward the individual armed with the bat.

Cst. Redlick yelled "Stop drop the bat," yelling in his words "as loud as he could." Cst. Whattam, who was in pursuit of the individual attempted, on hearing Cst. Redlick, to get out of the way by climbing a snow bank on the east side of the alley.

On hearing Cst. Redlick, the individual looked up and started to sprint towards Cst. Redlick. Sprinting toward the officers who had just arrived, the individual raised the knife he had in his right hand. The individual screamed "you're going to have to fucking shoot me." Cst. Redlick testified that the individual then raised the knife to his shoulder holding it "spear" like. Cst. Redlick yelled a warning of "Knife" "Knife." The distance between the individual and Cst. Redlick, on the constable's evidence was approximately ten feet or three meters. On his evidence, Cst. Redlick thought the individual was "way too close."

Cst. Redlick fired three shots from his firearm. The individual did not stop running. Cst. Redlick thought he should fire his weapon again, but he did not. The individual suddenly fell forward at

Cst. Redlick's feet.

The officers then got the individual into handcuffs. On placing the individual on his back, he said on Cst. Redlick's evidence, "shoot me again."

Cst. Offin recalled hearing Cyrus Green say that he had been shot. Cst. Offin did not recall the words "shoot me again."

On attending the scene, Cst. Redlick came to a reasonable conclusion that Mr. Green was prepared to use lethal force and Cst. Redlick's use of lethal force was reasonable in all the circumstances.

Recommendations for the prevention of similar deaths:

There is nothing to recommend that would prevent similar deaths. The officers in the circumstance were faced with lethal force and could only respond with lethal force.

DATED June 30, 2014,

at Edmonton, Alberta.

Original signed by

Hon. R.A. Philp

A Judge of the Provincial Court of Alberta