



2024 April 22

Unclassified

Chair Shawn Cornett  
Calgary Police Commission  
Bow Valley Square Tower One  
1150, 202 – 6<sup>th</sup> Avenue SW  
Calgary, Alberta T2P 2R9

Via Email

Dear Chair Cornett,

**Re: Results of Independent Review into Homicide Related Charges**

On 2023 November 28, I asked the RCMP to conduct an independent review into homicide related charges that were laid and subsequently stayed against two brothers (Review). I have recently received the results of the Review. I am not at liberty to release the full report because the homicide investigation remains active, and I must prioritize the integrity of that investigation. However, in the interests of transparency and accountability to Calgarians, I enclose here a summary of key findings.

**Background**

On 2023 November 13, a man was shot and killed while sitting in an SUV at the Trans Canada Mall in Northeast Calgary. Two others in the SUV were injured.

Initial witness information provided descriptions of the shooter, including clothing type and colour, skin colour, and type and colour of the vehicle in which the shooter fled the scene. Minutes later, CPS located a vehicle and occupant matching this description in vicinity to the scene. A chain of events followed that included a vehicle pursuit through Calgary and ended with arrests in Southeast Calgary. The investigation continued over the subsequent days and homicide related charges were ultimately laid against the two brothers with approval of the Crown.

On 2023 November 19, a video of the shooting surfaced online. Based on the video, it was determined the two brothers were not responsible for the shooting. CPS notified the Crown on 2023 November 20, and on 2023 November 21 the charges were stayed. From the time of the shooting to the time the charges were stayed, eight days elapsed.

**Scope of Review**

The CPS requested the Review in the interests of accountability, transparency, and objectivity. We are also committed to investigative excellence, and to fostering cooperative relationships with the communities we serve.

In line with these objectives, the Review focused on the process that led to the laying of the homicide related charges against the two brothers, as measured against nine accepted principles of major case management.



The Review considered whether CPS' homicide investigation, from the time of the shooting to when the charges were stayed, was carried out in a manner consistent with best practices. As part of this overarching inquiry, the Review considered the adequacy of communication between CPS members responsible for initial police response and homicide investigators, whether there was any indication of inappropriate bias (conscious or unconscious) that impacted investigative decision-making, and whether crime solving strategies employed were reasonable and appropriate.

The Review was carried out by the RCMP's K Division Office of Investigative Standards and Practices (OISP), which serves as an RCMP centre of excellence for major case management and regularly carries out, among other things, Investigative Practices Assessments.

### **Key Findings of the Review**

The Review found CPS' homicide investigation to be legally compliant, reasonable, ethical, and carried out without inappropriate influence or bias. More specifically:

- CPS had a properly staffed "Command Triangle" (CT) in place to lead and advance the homicide investigation. Once the exonerating video came to the attention of the CT, the Crown was contacted as soon as possible. The CT showed leadership and ethical behaviour in addressing the issue immediately.
- Investigative information was captured appropriately. The decision to lay charges was made collectively, not by a single person or few people, with the value of evidence being weighed and professionally debated. This approach greatly reduces the likelihood of tunnel vision.
- Many crime solving strategies were used and/or considered for this investigation. They were reasonable and appropriate. By the time the homicide team became involved, they didn't fall prey to tunnel vision. They followed the evidence they believed to be valid and true.
- Leadership has fostered an environment where all participating investigators felt included to offer opinions and suggestions to the CT without judgment or fear of negative results, on this and other homicide investigations. CPS members were enthusiastically cooperative with this Review.
- The Review identified no issues with legislation, or case law effecting the investigation or the decision to stay charges, including by participating Crown. The relationship between the Crown and homicide team is strong and respectful of one another. Grounds were continually formed and, although the CT considered lesser offenses, concluded in consultation with the Crown that they had the grounds for homicide related charges.
- With the exception of one support staff, all CPS officers spoken to said they receive bias training, and the Crown advised similarly. The specific witness descriptions of the offender's appearance, clothing, and vehicle meant that there was a very low likelihood of encountering another individual matching the description. The Review concluded that the



totality of the circumstances were so strong that it is understandable why the CT believed they had the right suspects; there was no evidence of bias, systemic racial bias or discrimination.

- The Review found no indication that inappropriate influence impacted decision making, including from management or other internal or external sources. Pressures that did exist, but they were not inappropriate, including resourcing and media attention on such a brazen daylight shooting at a crowded location.

While most of the actions of the CPS were reasonable, understandable, and repeatable, the Review noted areas for improvement that fell short of best practices. It is possible that, if these best practices had been followed, it may have prevented the homicide related charges, or identified the issue sooner. The Review was clear; however, that most members of the Review Team felt they would have acted similarly to the CPS homicide team under similar circumstances.

Recommendations for improvement towards best practices followed the following themes, recognizing that this incident was somewhat unique due to the short timeline and dynamic circumstances in which the investigation took place.

- Early tactical decisions that impacted the homicide investigation were made by others responsible for initial police response (via the Real Time Operations Centre or “RTOC” and the Tactical Operations Centre or “TOC”) before the homicide Team Commander was able to be fully engaged. In the early hours of the investigation, command over operational decisions and all members of the Command Triangle could have been better coordinated and communication was insufficient. During fast-paced, complex investigations such as this one, strong internal partnerships are encouraged.
- Addressing initial arrests took resources from the homicide team, compounded by time pressures due to restricted hours of the Judicial Hearing Office. Recommendations were made to update internal policies to prioritize homicide suspects and to enhance process for dealing with multiple arrests on a major case, to help relieve some of these timing pressures.
- With additional investigative resources, some circumstantial evidence could have been examined earlier for corroborating similarities and identifying differences.
- Technology and process management options were explored that would enhance communication between homicide investigators and patrol members, help with organizing records and tracking assignment of tasks, use of video managers, and use of major case management-specific software.
- There are opportunities to update the business rules for new homicide team members.
- It is important on an ongoing basis for CPS to continue to be mindful of personnel issues and overall wellness of its employees and members involved in all major case and/or long-term investigations. This includes consideration of training or mentorship to support units



or personnel that assist homicide with specific tasks, measures to relieve some on-call stress, and expanding the number of people with Team Commander training and other major case management courses.

### **Conclusion**

I would like to thank the RCMP, and specifically K Division OISP, for conducting the Review thoroughly and efficiently.

While the Review identified many things the CPS did well, it also identified areas for improvement which CPS is still in the process of examining in detail.

I am proud of and commend CPS members for acting ethically, professionally, and to the best of their ability in this investigation. Thankfully, this type of incident is extremely rare; however, when it does occur it is of utmost importance that our members act immediately and transparently to rectify the situation, as they did here. Our community should expect nothing less.

I want to underscore that we recognize the impact of this event on the two young men charged, their family, and the community. I reiterate the public apology I have made in this regard. This event has also profoundly impacted CPS and we will be making positive improvements to our processes as a result.

Finally, CPS remains committed to the ongoing investigation and to seeing justice done for the victim of this violent homicide.

Respectfully,

Mark Neufeld, O.O.M.

**CHIEF CONSTABLE**

*c.c: Heather Spicer, Executive Director and Legal Counsel  
Calgary Police Commission*