

?No reasonable grounds? to charge officer involved in Aurora shooting: SIU



(York Regional Police block Leslie Street the morning after the incident. Auroran photo by Brock Weir)

By Brock Weir

Ontario's Special Investigations Unit has concluded there are 'no reasonable grounds' to charge a York Regional Police officer involved in an Aurora shooting this spring with a criminal offence.

A 21-year-old Aurora man was shot by police on April 12, believing he was brandishing a gun as he approached police in the vicinity of Leslie Street and State Farm Way. The gun, however, turned out to be a pellet gun painted to look like the real thing, according to the Special Investigations Unit (SIU).

The SIU released their findings on Monday.

Police were called to the scene at 8.48 p.m. At the time, York Regional Police said via Twitter they were responding to reports of 'people shot' but police said there were no other 'injured parties' found.

The SIU's report sheds more light on the incident.

'The YRP received a 911 call from a male reporting he had just observed another man shoot a girl and her mother in the vicinity,' said Jasbir Brar of SIU communications. 'The reported shooting of the girl and her mother did not occur. At 8.53 p.m., the first officer arrived on the scene. While proceeding eastbound on State Farm Way, he spotted a man coming from across the street with what appeared to be a gun in his right hand.

'The officer made a U-Turn to confront the man. The man approached the officer as the officer brought his vehicle to a stop facing northwest in the westbound lanes of State Farm Way. The officer radioed that he was on the scene with an armed male. He exited his vehicle, drew his firearm, and repeatedly ordered the man to drop his weapon and get on the ground.

'The man did not stop and began to pursue the officer around the police vehicle, with the gun pointed at the officer. A second officer arrived at the scene and saw the officer being chased around the police vehicle by the armed man. The second officer stopped his vehicle west of the first officer's vehicle, exited and also ordered the man to stop, drop his weapon, and get on the ground. The man turned his attention to this second officer. He pointed the gun at the officer and began to advance in his direction, prompting the officer to re-enter his vehicle and reverse westward into the intersection with Leslie Street.'

Ms. Brar notes it was unknown to police officers at the time that the male in question was brandishing not a standard firearm, but a pellet gun. As he approached the second officer, two further officers arrived in police SUVs surrounding the area, including the officer in question through this investigation.

?The third officer and the subject officer exited their vehicles, drew their weapons and repeatedly ordered the man to drop his gun,? said Ms. Brar. ?The third officer was armed with a shotgun and the subject officer was armed with a rifle. The man changed course, turned left and made his way towards the third officer and the subject officer, with the gun raised in his right hand and pointed at the officers. He did not comply with the officers' commands to stop. When he neared to about the car's length of their position, both officers discharged their firearms.?

The man was shot around 8.55 p.m., seven minutes after the 911 call received. After being transported to Toronto's Sunnybrook Hospital, he was pronounced dead at 2.41 a.m.

Following the incident, the SIU tasked five investigators and three forensic investigators to get to the bottom of the incident. They later questioned 10 civilian witnesses and 12 officers, but the ?subject officer? did not do an interview with the SIU or hand over his notes. This, the SIU notes, is his legal right.

In a statement, Tony Loparco, Director of the SIU, said he was ?satisfied? the two officers that opened fire ?reasonably believed their lives were in danger and a resort to lethal force was necessary to preserve themselves.?

?As it turns out, the man was not wielding a firearm during the incident?however, the officers cannot be faulted for having perceived the object as a legitimate firearm. Its red-tipped barrel and clear side had been painted black and made to look like an authentic gun. They had every reason to believe their lives were in imminent risk. Having ignored multiple calls to stop and drop his weapon, the officers were well within their rights to shoot as the man neared to within a car's length of their location.?