



**Office of the Attorney General  
Cabinet du procureur général**

**Public Prosecution Services  
Services des poursuites publiques**

**Review of the report from the Bureau des enquêtes indépendantes du Québec (BEI) of its investigation  
following the death of Chantel Courtney Moore and Legal Opinion**

**June 7, 2021**

**Fredericton, NB**

On December 18<sup>th</sup>, 2020, Public Prosecution Services of New Brunswick (PPS) received from the Bureau des Enquêtes indépendantes (BEI) the partial results of an investigation into the death of Chantel C. Moore (D.O.B. 1994-03-31). Ms. Moore's death occurred on June 4<sup>th</sup>, 2020 at approximately 2:30 a.m. at 19C Hill Street in Edmundston, New Brunswick. Ms. Moore was shot and died at the scene. The investigation will establish that she was shot by a single member of the Edmundston City Police Force, outside her residence, details to follow. Due to the fact that a member of the Edmundston City Police (ECP) was involved in the incident, the BEI was retained and had the lead responsibility of investigating the matter. The BEI also had the assistance of the Royal Canadian Mounted Police, Fredericton City Police as well as the Saint John City Police Force.

Upon review of the initial report of the BEI, at least two (2) items of significance were noted to be absent, specifically, the final autopsy report, along with the accompanied toxicology report and the forensic analysis report related to Ms. Moore's personal cellular phone. These items were requested on February 1<sup>st</sup>, 2021 and were sent by the BEI on March 23, 2021 and received thereafter. The RCMP - Quebec Division, assisted with the analysis of the cellular phone.

The evidence accumulated by the BEI consists of police vehicle in-camera (Dash Cam) videos, commercial/retail surveillance videos, witness statements from civilians and Edmundston City Police officers, including from Officer 1, the officer who fired the fatal shots. Also included was fingerprint analysis and ballistics reports related to a knife recovered at the scene and police-issued firearm respectively. It is noted that because of some information received from parties/legal representatives acting for the family of the deceased, other items located at the scene were processed subsequently, including a small 3 mm cylindrical hole in the apartment refrigerator and reddish-coloured spatter-like substance on two (2) of the walls of the apartment, occupied by Ms. Moore. The report also contains the narratives and notes of all the law enforcement officers involved in the investigation and the police officers who attended the scene.

Of note, that there is no actual real time surveillance, police vehicle dash cam or body worn video camera, evidence depicting the actual events. The Edmundston City Police officers were not issued body worn cameras, at that time. However, the various police vehicle dash mounted cameras were activated, but were not directed at the scene, thus of limited value, except as it relates to timing of events and confirming who was present at what time. However, the investigation led to the examination of several local businesses' surveillance cameras which were analyzed by the BEI. The forensic examination of these was used in conjunction with Ms. Moore's cellular phone analysis. This was of assistance to determine who in fact had actual physical use and access to Ms. Moore's cell phone when it was believed it may have unlawfully used, specifically on the evening of June 3<sup>rd</sup> to the early morning of June 4<sup>th</sup>, 2020. As noted below, there were civilian witnesses that heard portions of what took place prior to and during the interaction between Ms. Moore and Officer 1 that occurred outside on the balcony/front entrance of apartment 19C Hill Street, some of which is confirmed by Ms. Moore's cellular phone and surveillance cameras analysis. These will be summarized below.

What is consistent within all the statements and evidence is the location of the incident and the time involved.

## **EVIDENCE**

June 4<sup>th</sup>, 2020 at 2:06 a.m., the ex-boyfriend of Ms. Moore, Witness 1, called the Edmundston 911 Dispatch from his residence in the Town of Repentigny, Quebec. The investigation revealed that Witness 1 and Ms. Moore had dated for 1½ to 2 months while he lived, worked and went to school in the Edmundston City area. The relationship ended shortly before the March 18<sup>th</sup>, 2020 New Brunswick provincial COVID-19 lockdown, when Witness 1 returned to his home province of Quebec. According to Witness 1, the parting of ways was

amicable, and they still maintained contact electronically via their respective cellular phones. The reason for Witness 1's call to the 9-1-1 dispatch was that he was concerned for Ms. Moore's safety/well-being. Specifically, that on the evening of June 3rd he began receiving Facebook Messenger messages from Ms. Moore's account, which led him to believe that someone had "pirated" or taken control of her Facebook Messenger account. Although, he thought initially that Ms. Moore might have been trying to manipulate him into getting back together. However, due to the content and tone of the messages, including one which suggested that the writer was watching her sleep and maybe was present with her, he became concerned enough to call 9-1-1.

At the request of this author, the BEI conducted a detailed analysis of the content of Chantel Moore's cellular phone, including all texts, photographs, Snapchat and Facebook Messenger messages.

According to Witness 1, he had no prior indication or knowledge of any issues relating to Ms. Moore's physical or mental health. He was aware of some turmoil involving her family and she had told him that she had recently been followed and that she called the police and they had stopped the person. The file/investigation makes no reference to this incident. Witness 1 indicated that he was aware that Ms. Moore drank alcohol and had consumed cocaine in the past.

At 08:01 on the morning of June 3, 2020, Ms. Moore messaged Witness 1. The conversation was related to work, her internet, that she missed him and his recent COVID test. There was a gap in the communications, but according to the records, Ms. Moore was messaging other persons including her friend Witness 2 as well as her former boyfriend Witness 3, who lived in British Columbia at the time. The records indicate that Witness 1 re-initiated contact at 14:57, responding to Ms. Moore's last text message of 08:15. She responded at 15:28. Ms. Moore continued various conversations with other individuals, exchanging photos of herself and Witness 2 together at 19:36 and video chatting with Witness 3 at 19:39 for approximately three (3) minutes. The next communication between Witness 1 and Ms. Moore, was at 23:46 when she sends the message "Hey sexy". Witness 1 does not immediately respond. However, at 23:47 Ms. Moore video chats with Witness 4 for four (4) minutes and then has two (2) separate video chats with Witness 3 between 23:57 and 00:07 (June 4<sup>th</sup>, 2020). Subsequently, she and Witness 3 exchange eleven (11) messages back and forth, and ending in a statement by Ms. Moore who says at 00:12 on June 4<sup>th</sup>, 2020, "Nobody wants me:... why not just dye alone now". At 00:13 Ms. Moore sends a message to Witness 1 - "This girl loves you". Witness 1 responds at 00:15 "You sound drunk and I'm at work".

From this point on the communication from Ms. Moore's to Witness 1's cellular phone is as if a third party writing her messages. Specifically:

- 00:15 "I'm trying to put her to bed"
- 00:16 "All she talks about is you"
- 00:17 "She said your music will put her to sleep, what kind of music does she mean?"
- 00:20 "I've tried rap, and R& B all she said was [Witness 1] knows....he plays what puts me at ease- and she won't let anyone else near her"
- 00:21 "She thought she could dry and be gay"
- 00:23 "After hearing your name it shows she doesn't want another man. Give her the closure she needs or admit how much you love her"

Witness 1 had not responded since 00:15. It is of note that at approximately 00:29 to 00:32 on June 4<sup>th</sup>, 2020 the Greco Pizza surveillance footage shows two (2) young women matching the description of Ms. Moore and Witness 2 in the rear parking lot area of 19 C Hill Street, getting into a black car which is believed to that of

Witness 2. Both women get into the car. Digital enhancement of this video was requested by this author. At approximately 00:29:56 a series of twelve (12) digital screenshots are produced and examined. In these, the female identified as Ms. Moore is seen holding something in her right hand, which resembles a cellular phone. The reporting technician makes this determination, based upon the manner in which object is held, the fact that it casts a rectangular shadow on the ground, that it seems to emit a light source towards the holder and that it is not a liquid/beverage container as it is upside down at one point, in the timeline.

The messages continue at 00:32:47 and again at 00:33:55 and finally at 00:34:47 Witness 1 responds, "Who is this?"

- At 00:34:47 Ms. Moore's cell messages back: "So please...at least tell me her deepest fears or help me attract her to me"
- At 00:35:00 Ms. Moore's cell messages: "It doesn't matter who I am"
- At 00:35:24 Witness 1 responds: "Who is this?"
- At 00:35:44 Ms. Moore's cell messages "what does it matter"
- At 00:35: 57 Ms. Moore's cell messages: "I want her"
- At 00:36:10 Witness 1 responds: "I'd like to know who the fuck I'm talking to"
- At 00:36:25 Witness 1 continues: "Using her phone"
- At 00:36:38 Ms. Moore's cell messages Witness 1's phone again: "That doesn't matter"
- At 00:36:51 Ms. Moore's cell messages, continues: "What matters is I want her"
- At 00:37:14 Ms. Moore's cell messages, continues: "And she wants you and I want to know what you did"
- At 00:37:43 Ms. Moore's cell messages, continues: "to make her want you. Because I will force her to want me"

Of note, at approximately 00:39:29, the Greco Pizza surveillance, shows a female person matching the clothing and physical description of Ms. Moore getting out of the black parked car in the parking area. The person is seen running towards where Ms. Moore's apartment is located. The car then leaves the area. This is consistent with the evidence of her friend Witness 2, who said she left Ms. Moore at this time.

- At 00:39:43 Witness 1 continues "I'm gonna repeat one last time you sick rapist bastard, WHO. THE.FUCK.ARE. YOU."
- At 00:40:18 Ms. Moore's cell messages, continues: "the guy who will get what I want regardless of your questions"
- At 00:41 Ms. Moore's cell messages, continues: "Best part is...I've been following her from work for days. Her using bmo bank for free wifi."
- At 00:43 witness 1 continues: "Then what the fuck do you want from me"
- At 00:43 Ms. Moore's cell messages continues: "To make sure there's no one here for her".
- At 00:44 Ms. Moore's cell messages continues: "Clearly her parent's aren't that close...listening to hear speak to others that would protect her..."
- At 00:47 Ms. Moore's cell messages continues: "You're the last".

The messaging continues between Witness 1 and Ms. Moore's cell phone, with him demanding to know who is using her phone. At 00:47 Ms. Moore's messaging is clearly threatening saying: "I will destroy her". Strangely, at the same time 00:44 Ms. Moore gets a Snapchat message from her friend Witness 2: "Forgot my wallet im coming back". Ms. Moore Snapchat's back at 00:48 "OK".

Between 00:50 and 00:55 the messages continue to flow from Ms. Moore's cell phone to Witness 1. At 00:55 the messages are: "Calling her phone won't do shit. I've already hacked all her accounts" and "And I'm staring at her as she sleeps".

Of note again is the Greco Pizza surveillance footage where at 00:56:05 the same black car is pulling into the rear parking area and a female with a ball cap previously seen leaving at 00:39 is now walking to the area of Ms. Moore's apartment. At 00:57:18 Ms. Moore's phone messages Witness 1 again: "...this bitch will be gone sooner than you know". Of note that at 00:59:24, the same previously noted female, now known to be her friend Witness 2 is walking to her car, moments later at 00:59:28 a female in white shorts, black sweater follows from behind and drapes herself over the hood of the car as the other female is getting in. As the car gently pulls away, the other female is on the hood, then gets off and does a little dance. After the car leaves, the female heads back (stumbling) to the area of Moore's apartment.

The last "contact" between Witness 1 and Ms. Moore was at approximately 1:09 a.m. EST or 2:09 a.m. AST when it appeared that Ms. Moore tried to video chat with him, but he did not speak or see her, and the contact was lost.

Officer 1 was assigned to investigate/follow up on Witness 1's 911 call. Witness 1's call was transferred to Officer 1 in his police vehicle. However, because Witness 1 did not know where Ms. Moore was currently living, as she had moved since their break up, he suggested that the officer may get that information from her biological mother, Witness 5.

At approximately 2:15 a.m., Officer 1 arrived at Witness 5's residence, entered the residence and spoke to her and got her daughter Ms. Moore's current address – 19C Hill Street, Edmundston, N.B. It is noted that the officer had never had any prior dealings with Ms. Moore but was aware of a call/incident where Ms. Moore "broke into" her mother's house, as she had lost her own house key. No charges resulted.

At 2:32 a.m. Officer 1 arrived at 19C Hill Street in downtown Edmundston. The apartment unit is located at the rear of commercial businesses, other businesses using the parking lot include the Bank of Montreal and a Greco Pizza. There are at least three (3) units at this address, all are accessed from the rear of 19 Hill Street from a common parking area. Ms. Moore's residence was located on the third level of the building. Renters and their guests must use a common wooden staircase that leads to the level of each unit. Ms. Moore's was at the top and she had her own balcony/porch right off the front door. There was only one door to this residence.

The investigation disclosed that Ms. Moore had only just recently moved into this unit, approximately a week before, with the help of her mother, Witness 5. The unit was a two (2) bedroom with a common living room/kitchen area. Although Ms. Moore had a young daughter, she was not living with her at the time, but it is believed that it was her intention to make the transition to having her daughter live with her, hence the extra bedroom. In an interview dated February 25, 2021, the landlord/property owner, Witness 6, confirmed that Ms. Moore had just moved in a week previously, having moved from another of his rental units. The unit was unfurnished but for the refrigerator, which he had purchased from a yard sale sometime prior. He also confirmed as did the prior tenant, Witness 7, that there was a trace of a red substance in one of the rooms, prior to Ms. Moore taking possession of the unit. Witness 6 believed that the substance was either wax, paint or something of that nature. Witness 7 never noticed any hole in the refrigerator. Subsequent forensic examination of both the red coloured stains and the cylindrical hole in the front door of the refrigerator (both requested by this author) found that the red stain was not blood and that the cylindrical hole was not from a projectile/bullet as it was smaller (3mm) than the smallest known caliber.

### **Interview of Witness 2**

Witness 2 had been friends with Ms. Moore for approximately one (1) year. She says they were very close and saw each other often. She said that during the time she knew Ms. Moore she was not depressive but was “happy” nor had she ever seen Ms. Moore consume any drugs, although she may have with others. Witness 2 stated that when she first met Ms. Moore, Ms. Moore was a bit depressed as she had just moved here from out west (British Columbia) but that she was restarting her life here in New Brunswick. She also said that she was also depressed regarding her recent breakup with Witness 1, but on the night and early morning hours of June 3-4, 2020 she was in a good mood. She was unaware of any threats or harassment that Ms. Moore may have been experiencing. Although she acknowledged in a more recent statement of January 22, 2021, that Ms. Moore had told her that someone had been following her and harassing her. She was never told who it was or shown proof of same.

At 7 p.m. on June 3<sup>rd</sup>, 2020, Witness 2 picked up Ms. Moore from her place of work, Boston Pizza. With her in her car was a mutual friend of theirs, Witness 8. Ms. Moore had arranged for the pick up early in the day. The three of them drove around the local area for an hour or so. They all went to Ms. Moore’s for an hour and a half to two hours. They were all drinking, although Witness 2 said she only drank a little as she was driving. She said Witness 8 left them after an hour or so. At some point during the evening, Ms. Moore called her mother, Witness 5, to ask if she had any alcohol. Witness 2 said that Ms. Moore was drinking but was coherent, walking and talking/dancing to music and feeling/seemed happy. No drugs were consumed by any of the three in her presence. Witness 2 says that she left Ms. Moore’s residence at approximately 12 a.m. and that Ms. Moore was alone and seemed fine. She recalls Ms. Moore using her phone, in her presence, to listen to music, take photographs, text her old boyfriend Witness 1, and Facetime (video) an old boyfriend, Witness 3. She texted Ms. Moore once she got home as she had to return to pick up her wallet, that she left behind. She returned to Ms. Moore’s at 1:00 a.m. to retrieve her wallet. At that time, Ms. Moore was alone in the apartment, still drinking. Ms. Moore was walking and talking, and she believed Ms. Moore had had a few more beers. When Witness 2 left for the second time that evening, Ms. Moore accompanied her to her car and Ms. Moore was on her phone. The conversation appeared normal, not sad or angry in tone. She got home at 1:20 a.m. Her last contact with Ms. Moore was at 1:27 a.m. when she used the Snapchat text feature app to send her a message. The reply from Ms. Moore was phrased in the third person. She found that strange and asked for clarification but got no reply. At no time during her time with Ms. Moore on the evening of June 3, 2020 and the morning of June 4, 2020, did Witness 2 use Ms. Moore’s phone to text anyone, nor did she see Witness 8 do so either.

### **Interview of Witness 8**

The BEI also interviewed Witness 8. Witness 8 was an acquaintance of Ms. Moore, but she says that Witness 2 was Ms. Moore’s best friend. Witness 8 said that on June 3<sup>rd</sup>, 2020 at approximately 4:30-5:00p.m., Witness 2 came and got her at her house. They drove around the area until they picked up Ms. Moore at Boston Pizza at 7:00 p.m. They drove around some more and eventually ended up at Ms. Moore’s apartment. They were there about 1 ½ to 2 hours when Ms. Moore called her mother (Witness 5) looking for more alcohol. They then all got into Witness 2’s car and drove over to Witness 5’s. Ms. Moore went in alone and returned with some beer (Coors Light) and some hard liquor. Witness 5 also gave her daughter some clean laundry. They drove around some more, eventually stopping at a local Irving at 7:00-7:30 p.m. where Ms. Moore got out and bought some Coke and/or Pepsi.

Because Witness 8 was working the next day, she asked Witness 2 to drive her home at 8:00 p.m. During her time with Ms. Moore she described her as in a good/happy mood but was tired after her day at work. She

would not describe Moore as her friend and said that she did not know her well. She knew that Ms. Moore had previously dated Witness 1, a friend of hers from university, and she had just moved into the apartment 3 or 4 days prior. She said Witness 2 left Ms. Moore's around midnight as she texted her.

### **Interview of Witness 3**

The BEI interviewed Witness 3 who said he dated and lived with Ms. Moore for eighteen (18) months when they were living in Port Alberni, British Columbia. He said that even after they were no longer a couple, they were in touch almost daily by phone. In fact, on the morning of June 4<sup>th</sup>, 2020 he had two (2) video conversations with Ms. Moore. He said he also exchanged text messages with her during that time. During the first call at approximately, 00:57 hrs AST or 20:57 MST/BC, he believed that Ms. Moore was still in her apartment, but she left during the call. They spoke for about twenty (20) minutes as there were two (2), ten (10) minute consecutive calls/Facetime conversations. Witness 3 could tell that she was very intoxicated as she said she'd been drinking all day. He recalls her mentioning something about having a day off from work.

Witness 3 said that Ms. Moore was "happy to see him" as she was lonely/sad and missed her home/friends in British Columbia. He was her "piece of home" for her. During the call, he thought she might be suicidal. After the second and final call, as she hung up she said words to the effect "I might as well kill myself". She hung up. He tried to call her back, but she did not answer. He texted her – "Please don't do this" and told her to go to sleep/take some medication. He said he could not live without her. He said that she was never violent towards him, but she had in the past taken a knife and tried to self-harm, however he removed the knife from her. He believes that this would have happened more than once. He indicated that this occurred approximately a year previously. He was also aware that she had tried to kill herself previously.

(Note: BC- Island Health Emergency Patient Care Record for Chantel Courtney Moore dated September 2, 2019, references--- Past Medical History- Suicide attempt via stabbing to abdo. Broken back post jumping out 2<sup>nd</sup> story window.)

(Note: Final Post Mortem Report of Chantel Moore, performed by Doctor 1, makes reference to a well-healed linear scar of approximately 9 cm in width upon the skin of the abdomen.)

### **Interview with Witness 9**

Witness 9 and her partner lived in and rented the apartment located at [Redacted]. [Redacted]. She met Ms. Moore for the first and only time on June 3<sup>rd</sup>, 2020 at approximately 11:00 p.m. She said that there was too much noise coming from Ms. Moore's apartment, so she went and knocked at Ms. Moore's door. She saw that Ms. Moore was there with a female friend with reddish hair. Ms. Moore was very friendly, happy "a bit drunk" and right away she asked Witness 9 if she was making too much noise. She apologized. Witness 9 said "no problem" as long as we can talk to each other there will be no problems. They introduced themselves and shook hands and Witness 9 went back to her apartment and back to sleep. The next thing she knew she was awoken at 2:37 a.m. by a gun shot. She only heard a single shot. She woke her partner who had heard nothing. Witness 9 went to her window which faces the parking lot and sees three (3) police vehicles parked below. She saw one (1) officer running with a first aid kit. She knew at that moment that police had shot someone and that it was very serious. She looked out again and saw that there was also an ambulance on scene. She noticed that the police officers and others were calm and not moving around too much, so she assumed that someone was dead. She went back to bed, [Redacted]. She said that she never had any other conversation with Ms. Moore.

### **Interview of Witness 10**

Witness 10 lives at [Redacted], which is adjacent to Ms. Moore's building. Although, they are in different buildings, they share a staircase up to their respective apartments. He estimates the distance from his door to Ms. Moore's door is approximately ten (10) feet. He can see all of her balcony from his doorway. Like Ms. Moore, Witness 10 had just moved into his apartment the week prior. He did not know Ms. Moore and had never spoken to her.

On the evening of June 3, 2020, he had been out on his balcony having a cigarette, when he noticed Ms. Moore and another female of the same age, (Investigators assume this to be Witness 2, based upon his description) out on Ms. Moore's balcony. He said they were loud, having fun and drinking. He said they appeared to be calling friends on their phones. They said "hello" to him when they noticed him. He could still hear them after he went inside his apartment. He was not concerned as they were having "fun". He said it went on until 2:00 a.m. He recalls that at between 1 and 1:30 a.m. one of the women left in a small black car. He went to bed at 2:00 a.m. The next thing he recalled was being awoken at 2:30-2:45 a.m. by loud banging noises. At first, he thought someone was knocking at his door. He got up and went outside and that is when he saw Officer 1 on Ms. Moore's balcony. He assumed that someone had called on her because of the noise. He saw that the officer had a flashlight and was banging at the window/door of 19C. When the officer then saw him, he flashed his light at him. Officer 1 acknowledged him, saying, in French "Allo [Witness 10]", he replied "Allo". The officer said to him in French, "she's hard to wake up", Witness 10 replied in French "Yes, I can imagine/understand with what they had to drink". Witness 10, then went back inside his apartment and closed his door. He went back to sleep. The next thing he heard is Officer 1 saying "Elle a un couteau". He does not recall hearing anything else being said or the sound of shots being fired, but he heard people running in the stairs. When he looked out he saw that police officers were running in the stairs and that there were three (3) or four (4) police vehicles and that ambulances had arrived. He saw that his neighbour was now lying on her balcony. He did not know what happened, or if she was drunk. He left his apartment and went for a drive and eventually a coffee at Tim Hortons.

He said that Ms. Moore was laying on her stomach and her head was facing the Greco restaurant. He cannot say he heard the shots fired or if they were the banging on the door. He said he recognized the responding officer as he had dealings with the police in the past. Witness 10 said that in the past he was a drug user and could be unpleasant to deal with at times. He said he did not know the officer by name.

### **Interview of Witness 11**

Witness 11 lives at [Redacted]. However, on June 3, 2020 he was visiting with a female friend/neighbour who was living in [Redacted]. This apartment's entrance/balcony is located below Witness 10's and faces diagonally across from Ms. Moore's. Witness 11 said that on June 3, 2020 at around 11:00 p.m. he heard a lot of noise coming from outside. The sounds were of laughing and screaming and it was coming from the neighbour's balcony. At 11:05 he went outside and saw that there were two (2) young women having a good time with drinks in hand. When they saw him, they lowered their voices and drinks and went into the (Ms. Moore's) apartment. He went back into his friend's apartment and at 11:15 pm he fell asleep on the couch in the living room.

Around 2:30-2:45 a.m., he says he's awakened by four (4) quick shots all in quick succession. The first three (3) were louder than the last. He gets up and runs outside to see what is going on. He says that when he gets outside, there is already three (3) to four (4) police vehicles on scene and he could see flashlights up on the balcony and there was a body on the ground. He said it was very dark as there was no lighting. He also said

it appeared as if the police officers were looking for something on the balcony and below on the ground. He could not tell what they were looking for, but they were moving the person located on the balcony. He said he heard the police say that they were going to remove the person's clothes. Eventually, the officers saw him below and asked him to go into his apartment. He said, the officers told him "we don't want you to see what's going on". He declined to go inside as he said he was not doing anything wrong, so he stayed on his balcony smoking his cigarette. He saw the police continuing their search back and forth – side to side of the balcony.

He said that he never saw anyone trying to revive her, and that it took the ambulance fifteen (15) to twenty (20) minutes to get to the scene. He said that when they arrived they did so without lights and/or sirens and appeared to be in no great rush. He said the EMT's walked to the scene really slowly. He did not see the EMTs carrying any equipment or use any devices on Ms. Moore. A second ambulance also came to the scene.

He said that he did not know Ms. Moore but that he had seen her mother, Witness 5, help her move into the apartment over a few days. He said he took his own photographs of the scene and Ms. Moore's body covered by a yellow tarp. Two (2) days later BEI investigators obtained a further statement from Witness 11. He said that when he initially saw Ms. Moore's body, her head was facing towards the Greco Restaurant and that the police had moved her body end for end. He said also that he believed the police were looking for many things at the scene. According to him, he believed the police added/placed the knife at the scene. He told investigators that he had spoken to Witness 5, mother of Ms. Moore and that she told him that there were no missing knives from the set that she had given her daughter.

(Note: On January 13<sup>th</sup>, 2021, BEI investigators contacted Witness 5 by telephone and she confirmed that she gave her daughter, Ms. Moore the knife set contained within a wooden block and when she did one (1) knife was missing from the set.)

### **Forensic Examination of The Scene**

On June 4<sup>th</sup>, 2020, Ident 1 and Ident 2, members of the Forensic Identification Services of the Fredericton City Police, processed the scene at 19 C Hill St.

Collectively, they took numerous photographs, measurements and seized items of interest. They recovered four (4) shell casings from the covered balcony, along with a metal bullet laying between the legs of the deceased. They also located, under a piece of flattened cardboard and to the right of the deceased, a Cuisinart brand knife, along with a number of pieces of jewellery located on the balcony near the body of the deceased.

When Ident 1 examined the scene, he noted the presence of a number of cardboard boxes (open and collapsed) on the porch/balcony of 19C, along with a folding chair. Some of the boxes contained items, these were located to the left of the main door, up against the front railing. Others were empty. Also next to the body of the deceased was a flattened cardboard box that once contained a Shop-Vac. It was partially soiled with the blood of the deceased. Another flattened cardboard box was located on the balcony floor but to the right of the prone body of the deceased, near the end railing. The folding chair was laying on its back on a portion of this box. Along to the outside wall of the apartment to the right of the living room window were several pieces of wood and construction debris.

Ident 1 found one (1) of the four (4) shell casings on the balcony floor, at the opposite end from entrance to the balcony of apartment 19C. It was located near a flattened cardboard box, on the floor near the outside edge and under the railing. The seized Cuisinart brand steak knife was found under a flattened cardboard box,

near last mentioned shell casing. Ident 1 did not locate any projectile or bullet damage to any of the building structure, inside or out.

Once the exterior scene was processed and the items seized and labelled the Ident officers entered the apartment. Located in the kitchen, on the counter was a wooden Cuisinart knife block with two (2) empty knives missing from the slots where the steak knives are usually located.

They noted that inside the apartment in the living room and to the right of the two (2) exterior windows facing the outside balcony was a blue sofa/couch. On this sofa was located a cell phone. Next to the sofa was a large leather footstool upon which was located a drink container, a pack of cigarettes, a lighter and an extension cord attached to a phone charger as well as a candle. They also noted two (2) Coors Light cans on the floor near the sofa. Near the bathroom entrance they located a pair of grey shorts and a pair of underwear. All these items were seized.

(Note: These officers did not note or photograph or process the small cylindrical hole in the refrigerator nor the reddish coloured stains on the walls. As noted previously, these items were subsequently investigated by the BEI at the request of this author and found to be not related to the night in question.)

Ident 1 attended the autopsy of Ms. Moore, conducted by Doctor 1. At the autopsy he recovered articles of clothing removed from the deceased along with three (3) projectiles/bullets. One (1) of these projectiles bullet fell out of the comforter/blanket, when it was removed from the deceased. The other two (2) bullets were removed by Doctor 1 from the deceased's right and left back respectively.

### **Interview of EMT 1**

EMT 1 was working as an EMT along with EMT 2, when at approx. 2:30 a.m. his unit was dispatched to 19 Hill Street, Edmundston, N.B. regarding the City Police needing an ambulance for a woman.

Note: The 911 CAD calls indicate that the call for ambulance assistance was made at 2:34:47 and was enroute one (1) minute and forty (40) seconds later. Also, according to the 911 CAD call summaries, the first ambulance was arriving on scene at approximately 2:38 a.m.

Upon his arrival at the location EMT 1 noted that there were numerous police vehicles already at the scene. He noticed that Officers 1 and Officer 2 were at ground level and Officer 3 was on the third-floor balcony. He also noted that Officer 4 was also present. He was advised by Officer 2 that the patient had been wounded by gun shot/bullets. The police officers did not tell him that it was in fact a police shooting. He figured that out only fifteen (15) minutes later.

He examined the patient who was laying on the balcony. He noted that her pupils were dilated, and she had no visible respirations nor pulse. He determined that there were no signs of life. He and his partner did attach the electronic monitoring pads to the patient's chest, but there was no electrical activity coming from her heart. He noted three (3) injuries to her chest, estimated to be 4 to 5 mm in size. These injuries, in his opinion were incompatible with life. He did not attempt any resuscitating measures.

He did not see any police officers touch the patient in his presence. He only spoke to Officer 2 and to no other officer while at the scene.

### **Interview of EMT 2**

EMT 2 was working the night of June 3<sup>rd</sup>, 2020 as an EMT along with his partner EMT 1. They received the call for assistance at approximately 2:30 a.m. The exact nature of the emergency was not known or given to them. Once on the scene at 19C Hill Street, he noted that there were four (4) police vehicles on site. He recognized Officers 4, 1, 3 and 2. He said that he crossed paths with them in the stairs. He said Officer 2 told him where the patient was located (above on the balcony) but there was nothing that could be done for her as she was deceased. Officer 3 was with the patient on the balcony and he told EMT 2 that the patient had been shot. They evaluated the patient and he observed three (3) injuries to the chest area and one (1) in the left leg. He determined that the injuries were incompatible with life as there was no pulse or cardiac arrhythmia. He did not attempt any resuscitating measures. He noted that the patient was on her back with her head against the wall of the building, in the middle of the porch/balcony. At the scene he never saw any knife or firearm, nor did he see anything in the patient's hands. However, he did note a shell casing on the porch. He noted that the patient was a young female in her twenties with dark hair. She was wearing only wearing a bra and a comforter around her waist. He says that he knew at some point that it was a knife attack, but he cannot recall if it was a police officer who told him, or if he had heard this on social media.

### **Report of Officer 3**

Officer 3 was one of four (4) officers working the night shift. Each officer was working alone in their respective police vehicles. At approximately 2:30 a.m. Officer 3 was near Court Street, in the City of Edmundston when he became aware that Officer 1 was nearby responding to a call on Hill Street.

While driving on St. Francois Street he heard Officer 2 requesting an ambulance for Officer 1's call. During that exchange he heard the words "Shots Fired". He immediately proceeded to the Hill Street location and took his first aid kit up to 19C Hill Street to offer assistance. Upon his arrival, he saw Officer 1 applying pressure to the thorax area of a female laying on the balcony. He heard Officer 1 call out "Chantel" trying to wake her. Officer 3 entered the apartment to make sure it was empty. It was. As he exited 19C apartment Officer 2 was taking the female's vitals and there were none.

He noted 2:45 a.m. as the time of death. He says the EMT arrived at 2:46 and they checked for vital signs of the female. They also determined that she was deceased. Officer 3 was able to determine the identity of the deceased by locating her British Columbia drivers' licence.

Officer 3 did not see anyone move or remove anything from the balcony during his time there. He saw the four (4) shell casings but did not touch them. He saw that Ms. Moore's cellular phone was on the couch in the living room. He saw the knife set on the counter in the kitchen and noted two (2) stainless knives were missing. He saw the cans of Coors Light and the partial bottles of rum on the kitchen counter.

### **Report of Officer 4**

Officer 4 was at the police station when she heard on the police dispatch radio the call regarding strange messages that Officer 1 was investigating and that he was responding to an address on Hill Street. Officer 4 left the police station in her police vehicle and proceeded directly to Hill Street. As she is driving she hears on the air of a request for an ambulance. As she arrives on scene she is advised that there has been an incident where Officer 1 used his firearm on a female who was coming at him with a knife.

Her role on scene was to control security. Subsequently, she called Witness 1, the original 9-1-1 caller and got from him a series of ten (10) screen shots of the messages that were allegedly received from Ms. Moore.

### **Report of Officer 2**

Officer 2 was the senior ECP police officer on duty on June 3<sup>rd</sup>, 2020/June 4<sup>th</sup>, 2020. On June 4, 2020, at around 2:35 a.m. he made his way to 19 Hill Street to assist Officer 1 with his call. He did not rush to the location as it was not an emergency call, but something about “pirated” Facebook account. When he arrived Officer 1’s vehicle was already there, and he could see what he assumed was Officer 1 using his flashlight up on the balcony. He could see Officer 1 light up the interior of the apartment. There was no additional lighting on the balcony, but there were lights on in the apartment. From his vehicle in the parking lot, he could hear Officer 1 knocking on the window/door, as his patrol car window was down. As Officer 1 was knocking he heard him say in French “Je le réveillée” (I woke her). He says that Officer 1 was not facing him when he first said that he had awoken her. However, Officer 1 then turned towards Officer 2 and said in French, “Je le réveillée” (I woke her). At that time Officer 1 was walking towards the door of the apartment. Officer 2 lost sight of Officer 1 for a few seconds, then he heard Officer 1 yell, twice, “drop le couteau” (drop the knife). He looked up to the balcony and sees Officer 1 backing up at a fast pace and right up against the end of the balcony. At this point, he immediately gets out of his vehicle and rushed up to assist Officer 1, as he did he heard four (4) gun shots fired in quick succession. When he got up to the balcony the female was laying face down. Officer 2 did not know the female.

Officer 2 aired on his radio “shots fired” to advise the other officers on duty and to request an ambulance.

Officer 1 asks him for gloves and once he gets gloves Officer 1 turns the female over and applies pressure to the thorax area in an attempt to stop the bleeding. Officer 1 is calling her name “Chantel”.

Officer 2 saw the four (4) shell casings and a bullet on the balcony. He did not see any knife.

He estimated between two (2) and three (3) minutes of time had elapsed from the time of his arrival on scene to the shots being fired. He also said it only took him seconds to get out of his car and run up to the balcony, as his adrenaline was pumping

When asked by the BEI investigators, Officer 2 said that he has no recollection nor is sure if he heard Officer 1 say/yell “It’s the police” and if it was said by Officer 1, he did not hear it.

He said that Officer 1 was cornered/backed up against the railing of a third-floor balcony, and Officer 1 had no place to go, as the exit was at the opposite end of the balcony.

Officer 2 said that while at the scene, a male neighbour came out of his nearby apartment and said something to the effect “that it was time you did something, as they were partying and making a lot of noise”. He thought the comment was odd and inappropriate.

### **Narrative and Initial Interview of Officer 1**

On June 6, 2020, Officer 1 wrote up his police narrative of the events of June 4, 2020. He stated that at 02:08 he became aware of a situation where Witness 1, the ex-boyfriend of Chantel Moore was concerned for her as he had received some strange messages from her. Witness 1 did not know if her account had been pirated or not. Witness 1 said that he did not know where Ms. Moore lived, but Officer 1 was advised that her mother,

Witness 5, lived in Edmundston as she had helped her daughter move to her new apartment. Officer 1 made his way to [Redacted], where Witness 5 lived. While enroute he called Witness 1 to get more information. Witness 1 read him some of the text messages that he had received. Some of these messages led Witness 1 to believe they were written by someone other than Ms. Moore, using her phone or using her social media account. Officer 1 arrived at Witness 5's residence at 02:15. He was met at the door by Witness 5 and her partner [Redacted]. He briefed them why he was there and asked of her daughter's current address. Witness 5 gave him the address of 19 D Hill St. Edmundston . She said that her daughter was to have a female friend over to her place tonight for drinks. At 0230, Officer 1 arrived at 19D Hill St. and climbed the outside stairs leading to the apartment on the third floor. He said he dressed in full police issued uniform, complete with an official ball cap. When he arrived at the apartment he looked into the apartment through a large window to the left of the entrance door. He could see that the television was on and that someone was sleeping on the couch. He proceeded to knock on the window a number of times in order try to wake the woman up. He checked the door to see if it was locked, which it was. He started to knock again on the window, that is when a neighbour opened his door and Officer 1 said hello to the man, as he knew him. At that point, Officer 1 noticed that Officer 2 had arrived on the scene in his police vehicle. At the same time, he noticed that he had finally woken the female up and told Officer 2 that he had done so. Officer 1 continued to knock on the window until the female looked at him. When she looked at him, Officer 1 recognised her as he had met her once before, from a call at her mother's house, where Ms. Moore had broken into her mother's home as she had forgotten her key. At that point, he turned on his flashlight and lit up his person, so that Ms. Moore would know that he was a police officer, as he was in his full uniform with a large Velcro sign saying "POLICE". He also pointed to the door. As he moved to the entrance door he was surprised to observe that Ms. Moore retrieved something from her kitchen counter. At this point he saw that the object was metallic and that as Ms. Moore approached the door she appeared angry with a furrowed brow. Confused by his observations, Officer 1 said he backed up from the door and removed his side arm from its holster, as he believed she now had something that could be used as a weapon. Ms. Moore opened the door and came out of the apartment moving in his direction, with a knife in her left hand. Officer 1 pointed his gun at Ms. Moore as she continued to advance towards him with the knife held at head height. She did not speak a word. She had a blank stare.

Officer 1 said that he told her repeatedly in French to "drop the knife" as he backed up towards the end of the balcony. He said that Ms. Moore continued her movement towards him, with the knife held as if she wanted to stab or slash him. Officer 1 said that he was now cornered. He had nowhere to go as he was at the end of a third-floor balcony. Scared that she would hurt or kill him, Officer 1 said he fired his gun until the threat was no longer present. He fired four (4) shots before Ms. Moore fell to the floor of the balcony and she released the knife. He said that it was at 0232 that Officer 2 arrived on the third-floor balcony to see Ms. Moore on the ground, moaning in pain. Officer 1 said he turned Ms. Moore over and applied pressure to her chest to try to slow the blood loss. He said he noted that there was a lot of blood lost and that Ms. Moore was still breathing despite the blood escaping from her mouth. As this was occurring Officer 2 called the ambulance and shortly thereafter Officer 3 arrived on the scene.

### **Statement of Officer 1 to BEI investigators**

On June 6<sup>th</sup>, 2020, BEI investigators took a further statement from Officer 1. At the time of the incident, Officer 1 said that he was the Use of Force instructor for the Edmundston City Police (ECP) and had been so for two (2) years. That on June 4, 2020, he was equipped with his police-issued sidearm, pepper spray, and a telescopic baton. He did not have a Taser weapon. Normally, there was one (1) Taser per shift, and he did not have it. He believed Officer 3 may have had it that evening. That ECP officers usually worked alone, and occasionally in pairs, but to the current COVID situation, they were all working alone in separate vehicles. On the evening of June 3, 2020, he was working alone his vehicle. He said that he was going to Ms. Moore's

apartment, located at 19C Hill St. (not 19D as he had previously stated) to conduct a wellness check on her, to ensure that no one was taking advantage of her, check on her condition and to make sure she had her phone. Officer 1 said that there was lighting in the Greco parking lot where he parked, but that he had to use his flashlight to make his way to 19C as there was no lighting on the balcony. Officer 1 said that when he knocked on the window at Ms. Moore's apartment, there were no lights on inside, but he could see inside as the television was on. He believed that he would have said something as he was knocking on the window, but he cannot recall what. He said that she had been sleeping on a couch right beneath the window that he was knocking on. Eventually, he sees her sit up. She looked confused as to where the sound was coming from, so he used his flashlight to show that he is a police officer. He pointed to the door. Again, he stated that once he got her attention, he pointed at the door to get her to open it. As he moved towards the entrance door, he saw through that door window that Ms. Moore retrieved something from the kitchen. Initially, he said he not could tell what the object was but, he used his flashlight and saw that it was something metallic. He said that she approached the door in an aggressive manner. He said that he was already backing up as she opened her front door. He said that the knife was held high, in front of her, blade facing up and in his direction. Ms. Moore never uttered a word, nothing, and she walked towards him at a steady pace/stride, with a focused and piercing look on her face. She was looking directedly at him. He said that she was not staggering or swaying as she walked towards him. He said that he never said anything to her other than ordering her to drop the knife. He estimates that there was six (6) to seven (7) feet between himself and Ms. Moore when she stepped out of the door and that he backed up a further four (4) to five (5) feet until he came to the end of the balcony. He said that he maintained the six (6) to seven (7) feet as she approached him and when he fired the four (4) consecutive shots. When he shot Ms. Moore, he was leaning against the end railing of the balcony, and she was the same six (6) to seven (7) feet away. He estimates that balcony to be ten (10) to twelve (12) feet in length and five (5) to six (6) wide. Officer 1 said that she had a small steak knife in her left hand. He said that at the time that he shot her, he felt that he had no other alternatives but to do so. He estimates that it was only a matter of seconds from the time that Ms. Moore came out her door to the time that he shot her. When asked by the investigators why he went to his left, as Ms. Moore exited the apartment, he expressed regret for making that decision. That as a Use of Force instructor, he knew that an officer should always take into account/consideration your environment, to ensure that you leave yourself an exit path, and not cornering himself as he did. After the fact, he regrets his decision to go left and not towards the stairs, as he would have had an exit route. He acknowledges that had he done that, the sequence of events may have had a different outcome.

He said that at no time did he enter into Ms. Moore's apartment.

Officer 1 said that he took no notes following the incident, but that he used the 9-1-1 Call dispatch report and his police vehicle Dash Cam recording for reference. He said that also spoke to Officer 3, Officer 4 and Officer 2 about the events of that night, but that he had not spoken to them since. He said that he related the whole sequence of events of that evening to his superior Officer 2 prior to writing his report. He said he knew immediately that there would be an investigation and he was advised officially by his inspector the next day not talk to any of his colleagues that were working that shift that night.

### **Final Post Mortem Report and Toxicology Findings**

Doctor 1 performed Ms. Moore's autopsy on June 5, 2020 at the Saint John Regional Hospital. The cause of death was found to be extensive injuries to the internal organs caused by gunshot wounds to the chest and abdomen. He notes that none of the wounds exhibited any signs of muzzle imprint, powder tattooing or soot. The details of these wounds are as follows:

Wound #1: Penetrating wound, the entry measuring approximately 0.8 to 0.9 cm in diameter. The track of the wound is from the front of the upper chest and downward towards the left back. The bullet was recovered within the deceased body to the left of the vertebral column.

Wound #2: Penetrating wound, the entry measuring 1.5 by 1.0 cm, with the entry located at the lower portion of the nipple of the right breast. The wound track is traced through the torso and underlying structures/organs. The bullet was recovered near the skin of the back at the level of T11-12. The overall trajectory is from the front of the right mid chest and downwards towards the back.

Wound #3: Perforating wound. An entry wound, measuring approximately 1.5cm by 1.0cm. The overall trajectory is from the front of the anterior mid chest and downwards and slightly inwards towards the back.

Wound #4: Perforating wound. An entry wound measuring approximately 1.5 cm by 1.0 cm on the left upper anteromedial shin below the left knee.

It was noted in the report that the CT scan images showed three (3) bullets, one of them was subsequently found within the loose blanket wrapped upon the body of the deceased. The report indicates that this loose bullet cannot be attributed specifically to wound #3 or #4 with any certainty.

Toxicological samples were taken from the deceased and the results revealed elevated levels of ethanol in blood (femoral) (137mg/dL), vitreous fluid (214mg/dL) and urine (262mg/dL).

#### **Forensic Ballistics Report Dated June 19, 2020**

Expert 1, ballistic expert, from the Laboratoire de Sciences Judiciaires et de Médecine légale (LSJML), Montreal, Quebec, examined the police service pistol seized from Officer 1. He noted it to be a Glock Model 22, .40 caliber. He also examined four (4) shell casings and four (4) projectiles/bullets of the same caliber. Expert 1 confirmed that the four (4) shell casings were fired from the Glock model 22, seized. He examined the four (4) projectiles and he can say that they are compatible with the seized Glock .40 Model 22. However, the microscopic examination was unable to link the projectiles to the seized Glock .40, Model 22.

His examination of Ms. Moore's bra, camisole and the dark comforter noted that the perforations in these items were consistent with having been caused by a projectile of a firearm. None of these three (3) items displayed the presence of gun powder or having been blackened by gun smoke in order to assist with or determine/measure the proximity of the firearm when discharged.

However, subsequent test firing conducted on the seized Glock, Model 22 (and the ammunition), determined that the shortest distance where no gun powder residue was found was approximately 1.5 metres.

#### **Forensic Examination of The Cuisinart Knife Seized at The Scene**

Forensic identification officer, Ident 3, of the Sûreté du Québec, examined and measured the knife. He noted the blade to be 115 mm long by 22 mm wide. The handle was 115 mm long. During his initial visual examination of the knife, he was unable to detect the presence of any fingerprints. However, once the blade was treated chemically, he was able to find three (3) prints (RL-1, RL-2, RL-3) on the handle. He noted that the prints lacked sufficient distinct characteristics to relate to a specific individual. However, based upon the placement of the prints on the examined knife, he concluded that the person was possibly holding the knife in his/her right hand.

## LEGAL ANALYSIS

The question to be answered is whether or not the conduct of Officer 1 on June 4, 2020 denotes a criminal act.

In order to recommend criminal charges against someone, PPS is bound by the law as well as its charging policy. This Policy can be found as Policy 11 of the Public Prosecution Operational Manual. This policy states, in part:

### ***“2.1 The Evidential Test***

*The Crown Prosecutor must be satisfied that there is evidence to provide a reasonable prospect of conviction against each alleged offender on each charge. Whether the evidence establishes a reasonable prospect of conviction is an objective determination the Crown Prosecutor makes by considering whether an impartial trier of fact properly directed in accordance with the law, is more likely than not to convict the accused on the offence charged based on the evidence available. In applying the evidential test the Crown Prosecutor shall consider all material evidence. The Crown Prosecutor must consider and determine whether the evidence can be used and is reliable. The Crown Prosecutor must also consider what the defence case may consist of and how it is likely to affect the prosecution case.*

*The Crown Prosecutor must draw on his or her experience to evaluate how strong the case is likely to be when presented in Court.” (emphasis added).*

As such, a prosecutor needs to decide “whether an impartial trier of fact properly directed in accordance with the law, is more likely than not to convict the accused charged based on the evidence available.”

It is clear in my opinion that Ms. Moore was the victim of homicide at the hands of Officer 1. Section 222 of the Criminal Code defines homicide as follows:

**222 (1)** *A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.*

### ***Kinds of homicide***

*(2) Homicide is culpable or not culpable.*

### ***Non culpable homicide***

*(3) Homicide that is not culpable is not an offence.*

### ***Culpable homicide***

*(4) Culpable homicide is murder or manslaughter or infanticide.*

### ***Idem***

*(5) A person commits culpable homicide when he causes the death of a human being,*

*(a) by means of an unlawful act;*

*(b) by criminal negligence;*

*(c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death; or*

*(d) by wilfully frightening that human being, in the case of a child or sick person.*

### **Exception**

*(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.*

*R.S., c. C-34, s. 205*

But, as quoted above, not all homicides are culpable homicides. In the matter at hand, section 34, "Defence of person", and section 25, "Protection of persons acting under authority", of the Criminal Code are applicable. Those sections read as follows:

### **"Defence — use or threat of force**

**34** (1) *A person is not guilty of an offence if*

*(a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;*

*(b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and*

*(c) the act committed is reasonable in the circumstances.*

### **Factors**

*(2) In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:*

*(a) the nature of the force or threat;*

*(b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;*

*(c) the person's role in the incident;*

*(d) whether any party to the incident used or threatened to use a weapon;*

*(e) the size, age, gender and physical capabilities of the parties to the incident;*

*(f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;*

*(f.1) any history of interaction or communication between the parties to the incident;*

*(g) the nature and proportionality of the person's response to the use or threat of force; and*

*(h) whether the act committed was in response to a use or threat of force that the person knew was lawful.*

### **No defence**

*(3) Subsection (1) does not apply if the force is used or threatened by another person for the purpose of doing something that they are required or authorized by law to do in the administration or enforcement of the law, unless the person who commits the act that constitutes the offence believes on reasonable grounds that the other person is acting unlawfully.*

*R.S., 1985, c. C-46, s. 34(1992, c. 1, s. 60(F)2012, c. 9, s. 2*

### **Protection of persons acting under authority**

**25** (1) *Every one who is required or authorized by law to do anything in the administration or enforcement of the law*

*(a) as a private person,*

*(b) as a peace officer or public officer,*

*(c) in aid of a peace officer or public officer, or*

*(d) by virtue of his office,  
is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do  
and in using as much force as is necessary for that purpose. (...)*

***When not protected***

*(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm." (Emphasis added).*

It is this author's opinion that in the early morning hours of June 4, 2020, Officer 1 did believe, on reasonable grounds, that force or a threat of force was being used against him by Ms. Moore and that he shot at Ms. Moore for "the purpose of defending or protecting" himself and that his actions were reasonable under the circumstances.

It is also this author's opinion that, as per subsection 25(1) of the Criminal Code, that Officer 1 was justified in "doing what is required or authorized to do and in using as much force as is necessary for that purpose". One should also keep in mind what the Supreme Court of Canada stated in *R. v. Nasogaluak*, 2010 SCC 6, [2010] 1 SCR 206, where the Court declared the following, in paragraphs 33 to 35:

*"[33] The legal constraints on a police officer's use of force are deeply rooted in our common law tradition and are enshrined in the Criminal Code. This case engages s. 25 of the Code, the relevant portions of which are reproduced below:*

*25. (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law*

*(. . .*

*(b) as a peace officer or public officer,*

*. . .*

*is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.*

*. . .*

*(3) Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.*

*[34] Section 25(1) essentially provides that a police officer is justified in using force to effect a lawful arrest, provided that he or she acted on reasonable and probable grounds and used only as much force as was necessary in the circumstances. That is not the end of the matter. Section 25(3) also prohibits a police officer from using a greater degree of force, i.e. that which is intended or likely to cause death or grievous bodily harm, unless he or she believes that it is necessary to protect him- or herself, or another person under his or her protection, from death or grievous bodily harm. The officer's belief must be objectively reasonable. This means that the use of force under s. 25(3) is to be judged on a subjective-objective basis (*Chartier v.**

*Greaves, [2001] O.J. No. 634 (QL) (S.C.J.), at para. 59. If force of that degree is used to prevent a suspect from fleeing to avoid a lawful arrest, then it is justified under s. 25(4), subject to the limitations described above and to the requirement that the flight could not reasonably have been prevented in a less violent manner.*

*[35] Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances. As Anderson J.A. explained in R. v. Bottrell (1981), 1981 CanLII 339 (BC CA), 60 C.C.C. (2d) 211 (B.C.C.A.):*

*In determining whether the amount of force used by the officer was necessary the jury must have regard to the circumstances as they existed at the time the force was used. They should have been directed that the appellant could not be expected to measure the force used with exactitude. [p. 218]*

## **CONCLUSION**

It is this author's conclusion, that based upon the evidence summarized as well as the law set out above, that Officer 1, while acting as a peace officer, was responding to a concerned citizen/friend who believed that Ms. Moore, may be in harm's way or worse. This was based upon the tone and content of the electronic communications that Witness 1 had been receiving that evening. This police call/check was intended, as noted by Officer 1 to be a "wellness" call, which dramatically escalated within minutes of his arrival and mere seconds from when she opened her door. Ms. Chantel Moore's death, although deeply regrettable, was as a result of her being severely impaired by alcohol and combined with her actions, specifically exiting her residence brandishing a knife, steadily advancing upon Officer 1, who was restricted in movement by the confined space of the third-floor balcony and not responding to his clear orders to drop the knife.

There is a suggestion by one (1) witness that he witnessed the ECP officers at scene actively looking for something on the balcony, therefore he concluded that they must have "planted/added" the knife. This suggestion does not have any air of reality, as at least two (2) witnesses, including another civilian, heard Officer 1, yelling at someone to "drop le couteau".

Officer 1 had no other reasonable options available to him given the circumstances and the physical surroundings that he found himself in but to use lethal force to subdue a real threat to protect himself from potential severe bodily harm or death. I am satisfied that the whole of the evidence collected by the BEI investigation, including the statement of Officer 1, would lead to no other reasonable conclusion, specifically, that with the presence of the real potential lethal threat advancing upon him, approximately six (6) to seven (7) feet away and with Officer 1 having no other escape options available, being on a third-floor balcony above a paved parking lot, he had no other option but to discharge his firearm at Ms. Moore causing her death. I further find that Officer 1 acted in self defence, when he discharged his firearm, in that moment of time, consistent with section 34 of the Code and that his actions benefitted from the protection pursuant to section 25 (1) of the Code, being a Peace Officer. And as the Supreme Court of Canada has stated, "*Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances.*"

While it is noted that the forensic analysis of the knife found at the scene disclosed the presence of digital finger prints, unfortunately they were of insufficient quality/clarity to positively identify and/or to assign to a specific individual. Also, while the expert indicated that the prints seemed to indicate that the person handling

the knife would have used his or her right hand, there is no way to date the deposit of the prints upon this knife. This evidence, while considered, does not cause this author to conclude that the knife was not handled by Ms. Moore on the morning of June 4, 2021 nor that it could have been handled by Ms. Moore in a manner other than as described by Officer 1.

Further, it is noted and recorded by the two (2) Forensic Officers conducting the search of the scene that the above noted knife was located at the right side of the balcony under a flattened box. Although, this is not immediately beside the location of Ms. Moore, this author cannot conclude nor attach any nefarious intentions with respect to that finding. I reach this opinion as there were a number of items that were also located within the immediate proximity of this knife which are potentially associated to the deceased, Ms. Moore, or the incident itself. These items included a ring, found under pieces of wood piled up against the siding of the structure, another piece of jewellery (pendant) and three (3) spent shell casings. All these items were located within a small area to the right of the final resting place of the deceased. This author acknowledges that a witness indicated in his statement that the officers appeared to be trying to locate items immediately after the incident. The knife, however, was not located until the scene was secured and searched by the two (2) independent forensic officers. Furthermore, an independent witness said that he clearly heard a person yell: "Elle a un couteau" prior to the shots being fired. Also, Officer 2 noted that he heard Officer 1 state "drop le couteau". I do not conclude that the knife was intentionally moved or placed by anyone, rather it may have been moved unintentionally, post-shots fired, possibly as Ms. Moore was turned over and attempts were made to apply pressure to her wounds to slow the loss of blood, and hence why the initial responding officers were unable to locate it immediately after the incident.

My conclusion is that the situation was an emergency, that the officer had to react quickly in order to protect himself and he did not have any other option but to discharge his firearm in order to do so. While Officer 1 had other deterrent measures at his disposal (i.e. pepper spray and a baton) given how quickly the events unfolded and the nature of the threat he faced this author can't say that the use of force was disproportionate.

Since I have arrived at this determination, I am of the opinion that a trier of facts, properly instructed in the law, would be more likely to acquit Officer 1 of homicide than to convict him and as such, I do not recommend the laying of any kind of homicide charges against Officer 1, whether for murder or manslaughter. This event was an unfortunate tragedy, but I found no criminal conduct on the part of Officer 1 on the early morning hours of June 4, 2020.