

# Alberta government backs decision not to charge cop who killed unarmed man

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The Alberta Crown Prosecution Service, part of the Ministry of Justice and the Solicitor General, has refused to lay charges against the Calgary cop who shot and killed 27-year-old Anthony Heffernan, despite the Alberta Serious Incident Response Team's (ASIRT) recommendation it do so.

Heffernan was fatally wounded by police gunfire on March 16, 2015. The incident began when staff at a Calgary Super 8 Motel in Northeast Calgary got no response from a guest as check out time passed. Believing him to be high on drugs, they called 911 for help and asked for an ambulance and police to check on him.

The police arrived and forced open the hotel room door, saying afterwards they believed the young man was in urgent need of medical intervention. Heffernan, high on cocaine and confused by the commotion, raised his hands. In one hand was a syringe with no tipped needle and in the other a lighter. He was unarmed. Police drew their guns and ordered him to drop the syringe. Seemingly unaware or unable to drop the syringe, he did not respond. One officer tasered him, and Heffernan fell onto the bed. Two officers holstered their weapons and tried to subdue him physically, but Heffernan was flailing, trying to pull the taser probes from his skin. He stood up, according to some accounts, and stepped or perhaps lunged towards the officers. The "subject officer" then drew his gun and fired six shots, four of which hit Heffernan.

In all, 11 seconds elapsed between the first taser shot and the hail of bullets. Just 72 seconds after five police officers broke down the motel room door, Anthony Heffernan was dead, shot four times in the head, neck and torso.

In an interview with the *Calgary Herald*, Heffernan's family described him as an athletic young man who

became a journeyman electrician when he was 21, had travelled to Saskatchewan and Fort McMurray for work, and dreamed of enrolling in university and becoming an electrical engineer. His mother said Anthony's addiction to cocaine and alcohol seemed to be at its worst when work took him to Fort McMurray, an isolated oil-boom town notorious for long work hours and substance abuse.

The Heffernan family said Calgary police did not notify them of his death until roughly 11 hours later, at 3 AM on Tuesday, March 17, and the family was upset that officers addressed the media before his relatives knew Heffernan was the victim of the police shooting.

ASIRT, which refuses to name those who die at the hands of Alberta's police even though secrecy is not required by any law, would have kept Heffernan's identity secret had his family not made the police killing public.

The Calgary press revealed that on January 24, 2016, the same Calgary Police officer who shot Heffernan shot an armed mentally-ill quadriplegic, 53-year-old Dave McQueen, at his home in the working class neighborhood of Huntington Hills, in Northwest Calgary. This case is also being investigated by the ASIRT.

The Calgary police officer's behavior is an expression of the increasing lawlessness and violence which pervades police forces in Canada, the US and internationally. The final decision not to prosecute came the same month as RCMP officers mounted a joint intervention with military Special Forces units against alleged terrorist suspect Aaron Driver, which according to all available evidence resulted in the summary execution of the 24-year-old by the police. (See: "Mounting evidence Canadian police summarily executed terror suspect")

Calgary Police, the Alberta Crown Prosecutor's Office, the Police Union and the NDP government of Rachel Notley responded to Heffernan's death by closing ranks.

In February, ASIRT forwarded its report to the Crown Prosecution Service. It stated that "there was available evidence capable of constituting reasonable grounds to believe that an offense(s) under the Criminal Code had been committed" by the officer who shot Heffernan four times.

The Crown delayed a decision, asking ASIRT in late April for an expert "use-of-force" opinion, which was supplied in early July. A month later, the Crown informed ASIRT it would not be prosecuting, before holding a press conference August 22 to make the news public.

The decision comes as no surprise. Since 2008, when ASIRT was set up to investigate allegations of Alberta police misconduct and police incidents involving serious injury or death, not a single police officer involved in a fatal incident has been charged, let alone convicted.

Calgary Police Union president Howard Burns pinned the blame entirely on Heffernan for his own death, saying, "You have to appreciate there's one person who started this entire chain of events and there is one person that could have stopped this entire chain of events and he didn't, and as a result, he is now deceased." "To say it is murder is ridiculous," Burns added.

Alberta's Justice Minister, the NDP's Kathleen Ganley, supported police union claims that the investigation was not conducted fairly. She said, "The Calgary Police Service expressed concerns, and I think rightly so. "There were concerns," claimed Ganley, "about the flow of information in this case and I think that ASIRT has probably learned a lot from this particular instance."

The failure to lay charges constitutes a whitewashing of the murder and an attack on the democratic rights of all Canadians. It takes place in the context of a massive and unprecedented buildup of the repressive state apparatus at the provincial and federal levels, including a dramatic expansion of surveillance and police powers, justified on the fraudulent pretext of a "war on terror."

Heffernan's murder is just one of many recent such police killings across Canada. On August 27, in the

Greater Montreal community of Saint-Cyrille de Wendover, police shot dead a 41-year-old unidentified man, in response to a call related to a domestic dispute. Media reports said the police claimed the victim charged at them with a knife. No police have been charged.

On July 24, two Ottawa police officers violently beat 37-year-old Abdirahman Abdi to death on the street in full public view. His murder was videotaped by a witness and the video went viral on social media, sparking public outrage. Ottawa police said they were responding to a complaint of him groping a woman in a coffee shop. Abdi, who was unarmed, was reported to have had unspecified mental health issues.

Under conditions of deepening social tensions, the lethal force employed by the police with impunity will be ruthlessly turned against the working class at the first sign of opposition to the ruling elite's policies of war abroad and social attacks at home.

A foretaste of this was provided last summer, when officers in British Columbia shot and killed a 48-year-old man after responding to a protest at a meeting on a controversial dam project held in Dawson's Creek in the northeast of the province. James McIntyre was subsequently identified as a member of the hacker group Anonymous, who was participating in a demonstration against the Site C project, which will use environmentally sensitive tracts of land in the Peace River region. (See: "Canadian police fatally shoot man outside meeting on controversial dam project")



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