

DISCLAIMER: In accordance with the *Community Safety and Policing Act* and the *Freedom of Information and Protection of Privacy Act*, the summary below has been de-identified to remove the personal information of individuals, including public complainants and persons who were the subject of the investigation.

DE-IDENTIFIED SUMMARY UNDER SECTION 167(2) OF THE CSPA

Original Police Service:

Date of Complaint: 11/11/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

De-identified Summary of Complaint

The complainant was having fires in the backyard of a home that had several tenants renting rooms. The complainant was upset that fire personnel and police were being called about the fires and believed they could have an outdoor fire.

After several calls and attendance by fire and police, the complainant was arrested for threatening and complained that the police officers used unnecessary/excessive force during arrest.

Unsubstantiated Code of Conduct Allegations

Allegation – UNNECESSARY USE OF FORCE – Section 11

Decision and Reasons

Allegation 3 – UNNECESSARY USE OF FORCE – UNSUBSTANTIATED

The respondent officers attended a residence as a result of the Complainant threatening to cause harm to others at a residence. After speaking with the victim, the respondent officers formed the grounds to believe the complainant threaten to harm the victim.

The respondent officers identified themselves as they approached to arrest the Complainant. The Complainant resisted arrest and confronted the respondent officers with an Axe. Subsequently, the officers believed to prevent serious bodily harm or death, the respondent officers utilized appropriate use of force techniques that were reasonable, proportional and necessary in the arrest of the complainant.

Criminal Code section 25(1) states that a peace officer is, on reasonable grounds, justified in doing what is required or authorized to do and in using as much force as is necessary for that purpose.

Community Safety and Policing Act, O.Reg.407/23: Code of Conduct for Police Officers section 11 (1) Use of Force , stipulates that a police officer shall not use force unless, force is used to carry out a duty, entitled by statute or common law (section 25 Criminal Code), on reasonable grounds and the force is no more than necessary given the circumstances.

Police procedure AI 012/014 stipulates that ;

- a. Police Officers may only use force in the execution of duty if permitted by statutory or common law. Officers shall ensure that statutory and common law restrictions on the use of force are observed and enforced. The statutory or common law authority upon which an officer relies when using force must apply to the particular duty that the officer is carrying out.
- b. Police Officers are authorized in the course of their duties, to use force to protect the public and themselves. Officers are reminded that pursuant to the Criminal Code and the Police Services