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: [redacted] Date of Complaint: 05/03/2024

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 alleges that officers unlawfully made entry into his home and physically detained him. During the detention, the Complainant also alleges that he was kicked in the face.

Unsubstantiated Code of Conduct Allegations

1. s10(1) Undermine Public Trust
2. s 19 Neglect of Duty
3. s 11(1) Used Unnecessary or Excessive Force

Decision and Reasons

Allegation 1: Interactions with the Police, Section 10(1) Section 10(1) A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

Respondent Officer 1 authorized and subsequently entered the Complainant's home without warrant under exigent circumstances. After reviewing all of the evidence surrounding the hostage rescue, it is clear that Respondent Officer 1 acted appropriately and lawfully. This is supported by various case law decisions, as well the relevant governing legislation and Service procedures he is bound by.

Allegation 2: Performance of Duties, Section 19 - A police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.

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During the entry of the Complainant's home, Respondent Officer 1 authorized the detention of the Complainant while an investigation and search for a hostage took place. At the time, there existed an imminent threat of death or serious bodily harm to the victim who was being tortured with a gun to their head by an unknown number of hostage takers and an unknown number of firearms or other weapons. At the time of encountering the Complainant it was unknown if he was involved and his presence was a potential threat to officer safety. After reviewing all of the evidence, and given the emergent circumstances, the Investigator found that the detention was reasonable in terms of the manner and duration of restraint until it was determined what involvement he had in the matter. This finding was examined in relation to the proportionality of the restraint, governing legislation, Service procedures and the Complainant's rights, per case law.

Allegation 3: Interactions with the Public, Section 11(1) Used Unnecessary or Excessive Force Against Any Person.

Respondent Officer 2 applied force to the Complainant during a hostage rescue operation. The courts examine use of force with regards to whether it was appropriate, necessary and reasonable. At the time of encountering the Complainant it was unknown if he was involved in the matter or if he had access to a firearm or other weapon, thereby making his presence a potential threat to officer safety. After reviewing all of the evidence, and given the emergent circumstances, the Investigator found that the level of force exercised was reasonable and minimal until it was determined what involvement the Complainant had in the matter. Respondent Officer 2's decision and application of force was lawful, necessary and justified given the totality of the circumstances involving multiple suspects, a firearm or firearms, the imminent threat of death of a hostage, and the potential threat to officer safety.