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: 06/25/2024

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 alleged the Respondent Officers did not have lawful authority to apprehend him under the Mental Health Act (MHA) and used excessive force while doing so.

Unsubstantiated Code of Conduct Allegations

Public-Unlawful Arrest - Sec 7 CSPA Reg. 407/23
Public-Unnecessary Force - Sec 11 CSPA Reg. 407/23

Decision and Reasons

Unlawful Arrest - Sec 7 CSPA

The Respondent officers spoke with the Complainant for one hour in attempt to understand his call for service. A neighbour expressed his belief the Complainant needed help. Officers listened to the Complainant discuss how earlier in the day he had thought about driving his vehicle into oncoming traffic to “take out” those who bothered him. Officers were concerned, if not addressed, the Complainant possessed the ability to follow through on the act. The Complainant also expressed historical and recent concerns local people had called him names he defined as terrorism. The Complainant advised officers he may kill the next person to call him a “fag” or “faggot” and that he would defend himself from terrorism. Following a fulsome evaluation of the Complainant’s current state of mind, officers formed reasonable grounds to apprehend him under Section 17 of the Menal Health Act (MHA) fearing he was a danger to others.

The officers established reasonable grounds to apprehend the Complainant under authority of the MHA and did not conduct an unlawful apprehension. Therefore, the allegation of Unlawful Arrest is unsubstantiated.

Unnecessary Force - Sec 11 CSPA

Once the officers had formed reasonable grounds to apprehend the Complainant under Section 17 of the MHA, they asked him to voluntarily accompany them to the hospital to be evaluated by a doctor. The Complainant declined the request stating he would not attend the hospital willingly. After the officers informed him of his apprehension under the MHA, the Complainant was actively resistant and assaultive toward the officers.

Evidence supports the officers utilized a relational approach to garner a respectful and cooperative interaction with he Complainant, which were unsuccessful. The officers articulated their need to apprehend the Complainant believing he posed a threat to the safety of others. The apprehension resulted in a physical struggle resulting in one officer being assaulted. The level of force used by the officers was considered appropriate for the actively resistive and assaultive subject behavior demonstrated by the Complainant.

The applied force was no more than necessary given the circumstances. There are sufficient grounds to believe the officer's conduct was reasonable, necessary, and proportionate. Therefore, the allegation of Unnecessary Force is unsubstantiated.