

UWO Arrest: Justified or Abuse of Power?

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This first appeared on <http://lawiscool.com>:

After learning of the arrest of University of Western Ontario student Irnes Zeljkovic on Wednesday October 14, 2009, I looked up [The Toronto Star](#) article which led me to two videos on [YouTube](#). The comments there, unfortunately, like always, are quite polarizing. On one side, there are those who think that the police were well within their rights to arrest an actively resisting suspect, and there are those who feel that the police are overstepping the boundary and are assaulting Mr. Zeljkovic. After looking at all the available information, I am firmly in the middle of these two views.

I am fortunate enough to be able to dissect this video from the perspective of a former police officer.

After viewing the video a number of times, it is quite plain to see that Mr. Zeljkovic is actively resisting, and on more than one occasion the police give the command of “stop resisting” while also saying that he is under arrest. While the desired effect of telling somebody to stop resisting should in theory provide a warning (if you will), the end result is usually that both officer and suspect are both entrenched in their positions.

I would like to strongly state that the following is only MY view of the video. However, what people who post comments on YouTube often fail to understand, is that when a problem has escalated to the point where physical intervention is necessary and the videos start rolling, they have missed some of the most crucial parts of deescalation that officers have at their disposal. The head of UWO Campus Police, Elgin Austen stated that the officers are trained in accordance with the standards of the

Ontario Police College, which is true. Having been a graduate of that institution myself, I have a pretty good idea of what is taught there. When it comes to physically intervening with a suspect, a “use of force wheel” is referenced and the officer will make an appropriate (not always though) decision.

(This use of force wheel is from [The Braidwood Inquiry](#) which was launched in connection to the death of a Polish Citizen via RCMP officers who used Conductive Energy Weapons (CEW/Tasers) at the Vancouver Airport.)

After having viewed the video, and from my experiences and past training, I see NO REASON why one of the officers applied force to the middle and upper portions of Mr. Zeljkovic’s back and neck with his asp baton. Officers are trained to specifically NOT to use this hard impact weapon on areas where significant damage could be caused (i.e. neck, forearms, and head) because of the risk to the suspect. While an actively resisting suspect is a very dynamic situation, in my humble opinion this exceeded the appropriate options available to this officer. In the end if there is an investigation regarding the officers actions that will be remain to be seen. However, what needs to be taken away from this situation is not what led to Mr. Zeljkovic’s arrest, and not the actions of police in general, but the actions of one officer, and what can be learned from the situation to prevent such incidents from happening in the future.