

DECISION

File No. PC-24-0108

NOVA SCOTIA POLICE REVIEW BOARD

IN THE MATTER OF:

The *Police Act*, Chapter 31 of the *Acts* of 2004 and
the Regulations made pursuant thereto

-and-

IN THE MATTER OF:

An appeal filed by **Mark L’Ecuyer** Complainant
against **Cst. Nael Orabi** and **Cst. Adam Mullin** of
the **Halifax Regional Police** requesting a review of
a decision made by Inspector Ron Legere dated
January 22nd, 2025.

BEFORE:

Jean McKenna, Chair
Hon. Simon J. MacDonald, Vice-Chair
Lisa Emery, Board Member

COUNSEL:

Mark L’Ecuyer, Self-Represented
Brian Bailey, Counsel for Cst. Nael Orabi and Cst.
Adam Mullin
Andrew Gough, Counsel for Halifax Regional
Police

HEARING DATE:

March 18th - 19th, 2026

DECISION DATE:

July 27th, 2026

[1] This is the complaint of Mark L'Ecuyer against Cst. Nael Orabi (Cst. Orabi), and Cst. Adam Mullin (Cst. Mullin), of the Halifax Regional Police (HRP). Mr. L'Ecuyer's Form 5 complaint, dated August 19th, 2024, states in the course of an encounter with the subject officers, that his phone was illegally seized, he was detained and subject to verbal abuse, gaslighting, intimidation, coercion, and public humiliation. This is said to have taken place when he arrived at the scene of an arrest of another individual.

[2] On July 8th, 2024, at approximately 11:00 PM, HRP received a call from Lake City Cider, on Portland Street in Dartmouth, reporting a verbally aggressive, apparently threatening, man outside the premises. Cst. Mullin and Cst. Lauren Partridge were dispatched to the scene. Upon arrival, they saw the subject of the call, Mr. B., sitting on the steps of the Royal Bank building, at 43 Portland Street, across from Lake City Cider. They recognized Mr. B., from prior encounters, (he was apparently homeless and had "mental health issues"). In fact, he had been arrested and released on undertakings that afternoon. He was in breach of his undertakings because of his presence at that location and was arrestable.

[3] They approached Mr. B., and spoke to him, with the intention of arresting him. Initially they tried to keep him calm. According to the testimony of Cst. Mullin and Cst. Partridge, Mr. L'Ecuyer arrived on the scene shortly thereafter. Mr. L'Ecuyer testified that he had been walking on Alderney Drive, having just left a bar, and was on his way to another, when he heard a commotion on Portland. He proceeded up Portland to the scene of the police encounter with Mr. B. He began recording a video on his phone and was claiming to be an independent journalist. He was initially in the street and then moved to the sidewalk. He was shouting about "police brutality".

[4] Cst. Mullin testified that Mr. B. became agitated by Mr. L'Ecuyer's conduct, he did not want to be filmed, and the arrest became a struggle. Mr. B stood up and assumed a "fighter stance". According to the testimony of Cst.'s Mullin, Cst. Partridge, and Cst. Orabi, this aggravated Mr. B. and escalated his behavior.

[5] In his testimony, Mr. L'Ecuyer agreed that Mr. B. did not want to be filmed and became upset.

[6] Cst. Mullin, who was busy with the arrest, said that he initially spoke briefly to Mr. L'Ecuyer, asking "Can I help you?". He testified that Mr. L'Ecuyer appeared to be intoxicated; he was in the street, he was swaying, and his speech was slurred.

[7] Cst. Mullin testified that Mr. L'Ecuyer was initially "brazen", but not aggressive, and that later in the encounter, became compliant.

[8] Cst. Nael Orabi arrived shortly after Mr. L'Ecuyer. He attended as back up on the Lake City Cider call. He also formed the belief that Mr. L'Ecuyer was intoxicated.

[9] At Cst. Mullin's request, Mr. L'Ecuyer handed Cst. Mullin his phone, and after having a brief look at the video, (shown to the Board during the hearing), which depicts part of the arrest of Mr. B., he handed the phone to Cst. Orabi, Cst. Orabi glanced at the video, and he says that he explained to Mr. L'Ecuyer that police could seize anything that could afford evidence of a crime. He testified that Mr. L'Ecuyer told him that he was supportive of the police.

[10] Cst. Orabi then returned the phone to Mr. L'Ecuyer.

[11] In the video, Mr. L'Ecuyer can be heard speaking as he films from a position on the sidewalk. There is nothing particularly alarming about the physical arrest; Mr. B. is clearly struggling, but there is no excessive force used, and Mr. L'Ecuyer comments to that effect.

[12] Mr. L'Ecuyer testified that he was threatened with arrest, which he associates with the request to hand over his phone, but that he complied, although testified that he "felt coerced" into handing over the phone. He agreed that he did not communicate this feeling of coercion to the officers. In any event, the phone was returned to him quickly. Cst. Orabi describes the time police had the phone as "seconds", Mr. L'Ecuyer describes it as minutes.

[13] Cst. Partridge did not interact with Mr. L'Ecuyer, as she was focused on the arrest of Mr. B.

[14] Mr. B. was eventually arrested, after a struggle, and placed in a police vehicle. Mr. L'Ecuyer was advised by Cst. Orabi that he had a choice, to be arrested for intoxication, or that the officers would call a cab to take him home. (This appears to have been the threat of arrest that forms part of Mr. L'Ecuyer's complaint). Cst. Orabi testified that Mr. L'Ecuyer was close to being arrested for causing a disturbance, but exercised discretion in relying on the potential intoxication charge. In any event, Mr. L'Ecuyer was not arrested, a cab was obtained, and Mr. L'Ecuyer left the scene in the cab.

[15] The evidence, including the video and testimony of Mr. Orabi and the officers, does not demonstrate a great deal of interaction between Mr. L'Ecuyer and the officers at the scene; the officers appeared to have minimal interaction with him, aside from the handling of the phone. There is no evidence that the brief dealing with the phone suggests that the officers were somehow making an effort to conceal evidence of the handling of Mr. B. In fact, what is depicted

on the video, including Mr. L'Ecuyer's comments, supports an appropriate level of force to control Mr. B. There is no force of any kind towards Mr. L'Ecuyer.

[16] Cst. Mullin said that he was focused on Mr. B., not Mr. L'Ecuyer, and initially he said to him "Can I help you?", while Mr. L'Ecuyer was yelling at him about police brutality. Cst. Mullin did believe that Mr. L'Ecuyer was intoxicated; he was in the street, swaying, with a smell of alcohol.

[17] Cst. Orabi said that he was "theoretically" detained, but that Mr. L'Ecuyer brought himself there. He described Cst. Mullin stating that he could seize the phone, as "educational". Mr. L'Ecuyer says that he told Cst. Orabi that he worked at the Worker's Compensation Board, and in that discussion, that Cst. Orabi was unhappy about an interaction that he may have had within the Board. Cst. Orabi testified that Mr. L'Ecuyer mentioned that he worked for the WCB, but that he didn't engage in a discussion about that body.

Analysis / Decision

[18] Mr. L'Ecuyer's Form 5 complaint, dated August 19th, 2024, states that his phone was illegally seized, he was detained and subject to verbal abuse, gaslighting, intimidation, coercion, and public humiliation.

[19] While it may be that the officer's tone may well have been somewhat more assertive than they would imply, (Orabi: "I think I said hi", Mullin: "Can I help you?") voice is actually a reasonable technique to use in dealing with an aggressive citizen. It seemed to eventually have been effective in this case, as Mr. L'Ecuyer agrees that he went from "brazen" and assertive, to being compliant.

[20] The “seizure” of the phone would be the greater concern. However, we accept the evidence of the officers that they looked at it from the perspective of value in proving the legitimacy of Mr. B’s arrest. The arrest itself according to the testimony and video, was certainly not excessive, Mr. L’Ecuyer confirmed that it was not really “seized”, and the Board is satisfied that the “seizure” of the phone was not done with any malicious, unlawful purpose.

[21] Mr. L’Ecuyer’s perception of the events that night is legitimate. He was a well-meaning citizen, initially seeing himself as a Samaritan of sorts. He saw an arrest taking place, and at least initially saw himself intervening to assist a helpless individual. He would have had no information as to why the arrest was being made, he simply acted on his assumptions. His perception may have been impacted by consumption of alcohol.

[22] The complaint of Mr. L’Ecuyer is dismissed.

Dated in Halifax, Nova Scotia, this 27th day of July, 2026.

ORIGINAL SIGNED

Jean McKenna, Chair

ORIGINAL SIGNED

Hon. Simon MacDonald, Vice-Chair

ORIGINAL SIGNED

Lisa Emery, Board Member