

Police Complaint

Parties

1. This complaint is made by Bill Clinton of the City of Kitchener.
2. This complaint is made against Constable Troy Brown, Constable H. O'Tool, and Constable T. Monahan, members of the Waterloo Regional Police Service.

Overview of the complaint

3. At approximately 3pm, on April 13, 2009 I was walking along King Street West in Kitchener. I had just visited a variety store and was doing nothing that would draw the attention of the police to me. For no reason at all, Cst Brown pulled up beside me in a marked police vehicle and asked me for my name. He asked me to produce identification. I asked him if I was under arrest or being detained and he said, "no." I went to leave, and that's when he turned his vehicle in front of me and blocked my path. I protested verbally and insisted that I should be allowed to leave. Cst. Brown then assaulted me, grabbed me, and pushed me towards the rear of his vehicle. Cst Brown arrested me for "causing a disturbance". Cst Monahan and Cst O'Tool arrived at the scene and the 3 officers used extreme and excessive force to arrest me. I sustained serious injuries including a gash and a large scrape on the right side of my head and a significant bruise on the left side of my head behind my ear (see attached photos). I was taken to the Division 1 police station. I should have been taken to a hospital. I was bleeding badly from my head. At Division 1 I was removed from the police vehicle and a shirt was placed over my head so that I could not see anything. I was taken down the ramp and strip searched by Cst Brown in the open area in front of the processing desk. I was not strip searched in the designated search room. After my strip search, my pants were not returned to me, and I had to walk to the cell area without any pants or underwear. I was placed in the cell without pants or underwear, although these items were returned to me. I was held overnight and released on bail the next day.

Complaint

4. Cst Brown unlawfully detained me. Cst. told me I was not being detained, but then he detained me by blocking my path with his vehicle and then grabbing me. Cst Brown detained me without reasonable suspicion that I was involved in any offence. Cst Brown conducted a "person stop" without any reason to do so.
5. Cst Brown knew who I was before he tried to stop me and he had no reason to ask me for identification. There is no police power to detain a person for the purposes of identification.
6. Cst Brown unlawfully arrested me. I was arrested for "causing a disturbance", but it was Cst. Brown who caused a disturbance. Cst Brown caused a disturbance and then arrested me for doing so.

7. Cst Brown, Cst Monahan and Cst O'Tool used excessive force when arresting me. During my arrest I was punched in the head, kicked, kneed, and my head was smashed against the ground. I did not fight with the police or cause them any harm and they sustained no injuries. I sustained serious head injuries, caused by Cst. Brown. I was fully justified and acting within the law if I reasonably resisted this unlawful arrest.
8. Cst Brown unlawfully strip searched me at the Division 1 police station. The strip search was done in a way that was degrading, humiliating and without regard for my privacy. I was searched in the most public part of the prisoner area. After the search, my pants and underwear were not returned to me and I was taken, naked from the waist down, to a cell. This type of search is not authorized by law.
9. Cst Brown should have taken me to a hospital to receive medical attention. I was seriously bleeding and had significant head injuries.
10. As a result of the terms of my release I could not return to live at my residence. I was made homeless by this incident and had to stay at the House of Friendship until I was able to find a new residence.
11. This incident has caused me to suffer tremendous stress. How can I feel safe in this community when I have been assaulted and seriously injured by police without reason?

Resolution

12. I would like a full investigation, a written report, disciplinary action taken against officer involved, and an admission that actions of the officer were improper and unauthorized.

Police Services Act s. 58(1)

13. The complainant submits that this complaint is about the conduct of a police officer(s).

Date

Bill Clinton