

Law student to sue over cuffs

by Daniel Wolgelerenter

A third-year Osgoode student is alleging York Security used handcuffs to arrest him and has "trumped up" charges against him with Metro Police.

The student, who requested anonymity, has been charged by Metro Police with two counts of assault on York Security officers. The charges were laid by Security in a citizen's arrest the night of September 9 at his apartment at 4 Assiniboine Rd.

The student said Security had been called to investigate a noise complaint regarding a housewarming party and began harassing guests leaving the party. The student alleged that after protesting the removal of one of the guests, the student was threatened with physical harm by one of the officers. After further protest by the student, the officer arrested the student while informing him of his rights. He has filed a complaint about the incident with student affairs and he plans to take legal action against the university.

The student said he was subsequently handed over to Metro Police and charged, based on Security's account of the incident. He spent the night in Toronto East Detention Centre.

The student said the charges stated he had pushed the Security officers with a closed fist so both had to take a step back. He maintains that the only contact took place before the arrest was one of the officers touching his elbow.

The major daily Security report for the day stated that only one security officer was "verbally and physically abused" by the student.

The two officers involved in the incident, Edward Ciamtar and Rachid Ennaffati, are both members of Security's D squad, the same squad formerly headed by Rob Hughes, who was fired for allowing handcuffs to be used in another incident August 17.

Ennaffati called the student's allegations "totally false."

"[Handcuffs] were never used," he said, "We didn't even have them."

Interim Director of Security Pam MacDonald said the incident was investigated and she is satisfied handcuffs were not used.

"We believe our officers acted in an entirely professional manner," MacDonald said, adding, "The

incident postdated the one involving Hughes and you can be damn sure that after that nobody would have used handcuffs even if they were carrying them before."

She added the student changed his complaint to student affairs to include handcuffs after the incident involving Hughes became public.

The student said he did not include the handcuffs in his original written complaint but he did mention them in his original verbal complaint. He said he has witnesses saying he was indeed handcuffed.

"The main concern was that they trumped up a charge against me," he said of why he did not initially report the use of handcuffs.

"[Security is] lying from beginning to end," he said.

Paul Clark of St. Thomas, a friend of the student who was at the party, said the student's hands were definitely restrained, although Clark did not actually see handcuffs.

Security officer suing over firing

by Daniel Wolgelerenter

A former Security officer, fired over the use of handcuffs in an August 17, incident is suing the university for \$60,000 in damages.

Rob Hughes, former supervisor of Security's D squad, served the university with notice that he is suing for wrongful dismissal, according to university counsel Harriet Lewis.

Hughes was dismissed by the university last week following an investigation into an August incident where he allowed another Security officer to handcuff an unruly pub patron in Founders College near the Cock and Bull pub. The incident did not appear on Security's list of major daily security incidents.

Garnet Irving, the officer who did the handcuffing, as well as one other member of D squad, have been given verbal reprimands for

using handcuffs. The use of handcuffs by York Security officers is against university policy, as expressed by Bill Farr in an open letter to the York community in an April 1987 issue of *Excalibur* and a departmental memo circulated last year, according to Interim Director of Security Pam MacDonald.

"The university has taken the position that [Hughes] was dismissed for cause, which means that he was not entitled to notice," Lewis said. "The type of cause we will be alleging is based on behaviour that is expressly prohibited."

Lewis would not elaborate on what behavior that was, but last week Farr told *Excalibur* Hughes was fired for more than just authorizing the use of handcuffs.

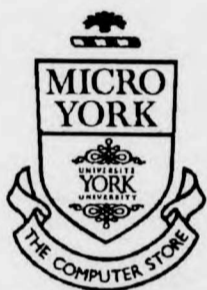
"There was an apparent attempt to establish a different method of operations on his squad out of impatience with university decision making," Farr said.

Hughes said the university did not handle the situation according to proper procedure. He claims he should have been suspended during the investigation and was not. He also said he was not informed in writing of the investigation's findings and that he received no firing papers.

"I'm being railroaded here," Hughes said, "and I've been promoted three times since 1986."

"[The university] can't tell me what to do when I arrest somebody. I'm responsible for him and the community at large," he said. "The university cannot get involved where my personal safety or that of other officers is concerned."

A Security Advisory Committee comprised of faculty and students is currently examining the issues of Special Constable Status, handcuffs and Security's general mandate.



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