

October 12, 2005

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Ontario Civilian Commission on Police Services
Complaints Bureau
25 Grosvenor St. 1st Floor
Toronto, Ontario M7A 1Y6
Tel: 416-326-1189
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**Re: Complaint against police officers of Toronto
Police Services - 42 Division**

Dear Sir/Madame

I would like to file a formal complaint as a result of the actions of police officers with Toronto Police Services 42 Division: On September 14, 2004 I was wrongfully arrested, mistreated and thrown in jail where I was further mistreated. On April 22, 2005 at the Scarborough court, charges laid against me by Toronto Police Services were withdrawn because the police and the Crown never had a case to begin with and all those responsible knew this. I am only filing this complaint now because of the ongoing health related and financial problems brought on as a result of my wrongful arrest and detention. I was fired from my job as a direct result of the false charges. Besides being emotionally and physically devastated, I was also told that it was not appropriate to file complaints against officers while charges were still pending before the court.

The names of the officers involved are:

Constable Alex Cheung – Badge #7705

Constable Christopher Groff – Badge #8678

Sergeant Wendy Gales – Badge #3950

My complaints are as follows:

- 1) Wrongful and malicious arrest.** I was intimidated, arrested, detained, humiliated and thrown in jail based mainly on the actions of officers Cheung and Groff, based on what would be nothing more than the unfounded allegations of my ex-wife who was attempting to get me arrested so that she could kidnap the children and flee the jurisdiction. It was her plan all along to use the Metro Toronto Police as fools to do the dirty work of overwhelming me with criminal court proceedings while she fled the jurisdiction to the USA with my children. The actions of police were based solely on a statement from my ex-wife telling the police that she had seen me following her on a major arterial road in Toronto which was in close proximity to

both of our homes.

2) Conduct unbecoming of a police officer namely:

- a) **General abusive behaviour.** Officer Cheung acted in a rude and arrogant manner and yelled at me in a loud, aggressive and accusatory manner without even listening to what I had to say.
- b) **Veiled threat of use of a firearm against an unarmed citizen.** Officer Groff's placed his hand on his gun in an intimidating and threatening manner when I told the two police officers that I was going to tape record them. Their conduct was so hostile and demeaning that I felt that I needed to tape what was going on to protect myself.
- c) **Use of a rude and obscene hand gesture** - Officer Groff stuck his middle finger up at me in an obvious obscene gesture after I turned on my tape recorder to record the two officers. He then left the scene without saying another word and I have this recorded on tape. His hand gesture directly at me was obviously to intimidate me without there being any audio recorded record of his misconduct.
- d) **Refusal of Sergeant Wendy Gales to meet with me after a meeting had been mutually agreed to** – During my dealing with police prior to my arrest, I had come to the specific understanding after speaking to Sergeant Wendy Gales that she would speak to me when I came down to 42 Division to talk about my complaint about officers Cheung and Groff. Sergeant Wendy Gales, did not appear when I asked for her at the front desk. Instead, I was grabbed from behind, arrested, stripped naked and thrown in jail by officers Cheung and Groff. Sergeant Wendy Gales never did come to speak to me as she had previously indicated to me over the phone. It would appear that her words of reassurance to me were intended to lead me into a trap that Officer Cheung and Groff had set up to get even for me wanting to complain about them.

3) Demonstration of bias based on gender. Officers Cheung and Groff, the key officers responsible for investigating my ex-wife's allegations against me accepted what my ex-wife had said to them without giving equal weight or consideration to what I had to say in my defense. Their demeanor from their first contact with me clearly showed bias in favor of my ex-wife.

4) Failure to exercise due diligence in their duties as a police offices to conduct a professional and unbiased investigation. Officers Cheung and Groff failed to ensure that accuracy of information given to them by the accuser, specifically,

- a) That officers stated to me just prior to my arrest, that I was on probation and under a restraining order. Both of the claims made by officers in writing and on the record were false. Officers likely were recanting the false and malicious lies by my ex-wife which the biased officers acted upon without questioning her statement or her motive.
- b) That officers failed to competently and professionally question my ex-wife on information she made in her statement to police before deciding to lay charges. Even to the eyes of non-officers, statements made by my ex-wife were clearly questionable and could be shown to be false. Again, due to bias, the officers did not investigate the complaints before charging and arresting me. Statements were made in police officer's notes, in official police forms and court transcripts which clearly show that police acted

on information which was not true and which they could have easily found out was false if they had taken the time to conduct a proper investigation in the first place.

- c) That the officers appeared to act solely on the word of the woman accuser without giving equal weight to what I had to say.
 - d) That officers failed to take into consideration that my ex-wife and accuser may have had ulterior motives for making her complaints to the police about her ex-husband. It is widely known that in custody and access disputes, that the use of false allegation are rampant and that officers should have know this and taken due diligence to investigate this possibility. It is clear that my ex-wife plan was to take the children out of the country under the smokescreen of false allegations against the father of the children.
 - e) Refused to listen to what I had to say and ignored relevant evidence which I tried to provide to them and which would have been relevant to their investigation.
- 5) **Abuse of Power and Authority.** Officers Cheung and Groff used their power and authority as police officer to harass, intimidate and punish a law abiding citizen after they became aware that I was coming to the police station to make a complaint against them.

The actions of the police officers to wrongfully arrest and jail me has caused the following harm to me and my family:

- 1) My rights and freedoms were violated. I was jailed, intimidated, frightened, harassed and forced to stay in deplorable conditions.
- 2) My reputation has been permanently harmed. When I tried to return to work after my arrest, workers not longer treated me the same. Being charged by police was enough to cause others at my work and in my community to believe that I must be guilty otherwise police would not have arrested and jailed me. Even human resources at the employment office appeared to shun me because they asked if I was in jail and for how long.
- 3) My employer fired me from my job and my long term future career with the company destroyed. I lost my company supplied vehicle, my company pension, dental and health care benefits, life insurance, etc.
- 4) I have been unable to access government retraining programs because of criminal charges and having been labeled a criminal because of time spent in jail.
- 5) My wife was able to flee the jurisdiction to the USA and abscond with my children. My children have not been able to see their father since my wrongful arrest.
- 6) I suffered severe trauma and now suffer from health related issued resulting from my wrongful arrest and detention. My doctor has indicated that I may have suffered a stroke as a result of the stress of the situation brought upon me because of my arrest and detention..
- 7) Medications were forced upon me while in jail. I was not told what these drugs were and I was treated like a child with jail staff checking my mouth to ensure that I had taken the pills which I was being forced to swallow under threat.
- 8) My credit has been adversely affected as a result of losing my job and I have been unable to maintain my loan payments. Prior to being arrested my credit was good, but now, I am in default for debts directly as a result from being loss of my job. I am having difficulty paying my rent.

- 9) I am now financially destroyed as a result of the actions of the police with no hope of being able to pay money to help support my children if and when my ex-wife and the children might be found by authorities in the USA.

As the result of the failure of the officers mentioned above to carry out their duties in a professional and competent manner, I have suffered greatly, especially with my ex-wife taking the children out of the country while police kept me overwhelmed with dealing with my criminal court matters. The actions of the three officers, Officer Cheung, Officer Groff and Officer Gales have tarnished the reputation of the Metro Toronto Police Force in the eyes of the citizens of Toronto and have brought into disrepute the Administration of Justice. Toronto Police Services is supposed to be one of the best police forces in the world. The actions of the officers mentioned in this complaint should be of concern to all citizens of Canada as it tarnishes the system of Justice in Canada.

In addition to the direct harm caused to me, tens of thousands of taxpayer's dollars has been expended as a result of police time. Some of these expenses born by the taxpayers which directly relate to my case include:

- a) Costs relating to the Crown Attorney and staff for charges which were eventually thrown out.
- b) Cost related to me being kept unlawfully in jail, including transportation costs and costs for guards and the jail facility.
- c) Costs relating health care. I am now suffering serious long term health effects from my experience with the Toronto Police Services which will have to be covered by Ontario's health insurance plan.
- d) Costs related to the court including judge's time, court administration and security staff.
- e) Cost related to Legal Aid as I was unable to afford to pay for a lawyer.
- f) Costs relating to further court hearings and legal work by Ontario's Family Responsibility Office in matters relating to child support. There will be added administration costs to be paid by taxpayers caused by my wife fleeing to an unknown location outside of the country and the additional courts costs to get the child support Order changed now that I have been thrown out of work.
- g) Costs related to the general loss of public respect of the Metro Toronto Police Services. Police services cost more when the citizens of the community will not help police because they simply don't trust them.
- h) Future costs related to the legal liability to defend Toronto Police Services as a result of wrongful arrest and malicious prosecution of a law-abiding City of Toronto citizen.

I would ask that the actions of all officers in this matter be fully investigated and that steps be taken to protect members of the public from the harm caused by such police misconduct. The public has a right to know that its police officers will act in an unbiased and professional matter when dealing with domestic related problems. Too many hard working and honest fathers like myself are being destroyed as the result of police bias and wrongful arrest as a result of false allegations by ex wives using the police and the court to gain an advantage during custody and access matters. Proper police procedures and proper investigation may help to reduce this. In addition, law enforcement officials should speak out about these "zero tolerance" policies which in most cases, mean that men are being deemed instantly guilty, arrested and charged for the most minor of situations. This "zero

tolerance" policy is resulting is a great loss of public respect for the law in general and for police as a result of police feeling compelled to arrest someone every time there is a minor domestic violence call. How are the police going to expect the public cooperation when so many members of the public feel that the police deal with domestic calls using such unfair practices.

I would request that the investigation into my matter include the disclosure of all information relating to my involvement with the Metro Toronto Police Services including, but not limited to, telephone recordings, video recordings, officers notes and any written records by police. I can provide more detailed information once an investigation into the conduct of these officers has been confirmed to me.

As an added note, I would strongly suggest that in order to raise the public's confidence in the police and to stop officers from being tempted to abuse their power and authority as was done in my case, that officers be equipped with electronic recording devices mounted on their shoulders or their front pockets which they would be required to use at any time they are in contact with the public during any investigation. I would also suggest that police cruisers be equipped with video cameras as well. I believe that this might help to make many officers think twice before acting in an unprofessional and unlawful manner as did officers in my case. A recent court case I read about in the newspaper where an amateur video caught Toronto Police officer, Roy Preston, assaulting a defenseless citizen should provide additional evidence to the value of recording devices.

I would appreciate hearing from the Commission at the earliest possible time. I may be contacted in writing or by phone at 416-438-8771.

Yours truly

A handwritten signature in blue ink, appearing to read 'Lucian Sava', with a stylized flourish at the end.

Lucian Sava

Law abiding Toronto citizen and loving father deprived of access to his children

cc: My member of Provincial Parliament
My member of Federal Parliament
Members of Toronto City Council

October 12, 2005

This is confirm that I, Lucian Sava, has ^{provided} Ontario Commission on Police Services
Complaints Bureau with Complaint against police officers of Toronto Police Services-42
Division, dated October 12, 2005, at the address below:

25 Grosvenor St. 1st Floor
Toronto, Ont. M7A 1Y6



Lucian Sava

ONTARIO CIVILIAN COMMISSION
ON POLICE SERVICES

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Name of FRO Officer who accepted the documents