

Based on legal advice, the CBC has edited this document to remove the names of Fredericton Police Force officers named in the complaint. No other information has been altered.

305 Northumberland Street
Fredericton, New Brunswick E3B 3J8
506-455-8841

July 21, 2009

Subject: Complaint of Misconduct

Fredericton Chief of Police/New Brunswick Police Commission,

I wish to lodge a formal complaint regarding the conduct of four Fredericton Police Force constables on the morning of 18 July 2009.

I have included the statements of witnesses as attachments.

On or about 1:00 AM on 18 July, I was with my Fiancé Miss Glenna Deveau on King Street, Fredericton in front of a club called Sweetwaters. We were celebrating our newly announced engagement with a group of my fellow military members.

I noticed that two police cruisers were in the parking lot. One constable (name deleted) approached me and asked me if he could have a word with me. I complied and we walked to the sidewalk. He, at that time accused me of having been involved in an incident a couple of weeks prior where he stated that I had run from Police. At that point, I was standing with my hands at my side. He stated that one of the bouncers working at the club, and indeed he recognized me from the previous incident. I informed him at the time that it could not have been me, as I was not in the area and could provide witnesses and sworn statements to support my claim if given the opportunity.

At this point, I was grabbed from behind by one or more members and thrown to the ground. I was completely surprised at this point, as there was no indication that our conversation had escalated to confrontation. I was detained, but not placed under arrest, informed of my rights or given the opportunity to comply.

I was afraid and completely confused at this point. My face was slammed repeatedly into the pavement with great force. One or more constables placed their knees on the back of my head and on my back. I was kneed, kicked and hit with open and closed handed strikes and generally beaten until I was senseless. Again, I reiterate that at no time up until I was administered this beating, was I informed that I was under arrest, given the opportunity to comply or even granted the courtesy of having the opportunity to ask questions. I had no opportunity to resist or to comply. Constables screaming "stop resisting" while administering a beating and committing an assault does not constitute resistance on the part of the victim.

At that point, I lost consciousness and only have the reports of bystanders to rely on. I woke up at the police station. I asked them if they were going to continue to beat me, in particular, using a telephone book that was close at hand. It was stated to me that "they did not do those sort of things here."

I was at that point not given the opportunity to call either counsel or a representative of my choice. Duty counsel was telephoned for me and when I protested that I wished to make alternate arrangements, I was told that it would not be allowed and that I “had my chance.”

Again, I reiterate that I was not formally informed of my constitutional right to counsel and indeed, would not have been in the position, due to my medical condition stemming from the assault, to understand them if they had. I am confident that your surveillance video will support my allegations.

I was then taken to the cell, prior to which I had my handcuffs removed. I was banging on the bars, asking for assistance. I lost consciousness and then woke up in the ambulance being attended to by a member of Ambulance New Brunswick. I had a breathing tube in my throat and a mask on. The paramedic removed the breathing tube when I regained some level of consciousness and I told him that I need medical assistance because I had been assaulted. The paramedic opened the ambulance door and told the attending constable to return me to the cells because I was “faking.”

I inform you that the conduct of this paramedic is the subject of a formal investigation by Ambulance New Brunswick at this point in time.

I asked for a blanket and was given one because I was cold and suffering from shock. I was incapacitated at this point. I was in such pain because of the pain in my back and from my injuries that I asked the custodian for assistance a number of times. She did not respond to any of my enquiries. Some number of hours later, I was presented with two charge sheets, being informed at the time that if I did not sign, acknowledging receipt, that I would not be released. I complied and was shown the door.

At that time, I had family members waiting to collect me in the foyer, knowing my physical condition and my inability to walk without assistance. I inform you at this point that when placed in custody, I had funds in my wallet (\$20.00 Cdn) and they were not present when my property was returned to me.

I left the premises at 05:30 AM. Prior to walking out the door, I asked Constable (name deleted) who had administered the worst of the beating to me, particularly the kicks that had done so much damage. He stated that it had been him, Constable (name deleted) and his partner, Constable (name deleted). Again, I state that at no time had I been granted the courtesy, as was my right, to be either informed of my rights or to contact counsel of my choice.

I have attended medical treatment at the Dr. Everett Chalmers Hospital and the C.F.B. Gagetown Medical Inspection Room. My injuries are documented and I will this documentation available to you upon a formal request.

I wish the following actions to be taken:

- I. I wish to have a formal investigation be convened into the conduct of Constables (name deleted), (name deleted) and the other Members who attended the scene.
- II. Should the police investigation determine that misconduct has taken place, particularly those actions in contravention of the use of force provisions of both the Criminal Code of Canada, the Police Act and Fredericton Police Force’s policies, I wish the offending members to be prosecuted to the fullest extent of the law.
- III. Should the allegations I am making be supported, I request that a letter of apology be addressed to my superiors at the Infantry School, Combat Training Center Gagetown, myself and to my fiancé.

- IV. I request that any charges stemming from the incident be investigated with the aim of determining their validity and to have them withdrawn if my claims are vindicated. Crown Counsel's participation in this determination is requested.
- V. I request that any and all of the constables involved in the incident be prohibited from contacting me, intimidating me or in any other way engaging in punitive activities because I have forwarded this complaint. I note at this time that Constable (name deleted) has already contacted my home from his personal telephone and interrogated my fiancé about the situation.
- VI. In the event of legal proceedings, I request that any notes, video or other pertinent information concerning my complaint be made available to me or my representatives.
- VII. I wish to be informed in a timely manner of the results of your investigation and as to the disposition of the matter and if the investigation takes longer than sixty days that I be given an update in writing as to the progress of the investigation.
- VIII. I wish to have my funds returned as I assume that they were misplaced in the handling of my possessions.

I conclude by stating that my faith in the Fredericton Police Force has been irreparably damaged. I, an innocent bystander was treated in a cavalier and violent manner when I offered no resistance and was not given the opportunity to either speak to the matter at hand or to comply. I have been subjected to the worst type of breach of my constitutional right to due process and indeed to freedom from the type of behaviour which your members are sworn to protect me against. I have been assaulted, insulted and demeaned in the eyes of my superiors, my fiancé, the public who witnessed the incident and my family.

I am a member of the Canadian Forces, sworn to uphold the laws of Canada and the Queen. I take my responsibilities and my liabilities very, very seriously. To have been so mistreated by fellow public servants is beyond credibility. I will pursue this matter until I am satisfied that these members of your organization are not a danger to the public, and are held accountable for their actions, both civilly and criminally if warranted.

I am available subject to the exigencies of the Service to support your investigation, provide any information necessary and to attend court proceedings if the matter, as I expect it will, warrants prosecution. I wish these members to be charged criminally and to be held accountable.

Respectfully,

Luc Begin

Enclosures (7)

Witnessed by: