

# THE WINDSOR STAR

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## **SIU charges Windsor detective with assault causing bodily harm** **Windsor Star**

Victim needed emergency eye surgery, suffered head injuries and broken nose.

By Trevor Wilhelm and Sarah Sacheli, The Windsor Star

WINDSOR, Ont. — The province's police watchdog has charged a Windsor detective for allegedly beating a visually impaired doctor so severely he required emergency surgery.

The Special Investigations Unit has charged Det. David Van Buskirk with assault causing bodily harm for the April 22 incident that left Dr. Tyceer Abouhassan with head injuries, a broken nose and a detached retina.

"There are still effects of the injuries being felt by him to this day," Anthony Barile, Abouhassan's lawyer, said Wednesday.

This is the second time the SIU has charged a Windsor police officer. The only other time was in 1993 when a detective was charged with careless use of a firearm — a charge that was later dropped.

Including the Van Buskirk case, the SIU has investigated Windsor police 28 times since 2002.

Numbers are not available for previous years, said Monica Hudon, SIU spokeswoman.

Abouhassan, 37, was jogging from the train station to his family's home in South Windsor when Van Buskirk arrested him outside the Jackson Park Health Centre about 5 p.m. Windsor police Chief Gary Smith refused to say Wednesday if Van Buskirk was on duty at the time or why he confronted the doctor.

Van Buskirk, has remained on the job since the April incident. Smith said Van Buskirk is restricted to administrative duties, not working on the street, and there are no plans to suspend him.

Other police officers charged with crimes — including two currently before the courts on smuggling charges — have been suspended with pay.

The chief said there's no hard and fast rule about what he must do when an officer is charged with a crime.

"It's based on the facts that are presented at the time," said Smith. "Everything's done on a one-by-one basis."

Smith also said there are no plans to bring Van Buskirk up on charges under the Police Services Act.

“I have nothing before me that would cause me to proceed with a Police Act,” said Smith. “That doesn’t mean as the case unfolds I won’t get other information. As things come out I will be constantly reassessing.”

Van Buskirk, a popular police officer who coaches a baseball team sponsored by the Windsor Police Association, is to appear in court on the assault charge July 8.

His lawyer, Andrew Bradie, who routinely represents members of the Windsor Police Association, said the officer will plead not guilty.

Workers inside the medical centre witnessed the altercation and it was captured by security cameras. It ended with an ambulance transporting Abouhassan to Hotel-Dieu Grace Hospital.

Abouhassan spent several days in hospital and underwent emergency surgery to repair a detached retina. Abouhassan had amnesia when he arrived, said his friend, Dr. Wassim Saad.

After Abouhassan was released from hospital, police charged him with assaulting a police officer. Barile said he expects, now that Van Buskirk is before the courts, the charge against Abouhassan will be dropped.

Barile will attend court on Abouhassan’s behalf when his charge is spoken to next week. “I’m hopeful the charge will be withdrawn, if not (that day), eventually.”

Smith said police charged Abouhassan without hearing his version of the events. “I didn’t have any information from the doctor. I didn’t have his side of the story. He told that to SIU. So I can only base it on the information we have before us.”

Smith wouldn’t reveal what Van Buskirk’s side of the story was.

“I can’t talk about any of the investigation,” he said.

Barile said the doctor has not filed a civil suit, but did not rule it out. “It’s never been about the money,” Barile said.

Abouhassan filed a complaint with the SIU on May 11. Barile says he filed a formal complaint with the professional standards branch at Windsor police the same day.

Despite that, Smith said Wednesday Windsor police have not heard from the doctor.

Barile said he and the doctor put their faith in the SIU and were gratified to learn Wednesday the police officer was charged.

“We are very satisfied with the way the investigation has been handled by the SIU,” Barile said. “We were confident the SIU would make the right decision.”

The SIU is a civilian agency that investigates complaints against police involving death, serious injury or sexual assault.

Abouhassan is out of town and is not available for an interview, Barile said.

Abouhassan, a graduate of the University of Western Ontario's medical school, is finishing an endocrinology fellowship and was hoping to set up a practice here this summer. Barile said Abouhassan still intends to return to Windsor.

"Windsor is lucky to have him," Barile said.

Van Buskirk has been a Windsor police officer for 22 years. In 1998 he pleaded guilty to discreditable conduct and neglect of duty. He and another officer posed with two topless Michigan women in front of their police cruiser. They then accompanied the women to a hotel room, spending 90 minutes inside.

Convicted under the Police Services Act, Van Buskirk was docked 60 hours' pay.

At the time of his Police Act hearing, Van Buskirk had no black marks on his record and had earned a commendation during his then 10-year career.

Van Buskirk's prior sanctions escaped the police chief's memory when interviewed Wednesday.

"He's got a good reputation internally here," said Smith, who until reminded of the 1998 conviction, said Van Buskirk had never before been in trouble.

"I wouldn't pay much attention to that stuff from back then.... That wouldn't be within my scope of research on anything like this."

Smith said the current charge against Van Buskirk is troubling.

"Assaults are always serious," said Smith. "I'm assuming because we have faith in the system that SIU has ample grounds to lay the charge. I just don't know what those grounds are and what the circumstances are."

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