

THE VANCOUVER SUN

Second police brutality lawsuit filed against Windsor police

By Sarah Sacheli, Postmedia News November 9, 2011



Windsor Const. Brad Snyder is being sued for alleged police brutality. Photograph by: Dax Melmer, Windsor Star

WINDSOR, Ont. — In the second police brutality lawsuit launched within eight days, a man who claims he was permanently injured after a Windsor officer assaulted him is seeking more than \$1.25 million in damages.

In a separate criminal proceeding last year, Const. Brad Snyder pleaded guilty to assaulting Rod Wuschenny on Sept. 26, 2009, near Caesars Windsor. Snyder admitted that after putting Wuschenny in handcuffs, he pushed him against a prisoner transport van and repeatedly delivered knee strikes to the man's body and forearm blows to the man's head. The beating was captured by

security cameras. The footage showed that at one point, Snyder grabbed Wuschenny by the chin to better deliver the blows.

Snyder arrested Wuschenny for public intoxication, a charge that was later withdrawn by the court after a Crown prosecutor said there was no objective evidence to support it. Snyder was brought up on criminal charges and faced a Police Act hearing where he was fined 120 hours of pay (reportedly about \$4,000) and ordered to make a \$2,000 donation to a social service agency.

The judge in the criminal case convicted Snyder of assault, but spared him a criminal record by handing the then 34-year-old officer a conditional discharge with one year of probation. Court heard of Snyder's community work and his impressive athletic career in shot put, representing Canada at the summer Olympics in 1996, 2000 and 2004. The beating he inflicted on Wuschenny was described as a momentary lapse of judgment.

Other claims in Wuschenny's lawsuit have not been tested in court. Snyder's sentencing hearing heard that Wuschenny did not complain of any injury and did not require medical attention.

In his statement of claim, Wuschenny said he has "sustained serious and permanent injuries consisting of but not limited to his head, neck, back and legs." He also claims he suffers from emotional trauma for which he will require ongoing treatment.

He claims his injuries forced him to miss work and he is therefore seeking compensation for lost income.

Wuschenny's lawsuit names the Windsor Police Services Board and two other "John Doe" officers he says stood by and watched Snyder assault him.

He says he was waiting to cross the street when he got into a verbal exchange with the nearby officers. One of the officers told him he could cross against the signal, but Wuschenny said he chose to wait.

He says Snyder handcuffed him "without reason." He claims he was not told he was under arrest before being restrained.

Wuschenny had a two-year window from the date of the incident to sue police. On the final day, he filed notice with the court that he intended to sue. He filed his statement of claim a week later. Robert Weisser, a lawyer representing the Windsor Police Services Board in several civil lawsuits currently before the courts, recently filed a document indicating police intend to defend the case.

No statements of defence have been filed.

Wuschenny's lawyer did not return phone messages Wednesday. Wuschenny did not return a message left with a family member.

The lawsuit came just eight days after Dr. Tyceer Abouhassan filed a \$14.2-million lawsuit against police for an incident on April 22, 2010.

Abouhassan says he had just jogged from the train station and was rummaging through his backpack for his cellphone when he was accosted by Windsor police Det. David Van Buskirk. Van Buskirk, reportedly called to the area by his daughter who'd told him of a man harassing her near the tennis courts, broke Abouhassan's nose and gave him a concussion. Abouhassan also suffered a detached retina.

Van Buskirk charged Abouhassan with assault, but the charge was stayed after an independent investigation by the province's police watchdog. The Special Investigations Unit charged Van Buskirk with assault and public mischief. After firing his lawyer and winning several adjournments, Van Buskirk is scheduled to go to trial in June.

Abouhassan's lawsuit claims the alleged assault was captured by surveillance video that was ignored by other officers as part of a coverup to protect one of their own. The lawsuit names the police services board, Chief Gary Smith, Van Buskirk and eight other police officers. None have filed statements of defence with the court.

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