

OFFICER: 'The two didn't get along'

"There is no middle ground," the judgment reads.

At one point, Daniel calls Ellement's conduct "suspiciously akin to harassment."

Chin is the father of Roger and Roland Chin, who have been connected with the notorious FOB gang, involved in dozens of Calgary homicides.

Roger was killed in 2008 in a drive-by shooting. At the time of the disqualified driving charge against Richard Chin in 2007, his son was living with his father on bail.

Ellement visited the family's home several times to ensure the son was complying with his bail conditions.

Animosity grew between the father and Ellement during Roger Chin's mandatory curfew checks, according to accounts.

"Chin felt Ellement was disrespectful and the two didn't get along," said Michael Bates, Chin's lawyer.

In September 2007, Richard Chin's licence was revoked after he was charged with impaired driving.

According to the judge's statement, Chin became "someone whom Sgt. Ellement was actively engaged in harassing."

The police officer, a former vice-president of the Calgary Police Association, testified he told constables under his command to keep a lookout for Chin driving his car. Sgt. Ellement

also said he drove by Chin's house several times.

The officer denied warning Chin's employers at the Deerfoot Inn and Casino that employing the accused could have dangerous consequences, although he did admit to visiting the hotel to ensure Chin was not driving illegally.

"Since when does a district sergeant go grossly out of his way to employ himself in such a meaningless 'routine investigation,'" the judge asked.

On Oct. 7 2007, Ellement said he saw Chin get into his car and drive around the block. Chin maintained his innocence, saying he never got into his car and had left his house that day only to take the bus to work.

The officer then searched Chin's car without a warrant, finding nothing illicit.

The accused filed a police complaint in connection with the search and Ellement was given an official warning for misconduct and censured in 2008.

Chin's lawyer said the case needs to be examined for a possible perjury charge.

"How can (the police) read this judgment and not initiate an investigation?" Bates asked. "This cannot be left unanswered."

He said the Calgary police should involve an independent third party to conduct the investigation to maintain

its credibility as Ellement has almost 30 years of service with the force.

"I hope they would take this seriously enough to get an outside agent to handle it," he said. "There's no way anybody inside the force can do an investigation and make it appear to be an unbiased one."

Calgary police Supt. Kevan Stuart said the force will be looking into the judge's verdict before deciding whether action against Ellement is warranted.

"We're going to have to review the transcript from the trial and review all the witnesses," he said.

"We will have to obtain the transcript and review every line of the transcript and determine whether there was an issue and try to interpret what exactly the judge is trying to refer to," he said.

He noted Ellement has already been disciplined for searching Chin's car.

"(He) won't be disciplined twice for the same complaint," Stuart said.

"It was good work on behalf of the defence which managed to cloud the issue of credibility," said John Dooks, the president of the Calgary Police Association. He said further censure is likely not warranted as Ellement was disciplined for unlawfully searching Chin's car. "The crown is clear in who it believes is lying."