

Officer gets conditional discharge on assault

Actions of veteran policeman not calculated: judge

DARYL SLADE
CALGARY HERALD

A 10-year city police officer will not have a criminal record on a conviction of common assault for punching an impaired driving suspect after the man twice grabbed a breathalyzer machine.

Provincial court Judge Derek Redman on Monday agreed with defence lawyer Willie deWit's argument and gave Const. Steve Campbell, 47, a conditional discharge.

Redman placed Campbell on probation for nine months after which, if successfully completed, he will be granted an absolute discharge.

Crown prosecutor Sony Ahluwalia had emphasized the breach of trust situation in seeking a period of probation and refusing a discharge, which would have left the officer with a criminal record.

"The offence itself was committed by a peace officer in his duty and in a position of trust, which is a serious, aggravating factor," Redman said. "Here, the complainant was startled, but there were no injuries short or long term.

"The actions of Const. Campbell were not calculated or premeditated, but on impulse. I found he was a credible witness. He subsequently believed the force was necessary and had some measurement to it."

The judge previously said in convicting Campbell of the May 28, 2008, assault involving Mark Ryan Guthrie that it was excessive. He had found that since there were no injuries, Campbell was not guilty of assault causing bodily harm as charged.

DeWit later said outside court they are "considering an appeal."

Calgary Police Association president John Dooks also said outside court the judge's comments and the circumstances of the case will be reviewed before deciding if there should be an appeal.

"Any time an officer is accused of a criminal offence and found guilty, we take it very serious," said Dooks.

"The judge made it quite clear the officer was truthful and honest and above reproach in his handling of the situation, he was just excessive."

Dooks said Campbell will remain on administrative duties until an internal investigation is completed and reviewed by police Chief Rick Hanson.

Court heard the incident occurred at a police detachment where Guthrie was taken for the breath test.

The constable was about to administer the tests to Guthrie when the suspect picked up the machine. The officer told him to drop it, but he soon picked it up again.

Campbell punched the man in the mouth, then went around the desk and wrestled him to the floor. He then advised the man not to touch the machine again.

DSLADE@CALGARYHERALD.COM