

Jason Fields cleared - conviction quashed

Sgt. Jason Field, a veteran of 18 years on the police force was cleared of a charge of using unnecessary violence Monday, when Judge Stanton Hogg quashed his conviction. He was convicted in December by Halton Police Chief Ken Skerrett, at a hearing held under the Police Act, and the appeal was launched immediately. He had been reduced to a first class constable.

County Judge Hogg based his decision on an erroneous interpretation of the evidence. He said a statement by Sgt. Field was taken by the Police Chief as an admission he struck 20 year old Gary Sparling after a police chase in May, 1977.

The statement in question, according to the transcript of the December hearing came after Roland Sparling, R.R. 2 Acton, father of Gary Sparling said, "I don't know what I'm going to do with his lad, I'm so worried."

Field testified at the first hearing he replied, "I know what I'd do, I'd give him a cuff on the head."

To which Sparling senior replied, "If you hadn't I would have."

Judge Hogg ruled there was no admission by Fields. John Greenwood, Field's lawyer claimed Sparling Sr. misinterpreted the comment.

In his judgement, Judge Hogg pointed out it was not his duty as an appeal court to retry the case, since the first tribunal had the opportunity to listen to the evidence and observe the witnesses. He said his function was to determine whether Field had a fair trial and whether the evidence supported the decision and was admissible.

"I believe the appellant had a fair trial, was represented by experienced counsel, and witnesses were heard," stated the judge. He said the police force is a para-military organization that must be disciplined and senior officers obeyed, for the protection of the public.

He said the evidence of Sparling Jr. and Robert Currie, Mountainview Road, Georgetown, a passenger in the car, must be scrutinized.

He stated Sparling had been drinking, he had committed a crime of driving at excessive speed, running several lights and stop signs, attempting to escape, and lying to police saying he was not driving.

Judge Hogg said the evidence was contradictory, and pointed out a court must exercise great care and caution in weighing such evidence. He said if he were instructing a jury to look with great care at it, and to look for supporting evidence for such witnesses. "In my opinion the Chief of Police did that."

He said the Police Chief in giving his reasons for his decision said the two witnesses "were not lying all the time," and said the Chief put credence in the father's statement which seemed to back up the charge of being struck.

The judge made no award of costs, leaving each party to pay their own.

John Greenwood, lawyer for Halton Police Association, defending Field, said the Public Authorities Protection Act put a limit of six months

on laying a charge. He said the second charge was beyond the time limit. Originally the charge laid in October was one of assault, but was reduced to unnecessary violence in the second charge.

Greenwood claimed the first hearing under Chief Skerrett should not have proceeded. He said an assault charge comes under the criminal code. He claimed the police chief did not have jurisdiction since the matter was not acted upon within six months. He stressed the chief was aware of the objection.

Doug McConnachie, lawyer for Halton Police Commission, claimed Field did not come under the Police Authorities Protection Act when he went beyond the execution of his duty, and claimed if he used unnecessary violence he would be deprived of that protection.

He said, "if the person thinks he is doing the right thing he would be entitled to the protection of the Act, but I can't believe of the execution of duty."

McConnachie claimed the second charge was not a new one, but simply the same one redrafted.

Greenwood said the credibility of the witnesses was the crux of the situation. "It is my submission there are very substantial errors bounding on recklessness. I feel he (Chief Skerrett) abandoned his function in trying this case." He said it must be determined whether or not Field had a fair trial.

The judge said it was for him to determine, and reminded the hearing the Chief heard evidence and saw the witnesses.

Greenwood said Sparling lied about driving the car and admitted it, and claimed he was hit hard on the temple twice, but there were no marks according to the testimony of both his mother and father. The only point either noted were his blood-shot eyes, said Greenwood, who stated Sparling admitted to having five beers in one and one half hours.

Greenwood suggested the witness Currie could not have

seen what happened as he sat in the back of the car, since Sparling was right up against the car, and his head would be above the roof. Currie testified at the first hearing he saw Field strike Sparling.

Greenwood insisted there was no admission by Field in the conversation with Sparling Sr. but that the father had misinterpreted the statement. He pointed out Field took the father over the route of the high speed chase which ended on a dead-end on Ann Street.

Greenwood said Field was wearing rings and claimed if there had been substantial blows there would have been cuts. "It is irresponsible to have someone's career affected by ignoring crystal clear evidence."

Continuing, Greenwood said there was an argument at the first hearing that officers should not be convicted on this type of evidence, to which Skerrett replied, "It's unfortunate all lawyers don't feel this way. It's because of lawyers we're here today."

The judge said he did not understand what that meant.

Greenwood said in his opinion it indicated the police chief felt the charges had been brought about by complaints of lawyers. He said "It indicates to me he was considering outside interests." Greenwood asked the charge be dismissed and the conviction quashed.

McConnachie said if Sparling's evidence was the only evidence he would agree there should have been no conviction. He said Sparling lied about driving the car, and claiming the car was stolen. He said Sparling Jr. is a confessed liar up to a point, but was right about Field using profanity, since Field admitted it.

"He's not charged with that," commented the judge. McConnachie said Sparling Jr. was never shaken in his statement that he was struck by Field, only on whether it was a fist or open hand. The Police Commission lawyer said he was not suggesting Sparling was "hammered". He said Currie's testimony corroborated Sparling's to some extent. He said he phoned Sparling's parents

and said he heard someone say Sparling would be in the hospital before the night was over. "He did phone, and Sparling Sr. went to the hospital before going to the police station." The judge commented it showed a great tendency to exaggerate.

McConnachie said Currie repeatedly said he saw Field strike Sparling, and said he wondered why Field said nothing when Currie said, "I saw that, I saw that."

Regarding the conversation between the father and Field, McConnachie claimed at the first hearing Sparling Sr. said, "you are twisting my

words, I told you what I said, are you questioning my credibility, I don't get confused easily."

He said Sparling Sr. was obviously a fair witness. He claimed Fields did not refute the remark or attempt to explain to the father what he said at that time.

"I feel fantastic," was Fields' comment after the verdict. He said he appreciated the letters of support he received, "Justice has been done," remarked Al Reulens, President of the Halton Police Association. "This goat came out lily-white, with three stripes on him."

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