

# Prisoners didn't complain about van's heat, accused police tell 'sweat-box' hearing judge

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Herald staff writer

Two Halton Regional Police officers charged with discreditable conduct and neglect of duty testified last week that they don't remember any of the prisoners complaining about the heat in the rear of the police van in which they were being transported to Metro West Detention Centre from the Milton provincial courthouse last August.

Testimony at the hearing into charges against Constables Raj Swaminathan, 39, and Arnold Vancleef, 35, concluded last Wednesday, with the summations by the two lawyers being postponed until February 5, to provide the lawyers with the opportunity to obtain transcripts of the proceedings to date.

The hearings, presided over by Chief County Court Judge William Colter, was called after complaints were received from a group of prisoners. They said the two constables, who had been acting as prisoner escorts, fastened the hand-

cuffs too lightly on the prisoners, drove with the heater on in the van, in spite of the temperature being over 90 degrees Fahrenheit that day, and drove the van in an erratic manner which resulted in the prisoners being thrown about in the back of the van. One prisoner passed out during the trip as a result of the heat.

#### PRISONER ESCORT

Constable Vancleef testified that his work as a prisoner escort was an overtime assignment in addition to his regular shift, which at that day was from 4 p.m. to midnight. He said that before starting out that morning, he had been warned by his superior officer, Staff Sergeant Eric Bullock, that information had been received to the effect that an escape attempt would be made by one of the prisoners during the day. He was also told that an attempt might be made to smuggle a gun to this prisoner, Frederick Carley, sometime during the day, and that he was to take whatever security precautions he found neces-

sary, including the use of leg irons.

Constable Vancleef said shackles were used on Mr. Carley in the morning, but it took some time to get them on over the high boots he was wearing. As a result, they weren't used during the afternoon trip.

The removal of the prisoners' personal belongings, such as jackets, tobacco and matches, was a result of a new rule which had been instituted a few weeks prior to August 14, Constable Vancleef said, but the prisoners were angered by the rule, and when he tried to collect their jackets, several of them dashed their coats on the floor.

In response to questions about the prisoners' allegations that he had deliberately stepped on their jackets, Constable Vancleef said he had dropped one or two of the jackets, and accidentally walked over them. He said he pushed the fallen jackets to one side with his foot, and said this might have looked to the prisoners as if he had kicked at them.

#### TRIP BACK

Constable Vancleef testified that after the prisoners had been loaded into the van for the trip back to Metro West Detention Centre in the afternoon, Constable Swaminathan had to go look for the driver of a cruiser which was blocking the exit from the courthouse security area. While he was gone, the prisoners rocked the van back and forth. After they stopped, Constable Vancleef said he heard someone say, "Let's wait until he gets on to the 401 and changes lanes."

It was for this reason, he said, that he placed a jacket over the window between the cab and the rear of the van, so that the prisoners would not know when the van was on the 401. He removed it when the van actually got on Highway 401 because he could hear the prisoners moving around in the back of the van, but he couldn't see what they were doing. He left the window closed because it was his habit to drive with the windows closed because "it helps with privacy", and keeps the prisoners from spitting at the officers, he said.

The side trip to Milton police station was because his regular shift had begun, Constable Vancleef said, and he had to check with his superior officer to find out whether he was to continue with prisoner escort, or be replaced by someone else while he went on regular patrol. He told the court he thought it was just as fast to drive to the station as to phone from Maplehurst Detention Centre, where they had gone to drop off one prisoner. Communicating by the radio in the van would have taken up too much air time, and would have meant a delay in relaying the message from the dispatcher in Oakville by telephone to Milton.

Constable Vancleef said at one point during the trip, he heard the sound of handcuffs being tightened, as if it were being done deliberately. He said he never double-locks handcuffs, which would prevent their being tightened, because it frequently makes them difficult to open. Constable Swaminathan said he never double-locks handcuffs, because it makes it possible

for a prisoner to cut himself on the band on the lower side.

#### LOOKED IN BACK

Constable Swaminathan said that he looked in the back of the van from time to time, and could only see the prisoners moving about, and hear them shouting and cursing. When he opened the window to ask about the commotion, they yelled racial insults and spat at him, so he closed it again. "They looked like they were having fun in there together," he said.

Constable Vancleef said it was warm in the front of the van, but that it wasn't until the van was close to Metro West that he realized that it might be uncomfortably hot in the back. He said the commotion in the van seemed as per usual, but that if he had been aware there was a problem, he would have stopped.

It wasn't until the van arrived at the Metro West Detention Centre that the two officers said they discovered Griff Branch was unconscious in the back of the van, and this was only after they had entered the security area and gone over to the command module, which monitors the movement of the prisoners, to identify themselves. The prisoners, who had been quiet for a time, began kicking at the van door, and it bulged visibly.

Constable Vancleef said he opened the back door of the van, and saw Mr. Branch lying on the floor. Constable Swaminathan went to the command module, told them there was a prisoner in the back of the van, apparently unconscious, and asked for some water. The correctional officer said he had no access to water, and that it would only a few minutes before the Metro Toronto and Peel prisoners were processed, so that the Halton prisoners could go in.

During this time, Constable Vancleef said he stood at the back of the Halton van with the door open. He closed the door twice when the security door of the garage opened without warning but that Mr. Branch's foot, which had been against the door, was only pushed in, and not caught in the door as the prisoners had testified.

#### UNLOAD PRISONERS

When it came time to unload the prisoners, both constables testified that they asked the prisoners to move out of the van so that they could get in to assist Mr. Branch out. The prisoners stayed put, and said "If you want him, you come in and get him," Constable Swaminathan said.

"At that time, we thought discretion was the better part of valor," he added. "We didn't want to get our heads punched in."

Earlier in the week, the court heard testimony from other Halton Regional Police officers regarding the condition of the van, and also the method by which information about a possible escape attempt was received.

Sergeant Jason Field testified that he had transported five prisoners from Acton to Georgetown in that van, which is the only van available for use in Acton, Georgetown and Milton, earlier in the summer. He described how the prisoners complained of the heat, and said that since they were quiet, he opened the window

into the back of the van and felt "a gush of heat" from the back of the van.

Sergeant Keith Robertson and Constable Ian McNally of Investigations division in District 1 (Milton, Georgetown and Acton), testified that they had been informed by Niagara Regional Police that Mr. Carley might attempt to escape, and that an attempt might be made to smuggle a gun to him during one of his court appearances, and they passed this information on to Staff Sergeant Bullock.

Constables Ray Hendry and Tom Nicholson described an occasion in September, following the August 14 incident,

when they acted as prisoner escorts, using the same van. Both officers described the van as a vehicle with a rough ride. They said the prisoners on that occasion also complained of the heat.

A number of Halton police officers called on to testify said the van's heavy duty suspension makes for a rough ride, and they also said the van vibrates if driven at speeds in excess of 50 miles per hour.

The hearing, originally scheduled for five days, has lasted seven days already, and has now adjourned until February 5, at which time the lawyers for both sides will make their summations.

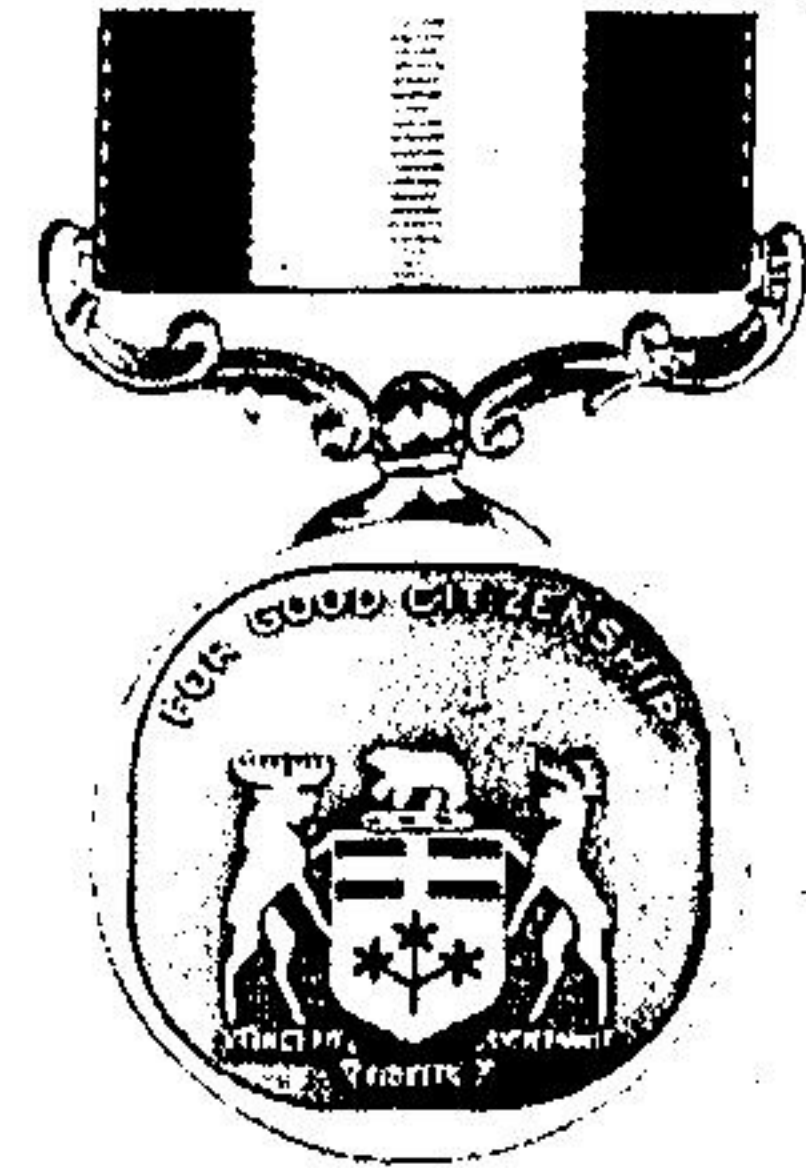


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## WINTER WONDERLAND

Last Wednesday's heavy snowfall turned Halton Hills into something of a winter wonderland, much to the delight of skiers and snowmobilers and much to the chagrin of snow shovellers and motorists. Roadside trees trimmed with snowy icing, nevertheless offered some picturesque scenes, such as this one on Main Street south in Georgetown.