

# Reserved decision ends hearing judge to rule by end of February

By LORI TAYLOR  
Herald staff writer  
Chief County Court Judge William Colter reserved his decision in the hearing into charges of discreditable conduct and neglect of duty against two Halton Regional Police officers in connection with an alleged sweatbox incident in the transporting of prisoners last August.

Judge Colter said he expected to have a decision, with which he must include in writing reasons by the end of February at the latest, and possibly within the next two weeks.

The two officers, Constables Arnold Vanclief and Raj Swaminathan, were charged with discreditable conduct and neglect of duty after members of a group of prisoners at the Metro West Detention Centre complained that the heat was on in the van in spite of temperatures in excess of 90 degrees Fahrenheit that day, that their handcuffs were fastened too tightly and that the erratic driving of the van caused them to be thrown about in the back.

**FINAL SUBMISSIONS**  
The lawyers, David McConachie representing the Halton Regional Police Commission, and William MacDonald representing the two officers, made their final submissions to the court Monday.

Mr. MacDonald said the police force is a paramilitary organization, in that the men are under orders and "they don't have any choice to say I don't think I'll do that today, I'll wait till next week when it's cooler."

It would be unreasonable for the officers to stop on Hwy. 401 or on Carlingview Drive because both areas are quite open, and when carrying twelve prisoners in the back, four of whom have previously escaped custody, the security risks are increased, Mr. MacDonald said.

"It was only shortly before the van arrived at Metro West that the two officers became aware that the heat in the back must be oppressive," he said. "At that point, it was pointless to turn back or radio for help. The most reasonable thing was to proceed as quickly as possible to Metro West."

Mr. MacDonald said there was a point of no return on the trip, and once past that point, with Highway 401 being more or less "a limited access highway", "there's just no place you can stop and buy your prisoners ice cream," he said.

The two officers had no reason to be aware of what the conditions in the back of the van were like, Mr. MacDonald said, because they had never ridden in the back. The evidence seems to indicate, he suggested that Griff Branch, one of the prisoners, fainted just before or as the van was arriving at Metro West Detention Centre.

**GOT WORSE**  
It would seem the heat got worse and worse and worse, as the trip proceeded, and Mr. Branch succumbed to heat prostration. The prisoners testified that the heater in the van was on, Mr. MacDonald said, but Professor Alexander Allen, associate professor of mechanical engineering and automotive mechanics at the University of Toronto, said the heater was merely recirculating hot air.

There was some confusion over the fact that Staff Sergeant Eric Bullock testified that the van's fan was working after the incident, while a mechanic said the fan had been disconnected before the incident. Judge Colter said he couldn't understand why someone would re-connect the fan, but there is no evidence either of the officers was involved.

"If the heater was on for the prisoners, it was on for the officers as well," Mr. MacDonald said. "There is no doubt, if the heater was on, that's a criminal act."

Mr. MacDonald reminded the court that Professor Allan said the communications win-

dow between the front and the rear of the van would have little or no effect on the circulation in the back of the van. He also said the heater wouldn't have to be on in order to create the kind of conditions existing in the back of the van that day.

Mr. MacDonald asked Judge Colter to act in consideration of guilt beyond reasonable doubt, as is done in criminal matters, particularly in light of the effect a conviction would have on the officer's futures and careers.

Mr. McConachie, summing up the case for the commission said there were a number of sins of omission and commission August 14, which add up to neglect of duty and discreditable conduct. Mr. McConachie suggested to the court that by the definition of the two charges, finding guilt on the charge of neglect of duty would necessitate a finding of guilt on the charge of discreditable conduct, since the neglect of duty would bring disrepute to the force.

"The public has to have trust in the force, and the chief must have trust in the officers, that they will perform their duties," Mr. McConachie said.

Mr. McConachie said that, all the prisoners having had previous encounters with the judicial system, were experienced with regard to the courts, and prisoner transports. All the prisoners testified, that they had never been

involved in an incident like this before, he said.

**CRIMINAL RECORDS**  
As far as the credibility of the witnesses was concerned, Mr. McConachie said, "Just because these people have criminal records doesn't mean their evidence could be discounted."

Mr. McConachie said there is no question that three of the inmates complained the cuffs were too tight. However, there is no evidence that the two officers checked to ensure such was not the case. He added that there was also a serious breach of security in not putting leg irons on Frederick Carley on the trip back to Metro West in light of information received that a gun might be smuggled to him, and an escape attempt made.

Instead, Mr. Carley was only handcuffed to one prisoner, who Constable Vanclief testified earlier, had the most to lose if he tried to escape.

"Why didn't they cuff him in three's or six's for additional security?" Mr. McConachie asked.

Mr. McConachie said that Constable Vanclief's action in leaving the van door open at Maplehurst Correctional Centre while a prisoner was being taken inside was also a breach of security, since Maplehurst is in a fairly open area, and he added that no evidence had been entered to suggest that there is any security on the

grounds of the centre.

Mr. McConachie said that although a number of officers had testified that they had problems with the van, Staff Sergeant Bullock had said he preferred driving the van to driving a cruiser. He suggested that the failure of the officers to report the problems they were having with the van amounted to neglect of their duty.

Mr. McConachie suggested that the removal of the prisoners' personal belongings could have been carried out in a more "humane and courteous" fashion, and that it was

"inhuman" to lump all their belongings in one pile, rather than keeping them separate.

"Any aura of hostility between the prisoners and the officers was largely due to the actions of the officers," he said.

**TWO INCIDENTS**

The sentence, or punishment on conviction of these offences, ranges from a reprimand to dismissal. Judge Colter has the option of finding the officers guilty of a lesser offence if he chooses, in which case Mr. McConachie might make a submission at that time.



The Ballinafad Hall Board for 1979 are, left to right, front row: Sandra Henderson, Dan O'Connor, Peter Brown, and Bonnie Shortill. Back row: Bob Harman, Dorris Fueller, Vi Shortill, Sid Spear, and Ivan Bird. (Herald photo by Sue Lehn)

## Ballinafad Hall board elects executive officers

The 1978 Ballinafad Hall Board term ended Sunday and chairman Ivan Bird resigned and was replaced by Dan O'Connor.

The new treasurer is Peter Brown, and the secretary for 1979 will be Bonnie Shortill. Retaining her position as public relations official is Sandra Henderson. The booking of acts for the hall will be handled by Vi Shortill, and Bob Harman will take over as entertainment officer. The hall boards maintenance officer is Sid Spear.

In addition to these appointments, two new positions were added to the hall board this year. They are the position of member at large, and they were filled by Doris Fueller and Ivan Bird.

Although the two members at large will not be responsible for any one particular area, they will be expected to head and serve on special committees.

Another change from last year, is that the positions of chairman and treasurer, starting this year, will become a

two year term rather than the previous one year term.

Starting in 1980, the positions of Secretary and Public Relations Official will also become two year terms.

According to last year's chairman Ivan Bird, the upper section of the hall is expected to undergo renovations over a two year period. It is hoped that the changes in length of term of the top four positions will help to provide some continuity during the renovations.

## Georgetown Y hires new staff member

The heavy work load at the Georgetown YM-YWCA has forced the board of directors to hire a staff member to take over a combination of programming and office work.

Shelagh Finn of Charles Street began working for the Georgetown Y on Monday.

She is a recreation course graduate from the University of Western Ontario and holds a municipal recreation director's certificate, type A. She was assistant director of the Scarborough recreation department when she quit in 1969 to begin raising her family. Now her four children, ranging in age from three to nine years old, are mature enough to permit her

to return to work part time and the job at the Y seems ideal, she feels.

**HELP ORGANIZE**

While she will not be running any programs directly, she says she will be helping to organize, evaluate and supervise existing programs working with both the instructors and the volunteers at the Y.

Mrs. Finn is coaching a junior team in YBA basketball and has great praise for what the Georgetown Y is accomplishing.

"They do an amazing amount of programming for such a small office," she said. "They probably have one of the most dedicated, skilled and enthusiastic

group of volunteers of any Y in the country. And they seem to know how to use those volunteers in such a way that they get satisfaction from what they do."

Mrs. Finn speculates it will take time to get to know what needs doing so she can be an effective staff member but she is looking forward to her new position and hopes to make her contribution.

Y spokesman Doreen Burt said that the board of directors decided in December that they needed an extra person to help carry the workload. While the money situation is still tight, board members hope to be able to afford a staff person "if everyone worked very hard", she said.

Financial problems forced the laying off of the Y's full time program person in the summer of 1977.

## Plans for homes abandoned

Plans for the development of three semi-detached homes on Main Street South in Acton have been abandoned following the recent sale of the property in question.

Deputy planning director, Brian Kropf informed the town planning department last Tuesday that Southfield Holdings Ltd. has disposed of the site on the east side of Main Street, south of Cobblehill Road and, as a result, has no interest in proceeding with its proposal for the construction of six residential units.

Coun. Roy Booth asked Mr. Kropf whether the decision to drop the proposal had been prompted by rumors of that the town was demanding the developer to contribute toward the cost of reconstructing Main Street (Highway 25) in the vicinity of the site. He ascertained that the planning departments knows nothing of any such demands, but expressed concern that in other instances the town may be making demands of developers that are not economically viable.



Shelagh Finn has been hired by the Georgetown Y to work part time on programs and part time on office duties. She has had considerable experience both with the Scarborough Recreation Department and as a volunteer with the Brampton and Area Mentally Handicapped. The Finns have lived in Georgetown for two years and Mrs. Finn is vice-president of the Holy Cross Parent's Association. (Herald photo)

**CORRECTION**  
PLEASE NOTE THE FOLLOWING CORRECTION  
PAGE 7... PHOTO FINISHING SPECIAL  
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