

Police officer calls on force to drop charges against him

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One day after his union reinstated his legal funding, Const. Dameian Muirhead called on York Regional Police to drop all charges against him related to allegations he failed to investigate racial taunts against himself.

It is time for the force to do what is right instead of carrying on the action, he said.

Instead of following its own cherished seven core values, including integrity and respect, the force is carrying on with a disciplinary hearing that should have never been brought in the first place, the officer added.

"I would have expected someone would

have stepped up to the plate by now and called it off," he said. "I know they are in a tough position, but they are not the only ones."

Const. Muirhead is referring to the "informal resolution" offer he was handed before the hearing started, offering him a punishment of 36 hours of docked pay and retraining in return for an admission of guilt.

"I didn't sign that because I know I didn't do anything wrong and I wasn't going to accept the punishment," he said.

The saga began in 2011 when Const. Muirhead was called to investigate an alleged injury at a party. During the investigation,

Const. Muirhead moved a leather jacket that fell to the ground.

He refused to pick it up after Aurora resident Rheal Dugifay told him to do so. He was also subjected to racial name calling during the incident.

During a subsequent confrontation, Const. Muirhead charged Mr. Dugifay with threatening him. Those charges were later dropped.

Meanwhile, the union last week overturned a decision to revoke funding for one of Const. Muirhead's lawyers.

"My fight has never been with the general membership. I have white, black and Asian officers coming up and shaking my hand. That shows the character of the force and the general membership," he said. "They have been letting me know through words, texts and e-mails — you name it. This (reinstatement of funding) shows the membership cares about me and my family and they want me to have justice."

He also described some of the details he shared with his fellow officers at the meeting.

"It had been suggested that my lawyer was militant and inciting racism into the case, but we didn't bring race into the case at all," he said.

It was the investigating officer, Det. James McRobbie, from the police's office of professional standards, who accused him of racism, and it was only during cross-examination his legal team brought up the issue of race,

Const. Muirhead said.

"My lawyer was responding to an allegation he made on the stand," he said.

Even though many would have been thinking about the issue of race due to the nature of the trial, Const. Muirhead said it did not become a flashpoint until Det. McRobbie mentioned it.

"I was surprised. I've been on the force for 10 years and never been accused of that, but for him to say that, he needs to qualify it," Const. Muirhead added.

From the start, the York Regional Police Association has backed Const. Muirhead, president John Miskiw said.

"All I can say is us removing our support had nothing to do with Dameian or the charges he is facing. It had to do with the direction of the hearing and what was in the best interest of the association," he said.

The hearing was put on hold last week after Const. Muirhead's union-funded lawyer, Courtney Betty, accused the officer overseeing the case, Supt. Robertson Rouse, of bias after his questioning of Det. McRobbie was prematurely ended.

The issue of bias will have to be discussed before the hearing begins again.

Chief Eric Jolliffe is also being called to testify before the hearing so he can be questioned about why the hearing was brought in the first place.

York Regional Police chose not to comment on the issue.

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