

North Vancouver man detained after jaywalking says he's police target

BY JANE SEYD, NORTH SHORE NEWS FEBRUARY 3, 2012



Donald Sipes claims he is being targeted anew by police after he was detained following a jaywalking incident. Sipes, who has previously won a wrongful arrest lawsuit against the West Vancouver police, has been found guilty of obstructing a peace officer for refusing to provide his address when the RCMP stopped him for walking across the street mid-block.

Photograph by: North Shore News, file photo

A North Vancouver man who previously won a lawsuit against the West Vancouver police for being wrongfully arrested has been found guilty of "obstructing a peace officer" for refusing to tell RCMP officers his residential address.

Judge Bill Rodgers gave Donald Sipes, 49, a conditional discharge after a two-day court hearing that followed a jaywalking incident in Lower Lonsdale last summer.

Two police officers stopped Sipes on the afternoon of July 29 when they spotted him crossing Chesterfield near the 7-Eleven without going to the crosswalk.

Sipes and the police officers disagree about what happened after he gave them his name. The police

said Sipes immediately became belligerent and unleashed a "verbal barrage." Sipes said it was the officers who "flipped out" after learning who he was.

Sipes was arrested for obstruction after he refused to provide Cpl. Arne Johnk with his residential address.

In a court case that took place over two days in North Vancouver provincial court, Sipes argued since he wasn't in the "vicinity" of a crosswalk, he shouldn't have legally been required to use one. The officer therefore had no reason to stop him, Sipes maintained.

But the judge disagreed, saying the police had "reasonable grounds" to suspect Sipes had been jaywalking. According to a Supreme Court of Canada decision, a police officer who asks for a name and address can't be considered to be infringing on anyone's freedom, wrote the judge.

Rodgers handed Sipes a conditional discharge, meaning he will have no record for the infraction.

But Sipes, who has had a number of run-ins with police, said he still plans to appeal the decision. "I'm disappointed in the decision," he said. "I don't believe I jaywalked."

"The officer in my view was just harassing me," he said. "It was a cop using the Motor Vehicle Act as a club to be a bully."

In 2009, the West Vancouver Police Department was forced to pay Sipes an undisclosed sum of damages after a provincial court judge ruled he had been illegally arrested as he was walking down the street in January 2006.

In her decision, the judge criticized the police, saying Sipes was arrested "without any grounds at all."

Sipes said at the time he had been repeatedly harassed by West Vancouver police because of the way he looks.

Sipes said since then, he's continued to be targeted by police.

"Their treatment of me is different than anyone else," he said.

John Green, the lawyer who represented Sipes in court, said it seems questionable for the public to pay for a day of court time - including the costs of a judge and two police officers - for what essentially boils down to an argument over a jaywalking ticket, especially at a time when backlogs in the court system are resulting in delays in bringing serious offences to trial.

"(Sipes) did something I've probably done a million times in Vancouver," said Green.

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