

North Vancouver man awarded \$15,000 for wrongful arrest by RCMP

BY NEAL HALL, VANCOUVER SUN MAY 11, 2012



Jeung (Austin) Park, 29: The North Vancouver man was awarded \$15,000 in damages for wrongful arrest and imprisonment by two North Vancouver RCMP officers.

Photograph by: Handout, Special to the Vancouver Sun

METRO VANCOUVER — A North Vancouver man was awarded \$15,000 in damages for wrongful arrest and imprisonment by two North Vancouver RCMP officers.

"If they had used common sense, this wouldn't happened at all," the claimant, Jeung (Austin) Park, 29, said in an interview Friday.

"I thought it was totally unreasonable behaviour."

Park was held in custody for four hours after he was arrested at Lions Gate Hospital on June 5, 2006, by then RCMP Constables Leslie Norman and Cameron Stewart. Neither officer is still working at the North Vancouver detachment.

Park had accompanied his elderly mother, who was battling cancer and died six months later, to the

hospital. She was getting blood work done and Park wanted to ask the oncologist about a change in her treatment schedule.

The oncologist told Park he was busy in the chemotherapy department and that Park had no appointment. He told Park if he did not listen to him, he would have security come and get him.

Park, who tape-recorded the incident, started to say something and the doctor interrupted and asked staff to call security.

Police later arrived and told Park he was being arrested for causing a disturbance and obstructing a police officer.

The two officers took Park to the floor and handcuffed him, with the Paladin guards assisting police. They took Park into custody for four hours and then released him.

"My mom suffered a lot of emotional distress and so did I," Park recalled Friday. "We were not treated as well as we should have been."

Park said he received no apology from the hospital or the RCMP.

He sued B.C.'s Minister of Public Safety and Solicitor-General, which was responsible for RCMP conduct in B.C. and Paladin Security.

B.C. Provincial Court Judge Carol Baird Ellan found the RCMP liable but not Paladin Security.

"Once Mr. Park was identified, he should have been released, as Const. Stewart says he would have done," the judge said in written reasons.

"There was no suggestion, on the evidence, that Mr. Park would return to the hospital or create a disturbance there. He was behaving like someone who had been treated improperly, not like someone who wanted to disrupt the hospital's operations. I find that the length of Mr. Park's detention at the police station is a fact to be taken into account in assessing the degree of negligence on the part of the RCMP and the extent of interference with Mr. Park's liberty."

The judge concluded Park was unlawfully arrested and imprisoned, awarding \$15,000 in general damages, his court costs and interest, bringing the total to \$17,483.

The judge's ruling on liability is online: <http://bit.ly/LxJS0v>

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