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Video: Police surveillance

Police surveillance video obtained by The Star.

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Peter Small
Courts Bureau

A Toronto chef plans to show a police cruiser video to back his claim that an officer used brutality when arresting him on drunk driving and assault to resist arrest charges.

Raymond Costain, 28, alleges a Toronto police officer unnecessarily and repeatedly punched him in the head in full view of a police cruiser camera when he was being arrested in front of the King Edward Hotel, on King St. E., near Yonge St., early on April 12.

Leora Shemesh, his lawyer, says she intends to show the video to provincial court Justice Ford Clements to back the man's claim of police brutality and have the charges stayed.

Although Costain's body can't be seen through much of the video, taken from the front of a cruiser, it shows a police officer bent over and dealing with him.

"Officer (Christian) Dobbs attempted to take control of the male and forced him to the ground where he continued to punch the applicant numerous times about the head," Shemesh said in written submissions.

"The applicant's face was continuously jammed into the pavement and he continued to receive punches to the head, forcing his face into the pavement at least 12 times."

But the Crown, in a written reply, says the officer was only using his elbows to restrain Costain after the man used his own elbow to swing at him while resisting arrest.

"Mr. Costain attempted to reach underneath his body, and was almost successful in doing so. P.C. Dobbs was concerned that Mr. Costain, who is very large and strong, might be attempting to access an unknown weapon," prosecutor Michael Malleson writes in a document filed in court.

"P.C. Dobbs thus decided for officer safety reasons to use his elbow to strike Mr. Costain in the back area . . . approximately 14 times."

Costain pleaded not guilty Friday to impaired driving, assault police, assault resist arrest, fail to stop and dangerous operation of a motor vehicle.

The 6 foot 3 inch, 305 pound chef insists he did not resist arrest.

After the arrest, police called paramedics and Costain was treated at St. Michael's Hospital.

Costain claims he was left with permanent injuries. A police report says he was bruised on his forehead, nose and right elbow.

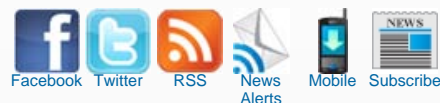
Costain is asking the judge to rule that his constitutional rights were infringed due to police brutality and to stay the charges.

Const. Paul Roberts testified Friday that Costain refused his repeated orders to park his large blue Lincoln, which was extensively damaged, and exit when stopped at a red light at Yonge and Gerrard Sts.

Roberts said the car had a flat tire and its front end was heavily damaged and there was a hole where the front passenger door handle should be. There was also "an eight-inch round" break on the windscreen, "consistent with someone's head hitting a window," and both the airbags were deployed and limp.

Roberts said he went to the front of the car to stop Costain from leaving, but he accelerated,

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which spun the officer off the vehicle.

The Crown alleges he then led police on a high-speed chase before abandoning the car.

The trial resumes in June.

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