

**Statement of Claim**

1. Darryl Thompson, ("Mr. Thompson") resides in an apartment on Joseph Young Street in Dartmouth, Halifax Regional Municipality.
2. The Defendants are Cst. Michael Carter, Cst. Duane Stanley and two other Halifax Police Officers whose names are yet unknown, all of whom are, or were, on May 26, 2015, members of the Halifax Regional Police and employees of The Halifax Regional Municipality ("the Police Officers").
3. Mr. Thompson says that he was standing in the foyer of his own apartment building on Joseph Young Street, in Dartmouth at approximately 9:30 p.m. on Tuesday, May 26, 2015 waiting for a friend to come pick him up. He had then planned to help the friend move a piece of furniture.
4. He was approached from behind by four men, now known to be the Police Officers, all of whom were wearing plain clothes. One man stood in front of him. Another stood behind him. The man behind Mr. Thompson grabbed him by the arm. Surprised, he asked what the hell the man was doing. As he turned towards the man who grabbed his arm, another man grabbed him by the other arm. One said, "You are under arrest". Mr. Thompson asked what for. The officer said for selling drugs, we are police officers.
5. This was the first time they identified themselves. They showed him no identification. The Police Officers then began to try to put handcuffs on him. He remonstrated that he was not a drug dealer and that they had the wrong guy. He continued to try to explain himself to the Police Officers, but they would not listen to him and continued to forcibly restrain him and to put the handcuffs on him. The Police Officers put him on the ground hurting him. They frisked him, grabbed his private parts, lifted up his shirt, grabbed his cell phone and began to look through it.
6. The Police Officers finally explained that they had been responding to a complaint about someone dressed in black. Mr. Thompson was dressed in blue and white.
7. One of the Police Officers went outside and apparently called into the police station. Mr. Thompson does not know what was said, but after a few minutes they held the phone to his ear and Mr. Thompson was able to speak to an officer. Then one of the Police Officers said his arrest was a case of mistaken identity and acknowledged that they had the wrong man. One of the Police Officers said the reason they had arrested him was that

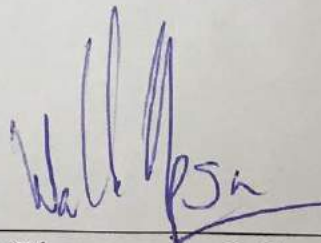
he was wearing a hoodie. Mr. Thompson was very angry, accusing them of arresting any black guy they see who is wearing a hoodie. One of the Police Officers pushed him in the chest, knocking him backward. If not for the wall behind him, Mr. Thompson says he would have gone down again. One of the Police Officers removed the cuffs and he was told he was free to go. He then realized that his left hand was swollen, and he had a cut on his right buttock.

8. Mr. Thompson believes two of the four officers are Defendant Cst. Michael Carter and Cst. Duane Stanley. He says further that in spite of requests, The Halifax Regional Municipality has failed to tell him who any of the police officers were and two of them are as yet unknown to him.
9. Mr. Thompson further understands that the police have in their possession a copy of a video from a security camera placed in the foyer of his apartment building. Mr. Thompson has repeatedly requested a copy of this video tape from both the police and his landlord in order to be sure of what happened and to identify the officers. He says the videotape has not been provided to him.
10. Mr. Thompson says he was utterly innocent of any wrong doing and was simply going about his lawful business awaiting a friend in the foyer of his own apartment building.
11. Mr. Thompson says Cst. Carter, Cst. Stanley and the other two as yet unknown police officers did not have reasonable grounds to arrest him. He says the Police Officers arrested him only because of what is commonly known as "racial profiling", which is to say that they arrested him simply because he is black. Mr. Thompson says that he was, in effect, discriminated against because of his race.
12. Mr. Thompson says that the Police Officers, one and all, committed an assault and a battery upon his person and inflicted pain and injury upon him.
13. In the alternative, Mr. Thompson says that even if reasonable grounds may be said to have existed, any force used against him was unreasonable since there were four of them and they first grabbed hold of him without identifying themselves or asking him who he was or what he was doing.
14. Mr. Thompson claims general damages for assault, battery, false arrest, and false imprisonment.

15. Mr. Thompson says the Police Officers also infringed and denied him his rights and freedoms as guaranteed by the *Canadian Charter of Rights and Freedoms* and claims general damages and solicitor-client costs as remedies under section 24 (1) of the *Charter*. His says that in particular the Police Officers infringed and denied his rights
- (a) to liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice;
  - (b) to be secure against unreasonable search and seizure;
  - (c) not to be arbitrarily detained or imprisoned and;
  - (d) the right on arrest or detention to be informed of the right to retain and instruct counsel without delay.
16. Mr. Thompson claims damages for the violations of his rights under the *Canadian Charter of Rights and Freedoms*.
17. Mr. Thompson says that the assault, battery, false arrest and imprisonment and the breaches of their *Charter* rights were, in all of the circumstances, high-handed, malicious, arbitrary and highly reprehensible. Mr. Thompson also claims aggravated and punitive damages.

**Signature**

**Signed** May 25, 2016.



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**J. Walter Thompson, Q.C.**  
Counsel for the Plaintiff,  
Darryl Thompson