

Ex-Argo sues Peel Police over arrest

Lawsuit seeking \$14.6-million claims man was beaten, falsely accused of drug trafficking because he is black

BY TIMOTHY APPLEBY

It was bad enough to be beaten and kicked by police, framed for cocaine possession, jailed overnight and denied medical help and access to a lawyer, as former Toronto Argonaut linebacker Orelh (Orlando) Bowen alleged yesterday in a statement of claim launching a multimillion-dollar lawsuit.

Equally painful, Mr. Bowen says, is his reluctant conclusion, also specified in his lawsuit, that a violent encounter two years ago with two Peel Regional Police officers — one of whom now faces far more serious cocaine charges — outside a Mississauga strip club stemmed from the fact he is black.

But what really hurts, he says, is the fact that before his career-wrecking arrest he was actively working with that same police force — speaking in schools, urging students to support law enforcement, offering guidance to police officers about racial sensitivities.

"It's not pleasant to be here . . . after all the work that we've done to bridge the gaps and to make the community safer," Mr. Bowen told a news conference at the midtown office of his lawyer, Julian Falconer, where graphic photographs taken after his arrest showed the 29-year-old former football star with puffed-up eyes and a gaping wound in the centre of his forehead.

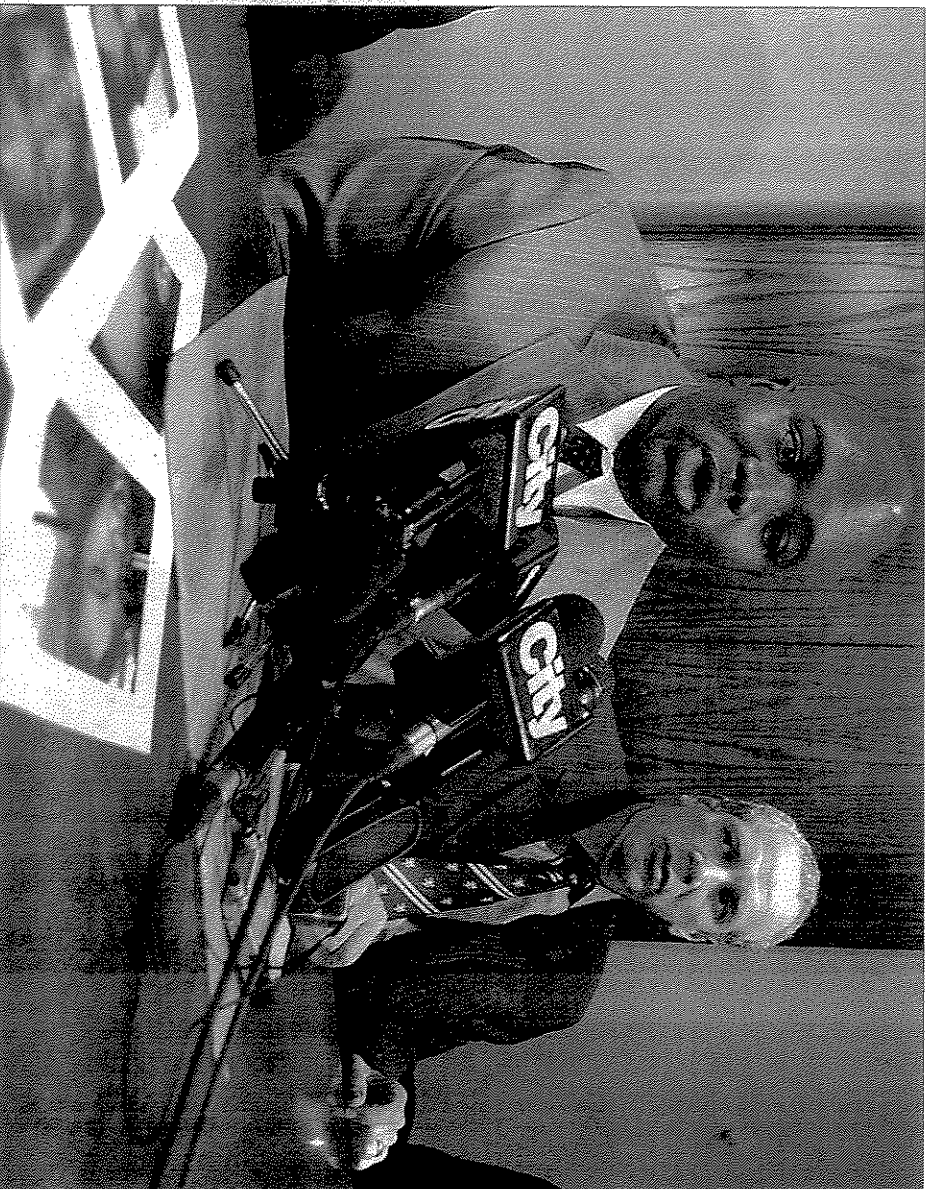
"But there has to be some kind of accountability; things have to change."

Arrested in March of 2004, Mr. Bowen was charged with cocaine possession and assaulting police, accusations he says earned him widespread opprobrium among local parents, whose view of him changed overnight from athletic icon to drug dealer.

In December, the case collapsed after one of the two officers who arrested Mr. Bowen, Constable Sheldon Cook, was charged with possessing 15 kilograms of cocaine for the purpose of trafficking.

A tracking device attached to the shipment (which wasn't cocaine at all, Constable Cook's lawyer says) led RCMP to the officer's home in Cambridge.

Since then, at least a half-dozen unrelated sets of drug charges in



KELLY TANTON/THE GLOBE AND MAIL

Orelh (Orlando) Bowen holds a news conference yesterday with his lawyer, Julian Falconer, at Mr. Falconer's law offices in Toronto, which Constable Cook was the arresting officer have been dropped.

But in all likelihood, the case against Mr. Bowen would have failed anyway.

In acquitting him on all counts, before even hearing evidence from the defence, Mr. Justice S. Ford Clements of the Ontario Court of Justice in Brampton said he found the testimony of Constable Cook and his partner, Constable Grant Cervais, to be "incredible and not worthy of belief."

At yesterday's news conference, Mr. Bowen's trial lawyer, David Humphrey, said the "fundamental, inconsistent stories and glaring inconsistencies" in the officers' evidence had left him confident Mr. Bowen would be vindicated.

But in the meantime, Mr. Bowen says, the injuries resulting from his arrest — headaches, dizzy spells, pain in his ribs — have left his finances in ruin and his career prospects at best uncertain, because he



Photo taken shortly after Mr. Bowen's arrest shows one eye blackened and a gaping wound in his forehead.

"Losing my ability to provide for my family, that's an incredible thing," he said, a small scar from his head injury still visible. "To have your wife call you and

say she was at the grocery store and there wasn't enough money in the account."

A father of two young sons, the former Argonaut has since made a living through offering football training, running an Oakville sports camp, acting and doing research for local school boards.

Hence the \$14.6-million lawsuit, filed Wednesday, which along with Constable Cook and Constable Cervais, names six other Peel Regional officers (two unidentified), the Police Services Board and now-retired chief Noel Carney.

None of the allegations, which accuse police of racism, assault, malicious prosecution and planting the 1.7 grams of cocaine supposedly found in Mr. Bowen's car, have been proved in court.

A brief statement from Peel Police's new chief, Mike Metcalf, said his office is aware of Mr. Bowen's suit but has no further comment. Mr. Falconer, spearheading the

suit, said the circumstances comprise "a grave injustice. . . . Those officers were sworn to uphold the law, not break it. No person in this country should have to undergo the beating, mistreatment and prosecution this man went through because of the colour of his skin.

As for Constable Cook, suspended with pay as a result of drug and breach-of-trust charges against him, things are not as they seem, his lawyer, Alan Gold, says. Mr. Gold could not be immediately reached. But in remarks published last month, he said the cocaine allegedly traced to his client's home in November wasn't cocaine, but flour that the RCMP was deploying in a sting operation.

In essence, the arrest stemmed from a controlled drug-delivery that went wrong, Mr. Gold told the Mississauga News, saying he was left wondering how someone can be prosecuted on drug charges when no illegal drugs are found.