

Police kick to head 'a deliberate act':

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ABSTRACT (ABSTRACT)

On arriving at the apartment, [Dan Williams], Const. Thinh Huynh and Sgt. R. Walsh had their hands full. At 200 pounds, [Victoria Potts] outweighed each of them and she was enraged by comments about her deficient parenting abilities made by one of the apartment's residents. She had also been drinking for two days.

"A forceful kick was then directed by Const. Williams towards Ms. Potts' head," [Sterling Sanderman] said. Williams's boot hit Potts near her left eye.

Potts is currently a student and is taking upgrading courses. Williams is a resource officer at St. Joseph high school. He has never been investigated or disciplined for kicking Potts, said police information officer Andy Weiler.

FULL TEXT

Woman who bit officer on leg awarded \$7,000 in damages

EDMONTON - A kick to the head of a drunken and abusive woman delivered by an award-winning Edmonton police officer has garnered the woman a \$7,000 award after she sued city police and four officers.

Court of Queen's Bench Justice Sterling Sanderman termed the kick "a deliberate act delivered as an angry response" rather than self-defence.

Four years ago, Const. Dan Williams was one of a handful of officers across Canada to receive a National Youth Justice Policing Award for his efforts to keep at-risk youth away from crime and foster in them law-abiding values.

Two years earlier, Williams was one of three city police officers who responded to a complaint that an enraged Victoria Potts had kicked open the door of an inner-city apartment in search of her estranged common-law husband.

The common-law husband fled. Residents of the apartment who wanted a verbally abusive Potts removed called 911.

On arriving at the apartment, Williams, Const. Thinh Huynh and Sgt. R. Walsh had their hands full. At 200 pounds, Potts outweighed each of them and she was enraged by comments about her deficient parenting abilities made by one of the apartment's residents. She had also been drinking for two days.

"A proper arrest took place," Sanderman wrote in his decision. "Unfortunately, she did not see the wisdom of this decision."

Instead of going peacefully Potts continued her verbal abuse of the residents of an apartment at 10305 116th St.

The officers handcuffed her and tried to lead her away so she dropped to the floor and remained on her knees, refusing to move.

Obeying Walsh's instructions, Huynh and Williams grabbed Potts by their arms and began dragging her away.

Under the Police Act, they were allowed to do that, Sanderman said, but Potts took exception.

"In order to stop the officers from carrying out this task, she turned her head to the left and bit Const. Williams on his right leg," Sanderman wrote in his judgment. "This was a significant bite. It went through his pants and broke the skin on his shin in a significant fashion.

"A forceful kick was then directed by Const. Williams towards Ms. Potts' head," Sanderman said. Williams's boot hit Potts near her left eye.

"This was not a kick delivered in self-defence," Sanderman wrote. "The separation in time belies the contention that this kick was instinctive or reflexive."

Potts later complained the two officers booted her repeatedly on either side of the face as she lay on the floor but her injuries were consistent with a single kick to the head, Sanderman wrote.

Potts also claimed the officers directed racial slurs and epithets towards her during the encounter.

Huynh and Williams -- both members of visible minorities -- denied that. Sanderson said he believed them.

Potts is currently a student and is taking upgrading courses. Williams is a resource officer at St. Joseph high school. He has never been investigated or disciplined for kicking Potts, said police information officer Andy Weiler.

"There was no complaint filed," Weiler said. "It seems she sought remedy through civil action."

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Illustration

Colour Photo: Supplied / Victoria Potts successfully sued police. ;

DETAILS

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