

## Windsor, Ont., cop pleads guilty in 'unprovoked' attack on doctor

By Trevor Wilhelm, Postmedia News April 26, 2012



*Windsor police Det. David Van Buskirk pleaded guilty to assault causing bodily harm for the beating of an innocent man.*

**Photograph by: Dan Janisse , The Windsor Star**

WINDSOR, Ont. — A decorated but troubled Windsor, Ont., police detective could be going to prison after pleading guilty to the severe beating of an innocent doctor.

Det. David Van Buskirk pleaded guilty Thursday to assault causing bodily harm for the April 2010 run-in that left Dr. Tyceer Abouhassan with head injuries, a broken nose and detached retina. Van Buskirk will be sentenced Wednesday.

In a letter to Abouhassan, read by a defence lawyer, Van Buskirk apologized for his "misguided and unwarranted physical aggression." He also admitted to failing in his duty to protect those who need it, including Abouhassan, who has impaired vision.

"It was my duty to protect you," wrote Van Buskirk, a 24-year police veteran.

"You have my humble, sincere, unqualified apology. I truly hope that one day, you will find it in your heart to forgive me."

The Crown prosecutor urged the judge to put Van Buskirk away for six to eight months. The defence asked for a "non-custodial" sentence. Abouhassan declined to comment.

Van Buskirk, 46, still faces trial on a public mischief charge.

Jason DeJong, president of the Windsor Police Association, said the guilty plea doesn't mean Van Buskirk will automatically lose his job. That will be decided by a Police Act hearing, which won't happen until after the sentencing next week.

"Like we've said for a while now, this is an isolated incident," said DeJong. "Our members are out there 24/7, working hard for this community and keeping it safe. At the same time, I think that Det. Van Buskirk has recognized he's remorseful by pleading guilty today."

In his letter, Van Buskirk stated that he made a "terrible mistake in judgment," and that he was "embarrassed and remorseful."

The Crown played surveillance video showing the altercation. The short video, which was choppy and often showed the two partially out of frame, ended with Abouhassan on the ground.

According to an agreed statement of facts, a man appeared at the Parkside Tennis Club around 3 p.m. on April 22, asking to watch tennis.

When the games were finished, the man was asked to leave. He didn't go. Among those finishing up playing tennis was Van Buskirk's 12-year-old daughter. The man followed the girl and her mother to their car. A tennis coach and a club employee followed, thinking the man looked suspicious. As they approached the vehicle, the man said to the girl, "front seat or back?"

He opened the car door, seemingly to get in. The coach yelled at the man and scared him off.

The girl called her dad to tell him what happened.

Van Buskirk, who was wearing plainclothes, got into an unmarked police car. He went to the tennis club where the employee gave him a description of the man, which was different from the one his daughter gave.

As he was heading back to the station he saw a man, who turned out to be Abouhassan, running along a city street.

He pulled Abouhassan's headphones off, then asked him why he was in the park and why he was talking to girls.

Abouhassan replied that he didn't know what Van Buskirk was talking about, and asked who he was.

Van Buskirk grabbed Abouhassan by the neck. The doctor stepped back and tried to get away. Van Buskirk pursued and punched him in the face at least three times.

The detective then called the tennis club employee, who said it wasn't the same guy. At the hospital Abouhassan learned he was under arrest for assaulting a police officer. The Crown later stayed that charge.

Defence lawyer John Collins said the whole thing was out of character for Van Buskirk, who has received several commendations and awards for bravery, dedication and passionate police work.

He said Van Buskirk was plagued by several personal setbacks that all came to head to that day. Collins said he was "overwhelmed" by extreme emotional stress that led to heart problems. He suffered from depression, insomnia, alcohol abuse and panic attacks.

One of his brothers had died prematurely. His marriage of 18 years was falling apart, which led to financial worries and guilt. His daughter had just been diagnosed with muscular dystrophy, though that diagnosis turned out to be wrong.

On top of all that, Collins said, Van Buskirk thought his daughter had just been the target of a predator.

Despite that, prosecutor Philip Perlmutter said Van Buskirk knew the man in front of him hadn't committed a crime. Perlmutter added the officer also knew he had no right to detain the man.

"He certainly knew he could not lay his hands on him," said Perlmutter.

"He meted out some personal justice," said Perlmutter. "This is a case of vigilantism, pure and simple, backed by the power of the police."

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