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Man claims assault by officer who fined him \$365 for climbing tree without permit

The alleged assault of a tree-climber by a police officer is under investigation by the Special Investigations Unit.



DAVID COOPER / TORONTO STAR

Dylan Deziel stands with his mother, Sandra, in front of the tree he climbed at Bellevue Square Park in Kensington Market. He was fined \$365 for "climb tree without permit."

By: Alyshah Hasham News reporter, Published on Thu May 09 2013

Dylan Deziel visits Bellevue Square Park in the heart of Kensington Market just about every day and has climbed nearly every tree there.

But last week he says his habit of languidly lounging on the branches of an Austrian pine escalated to a broken collarbone from an alleged assault by a police officer and a \$365 ticket for climbing a tree without a permit.

Just after noon last Thursday, a police officer from 14 Division pulled up on his bike and told him to get out of the tree, said Deziel

"Is it illegal to be in a tree?" the skinny, soft-spoken 22-year-old said he asked before questioning the officer on whether he really was a policeman while climbing down.

When he got back on the ground, he said the officer seized his arm. He pulled away but the officer grabbed his left bicep and put him face-down on the ground, cuffed his hands behind his back then searched him, he said.

When Deziel asked why he was being handcuffed, he said the officer responded, "You took too long to get out of the tree."

During the altercation, Deziel said his clavicle was broken, leaving bruises that, a week later, sprawl across his chest and shoulder in blue and yellow patches. His nose and mouth are scratched.

The alleged assault is under investigation by the Special Investigations Unit after Deziel's lawyer, James Lockyer,

notified Toronto police of the injuries on Wednesday. The SIU investigators are asking witnesses to contact them at 416-622-1965 or 1-800-787-8529 extension 1965.

The SIU is an arm's-length provincial agency that investigates incidents involving police where someone has been seriously injured, sexually assaulted or has died. Toronto police told the Star Thursday they cannot comment on cases under investigation by the SIU.

Aurora Simmons, a goldsmith and aerospace technician, was one of an eclectic crowd eating lunch in the park that sunny day. She saw Deziel climb the tree when she arrived.

"It's a little weird to climb a tree in the middle of the day," she said. "But not that weird."

Simmons said she watched Deziel interact with the burly police officer but only got up to intervene when she said she saw the cop put Deziel in an arm lock and trip him so he was lying on the ground.

"Dylan had made no aggressive moves, he wasn't raising his voice, yelling or swearing. He was very submissive," she said. "I thought he was going to be arrested for climbing a tree — which seemed really not OK to me."

Deziel has faced mental health problems. However, he said that did not appear to influence the response of the police officer who he said seemed "angry" when he approached Deziel.

Last year, Toronto police ordered a review of the way their officers deal with the mentally ill after two people were shot dead by police and a third collapsed and died during an arrest.

Deziel's mother, Sandra, contacted Lockyer after the alleged assault.

"Dylan and I worked really hard to bring stability to his life. He has his own place and takes care of himself," she said. "And I don't want him to be frightened of going to this park where he's been going his whole life."

Lockyer said his next step will come after the SIU investigation is completed. "Someone quietly sitting up a tree, not damaging the tree, is it really the end of the world?"

They are fighting the ticket for tree-climbing, he added.

An obscure part of the Toronto Municipal Code states that, "No person shall in a park, unless authorized by permit, climb, move or remove the whole or any part of a tree, rock, boulder rock face or remove soil, sand or wood."

A city spokesperson told the Star that there has been no enforcement of the bylaw or complaints received by the city.

Enforcing that bylaw "really happens on a case-by-case basis," said 14 Division Staff Sgt. Robert Stewart, who personally hasn't heard of a ticket issued for climbing a tree in his or any other division in about 18 years.

They are fighting the ticket for tree-climbing, he added.