

Store employees charged with assaulting suspected shoplifter

Posted: May 25, 2009, 9:39 PM by Melissa Leong

Crime Scene

By Melissa Leong, National Post

A grocery store owner who is charged with assaulting and kidnapping a suspected shoplifter says he was only acting in self-defence and trying to “capture a criminal.”

David Chen, the 35-year-old owner of the Lucky Moose Food Mart in Chinatown, chased down a man who had allegedly stolen a tray of potted plants on Saturday.

Another employee and his brother-in-law who was returning from a delivery helped grab the suspect. They tied his hands and feet and threw him into the back of the delivery van.

“He hit us so we didn’t have a choice,” Mr. Chen said on Monday in Cantonese. “He hit me ... I still feel pain.”

When officers arrived at about 1:30 p.m., they arrested the suspect and charged him with theft and breaching court conditions. However, they also charged Mr. Chen and his employees with assault, forcible confinement, kidnapping and carrying a concealed weapon.

[The surveillance video, below, show's the incident, including the alleged chase which starts around the 2:40 mark.]

The incident has sparked anger in the community, with business owners expressing concern about the time officers take to respond to calls of theft, leaving them to deal with thieves in the interim.

Nhi, a long-time area resident, stopped at the Chinatown BIA’s office yesterday to voice his outrage.

“It happens all of the time. Everyone is fed up,” said the 61-year-old, who did not want to give his last name. “What about the rights of people who pay their taxes? When their merchandise is being stolen, police arrest the property owner.”

Police, however, allege that the store employees used excessive force.

“If they find someone committing a criminal offence, you can bind him to hold him if that’s what’s necessary but in this case, it went a lot further than that,” Staff Sergeant Frank Pantaleo said. “They are supposed to immediately call police and that didn’t happen in this case.”

On Monday Mr. Chen was working in his store on Dundas Street West after being released on \$7,500 bail on Sunday. His two-year-old daughter and six-year-old son played behind a checkout counter and a flat screen monitor above his head showed footage from several surveillance cameras.

He said that on Saturday morning, security footage showed a man filling up a cardboard box with plants that are for sale along the outside of the store. The man is then seen walking away.

“We knew he’d come back. I stood outside and one hour later, he returned. I told him, ‘You have to come inside and pay.’ I was really gentle when I was talking to him. He said, ‘I didn’t steal anything.’ ”

The suspect ran down the alley, throwing his bike behind him. Mr. Chen leapt over the bike in pursuit.

After they caught up to the suspect and put him in the van, they drove the van to the side of the road because it had been left in the middle of the street, he said.

Mr. Chen said he then called police, but a citizen had already alerted officers who stopped the van.

Mr. Chen and his employees were handcuffed and taken to the police station. He was carrying a box cutter in the cellphone case clipped to his belt, which accounts for the weapons charge.

He said he had recently complained to an officer about his store being plagued by shoplifters. His employees caught two suspected thieves on Friday. Employees guarded one suspect inside the store for almost six hours until officers arrived, he said.

Stephen Chan, chairman of the Chinatown BIA, said he could not comment on the case as it was before the courts but called it an unfortunate situation.

“The police are doing their best. I understand they have limited manpower. When we call police ... they will come but much later. Sometimes we are left there to treat our own situations,” he said.

“People are pretty frustrated.”

Constable Wendy Drummond said: “Due to the sheer volume of calls, we have to prioritize, unfortunately.”

In an internal e-mail sent this weekend, police expressed a need to educate the public about acting on their powers of arrest after officers fielded calls from community members and the local councillor’s office.

Councillor Adam Vaughan, who sits on the Police Services Board, would not comment on the case.

Mr. Chen, Jie Chen, 21, and Qing Li, 40, will appear in court next month to set a date for a trial.

11 Comments

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by Anonymous66
May 25 2009
2:51 PM

Have to see more information on how badly they actually beat him vs how many flowers he'd stolen to know if it was justifiable.

by IMacRae
May 25 2009
2:51 PM

So here are our first candidates for criminal transportation to Holland?

by rossbean
May 26 2009
7:33 AM

Police are our employees, acting on our behalf, exercising our rights to self-defense from criminals. They, and government have zero power that is not derived from the people, their employers and masters. The law applies equally, to all persons.

Because police have processed themselves to ineffectiveness, they have no time for anything else, such as dealing with criminals. The people must fend for themselves and, if they do, the get sucked into very profitable quagmire's (traps) for the legal "profession", having to defend the exercise of their inalienable rights.

The problem is what I call the "X factor". Individuals have the right to defend themselves, using whatever proportional force is required to secure criminals. Police, exercising people's collective rights, on their behalf have the exact same rights, but no more. Whatever powers claimed by government and police that the people are not allowed to exercise has zero basis in reality or

law, an abuse of monopoly power to decree themselves more power than the people have. This is how freedom and human rights are lost, by rationalization and stealth.

And, box cutter a weapon? Give me a break. The man is a grocer. He's opening boxes all the time, with a tool.

by Darren in TO
May 26 2009
7:45 AM

LOL at the last poster. How can you defend these common thugs???

by BetterByDesign
May 26 2009
9:13 AM

Its a simple matter of job protection.

I mean, if people are on the scene start effectively protecting their own property and businesses interests, what's a cop to do?

by Darren in TO
May 26 2009
9:37 AM

This from the culture wear people have to be reminded via descriptive signs to look back before passing wind, and where people spit so much onto sidewalks that fines had to be imposed.

by Mike from Saskatoon Rossbean,
May 26 2009
2:36 PM

Although I am no expert, I would have to (tentatively) disagree with your statements.

My interpretation of the role of government is that we grant them the right to make laws and to establish forces to enforce those laws.

While I will agree that none of this removes our own right to defend ourselves and our property, I do not believe that regular citizens have the same rights as police. We cannot give other motorists tickets for traffic violations. We cannot arrest criminals. Simply put, we the citizens cannot act to enforce the law.

If the law becomes unjust we have the right to protest and act to change it within the law. If the police become ineffective we have means of correcting this.

In this case I reserve judgment until more information is available, but affirm my support for the rights of victims to defend themselves and their property, and to detain criminals until the police can take them into custody.

by Sean71
May 26 2009
8:31 PM

The laws are made to protect the criminals.

In the states, the criminals don't know if the shopkeeper is carrying a weapon (gun). In Canada, criminals know we are soft as only the authorities and criminals are allowed to carry guns.

Duh, The box cutter is a tool used commonly in his business. It was wise to

leave it in a cellphone case, for not accidently cutting himself, no to misplace the darn thing and not some criminal grabbing it to end up using against the taxpaying store owner.

For the authorities to show up 6 hours after the fact is inexcusable and scary.

by Mike~
May 26 2009
9:15 PM

the man is charged and the felon is still alive.

Not in my store!

What ticks me off is the cops say the retailer used excessive force. What is the victim supposed to do when confronted b a robber? KISS HIM?

Cop0s can kill a man with taser as we all have seen c ountless times on TV. Yet an honest man trying to make an honest living will be charged as a felon.

And you folks wonder wqhy I am oissed off?

It is long overdue for the cops to get back to protecting the honest citizens and leave a hard working man in a store alone.

by rossbean
May 26 2009
9:27 PM

@Mike from Saskatoon

"we grant them the right"

says it all. They have nothing, no power that we have not entrusted to them, our employees and public servants. We can also take it away.

The fact that they claim to have more power than we, the people, the source of their power is an absurd lie that only idiots could consider plausible.

I call this sourceless power the "X factor", a mystical, "something from nothing" fabrication. In reality, this power comes from our ignorance of history, that our freedom loving ancestors fought tyrants to a stalemate such that nothing can be taken from or imposed on an inherently free person without their fully informed consent. Because of our ignorance, they are able to terrorize us into compliance using our own guns, pointed at us.

What is interesting about these times is that our "masters" are coming to realize that all of the freedoms, knowledge, history and law they have subverted away in their impossible attempt to enslave mankind are absolutely crucial to the existence of the civilization (the rules by which we cooperate for MUTUAL self interest) they are mere predators on.

When we cannot survive, neither can they.

If they don't stand down soon, they will be squashed like bugs by the people exercising their collective right to self-defense and life. It will start in the

USA, Obama has zero clue what he is provoking.

by johnsmith9
May 27 2009
5:18 PM

A box cutter is not a weapon in the context of a grocerer's store. Every grocer I know carries one. The only reasonable excuse to lay such a charge is if the box cutter was itself implied as a weapon, or used as one, during the struggle and apprehension of the suspect.