

Police brutality and impunity in Ontario

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9 January 2015

In a case that shone a spotlight on police brutality and official indifference to it, Tonie Farrell, a 48-year-old Orillia, Ontario mother of four was exonerated in court last month on charges of assaulting and obstructing a police officer.

In April 2013, Farrell came to the aid of a woman who was being attacked by three assailants outside a late-night convenience store. Upon Farrell's arrival, the attackers fled. Shortly thereafter, Ontario Provincial Police Sergeant Russell Watson attended the scene.

According to court testimony from several witnesses, the 140-pound Farrell excitedly attempted to describe the assailants to Watson. The police officer, however, was aggressive with Farrell, telling her to "shut the f- up". When Farrell asked for his name and badge number, Watson, a large, muscular man, suddenly launched a karate kick that broke her leg at the knee and felled her to the ground. Watson then descended on the prostrate Good Samaritan, delivering a "hammer strike" sucker punch to her face, kneeling her in the back, and twisting her arm. Farrell, who also lost a tooth in the encounter, has subsequently had two surgeries on her knee, walks with a cane to this day and suffers from chronic body pain and migraine headaches.

At Farrell's trial witnesses substantiated Farrell's account whilst the judge, in throwing out the assault accusations against her, cast doubt on Watson's inconsistent testimony and contradictory notes.

In the month after the April 2013 incident, the province's Special Investigations Unit (SIU), despite interviewing many of the witnesses who subsequently testified at trial, declined to lay charges against Watson. In a highly unusual move, the SIU also kept secret its findings in the case. A Freedom of Information request to attain the SIU's report was refused. Despite widespread calls for the police watchdog body to re-open the investigation of Watson, no such action has been taken.

The brutality exhibited by Watson, his prevarications on the witness stand, and the impunity that he has so far received from those ostensibly mandated to oversee the

police will come as no surprise to workers and youth in Ontario and across Canada.

This is not a question of the occasional "bad apple" in the constabulary's barrel. Tonie Farrell's experience of police brutality and intimidation is echoed in countless incidents from British Columbia to Newfoundland. Those that have managed to come to public attention—usually as the result of bystanders submitting video recordings—bear witness to a police culture that is consciously groomed and developed to aggressively suppress the democratic rights of whole swathes of the population under conditions where economic crisis and social inequality increasingly threaten the existing social order.

In this regard, police sensitivity to any semblance of criticism knows no bounds. Only last month, Alok Mukherjee, the pro-police chair of the Police Services Board that oversees Toronto police processes and procedures and deals with personnel and budgetary matters, was vilified by the police union and undermined by new city mayor, John Tory, after he re-posted on Facebook a popular meme that stated, "Americans killed by ISIS: 3. Americans killed by Ebola: 2. Americans killed by police: 500+ every year".

The sensitivity of the state and its bodies of armed men and women to any sign of social discontent is exemplified in a particularly notable case of police brutality in Toronto that involved 60-year-old Richard Moore, who was severely beaten by two policemen and hospitalized with broken ribs. In court testimony, it was shown that Moore had simply walked past policemen who were questioning a drunken man and remarked, "You're the rich man's army. Why don't you take on some real gangsters."

The Moore and Farrell cases are not isolated incidents. A cursory scan of Canadian news sites shows a veritable parade of police misconduct charges. In Sudbury, Tanner Currie is pressing for charges to be laid against Constable Christopher Lebreche. A video tape shows the hulking policeman smashing Currie's face into a wall causing a severe neck injury. Although, Lebreche laid a charge of public intoxication against Currie, the charge was later

dropped against the 20-year-old youth. A police investigation cleared Lebreche of any wrongdoing.

In another case, a bystander's video shows several Toronto police officers raining a flurry of blows on a prone and unresisting Craig Thompson. Joe Bhikram, a paraplegic man, who was assaulted and urinated on by policemen in a Toronto jail cell, has recently gained possession of a "tampered" version of jailhouse video tape after a five-year legal battle. For years, police had consistently denied the existence of the tape. And the practice of "starlight tours" where police dump aboriginals in the freezing cold far from home continues to make the news.

The events surrounding the 2010 G-20 police riot in Toronto are also instructive. The violence and repression carried out by the authorities that summer was worthy of a police state. An army of security officers, both in uniform and undercover, took over the downtown portion of Toronto, a major "world class" city, creating conditions of martial law. The wholesale suppression of democratic rights by the police—abetted and supported by all levels of government—shocked broad layers of the population. Protesters were kicked, bludgeoned, tear gassed, trampled by police horses and shot at with rubber and plastic bullets. Even prior to the beginning of protest demonstrations, homes were raided in the middle of the night and without warrants being shown in a series of "preventative arrests." Journalists covering these unprecedented events were arrested and assaulted. Those apprehended were placed in primitive detention cages, strip searched, and denied legal counsel.

The police operation in Toronto was used to violently repress an overwhelmingly peaceful protest by thousands of people opposed to the policies of the governments represented at the summit. In all, 1,105 people were arrested and detained. The massive state operation was a brazen assault on basic free speech and assembly rights. It was the largest mass arrest in the history of Canada—with more arrested than during the Winnipeg General Strike of 1919 or the suspension of civil liberties in Quebec under the War Measures Act during the 1970 FLQ terrorist crisis.

In the aftermath, most of those arrested were released without charge or had charges stayed, reduced or thrown out of court. Only one police officer, Babak Andalib-Goortani, was found guilty of assault—four years after the incident in question and only after video tape produced at trial showed him repeatedly hitting a peaceful demonstrator. Goortani has filed an appeal.

Since the G-20, police attacks on the public have continued unabated. Sixteen people have been shot dead by police in the Greater Toronto/Hamilton region—many of them mentally troubled or ill individuals who presented minimal threat to the attending officers.

A particularly notorious case is that of the 2013 shooting death of Toronto teenager Sammy Yatim by patrolman James Forcillo. Forcillo, standing on the street alongside at least eight other officers, fired nine shots at Yatim, who stood alone in an empty streetcar, holding a pen-knife and apparently suffering some kind of psychological distress. Forcillo continued to fire six more times even after Yatim had been felled by his initial three shots. The entire incident, captured on several bystanders' video recorders and then heavily publicized, drew revulsion from whole layers of the population.

Forcillo has been charged with murder. Initially, he was suspended with full pay for seven months, but last February he returned to duty—ironically in the Crime Stoppers Unit—despite the murder charge. The case has yet to come to trial.

Police officers in Ontario cannot have their pay summarily stopped, even if there is evidence of egregious wrong-doing, until a conviction is rendered and then only if a jail sentence is imposed. The process invariably takes years and seldom results in convictions. Should an appeal reverse a conviction, any lost pay can be recovered. A 2008 study showed almost 5 million dollars was paid that year to suspended police officers in Ontario. However, this figure did not include those under suspension in Toronto, Canada's largest city, where the police refused to participate in the study.

Since the formation of the SIU in 1990, over 3,500 investigations have been conducted resulting in the laying of 96 criminal charges. Of these, just 16 resulted in criminal convictions, with a grand total of three police perpetrators sent to jail. The SIU is staffed almost entirely by retired police officers.



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