

Disciplinary hearing finds Toronto police officer culpable in G-20 repression

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Toronto Police Superintendent David (Mark) Fenton has been convicted by a Police Services disciplinary hearing on two of three charges of exercising unlawful or unnecessary authority, and on one of two charges of discreditable conduct for his role in suppressing peaceful demonstrations during the June 2010 G-20 summit.

Fenton will face a sentencing hearing in late December. Punishment could range from a simple reprimand to dismissal from the police force. Fenton has not yet stated if he will appeal the decision. He continues to remain on the job in his current senior management position. Despite the brutal response of police against protesters over a four-day period, Fenton is the only senior police officer brought to account for police actions during the summit.

Fenton faced disciplinary action for ordering the “kettling” and mass detention of hundreds of demonstrators and bystanders alike in two separate incidents. During the weekend of protests against the austerity policies of the world’s governmental and corporate elite, Fenton twice instructed police officers to encircle large groups of citizens on the city’s streets, prevent them from leaving the area, and make mass arrests.

In the first incident, protesters were peacefully sitting in front of a high-end hotel. In the second, police detained several hundred people at a busy intersection for over four hours—many of whom were simply observing a small chanting crowd of demonstrators—then forced them to endure a driving rainstorm while proceeding to make random arrests.

As the charge sheet stated, “You gave and maintained these (kettling) orders notwithstanding that you neither found those so contained committing a breach of the peace nor did you have reasonable grounds to believe that those so contained had committed or were about to join in or resume a breach of the peace.” It goes on to add that Fenton “failed to monitor the status of the detentions,”

which were at a notorious downtown wire-cage holding facility set up by the police.

The two charges on which Fenton was acquitted related to the inhumane treatment of detainees at these holding pens. Another senior police officer, Gary Meissner, since retired, had co-equal responsibilities there, but since he was not brought up on charges, retired judge John Hamilton ruled that Fenton could not be found culpable.

Disciplinary charges against Fenton were only brought after a crescendo of protest against the police’s actions swept the city and country. Indeed, as trial testimony showed, Fenton’s actions were not the response of some rogue cop. He presented into evidence e-mails from other senior police officers supporting his kettling decisions including orders from Police Chief Bill Blair through the deputy chief, Tony Warr, to “take back the streets.”

During the hearing lawyers representing some of the protesters had asked for Blair and Warr to be subpoenaed. The judge, however, declined their application on administrative grounds and because testimony from the city’s two most senior police officers would be “irrelevant.” Blair, who appointed Hamilton to oversee the hearing in the first place and is now also retired, is a Liberal candidate in the upcoming federal election. Both the Conservatives and NDP also approached Blair to stand for election under their banner.

In his written decision, Judge Hamilton went far in downplaying and excusing police actions. He accepted at face value police claims that they were unable to keep up with “the hooligans”; did not dispute police descriptions of the general situation during the course of the weekend as fraught with violence when in fact most of the violence was carried out by the police themselves; gave credit to Fenton for an “unblemished” career; and attributed Fenton’s violation of civil rights to a “lack of understanding of public protest.”

Following last Tuesday’s guilty verdict, Fenton,

through his lawyer, issued a cursory apology “to all those innocent parties that were negatively affected.”

However, Fenton, who pleaded not guilty at the proceedings, had insisted throughout the hearing that his actions were necessary. He described the situation in Toronto during the protests as “deteriorating into a sense of lawlessness,” compared it to that in his native Northern Ireland during the decades of unrest there, and referred to actions by summit protesters as “terrorism.”

Fenton’s defense strategy was quite illuminating. His terrorist fear-mongering came as the right-wing government of Conservative Prime Minister Stephen Harper was ramming legislation through parliament that gives sweeping new powers to Canada’s national-security apparatus in the name of fighting “terrorism.” Under Bill C-51, police are now able to detain people for up to seven days without charge, and Canada’s premier spy agency (CSIS—the Canadian Security Intelligence Service) has been empowered to break virtually any law when “disrupting” potential threats to “national security.”

CSIS’s new “disruption” power applies, as do many of the new or enhanced powers in Bill C-51, to a new, unprecedentedly expansive definition of “national security,” which includes “threats to Canada’s economic stability” or critical infrastructure and “territorial integrity,” as well as espionage or anything that could endanger Canada’s diplomatic interests or challenge its constitutional order.

In mounting his defense, Fenton’s lawyer showed video of several incidents where a few dozen “Black Bloc” anarchists had earlier smashed store windows or set alight several police cars. These events were completely unrelated to the kettling and were, it need be emphasized, largely stage-managed events. With \$1.2 billion in security preparations laid on by the Harper government and tens of thousands of police and private security officers on hand, none could be found to do anything to protect stores and suspiciously abandoned police cars in the downtown area.

In reality, the police knew the anarchists’ plans in detail—and probably better than the anarchists themselves—since they had helped draw them up. As proven in a previous court proceeding, at least two undercover officers played central roles in organizing protest activities of various anarchist groups. This included helping to identify targets to be vandalized in downtown Toronto.

During that infamous June weekend in 2010, Canadian citizens witnessed martial law in downtown Toronto. The

police violence and repression carried out was worthy of a police state. The wholesale suppression of democratic rights by the police—abetted and supported by all levels of government—shocked broad layers of the population.

As the WSWS wrote at the time, “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 food, medicines and legal counsel.”

Only one police officer—caught on camera brutalizing a man observing a demonstration—was, years later, convicted of a criminal offense. Sentenced to probation and community service, he is appealing his conviction.

The police operation in which Fenton played a major role 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, some 1,300 people were arrested and detained for at least 24 hours in terrible conditions. The vast majority were eventually released without charge due to lack of evidence of any wrong-doing. Many others later had charges dismissed or reduced.

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. Those following the events surrounding the G-20 summit and their juridical aftermath will have no doubt as to who the real “terrorists” were on the streets of Toronto in June 2010.



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