

DiManno: Make it right, Chief Blair

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The officer captured beating Adam Nobody on video is shown at centre taking down photographer Colin O'Connor June 26 at Queen's Park

VINCENZO D'ALTO/VINCENZO D'ALTO



By **Rosie DiManno** Columnist

There are recognizable faces. There are identifiable names.

And that should make quick work of holding at least a few brutalizing police officers to account for their despicable conduct during the G20 Summit protests.

In the hands of so accomplished a career professional as Police Chief Bill Blair — former morality cop, former drug cop, former organized crime cop, former major criminal investigations cop and former head of detective operations — this evidence should cue up a slam-dunk piece of detecting.

Break the case wide open, as they say.

The *Star* has done much of the leg work for you, chief.

We are in possession of a videotape that shows cops whaling on Adam Nobody. We also have 13 still photographs of a separate incident, the tackling of *National Post* freelance photographer Colin O'Connor. One Toronto police officer, clearly identifiable, is a central character in both episodes.

Here is a Detecting for Dummies primer to help you get your man, chief:

CLUE 1: He has removed his name tag. That puts him among the 100-or-so cops who've already been reprimanded for doing so, which significantly culls the suspect list.

CLUE 2: He had to be on duty at Queen's Park that June 26 afternoon and does not appear to be a member of the Public Order Unit.

CLUE 3: He is in the company of two other officers — a male and a female — whose names (stitched on their Kevlar vests) are quite visible in the still photographs. They are J. McIntyre and S. Ma. They likely know the identity of the cop who pummeled Nobody with his baton during a pile-on. Summon both to your office and demand disclosure.

You're the boss. You can do that under the Police Act. Because what I'm wondering is if these officers constituted a rogue cadre who wrought havoc with peaceful demonstrators that day by abusing their powers.

Ma, the visual evidence indicates, was also at the bushwhacking of Nobody.

If that's still not enough to go on, here are few further relevant details to pursue: The name of the officer that O'Connor allegedly obstructed — a charge subsequently withdrawn — is Juan Carlos Valencia. Perhaps he has valuable information to impart about colleagues who rumbled O'Connor.

And the officer who signed the court information sheet for O'Connor is Michael Axon, badge #90362, though he may have been only a functionary to the proceedings.

The *Star* is just a newspaper, however, heavily reliant on evidence that has been brought to us by members of the public, by freelance photographer Vincenzo D'Alto (he shot the aforementioned stills), and observations of staffers who covered the protests.

But you, chief, are, well, the chief. You have easy access to all that CCTV footage from dozens of fixed surveillance cameras around the Legislature grounds — material that was provided to the Special Investigations Unit.

It does not appear, though, that you also shared whatever video was shot and digital photographs freeze-framed by cops present at Queen's Park. Undoubtedly, some of your people were there in that capacity. It's a routine assignment at public gatherings where the likelihood of trouble erupting exists.

You can do this all quickly and directly, Chief Blair, thereby resurrecting much of the personal integrity that's been compromised by command policing decisions you made last June and regrettable statements — about the SIU's investigative competence, about the apparently assaulted civilian *victims* — you made last week.

Forget the seven (at minimum) official probes into events that occurred during that combustible June weekend — defunctive post-mortems that may take months to conclude, thus all the better for deferring and blurring culpability while we all take our eye off the ball.

Surely this would be small potatoes for you, chief, because you were a vastly experienced cop before you became a bureaucrat. Most of us who live in this city trust you still.

But you really should explain, chief, why the refusal to cooperate with Ontario Ombudsman André Marin, who issued his own report Tuesday into the “dubious legality” of an obscure law — Regulation 233/10, under the 71-year-old Public Works Act — better known as the five-metre rule, wrongly applied by police before and during the G20 Summit.

“We had zero cooperation, which was rather astounding,” Marin said during his news conference. “I could have subpoenaed Chief Blair. Fortunately, it was not necessary to go down this route because we had full cooperation by the (Ministry of Community Safety and Correctional Services), which was able to provide us with communication, letters, they had with Chief Blair.”

Marin — who does not have the authority to investigate police and in this case was focused on reviewing the ministry's actions — also asked to interview officers identifiable from videos and photos, to quiz them about their understanding of the controversial legislation. “The chief refused us access to those officers.”

That five-metre zone was wielded as a five-kilometre zone, as Marin noted, to demand that civilians — a woman leaving the Queens Quay Loblaws, protesters gathered at Allan Gardens — identify themselves and submit to searches far distant from the secured perimeter zone.

“Using the authority of the Public Works Act to force someone to identify themselves and allow themselves to be searched — that is illegal behaviour,” said Marin, emphatically. “You can’t do that. There’s no legal basis to do that, unless they’re relying on the Public Works Protection Act, which is war-time legislation.”

And the public was never even told about the act before hundreds, if not thousands — all those who weren’t charged — got caught in the net, merely for asserting their constitutional rights.

Marin: “There was a premeditated, conscious, flagged decision not to announce the existence of the regulation or the reviving of this war-time act, this relic. The government poked a hibernating bear and they didn’t want the public to know.”

It was the Toronto police service that had been the driving force behind utilizing Regulation 233/10, Marin stated; not the ministry, not the Integrated Security Unit Steering Committee. And it was the chief, said Marin, who successfully petitioned the government to extend the rule to public spaces never included in the legislation.

“On that particular weekend, there was a cascade effect of state mischief that resulted in hundreds of detentions, a thousand-plus arrested and locked in designated prisons,” Marin told reporters. “What about all the others detained on the spot? Police do not have the right to detain people arbitrarily and force them under threat of law to identify themselves and be searched on the spot.”

Sadly, Marin concluded: “The days up to and including the weekend of the G20 will live in infamy as a time period where martial law set in the city of Toronto, leading to the most massive compromise of civil liberties in Canadian history. And we can never let that happen again.”

That was an abuse of power and you, chief — not a bunch of anonymous cops with badge numbers removed — orchestrated it.

Those days of infamy can’t be undone. But some of it you can put right still, Chief Blair.

Be the good cop, sir.

