

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

**MILOS MARKOVIC, NATASA MARKOVIC and 1145959 ONTARIO LIMITED
carrying on business as MAESTRO PIZZA PLUS**

Plaintiffs

-and-

**MIKE ABBOTT, ROBERT CORREA, DANIEL ROSS, CHRIS HIGGINS, ANITA
MANCUSO, DARREN COX, MARK DENTON, PEDRO DIAZ, JOHN MACIEK,
TORONTO POLICE SERVICES BOARD, DAVID BOOTHBY, CHIEF OF THE
TORONTO POLICE SERVICE and THE TORONTO POLICE SERVICE**

Defendants

**PLAINTIFFS' SUPPLEMENTARY MOTION RECORD
ON MOTION TO AMEND STATEMENT OF CLAIM**

TO BE HEARD OCTOBER 19, 2009

October 14, 2009

FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario
M5R 1A9

Tel: (416) 964-3408
Fax: (416) 929-8179

Julian N. Falconer (LSUC 29465R)
Jackie Esmonde (LSUC 47793P)

Lawyers for the Plaintiffs

TO: BORDEN LADNER GERVAIS LLP

Barristers and Solicitors
Scotia Plaza – 40 King Street West
Toronto, Ontario
M5H 3Y4

Cheryl Woodin

Tel: 416-367-6153
Fax: 416-361-7336

Lawyers for Toronto Police Services Board and Former Chief David Boothby

AND

TO: Gary Clewley
Barrister and Solicitor
357 Bay Street, Suite 400
Toronto, Ontario
M5H 2G4

Tel: 416-652-3401
Fax: 416-652-9509

Lawyer for the Defendants Mike Abbott, Robert Correa, Daniel Ross, Chris Higgins, Anita Mancuso, Darren Cox, Mark Denton, Pedro Diaz, and John Maciek

AND

TO: This Honourable Court



ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

**MILOS MARKOVIC, NATASA MARKOVIC and 1145959 ONTARIO LIMITED
carrying on business as MAESTRO PIZZA PLUS**

Plaintiffs

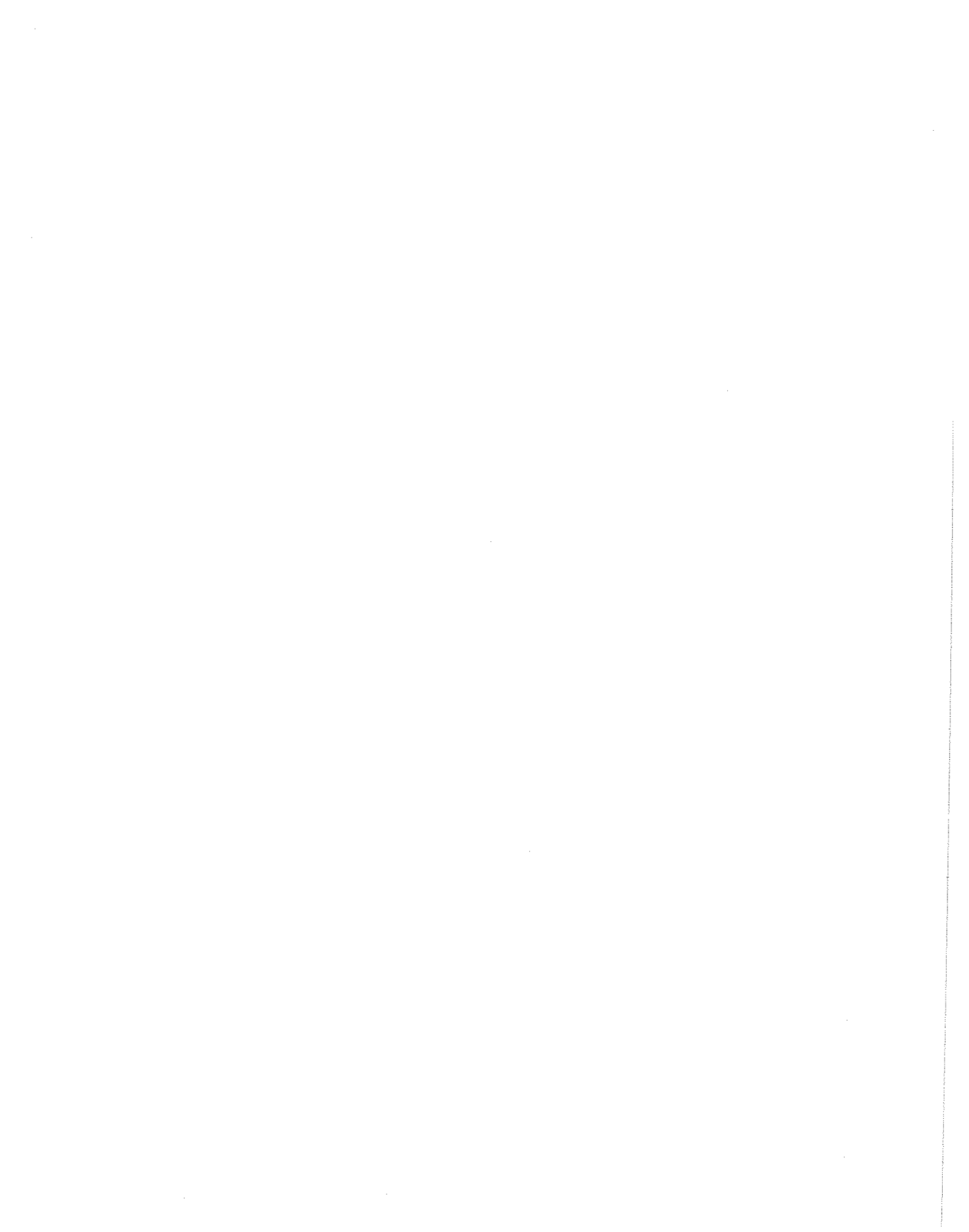
-and-

**MIKE ABBOTT, ROBERT CORREA, DANIEL ROSS, CHRIS HIGGINS, ANITA
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TORONTO POLICE SERVICES BOARD, DAVID BOOTHBY, CHIEF OF THE
TORONTO POLICE SERVICE and THE TORONTO POLICE SERVICE**

Defendants

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POLICE SERVICES BOARD, DAVID BOOTHBY, CHIEF OF THE TORONTO POLICE
SERVICE and THE TORONTO POLICE SERVICE**

Defendants

ANSWERS TO REFUSALS

From examination of Asha James, September 14, 2009

WITHOUT PREJUDICE

The following answers are provided without prejudice and do not represent a waiver of privilege.

REFUSALS					
Refusals to questions on the examination of Asha James, dated September 14, 2009.					
Issue & relationship to pleadings or affidavit (Group the questions by issues.)	Question No.	Page No.	Specific question	Answer or precise basis for refusal	Disposition by the Court
19.	95	21-22	What direct communication has there been between civil counsel for the Markovics and any member of either the Special Task Force, the TPS, or the TPSB in relation to the investigation of the Markovic allegations by the Special Task Force or Internal Affairs?	See Schedule A	

REFUSALS					
Refusals to questions on the examination of Asha James, dated September 14, 2009.					
Issue & relationship to pleadings or affidavit (Group the questions by issues.)	Question No.	Page No.	Specific question	Answer or precise basis for refusal	Disposition by the Court
20.	96	22	And if there has been any such communication, when was it?	See answer to #19.	
21.	97	22	Between whom?	See answer to #19	
22.	98	22	For what purpose?	See answer to #19	
23.	99	22	And what information was made available to the plaintiffs as a result of that communication relating to the mandate, scope, status or results of the Special Task Force or Internal Affairs investigations?	See answer to #19	
24.	107	24	In addition to any information obtained, were there any documents or records obtained from the communications that were not in the Affidavit of Documents and, if so, to produce them.	There are no documents or records obtained from the communications that were not included in the Plaintiffs' Supplementary Affidavit of Documents.	
25.	108	24	Provide a summary of the information obtained to the extent it's not in the Affidavit of Documents including the particulars of who provided the information and when.	See answer to #19	

REFUSALS					
Refusals to questions on the examination of Asha James, dated September 14, 2009.					
Issue & relationship to pleadings or affidavit (Group the questions by issues.)	Question No.	Page No.	Specific question	Answer or precise basis for refusal	Disposition by the Court
26.	109	24-25	Was there any direct communication between civil counsel for the Markovic's and any member of the Crown attorney's staff involved in prosecution of the Markovic's?	No.	
27.	118	25-26	If there was communication was any information obtained relating to the proposed allegations of material fact that appear in the proposed Amended Statement of Claim	There was no communication.	
28.	119	26	When did the communication occur?	There was no communication.	
29.	120	26	Between whom?	There was no communication.	
30.	121	26	What information was available to the plaintiffs as a result of that communication regarding the mandate, scope, status or results of the Special Task Force and Internal Affairs investigations as they have been pleaded and described in the proposed Amended Statement of Claim	There was no communication.	
31.	122	26	Same question with respect of documents	There was no communication.	

REFUSALS					
Refusals to questions on the examination of Asha James, dated September 14, 2009.					
Issue & relationship to pleadings or affidavit (Group the questions by issues.)	Question No.	Page No.	Specific question	Answer or precise basis for refusal	Disposition by the Court
36.	138	29	Ask former counsel Peter Biro if he has a record of statements, quotes or comments made to the media about the Markovic allegations that were not published and if he does, to produce whatever he has.	Mr. Biro does not have any records of statements, quotes or comments made to the media about the Markovic allegations that were not published.	
Follow up question			When did the transcript of Paryniuk Preliminary Inquiry first come into the plaintiffs' possession?	The transcript was in the box of materials received by Falconer Charney from Peter Biro. Mr. Biro does not recall when he came into possession of the transcripts.	
Follow up question			When did the transcript of Abu-Taha Preliminary Inquiry first come into the plaintiffs' possession?	The transcript was in the box of materials received by Falconer Charney from Peter Biro. Mr. Biro does not recall when he came into possession of the transcripts.	
Follow up question			When did the Application record of Paryniuk for an application requiring the production of various documents in possession of the Attorney General of Ontario first come into the plaintiffs' possession?	The transcript was in the box of materials received by Falconer Charney from Peter Biro. Mr. Biro does not recall when he came into possession of the transcripts.	

REFUSALS					
Refusals to questions on the examination of Asha James, dated September 14, 2009.					
Issue & relationship to pleadings or affidavit (Group the questions by issues.)	Question No.	Page No.	Specific question	Answer or precise basis for refusal	Disposition by the Court
Follow up question			When did the letter from Chief Blair to the Toronto Police Services Board first come into the plaintiffs' possession?	The transcript was in the box of materials received by Falconer Charney from Peter Biro. Mr. Biro does not recall when he came into possession of the transcripts.	
Follow up question			2001 Project IDA Report	This document was printed from the CBC website on September 25, 2009.	

October 14, 2009

FALCONER CHARNEY LLP
 Barristers-at-Law
 8 Prince Arthur Avenue
 Toronto, Ontario M5R 1A9

Julian N. Falconer (LSUC #29465R)
Jackie Esmonde (LSUC# 47793P)

Tel: (416) 964-3408
 Fax: (416) 929-8179

Lawyers for the Plaintiffs

Schedule A

Communication with the Special Task Force

- Mr. Biro does not have any notes or other records of his communications with investigators from the Special Task Force with the exception of the documents found at Tab 2 of the Supplementary Affidavit of Documents (memo to Peter Biro from C/Supt. John Neily, February 10, 2003 and draft induced statement).
- Mr. Biro recalls having communications with investigators Neily, Ward, Cassels and Kerry Watkins concerning the Special Task Force investigation.
- He understood that Neily was the head of the Special Task Force.
- He understood that Watkins was working with Neil Ward, and that they were both responsible for the investigation into the "Abbott and Ross" crew, which included investigating the Markovic allegations.
- He recalls meeting with Watkins on only one occasion, though there may or may not have been telephone calls with him. This was early in his retainer, but he does not recall the date.
- He understood that Cassels was responsible for the investigation into the "Schertzer" crew. His communications with Cassels were not in respect of the Markovic allegations and/or the "Abbott and Ross" crew. Cassels communicated to Mr. Biro that he was being stonewalled by the officers he was investigating. He communicated to Mr. Biro that superiors wanted to limit the scope and seriousness of any findings that might be made by the Special Task Force.
- He had a frequent communications and conversations with Neily, Ward and Cassels – in person, in writing and by phone. He can recall at least two occasions on which Neily came to his office to meet with him.
- Mr. Biro met with the investigators and gave them information about the allegations being made about the Markovics. He does not recall the specific dates of these conversations. There were extensive discussions in which he advised investigators of the substance of his clients' allegations, suggested various directions for the investigation, and asked questions about the conduct of the investigation.
- His impression was that Neily and Ward were taking the Markovic allegations seriously and felt that they were "not without merit." Neily expressed that he had serious concerns about the conduct of the officers in the Markovic case.
- Ward explicitly told Mr. Biro that he felt that the Markovic allegations were not without merit. They discussed the kind of evidence the Crown would need in order to recommend the laying of charges. Ward told Mr. Biro that he was being stonewalled by the officers he was talking to and he believed he was being lied to.

Communications with the Special Task Force for the purpose of providing a statement from the Markovics

- From the time that Mr. Biro became involved with the Markovics, he repeatedly and consistently conveyed the desire of his clients to cooperate and give statements to, first, the Internal Affairs and subsequently the Special Task Force.
- He communicated with Neily, Watkins and Ward in order to facilitate the giving of those statements in a manner that would not undermine the Markovics' substantive and procedural rights as defendants to criminal charges, plaintiffs in a civil action and complainants to the police. He communicated that in his opinion there was a conflict of interest because the Special Task Force was not independent from the Toronto Police Service.
- Once the criminal charges were stayed, his main concern was to protect his clients' interests in the civil action. At an early stage after the formation of the Special Task Force, Mr. Biro told Neily that he was concerned that if the Markovics spoke to him, their information would go to Ted Ayers, counsel for the police in the civil action. Neily stated that he had not thought of that concern previously, but would look into it.
- After a significant amount of time had passed, Neily called Mr. Biro and told him that Mr. Biro was correct; any information provided by the Markovics to the Special Task Force would be given to Chief Fantino, the Chief's lawyer and the Toronto Police Service Board lawyer who was Ted Ayers.
- Subsequently, Neily and Mr. Biro engaged in a protracted period of negotiations on the terms under which the Markovics would give a statement to the Special Task Force. In early 2003, Neily sent him a draft "induced statement" which was the product of their negotiations over a number of months. The draft induced statement was dated September 2002, but was provided to him in February 2003 by Neily. The essence of the compromise solution was that Neily would agree and undertake to Mr. Biro that the Markovics' statement would not be shared with anyone outside of the Special Task Force, including Mr. Ayers and Chief Fantino, until he delivered his report. After that, he would have to make everything fully available to Mr. Ayers and Chief Fantino.
- Mr. Biro told Neily that Milos and Natasa Markovic would provide a statement on those terms. In early 2003 dates were scheduled for the Markovics to give their statements to the Special Task Force. He does not recall the date or dates set for the interviews.
- Shortly before the date(s) of the interviews, Neily called Mr. Biro and told him that the interviews were being canceled because Ward had taken ill. Neily asked to reschedule the interviews. Mr. Biro told Neily words to the effect that he was very sorry to hear that, and that his clients would be very sorry as they were anxious to speak. The interviews were rescheduled. Mr. Biro does not recall the date or dates scheduled for the interviews.
- On the eve of the interviews, Neily called Mr. Biro. Mr. Biro does not recall the date, but it was within a day or two of the time set for the Markovic interviews. Neily's tone was apologetic and uncomfortable. He told Mr. Biro that the interviews were being cancelled and the Markovic investigation was being closed. At least twice in the course of the conversation, Neily explicitly stated that the decision to close the investigation was not his. He stated that the "official"

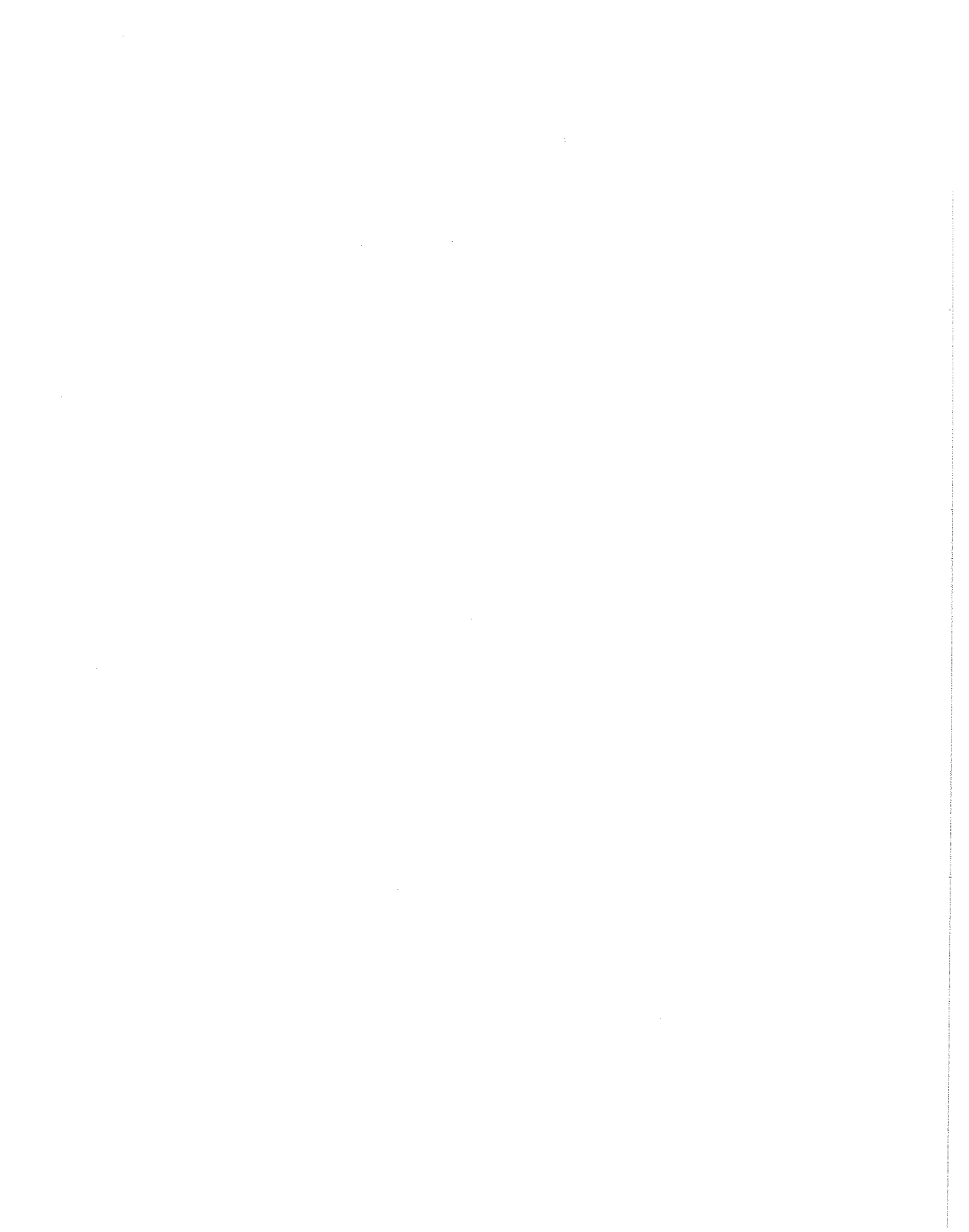
reasons he had been given were that there was a lack of resources and that they were out of time and had to wrap up the whole investigation and bring it to a close. Neily did not state who made the decision.

- Mr. Biro does not recall Neily stating in the course of that phone call that Internal Affairs would be picking up the investigation into the Markovic allegations. He understood that the case was closed.
- Prior to this telephone call from Neily, there had been no suggestion in any of his communications with members of the Special Task Force that there was an insufficient basis to proceed with the investigation against Abbott and Ross.
- He subsequently received a call from Neily. He does not recall the date of this telephone call. Mr. Biro believes that in that telephone call Neily told him Internal Affairs was going to pick up the ball and continue the Markovic investigation. It is possible that Neily had raised the possibility of the Internal Affairs picking up the investigation in the prior call and he was simply confirming that this was going ahead. This call was Mr. Biro's last communication with Neily.

Communications with Internal Affairs

- Mr. Biro communicated with investigators from Internal Affairs in two different time periods. First, he communicated with Internal Affairs in the course of an investigation into Markovic money that was missing from the Property Bureau. Second, he communicated with investigators after the Markovic investigation was referred back to Internal Affairs from the Special Task Force.
- Mr. Biro does not have any notes or other records of his communications with investigators from the Special Task Force with the exception of the documents identified below.
- At all times in his interactions with Internal Affairs, Mr. Biro was clear that the plaintiffs wished to provide a statement and cooperate with the investigation.
- During the initial investigation into the money missing from the Property Bureau, Mr. Biro communicated with Detective Sergeant Gordon Sneddon. He does not recall whether he communicated with other officers. At that time, the Markovics were still facing criminal charges. Mr. Biro cannot recall whether the charges had been stayed, but if so, the year during which the Crown could have re-initiated the charges had not yet passed. He communicated to Detective Sergeant Gordon Sneddon his concern about the independence of the Internal Affairs investigation, which were the same concerns he later raised about the STF. The potential impact of the Markovics giving a statement on their rights in the criminal case was also discussed. Mr. Biro raised these concerns as issues to be resolved, rather than issues that were a bar to the Markovics speaking.
- The concerns were not resolved and the Markovics did not give a statement to Internal Affairs in the course of the investigation into the money missing from the Property Bureau.

- Later, after the Special Task Force referred the investigation back to Internal Affairs, Mr. Biro had extensive communications with investigators from Internal Affairs in order to encourage them to conduct an interview with the Markovics. He had to advocate strongly for this to happen. He recalls having communications with Detective Sergeant Sneddon, Detective Sergeant Richard Stubbings, Detective Sergeant Mike Cannon, and Detective Sergeant Garry Campbell
- The interviews of the Markovics were eventually completed. Mr. Biro does not recall the exact dates of these interviews, but he believes that they took place in 2003. Mr. Biro was present when the interviews were conducted. At his request, he was provided with the recordings of these interviews.
- Mr. Biro had discussions with Detective Sergeants Sneddon and Cannon about the kinds of evidence that would support the Markovic allegations. At their request, Mr. Biro provided some documents. Correspondence reflecting some of these discussions, and listing the documents provided, can be found in the Plaintiffs' Supplementary Affidavit of Documents at Tab 3 (letter from Sneddon to Mr. Biro, October 2, 2003), Tab 4 (letter from Damian Rogers to Sneddon, October 23, 2003) and Tab 5 (handwritten notes, April 1, 2004) and Tab 6 (letter from Damian Rogers to Sneddon, May 10, 2004) and Tab 8 (email from Cannon to Damian Rogers, November 10, 2004).
- In and around June 2004, Mr. Biro had discussions with Detective Sergeants Garry Campbell and Mike Cannon about releasing the discovery transcripts to Internal Affairs for use in their investigation. Mr. Biro consented on behalf of the plaintiffs. Correspondence reflecting these discussions can be found in the Supplementary Affidavit of Documents at Tab 7 (Letter from Campbell to Peter Biro, June 21, 2004).
- After the interviews, Mr. Biro followed up with Internal Affairs on numerous occasions by phone, asking for status updates on the investigation. Despite his requests, he does not recall ever having been given a status report.
- Mr. Biro was never advised by investigators that they had closed the investigation or what the outcome of the investigation was.



From: Woodin, Cheryl M. [CWoodin@blgcanada.com]
Sent: Wednesday, October 14, 2009 12:38 PM
To: Jackie Esmonde
Cc: Julian Falconer; Ayers, Edward A.
Subject: Markovic - Answers to Undertakings
Attachments: DOC000 (2) PDF; DOC (4) PDF; DOC001 PDF; DOC000 PDF; markovic.pdf

Jackie,

Here are the answers to questions we agreed to provide to date as well as the portions of the redacted documents which Master Dash directed we produce:

Item 1. Q. 184 Portions of Exhibit N previously redacted are attached on the direction of Master Dash that they may be relevant to the issues of discoverability and special circumstances. This page immediately precedes the page which begins with the words "theft of significant monies during those searches".

Item 3. Q. 383 A description of the SUPERtext database is attached.

Item 4. Q. 651 As previously advised, the briefings were a means of ensuring that the investigation of the STF was progressing. John Neily was the head of the STF. Its mandate is set out in letters which are attached. He was providing progress reports to former Chief Fantino.

Item 5. Q. 699 See answer to Q. 651. Our best information is that there were 18 briefings in which the Markovic allegations were addressed. All information flowing from the confidential briefings relevant to the Markovic allegations has been produced.

Item 6. Q. 700 Information contained in briefing notes relating to Abu Taha and Paryniuk has been produced. If any further briefing notes containing such references are located they will be produced.

Item 7. Q. 711 The two paragraphs of the July 30, 2002 briefing which Master Dash directed be produced on the basis that they may be relevant to the issue of discoverability/ special circumstances are attached.

Item 11. Q. 779 The page from the Notes from the Wall document with the phrase which Master Dash directed be produced to assist with context is attached.

Item 15. Q. 825 CFC Ross is Dan Ross.

Questions set out in your email of October 8 and answered by agreement relating to Notes from the Wall:

1. Date the document was created is pending.
3. The document was redacted by BLG to remove references to other, unrelated investigations.
5. Who did John Neily send the document to and when is pending.
6. The document was produced after meeting with Mark Ripco and Sam Cosentino in January, 2009 and a subsequent search of the SUPERtext database described above.

Regards,

Cheryl

27

[Redacted]

[Redacted]



Roy Pilkington
2003.04.07 10:15

To: John Neily/71009/UNIFORM/TPS@TPS
cc: David Dicks/975/UNIFORM/TPS@TPS, Jerome
Wiley/87032/CIVILIAN/TPS@TPS, Michel
Hamel/6054/UNIFORM/TPS@TPS, Neal
Ward/2024/UNIFORM/TPS@TPS, Gordon
Sneddon/3996/UNIFORM/TPS@TPS, Diane
Gauthier/5612/UNIFORM/TPS@TPS

Subject: Re: Markovic - Continuation of Investigation

[Redacted]

D/Sgt. Sneddon spoke to Mr. Biro last week and advised him that the waiver would not be used, that we were interested in hearing his client's complaint and investigating it thoroughly. He was also advised that a "KGB" statement would be taken from his client because of the very serious nature of the allegations.

D/Sgt. Sneddon awaits a return call from Biro and in the fullness of time I suppose Biro will advise us if his client will cooperate or not.

Roy A. Pilkington
Superintendent
Professional Standards Investigations
808-7731
John Neily



John Neily
2003.04.07 09:40

To: Roy Pilkington/4583/UNIFORM/TPS@TPS, David
Dicks/975/UNIFORM/TPS@TPS
cc: Jerome Wiley/87032/CIVILIAN/TPS@TPS, Neal
Ward/2024/UNIFORM/TPS@TPS, Michel
Hamel/6054/UNIFORM/TPS@TPS
Subject: Markovic - Continuation of Investigation

Gents

An update as a result of a telephone call that I received last Thursday from Peter Biro, the civil attorney for Markovic.

As a quick overview - He was the subject of charges along with family members arising from a search warrant executed on his business, residence and bank deposit boxes by Det. Danny Ross, Team 2 CFC. As a result of that, he has sued the TPS. In that statement of claim he alleges the

Notes From The Wall
We Are Not Done Yet

Therefore I believe that:

[REDACTED]

2. [REDACTED]

3. That the induced interview of Milos Markovic - et al. be done to attempt to verify or deny claims of criminal behaviour as against the team of Detective Ross. If proven and the suspects isolated, then a proactive and covert UC operation, in concert with that in item 2, be mounted against the suspect officers to effectively deal with these problem officers on a timely basis.

4. The Crown must be encouraged to assume their responsibility in this major investigation and join the Task Force immediately to commence dealing with the variety of issues that are outstanding in keeping with our aggressive timeline.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SUPERText

Professional Standards -- Special Task Force employs a document management system known as SUPERText. This software program was developed by Supergravity Incorporated of Toronto. The program allows the user to scan hard copy documents which then stores and catalogues them into electronic images. The scanned documents are stored into separate files, image and text, and an index is created to form a flexible database that can be searched through a sophisticated search engine. This software also allows the user to redact text that is not to be disclosed.

All the data relating to the Special Task Force project is stored on a server at Toronto Police Headquarters -- 40 College Street, Toronto, Ontario and maintained by an administrator employed by the Toronto Police Service.

Confidential Briefing of Chief Fantino, S/Supt Dicks and Jerome Wiley
July 30, 2002

[REDACTED]

It is my belief and position that for me to turn over investigation product prior to the conclusion of the criminal investigation and laying of charges is inappropriate and certainly in keeping with the doctrine of investigative privilege. I do not know how the civil and criminal procedure overlap in this regard and in light of the fact that the TPS is a co-defendant in this matter with the suspect officers and the Board, I am not prepared to ask the TPS Legal Services for that opinion. I may indeed require a separate legal opinion unless we can come up with a resolution otherwise.

It is my belief and that of Mr. Ted Aris that sooner or later the TPA and officers themselves will recognize that they may be able to demand discovery of the Task Force investigation by use of the civil process. The reality of this structure would be that if the Markovic's did cooperate in the current setup and the Board (TPS) turned over materials to them, it would also be discoverable to the suspect officers - something that certainly is not in keeping with my directions or normally accepted investigation techniques or the public interest for that matter.

[REDACTED]



Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-2222 FAX (416) 808-8202
Website: www.TorontoPolice.on.ca



Julian Fantino
Chief of Police

File Number:

August 1, 2002

John Neily
Chief Superintendent
Royal Canadian Mounted Police
c/o Professional Standards
Special Task Force

Dear Chief Superintendent Neily:

Re: Clarification Regarding Control of Investigation

In order to clarify the issues dealt with in my letter to you dated August 3, 2001, it is understood that all members of the Toronto Police Service assigned to the investigation are working under your direction and not under the direction of any member of the Toronto Police Service.

It is agreed that such members are not to provide any original document or copy of any document obtained or produced in the course of this investigation to any member of the Toronto Police Service until the investigation is concluded.

It is also agreed that all documents pertaining to the investigation shall remain in your possession and control until such time as the investigation is completed.

Should you have any questions in this regard, please do not hesitate to contact me.

Yours truly,

Julian Fantino
Chief of Police

JF/eks

Special File



Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-2222 FAX (416) 808-8202
Website: www.TorontoPolice.on.ca

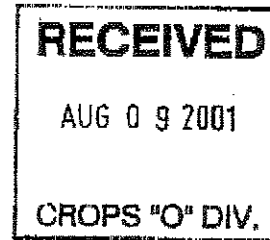


Julian Fantino
Chief of Police

File Number

August 3, 2001

Chief Superintendent John D. Neily,
Royal Canadian Mounted Police,
Officer in Charge,
Criminal Operations - Ontario,
130 Dufferin Avenue,
Box 3240, Station "B",
London, Ontario
N6A 4K3



Dear Chief Superintendent Neily:

Further to our meeting and discussion of July 30th, 2001, I wish to emphasize three issues.

Firstly, you have my unconditional authority to conduct the investigation in the manner that you deem most appropriate.

Secondly, I will ensure that all necessary resources, as identified in your business plan, are placed at your disposal, and the utilization of these resources during the course of your investigation will be at your sole discretion.

And, thirdly, please feel free, at any time during, or at the conclusion of your investigation, to make any recommendations that you feel will improve our business practices and the delivery of police services to our community.

Yours truly,

Julian Fantino
Chief of Police

REVIEWED BY
C/SUPT. J.D. NEILY
OIG CROPS
"O" DIV.

JN 08/08/09.

CBC has included clarifications throughout the document on developments since the report was written. See the yellow boxes for further details.

Toronto Police Service
Professional Standards
Business Case

Project IDA

1. Business Case General Information

Project Name: IDA

Project Start Date: 2001/03/24

Project End Date: 2001/06/26

Command: Professional Standards

Business Case Author: Inspector Tony Corrie -
Attached Professional Standards
808 7784

Secondary Contact: Staff Supt. Dave Dicks
808

Original Submission Date: 2001/04/17

Latest Submission Date: 2001/06/06

2. Executive Summary

(Below is the original executive summary. Additional material on further developments is added at the conclusion.)

The Toronto Police Service presently has 13 officers charged criminally as a result of an internal investigation. They are all formally members of the Central Field Command Drug Squad (CFCDS) and the Repeat Offenders Program Enforcement (ROPE) unit.

The charges surround irregularities in the handling of Confidential Informants (CI) and the monies allegedly paid to the informants.

In preparing these charges for trial investigations continue to reveal concerns about sworn testimony, search warrants and thefts.

Following is a summary of the aggravating side issues linked to these cases:

- In April 1999, another internal investigation was being simultaneously conducted into allegations brought forth from several members of the defence bar. The allegations included theft from accused. A lack of co-operation in that investigation made it difficult to proceed with charges.
- The Service is facing a number of civil suits where conduct of the accused officers is in question.
- The Department of Justice has stayed charges in 65 plus cases where the accused officers have material evidence to offer.
- The Crown allowed an appeal in the much-publicised R. V. Morgan case. A preliminary review of that case would indicate there is a strong likelihood that Perjury and Attempt to Obstruct Justice charges will be laid.
- Concerns have been expressed by Service members, the Service legal counsel and Department of Justice regarding the possibility that previously convicted persons, who had been charged by CFCDS, may have been convicted on improper evidence or testimony. It may also be possible that persons may still be in custody.
- A financial audit is not complete but it is likely that the Service may have difficulty in accounting for all informant fees.
- The career of the main accused officer, Staff Sergeant John Schertzer. How did the Service allow this person to be promoted and supervise others when repeated warning signs existed about this officer's methods?

- OCCOPS have directed S I U, to conduct an investigation into the Mahamoud case where CFCDS members are alleged to have used excessive force and failed to attend to suspect's injuries.
- Det. Cst Denton, a member of another CFCDS team, was recently arrested when found in possession of marijuana
- A file is presently under review by the Crown Law Office where Det Cst Forrestal may well be charged with Perjury as a result of a Search Warrant information
- A large public complaint is in the process of being concluded at the PCIB, which has reveal record keeping problems at CFCDS

CBC Note:
In 2002, a judge rules Denton's rights were violated during a search of his vehicle. Charges are dismissed.

CBC Note:
In June 2001, Forrestal is charged with perjury. The charge was stayed after the Crown says proceeding with the prosecution may compromise an ongoing criminal investigation.

It is anticipated that when the events are played out in court, starting with the ROPE Preliminary Hearing scheduled for November 2001, questions in the media will start to be asked of the Service. These questions will include, how did this happen, what did the Service do to prevent it and what has been put in place to prevent it happening again.

It is feared that the inevitable public outcry may lead to a Public Enquiry. Issues that are sure to be addressed will include:

- supervision
- ability of the Service to investigate misconduct(complaints)
- handling of informants
- search warrants
- control of informant funds
- promotional practices
- organizational structure
- discipline
- 'checks and balances'

It is possible that the extent of the enquiry will require questions to be asked from the frontline officers to members of the Command and former Chief of Police

A preliminary review of the situation by the author indicates that members of this Service may well say things that could cause embarrassment to the Service and to other members. While this may be unpleasant it is suggested that it is important that all these facts are brought to the forefront. The Service has to understand what has happened in order to repair the damage and regain any lost public trust that the court hearings may bring.

Recommendation: That the Chief of Police immediately order an internal administrative investigation to be conducted in advance of a Public Enquiry. That the investigation has an external component that will provide greater credibility to the results. That the rank of the lead investigator be of the rank of Superintendent or above

Additional Material on Further Developments

Logistics:

The investigation has been continuing with the assigned staff (a staffing chart is attached) The staff was divided into 3 separate teams to accomplish distinct tasks

- 1 Preparation of the R O P E and CFC cases for court Includes lengthy disclosure requests Completion of the R V Morgan investigation.
- 2 Review cases on all civil suits the 65 stayed charges and other CFC cases for possibility of improper actions by officers
- 3 Administrative Review of how this problem occurred Includes making recommendations for change

At present this investigation is being carried out by officers who joined the 2 D/Sgt's from Internal Affairs The additional staff consists of 1 D/Sgt and 7 Detectives who were assigned from outside TPS units for a 3-month period, which concludes on June 26, 2001. 2 additional D/Sgt 's from PCIB have been utilized to assist with the Administrative Review

Update:

ROPE/CFC & R V's Morgan

Satisfying lengthy requests from Defence and Crown have absorbed many man-hours While the case could run today there are still opportunities to discover more information and these are being explored Tracking down informants to validate payments is also a part of the work of this team The R O P E preliminary hearing is set for November

R V's Morgan has revealed a strong possibility that false testimony and inaccurate information was included in a search warrant A brief is being prepared As a spin-off is the informant was a female stripper who at the time of the incident had an affair with a member of CFC The officer is now a member of Niagara Parks Police There are suggestions of drug use by officers and this is being explored.

Case Review

A review of cases of S/Sgt. Schertzer's team was commenced from 1996 to the present 1996 was the start of CFC Drugs Cases were prioritized by the fact that an accused may still be in custody or have the potential to be in custody There are in excess of 300 cases

The cases were catalogued and attention was paid to those cases that involved Informants and Search Warrants, as these were the previously discovered indicators of problem areas.

It was noted in this cursory review, many accuseds were purported to have used very similar statements, which officers then used in their 'Grounds to Search' i.e. "I have half an ounce back at my home"

Only 2 cases were discovered where there was an accused still in custody

1 R V's Kai Sum YEUNG

Sentence: 4 yrs Probable release date: 2002/06/21

2 R V's Ang Ngoc LE

Sentence: 6 yrs Probable release date: 2002/03/06

In both these cases the same informant was used. A review of the YEUNG case by Legal Services, and in consultation with 720 Bay, indicates there were problems with the conviction. It appears that the CI acted as an Agent. This is supported by TPS documentation. None of this information was revealed in court. The accused and informant was also interviewed and corroborate these facts. Further, in testimony the officers denied these facts stating an informant was not used and that their investigation came about as a result of general patrol. In addition to the above information, the accused stated that his wallet an \$2000 was taken from him and never returned.

Legal Services have been in touch with the Department of Justice who have stated that on the evidence provided so far in the YEUNG case there is R & PG to lay charges against the officers with a reasonable prospect of conviction. The charges would likely be Obstruct Justice and Perjury and could involve 3 officers (All 3 are presently charged)

There are additional 16 cases where the same informant was used and indications are that he also acted as an Agent in some of these cases.

The review of cases to date also indicated a trend that on every Search Warrant, Det/Sgt, Schertzer was the seizing officer of all monies. This is significant in viewing the many allegations of theft from prisoners arrested by Schertzer's team. It is felt that successfully conducting investigations into the loss of illegally obtained money would be most difficult, if not impossible.

There are a further 265 cases from Schertzer's Team that have not been fully reviewed. There are also many cases from the time when Shertzer was at 11 Division that could be problematic.

CBC Note:
On Feb. 13, 2002, the Ontario attorney general's office stays charges, including theft and perjury, against the eight former drug squad officers accused in the fink fund case. The Crown says proceeding with the prosecution may compromise an ongoing criminal investigation.

In addition to reviewing Shertzer's team, a review was conducted on the other CFC teams. At present there has been no indicators of similar problems existing with other teams.

An interesting fact was discovered that shows that while Schertzer's team was reputed to be an extremely hard working unit, it had an extremely low rate of success in court. Further examination would be required to look discover why and how that compares with other teams.

At a previous meeting with the Department of Justice they committed to send out letters to lawyers on all convictions in cases involving suspect members. To our knowledge this has not been done. Legal Services will meet soon and address this issue. Of interest they said they would only do this with convictions in trial when to date our investigations have revealed problems in 'guilty plea' cases.

Administrative Review

After receiving direction on the original Business Case, a 2 D/Sgt. team (from PCIB) has been put together to obtain all the information required for a report. Material has commenced to be gathered and already 6 recommendations have been made.

D/St Greg Forrestal - Update

As mentioned in the original summary the Crown was reviewing a brief regarding the conduct of D/Cst Greg Forrestal. On 2001/06/06 the Crown's office contacted Legal Services and indicates there is evidence to support a charge of Perjury with a 'reasonable prospect of conviction'. This case was originally investigation by D/Sgt Franks when he was at I.A. A criminal summons has been sworn to and it is anticipated it will be served Tuesday 2001/06/12.

Of note this officer is involved in the promotion process of P.C. to Sgt. and was interviewed on Friday 2001/06/08.

CBC Note:
In June 2001, Const. Gregory Forestall is charged with perjury. The charge is stayed along with others in February 2002 after the Crown says proceeding with the prosecution may compromise an ongoing criminal investigation.

3. Case Review Options

Case Review

Aside from the 2 Internal Affairs Investigators and the 2 PCIB D/Sgts, the remainder of the staff is scheduled to return to their units on June 26. Many of these officers have maintained commitments to their units as well as conducting this investigation.

The investigations to date have revealed that there is a potential for many more 'unsafe convictions' in cases handled by Shertzer's Team. There is also the yet proven issue of the many allegations of money disappearing.

Each case takes many hours with tracking down witnesses, interviews, obtaining transcripts, review of informant files and other documents.

It is very clear that the review team has only touched the 'tip of the iceberg' and what has been revealed indicates that there could be many more problems.

The Service has several options:

- 1 Maintain The Present Staff
- 2 Assign a Full Time Task Force of TPS Members
- 3 Request Assistance From Outside Agencies to form A Task Force

The Task Force should include members of the Department of Justice and from 720 Bay

- 1 Maintain The Present Staff

Inspector Corrie, D/Sgt. Franks and Det. Anand all have units, offices and staff to supervise while dedicated time to this project. Continuing in this fashion is extremely difficult.

At the present rate with this size of staff it could take many years to conclude this review and as time goes by there is the potential that an accused will have a record that he/she does not deserve or may receive a higher sentence in a new matter.

2 Assign A Full Time Task Force of IPS Members

A newly promoted Inspector could be appointed. Separate facilities and equipment would have to be obtained. Present indicators would estimate that a staff of at least 20 would be required.

This would put a severe strain on present low levels of staff and it would require special care in selecting the right officers.

3 Outside Agency Task Force

It will be too much to ask one agency to provide this amount of staff. This Service could donate an Inspector and 2 D/Sgts and the remainder could be a Joint Force commitment. The estimated time will be 12 months.

Management of the Review

Report to the same assigned individual for the Administrative Review, i.e. Retired Court Judge

Further details on resources, time can be submitted upon direction.

4. Resources

Staff
Facilities
Equipment

5. Project Impacts

Positive Project Impacts

- By assigning a full time team the Service will be seen to be making a commitment to getting to the bottom of all the issues
- The faster the review is done the less chance there is of committing more damage
- Taking these steps may avert a Public Enquiry

Negative Project Impacts

- Loss of staff
- Costs
- Morale
- More information means more disclosure, bogging down the present trials
- Every problematic case that is revealed has the potential for a law suit
- The publicity surrounding this case will be very damaging to the organisation
- If many more cases are revealed there is the potential for a massive lack of trust in Police Officer testimony and also greater problems in C I use and obtaining Search Warrants. A sample audit must take place of other units to attempt to provide some assurance that it was just this one team

Toronto Police Service

Non-Emergency 416-808-2222 - Emergency 9-1-1



Statement by Toronto Police Chief Julian Fantino

News /
Jan 07, 2004 - 01:06 PM

Toronto Police Service
Professional Standards Special Task Force
News Conference
Wednesday, January 7, 2004
1130hrs
Toronto Police Service HQ Auditorium
40 College Street, Toronto

This is Exhibit A referred to in the
affidavit of Odi Dashsambuu

sworn before me, this 9th

day of October, 2009

[Signature]
A commissioner for taking affidavits

Good morning, thank you for joining us.

In August of 2001, I asked Chief Superintendent John Neily of the Royal Canadian Mounted Police to oversee an independent investigation into allegations of corruption involving a few officers within our Central Drug Squad. At that time, a dedicated Professional Standards Task Force was formed.

I also retained retired Judge George Ferguson to conduct an extensive independent review of all processes and procedures associated with the operations of such specialized units. I am pleased with the results of Judge Ferguson's work and have implemented many of his recommendations while others are under review.

The decision to call for such thorough and independent reviews was necessary to ensure objectivity and fairness. Having the public's trust is necessary for a police service to effectively serve and protect all of our citizens.

As I stand here today with the news that 5 serving officers and 1 retired officer are now facing criminal charges, I am deeply saddened and disappointed. Without doubt and from all points of view, this whole situation is very regrettable.

There is no denying that the reputation of the Toronto Police Service and especially the current members of the Central Drug Squad have suffered adverse exposure in the media, within the workings of the criminal justice system and with the public generally.

However, we must keep this situation in perspective and not allow it to detract from the many issues and successful outcomes we all face on a daily basis. Nor can we allow it to distract our attention away from the excellent work our officers are doing that has a positive effect on the safety, security and quality of life of our community.

The matter is now in the hands of the Court and we must allow the judicial process to take place. In all of this we must maintain our faith in the system - and I do!

I can, however, tell you that the allegations are isolated and confined. The investigation has been independent, extremely exhaustive and thorough.

And I have the utmost confidence in all of the investigators who have worked under very challenging circumstances. I appreciate the sensitivity and complexities of the work they have been doing and although I would have preferred a different outcome I know that the public interest has been well served.

Members of the Toronto Police Service are guided by a set of core values and I believe police officers everywhere strive for truth, duty and honour in whatever they do, however, we are similarly committed to confront our failings and weaknesses.

With over 30 years of policing experience, I have had the privilege of working with police officers from all over the world who have remained true to their oath of office, no matter how difficult the circumstances.

When I was sworn in as Chief of Police, I pledged that integrity, dignity, diligence and tolerance would characterize my term of office, a pledge from which I have never wavered.

I do not stand by and allow the reputation of the Toronto Police Service to be unfairly attacked or otherwise exploited by those intent on causing mischief. Nor will I stand by and allow the reputation of this great organization to be compromised by any of our members who may have violated our core values.

Police work is challenging and difficult. But no matter the assignment, policing is an honourable profession that is steeped in history, culture and tradition.

The Globe and Mail

Toronto News Thursday, January 8, 2004 A14

Probe results in 22 charges filed against six officers

Chief 'saddened and disappointed' but moves to reassure public, calling allegations isolated and confined

Gay Abbate And Joe Friesen

With a report from Katherine Harding

Police officers must never violate public trust or bring shame to the profession, Toronto Police Chief Julian Fantino said yesterday, as he announced the arrest of six of his officers on drug-related charges.

Looking and sounding grim, Chief Fantino said he was "deeply saddened and disappointed," but was quick to add that the allegations against six of his officers are "isolated and confined."

As he has done before when other officers have been charged with violating their oath to uphold the law, Chief Fantino yesterday reassured the public that "I am totally committed to leading an ethical and professional police force."

Staff Sergeant John Schertzer, and Constables Steve Correia, Joseph Miched, Ray Pollard, Ned Maodus and Richard Benoit turned themselves in to police yesterday morning to face a total of 22 criminal charges. The offences include conspiracy to obstruct justice, perjury, extortion, theft and assault causing bodily harm. Not all the officers face the same charges.

They made their first court appearance later in the day.

After a 40-minute hearing before a justice of the peace in Scarborough, the six were released on bail. All but Constable Maodus are out on \$25,000 bail, which was waived, meaning they did not have to put up the money.

Constable Maodus, who was charged earlier this week with other drug-related offences, was ordered to hand over \$35,000 for his bail. He was also prohibited from possessing illegal drugs and ordered to live with his parents in Windsor and to report to Windsor police each Wednesday.

The officers, who have been suspended with pay, cannot have any contact with each other or with witnesses. They will be back in court on Feb. 25. The six were members of the notorious Central Field Command Drug Squad Team 3 between July, 1995, and March, 2002, the period under investigation.

The charges stem from an investigation the chief ordered in August, 2001, to be headed by RCMP Superintendent John Neily. It came in the wake of another probe into allegations that members of that drug squad were siphoning off money from their so-called "fink fund," used to pay informants.

Yesterday, Supt. Neily also named four other officers as unindicted co-conspirators, meaning they will not face criminal charges of conspiracy to obstruct justice. However, Detectives Jason Kondo and Jonathan Reid, and Constables Greg Forestall and Mike Turnbull are being placed on restricted duties. As well, Supt. Neily said several cases involving deceit, neglect of duty and discreditable conduct have been referred to the force's professional standards division for possible internal discipline. He did not say which officers are involved.

He said the six officers allegedly obstructed justice by falsifying their notes and internal police records, swearing to false affidavits to obtain search warrants, failing to account for evidence seized and giving false statements.

Toronto Mayor David Miller called the arrests "sad news for Toronto." He said the chief has reassured him that he has taken steps to make sure the situation is being dealt with.

"I respect his assurances. And if there are facts that come to light that suggest that the problem is more widespread, then we will have to look at them," he said.

LENGTH: Medium

ILLUSTRATION: Illustration

GEOGRAPHICAL: Toronto

PERSONAL NAME: John Schertzer; Steve Correia; Joseph Miched; Ray Pollard; Ned Maodus; Richard Benoit

SUBJECT: Police; Professional Misconduct; Obstruction Of Justice; Theft; Assault; Drug Charges



Veteran officers face 40 charges
 By: Nick Pron . Toronto Star (Canada) , 01/08/2004 (AN 6FP3894745216)
 Database: Canadian Reference Centre

Veteran officers face 40 charges

Took law into their own hands, says RCMP Grim chief Fantino insists problem is 'isolated, confined'

Section: News, pg. A01

Six Toronto police veterans have been accused of taking the law into their own hands and acting like the drug dealers they were supposed to catch.

The longest and costliest investigation into alleged corruption in the Toronto force has resulted in the six officers being accused of committing 22 Criminal Code of Canada offences - a total of 40 individual charges - while investigating the illicit drug trade with the central field command drug squad between 1997 and 2002.

The officers - with a combined 113 years of service - allegedly lied in court, made up bogus search warrants, falsified internal police records and fabricated potential evidence in their notebooks, RCMP Chief Superintendent John Neily told reporters yesterday.

"Police officers are not above the law," Neily said, at times sounding like an outraged judge, as Toronto police Chief Julian Fantino looked on grimly.

"It never has been and never will be acceptable for police to engage in criminal activity or take the law into their own hands," Neily said. "There is no excuse."

Fantino said he was deeply saddened and disappointed by the charges against the six officers.

"Without doubt and from all points of view, this whole situation is indeed quite regrettable."

"I can, however, tell you that the allegations are isolated and confined."

But Rick McIntosh, head of the 7,000-member police union, cautioned that the officers are presumed to be innocent until a court says otherwise.

"Just because they're charged doesn't mean they're guilty," he said in an interview. "They're entitled to the same judicial process as everyone else."

Police union lawyer Gary Clewley was asked by a reporter if the courts should accept the word of drug dealers, who are making some of the accusations, or that of the officers.

"No, never," he told reporters. "Always go with the police officers. These are seasoned officers with an unblemished career, and they expect the judicial system to treat them fairly."

Lawyer Harry Black said his client, Staff Sergeant John Schertzer, was an outstanding officer who will be "exonerated when all the facts come out in court."

The stunning allegations sent other defence lawyers hurrying back to their files, checking to see whether any of their criminal cases had been compromised because of the alleged wrongdoings by the six, along with four other unindicted, but accused co-conspirator officers.

Neily was unable to say how many drug cases were put in jeopardy because of the allegations against the police officers, but he said the pertinent findings of the task force had been forwarded to the justice department.

He said it will be up to federal prosecutors to decide what, if any, action should be taken.

In a later interview, he stressed that anyone who feels they were wrongly convicted in cases involving the officers should pursue the matter with the courts.

Schertzer, Constables Joseph Miched, Ray Pollard, Ned Maodus, Richard Benoit and Steve Correia have been suspended with pay and ordered to turn in their firearms.

The six charged were released on bail, ranging from \$25,000 to \$35,000, and warned not to talk to each other while they await their trial.

The case could take as much as three years to come to trial.

The officers who weren't charged but accused of conspiring with the six are:

Detectives Jason Kondo and Jonathan Reid and Constables Mike Turnbull and Greg Forestall.

Over the past two years, the task force spent around \$3 million and compiled about 560,000 pages of evidence, which will soon be handed over to lawyers on computer discs.

In what was called a "sad day" for the force, Neily accused the officers of betraying the public trust and jeopardizing the justice system.

"Integrity is what separates the police from the criminals we investigate," Neily said.

"If the public can't trust the trustees, then who can the public trust?"

Said Neily, who headed up the task force: "The accused demonstrated a pattern of attempting to obstruct, pervert or defeat the course of justice "

While he was speaking at police headquarters on College St., the officers were sitting in the prisoner's box at an east-end courthouse.

None of the officers was handcuffed or shackled as they were led into the docket, unlike the standard practice for those accused of criminal offences.

Court officers relaxed the normally strict rules of the courtroom, allowing some members of the police association to approach the box, talk to the officers and shake hands on breaks and prior to court beginning. Typically, members of the public are restricted to the gallery and are ordered not to communicate with those in custody.

Police union spokesperson Andrew Clarke later denied that the officers received special treatment, saying they were fingerprinted and photographed at a police station before being driven to the Eglinton Ave. court and taken in through the prisoner's entrance at the rear of the building.

In court, Crown Attorney Milan Rupic told Justice of the Peace Inderpaul Chandhoke that he was consenting to the release of the officers and thus did not require a full bail hearing.

He and defence lawyer Andrew McKay, who was acting on behalf of all the officers for the hearing, agreed to bail conditions specified by Chandhoke.

After they were finished in court, they walked out the front door of the Scarborough courthouse, where they were photographed by the gathered news media.

The officers declined to comment.

"We're walking out the front door because we have nothing to hide," said McKay.

Speaking at the press conference, Fantino said, "There is no denying that the reputation of the Toronto Police Service and especially the current members of the Central Drug Squad have suffered adverse exposure in the media, within the workings of the criminal justice system and indeed with the public generally."

Fantino said he hopes public trust has been strengthened by the fact the investigation was begun by the city police and the probe was done thoroughly, professionally, ethically and independently.

"I think that should inspire the public in our ability to deal with these issues."

With files from Tracy Huffman, Cal Millar and John Duncanson

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Source: Toronto Star (Canada), Jan 08, 2004

A tangled web of events

Winnipeg Free Press
Canada Wire Thursday, January 8, 2004 A7

Six officers facing charges in Toronto Allegedly forged notes, records

James McCarten TORONTO -- Six longtime veterans of Canada's largest urban police force were hit yesterday with a battery of criminal charges after a two-year probe into allegations of corruption, deceit and brutality among members of the city's drug squad.

Between July 1995 and March 2002, the officers allegedly forged notes and police records, gave false testimony and affidavits to obtain search warrants and failed to account for seized evidence, said RCMP Chief Supt. John Neily, head of a special Toronto police task force probing the squad.

"The special task force further alleges that the accused ...deliberately betrayed the trust of some of those in the justice system, thereby victimizing the entire justice system, those who serve in it, and the public," Neily told a packed news conference at Toronto police headquarters.

"Police officers are not above the law. It never has been and never will be acceptable for police to engage in criminal activity or take the law into their own hands. There is no excuse."

All told, the officers, who between them share a collective 113 years of service with Toronto police, face 40 individual charges, including perjury, theft, extortion and assault causing bodily harm.

All six also face charges of conspiracy to obstruct justice, and five are facing multiple counts of attempt to obstruct justice. Four other officers have been named as "unindicted co-conspirators," Neily said.

The charges, the culmination of a controversy that has swirled over the drug squad for more than four years, left Toronto police Chief Julian Fantino pleading with the public to keep the faith.

Fantino said he was "saddened and disappointed" by the charges but called the charges "isolated" and said they're not reflective of any general corruption on the Toronto force.

"Police officers everywhere strive for truth, duty and honour in whatever they do," he said. "However, we are similarly committed to confronting our failures and our weaknesses."

Indeed, he added, the charges should stand as proof of that and serve to reassure the residents of Canada's most populous city that their police force can still be trusted to uphold the law.

"In all of this, we must maintain our faith in the system. I do today, as I have always done in the past."

The six officers were scheduled to appear in court yesterday.

Earlier in the day, police union lawyer Gary Clewley said the allegations are "nothing more at this point," adding, "there isn't a lick of proof."

But whispers of corruption have plagued Toronto's central drug squad since 1999, when allegations first surfaced that officers were stealing from the so-called "fink fund" used to pay off informants.

A smaller internal investigation not related to Neily's probe led to an array of charges being laid in the fall of 2000, most of which were dropped or stayed early last year.

-- Canadian Press

LENGTH: Medium

DOCUMENT NUMBER: 20040108WF0WINNIPEGDrugChar001

6 COPS, 40 CHARGES; ARRESTS FOLLOW RCMP INVESTIGATION The Toronto Sun
January 8, 2004 Thursday Final Edition
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SECTION: NEWS; Pg. 2
LENGTH: 840 words

HEADLINE: 6 COPS, 40 CHARGES;
ARRESTS FOLLOW RCMP INVESTIGATION

BYLINE: BY ALAN CAIRNS, TORONTO SUN

BODY:

An American-style police corruption scandal exploded in Toronto yesterday after six former drug squad cops were arrested and charged with 40 criminal code offences.

The charges stem from allegations that include extortion, thefts and the falsification of notes, police records, court testimony and search warrant affidavits.

Four more ex-drug cops are named as unindicted co-conspirators, but they are not charged.

Scores of Police Services Act charges, including misconduct, deceit and discreditable conduct, will be laid against all the indicted and unindicted officers as well as other cops, sources said.

The charges follow a two-year probe by an RCMP-led task force started by Chief Julian Fantino two years ago.

Fantino said at a media briefing yesterday that he is "deeply saddened and disappointed."

"Without doubt, and from all points of view, this whole situation is regrettable," he said.

Fantino said the allegations are "isolated and confined" and do not detract from the excellent work of Toronto Police.

But as many as 150 drug cases have already been stayed as a result of the investigation. And sources say there are concerns that more cases will be stayed, convictions appealed and more civil court lawsuits filed.

The six officers charged are: Staff-Sgt. John Schertzer, the former field boss of "Team 3" of the Central Field Command drug squad, his lieutenant Det. Steve Correia, and detectives Joseph Miched, Ray Pollard, Richard Benoit and Ned Maodus.

All but Maodus were fingerprinted, photographed and charged at 32 Division yesterday morning after they surrendered, accompanied by a lawyer and union officials. They walked in a rear door without handcuffs, which a police association spokesman said did not constitute special treatment since they were surrendering themselves.

Named as unindicted co-conspirators are: Jason Kondo, Greg Forestall, Jonathan Reid and Mike Turnbull.

Maodus, who has been under virtual house arrest at his parent's Windsor home for almost two years, was not at 32 Division, but he was among the six accused when they were ushered into the prisoner's box of a reserved Scarborough courtroom.

After a 15-minute bail hearing, all six posted sureties of at least \$25,000 and were freed by Justice of the Peace Inderpaul Chandhoke.

Schertzer, a 28-year veteran known among street-level drug dealers as "Boss John," is charged with conspiracy to obstruct justice, three counts of attempting to obstruct justice, perjury, theft over \$5,000, assault causing bodily harm and extortion.

Correia, Schertzer's reputed deputy, is charged with conspiracy to obstruct justice, two counts of attempting to obstruct justice, two counts of perjury, theft over \$5,000 and extortion.

Miched faces charges of conspiracy to obstruct justice and two counts each of attempting to obstruct justice and perjury.

CONSPIRACY

Pollard, a 16-year veteran, is charged with conspiracy to obstruct justice, perjury and two counts of attempting to obstruct justice.

Benoit, a 12-year veteran, is charged with conspiracy to obstruct justice, assault causing bodily harm and extortion.

Maodus, 40, a cop for 15 years, is charged with conspiracy to obstruct justice, assault causing bodily harm and extortion and five counts each of attempting to obstruct justice and perjury.

Maodus was charged Monday with two counts of possession of cocaine for the purposes of trafficking, another count relating to heroin and possession of Ecstasy. Police allege they found the drugs on March 22, 2002, one day after OPP arrested Maodus on unrelated charges of sexual assault, assault causing bodily harm, two counts of assault, uttering threats and weapons charges.

Maodus, also charged with assaulting a cop in Windsor, has been suspended with pay since his March 2002 arrest.

The other five turned in their badges and weapons yesterday and were subsequently suspended from duty with pay.

Notwithstanding yesterday's charges, Toronto lawyer Edward Sapiano still called for a public inquiry.

"These alleged offences are serious, but not only for police officers, but because of an underlying illness in the system."

Task force head RCMP Chief Supt. John Neily told a media briefing that it "never has been, and never will be, acceptable" for police to be "above the law."

CLEAN RECORDS

Police union head Rick McIntosh emphasized that the accused officers are deemed innocent until proven guilty. He said they are "all experienced and very good officers with clean records" and the allegations are made by "drug dealers and the like."

Mayor David Miller said the charges are sad news.

"We've always been very proud of our men and women in blue ... I think any stain on the police services is a stain on the reputation of all of us," Miller said.

Miller said Fantino has assured him every step has been taken to "get out the rot."

Toronto Police Services Board chairman Alan Heisey, who oversees the 7,000-employee service, said the officers deserve fairness under the legal process.

GRAPHIC: 1. photo by Craig Robertson; STAFF-SGT. John Schertzer leaves a Scarborough courthouse yesterday after a bail hearing for six police officers.; 2. photo of JOHN NEILY; RCMP probe; 3. photo by Greg Henkenhaf; CHARGED COPS Ray Pollard, Richard Benoit, John Schertzer and Steve Correia leave court.

LOAD-DATE: January 9, 2004

FANTINO 'A HERO' FOR HIS ACTIONS: LAWYER The Toronto Sun January 9, 2004 Friday
 Final Edition
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 The Toronto Sun

January 9, 2004 Friday Final Edition
 SECTION: NEWS; Pg. 4
 LENGTH: 224 words
 HEADLINE: FANTINO 'A HERO' FOR HIS ACTIONS: LAWYER
 BYLINE: BY ALAN CAIRNS, TORONTO SUN

BODY:

Toronto Police Chief Julian Fantino and his police force should get kudos for showing "courage" during the drug squad scandal, says the lawyer whose letter helped start it.

Edward Sapiano said yesterday that attacking Fantino and the everyday Toronto Police officers is wrong.

"I want the public to understand that we have had some very positive developments that should be recognized here, Sapiano said.

"I would say he is a hero for having the courage to allow for the exposure of this alleged malfeasance," he said.

It must have been a difficult decision that Fantino made two years ago when he initiated the RCMP-led probe that led to the arrests of six former Central Field Command drug squad officers on Wednesday, Sapiano said.

"Let's not forget who he is up against ... the police code of silence and, if the allegations are true, one of the most well-organized and well-armed street gangs in the country."

But while Sapiano praises Fantino for his actions, he disagrees with Fantino's assertion that there is no need for a public inquiry into the scandal.

"He is ... dead wrong that this is isolated to the 10 officers who were named," Sapiano said.

"I disagree with him ... but the truth will be out, one way or another."

Sapiano said he hopes federal prosecutors and the judiciary can show as much courage as Fantino.

GRAPHIC: photo of JULIAN FANTINO; High praise

LOAD-DATE: January 9, 2004



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on November 28, 2006 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on October 19, 2006 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on November 28, 2006.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **NOVEMBER 28, 2006** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT: Dr. Alok Mukherjee, Chair
Ms. Pam McConnell, Councillor & Vice-Chair
Ms. Judi Cohen, Member
Mr. John Fillion, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member

ABSENT: Mr. David Miller, Mayor & Member

ALSO PRESENT: Mr. William Blair, Chief of Police
Mr. Albert Cohen, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 28, 2006

#P390. PROCEDURAL REVIEW: CONCERNS RAISED BY SERGEANT JAMES CASSELLS

Chair Alok Mukherjee delivered the following comments:

The Chief advised us in May that he would undertake a procedural review in response to the concerns raised by Sgt. Cassells. The terms of the review were set in consultation with the Special Task Force and those tasked with prosecuting the criminal and PSA charges, so as not to compromise the ongoing cases.

This review is now complete and today the Chief reported the results of his review to the Board. The Board discussed the report with a view to ensure that public disclosure of the information the Board received would not adversely affect the ongoing legal proceedings. We must consult with those who have a legal interest in this information.

With respect to any need for a public inquiry, arising from the concerns raised by Sgt. Cassells, the Chief's review makes no such recommendation. If, at the conclusion of all legal processes arising from the work of the Special Task Force, there remain any significant issues that undermine public confidence or trust in the integrity of the Service, the Board would support a call for a public inquiry.

Chief Blair provided his comments to the Board regarding the chronology of the events leading to, and including, the Special Task Force investigation.

The Board received the foregoing and approved the following Motion:

THAT, given that the public trust is paramount to the work of the Toronto Police Services Board, the Board inform the Attorney General of Ontario that the Board would welcome a public inquiry to air all facts if there are significant issues still outstanding at the ultimate conclusion of all legal proceedings, and that the timing of this inquiry should ensure that the legal proceedings not be jeopardized.

Additional information regarding this matter was considered by the Board during its in-camera meeting (Min. No. C309/06 refers).

MILOS MARKOVIC, et. al.
Plaintiffs

-and- **MIKE ABBOTT, et. al.**

Court File No: 00-CV-193186

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceedings Commenced in Toronto

**PLAINTIFFS' SUPPLEMENTARY MOTION
RECORD
ON A MOTION TO AMEND STATEMENT OF
CLAIM**

TO BE HEARD OCTOBER 19, 2009

FALCONER CHARNEY LLP

Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario
M5R 1A9

Julian N. Falconer (L.S.U.C. # 29465R)

Julian K. Roy (L.S.U.C. #36894G)

Jackie Esmonde (L.S.U.C.#47793P)

Tel: (416) 964-3408

Fax: (416) 929-8179

Lawyers for the Plaintiffs

MILOS MARKOVIC, et. al.
Plaintiffs

-and- **MIKE ABBOTT, et. al.**

Court File No: 00-CV-193186

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PLAINTIFFS' SUPPLEMENTARY MOTION
RECORD
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CLAIM

TO BE HEARD OCTOBER 19, 2009

FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario
MSR 1A9

Julian N. Falconer (L.S.U.C. # 29465R)
Julian K. Roy (L.S.U.C. #36894G)
Jackie Esmonde (L.S.U.C.#47793P)
Tel: (416) 964-3408
Fax: (416) 929-8179
Lawyers for the Plaintiffs