

Inquest into fatal shooting by Ontario police finds “totally deficient” arrest planning for suspects with mental health problems

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On December 23, 2017, Babak Saidi, a 43-year-old man who suffered from schizophrenia, was picked up at his farm near Cardinal, Ontario, by his father and a family friend to be driven the 20 or so kilometers to the Morrisburg Provincial Police detachment, where he was required to report every Saturday between 7:00 a.m. and 7:00 p.m. as part of a bail release program. The check-ins had passed without incident over the previous several months, but this time things would go horribly wrong.

At the station, after a short delay, Saidi was escorted into the detachment by two police officers. Once inside, he was informed he was under arrest for threatening a salesperson on his property a few days earlier. He acknowledged the incident but denied he had done anything wrong.

He said he wanted to tell his father about the arrest and made for the exit. The officers, unaware his father was waiting outside, assumed he was attempting to flee. They grabbed Saidi. A struggle ensued, causing the three of them to spill through the door back onto the paved area in front of the building.

Saidi’s father watched with mounting horror and disbelief as the struggle culminated tragically with one of the officers unloading his revolver five times into the body of his unarmed son.

In the chaotic aftermath of the shooting, Saidi’s father and friend were told to wait for instructions at a nearby Tim Hortons coffee shop. Babak’s sister, Elly Saidi, told CBC News, “They waited for hours, and finally the police came. My dad asked the police, ‘Where is my son?’ And the police officer told my dad, ‘Sorry, your son is gone.’” According to Elly Saidi, 10 hours after the shooting, that remained the

only detail the family had about Babak’s untimely and violent death—an absence of information she said was “unacceptable.”

Ontario Provincial Police (OPP) constables Luc Sarao and Meghan Shay, the two officers involved in the fatal altercation, were cleared of any wrongdoing following an investigation by Ontario’s Special Investigations Unit (SIU). However, a coroner’s inquest into Saidi’s death concluded late last month that the OPP had “totally deficient arrest planning” for people with mental health problems.

The SIU, a civilian law enforcement agency formed in 1990 in response to social tensions caused by an increasing number of black men being shot by police in the late 1980s, is required by law to investigate all interactions between civilians and police that involve either a fatality or a serious injury. If the SIU determines that the police’s use of force broke the law, it is empowered to lay charges against the officer.

The SIU reported that in “the intervening 105 seconds between [Saidi’s] entry into the detachment and the shooting of [Saidi]” there was no reasonable grounds to lay criminal charges against the officer who fired the fatal shots, despite the fact that Saidi was unarmed. Of the five bullets lodged in his body, the three that were fatal entered through his upper back.

Charges are rarely pressed against officers who use deadly force across Canada. According to the Canadian Journal of Law and Society, “Only cases involving the most egregious acts of brutality, coupled with strong forensic and witness evidence” result in charges being laid.

Video evidence showed the two officers wrestling Saidi to the ground, but the struggle continues out of

frame and there is no sound when the shots are fired. Saidi's postmortem by Eastern Ontario Regional Forensic Pathology Unit reads, "He was brought down to the ground by two officers, punched in the head multiple times and may have been shot with a conducted energy weapon (CEW). Review of security camera footage of the incident showed no evidence that the CEW had a physiologic effect on [Saidi], although the final few seconds of the interaction were not captured on video."

SIU director Tony Loparco admitted, "At first blush, the wounds may raise some questions about the incident." But Loparco claimed the officer had little choice but to fire at close range since his own life was at risk, a common excuse used by the police to justify their killings.

A witness sent an email to the lead SIU investigator stating the officer was on his feet when he fired three shots "execution" style into Babak's upper back. Loparco claimed he relied on physical evidence to form an opinion because the eyewitness testimony was, by both "the officers and civilians, for whatever reason, somewhat confused and or inaccurate."

Over a 15-year period between 2005 and 2020, the SIU only recommended 180 officers in 159 incidents be charged out of more than 5,000 incidents it was called upon to investigate. Even in the unlikely event an officer is charged for using deadly force, they are further shielded by a court system that rarely convicts. It was found that of the officers charged by the SIU between 2005 and 2020, prosecutors withdrew the charges in over 25 percent of cases. For the cases which do proceed to trial, the most common outcome is an acquittal. Officers who are convicted are typically sentenced to a conditional or absolute discharge.

In the 461 cases involving a fatal police encounter between 2000 and 2017, CBC News identified 18 cases where criminal charges were laid. Of these cases, there were just two convictions.

Former Ontario ombudsman Andre Marin, who completed two reviews of the SIU during his tenure, laid blame on the Ontario government, headed by the Liberals until 2018, for the body's toothlessness. "The Ministry has allowed long standing issues impeding the SIU to fester. I am left with the impression the ministry does not want to consider any reforms that would be too distasteful to the policing community. The people

of Ontario are the losers in all of this. The Ministry stance frustrates the promise of independent and strong civilian police oversight, thereby undermining public trust in policing," he concluded.

Across Canada, a full 70 percent of the 461 people shot by cops between 2000 and 2017 suffered either from a mental illness or substance abuse issues, according to CBC News. The broadcaster's Deadly Force database found a sharp increase in police killings during the first months of the COVID-19 pandemic, with 30 fatalities recorded following encounters with police during the first six months of 2020. This figure compared to 40 fatalities for the entire year in 2016, which was previously the deadliest year for police violence.

Joanne MacIsaac, the sister of Michael MacIsaac, who was shot by police in 2013 after running naked in the middle of winter holding a table leg during a mental health crisis, told The Pointer in 2020, "They can't say they don't know, they know, they just choose to ignore it. They are complicit. They are the reason this is happening. Nothing comes of these recommendations. The government is responsible for my brother's death."

She continued, "I think the SIU is doing exactly what politicians want it to do; which is to provide an aura of oversight as opposed to providing real transparent investigations into police actions."

The refusal of governments and their agencies to hold police officers accountable has allowed killings to continue occurring on a regular basis. In February this year, Calgary Police Service officers shot and killed Latjor Tuel, a Sudanese man suffering from mental health problems linked to his experiences as a child soldier in the African country's civil war. Tuel, who was carrying a stick and a knife at the time, was surrounded by police officers who opened fire after he allegedly attacked a police dog.



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