

Charge G20 officers, police watchdog orders

5 constables involved in Adam Nobody arrest finally identified

By Dave Seglins, [CBC News](#)

Jan 20, 2012



An image from a report prepared by the Office of the Independent Police Review Director shows the takedown of G20 protester Adam Nobody on the lawn of Queen's Park in Toronto on June 26, 2010. (CBC)



[Adam Nobody exclusive9:59](#)

Ontario's top police complaints watchdog has concluded five officers involved in the now infamous arrest of G20 protester Adam Nobody should be charged with misconduct for using unnecessary force and for discreditable conduct, CBC News has learned.

CBC News has obtained a report produced by the Office of the Independent Police Review Director (OIPRD) on Nobody's violent takedown on the lawn of Queen's Park in Toronto on June 26, 2010.

The report, which was given last week to Toronto police Chief Bill Blair, orders him to lay disciplinary charges against five Toronto constables: Michael Adams, Geoffrey Fardell, David Donaldson, Oliver Simpson and Babak Andalib-Goortani.



Adam Nobody stands by allegations that he was assaulted a second time after the documented takedown. (CBC)

The OIPRD report also raises new questions about Nobody's conduct at the protest.

It concludes officers had reasonable grounds to arrest him, accepting officers' statements that Nobody had threatened to kick the police officers' "heads in."

As well, the report says Nobody's complaint that he was assaulted a second time as he was moved, with his hands restrained, to a police transport wagon could not be substantiated due to "insufficient evidence."

Report relies on video recordings, eyewitnesses

"I'm very grateful somebody else believes me ... and that other people are going to have to face retribution for attacking me," Nobody told CBC News in an exclusive interview. "I was getting pummelled and beaten. Police officers were holding my arms."

But Nobody flatly rejects the OIPRD acceptance of officers' statements that he was agitating the crowd or uttering threats.

"I did not threaten to kick any officer's head in. I was standing there. They were approaching us. I'm like, 'Why are you coming at us? We're not coming at you.' Again, we [were] at Queen's Park, the designated protest area!"

He also stands by his allegations of a second assault: "I know it happened — [They] know it happened."

The 172-page report paints a picture of the G20 protests as a tense, chaotic situation for officers involved in the Nobody arrest.

Most were assigned to be a part of teams that were sent through police barricade lines to snatch and arrest targeted individuals, amidst reports of a thousand 'black bloc' protesters roaming the streets armed with a variety of weapons, including Molotov cocktails.

'How many cops were in Toronto that day, thousands? You needed one more who's being investigated? I think it's careless of his supervising officers, and all the way up the ladder.'— *Adam Nobody, on Const. Michael Adams*

Protester Nobody was singled out, with some officers accusing him of carrying a potentially dangerous water bottle filled with an alcohol-based substance. He insists it was simply watered down whisky for drinking, and not a weapon.

OIPRD investigators reviewed photographs and, frame by frame, numerous videos. They spoke to five civilian witnesses and 20 police officers, including those directly involved.

Several directly involved in arresting Nobody gave statements to the OIPRD stating Nobody resisted arrest and was assaultive.

Constables Adams, Donaldson and Simpson admitted they delivered blows – with either closed fists or knees. Adams claimed that Nobody tried to bite him, and had spun one officer over onto his back and could potentially reach for a gun.

"Impossible," said Nobody. "It would be physically impossible for me to do any of that for I had an officer on my back, an officer on each arm holding me, pinned down to the ground, face first lying on the ground..."

Const. Fardell outright denied striking Nobody, whom he described to OIPRD investigators as "fighting violently."

The OIPRD is silent on whether investigators believe the officers' account versus Nobody's, but in the end concluded Adams, Fardell, Donaldson, Simpson and Andalib-Goortani should be charged.

However, the OIPRD explicitly cleared Const. Daniel Lowe, who initially tackled Nobody. The report concludes his actions were reasonable.

The accused officers have yet to be formally served notice of the charges and have not had any chance to respond to the OIPRD findings. Normally, charges under the Ontario Police Services Act must be laid within six months of an alleged incident, or Toronto's police chief has to seek permission from civilian overseers for a time-limit extension.

"This is almost two years down the road getting to this and this has been very arduous for our members," Mike McCormack, head of the Toronto Police Association, told CBC News.

He represents the accused officers, but refused to comment on the specific cases or the contents of the OIPRD report.

In December 2010, another civilian watchdog agency, Ontario's Special Investigation Unit, laid a single criminal charge of assault against one of the officers, Andalib-Goortani. The SIU issued a statement stating Andalib-Goortani was positively identified in a citizen's recording of the incident showing the officer wielding a baton against Nobody. However, the SIU determined that three other officers believed to be part of the melee refused to give statements and could not be positively identified.

The OIPRD report marks the first time all the officers involved in the Nobody arrest have been officially identified.

An SIU spokesperson said Thursday that the office had yet to receive the OIPRD findings, and could not comment on whether the new revelations would prompt a reopening of the criminal probe by the agency, which investigates incidents involving police where citizens are seriously hurt.

Officer was already subject of ongoing fatality probe

The OIPRD report also reveals an intriguing twist that's raising questions about Toronto police supervision. Adams, an officer accused of using unnecessary force on Nobody, was involved in a police takedown May 5, 2010 – just seven weeks earlier – in which 18-year-old Junior Manon was fleeing police on foot when he was tackled and died from what a pathologist determined was "positional asphyxia."

The SIU cleared Adams of any wrongdoing in Manon's death, which is currently the subject of a coroners' inquest in Toronto.

Nobody questions why Adams was on the frontlines of the G20 arrest squads when he was still the subject of two mandatory investigations — one by the SIU and a second done internally by Toronto police.

"He shouldn't have been out there if he's still under investigation," Nobody said. "For something as serious as a death? Like, how many cops were in Toronto that day, thousands? You needed one more who's being investigated? I think it's careless of his supervising officers, and all the way up the ladder."

Toronto's police chief declined a request to comment on either the OIPRD report or the fact Adams was allowed to remain on frontline duty during the G20, given the probes into Manon's death.

The constable's lawyer noted his client had not been charged with anything when he was called on to work the G20.

"The notion he has to be shelved until the SIU gets around to completing its investigation, I think is silly," Gary Clewely said. "It could be six months. I certainly wouldn't advocate that Adams sit around at a desk, counting paper clips, never mind staying at home while the public pays him when he's able-bodied. This kid has an exemplary record. He's a really good kid, and a good cop."