

Police 'unplugged' corruption probe, lawyer says

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Lawyer Julian Falconer says police brass failed to properly probe concerns raised about the squad.

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A special task force that investigated and charged a squad of Toronto police narcotics officers for allegedly shaking down drug dealers also suspected another drug squad of corruption, but then-chief Julian Fantino ignored the suspicions, a lawyer claimed in court this week.

The lawyer for Milos Markovic – a suspected drug dealer who alleges the squad led by Det. Dan Ross stole from his safety deposit boxes – claimed in a pre-trial motion hearing that Toronto police brass failed to properly investigate concerns raised about the Ross squad.

Lawyer Julian Falconer said police "unplugged" the investigation of the Markovic matter as part of a damage control campaign at the time the notorious Det. John Schertzer crew was making headlines.

"When Chief Fantino declared there were only a few bad apples, he did not deliver the straight goods," Falconer said in court.

Fantino, now the head of the Ontario Provincial Police, was not available for comment.

Lawyers for the Police Services Board note in a factum presented in court that Fantino is not named as a defendant in the lawsuit, and claim the special task force never concluded the Ross team committed any crimes.

The police lawyers also suggest it was Markovic who stymied the investigation by not cooperating. None of Falconer's allegations have been proven in court.

Ross, now in a position of leadership at the police officers' union, did not return phone calls. His lawyer, Gary Clewley, said, "(The Ross crew) was investigated and as far as I'm concerned, cleared. Everybody who looked at it ... said there were no grounds to charge."

Markovic is suing the police force in civil court, claiming officers stole more than \$200,000 in cash and valuables that belonged to him. His lawyer says he obtained new documents that show police force inaction. Whether Falconer will be allowed to include his cover-up claims in the lawsuit is before the court. Falconer contends the alleged cover-up contributed to his client's mental distress.

Police force spokesman Mark Pugash said Falconer's documents represent only a small portion of all the available paperwork, which contains contradictory statements and offers little clarity to the issue.

Meanwhile, the charges against Schertzer and his crew, after being tossed last year due to prosecutorial delays, is back on after an appeals court ruled several weeks ago that the delays were reasonable and the officers should stand trial.

At the time of the Schertzer scandal, Fantino said the allegations, while "regrettable," were "isolated and confined. The investigation has been independent, extremely exhaustive and thorough."

After the Markovic hearing this week, Falconer suggested otherwise in an interview with the CBC as part of an ongoing *Star*-CBC probe of the matter. "The only problem is that the investigation in relation to my client's matters was unplugged. Unplugged before Mr.

Markovic could be interviewed. ... A final report we never see until years later states that the conduct of these (drug squad) officers is 'a hair's breadth from being criminal.'

"What if the officers are innocent? Clear them. Vindicate them. ... You make sure one way or the other the truth is told."

Documents filed by his lawyer show Markovic was arrested, stripped and searched, and charged, but the charges were later stayed.

In 2001, Fantino, then the newly appointed chief, struck the task force to investigate what had become the biggest corruption scandal to hit Toronto police, and he tapped RCMP Superintendent John Neily to run the probe.

The alleged thefts of drug dealer money took place in the late 1990s, before Fantino was chief. The probe was to centre on Schertzer's crew but the task force soon widened its focus to include other officers.

In the end, the costly effort – which spanned three years and involved interviewing hundreds of witnesses, executing dozens of search warrants, obtaining three wiretaps and analyzing suspect officers' finances – resulted in charges laid against Schertzer and his crew.

Further explaining his arguments in court, Falconer said in the interview "that there was a deliberate element of concealment of the true nature of the problems they found on the drug squads.

"The words used by Chief Superintendent Neily were that serious criminal thefts and drug possession go beyond the Schertzer team into the Ross team" and that the matter justified an undercover investigation and financial audit of the officers.

"None of that happened," Falconer said.

Neily declined to comment.