

The Hum Podcast

Episode 11: “He Was Shot Down In The Street Like An Animal”

[Theme music begins]

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[Music increases in volume]

Male: You're listening to The Hum.

[Music decreases in volume]

Simona: This episode today is generously sponsored by the good people at Boxcar Social. A café and bar that offers a curated rotating menu showcasing the world's best coffee roasters, wine makers, craft breweries and whiskey distillers and also one of my favorite places in Toronto to chill in. With four locations in the city, be sure to check them out in person or visit them online at www.boxcarsocial.ca.

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Gilad: So we're joined in here today by La Tanya Grant, cousin of Jermaine Carby, a 33 year old man that was shot and killed by Peel police in 2014. A lot has been said about the story of Jermaine, but we're curious to know, what was it like growing up with Jermaine?

La Tanya: Well, Jermaine was my first cousin so his mom is my oldest aunt. I have another aunt which is younger than her after my mom, so she's like the first sibling of the family. My mom, then my aunt so me and Jermaine were pretty close, about three years apart, he's one year older than my oldest brother. We were inseparable, all three of us. We went to the beach, we had family barbecues, he was an amazing guy growing up, like a teddy bear, you know? He's always been tall, he's always been pretty built but just a gentle soul and if I needed anything, he was the cousin that I can go to. I remember being in Humber College, taking child and youth work and I needed money for a book and he was in BC at the time and he sent it over to me. He was someone that I could always depend on, we were very close.

Gilad: Can you guide us or take us through the events on the day that Jermaine was gunned down. What happened that day?

La Tanya: Okay, so from what I've gathered through my investigation, my own independent investigation alongside the SIU, Jermaine was in the car that night, got picked up by his friend, they were on their way to Burger King, which was about five or seven minutes from his house. The intersection was Queen and Kennedy, he lived by Queen and McMurchy and Burger King was about Queen and the 410. They were heading to Burger King, the officer pulled them over saying that the

license plate was hanging from a thread and that their lights were off, which we found out later that the license plate was not hanging from a thread and the lights being off, we still don't know if that was a factor. Once they were pulled over, the officer questioned the driver, got his driver's license, his insurance, his ownership. He even administered a breathalyzer test, I guess he said it was a regular traffic stop they were doing in that part of the city. Once they were complete with the traffic stop, they then proceeded to ask Jermaine for his information. Jermaine did give his name, they went back to the computer, the cop punched his name up and found out that Jermaine had mental health issues, prior encounters with police and that they were just supposed to use caution when they were coming in contact with him. They also found out that he had I guess a breach for probation, for a warrant in BC that they couldn't do anything about but they still chose to proceed and go talk to him about it. When they spoke to him about it they told him to come out of the car, didn't tell him why he was coming out the car, spoke to him about the breach while he was out of the car. The driver said that Jermaine got aggravated, they forced him out of the car, he was upset and I'm not sure what happened, you know, we only know by what we're told. One thing led to another and they said he was coming at them with a knife. He was shot at seven times, three shots hit him, the ambulance came on the scene, they couldn't resuscitate him, he was brought to the hospital and pronounced dead at 10:45.

Simona: So you bring up an interesting process of the police officer that pulled them over, asked for his I.D. even though he was a passenger and even though the driver had already provided all the necessary paperwork that was requested.

La Tanya: Exactly.

Simona: There was no real need to actually get the I.D. from Jermaine but I'm sure what prompted that was that he was a black man.

La Tanya: Exactly.

Simona: And what the process was called was "carding" which has been deemed controversial and illegal.

La Tanya: It contradicts the Charter of Rights.

Simona: Exactly because just by your existence does not mean that you are a criminal and they can't just assume-

La Tanya: Or arbitrarily detain you.

Simona: -detain you, exactly. I wanted to maybe start a conversation on the idea of, you know, multiple newspaper articles after said that even despite all of the findings around the independent coroner, jury and they ruled this a homicide, that the officer said that he wouldn't have changed anything the way he did it. But, that relies on the fact that he did something illegal to begin with, which was carding.

La Tanya: Well, let me clarify that, it's funny, the situation, it's not funny but it's rather interesting. The original officer that pulled them over was not the officer that shot Jermaine.

Simona: Oh, okay.

La Tanya: The officer that shot Jermaine was only on the scene for four minutes, had no idea why they pulled Jermaine over and just proceeded to speak to Jermaine as the passenger of a car, I believe because he was black and being racially profiled. Officer Reid did not know why the car was being pulled over, he did not know about Jermaine's history which I believe the officer that originally pulled them over should have notified his officers about his mental health issues before. Or you should just want to know about what's going on when you come to a traffic stop, so if that information would have been relayed a little longer than the four minutes that officer was on the scene, Jermaine probably would have been alive today.

Gilad: You brought up this knife and you know, we're reading about this story online, there was no knife found at the actual scene, correct? Can you tell us a little bit more about what the heck was going on there.

La Tanya: That puzzled my mind as well too because I've know Jermaine for years and Jermaine's not the type to carry a rigid kitchen knife or any knife at all. If I ever needed to open a beer or something he would always have this little Swiss Army one that regular people carry because it has a lot of different things on it like a nail file, a corkscrew. For the fact that Jermaine was about 6'5, 280 something built, sitting in a VW crouched down with this knife in his waist without protection he would have either been cut, it would have been uncomfortable, someone would have seen him adjusting.

Simona: Yeah.

La Tanya: For him to be talking to the officers outside of the car for a certain amount of time, not produce a knife but then I'm not sure what happened, how they aggravated him but for him to get upset and then draw a knife? The knife's not found on the scene. The SIU got on the scene around 12, a little bit after 12 and a knife was given over to them about 5:07 am by another member of the Peel Police.

Simona: Who wasn't at the scene.

La Tanya: Who wasn't at the scene. Or maybe he was at the scene, I'm not sure if he gave it to the supervisor but the SIU got on the scene at 12 and didn't get a knife until five? That should have been the first thing they got because that's part of the scene and to be able to preserve evidence.

Simona: That was the trigger for them pulling out to shoot him-

La Tanya: To shoot him in the first place.

Simona: -so it should have been there at the scene.

La Tanya: It should have been the main thing that they would have tried to preserve for the officer who supposedly picked it up to preserve evidence, the day of, he couldn't recall if he had gloves on. He was questioned again a couple months after, he

couldn't recall but then two years later at the coroner's inquest, he all of a sudden remembered that he had on black vinyl gloves because he had to wash off the blood with sanitizer.

Gilad: Is this Inspector Gadget picking up the knife?

La Tanya: That's what I'm wondering, I mean, even if you are, you're not washing off blood with sanitizer, you're throwing those gloves away. You're picking up the knife, you're putting it into something secure and you're handing it off to someone.

Simona: It's procedure.

La Tanya: Right away.

Simona: You trained this, right?

La Tanya: Or you're standing there and you're making sure that it's okay because if the scene is sectioned off, even though it's a dark intersection, if you're standing over that knife and that's going to be your job for the night, that knife is not moving. For that, it's questionable if the knife was even present or not and I mean, for the fact that he didn't remember if he had on gloves. Another thing that came up in the inquest which a lot of people overlooked, the same officer who picked up the knife to preserve it and put it in a paper bag in his car, was just coming from a domestic dispute involving a knife. That's something that we're kind of, digging into as well because it just doesn't sit well with me.

Gilad: Very shady details, very shady details and you wonder why it took that long to bring the knife in. One thing to take the knife off the scene but then what the hell's happening in all those hours leading up? Why is it just sitting there?

Simona: Why five hours?

La Tanya: Another important detail, Jermaine's fingerprints weren't found on the knife, only his DNA. His DNA was all over that scene-

Simona: It's all blood, right?

La Tanya: If Jermaine took that knife from his house, it's his regular knife that he keeps at his house he had it in his waist, he put it in his waist, he's waving it around the whole time at them, they even said after they shot him they had to pry the knife out of his hand when he hit the floor. If he's holding something that long, I don't see how his fingerprints couldn't be on it.

Gilad: You brought up mental health earlier, so they pulled him over and in the notes they saw that there were issues around mental health and so we were doing some reading online and we found that since 2000, in 40 instances police have fatally shot people who are in the midst of mental health crises. That's according to a critical 2016 Ontario Ombudsman report on police de-escalation tactics which are meant to calm people in crisis, so to put that in perspective at the time of the report at the Ontario Police College, officers received five 90 minute sessions on how to communicate versus fifteen 90 minute sessions on how to drive. In July 2015, officers arrived at Andrew Loku's apartment building after a

disturbance call, he had a hammer and an officer shot him dead less than two minutes after arriving on the scene. In Ottawa, Devon LaFleur armed with an air gun, killed by Toronto police in March 2016, officers had been on the scene for less than one minute before they fired nearly two dozen shots at him, eight hit their target. Or, Sammy Yatim, just 18 years old, alone on a street car armed with a pocket knife and shot dead on the street in July 2013. So what is going on here? What needs to be done?

La Tanya: I'm just so disgusted hearing this after seeing the event that happened the other day with that gentleman that was waving the knife and ran over a couple different people and they never shot him once. Not to say that he should have been shot, if they are upgrading their training on deescalating situations, I totally agree with that but I personally feel if he was a black man, he would have been shot.

Simona: Same. I definitely-

La Tanya: It's definitely a race issue.

Simona: -I think that we have to look at the idea that they are receiving deescalation training and not enough in my opinion but they are receiving it so the other question that it kind of alludes to is, why aren't they using it? Why aren't they trying to use these tactics?

La Tanya: Well, the training that they're receiving, I'm curious to know what type of training. Is it a course that you go to? Do you have to write a test? Do you have to demonstrate something to pass to be able to be out in the field to deal with

people? Mental health is not something you can see. Any one of us can have it and it can be triggered at any time so this is something that all officers should be trained on and it shouldn't just be possibly, which we found out in the inquest, a module that's sent to your email that you read at your leisure. This should be something that's held at a different standard. You're an officer, you have a gun, you're authorized to hold a gun and you can possibly take someone's life so you need to be able to know what people you're dealing with out there in the community.

Simona: Also remembering that being a police officer is a choice, it's not an inherent-

La Tanya: It's to protect and serve and not to murder and harass.

Simona: -within four minutes of coming to the scene of a crime.

La Tanya: Or one minute or two minutes-

Simona: Yes.

La Tanya: -I mean, it's not that much of a rush and they should learn how to deescalate situations. I think that they're more power hungry and they use their power to their advantage and they're not being reprimanded or they're not being accountable.

Simona: I think people are bringing up "well what about that guy, the officer in Sammy Yatim's situation who's going to jail for six years?"

Gilad: James Forcillo.

Simona: Yeah. That's because he breached the conditions of his release. The conditions before he was sentenced to be in the-

La Tanya: That's because we videotaped it.

Simona: -yeah.

La Tanya: If it wasn't videotaped-

Simona: We wouldn't have known.

La Tanya: -who knows if it would have went this way?

Simona: Exactly, that's the only reason that justice is happening is because he breached it.

La Tanya: Yes.

Simona: You know, it's not taken the fact that Sammy Yatim was 18 years old with a knife.

La Tanya: Yes, on a streetcar alone, by himself, not harming anyone.

Simona: No, you know? You're also wearing a bullet proof vest, you also go through combat training, it keeps coming back to the question, why as an officer, that some are choosing to use deescalation methods so they are preserving life and that some are acting, who, we have to call it what it is, is trigger happy.

La Tanya: Why are they not held at the same standard when they kill somebody? Why do they get special privileges? If I shot an officer, there's no way, it doesn't matter what story I give you, I have a family, I have a kid, I have a career. They're not gonna let me serve my time outside so why does he get to do that?

Simona: Exactly.

Gilad: You know we were bringing up this case to other people that we know and a lot of people just haven't heard of what happened, sadly, to Jermaine and other stories as well as Andrew Loku. Often the dialogue around this is "it's not the United States and it's not that bad here." What do you have to say to that?

La Tanya: Oh man, I've honestly until Jermaine's death, I myself wasn't aware of what's happening in my own backyard so I can't blame the people that don't know but, for them to say it's not like the States, it's exactly like the States. The only thing is, they're more transparent. We try to make Canada look like a nice country, come here, we're multicultural and these things aren't happening but they are. They're just either being covered up, families either take settlements, they get silenced or nobody fights enough for it to hit the public eye. I'm just thankful that at the time Jermaine died, I was six months into my mat leave, so I had to time and the energy and because me and him were so close, I had the passion to

fight for justice and find out what really happened. Most families don't have the resources, the time, the energy after a family dies. I personally don't even think I've grieved yet because it's just been a go, go, go. These things are definitely happening, people should research it, it's probably worse than the States but we just don't have that information transparent for us to know. The media kind of ties in with, I believe, the justice system or even with the police to not show us the truth because the minute Jermaine died, what they had on the screen is "Known BC Criminal."

Simona: Exactly.

La Tanya: They automatically "known to police" what does that mean? That makes the media say "oh, you know what? He was a "bad guy" and not really care about the story but if it was "scholar became a doctor" or this or that they would want to more research and find, or if it was a Caucasian person, there'd be more to the story like Jane Kreeber when she got shot. That was all over, you know?

Simona: Well, look at the guy from the van attack. I know he's a Seneca grad, I know he was a computer science student, even though people in his classes had said "no, this guy had some very misogynistic tendencies, he had some very outright hateful commentary" but the minute, maybe as a society or as media, we sympathize with white killers and then we demonize black victims.

La Tanya: We justify it by their past, you know? They had a bad past, but Jermaine, he did have a negative past, you know? He went to BC to become a lawyer, he got caught up in the wrong crowd, but he did move back here because his mom

recently almost lost her life through a domestic with her husband. He came back to be a support for her, he was working, he had a car, a place, he had aspirations to go back and be an electrician. People can change their life and all of us have a past, we just don't know about our past so someone shouldn't be judged by it or their death shouldn't be justified by something they did in the past.

Simona: I think one of the things you talked about is the idea of justice. That it just has a tendency to fall on the victims' families or those who are grieving loss or trying to grieve loss and that the energy necessary to continue with that, 'cause you know the work that you're doing, it may not be guaranteed at the end. You may not have the end result but, this whole situation was a catalyst for you to actually go back to school.

La Tanya: Definitely. Honestly, when this first started, whatever the end result is, I just want people to know about Jermaine's story. I want them to know what happened. I don't want him to be demonized as the public and the media is trying to do. I want people to know that Jermaine was innocent. A knife was planted by the Peel police and I want to bring down the Peel police system. Yeah, this did make me want to go back to school and fulfill my Paralegal program at Humber College, I wrote my licensing exam so I'm now a licensed Paralegal. I do plan to go back to law school in a couple years because I don't want to be limited. The reason I did that is because I believe there needs to be more representation in our community to want to deal with these issues when they happen. More passionate people that have actually had something close to their heart that happens so that when these situations come about, I can serve my community, I

know a little bit about what happened. It's unfortunate what happened to my cousin but it definitely pushed me into my passion.

Simona: Amazing.

Gilad: We were able to dig around on your Facebook so sorry for creeping, it's just what we do here at The Hum with budget. So September 2014 the incident with Jermaine happened. September 2015 you go back to school to be a Paralegal. May 2016 you had the coroner's inquest. June 2017 you graduate with your Paralegal diploma. February 2018 you write your Paralegal licensing exam and now April, here we are and you're assisting your lawyer as counsel for the Jermaine Carby Civil Suit. Congratulations.

Simona: Damn, girl.

La Tanya: Thank you so much, it's been a journey, man. It's been a long and hard journey. A lonely journey. I'm a single mom and I've been going to school and being a mom and also trying to grieve and keep it all together for me and my daughter and just to be the representative of my family. It's been a journey, I'm thankful for the journey, I do have my own Paralegal practice now, Grant Paralegal Services, GPS.

Gilad: We got business cards, come visit us. We'll show them off.

La Tanya: You know, check out Facebook, check me on Facebook or you can even email me at grantparalegalservice.com.

Gilad: We'll make sure to share that info online as well so be sure to spread that word. I wanted to ask you, everything goes down in September 2014 and it's not until about a year and a half later in May 2016 that you had the coroner's inquest. Can you guide us through what took place there and what was it like for you and your family to become aware of who the perpetrator in this situation was, Officer Ryan Reid. What was it like to be face to face with him for the first time?

La Tanya: Well, I mean, most families leave it up to the SIU to do the investigation so once I did my own independent investigation, it was I guess anticipation to be able to get to the coroner's inquest. That was something that wasn't given, I had to fight for that. They denied that Jermaine was in police custody when he died but I had to produce videos which people, I'm not sure who gave it to me, but thank you Facebook and everyone who's submitted videos or helped, that showed that while they were resuscitating him, he was cuffed. If they found no vital signs, he was in police custody when he died so I fought for the inquest. When it finally happened, it was good to find out the driver. We still didn't know the driver of the car, the name of the driver, we didn't know who he was so we finally got to meet him, hear his statement. We didn't know the officer's name, we finally got to see him face to face and hear his statement and what he had to say. The coroner's inquest which I'm thankful for Fiesel Murzer and the African Canadian Legal Clinic, Renako and Dina Smith for helping out, they were able to get us a lot of information that we would have never had if the inquest didn't happen. In regards to the knife, in regards to things leading up to the death of Jermaine and what happened, so a lot of that information was good for us to be able to pursue the civil lawsuit which we're currently in right now so I'm so thankful for that. It was

very informative. We found out a lot about what happened that day and like I said, we were able to find out the officer was only on the scene for four minutes when Jermaine died. We would have never known that before.

Simona: I think you bring up an interesting point that someone took a video. Without that video, you may not have been able to move forward with the civil suit.

La Tanya: Well, not just the civil suit, with anything after Jermaine's death. Every video that was submitted showed a part and helped us piece the puzzle together which made the officers have to follow along and align with that video.

Simona: Really?

La Tanya: Because if they said something-

Simona: You know you're lying.

La Tanya: -apart from that video, we wouldn't know, which they lie anyways so I mean, there's still things that we're trying to sort out in regards to the civil suit, so we're just hoping that anybody who had any information or any videos that were submitted, we're thankful that they were because that definitely helped us show the story.

Gilad: At the coroner's jury, they ruled that this was a homicide and they recommended that the Peel police explore their unconscious bias during traffic stops. What does all this mean though? What happened to the officer since then?

La Tanya: Nothing's happened to the officer since then. I don't think the officer's been reprimanded, the officer's still working. We know that Peel police has a track record of unconscious bias and racial profiling but this is just something, these recommendations that happen in inquests, they're just recommendations. They don't have to be implemented. There's not a timeline on when they have to be implemented so to me, I feel sometimes coroner's inquests are a waste of time in regards to the recommendation but they're amazing in regards to the family finding out exactly what happened that day. Majority of these recommendations have to do with unconscious bias, we've actually set precedent in regards to these 14 recommendations so I'm just hoping that they see throughout track records that there is a issue within Peel and they start to actually implement them.

Simona: You grow up thinking that the police are there to protect you and then you grow up and realize that that's not the case though that at any point in time, especially if you're a racialized person, someone suffering with mental health issues, just and, and, and, and, that you don't feel like the police are on your side. When they do something like this or we're see the other hundreds of other videos where you see just black men wrestled to the ground, saying "hey I can't breath" and their humanity is stripped away from them. Yet, a core principal of most if not all police forces is that "trust in the community." Why is there such a disconnect? That means all people in the community as opposed to just those who you choose to protect.

La Tanya: Well, let me say for one, all officers aren't bad, there are good ones. The ones that are aware of the bad ones who don't bring it to light, they're just as bad.

Simona: Just as bad, yep.

La Tanya: Another thing is, you can't be a community officer if you don't have a vested interest in the community. A lot of these officers will live in Oshawa then work in Peel, so they don't have a connection or a relationship with the people. They're not walking down the street and they're not seeing a basketball game and talking to the people without a gun at their side, without their vest on, just being a friend. That's the thing, police have now become more intimidating than they are a friend. If you're in the community, people know who you are. You're less likely as an officer to harass someone because people know you, they know where you live around the corner.

Simona: You understand community dynamics.

La Tanya: Exactly and you understand the people in that community. We need to hire more people that are of color so that we can have those people placed in those communities that can possibly relate and reach them rather than the people that judge them by the way they look that are not part of our community. That's the biggest disconnect. No one's going to respect you if they've never seen you and you've never spoken to them before apart from in an authoritative tone.

Gilad: It seems like in this situation, the burden for justice fell entirely on your shoulders and your families' shoulders. You mentioned earlier that you've barely even had

any time to process this or heal. How do you get through this? How do you stay grounded? How do you keep marching on?

La Tanya: Honestly, it's like I said, me and Jermaine were the closest of cousins. We've had altercations in the past as every family does, but, I know Jermaine would have done this for me. I'm not a person to start something that I don't finish. If I believe in something and if I believe there needs to be change in justice and the justice system and the policing, I'm a passionate person. As you read, I went back to school just to make sure that I can take part in being a part of that change, not just speaking about it. I grieve kind of through the process of knowing that things may change, that we don't plan to settle if they offer us a settlement, we plan to go the 100 mile and make sure Jermaine's case can be a precedent case so that these things stop. There's people in the community that have helped out but it's unfortunate that Legal Aid, you know Legal Aid helped us out financially with the coroner's inquest but just in regards to his mom getting counseling and things, there should be certain structures set in place for families who are affected by police homicide where they can have funding to go to, to access to take care of these things.

Simona: Definitely.

La Tanya: I just want people to know that I'm not trying to say Jermaine was perfect. Everybody has a past, Jermaine was trying to change. He was shot down in the street like an animal and his past shouldn't determine his outcome. People should want justice as much as I do. I'm sure people have been harassed by all sorts of different Peel police or any police region. We see that this is a track

record that they're killing people, they're harassing people, it needs to stop. We need to stand up as a community to make them change their structure of policing and how they're being trained and how they operate in the community. Like I said, I have my own practice so if you ever need representation in any of the following cases that, I guess you guys can post on your website.

Simona: We will, definitely.

La Tanya: Let me know and if I can't help you, I can definitely direct you to someone who can. I'm just happy that justice is on its way. It may not be here yet but we're taking the necessary steps.

Gilad: Thank you so much La Tanya for coming all this way, thank you.

La Tanya: Thank you for having me.

[Theme music fades in]

Gilad: My name's Gilad Cohen.

Simona: And I'm Simona Ramkisson.

Gilad: This podcast was edited by Brandon Fragomeni and Alex Castellani.

Simona: The Hum is an initiative of JAYU, a charity that shares human rights stories through the arts.

[Theme music fades out]

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