

Tony Smith on the Sheldon MacLeod Show (95.7 FM)

Thursday October 8, 2020

Re: Serious Injury Response Team (SiRT) report on the arrest of Santina Rao

Sheldon MacLeod: As mentioned, our next guest, who was the co-chair of the Restorative Inquiry into the Nova Scotia home for Coloured Children, was appointed as an observer into the SiRT investigation into the arrest of Santina Rao. And he has spoken out in social media circles about this. And Tony Smith is our guest here this afternoon. Tony thank you for joining us.

Tony Smith: Thanks for having me Sheldon.

SM: I read your comments that you didn't agree with the decision from SiRT. Tell me more.

TS: No I didn't agree with the decision from SiRT. I let it be known to Felix Cacchione of my concerns. The reason being, um, being in this position, it was to observe the lead investigating officer of SiRT to ensure that the case being done fairly or not, and I would be able to speak if I feel the case was being done fairly or not. And through my experience, I believe that it was an unfair investigation for what I was allowed to observe.

And I say that to you, I'm saying it in a way that—I was misled, and I was led to believe, that in the briefing of February 18th, with the lead investigating officer and Mr. Curran, that there was two videos that was given to SiRT, that SiRT had got from Wal-Mart. One was very grainy, one was high-tech. And they said that's all that Wal-Mart had. And I said I find it hard to believe an organization this big would only have those two cameras.

I said, one of them's very high tech, where she had purchased the electronics, and you can zoom in from many different angles. And they said 'that's all they gave.' And the lead investigator said "I had asked for more, they wouldn't give it.' And then gave excuses as to, they're lawyering up, I'll get back to them and see where they're at now', you know, that kind of talk. So I'm assuming that Wal-Mart was giving them a hard time with the videos.

In that briefing I was also—there was a biased narrative, and all they were speaking about was showing me this here video, and stating that the incident went bad when Ms. Rao was being arrested, where the police officer went to put his hands on her, that she turned around and struck him. From the video that I seen, I did not see that. And at the time, Mr Curran who was acting [SiRT director], he was in agreement with that narrative that that's what transpired.

But as we went back and forth, back and forth, looking at the video, a couple days later when I spoke to Mr. Curran, he said 'Tony after you mentioned that, I kinda am inclined to believe your version. And my version was that in that video, there was something else that caught Ms. Rao's attention, and she turned away from the police, and that's when the police—cause she went and—I can't get into any details...

SM: Right.

TS: ...of what I observed, because of confidentiality, but I think there is evidence that would show that there was another issue as to when that went down. I don't believe with

what they had put in that report. But when I started to observe the file itself, I realized that the very first time the lead investigating officer—cause I also said that, you know, you can physically go around and look and see where the cameras are, and you'll know what they have.

On February 24th is the first time the lead investigating officers went to Wal-Mart and looked to see where the cameras were, and requested additional videos. And within the next day, there was confirmation that Wal-Mart had videos, additional videos, and they would need to have some kind of order. Cause when I brought to the attention that if Wal-Mart was not able to or will not present this evidence, or withholding evidence, that you can use a production order. And you know, people at SiRT got very upset with me when I started asking these questions, and I couldn't understand why they became so defensive.

So then I found out that basically the information that I was given from the lead investigating officer, and I had the conversation with Felix yesterday, and this lead investigating officer, and I said 'I was lied to.' And they said that that's a very powerful word, and that you need to be very careful if you were to say that SiRT had lied. And he repeated this three times, and I said 'what are you trying to say to me? What does that mean.' And I felt it was a threat.

But I said that if you go through your file, and anything that I'm saying to you now, if you can prove is not correct, please go and do that. But you're asking me, as an observer, and the public is asking for my opinion, I'm gonna be completely honest. So, after COVID started, I didn't have any access to the file...

SM: Right.

TS: ...from SiRT. And the other officers were given a computer with the information so they can work from home. I made that same request and I was denied. During that time, the acting director Mr. Curran was gone, and Felix had returned, and Mr. Curran said that Felix would be giving me a call, so I can continue doing me work as an observer. I did not get a call from him. I actually reached out to Felix and told him that I'm able to come, and to do the work. He said that the investigation is over, and that he hasn't read the file.

And I said, well there's information that I have right now in regards to investigation that I don't think was done properly, and that I think you need to be made aware of. And I explained some of those things to him. He had said to me that once I read the file I will give you a call, we will get back together, and we will meet and we can discuss it. I didn't hear anything from him. I called him again and when I called him, he said that he's already writing his report and he's about to complete it.

And I said well we didn't have the conversation, cause there's information that I can give you that this investigation is really not being done properly. And so he said, well I'm just gonna—So I said you're just gonna go ahead and write it without completing what I've been asked to do? He said yes. I said, well what I have to say is, it doesn't seem to favour SiRT. So he said he would write his report and I would have to do what I gotta do.

SM: Hm.

TS: And so he said before he releases, he'll allow me to look at it. So that's why I was called to his office Tuesday, for him to show me the report. And when I looked at it, I said that I'm not in agreement with this, that I came to you and I called you to say that there's more information. And I said for example, I was also lead to believe that the statements that was given by the police officers that were at this incident was done by SiRT, and I find out that it was not, that these statements were conducted by HRP personnel, and that SiRT used that in their investigation.

I said I didn't see ant evidence of SiRT investigating these officers, period. Now I said that I'm not privy, or I haven't been privy to the rest of the files since I hadn't been accessed to it. So that may have happened, I don't know, I can't speak about what additional documentations you may have had, I can't speak on that. But based upon my knowledge of what I seen, and the position that I'm in, that I would have to speak what I seen, and what I seen is basically an incompetent investigation that wasn't done thoroughly.

I can't speak too much about it, but there is information that this is a highly racial profile case. I'd been asked to do this by Pat Curran because he said, he's a white judge, you have white police officers investigating other white police officers. And he said that the optics in itself does not look like it would be a fair trial. That's why we're asking you, a member of the Black community, and the work that you've done with the restorative inquiry, to observe, and that you are free to speak your mind as to what you think was fair or not fair.

So when I look at the file, there's some information, if you look at the intent of somebody coming in, where this is racially profiled highly, there was something that would suggest that somebody may be a racist and that lead was not followed up. And again, I can't get into details about that, but if I'm looking at the overall, these are the reasons as to why I feel that this investigation wasn't done properly.

And I must say: I have to give credit to Ms. Rao, and her family. I am a person that as a kid been subjected to trauma. What I seen, what happened, with those kids, it breaks my heart. I would encourage Ms. Rao to continue fighting for justice, I'm very proud of her. What I have seen in the file gives credibility. I'm not saying it's based upon me being Black or being from the community, I had those same talks with my kids.

I've been subjected to street checks and driving while Black, and being followed. My wife, to this very day, cause she's darker than me, had those kinds of problems so I know what we have to address as Black people, and the systemic racism that has plagued our province. But to see what those kids went through, and knowing what I know, I'm so sorry. No person should go through what she went through, and as a father I thank God that I didn't walk in on something like that being done to my daughter—I probably would not be here alive today.

SM: Tony...

TS: Because...

SM: Yeah...

TS: ...it was plainly disgusting.

SM: We went really late with this conversation, but I needed to allow you time to finish. I thank you for speaking out today, we will stay in touch. Thank you.

TS: Thank you very much Sheldon, I appreciate it.

SM: That's Tony Smith, who was called in as an observer, and he said that this investigation was unfair and he was misled. The phone lines are gonna be open when we get back from this news update.