

Jermaine Carby, December 4, 1980 - September 24, 2014, 33 years old

Jermaine Anthony Carby was born on December 4, 1980, in Toronto, ON to Lorna Robinson. His mother remembers him as “a really excited person, loving person, outgoing. Fun person to be around... A loving son.” As a child, he attended Catholic schools and loved to read. When he was around 20, he left Toronto for British Columbia where he lived for twelve years before returning to Brampton, Ontario in 2012. After moving back, his mother said Jermaine visited her often, and the day he died, he had spent time at her house, chatting about the day and eating chips and dip.

During the coroner’s inquest into Jermaine’s death in 2016, it was reported that he had been hospitalized for depression and suicidal ideation four times in the six months before he was killed by police. The most recent incident occurred one month before his death, when Jermaine was hospitalized under Ontario’s Mental Health Act after he tried to disarm a police officer. The Mental Health Act allows police to detain a mentally ill person who they feel poses a danger to themselves or others. Jermaine reportedly wanted police to shoot him, and while at the hospital, he expressed severe suicidal ideation.

On September 24, 2014, around 10 p.m., Jermaine and former school friend, Acacio Barros, were on their way to Burger King in Brampton, ON. Acacio was driving a black Volkswagen Jetta, with Jermaine in the passenger seat when Peel Regional police officer Constable Jason Senechal stopped them, stating the license plate was obscured and the headlights weren’t on. Const. Senechal checked Acacio’s license and administered a breath alcohol test on a roadside screening device, which Acacio passed. Const. Senechal then asked Jermaine for his name and date of birth. This practice, called a “street check” or “carding”, is where police ask individuals who are not suspected of a crime for identification, then enter that information into a police database.

An analysis of Brampton and Mississauga police street stop data from 2009-2014 by the Toronto Star found that Black people were three times more likely to be street checked than white people. While individuals are not legally required to give police any personal information at these stops, many feel they do not have a choice but to answer police questions for fear of inviting more trouble if they do not answer or walk away.

Const. Senechal returned to his police car and entered Jermaine’s information into the Canadian Police Information Centre (CPIC), a national law enforcement

database that can include information about a variety of interactions individuals have with police, including criminal activity and mental health incidents where the police were involved. When he searched Jermaine's name, Const. Senechal discovered that Jermaine had a criminal record and outstanding warrants from British Columbia. CPIC also displayed a warning that Jermaine had previously tried to disarm a police officer, and that he was mentally unstable, violent, and had suicidal tendencies.

As Const. Senechal was looking at Jermaine's information, two backup officers arrived. Though Jermaine's family would later point out that a specialized unit should have been called in once Const. Senechal became aware of Jermaine's mental health issues, all three officers approached the vehicle, asked Jermaine to step out of it, and began to question him. Const. Senechal did not take time to communicate with the backup officers about how to best approach Jermaine before approaching the vehicle.

According to the Special Investigations Unit (SIU), a watchdog organization with a mandate to investigate cases where a police officer has killed or injured a member of the public, when Jermaine was asked about the outstanding warrants, the encounter soon became a "shouting match" and Jermaine pulled out a knife and walked in the direction of the officers, shouting "Shoot me, shoot me." Witnesses heard police shout "Drop the knife, drop the knife" repeatedly. One of the officers requested a senior officer attend the scene with a taser, but none arrived. Jermaine continued to advance towards the police and backup officer Constable Ryan Reid fired seven shots, three of which hit Jermaine in the arm, the chest, and the back. Only four minutes had passed between the time that Const. Reid arrived and when Jermaine was shot. Jermaine died at the scene.

The knife Jermaine allegedly held was removed from the scene by one of the officers, put in a paper bag, and placed in a police cruiser until SIU investigators arrived. When the SIU forensic investigator did arrive, he conducted other scene duties before taking custody of the knife around 5 a.m. the next morning. The SIU report reads:

"It is highly regrettable that one officer removed the knife from the scene. His ill-advised conduct has cast a pall over the integrity of the SIU's investigation. While the overriding weight of the evidence – including the eyewitness evidence of the civilians and police witnesses present at the time of the shooting – establishes that Mr. Carby was armed with a knife as he approached the officers, the removal of the knife ensures that some members

of the community will harbour concerns, legitimate concerns in my view, regarding the very existence of the knife. In this most serious of cases, where an agent of the state has taken the life of a citizen, the community was minimally entitled to expect that an independent investigation would be left to pursue its work on the basis of a secure scene and uncompromised physical evidence. They were denied that investigation.”

While the SIU report states that Jermaine’s DNA was found on the knife, his fingerprints were not found on the knife. Additionally, Jermaine’s family had to fight for his report to be made public, as before 2019, SIU investigation reports were only required to be released to the Attorney General. Though Const. Reid did participate in the internal Peel Police investigation, he chose not to participate in the investigation by the SIU. Officers being investigated by the SIU are not required to participate in interviews or submit their notes, and many SIU investigators are former police officers.

On November 25, 2014, thousands of people in Toronto gathered to protest Jermaine’s death and the fatal shooting of Michael Brown by police in Missouri. Soon after, Toronto became an official Black Lives Matter (BLM) chapter.

On December 13, 2014, BLM Toronto organized a “die-in” at Yonge-Dundas Square, joining in the protests occurring across North America after the NYPD announced Daniel Pantaleo, the officer responsible for Eric Garner’s death, would not be charged.

On July 21, 2015, the SIU announced Ryan Reid would not be charged for killing Jermaine Carby. Protesters in Toronto shut down the southbound Allen Expressway to voice their outrage at the SIU’s decision and the July 5, 2015, Toronto Police shooting of Andrew Loku, a Black father from South Sudan with post-traumatic stress disorder.

During the May 2016 coroner’s inquest into Jermaine’s death, Faisal Mirza, the lawyer representing Jermaine’s family, questioned Reid’s conduct, including why he did not read Jermaine his rights or conduct a pat-down after having him exit the car, and why he had no taser. Reid responded that “The situation was fluid and there was little time to make decisions.” La Tanya Grant, Jermaine’s cousin, said outside of court, “If he wasn’t carded, Jermaine would still be here today.” The inquest deemed Jermaine’s death a homicide, and the jury made 14 recommendations to Peel Police on how to avoid similar situations in the future, some of which aimed to combat “unconscious bias” involved in traffic stops.

However, coroner's inquests only rule on how a death occurred, not who is responsible for it.

In September 2016, Jermaine's family launched a lawsuit against the Peel Regional Police Chief, multiple officers, and the police force's Board. In July 2021, Tamar Friedman, the lawyer representing the Carby family, stated the case was moving slowly, and that her team was still disputing with the police's lawyers over which documents they would need to release for examination. Friedman said the case questions the SIU's approach to investigations and the criminal liability of police.

"The police are reacting to the civilian, who is reacting to the police. It is a situation the police created. If the police were negligent or malicious in creating that situation in the first place, then why are their reactions protected, but the reactions of the civilian arrestee are not protected? Whose safety are we prioritizing?"

In a January 2022 statement on the Black Lives Matter – Toronto Facebook page, Jermaine's cousin, La Tanya Grant, and Kiden Jonathan, a friend of Andrew Loku, announced that they would be overseeing BLM Toronto. La Tanya shared that after Jermaine's death in 2014, she began her own independent investigation alongside that of the SIU and started working with BLM Toronto to share Jermaine's story and advocate for police reform. Her investigative findings and the lack of Black representation in the legal system led her to pursue schooling in 2015, becoming a licensed paralegal in 2018. La Tanya pushed for the 2016 coroner's inquest which revealed the information needed to launch the family's civil suit later that year. She is now assisting the family's lawyer with the suit as a licensed paralegal, as well as continuing her community activism. The joint statement from La Tanya and Kiden reads:

"We have both suffered from the loss of a loved one. It is now our responsibility to get out the stories of these tragedies so we can heal as families, and as a community. We want to make a difference in the lives of families that were impacted by Police violence in Toronto. We want to be there for them in the best way we can. We want to support them in their grieving process as well as logistical support and pursuing justice. We will be there for you to assist you. We are glad to work with you and for you."

In loving memory of Jermaine Anthony Carby.

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