

Kenora police framed murder charge

Ignored evidence against detective's nephew, judge says

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A group of police officers in a Northern Ontario town purposely suppressed evidence capable of showing they had charged an innocent man in a racially charged murder, an Ontario Superior Court judge has ruled.

After halting Justin Carambetsos's murder trial, Mr. Justice Peter Hambly harshly condemned Kenora Police Service investigators for misleading the Crown and defence about the existence of a far better suspect -- a nephew of the lead investigator in the case.

"These officers were a force unto themselves," Judge Hambly said. "The court can sometimes tolerate police inexperience, blunders, mistakes and inefficiency," the judge noted.

"The court will sometimes make allowances for poor police work done in good faith. What the court cannot tolerate is police dishonesty."

The judge accused three officers, Sergeant Thomas Favreau, Sergeant Lloyd White and, to a lesser extent, Constable Chris Ratchford, of "egregious acts of misconduct," which include suppressing critical evidence, perjury and failing to investigate Danny Favreau, a local tough seen near the body of homicide victim Max Kakegamic on Oct. 4, 2000.

Judge Hambly added that it is "highly likely" that Danny Favreau's alibi was false.

He said the police were derelict in not investigating Mr. Favreau's involvement and in fabricating evidence afterward to cover up their true actions.

The explosive ruling, issued last month but placed under a tight publication ban until this weekend, has fuelled an already tense situation in the town of 15,000.

Mr. Carambetsos's lawyer, David Gibbons, said in an interview that his client "has always maintained his innocence, and we now know that he was charged as a result of a biased rush to judgment by police officers who were prepared to suppress exculpatory evidence, testify falsely under oath . . . and fail to investigate leads that pointed away from him."

Mr. Gibbons said aboriginal leaders are doing their best to keep a lid on the situation. Mr. Carambetsos expects to see "a thorough, independent review of the culture and practices of

the Kenora Police Service," he added.

According to a report in the Kenora Miner, Police Chief George Curtis has reassigned Sgt. White and Sgt. Favreau to administrative duties pending an OPP investigation of their conduct.

Still, Judge Hambly noted in his ruling that the rogue officers not only deprived a racially divided community of a fair trial, they likely permitted the real killer to get away.

Shortly before the slaying, a local woman had returned home and discovered Mr. Kakegamic passed out on her couch. She asked Mr. Carambetsos, a bartender and friend, to get him out of her apartment. Mr. Carambetsos, described by Judge Hambly as a law-abiding citizen with no criminal record, carried Mr. Kakegamic outside and left him in a heap on the sidewalk.

Notwithstanding an utter lack of reasonable or probable grounds for suspicion, Judge Hambly said, the police arrested Mr. Carambetsos within hours. He said they also suppressed a spontaneous statement in which Mr. Carambetsos described Mr. Kakegamic calling him an "asshole" as he walked away.

(The officers testified that they viewed the statement as being "off the record.")

Judge Hambly said the police also withheld repeated statements by an eyewitness that she saw Danny Favreau, a man with a history of beating up "helpless men," sidle up to Mr. Kakegamic's prone body and appear to move him.

Shortly afterward, Mr. Kakegamic was found kicked to death.

Another Kenora Police officer, Constable Dan Jorgenson, eventually stumbled upon the suppressed evidence, braving the anger of his fellow officers by tipping off the Crown. In a letter to Chief Curtis in 2001, prosecutor Daniel Mitchell warned that events "raised the spectre" of a biased investigation aimed at favouring Sgt. Favreau's nephew.