

# Police couldn't sit on video evidence, fallout is all political



By [Jacob Stilman](#)

The admission by Rob Ford of consuming crack cocaine, while no doubt shocking to those who have resolutely stood by him despite his obvious substance abuse problems, does not give rise to grounds for police charges. An admission of past consumption of illegal narcotics would not be a sufficient basis with which to lay a criminal charge. That is because in order to prove possession of an illegal substance, the prosecution requires seizure and analysis of the actual substance alleged.

Here, despite the public admission, there is no substance to be seized and analyzed. Moreover, procedurally, since a “simple possession” charge is proceeded with by way of summary conviction, Ford’s admission to an offence which occurred over six months ago is statute barred under the Criminal Code and the Controlled Drugs and Substances Act (CDSA).

The police, which some in Ford’s camp are accusing of political bias, are absolutely proceeding in a proper and restrained manner. Once the police began to receive information regarding the activities of Mayor Ford, they had a public duty to investigate him and determine if he was engaged in conduct which compromised the office of the mayor. The chief of police, now in possession of the incriminating video, could not remain silent on this matter given the public interest at stake.

The discovery of the video did not come about through a witch hunt against the mayor, as the brothers Ford would like to have everyone believe, but rather was discovered through the examination of the materials seized in the Project Traveller investigation. Simply put, if Rob Ford wanted to smoke crack cocaine, he should have done it within the confines of his own home, and not presumably in the company of individuals who were already under police investigation and involved in gang activities and in a position to record the festivities.

Secondly, having discovered the video through the forensic examination of the Project Traveller material, the police could not very well sit on this item and not disclose to the public that it had been recovered. To do this would have led to valid accusations that the mayor was in fact receiving favourable treatment from the police. Police routinely make public evidence which has been collected in criminal investigations, so this is really not a departure from standard practice. The only difference here is the public personalities involved, and the drama which is ensuing.

The real fallout from all of this is political: either Ford relinquishes his stubborn grip on power and acknowledges the profundity of his substance abuse problems, or he decides to ignore the obvious and try to “ride out the storm.” Sadly, there is no legislative device to force him to do the right thing, thus we may all be stuck with a mayor who will choose to continue down this delusional path, and blame others for his troubles, be it the media, the police, or his political opponents. A person who is incapable of feeling shame is pretty well impervious to it.