

EXCERPT: FANTINO TESTIMONY @ SHAWN BRANT TRIAL, AUG 29/07  
R. V. SHAWN BRANT.

saying, "... you're going to come crashing down." Shouldn't you have at least said, jee, it's unfortunate that there was a misunderstanding, let's see if we can try and regain some trust in spite of that misunderstanding, or something to that affect?

A. Oh, no, not at all. I don't take anything back that I said to Mr. Brant in those circumstances at any time.

Q. And it wouldn't have been appropriate to have an approach such as I've just suggested to you?

A. Not at all.

Q. Not at all?

A. No. You've got my word, Sir, and you know what I said, and I stand by that.

Q. I see. And in your view is this consistent with the principles in the document that we glanced at earlier?

A. Under those circumstances when thousands of people are being held hostage by what clearly is an illegal act, the extraordinary impact on citizens, the extraordinary impact on hundreds of police officers having to converge on a situation that was clearly a criminal act, the issue of the greater public good, in all of that context, Sir, I believe that I behaved honourably and I would do the exact same thing again.

**ROSENTHAL** Q. Sir, I put it to you that the document that we looked at and the concerns of the Ipperwash inquiry and many other concerns that you're aware of, have indicated that in situations like this, for the public good as well as for the respect of the protesters involved, it's important to

understand where they're coming from ...

**FANTINO** A. Mr. Rosenthal ....

Q. ... and deal with their cultural values and so on.

A. Mr. Rosenthal, there's nothing in the spirit, the intent, or the written word in this document that justifies criminal conduct or that exonerates people from accountability from criminal conduct, or that it absents me as a law enforcement officer from exercising discretion or using the authority bestowed upon me to effect a lawful purpose.

Q. And doesn't though that document and many other documents speak to the way you should do that in situations involving aboriginal protesters?

A. Mr. Rosenthal, these are guidelines and they're principles, they're not a firm and fixed mandated way of doing business. The end role, or the end result here, if you look at page one, promoting and developing strategies that minimize the use of force to the fullest extent possible. And we did that all along, all the time, be it in April, or in June with regards to Mr. Brant.

Q. Continuing with the second phone call in June, you kept on saying to Mr. Brant words to the affect of, well, why don't we just call it quits, and so on, right?

A. Yes.

Q. And then he said to you, "Are you going to let me do my job?", and you said, "Yeah, hurry up though." and he said, "Okay." Right?

A. Yes.

Q. You understood when he said, "... let me