

RCMP rapped for 'destruction' of evidence

A Regina judge had stern words for the RCMP this month when he ordered a stay of proceedings against a man accused of drunk driving.

"I can only conclude that the police do not understand their obligations to preserve and disclose evidence. In these circumstances, any remedy short of a stay of proceedings would be inappropriate," Regina provincial court Judge **Clifford Toth** remarked in a written decision dated Aug. 18.

Rhory Banford was charged with impaired driving after an RCMP officer in Lumsden, Sask., pulled him over on June 27, 2009. While he was at the detachment for a breath test, his movements were monitored and recorded by a series of video surveillance cameras.

Less than three weeks later, Banford's defence lawyer made a routine request for disclosure of the evidence against him — including the detachment's surveillance footage.

But the footage was never turned over.

The Crown prosecutor who handled the case later ascertained the videos had been kept by the Lumsden detachment for 55 days after Banford's arrest, "and then purged in keeping with detachment policy," Toth noted.

"Police detachments, including the Lumsden detachment, appear to be pursuing a policy of routine destruction of highly probative evidence," he wrote.