



# FINAL REPORT

Occurrence # RM24170984

## Obstruct Justice Investigation

**Major Case Manager: Detective Inspector Shawn Glassford**  
**Criminal Investigation Branch**  
**Investigation and Support Bureau**  
**Ontario Provincial Police**

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## ADVISORY

This report contains descriptions of a traumatic event involving a fatal collision. Every effort has been made to minimize distressing content. There are no graphic images of the actual collision; however, this report includes detailed content, including photographs of video surveillance footage, the Ontario Provincial Police (OPP) re-enactment and the collision scene. Some readers may find this material disturbing or triggering.

The OPP investigative team would like to acknowledge the significant impact of the events described in this report and offer condolences to all those impacted.

## SECURITY RESTRICTION – PROTECTED B

This document contains sensitive information that requires protection. It is intended solely to inform the Toronto Police Service (TPS). This document is not authorized for public distribution or further dissemination without the express permission of the Commissioner of the OPP.

## INTRODUCTION

On July 2, 2021, on duty TPS Detective Constable Jeffrey Northrup was struck by a vehicle and killed in the underground parking lot below the City of Toronto Nathan Philips Square. The driver of the vehicle, Umar Zameer, was arrested and charged with first degree murder by TPS. During the trial, which took place in April of 2024, three TPS police officers who were directly involved in the incident gave testimony regarding their involvement and what they witnessed regarding the collision.

On April 18, 2024, near the end of the trial, the presiding judge delivered her charge to the jury. In this charge, she instructed jurors that they must consider the possibility of collusion amongst the officers who were present at the scene of the incident.

On April 21, 2024, Umar Zameer was found not guilty of first degree murder of Detective Constable Northrup. Following the trial on April 29, 2024, the trial judge issued written submissions outlining her reason for decision on prior consistent statements. This submission raised further serious concerns about the officers' conduct, specifically, that they lied in their courtroom testimony.

This commentary by a presiding judge regarding the conduct of sworn police officers was and is regarded with sufficient gravity to necessitate that the conduct of the officers be thoroughly investigated. TPS immediately initiated a transparent response to uphold public trust and accountability and referred the matter to the OPP.

The OPP Criminal Investigation Branch (CIB) has now completed a thorough investigation into the facts and evidence relating to the assertions of the trial judge and the actions of the involved officers. This report outlines the findings of the OPP's independent investigation relating to potential criminal offences committed by TPS officers.

## KEY FINDINGS

The OPP conducted an independent reconstruction of the collision. The TPS reconstructionist and defense engineers presented a theory at trial, that Detective Constable Northrup was struck beside the BMW driven by Umar Zameer while it was reversing. This theory was accepted by the trial judge; however, the OPP's re-investigation of the collision found no evidentiary basis to support this theory. The evidence showed that Detective Constable Northrup was standing in front of the BMW when it accelerated forward and struck him down. This finding matches the statements, notes and testimony of the three eye-witness officers.

Regarding the firearms used during arrest, Detective Constables Antonio Correa and Scharnil Pais both testified that they drew their firearms during the arrest of Umar Zameer and his wife. Variations in testimony were consistent with differences in perspective and standard tactical practices, which were not accounted for in the judge's interpretation of the testimony. Upon examination of the actual testimony of these officers, it is clear their accounts are truthful.

The investigation also examined opportunities for collusion. Analysis of the timeline revealed only limited windows during which Detective Constables Pais and Correa could have interacted, with no

corroborating evidence of communication or collaboration on the events. Independent witnesses reported no such contact or exchange between these officers, suggesting they collaborated to falsify what happened. The similarity in the officers' accounts reflects their shared observations of the same event, not evidence of intentional deceit or collusion.

The OPP investigation found no evidence to support the belief that Detective Constables Lisa Forbes, Pais or Correa lied or colluded to lie. The allegations made regarding the officers' conduct, amounting to an obstruction of justice, were not found to be based on the actual testimony and evidence presented. The OPP has concluded this investigation with no reasonable grounds to believe that a criminal offence has been committed by the officers involved.

## SCOPE & JURISDICTION

### Request for Assistance

On April 22, 2024, TPS Chief Myron Demkiw made a request to OPP Commissioner Thomas Carrique for an "independent review" to be conducted into the actions of the three involved officers, Detective Constable Forbes, Detective Constable Pais and Detective Constable Correa. Commissioner Carrique accepted the request and assigned the OPP CIB to investigate Chief Demkiw's request.

The request from Chief Demkiw referenced an "independent review" into the involved officers' actions; however, considering the seriousness of the trial judge's assertions, the OPP determined that an independent criminal investigation was required. The OPP's CIB was engaged to oversee, and case manage the investigation. The OPP established a process of communication with the TPS that ensured transparency, neutrality and independence during the investigation.

### OPP Criminal Investigation Branch

The OPP CIB is responsible for the investigation of homicides, suspicious deaths, deaths of children under the age of five, attempt murders, missing persons (where foul play is suspected or cannot be ruled out), extradition proceedings, coroner's inquests, judicial inquiries and any other major criminal investigation within OPP jurisdiction or that of municipal or First Nation Police Services upon request. Investigators within CIB also provide major case management support and specialized investigative assistance for other serious criminal investigations.

This investigation was managed according to the Ontario Major Case Management Framework pursuant to the *Community Safety and Policing Act*. Major case management in Ontario is governed by the Major Case Management and Approved Software Requirements Regulation (Ontario Regulation 394/23, April 1, 2024)<sup>1</sup>.

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<sup>1</sup> <https://www.ontario.ca/laws/regulation/230394>

## The OPP Team

This investigation was entirely completed by members of the OPP. An advisory Crown Counsel was engaged from another province to provide assistance throughout the investigation on legal matters. In addition to the members listed below, this investigation was supported by a variety of administrative personnel.

|                                 |  |
|---------------------------------|--|
| Major Case Manager              | Detective Inspector Shawn Glassford      |
| Secondary Case Manager          | Detective Staff Sergeant Erin Thomas     |
| Lead Investigator               | Detective Staff Sergeant Alex Keen       |
| File Coordinator                | Detective Sergeant Brooke Arnett         |
| Collision reconstructionist     | Detective Constable Mike Cooper          |
| Affiant                         | Detective Constable Brad Deakos          |
| Forensic Identification Officer | Identification Staff Sergeant Jeff Myatt |

## Mandate

The OPP's mandate in this matter was to investigate the trial judge's assertions that three TPS police officers lied and colluded to lie about what they witnessed regarding the death of Detective Constable Northrup and arrest of Umar Zameer. The goal of the OPP investigative team was to thoroughly investigate this matter to determine whether the involved TPS officers committed any criminal offences.

# BACKGROUND OF THE INVESTIGATION

## Death of Detective Constable Jeffrey Northrup

On Thursday July 1, 2021, TPS received reports of a stabbing having occurred at Nathan Phillips Square located at 100 Queen Street West, Toronto. Uniform officers attended at approximately 11:52 p.m. TPS Major Crime Unit members in plain clothes were in the area and began assisting with the investigation within a few minutes. Video surveillance footage showed the victim coming from the underground



parking garage where Detective Constable Northrup exited just prior to the call. Detective Constables Forbes and Northrup began searching the underground parking lot, level P2, on foot for a crime scene and/or the stabbing suspect. Detective Constables Pais and Correa operated an unmarked black minivan on the P2 level of the underground parking lot, searching for a crime scene and/or suspect in the stabbing. It was in this parking lot that Detective Constable Northrup was struck and killed by the BMW vehicle driven by Umar Zameer.

Umar Zameer was arrested by Detective Constables Pais and Correa who pursued the BMW as it drove away from the collision scene and attempted to exit the underground parking garage. Detective Constable Pais arrested Umar Zameer for Dangerous Operation of a Motor Vehicle causing death and Manslaughter.<sup>2</sup>

At 4:05 a.m., on July 2, 2021, Umar Zameer was arrested by TPS homicide detectives for First Degree Murder at TPS 52 Division<sup>3</sup>. An indictment was registered on March 20, 2023, that Umar Zameer stood charged with the first degree murder of Jeffrey Northrup committed on July 2, 2021, contrary to section 235(1) of the *Criminal Code*.<sup>4</sup>

Detective Constable Northrup was a member of the TPS, having joined in 1989 as a court officer and sworn in as a police officer in 1999. He faithfully served the citizens of Toronto for more than 31 years. He started his career with Court Services and was assigned to 11 Division when he became a police officer in 1999. He was a member of 52 Division since 2008. He was also a proud member of the Chief's Ceremonial Unit.<sup>5</sup>

## **R v. Umar Zameer Court Proceedings**

A bail hearing was held on September 7, 2021, presided remotely by a judge of the Superior Court of Justice who was not the trial judge. The only officer to testify at this bail hearing was the investigator from the TPS Homicide Unit.

A preliminary hearing was held on February 27, 2023, through to March 7, 2023, in Toronto presided by a Provincial Court judge who was not the trial judge. Detective Constables Forbes, Pais and Correa testified at the preliminary hearing along with the TPS reconstructionist and other police and civilian witnesses.

The trial of Umar Zameer took place in Toronto between the dates of March 20, 2024, and April 12, 2024. Umar Zameer was ultimately acquitted by a jury.

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<sup>2</sup> Officer Notes – Scharnil Pais

<sup>3</sup> Video Statement of Umar Zameer taken July 2, 2021, at Toronto Police 52 Division

<sup>4</sup> Ontario Court, Toronto Court File No. 23-10000201-0000, Indictment HMK vs Umar Zameer

<sup>5</sup> Ontario Police Memorial Foundation - [https://opmf.ca/control.php?officer\\_id=286](https://opmf.ca/control.php?officer_id=286)

## Instructions to the Jury by the Trial judge

On April 18, 2024, at the conclusion of evidence presented in the trial of Umar Zameer, the trial judge issued her final instructions to the jury. In her charge to the jury, the trial judge stated that the evidence presented to the jury did not support what the three involved officers stated in their testimony. All three involved officers testified that Northrup was standing in front of the BMW when he was struck.

The trial judge cited the expert testimony of the TPS reconstructionist who found that there was no physical evidence consistent with a frontal impact that supported the involved officers' testimony. The trial judge further cited the defense engineer whose testimony refuted the possibility that Detective Constable Northrup could have been standing upright when he was hit.

*The trial judge stated, "all three officers would have to be wrong about this detail in exactly the same way for this theory to make sense. That also raises an issue of whether, if they were wrong about where he was standing, they may also be wrong about if he was standing in front of the BMW at all. **When three versions of an event are wrong, and wrong in the same way, you must also consider whether there has been collusion between those witnesses [emphasis added]. All of the officers denied collusion. As I described to you earlier when dealing with eyewitness testimony, one witness can honestly mis-remember an event, particularly when the event was traumatic or shocking in nature. Ladies and gentlemen, it is possible for one officer to have a memory of Officer Northrup standing in front of the vehicle in the middle of that laneway with his arms raised to his chest level and his palms outstretched, even if that memory is not accurate. It is for you to decide if it is possible for three officers to have that same mistaken memory" [emphasis added].***

The trial judge took issue with the notetaking of the involved officers, including Detective Constables Pais and Correa, because they completed their notes on August 4, 2021, over a month after the incident. They made their notes after attending the scene together and were in the same room at the same time making their notes. The trial judge directed the jury members to assess whether collaboration took place relating to the officer's notetaking and if the collaboration included deliberate collusion. She directed jurors to use that assessment in determining reliability and credibility of the officers as witnesses.

The trial judge raised issue with the credibility of Detective Constable Forbes because she provided incorrect testimony at the preliminary hearing relating to her 2012 discreditable conduct conviction. The trial judge suggested that Detective Constable Forbes could have been deliberately lying under oath during the preliminary hearing relating to her discreditable conduct conviction.

The trial judge further raised the issue of Detective Constable Forbes' testimony relating to the position of Umar Zameer when she and Detective Constable Northrup first approached the BMW.

## Reasons for Decision on Prior Consistent Statements by the Trial judge

On April 29, 2024, the trial judge provided her reasons for decision to not accept the defense submission to permit the prior consistent statement of Aaida Shaikh as admissible evidence. Aaida Shaikh had

testified that Detective Constable Pais pointed his firearm at her head, which was consistent with the witness testimony of the occupants of the car immediately in front of Umar Zameer's BMW. Those witnesses also stated they saw both men aiming firearms at the occupants of the BMW.

At paragraph 10 and 24, the trial judge wrote:

*"Both Officers Correa and Pais testified at trial that after they rammed the BMW from behind, Officer Correa went to the driver side of the BMW and Officer Pais went to the passenger side. Both testified that they had drawn their service revolvers but were holding them pointing towards the ground beside their leg. Both testified that they did not point their firearms at the occupants of the vehicle. **This is untrue** [emphasis added] ..."*

*... "Accordingly, **I find both officers lied when they said they did not point their firearms at Umar Zameer and Aida Shaikh** [emphasis added]. Both officers pointed their guns directly at the heads of Mr. Zameer and Ms. Shaikh and screamed at them to get out of the car. Mr. Zameer and Ms. Shaikh testified to that effect, and I believe them."*

At paragraph 15 the trial judge further wrote:

*"Officers Pais and Correa proved themselves to be neither truthful nor reliable witnesses. I do not propose to go through all of the ways in which this was demonstrated throughout the trial."*

At paragraphs 17 and 18, the trial judge stated she accepted the statements of Aida Shaikh and Umar Zameer, the video surveillance footage of the collision and the expert testimony as evidence that it was impossible for Detective Constable Northrup to have been hit head-on while standing up. In paragraph 21 and 22, the trial judge wrote:

*"It is clear from the jury verdict that they rejected the evidence of the police officers on this issue, as do I. Witnesses to a traumatic event can sometimes have a very distorted memory of that event. After many years as a trial judge, I have seen honest eyewitnesses be completely mistaken about a memory of an event that they are positive they have remembered correctly. It is possible that Officer Forbes has a reconstructed memory of this event that is simply wrong, but honestly held. However, **it is not possible for Officers Pais and Correa to have the exact same image of an event that simply did not happen** [emphasis added]. While there may be an innocent explanation for Officer Forbes' faulty memory, in my view no such innocent explanation is possible for Officers Pais and Correa. **They lied about having seen this**" [emphasis added].*

*"...it is possible they invented this version to put themselves and Officer Northrup in a better light and were indifferent to the implications for Mr. Zameer. ..."*

*"...**Officers Pais and Correa did not see Officer Northrup standing upright while being run down by Mr. Zameer. Further, the fact that their versions dovetail so closely with each other and with Officer Forbes leads me to the inexorable conclusion that they not only lied, but they colluded to lie**" [emphasis added].*

## Topics of Complaint

Based on these written submissions by the trial judge during and after the trial, three significant areas of concern were identified that could potentially amount to obstruction of justice on the part of the involved TPS officers: Detective Constable Forbes, Detective Constable Pais and Detective Constable Correa.

The scope of the OPP independent investigation focused on the following three assertions of the trial judge that could amount to a criminal offence.

**Assertion #1**

**Detective Constable Pais and Detective Constable Correa intentionally lied about the position of Detective Constable Northrup at the time when he was struck by Umar Zameer's vehicle.**

**Assertion #2**

**Detective Constable Pais and Detective Constable Correa lied about pointing their firearms during the arrest of Umar Zameer.**

**Assertion #3**

**Detective Constable Pais, Detective Constable Correa, and Detective Constable Forbes colluded to lie in their notes, statements and testimony about the events that lead to Detective Constable Northrup's death.**

Consideration was given to whether there was a need for the OPP investigative team to seek an interview with the trial judge. The purpose of an interview would be to establish consensus on the meaning of her written comments relating to the TPS officers' conduct. Through careful review, it was determined that the written comments were clear and did not require further clarification or interpretation. Their source, a sitting Superior Court of Ontario judge, within her jurisdiction, indicated the wording was chosen with careful consideration. The trial judge's comments cannot reasonably be interpreted as anything other than an allegation of police misconduct amounting to a serious obstruction of justice.

When a police officer lies, particularly under oath, and deliberately obstructs justice, the impact is profound and the consequences severe. Policing demands the highest standards of honesty and integrity because officers hold significant authority and discretion. These standards are not optional; they are codified in law, including the *Criminal Code*. Misconduct of this nature undermines the administration of justice and erodes public confidence in law enforcement. For these reasons, officers who engage in such conduct face serious repercussions, reflecting the gravity of obstructing justice and violating the core principles of policing.

Based on the written comments of the trial judge, the following *Criminal Code* offences were investigated by the OPP and assessed against the evidence gathered by TPS and court testimony.

- 1. Obstructing Justice contrary to section 139(2) of the *Criminal Code* of Canada**
- 2. Perjury contrary to section 131(1) of the *Criminal Code* of Canada**

## Involved Officers

Detective Constable Forbes was hired by the TPS in February 2006, and on July 1, 2021, had recently joined the Major Crime Unit at 52 Division. She was on foot with Detective Constable Northrup in the Toronto City Hall underground parking lot when he was killed.

Detective Constable Pais was hired by the TPS in December 2006. He had experience working in the Toronto Anti-Violence Intervention Strategy Unit and joined the Major Crime Unit at 52 Division in 2020. He was the passenger in an unmarked police minivan with Detective Constable Correa at the time of this incident.

Detective Constable Correa was hired by the TPS in 2007. He was working as a member of the Major Crime Unit at 52 Division and had recently returned from a secondment in another unit. On the night of this incident, he was the driver of an unmarked police minivan with Detective Constable Pais as the passenger.

## OVERVIEW OF THE OPP INVESTIGATION

### Review of TPS File

The OPP acquired the TPS file relating to the homicide investigation of Umar Zameer under the authority of a *Criminal Code* production order. The order was issued on June 27, 2024, and sought the complete unredacted TPS Death/Homicide Investigation file regarding the death of Detective Constable Northrup. TPS provided the responding records to the OPP on July 18, 2024.

This material has been thoroughly reviewed to examine evidence relating to the collision, evidence relating to the officers activities following the incident and to identify potential witnesses. The focus of this review centred on the motive and opportunity for the involved officers to have lied and/or colluded to lie regarding the sequence of events relating to Detective Constable Northrup's death.

Forensic and collision reconstruction evidence originally collected and analyzed by the TPS was subjected to a comprehensive review by the OPP. It was noted that TPS officers responding to this incident, effectively documented the scene, the vehicle and collected relevant evidence. This thorough collection of evidence and documentation of the scene enabled the OPP to conduct an effective review and re-investigation.

In addition to reviewing the TPS file and evidence, the OPP conducted further examination and analysis of the existing evidence using their own forensic and reconstruction specialists. This evidence included videos, digital forensic downloads, collision mapping data, photos, forensic reports, physical exhibits and a variety of related reports. This additional analysis allowed the OPP to verify the accuracy of prior findings and develop a detailed understanding of the sequence of events and the mechanics of the collision. Through this process, investigators were able to confirm critical factors such as vehicle movements, impact dynamics and contributing elements, ensuring a precise and evidence-based interpretation of how the collision occurred.

### Review of Court Testimony, Documents and Exhibits

The OPP obtained and reviewed transcripts of testimony from witnesses, experts and the accused in the R. v. Zameer first degree murder case. This review covered multiple stages of the proceedings, including the bail hearing on September 7, 2021, the preliminary hearing held between February 27 and March 7, 2023, and the trial conducted from March 20 to April 5, 2024. In addition to transcripts, court exhibits and submissions were also acquired and examined.

To ensure completeness, the OPP commissioned additional transcripts for hearing dates that had not previously been transcribed. This comprehensive review allowed investigators to verify the actual testimony of each witness and compare it against the trial judge's interpretation and understanding of the facts. This verification was central to assessing the veracity of the trial judge's assertions that TPS officers were unreliable witnesses and had lied under oath.

## Interviews

The OPP investigative team recognized the sensitive and traumatic nature of this matter and the impact it has had on those involved, including the officers involved in the incident and response. A trauma-informed approach was employed with the assistance of the OPP Forensic Interview Team.

Following the review of the court proceedings and complete TPS investigative file, interviews were conducted with only those individuals who had specific relevance to the three main allegations raised by the trial judge. Twelve interviews were conducted with independent witnesses. Interview questions were designed to gather information specifically about whether the officers lied and/or colluded to lie in their statements, notes and courtroom testimony.

## Collision Reconstruction

A senior accredited OPP collision reconstructionist was engaged to independently review and assess the findings of the TPS and defence experts who testified regarding the collision that caused Detective Constable Northrup's death. The OPP collision reconstructionist was engaged as a neutral impartial expert and did not integrate with the OPP investigative team during the course of the assignment. Upon reviewing the collision reconstruction reports, the OPP collision reconstructionist established a need to re-investigate the collision and assess the evidence in more detail.

## Forensic Examinations

The OPP reviewed all exhibits gathered by the TPS to establish whether any additional evidence could be gained relating to the collision. During this review it was identified that the right shoe and socks of Detective Constable Northrup had not been examined in detail. The socks were found to be badly frayed and stretched with black transfer material on them. Pattern impressions were located on the shoe exhibit and further examined by an OPP forensic identification officer and compared with the BMW tires; however, the exact source of these impressions could not be interpreted.<sup>6</sup>

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<sup>6</sup> OPP Forensic Identification Services, Impression Evidence Comparison Report

## ASSERTION #1

***Detective Constable Pais and Detective Constable Correa intentionally lied about the position of Detective Constable Northrup at the time when he was struck by Umar Zameer’s vehicle.***

The trial judge stated in her written charge to the jury during the trial: *“It is clear from the video that Officer Northrup was not standing upright in the laneway when he was knocked to the ground and run over, even though the three police witnesses all say that he was”<sup>7</sup> ...and further noted, “This scenario of Officer Northrup being hit when he was standing upright behind the pillar, was not even put by the Crown to their own expert to see if it could be possible in light of the physical evidence.”*

Further, the trial judge stated, *“When three versions of an event are wrong, and wrong in the same way, you must also consider whether there has been collusion between those witnesses.”<sup>8</sup>*

### TPS Collision Reconstruction

#### TPS Reconstruction Report

A TPS detective sergeant, who was the assigned TPS reconstructionist, conducted a collision reconstruction analysis, authored a collision reconstruction report and an addendum report, relating to the incident that killed Detective Constable Northrup<sup>9</sup>. The TPS collision reconstruction team included two TPS detective constables, and the reports were reviewed by two additional TPS members.

The sequence of events presented in the collision reconstruction addendum report authored by the TPS reconstructionist was written as follows:

*“...the BMW drove forward and subsequently reversed out of the parking spot striking Jeff Northrup with the left side front fender, knocking him to the ground. The BMW continued reversing out of the parking spot to a point where it then accelerated forward, where it stuck and ran over Jeff Northrup.”*

The TPS reconstructionist further articulated that Detective Constable Northrup was knocked to the ground by a glancing blow at the driver’s side front fender when the BMW reversed and the front wheels swung out wider than the rear wheels (called “off tracking”).

The TPS reconstructionist concluded that the width of Detective Constable Northrup’s chest, shoulders and torso would have been wider than the clearance height of the BMW, which was 28 centimetres at the front bumper and 21 centimetres at the rear driver’s side door. He concluded that the BMW would have moved upwards and downwards as it ran over Detective Constable Northrup’s body. The TPS reconstructionist concluded that the rear wheels of the BMW also travelled over top of Detective

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<sup>7</sup> R vs. Umar Zameer Charge to the Jury by the trial judge, page 101, paragraph 17

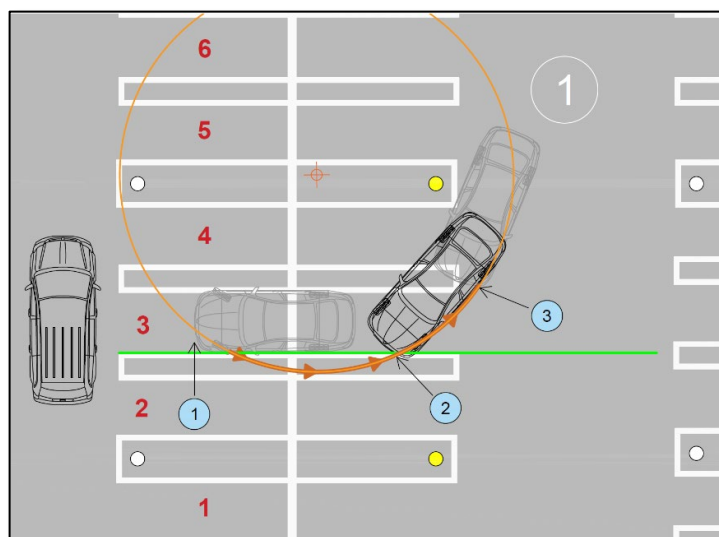
<sup>8</sup> R vs. Umar Zameer Charge to the Jury by the trial judge page 102, paragraph 18

<sup>9</sup> The addendum report of the TPS reconstructionist was an updated version of the report following receipt of additional materials received in December of 2023 and January of 2024.

Constable Northrup and that the body tumbled and rolled consistent with the injuries found during the postmortem and blood found on the underside of the BMW.

**Testimony of the TPS reconstructionist**

The TPS reconstructionist testified at trial on April 3 and 4, 2024. The TPS reconstructionist’s testimony aligned with the findings in his report. The TPS reconstructionist testified that as Umar Zameer reversed his vehicle in an easterly direction and then turned to the north, the front end of the vehicle off tracked<sup>10</sup>, causing the driver's side front fender to strike Detective Constable Northrup and knock him to the ground. The diagram below (trial exhibit 13B), created by the defense engineer, was presented to the TPS reconstructionist at the preliminary hearing and trial. The TPS reconstructionist agreed that it accurately depicted off tracking.



Trial Ex. 13B

The TPS reconstructionist characterized this as glancing contact. The TPS reconstructionist testified that Detective Constable Northrup's fingerprint on the hood was consistent with “pedestrian wrapping”<sup>11</sup>, where Detective Constable Northrup's hands would contact the hood before Detective Constable Northrup was thrown backwards.

<sup>10</sup> The term "Off tracking" is said to occur when a vehicle makes a turn and its rear wheels do not follow the same path as its front wheels. Source: <https://www.fhwa.dot.gov/policy/otps/truck/wusr/chap06.cfm#:~:text=III%2C%20Chapter%20VII.-,Offtracking,path%20as%20its%20front%20wheels.>

<sup>11</sup> The term 'Pedestrian wrapping' was described by the TPS reconstructionist in testimony that when a pedestrian is struck, they fall backward with the legs going under the vehicle and the top starting to wrap around the top of the vehicle. Source: Traffic Crash Reconstruction, 2<sup>nd</sup> Edition, Chapter 14 Vehicle Pedestrian Crash Reconstruction, pages 453-455, by Lynn B. Fricke.

The TPS reconstructionist commented on the extensive injuries to Detective Constable Northrup's right leg and formed the opinion that these types of injuries were consistent with a pedestrian being struck by a vehicle.

Although the TPS reconstructionist did not complete any analyses of Umar Zameer's vehicle's speed, he did note that in low-speed pedestrian collisions there may not be any vehicle damage and that there were both hand and fingerprints and cleaning marks on the hood of Umar Zameer's vehicle.

## Defense Engineer

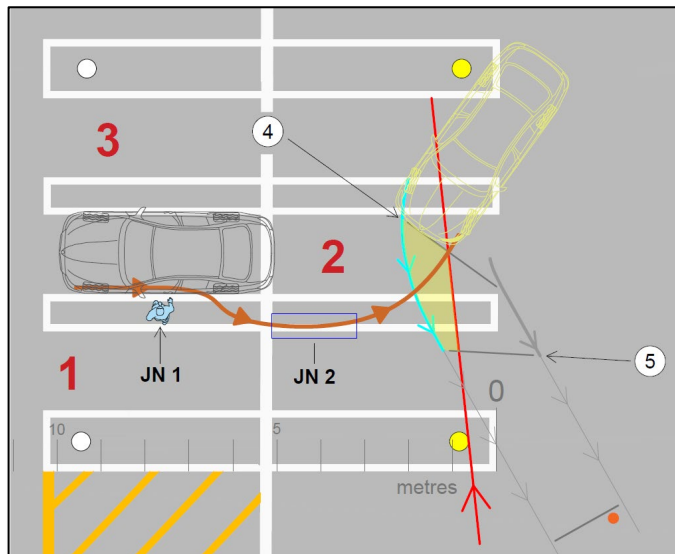
The defense engineer testified at trial on April 8 and 9, 2024. The defense engineer was asked if he agreed with the TPS reconstructionist's opinion regarding how Umar Zameer's vehicle ultimately came to strike and run over Detective Constable Northrup. The defense engineer testified that although they largely agreed with the TPS reconstructionist's opinion, there were some minor differences in their opinion.

The defense engineer disagreed that Umar Zameer's vehicle caused Detective Constable Northrup to end up on the ground. The defense engineer testified that there was nothing that would have grabbed or hooked Detective Constable Northrup as the vehicle reversed and contacted him, and that the vehicle did not strike him per se. The defense engineer characterized the "glancing contact" as nothing more than a light brush, stating that a tissue rubbed along the vehicle would have left a similar cleaning mark on the fender. The defense engineer stated they could not be sure about who made this mark or when it was caused. The defense engineer was of the opinion that Detective Constable Northrup lost his balance or fell to the ground as a result of his own actions.

The defense engineer prepared and presented a number of scale drawings and additional studies as part of his evidence (trial exhibits 18A to 18W). Among these were calculations and visualizations of the forward blind spot on Umar Zameer's vehicle. The defense engineer testified that when Detective Constable Northrup fell, he landed in front of Umar Zameer's vehicle in a blind spot, and that despite Detective Constable Northrup's size, he would have been invisible to the driver. He testified that Umar Zameer's vehicle moved only one car-length in its initial second of travel and had started from a stopped position.

The defense engineer testified that in addition to the cleaning mark, he relied on the fact that there was no damage or significant cleaning marks on the hood and bumper of Umar Zameer's vehicle. He acknowledged the presence of Detective Constable Northrup's handprints on the hood but characterised these as "isolated".

The defense engineer adopted a sequence of events of how the collision took place and where Detective Constable Northrup was positioned when he was struck. The defense engineer presented the theory that Detective Constable Northrup was side swiped in a "glancing contact" as the BMW reversed, as illustrated in his drawing below (trial exhibit 18V). The blue box marked "JN 2" is representative of the area that the defense engineer suggested Detective Constable Northrup was standing or walking in when he was contacted by Umar Zameer's vehicle.



This theory accounted for and reinforced the validity of Umar Zameer’s defense that he did not see Detective Constable Northrup before he was run over.

The TPS reconstructionist was cross-examined on this theory and ultimately agreed this could have happened. The basis for this theory is not readily sourced to the facts and evidence of the case as documented in the TPS file and the evidence presented in court, including the fingerprints on the hood of the BMW. For this reason, the OPP reconstruction and re-enactment aimed to uncover as much as possible about the potential positions and sequence of events during the collision.

Although the TPS reconstructionist and defense engineer’s interpretations of the collision were portrayed as being in agreement, in reality they disagreed on key aspects of the collision. The TPS reconstructionist described Detective Constable Northrup being struck and knocked to the ground by the BMW. The defense engineer described Detective Constable Northrup as simply stumbling and/or falling of his own volition into the path of the vehicle.

The TPS reconstructionist testified that as a result of the impact, pedestrian wrapping was experienced, and Detective Constable Northrup was thrown backwards into the path of the BMW. Notably, the TPS reconstructionist was clear that Detective Constable Northrup landed and was run over with his head to the east. This is opposite to the orientation in which Detective Constable Northrup was located after being run over, where his head was to the west. The defense engineer did not testify as to the orientation that Detective Constable Northrup would have been in when he landed in front of the BMW; however, the defense engineer did prepare several drawings for his report, which were entered as exhibits, and suggested that Detective Constable Northrup was oriented with his head to the west. This orientation matched the accounts of Detective Constables Forbes and Pais who clearly stated Detective Constable Northrup was oriented with his head to the west, facing them, as he was run over.

The OPP investigative team reviewed the reports and testimony of the TPS and the defense engineers and identified significant concerns that their collision theories were not supported by the available evidence. Their analyses relied heavily on a low-resolution, low-frame-rate video and a cleaning mark that could not be conclusively attributed to anyone, while overlooking critical evidence such as Detective Constable Northrup's fingerprints on the vehicle's hood. Neither of the reconstructions considered the functionality of the involved vehicles collision mitigation and pedestrian warning technologies or addressed the lack of vehicle damage within the context of a low-speed pedestrian collision. To address these gaps, the team engaged an independent OPP reconstructionist to attain a more accurate understanding of the incident, including potential positions and sequence of events during the collision.

## Fingerprint Analysis

TPS forensic identification officers examined the vehicle for physical evidence following the collision. Detective Constable Northrup's fingerprint (right hand, little finger) was identified as R6, located on the driver's side hood of Umar Zameer's vehicle. A left handprint was found, which aligned with Detective Constable Northrup's right handprint nearer the center of the hood. Although there was insufficient friction ridge for analysis and insufficient DNA for analysis, the left handprint aligned with Detective



Constable Northrup's right handprint and reasonably was believed to belong to Detective Constable Northrup.

Umar Zameer's handprints were identified on the front driver's side quarter panel/fender area (identified as R5A, R5B and R7), in the exact area that a large "cleaning mark" was also identified.

A large handprint smear was observed on the front driver's side (door) window, identified as R9. This print lacked sufficient detail for comparison. The position of this handprint aligned with the officers

account that Umar Zameer initially drove forward while officers were at the side of his car attempting to communicate with him.

A second handprint was located on the rear driver's side window identified as belonging to Detective Constable Lisa Forbes (R11). The only fingerprints found on the driver's side windows and door panels were those of R9 and R11. This physical evidence was found to be inconsistent with the statement provided by Aaida Shaikh, who reported repeated and forceful striking of the vehicle by Detective Constables Forbes and Northrup. Such repeated and forceful contact would reasonably be expected to have produced additional marks or impressions which were not found. These fingerprints and handprints were reviewed and considered in the OPP reconstructionists' report.

## Autopsy Report

A postmortem examination of Detective Constable Northrup was completed at the Forensic Services and Coroner's Complex in Toronto on July 2, 2021. The cause of death was deemed as multiple blunt traumas. Injuries included fractures to the right knee, right lower leg, right humerus, pelvis, right ulna and radius, as well as a left shoulder dislocation, numerous abrasions and deformities throughout the chest, right arm, hands and abdomen. Some injuries were noted on the face and head.

The forensic pathologist prepared a follow up document titled *Addendum Questions* in relation to specific questions posed about Detective Constable Northrup's injuries ahead of trial. One of these questions related to the extensive injuries to Detective Constable Northrup's right leg and relatively minor injuries to the left leg. The pathologist wrote that this injury pattern suggested Detective Constable Northrup's right leg sustained both impact and scraping trauma, consistent with a vehicle striking the front of the right leg while the leg was planted on the ground.<sup>12</sup> However, during trial testimony the pathologist stated that he could not say with certainty what position the right leg was in when the injuries occurred, nor could he determine the precise order in which the injuries were sustained.



## Witnesses regarding the position of Detective Constable Northrup

Through review of the underground parking garage video of the incident, the OPP identified a possible independent witness who was seen on video walking towards a vehicle parked near the collision scene and subsequently driving out of the garage. This individual was identified, located and interviewed by the

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<sup>12</sup> Xray image of Northrup right leg – Autopsy July 2, 2021

OPP regarding the collision. This witness stated they came down the stairs in the parking garage after the collision had occurred and saw a man lying on the ground and a lady screaming for help.

Through the OPP's review, there were no other direct witnesses identified who could speak to the position of Detective Constable Northrup at the time of the collision other than those who testified in court (Detective Constables Forbes, Pais and Correa).

## Account of Detective Constable Forbes

### Officer Notes

Detective Constable Forbes was part of the 52 Division Major Crimes Unit team working July 1 to 2, 2021. Detective Constable Forbes completed her notes for July 1 to 2, 2021, on August 30, 2021. Her notes captured details of the stabbing investigation the team was working on up until the point that she entered the underground parking garage with Detective Constable Northrup. Detective Constable Forbes then referenced her statements provided in the hours after the incident, recorded on body-worn cameras of two TPS officers and formally to the homicide investigators. Typed synopses of all these statements were included in her notes and no other details were provided.

### Statements

Detective Constable Forbes gave a statement on body-worn camera immediately following the incident after she was relieved by paramedics from giving first aid to Detective Constable Northrup. The first video commenced at 12:23 a.m., and ended on 1:07 a.m., on July 2, 2021. The camera was docked and the file uploaded at 1:57 a.m.<sup>13</sup> The file was not accessed by anyone until one homicide investigator viewed it on July 2, 2021, at 7:23 a.m. Shortly after, at 12:10 p.m., the file was restricted for access only to homicide investigators. The next time this video was viewed was on July 2, 2021, at 12:12 p.m., which was after Detective Constables Forbes, Pais and Correa provided their formal statements to homicide investigators.

The second body-worn camera video of Detective Constable Forbes started July 2, 2021, at 12:36 a.m., and also captured Detective Constable Forbes first recounting of the incident. This video also captured several shorter discussions of the incident while Forbes was triaged and treated at hospital. This video ended at 2:23 a.m. and the camera was docked and the file uploaded at 4:52 a.m.<sup>14</sup>.

The file was first viewed at 10:10 a.m., after the involved officers had given their statements to the homicide investigators. A homicide investigator accessed the file at 11:08 a.m., and at 12:11 a.m. The file was restricted for access only to homicide investigators, after which it was viewed by authorized users at 12:17 p.m. TPS Axon logs confirmed only authorized homicide investigators accessed this video file after that time.

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<sup>13</sup> TPS Body-Worn Camera video (TPS Evidence ID 21-1236681)

<sup>14</sup> TPS Body-Worn Camera video (TPS Evidence ID 21-1236780)

In the body-worn camera recordings, Detective Constable Forbes stated she saw a black car, maybe an SUV, and a male driver, brown with a beard. He somewhat matched the description of the male suspect they were looking for. The male looked at Detective Constable Forbes and her partner, Detective Constable Northrup, and closed the car door. Detective Constables Forbes and Northrup both approached the vehicle from the driver's side. She knocked on the car and said "Police" and held out her badge. The car pulled forward, and they yelled at the driver to stop. The driver reversed the car and struck Detective Constable Forbes and then struck Detective Constable Northrup around the knees. Detective Constable Forbes saw the driver's eyes go wide as he "gunned" the car forward. She saw that Detective Constable Northrup could not get out of the way and was knocked down. The driver "gunned" it again, running over Detective Constable Northrup with front then back wheels of the car.

At approximately 1:48 a.m., Detective Constable Forbes stated she saw Detective Constable Northrup fly forward when he was hit by the car. She stated they both had their police badges out and they were knocking on the windows. She further stated that the car initially pulled forward but was blocked by the vehicle driven by Detective Constable Correa and then pulled backward as they were yelling to stop. Detective Constable Forbes stated she was on the passenger side of the vehicle and Detective Constable Northrup was on the driver's side. Detective Constable Northrup hit the car with his hand yelling stop police. She stated the car initially could not make it over top of Detective Constable Northrup and the driver "gunned" it more to get over the body.

At 5:12 a.m., Detective Constable Forbes gave a formal statement on video to TPS homicide investigators. During this statement, she repeated the same facts from her earlier statements. She added that she saw the male get into the driver's seat of the vehicle. Detective Constable Forbes described how she and Detective Constable Northrup called out to the driver who was just getting into his seat, "Hey, it's the police". The driver "immediately jumped in and closed the door." When the BMW accelerated toward the TPS van, Detective Constable Forbes described going left (around to the passenger side) to avoid the BMW while Detective Constable Northrup went to the right (stayed on driver's side). Detective Constable Forbes was also clear on other details, including the nature of her and Detective Constable Northrup's approach to the BMW (walking as opposed to running), Detective Constable Northrup's orientation on the ground (facing west) and her observations of a child in the rear that was not buckled into a car seat.

### Court Testimony

At the preliminary hearing on February 27 and 28, 2023, Detective Constable Forbes testified and drew a diagram of the collision<sup>15</sup>. She stated the BMW advanced forward when she and Detective Constable Northrup approached. The vehicle reversed and then pulled forward again, then reversed again and struck Detective Constable Northrup around the knees, which caused him to stumble. The BMW then accelerated forward, striking Detective Constable Northrup who was standing with his hands out in front of the car, and knocked him to the ground, landing on the ground perpendicular to the moving car. The

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<sup>15</sup> R v. Umar Zameer Preliminary Hearing Testimony of Detective Constable Forbes February 27-28, 2023, diagram exhibit #1

BMW then accelerated, driving over top of Detective Constable Northrup on the ground and almost got stuck after the front wheels went over him. Detective Constable Forbes stated she saw Detective Constable Northrup rolling underneath the vehicle, but the car did not stop or slow down. During cross-examination, Detective Constable Forbes clarified that Detective Constable Northrup was facing the vehicle, standing up right with his palms facing the car as if to brace for impact or to indicate the driver to stop.

Detective Constable Forbes provided testimony at trial on March 21 to 22, 2024. Her testimony during trial was generally consistent with her account in previous statements and her testimony during the preliminary hearing.<sup>16</sup>

### Statement to the OPP

Detective Constable Forbes provided a voluntary audio and video recorded statement to the OPP. She stated that she specifically requested a camera record her immediately following the incident to accurately document what she saw and heard. She was worried that the traumatic stress of the incident would cause her to black out or block her memory of the details. At the time, she did not know what physical and psychological effects would impact her ability to remember what happened. She insisted on video recording her utterances during the minutes and hours following the incident so that everything she saw and heard could be captured accurately. She even requested the camera stay on while she was in the hospital because she wanted an accurate recording of everything she said and recalled about the incident.

Detective Constable Forbes stated that after she was relieved from giving first aid and CPR to Detective Constable Northrup, she could hardly walk or stand up and had to be helped to the stairwell. She stated she was so utterly shocked and traumatized at watching the BMW run over Detective Constable Northrup and then seeing him take his last breath that she was no longer functioning. In the coming hours, days and months, Detective Constable Forbes suffered with post-traumatic stress, and one of her symptoms included not being able to stop her mind from replaying the incident repeatedly in her head. She stated she may have forgotten some things through the trauma of the incident and the passage of time, but she has never and can never forget exactly how the collision happened because it was and remained etched in her brain. She was utterly certain that she does not have a mistaken recollection of the car running over Detective Constable Northrup while he was standing up in front of it and the driver accelerating forward into him.

Detective Constable Forbes was in the courtroom when the trial judge delivered her instructions to the jury verbally. She was stunned and confused as to how the judge could have concluded she had misremembered or lied about the events of the collision. She emphasized that the shock and horror of Detective Constable Northrup's sudden death consumed every ounce of her focus and strength. In those frantic moments, her entire being was devoted to trying to save his life and there was no space, no mental capacity and no time for calculated deception. Between the moment her colleague died next to

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<sup>16</sup> R v. Umar Zameer Trial testimony of Detective Constable Forbes March 21-22, 2024

her and the instant the body-worn camera captured her initial statement, she was operating on pure instinct and desperation. She stated that the idea that she could have somehow invented a lie during that chaos was inconceivable.

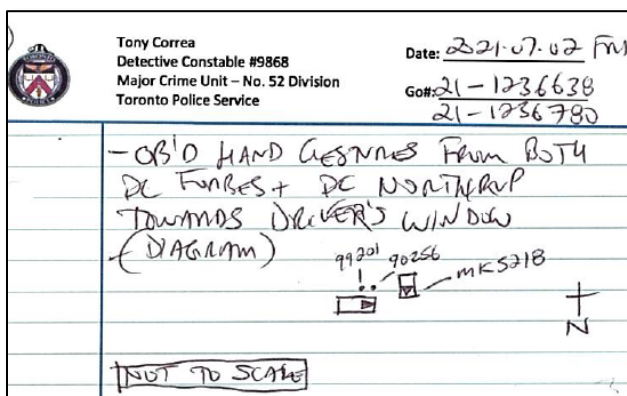
## Account of Detective Constable Correa

### Statement

Detective Constable Correa provided an audio and video recorded statement to TPS Homicide investigators on July 2, 2021, at TPS Headquarters. Detective Constable Correa stated that he observed Detective Constables Forbes and Northrup approach the driver's side of the BMW driven by Umar Zameer while he positioned a TPS unmarked van, so that its passenger's side faced the front of the BMW. Detective Constable Correa saw Detective Constables Forbes and Northrup at the driver's window, noting their lips moving and hand gestures, but could not hear the conversation. The BMW then accelerated toward the van, braked abruptly and subsequently reversed, sideswiping both Detective Constables Forbes and Northrup who were then on either side of the BMW<sup>17</sup>. Detective Constable Correa heard yelling as the BMW stopped and then moved forward again, striking Detective Constable Northrup, who landed on the hood before falling in front of the car. Detective Constable Correa then observed the BMW's wheels run over Detective Constable Northrup.

### Officer Notes

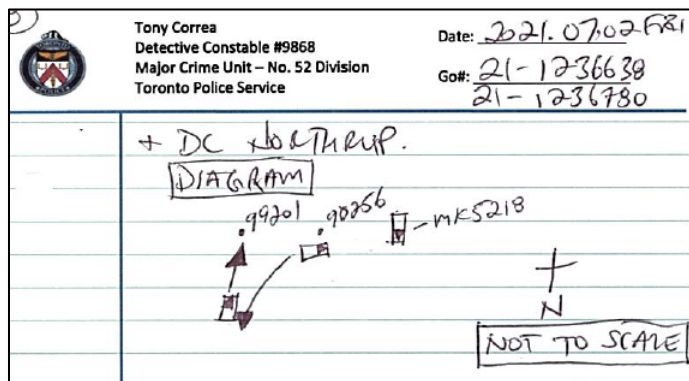
Detective Constable Correa completed his notes on August 4, 2021, at TPS 52 Division. He used his video statement transcript as well as the dispatch print out of the event to write his notes. The notes depict a diagram of where the TPS van was stopped in relation to Umar Zameer's BMW just prior to the incident.<sup>18</sup> In this diagram, Detective Constable Northrup's position is labelled as 99201, Detective Constable Forbes as 90256 and the TPS van as MK5218.



<sup>17</sup> NOTE - Based on the statement and testimony of Detective Constable Forbes, she initially approached the driver side of the BMW with Detective Constable Northrup beside her. During the dynamic vehicle movements of the incident, she moved to avoid being hit and ended up on the passenger side of the vehicle at the time Detective Constable Northrup was struck down.

<sup>18</sup> Correa, Antonio – officer notes of July 2, 2021

Detective Constable Correa wrote that he observed the BMW accelerate forward suddenly and stopped before hitting the TPS van. He wrote that the BMW suddenly reversed and sideswiped both Detective Constables Forbes and Northrup and drew another diagram of the positions. The diagram below shows how Detective Constable Forbes ended up on the passenger side of the BMW after it reversed.



He wrote that Detective Constable Northrup was pushed by the BMW and jumped out of the way while the vehicle was reversing at a high rate of speed.

The BMW abruptly started moving forward and Detective Constable Northrup was standing approximately three metres in front of it when it accelerated at a high rate of speed and struck Detective Constable Northrup violently, causing him to fall onto the hood. Detective Constable Correa wrote that Detective Constable Northrup fell to the ground and the BMW continued to accelerate and that he observed the front passenger's side tires drive over Detective Constable Northrup's body.<sup>19</sup>

### Court Testimony

Detective Constable Correa testified in court that he was partnered with Detective Constable Pais on July 1 to 2, 2021. They responded along with other 52 Division TPS Major Crime Unit members to Nathan Phillips Square around midnight to assist with an ongoing stabbing investigation. Detective Constables Correa and Pais immediately reviewed video surveillance and identified the underground parking lot below Nathan Philips Square as a possible scene location for the stabbing. Detective Constables Correa and Pais then entered the underground parking lot in the unmarked TPS Major Crime Unit van. Detective Constable Correa was the driver.

Detective Constables Correa and Pais crossed paths with Detective Constables Forbes and Northrup. Detective Constable Correa had a brief conversation with Detective Constable Forbes, where she advised she intended to go speak with a male party nearby who vaguely matched the suspect description. Detective Constable Correa advised that he and Detective Constable Pais would remain

<sup>19</sup> CORREA, Antonio – officer notes of July 2, 2021

nearby to monitor. Detective Constable Correa drove around behind another vehicle as Detective Constables Forbes and Northrup approached on foot. Detective Constable Correa then turned the van and continued around the stairwell, stopping with the BMW facing the front of the TPS van.

Detective Constable Correa observed Detective Constables Forbes and Northrup approach the driver's window. Though he could not hear, he believed that Detective Constable Forbes was communicating with the driver. He could see their lips moving and Detective Constable Forbes was making a hand gesture to roll down the window. The BMW then accelerated quickly, going straight towards the side of the TPS Major Crime Unit van, almost hitting it. The BMW then reversed and made contact with both Detective Constables Forbes and Northrup. He stated it looked as though Detective Constable Northrup was trying to go to a "safe corner". He then heard yelling and screaming. The BMW stopped and then began to move forward. Detective Constable Northrup was right in front of the vehicle and facing it. As the BMW accelerated, Detective Constable Northrup had his hands out in front of him bracing for impact. The front bumper of the BMW struck Detective Constable Northrup's legs, his hands hit the hood, he bounced off the hood and landed in front of the vehicle.

## **Account of Detective Constable Pais**

### **Officer Notes**

Detective Constable Pais was part of the 52 Division TPS Major Crime Unit team working July 1 to 2, 2021. Detective Constable Pais completed his notes for July 1 to 2, 2021, on August 4, 2021. Detective Constable Pais noted that in completing his notebook entries on August 4, 2021, he relied on a typed synopsis of the statement he provided on July 2, 2021, as well as Computer Aided Dispatch entries from the incident.

Detective Constable Northrup was run over at 12:19 a.m. Detective Constables Correa and Pais were in the unmarked TPS van with Detective Constable Pais in the front passenger seat and Detective Constable Correa driving. They pursued Umar Zameer's BMW as it fled from the scene of the collision. Detective Constable Correa rear-ended the BMW, and Detective Constable Pais noted he attended the passenger side of the BMW to establish contact with Aaida Shaikh. There were no time entries in his notes until he noted that at approximately 1:30 a.m., he exited the scene and attended Mount Sinai Hospital. Detective Constable Pais remained at Mount Sinai Hospital until approximately 4:40 a.m., when he returned to TPS 52 Division. Detective Constable Pais noted he remained at 52 Division with other TPS Major Crime Unit members until 8:00 a.m., when he and Detective Constable Correa went to TPS Headquarters to provide statements. Detective Constable Pais returned to 52 Division at approximately 9:35 a.m., where he completed paperwork and reported off duty at 11:00 a.m.

### **Statement**

On July 2, 2021, at 8:29 a.m., Detective Constable Pais was interviewed by TPS homicide investigators. Detective Constable Pais stated that on July 1, 2021, he was partnered with Detective Constable Correa who was driving in an unmarked van. They attended Toronto City Hall/Nathan Phillips Square for a

stabbing call, spoke with security and reviewed surveillance video. After consulting with two other Major Crime Unit members, they entered the underground parking to search for a scene or additional victims.

On the second level, they encountered Detective Constables Forbes and Northrup, who were approaching a BMW driven by Umar Zameer. Detective Constable Pais observed Detective Constable Northrup at the driver's door and Detective Constable Forbes near the front of the BMW. When Detective Constable Northrup knocked on the window, the BMW accelerated toward the van, then reversed, possibly making contact with both officers. Detective Constable Northrup displayed his badge and ordered the driver to stop, but the BMW lunged forward, striking Detective Constable Northrup, who landed on the hood and then fell in front of the car before being run over. Detective Constable Correa drove the van to assist Detective Constable Northrup and then pursued the BMW, which was stopped at an exit pay gate. The TPS van collided with the BMW, which deployed the airbags. Detective Constable Pais removed the passenger, Aaida Shaikh, and observed a child in the back seat. He assisted in securing Umar Zameer, advised him of his rights and requested medical aid for Aaida Shaikh, who was pregnant.

### Court Testimony

Detective Constable Pais testified on March 2 to 3, 2023, at the preliminary hearing in the R v. Zameer matter and again on March 25, and April 12, 2024, during the trial. During his testimony, he stated that he was partnered with Detective Constable Correa on July 1 to 2, 2021, and responded to Nathan Phillips Square to assist with a stabbing investigation. After reviewing surveillance video, they entered the underground parking in an unmarked van with Detective Constable Correa driving. They encountered Detective Constables Forbes and Northrup who were approaching a BMW driven by Umar Zameer. Detective Constable Pais observed Detective Constable Northrup knock on the driver's window and order the vehicle to stop. The BMW accelerated toward the van, then reversed, possibly making contact with both officers, before lunging forward and striking Detective Constable Northrup. Detective Constable Northrup had been standing in the parking spaces facing the BMW with his hands up when the BMW lunged forward and struck Detective Constable Northrup. Detective Constable Pais also recalled Detective Constable Northrup's body turned and faced him (west) as he fell. Detective Constable Pais saw the BMW start to push Detective Constable Northrup and then eventually run over him.

Detective Constable Correa drove to assist Detective Constable Northrup and then pursued the BMW, intentionally striking its rear bumper to stop it. After airbags deployed, both officers exited the van. Detective Constable Pais approached the passenger side, ordered Aaida Shaikh out, and testified that he held his firearm out in front of him but aimed down, consistent with Aaida Shaikh's testimony. Detective Constable Pais observed a child in the back seat, assisted in securing Zameer, advised him of his rights and requested medical aid for Aaida Shaikh, who was pregnant.<sup>20</sup>

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<sup>20</sup> R v. Zameer testimony of Detective Constable Scharnil Pais, preliminary hearing March 2-3, 2023 and trial March 25 and April 12, 2024

## Witnesses regarding the BMW

Umar Zameer purchased the 2011 BMW 5 Series 550i XDrive GT on May 12, 2021, less than two months prior to the collision. The previous owner of the vehicle was interviewed to ascertain what cameras, sensors and other safety features were enabled on the vehicle when Umar Zameer bought it. The previous owner stated that all the sensors and cameras were in good working condition at the time the vehicle was sold to Umar Zameer. This included rear and side cameras with optional bird's eye view as well as a visual display that depicted red visual alarms and audible alarms.

## Video

TPS acquired video from the Green P parking garage security system that recorded the collision from a dome camera that was positioned in the entrance tunnel from eastbound Queen Street. The video was recorded in low resolution of 480 x 360 resulting in a dark, grainy and hazy appearance. It was found to have recorded 1.03 frames per second, which is very low quality and resulted in gaps of recorded content. The view of the incident was obstructed by a concrete pillar, a wall and the gate arm at that entrance. During the TPS investigation, TPS sought the assistance of the OPP to enhance and clarify this video.

The following frames in the enhanced video depict the sequence of relevant frames recorded during the collision<sup>21</sup>.

- 00:18:12, the red taillights on the BMW were illuminated and visible on the video.
- 00:18:15, pedestrian believed to be Detective Constable Northrup moved between the BMW's rear lights.
- 00:18:16, Detective Constable Northrup moved behind the BMW.
- 00:18:17, Detective Constable Northrup moved to the BMW's passenger side.
- 00:18:47, the Dodge (TPS van) at the north end of the lane turned right, towards the south.
- 00:19:13, the Dodge at the south end of the lane turned right, towards the west.
- 00:19:15, the BMW began to move forward, towards the west.
- 00:19:19, the BMW moved forward to the west.
- 00:19:20 to 00:19:28, the BMW and Detective Constable Northrup were not visible to the camera's view.
- 00:19:29, the BMW reversed into the camera's view.
- 00:19:30, the BMW reversed, towards the northeast.
- 00:19:31, the BMW's rearward movement ended and was only partially in the laneway. Its right headlamp was behind a concrete pillar and its left headlamp was partially visible.

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<sup>21</sup> OPP Collision reconstruction Report RM24101503 dated August 29, 2025

- **00:19:32, the BMW moved forward, and driver's side headlamp was obstructed from the camera's view by a pedestrian believed to be Detective Constable Northrup (see below).**
- 00:19:33, the BMW turned left, towards the south. The pedestrian was no longer visible.
- 00:19:34, the BMW turned left, towards the laneway. An object (Detective Constable Northrup) was on the ground in front of the BMW's bumper.
- 00:19:35, the BMW moved forward, near the center of laneway, its front end moved upward, and the object on the ground was now below the BMW's bumper and left headlamp.
- 00:19:36, the BMW moved forward, turned right, towards the south, and its front end moved downward. A second pedestrian (believed to be Detective Constable Forbes) was in the laneway.

The original and the enhanced video were reviewed in detail by the OPP investigative team and independently by the OPP reconstruction expert.



## OPP Collision Reconstruction

The TPS Collision Reconstruction report and an addendum report concluded that the BMW was reversing and turning when its front left fender knocked Detective Constable Northrup to the ground. The vehicle then moved forward and struck Detective Constable Northrup. A separate report by the defense engineer agreed with the TPS reconstructionist's opinion and focused on the BMW driver's blind spots.

A thorough review of the TPS and defence collision reconstructions was completed. Through that review, the OPP reconstructionist found there was a lack of physical evidence to support their findings and neither report appeared to consider the BMW's collision mitigation technology, nor did they properly address the marks on the BMW. This established a need to re-investigate the incident.

The re-investigation was critical to understand how this collision occurred and the basis for the findings presented at trial by the TPS and defense experts. Determination on the details of the collision itself was investigatively necessary to address the trial judge's allegation that the officers lied when they testified that Detective Constable Northrup was in front of the car with his hands up when he was struck.

### OPP Reconstruction Approach & Actions

The OPP Collision Reconstruction included the following elements:

- A detailed examination of original evidence collected by TPS including:
  - videos and photos;
  - scanned data;
  - field and officer notes;
  - vehicle and mechanical notes;
  - Forensic Identification Services reports; and,
  - post-mortem reports.

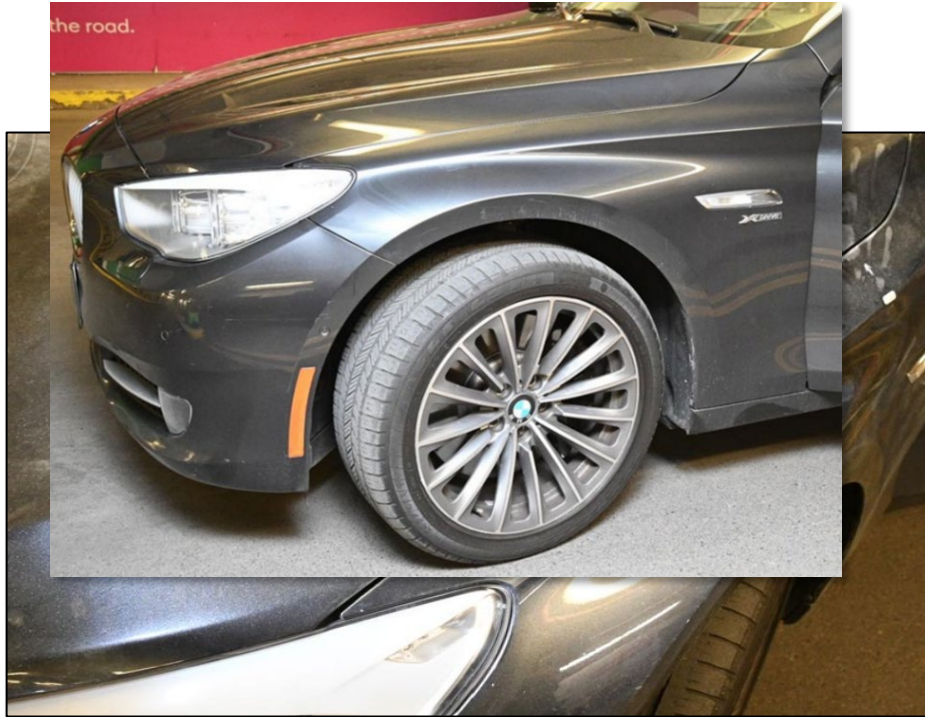
To remain unbiased and impartial, the OPP reconstructionist did not review statements, testimony or the judge's comments. The OPP reconstructionist did:

- attend Nathan Phillips Square and map the collision location;
- conduct exemplar vehicle testing, including what the vehicle could have seen, sensed, displayed and warnings to the driver;
- research, examine and test the involved BMW;
- examine Detective Constable Northrup's shoe/socks; and,
- review photos, videos, measurements and created scale diagrams.

### OPP Reconstructionist Findings

The OPP reconstructionist located and identified evidence that the TPS reconstructionist and defense engineer did not identify or note. This evidence was captured in the TPS photographs and 3D scans. This additional evidence was the key to tracking the BMW's path of travel and determining where and how the collision occurred. The OPP reconstructionist concluded Detective Constable Northrup was standing at the BMW's front left corner when the BMW accelerated forward, struck Detective Constable Northrup, plowed him along the ground, drove over him and fled the scene. The following details describe how and why this determination was made.

- 1. Vehicle Surface.** The BMW was covered in a light coat of dust and dried water marks. Any contact would remove the layer of dust on the surface of the vehicle. If Detective Constable Northrup had been struck by the fender, there would have been marks on the fender's surface. Based on the lack of marks on the fender, there was insufficient evidence to support the belief that Detective Constable Northrup was struck by the fender.



- 3. Hand and Fingerprints.** Hand and fingerprints were revealed after TPS Forensic Identification officers applied fingerprint powders to the BMW's hood and fender. Only one fingerprint was linked to Detective Constable Northrup. Marks on the fender and hood were linked to the driver, Umar Zameer.

4. **Contact Marks on Bumper.** Contact marks on the BMW's driver's side bumper area were located and identified. These marks were not noted or included in the TPS and defense reconstruction reports. These marks show two vertical areas of contact on the front bumper closest to the driver's side of the vehicle.
  
5. **Exemplar Vehicle Testing and Re-Enactment.** A 2014 BMW with similar vehicle technology but fewer sensor and cameras than the involved BMW was used to test functionality. Below is the vehicle testing shown next to the corresponding vehicle sensor display. The vehicle displayed visual and distance warnings as well as audible warning tones from the speaker in the direction of the object.

OPP RE-ENACTMENT

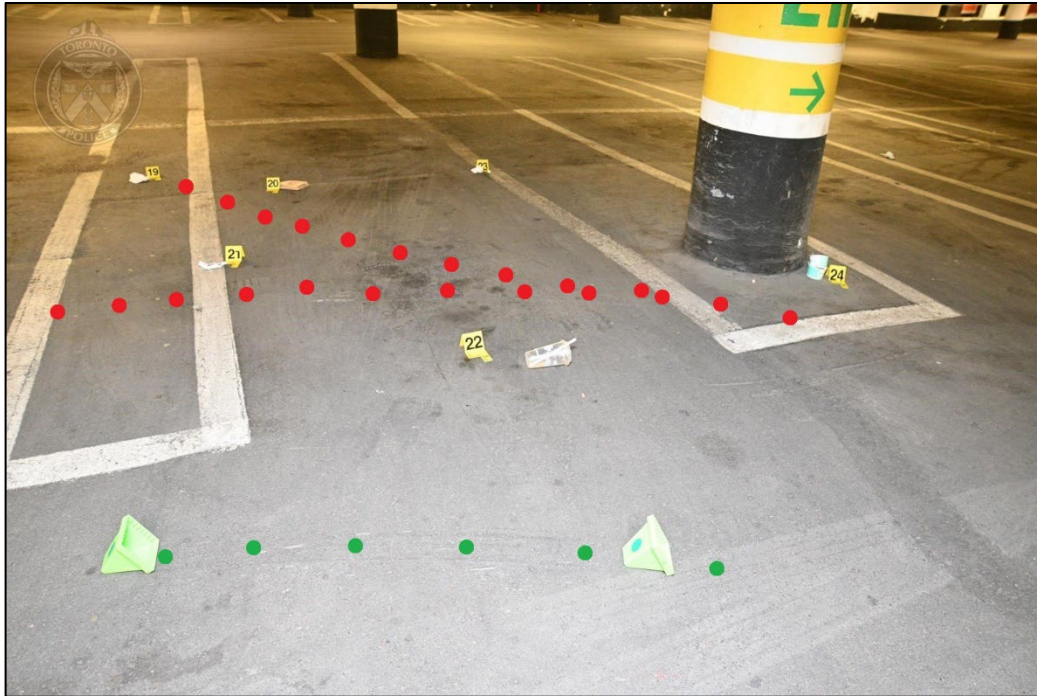




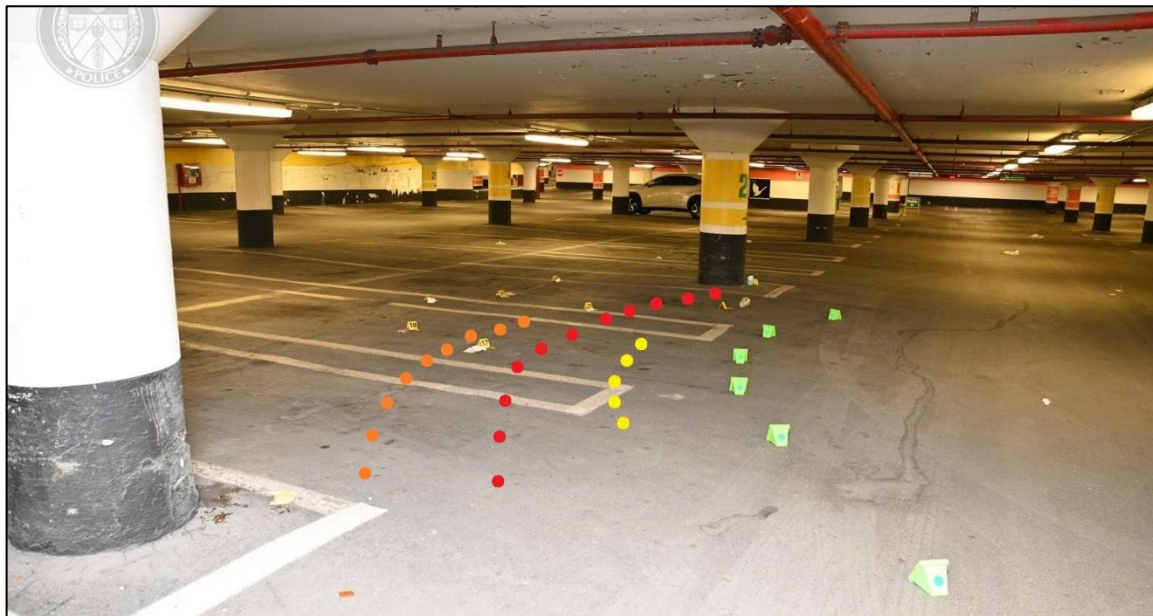
6. **Blind Spot Testing.** The vehicle sensors were tested with a mannequin. The vehicle sensors detected objects in blind spots such as under the front bumper that may have been not within the driver's field of view. The vehicle displayed visual and distance warnings as well as audible warning tones from the speaker in the direction of the object.



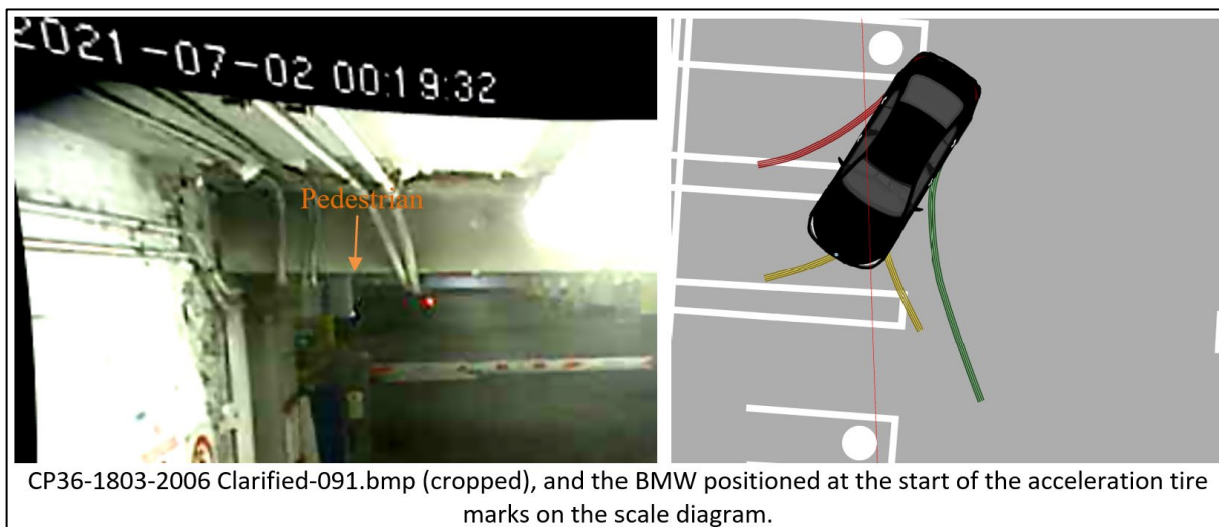
7. **Scene Photos: Tire Marks.** Scene photographs taken by the TPS were examined and tire marks not previously noted by TPS or defense reconstruction reports were located and identified. Red dots shown in the image below depict tire marks associated with the rear right tire of the BMW. Green dots indicate tire marks associated with the rear left tire mark that were identified by TPS. The green cones were placed by TPS officers to mark the start of an acceleration mark.



The OPP reconstructionist located and identified all four tire marks made by the BMW during the collision as shown with orange, red and yellow dots in the image below. This was corroborated by the BMW's wheel track (the lateral distance between the wheels) and by the front right tire mark (orange dots) tread being slightly different than the others. In the vehicle examination, the BMW's front right tire was a different make and model from the other tires.



- 8. **Security Camera Video Examination.** The OPP reconstructionist found that the BMW's driver's side headlamp should have been visible in the security video, prompting a closer examination of the video and Detective Constable Northrup's position. The image below shows the line of sight from the parking garage camera. Upon close examination of the video frame, Detective Constable Northrup's position was revealed in front of the BMW, obscuring the headlamp from view.



- 9. **Contact Marks on the Hood.** The photograph below is the involved BMW's front left corner at final rest, from the TPS investigative file. The OPP reconstructionist marked a green arrow that indicated the principal direction of force of the BMW to Detective Constable Northrup during the collision. The red circles indicate the location of the contact marks found by the OPP reconstructionist. The orange arrows indicate the subsequent orientation and direction of the hand smears and fingerprints when Detective Constable Northrup was struck and reached out. TPS forensic identification officers identified this mark as being associated to Detective Constable Northrup. The TPS reconstructionist did not address this mark in their initial Collision Reconstruction Report, and in their following Collision Reconstruction Addendum Report, they



incorrectly interpreted the orientation, placement and how it would have been deposited onto the BMW's hood.

The OPP reconstructionist concluded that the collision was not a chance encounter by Detective Constable Northrup suddenly entering the BMW's path of travel, as they were in each other's presence for at least 76 seconds before the collision. There was insufficient evidence to support the TPS reconstructionist's conclusion that the BMW's front left fender knocked Detective Constable Northrup to the ground with a reversing motion. The primary cause of this collision was from the BMW accelerating forward and striking a standing Detective Constable Northrup at its front left corner.

## Conclusions – Assertion #1

The theory that the defense engineer presented at trial suggested Detective Constable Northrup was at the side of the BMW, which was reversing at the time he was struck. This theory was accepted by the trial judge and the jury, which ultimately resulted in the trial judge's written assertion that the officers lied. The trial judge wrote:

*“Officers **Pais and Correa did not see Officer Northrup standing upright while being run down by Mr. Zameer** [emphasis added]. Further, the fact that their versions dovetail so closely with each other and with Officer Forbes leads me to the inexorable conclusion that **they not only lied, but they colluded to lie** [emphasis added]”.*<sup>22</sup>

Detective Constables Forbes, Pais and Correa provided statements immediately after the incident and later testified in court that Detective Constable Northrup was positioned in front of the BMW when he was struck. While the officers accounts of the details of events differ slightly, these variations are reasonable given their respective positions, fields of view and focus during the incident.

The OPP reconstructionist's investigation did not find an evidentiary basis to support the theory that Detective Constable Northrup was struck while at the side of the BMW by a reversing motion. The OPP reconstructionist cited the security video, photographs, forensic mapping, identified fingerprints, autopsy documents, tire marks, and contact marks on the vehicle, in concluding that Detective Constable Northrup was standing when he was struck by the BMW when it moved forward. Based on these differing opinions by collision reconstruction experts, the OPP investigative team have concluded that Detective Constable Northrup was standing and that the BMW was moving forward at the time he was struck.

It is concluded that there is insufficient evidence to support the belief that Detective Constables Pais and/or Correa intentionally lied in their statements, notes or testimony about having seen Detective Constable Northrup standing upright when he was struck by the BMW.

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<sup>22</sup> Reasons for decision on prior consistent statement written by the trial judge April 29, 2024.

## ASSERTION #2

***Detective Constable Pais and Detective Constable Correa lied about pointing their firearms during the arrest of Umar Zameer.***

At paragraph 10 and 24 of the Reasons for Decision, the trial judge wrote:

*“Both Officers Correa and Pais testified at trial that after they rammed the BMW from behind, Officer Correa went to the driver side of the BMW and Officer Pais went to the passenger side. Both testified that they had drawn their service revolvers but were holding them pointing towards the ground beside their leg. **Both testified that they did not point their firearms at the occupants of the vehicle. This is untrue [emphasis added]**” ...*

*... “Accordingly, I find both officers lied when they said they did not point their firearms at Umar Zameer and Aida Shaikh [emphasis added]. Both officers pointed their guns directly at the heads of Mr. Zameer and Ms. Shaikh and screamed at them to get out of the car. Mr. Zameer and Ms. Shaikh testified to that effect, and I believe them.”*

At paragraph 15 The trial judge further wrote:

*“Officers Pais and Correa proved themselves to be neither truthful nor reliable witnesses [emphasis added]. I do not propose to go through all of the ways in which this was demonstrated throughout the trial.”*

### Details of the Arrest

Approximately four seconds after the BMW struck Detective Constable Northrup, it turned right towards the west<sup>23</sup>. Detective Constables Correa and Pais followed in the TPS Dodge Caravan. At the main exit on parking level 1, the BMW was stopped facing west behind another vehicle going through the control gate. The Dodge’s front right corner struck the BMW’s rear left corner and Detective Constables Correa and Pais immediately exited the TPS van and approached the BMW to affect an arrest.

### Witnesses regarding Pointing of Firearm during Arrest

The two occupants of the car immediately in front of Umar Zameer’s BMW testified at trial that they heard the crash as the TPS van collided with the back of the BMW. They looked behind to see what was happening. They both testified at trial that they didn’t know the two men who approached the BMW were police officers.

The passenger testified that the two men were yelling at the occupants of the vehicle behind them. They heard other words being used by the officers, but those words were not understood. The only word they understood was “out”. This witness also testified that they were not sure whether the two men (Detective Constables Pais and Correa) had guns in their hands; in fact, this witness only observed Detective Constable Correa with what they believed was a firearm. The passenger heard screaming from the woman seated in the front passenger seat.

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<sup>23</sup> Enhanced Green P surveillance video

The driver of this vehicle testified they saw both men aiming their firearms at the occupants who were still in the vehicle behind them and yelling “get out”. This witness testified that the two men (confirmed to be Detective Constables Pais and Correa) were pointing weapons at the vehicle, not that they were pointing guns at the occupants. In cross-examination, defense counsel used an altered wording in posing a question to the witness as “*and they were pointing the guns at the individuals in the car behind you?*”<sup>24</sup>

A possible independent witness was identified by the OPP from camera footage in the parking garage. This individual was identified, located and interviewed by OPP investigators on January 8, 2025. They had not given testimony in the court proceedings of R v Zameer. This witness reported seeing a man on the ground in the parking garage but did not witness a collision. The witness confirmed they were exiting the parking garage and they saw a police officer holding a man against a car and a woman sitting with a child. This witness did not see the police approach the individuals and make an arrest, nor did they report seeing police officer(s) with firearm(s) in their hand(s).<sup>25</sup>

Through the OPP’s review, there were no other direct witnesses identified who could speak to the pointing of firearms by officers during the arrest other than those who testified in court.

## Account of Umar Zameer

Umar Zameer testified at trial on April 20, 2024. He stated he was approached by a woman and a man in the underground parking garage who banged on his car door and said stop, get out of the car. He drove away and drove towards the exit of the parking garage. When he stopped, he felt a jerk. He testified that a man came to the window pointing a gun at him and ordered him to “get out of the car”.<sup>26</sup>

## Account of Aaida Shaikh

Aaida Shaikh testified at trial on April 2, 2024. She stated that she was the passenger in the BMW and her husband, Umar Zameer, was driving. When they were exiting the parking garage, a vehicle collided with the BMW from behind. She stated a man came up to her side of the car and pointed a gun at her and ordered her out of the car. She complied and he ordered her to lie down on the ground. She was terrified and was trying to tell him that she was pregnant and could not lie down on her front. She was also focused on her two-year-old who had been crying in the back seat ever since the man and the woman had been pounding on their car at their parking space. Her son was not fully buckled into his car seat because they had left before she had a chance to do that. She could see him starting to climb out of the back seat and into the front seat so that he could get to his mother. She stated that this all happened as she was having a gun pointed at her by a stranger.

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<sup>24</sup> R vs. Zameer Trial testimony March 27, 2024, page 68

<sup>25</sup> Statement of independent witness given to OPP on January 8, 2025

<sup>26</sup> R vs. Zameer Trial testimony of Umar Zameer April 9, 2025

Regarding the pointing of the firearm, Aaida Shaikh testified in chief that after the collision, she observed “a man on my window with a gun” who then “pointed his gun”.<sup>27</sup> In cross-examination Shaikh again said “pointing his gun”, and then described the officer (Detective Constable Pais) holding a gun out in front of him.<sup>28</sup> Neither Aaida Shaikh herself, the Crown Attorney or the defense counsel used the words cited by the trial judge “pointed a gun at her head”.

### Account of Detective Constable Correa

Detective Constable Correa testified that he drew his firearm and had it in his hand <sup>29</sup>; however, he did not testify as to where it was pointed. Detective Constable Correa was never asked in his evidence in chief or in cross-examination where his firearm was pointed and never testified that he did not point his firearm at Umar Zameer.

In Detective Constable Correa’s original statement and officer notes he described pointing his firearm directly at the driver’s window. At the preliminary hearing, he testified, “I approach the driver’s door approximately six to eight feet away from the driver’s door and I point my firearm at the driver”.<sup>30</sup>

Detective Constable Correa completed a use of force report on July 2, 2021, regarding this incident as required by the *Police Services Act*. The report was completed on a standard Ministry of the Solicitor General form 0270E and the last modified date of this record was July 2, 2021, at 10:20 a.m. On this form, under the section Type of Force Used, Firearm - pointed at person was selected.

| Type of Force Used *   |       |                                     |                          |
|--|-------|-------------------------------------|--------------------------|
| (include all options used during incident and rank in sequence of use)                                   |       |                                     |                          |
|  | Rank  | Was Force Effective?                |                          |
|  |       | Yes                                 | No                       |
| <input type="checkbox"/> Aerosol Weapon  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Empty Hand Techniques – Hard  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Empty Hand Techniques – Soft  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Firearm – discharged  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Firearm – pointed at person  | 1 ▾   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Handgun – drawn   | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Impact Weapon – Hard  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Impact Weapon – Soft  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Other (e.g., conducted energy weapon, less lethal shotgun, “ARWEN”) (specify) ▼ | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |

### Account of Detective Constable Scharnil Pais

Detective Constable Pais did not discuss use of his firearm during his initial statement, nor was he asked any questions about use of force during the arrest. Detective Constable Pais did complete a use of force

<sup>27</sup> R vs. Umar Zameer Trial testimony of Aaida Shaikh April 2, 2024, page 63  
<sup>28</sup> R vs. Umar Zameer Trial testimony of Aaida Shaikh April 2, 2024, page 114  
<sup>29</sup> R vs. Umar Zameer Trial testimony of Antonio Correa March 26, 2024, page 79 and March 27, 2024, page 11  
<sup>30</sup> R vs. Umar Zameer Preliminary Hearing testimony of Antonio Correa March 6, 2023, page 19

report on July 2, 2021, regarding this incident as required by the *Police Services Act*. The report was completed on a standard Ministry of the Solicitor General form 0270E and last modified July 2, 2021, at

| Type of Force Used *   |       |                                     |                          |
|--|-------|-------------------------------------|--------------------------|
| (include all options used during incident and rank in sequence of use)                                   |       |                                     |                          |
|  | Rank  | Was Force Effective?                |                          |
|  |       | Yes                                 | No                       |
| <input type="checkbox"/> Aerosol Weapon  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Empty Hand Techniques – Hard  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Empty Hand Techniques – Soft  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Firearm – discharged  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Firearm – pointed at person   | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Handgun – drawn  | 1 ▾   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Impact Weapon – Hard  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Impact Weapon – Soft  | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Other (e.g., conducted energy weapon, less lethal shotgun, “ARWEN”) (specify) ▼ | _____ | <input type="checkbox"/>            | <input type="checkbox"/> |

10:38 a.m. On this form Detective Constable Pais specified under the Type of Force Used, Handgun - drawn.

Detective Constable Pais’s notes, completed August 4, 2021, also reflected “*firearm drawn*”.

Detective Constable Pais testified at the preliminary hearing regarding his use of his firearm during the takedown in evidence in chief as follows:

*“My firearm was drawn when I exited the vehicle and before I approached the passenger side of the BMW.”, and then, “My firearm is pointed in the direction of the passenger, but not directly at the passenger.”* <sup>31</sup>

During cross-examination:

*“I went up to the vehicle, my firearm was drawn but it was pointed down. Not down to the ground, but lowered”.* <sup>32</sup>

During the trial, Detective Constable Pais testified about his use of his firearm during the takedown as follows:

*“...I’ve unholstered my firearm. I have my firearm in my hand, pointed down at the ground” ...* <sup>33</sup>

*“My gun was drawn out. It was not at gunpoint. At gunpoint would indicate that I was pointing my gun at the female.”, and then, “It was in front of me, pointed down to the ground. It was not pointed at the female”.* <sup>34</sup>

<sup>31</sup> R vs. Umar Zameer Preliminary Hearing testimony of Detective Constable Scharnil Pais, March 2, 2023, at page 63

<sup>32</sup> R vs. Umar Zameer Preliminary Hearing testimony of Detective Constable Scharnil Pais, March 3, 2023, at page 56

<sup>33</sup> R vs. Umar Zameer Trial Testimony of Detective Constable Scharnil Pais, March 25 at page 43

<sup>34</sup> R vs. Umar Zameer Trial Testimony of Detective Constable Scharnil Pais, April 12 at page 57

## Conclusions – Assertion #2

Detective Constables Pais and Correa testified at trial that they both had their firearms drawn at the time of the arrest of Umar Zameer.

Detective Constable Correa never testified during trial about where his gun was pointed, nor did the Crown Attorney or defense counsel ask about where it was pointed. Although Detective Constable Correa's trial testimony did not include details of having pointed his gun at Umar Zameer, it was clear in his statement, notes and previous testimony that his gun was pointed at Umar Zameer.

Detective Constable Pais stated he had his firearm drawn, held out in front of him in the direction of Aaida Shaikh, but lowered or pointed down. Detective Constable Pais's account of how he handled his firearm was consistent over time, from when he completed his Use of Force report before leaving 52 Division on July 2, 2021, through preliminary hearing and trial. Detective Constable Pais's description aligned with the standard "low ready" position, which is a common tactical practice that keeps the firearm angled safely downward while allowing for a rapid transition to an on-target position if necessary. The trial judge did not account for the difference between the user's perspective and that of an observer. To someone downrange or watching from a distance, a drawn firearm may appear to be pointed directly at them, even when the officer is looking over the weapon and assessing the situation.

Based on the testimony of both officers, it is concluded that there is insufficient evidence to support the belief that either officer intentionally lied in their testimony regarding having pointed their firearms during the arrests of Umar Zameer and Aaida Shaikh. The trial judge's assertion, "*I find both officers lied when they said they did not point their firearms at Umar Zameer and Aaida Shaikh*", was found to be an incorrect interpretation of the officer's testimony at trial.

## ASSERTION #3

***Detective Constable Pais, Detective Constable Correa and Detective Constable Forbes colluded to lie in their notes, statements and testimony about the events that lead to Detective Constable Northrup's death.***

The trial judge made specific comments in the instructions given to the jury, which cited Detective Constables Pais and Correa were not reliable nor credible because they collaborated on their notes and testimony. In summary, it stated "***When three versions of an event are wrong, and wrong in the same way, you must also consider whether there has been collusion between those witnesses***" [emphasis added].<sup>35</sup>

### Witnesses regarding Collusion

Interviews were conducted with individuals, including four police officers who were in close contact with Detective Constables Pais, Correa and Forbes on the morning of July 2, 2021. Three TPS Major Crime Unit officers initially attended the underground parking garage in search of Detective Constables Forbes and Northrup, while a fourth member assisted Detective Constables Pais and Correa with Umar Zameer at the exit gate.

Ultimately, all these officers as well as Detective Constables Pais and Correa attended Mount Sinai Hospital for consultation with a doctor regarding critical incident trauma. Detective Constable Forbes attended St. Michael's Hospital and had no contact with Detective Constables Pais and Correa. During their time at Mount Sinai Hospital, Detective Constables Pais and Correa sat in the public emergency waiting area, each seeing a doctor in turn. All four officers advised that during this time there were no discussions amongst the members. The waiting area was a public space and they were not able to sit together. They each described waiting in silence while the other teammates spoke with a doctor. This was corroborated by a TPS uniform officer who had been assigned to assist the TPS Major Crime Unit while they were at Mount Sinai Hospital. Once discharged, these officers attended 52 Division together. The drive was described as somber and silent.

Upon arriving at 52 Division, the officers went into a chaotic environment. None of them recall seeing Detective Constable Forbes that morning, nor did any of them see Detective Constables Pais and Correa alone together. There was a "debrief"; however, this was described as peer supporters offering resources and there were specific instructions not to discuss their observations of the incident. They all describe primarily being in the TPS Major Crime Unit bullpen area surrounded by colleagues, TPS Association and command staff who were offering condolences.

Individuals who were with Detective Constable Forbes following the incident were interviewed. A family member attended the hospital to be with her, noting that another officer was also present. They stayed with her and then drove her to 52 Division, where Detective Constable Forbes met a homicide

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<sup>35</sup> R vs. Umar Zameer – Charge to the jury by the trial judge, page 102, paragraph 18

investigator outside the division and went into the building with them. After providing her statement, Detective Constable Forbes was escorted back outside to where her family member was waiting to drive her home.

Interviews were also conducted with the homicide team case managers and primary investigator. None of these interviews revealed evidence of contact, communication, collaboration or collusion between Detective Constables Forbes, Pais and Correa during the morning of July 2, 2021.

## Officer Notes

The trial judge raised concerns with the officer notes of Detective Constables Pais and Correa and linked these concerns as directly related to the reliability and credibility of the officers. In raising this, she stated:

*“If two people collaborate on their notes after the fact, you may not be getting a true picture of each person’s actual memory, but rather some kind of amalgam. That undermines the reliability of the notes” ...” in those situations that there **may have been collaboration, or even collusion, between those people, which even more seriously undermines reliability, and possibly credibility**” [emphasis added].*

Through a review of the TPS file and additional witness statements taken by the OPP, it was confirmed that Detective Constables Pais and Correa completed their notes on August 4, 2021, in the same room at 52 Division with other officers present. Witnesses confirmed that both officers were provided with their statement transcripts and dispatch printout. It was also confirmed that the officers were excused from their duties on the date of the incident with their supervisor’s knowledge that they had yet to complete their notes because they had been through a traumatic event and needed rest. The completion of notes was not an investigative priority at that time because they had already provided video recorded statements.

Both officers took time off to recover from this event. When they returned to work, they did follow through and complete their notes as required. There was no evidence to suggest that during the interceding time there was any falsification or collaboration and collusion on the contents of their notes. The fact that they made notes in the same room with other officers present was found to be out of a need for a quiet space away from the Major Crime Unit office. None of the witnesses reported hearing, seeing or being aware of conversations, collaboration or collusion between Detective Constables Correa and Pais regarding the content of their officer notes.

Although the trial judge made allegations about the officers having made their notes in the same room at the same time, there was no resulting impact to the investigation or the subsequent court proceedings. Both officers had already provided formal video statements and completed their Use of Force reports on the date of the incident.

These notes were examined and compared with the statements and Use of Force Reports given on the date of the incident. The notes were found to be consistent with the statements, reports and their

testimony in court. One exception was found relating to Detective Constable Correa who in his statement gave incorrect directions. This was corrected in his notes. This error in his statement was not found to be intentional or an act of deliberate deception but simply human error that had no real impact on the investigation at the time. If the officers' notes had been falsified and/or collusion had taken place between the time of the incident and the date of their notes being completed, there would have been a clear discrepancy between the notes and the officer's statements immediately following the incident. This discrepancy was not found.

## **TPS Body-Worn Camera Recordings**

The activities of Detective Constable Forbes were captured on body-worn camera video and audio. This video footage of Detective Constable Forbes was reviewed in its entirety to determine if any communications or conversations between her and the other officers was evident. At no time were Detective Constables Pais or Correa seen or heard on the footage, nor was there indication of Detective Constable Forbes communicating with them on a phone, radio or other means. This footage accurately accounted for Detective Constable Forbes interactions leading up to her statement with homicide investigators. This footage helped establish a timeline of the involved officers during the windows of opportunity for collusion.

## **TPS Body-Worn Camera (Axon) Logs**

TPS disclosed Axon video logs for any and all footage related to the incident involving Umar Zameer and the death of Detective Constable Northrup. OPP investigators focussed on videos which captured critical information about what Detective Constable Forbes reported. Specifically of interest were the body-worn camera videos that captured the critical initial statements of Detective Constable Forbes in the immediate aftermath of the incident.

The allegation that Detective Constables Pais and Correa lied about their observations of the incident to support Detective Constable Forbes' fabricated or mistaken recollection of the collision, would require some specific knowledge of what Detective Constable Forbes observed prior to giving their statements at approximately 8:00 a.m., on July 2, 2021. This would require all three officers to have directly communicated about the events, or for Detective Constables Pais and Correa to have reviewed the initial statement of Detective Constable Forbes prior to their statements to homicide investigators. Review of TPS Axon logs confirmed there was no review of, download of, or access to, the initial statements of Detective Constable Forbes by either Detective Constables Pais or Detective Constable Correa.

## **Review of Group Chat**

During the course of the preliminary hearing, defence counsel suggested that the involved TPS officers might have communicated with each other by text message on July 1 to 2, 2021, about what had transpired. It was also during the preliminary hearing that Detective Constables Pais and Correa communicated about a plumber, though they had been instructed not to communicate over that

weekend. Involved officers were thereafter requested to provide any relevant text messages for disclosure.

Individual and team group chat messages were disclosed from multiple users but all documenting the same contents. The team group chat focused on their tasks for the shift (searching for a wanted party), documenting vehicle mileage and inquiries about training needs. There were messages from when the team began assisting at the stabbing call in which one officer comments at 12:18 a.m., *"Tony and Pais are spinning lot"*.

A message on July 2, 2021, at 11:50 a.m., from Detective Constable Correa read, *"Everyone advise when they get home safe. I'm at home now."* All messages thereafter relate to sharing anecdotes about Detective Constable Northrup and offering condolences to his wife and family (who had possession of Northrup's phone after the incident and had the ability to access this group message).

Some individual messages between members of the team were found expressing their support for Detective Constable Forbes in the days after the incident, but none of these messages contain any information about what was observed or any evidence at all. Similarly, the messages between Detective Constables Correa and Pais during the preliminary hearing do not deal with items of evidence.

Overall, the text messages of the TPS Major Crime team members did not offer any evidence that anyone attempted to collude or obstruct justice by conspiring to concoct a certain narrative regarding how Detective Constable Jeffrey Northrup died.

## **Preliminary Hearing – Non-Communication Directions**

The OPP reviewed the testimony of Detective Constables Pais and Correa regarding their communication during the preliminary hearing. Notes indicated that on March 3, 2023, both officers were instructed by the TPS homicide team not to communicate with each other, as Detective Constable Correa was scheduled to testify on March 6, 2023. During a court preparation meeting on March 6, 2023, Detective Constable Correa disclosed that he had spoken with Detective Constable Pais over the weekend about a plumbing emergency, providing contact information for a plumber.

During trial testimony in March 2024, Detective Constable Pais acknowledged contacting Detective Constable Correa after his own testimony at the preliminary hearing. He explained that the communication was limited to obtaining a plumber's contact information and did not involve discussion of evidence. Detective Constable Correa confirmed this account, stating that the interaction occurred before his testimony and was unrelated to the case. Both officers were questioned extensively by the Crown Attorney and defence counsel about whether this communication violated a court order and whether any discussion of evidence occurred. Each officer maintained that the exchange was strictly about the plumbing issue and did not involve case-related matters.

## Timeline of Involved Officers

Based on the TPS file, the court testimony and interviews conducted by the OPP, it was determined that a timeline of Detective Constable Forbes' activities on the morning of July 2, 2021, following the collision would serve to identify windows of opportunity for collusion between the three officers.

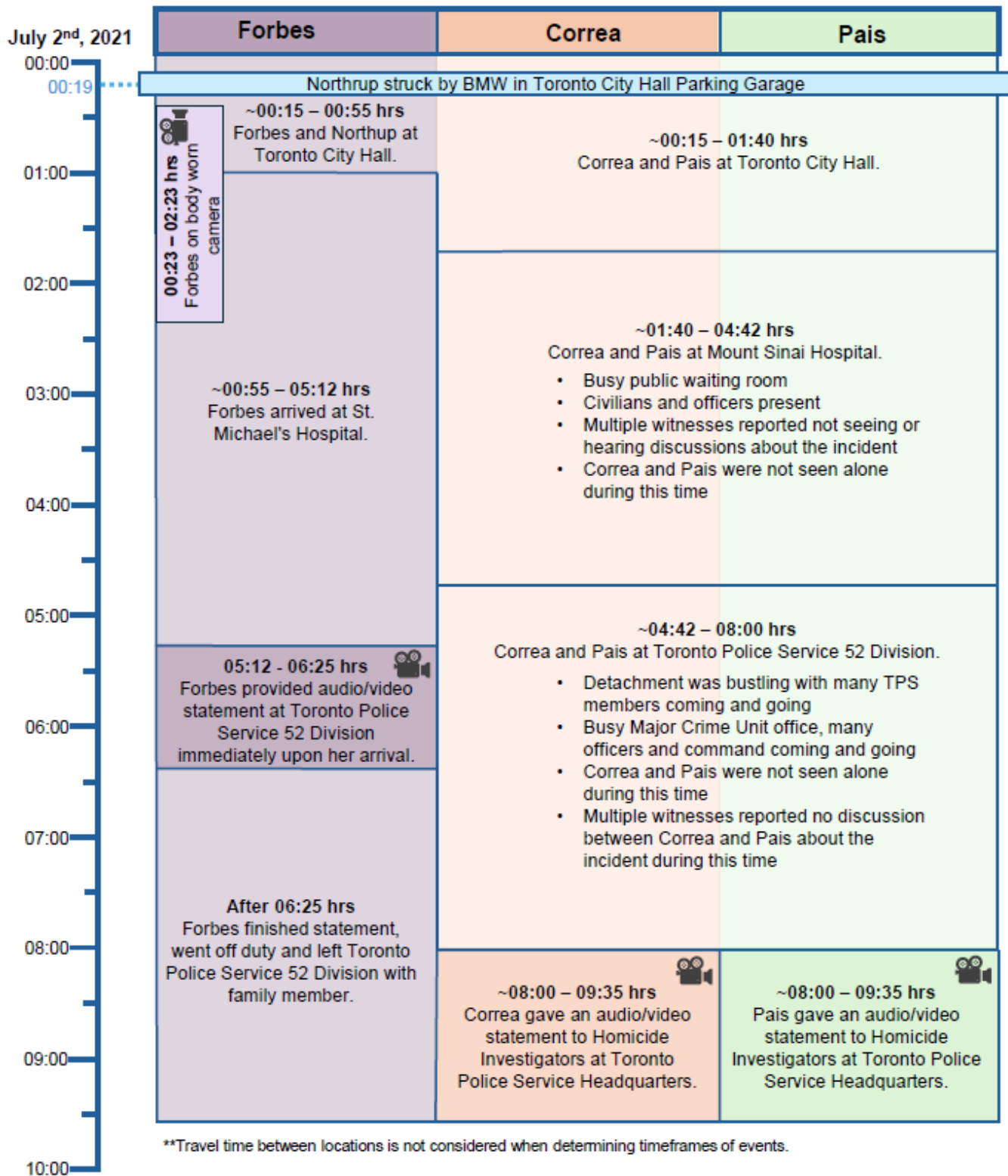
The OPP's review and reinvestigation found that the officers' initial statements were largely consistent with their court testimony. As a result, the window of opportunity for collusion to lie could only have taken place between the time of the incident and the officers' original statements. Detective Constable Forbes was corroborated as not having had any contact with Detective Constables Pais and Correa during this time frame.

Detective Constables Pais and Correa were both at Mount Sinai Hospital between approximately 1:40 a.m., and 4:43 a.m. (approximately 3 hours). Witness statements and officer notes have confirmed that both officers were in a public health care place, with other officers nearby and were consumed with receiving medical and psychological care. There is no information to suggest or corroborate that Detective Constables Pais and Correa had any conversation with each other about the fatal collision or the arrests.

Detective Constables Pais and Correa were both at the TPS 52 Division office between approximately 4:43 a.m., and 8:00 a.m., on July 2, 2021, for a duration of approximately three hours and 17 minutes. During this time, witness statements corroborated that the Major Crime Unit office was chaotic and at no time were Detective Constables Pais and Correa alone together or conversing about the incident. At some point during this time, both officers completed Use of Force Reports.

The following chart depicts the officer's relevant activities during this time frame.

## Timeline of Involved Officers: Forbes, Correa and Pais



## Review of Relevant Case Law

A review of relevant case law relating to eyewitness memory and collusion among police officers was conducted at the outset of this investigation. An analysis of Canadian cases involving officer collusion was undertaken to determine applicability considering the comments of the trial judge in this case.

### *R. v. Schertzer, 2015 ONCA 259*

In *R. v. Schertzer*, multiple members of a TPS drug unit faced charges, including assault, extortion, obstruction of justice and perjury. The matter arose from an unlawful apartment search, after which officers falsified notes, reports and sworn testimony to legitimize their actions. Five of the six officers were convicted of obstruction of justice, and several, including Schertzer, were additionally convicted of perjury.

The OPP review of the Detective Constable Northrup death investigation corroborated that involved officers' notes, statements and testimony remained consistent from the immediate aftermath of the incident through subsequent court proceedings. The parking garage security video evidence generally corroborated the officers' accounts; however, the obstructed view, limited frame rate, and resolution reduced the video's reliability as a definitive record of the collision. The absence of independent eyewitnesses alone does not substantiate the trial judge's assertion that the officers lied. The sole contrary position originates from the TPS reconstructionist's report and testimony, supported by the defense engineer's review and testimony. The OPP's re-examination of the collision found a lack of an evidentiary basis to validate the TPS reconstructionist's and defence reconstructionist's findings. Given the evidence found corroborating the officer's testimony and the absence of evidence to believe the officers lied, this case differs significantly from *R v. Schertzer*.

### *R. v. Robinson 2015-BCSC433 and 2015-BCSC1535*

In *R. v. Robinson*, the court concluded that Benjamin Robinson, a senior Royal Canadian Mounted Police (RCMP) officer, committed perjury during the Braidwood Inquiry by falsely denying that he and three fellow officers discussed the incident before providing statements to the Integrated Homicide Investigation Team. The judgment emphasized striking similarities in the officers' initial statement such as the erroneous claim that Robert Dziekanski was "wrestled to the ground" and descriptions of him "swinging a stapler," which were inconsistent with video evidence and deemed unlikely to have occurred by coincidence. The court found these similarities could only be explained by collusion among the officers in the hours following Robert Dziekanski's death, and Benjamin Robinson's repeated denials of such discussions were knowingly false and intended to mislead the inquiry.

In the Dziekanski case, officer testimony was directly contradicted by clear video evidence giving rise to the belief that officers lied about their observations. Furthermore, in that case officers not only had opportunity to collude but gave evidence that they discussed the matter prior to providing their statements.

In this case, the trial judge's assertion that the officers lied about the collision focused heavily on the parking garage video. This video was found to be of very low quality, low resolution and a one-second

frame rate which made it difficult to accurately interpret. A closer examination by the OPP found that the video does support the officers' testimony that Detective Constable Northrup was standing up in front of the vehicle when it struck him in a forward acceleration. Furthermore, there is no evidence that any of the involved officers spoke with each other or anyone about their observations prior to giving formal audio and video recorded statements. An analysis of their activities that morning revealed very limited opportunities for collusion between Detective Constables Pais and Correa and no opportunity for discussion with Detective Constable Forbes.

### *R. v. Millington, 2015 BCSC 515 and 2017 SCC 53*

Similar to the above case, the Supreme Court of British Columbia's decision in *R. v. Millington* also considered assertions of perjury arising from testimony at the Braidwood Inquiry into the death of Robert Dziekanski. The outcome resulted in a finding of guilt for perjury against Officer Millington who knowingly misled the Braidwood inquiry in his testimony.

### **Collusion**

The court found that Millington and three other RCMP officers gave strikingly similar but false accounts of how Robert Dziekanski was "wrestled to the ground." These accounts were contradicted by video evidence of the interaction. Applying reasoning from *R. v. U. (F.J.)*, the court ruled out coincidence and concluded that the officers must have discussed the incident beforehand. This inference was supported by the opportunity and motive to align their stories to justify the use of force. The court held that collusion was the only rational explanation for the consistency in their false statements.

The OPP investigation found that there was no evidence to support the belief that the involved officers had an opportunity to design their stories to justify and help prove the murder charges against Umar Zameer. Evidence of motive to align their stories was not discovered. A review of the officers' chats, statements and testimony found no evidence of an apparent motive to lie; therefore, this case differs significantly from the Millington finding on collusion.

### **Eyewitness Memory**

Officer Millington claimed his misstatements were due to misperception in a fast-moving, stressful situation. The court rejected this, noting that he had a clear, unobstructed view and was trained to assess such situations. Unlike civilian bystanders, Officer Millington was a police officer with a duty to accurately observe and report. The court emphasized that trained officers are held to a higher standard and that errors about one's own actions, especially those central to use-of-force decisions, are less credible. The court concluded that Millington's testimony was not an honest mistake but a deliberate attempt to mislead.

In the OPP's review of the Zameer investigation, the impact of trauma on the officer's recollections, particularly that of Detective Constable Forbes was noted. The differences in the statements and testimony of the three eyewitness officers are logical given the speed and violence of the confrontation and different perspectives of each officer. These differences support the belief that the officers were transparent and did not conspire or tailor their evidence to fit an agreed upon narrative. The consistent

statements, notes and testimony of the involved officers in this case do serve to corroborate and validate each other as opposed to suggest a distortion of the facts by stress. This is further corroborated by the findings of the OPP re-examination of the evidence which supported the officers' testimony about how the collision occurred.

### *R. v. Rundel, 2015 BCSC 1090*

In *R. v. Rundel*, the Crown alleged perjury during the Braidwood Inquiry into Robert Dziekanski's death, focusing on whether Constable Rundel knowingly gave false testimony and colluded with fellow officers. The court acknowledged similarities between Rundel's statements and those of other officers such as claims that Robert Dziekanski was "combative" and had to be "wrestled to the ground," but found these could plausibly result from common police jargon and memory blending in a fast-moving, stressful event. Unlike in Benjamin Robinson's case, the evidence did not establish beyond a reasonable doubt that Rundel's inaccuracies were deliberate, or that coordinated fabrication occurred. Consequently, Rundel was acquitted, and the judgment underscored the difficulty of distinguishing collusion from coincidental similarity and the impact of memory distortion under stress.

### *R. v. Bentley, 2013 BCSC 1364*

In *R. v. Bentley*, the Crown alleged that RCMP Constable Bill Bentley committed perjury during the Braidwood Inquiry into Robert Dziekanski's death, based on six specific averments and circumstantial evidence suggesting collusion among the four involved officers. The trial judge found that while Constable Bentley's statements shared similarities with those of his colleagues, the evidence did not establish beyond a reasonable doubt that these similarities resulted from deliberate coordination rather than coincidence or common training language ("cop speak"). Independent eyewitness inconsistencies and the dynamic nature of the incident supported the possibility of memory blending rather than intentional fabrication. Consequently, Constable Bentley was acquitted, and the court emphasized the high threshold for proving perjury and collusion solely on circumstantial evidence.

## **Conclusions on Collusion**

The assertion of collusion to lie by the trial judge stemmed directly from the predicate belief that the officers lied. The OPP have concluded that the officers did not lie about seeing Detective Constable Northrup standing facing the BMW when it accelerated forward and struck him down. The OPP's investigation has also concluded that the officers did not lie about having pointed their firearms during the arrest of Umar Zameer and Aaida Shaikh.

The established timeline of the involved officers aimed to determine if opportunity for collusion was present. Through this analysis, the OPP have concluded that there was no opportunity for Detective Constable Forbes to have consulted, communicated or otherwise collaborated with Detective Constables Pais and Correa prior to her statement with homicide investigators.

It was also concluded that Detective Constables Pais and Correa had limited opportunity to consult and collude with each other prior to their statements to homicide investigators. Independent witnesses in

proximity to these officers during that time frame did not report hearing or seeing any such contact or conversations between the two. For collusion between Detective Constables Pais and Correa to have taken place, one would expect some marked variations from the account of Detective Constable Forbes to be apparent, which it was not. All three eye-witness officers reported a very similar sequence of events relating to the collision. It is unlikely that Detective Constables Pais and Correa accurately guessed and emulated what Detective Constable Forbes reported seeing and hearing in her initial statement on video at the scene, or during her formal statement to homicide investigators.

There was no evidence of collusion between the three officers that would support the reasonable belief that they colluded to lie. The fact that all three eyewitness officers testified they saw a similar sequence of events does not amount to evidence that they lied and/or colluded to lie. There is no tangible or witness evidence supporting reasonable grounds to believe Detective Constables Forbes, Pais and Correa lied or colluded to lie.

## ANALYSIS OF CRIMINAL CODE OFFENCES

### Obstructing Justice contrary to section 139(2) of the *Criminal Code of Canada*

Section 139(2) of the *Criminal Code* makes it an offence for any person to intentionally attempt, in any manner, to obstruct, pervert, or defeat the course of justice. To establish this offence, the following elements must be supported by evidence: the mental element (*mens rea*) requires a wilful intent to obstruct justice, while the physical element (*actus reus*) involves an attempt to interfere with justice, even if unsuccessful.

#### **1. The accused acted with intent to interfere with the administration of justice, which includes judicial proceedings, investigations, or potential prosecutions.**

Members of TPS who were present in the aftermath of the collision that killed Detective Constable Northrup, as well as members of the Toronto Homicide Unit responsible for Detective Constable Northrup death investigation, were interviewed by the OPP. Many of these witnesses had little or no affiliation with any of the involved officers. Their accounts were consistent, credible and did not reveal any indication that the involved officers did anything to interfere with the integrity of the homicide investigation. The witnesses stated they did not hear, see or were otherwise aware of any direct or indirect communication, lie or collusion on the part of the involved officers.

The OPP's independent review and investigation has not located any evidence to support the belief that any of the involved officers interfered or circumvented the court proceedings of R v. Zameer. Each officer provided accurate disclosure, attended meetings with the Crown as required and appeared and testified in court under oath. There is no evidence to support the belief that any of the involved officers falsified their notes or statements nor that they lied under oath.

Defense counsel raised an issue with the communications between Detective Constables Pais and Correa during the preliminary hearing. There is no evidence or information to suggest that these communications had anything to do with the court proceedings.

Canadian courts generally impose restrictions on witnesses to prevent them from discussing their testimony or hearing the evidence of others during trial. This practice, often referred to as the “exclusion of witnesses,” is intended to preserve the integrity of testimony and avoid any risk of collusion, tailoring of evidence or an unconscious adoption of someone else’s recollections. These restrictions are typically applied through judicial orders or procedural rules, such as those found in provincial, civil and criminal procedure codes.

Importantly, there is no statutory provision or case law in Canada that expressly prohibits witnesses from engaging in conversations about matters unrelated to the case during breaks or between court sessions. The *Canada Evidence Act* governs the admissibility and compellability of testimony but does not address communication between witnesses outside the courtroom. Similarly, the Law Society of Ontario’s Rules of Professional Conduct prohibit lawyers from encouraging or permitting witnesses to discuss their testimony during trial, but these rules focus exclusively on case-related discussions.

Judges frequently instruct witnesses not to discuss the case with anyone, including other witnesses, until their testimony is complete. These directions are discretionary and aimed at preventing interference with the judicial process. However, they do not extend to casual or social conversations unrelated to the proceedings unless specifically ordered by the court.

In summary, while Canadian law and judicial practice strongly discourage any communication between witnesses about the case during trial, there is no legal prohibition against unrelated discussions. The best practice remains to advise witnesses to avoid all substantive conversations that could be perceived as influencing testimony, even if the subject matter is not directly connected to the case.

**2. The act must be deliberate and not merely negligent or reckless. The obstruction can take various forms, such as dissuading a witness from testifying, influencing a juror or accepting a bribe to abstain from giving evidence.**

Independent witness statements, court testimony and video statements of the involved officers themselves portray a plausible concern on the part of the officers for their role in the administration of justice. The officers provided credible statements initially following the incident, were consistent in their notes and ultimately testified in court under oath. There is no evidence that the officers resisted testifying or dissuaded anyone from testifying in court under oath nor is there any evidence to suggest that the accounts of these officers were untruthful. Immediately following the incident, Detective Constable Forbes requested that she be recorded with a body-worn camera. This action demonstrated a proactive approach to ensuring transparency and accurate documentation of her firsthand observations.

## **Perjury contrary to section 131(1) of the *Criminal Code* of Canada**

Under section 131(1) of the *Criminal Code* of Canada, perjury is committed when a person, with intent to mislead, knowingly makes a false statement under oath or solemn affirmation before a person

authorized by law to receive such evidence. This false statement may be made orally, by affidavit, solemn declaration or deposition. To secure a conviction, the Crown must prove beyond a reasonable doubt the following four elements. The offence applies where the statement was made in a judicial proceeding.

### **3. The accused gave evidence under oath, that the statement was false**

The testimony of Detective Constables Forbes, Pais and Correa was reviewed in detail. Specifically, the testimony of each officer was reviewed relating to the two areas deemed untruthful by the trial judge.

Firstly, the trial judge alleged Detective Constables Pais and Correa lied in their notes, statements and testimony about the position of Detective Constable Northrup at the time he was struck by the BMW. Detective Constables Pais and Correa both testified that Detective Constable Northrup was standing in front of the BMW with his hands out and that he was struck by a forward movement of the car and knocked to the ground. This sequence of events is corroborated by the physical and video evidence collected at the time and subsequently assessed by the OPP. The officers' testimony on this subject is believed to be truthful and not false.

Secondly, the trial judge suggested that Detective Constables Pais and Correa lied about pointing their firearms during the arrest of Umar Zameer and Aida Shaikh. The TPS investigative file and courtroom transcripts clearly show that Detective Constable Correa was clear in his original statement, notes and court testimony that he pointed his firearm at Umar Zameer. Detective Constable Correa was not asked and did not provide evidence on this matter during the trial. Detective Constable Pais was clear in his original notes and his court testimony during the preliminary hearing and the trial that his firearm was drawn but not pointed at Aida Shaikh. The officers' accounts of this matter were not found to be false.

### **4. The accused knew it was false at the time it was made**

In assessing whether knowledge of falsity is relevant, it is important to distinguish between a false statement and a true statement given under oath. The officers' testimony was not found to be false; therefore, the legal concept of "knowledge of falsity" does not arise. Knowledge of falsity presupposes that the statement in question is untrue. If the statement is true, there is no factual basis for alleging that the witness knew it to be false, because the underlying condition, falsity, does not exist.

This principle reflects the structure of offences such as perjury or obstruction of justice, which require proof that the witness knowingly made a false statement. The mens rea element, knowledge, cannot be engaged unless the actus reus element, a false statement, is established. In other words, truth negates the possibility of culpable knowledge of falsity. Consequently, where testimony is determined to be accurate, any inquiry into whether the witness was aware of its falsity becomes legally irrelevant.

### **5. The false statement was made in a formal context under oath or solemn affirmation**

The structure of the offence of perjury is cumulative: the presence of a false statement is the foundational element. Without falsity, the subsequent considerations, including whether the statement was given under oath or solemn affirmation, become legally irrelevant. This reflects the principle that

procedural safeguards surrounding sworn testimony are designed to ensure truthfulness; when truthfulness is established, those safeguards do not trigger any liability or further inquiry.

Section 131 of the *Criminal Code* of Canada defines perjury as making a false statement under oath or solemn affirmation, knowing that the statement is false. Both elements, falsity and knowledge, must be proven beyond a reasonable doubt. Where the statement is true, the offence cannot be made out, regardless of whether the testimony was sworn or affirmed. In this case, there is no false statement and therefore there is no knowledge of false statement associated with any of the involved officers.

## CLOSING COMMENTS

The OPP investigative review has concluded that the opinions expressed by the trial judge regarding alleged dishonesty and collusion among Detective Constables Forbes, Pais and Correa are not supported by the evidence.

It is recognized that the conclusions reached by the trial judge were necessarily limited to the evidence presented during trial. Judicial findings are based on the scope of testimony, exhibits and arguments introduced in court, and do not account for investigative materials or forensic analyses that were not before the court. As such, these conclusions reflect the constraints of the trial record rather than the full breadth of available evidence.

While the defense theory that Detective Constable Northrup was struck while beside a reversing BMW was accepted at trial, the OPP collision reconstruction investigation found no evidentiary basis for this claim. Physical evidence, including security video, forensic mapping, tire marks and autopsy findings supported that Detective Constable Northrup was standing in front of the BMW when it accelerated forward and struck him down.

Further, there is insufficient evidence to conclude that the arresting officers intentionally lied in their statements, notes or testimony regarding the handling of their firearms during the arrest of Umar Zameer and Aaida Shaikh. Variations in testimony were consistent with differences in perspective and standard tactical practices of police, which are unfamiliar to civilians. The trial judge's interpretation of the officer's testimony was inaccurate on this topic. The trial judge's interpretation of the testimony of Aaida Shaikh was also inaccurate in that Aaida Shaikh did not testify that the officer pointed his gun at her head, only that he pointed it.

The investigation also examined opportunities for collusion. Analysis of the timeline revealed only limited windows during which Detective Constables Pais and Correa could have interacted. In this case, there is no corroborating evidence of consultation or coordination between these officers regarding the incident. During those periods, the officers were in a busy public hospital waiting room and bustling 52 Division office. They were not reported to have been alone together nor were they observed to have conversed about the incident. Both officers were traumatized and exhausted from the events and having been up all night. It is concluded that the similarity in the officers' accounts reflects their shared observations of the same event, not evidence of intentional obstruction of justice.

In conclusion, the OPP has found no reasonable grounds to believe that Detective Constables Forbes, Pais or Correa lied or colluded to lie. Assertions to the contrary are unsupported by physical evidence, witness testimony or investigative findings. There is no evidence to support the belief that any of these officers have committed the criminal offences of obstruction of justice or perjury.

The authors of this report remain available to the TPS regarding this investigation.

**Shawn Glassford**

Detective Inspector  
Ontario Provincial Police  
shawn.glassford@opp.ca

**Alex Keen**

Detective Staff Sergeant  
Ontario Provincial Police  
alex.keen@opp.ca

**Erin Thomas**

Detective Staff Sergeant  
Ontario Provincial Police  
erin.thomas@opp.ca

**Brooke Arnett**

Detective Sergeant  
Ontario Provincial Police  
brooke.arnett@opp.ca

**Brad Deakos**

Detective Constable  
Ontario Provincial Police  
brad.deakos@opp.ca