

The Return of The Usual Suspects

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Kevin Connell was from Miramichi, the largest city in Northern New Brunswick, with a population of just over 18,000 residents. The youngest of six children, he had grown to a tall man, with red hair, a thick red beard, and a love of music. He left his hometown to attend Thomas More College in New Hampshire. After graduating in 2008 with a B.A. in literature, Connell had briefly returned to his hometown, but left again in March of 2009, this time for Montreal, where he intended to pursue his music career.

He found a job washing dishes at Winnie's, a Montreal bar and restaurant. A fellow busboy said he was "a super nice guy. He was very quiet, but when you talked to him, you knew he was sincere." Describing him as "reliable and hardworking," his aunt noted that he used his bike to get to and from his job at Winnie's. And although it was raining in the early morning hours of October 13, 2009, Connell was standing—or perhaps sitting—on the curb on Sherbrooke Ave., next to his bike. Just before 2 A.M., he was hit by a BMW; the driver continued on, dragging Connell under his car for another 3 blocks—a distance of 650 feet—before stopping. When he finally did stop, [Connell was dead](#) He was 23 years old.

It was early winter in La Tuque, a city in Quebec Province, situated 186 miles northeast of Montreal, that paradoxically has the second-largest land area in Canada, and a population of some 12,000 residents.

And although it was winter, Canadian cyclists are no fair-weather lot; spring, summer, fall, and yes, even winter, they ride. And so it was that Serge Venne was riding his bike on Rue Saint-Francois in downtown La Tuque in the early evening of January 6, 2009.

A truck approached from behind. The truck, designed to haul lumber on a flat-bed, was equipped with hooks, which were protruding from the sides. As the driver passed Venne, [one of the hooks caught the cyclist](#), dragging him under the wheels of the truck. The driver, who police later said appeared to be unaware that he had hit Venne, continued on his way. Venne, 45, was mortally wounded, and died shortly thereafter. Police found the truck driver at a truck stop several kilometers away, where they informed him of the collision.

The police investigation of the fatal crash concluded that the cause of the collision was that the driver of the truck had passed too close to Venne, and

as a result, one of the lumber hooks protruding from the side of the truck had hooked the cyclist. The police investigation specifically ruled out ice or snow as probable factors in the collision.

Despite the conclusions of the police report, La Tuque officials responded to Venne's grisly death by asking police to begin enforcing an already-existing ban on winter cycling. Outraged by La Tuque's "blame the victim" approach to cycling safety, Patrick Howe of the bicycle advocacy organization Velo Quebec asked "If a cyclist is killed in the summer, will La Tuque adopt a bylaw to outlaw cycling altogether?"

It was early summer in Ottawa, a Sunday morning, July 19, 2009. Five cyclists had set out on their regular weekend ride. On this particular Sunday morning, the five planned to ride from Kanata, on the outskirts of Ottawa, to Pakenham, and back—a round trip of about 57 miles.

They had barely gone three miles when their trip ended in a blur of twisted bicycles and broken bodies. A motorist driving a van, approaching from behind, angled into the bike lane just as it reached the cyclists, striking each of them, one after the other, over a distance of 400 feet, before swerving back into the automobile lane and driving off, leaving a trail of carnage in his wake. Several hours later, the driver turned himself in to police.

Less than two weeks after the driver mowed down these five law-abiding cyclists and fled the scene, Ottawa police responded to the shocking carnage by launching a month-long bicycle safety campaign. Their target? [They rounded up the usual suspects](#)—cyclists—issuing 340 citations to cyclists through the month of August. While police were busy scouring the streets of Ottawa looking for law-breaking cyclists—a target they apparently had no trouble finding, by the way—they also happened to stumble across 500 red-light-running motorists. Although these motoring scofflaws seem to have merely been caught up in a safety campaign directed at "the usual suspects," they did at least receive citations. This raises the question—how many motoring scofflaws would have been nabbed if, instead of rounding up "the usual suspects," Ottawa police had directed a bicycle safety campaign aimed at the kind of law-breaking motorists who endanger the lives of law-abiding cyclists?

It was late summer in Toronto. The evening of August 31, 2009, Darcy Allan Sheppard, a Toronto bike courier, was riding back to his apartment after visiting his girlfriend, with whom he had recently reunited. Michael Bryant, the former Attorney general of Ontario Province, and a rising political star, had just spent a quiet evening out with his wife, a prominent Toronto attorney in her own right; they had been celebrating their 12th anniversary.

They came from vastly different worlds, but somewhere on Bloor street, [their worlds collided](#). Some accounts posit that Bryant and Sheppard had become involved in a traffic dispute, and that dispute continued several blocks further down Bloor Street, as Bryant sat waiting at a traffic light. What we do know, with certainty, is that as Bryant sat stopped at that traffic light on Bloor Street, waiting for the light to change, Sheppard rode past on his bike, and then pulled in front of Bryant, stopping at the light. When the light changed, Sheppard remained stopped. Bryant pulled forward, perhaps even bumping Sheppard's wheel, and according to witnesses, hitting his horn and yelling at Sheppard to "move it." Sheppard looked back, and according to witnesses, may have yelled something back.

And then Bryant floored it, hitting Sheppard, and pushed him forward into the intersection, knocking him off his bike. As Sheppard struggled to rise to his feet, Bryant backed up, then swerved around Sheppard's bike as he attempted to flee. Sheppard gave chase on foot, somehow grabbing hold of Bryant's car.



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According to witnesses, Bryant's car was traveling at speeds approaching 60 MPH in the oncoming traffic lane, up on the sidewalk, brushing against the trees and posts and newspaper boxes in what appeared to be a deliberate attempt to knock Sheppard from his car. Witnesses describe a trail of sparks flying from Sheppard's shoes as Bryant's vehicle dragged him 300 feet down the street.

And then Sheppard was slammed into a mail collection box, and as he fell from Bryant's vehicle, he was run over by Bryant's rear wheels. Bryant continued to flee down the street; at the end of the block, he pulled into the drive of a luxury hotel, and finally stopped his car. Mortally wounded,

Sheppard attempted to get up, but bystanders who rushed to his aid him advised him to remain still. An ambulance was called, and he was rushed to St. Michael's hospital, where he died shortly after arrival. He was 33 years old.

Nearly two hours after the incident, Toronto police placed Michael Bryant under arrest. But although Bryant had just rammed a cyclist off his bike, and subsequently killed him in an escalating battle of apparent road rage, they failed to test Bryant for evidence of alcohol or other intoxicants. They were not as accommodating for the cyclist he killed. Unlike the driver who ran him down, he was tested for evidence of alcohol and other intoxicants, as the focus of the police investigation shifted to "the usual suspect."

Which brings us back to Kevin Connell. After he was run down on a Montreal street in the early morning hours of October 13, he was dragged three city blocks—some 650 feet—before the driver came to a stop. And yet, when police arrived on the scene, they chose not to test the driver for evidence of alcohol or other intoxicants. And as their Toronto counterparts had done, Montreal police indicated they would likely test "the usual suspect"—again the cyclist—for evidence of alcohol and other intoxicants.

To be fair, Montreal police based their decision to not test the driver on their determination that he had not displayed any symptoms of impairment; thus, they explained, under Canadian law they had no legal basis for testing the driver. [According to Montreal police constable Olivier LaPointe,](#)

"He hadn't taken any alcohol so he was not tested. We can't force anyone that has no signs or symptoms to take a blood test."

And in fact, because Toronto police had determined that Michael Bryant had not been drinking, they may also have determined that they had no legal basis for testing him for alcohol. This, of course, did not explain why they did not test Bryant for drugs.

And while a Toronto police investigation revealed that Sheppard had been drinking earlier in the evening, there was no similar rationale in Kevin Connell's death that would allow Montreal police to reasonably conclude that Connell showed "signs or symptoms" of intoxication that would allow them to require a blood test. And yet, almost predictably, they were preparing to test the victim while giving the driver who killed him a pass.

Yes, a toxicology test could establish that the victim was not intoxicated, thus ruling out one possible explanation for the fatal encounter. But the same rationale could be offered for testing the driver who killed him. While there may be a legal basis for not testing the driver, that legal basis leads to injustice when police test the dead cyclist without also testing the driver who killed him

And that injustice is what has been fundamentally wrong with the official

response to each of these incidents, from banning winter cycling in response to a driver making an unsafe pass, to a bicycle safety enforcement campaign that targets cyclists in response to a driver mowing law-abiding cyclists down, to drivers killing a cyclist and escaping the toxicology testing that is conducted on their victims. It's unjust, and as Kevin Connell's family will tell you, they're outraged.

And so am I.