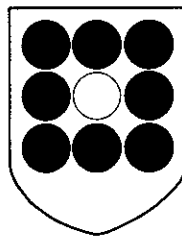


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July 22, 2010

Gerry McNeilly

Office of the Independent Police Review Director

655 Bay Street, 10th Floor

Toronto, Ontario

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RE: 78 individual public police complaints arising from G-20 related policing incidents

Dear Mr. McNeilly,

The Canadian Civil Liberties Association (CCLA) is deeply concerned by certain policies, tactics and conduct employed by the Toronto Police Service, the Ontario Provincial Police and other municipal police forces deployed in Toronto, during the G-20 Summit from June 21-27, 2010. We believe it deserves your immediate attention and scrutiny, and that of the Office of the Independent Police Review Director (OIPRD).

As you are aware, the scale of the police presence occasioned by the Summit, and the exercise of police power during it, was unprecedented in this country. Police forces arrested over 1105 individuals between the morning of June 26 and evening of June 27 – the largest mass arrest in Canadian history. Only 278 of these individuals were subsequently charged with an offence. Countless other protesters, pedestrians and TTC passengers were subjected to investigative detentions and mandatory police searches. Some peaceful protests were dispersed with force, often without apparent warning. Other peaceful protests were 'contained' by police, with protesters and passersby held in torrential rain for hours without cause. Detainees who were held at the police's *ad hoc* detention facility reported conditions and treatment that ranged from inadequate to degrading and discriminatory. These incidents have caused considerable concern and alarm for the CCLA and members of the public. They have undermined public confidence in policing in Ontario.

Last week, the CCLA submitted five institutional police complaints to OIPRD regarding G-20 related policing. These complaints pertained to five specific

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incidents of police conduct which occurred between June 26 and June 27, 2010. It is the opinion of the CCLA that the conduct referred therein contravened international policing standards, the rights guaranteed under the *Canadian Charter of Rights and Freedoms* and, in some instances, provisions of the *Criminal Code*, R.S.C. 1985, Ch. C-46. We encourage OIPRD to investigate these complaints vigorously, including through its powers under s.57 of the *Police Services Act*, R.S.O. 1990, Ch. P.15 and Part II of the *Public Inquiries Act*, R.S.O. 1990, Ch. P.41.

This week, the CCLA is submitting to OIPRD 78 individual police complaints regarding G-20 related incidents from concerned members of the public. Please find them attached to this letter. The range of individuals represented by these complaints is remarkably diverse. They include young adults and seniors; Torontonians and visitors from British Columbia, Québec and Alberta; people who attended political rallies to express political opinions about the G20 and people who had never heard of the Summit and were simply trying to get home. Despite their diversity, the claims have a common thread. Each complainant either experienced or witnessed police conduct during the G20 that deeply concerned them and which was, in their opinion, abusive or unlawful. More troubling, each complainant has expressed a sapping of their confidence in policing in Ontario that has persisted long after the G20 has concluded.

In reviewing the 78 individual police complaints, several incidents are repeated with a frequency and consistency by complainants that render them difficult to treat as isolated episodes. They, instead, indicate a committed police policy which has disturbing implications for public policing and the protection of constitutional rights in Ontario. These include:

- The police complaints filed refer to the mass arrests of individuals at a specific location, including journalists and passersby, without any individualized reasonable grounds for arrest or previous opportunity to disperse. The incidents most commonly cited occurred at the Esplanade on the evening of June 26, 2010 and at the intersection of Queen St. W. and Spadina Ave. on the evening of June 27, 2010.
- Many complaints refer to the use of excessive force in the course of arrests, including so-called 'snatch-and-grab' arrests where police violently enter a peaceful protest to extract a single individual. Many complainants state that they experienced or witnessed considerable force being used by police despite no resistance being given to the arrest.
- Many complaints refer to the use of force to disperse peaceful protests, including the use of tear gas and sub-lethal bullets, often without any apparent warning or cause. This was often accompanied by accounts of police blocking or 'bottle-necking' exit routes causing panic, delaying dispersal and, thus, prompting greater uses of force by officers. The incident most commonly cited occurred at Queen's Park in the afternoon of June 26.
- Many complaints refer to degrading and inadequate facilities and denial of due process rights in the Eastern Avenue Detention Centre. Many complaints cite the need for

female inmates to form a human wall to block male officers from observing female detainees using the washroom; denial of necessary medication like insulin and denial of sanitary napkins; and overcrowded conditions. Some reports cite threats of sexual violence against female detainees by male officers. Most reports indicate that detainees were not permitted to contact counsel or family members during their detention.

- Frequent mention of the use of derogatory and discriminatory language by police during investigative detentions, searches and arrests, especially in relation to Francophone individuals, individuals originating from Québec, and women.
- Frequent mention of the profiling and targeting of young persons, Francophone speakers and individuals originating from Québec for investigative detentions and searches, regardless of their distance from the G20 security perimeter.
- Frequent mention of police failing to display name tags or badge numbers on their uniforms and blunt refusal to provide such identification upon request, even in the course of arrests.

The incidents mentioned above deserve the close attention and scrutiny of the OIPRD. In addition to investigating them on the basis of individual complaints, the CCLA believes that the scale and frequency of the abovementioned conduct warrant a systemic review of G20 policing. Such a review is also warranted by the need to restore public confidence in policing in the province. Accordingly, the CCLA is calling on the OIPRD to launch a full review of G20 policing in general, and of the conduct listed above in particular, under s.57 of the *Police Services Act*. We call on OIPRD to exercise its full powers under Part II of the *Public Inquiries Act*, R.S.O. 1990, Ch. P.41 in aid of this investigation. In light of the strong public interest in the issue, we believe that, as part of the systemic review, public hearings and other opportunities for public deputations on G20 policing would be appropriate.

We are available to meet should you wish to discuss the proposals in this letter or the content of the associated complaints.

Yours sincerely,



Nathalie Des Rosiers
General Counsel



Anthony Navaneelan
Acting Program Director
Fundamental Freedoms Program

Encl. 78 public police complaints from members of the public