



SYSTEMIC PUBLIC POLICE COMPLAINT REGARDING G20-RELATED POLICING

SUBMITTED ON JULY 15, 2010

SUMMARY OF COMPLAINT:

The Canadian Civil Liberties Association complains to the Office of the Independent Police Review Director (OIPRD) of the following police actions during the 2010 G20 meeting held in Toronto, June 2010:

- Illegal mass arrest of 1105 people.
- Illegal mass detentions.
- Dispersals and prevention of peaceful protesting.
- Use of disproportionate force and excessive force upon crowds of peaceful protestors and passersby.
- Unlawful conditions of detention.

CCLA believes these police actions violated constitutional rights guaranteed in the ***Canadian Charter of Rights and Freedoms*** including:

- The right to peaceful assembly and association.
- The right to freedom of expression.
- The right to be free of unreasonable search and seizure.
- The right to be free from arbitrary arrest and detention.
- The right to liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
- The right to due process including the right to legal counsel upon arrest.
- The right to be free from discrimination, including on the basis of age, sex, national origin.

We are also concerned that G20 policing violated ***international standards of policing*** including:

- The duty of police to protect and facilitate peaceful protesting.
- The duty of police to ensure that any arrests made during an assembly are based upon a reasonable suspicion that an individual is about to commit a crime or offence; arrests made during an assembly must be limited to persons engaging in conduct that is creating a 'clear and present danger of imminent violence'.
- The duty of police to ensure that adequate food, water and hygiene – including gender

appropriate washroom facilities -- are provided for detainees and that adequate facilities are provided to ensure access to a lawyers and family.

INDIVIDUAL INCIDENTS OF COMPLAINT:

1. DISPERSAL OF PEACEFUL PROTESTERS AT QUEEN'S PARK:

This CCLA complaint concerns policing at Queen's Park, June 26th, 2010, during the 2010 G20 Summit.

Prior to the G20, the Integrated Security Unit (ISU) announced that Queen's Park was a "designated protest zone". Protestors were strongly encouraged to congregate at Queen's Park and use this site for peaceful assemblies and demonstrations.

By 6pm June 26th, 2010, over one hundred police in riot gear advanced upon the crowd of peaceful protestors gathered at Queen's Park, and ordered the protestors to leave. Police beat their batons against their shields, proceeding in an 'advance and wait' pattern upon protestors, forcing them from the designated protest space at Queen's Park. Police on foot and/or mounted on horses advanced blocking the crowds from moving south on University, and pushing the crowds north. One of our monitors observed a horse running over a protestor. A large presence of unmarked police cars and minivans were lined up south of the perimeter.

Police were observed dashing out into the crowd, to grab individuals out of the crowd. Protestors asked "why are you doing this" or "this is a peaceful protest". Witnesses observed one of the grabbed individuals being pushed to the curb, face on the pavement, while an officer kept a knee on the protestors head. Others arrested were pulled from the crowd by police, dragged behind police lines, pushed to the ground, had their hands restrained, and were arrested.

Observers also witnessed police firing guns with what appeared to be blanks.

At approximately 7:50pm, police continued to push the crowds north, and stated "Move back or you will be arrested. The police are advancing"; "back up, back up"; or "move, move. Now. Move it", and "Please clear the park". Protestors were heard asking "This is the designated protest area, why do we have to leave the park?". The police continued to advance upon the crowd, stopping, and then resuming their advancing. One officer in the line had his gun raised and pointed at the crowd. The crowd was eventually pushed out of the park in this manner, with three lines of officers forcing the crowd's dispersal. The police were seen to hold their shields in front, wield their batons, and push the protestors back.

These actions indicate a failure by the police to protect or facilitate peaceful protesting.

Police actions did not operate to diffuse tensions, but to the contrary escalated tensions and fear among the public, and stripped the public of their constitutional rights to assemble and express themselves.

2. DETENTION AND MASS ARRESTS OF INDIVIDUALS AT THE L'ESPLANADE:

This CCLA complaint concerns policing at the Esplanade, June 26th, 2010, during the 2010 G20 Summit.

A large crowd of protestors gathered in front of the Novotel on the Esplanade, on the evening of June 26th, 2010. Most of the crowd was sitting, following chants by some of the protestors to “sit down”, and “peaceful protest”. The police engaged some members of the crowd to ask questions, and observers noted the conversations to pass peaceably and uneventfully. Suddenly, pairs of police began to approach the crowd, grab seated demonstrators, and remove them with their arms behind their backs. It became clear that the protestors were not allowed to leave the area, which was blocked by buildings or by police dressed in riot gear. A member of the crowd announced to the police “we are not under arrest, you do not have the right to contain us here with no way out”.

Over a twenty-minute period police began to move periodically forward, confining the crowd to a smaller and smaller space.

No announcement was made to the crowd, until the police called upon the crowd to be quiet, and announced that everybody was under arrest.

Over the next three hours, individuals trapped on the Esplanade in police lines were arrested – their hands restrained by metal cuffs and then, after processing which in many cases took hours, by plastic zip ties – and removed from the Esplanade by bus or van to the Eastern Avenue Detention Centre.

This constitutes a failure to protect and facilitate peaceful assembly and the exercise of freedom of expression through protest. It also constitutes illegal containment, detention and mass arrest.

3. ARRESTS AND POLICE CONDUCT OUTSIDE THE EASTERN AVE. DETENTION CENTRE:

This CCLA complaint concerns events which occurred in front of the Eastern Avenue Detention Centre on the morning of June 27th, 2010.

Police initially spoke calmly with protestors who then marched from Pape Avenue towards the entrance of the Eastern Avenue Detention Centre.

Approximately 100 protestors gathered the morning of June 27th, 2010 at the Eastern Avenue Detention Centre, in a “celebratory” atmosphere. There was cheering as individuals were released from inside the Detention Centre; a demonstrator played guitar. Protestors also chanted peacefully, including the chant “peaceful protest”.

There was initially minimal police – only about 5-10 between the crowd and the Detention Centre.

Then more police arrived in unmarked vans. Several (approx. 5) plain-clothed police jumped out of one of the vans and ran into the crowds, where they proceeded to grab at least three people and roughly remove them from the crowds. One of the people was thrown into the back of the van, and the van sped off extremely quickly. Two other people were pulled out of the crowd, one man and one woman. They were treated roughly, and forced to lie on the ground with a police

officer's knee in the woman's back, and a police officer's boot on the man's head. These people were held down against the pavement.

Riot police began to appear in dozens. The riot police lined up in front of the detention centre. Some kind of weapon was fired upon the crowd emitting white smoke. Protestors were ordered to leave. Protestors and monitors were very confused as to why the police used excessive force by firing indiscriminately upon the crowd, and dispersing the legal and peaceful demonstration.

The CCLA complains of the failure to protect and facilitate protest, the unprovoked use of force, the unprovoked use of firearms/tear gas upon a crowd, and the dispersal of peaceful protestors in contravention of the *Charter*.

4. PROLONGED DETENTION AND MASS ARREST AT QUEEN AND SPADINA:

This CCLA complaint concerns events which occurred at Queen St. W. and Spadina Avenue on the evening of June 27th, 2010.

Individuals who were protesting peacefully, journalists, and passersby at Queen St. W. and Spadina Avenue were contained by police, hemmed in, and not allowed to leave. During this time, the Canadian Civil Liberties Association received calls from members of the public who reported that they had not been protesting, wanted to go home, but were boxed in on all sides by the police and not permitted to leave. These individuals expressed fear and frustration, and were at a loss as to how to get out of the situation.

The police charged on peaceful protestors, preventing a peaceful protest. Mass arrests occurred and individuals were transported to the Eastern Avenue Detention Centre. Others were detained on site, in the rain, or kept for hours in vans, and denied requests to use washroom facilities. Some individuals report being taken to a police station in Scarborough and then released hours later into the night. Some individuals reported that their property was damaged as a result of long-term exposure to the rain. One of the CCLA's legal monitors, who was attending the protest as an observer in order to ensure respect for human rights, was arrested.

5. CONDITIONS INSIDE THE EASTERN AVENUE DETENTION CENTRE:

This CCLA complaint concerns the conditions at the Eastern Avenue Detention Centre over the weekend of June 26th – June 27th, 2010.

Detainees were not permitted to phone anyone including legal counsel. They were kept with their hands bound for the duration of their detention; although some detainees complained that their hands were bound too tightly, the hand ties were not adjusted in a timely manner. Inappropriate comments, including sexually inappropriate comments, were made by police to detainees. Detainees were not given adequate water – over an eighteen hour period one detainee tells us only two Dixie-sized cups of water were provided and one of those cups contained brown, undrinkable water. At least one detainee was diabetic and requested insulin for hours before being attended to, and then apparently was administered the wrong type of insulin for his condition. Chaotic conditions prevented the exercise of access to a lawyer and family in an

appropriate time. There was a failure to provide adequate food, water, proper medical attention, and bathroom conditions/facilities. The conditions did not comply with basic standards of detention. For example, a special needs person was deprived of his wheelchair, and released over ten hours after detention into the street without his wheelchair. Individuals complained of being taunted by police.

The CCLA complains that the detention conditions contravene due process rights guaranteed by the Charter, and Canadian and international standards of detention given the lack of access to lawyers, lack of food, inadequate availability of water, and inadequate medical attention.