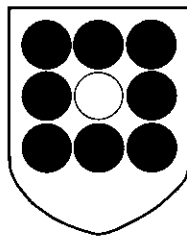


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A. ALAN BOROVY

October 15, 2010

By mail and email

Chief William Blair
Toronto Police Service
40 College Street
Toronto, ON M5G 2J1
william.blair@torontopolice.on.ca

Dear Chief Blair:

Re: Police records pertaining to persons arrested during the G20 Summit

Thank you very much for your letter of September 30, 2010.

There is no question that all contact, arrest and charge information about G20 arrestees must be retained in order to allow the TPS to respond to allegations of wrongdoing or to comply with its obligations with respect to G20-related inquiries, reviews, investigations and litigation. We were not suggesting otherwise. Our concerns relate to *police* access to these records for *policing and background check* purposes.

The CCLA's concern is that the following two groups of people may be unduly prejudiced due to records generated as a result of police interaction during the G20 Summit:

- (a) those individuals who were arrested and charged, but whose charges have not or will not result in a conviction, and;
- (b) those individuals who were arrested during the G20 Summit but not subsequently charged with any offence.

In the case of the first group or people, we are concerned that these charges may surface in the context of Vulnerable Sector Screening or Police Reference Check processes. The TPS' policy regarding the *Destruction of Adult Fingerprints, Photographs and Records of Disposition* allows individuals whose charges result in a non-conviction disposition to request that such records be expunged. We are

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asking the TPS to proactively apply this policy and expunge these records.

In the case of the second group of people, we are concerned that contact or arrest information may be used by police in a manner that results in affected individuals being treated differently than persons with no arrest history in future police interactions. We are not aware of a mechanism for affected individuals to request the expungement of this type of information, but feel that such action would be appropriate under the unique circumstances of the G20.

To alleviate these concerns, all G20-related contact, arrest, charge or other information, including photographs and finger prints, should be retained solely for the purpose of complying with the TPS' obligations with respect to any G20-related inquiry, investigation, review or litigation that is currently underway or may be forthcoming. In accordance with this request, we specifically ask that this information not be:

- shared with any other police services;
- included in any police databases, including internal TPS databases and CPIC;
- used internally by the TPS for any purpose other than to comply with its obligations regarding any G20-related investigation, review or litigation that is currently underway or may be forthcoming;
- disclosed pursuant to a Police Reference Check or Vulnerable Sector Screening process.

We appreciate your attention to this matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'N. Des Rosiers', with a long horizontal flourish extending to the right.

Nathalie Des Rosiers
General Counsel
Canadian Civil Liberties Association

cc: David Midanik