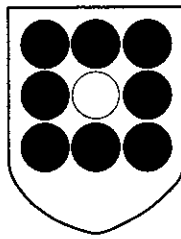


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October 1, 2010

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Dear Ms. Fraser:

I am writing on behalf of the Canadian Civil Liberties Association (CCLA) with respect to your Office's review of the expenses associated with the recent G8/G20 Summits. The security for these Summits has extracted an unprecedented cost from the public purse, raised numerous concerns regarding the constitutional liberties of Canadians and significantly undermined the public's confidence in policing in this country. Canadians have good reason to question government spending in relation to the G8/G20 Summits and we are grateful that your Office has undertaken to examine and report on this issue.

Several aspects of Summit governance and security – especially in relation to the G20 Summit in Toronto – have raised the alarm of the CCLA. While we certainly understand that international events of this scope necessitate extensive security measures, we are concerned that the federal government went too far in several key areas. The result, in the CCLA's view, was an unnecessarily expensive and expansive security strategy that unduly infringed on the constitutional rights of many peaceful demonstrators. The CCLA had 50 independent human rights monitors at the G20 Summit. Based on their observations, we published a preliminary report on G20 policing on June 29th, a copy of which is enclosed for your review.

In reviewing the security costs associated with the G20/G8 Summits, we would respectfully suggest that your Office give particular consideration to the following issues:

The necessity of the unprecedented security costs associated with hosting the G8/G20 Summits

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According to a report released by the Parliamentary Budget Office on June 23, 2010, the federal government expended \$930-million on Summit security. As you are aware, these costs far exceed those incurred by any other host country for a G8 or G20 Summit. Canadians deserve answers about the extent to which this massive security bill was the result of improper planning and foresight by our federal government. There is also a need to address the extent to which excessive spending on security may have contributed to unreasonable limits on Canadians' right to freedom of expression, assembly and association during the G8/G20 Summits. Various international reports on policing of mass events have noted how an excessive police presence can contribute to confrontation and undermine the exercise of freedom of expression and freedom of peaceful assembly. Indeed, the report commissioned by the UK government following the 2009 G20 London Summit, observed that:

"We are concerned that protestors have the impression that the police are sometimes heavy-handed in their approach to protests, especially in wearing riot equipment in order to deal with peaceful demonstrations. Whilst we recognize that police officers should not be placed at risk of serious injury, the deployment of riot police can unnecessarily raise the temperature at protests. The PSNI has shown how fewer police can be deployed at protests, in normal uniform, apparently with success. Whilst the decision as to the equipment used must be an operational one and must depend on the circumstances and geography in the particular circumstances, policing practice of this sort can help to support peaceful protest and uphold the right to peaceful assembly and we recommend that the adoption of this approach be considered by police forces in England and Wales, where appropriate."

In our view, it is appropriate to question whether the number of police officers and their choice of weapons and equipment complied with international best practices and with Canadian constitutional values.

The activities of the RCMP and CSIS before and during the G8/G20 Summits:

According to the Parliamentary Budget Office, the RCMP was allocated \$507-million for Summit security and deployed nearly 5000 officers. An untold number of CSIS agents were also deployed. Both agencies participated in infiltration/surveillance operations in the months preceding the Summits to gather intelligence on G20 protest groups, presumably at a significant cost to the federal government. The use of such tactics, particularly in relation to non-violent political groups, raises troubling concerns for civil liberties. There continues to be outstanding issues regarding the scope and appropriateness of infiltrations of non-violent political groups, as well as the costs that were incurred to advance these activities.

Federal compensation for businesses vandalized during the G20 and for those who suffered violations of their constitutional rights:

The federal government has established a limited compensation program for businesses that were directly and adversely affected by the G8 and G20 Summits. This program is not, however, available to businesses that were *indirectly* affected by the Summits through, for example, acts of vandalism. The program also fails to address the broader implications of the

Supreme Court's recent decision in *Vancouver (City) v. Ward*, 2010 SCC 27, which established that monetary damages are an available remedy for violations of constitutional liberties.

In the CCLA's view, *Ward* provides a basis for many persons whose *Charter* rights were violated during the G8 and G20 Summits to seek monetary compensation from the federal government. It would be prudent for the government to avoid costly *Ward* litigation by expanding its compensation program to include individuals who were subject to unlawful arrests, unlawful searches/seizures or denials of due process during the Summits. Pre-emptive measure of this kind could serve to reduce the government's G8 and G20-related expenditures and to ensure that those most severely impacted by the Summits receive appropriate redress. In any event, irrespective of the breadth of the government's compensation program, all costs associated with it should be included in any assessment of the wisdom of G8 and G20 spending.

The complex policing apparatus and the costs of the accountability response:

Many police forces were involved in policing of the G20 Summit, including the RCMP, the OPP and the Toronto Police Service, as well as police services from other Ontario municipalities and municipalities outside of Ontario, such as Calgary and Montreal. These security arrangements, which have never been comprehensively explained, make the process of accountability extremely costly and difficult. In many cases, affected individuals must make access to information requests to determine which police forces were engaged in specific mass arrests or other constitutional violations. Only after obtaining such information can they determine the appropriate body to which to complain about police activity.

In our view, the diffuse nature of these policing arrangements ought to be considered from a cost-benefit perspective, as there is no doubt that the current accountability framework will produce significant investigative redundancies. As such, it is the CCLA's view that the federal government should call a public inquiry to review the policing decisions and activities associated with the G8 and G20 Summits. A review of this nature will be the most thorough and effective, and likely less costly than an assortment of less comprehensive reviews.

Although many public bodies, such as the Toronto Police Service Board and Ontario's Office of the Independent Police Review Director, are conducting reviews of certain aspects of G20 policing, none have the requisite jurisdiction to consider all of the issues raised by the hosting of the G8 and G20 Summits. In particular, none of these bodies can review the strategic decisions and role of CSIS and the RCMP in G8/G20 security. A public inquiry called by the federal government is best situated to address the multiplicity of issues that have arisen in this context and to restore public confidence in policing in Canada. The Summits were hosted by the federal government and financed with federal funds. The federal government must also take a leading role in providing for an adequate review of its actions.

CCLA has called for law reform to clarify the democratic and legal framework surrounding security decisions made in the context of mass events. We urge you to consider that a costs

analysis must also consider the costs of such legal uncertainty and the costs to civil liberties of Canadians that will translate into litigation costs.

The G8 and G20 summit saw nearly \$1-billion in security expenditures and over 1000 arrests, the largest amount of arrests in Canadian history. The CCLA believes that there must be accountability for the many security excesses that characterized the G8 and G20 Summits and that your cost review should include an evaluation of the civil liberties implications of these excesses. We thank you for the work that your office is doing to advance government accountability around this issue.

Sincerely,



Nathalie Des Rosiers
General Counsel