

February 23, 2011

The Honourable Steve Peters
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

Re: Information to the Office of the Independent Police Review Director

I am enclosing my response to a request for information by the Independent Police Review Director in connection with his systemic review into police conduct in relation to the June 2010 G20 summit in Toronto.

I would request that you table this document before the Assembly as provided for in s. 11 of the *Ombudsman Act*.

A French version of this response will be provided as soon as possible.

Yours truly,

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

André Marin
Ontario Ombudsman

Encl.

**Response to Request for Information from the Office of the
Independent Police Review Director
February 2011**

The Ombudsman is pleased to assist the OIPRD in its systemic review of issues involving the police during the 2010 G20 Summit in Toronto, to the extent that we are permitted under the *Ombudsman Act*. Further to this, and pursuant to the attached correspondence, including your letters of July 16, 2010 and December 21, 2010 request for assistance with your review, we have provided the information set out below.

The Ombudsman's investigation

On July 8, 2010 the Ombudsman notified the Ministry of Community Safety & Correctional Services (the Ministry) that, as a result of a number of complaints to his office, he would be investigating **“The Ministry’s involvement in the origin of Regulation 233/10 made under the *Public Works Protection Act* and subsequent communication about it to stakeholders.”**

The focus of this investigation was also made clear to the media as well as to members of the public who contacted our office directly.

The Ombudsman’s investigation did not focus on police operational issues. We did make inquiries with three police services about what officers had been advised about the Regulation, either by letter or at interview. The Toronto Police Service (TPS) declined to co-operate (see attached correspondence), York Regional Police Service (YRPS) provided us with a letter (quoted at paragraphs 253 / 254 of *Caught in the Act*), and the Ontario Provincial Police (OPP) cooperated with the Ombudsman fully.

Complaints to the Ombudsman

Between June 28, 2010 and January 31, 2011 the Ombudsman received **255** complaints and submissions directly related to the G20 investigation.

167 of these complaints were received prior to, and after, the announcement of the investigation (more than 100 of these were received after the announcement of the investigation). The remaining **88** complaints and submissions were received after the public release of *Caught in the Act* on December 7, 2010.

These complaints and submissions were received from a variety of sources, including:

- those alleging that they were personally affected by the Regulation, and the powers it was thought to have conferred on police;
- MPPs;
- university professors;
- a student group;
- a physician with concerns about injuries to protesters examined; and
- civil liberties groups and organizations.

Each submission received by us from groups, organizations and associations, though counted as one, was purportedly made on behalf of a number of people affiliated with those bodies that were directly or indirectly affected by, and/or had strong concerns and opinions on, the events. For example, while several York University professors met with our office to formally complain, that group stated that it represented, and was acting on behalf of, at least 121 individuals including senior faculty, Associate and Assistant Deans and Directors of research institutes at the University. They expressed concerns regarding the use of the PWPA and other aspects of conduct of police during the Summit. (Please refer to paragraph 59 of the Ombudsman's report.)

Part 1: Complaints related to issues under review by OIPRD

For the purpose of this document, the complaints/submissions received have been reviewed according to OIPRD's expressed scope of the systemic inquiry Terms of Reference set out on its website, which are:

- Stops and searches
- Arrests
- Use of force
- Detention centre issues
- Incivility
- Planning and implementation
- Containment policies and practices
- Communication processes, and
- Other issues that may arise or may be identified

Of the **167** complaints/submissions received before and during the investigation, **104** of these involved issues related to the police and policing during the days leading up to and the weekend

of the Summit. **The majority of complainants raised concerns about more than one G20-related issue. As such, in the breakdown below, a single complaint may be cited under different categories.**

- **Detentions and searches:** For the purpose of this document, “detention” includes any instance of police stopping civilians. The Ombudsman received **41** individual complaints about detentions and searches. Twenty-three of these were first hand accounts of being “detained” and/or searched. Five were made on behalf of friends and family members who were detained and/or searched. The remaining 13 were submissions from civilians who witnessed others being detained and/or searched by police. These complaints were with regard to detentions and searches conducted by police, both *within and outside* of the security perimeter, including some where the detention/search was several kilometers away from the security perimeter. Many of those who had been detained and searched complained that this had happened on more than one occasion in different parts of the city. One complainant noted that he had been detained and searched despite the fact that he had official media credentials. Complainants also recounted (and complained of) instances of their property being confiscated and photos being erased by police officers during these encounters.

- **Arrests:** We received **42** complaints related to arrests. Many of these referred to their own arrests (16), or those of family/friends, as being “unlawful” and/or unprovoked (8). Eighteen of the complaints/submissions were from persons who witnessed others being arrested. Some of the people who contacted our office noted that the arrests took place outside of the fence and one academic civil rights group complained to our office about the “sweeping mass arrests” of students and peaceful protesters.

- **Excessive use of force:** **22** complaints cited specific “use of force” concerns. Seven of these complaints were from persons who allege that they had been victims of excessive use of force by police. For example, Mr. Pruyn, whose allegation is set out at paragraph 62 of *Caught in the Act*, alleged that he was subjected to excessive force by the officers who arrested him. One complaint was made on behalf of a family member, and the remaining 14 complaints were from members of the public who allege that there were instances of unwarranted force used by police against civilians. In one instance, given the nature of the complaint, a complainant was referred to the Special Investigations Unit.

Complainants variously alleged that they had been “beaten” by police officers, pulled off of their bicycle and injured, “hit to the ground” by officers, “awoken at gunpoint” and manhandled, stripped and locked in a police cell for hours, and arrested and beaten by a police officer. These persons were referred to the OIPRD.

Complainants who contacted us on behalf of friends or family, and those who observed what they considered to be police “force” told us that there had been police “attacks” on innocent bystanders and against “peaceful” protesters, and that they had seen police officers hitting peaceful protesters and bystanders, and observed civilians being “thrown up against a wall,” “grabbed” and “manhandled,” “thrown on the ground, hit and swarmed by 5-6 officers.”

- **Detention centre issues:** 19 complaints were received specifically about the conditions at the Eastern Avenue Detention Centre. Eight of these complaints were received directly from persons who had been held at the Detention Centre, three were made on behalf of family/friends who had been held there, and the remaining eight were observations on detention centre conditions.

The complaints from those who were held there, and by family members/friends of those who were held there, included complaints about people being kept in the cells in restraints for several hours (as many as 22 in one case), being held for more than a day with no access to washroom facilities, no access to telephones or water, overcrowding in the “cages,” no access to service in French, port-a-potties leaking onto the floors of cells, threats of assault and harassment, and sleep deprivation.

- **Incivility:** We have identified 3 complaints which specifically noted that police officers were verbally aggressive, disrespectful and/or threatening. These were all from persons who allege incivility towards themselves or those accompanying them.

Complainants also alleged that officers used excessive profanity, were “extremely disrespectful and unnecessarily aggressive” (e.g. “Just give me a fucking reason to shoot you.”), threatened them with violence (e.g. “I’ll break your hands”), made culturally and racially-motivated derogatory statements, and were “verbally abusive.”

- **Planning and implementation:** It is not clear from the Director’s December 21, 2010 letter whether this caption is intended to cover complaints re: planning and implementation of the regulation, or planning and implementation of overall security for the Summit.

Information and evidence obtained by the Ombudsman regarding planning and implementation of the Summit and of the Regulation has been reproduced at length throughout *Caught in the Act*.

All such information was obtained through documents received directly from the Ministry of Community Safety & Correctional Services and the City of Toronto, as well as our interviews with Ministry staff, City of Toronto employees and three OPP senior officers (including one

former RCMP officer).

Planning and implementation of security at the Summit was not central to the Ombudsman's investigation and as such any information received by the Ombudsman on this issue would have been received directly from the Ministry as part of its overall submissions on the Regulation. We also received limited verbal evidence on Summit security planning through our interviews with the three OPP senior officers noted above. All of this information is contained in *Caught in the Act*. (For example, please refer to paragraphs 29, 40, 118-123, 153, 203, and specifically to the section of the report titled "Securing the Perimeter.")

The Ombudsman received no documents directly from TPS or OPP in this regard. The Ombudsman did receive one letter from York Regional Police Service on October 12, 2010, which spoke generally to allocation of YRPS officers to Summit duty. The bulk of the contents of this letter were reproduced in *Caught in the Act*. (Refer to paragraph 253/254.)

A number of the complaints received by the Ombudsman could be interpreted as including elements of dissatisfaction with the development of, and process for the passing of Regulation 233/10. However, none of these complaints specifically mentioned the police, but instead commented on the Government's role/action.

- **Containment policies and practices:** For the purpose of this report, the Ombudsman has interpreted this category to include complaints related to a technique of crowd control used by police during the Summit, which has been referred to as "kettling." We received **20** complaints where the issue of civilians having been "kettled" or otherwise contained at Queen St. & Spadina Ave. and at (and near) Queens Park and the Novotel Hotel, was raised. Twelve of these were from people who experienced the containment themselves, four were made on behalf of family/friends, and four were from civilians who observed the containment of others.

Those who experienced the containment firsthand complained about being held in the freezing rain for hours, and of being "kettled" and held with no warning or explanation from/by police. A number of them indicated that they were not part of the demonstrations at those locations, but just happened to be in the area.

- **Communication processes:** In this regard we have distinguished between complaints around communication on the regulation itself by MCSCS and specific instances of complaints of communication – or lack thereof – by the police.

There were **10** complaints where the issue of communication (or miscommunication) of powers,

information about the regulation, etc. by police officers was the subject. The complainants expressed concerns/the opinion that the police communication on their powers and the scope of the regulation were misleading (some claimed deliberately), and/or that the police had engaged in a campaign of misinformation or had misinterpreted their powers.

One of the issues examined by the Ombudsman was MCSCS's approach to communicating the regulation to the relevant security personnel. During the investigation we received one document prepared by TPS Counsel, regarding the communication of the regulation to officers. The document was an email sent by TPS to the Ministry in direct response to a query from the Ministry on what frontline officers had been told about the regulation. The content of this email was discussed in *Caught in the Act*. (Please refer to paragraphs 182- 185 of the Report). This document was received directly from the Ministry as part of its submissions to our office.

The Ombudsman received no documents directly from TPS. The TPS declined our written requests in this regard, as per the attached correspondence.

As noted above, a letter was received by the Ombudsman from YRPS in response to a request for information and interviews by our office. This response from YRPS discussed, among other things, the communication of the regulation by TPS to YRPS officers involved in securing the Summit. This letter was addressed directly to the Ombudsman and, as noted above, the bulk of it is reproduced in *Caught in the Act*, at paragraphs 253/254.

Complaints about general police conduct: The Ombudsman received **26** complaints citing “police conduct” generally, including conduct at designated free-speech areas, threats of arrest, failure to advise civilians of the authority under which they were being stopped and searched, and their property confiscated, and complainant references to police actions as “criminal.” Some complainants referred to police conduct during the Summit as “outrageous” and “unacceptable.” Observers commented that civilians had been “mistreated” by the police.

Complaint mechanism: The Ombudsman received **6** complaints that specifically cited concerns about a lack of a mechanism for affected persons to complain about police conduct during the event. Three of these were made by individuals who had firsthand grievances.

Generally, the concerns raised were about (1) the absence of a publicized mechanism for people to complain about treatment at hands of police during the Summit, (2) concerns that the TPS were not dealing with police conduct complaints filed directly with them/no reply from TPS re: complaints raised with them; and (3) complaints about there being no mechanism in Ontario for concerns/complaints about officers from forces/services outside of Ontario to be dealt with. In

this regard the complainant was concerned that when local police services were contacted with complaints, they referred callers to the headquarters of police services outside of Ontario.

One complainant, who alleged that officers hit him with their shields, was concerned that he had complained to OPP directly and had been “unsuccessful.”

Police training: We received **one** general complaint about police training for the G20 Summit. The complainant was curious as to who had trained the police officers for the Summit as the outcome reminded him of Afghanistan.

Other: Complainants also indicated concerns about missing name tags/no ID on police; police not exercising discretion; expressions of concern from physicians about injuries to protesters known to, or who had been treated; by them/their organization; police failure to return property confiscated during the event- including money; delay in transporting detainees from Maplehurst to the Courthouse on June 28, 2010. A number of complainants also raised concerns about the recording and retention of personal information by police re: those who had been stopped and searched.

Two complainants also raised concerns about the handling of personal property by police officers, advising that bags had been emptied onto the road without care.

Complaints after the investigation was completed: Of the **88** complaints/ submission received *after* the publication of *Caught in the Act*, **eight** related to concerns about the police, including concerns about the exercise of power by the police during the Summit- including one complainant who alleged that she was detained and searched, abuses by the police, concerns about the searches, mistreatment at the hands of the police and inability to retrieve confiscated property.

Ombudsman referrals

As in every investigation by the Special Ombudsman Response Team (SORT), Early Resolution Officers (EROs), who are responsible for the initial handling of complaints, were provided with guidelines as to the scope of the investigation, including reminders of the limits of our jurisdiction. In the G20 investigation, the fact that the Ombudsman cannot investigate complaints

about police conduct was clearly set out in the instructions provided to EROs at the commencement of the investigation¹.

As a matter of course, all complainants who raised issues about police conduct were referred to OIPRD or the RCMP Complaints Commissioner, as appropriate. In one case, the ERO made inquiries with OIPRD on behalf of a complainant to confirm that that agency would be addressing complaints about police officers who were posted in Toronto for the Summit, but who belonged to police services outside of Ontario. The ERO was provided by OIPRD with the contact information for an individual within that organization, and this was shared with the complainant.

However, while a number of complainants confirmed for our office that they had, or would be contacting the OIPRD, a few others indicated that they would not.

One complainant told our office that he did not think that the OIPRD was independent, and so would not likely be filing a complaint with that office; and another suggested that he had no faith in the OIPRD process believing that that agency was dismissing a number of cases which would otherwise have merit in light of its sudden increase in caseload.

One complainant whom we referred to the OIPRD advised us that he did not want to complain to that office about being arbitrarily arrested and held in a cell for 26 hours because the police had taken down all of his personal information and he was concerned that he might be affected by any complaint to the Director's office. He said that he would, however, pass the OIPRD referral onto any of his friends who were with him and who were arrested also.

Another complainant told one of our SORT investigators that although she had been dragged off of her bicycle by a police officer and sustained injuries, she did not want to complaint to the OIPRD because she was concerned that the information would "get back to the police." She was concerned about what implications that might have for her and her children as they are "visible minorities."

One complainant confirmed that he had filed a complaint with OIPRD but 11 days after doing so he still had not received a response or acknowledgement from that office.

¹ Please also refer to paragraph 71 of *Caught in the Act* where the Ombudsman publicly reported on our referral of complainants, including Mr. Pruyn, to OIPRD.

PART 2: Information and materials obtained by Ombudsman that may be of interest to OIPRD

“I am requesting that you provide my office with any and all information and materials in your possession pertaining to the conduct of police officers, policy or service, stop and searches, arrests, detainees, detentions, complaint mechanisms and any other issue that may fall within the OIPRD’s ...purview” (letter to the Ombudsman from Director Gerry McNeilly, December 21, 2010)

As noted, the focus of the Ombudsman’s investigation was exclusively on the Ministry’s role in the origin and development of Regulation 233/10 and its subsequent communication on that regulation with stakeholders. The Ombudsman obtained information and evidence for *Caught in the Act* through a number of methods.

1. **Interviews:** As outlined in our Report, the Ombudsman conducted 49 interviews with complainants, stakeholder groups, senior Ministry staff, City of Toronto officials, and three senior OPP officers, including one former RCMP senior officer. These interviews were conducted in private, pursuant to the *Ombudsman Act*. The lines of questioning focused on the issues that we were investigating. The interviews were digitally recorded.

Where complainants/interviewees raised issues of police conduct during the interview process, they were referred to the OIPRD by SORT investigators.

2. **Videos:** The Ombudsman identified more than 5,000 publicly available videos relating to the G20 during its investigation. We reviewed hundreds of them in the course of our investigation, using key words related to the scope of our investigation (such as “PWPA” or “five-metre rule”) to narrow down our search. This review included videos depicting police interaction with civilians, including stops and searches purportedly or implicitly under the authority of the Regulation. We also received electronic submissions of YouTube videos from members of the general public. To our knowledge these videos remain publicly available via the Internet. Thirty-one of the most relevant videos were also listed in Appendix A of *Caught in the Act*, with links to where they could be found on the Internet. We understand that all this evidence is available on the Internet.
3. **Photographs:** During the course of the investigation the Ombudsman found dozens of websites on which thousands of G20 photographs were posted. These photographs included images of police interacting with civilians, conducting searches, arresting, and ‘containing’ civilians. A number of these photographs are included in *Caught in the Act*

with appropriate credit attributed. To our knowledge these photographs remain available on the Internet.

We also received a number of photographs directly from members of the public, primarily pursuant to our requests via Twitter and Facebook. Very late in the investigation we received more than 1,000 photographs directly from two members of the public, one of whom advised our office that he had not posted them on the Internet for fear of police reprisal. These photographs depict a number of images of police interacting with civilians, conducting searches, detaining, and 'containing' civilians. If OIPRD is interested in obtaining access to these photographs, the Ombudsman can make inquiries with the photographers to determine whether they would be willing to deal directly with OIPRD.

4. **Print media:** Ombudsman investigators used the Internet to research and locate various articles, stories, accounts of events and firsthand experiences of those who were in the city during the Summit and had experiences related to the Regulation. To our knowledge these are still available online. Investigators also routinely monitored the print and electronic versions of numerous Canadian and international publications that covered the G20 and the experiences of those in and around the city.
5. **Documentation:** Consistent with our practice in every SORT investigation, and pursuant to the Ombudsman's authority under the *Ombudsman Act*, the Ombudsman requested documentation from the Ministry of Community Safety & Correctional Services related to the issues identified in our notice of intent to investigate. Some documents were redacted on the grounds of solicitor client privilege. In total we received and reviewed over 1000 pages of documentation, including emails. We also conducted some research into related issues, such as control of secure areas at previous G20 Summits. All of this information was reviewed and used to create a timeline of events during the months leading up to, and the weekend of, the Summit. A version of this timeline, as set out in paragraphs 6 through 262 of *Caught in the Act*, was released publicly on December 7, 2010.
6. **Police documents:** The Ombudsman received no officer notes, no duty statements, nor any other documents directly from TPS or OPP.

We received one letter, dated October 12, 2010 from YRPS, which as noted above, is reproduced at paragraph 253 of the Report. We also received a TPS email and attached document, referred to above and reproduced in part at paragraphs 182-184 of *Caught in*

the Act.

We received, directly from the Ministry, copies of several OPP emails directly relating to the Integrated Security Unit (ISU), including a July 1, 2010 email among OPP officers and ISU members related to discussions about a joint press conference among security personnel. This email is discussed at length at paragraph 203 of the Report.

The Ombudsman did not exercise his authority to seize or compel any documents or evidence during this investigation.

The Ombudsman received no documents from any other source that would appear to speak directly to the issues under review by OIPRD.

We trust that the above information is helpful to your office and we would be pleased to answer any questions you may have.

Attachments

Correspondence between Ontario Ombudsman and the OIPRD

Correspondence between Ontario Ombudsman and the Toronto Police Service (posted Dec. 7 on our website here: <http://www.ombudsman.on.ca/media/158413/tps%20letters.pdf>)

Timeline: Key events cited in *Caught in the Act* (posted Dec. 7 on our website here: <http://www.ombudsman.on.ca/media/164932/g20timeline-en.pdf>)


Ombudsman
ONTARIO

André Marin
OMBUDSMAN

July 13, 2010

Mr. Gerry McNeilly
Director
Office of the Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, Ontario
M7A 2T4

Dear Mr. McNeilly:

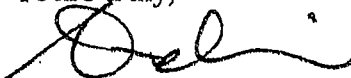
As you may be aware, I have launched an investigation into the origin of Regulation 233 / 10 made under the *Public Works Protection Act* and subsequent communication about it to stakeholders before and during the G20 Summit.

One of the issues that we are investigating is the impact of any failure to communicate the Regulation, and the powers it bestowed, both to the police and to the public. In order to ensure our investigation is as thorough as possible, I would be grateful if you could provide my office with details of any complaint made by any person to your Office concerning the issues we are investigating. That could include complaints about being stopped, asked to produce identification, searched and/or arrested, either ostensibly or explicitly under the Act, within or outside of the security zone at any time from June 21, 2010 to June 28, 2010.

Should you or your staff have any questions, please contact Gareth Jones at 416-586-3329. Mr. Jones is the Director of the Special Ombudsman Response Team that is conducting the investigation. I understand he has already spoken to your Senior Counsel and advised her of this request. As he explained to her, all persons who have contacted us with complaints about police conduct within Part V of the PSA are being referred to the involved police service and to your office.

Thank you for your anticipated cooperation.

Yours truly,



André Marin
Ombudsman

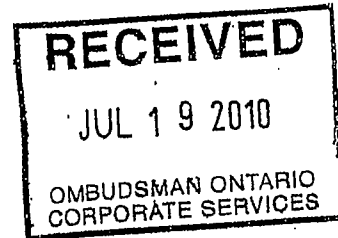
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower, Toronto, ON M5G 2C9
483, rue Bay, 10^e étage, Tour sud, Toronto (Ontario) M5G 2C9
Téléphone 416-586-3347
Numéro de tolérance 416-586-3506 ou 1-866-411-4211

www.ombudsman.on.ca

Sent by fax to 416-586-3485 / Original by mail

July 16, 2010

Mr. André Marin, Ombudsman
Office of the Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON M5G 2C9



Dear Mr. Marin:

**Re: *Public works Protection Act*
Designation of Public Works - O. Reg. 233/10
"G20 Investigation"**

I am responding to your letter of July 13, 2010 concerning your upcoming investigation into O. Reg. 233/10 and your request for details regarding public complaints received by my office.

As you are aware, the Office of the Independent Police Review Director (OIPRD) is mandated by the *Police Services Act* (PSA) to oversee the public complaint process. We are the oversight agency with respect to public complaints about the police in Ontario. The PSA provides the OIPRD with a number of investigative powers and allows us to review public complaint investigations conducted by the police.

I can confirm that we have received numerous complaints arising out of events in Toronto during the weekend of June 25 to June 27, 2010. Regarding your request for information and details about specific complaints, I regret that I am not in a position to assist you. The OIPRD is bound by the confidentiality provisions of section 26.1(9) of the PSA.

I spoke with Mr. Gareth Jones of your office on July 12, 2010 with respect to comments attributed to you in the media. As I indicated to him my concern is that an investigation into the manner in which the police interpreted the Regulation and reacted to demonstrators would fall squarely within the mandate of the OIPRD. Those are matters of police conduct.

I am concerned that this line of inquiry may inadvertently duplicate ongoing investigations under the *Police Services Act*. Your inquiries may have the unintended consequence of hindering investigations that the OIPRD is mandated to carry out and oversee. I would respectfully ask that you restrict your inquiries to matters that do not fall within Part V of the PSA.

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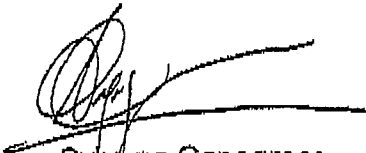
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Mr. Jones confirmed that your office has received a number of complaints in relation to the conduct of police officers during the G20 Summit. I understand that your office has been referring individuals who have contacted you regarding complaints about police conduct to the police service and to the OIPRD. I would be grateful if you provide my office with a copy of the complaints you have received that relate to police conduct, policy or service so that action may be taken, if appropriate, pursuant to the PSA and so that they may be considered along with other similar complaints.

Any complaints that are not treated as public complaints under the PSA may result in the complainants losing the rights provided to them by the Act and regulations. Furthermore, investigations into those complaints may lose the advantage of the powers provided to the OIPRD by statute.

I thank you in advance for your cooperation and assistance.

Sincerely,



Sylvania Capogreco
Acting Independent Police Review Director

December 21, 2010

André Marin
Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, Ontario M5G 2C9

Dear Mr. Marin

Re: Investigation into the Ministry of Community Safety and Correctional Services' conduct in Relation to Ontario Regulation 233/10 under the *Public Works Protection Act*:

I have had the opportunity to review your report "*Investigation into the Ministry of Community Safety and Correctional Services' conduct in Relation to Ontario Regulation 233/10 under the Public Works Protection Act*" and found it interesting and informative.

As you are aware, the Office of the Independent Police Review Director (OIPRD) is responsible for receiving, managing and overseeing all public complaints against the police in Ontario.

The OIPRD is responding to public complaints as well as conducting a review of issues (systemic review) involving the police during the 2010 G20 Summit in Toronto. The systemic review will examine the issues related to allegations of unlawful stops and searches, unlawful arrests, improper detention and issues related to the temporary holding facility during the G20. Many of these issues were also examined in your report.

In your report you stated that you received 167 complaints involving the:

- conduct of police officers;
- wrongful arrests;
- treatment of detainees held at the Eastern Avenue Detention Centre; and
- lack of a complaint mechanism for issues related to the G20, including police conduct.

As you may appreciate, these matters fall within the OIPRD's mandate and your investigation is of strong interest to my office. I am therefore seeking your cooperation in these matters.

First, as per my letter on July 16th, 2010 please ensure that all complaints received by your office in relation to the conduct of police officers, policy or service, searches, arrests, detainees, complaint mechanisms and any other issue that may fall within the OIPRD's purview be sent to the OIPRD. It is imperative that all appropriate complaints be forwarded to the OIPRD so that action may be taken, if appropriate, pursuant to the *Police Services Act* (PSA) and our systemic review. This request falls in line with provisions under the *Ombudsman Act*.

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- 2 -

Pursuant to s. 18(6), the Ombudsman may refer a matter to the appropriate authority where there is evidence of a breach of duty or misconduct. In addition, the OIPRD is a law enforcement agency and the Ombudsman may provide this information pursuant to s. 42(1)(g) *Freedom of Information and Protection of Privacy Act*. In light of these authorities and the OIPRD's mandate over public complaints, I look forward to your cooperation.

Due to the six month limitation period under s. 60(3) of the PSA, the timely referral of complaints is especially important. Given that most G20 related incidences occurred sometime between June 25th-27th, G20 related complaints would likely need to be filed before December 27th, 2010. Any complaints that are not filed with the OIPRD may result in the complainant losing the rights provided to them by the PSA and regulations. Furthermore, investigations into those complaints may lose the advantage of the powers provided to the OIPRD by statute.

Second, I am requesting that you provide my office with any and all information and materials in your possession pertaining to the conduct of police officers, policy or service, stop and searches, arrests, detainees, detentions, complaint mechanisms and any other issue that may fall within the OIPRD's systemic review or purview.

I recognize the sensitive nature of the information requested and the protective provision against use of evidence under 19(6) of the *Ombudsman Act*. The materials requested, however, will only be used to inform our systemic review, which examines trends and issues for the purposes of making recommendations. It will not form part of conduct investigations or any proceeding under the PSA. Furthermore, information provided will be treated as confidential and protected under s. 26.1(9) and (11) and s. 95 of the PSA.

As you discussed in your report, there is a strong public interest in having these matters reviewed and dealt with appropriately. The OIPRD is determined to ensure that G20 issues are examined thoroughly and in a way that is accountable, transparent, efficient and fair to both the public and the police.

Thank you for your assistance and I greatly appreciate your cooperation.

Sincerely,



Gerry McNeilly
Independent Police Review Director


Ombudsman
ONTARIO

ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO

January 5, 2011

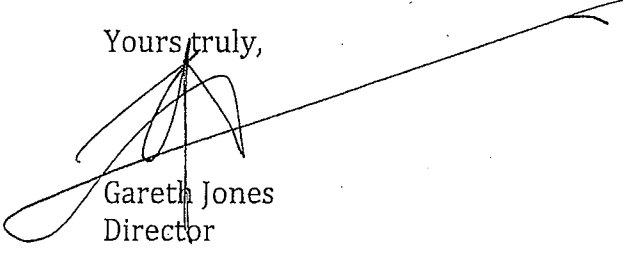
Mr. Gerry McNeilly
Independent Police Review Director
Office of the Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, ON M7A 2T4

Dear Mr. McNeilly,

Thank you for your letter of December 21st, 2010 concerning the *'Caught In The Act'* Special Report.


I will bring it to the Ombudsman's attention and I anticipate that he will be contacting you directly in the near future.

Yours truly,


Gareth Jones
Director
Special Ombudsman Response Team

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ONTARIO'S WATCHDOG
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January 24, 2011

Mr. Gerry McNeilly
Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, ON M7A 2T4

Dear Mr. McNeilly:

Re: Ombudsman Report: "Caught in the Act"

I am writing in response to your December 21, 2010 request, which has been reviewed by the Ombudsman. Thank you for your interest in the Ombudsman's investigation into the Ministry of Community Safety and Correctional Services' conduct in relation to Ontario Regulation 233/10. We would be pleased to assist your Office, to the extent that we are permitted under the *Ombudsman Act*, in its systemic review of issues involving the police during the 2010 G20 Summit in Toronto. To this end, please feel free to contact Mr. Gareth Jones, Director Special Ombudsman Response Team, at 416-586-3329 to facilitate the exchange of information. Although the *Ombudsman Act* does not permit us to release copies of individual complaints or complainant information, Mr. Jones will be pleased to meet with members of your staff and review with them any information of a more general nature which we may be able to provide and which may be of assistance to your review, such as trends in complaints and statistical information.

With respect to the referral of individual complaints to the OIPRD, please note that we have reviewed each of our complaint files and confirmed that appropriate referral information was provided to all G20 complainants including referring individuals to contact the OIPRD directly in cases of complaints about police conduct or systemic issues involving policing at the G-20 summit.

Trusting that this will be of assistance to you in your investigation and we look forward to results of your review.

Yours truly,


Barbara Finlay

Deputy Ombudsman and Director Operations

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