

Copeland, Duncan

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Chief Blair
and Deputy Chief Sloly
Toronto Police Service
40 College St
Toronto, Ontario
M5G 2J3

Dear Chief Blair and Deputy Chief Sloly:

Last week I received information that at a public (by invitation only) meeting held last Wednesday at the Toronto Police Headquarters, you both said that you had advice, or an opinion from me, that the practice of "carding" by the Toronto Police was legal.

On the weekend I received a partial transcript of what you said at the meeting.

The PACER Report mentioned opinions the Toronto Police had obtained from "three eminent jurists". The Report said that the three lawyers were unanimous in stating that "the police officers may, for legitimate policing reasons, approach members of the community and seek their voluntary cooperation in responding to questions seeking personal data and other information collected for law enforcement purposes. There is nothing legally wrong with collecting, using or retaining that information."

Attempts have been made to have those three legal opinions released by the TPS or the TPSB. So far the opinions have not been made public.

I am enclosing the partial transcript from the Wednesday meeting. I am distressed that at a public meeting you would appear to interchange what you describe as my opinion (or advice) with the three legal opinions that were obtained from the three eminent jurists by the TPS. I presume when you mentioned advice or an opinion from me you were referring to the Toronto Star article I wrote, or to the material I presented to the TPSB last winter.

I am enclosing the article from the Toronto Star. The only thing that I said in that article concerning the legality of questioning by the police was the following:

"In general, the police can ask you any questions they want but you do not have to talk to them, show them your identification or answer their questions".

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When I made the presentation at the Toronto Police Service Board on January 23, 2013 I presented not only the Know Your Rights material, I also read and presented the enclosed one and a half page Speaking Notes. In those speaking notes I said that I would leave it to others to speak "about the propriety and constitutionality of the police gathering and storing information obtained by police officers in Toronto using the Field Information Reports."

As you are aware I am a member of the Law Union of Ontario which has consistently taken the position that "carding" is a violation of both the *Charter of Rights* and the *Ontario Human Rights Act*. I am in full agreement with that position.

I would like to add that I was surprised that the Law Union was not invited to your consultation. The Law Union of Ontario is comprised of lawyers and law students who are actively involved with dozens of community groups in the city and it has devoted much time and effort on the "carding" issue. It is puzzling why you decide to exclude them from last week's consultation.

It is my view that the practice of carding as carried out by the Toronto Police Service violates the *Charter Rights and Freedoms* of those persons who are stopped by the police and in the discriminatory manner in which the carding is done violates the *Ontario Human Rights Act*.

Please do not, in future, state that my view of the "carding" process is in line with the three opinions that have been obtained from the three unnamed eminent jurists.

Yours truly,

COPELAND, DUNCAN



Paul D. Copeland, C.M. LSM
PDC/dm

Encl.

Cc: Howard Morton, Q.C.
Law Union of Ontario