

**Transcript from The PACER Report [Advisory Group]** - as it related to Paul

The 1<sup>st</sup> 90 minutes (or so) consisted of members of the police presenting different parts of the Pacer Report's recommendations. This followed by the question period. Only the question period was recorded.

At around 18-19 minutes into the question period, a member of BADC was finishing a short talk about his experience in the civil rights movement in Toronto since the early 1970s and his determination, and ended his remarks this way:

**BADC Member:** ...With this process of carding, whatever name change you want to put on it, I am equally determined that it has to go. There is no place in free and democratic society for those kinds of intrusions.

**Chief Blair:** I appreciate that – thank you.

**Deputy Chief Sloly:** If I could just say one thing: We have our Toronto Police website, and a letter that we invite all of the community members to consult with – a letter written by a lawyer - that laid out the Charter of Rights and the issues of what you have a right to do and the circumstances, and your rights and responsibilities. Who's the lawyer's name? Paul Copeland (said by 2 members -- of the police (I think 1 was Dave McLeod) and then repeated by Sloly). Paul Copeland wrote a very good piece on the cover of the Toronto Star. I'm not a lawyer [interrupted by member of BADC stating "I am a lawyer"] and I'm not going to get into it. But I would just invite you please to visit the website, look at the letter from Paul Copeland, review it for yourself, it's very [contained with what a lawyer could speak to?]. There is an area of dispute, but certainly the lawyers that we've consulted with like Paul Copeland, like Don McLeod, they have established, quite frankly, a legal precedent, and actually a legally mandated requirement for police to talk with people in the street, and sometimes interject to have a conversation with people, but it must be done lawfully, it must be done respectfully, and it must be done ethically. And that's what I'm talking about. If it's not done in a lawful way, then it's illegal. If it's not done respectfully, it's a breach of the police code of conduct. If it's not done ethically for some practical form or purpose, then we all have a problem with this...

~32 mins into the questions:

**Dave:** It was mentioned earlier today that [police] talking [to citizens] isn't illegal [brief introductions / explanation about how although I wasn't invited, I was welcome to stay] ... So I don't think anyone is disputing that... it's more the psychological detention, the Section 8, Section 9 violations ... you've received legal opinions on this kind of stuff, and I was wondering how I could look at those legal opinions, if you could post them or send them to us.

**Chief Blair:** Actually Mr. Copeland just published some... legal opinions. We're not disagreeing with any of that. We made that available to everyone. I think that provides a pretty consistent... our legal opinion is consistent with the advice that we received. But we received advice from lawyers which was given to us in a privileged way. At the same time, Mr. Copeland's advice which I think is open to everybody is entirely consistent with the advice that we received.

**Dave:** Are you talking about Mr. Copeland's advice on what to do if you're stopped? On the 'know your rights'? Is that what you're talking about?

**Chief Blair:** Yes

**Dave:** But I'm talking more about where your legal advice has said that carding or safety checks are actually legal – if that was - I'm assuming that this practice that the Toronto police force is doing, carding, is a legal practice in your opinion.

**Chief Blair:** Sure it is.

**Dave:** And the legal advice that was sought was on that. So, I just to make sure that, I just want to see actual legal advice that's saying that it's legal to continue to do that according to the charter, according to the Charter, according to all those sections I was talking about.

**Chief Blair:** Yes. I will take your advice on that. (And other people have opinions? [Inaudible]). But just to be clear, we sought advice... not just from a defence lawyer, we went to several defence lawyers we went to the former deputy minister of the ministry of the attorney general... as well, we received other advice from legal counsel, and consistently, across the board, the legal opinion that we received is that it is legal, and in fact necessary for the police to stop and talk to people. But there's also, there are a number of other issues, where if that is (not) done properly, it can result in section 8 violation, and that is part of the training that we provide to our officers, what the rules of, both the charter rights, the Ontario human rights, and the requirement that they articulate cause if we do more than simply ask questions, and I'll keep with the advice that what Mr. Copeland gave us, which quite frankly, I agree with, that people should also be aware of what their rights are, so if they do not want to answer questions, than they should know what they have the ability to do.

**Dave:** Right. So all that legal advice from all the different lawyers, for the transparency-theme of this talk, would you be able to – I assume there's a big file of written information – on that kind of stuff if that can be posted.

**Chief Blair:** When I contract with a lawyer, when I get advice from a lawyer, that advice is given to me in a privileged way

**Dave:** Right

**Chief Blair:** I think you would probably be able to understand that.

**Dave:** I understand

**Chief Blair:** And also the expectation is that we've received advice and we act on that advice and that's what we've done in this case.

**Dave:** Absolutely. You don't have to release it

**Deputy Chief Sloly:** Why don't I suggest that maybe we should cross this bridge, let it resonate, and when we come to this issue of legality and volunteerism and charter and human rights, when we form this committee, it will primarily be formed as far as consultation, when we formed this committee, it will be primarily be formed by the people who took part in the consultation. We will add on to it academics, legal experts, subject-matter experts, and so the committee will be able to avail itself at any point, a legal opinion when it comes to the turning points on charter, human rights issues, or other legal opinions. The African Canadian Legal Clinic was invited to be a part of this. They met with our lawyers and we consulted with their lawyers too. So, you're not going to get today the definitive PhD discourse on the question you have, but if you're willing to come along with us, along where all of this all of this will be fully explored by experts beyond what's in this room right now. So I appreciate your question. Thank you very much for coming tonight.

**Dave:** Thank you.

Closing remarks:

**Deputy Chief Sloly:** ... We didn't just go to the streets for consultations. Every one of them was set up specifically, consistently. You were provided with Paul Copeland's legal assessment of the legality of all of this. You were told what the purpose of the review was. You were invited to have as much of a say on the topic as broadly or as deeply as you chose to...