

Media Release

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Groundbreaking Appeal Decision Approves G20 Class Actions

TORONTO, CANADA – The Court of Appeal for Ontario released a groundbreaking decision today certifying two class actions regarding alleged civil rights abuses during the 2010 G20 summit in Toronto. The class actions cover over 1000 people whose civil rights have been violated. The members of the class were illegally arrested in large groups and held in overcrowded wire cages in inhumane conditions in a warehouse on Eastern Avenue.

The decision released today affirms a decision by the Divisional Court last year allowing the cases to proceed as class actions (i.e. “certifying” the class actions). Last year’s Divisional Court decision was highly critical of the police tactic of indiscriminate group arrests, saying “police cannot sweep up scores of people just in the hope that one of the persons captured is a person who they believe is engaged in criminal activity” (para. 49). It described the allegations against the police as “an egregious breach of the individual liberty interests of ordinary citizens” (para. 95).

The Court of Appeal addressed the group arrest issue as follows: “The police cannot justify the detention of a person based on information that they either did or not have, or which they did not rely upon, in ordering a person to be detained” (para. 66). In other words, police cannot arrest an entire group of people as a way of “fishing” for particular individuals.

The Court of Appeal also emphasized the importance of these class actions in changing police behaviour:

The reports regarding police conduct during the G20 summit make nonbinding recommendations. In my view, the remedies sought by the plaintiffs, which include a declaration that class members' Charter rights have been violated and an award of damages, would be stronger instruments of [police] behaviour modification. (para. 87)

These are the first class actions about group arrests (also known as “kettling”) certified in Ontario. Based on this legal precedent, police now risk multiple lawsuits if they ever indiscriminately arrest entire crowds of demonstrators again in the future.

Sherry Good, a lead plaintiff in the lawsuit, said: “I am delighted by the decision. We have been vindicated yet again, this time by the highest court in Ontario. Now the police need to make changes and prove to us that this will never happen again.” Tommy Taylor, the other lead plaintiff, said: “We were illegally arrested, thrown into overcrowded wire cages, and treated worse than animals in a zoo. We want justice to be served. We don’t want this to happen to any other Canadian, ever again.”

Legal co-counsel Eric Gillespie said about the decision: “This is actually about much more than just one event. This class action will help protect the basic freedoms of all Canadians.” Gillespie

noted that past reports about the event had recommended many reforms, many of which have not been implemented. “The major report by the Office of the Independent Police Review Director made many important recommendations that have not been implemented. This decision may help move in that direction.”

Co-counsel Kent Elson said: “This important decision could lead to the disclosure of a lot of confidential police documents and tapes about what really happened, or some positive reforms about policing, or compensation to the victims, or a combination of all of those.”

FOR FURTHER INFORMATION PLEASE CONTACT:

Klippensteins Barristers & Solicitors
Kent Elson
(416) 906-7305 or (289) 838-9239

Eric K. Gillespie Professional Corporation
Eric Gillespie
(416) 436-7473