

# 'Secret' law lets police arrest for failing to show ID near summit

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Security is tight in Toronto as the G20 summit nears.

**Photograph by:** Jemal Countess, Getty Images

TORONTO — The Ontario government secretly passed legislation giving police sweeping new powers for the duration of the G8 and G20 summits.

Police are now able to jail anyone who refuses to furnish identification and submit to a search while within five metres of a designated security zone in downtown Toronto.

Critics reacted furiously to the new rules, which remained unpublicized until Thursday when a 32 year-old man was arrested in Toronto for refusing to show ID to police.

New Democrat MPP Peter Kormos said Friday the provincial Liberals created a “Kafka-esque” situation where people could be arrested for violating rules they didn’t know existed.

“This is very very repugnant stuff and should be troubling to everybody,” he said.

The Canadian Civil Liberties Association (CCLA) said it was “extremely concerned” that the new

measures violate constitutional safeguards.

Nathalie Des Rosiers, general counsel for the CCLA said the changes are contrary to Canadian law.

"You don't have any obligation to speak to Canadian police, to give your name or the reasons for your existence unless you've done something wrong — unless you're being detained or arrested," she said. "So on its face, it's a dramatic change from what our constitution guarantees."

The CCLA said the government "owed it" to its citizens to inform them of the changes. The group will be in court to challenge arrests made on what it deems unconstitutional grounds.

Premier Dalton McGuinty and his Community Safety Minister, Rick Bartolucci, defended the government action.

McGuinty said he attempted to "limit the intrusiveness" of the powers by applying them to a specific zone in downtown Toronto.

"I think most Ontarians understand that there is something extraordinary happening inside our province. There is a real concern that is heightened at this point in time related to security and that's why this special measure is there."

Nevertheless, critics blasted the government for failing to debate the changes in the legislature, which was in session when they were first discussed by a cabinet committee on June 2.

"We learned about this today from (the media)," said Conservative MPP Garfield Dunlop. "This is a disgrace. We were sitting in the legislature when this happened. We had lots of time to debate this stuff."

Bartolucci, who is also the minister of correctional services, said the changes were voted in by a special five-member meeting of cabinet on June 14. The regulations were then posted on a relatively obscure government website, [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

He said the changes were demanded by Toronto police.

"There was no secretive process here," he said. "The reality is this is the process that is followed with every regulation. Those who view e-laws — and I'm sure that they're viewed by lawyers — were well aware this regulation was passed."

The changes deemed Toronto's downtown security zone — surrounded by a three-metre fence — a "public work" akin to a hydroelectric station or courthouse. Those fixtures are governed by a 1939 law known as the Public Works Protection Act.

The new regulation allows police to demand identification from and search without warrant anyone

who comes within five metres of the security zone.

Police officers may also “use such force as is necessary” to prevent anyone from entering the security zone.

They took effect last Monday and will remain in place until this coming Monday.

McGuinty said the same powers are in place in many other public spaces.

“What we’re saying is if during this seven-day period, you want to go visit the secure zone, that’s going to be like going to visit the airport, city hall, courthouse or the Ontario Legislature,” he said.

“These are all special public spaces where security is a heightened concern and police are going to be entitled to ask for ID and to search your bag as a condition for being there. You’ve got a choice. You can comply. You can refuse. If you refuse, then you will have to leave.”

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