

Responding to Police Action During the G20 Protests in Toronto in June 2010:

An Overview

If your rights were violated by G20 police and security forces during the June 2010 G20 summit in Toronto, then you have the right to:

1. Sue the police in court,
2. Make a formal Police Complaint; and
3. Make a Human Rights Complaint (if you experienced discrimination, such as racist or sexist comments or actions by police or a lack of accommodation of your medical needs while imprisoned).

What does the G20 Class Action mean for me?

A G20 Class Action has been launched in court against the police. The G20 Class Action is being brought on behalf of everyone who was **surrounded, arrested, or detained** by police during the G20 Summit weekend but who was **not charged with a crime** at that time. The court still has to approve or “certify” the lawsuit as a class action, but if and when it does, every person who fits this description is a class member and is automatically covered by the G20 Class Action.

Does the Class Action affect whether I can make a Police Complaint or Human Rights Complaint?

No. Whether or not you are a class member, you can also make a Police Complaint. In certain circumstances you can also make a Human Rights complaint.

What can I do if I am a class member in the Class Action?

You can contact the class action legal team at contact@g20classaction.com and let them know who you are and where they can send information to you by e-mail.

If you wish, you can start your own claim in Small Claims Court or in Superior Court before the court “certifies” the class action. However, if your own claim is dealt with by the Small Claims Court or the Superior Court, you might not be able to make a claim for compensation from any pool of funds that may be paid later as a result of the Class Action. Whether that is favourable to you or not will depend on the outcome of each case. You should ask a lawyer about the specific circumstances of your case.

If the Class Action is certified, you can opt out of the class. One circumstance in which you may wish to consider opting out is where you have a number of claims, some of which are covered in the class action and some which are not, and where your preference is to have all of your claims dealt with in one court proceeding. In most other cases it will not likely be in your best interests to opt out.

What can I do if I am not a class member in the Class Action?

You can start your own claim in Small Claims Court or in the Superior Court (in addition to making a Police Complaint and, in some circumstances, a Human Rights Complaint).

If you are claiming compensation of \$25,000 or less, then you would start your claim in the Small Claims Court. For most G20 claimants, the compensation that you would be entitled to would be less than \$25,000. The procedures in Small Claims Court are simplified and you do not need a lawyer to represent you, although that is recommended.

If you have a legitimate claim to compensation of more than \$25,000 or if you want to seek non-monetary relief (such as the Court's interpretation of the validity of a law or a declaration about whether your *Charter* rights were breached), you may make a claim in the Superior Court. If you think you have this kind of claim, you should consult a lawyer. Superior Court procedures can be complex and difficult and it is highly recommended that get a lawyer to represent you in the Superior Court.

What do I need to know if I want to represent myself in Small Claims Court?

To get started, you need to fill out a form called a "Plaintiff's Claim" in which you describe what happened and who you are suing. You will have to give a copy of your "Plaintiff's Claim" to the Court and to every person or organization that you are suing.

You have up to two years from the date of the incident to start your claim, but usually it is best to start it as soon as possible.

You can start a claim on your own or together with other people who have similar issues. Each plaintiff can claim up to \$25,000 in compensation or "damages."

You have to correctly name the "Defendant(s)" that you are suing. In most cases, the Defendant(s) will include the "Toronto Police Services Board." You could also name individual police officers as defendants if you know their names. If the police officers that were responsible for what happened to you are from another police force, you will need to find out the correct name of the defendant you should be suing (it could be another police services board or it can be the Attorney General).

After you start your claim, the defendants have 20 days to respond to your claim. Then, within three months you and the defendant(s) will attend a "settlement conference" with a Small Claims Court judge. If the case does not settle, you can request a trial date. The court would then schedule a trial for a date a few months away.

The regular fee for filing a "Plaintiff's Claim" is \$75. You have to pay another \$100 when you want to set a trial date. Other fees might apply depending on what other steps you take. If you cannot afford to pay these fees, you can apply for a "fee waiver".

If you lose, you will usually be required to pay the Defendants' court costs. In most cases, the Small Claims Court caps those at \$500, but that could be higher or lower depending on the circumstances.

You can find other information about Small Claims Court procedures in the links below.

How do I file a Police Complaint or a Human Rights Complaint?

There are other materials being distributed that describe these processes. The Law Union of Ontario will also be producing a guide which gives some more detailed information about these processes.

What is the point of starting a lawsuit, a Police Complaint or Human Rights Complaint?

It depends on what you want to achieve.

A lawsuit and Human Rights Complaint can get you compensation for wrongs that you suffered.

A Police Complaint could result in police officers being held accountable and punished for their wrongful acts.

All of these procedures can lead to systemic changes. While one claim in Small Claims Court or one police complaint on its own might not have a great impact on its own, if there are dozens or even hundreds of court claims, along with the landmark G20 Class Action, as well as hundreds of police complaints and numerous human rights complaints – each of which will require a response from the police – the collective impact can be significant.

Where can I get further information?

General information:

The Law Union of Ontario, with the assistance of several lawyers and organizations, is preparing a guide that describes your rights and your legal options in more detail. The target date for release of that document is August 20, 2010. On release it will be posted on the Law Union of Ontario's website, www.lawunion.ca, and will also be available from other organizations.

If you want a copy of the guide emailed to you directly when it is published, please send your e-mail address to g20guide@gmail.com.

Class Action

The G20 Class Action website is www.G20classaction.com. There, you can get more information about what a class action lawsuit is, whether you are covered by the class action, and links to documents.

Small Claims Court

There are three main resources:

The Ontario Ministry of the Attorney General has a website with a lot of information about Small Claims procedures, rules, forms, and fees at <http://www.attorneygeneral.jus.gov.on.ca/english/courts/scc/>

"Sue the Police in Small Claims Court!" is a do-it-yourself guide for suing the police in Small Claims Court in Ontario (<http://charneylaw.ca/helpfuldocs/BookletSueThePolice-UpdatedNovember2006.pdf>). Note that some rules have changed since this guide was produced four years ago, including an increase in the monetary claim for Small Claims actions from \$10,000 to \$25,000.

"How to Sue Police and Private Security in Small Claims Court" is another valuable resource (<http://www.pivotlegal.org/pdfs/HowtoSueThePoliceandPrivateSecurityinSmallClaimsCourt.pdf>).

Although it is tailored for British Columbia, it contains useful information that you can apply in a claim in the Ontario Small Claims Court.