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## THE GLOBE AND MAIL

### Police chief scores against his own team



### New rule limiting rights near the security fence plays right into the protesters' hands

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Police chief Bill Blair insists he is committed to protecting the right to protest during the G20 weekend and there is no reason to doubt him. During last year's Tamil demonstrations downtown, he bent over backward to defend that right despite pressure to crack down on the traffic-snarling protests. Even so, he and his provincial counterparts have overstepped themselves by suspending certain civil rights around the downtown security zone.

Under Ontario Regulation 233/10, the provincial government has made the zone subject to the Public Works Protection Act, usually employed to protect public facilities like police and train stations. That means police can challenge anyone who comes within five metres of the zone. They can ask for ID and they can subject the person to a search.

Chief Blair says the person can refuse and leave the zone, but if he doesn't, police can place him under arrest. Conviction under the law brings a penalty of up to two months in jail or a maximum fine of \$500. One 31-year-old man who was stopped by police and refused to supply his ID ended up spending several hours in detention, learning about the mysterious new regulation only after his release.

Many people who hear of all this will simply say: so what? We know that a lot of bad actors are going to have a crack at breaching or pulling down the fence. Why shouldn't police be able to question them?

But the right that is being compromised here is important. Canadians who are simply walking along the street are under no obligation to tell police their name or agree to be searched. "Papers, please," are not words that people in this country need to fear.

If police really suspect that someone near the fence is up to no good, they have plenty of other powers at their command. If they see someone with a brick or a molotov cocktail, they have every right to arrest him. In fact police can arrest anyone whom they suspect of having committed a crime, being in the midst of committing a crime or preparing to commit a crime.

But simply hanging about and looking suspicious is not a crime. This gives police the power to challenge anyone who ventures near the fence, a power that jittery police officers could easily abuse.

Almost as troubling as the content of this new rule is the way it was enacted. The provincial cabinet made the change without any notice or public announcement, instead merely publishing it on the e-Laws web site June 16.

Chief Blair says there was no attempt at secrecy and everything was by the book. Technically, that may be so, but the result was to change the rules on the protesters without telling anyone.

Why didn't Chief Blair and the provincial authorities simply say that they wanted to be clear about their authority to defend the security fence – as the chief explained, after the fact, on Friday? That way, protesters would have been aware of the new rule and civil libertarians and opposition parties would have had a chance to challenge it. As it is, 233/10 will not even be published in the Ontario Gazette, the official record of provincial laws, until the summit is over.

All of this creates the regrettable impression that authorities are resorting to secretive, draconian measures to control protesters. That plays right into the hands of the activists who come to these summits in hopes of portraying themselves as victims of a militarized, undemocratic state. With this dubious new rule, Chief Blair has handed them a gift-wrapped welcome present.