

SUBMISSIONS TO -

Orillia City Council

RE -

Policing Policies in Orillia

FROM -

Canadian Civil Liberties Association

DELEGATION -

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Orillia

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This is to express the concern of the Canadian Civil Liberties Association about the nature and purpose of the recent Orillia police operation which produced charges of gross indecency against some 32 men in this community. Apparently, the charges involve allegations of masturbation, fellatio, and buggery in a publicly accessible washroom.

According to press reports, the charges resulted from a six week surveillance of the washroom in question. These circumstances give rise to irrepressible questions. Why did the conduct at issue warrant this magnitude of police operation? Why did it warrant the humiliation and torment which would inevitably accompany the laying of charges? Perhaps even more significant, how could it justify such intrusive snooping on the completely innocent washroom users? Indeed, to what extent did innocent excretion occupy police surveillance? And what was the effect of all this on police morale? How did the role of voyeur square with the self image of the officers involved?

Just what was the evil which all this snooping was designed to suppress? Although it was said that at one point there had been some harrassment of juveniles, the charges that have been laid do not reveal such interactions. In the main, the cases appear to allege little more than unorthodox sex acts on the part of willing and consenting adults. Even if, in these particular circumstances, such sex acts might arguably be unlawful and perhaps incredibly foolish, they could hardly represent a serious threat to the public interest.

The argument has already been made that the police were merely enforcing the law as enacted by Parliament. But this argument simply doesn't wash. The police have always enjoyed a considerable discretion as to how they enforce particular laws. It could not be otherwise. Not all laws can command the same attention, priority, and enforcement strategy. When, for example, have the police mounted a similar surveillance campaign to crack down on the illegal consumption of alcohol at professional sports events? Enforcement tactics depend, as they must, upon the nature of the threat to the public interest.

Surely, the apprehended misconduct in the targeted washroom could have been addressed in a far less intrusive and more discreet manner. So long as the object of the exercise was to prevent the acts rather than torment the actors, it would not have taken much ingenuity to devise a more appropriate response. Even the hiring of a uniformed attendant, for example, would likely have been just as effective and perhaps ultimately even less expensive.

For all of these reasons, much of this police investigation must be seen as an exercise in gratuitous voyeurism. On occasions like this, it is important that reputable citizens let the police know what they think of the law enforcement policies involved. In determining their strategies and priorities, the police may believe that they are simply reflecting the consensus of values in the community. If that perception is wrong, the police should explicitly be told so. Since they have such a wide discretion concerning what to investigate and whom to charge, it is crucial that they understand where their conduct deviates from the wishes of the community.

On the basis of all these considerations, the Canadian Civil Liberties Association respectfully requests that the Orillia Council enact a resolution advising its police force that it does not approve of the law enforcement policies reflected in the operation at issue.