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Peel police flip-flop on courthouse arrest draws ire of legal community

“I think they were trying to do damage control” after an arrest that happened the wrong way, says president of the Toronto Lawyers Association.



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Toronto criminal lawyer Laura Liscio, whose arrest is at the heart of an ongoing dispute between her peers and Peel police.

By: **Wendy Gillis** News reporter, Published on Thu Feb 19 2015

It was a bold move by Peel Regional Police, made to correct “false information” they said was causing undue criticism of the force.

In an unusual news release issued Friday to dispute published reports, Peel police confidently stated that when Toronto lawyer Laura Liscio was [arrested at a Brampton courthouse last week](#) she was not handcuffed while wearing her black court robes.

The arrest was instead discreet, they claimed, and the young lawyer was taken away by plain-clothes officers and brought to an unmarked car.

“Peel Regional Police felt it not only appropriate, but necessary to provide clarity to these inaccuracies,” the release stated.

Except those inaccuracies were in fact accurate. And the false information was coming from the police.

In an about-face Wednesday night, Peel police issued a correction to their earlier statement, acknowledging Liscio was “indeed handcuffed in her court attire,” brought to a marked police car, and accompanied out of the courthouse by both uniform and plainclothes officers.

The flip-flop is the latest twist in an arrest that has struck a nerve with Greater Toronto’s legal community, prompting calls for an internal inquiry, criticism from lawyers’ associations, and demands for Peel’s chief to apologize — or at least respond to the mounting condemnation.

“Somebody made a very big error here,” said Toronto criminal lawyer Jeff Hershberg, among the many lawyers who have expressed outrage online. “Where is the chief to rectify the public confidence in the police force?”

Neither Peel Chief Jennifer Evans nor any other high-ranking officer agreed to speak to the Star Thursday.

Sgt. Matt Small, supervisor of Peel's Supervisor, Public Information and Media Relations unit, said no one from the force would be providing any more information about Peel's inaccurate claims, which [another force spokesperson said were made following a "miscommunication."](#)

"At the time of the release Peel Regional Police vehemently believed that what was contained in that release (Friday) was factually accurate," said Wednesday's statement.

On Thursday, the Toronto Lawyers Association re-issued a call for an internal probe of the investigation into Liscio and the manner of her arrest. The results should be public, says association president Joseph Neuberger.

In an interview, Neuberger commended Peel police for issuing a correction and apology for their inaccurate information. But said the force should never have run with information that was unreliable.

"I think they were trying to do damage control in circumstances where clearly the arrest was conducted in a manner that should never have happened," he said.

Liscio, a 32-year-old Toronto lawyer, was arrested on charges of drug possession, trafficking, obstructing justice and breach of trust on February 12, after police said she "smuggled" drugs into Brampton's A. Grenville and William Davis courthouse. A source familiar with the case said Liscio gave her client's clothing to a court security officer and marijuana was found in the garments.

Liscio's lawyer, Stephen Bernstein, told the Star Wednesday night that Peel's retraction of their version of a events was a step in the right direction, but did not erase the "devastation and embarrassment" about how she was treated.

Reid Rusonik, a Toronto criminal lawyer, said Peel's backtrack could be indicative of a more systemic communication problem within the force.

"Someone of the highest authority had to have, or should have, OK'd that release. If they didn't, how is that possible? How can someone relatively lower down have the authority to convey what the message of the Peel police is — if they are going to talk at all," he said.

The outrage over the manner of the lawyer's arrest in court robes comes not because there is an expectation lawyers will be specially treated, but because police would have had the option to arrest her in a more dignified way, Neuberger said.

"The police have broad powers to effect an arrest which includes offering a suspect to attend at a police station so the individual is provided with a degree of privacy and dignity," he said in a statement. "We have seen this numerous times with many individuals in the community, including police officers."

Anthony Moustacalis, president of the Criminal Lawyers' Association, said many people in the justice system are equally upset about the situation countless defence lawyers are put in while trying to make clients appear presentable in court.

Often, lawyers must take a change of clothes provided by the family and transfer it to the client, via court officers, leaving them vulnerable to illegal substances being placed inside.

Since Liscio's arrest, Moustacalis has reached out to Ontario's Ministry of Community Safety and Correctional Services to begin the process of improving prisoner clothing transfers and decrease the risk to defence lawyers.