



TORONTO POLICE ASSOCIATION

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NEWS RELEASE

Toronto Police Association alleges misconduct in dropping of charges against assistant crown attorney

Toronto, January 8, 2009 – The Toronto Police Association (TPA), is filing a formal complaint with the Ministry of the Attorney General and asking the Law Society of Upper Canada, (the governing body for lawyers in Ontario), to investigate the conduct of assistant crown attorney Jeanine E. LeRoy of London.

On January 7, 2009, the day the trial was to start, LeRoy dropped criminal charges against another assistant crown, Roger Shallow, laid against him as a result of his arrest on October 6, 2007 in Toronto's 'Entertainment District'. Shallow was charged with causing a disturbance and assault to resist arrest.

LeRoy dropped the charges against Shallow without adequate explanation and after repeatedly ignoring numerous contacts from Toronto police investigators for weeks in advance of the trial date which were made, as is normal practice, to discuss the case which she was appointed to prosecute.

"The dropping of the charges on the day the trial was to start and the refusal of this assistant crown to meet with officers to discuss the prosecution of the case is beyond unacceptable, it is a miscarriage of justice," according to TPA President, Dave Wilson.

"We want answers from the Ministry of the Attorney General. The behaviour of this assistant crown is disgraceful and unprofessional, and constitutes misconduct which is why we are also lodging a complaint with the Law Society," adds Wilson.

Shallow was arrested October 6, 2007 in the Entertainment District and charged with causing a disturbance and assault to resist arrest. Months later, he went before a Justice of the Peace and had assault charges laid against two of the arresting officers, charges which are still before the courts.

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media contact: Louise Gray, lgray@tpa.ca

Attachment:

Backgrounder/Chronology

Letter from Dave Wilson to Asst. Deputy AG Paul Lindsay, June 16, 2008

Reply letter from Attorney General's office, August 12, 2008

Message to TPA members from Chief Blair, January 7, 2009

TPA Board of Directors

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SHALLOW BACKGROUNDER AND CHRONOLOGY

October 6, 2007: Assistant Crown Attorney Roger Shallow, apparently intoxicated, is arrested in Toronto's "Entertainment District" and charged with causing a disturbance and assault to resist arrest. Upon his arrest, he is heard to utter words to the effect, "you just made me a million dollars." He is taken to 52 Division where the booking DVD shows he improperly attempted to seek special treatment by virtue of his position.

Early May, 2008: Shallow goes before a Justice of the Peace and alleges assault against some of the arresting officers.

June 17, 2008: Justice of the Peace David Hunt permits charges against two of the arresting officers to go ahead.

November 13, 2008: The booking Sergeant at 52 division on the night of Shallow's arrest is served with an Ontario Human Rights Complaint about police conduct as a result of his arrest. (Shallow asks that the Human Rights tribunal order that the officers apologize to him and re-lace his shoes).

November 17, 2008: The officer responsible for the prosecution begins notifying witnesses and preparing for Shallow's trial, set for January 7th, 2009.

November, 2008 – January, 2009: The officer responsible and other investigators make numerous attempts to contact assistant crown J. LeRoy in order to meet and prepare for Shallow's trial. She returns none of these calls or emails.

January 6, 2009: At 8:30 a.m., one day before the Shallow trial is to start, the officer responsible for the prosecution leaves a voice mail with LeRoy pleading for some response in advance of the trial which is to begin the next day, January 7th, 2009. The first and only response from assistant crown LeRoy is the following email, sent at 4.36 p.m. on January 6th:

*Sorry for the lateness of this reply. The first two days back after the holidays have been hectic on this end – as I'm sure they have been for you too. I will be contacting [one of the officers] after I send this email to you to let her know that I have decided to withdraw the charges against Mr. Shallow tomorrow. I appreciate your work in notifying the officers about the trial. J.
Jeanine E. LeRoy*

It is worthy of note that LeRoy did not speak to the victim of the alleged assault at any time, even after deciding the charges would not proceed.



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June 26, 2008

Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON
M5G 2K1

Dear Mr. Lindsay;

Re: Roger Shallow, Assistant Crown Attorney

I am writing to express the Toronto Police Association's concern that Roger Shallow continues to work as an Assistant Crown Attorney on cases investigated by our members.

Mr. Shallow is facing charges of assault with intent to resist arrest and public intoxication as a result of his behaviour in the entertainment district in the early morning hours of October 7, 2007. The booking DVD reveals that after arrest Mr. Shallow was belligerent and uncooperative. Most significantly, in full view of the camera, Mr. Shallow improperly attempted to seek special treatment by virtue of his position as an Assistant Crown Attorney. The booking reveals that the transport officers and booking sergeant showed admirable restraint and professionalism in dealing with him at the station, where he behaved in a way that made it necessary to lodge him in the cells after a level 3 search.

More than six months after his arrest, and with his charges approaching trial, Mr. Shallow attempted as a private complainant to have the two arresting officers charged with assault causing bodily harm, assault, and assault with a weapon. The booking tape is clear that Mr. Shallow was not injured. Nor did he complain of bodily harm.

Mr. Shallow also attempted to have the transport officers charged with sexual assault, simply for carrying out a fully authorized level 3 search as required by Toronto Police Service policy. A pre-enquete has occurred at Old City Hall to determine if process should issue against the four officers involved. The pre-enquete took the entire day on May 7, 2008, May 30, 2008 and June 5, 2008. On June 17, 2008, Justice of the Peace David Hunt issued process on the assault allegations but refused to issue process on the sexual assault allegations. His Worship found that Mr. Shallow's sexual assault allegations are baseless and unreasonable.

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I understand that Mr. Shallow has also made complaints of a similar nature to the SIU, and to the Toronto Police Professional Standards Branch.

An independent, out of town criminal lawyer in private practice has been appointed as a special prosecutor for the charges against Mr. Shallow. Mr. Shallow is represented by the best of counsel on his own criminal charges – Mr. David Humphrey. However Mr. Humphrey played no part in the pre-enquete proceedings.

The timing of Mr. Shallow's complaints – more than six months after the events in question – strongly suggests that his complaints are a tactical ploy in his own criminal prosecution. And at the time of his arrest, Mr. Shallow uttered words to the effect of "you just made me a million dollars". This statement raises serious concerns that Mr. Shallow is making criminal allegations to improperly bolster a later civil suit.

Further, despite the dismissal of his sexual assault allegations at the pre-enquete as baseless and unreasonable, Mr. Shallow persists with his complaint to the SIU, whose investigation is under way.

In sum, Mr. Shallow's vigorous efforts as a private complainant are perceived by members of this Association as demonstrating an unacceptable lack of objectivity, a troubling level of animus against the Toronto Police, and a stubborn insistence on pursuing his misguided animus in every forum possible. His conduct is perceived by this Association as inconsistent with the quasi-judicial office of Assistant Crown Attorney.

Yet Mr. Shallow continues to work in Toronto, having direct contact with other members of the Toronto Police Association. For example I understand that he is currently engaged in reviewing search warrants prepared by Toronto officers in sensitive and serious firearm investigations. The officers in those sensitive investigations are obliged to receive legal advice from, and to try to work constructively with, a lawyer whom they know is pursuing ill-conceived sexual assault allegations against their fellow officers. This places the officers who must work with Mr. Shallow in an unacceptable situation.



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The close working relationship between police officers and Crown Attorneys requires a high degree of mutual trust and respect. Mr. Shallow has, by his aggressive pursuit of sexual assault charges against Toronto officers, disintegrated himself in the eyes of this Association to the trust and respect that is essential to a viable working relationship with members of this Association. This situation is in my experience unprecedented, and I speak for all members of this Association in asserting that Mr. Shallow no longer has the confidence of this Association. For that reason it is unproductive and potentially counterproductive for him to continue to work with any Association members.

Further, Mr. Shallow's continued work with Toronto police officers presents a troubling appearance of impropriety. Any reasonable and fully informed member of the public would view Mr. Shallow's continued work on sensitive matters in close conjunction with Toronto officers as fraught with peril, and professionally inappropriate.

Of course the police and Crown are, and must remain, scrupulously independent of each other. I would not presume to interfere in the internal administrative affairs of the Attorney General. However I must bring these sad facts to your attention so that you will understand how Mr. Shallow's continued work with members of the Toronto Police Association is perceived. And I do so recognizing legal independence is a very different matter from trust and respect. I regret to advise that Mr. Shallow, by his own conduct, has sacrificed both trust and respect with the members of the Toronto Police Association.

I hope that this information will be of assistance to you.

Yours sincerely,

TORONTO POLICE ASSOCIATION

Dave Wilson
President

DW:hb

c. TPA Board of Directors

[Wilson Lindsay June 26, 2008]

TEXT OF MESSAGE FROM CHIEF BILL BLAIR

Message from Chief Bill Blair

Sent January 7, 2009, at 2:18 p.m.

To: Uniform Unit Commanders, Civilian Unit Commanders

In October 2007, our officers arrested Roger Shallow in the Entertainment District for Causing a Disturbance and Assault to Resist Arrest. These are serious allegations. Today I became aware of the decision of the Crown Attorney to withdraw the criminal charges currently before the courts.

I am very concerned about the lack of communication and consultation by the Crown Prosecutor, prior to this decision being made. This matter has been in the courts for 15 months yet we were notified of the crown's unilateral decision less than 24 hours before the court appearance.

I take this matter very seriously and I am addressing it with the Attorney General.

We fully support the efforts of our officers, who do difficult work in very difficult circumstances, not only within the Entertainment District, but across this city. We value and appreciate your work.

I will follow this matter through with the Attorney General and advise you of the outcome.

I, and my Command, fully respect and support your efforts to protect public safety.