

Lawyer's arrest inside courthouse an 'egregious' display of police behaviour



By [Jacob Stilman](#)

Here's a question for everyone: when was the last time a police officer was arrested for an alleged offence, and I mean arrested – apprehended in the middle of the work day, hand-cuffed to the back, in front of colleagues, the public, the press, “perp-walked,” and stuffed into a waiting police cruiser for the benefit of all onlookers?

When was the last time a politician was wrenched out of his seat in Parliament and frog-marched in his Armani suit out of the House of Commons, escorted by burly Mounties?

How many times has the public witnessed a Crown attorney led out in cuffs from the courthouse, where only minutes earlier he had been addressing a judge?

The above hypotheticals are not fanciful. Police officers, politicians and Crown attorneys alike have occasionally run afoul of the law and been subject to criminal charges. They even get convicted sometimes. But when the charges are initially brought, the spectacle of the “public arrest” doesn't make the evening news – because it never happens!

Persons of good standing and reputation are usually accorded the courtesy of a discreet surrender to the police, accompanied by counsel and out of the spotlight. In most cases, the accused is released on a summons and never has to face the indignity of a public court appearance at all.

So if such discretion is accorded to police officers, politicians and other establishment figures, why is it that when a criminal defence lawyer is charged no such courtesy is extended? Instead, the public was just treated to the spectacle of a lawyer arrested at the courthouse and led out in handcuffs, thus ensuring the maximization of her humiliation. The indelible image this creates is seared on the memories of colleagues, judges, and the legal community at large, gratuitously tarnishing the reputation of a dedicated lawyer.

The alleged offence in this case? According to news accounts, Laura Liscio, a criminal defence counsel of excellent reputation, delivered a change of clothing to her incarcerated client at the courthouse. Reports say that a search of the clothing revealed that it contained marijuana,. Liscio now faces charges of drug trafficking, breach of trust and obstruction of justice.

The point here is not to launch into a speculative defence about a case in which the details are not yet known. Liscio is presumed innocent and is being represented by highly experienced counsel.

What is inexcusable, however, was what has the appearance of a gleeful display of a “trophy” arrest by the Peel Regional Police in this case. It cannot help but be observed that the treatment that police officers expect and receive for themselves when they face charges (frequently for serious offences of violence or breaches of trust) was not accorded to a member of the criminal defence bar.

Although the incidence of defence counsel being charged is rare, it is difficult to come up with the example of a defence lawyer's arrest where the police held off the arrest, made arrangements for a quiet surrender and preserved their dignity. Police, it would seem, derive a malicious sense of satisfaction from the image of the shackled defence counsel, and the case of Ms. Liscio is but the most recent such example.

This recent egregious display of police behavior confirms the perception that too often police officers conflate the role of the defence counsel with the acts of the accused persons whom we defend. It is time that police accorded us the respect that they themselves demand and receive.