



Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-2222 FAX (416) 808-8202
Website: www.TorontoPolice.on.ca



Julian Fantino
Chief of Police

File Number:.....

2001.06.11

Ms. Valerie Smith
P. O. Box 119, Unit 3
4500 Kingston Road
Toronto, Ontario
M1E 2N9

Dear Ms. Smith:

Re: Complaint in Relation to Bell Express Vu Adult Programming

Detective Sergeant Coulter called you a couple of weeks ago to advise that the Toronto Police Service was asking for a legal opinion with regards to prosecuting Bell Express Vu. Assistant Crown Attorney David Butt, an expert in Canada's obscenity laws, has been consulted.

It is the opinion of Mr. Butt that the materials allegedly distributed by Bell Express Vu are obscene under the Criminal Code. However, it is his opinion, in all the circumstances, that at present it would not be in the public interest to prosecute Bell Express Vu.

Mr. Butt bases his opinion in part upon the careful steps apparently taken by Bell Express Vu to avoid any further broadcast of similar material, as outlined in their letter to you dated May 7, 2001.

As a result of Mr. Butt's opinion, I have sent the original of the attached letter to Bell Express Vu. I have advised them that if they have not been forthright in their May 7 letter to you or they continue to be involved in the distribution of obscene material, then the Toronto Police Service and Mr. Butt would certainly be prepared to reconsider a prosecution against them.

Thank you for bringing this information to our attention.

A handwritten signature in black ink, appearing to read "Roy Pilkington".

Roy Pilkington
Unit Commander
Sexual Assault Squad

Enclosures



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Julian Fantino
Chief of Police

File Number:

2001.06.12

David McLennan
President & Chief Operating Officer
Bell ExpressVu
115 Scarsdale Road,
Toronto, Ontario
Canada M3B 2R2

Dear Mr. McLennan:

Re: Complaint in Relation to Bell ExpressVu Adult Programming

On April 2, 2001 Valerie Smith wrote a letter of complaint to the Toronto Police Service regarding the Adult Programming displayed by Bell ExpressVu as depicted by the CBC television program the Fifth Estate aired March 28, 2001.

The Toronto Police Service requested the legal opinion of Mr. David Butt, Assistant Crown Attorney with the Ministry of the Attorney General and an expert in Canada's obscenity laws.

It is the opinion of Mr. Butt that the materials allegedly distributed by Bell ExpressVu are obscene under the Criminal Code. However, it is his opinion, in all the circumstances, that at present it would not be in the public interest to prosecute Bell ExpressVu.

Mr. Butt bases his opinion in part upon the careful steps apparently taken by Bell ExpressVu to avoid any further broadcast of similar material as outlined in your letter to Valerie Smith dated May 7, 2001.

I have advised Valerie Smith that if you have not been forthright in your May 7 letter to her or you continue to be involved in the distribution of obscene material, then the Toronto Police Service and Mr. Butt would certainly be prepared to reconsider a prosecution against Bell ExpressVu.

I hope that the response you received as a result of your Adult Programming has left you with an indication of not only the manner in which the public holds you accountable but also of the measures that the Toronto Police Service are willing to take to uphold community standards.

Roy Pilkington
Unit Commander
Sexual Assault Squad