

To the Members of the Toronto Police Services Board
August 21, 2024

Thank you for this opportunity to provide input into your deliberations as you update Toronto policing policy relative to public order. Given events in this city since October 7th, 2023, it is a timely subject for consideration.

Thanks to Toronto Police Officers

There is nothing easy about being a police officer anywhere, and our city is huge, and complex. I want to begin by thanking the TPS for the work they do. I appreciate the effort that Toronto Police Service has made during these difficult times, and believe there is much that can be done to ensure Toronto's police are able to ensure all communities in this city feel equal, and equally protected, under the law.

A bit about me

I am a 62 year old recently retired educator and the former president of the Ontario Secondary School Teachers Federation, Toronto local. I consider myself to be a progressive thinker, and take great care to be respectful of the right to free speech. I have a deep understanding of systemic racism, the principles of equity, diversity and inclusion, and the ongoing need for education and training as the world evolves. I am also Jewish.

Feelings of fear

In my lifetime as a Jewish Torontonians, I have unfortunately experienced both microaggressions and outright antisemitic behaviours, however I have never felt afraid to openly identify as a Jewish person. Most often, engaging the person and explaining how what they said impacted me was heard and understood by that person, and we ended on good terms. All of that has now changed.

When you combine the protests and occupations that have ensued in Toronto since the October 7th, 2023 invasion of Israel by Hamas with what appears to be a lack of clarity within and among those responsible for law enforcement about what constitutes hate speech and acts of hate; a lack of understanding about what antisemitism is, what it looks like and what it sounds like; and what appears to be a lack of preparedness and/or willingness to respond to hate violations that occur during large public demonstrations, I am left feeling vulnerable and afraid because I am a Jewish.

Appearances of inconsistent/lack of enforcement

It honestly seems as if there is confusion within and among law enforcement about what constitutes hate speech; antisemitic hate speech; acts of hate; antisemitic acts of hate; and about whether or how to handle such incidents during public demonstrations. There has been either a complete lack of enforcement of hate laws, or an inconsistent approach. Either way, I no longer feel safe in my own city.

The complexities of free speech/hate speech boundaries

I have a great appreciation for the difficult position in which Toronto Police officers find themselves in relation to protests. They are responsible for ensuring the protection of participants and bystanders; for ensuring rights are balanced. It is apparent however, that as is true of many people in Toronto, individual officers may not understand where the line is drawn between free speech and hate speech. Further, Toronto Police as an institution doesn't appear to understand what constitutes hate against the Jewish community; what constitutes the modern version of antisemitism.

Recommendations

Feeling unsafe - mask wearing

As someone who has participated in many rallies, marches, pickets and protests over her lifetime, it has never once occurred to me that I should conceal my identity. To conceal one's identity while engaged in a peaceful or peace-seeking protest seems antithetical to those goals and also intentionally threatening. Who else wears masks in our world (other than trick or treaters), except for those who pose a danger or who have mal intent?

I understand from research that I've done that wearing a mask during a protest is not in and of itself illegal, but if I understand the law correctly, wearing a mask while committing a criminal offense, is.

I understand that the Toronto Police Board is not responsible for making law, but having a policy in support of the creation of a particular law may go a long way to getting politicians to listen.

Therefore I recommend that the policy of public order include the following policy statements: It is the policy of the Toronto Police Services Board that:

- There be a law prohibiting concealment of identity during public demonstrations and
- Police officers should always charge public demonstrators who commit a crime while wearing a face covering with that offense, in addition to any other appropriate charges.

Feeling unsafe - hate speech

Hearing people chant, shout and scream hate speech during demonstrations has added to my sense of vulnerability, particularly since few charges have been laid, leaving the impression that people can be hateful with impunity in this city.

Therefore I recommend that the policy of public order include the following policy statements: It is the policy of the Toronto Police Services Board that:

- There be zero tolerance on the part of Toronto Police for the use of hate speech at all times, and for the purpose of this document specifically, during public demonstrations;
- That police officers take appropriate action whenever they become aware of the use of hate speech;

- There be zero tolerance on the part of Toronto Police for acts of hate including 'mischief' at all times, and for the purpose of this document specifically, during public demonstrations;
- Police should take appropriate action whenever they become aware of anyone engaging in an act of hate;
- That police officers engage in hate crime enforcement during all public demonstrations, and will do so equally on behalf of all communities.

The need for ongoing education and training

As a Jewish Torontonian who has spent much time in the labour union movement, I have always been exposed to and aware of criticism of Israel. I unequivocally support the right to freedom of expression; the right to criticize any government/government policy. It has become painfully clear however, that many people do not understand where the line between acceptable criticism of Israeli government policies ends and antisemitism begins.

It is my observation that Toronto Police officers are no different in this regard, yet the government of Canada and of Ontario have both recognized the same definition of antisemitism, so there should be no question in the minds of police officers as to what constitutes antisemitic speech or actions. One can only assume therefore that Toronto Police officers are either under-educated about antisemitism, ill-equipped to lay hate speech charges, or feel politically unsupported in the laying of hate speech charges.

Therefore I recommend that the policy of public order include the following policy statements:

It is the policy of the Toronto Police Services Board that:

- The Toronto Police Services Board recognizes the definition of antisemitism as is also recognized by the Ontario and Canadian governments
- When police are assessing speech or actions for antisemitism, they are to use the Canada/Ontario-accepted definition of antisemitism
- The Toronto Police Services prioritize regular, ongoing education and training of all Toronto police officers that specifically includes:
 - What constitutes hate speech;
 - What constitutes an act of hate;
 - The history of antisemitic symbols and hate speech in Toronto, Ontario, Canada and the world, and the impact of this history on many of today's Toronto residents who are Jewish;
 - Canada and Ontario's currently recognized definition of antisemitism;
 - Information and regular updates about current symbols, tactics and language used by today's antisemites and other hate-mongers;
 - Training for making arrests of people engaged in hate speech or acts of hate at public demonstrations.

Feeling unsafe - where demonstrations are allowed to occur

Adding to my disquiet and rising fear as a Jewish Torontonian is the increasingly invasive locations of demonstrations as they moved away from government buildings and focused instead on synagogues; businesses; highway overpasses; neighbourhoods with higher numbers of Jewish residents, etc.

I reiterate that I understand the Toronto Police Services Board is not responsible for the creation of laws, but again I do believe it would carry weight if your policy regarding public order were to include a statement in support of safety zones in our city, i.e. places where it would be illegal to hold a demonstration.

Therefore I recommend that the policy of public order include the following policy statements:

It is the policy of the Toronto Police Services Board that:

- The appropriate level(s) of government create safety zone laws to prohibit public protests in particular spaces;
- Safety zones in Toronto include specific boundaries around places of worship; private property; residential streets; and the blockage of safe passage to a person's home or business.

Using recordings

One of the things I have become very aware of is how outnumbered police seem to be relative to the large demonstrations we have seen. As someone who has participated in and organized picket lines, marches and protests, the role of police has always been supportive, and as much to protect those of us engaging in our right to freedom of speech and association as for any other reason. When protests veer into the realm of criminal behaviour, police may not deem it safe to act immediately. This means those engaging in illegal acts or speech may not ever be held to account.

It has also become apparent that in the use of languages other than those official to Canada, hate speech can occur with complete impunity.

Therefore I recommend that the policy of public order include the following policy statements:

It is the policy of the Toronto Police Services Board that:

- All public demonstrations be recorded;
- All demonstration recordings be reviewed in a timely manner for evidence of criminal behaviour;
- Where speeches at public demonstrations use languages other than English/French, translations of recordings are made in order for police to analyze speech for the presence of a breach of hate laws.

In closing, I want to again thank the board for your service to our city, and for your commitment to ensuring that your Policies create the conditions within which policing of our city can occur such that all communities feel equally safe and protected.