**Toronto Police Accountability Coalition**

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To: Toronto Police Service Board,

https://tpsb.ca/public-order-policy

This is our response to the public consultation initiative related to the development of a new Board Policy dealing with public order.

The new policy should focus on three changes to the existing policy:

a) The *Charter of Rights and Freedoms*

The right to protest and express opinions is guaranteed by the *Canadian Charter of Rights and Freedoms*. This means that the actions of police are constrained by the *Charter*, and it is necessary that the new policy conforms to the requirements of the *Charter*.

The use of informants and infiltrators by police causes distrust of police and is indicative of their bias against some people who are exercising their *Charter* rights. The use of undercover infiltrators and informants also has a recognized chilling effect on association, assembly, and free expression. For these reasons, informants and infiltrators will not be used by police unless there is a reasonable suspicion of the possible use of violence at the event.

b) Event organizers should be largely in charge of protests.

Currently, police attempt to assume control over any protest. In almost all cases, event organizers are entirely capable of doing this themselves, and they assign event marshals to ensure order is maintained. Before an event, police should get touch with event organizers so both parties can identify personnel to talk to during the event. Only in cases where the event does not have marshals and the situation is getting disorderly should the police intervene. In short, police should pay due respect to the event organizers.

c) The primary role of police should be traffic management.

The presumptive primary role for police at demonstrations should be traffic management, to ensure that drivers know the options available to them, and that no one is injured by vehicles. This can best be done working co-operatively with event organizers.

Officers present at protests and demonstrations should maintain complete neutrality**.**

Further, the Toronto Police Service should use this review to consider opportunities to use civilians in some of the roles that are currently filled by armed police officers at public demonstrations. For example, many of the roles involved in guiding traffic and communicating with drivers could be filled by civilians. When counter protestors or agitators are present, civilians with expertise in de-escalation and conflict resolution could be empowered to engage with them to divert and prevent confrontation. Similarly, civilians with expertise in human rights and equity could respond to complaints of oppressive comments or allegations of human rights violations.

Attached is our rewrite of a model policy for protests and demonstrations

Yours very truly,

John Sewell for

Toronto Police Accountability Coalition

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Proposed public order policy of the Toronto Police Service

1. The Charter of Rights and Freedom states:

**Section 2:** Everyone has the following fundamental freedoms: **(a)** freedom of conscience and religion; **(b)** freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; **(c)** freedom of peaceful assembly; and **(d)** freedom of association.

All members of the Toronto police service must work to ensure that these rights are protected, particularly during demonstrations and protests.

2. The role of the police at these types of activities must be one of complete neutrality. Individually, and collectively, on-duty officers must not express opinions or take actions which indicate agreement or disagreement with the views of those involved; instead officers must, through their words and actions, support and protect these fundamental freedoms.

3. Informants and infiltrators will not be used by police unless there is a reasonable suspicion of the possible use of violence at the event.

4. Police officers should only become involved at protests and demonstrations when there is a significant breach of the peace or a significant violation of provincial and/or federal law, or when there are evidence-based grounds for reasonable suspicion that such a breach or violation will occur.

5. Demonstrators’ rights and freedoms, enshrined in the *Charter*, must be considered, and inform any and all police intervention meant to protect the rights of land owners in the lawful use and enjoyment of their property.

Role of Police Officers

6. Upon receiving information that a protest or demonstration is in progress or is about to take place, officers shall

* contact the event organizers and/or marshals and co-operate with them to help ensure the event is orderly;
* notify the communications operator of
* the location;
* size, temperament and composition of crowd;
* reason for assembly; and
* any need for immediate assistance;
* confirm with communications operator that a supervisory officer is attending; and
* notify the Officer in Charge of the division concerned.

7. Upon arrival at the scene of a protest or demonstration, officers shall

* become familiar with the circumstances surrounding the event;
* immediately make contact with the event organizers and/or marshalls and co-operate with them to help ensure an orderly event;
* prevent any breach of the peace;
* ensure persons and vehicles have reasonable access to the premises concerned and are not intimidated or interfered with while respecting the fundamental freedoms in the *Charter*; and
* maintain a position of impartiality in dealing with all parties involved.

Supervisory Officer

8. Upon receiving notification of a protest or demonstration in progress, the supervisory officer shall

* proceed to the scene and assess the situation;
* make contact with the event organizers and/or marshals and co-operate with them to help ensure an orderly event;
* advise the Officer in Charge;
* detail a sufficient number of police officers to the scene;
* emphasize to personnel assigned the need to protect the fundamental freedoms set out on the *Charter of Rights and Freedoms* and to act in an impartial manner.

9. In the event of a violent demonstration or protest, the supervisory officer shall notify the Officer in Charge - Toronto Police Operations Centre.

10. In the event of a major protest or demonstration that may entail the use of a large number of police officers, the supervisory officers shall notify the appropriate Staff Superintendent who will take charge of the incident, and notify the Deputy Chief - Priority Response Command and Deputy Chief - Communities & Neighbourhoods Command of all the particulars