

Peter Wallace, City Manager

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November 2, 2017

City Clerk
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Madam Clerk,

Response to Administrative Inquiry Re: Hate-Sponsored Rallies such as Al Quds Day

Councillor James Pasternak submitted an Administrative Inquiry under Municipal Code S27-61 to seek clarification regarding any potential options available to the City of Toronto to prevent hate-sponsored rallies from taking place on city or provincial property in Toronto.

The basis of the Administrative Inquiry is to seek answers to the following question:

1. Do the Toronto Police Service or City of Toronto have the ability and what resources could they utilize to prohibit a rally that is inciting hate and violence, such as Al Quds Day, white supremacist or neo-Nazi rallies, from taking place on city or provincial property in Toronto?

The attached response from Anthony Paoletta, Acting Inspector of the Toronto Police Service, dated October 17, 2017, provides additional information with regard to the role of the Toronto Police Service.

With regard to "a rally that is inciting hatred and violence" on City property, the City will not tolerate, ignore, or condone illegal discrimination or harassment including any rally that incites hatred and/or violence against groups or persons. The City is committed to promoting respectful conduct, tolerance and inclusion when permitting the use of public space and City facilities. In addition, groups who wish to use City facilities through a permit must sign a declaration of compliance with anti-harassment and discrimination legislation, including the Human Rights Code.

Sometimes there are rallies and protests that appear on Nathan Phillips Square and other City property without staff knowledge or without the issuance of a permit. The public has the right to assemble on City squares and to express their views. If activities occur at a rally on a City square that jeopardize public safety or if the rally incites hatred or violence against a group, these actions will not be tolerated. City Security staff will call Toronto Police Service for assistance, investigation and appropriate action. Please see the previously mentioned attachment from the Toronto Police Service for additional information.

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It is important to note that certain activities are protected by the Canadian Charter of Rights and Freedoms. What specific actions may be permitted would require analysis and legal advice that considers the rally or protest as it occurs at a City space, especially where one occurs without a permit.

In relation to legislative precinct, decisions and rules relating to permitted activities on provincial property are a provincial matter. Any actions would therefore be a consequence of provincial rules.

Information on the use of the Legislative Grounds can be found here:
<http://www.ontla.on.ca/lao/en/getting-involved/use-of-assembly-grounds/>

The City of Toronto's Legal Services was consulted in the preparation of this response.

Sincerely,

Giuliana Carbone
Deputy City Manager, Cluster A

cc: Mark Saunders, Chief of Police, Toronto Police Service
Anthony Paoletta, Acting Inspector, Toronto Police Service

Enclosure



Toronto Police Service

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Mark Saunders
Chief of Police

File Number:

October 17, 2017

Toronto City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Members of City Council:

Re: City of Toronto Administrative Inquiry (under Municipal Code S27-61) regarding Hate-Sponsored Rallies

The following response is provided in relation to your correspondence dated September 19, 2017, in respect to a City of Toronto Administrative Inquiry (under Municipal Code S27-61) regarding Hate-Sponsored rallies, wherein the question posed was:

"Do the Toronto Police Service or City of Toronto have ability and what resources could they utilize to prohibit a rally that is inciting hatred and violence, such as Al Quds Day, white supremacist or neo-Nazi rallies, from taking place on city or provincial property in Toronto?"

With most events, including demonstrations, the Toronto Police Service - Special Events section at Emergency Management and Public Order is notified of the time, date and location of the event. This notification is received from either the City of Toronto, or from private citizens and community members. This notification to Special Events is not a mandatory requirement. It is only a courtesy to inform police that the event will be taking place. The Special Events section does not approve or decline requests for events. When this type of a notification is received by the Toronto Police Service, an internal notification process is initiated.

The Toronto Police Service Intelligence - Security Section is notified of events, including demonstrations by Special Events. The Intelligence - Security Section reviews the information and prompts the following actions to occur with every notification:

- An Event Assessment (EA) may also take place for larger events. If it is determined that an EA is required, one will be drafted. This is usually the case for events, and or demonstrations that have the capacity to have a significant impact on city business, police resources, or public safety in the City of Toronto.
- The EA is an evaluation of the event and the persons expected to participate, it is not a recommendation of deployment or resources.
- The hosting division will conduct a subsequent assessment to determine the appropriate deployment of police resources, if required.

Intelligence – Security Section may also become aware of demonstrations or events scheduled to take place through social media and information provided by members of the community. In such cases, the process is parallel, and the required notifications and related assessments are conducted.

Response to contentious events/demonstrations

The Toronto Police Service Intelligence - Security Section commonly learns of contentious or controversial events held in the City of Toronto, such as the Al Quds Day, Ashura Procession, numerous M-103 Rallies, and right wing groups such as the Proud Boys gathering at Queens Park.

Historically, these events are planned as peaceful, albeit controversial, demonstrations to voice concern, opinion or beliefs. These events are protected under Section 2 the Charter, as a fundamental freedom. Fundamental freedoms include freedom of expression, freedom of religion, freedom of thought, freedom of belief, freedom of peaceful assembly, and freedom of association.

To date, the Toronto Police Service is not aware of any planned hate-sponsored event. However, several demonstrations have prompted hate crime reports (ie. complaints of statements made or messages conveyed during the rally which may constitute Wilful Promotion of Hate contrary to the Criminal Code of Canada). In the past, contentious events have attracted counter-protests, most recently with M-103 Rallies, with ANTIFA (Anti-Fascists) attending to disrupt the organized demonstration.

The Toronto Police Service Intelligence – Security Section often becomes aware of the possibility of counter-protest, the potential of conflict, or even violence. This information is disseminated internally to assist Divisional Unit Commanders in deploying sufficient police resources and assets to preserve the peace, not to interfere with the organized, Charter-protected, demonstration.

Response to Hate Crime occurrence stemming from an Event

In the event a Hate Crime is reported as a result of a statement or message conveyed during a demonstration, a Toronto Police Service General Occurrence (GO) is generated and the Hate Crime Unit conducts an investigation.

In the event that the evidence gathered during the course of the investigation justifies the laying of a criminal charge of Wilful Promotion of Hate, a complete investigative package is submitted to the Ministry of Attorney General for review and consideration. The Ministry of the Attorney General must approve all Hate Propaganda charges prior to charges being initiated by the police.

Yours truly,

A handwritten signature in black ink, appearing to read 'A. Paoletta', written over a horizontal line.

Anthony Paoletta (99473)
Acting Inspector
Toronto Police Service