



# Alejandra Bravo

CITY COUNCILLOR | CHAIR, ECONOMIC & COMMUNITY  
WARD 9 • DAVENPORT | DEVELOPMENT COMMITTEE

Toronto Police Service Board  
40 College Street  
Toronto, ON M5G 2J3

August 30, 2024

## **RE: Public Order Policy Consultation**

To the Members of the Toronto Police Service Board:

Freedom of expression and assembly are universal rights and constitutionally guaranteed for all Canadians. The exercise of these rights is foundational to our democracy. These must be always preserved in Toronto, including and especially during times of political debates and contestation.

Dissent and peaceful protest have a long historical presence in Canada and are vital to the operation of a viable democracy. “A public protest is taken to mean a collective public gathering to express criticism of – or support for – particular policies, governments, public officials, or social issues, using verbal or non-verbal forms. The ability to publicly critique government is important in Canada and a key component of our political system.”<sup>1</sup> Our Charter of Rights and Freedoms is intended to ensure that everyone in Canada can practice the same freedoms of assembly and expression.

In Toronto, the obligation to respect these rights has been thoroughly examined by the provincial agency responsible for policing oversight in the report on enforcement in the wake of the G20 protests. *Policing the Right to Protest: G20 Systemic Review Report* clarifies that police services have a responsibility to protect and facilitate the opportunity for people to protest peacefully. It warns that failing to do so would be counter to Canadian democratic principles and jeopardize several Charter rights. It is a reminder that the powers afforded to police must be used in relation to their duties, and must be justifiable relative to that duty according to established Canadian law.

It is fundamental that the Toronto Police Service Board’s Public Order Policy does not place arbitrary limitations on expression and assembly. While individual rights and freedoms under the Charter are not absolute, Canada’s existing laws already impose some lawful restrictions on certain forms of expression and assembly within limits, and provide for protection against hate speech which is defined in the Criminal Code

---

<sup>1</sup> Gerry McNeilly, *Policing the Right to Protest: G20 Systemic Review Report (2012)*. Office of the Independent Police Review Director. Retrieved from [https://leca.ca/wp-content/uploads/G20-Systemic-Review-2012\\_E-compressed.pdf](https://leca.ca/wp-content/uploads/G20-Systemic-Review-2012_E-compressed.pdf)

according to specific legal tests. Activities which are already illegal must not be conflated with the fundamental right to freedom of expression and assembly.

The present moment is one characterized by robust, and sometimes polarized, political debate regarding several contemporary global, national, and local issues. It is in these times that the commitment to upholding the Charter-protected right to protest for all residents of Toronto becomes even more urgent.

The Toronto Police Service Board's Public Order Policy, and the resulting procedures which are developed by the Chief of Police, should include and/or be informed by the following:

1. Ensuring that any policing of protest, demonstration, or other public order situations are consistent with the Ontario Human Rights Code and the Charter of Rights and Freedoms; and
2. Fully implementing the recommendations contained within the *Policing the Right to Protest: G20 Systemic Review Report (2012)* issued by the Office of the Independent Police Review Director.

It is crucial for everyone to recognize that we must uphold these rights for each other, despite and across our differences. Attempts to limit certain kinds of expression, found to be uncomfortable or even offensive to some, are a threat to the viability of our democracy and must be evaluated within the context of our fundamental rights and the public good.

Sincerely,



Alejandra Bravo  
City Councillor  
Ward 9 • Davenport