

**Public Consultation Letter to Toronto Police Board re: O. Reg. 392/23: ADEQUATE AND EFFECTIVE POLICING (GENERAL)**

**8/29/2024**

Dear Members of the Police Board,

This is Social Planning Toronto's response to the public initiative aimed at developing a new public order policy.

We are deeply concerned about the Toronto Police Service's (TPS) heavy-handed presence and increasing crackdown on peaceful protests and picket lines across the city. Having many officers present at peaceful public gatherings cost the force [around \\$30 million, with 103 uniformed officers and 40 civilians, in the year 2023](#). We hope that this consultation process leads to significantly improved policies and practices around public demonstrations and gatherings, including more efficient, effective, and evidence-informed uses of public safety resources.

In recent months, the troubling trend of officers using excessive force and violence has been particularly evident in demonstrations [advocating for Palestinian human rights, where protesters have faced disproportionate and aggressive policing](#). Moreover, the recent [arrest of a CUPE 3903 picketer near York University](#) in 2024 is a stark example of this escalating suppression of free expression and assembly. Such actions undermine the rights of individuals to protest and voice dissent, as enshrined in the Canadian Charter of Rights and Freedoms, and they send a chilling message to all who stand up for social justice and human rights.

As our city continues to see a concerning rise of Islamophobia, anti-Palestinian racism, and anti-Semitism, Social Planning Toronto welcomes any initiative that combats hate crimes and violence while protecting the right to protest, a crucial cornerstone of a free and fair democracy. It is imperative that these rights are upheld and that any actions by law enforcement align with the principles of justice, equity, and respect for human rights.

The policy bylaws *O. Reg. 392/23: ADEQUATE AND EFFECTIVE POLICING (GENERAL)*, can be significantly improved, especially in regards to ensuring that the section on public peace and response is not misused to suppress picket lines and peaceful protests. There is a need to address the issue of excessive force by officers against picketers and peaceful demonstrators. Hence, we outline the following recommendations.

- a) **Respect charter rights of the freedom of peaceful assembly:** TPS policy must explicitly acknowledge, incorporate and uphold the Canadian Charter of Rights and Freedoms, especially the fundamental rights to peaceful assembly and expression. Any new and amended policing policy must strictly acknowledge and comply with the Charter's guarantees. The use of informants, infiltrators and violence by police can erode public trust and create a highly negative effect on freedom of association, assembly, and expression.
- b) **Reshape the role of police and increase community collaboration:** TPS should significantly reduce its presence and role in policing public demonstrations and protests. Instead of assuming control over certain events, police should primarily focus on traffic management. Event organizers, who are often capable of maintaining order with the help of volunteers, should have more autonomy in managing their protests. Police should only intervene in exceptional cases when the situation becomes dangerous - i.e. where 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. To enhance cooperation and avoid unnecessary confrontation, police should work closely with event organizers before and during events. Additionally, the police service should explore opportunities to replace armed officers with civilians in roles like traffic management, de-escalation, and human rights advocacy. This would reduce tensions and promote a more community-oriented approach to managing public gatherings.
- c) **Prioritize De-escalation:** The policy should explicitly prioritize de-escalation tactics before considering the use of force. Outline strict guidelines requiring officers to exhaust all reasonable de-escalation techniques before using force, especially in peaceful protests or demonstrations, emphasizing that it should be the last resort and proportionate to the situation.
- d) **Training Requirements:** Within your policy, mandate regular training for officers on handling peaceful protests and picket lines, respecting rights, practicing neutrality, and minimizing confrontation. Officers should receive comprehensive training on de-escalation techniques, crowd management, and civil rights protection, particularly in the context of protests and demonstrations. Consider mandating ongoing training for officers on relevant topics, including human rights law, cultural sensitivity, and implicit bias.
- e) **Clear Penalties for Misconduct:** Add a policy section detailing penalties for officers who use excessive force against protesters or picketers, including suspension, termination, and criminal charges, depending on the severity of the offense.

- f) **Independent Oversight:** Establish an independent body to review incidents involving the use of force during protests or picket lines. This body should have the authority to investigate and recommend disciplinary actions. The policy should establish a robust system for investigating and addressing excessive force or misconduct complaints, including independent oversight mechanisms. Consider requiring officers to document their use of force in detail, including the reasons for their actions and any de-escalation efforts made.
  
- g) **Regular Reporting on Incidents:** Mandate in your policy that law enforcement agencies regularly report on their handling of protests and picket lines, including any use of force and the outcomes of any investigations into misconduct. Consider requiring officers to document their use of force in detail, including the reasons for their actions and any de-escalation efforts made.

By implementing these recommendations, TPS can strengthen its commitment to protecting human rights and ensure peaceful protests and picket lines are handled respectfully and lawfully.

Signed,

A handwritten signature in black ink, appearing to be "Jin Huh".

Jin Huh  
Executive Director, Social Planning Toronto  
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