

## Submission to the Public Order Policy Consultation.

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In my opinion, the Toronto Police Service has completely failed to protect communities and provide safe public spaces since October 7, 2023. Through their inaction, they have told protesters that they can unlawfully block streets and sidewalks, intimidate passers by and local residents, and threaten counter protesters with near complete immunity.

I understand that the strategy is to “keep a lid on events,” and prevent a protest from becoming a riot. But like some other harm reduction approaches, the effect is to simply replace one kind of harm with another and to force others to suffer.

Much has been made of the problem police have in having to discriminate between free speech and hate speech. This problem arises mainly in the context of larger protests. These are in turn characterized by blocking of streets and sidewalks, blocking access to public buildings and businesses, and threatening actions and shouts. In no way could these be described as “peaceful assemblies.” These activities, regardless of their sometime legitimate goals are in themselves illegal. Wearing masks and face coverings is illegal in this context as is uttering threats. Police can use these simple tools instead of worrying about being sued under in a Charter case.

These situations arise because, from the beginning, police have failed to enforce the laws that are available to them. Protesters quickly learn that illegal actions are tolerated and will continue to be tolerated. There is no reason for them to do anything but repeat their behaviour and push the boundaries.

Police have stated that people are being arrested, but quietly and after the fact. This effectively means that few people are aware of these consequences. Again, since there are effectively no consequences, demonstrations grow and become more aggressive and the situation now is that making an arrest at the scene can truly be dangerous for the police.

Possibly the most obvious example of police failure is the repeated road blockages at Avenue Road and Wilson. The first one of these could be considered a surprise. The second time was simply protesters learning that it worked before. The third, and fourth, and fifth times were police failures. Failure to prevent a demonstration that should surely have been expected; that has repeatedly displayed illegal activity; and failure to disburse protesters the first time they did so. That the police were following their play book was shown when a spokesperson explained the actions of a policeman who delivered coffee to a demonstrator as “crowd management and de-escalation.” I hope that the policeman wasn’t disciplined since he was doing what was expected of him – both by his superiors and by the demonstrators.

Jewish institutions and “Jewish” businesses have been firebombed, shot at, defaced, and blockaded. Jews including children and elderly have been screamed at at the entrances to their synagogues and at their community events. The perpetrators, even the masked cowards who act at night, have been emboldened by the implied message that this is OK. Police, and indeed, the mayor whose silence is deafening, will say that this is not the message they are sending, but it is the message that the perpetrators are hearing. Continuing the same way will only produce the result that we have already seen.

### Action Items

1. Large protests are organized protests and today, the mechanism for doing this is social media. The organizers of these, individuals and groups, are not hiding or unknown. **Police must actively**

**monitor these channels** so that they can be properly staffed and in place before demonstrators arrive.

2. **Enforce the law.** If demonstrators break the law, the police must act and be seen to act. A protest becomes an illegal assembly when laws are broken, regardless of the organizers' intent.
3. Senior officers who speak at community events must give the message that intimidation and harassment is not going to be allowed. **They must give this message consistently.** Talking about "antisemitism and Islamophobia" in synagogues and "making the community safe in the face of Islamophobic hate" in mosques tells listeners that the TPS places the safety of Muslims over that of Jews.
4. If this consultation is going to be perceived as an honest attempt to make things better, the TPSB must not just produce a list of priorities and procedures. It must accompany these with material that fairly characterizes the submissions that they received. **They must publicly document not just what was decided, but also what they heard. They must also provide**