

**CITY OF HAMILTON
CORPORATE SECURITY OFFICE REPORT (CSOR) 19-001
HATE RELATED ACTIVITIES ON CITY OF HAMILTON PROPERTIES**

BACKGROUND

The public sphere area in front of City Hall has been a gathering point for various groups to display messaging and information to the public. Since January 2019, one group with consistent members but under various self-descriptions has attended typically every Saturday in varying numbers. At times, this group has had negative interactions with other groups and members of the public who appear to challenge their messaging and those interactions have resulted in physical and violent altercations that required Hamilton Police intervention to maintain the peace.

Demonstrations at the City Hall forecourt that have been attended by various parties and resulted in violence have negatively impacted scheduled SEAT (Special Events Advisory Team) events.¹ Parties involved in the demonstrations have remained on the exterior of City Hall during their gatherings, however recent events have left various stickers and posted on light posts, the “HAMILTON” sign in front of City Hall, the LED sign on Main Street and on pillars to City Hall with promoting messages and campaigns. Some of these stickers have also been marked to alter the original message using a black marker and, in some areas, black spray paint has been used to cover over the entire sticker.

On June 15 2019 during the 2019 Hamilton Pride event in Gage Park, members representing various groups and members of the public were involved in an altercation that resulted in injuries being received in varying severity and remains an active Police investigation.

COUNCIL MOTIONS

On December 11, 2013, Council passed a motion reinforcing the use of the City Hall Forecourt as a space for public demonstrations and protests, and that there should be no cost to do so. Council directed that the Special Events Advisory Team (SEAT) coordinate with protest organizers, where advanced notice of a protest is given.

On March 28, 2018, Council passed a motion directing staff to investigate and report on ways to mitigate the use of City park and public spaces by "hate groups" in consultation with various groups.

On June 26, 2019, Council directed that staff gather evidence and bring a court injunction preventing certain individuals from future protests on City-owned properties.

¹ June 1, 2019 SEAT ParticipAction Community Event

REPORT OBJECTIVES

The objective of this report is for the Corporate Security Office in the Energy, Fleet and Facilities Management (EFFM) division in Public Works to;

- Contribute towards the GIC Report LS19031 / PW19068.
- Contribute towards the Council Report by the City Manager Office in the Fall of 2019.
- Investigate and review the current abilities (resources) and tools (equipment) at City Hall to contribute to the collection of evidence to support a court injunction as directed by Council on June 26, 2019.
- Research and identify the Bylaws, Policies and Procedures of other Canadian municipality Corporate Security Office's in the balance of municipal asset preservation, civic engagement on municipal property and peaceful enjoyment and use of public open space area.

SCOPE

The Corporate Security Office will be providing a scaled approach and response to its reviews. Initial recommendations on items that need to be actioned as soon as possible are provided in this report, specifically for the City Hall property. Additional recommendations are expected to be delivered in a follow-up Corporate Security Office report in the Fall of 2019 after the full review and analysis of the scope of this report is completed. The Corporate Security Office is currently conducting research related to the request from Council, including referencing several internal City policies and procedures for their application and commitments, legal case law where matters between municipalities and the public have been challenged, as well as municipal partner benchmarking. The Corporate Security Office is also reviewing the current physical security technology located at City Hall. This technical review is to ensure its effectiveness where matters of evidence collection to support lawful investigations require surveillance video that may be used for evidentiary purposes in court. The Corporate Security Office will also be providing proposed recommendations related to physical environment changes to City Hall and its exterior ground, to reduce the impact and likelihood of risk to Members of Council, City staff and members of the public who wish to exercise their rights through peaceful assembly in the public sphere realm.

The following internal City policies are being reviewed for their potential application to this matter;

- Code of Conduct for Employees Policy (Schedule A – Conflict of Interest, Schedule D – Outside Employment and Activity)
- Code of Conduct Procedure

- Harassment and Discrimination Prevention Policy
- Personal Harassment Prevention Policy
- Violence in the Workplace Prevention Policy
- Violence in the Workplace Prevention Procedure
- Recreations “Zero-Tolerance” program
- R-Zone program, currently under development

The following legislated and governance aspects are being reviewed for their potential application to this matter;

- Criminal Code of Canada
- Canadian Charter of Rights and Freedoms
- Federal Case Law (Freedom of Expression Challenges)
- Provincial Case Law (Trespass to Property Act, Municipal Act)
- Provincial Legislations (Trespass to Property Act, Occupiers Liability Act, Municipal Act)
- Hamilton Municipal By-Law’s
- Information and Privacy Commissioner of Ontario (IPC) – Guidelines for the Use of Video Surveillance

The following Canadian municipalities are being benchmarked through Corporate Security’s networking partnerships for their potential application to this matter;

- City of Toronto
- City of Ottawa
- City of Brampton
- City of Mississauga
- City of Guelph
- Region of Niagara
- City of Calgary
- City of Edmonton
- City of Markham
- City of Vaughn
- City of Burlington
- Town of Oakville
- City of Oshawa

FINDINGS

Signage on the exterior of City Hall does not identify the expectations related to behavior and conduct for persons who enter the property and use its services and facilities. Existing exterior signage related to surveillance technology does not appear to capture all regular entry points to the property to ensure notice at all entry points for pedestrian and vehicle traffic.

Security staff (City and contracted) require additional education and training on the collection, review and analysis of camera surveillance records, sign and verbal messaging and physical materials for determining if hate messaging as defined by the Criminal Code of Canada has been used by members of the public in their attendance and participation in gatherings at City Hall.

City staffing resources in the Corporate Security Office in working collaboratively with Hamilton Police during gathering events at City Hall are likely to impact negatively through the delayed delivery of planned projects and services to City staff and internal client's city wide.

City Hall does not currently have safety mitigation tools such as pedestrian barriers and railings that are used by Hamilton Police in the enforcement of keeping the peace during rallies and demonstrations where separation of opposing sides is an effective tactic. Hamilton Police have recently rented for a short term, pedestrian barriers to support peaceful gatherings at City Hall, however the ownership and storage of this material by the City would allow for quick and effective deployment for future events as they arise.

The current surveillance camera technology on the exterior of City Hall is a hybrid of older and new equipment, however its current methodology and application provides general surveillance and significant areas without coverage. The current placements and types of camera technology do not provide records that are sufficient for evidentiary purposes rather than general surveillance coverage. The enhancement of the exterior surveillance cameras would be able to use the existing cabling and recording infrastructure in place already.

The City Hall forecourt area provides an open area for the peaceful enjoyment of the space, however during times of congested congregation by the public and staff, physical barriers to control and prevent pedestrians from entering intentionally where the sidewalk may be blocked or accidentally into live traffic lanes are not currently in place. Additionally, mitigation tools and measures to prevent vehicle penetration into the forecourt at all times are not in place.

Assemblies and demonstrations take place both during normal working hours as well as after normal working hours including evenings and weekends. Currently, trained staff resources are inadequate to ensure that peaceful assemblies and demonstrations can take place on City Property including not only City Hall but other City owned facilities.

RECOMMENDATIONS

1. Corporate Security Office in coordination with Facility Management, Human Resources and Corporate Communications, produce and post signage to notify all persons entering the City Hall property of the expectations related to

behaviour and conduct while on City property, and the City's Zero Tolerance approach regarding harassment, discrimination, hate, violence and criminal behaviour, including the collection of evidence to support law enforcement investigations. A sample image of this signage is attached to this report as "Appendix A – Sample Signage"

- Financial Impact
 - No new financial impact is expected, as this recommendation will be funded through existing funding sources.

Management Response: Agree,

2. Corporate Security Office create a procedure for all security staff on how to collect, document, analyze and report on surveillance, materials and messaging during public gatherings and distribute their findings and evidence when required to various City divisions (i.e. Human Resources, Legal Services) and external Law Enforcement partners for further follow-up and investigation related to potential harassment, discrimination, hate, violence and criminal behaviour taking place in the open public spaces on the City Hall property.
 - Financial Impact
 - No financial impact is expected as a result of this recommendation.

Management Response: Agree,

3. Corporate Security Office to procure safety mitigating tools such as portable barriers to support Hamilton Police in the enforcement of safe and peaceful demonstrations that take place in the City Hall outdoor public space.
 - Financial Impact
 - No new financial impact is expected, as this recommendation will be funded through existing funding sources.

Management Response: Agree,

4. Corporate Security Office to procure the enhancement of the City Hall property video surveillance technology to increase its current general surveillance capacity to a evidentiary purpose solution.
 - Financial Impact
 - No new financial impact is expected, as this recommendation will be funded through existing funding sources.

Management Response: Agree,

5. Corporate Security Office to research, identify and report on physical environment enhancements to the City Hall exterior open space to promote the safety and security of all persons who are attending the property for peaceful use and enjoyment of the space.
 - Financial Impact
 - The potential financial impact of this recommendation is unknown until the proposed changes are sourced.

Management Response: Agree,

6. Corporate Security Office hire and train a Security Investigator for the purpose of providing security related services at City owned properties as required including but not limited to Assemblies and Protests. Corporate Security Office to further identify and report on future security staffing resource enhancements for City Hall to ensure appropriate resource levels are responsive to the needs of Members of Council and its Committee's, City staff, contractors, residents and visitors in the delivery of good government.
 - Financial Impact
 - Estimated at \$90K for the Security Investigator. Future financial impacts to be determined.

Management Response: Agree,

Appendix A – Sample Signage



Hamilton

**ZERO TOLERANCE
of harassment and discrimination**

All individuals on City of Hamilton properties are expected to maintain safe and respectful behaviour at all times.

Harassment, discrimination, hate, violence or any criminal behaviour will not be tolerated, and will be investigated by law enforcement.



**This property is equipped
with automated video
surveillance.**

Corporate Security Office cso@hamilton.ca

Personal information is being collected under the authority of the Municipal Act 2001, S.O c.25 and the Occupier's Liability Act for the purpose of protecting City assets, employees and the public. Questions regarding personal information should be directed to: Manager, Records & Freedom of Information, Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario L8P 4Y5