

Hate Mitigation Policies, Procedures and By-laws of Comparison Municipalities

Staff conducted a review of municipal hate mitigation policies, procedures and related by-laws across the country. The methodology utilized included direct conversation with their staff to discuss the issue and extensive web search.

SUMMARY OF KEY FINDINGS:

1. Hate-motivated incidents occur across Canada. However, it's not very common to find consistent hate/counter hate rallies on municipal properties.
2. The most consistent finding across municipalities is that the Charter of Rights and Freedom guarantees Canadians the freedom to openly express their thoughts, beliefs and opinions. The only time significant enforcement occurs is when the law is broken, with the enforcement usually carried out by the Police. Majority of municipalities reviewed indicated their approach is to first respect the Charter and direct the responsibility of maintaining peaceful assembly, public safety and enforcement to the Police.
3. Although the Charter of Rights and Freedom plays a significant role in how municipalities respond to unapproved rallies that could involve hate speech, a few municipalities also have other ways of showing support for the community. Most notably, some municipalities have organized or partnered with local groups to organize rallies, workshops and public education initiatives on tolerance and inclusion.
4. A few municipalities have policies, procedures and by-laws created to inherently discourage hate incidents on municipal properties. These policies and procedures mostly require event organizers planning to use public spaces to pre-register, obtain prior approval and sign various agreement forms indicating they would abide with relevant City's tolerance and inclusion policies.
5. The City of Toronto arguably has the most robust municipal response plans on Planned and Unplanned Hate Rallies Response in the country. The key highlights Toronto's response plan include:
 - The City of Toronto does not issue permits for rallies or protests.
 - There is established communication channels between the Toronto Police Service, the City's Corporate Security personnel and staff in the City's Municipal Licensing and Standards' By-law Enforcement division.
 - When either Toronto Police Service or City staff become aware in advance of a rally, they communicate with one another so that existing protocols can be activated.
 - Toronto Police routinely attend rallies to monitor and keep the peace
 - When a hate activity complaint is received by the Toronto Police, the complaint is reviewed and assigned to the responsible Superintendent for follow up.
 - Depending on the nature of the allegation, the Superintendent may engage the Hate Crime Coordinator and/or officers from the Community

Response Unit, Crime Unit and/or Major Crime Unit within the Toronto Police Service. An internal Toronto Police Service investigation is then undertaken.

- The outcome of the investigation is communicated to the Superintendent of the relevant Toronto Police division who determines whether or not the matter should be referred to the Attorney General's office for review;
 - The nature of the allegation will determine the length of the investigation, which can be lengthy.
 - Toronto Police also have translation services available for any video or audio that is provided to them in a language other than English.
6. Further to the above, in the case of non-permitted protests that could feature hate speech, the City of Toronto states that “*The City is legally obligated to respect those rights (Canadian Charter of Rights and Freedom). As such, City policies and practices must be designed to avoid infringing on those rights. The jurisprudence relating to those rights identify public spaces such as parks and public squares, as places in which those rights are frequently exercised*”.
7. In conclusion, combating hate rallies on City properties while also adhering to the Charter of Rights and Freedom continues to pose challenges to all municipalities reviewed wherever applicable.

	Municipality	Relevant Weblinks
1	City of Toronto	<p>Hate Sponsored Rallies: https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-132059.pdf http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX5.3</p> <p>Hate Activity Policy: https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equity-policies/hate-activity/</p> <p>Hate Activity Procedures: https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/corporate-policies/people-equity-policies/hate-activity/hate-activity-procedures/</p>
2	City of Calgary	<p>Hate and Bias Crimes https://www.calgary.ca/cps/Pages/Community-programs-and-resources/Diversity-resources/Hate-and-bias-crimes.aspx</p> <p>Alberta Human Rights Commission</p>

		www.albertahumanrights.ab.ca Alberta Hate Crime Committee www.stophateab.ca Coalitions Creating Equity http://coalitionscreatingequity.ca/
3	City of Mississauga	Use of City Facilities Policy: http://www7.mississauga.ca/documents/policies/05-01-12.pdf Outdoor Events in the Civic District Policy: http://www.mississauga.ca/file/COM/policy_05-03-03.pdf
4	City of Ottawa	Hate Motivated Incidents: https://www.ottawapolice.ca/en/safety-and-crime-prevention/hate-motivated-incidents.aspx
5	City of Sudbury	Trespass to Property Act Policy / Guidelines: https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1034&itemid=11987
6	City of Windsor	Trespass By-law: https://www.citywindsor.ca/cityhall/Policies/Policies/Trespass%20Policy.pdf
7	City of Oshawa	Trespass By-law: https://www.oshawa.ca/uploads/16/TrespassBy-law98-2013.pdf?ts=637042332863997453
8	City of London	Public Nuisance By-law: https://www.london.ca/city-hall/by-laws/Documents/public-nuisancePH18.pdf