

# Toronto Police Services Board's Consultation on a Public Order Policy

## Submissions of the Policing Committee of the Law Union of Ontario

### Overview

This submission urges the Board to adopt a comprehensive principle-based public order policy in accordance with the *Community Safety and Policing Act* and to direct the Chief to revise the TPS Procedure 11-04, *Protests and Demonstrations*, immediately.

Such a policy is long overdue.

In 2013, following his inquiry into the response by the police and the Toronto Police Services Board to the G20 demonstrations Justice Morden recommended that the Board create a comprehensive policy on crowd control. The Board contented itself with policies on *Arrangements with RCMP for International Events* (February 19, 2013), *Mass Detention Centres* (July 16, 2015), and *Designated Special Events* (July 16, 2015). These policies provided little guidance to the police about the principles and priorities governing such important police functions and largely left all aspects of planning and operations up to the Chief of Police.

In 2023, Justice Rouleau in his inquiry into the response to the Freedom Convoy protests and the invocation of the *Emergency Measures Act* found it necessary to make a similar recommendation:

**Recommendation 4:** All police services boards in jurisdictions that may be the subject of or adversely affected by major events including large-scale protests should create policies, consistent with the Morden and Epstein reports and their statutory-defined responsibilities, that delineate their oversight and governance roles in addressing those events.

This Board and other Police Services Board have justified their inaction in the past on the erroneous belief that a Police Service Board cannot and should not make policies about how the police conduct their operations. This position was comprehensively rebutted by Justice Morden in his Inquiry report. Both Justice Epstein in her review into missing person investigations and Justice Rouleau in his report adopted and expanded upon Justice Morden's analysis. The revised provisions in the *Community Safety and Policing Act* concerning the Board's broad policy-making powers further support this analysis.

The Board should also direct the Chief to revise the current TPS Procedure 11-04, *Protests and Demonstrations*. It is an embarrassment. It is seriously deficient in at least four areas:

1. The Procedure makes no mention of the fundamental freedoms of expression, peaceful assembly and association guaranteed by the *Canadian Charter of Rights and Freedoms* and the importance of safeguarding these freedoms as stated in the principles of policing set out in Section 1 of the *Community Safety and Policing Act*. The Governing Principles section of the Procedure cites the *Criminal Code*, *Highway Traffic Act*, *Liquor Licence Act* and *Trespass to Property Act* but neither the *Charter* or the *Human Rights Code*, both of which police officers are duty bound to uphold.

2. The Procedure incorrectly implies that only “citizens have the legal right to demonstrate peacefully.” In fact, the *Charter* applies to everyone in Canada, not just citizens. This statement also violates the spirit of another principle of policing set out in the *Community Safety and Policing Act*, the need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.
3. The Procedure incorrectly subordinates these *Charter* rights to the rights of landowners to the lawful use and enjoyment of their property.
4. The Procedure provides no meaningful guidance to police officers in how to balance these competing rights when policing a demonstration or protest.

## **A Principle-Based Approach**

The new Policy should be principle-based. We have tried to set out below some of the principles which we think bear on Board policy in this complex area.

### **1. The Importance of Safeguarding Freedom of Expression and Freedom of Peaceful Assembly Guaranteed by Section 2(b) and 2(c) of the Canadian Charter of Rights and Freedom.**

The *Community Safety and Policing Act* begins with a Declaration of Principles, the second of which reads as follows:

#### **Declaration of principles**

Policing shall be provided throughout Ontario in accordance with the following principles:

2. The importance of safeguarding the fundamental rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

Justice Morden in his *Report on the Independent Civilian Review into Matters Relating to the G20 Summit* described the purpose of this principle as follows:

The purpose of this provision is not to provide for the application of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code* because, from their own force, their terms apply directly to every case in which the facts makes them applicable. The purpose of the provision is, rather, to remind those acting under the *Police Services Act* of the constant bearing of the *Charter* and the *Human Rights Code* on the performance of their duties. This is critically important because the exercise of so many police powers, for example, those of arrest, detention, and search and seizure, engage rights that are protected by the *Charter* or the *Human*

*Rights Code*. These fundamental rights are highly valued in our society and must be protected from infringement by improper police action.<sup>1</sup>

The legal reality is that the *Charter* is part of our Constitution, the supreme law of Canada,<sup>2</sup> which every police officer in Ontario has sworn to uphold.”<sup>3</sup> This obligation is also reflected in the *Code of Conduct for Police Officers*:

6 (1) A police officer shall not, by act or omission, do anything that the officer, at the time, knows or reasonably ought to know would infringe or deny a person’s rights or freedoms under the *Canadian Charter of Rights and Freedoms*.<sup>4</sup>

Protest and dissent are essential to the functioning of our system of democracy. This has been repeatedly affirmed by the Supreme Court of Canada<sup>5</sup> and inquiries such as the MacDonald Commission, the APEC Inquiry, the Morden Inquiry and the Rouleau Inquiry among many others. As the Supreme Court of Canada stated in the seminal case on s. 2(b), *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, at pp. 968-969:

Freedom of expression was entrenched in our Constitution and is guaranteed ... so as to ensure that everyone can manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream. Such protection is, in the words of both the Canadian and Quebec Charters, "fundamental" because in a free, pluralistic and democratic society we prize a diversity of ideas and opinions for their inherent value both to the community and to the individual.

The rights and freedoms which we enjoy and take for granted today are owed to the protestors and demonstrators of the past who stood up to the powers of the day to advocate and struggle for the end to slavery, for freedom of the press, for the right to organize and strike, for the right for women to vote, for the end to racial discrimination in housing and employment, and for the right of same-sex marriage, among the many examples. This continues today. Protests are a means of drawing attention to the important issues of the day. Examples from the past include protests against conscription, against the war in Vietnam, against police violence disproportionately targeting racialized minorities, against the illegal appropriation of First Nation land, and in favour divestment in investment in South Africa. These protests have shaped our history, our society and our governments.

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<sup>1</sup> Report of the Independent Civilian Review Into Matters Relating To The G20 Summit, Justice John Morden, Chapter 1, The Legislation That Governs The Toronto Police Services Board And The Toronto Police Service, at p. 49.

<sup>2</sup> *Constitution Act, 1982*, Section 52(1)

**Primacy of Constitution of Canada**

52 (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

<sup>3</sup> *Community Safety and Policing Act, 2019*, O. Reg. 416/23: Oaths and Affirmations, s. 2.

<sup>4</sup> O. Reg. 407/23: Code of Conduct for Police Officers under *Community Safety and Policing Act*.

<sup>5</sup> For reviews of the law in these areas, see the Policy Papers, *Freedom of Expression*, Richard Moon, and *Freedom of Peaceful Assembly and Section 2(c) of the Charter*, Jamie Cameron, commissioned for the Rouleau Inquiry and attached as Tabs B and C to these submissions.

Board policy should explicitly affirm its commitment to safeguarding the fundamental freedoms of expression and peaceful assembly as a powerful signal to the public at large and to the members of the Toronto Police Services that the Board will uphold these rights.

The policy should state that the primary mission of police at demonstrations and protests is to protect and respect the fundamental freedoms of expression and peaceful assembly guaranteed by the *Charter*. Any limits on these freedoms should be justified by articulable facts, tailored to minimally impair these freedoms and be done in good faith.

The policy should note that acts of violence or threats of violence are not protected by the *Charter* but that this exemption is narrow and does not extend expressions and protests that only make the onlookers feel unsafe. The Court of Appeal emphasized this in *Bracken v. Fort Erie (Town)*, 2017 ONCA 668, when discussing this exemption in the context of a persistent protests outside a town hall:

[49] Violence is not the mere absence of civility. The application judge extended the concept of violence to include actions and words associated with a traditional form of political protest, on the basis that some town employees claimed they felt "unsafe". This goes much too far. A person's subjective feelings of disquiet, unease, and even fear, are not in themselves capable of ousting expression categorically from the protection of s. 2(b).

[50] The consequences of characterizing an act as violence or a threat of violence are extreme: it conclusively defeats the Charter claim without consideration of any other factor. Accordingly, courts must be vigilant in determining whether the evidence supports the characterization, and in not inadvertently expanding the category of what constitutes violence or threats of violence.

Similarly, the policy should note that there are time and place limitations on freedom of expression assembly but again this should be narrowly construed to avoid unduly restricting or impairing these freedoms. Any limits on the use of places traditionally used for free expression, including sidewalks, city hall squares, train stations, and parks, must be justified.

## **2. Police and Board neutrality.**

The policy should prohibit the TPS and its members from restricting, controlling or influencing the content of opinions being expressed. Police actions and responses must not be affected by the opinions being expressed nor by the race, colour, national or ethnic origin, citizenship, religion, disability, sex, sexual orientation, gender identity or expression, appearance, age, political beliefs or affiliations of the participants.

The policy should prohibit members from letting their own personal, political or religious views from affecting their actions. The police must not only act neutrally; they must avoid any appearance of partiality or bias, favourable or unfavourable, towards the demonstrators or the opinions being expressed. Even innocent gestures such as handing coffee to demonstrators can create a firestorm of criticism. Acts of overt and covert support of the demonstrations by members of police forces, including expressions of

support and financial contributions,<sup>6</sup> such as occurred during the Freedom Convoy protests, raise concerns of actual partiality and a double standard.

The same considerations should apply to the Board itself.

**3. *The obligation on the Chief of Police to inform and update the Board about policing of protests and demonstrations, including plans, tactics, and ongoing issues.***

This principle arises out of criticisms voiced by both the Morden and Rouleau Inquiries about Chiefs of Police withholding information from their Boards and about the Boards' passive acceptance of this. The policy should explicitly address this to avoid any future misunderstandings.

The Morden Inquiry recommended that the Board and Chief of Police maintain a policy of open information exchange:

**Recommendation No. 4: Information exchange between the Board and the Chief of Police on all subject matters**

The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained. The purpose of this information exchange is to ensure that both the Board and the Toronto Police Service are aware of the details necessary to engage in consultation concerning Board policies and Toronto Police Service operational mandates.

This exchange must permit a two-way transmission of information between the Board and the Toronto Police Service: the Board is to be made aware of all information relevant to its statutory role to determine “objectives, priorities and policies” for policing in Toronto and the Toronto Police Service is to be made aware of information that may assist it in commenting on policy options the Board is considering. In particular, this information exchange must include the provision to the Board of relevant operational information by the Toronto Police Service before operations actually unfold.

The Rouleau Inquiry was highly critical of the Chief of the Ottawa Police for failing to inform the Ottawa Board about the force's plans to deal with the problems posed by the Freedom Convoy. At one point, the Chief told the Board that “he would not provide the OPSB with operational information, suggesting that it would have been unlawful for him to do so.”<sup>7</sup> At the Inquiry Chief Sloy testified that “he limited the information he provided for a variety of reasons: a prior breach of confidentiality on a board member's part; a lack of precedent for the level of information the OPSB sought; and concerns that operational detail was unnecessary for the Board to exercise its functions.”<sup>8</sup>

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<sup>6</sup> See, for example, *Police grappling with members who allegedly donated to 'Freedom Convoy'*, CBC March 2, 2022 and *Brisco v. Windsor Police Services*, 2024 ONCPC 24.

<sup>7</sup> Volume 1, Rouleau Inquiry, 11.15 page 73-74.

<sup>8</sup> Volume 1, Rouleau Inquiry, 24.3 page 164.

The policy should require the Board and the Chief of Police to facilitate this exchange of information.

#### **4. Board Review of Crowd Control Tactics and Planning**

The Board policy should provide guidance on such issues as crowd control tactics, equipment, planning and communication. The governing principle should be that any crowd control measures taken must be reasonable and proportionate to the need of public safety and the health and safety of the participants.

Crowd control tactics are a serious matter of public concern. History has shown that poorly executed police crowd control tactics can lead to injury and death as illustrated by the Hillsborough disaster in England where 97 people died and 766 were injured when police attempted to control a crowd at a football match. The subsequent inquiries pointed to a gross failure of police crowd control exacerbated by subsequent cover-ups of police negligence and misconduct.

No order to disperse should be given unless there are articulable facts or circumstances justifying the order and implementing the order will not endanger the public or participants. The order to disperse should be clearly announced and participants give time to disperse and a clear route to safety.

The policy should explicitly prohibit kettling and arbitrary mass arrests and detentions as methods of crowd control. The Toronto Police employed these tactics in response to some of the G20 demonstrations as described in the OIPRD's G20 Systemic Review Report, *Policing the Right to Protest*, and the Ontario Ombudsman G20 Report, *Caught in the Act*. These tactics can risk the health and safety of the demonstrators (the G20 kettling episode at Queen and Spadina occurred in a downpour) and amount to egregious breaches of human and *Charter* rights and freedoms. They also exposed the Board to civil actions and ultimately to the certification and settlement of a class action lawsuit.

Training on crowd control should extend beyond the front line officers to the supervisors and command officers who determine what tactics to use and should include the limits on police powers to detain and arrest.

The policy should also provide for Board review and approval of any equipment TPS officers may carry for crowd control purposes and the circumstances under which it may be used.

Just prior to the G20 meeting the TPS acquired four Long Range Acoustical Devices ("LRAD"). In one mode, the LRAD could emit loud high frequency sound waves that exceeded well-established decibel limits, potentially causing hearing damage and loss. The CCLA challenged the use of the LRAD and Justice D. M. Brown prohibited the use of the LRAD in this mode for crowd control (*Canadian Civil Liberties Association v. Toronto Police Service*, 2010 ONSC 3525). He noted that the Board had not reviewed nor the Ministry consented to the purchase of this equipment. Other examples of such equipment either under development or currently for sale include weapons designed to inflict discomfort, pain or injury on demonstrators, such as directed energy weapons, water cannons (sometimes using chemical irritants or malodorants), and stun grenades.

The policy should apply to both TPS-issued equipment and equipment acquired by individual officers.

The policy should also apply to the appropriate use of approved so-called non-lethal weapons, such as pepper spray, tasers, bean bag guns and rubber bullets, all of which have been associated with the infliction of permanent injury and/or death. The use of such weapons for crowd control should be governed by strict requirements of necessity and proportionality and restricted to situations where all non-violent means have been exhausted. A report by the International Network of Civil Liberties Organizations and Physicians for Human Rights, *Lethal in Disguise 2: How Crowd-Control Weapons Impact Health and Human Rights*, documents the burgeoning use of such weapons around the world, their impact on human health and safety and their chilling effect on freedom of expression and assembly. In Canada, we have the examples of the unwarranted use of pepper spray by the RCMP on peaceful protestors at the Vancouver APEC conference and the firing of a crowd control gun by a TPS officer directly at a woman, knocking her to the ground, during a G20 demonstration<sup>9</sup>.

The policy should also apply to other methods of crowd control including the use of horses and dogs. Aside from the risk of injury, these methods can be used to intimidate demonstrators and discourage further participation.

#### *Communication*

The policy should emphasize the importance of communication as a method of crowd control. As a matter of principle, the police should be required to make reasonable efforts to communicate with the organizers and the participants in order to maintain appropriate crowd control.

Communication has long been identified as a best practice in handling protests to avoid needless confrontation and unnecessary use of force, particularly when dealing with a planned protest or demonstration by a well-organized group such as a union or First Nation community.

The TPS should maintain a transparent open-door policy toward protest groups. The TPS currently has buried in its website a form called Notice of Demonstration, dated September 2, 2016, which provides a bureaucratic means for protest organizers to inform the TPS of an upcoming demonstration. The form is not listed in the website's menus and is difficult to find on the site. The Board should direct the Chief to develop a web page devoted to protests, demonstrations and parades with a more user-friendly method of contacting the TPS and links to the City of Toronto site for permits for using Nathan Philips Square and other City facilities.

The Board should also direct the Chief to consider assigning a specific TPS point person to be in communication with event organizers to deal with issues as they arise.

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<sup>9</sup> Ombudsman Ontario, *Caught in the Act*, Dec. 2010 at pages 20 (para. 39) and 48 – 9 (paras. 48, Figure 17); CBC, *G20 police shot rubber bullets, woman says*, July 25, 2010.

## **5. Acknowledgement of Legal Restraints on the Use of Police Powers of Arrest and Search**

The policy should set out the legal restraints on police powers of arrest and search, particularly in the context of protests and demonstration and require Board review and a legal opinion for any proposed police actions that fall outside of those restraints.

The TPS's response to the G20 demonstrations generated a plethora of *Charter* violations.

The police employed mass arrests, both as a crowd control tactic and as an investigative tool. According to the Toronto Police Service After-Action Review, June 2011, 1,118 people were arrested during the G20 Summit. According to the CCLA, 779 people were released without charge and a further 204 people had their charges stayed by the Crown, withdrawn, or dismissed. As noted above, this spawned a successful class action lawsuit and the successful prosecution on disciplinary charges of a senior TPS officer (*Fenton, Supt. Mark v. Toronto Police Service*, 2017 ONCPC 15.)

TPS senior command also directed the arbitrary searches of backpacks and the detention and arrest of anyone wearing a bandana. This resulted in disciplinary proceedings against officers for illegal arrests of individuals wearing bandanas (see, for example, *Wall v. Office of the Independent Police Review Director*, 2014 ONCA 884, *Wall v. Wong and Toronto Police Service*, 2014 ONCPC 11, *Wong and Toronto Police Service*, 2015 ONCPC 15) and arbitrary searches of backpacks (*Stewart v Ontario (Director, Office of the Independent Police Review)*, 2014 ONSC 6150, *Figueiras v. (York) Police Services Board*, 2013 ONSC 7419 (Div Ct)) and in successful civil suits (see, for example, *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, *Stewart v. Toronto (Police Services Board)*, 2020 ONCA 255

The G20 arrests included arrests under the common law for breach of the peace. The Supreme Court of Canada in *Fleming v. Ontario*, 2019 SCC 45 (CanLII), [2019] 3 SCR 519 set out the narrow scope for such arrests: “ an act can be considered a breach of the peace only if it involves some level of violence and a risk of harm. It is only in the face of such a serious danger that the state's ability to lawfully interfere with individual liberty comes into play. Behaviour that is merely disruptive, annoying or unruly is not a breach of the peace.”

In light of this, it is important for the Board to provide guidance on the limits of police powers of arrest and search in this context.

## **6. The Importance of Discretion and Restraint in Handling Protests and Demonstrations**

The Board policy should explicitly recognize the importance of the exercise of police discretion in the enforcement of a law, in the decision to arrest and in the laying of charges in the context of protests and demonstrations. As noted by the Court of Appeal in *Henco Industries Ltd. v. Haudenosaunee Six Nations Confederacy Council* (2006), 82 O.R. (3d) 721



The immediate enforcement and prosecution of violations of the law may not always be the wise course of action or the course of action that best serves the public interest. The House of Lords explained this balancing exercise in *R. v. Chief Constable of Sussex, ex parte International Trader's Ferry Ltd.*, [1999] 1 All E.R. 129 (H.L.), at p. 137:

In a situation where there are conflicting rights and the police have a duty to uphold the law the police may, in deciding what to do, have to balance a number of factors, not the least of which is the likelihood of a serious breach of the peace being committed. That balancing involves the exercise of judgment and discretion. [page750]

This is particularly important where the police must balance the exercise of *Charter* rights against minor transitory unlawful acts.

A recent incident during a pro-Palestinian demonstration at Bloor and Yonge illustrates the need for such a reminder. A passing politician began shouting at the demonstrators, leading to his dubious arrest for breach of the peace, an editorial in *The Globe and Mail* and letters to the editor criticizing the police for not enforcing the law against the demonstrators. The criticism was unwarranted: the police were just doing their job, balancing the need to keep the traffic flowing against the constitutional right to protest.

## **7. Board Review of Police Surveillance and Intelligence-Gathering of Demonstrators**

The Board policy should address the issue of widespread police surveillance and intelligence-gathering of demonstrators engaged in lawful protests.

This is a longstanding issue. The *McDonald Commission into Certain Activities of the RCMP* commented of the revelations of extensive surveillance of lawful protestors:

Third, the right of democratic dissent requires that the advocacy of unpopular ideas not be confused with attempts to subvert democracy. A democracy is not liberal unless it permits those of its citizens who seek very basic social, economic or even constitutional change within the democratic system to expound their viewpoint in public and seek adherents to their cause. If citizens who exercise this freedom have their activities noted in secret security dossiers to be used against them by the state, the enjoyment of such freedom is imperilled.<sup>10</sup>

It added later: “The exercise of [the constitutional right to dissent] must not become an invitation to be spied up by state security agencies.”

The practice continues. In 2018, the CBC reported that the TPS Intelligence unit had monitored Black Lives Matter protests following the fatal shooting of Andrew Loku inquest in 2015. The intelligence-gathering included identifying protestors and reviewing social media accounts. According to Supt. Bill Neadles, who oversaw the police force's public

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<sup>10</sup> Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, Second Report, Volume 1, Freedom and Security Under the Law, Chapter 1, para. 22 and 23, pages 46 – 7.

order unit, said the TPS gathers this type of information “on demonstrations of all sizes and political stripes.”

Routine and widespread police surveillance of lawful and peaceful protests raises issues of public importance which this Board should address, including:

1. The potential for *Charter* violations of freedom of expression and peaceful assembly and the right to be secure against unreasonable search guaranteed by Section 8. Section 8 provides a right to privacy for personal information and creates a sphere of individual autonomy in which people have the right “to be let alone.” This applies to public places despite the diminished expectation of privacy. Routine surveillance of lawful protestors without any legitimate investigative purpose violates this norm. Follow-up investigations to put a name to a captured image, the creation of databases of protestors, and the routine sharing of this information with other police and security agencies exacerbate this violation.
2. The chilling effects of such surveillance on freedom of expression and on participation in protests.
3. The intimidating effects of overt surveillance designed to send the message that the police are watching.

The Board should also review the use of the technologies the police employ to conduct surveillance and intelligence gathering. The use of AI-enabled facial recognition to identify protestors is particularly problematic as is aerial surveillance by drones. There are emerging new technologies involving active sensing devices that use emitted radiation to gather information, such as LIDAR security systems. More mundanely, the covert interception of cellphone identifiers provides another means of identifying and tracking protestors.

The Board should also develop policies for the oversight over and review of the police use of undercover officers and agents targeting demonstrators. For example, during the G20 demonstrations, the University of Toronto police hired a retired TPS officer to act as its undercover agent to monitor and take photographs of demonstrators staying at the Graduate Students Union. Other undercover operatives have gone much further in penetrating protest groups, including committing illegal acts and acting as agent provocateurs. In the UK, the Undercover Policing Inquiry is currently investigating the undercover operations of the Special Demonstration Squad and the National Public Order Intelligence Unit and the targeting of political and social justice campaigners.

### **8. *Accountability for Excessive Use of Force***

The Board policy should include measures to improve the investigation of allegations of excessive use of force by TPS officers at demonstrations.

Police officers have been known to use excessive force causing bodily harm against demonstrators as illustrated by the Adam Nobody case. Mr. Nobody was one of the

demonstrators at Queens Park during the G20 Summit when the public order unit moved in to forcibly disperse the demonstrators. At one point he was chased by police officers and taken to the ground where he was repeatedly punched and kicked by a number of officers, suffering a broken nose and cheek bone. Bystander videos showed another officer, PC Andalib-Goortani, jabbing him with a baton as he lay on the ground being subdued by at least three other officers. PC Andalib-Goortani was subsequently identified and convicted of assault with a weapon (*R. v. Andalib-Goortani*, 2013 ONCJ 822). It transpired that prior to the assault the officer had removed his name tag.

The problem is in how to properly investigate these allegations in the face of the code of silence among police officers.

Measures should include requiring all officers, whether in uniform, riot gear or plainclothes, to wear name tags and enforcing the failure to do so, and requiring supervisors to ensure compliance. Body-worn cameras should be required to be activated when physically engaging with demonstrators. Investigators should be directed to secure surveillance, media and cell phone footage as they would when investigating a serious allegation of assault involving a non-police officer. The Board should insist on the enforcement of the obligation to report misconduct now enshrined in s. 22 of the *Code of Conduct*.

The TPS has aggressively investigated and pursued pro-Palestinian demonstrators for minor non-violent offences. It should devote the same diligence in investigating its own officers for serious assaults of demonstrators.

**9. *Applicability of the policy to special constables and auxiliary police officers and to private investigator and security firms hired by the TPS to assist in crowd control or the policing of protests and demonstrations.***

The policy should be comprehensive and apply to all personnel who may be enlisted by the TPS to assist in crowd control and the policing of protests and demonstrations and act either under its direction or with its authorization. This would include all special constables and auxiliary officers appointed by the Board pursuant to the *Community Safety and Policing Act*, any officers or staff from other police forces seconded to the TPS, and any private investigators and security firms either retained directly by the TPS or acting in coordination with the TPS pursuant to some arrangement or agreement, whether formal or not.

Respectfully submitted by the Policing Committee of the Law Union of Ontario, August 30, 2024.