



Community Safety and Security Q&A Webinar

November 14, 2023, 7 pm

Marci Surkes, chair of Jewish Federation of Ottawa's Communication and Community Relations Committee (CCRC) – Moderator
Sgt. Ali Toghrol – Panelist
Sgt. Chabine Tucker – Panelist
Lawrence Greenspon, civil rights lawyer – Panelist
Lisa Levitan, Rise Up Ottawa – Co-Host

The full recording of the webinar can be found [here](#).

Question:

What is considered a hate crime?

LG: Under the Criminal Code there are three offenses: advocating genocide, the public incitement of hatred against an identifiable group, and communicating statements, other than in a private conversation, that willfully promotes antisemitism by condoning, denying, or downplaying the Holocaust.

AT: 99.9% of hate crimes are day-to-day criminal offenses such as threats, assaults and mischief. Rarely do we see the incitement of hate.

Question:

If you see a flag from a hate [terror] group at a rally. Is it a hate crime? (See follow-up question below)

LG: I think it does fall into the category of public incitement of hatred. This does not include the Palestinian flag or pro-Palestine posters.

Question:

If you feel that the threshold has been crossed and you have witnessed a hate crime, how do you report it? How do you make sure that your report is reaching the Hate Crimes Unit? Should we use the online form?

AT: If an individual feels that their safety or the safety of their loved ones is in danger, then it needs to be reported. If you witness someone with a hateful sign or see a poster, there is a non-emergency number that can be called. Please take a picture of the poster or sign and include it in your report.

About 35% of reports come through the [online portal](#). It then takes 24-36 hours for a file to be created. There is also the Reporting Centre at **613-236-1222 x 7300**. This is a little bit quicker than online reporting.

If something stands out that does not feel right, it's not appropriate, or it's hateful, make that report online or call us. If it doesn't meet the criminal threshold for a hate crime, it may be transferred to Sgt. Chabine Tucker who oversees the Diversity and Race Relations unit.

Always feel free to report. Let's us decide if it's a crime and what comes next.

Question:

Can you answer the question of flags? What flags are allowed, and which ones are not.

AT: Hamas and their flag are recognized as a terrorist entity in Canada. The Chief of Police has stated, multiple times, that hate, of any kind, is not going to be tolerated in the city. If we see hate flags or symbols they will be fully investigated.

Question:

What reporting tools are available when we see hate online?

LG: The Criminal Code states, "Statements including words spoken or written, or reported electronically or electromagnetically, or otherwise, and gestures, signs, or other visible representations" are included in the "advocating genocide and incitement of hatred" provision.

AT: One should understand that when posting something online, you are putting it into the public forum and therefore it falls under public law.

Question:

What are my rights as a member of the community? Am I allowed to hang signs on public property? Am I allowed to hang photos of hostages who are being held in Gaza? Is the posting or removal of any of these signs illegal? How far am I allowed to go in my own advocacy?

AT: Posters can typically be in place for 15 days, as long as you are not covering up something else and the posters don't incite hatred, then yes, you can hang them up.

As far as removing them, there isn't a bylaw against it.

LG: In Ottawa, you don't need a permit to have a protest as long as there is no dancing. Dancing, barbeques, fires, and bouncy castles all need a permit.

As far as posters go, there is a section of the bylaw that talks about the removal and fees for removal and retrieval. "No person shall remove or cause to be removed any lawfully placed sign other than persons authorized by the by law or the owner of the sign." So, law enforcement officers can remove the sign, or the owner can remove it.

CT: If someone is convicted for mischief for removing a sign, they can face a fine of up to \$5000.

Question:

Are the rules of engagement different from if it happens on Elgin Street versus something that happens on the grounds of a public school or university campus? How do we handle what's happening in our schools and at what point do police get involved in these incidents? Or are they handled mostly internally? What are the different thresholds for consideration?

AT: There is no difference. A hate crime is a hate crime regardless of where it occurs, as long as it occurs in public. Schools are obligated to report any incidents that take place in the school that are motivated by hate bias.

The school should be reporting, and you should be reporting. If the school does not report the incident and you do, then when we follow up, we will go to the school and ask why they didn't report it.

I have a presentation on the difference between a hate crime and a hate incident and how to report it, to parents/guardians, other adults, or staff members.

LG: Report, Report, Report! We can't stop it if it's not reported.

Question:

If “From the river to the sea, Palestine will be free” is a call for genocide, why are the police not prosecuting it?

AT: We've raised the question with the provincial Crown and at this point we feel it does not meet the threshold for hate speech. Currently it's interpreted as a political statement.

Question:

Should the public be taking pictures of protesters holding placards and chanting? Does it help?

LG: Yes, as long as it's done in a non-confrontational way. Record the protest, if you can, and then report it to the police.

Question:

Should we report when we are yelled out, specifically when it's a call that Israel is committing a genocide.

AT: No, this is a political statement and doesn't meet the threshold for hate speech.

LG: However, this can be taken to civil court. The Crown takes these cases seriously, but there is a four to six year wait to get a court date.

Question:

Recently the PSAC (public servants union) organized a webinar in which the speakers not only criticized the legitimacy of the state of Israel, but clearly supported and pushed the BDS agenda, which I think has been made illegal in Canada. Is that kind of webinar or meeting legally considered anti-Semitic? Can the organizers be sued?

LG: The short answer is that anyone can sue anyone for anything. However, in civil court, you need to be able to prove damages. A case like this might succeed as a discrimination suit.

Question:

Is burning an Israeli flag a crime? What can we do if we witness it?

AT: It is not a crime to burn a flag if it's a flag you own. You cannot take a flag off someone's property or grab it out of someone's hand. It also can't be burned in a way that may lead to a larger fire. That would be arson.

The distinction must be made between making a political statement with the flag burning, as in opposing the actions of Israeli government as a political entity or targeting the demographic that lives within or identifies with that country. We would take issue with targeting a demographic group.

Question:

As a contractor working for the Federal government, I encountered antisemitism. I don't really have a boss to report it to, what do I do?

CT: Call the police. We'll document what's happened and open a formal investigation.

Question:

What do I do if I see hate symbols, ie a swastika, on a shirt, sign, flag, etc?

AT: If it's a known hate symbol, take a picture and report it to the police.

Question:

Is there any recourse for online hate or threats? What constitutes a hate crime when it's done online?

LG: Report it. In these cases, the burden of proof is on the Crown to prove beyond a reasonable doubt that the person both understood what they were doing and actually did it. In addition, there is a reverse onus on the person charged, to prove that they were trying to communicate something truthful. It's rare that there is a reverse onus, but it increases the likelihood of a conviction, because hate speech is rarely truthful. However, there is reluctance to use prosecution as a way to combat hate as the trial gives a platform to the haters.

AT: Another challenge with online hate is that there are privacy laws in place. We must go through channels to get the name of the account holder and many social media companies are based in the US, so their comments fall under the free speech laws of the US, which makes it very challenging for us to have them removed.

If it's coming from a business based in Canada, with offices in Canada, their online comments can still fall under US law, so please write your Members of Parliament because there has been some push to be able to monitor social media a little bit better, specifically around speech. The Federal government could absolutely step in and force these companies that are providing a service to Canadians in Canada, to abide by Canadian laws. The company should not be able to fall back on the fact that they're benefiting off Canadians, making money off Canadians, and are not willing to abide by Canadian laws when it comes to hate speech.

Question:

If a publicly funded institution helps to promote incitement of hate, what could be done? This person is specifically talking about the SAW gallery. They had a pro-Palestinian protest sign making event following October 7th.

AT: An organization can host a private on any topic. The issue would be if their hate comes into the public sphere, and they are inciting hate out in public.

Question:

What proactive measures are is the OPS taking to prevent or reduce the risk of hate crimes as opposed to being solely reactive?

AT: I wish there was a magic bullet that would proactively eliminate hate or bias. It would be fantastic, but we don't have that. However, we can try to mitigate some of the issues through extensive internal and external training. We have done presentations at the school boards and with various social service agencies. We discuss what is a hate crime, what is a hate incident, and how to report them.

Given the current situation, we have increased our presence on or around cultural and religious properties. We have been very proactive in reaching to individual synagogues, mosques, other institutions to speak with them about their safety needs. We will continue to reach out as we are fully committed to making sure that everybody feels safe within our community. We've seen an increased awareness around the safety concerns within the Jewish community. Non-Jewish community members asking about the security at Jewish institutions. They don't understand that this is commonplace for Jewish institutions and it's not something that anyone should have to deal with.

What takes place in another part of the world should not impact people who are living in this country, and I think that's something we've made very clear.