



PROTEST
RESOURCE

for
QTBIPOC
in
TORONTO

Protest Resource for QTBIPOC in Toronto

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Statement of Solidarity with Indigenous Communities

As organizers, demonstrators, activists, immigrants, refugees, queer and trans people, we owe a great debt to the original caretakers of the territories of Turtle Island and the ways they sought to share resources with and teach European settlers who came here and broke those covenants.

We acknowledge our enjoyment of the land that is the traditional territory of many Indigenous nations since time immemorial, including the Haudenosaunee, the Wendat, the Anishnabeg, the Chippewa, the Métis, and the Mississaugas of the Credit River. The territory was the subject of the Dish With One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and the Ojibwe and allied nations to peaceably share and care for the resources around the Great Lakes. This territory is also covered by the Upper Canada Treaties: Treaty 13 and the Williams Treaties.

Today, the meeting place of Toronto (from the Haudenosaunee word T'karonto) is still the home to many Indigenous people from across Turtle Island. As immigrants, refugees, and settled people, we are grateful to have the opportunity to live, work and raise our families in solidarity with the original caretakers of this territory and their continuing struggles for justice. Additionally, a huge part of our education and practical experience as activists came through learnings from Indigenous people who had no choice but to fight for their collective survival. We honour their struggles and production of this knowledge, without which this resource would not have been possible.



Introduction and Acknowledgements

This resource is primarily for Queer, Trans, Black, Indigenous, People of Colour (QTBIPOC) and their allies who are considering participating in protests and demonstrations. It recognizes that QTBIPOC protesters, disabled protesters, racialized women, feminine-identifying, femme, visibly of a non-Christian faith and gender non-conforming protestors face increased and unique risks as compared to white, male, able-bodied protestors when interacting with law enforcement and that use of arbitrary and disproportionate force by police during protests against these groups is common and systemic. Policing and legal systems have long been used as a mode of colonial nation-building by repressing groups, [particularly Indigenous & Black peoples](#), when they attempt to create their own systems, demand rights and protect their land.

This project was also motivated by our dissatisfaction with the strictly “neutral” role of classic legal observing, particularly when BIPOC and queer lawyers are asked to play more than merely an observer role at all stages of protests by disabled, queer, trans, and racialized friends and community members of varied immigration status. We would never have been able to make this resource without drawing heavily on the thought and resistance practice of Black and Indigenous thinkers, cultural producers, and activists. The organizing of Black, Indigenous, and migrant activists were the primary incubators for the knowledge and ideas we compiled and synthesized here.

This guide is not meant to be a comprehensive resource on all aspects of organizing and participating in protests, but an attempt to add to the existing body of tools and resources from across Turtle Island by offering practical tips, legal information, case studies and reflections from QTBIPOC and co-conspirators, which takes into account differing social identities.

The guide will therefore link to information that is covered by other resources from the National Lawyers Guild, Black Legal Action Centre, North-Shore Counter Info, Movement Defence Committee, Community Justice Collective, Butterfly, Equality Labs, Protecting our Movements. We also cite and paraphrase information from other resources.

The creation of this resource was a volunteer project. Being unfunded meant we had the freedom to say what we wanted. It also meant that we did not have the resources to properly pay people for their time which limited the direct collaboration we could have had with more Black and Indigenous, Two Spirit, disabled, and undocumented people. Our hope is that subsequent versions of this resource can provide correctives.

The authors wish to thank our intrepid law students from Pro Bono Students Canada (Deniz Yilmaz, Aya Refaat, and Annecy Pang), activists we interviewed (Thurga Kanagasekarampillai, Cedar, Kusha Dadui, Sage Lovell, D.S.), lawyers who consulted and advised us (Sima Atri and Leora Smith of Community Justice Collective, Nana Kato, Mike Leitold, F. S.E. Arps, Keen Miller, J. Danch, the Movement Defence Committee), organizations whose resources we learned from and cited: Toronto Rape Crisis Centre and Multicultural Women Against Rape, Butterfly Asian and Migrant Workers Support Network, BLM T.O., No More Silence, Maggie’s Toronto, Open Table Nashville, Justice for Humanity, Meenadchi’s Decolonizing Non-Violent Communication, Resma Menakem’s “My Grandmother’s Hands”, the Sylvia Rivera Law Project, the Audre Lorde Project’s Safe OUTside the System and the Black, Indigenous and South Asian lawyer activists of the Movement Law Lab.

We want to be able to update this document in open collaboration with other people, and we hope to apply funding to compensate people properly. Please send us comments and feedback at this email address: qtbipocresource@protonmail.com

We hope you find this guide helpful as you protect each other while subverting state and corporate power!



Things to Think About Before You Protest

While the right to protest is formally protected under sections 2(b) and (c) of the Charter (which guarantee freedom of expression and freedom of peaceful assembly), these rights are often limited by the law and in particular during the COVID-19 public health emergency. Actions of law enforcement to restrict protest rights commonly result in uneven law enforcement and police violence targeting Black and Indigenous communities especially. It is useful for organizers and protesters to intentionally think through risks at a protest to ensure security and minimize potential harms.

A. Assessing risk before an action

It is important for organizers and protestors to have a conversation about potential risks of an action. One way to think about this is to do a Pre-Action Risk Assessment. One approach, adapted from [Climate Justice Toronto](#), is to assess the level of an action's risk (red, yellow, or green): green actions do not pose high risk of danger or arrest; yellow actions have a chance of getting arrested witnessing or experiencing harm; red actions have high risk of arrest or other forms of harm.

Levels of risk may also vary depending on your role in the protest and social and physical location (e.g. if you're a racialized person, a non-citizen, directly facing police, supporting onsite, or supporting offsite). While exact levels of risk can be hard to pin down, a prior assessment helps better prepare and inform organizers and participants (e.g. by letting participants know key information, such as whether there might be police presence, beforehand).

For higher risk actions, organizers may also consider collecting [Personal Information Forms](#), that may help with legal defence and harm mitigation should participants and organizers get arrested. It is also good practice to include who, if anyone, should not be contacted or informed (e.g. parents), which may have heightened importance for certain communities such as migrants, persons of colour, queer and trans people, and sex workers.

B. Health and safety

● ● ● ● COVID-19 related factors

Paraphrased and borrowed from the National Lawyers Guild's [COVID safety protocols](#).

During the COVID-19 pandemic, many regions have implemented public health emergency laws that restrict how people can travel and assemble. Given that COVID-19 is highly contagious, measures to prevent and limit spread during demonstrations are extremely important. Where at all possible, maintain a physical distance of 6 feet from others while in public. Wear face masks/coverings. Bring alcoholic hand sanitizer for hand washing and avoid touching your eyes, nose, and mouth whenever possible.

When the need arises for critical communication with others within 6 feet, it is recommended that you use the "side head" technique: after requesting permission, approach from the front but slightly to the side, speak briefly at the side of the ear of the listener while facing their back, confirm the message and step back.

If you do notice that you are exhibiting symptoms, such as fever, dry cough, chronic tiredness, and difficulty breathing, leave the crowd and continue monitoring your condition closely.

Groups with special health considerations

Certain physical or social factors may increase or create new health and safety risks for you. Of course, this does not mean that you cannot participate, rather that organizers and demonstrators should think through these risks and creatively think of ways to either support actions or come up with other ways in which these groups may also participate in direct actions.

With respect to COVID-19, elderly demonstrators face higher risk of severe symptoms and even death if you contract the virus. As a result, it is important to consider the inherent risks of joining a demonstration and take all necessary safety measures to prevent transmission if you do participate. Similar concerns apply to demonstrators who are immunocompromised or have chronic health issues (e.g. asthma, chronic obstructive pulmonary disorder, HIV, diabetes, and cardiovascular diseases). Pack any medication that you need and consider informing others (including police, if arrested and detained) that you require access to this medication. Jail nurses often don't have specific HIV medications, so those living with HIV may not be able to get their particular combination without bringing it beforehand.

Demonstrators with physical mobility restrictions also face unique health and safety risks. You may face structural difficulties in accessing protest sites, require assistance in moving safely along march routes, and may be unable to clear risky areas quickly where police have escalated use of violent

force - particularly in cases of kettling and use of indiscriminate riot control agents such as tear gas. Access vans driving at the back of the march can be useful to keep yourselves safe. Another method is to have the slowest moving people actually lead the march so they set the pace for the whole march and are not left behind.

Deaf/Deafened or Hard of Hearing (DDHoH) demonstrators face challenges in not being able to hear or easily give oral instructions from/to organizers and police, especially when wearing facial coverings. Organizers can provide on-site ASL support and ensure DDHOH participants have [Deaf ID cards](#) to provide to others. Some community members offer free [DDHOH badges](#). When preparing cards, include important wording such as "I would like an ASL interpreter" and "If I am handcuffed I cannot communicate" for cops or emergency medical services. As organizers, always consider providing ASL support in conjunction with a buddy system.



- The most accessible and community-led demonstrations and actions actively include members from affected groups in organizing and actively consult with disabled communities.

C. Nature of the demonstration

This section draws heavily from [MDC](#) and [CJC](#) resources.

It is important for you as organizers and demonstrators to consider exactly what type of direct actions are being planned and the different risks that each direct action carries for QTBIPOC. You may participate in ways and to the extent that you feel comfortable. Many roles are necessary in actions and demonstrations - not all individuals need to be at the front lines of all actions. Diverse contributions are equally valuable (e.g. being ready to act as a surety, provide child support, manage livestreams and online presence, or deliver meals to families of detained people).

Protest demonstrations focused on law enforcement and powerful state and economic interests also tend to attract a heightened risk of aggressive police tactics. These include protests against police brutality and other forms of state violence, as well as protests and blockades in opposition to large corporate projects. Alt-right elements and white supremacists also pose threats to security that organizers should consider.

While many people assume that rallies and marches legally require prior notification and/or approval from the Toronto police, this is not true - [no prior approval is strictly necessary](#). If the police contact you before an action to ask for details, you do not need to answer their questions. Always remember that any information shared with the police could be used against you or others as evidence later. The police are allowed to act undercover and may provide untrue statements in order to entrap you. Pay attention to what information you share with whom! Turn to your own marshals in ensuring protest safety from both police and counter protesters while still achieving sufficient political disruption that demonstrations seek to achieve.

● ● ● ● Considerations from Deaf, Deafened and Hard of Hearing (DDHoH) and vision impaired people

When sharing your protest on social media, include information about the accessibility of the demonstration, including closed captions, scripts, or voice overs. Static events with a stage and interpreter are preferred. Protests are most accessible during the day, as it allows DDHoH attendees to view the interpreter. Marching can be extremely difficult to navigate, particularly if an attendee gets lost or the route changes. For example, if there is a route change yelled out, DDHoH attendees will not be able to hear and may be confused.

To be more inclusive, protest resources should be accessible in different languages and include captioned images, large font, infographics and vlogs as much as possible. If vision impaired people use screen readers, they need to receive materials in word docs or OCR-enabled pdfs. Infographic summaries with a minimum number of words, along with a link to a more extensive document detailing more information are preferred. Text heavy English documents can create barriers for DDHoH people.



Hiring an ASL Interpreter

- Ensure interpreters are situated where clear sight lines are located and are given standing room;
- Provide interpreters with a script from speakers in advance of the protest, so they can be prepared;
- Give interpreters a visual marker like a pin or button to help attendees easily identify the interpreter;
- Interpreters should be located by the front so it's less stressful for attendees to spot;
- If amplifying sound using speakers, consider providing ear plugs for the interpreter;
- Face shields are preferable to masks worn by interpreters because they allow attendees to view the interpreter's facial expressions;
- For longer events or extensive speeches, several ASL interpreters may be needed; and
- Consider hiring student ASL interpreters along with an experienced interpreter to mitigate costs and provide greater opportunity.

Reserve a designated area for wheelchair users and DDHoH people near the front of the stage. Make sure this area is near a door or entryway for easy accessibility. Without easy access to the front, DDHoH attendees may have difficulty viewing the interpreter or have to push to get to the front.

When communicating with DDHoH people, don't assume they can read your lips. Bring a pen and paper or use your phone to text if you do not know ASL. The following are some basic training resources for ASL:

- [24 ASL Signs All First Responders Should Know](#)
- [25 Safety & Emergency ASL Signs](#)
- [Basics for Hearing People Interacting with DDHoH people](#)

● ● ● ● *Marches*

Marches are one of the most common types of direct action, but can pose significant challenges for individuals with mobility limitations as well as small children. While thinking through protest routes, it is important to think about escape routes and how to protect them, prioritizing people with disabilities and those with mobility restrictions, should the protest escalate and become more dangerous.

For those with mobility aids, be aware that crutches and canes have in the past been [misinterpreted by police as weapons](#) to justify escalation. It may be helpful to communicate clearly that these aids are crutches or canes and that you need them to move should an altercation with police seem imminent.

● ● ● ● *Car caravans*

[Car caravans](#) are a way of protesting that follows a particular route and may disrupt traffic and the normal course of business, while naturally observing social distancing recommendations and allowing individuals with mobility issues to easily participate in person. Car caravans do, however, need a lot of cars, which may itself be a financial barrier. However, they are also more difficult for law enforcement to physically target. Additionally, some charges can be laid against protestors in cars, under the Highway Traffic Act. The same law also allows police to compel drivers to produce ID during a Highway Traffic Act investigation. This may create a greater risk to safety for certain groups, particularly for Black people, Indigenous people, and migrants, due to racial profiling and increased risk of state escalation and deportation.

● ● ● ● *Occupations, sit-ins, and blockades*

Tactics which involve people gathering and staying in spaces for a long period of time (e.g. occupations, sit-ins, and particularly blockades) can attract greater risk of arrest due to the possibility of forced clearance by police or other security personnel and of COVID-19 transmission. Common legal justifications for these clearances include trespass, court-ordered clearance/eviction injunctions, and unlawful assembly. In occupations, you may also be targeted by non-state aggressors who may harass and attack you, steal from you, or damage protest supplies and infrastructure. Collective security measures, communication networks, and legal defense are important in keeping everyone safe.

● ● ● ● *Digital protest*

Digital actions have become increasingly popular during the COVID-19 pandemic and are an effective means for those who cannot join a physical demonstration. As a result, digital actions are

more accessible and equitable for many groups (though it may also exclude those groups who are less technologically literate or don't have laptops/phones) and can complement a physical action or be implemented entirely digitally. Examples include coordinating email and phone zaps, letter writing campaigns, e-petitions, fundraising, live streaming physical actions, and hacktivism.

As digital actions and political organizing become increasingly important, strategies around online-anonymity and anti-doxxing to provide protection against private and state actions have also become crucial. See our [digital security](#) and [doxxing](#) sections.

D. Preparation

What to bring to a protest

This image was posted by [Alexandria Ocasio-Cortez](#) on Instagram.

PROTESTING SAFELY

WHAT TO WEAR

- Nondescript, solid color, layered clothing; cover identifying tattoos
- Heat resistant gloves
- Tie your hair up
- Goggles & mask
- Emergency contacts written down

WHAT TO BRING

- Water for drinking & tear gas
- Snacks
- Cash/change & ID
- Washcloth
- Bandages & first aid supplies
- Ear plugs
- Protest signs

~~DON'T BRING~~

- Cell phone without first turning off Face/Touch ID, going on airplane mode, and disabling data.
- Jewelry
- Anything you don't want to be arrested with
- Contact lenses

Buddy system

A buddy system (a.k.a. an affinity group) involves a small number of individuals operating together as a unit to keep tabs on and support one another through a protest. Your buddy system may choose to communicate through encrypted app group chats like Signal or Telegram. They often join together and leave together. Typically buddy systems have each other's emergency information and contacts, share information and supplies, watch out for signs of danger, check-in periodically, and if someone is unresponsive or arrested by the police will call for help. Leaving in groups following an event is a particularly important responsibility for buddy systems as this is typically the most vulnerable time for harassment and arrests.

Buddy systems may also contact important supports and notify chosen family. One should also be careful not to state whether someone did something or not. These contacts may be able to provide supplies as well as physical and emotional support. This is particularly important in a case where you are arrested and/or injured.

Bail and sureties

Arranging sureties helps in the event that you are arrested and detained. While most often you will be released by police on your own recognizance after arrest (although there may be pressure put on you to agree to certain restrictive release conditions), you may also be kept in detention until a bail hearing takes place before a justice of the peace.

At a bail hearing it is important to have a surety show up to support your release. A surety is a person who knows you and will take responsibility for ensuring you follow your release conditions and show up for trial and hearing. They may be asked to pledge some money which they lose if you breach your bail conditions.

For more detailed information bail and sureties, please see our section on [bail processes and release conditions](#).

Setting up your emergency network

Identifying emergency contacts and chosen family to contact your work and school is very important if you are arrested. This can be done by giving your emergency contacts a set of people to call/email in the case of arrest. You may include your employer in case you are not able to show up for work or your teacher/professor if you are not able to show up for school.

Your emergency contacts can explain your absence vaguely for "personal reasons" or a "personal emergency". The idea is to limit work and school consequences because of your absence, as missing work without notifying an employer has, in the past, resulted in instances of dismissal for protesters who have been arrested and detained.



Case Study

After a sit-in on Bay Street in the summer of 2020, people were leaving down Bay in their affinity groups. At Dundas, a white man on a bike started yelling loudly at a group of mostly Black protestors with BLM signs. He was yelling that "All Lives Matter", loudly enough for all of us to hear. He continued yelling in an aggressive tone and the group firmly told him to move on. As he rode away towards Yonge street, he kept swearing and yelling phrases showing his anger at the protestors. None of the 7 uniformed police officers at the intersection approached the man or attempted in any way to instruct him to stop harassing Black protestors. When some of us asked the police why they didn't do anything to improve safety for the rest of us, they said "well it's a freedom of speech issue", and "no one here made a criminal complaint". Buddy systems can help keep us safe, particularly where police fail in their function.

Arrest and detention may also affect your children, dependents and roommates (including pets and plants). To reduce impact, have an emergency contact who can help arrange care (e.g. for your children to be picked up from school and be given childcare or to check up on other dependents, such as elderly parents/grandparents).

When you have precarious immigration status

The constant threat of deportation silences non-citizens, particularly undocumented folks. Being detained by police carries greater risk for migrants as police may additionally call in Canadian Border Service Agency (CBSA) officials to place a protester into the immigration detention and deportation system. Protesters and organizers should make sure that a migrant's immigration status, address, place of work is not revealed, particularly to law enforcement.

Because of [special emergency Ontario regulations](#), police and other provincial offenses officers are allowed to require you to show ID if they believe you are breaking a COVID-related law. As a result, migrants are left with the difficult decision of whether or not to carry ID to protests.

While there are pros and cons to both, it is generally recommended that if you have precarious status, you carry ID that does not indicate immigration status or address or place of work, so as to avoid a fine and to avoid providing reasons for additional detention on the basis of failure to identify. More detail can be found in the [IHRP's digital guide on Ontario's COVID ID requirement](#).

For more information on what CBSA officers and CSIS agents can do at a protest, see our later sections on ["who is who"](#).

Digital security

Digital attacks, hacking, and doxxing are increasingly popular as methods to target protesters. There are a variety of very good digital security guides and services available. We recommend that you familiarize yourselves with best digital security practices, such as this digital security guide from [Equality Labs](#) and [Surveillance Self Defense](#). [Defend our Movements](#) provides a digital security audit for organizers and has information on encryption to location tracking.



Tips for Digital Safety

- Remove facial recognition and fingerprint recognition from your phone;
- Use a 6 (or more) digit code to lock your phone;
- For additional security, you can add an app lock software to protect certain apps;
- Install and use the Signal app (a secure messaging app) to communicate with others;
- Make sure to turn off location services;
- When taking or posting photos, your photographs contain information about where the photo was taken and on what device. You can scrub this information through metadata scrubber apps available in your app store;
- Enable two-factor authentication for your accounts, which requires verifying your identity;
- Use VPN or the TOR browser to boost your anonymity. VPNs help privatize your internet traffic, but make sure to read the privacy policy to make sure the VPN service doesn't store or sell your data. The TOR browser is even more anonymous because your traffic goes through multiple computers and your data is not stored;
- For email security, check out [this post](#) from the Defend our Movements knowledgebase;
- Use a password manager to store long and complicated passwords. For more information on password managers and which one to use, check out [this post](#); and
- For more technical guides on how to do some of this, like enabling TOR, clearing data on computers, and encryption, check out this [Surveillance Self-Defence tool guide](#).



Things to Think About During a Protest

A. For photographers: street photography and consent

What to consider before you take and disseminate photos of a protest

Legally, if you are lawfully in a public space (such as on the street) you may, in general, photograph anything and anyone in plain view. Certain public spaces still are protected by a reasonable expectation of privacy (such as a public washroom) where you cannot photograph people. If you are in a privately-owned public space, like a shopping mall you may be asked to stop taking pictures, especially of caregivers and children, and must comply.

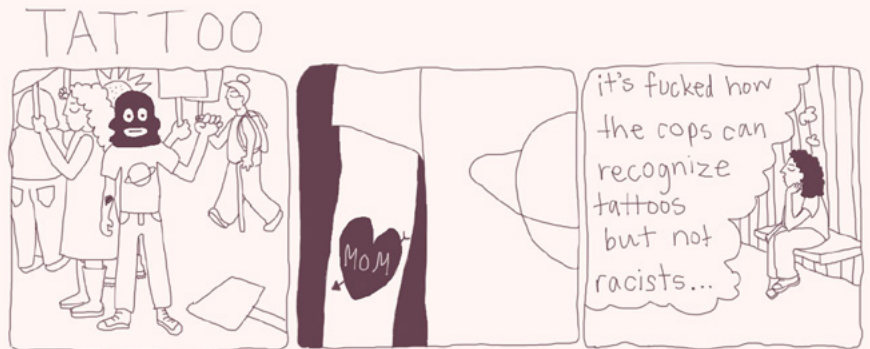
Officers do not have the right to ask you to delete your photos or to take away your equipment without a warrant. But in practice, they often do, so make sure your phone can be easily locked with one touch. Officers can lawfully prevent you from taking a photo if it interferes with law enforcement operations (i.e. interfering in a way that prevents an officer from performing their duties). This, of course, is often interpreted broadly by police.

Ethically, consider the responsibilities you have as a photographer at a protest and the consequences that could come with posting photos. Publishing photographs of QTBIPOC at demonstrations puts them at risk for increased surveillance and harassment by police, federal investigation bodies, and members of alt-right movements.



Case Study

Alaa Al Soufi is a young, Syrian refugee activist from Toronto. Al Soufi attended an anti fascist rally outside Mohawk College and was photographed. Despite his entire face being covered by a balaclava, Al Soufi was identified. The image was circulated across alt right groups who quickly identified Al Soufi through his clothing and tattoos. Shortly after, Al Soufi faced physical and verbal harassment and doxxing. Alaa Al Soufi and his family continued to receive death threats, forcing the family to temporarily shut down their restaurant business out of fear for their life.



Ethics and Photography

Do you have consent? If you're publishing an image including someone's face and do not have their unequivocal consent, do not post it. By publishing photographs, you also risk outing people as trans to friends and family. Blurring faces isn't always an effective solution because police can edit out the blur and identify the person's face. While you may have the privilege of documenting your attendance at a protest, some QTBIPOC may not. You have an ethical duty to protect fellow activists and protesters from harm. The risk of publishing pictures that include people's faces is both unethical and extremely harmful for their safety.

Further, [use of facial recognition technology and predictive policing models is growing](#). In 2020, the Toronto Police Services Board, the RCMP, and the OPP admitted to using facial recognition software on published photographs to identify people. Facial recognition software and associated algorithms perpetuate racist and classist stereotypes, increasing the vulnerability

of racialized subjects to misidentification and targeting by law enforcement. Published photographs of QTBIPOC increase the risk that law enforcement officials will track, identify, and arrest individuals. Finally, the federal government keeps track of individuals known to protest through social media posts. You may unknowingly flag someone in the government's system by posting an image that identifies them.

As a photographer, consider how to document and publicize demonstrations to support social movements without putting the lives of QTBIPOC at risk. Considerations such as requesting consent before taking an image and especially before posting it on social media are more ethical than taking a picture without someone's consent. Blurring faces and identifying features after the fact is also good practice. Finally, you can check in with organizers to let them know you are there taking pictures, where you will later share photos, and if there are any concerns that you should be aware of.

B. Safety for protesters

Unfortunately, privacy rights when it comes to photography in public spaces in Ontario are [quite limited](#). For more information on how to preserve your anonymity at a protest, check out our [doxxing](#) section.

● ● ● ● *Is it safe to post my participation in a demonstration on social media?*

There may be some risks involved. There are [reports](#) that the federal government has been keeping track of groups and individuals who have been involved in protests. This includes information collected from social media posts and online activities. Posting on social media may also increase the risk of doxxing and harassment by alt-right members (see our case study on [Masuma Khan](#) under anonymity and doxxing).

● ● ● ● *How to safely document the encounters between police and QTBIPOC*

Information drawn from [Huffington Post](#) and [MDC](#).



Case Study

[Activists in Philadelphia were arrested](#) after the FBI tracked images on social media. The FBI obtained photos showing six people attacking a state trooper's car. They then compared those photos to social media posts to identify the suspects. All of those in the image, including a teenager, were arrested. The police used tattoos, outfits and physical characteristics to connect people shown in the student's photos to protesters' social media profiles. Facial recognition software was also used, which matched one of the activists in the image, Luke, because of a small cross tattoo near his right eye. Another activist in the image, Francisco Reyes, was found after FBI found photos of himself on Instagram wearing the same outfit as a man in the photo. Further, a skateboard identified in the image was matched to a skateboard seen in photos posted to Sammy Rivera's Instagram feed.



When filming encounters, maintain at least 6 ft of distance. To ensure police cannot easily access your footage, disable face or fingerprint ID unlocking methods from your phone and use a six or more digit passcode.

Keep your phone close to your body around chest level, rather than holding out your phone (which makes it easier for police to grab). If you are told by law enforcement to stop filming, you may assert your constitutionally protected right to document police activity in public.

There is also key information that you will want to try and record as an observer: officers' names, badge numbers, appearance, time and location of the incident. If the officers are making an arrest, try and get the arrestee's name and date of birth so you can follow up with them later in jail or court. Your recording may also be helpful to their attorney. Try also to capture background scenery that can identify where the incident is occurring - this can also be done after the primary incident has calmed down. Try to, to whatever extent possible, keep other people in the background out of frame, focusing on the victims and perpetrators.

If you are unable to document the situation on video, write the pertinent details on a piece of paper or jot them down in your phone. After you get back home, type up what occurred while it is still fresh in your mind. If the police do not make an arrest, check if the person needs medical attention or other help.

C. If you're stopped by police

Information drawn from [PEN Canada](#), [Steps to Justice](#), [BLAC](#) and [MDC](#).

● ● ● ● *Do I have to show an officer my ID?*

Before COVID, you only needed to show ID to police if you are stopped while driving or riding a bike, you are being arrested and detained, if police are executing a warrant, or if they are investigating a crime that has occurred. In these cases, you could be charged with obstruction if you do not identify yourself.

After [special emergency Ontario regulations](#) were put in place however, police and other provincial offences officers, including bylaw officers, may require you to show ID if they believe you are breaking a COVID-related law. If you are not a citizen, check the above section on precarious immigration status.

● ● ● ● *Can an officer search me?*

Searches without warrant are generally not allowed under section 8 of the Charter. However, the police can search you and your personal possessions (e.g. pockets, backpack, purse, car) in [certain limited circumstances](#), but they must be able to give you a good reason why, otherwise it is likely not lawful. This may not stop police from attempting unlawful searches anyway.

If the police try to search you, you may tell them that you do or do not consent to the search. It is recommended that you do not consent. However, be careful with physically interfering with the search while it is happening as that could lead to additional charges against you as well as an increased risk of arrest and detention. Evidence from an unlawful search can be tossed out later through the court process. All police searches, whether lawful or not, must be conducted in a reasonable manner. If the police search you aggressively and touch you inappropriately, this may be a violation of your rights. If this happens, write down what happened and consult with a lawyer as

soon as possible.

If you are protesting in an area considered high security (for example, a high security government building), the police might have an additional legal basis to ask you to produce ID or to conduct a search.

● ● ● ● *Can I get arrested at a demonstration?*

To conduct a lawful arrest, a police officer must either:

1. see you break a law;
2. have a reasonable basis to believe you broke one;
3. have a reasonable basis to believe you are about to break one; or
4. show you a warrant for your arrest.

“Reasonable basis” is an incredibly vague phrase in the law and many non-suspicious acts are often used as reasonable basis for arrest. The police must tell you why you are being arrested or immediately release you if there is no reason. While the officer arresting you could be mistaken, if you resist arrest, you will be breaking a law and may be charged with a criminal offence on that basis alone.

Make sure you [photograph or write down anything that could prove that the officer was mistaken for use later on in court](#). Take note of witnesses who saw the arrest because they may have helpful evidence if you are charged and have to defend yourself.

You can try to reduce the access that police have to protestors through creating a buffer with random people between you and police, or not engaging or speaking with cops and liaison officers at all. Police have many techniques that they can lawfully use for “crowd control”. Challenging officers in these circumstances can result in arrest.

● ● ● ● *Right to silence*

You have a right to silence and don’t have to speak with the police if you don’t want to. You can walk away from a police officer unless they have detained or arrested you. Even when you are under arrest, the only information you are required to share is your name for identification purposes.

If you are not sure about the situation, you may ask if you are free to go. If not, you have a right to know why. If the police are questioning you while you are detained or under arrest, you do not have to answer. You have the right to remain silent and to speak with a lawyer. If you are being further questioned, it is recommended that you repeat: “I want to exercise my right to remain silent and to speak with a lawyer.”

● ● ● ● *Right to counsel*

You have the right to speak with a lawyer confidentially as soon as possible. A police officer must inform you about your right to counsel and provide you with the number for Legal Aid Ontario if you do not have a lawyer or search your lawyer’s number by their name if you do.

It is a good idea to speak with a lawyer right away if you were charged, detained, searched or assaulted by the police. If you are under the age of 18, you also have the right to be accompanied by a parent/guardian or lawyer if the police ask you questions, want you to give a statement, or want you to sign certain release conditions.

If you require a lawyer, please see [“Legal Counsel and Support”](#) below.

Disability rights

Visor cards can be helpful for immediate interaction with police. Visor cards notify officers that you are Deaf or Hard of Hearing. They also act as a tool for interaction with the officer, as officers can point you to images for direction and you can notify them with your preferred mode of interaction. Try to keep the card somewhere accessible; reaching into your backpack during a stop could be misinterpreted as a threat and can escalate the situation. Also, police have been known to perceive body language inherent in ASL as “aggressive”. [Print a visor card here.](#)

If you are stopped by police, it may be safer that you let them know you are Deaf or Hard of Hearing. Silence may make the situation worse.

Paraphrased from [Activist files complaint after seeing video of member of deaf community.](#)

When no interpreter is available, a pen and paper can assist communication, particularly during immediate interaction with police. However, police may not respect your wishes to use a pen and paper (see CBC video in hyperlink).

Disabled people may require special arrangements or “accommodations” from the police. The police are supposed to be providing a service, and as such you have the right to equal treatment, and to be free from discrimination, as protected by the Ontario Human Rights Code.

Under the Code, “disability” covers a broad range and degree of conditions, some visible and others not. If you are a person with a disability and you are entitled to “accommodation” from the police, make sure that you use the term “accommodation” or “disability” or “Human Rights Code” unless you think police will harm you as a result.

If you need an accommodation, make your request clearly and as early in the process as possible (but you can make a request for accommodation at any time); and in the presence of other people, including other officers, witnesses, and legal observers.

D. If you’re stopped by a CBSA officer

A Canada Border Services Agency (CBSA) officer can issue an arrest for someone who is believed to lack status under immigration law, are violating conditions of their stay, has non-permanent status and is unlikely to show up for examinations, poses a danger to the public, or cannot be identified. CBSA officials are only allowed to arrest individuals for immigration reasons, not for breaking criminal laws. Permanent residents and protected persons can only be arrested by CBSA with a warrant.

In practice, if police officers suspect you do not have proper immigration status, have broken the conditions of your visitor visa, work permit or study permit, or violated other immigration rules, they



may try to detain you, call CBSA, and turn you over to them. Many immigration arrests are done by cops stopping people and transferring migrants over to CBSA.

You do not have to answer any questions from CBSA outside an immigration examination or hearing. If you are stopped, politely ask if you are free to go. If the officers have no reason to detain you, you are free to go.

Like a police arrest, if you are arrested by the CBSA, they must tell you why and inform you of your right to consult a lawyer. You should tell them you want to speak to your lawyer, immigration consultant or a community member who can help you for free (someone from your community group, mosque, church, etc.) BEFORE you answer any questions or sign anything. They are supposed to stop asking you questions once you claim your right to counsel.

E. Queer and trans considerations if detained or arrested

Your rights when arrested - being misgendered

Beforehand:

- Decide whether to bring any ID.
- Decide whether to carry a doctor's letter stating your gender.
- If you know allies, ask them to protect you with their body or by advocating for you the way you want them to.

Common instances where misgendering may happen

1. When the officer records your details on location or at the police division;
2. When the officer puts you in a holding area or transport wagon separated by sex; or
3. If the officer puts you in a cell with other people separated by sex.

Choice and safety

You always have a choice: you can insist on being accurately gendered or you can allow police to misgender you during your time in custody. Do what feels safest to you.

1. You can inform police of your gender when you are arrested, when you are first checked in at the police division or at any time after.
2. If you are in a cell with others who you know, you can ask them to advocate for you and inform the police of your gender.
3. You can also wait and ask your lawyer to inform the police of your gender and advocate for accommodations you need.

Do I need to show ID when I am being arrested and what kinds of identification are sufficient?

You don't need to provide your name, sex or address unless biking, driving, or if it's a COVID related check. As a practical matter - it's best to provide the basics (as long as they don't incriminate you) to get cops out of your hair.

1. You can simply identify yourself by giving them your chosen name or deadname and your address if you have a fixed address like an apartment or shelter.
2. If you have ID that shows your legal name and address it will be enough information to satisfy

requirements to identify yourself to the police. Sometimes you will also have to give them your date of birth.

3. Giving the police your chosen name instead of your deadname is not the same as giving a false name. You cannot be found guilty of lying to the police by giving them your chosen name instead of your deadname. Tell your lawyer if the police threaten you with this charge.

Importantly, you do not ever need to inform the police of your sex or your lived gender. There may be practical consequences however. If you do not carry ID or police don't see your gender marked on your ID, or if it says "X", or it shows the sex assigned to you at birth and they don't think that matches what they perceive you to be, they will ask you and you can refuse to answer, or you can answer.

Not revealing your sex or gender is not an offence, but:

1. You may be put in a cell alone;
2. You may be put with people the police think you share a gender with; or
3. You may be subjected to a strip search (a level 3 search), which would establish your sex if done thoroughly.

A strip search can be traumatizing and may only be done for "safety" reasons; for example, before being placed in a cell with others. Always tell your lawyer about a strip search.

● ● ● ● *How do I verify my gender to the police, should I wish to?*

As you assess a situation, if you think it's safer to tell cops your gender identity (e.g. for body searches, or accommodations such as access to medication if detained - particularly if you are already out), you can also carry a dated and signed letter from a doctor who verifies your gender in a medical way that cops and courts will comprehend and more likely accept.

This letter and the name of the medication you need is confidential and cannot be shared or copied without your consent under s. 4 of the Personal Health Information Protection Act. Further, the Human Rights Code prohibits cops to threaten to out you to your family, employer etc., so if they do that let them know you will be speaking to a lawyer and mention 'human rights code'.

● ● ● ● *Will I be asked about my deadname/legal name or to explain the state of my transition?*

- Your deadname may be required by court staff if it's also your legal name in order to confirm your identity.
- You do not need to give police information about your social or medical transition: it is irrelevant.
- Ask your own lawyer, Duty Counsel, or your advocate to speak with the Crown Attorney assigned to your case and to confirm your identity in a manner that respects your privacy (e.g. not discussing it in open court for all to hear, and asking to be referred to by your real name after identity is confirmed).
- Tell them to correct others in court if they misgender you.

● ● ● ● *The duty to accommodate when arrested and detained*

According to the Human Rights Code, police must put in place the most appropriate accommodation for all accused people on an individual basis, considering the safety of the individual and those in the institution. In our experience FTM prisoners in Toronto automatically get taken to segregation in Vanier Centre for Women, as do MTF prisoners, unless you ask to be in a

male prison.

Getting “protection” for your gender identity can often mean being put in administrative segregation (ad seg). This can prevent you from accessing the same privileges or services available to others within the general prison population (gen pop).

When considering what cell or holding area you would prefer to be in, based on sex characteristics, consider your own mental health and wellbeing. As someone assigned male at birth, you may prefer withstanding harassment in a male prison, over social isolation in a women’s prison. As someone assigned female at birth you may prefer the opposite. Further, consider that access to proper meds and hormones can be difficult in jail and may take weeks or longer to obtain, unless brought with you.

Who will conduct my search?

Searches should include the option of only male officer(s), only female officer(s), or a “split search” with both male and female officers. Upon request, a split search might involve, for example, male officers examining a detainee’s lower body and female officers examining the person’s upper and/or lower body.

Read more in [“Making a Human Rights complaint”](#).

F. ASL and language interpretation

Resource: [Steps to Justice](#).

You have a constitutional right to have an interpreter for any language, including ASL. The government pays certified interpreters to help people in court so you don’t have to pay anything. Ask for an interpreter. However, court interpreters, like everyone else, might be racist, transphobic or homophobic.

You can ask to have a different interpreter if you feel uncomfortable or like you aren’t getting proper service. Notify your lawyer, duty counsel, paralegal, justice of the peace or judge immediately if



Case Studies

Moka Dawkins, a Black trans woman, [spent 4 years in a male prison](#) after a jury refused to believe she acted in self-defence. When Moka contacted the police after the incident, she stood in front of them shaking and in pain from her injuries. She recalled the officers’ laughter as she stood there and her wig came off. According to the article, because Moka was considered a biological man by the justice system she had 1 of 2 options: segregation in a woman’s facility or harassment in a male prison. In prison, Moka was denied her wig. When she tried using a shirt as a wig, she was put in segregation. Moka described being misgendered on purpose while she was in prison, often as a joke. The Toronto Police’s news release deadnamed her, which led the media to also use her deadname.



Avery Edison, a white trans woman celebrity, was arrested at Pearson Airport and taken to a men’s prison where she was held for 20 hours. [“At Maplehurst, in spite of Ms. Edison’s legal and self-identification as a woman, Ms. Edison was continually referred to as ‘he’ or ‘him’ or ‘sir’.”](#) She filed complaints to both the Human Rights Tribunal of Ontario and the Canadian Human Rights Tribunal. The Ontario Ministry of Community Safety and Correctional Services has a policy to assign “pre-operative” trans people to a detention facility based on their sex at birth, instead of their lived gender.

Note: While still experiencing discrimination, white trans women receive more positive media attention and their complaints get taken more seriously than racialized trans women.

there is something wrong with the interpretation.

Resource: [Toronto Criminal Lawyers](#).

Where it is clear that language barriers exist, police officers must take steps to make sure you understand your rights and what is going on, even if you speak some English. This may involve including a lawyer who speaks the same language as the detainee or using an interpreter along with an English-speaking lawyer. Police officers must ensure that everyone's language needs, particularly with respect to their right to counsel, are respected and accommodated.

Nonetheless, bear in mind that police violate Charter rights all the time. Detainees requiring an interpreter may not receive one when immediately needed or may receive poor alternatives. Advocacy from other people can help a lot here.

For DDHoH people, it is important to remember that you still have the need and right to have a professional sign language interpreter who is not performing another role for the legal system (i.e. a police officer who knows sign language).

G. Can you be arrested by a CSIS agent? TTC officers? Others?

Paraphrased and borrowed from [CCLA](#) and [Butterfly's Who is Who? Resource](#).

You cannot be arrested by a CSIS agent. However, CSIS may detain and interrogate you in order to "reduce" threats to the security of Canada. If you do not want to speak with a CSIS agent, you may generally decline to answer questions. However, if you are a non-citizen with an immigration application pending, you may be compelled to appear for an interview with a CSIS agent and truthfully answer all questions. Unless CSIS has obtained the approval of the Minister of Public Safety and Emergency Preparedness and a warrant issued by a judge, they cannot take your property.



Case Studies

In 2019, the Ontario Court of Appeal held that prolonged segregation of any prisoner (longer than 15 days) exposed prisoners to [serious risks of potentially permanent psychological harm](#). Sections 31- 37 of the Corrections and Conditional Release Act impaired prisoners' section 12 rights under the Canadian Charter (everyone has the right not to be subject to cruel and unusual treatment or punishment) and was not justified under section 1. Where the Act permitted prolonged segregation, it is of no force and effect. The Attorney General for Ontario is currently appealing this decision to the Supreme Court of Canada. This decision applies to trans inmates placed in segregation for their "protection". Administrative segregation can have serious psychological effects on anyone.

[A case that went to the Canadian Human Rights Tribunal](#) (CHRT) dealt with a trans inmate who identified and lived as a woman, but was placed in a men's prison. The CHRT found that Correctional Service Canada had a duty to accommodate trans inmates, especially because of their vulnerability to violence. Finally, it must require the individualized assessment of each transsexual inmate by corrections officials, in consultation with qualified medical professionals, as to the appropriate placement of the individual within the various types of facilities available in the male prison system and the steps that are necessary to ensure their safety. Trans inmates must have access to health care services related to transitioning while incarcerated.

In [R v Khandall 2016](#), Justice Monahan concluded that the cop's failure to properly inform Mr. Khandal of his rights to counsel and allow him the use of a Punjabi language interpreter while consulting with counsel, constituted a serious impact on his Charter rights. The judge also asserted that an accused person is in a vulnerable position when under arrest, and when someone is not properly advised of their rights, there can be a direct negative impact on their defense.



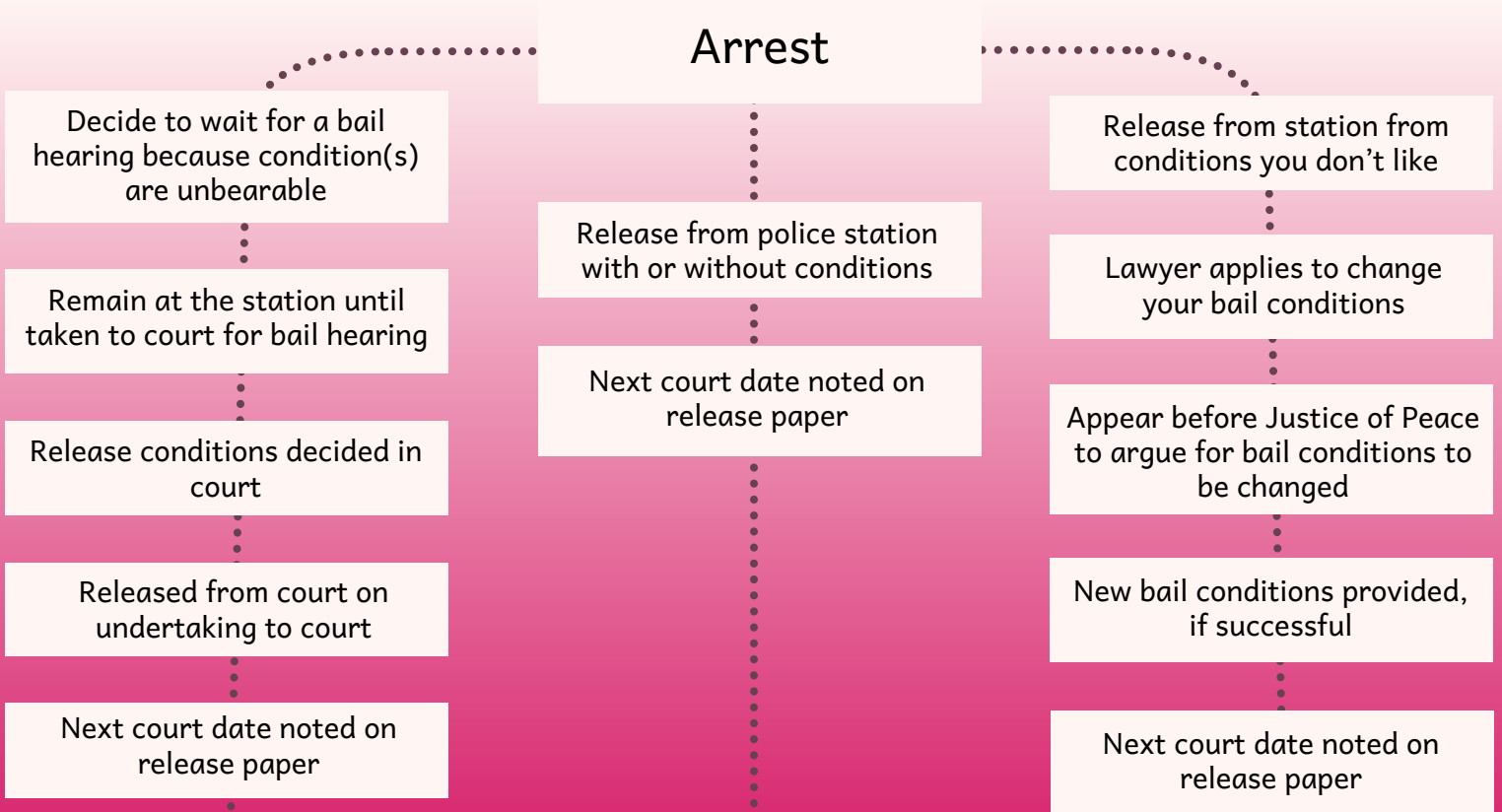
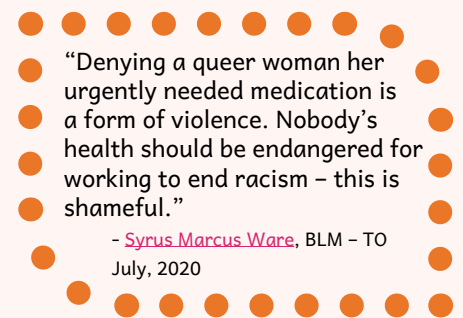
Police have the broadest arrest and detention powers and may enforce all laws including criminal laws and municipal bylaws. While federal, provincial, and municipal police forces are well known, special constables (such as TTC constables) may also be appointed by a municipal police services board. These special constables may have special powers to enforce some criminal and provincial laws such as in public transit, campuses, and community housing and so have associated arrest and detention powers. They cannot enforce immigration laws.

CBSA officers enforce Canada’s immigration laws and customs and tariff laws. CBSA officers have broad powers to arrest and detain individuals who they suspect are not in compliance with immigration law, such as those with irregular immigration status. The CBSA is also the only public safety agency in Canada without an oversight body and so internal complaints are particularly challenging.

Municipal bylaw officers, also sometimes known as peace officers, are charged with enforcing certain regulations. Bylaw officers can enforce many types of regulations concerning matters like business licensing, traffic and parking offences, property use issues, and building inspections. Compared to the police and CBSA, municipal bylaw officers have limited powers. Municipal bylaw officers can issue fines, but do not have the power to arrest or detain, unless called in to assist officers that do have power to arrest.

H. Bail processes and release conditions

You are required to have a bail hearing within 24 hours or as soon as possible before a justice of the peace (lower than a judge). If arrested, you are required to have a bail hearing within 24 hours or as soon as possible before a justice of the peace (lower than a judge). However, most people arrested in protests are released from the police station after agreeing to rules called “release conditions” by signing a release paper. The law says that these conditions must be as minimal as



possible, and only used if necessary, to (1) ensure you show up to court, or (2) protect the public safety. But police often try for restrictive conditions on minor charges especially with activists. Conditions last until trial or until your charges are dropped or resolved through a guilty plea--sometimes months or years later. Take heart though, because you have rights and your lawyer will play an essential role here.

● ● ● ● To sign or not to sign?

It is very context specific as to whether, when in police custody, you ought to sign a release paper with conditions that you don't like. If the condition is likely to be imposed by a justice of the peace (JP) in a bail hearing anyways (e.g. no weapons when there was violence, or no contact when there were threats to a witness), then your lawyer might advise you to sign, and you can evaluate whether to challenge it or seek a variation later (see below re: method to challenge bad release conditions).

If you don't like the condition and it's not legally appropriate but you can live with it until a charging document arrives in court where it can be challenged, you might choose to sign it. You avoid the time in custody and fight the term later. The important part here is to note that your signed Undertaking to an Officer is challengeable later in court. There is no need for a more formal bail review. You can apply for a new bail in court without notice, with no transcripts or evidence, under s. 502(2) CC. This can be done at any time by an Application in Form 1, either before, on or after your first court date. Conditions can be varied with consent of the prosecutor or order of the JP.



Case Study

Trish Mills was arrested in Hamilton, Ontario after being at a railway blockade in support of the Wet'suwet'en hereditary chiefs. After 30 hours in custody, Mills was faced with a difficult choice: agree to the conditions of the release order or risk being kept behind bars for weeks longer. Reluctantly, she signed the release order. One of the conditions in the order restricts what she can say and do on social media, including being banned from using social media to express solidarity with the Wet'suwet'en. The language of the condition was extremely broad, leaving Mills confused as to what might breach the order. Would liking a Facebook post that supports Indigenous rights breach her order? Hamilton police effectively restricted Mills' freedom of speech in exchange for her physical freedom from custody.

RELEASE CONDITION ROLLOUT



Case Study

During the G20 protests, the state put a lot of resources into using bail conditions as gag orders. Conditions prevented arrested defendants from speaking about their experience and basically doing anything. Defendants were restricted from describing their charges in public, attending a protest or demonstration, associating with the co-accused and were even put under house arrest. One defendant was threatened with arrest for breaching the demonstration condition after attending a fundraising event for their own legal defence.

If you hate the condition, the officer won't budge and you cannot live with it even for a few months, you can choose to wait for a bail hearing later that day or the next day and challenge the term there. Make sure your lawyer emails the officer at that time explaining why the condition is unlawful/inappropriate and why a JP would never impose it and why they will be later arguing that the detention is arbitrary due to the

officer's failure to provide an appropriate form of release.

So - it's critical that activists are aware of CC s. 502(2) and their right to challenge the unfair release term from out of custody. It's also important they have a clear reason for why the term(s) can't be lived with for even a short time. This will mean they won't give up their freedom in custody to challenge something at a bail hearing that could be challenged later. Such a situation (unlawful term or inappropriate in the case, they need it changed immediately but the officer won't budge despite logic and law being provided) might constitute a Charter breach that could even result in a stay of proceedings on the right facts.

● ● ● ● *Bail hearing*

The onus is on the Crown (prosecutor) to show why you should not be released from custody for the reasons listed in the first paragraph. Your lawyer or duty counsel will represent you at this hearing. Your bail conditions should restrict you as little as possible, unless you have another case in the courts with another bail paper in effect, or if you are not a resident of Canada. You may have to agree to conditions, put up an amount of money to ensure you follow your conditions, and/or be assigned to responsibility of a surety (discussed earlier).

There is a possibility that the Crown may ask for social media bans as a bail condition (see our case studies for more details), for you not to associate with those charged with you or avoid some large geographical area. Make sure to tell your lawyer all the specific reasons why these conditions suck, e.g. the person charged with me is my roommate, lover, co-worker; I cannot avoid downtown when I live and work downtown; or I have a protected right to protest using social media.

I. Police crowd control tactics

● ● ● ● *Kettling*

Kettling is a police tactic of breaking up large demonstrations by blocking off escape routes and pushing protestors to where the police want them to be in order to possibly mass arrest them.

Keep in mind that most "police choreography" consists of breaking up large groups into manageable portions. If you are QTBIPOC and have broken away from the group, it is recommended you rejoin the crowd even moving towards the centre and look out for other individuals who have broken away. This prevents snatch squads from targeting certain protestors.



- To avoid being kettled keep an eye on police formations. Organizers can use legal observers or scouts to watch police formations from higher ground and report through group chats.
- To stop the police lines from forming, it is recommended that protestors fill gaps in the crowd and stick together. If protestors are starting to push the police back to prevent kettling, consider moving with a group rather than by yourself.
- Protect escape routes by standing near them.
- Throwing items can be a useful defensive tactic, but will also provoke police and could jeopardize safety and result in charges if you are caught. If you leave the group to throw an item, come back into the group.

● ● ● ● Chemical agents

Resourced and paraphrased from [NPR](#).

When a tear gas canister explodes, the CS powder sprays and adheres to moisture. This includes the sweat on your skin and saliva.

Flash bangs are designed to temporarily blind or deafen people. But in rare circumstances, they can [cause serious injuries](#) or even death. That may happen when the police officers make an error throwing the devices. You are also at risk if a flash-grenade explodes near glass or gravel, creating a dangerous spray of tiny sharp fragments. Flash bangs can also start fires.

Symptoms of tear gas exposure can include the following, according to the CDC:

- Eyes: Excessive tearing, redness, burning, blurred vision
- Skin: Burns and rash
- Mouth: Burning, irritation, drooling, trouble swallowing
- Nose: Running, burning, and swelling
- Lungs: Chest tightness, shortness of breath, wheezing, coughing, choking sensation
- Stomach: Nausea and vomiting

If you are exposed to tear gas or other riot control agents:

- Get away from the chemical as soon as possible. Seek a higher ground because the closer you are to the ground, the higher the concentration of gas.
- Apply copious amounts of water on your skin, using soap if possible.
- If chemicals get in your eyes, irrigate them for 10-15 minutes with saline solution.
- There is a myth that milk is helpful for dealing with the pain of tear gas or pepper spray - this is not necessarily true. Do not flush your eyes with milk.
- Thoroughly wash clothing that comes into contact with tear gas.
- Using baby wipes or makeup wipes if water is not immediately available may increase irritation.
- If possible, and you are not affected yourself, help others by moving them to a clean and ventilated area.

How to get rid of the chemical irritant later:

- Take off your shoes outside your home. Change your clothes and hang them in an open, ventilated area for at least 48 hours before washing. If you can't do that, place your clothes in a sealed bag instead. CS powder can be active for up to five days.
- Rinse your body with cold water for at least 20 minutes as soon as possible. During your shower, keep your eyes closed and do your best not to breathe in any gas. Rinse your hair thoroughly.
- If you are still experiencing physical symptoms 30 minutes after your shower, see a doctor.



Types of Support at Actions

A. Legal observers

Legal observers attend actions to watch the police, not the protestors. Their traditional role is to record evidence that could be used to help protests later. The presence of legal observers at actions can provide some comfort and confidence to protestors while indirectly de-escalating by increasing eyes on police. Legal observers can also facilitate jail support by getting the name and information of participants who are being arrested. Although they are observers, they can choose to participate in the actions as well, but they do not lead the action and should not encourage or discourage tactics.

In real life, however, legal observers as people with knowledge of the law are asked by protestors and organizers to provide legal information before, during and after actions. This is especially true for QTBIPOC legal observers who have legal and informal relationships with the communities as movement lawyers. Legal workers may wear a different hat then, and provide information to empower protestors and organizers.

De-escalation

De-escalation is not about controlling or judging a person who is wilding out. Do not try to police their expression, while keeping yourself safe. They often have a good reason to be upset. Introduce yourself, ask them what they need, speak calmly, validate their experience, and don't make promises you cannot keep. Only attempt de-escalation if you feel you have the capacity.

LOs aren't necessarily "de-escalators" but their presence and the presence of people filming cops may make them feel seen/responsible for their actions (won't necessarily stop the violence but is important nonetheless).

[We highly recommend you check out this guide.](#)



Case Study

Unfortunately, the Toronto Police conducts thousands of wellness checks for people experiencing mental distress. There is a massive power imbalance during these checks as police officers are often armed and don't know how to de-escalate. Ejaz Choudry was experiencing a schizophrenic episode and had threatened to hurt himself. Without the presence of a mental health worker, the police entered his apartment and fatally shot him 5 times. The police had ignored Ejaz's family members' requests to enter the space and de-escalate the situation. The officer who murdered Ejaz refuses to speak to the Special Investigations Unit.

WELLNESS



B. Detainee support teams

Community-based support teams to take care of people and their families while they're in the legal system are invaluable. These teams often consist of friends, movement organizers and movement legal workers (e.g. [MDC](#)). They can provide support with: calling police stations, getting details of

charges, putting together/implementing bail plans, using media to pressure for release, welcoming and supporting detainees, and finding legal representation if there are charges. Post-release one-on-one support is important so detainees have people to follow-up with them and provide emotional support if needed.

C. Self-advocacy

Self-advocacy is about independent groups of people with all types of disabilities working together for justice and not having to rely on state supports which often include coercion and surveillance. [Self-advocacy tool kit](#) for groups.

D. Legal support

● ● ● ● *Finding out if you are wanted by the police*

Referenced and paraphrased from [MDC](#) and [CJC](#).

The police generally only share information about who they want to arrest with lawyers who call on behalf of their clients. It is not generally a good idea to call the police station to determine if you are wanted for arrest, as the police will not ordinarily provide such information to non-lawyers, and further, such inquiries can provide the police valuable information. As an example, if someone were to call, provide their name, and ask if they are wanted for arrest, such information might be of assistance in determining the identity of persons unknown to police, and used as the basis for further investigation. The best approach is to have a lawyer make the inquiry for you, if it is a good idea to do so, which the lawyer can provide advice about based on the specific circumstances.

● ● ● ● *Finding legal services*

There are various provincially funded legal clinics across Toronto that provide legal counsel and support. You may qualify for free legal aid through Legal Aid Ontario (LAO). To retain a private lawyer, you can obtain a legal aid certificate for specific charges only from LAO by calling 1-800-668-8258. This line can be difficult to navigate especially if you don't speak English. Deaf people could try Canada Video Relay Service to get through. They also have a toll-free TTY (teletypewriter) service at 1-866-641-8867 from Monday to Friday between 8 a.m. and 5 p.m. to communicate in English or French. If you wish to sue the police, you can find a civil lawyer who works on contingency fees (they will only receive money if you win).

Aboriginal Legal Services

Assists Indigenous clients with: housing law, human rights, police complaints, and more.

211 Yonge St, Suite 500, Toronto ON, M5B 2H1
Telephone: 416-408-3967, 1-844-633-2886
www.aboriginallegal.ca

ARCH Disability Law Centre

Provides legal advice and information for persons with disabilities. Fully accessible offices, TTY, and other accommodations available upon request.

55 University Avenue, 15th floor, Toronto ON, M5J 2H7
Telephone: 416-482-8255; 1-866-482-2724
TTY: 416-482-1254; 1-866-482-2728;
<http://www.archdisabilitylaw.ca>

Black Legal Action Centre

Free legal aid services for low income Black residents of Ontario.

720 Spadina Avenue, Suite 221
Toronto ON, M5S 2T9
Telephone: 416-597-5831; 1-877-736-9406
<https://www.blacklegalactioncentre.ca/>

Community and Legal Aid Services Program (CLASP)

This is a clinic with law student case workers supervised by lawyers. They cover human rights, criminal and immigration law. Please call and speak to an intake worker for financial eligibility.

Osgoode Hall Law School, 4700 Keele Street, Toronto, ON
Telephone: 416-736-5029
<http://www.osgoode.yorku.ca/clasp/>

Downtown Legal Services

This is a clinic with law student case workers supervised by lawyers. If you are calling to request legal assistance, please call the intake line at 416 978-6447.

655 Spadina Avenue, Toronto, ON M5S 2H9
Telephone: 416 934-4535
<http://downtownlegalservices.ca/>

HALCO - HIV & AIDS Legal Clinic

Providing legal advice and representation for people living with or affected by HIV/AIDS.

55 University Avenue, Suite 1400 Toronto ON M5J 2H7
Telephone: 416-340-7790 / 1-888-705-8889
TTY: 416-922-2352 / 1-866-513-9883
www.halco.org

Movement Defence Committee


Demonstration support can include assistance with staffing an arrest hotline and/or legal office, tracking of arrestees and bail support (including locating sureties and other supports, organizing volunteer lawyers to conduct bail hearings, and/or liaising with duty counsel). While we cannot guarantee pro bono representation for trials, we can assist arrestees with accessing legal aid, organizing defence committees and referrals to progressive counsel.

movementdefence@protonmail.com
416-833-6137
<https://movementdefence.org/>

South Asian Legal Clinic of Ontario

Legal services for low-income individuals identifying as South Asian. Languages: Hindi, Urdu, Tamil, Bengali, Punjabi, Kannada, Kashmiri; interpreters can be provided for other South Asian languages (call ahead)

45 Sheppard Avenue East, Suite #106A, Toronto, ON M2N 5W9
Telephone: 416-487-6371
<http://www.salc.on.ca>

 Other services

Lawyer Referral Service

Provides referrals to private lawyers knowledgeable in the subject area of your question who will speak with you for 1/2 hour over the telephone for free. To access the Lawyer Referral Service, individuals can make a request online at <https://lsrs.lsuc.on.ca>. If you are in crisis, (for example in custody), please phone LSRS directly toll free at 1-855-947-5255 or 416-947-5255. The phone lines are accessed Monday - Friday between 9 am and 5 pm.

Pro Bono Ontario Free Legal Advice Hotline

If you need help with a civil matter only (no family law or criminal law), this hotline provides up to 30 minutes of free legal advice over the phone. The toll-free number is 1-855-255-7256.

[Steps to Justice](#)

Website with step-by-step information about legal problems. Live chat is available: Mondays, Tuesdays, Wednesdays and Fridays from 11:00 a.m. to 1:00 p.m. and 2:00 p.m. to 4:00 p.m. Thursdays from 11:00 a.m. to 1:00 p.m. and from 7:00 to 9:00 p.m.

Live chat can help you find legal information on the Steps to Justice website (they can't give you legal advice). They can also refer you to other services that may help.



Possible Legal Outcomes

A. Tickets

Remember: tickets are provincial offences NOT criminal offences and do not result in a criminal record. If you're given a ticket you can:

1. Plead guilty by paying the fine (via mail, online or in person).
2. Visit the court office to plead guilty but say something about the penalty (amount of fine or the time you have to pay).
3. Ask for a trial: this option allows you to talk to the prosecutor and potentially negotiate a lower fine.

If you do not choose one of the above options within 15 days of receiving the ticket, or if you do not appear for your trial, a Justice of the Peace will review your case and may enter a conviction without you being present. People who get ticketed may want to organize their defence as a group.

Note: It is possible that COVID-19 tickets can be challenged for being unconstitutional. Buying yourself some time by requesting a trial could give you additional options in the future as legal outcomes evolve through the pandemic. You can always plead guilty even on the day of your trial.

B. Protest-related charges

Trespass: Notices and tickets issued under the Trespass to Property Act; Cities and towns own private property e.g. Nathan Phillips Square, and can issue trespass notices; you are likely to get a notice of trespass first and if you don't comply, then you may get a ticket

- Fine is usually between \$200-\$1000 but you can choose to challenge it and could also make arguments if you can't afford the fine;
- If someone is arrested for trespass, they'll likely be released soon and no jail time will attach unless you are charged with criminal trespass (if you were near a "dwelling house" between 9pm-6am).

Breach of the peace (s.31):

- If detained on a breach, you will likely be held for the duration of the action and at most 24 hours;
- This is a holding charge to remove you from the action, it is NOT a criminal charge.

Causing a disturbance (s.175): (e.g. loud fighting, shouting, swearing, chanting, or singing in a public place, as well as annoying or getting in the way of other people in a public place.) Causing a disturbance can be punished with maximum 2 years less a day in prison and/or a \$5,000 fine.

- Evidence - there may be direct evidence of the disturbance, but if not, then the evidence of a peace officer is sufficient;
- Threshold: prove that the accused's behaviour caused more than a mere annoyance but actually interfered with the ordinary and customary use of the place where the act occurred;
- Note: 'shouting' does not include amplification by a device like megaphone;

- “Loitering” must be an action or inaction without purpose. Simply standing around is not sufficient;
- Summary conviction offence.

Common nuisance (s.180):

- Endangering lives/safety/health/property/comfort of public or obstructing the public’s enjoyment of any right;
- Summary conviction offence.

Mischief (s.430): (e.g. railroad blockades)

- Over or under \$5000: usually charged if there is property destruction;
- The charge is based on the value of the property, not the value of the destruction. Compensation for the destruction could be asked for and jail time could attach;
- Note: must wilfully destroy/damage property, render property useless, or obstruct any person in lawful use of property.

Unlawful assembly (s. 63):

The police will first have to make clear that the assembly has become unlawful (they have to make an announcement/banner notice) and this usually only applies when the assembly is “tumultuous”. A tumultuous disturbance requires an atmosphere of force or violence, so the accused must have caused fear in the neighbourhood that the peace would be disturbed tumultuously.

This is a hybrid offence and is punishable by six months in prison or a \$5,000 fine. If you are wearing a disguise, the prison sentence could increase to five years (possible COVID implications of this heightened sentence). Taking part in a riot or unlawful assembly while wearing a mask to conceal one’s identity without lawful excuse was added as a new offence in 2012.

Activist [Alaa Al Soufi](#) was charged with “wearing a disguise with intent and causing a disturbance”. Disguise with intent (s.351) is used for indictable offences (the most serious criminal offences) and includes masks. Alaa had been wearing a ski mask, but it is unclear how COVID-related mask-wearing will be interpreted by courts and whether health-related masks will be interpreted as a “lawful excuse”.

Rioting (s. 64):

This occurs when a group of three or more people actually do cause a violent disturbance (rather than just making people nearby worry they will). Rioting can be punished by up to two years in prison, but that sentence could increase to 10 years if you are wearing a disguise.

Suppression of riots (s.33.1):

Peace officers can use as much force as they believe (in good faith) and on reasonable grounds is necessary to suppress a riot and is not excessive given the threat of riot. Everyone is justified in obeying the orders given by a peace officer to suppress a riot if they act on good faith and the order itself isn’t unlawful. Persons bound by military law to obey commands of superior officers are justified in obeying these commands



“Tumultuously”

In the [Berntt](#) case, involving the Vancouver Stanley Cup Riot in 1994, Berntt was observed throwing objects at the police and tried to obstruct an officer making an arrest. Because of this, Berntt was shot in the back with a plastic bullet. Berntt challenged his conviction for taking part in a riot on grounds that the word “tumultuously” in the Criminal Code was too vague and violated his Charter rights. However, the court found that the definition wasn’t too vague.

to suppress a riot unless the order is “manifestly unlawful”. This is also a hybrid offence.

According to s.67, the riot proclamation must be read and rioters are given time to disperse. This can be problematic as Deaf people would not be able to hear the reading, and participants who disregard the proclamation can become targets of police violence.

Conspiracy (to commit an offence) s. 465:

Even if you personally are not involved in any criminal activity, there is a risk that the police will charge you with “conspiracy to commit ...” if you were involved in planning or organizing a protest during which unlawful acts were subsequently committed. Because the action triggering the offence is planning, it does not matter if the planned act never occurs or fails.

Assault (s.265):

This is usually charged if there is any contact with the police or if the police abuse you.

Resisting arrest (s.129):

This charge occurs when you piss off any law enforcement officer or someone helping police officer to arrest you. Allowing your body to go limp should not be construed as resisting arrest, but police can charge you for doing anything beyond being unconscious. It can be prosecuted as indictable or summary conviction, with a max penalty of two years.

Assaulting a peace officer (s. 270(1)):

If it proceeds as an indictable offence, max 5 years prison but if there’s no max penalty on summary conviction, it’s more lenient sentencing. With weapon or causing bodily harm = max 10 years imprisonment as indictable offence or 18 months via summary conviction.

Aggravated assault of peace officer (s. 270.02):

Always an indictable offence with a maximum penalty of 14 yrs in prison.

Disarming a peace officer (s. 270.1 (1)):

This is when a person takes or attempts to take a peace officer’s weapon while the peace officer is engaged in execution of their duty.



Potential Non-legal Outcomes

A. Doxxing

Doxxing is the violent practice of researching and posting private or identifiable information online about an individual in order to harass them and discourage activists from organizing. Additionally, such attacks can also be accompanied by physical violence, disinformation, and/or exposing activists to state surveillance, harassment, arrest, and prosecution.

As a result of the increased prevalence of doxxing in activism and its serious consequences, adopting strong digital security practices has become increasingly important. Fortunately, there are a variety of very good digital security guides available. We recommend that organizers and protesters familiarize themselves with these digital security practices, such as this digital security and anti-doxxing guide from [Equality Labs](#).

To avoid the risk of getting doxxed at a protest, neutralize your appearance by:

- Covering tattoos;
- Avoiding jewelry;
- Avoiding brand name clothing and shoes;
- Covering your face;
- Avoiding clothing or objects that you have in social media photos; and
- Wearing a hoodie or hat to cover your hair.

Using only one of these preventative tactics is not sufficient to neutralize your appearance. See our case study on [Alaa Al Soufi](#) who was doxxed despite covering his face at an action with a balaclava when alt right matched his photo using his favorite orange t-shirt.



Case Study

Masuma Khan, a Muslim student at Dalhousie University, and her family, faced daily threats of mutilation, rape, and murder after calling out white fragility and the backlash when the student union's decided not to celebrate Canada's 150. Complaints about her post "white fragility can kiss my ass. Your white tears aren't sacred, this land is", resulted in Khan being threatened with disciplinary action for allegedly breaching the student code of conduct. Khan also noted that since the incident, air travel has been extremely difficult and she is more prone to additional screening than before the incident. Dalhousie withdrew the disciplinary action after public outcry. Despite Khan's continued harassment on campus, the University has not offered her security and only offered their apology via Twitter 2 years later. The Dalhousie campus began offering emergency hijab kits after students reported having their hijab spat on and violently removed on campus. Khan said, "I get called a terrorist when I walk down the street, I get spat on, I get told to go back home. I was born in Halifax," says Khan.



B. What to do if police contact you after the fact?

Police may attempt to contact people who they believe were at protests as part of an investigation to gain evidence to charge you or others involved.

If the police call you after a protest:

- You have the right to silence and can effectively use it to avoid accidentally providing information that can be incriminating;
- Even seemingly safe statements like “I wasn’t there” or “I’d left already” could be used as evidence later;
- You may want to listen closely to what the charges are, when these offenses allegedly happened, whether there is a warrant for your arrest, or if you are just still under investigation;
- If the police ask you to come down to the station and “talk” that would usually indicate that they are still investigating, you do not need to accept this request;
- It is helpful to try to get the name, badge number, and division of the officer calling;
- You may say you will not provide any further information without speaking to a lawyer;
- End the call quickly and contact a lawyer for legal advice.



Resistance and Remedies

A. Challenge bail conditions

If you have been charged, an officer may release you if you sign an Undertaking that may include conditions. You may choose to sign it to avoid the time in custody (and challenge the term later) or choose to remain in custody and challenge the conditions at a bail hearing the next day. This decision will vary from person to person, given personal safety and well-being considerations.

Generally, you may challenge the conditions if they are overbroad or interfere with your lawful work as part of a community organization. For example in [R v Clarke](#), Clarke was arrested when he attended a demonstration at Queen's Park organized by the Ontario Coalition Against Poverty (OCAP), of which he is a founder and paid full-time organizer. His original bail conditions included: not communicating with any member of OCAP, not participating in any demonstration, march, or protest, and not going within 50m of Allan Gardens. Upon review, the non-communication condition was deleted because it was overbroad and restricted communication for lawful employment purposes. The no-demonstration condition was also held to be overbroad because it restricted his attendance at peaceful and lawful political protests; instead, the condition was substituted with a prohibition from participating in non-peaceable or unlawful demonstrations. The restriction on going to Allan Gardens was also deleted because the public park is frequented by the homeless, the very persons OCAP seeks to assist: restricting Clarke's attendance may deprive those in need from obtaining assistance.



Case Study

A Chris Ramsaroop, a protestor, was arrested after he participated at a student sit-in at the University of Toronto. Originally, his release conditions prohibited any contact with the co-accused students, and being on campus except to attend classes. However, since he worked for the Association of Part-time Undergraduate Students (APUS), his release conditions were later varied to permit him to attend campus and have contact with his co-accused for the purposes of his employment.

B. Organize a defence collective

A group may choose to collectively fight their criminal charges to share resources and prevent anyone from making any decisions that could undermine others. There is a collective decision-making around the legal process (between participants and lawyers) and the legal process itself may be used for continued attention- and power-shifting. A conversation during the pre-action planning stage can help set out main principles, which may include non-cooperation with police and creative defenses.

C. Apply to the [Victims Quick Response Program](#) for compensation

The program provides short-term financial support toward essential expenses for victims, immediate family members, and witnesses in the immediate aftermath of violent crime. This program replaced the Criminal Injuries Compensation Board (thanks Doug Ford) and gives less money, but it can help pay for some limited out-of-pocket expenses. To even be eligible for compensation you must report

the violent incident to a hospital, counsellor, sexual assault centre, or police within 90 days.

D. Complain to the Office of the Independent Review Director (OIPRD)

If you are concerned about an interaction you had with a police officer, you can file a formal complaint with the [OIPRD](#) within 6 months of the incident. The complaint will be screened and there may be an investigation by the police service or the OIPRD. If the allegations in the complaint are found to be substantiated and serious, [it will be sent to the police chief for a disciplinary hearing and decision where the officer may be found guilty of misconduct and face a penalty](#). You can be represented by a lawyer here. Decisions from the OIPRD can be appealed to the Ontario Civilian Police Commission.

Keep in mind that the entire process may take over a year and that your file may be closed for various reasons. Despite the OIPRD saying that all complaints are presumed to be screened in for investigation, [in the 2018-2019 fiscal year, over half of the 3000 conduct complaints were screened out. That year, only 97 complaints were found to be substantiated \(compared to the 650 found to be unsubstantiated\), and of those, only 17 substantiated and serious \(i.e. sent to a disciplinary hearing\)](#). If you are unrepresented at the disciplinary hearing, [you must be provided with a minimum level of assistance \(which you may not always get\)](#). And even if an officer is found guilty at a disciplinary hearing - only four were in 2018-2019 - the penalty is often quite mild.

[Superintendent David Mark Fenton was found guilty of three counts of professional misconduct due to his actions during the G20 protests that led to the mass \(unlawful\) arrests of about 450 people](#). His original penalties for the 3 counts, respectively, were: a reprimand, the forfeiture of 10 days off, and



Case Study

During the June 2010 G20 protests in Toronto, Adam Nobody was hit multiple times during his arrest. Police Constable Babak Andalib-Goortani was convicted of the criminal offence of assault with a weapon for hitting Nobody with a baton four times during the arrest. Although [he was found guilty in criminal court](#), and later [found guilty of misconduct in the OIPRD disciplinary hearing](#), Andalib-Goortani's penalty was a [mere forfeiture of five days' pay](#). The misconduct charges against the other four officers involved in Nobody's arrest were all dismissed.

INJUSTICE



the forfeiture of 20 days off. On appeal, his penalty was increased to the forfeiture of 20 days off for each conviction. Although the OIPRD found that his actions were at the more serious end of the spectrum of misconduct, the OIPRD felt he should not be dismissed from the Toronto Police Service, largely because of his exemplary service record of over 22 years of service with no previous disciplinary findings.

E. Make a human rights complaint

The Ontario Human Rights Code (The Code) prohibits actions that discriminate against people based on a protected ground in a protected social area such as the provision of services. If you felt that you were treated unfairly because of your race, ethnicity, nationality,

sex, gender identity, family status, disability, colour, ancestry, citizenship status or age during an interaction with a police officer, you might decide to file an application with the Human Rights Tribunal of Ontario (HRTO). [Common human rights allegations against police in Ontario include: the use of racial slurs or comments during an investigation or detention, degrading or rude treatment during an arrest or detention, and racial profiling.](#) In [Forrester v Peel \(Regional Municipality\) Police Services Board](#), the HRTO found that Forrester, a Black trans lesbian, was discriminated against on the basis of her sex when she was strip searched by male officers and subject to a split search by male and female officers, despite repeatedly requesting female officers to conduct the searches.

Case Study

[A protestor successfully sued the Toronto Police Services Board for a violation of his Charter rights.](#) The court also found that an officer committed the tort of battery on the second day of the 2010 G20 summit when the officer grabbed and pushed the protestor after he did not let the officer search his knapsack. The court found that police do not have the power to target apparent demonstrators and require that they submit to a search in order to continue walking down a public street. Additionally, the officer's contact with the protestor was considered unnecessary manhandling that offended the dignity of a person. Because the protestor only asked for the court to acknowledge the wrong done, the court did not award him damages but did compensate him for his legal costs.



F. Sue the police

You may sue the police for different harms called torts, in a civil action which is a different system of law from criminal law. In civil law you are the complainant driving the lawsuit instead of a Crown Attorney. The burden of proof is lower than in criminal court. The downside is that civil litigation takes months if not years, requires lawyers, and you only get monetary compensation, called damages, if you win your case. If you lose your suit, the other side will likely ask for their legal costs to be covered by you (costs) which could be thousands of dollars. Consult a civil litigation lawyer to discuss your options and capacity to commit to this. See above under "[Legal supports](#)". [Alternatively, you could sue in Small Claims Court where you do not require a lawyer and there is a cap on damages \(\\$35K\) and costs \(15% of damages\).](#)

A class action lawsuit may also be launched if many people were similarly affected by the police's actions. For example, following the 2010 G20 summit when over 1000 people were arrested or detained (most of them unlawfully), [a class action was launched against the Toronto Police Services Board for multiple claims, including the breach of Charter protected rights.](#) Six years later, the court ultimately certified two class actions: one to determine the common issues arising from kettling practices and another one to determine the common issues arising out of the Eastern Avenue Detention Centre. [After ten years, a \\$16.5 million settlement was reached in August 2020](#) that provides those arrested with compensation between \$5000 and \$24,700, depending on their experiences. It also includes [a public commitment by Toronto Police Service to take reasonable steps in implementing certain standards in future policing of public demonstrations](#), such as avoiding containment practices (unless necessary) and avoiding detentions and arrests (unless no other alternatives are available). However, class actions take long to resolve and settlements do not

always include a commitment to systemic. Additionally, a person may not know that they qualify as a member of the class and may not reap the benefits of a settlement thought they can enroll retroactively.

G. Non-state remedies

Media coverage

Media coverage can spread your message and spark public outrage at police or state misconduct. However, it is important to retain control over the narrative as traditional media often negatively portray protests and protestors to delegitimize them; police are rarely portrayed as perpetrators of violence. This is known as the protest paradigm, which uses the negative portrayal to marginalize en masse those who disagree with the current social order.

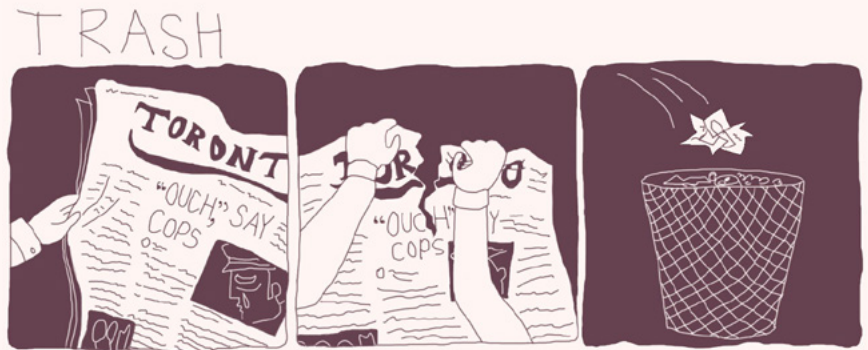
For reporters: don't misgender when reporting an incident. When at all possible, obtain confirmation from the person directly or from those who can confirm how the individual identifies in their daily life. Be aware that using a gender pronoun without consent could potentially out that person. Do not repeat or publish birth names without explicit consent to avoid deadnaming.

Direct action

You may choose to participate in a direct action to protest the police misconduct. When a LGBTQ+ protestor was arrested during a homophobic clash with fascists at Hamilton Pride, demonstrators gathered in front of police headquarters and then made their way to the Barton Street jail to protest her arrest and how police handled the situation. Combined with the media coverage of the arrest and altercation, the protest brought attention to the police's unfair conduct. Similarly, 100+ people protested the 12-14 hour detention of activists outside 52 division headquarters in July 2020 with limited access to lawyers and medication and police misinforming the public after arrest over alleged vandalism. The protest was effective in keeping the public informed of what was really happening and in keeping up the spirits of those arrested.

Case Study

Reclaim Rebuild Eglinton West critiqued the media misrepresentation of the peaceful Bana on the Block rally in Little Jamaica in August 2020. Articles from news outlets - including CBC and The Toronto Star - reported that police were surrounded by a hostile crowd and that seven officers were sent to the emergency room. In reality the police worsened a mental health situation that organizers from Black community were handling. The cops then pinned down two Black men, assaulted one of them tasing him twice. Then 65 more cops were called as backup for this tiny march. Cops retraumatized and arrested both men.





Appendix: Image Descriptions

Title Page: An illustration of the profile view of three masked protesters lined up at a rally. The furthest person has a cane in one hand and a raised fist with the other. There are a couple tall buildings in the front that show activists dropping a banner. The title "Protest Resource for QTBIPOC in Toronto" is written out across the closest person's mask and continues on the dropped banner. In the background there are crowds of protesters. The colours magenta, yellow and orange are used throughout the page.

Motifs used throughout the design of the document: Raised fist symbol is used for section headings; An eye is used for Case Study boxes; A megaphone is used for offset boxes.

Page 4: An illustration of an overhead view of protestors at a park with a stage where a speaker stands with a megaphone and an ASL interpreter signs. Marshals hold hands and wear vests. Legal observers support an activist in a wheelchair into van. The image is in yellow and black.

Page 7: A pictograph showing clothes to wear (Nondescript, solid colours, layered clothing, tattoos covered, goggles and mask, hair tied up, heat resistant gloves, emergency contacts written down on arm); items to bring (water for drinking and tear gas, snacks, cash/change and ID, a washcloth, ear plugs, bandages and first aid supplies, protest signs, ear plugs); and items not to bring (cell phone without first turning off Face/Touch ID, going on airplane mode, and disabling data, jewelry, contact lenses, anything you don't want to be arrested with ie. cannabis or a swiss knife.)

Page 10: A three panel comic titled "Tattoo." In the first panel Alaa Al Soufi is protesting with others. In the second panel, there is a close up of Al Soufi's arm that shows a tattoo saying "Mom". In the third panel, Al Soufi is in a jail cell with a thought bubble saying "It's funny how the cops can recognize tattoos but not racists..."

Page 11: A three panel comic titled "Double Tap." In the first panel, a mustached cop is sitting with his feet up at his desk. A speech bubble from him says "Barney! I found the skateboard." The second panel shows an Instagram post by @RadicalSk8Guy showing a person holding a skateboard with ACAB written on it. In the third panel, a close up of the cop's face is shown looking distressed. He says, "Barney, I liked it! Ahhh!"

Page 14: An illustration showing four panels. In the top left, a person is holding a book called "Human Rights Code." In the top right, two hands sign the word "interpreter." In the bottom left, a finger points at an icon on a DDHOH visor card. In the bottom right, a person is using a pencil and paper to communicate. The image is in orange and black.

Page 17: A three panel comic titled "Moka." In the first panel, hands are reaching at Moka's hair. In the second panel, Moka sits in segregation, her hair colour left blank. In the third panel, Moka continues to sit in segregation while looking at the viewer, her hair coloured in.

Page 18: A three panel comic titled "Squiggles." In the first panel, a cop stops a confused looking bearded man, Mr. Khandal. The speech bubble from the cop shows squiggly lines instead of words. In the second panel, a lawyer sits across a table from Khandal in a cell. The speech bubble from the lawyer shows a speech bubble with squiggles. In the third panel, a close up of Khandal shows he is confused.

Page 19: A flowchart starting from the point of "Arrest." The first direction leads with "Decide to wait for a bail hearing because conditions are unbearable." The second direction leads with "Release from police station with or without conditions." The third direction leads with "Release from station from conditions you don't like."

Page 20: A three panel comic titled "Release Condition Rollout." In the first panel, Trish Mills signs a written bail condition form while looking sad. There's a backdrop of prison bars. In the second panel, the form continues along. In the third, the form finishes like an old scroll. There is a lock with a hand using a key at the end.

Page 21: This illustration is split into two sections. On the left, the profile view of a trans person is who crying with cell bars overlaid. In the background they are wearing a dress in their family home while a parent yells at them. On the right, the profile view of another trans person is also shown crying with cell bars overlaid. In the background, they are getting a stern look from their parent while they are in their wheelchair in their family home. The two profile views of the heads form a shape of a heart. The image is in black and magenta.

Page 23: A three panel comic titled "Wellness." In the first panel, a Muslim family stands in front of a hallway and door, looking sad. In the second panel, the scene is shown on the opposite side of the door where a cop is shouting and pointing. In the third panel, the scene continues to Ejaz Choudry kneeling on the ground looking scared.

Page 30: A three panel comic titled "That's It?" In the first panel, it is 2017 and Masuma is typing "Land is Sacred" on Twitter on a laptop. In the second panel, Masuma is looking at racist tweets to her. An arrow above the laptop says "White fragility." In the third panel, it is 2019 and Masuma is looking at a tweet from Dalhousie University saying "Sorry" followed by a smiley face emoji. Masuma says, "That's it??" as she rolls her eyes.

Page 33: A three panel comic titled "Injustice." In the first panel, an angry cop is sitting with his feet on his desk with a coffee and donut in his hands. In the second panel, a speech bubble says "I hit the guy 4 times and got 5 days off. That's more than one hit a day!!" In the third panel, he continues shouting, "This is an injustice!!!!"

Page 34: A three panel comic titled "No." In the first panel, an activist stands on a sidewalk as a cop shouts, "I need to search your backpack!!!" In the third panel, the activist says, "No." In the third panel, the cop is in a court where the judge is also saying, "No."

Page 35: A three panel comic titled "Trash." In the first panel, a newspaper from Toronto has a front page headline saying "'Ouch,' Say Cops." In the second panel, the reader is ripping up the newspaper. In the third panel, a wad of paper is being tossed in a trash can.



Updates

i. Digital security has infinite levels depending on your needs and practice. For example, you might decide that you want to only attend actions or organize with a burner phone loaded with minutes from a Visa gift card (all purchased with cash, using fake names), you might want to store that burner phone in a Faraday bag that prevents that phone's location from being traced. Activists need to research their digital security practice to ensure effective protection.

ii. As of the writing of this resource, TPS has deployed body cams to officers in police divisions [11, 52, 22, 23](#). By October 2021 all divisions including Community Response Unit Officers, will be equipped. Body cams are worn mid chest, and not supposed to be used for general surveillance but for specific interactions between officers and people. You can tell if a body cam is activated when a red light turns on. These cams have audio and video capabilities. The video function of cams should not be activated in several situations such as when someone is not fully dressed, or during a sacred ceremony. Cops can record in public places like parks, though you can ask them not to record you. In private spaces like government or religious buildings police can record with a warrant, with consent of owner, or in "pressing" circumstances. You or your lawyer can request body cam footage if you were recorded. Do so as soon as possible. For detailed information see [TPS Body Cam Draft Policy](#)