

Know where you stand:

Emergency orders, police engagement, and COVID-19



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60 minutes
+ questions



jfcy.org
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Your hosts

Marc Rainford, Project Leader

Michelle Thompson, Manager of Legal & Digital Development

Ontario Justice Education Network (OJEN)

- Non-profit organization that brings together legal, education, and community sectors to help young people understand and use the law
- Programs in high school classes (law, civics, etc.)
- Programs in community settings

Emily Chan, Staff Lawyer

Justice for Children and Youth (JFCY)

- Legal Aid Clinic that assists low income youth under 18 and homeless youth under 25 in Ontario
- 6 lawyers: advice, representation, workshops, test cases
- School issues, child protection, VYSAs, youth criminal justice, housing, immigration, leaving home



Outline

- City by-laws and provincial regulations

- Enforcement and penalties

- Disputing a ticket

- Community resources: where to get help

- Questions

Regulations



Two sets of regulations:

► 1. Ontario's *Emergency Management and Civil Protection Act*

Applies to all of Ontario

Prohibits:

- Gathering in groups of more than 5 people
Except “members of a single household”
- Entering or using “outdoor recreational amenities”

Allows:

- You can “walk through or use portions of park and recreational areas” that are not otherwise closed

Example: You can walk through a park but you can't go onto the baseball diamond.

Two sets of regulations:

1. Ontario's *Emergency Management and Civil Protection Act*
2.  City of Toronto: *By-Law 322-2020 (Physical Distancing Regulation)*

Applies to **only** the City of Toronto

Regulates the use of “parks” and “squares”

Prohibits:

- Remaining, for longer than an incidental period, closer than **two metres** to any other person who is not a member of the same household.
- Using park amenities, including playgrounds, equipment, sports fields and courts, picnic areas, or washrooms.
- Full list: www.toronto.ca/home/covid-19/covid-19-latest-city-of-toronto-news/affected-city-services/

What about...

- | | |
|--------------------------------------|---|
| • Benches? | Only for “temporary respite” |
| <hr/> | |
| • Hanging out in a park? | Grey area <u>if</u> : <ul style="list-style-type: none">• the group is under 5 people,• from the same household,• and they are not using amenities. |
| <hr/> | |
| • Families? | If less than 5 people, from the same household.
Must be a “household”. |
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| • Youth experiencing homelessness? | Police are “exercising some consideration for those experiencing homelessness”. |
| <hr/> | |
| • Running, walking, or riding bikes? | Allowed on streets, parks, ravines, beaches, trails, boardwalks.
Dogs must be on leash. |

Enforcement



Penalties

Toronto by-law:

Tickets of \$750 or \$1000

Provincial offence:

Ticket or summons to attend court

Max fine \$100,000 or 1 year imprisonment

In either case:

Regular laws governing police interaction still apply.

eg. Obstruction of police officer charges.

Police activity

- 160 police officers & 200 City of Toronto by-law officers patrolling parks
- Directed by City of Toronto to enforce more (using less discretion)
- People can call 311 to report others

Identification:

- Any officer who has “reasonable and probable grounds” to suspect that a person has committed an offence can demand: Name, Date of Birth, and Address
- Providing fake information or ID: may be charged with Obstruction
- Concerns about re-introducing ‘carding’

Street Checks or Emergency Measures?

Police continue with regular duties, including street checks, *Highway Traffic Act* stops, and criminal investigations

→ Street checks:

- Individual can choose whether or not to speak with police.
- No punishment for declining.
- Street checks can't be performed on the basis of age, race, gender, or being in a high crime area.
- Can only be performed in the course of inquiring into an offence that may have been committed, suspicious activity, or gathering information.

→ Emergency Measures / COVID-19:

- On reasonable grounds to suspect that someone is not in compliance, officers can demand ID
- This does not become a street check.
- Not voluntary or options
- Penalties for non-compliance

How can you help?

• Proof of address	Letter from shelter if necessary
• Explain what is and isn't allowed	For grey areas, focus on intent and purpose of laws. Emphasize both public health and avoiding officer contact.
• Where necessary, strategize about avoiding police contact	Eg. for street-involved youth or others who are at increased risk.
• Help them prepare for officer contact	Discuss safety strategies. Ultimate goal is to get home safe, and ideally avoid a ticket. Explain the rules around ID.
• Help them prepare to gather evidence to fight tickets	Record the who/what/when/where as soon as possible. Document any costs or injuries. Record badge numbers if possible.

Disputing a ticket

And making a complaint



Challenging a ticket

Right now, courts are closed for non-essential matters.

When they re-open, you have 3 options:

- (1) Plead guilty and pay the fine.
- (2) Plead not guilty and go to trial.
- (3) Ask for an early resolution meeting with a prosecutor.

Provincial Offences office:

- 416-338-7320 (press 3)
- 137 Edward Street, 2nd floor

Complaints

To complain about a **by-law officer**, call 311. You can appeal to the Toronto Ombudsman's office at www.ombudsmantoronto.ca/.

To complain about a **police officer**, contact the Office of the Independent Police Review Director at [/www.oiprd.on.ca/](http://www.oiprd.on.ca/).

To complain about **racial profiling** or **discrimination**, you can also contact the Human Rights Tribunal of Ontario; and the Human Rights Legal Support Centre may be able to help you:

- Tribunal: www.sjto.gov.on.ca/hrto/
- Legal Support Centre: www.hrlsc.on.ca/.

See handout on resources, including local advocacy efforts.

Community Resources:

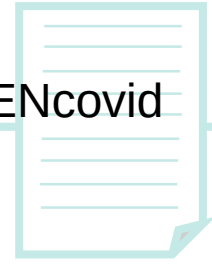
Where to get help



Information

Resources Handout:

<https://tinyurl.com/OJENcovid>



- Up-to-date regulations

City of Toronto

<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/>

Government of Ontario

<https://www.ontario.ca/page/how-ontario-is-responding-covid-19>

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- Legal information (18+)

Steps to Justice

<http://stepstojustice.ca/covid-19>

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- Legal information (including youth under 18)

Justice for Children and Youth
COVID-19 Legal Updates

<https://jfcy.org/en/jfcy-response-to-covid-19-and-links-to-legal-information/>

Help: Provincial Offences

Law Society Referral Service

LSRS will give you the name of a lawyer or paralegal within or near your community, who will provide a free consultation of up to 30 minutes to help you determine your rights and options.

<https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/law-society-referral-service>

Community Legal Clinics

You may be able to get free legal advice or representation at your local community legal aid clinic or from law students at a university-based student legal aid services society (SLASS). Each clinic and SLASS has its own guidelines and financial eligibility for accepting clients, so you should contact them directly.

<http://www.legalaid.on.ca/en/contact>
or call 1-800-668-8258 toll free or at 416-979-1446.

Advocacy and Additional Resources

Canadian Civil Liberties Association

If you or if someone you know been stopped or fined for a COVID related offence CCLA is hoping to collect responses to learn how emergency orders and laws are being enforced across the country and who is being most affected.

<https://ccla.org/coronavirus/>
www.ccla.org

Ontario Human Rights Commission

The OHRC has developed a series of questions and answers for understanding your human rights and obligations during the COVID-19 pandemic.

http://www.ohrc.on.ca/en/news_centre/covid-19-and-ontario

211 – Centralized Resource for Services

211 is a helpline and online database of available community and social services.

Toronto Website: <https://www.211toronto.ca/>
Ontario Website: <https://211ontario.ca/> or <https://www.211oncovid19.ca/>
Phone Number: Dial 2-1-1 or **TEXT** 21166

Questions?

tinyurl.com/OJENcovid
www.ojen.ca
jfcy.org

COVID-19 Emergency Measures Laws & Public Spaces in Ontario

April 2, 2020 - Things are changing quickly - Check for updates on the news,
talk to your worker, or give us a call: 416-920-1633 or 1-866-999-5329

All outdoor recreational spaces are closed, including fields, basketball courts, dog parks and beaches. You can walk through green spaces such as parks, trails and ravines but can't use benches, tables and any structures.

You are also not allowed to host public events or be in social gatherings of more than 5 people.

→ **Penalty:** fine of up to \$100,000 or up to one year in prison.



\$750 fine if you refuse to identify yourself to the police if caught violating these measures.



COVID-19 Emergency Measures Laws & Public Spaces in Toronto

April 27, 2020 - Things are changing quickly -
Check for updates on the news, talk to your worker, or give us a
call: 416-920-1633 or 1-866-999-5329

All outdoor recreational spaces are closed, including fields, basketball courts, dog parks and beaches. You can walk through green spaces such as parks, trails and ravines but can't use tables and structures. You are allowed to sit on benches.

You are also not allowed to host public events or be in social gatherings of more than 5 people.

Fine of up to \$100,000 or up to one year in prison.

Must be over 2m apart from others unless you live with them. Fine of up to \$5000.

\$750 fine if you refuse to identify yourself to the police if caught violating these measures.

