

PUBLIC PLACES BYLAW 14614 - HATE SYMBOLS PROVISIONS (K. Tang)

RECOMMENDATION

That the January 16, 2023, Community Services report CS01187, be received for information.

Requested Council Action	Information only		
ConnectEdmonton's Guiding Principle	ConnectEdmonton Strategic Goals		
CONNECTED This unifies our work to achieve our strategic goals.	Healthy City		
City Plan Values	BELONG		
City Plan Big City Move(s)	A community of communities Inclusive and compassionate	Relationship to Council's Strategic Priorities	Community safety and well-being
Corporate Business Plan	Serving Edmontonians		
Council Policy, Program or Project Relationships	<ul style="list-style-type: none"> Community Safety and Well-Being Strategy Anti-Racism Strategy Bylaw 19879 - Amendments to the Public Places Bylaw - Hate Symbols 		
Related Council Discussions	N/A		

Previous Council/Committee Action

At the March 14/16/22, 2022, City Council meeting, Councillor K. Tang made the following inquiry:

Can Administration please provide a status update on the use of the hate symbols provisions in Bylaw 14614 - Public Places Bylaw, including:

- How many times we have ticketed, and under what circumstances?
- How implementation has been going overall?
- Any challenges frontline workers are finding?

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- Any issues with the threshold to enforcement?
- How we are coordinating with the Edmonton Police Service and any associated challenges to ensure consistency in enforcement?

Executive Summary

- Four incidents involving hate symbols were reported to the City for investigation since the enactment of the amendment in August 2021, two of these incidents were directed towards City staff by members of the public.
- City enforcement units have not written any tickets for hate symbols or behaviour to date, using either officer discretion or other enforcement measures, in keeping with the 4Es of enforcement (Engage, Educate, Encourage, Enforce).
- Work with the Edmonton Police Service and other external agencies is progressing and is vital to address incidents.
- The Lighthouse Project is a major focus for Administration to provide enforcement units and officers with the current hate symbols information. The collected data will support directing work and focusing efforts for educational and enforcement purposes.

REPORT

Harassment may be expressed through verbal and non-verbal communication. To provide greater clarity on harassment parameters, Administration presented a bylaw amendment through Community Services report CS00779 - Bylaw 19879 to the Community and Public Services Committee on November 8, 2021, to specify that communication of harassment may include words that are spoken, written or recorded, as well as any signs, gestures or other visual representations. The amendment was given three readings at the November 22, 2021, City Council meeting.

Since the change in Bylaw, Administration has developed a standard operating procedure (SOP) for incidents where hate symbols are observed or reported. The SOP is reviewed and updated annually, and updates are reviewed with staff. Enforcement officers are aware of the reporting mechanisms and requirements and options for enforcement. Hate symbols being used in graffiti is decreasing slightly over the past four years. In 2019 a reported 68 complaints were received while in 2020 that number reduced to 52 and further to 40 in 2021. From January 1 to December 13, 2022, there were 54 complaints.

The Edmonton Police Service and City enforcement units work together when files and complaints are received from the public. The collaboration is allowing each agency to use legislation that is most appropriate to address the concern.

Work on reducing harassment in Edmonton is in alignment with the Community Safety and Well-Being (CSWB) framework, impacting outcomes within the pillars of Anti-Racism and Safe and Inclusive Spaces.

Collaboration and workflow

Complaints involving hate symbols or behaviour are reported to the City in several ways including through 311 inquiries, emails to Community Standards, agency referrals and officer observations.

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Once a complaint has been received, it is directed to the respective agencies for action. The workflow developed has allowed for an effective response and collaboration between agencies.

The Edmonton Police Hate Crimes Unit, City of Edmonton peace officers, and City of Edmonton bylaw officers communicate regularly when it comes to incidents that are reported or observed within Edmonton and have collaborated on several files since the new amendments were enacted in late 2021. At this time, there are no challenges being reported to Administration with regards to the partnership work.

Complaints

Complaints are recorded within each agency's records management systems. Of the four files where hateful language was used, two were reported by the public and two were reported by officers in the course of their work. No fines were issued using this amendment as files were resolved using the 4Es of enforcement and officer discretion (Engage, Educate, Encourage, Enforce).

Since the harassment in public spaces definition was amended in 2021, a total of nine files were received and investigated by City enforcement units (not including the Edmonton Police Service). A majority of these related to behaviour on transit and within transit service centers and involved harassment behaviours, not hate symbols or language. Of those nine files, two incidents resulted in fines and the remainder resulted in warnings.

In addition to the above reported incidents, Capital City Clean up has removed approximately 210 graffiti tags with hate symbols or words from January 2018 to December 2022. These graffiti tags are generally removed within four hours of being reported to the City and the city has removed every tag where a complaint was made. It is difficult to catch an individual in the act of graffiti, particular as it relates to hate symbols. To date, no fines have been issued.

Challenges

At this time there have been no significant challenges with enforcing the bylaw as no fines have been issued for hate symbols. One challenge with an offence of this nature is appropriately interpreting signs and symbols. To address this, Administration initiated the Lighthouse Project in collaboration with the Anti-Defamation League.

Lighthouse Project

As the one agency responsible for enforcement of the bylaw, Administration is working internally to ensure there is technology and innovation support. A partnership with the Anti-Defamation League (ADL), a leading anti-hate organization that was founded in 1913 in the United States of America, has since been established to support this effort.

The partnership has resulted in "Lighthouse"; a project which aims to cast "a light" on symbols of hate by using technology to track the proliferation of hate symbols.

Lighthouse uses a phone application for data collection and a web application for image labelling and analysis. The phone application allows users to photograph and upload images of potential hate symbols -- these are stored securely, along with time and geolocation.

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An associated web application allows for reviewing and labelling of images using the categorizations provided by the Anti-Defamation League hate symbol database and a dashboard that shows spatial and temporal patterns in the labelled images, allowing individual investigations to contribute to a community-wide data set of hate-related incidents.

A recent presentation with public safety and security partners from across Canada has resulted in additional requests for collaboration and expansion. Once Administration's field testing is concluded, frontline feedback will then be incorporated and the use of Lighthouse will be expanded to interested municipalities and agencies that have reached out using a staged rollout in early 2023.

Summary

Administration and the Edmonton Police Service are addressing any complaints observed and reported to the City regarding behaviour, gestures, written and verbal communication that are deemed to be hateful. Council has previously suggested that Administration maintain a catalog for hate symbols. However, the Lighthouse Project will determine what a hate symbol is and a current database of symbols exists. Collaboration across North America between enforcement groups maintains the database in order to address the harmful behaviour.

Administration will continue to review and improve processes for Edmontonians to report any incidents. A current review of all public spaces bylaws is currently underway and any changes to improve or clarify any wording will be part of the review.

COMMUNITY INSIGHT

The Community Safety and Well Being (CSWB) strategy is informed by a number of sources, including but not limited to City Council direction (priorities and motions); feedback from stakeholder conversations; alignment to CSWB Task Force recommendations, partner strategies and the strategic direction and actions outlined in ConnectEdmonton and The City Plan. Reducing hate symbols, speech, gestures, and other forms of harassment will help achieve outcomes within the pillars of Anti-Racism and Safe and Inclusive Spaces.

GBA+

As part of developing the original amendments, Administration consulted with the Anti-Racism Advisory Committee, the City of Edmonton Youth Council, the Women's Advocacy Voice of Edmonton Committee, and the City of Edmonton Accessibility Advisory Committee.

To add clarity on the non-verbal communication aspect, the bylaw now includes non-verbal gestures, signs or communications. There have been several instances of hate symbols being used at protests in Edmonton and internationally especially in 2021. Not addressing hate symbols has significant impacts on the emotional and psychological safety of BIPOC, the LBGTQ and faith communities, such as (but not exclusive to) Jewish and Muslim populations in Edmonton.