

Hamilton's LGBTQ communities have long fought a lack of support from police and the city. Now they are headed to the human rights tribunal

After a 2019 confrontation with extremist protesters at their Pride celebration, Pride Hamilton has taken the city and police to the Human Rights Tribunal of Ontario for failing to prepare and protect them. Pride Hamilton says police delayed response to the conflict because of Pride's mandate that police not to participate in their event.

By Brian Bradley

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Hamilton police stand between Pride event attendees and protesters including Yellow Vests, religious extremists and some wearing Canadian Nationalist Party T-shirts who converged on the event at Gage Park. JOHN RENNISON / THE HAMILTON SPECTATOR

It has been nearly two years since the Pride Hamilton organization stared down the violent hate of far-right demonstrators on a day meant to celebrate acceptance and belonging.

It was a warm Saturday in June 2019 when members of the Yellow Vest movement and other extremist groups converged on the annual celebration at Gage Park in Hamilton's east end. Wearing masks and other combat gear, with a few brandishing weapons, what started as chanting and insults quickly escalated to a violent altercation. Punches were thrown, people were tackled and demonstrators wearing hard hats head-butted some of the Pride organizers and volunteers.

The physical conflict lasted barely an hour, but when it was over, another kind of conflict began — one that has continued for two years and counting.

Pride Hamilton has filed an application against the Hamilton Police Service and the City of Hamilton in the Human Rights Tribunal of Ontario for failing to protect them that day.



*A Hamilton police officer intervenes with a masked man during the Pride event in Gage Park.
JOHN RENNISON/THE HAMILTON SPECTATOR*

While as many as 50 officers were eventually on the scene and charges were filed against some demonstrators, Pride Hamilton says it took police as much as 40 minutes to arrive. They believe it was a deliberate, delayed reaction in response to the organization's policy to not have police participate in festivities, a standard for many events in cities around the globe, and thus a breach of their rights to protection.

"There was a misunderstanding on the part of police that if the community doesn't trust the police that maybe they are not as deserving of police protection," alleges Wade Poziomka, a human rights lawyer representing Pride Hamilton. "Being protected from violent attackers is a police emergency."

The argument has weight. Nine months after the HRTO application was filed, the Ontario Human Rights Commission intervened to acknowledge that "under-policing can be a form of discrimination" and that "police services have an obligation to provide equitable services to LGBTQ2S+ communities even when uniformed officers are not welcomed at community events."

The rare intervention is a symbolic and supportive shot-in-the-arm.

Listen to Brian Bradley discuss Pride Hamilton's HRTO application:

<https://open.spotify.com/embed/episode/7BH7bsHWH9NADqQ2YojIzi>

Pride Hamilton is seeking \$600,000 in damages to support initiatives, programs and organizations, but Poziomka says, a result in its favour could have an invaluable reach.

Confirmation at tribunal that police and the city breached human rights would set a precedent that could ripple into case law and lead to future positive outcomes of public interest litigation, Poziomka says. It would be a step for any person or group to stand on to say they matter after institutions around them fail.

The looming showdown has been a long time coming.



A week after the conflict at the Pride event, protesters repeatedly gathered to protest the city's lack of support for 2SLGBTWQ+ communities. THE HAMILTON SPECTATOR

There was a time in Hamilton, once an industrial city known more for grey steel than the colours of diversity, that it was best not to be different.

The Two Spirit, lesbian, gay, bisexual, trans, queer, intersex and asexual (2SLGBTQIA+) communities had no gathering space. Gang violence was frequent, and police were seen as a threat, not seen as supportive allies if there was trouble. In the 1960s and 1970s, a 2SLGBTQIA+ person was more likely to head to Toronto for a place to belong. There, they could find community organizations, bars and nightclubs, a thriving arts scene, bathhouses and ample activism.

It was not until the 1980s when meaningful 2SLGBTQIA+ presence took shape in Hamilton. Community groups began to emerge and lasting bars and nightclubs opened. The Hamilton-McMaster Gay Liberation Movement group expanded and shaped what became the Hamilton Gay and Lesbian Alliance (HGALA), a central and powerful organization.

The first Hamilton Pride event was held in 1991. It was a pivotal moment with one sore point: The mayor at the time refused to proclaim the event. (A human rights complaint was filed and the mayor was ordered to pay for damages).

The communities carried on, with positive strides largely credited to grassroots efforts. The Women & Liminal Committee was established in 2007 to address racism and transphobia. Community and police joined to create the GLBT Police Task Force in 1992 to address issues related to policing of gay men in parks. It lasted into the 2000s, advising on policy, and collaborating to improve relations. A community space and resource centre called The Well opened. Some 2SLGBTQIA+ presence would be welcomed at city meetings and the first openly gay person was elected to council. Groups thrived in the local college and university. A local bathhouse brazenly hosted a series of woman-oriented events that mirrored one that had been the target of a police raid in Toronto.

2SLGBTQIA+ communities and groups had some growing pains along the way, queer activist Lyla Miklos says. There was division between gay, lesbian and trans communities. The Well struggled with funding and leadership, and repeatedly moved spaces. A “lack of organizational structure” limited the Pride organization. A 2006 Pride celebration would clash with a World Cup celebration, and some in attendance were left traumatized.

While there was “goodwill between those in positions of leadership and the community,” one point was made clear in 2009: Police and military participation were not welcome in Pride celebrations. There would be no recruitment tables, no one participating in uniform and no possible intimidation for any participant.

“We were barring institutions, not individuals,” one longtime organizer says.

Pride Hamilton held on to the policy year over year, even as the larger Toronto Pride event welcomed police in its parade and festivities until 2017.

A need for disassociation with police always seemed to be top of mind. The biggest sore point stemmed from 1997, when police executed Project Rosebud, an ambush of a cruising spot for gay men in an area of Royal Botanical Gardens. A list of those arrested ran in the local newspaper, outing them and changing the course of their lives.



Cameron Kroetsch, an organizer and activist, has been involved with Pride Hamilton, the LGBTQ Advisory Committee and Hamilton Queers Against Hate. BARRY GRAY/THE HAMILTON SPECTATOR

In 2004, a police task force concerned with hygiene and bylaw issues came down on three businesses with gay clientele. One was a bathhouse and two people were charged with criminal offences.

The same year, an openly gay restaurateur was violently attacked at a nightclub. It was deemed a hate crime. While the mayor said it was “one of those defining experiences” and there was a rush of support for the victim, there was little visible change in policing or governance and hate crimes continued. Hamilton would at one time rank highest among metropolitan areas for police-reported hate crimes. The community was rocked, again and again.

“Trauma is what happens when people spew hate at you,” Miklos says.

By the 2010s, the 2SLGBTQIA+ police task force fizzled and The Well had closed. All gay-oriented bars and nightclubs were lost to economic factors, gentrification and technology that offered means for people to meet outside a social setting. 2SLGBTQIA+ communities now rely on ally venues to host them for theme nights and other events.

In the mix was the increasing presence of “white supremacist groups, Trumpism and ugliness worldwide,” Miklos says.

For a time, extremist groups including members of the Yellow Vest movement regularly kept space in the courtyard in front of City Hall. Crosswalks painted with Pride and Trans flags just in front of that courtyard were regularly defaced with fire marks, and it emerged that the government employed a man under investigation for a neo-Nazi past.

Against that backdrop, Pride Hamilton declined to participate in a Pride and Trans flag raising ceremony.


“The community (here) is very fractured, it is full of trauma,” says Cameron Kroetsch, an organizer and activist who has been involved with Pride Hamilton among other groups. “How do people organize? How do people talk to one another about the issues that are important? How do they get the support that they need? The answer is you can’t.”

A Pride celebration every summer is the most visible display of 2SLGBTQIA+ communities. The organization incorporated in 2018 to create a sustainable presence and its event that year went well. Kroetsch says far-right demonstrators showed up and provoked an altercation but, drowned out by spirited celebration, music and chanting from the people in attendance, they receded without much fuss.


Despite that outcome, Kroetsch says the demonstrators were a credible threat for the 2019 event. He says Pride Hamilton tried to work with police to prepare months in advance, with little reception. It was just days before the 2019 event when police connected with one volunteer organizer who was left to explain concerns about demonstrators and illustrate where officers could be.

When the day came, officers stationed themselves with a limited view well away from the main park entrance and a high traffic area, so when the demonstrators inevitably arrived and the altercation began, it was a long time before police

made it to the scene to help. Kroetsch says it was so long the violence was largely diffused by the time they got there and the damage had been done. Several people were injured and more were traumatized.




Pride Hamilton
about 4 years ago



Media Release from the Pride Hamilton Board of Directors about Pride Hamilton 2019. #PrideHamOnt2019 #Pride2019 #HamOnt

Link: <https://bit.ly/2XOO7iZ>



19 Pride Hamilton Event A Success Despite Protestors
Concerns Raised Over Safety of 2SLGBTQIA+ Hamiltonians

Yesterday's 2019 Pride Hamilton celebration was attended by thousands of LGBTQIA+ Hamiltonians and their allies and was the largest and most successful event in Hamilton's history. Pride-goers had a wonderful time hanging out with friends, enjoying wonderful entertainment, great food, and amazing vendors all in a safe space where they were free to celebrate safely and without judgement.

I had a strong contingent of volunteers from the local community on hand to help with the event and received a lot of positive feedback from people stopping by the Pride booth.

Fortunately, once again, a group of organized protestors led by religious leaders from the United States and Canada came out with the expressed purpose of peacefully disrupting Pride. This year, they were joined by so-called "yellow vest" protestors from the local community, and others, in what can only be described as an insurmountable escalation from last year's protest.

I personally witnessed what happened yesterday and am deeply troubled by the violent attacks carried out by the protestors that resulted in several members of the community being injured. A number of attendees required onsite and offsite medical attention, some attendees requiring escorts to their vehicles to ensure their safety.

The emotional and physical impact of this has been traumatic for many people who were present at the site of the protest. Thankfully, the protest was largely contained to the perimeter edges of our permit area so did not disrupt the event itself. This was due to the efforts of the police to keep the event contained and at a distance from the edge of the permit area to minimize the disruption from the protestors.

On reflection, we feel that much of what happened yesterday could have been prevented by Hamilton Police Services. Despite several attempts to meet with police in advance of Pride to hear their requests, we weren't able to connect with them until the day of the event, which did not provide us enough time to hold a town hall with the community.

Hamilton Police Services did contact us this past Thursday to ask for information about what we were expecting would happen this year to inform their operational plan for the day. We explained, in detail, that this happened last year, where it happened, that this was happening at Pride celebrations in neighboring cities, and that we expected there to be an escalation from protestors this year. Despite this, only a small number of officers were on hand on the opposite side of Gage Park (in front of the trucks).

There have been long-standing issues between the 2SLGBTQIA+ community and Hamilton Police Services that remain unresolved. We feel that this was an opportunity for police to demonstrate that they were there to protect and act in solidarity with the community. The operational plan discussed on Thursday was not put into place and it took far too long for police to respond to the escalating situation created by the protestors.

I will be calling for a community town hall later this summer where we hope to gather your feedback in anticipation of publishing a position statement in advance of Pride 2020.

I sincerely hope that the City of Hamilton and HPS take this seriously and will work with us to ensure that this hateful activity is not permitted at Pride.

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Media inquiries can be directed to pride@pridehamilton.com. Representatives from Pride Hamilton will not be speaking to the media further about this matter. We appreciate the interest but we must spend time debriefing and talking with our community in preparation for Pride 2020.

What is Pride Hamilton? Pride Hamilton incorporated at the end of 2018 and is an entirely volunteer-run grassroots organization with a small budget whose main mission is to plan an annual celebration for 2SLGBTQIA+ Hamiltonians and their allies.

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The result was as much anger at police as at the demonstrators.

“The emotional and physical impact of this has been traumatic for many people who were at the site of the protest,” Pride Hamilton said in a statement. “Much of what happened yesterday could have been prevented by the Hamilton Police Services. ... It took far too long for police to respond to the escalating situation.”

With anger Kroetsch says there were questions. Why weren't police more on top of demonstrators? Why were officers stationed away from where traffic entered the park? Why did it take so long for them to arrive on scene to protect them?

Police Chief Eric Girt initially put some blame on Pride Hamilton for what transpired, saying police were respecting the wish to not have presence.

“We would have had people in the crowd pretty much the whole time,” Girt said in a radio interview days later. “We were not invited to the event. We were asked not to be at the event and we remained on the perimeter. We have to respect the requests, too. It's kind of a no-win situation where you're asked not to be there, and then when you're not there, how come you weren't there?”

The comments reaffirmed what Pride Hamilton already concluded: no police participation, no protection.

City Hall seemed distant, and the initial response of Mayor Fred Eisenberger was interpreted as cold and unsympathetic. A small group would even protest at Eisenberger's home and only after that did he appoint two local activists as special advisers on an action plan addressing hate and discrimination.

Eisenberger then called a meeting for community members and issued a formal apology.

“I am sorry for the pain and fear that the Two-Spirit and LGBTQ+ communities, their friends, and allies experienced at the Pride event and which many are still feeling,” he said in a statement.



After the Pride event conflict, groups of yellow vester and Hamilton Pride supporters held peaceful demonstrations in front of City Hall. BARRY GRAY/THE HAMILTON SPECTATOR

Nearly one year after the conflict at the Pride Hamilton event, a \$600,000 independent review concluded Hamilton police “fell short in its planning and preparation for Pride 2019” and should apologize for an “inadequate” effort that left attendees unprotected and police actions “added to the distrust of police in some circles.”

The report said the public messaging coming from the police after Pride was seen an “abdication of the service’s essential function — to serve and protect.”

After the board accepted all 38 of the recommendations, Girt said, “We can do better. We must do better.”

He also apologized for his controversial radio statements “that created the impression our response would have been different had we been invited.”

Girt retired six months later and, picking up the reins, new Police Chief Frank Bergen kept the process going.

At an LGBTQ Advisory Committee meeting in March, Bergen acknowledged a “significantly damaged” relationship between police and the community, offered another apology, noted progress on the majority of the 38 recommendations and challenged the community to join police and “collectively co-design next steps in what reconciliation and healing look like.”

“We recognize that it may take years to rebuild a trusting relationship,” he said.

The reception in the meeting was altogether cold. Committee members pointed out police attendance at meetings, lack of consultation and an internal police report about police actions that seemingly said they did everything right.

“(Police) keep apologizing, but where are the actions?” Kroetsch, chair of the committee, asks. “I think a lot of it was performative. ... They say they’ve implemented recommendations but haven’t worked with anyone. What people want is consultation and engagement with the public.”

Following the report, Hamilton police Sgt. Rebecca Moran volunteered to be the first 2SLGBTQIA+ Liaison Officer. Quietly taking on the role to avoid being accused of a publicity play, Moran says with a “lived experience and investigative background,” it is her job to collaborate with police divisions, assist with interactions with residents or organizations and advise internal training.

“I provide another voice at the table,” she says. “That becomes important to assist investigators in taking other avenues they may not have considered. For example, working directly with victims and being sensitive to whether or not that individual is out, what details should be shared publicly and the ramifications to the victim of what might happen if those details are made public. ... I want to be a voice for the community inside the police service.”

Moran says relationships such as that of 2SLGBTQIA+ communities and police need investment, and sees her role as a step in that effort.



Hamilton police Sgt. Rebecca Moran volunteered to be the first 2SLGBTQIA+ Liaison Officer after the release of the independent review. HAMILTON POLICE

“Of the (report), we’ve tried to take those recommendations and run with them,” she says. “We know that there is distrust of the police, but we are working very hard to put the pieces in place. We’ve made significant changes within our organization. Repairing this relationship takes commitment and we are in this for the long haul.”

Of Pride Hamilton’s Human Rights Tribunal application, Moran said the service is not commenting about it. With a turnover in adjudicators and pandemic delays considered, it will be at least a year before a mediation or hearing.

Moran and Poziomka, the lawyer representing Pride Hamilton for the application, did agree that it is not truly surprising such a step would arise in Hamilton. It has a long history of community engagement, advocacy and activism with citizens who “want to make change.”

“People are held accountable,” Moran says. “That’s not a bad thing.”

It is, all seem to agree, a community of people willing to fight.

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