

Montreal Considers a Bylaw Prohibiting Insults to Police

Montreal is considering a new bylaw that would make it illegal to insult police officers while on duty.[\[1\]](#) The Montreal Police Brotherhood has been seeking such a bylaw since 2003; however, Paul Chablo, the Chief Inspector of the Montreal police department, has said the bylaw is still at an early stage in its development and will receive further follow-up in March.[\[2\]](#) There are similar bylaws in place elsewhere in Quebec, including Quebec City and Sherbrooke, but none in other provinces.[\[3\]](#)

The proposed bylaw banning insults cast at duty police officers could violate section 2(b) of the *Canadian Charter of Rights and Freedoms*, which protects freedom of expression.[\[4\]](#) According to Alain Cardinal, the head of the legal department for the Montreal police, there do not appear to be a case involving a Charter challenge to a bylaw stipulating a fine for insulting a police officer.[\[5\]](#) The Supreme Court of Canada has, however, upheld the constitutionality of section 319(2) of the *Criminal Code* prohibiting hate speech.[\[6\]](#)

In the decision *R. v. Keegstra*, the Supreme Court of Canada held that while section 319(2) of the *Criminal Code* infringes section 2(b) of the Charter, it is justified under section 1, as a reasonable limit on freedom of expression.[\[7\]](#) Indeed, the Court held section 319(2) had a pressing and substantial purpose, it was rationally connected to the reduction of harm hate propaganda creates, it minimally impaired the freedom of expression, and the negative effects of the legislation did not outweigh the benefits gained from the limitation on freedom of expression.

Resources:

Section 319(2) of the *Criminal Code* reads:

- (2) Every one who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years;
 - or
 - (b) an offence punishable on summary conviction.

[\[1\]](#) CBC News, "Montreal may ban insults to police" (26 January 2009).

[\[2\]](#) Jan Ravensbergen, "Montreal cops consider levying fines for verbal abuse" (26 January 2009).

[\[3\]](#) Marianne Whyte, "Fine for insulting Montreal copes 'foolishness': critics" (29 January 2009).

[\[4\]](#) *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, C 11, (CanLII).

[5] *Supra* note 3.

[6] [Criminal Code](#), RSC 1985, c C-46, s 319(2) (CanLII).

[7] [R. v. Keegstra](#), 1990 SCC 24 (CanLII).