



JUSTICE FOR ABDIRAHMAN

Independent Street Checks Review - Consultations
Meeting with Justice Michael Tulloch
April 17, 2018

OVERVIEW

- ▶ **Introduction**
 - ▶ Why we are here
 - ▶ Why this matters to the Coalition
- ▶ **Issues and Recommendation**
 1. Awareness and education
 2. Data collection
 3. Process and Protocol
 4. Transparency and Accountability
 5. Mechanism for removal

INTRODUCTION

▶ Why We are Here

- ▶ We applaud the efforts of this review process to assess whether the Regulation reflects the important goal of ensuring that police-public interactions *are consistent, bias-free and done in a way that promotes public confidence and protects human rights*.
- ▶ We intend to share our reflections in recommendations in writing by the submission closing date.

▶ Why We Care:

- ▶ The Coalition's objectives are to obtain greater transparency, challenge racial inequity, increase support for mental health needs and bring positive change to our law enforcement institutions in order to secure justice for the late Mr. Abdi and his family.
- ▶ We assert that fairness, transparency and accountability in our law enforcement institutions are critical to ensuring our safety and security as Canadians.
- ▶ The Coalition's work is about restoring dignity and faith in our law enforcement and the various institutions that we - as taxpayers and citizens - help fund. But most importantly, the Coalition is about humanity.

BACKGROUND

- ▶ On Thursday, January 26, 2017 members from the Justice for Abdirahman Coalition met with Yasir Naqvi to discuss Regulation 58/16, which outlines Ontario's new rules on police street checks, a practice sometimes referred to as "carding".
- ▶ At this meeting we expressed our desire to ensure that the following items were adequately address in the regulation:
 1. Awareness and education
 2. Data collection
 3. Process and Protocol
 4. Transparency and Accountability
 5. Mechanism for removal

Awareness and Education

Issue:

- ▶ Average citizen who have not followed the detailed changes to “carding” policies would not know the rights they have and the limitations around carding. Moreover, since Police officers are the one conducting the practice,

Recommendation:

- ▶ The onus should be placed on the Police services to train officers on properly administering the streets checks. Training should also include no bias policing and avoiding racial profiling.
- ▶ Provincial funding should also be made available to community groups and organization who can offer “know your rights” style training to community, especially to those most likely to impacted by this practice.

Data Collection

Issue:

- ▶ With respect to the annual reporting guidelines of the Regulation or Section 14, we recommend the following statistical reporting requirements should also be included in order to improve the regulation:

Recommendation:

- ▶ How many people (age, sex race and demographics) were carded (or their information collected for intelligence) during a traffic stop last year?
- ▶ How many people (age, sex race and demographics) were carded (or their information collected for intelligence) because your officer had a reasonable suspicion that the interaction is necessary to their investigation of an offence that has been committed or that the officer reasonably suspects will be committed?

Process and Protocol

Issues:

- ▶ Currently, there are 3 items on the receipt given by police after a “carding incident”: Police name, badge, how to contact OIPRD. This still leaves a few basic questions unanswered for the citizen.

Recommendation:

- ▶ Reasons why a person is being stopped must be shared. People should be able to confirm what information is on file about them and cross reference it with the receipt given.

Transparency and Accountability

Issue:

- ▶ Information is often shared between institutions without the knowledge of the individual.

Recommendation

- ▶ When information is shared between organizations, implicated individuals should be notified of the exchange. The notification could be a letter indicating what information was shared about you, with who and when. This will ensure transparency and accountability.

Mechanism for Removal from Data Base

Issue:

- ▶ Currently there is no mechanism for an individual to remove themselves from the carding data base. This is especially important in situations of mistaken identity and wrongful pursual.

Recommendation

- ▶ Create a phasing out process to purge all information collected under carding. The only exceptions should be situations in which there is a continuing, specific and valid investigative reason that justifies retaining the information - in such circumstances, the reasons should be formally documented.