

**THE INDEPENDENT STREET CHECKS REVIEW**

**February 22, 2018**

**JAMAICAN CANADIAN ASSOCIATION**

**Appearances**

**Justice Michael Tulloch**

**Independent Reviewer**

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**Peter Rehak**

**Communication Consultant**

**Kika**

**Review Team**

**Adaoma Patterson**

**President, Jamaican Canadian Association**

KIKA: So welcome everyone. Thank you so much for coming.

This is the first within the GTA of a series of consultations, community consultations regarding checks, street checks, a review of street checks, otherwise known as "carding". The independent review. And I'm not gonna say too much about the details of that. I'm going to leave that to Justice Tulloch. But just to welcome you and to say that there are a series of these meetings. We hope that you might even be inspired to come to more than one. We hope that you spread the word. We hope that the next time you come you bring friends, colleagues, your network. We intend to be finished in and around 8 o'clock this evening so we're going to be moving through our agenda here. And so I don't want to hold you much longer before I go ahead and introduce Justice Michael Tulloch who is the Independent Reviewer of the street checks process. So Justice Tulloch. Thank you.

JUSTICE MICHAEL TULLOCH: Thanks Kika. And good evening to everyone. As you've heard, my name is Michael Tulloch and I want to thank you for coming to speak with me this evening. I want to talk to you about street checks, or what is also known as "carding" and the new regulation, regulation 58/16 that the Government of Ontario has introduced to regulate this particular practice. I'm grateful for the opportunity to meet here and we want to thank all the generations of people who have taken care of this land since time immemorial. And specifically I want to thank the Jamaican Canadian

Association for facilitating this meeting and allowing us to use their space. I think that we, a number of us are certainly indebted to the leaders within the Jamaican community who have paved a way for a lot of us to be here this evening, and more specifically, those who had the foresight and the vision to organize themselves back in the 70's and to have a space like this where we can come and speak freely about issues that concern our communities. I would also like to begin by acknowledging that the land in which we gather is the traditional territory of the Anishanbek Whodanoshin Huron-Wendat as well as the Mississauga of New Credit and other First Nations. The territory was the subject of the dish and one spoon belt covenant. And this is an agreement between the Iroquois Confederacy and the Ojibwa and allied nations to peacefully share and care for the resource around the great lakes. So this territory is also covered by the Upper Canada treaties. So by acknowledging and recognizing this, we show our respect to our First Nations peoples. I also recognize the contributions of the Metis and the Inuit and other indigenous peoples who have made both in shape and in strength in this community, the province and the country as a whole. Today the meeting place of Toronto is still the home to many indigenous people from this across Turtle Island and we're gathered here and we're grateful to have the opportunity to work within this territory.

Now, by way of background. On June 7, 2017, I was appointed by the Provincial Government, you know I

was asked by them and I accepted their request to conduct an independent, full and independent review of the Ontario Regulation 58/16 which outlines Ontario's new rules on police checks, which is a practice sometime referred to as "carding". Now in this capacity I will be reviewing the content of the regulation and assessing whether police officers, chiefs of police and police services board are following it. I will also assess whether the regulation reflects the important goal of ensuring that police and public interactions are consistent, bias free and done in a way that promotes public confidence and protects human rights.

Since my appointment I've assembled a team to assist me, and we have participated in a number of consultations across the Province. Today's consultation in Toronto, it marks the first of three such consultations within the Greater Toronto area, and it's one of 12 public consultations that we will be having throughout the Province of Ontario. I intend to draw on what I've been learning from these consultations to write a report with recommendations on the regulation around the practice of street checks. That report will be submitted to the government on November 30<sup>th</sup>, 2018, and it will be made available to the public sometime in the early part of the new year. As I mentioned, the focus of this review is on regulation 58/16 which came into effect January 1, 2017 and which outlines the new rules police must follow when it comes to street checks also known as "carding".

Now you're all seated at a table and on those tables are a number of documentations which in my view, are educational and outlines some of the issues that I would like you to familiarize yourself with so that we can have some fruitful discussions tonight. A street check is when a police officer asks someone for identifying information in a particular circumstance. The black handouts on each of your tables and included in the engagement guide provide you with information on when the new rules under the regulation apply and when they do not. For instance, the regulation applies if an officer asks you to identify yourself when they're looking into suspicious activities or investigating general criminality in the community. By contrast, the new rules under the regulation do not apply if the officer is talking to a driver during a traffic stop, arresting someone, or investigating a specific crime. The regulation also outlines what an officer must do if they ask for your identification in a situation where the new rules apply. For example, an officer must tell you that you do not have to share your identified information and offer you a receipt with certain specific information after requests for your information is made. The regulation also provides information on the storage of information that comes from street checks. Mandatory training for all police officers on the new rules and public reporting requirements. With that background in mind, I want to take the opportunity this evening to hear from you. The review is an independent

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review. This means that I am free to critically examine how this regulation operates and look at issues of police public interactions in the context of street checks. Meeting with you members of the public is a crucial part of the process, and again I want to indicate to each and every one of you that are here how grateful I am that you've taken the time to meet with me. I want you to know that I appreciate that speaking about some of these issues may be difficult for some of you. However, it is essential that the a review of this kind be as thorough as possible, and that as the independent reviewer, I consider all relevant information from a variety of perspectives. And what I can assure you is that I will do exactly that. So I encourage you to participate and so long as you participate and offer your perspective, your views will be reflected. So again I want to thank you for coming out tonight to share your thoughts, experiences, and recommendations, and I assure you that this process will allow your voices to be heard. Thanks.

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KIKA: Thank you Justice Tulloch. We have an opportunity to just get a welcome from the president or chair of the JCA, who is with us, Adaoma Patterson who will just kind of welcome us and I missed that opportunity earlier. So Adaoma if you would join us. Thank you.

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ADAOMA PATTERSON: Good evening everyone. How are you? I can see by the turnout that we are all committed and we remain committed to making sure that systems reflect and serve us as citizens and

taxpayers. Justice Tulloch, Daniel, Kika and all of you welcome to the Jamaican Canadian Association. I hope this is not your first time here, but if it is, on behalf of the Board of Directors and members I do bid you a wonderful welcome and good evening. We gather for what is an important discussion. As Justice Tulloch mentioned, it can be a very difficult discussion, but as we know from history, that without the tough discussions, systems don't change. Without the push and the frank and honest truth and willingness to tell the truth, then things never stay, status quo always remains. And the JCA has always prided itself. We are 55 years old. So we have been around a long time talking about systems, opening doors and so I do recognize the elders that came before me, the past presidents and others who have really fought to open doors with relation to housing and justice. So I hope that this is a good dialogue and JCA will also be part of a conversation and we look forward to seeing the recommendations and the final report. Thank you very much.

KIKA: Thank you Adaoma and thanks to the JCA for having us. I'd just like to keep it moving and invite Danielle Dowdy to join me up here please.

DANIELE DOWDY: Thank you. And good evening everyone. I'm going to keep this really brief because the time is going. (French spoken at this time) So basically what I said was that if you're into listening in French there's a French translation service. Justice Tulloch went over what the review is, so I won't dwell on this, but we're here to talk about the review and to get your

input this evening. We'll be hosting 12 consultation. Tonight is the second across the province. And the goal of these consultations really is to hear from you. It's to get your input on, and hear your experiences on, Is the regulation working? Is it addressing the issues that it was set out to address? And what is the effect or the impact of regulation as it's being practised right now? And as a note and a disclaimer, the review, we're not here to resolve individual cases, but we do appreciate you sharing those cases with us because they do inform our recommendations and our report, but individual scenarios with police officers or interactions, we are unable to address or resolve. And so the agenda for this evening, we're a bit behind, but as soon as this introduction wraps up you're all at your tables already. We're gonna have a little discussion. You've got all your consultation materials. You're gonna see members of our review team will be sitting in on some of your conversations, please don't pay attention to us. We just want to hear what the conversations are like to help us get a sense of what's being discussed. And then afterwards you will elect a spokesperson to go over what was discussed at your table and you'll report it back to, Justice Tulloch will be up here taking notes. We are on social media, so we're on Face book. This is actually live streaming on Face book right now. Our cameras folks are at the back. If you do not wish to be on camera, just avoid the gentleman standing there. Also, we're on social media and we're live tweeting, and so if you see us

taking photos, that's where it's going. You can go on any of our social media platforms to see what it is. If you don't want your photo taken, it's not an issue at all. You'll see myself, Presana, where's Presana, he's waving. So if you see Presana, where's Presana, he's waving or Peter Rehak, wave. If you see any of us taking photos, that's what it's for, it's for social media. So again just let us know if you want us to move on. And that's it.

KIKA: All right. So just again, for people that are interested in french language translation, the headsets are actually in that corner on the left. And even if you just need sort of support with hearing in general they're a great idea, so feel free to use them. Just wanted you to know that TTC tokens are available at the registration desk so if you do need tokens to get home tonight please see our registration team. Please make sure that you sign in and provide your email address. We're gonna use that to follow up with you to send you the report and the link when it's all said and done. And again the process that you're about to do now is a conversation and we're hoping that you would, as a table, sort of select someone that would be primarily responsible for taking notes. And also elect maybe one or two people who will be your report back person. So do think about that. But if you're the type of person that would write a, or you have more to say then we do have an opportunity or space for you to do that on our website at, which is there, [www.stretchchecksreview.ca](http://www.stretchchecksreview.ca). So I think that covers

all of those bits. So it is 6:35 now if that time is correct. Sorry, let me pause and just address the question. In terms of who's in the room, as far as we know there aren't police in the room, but there might be police in the room. Are there police in the room? So there are some police in the room, great. So we don't know all, who's come, and I guess let me just say a word about people's participation at the round tables. Justice Tulloch articulated the intention of these consultations, we want to know about the impact of the new regulations on you, the community. And so we're gonna ask for people who don't have that input to give, but wish to remain at the tables, to really be cognizant and intent for the purpose of this evening and to ensure and allow that community members feel safe and free to share as they wish, their feedback. So, I'm just gonna ask everybody at all tables to just be mindful of that, so be mindful of the space you take up in terms of conversation and making room for each other and really leaving space for everyone to be heard. Does that make sense? Can we agree to that? And if people need to, please just let us know if, if you think that having a member of our team, and you know they're members of our team because we'll be wearing these white tags. If you feel that a member of our team should come and join that table for support that process, do let us know. So in terms of time management I think it's about 6:35 if I'm seeing correctly. So we wanted to give you a good amount of time to talk with each other. The packages on your table, the white packages outline

the consultation questions, and so we're gonna ask that, as I said, that you sort of select someone that will take notes, and maybe they can be considered sort of the facilitator at your table to move the conversation along, and take notes of what is discussed, and then plan for either that person or someone else to be someone that will report back. Let's do that process until 7, 7:15. So let's say that we'll do that process until 7:25 because I'm just conscious of the fact that we have to transition into a report back process. And exactly at 8 o'clock, we're going to move into closing remarks etcetera. So we're giving you 55 minutes to have this conversation. Are there any questions just about this process, this piece? I guess the only other thing is if we look around, if there are tables that have three or four people, that we would think about filling those tables. And for the people that are on the sidelines, if you would join tables and you could make room for your colleagues, that would be wonderful. Okay. Thank you so much.

So we're gonna draw your attention back to the front again. Thank you for engaging in a robust conversation, that was wonderful. But now it's time for all of us to hear some of what you talked about. By my count there's about 12 tables, am I right about approximately 12 tables. And about 36 minutes to do this, so about three minutes a table. So we're hoping you selected someone to do a report back. And what we'd like to do now is hear some of

the highlights of what you talked about at your table as given by your selected speaker. So now everyones having arguments about who's gonna be the speaker, right. So hopefully you've made that selection. Is there a table that would like to go first? And can we agree to work within the three minutes. Is that reasonable. Thank you. There's a microphone coming around. David is coming around with microphones. So I'm just gonna ask if we can call the, get some order. Thank you so much for the excitement, we're pleased. Okay, so our first tables ready to present. If we could have attention to that person.

DELROY GORDON: Good evening everyone.

KIKA: Thank you. Go ahead sir.

DELROY GORDON: I'm not even sure how I got here, let alone to be the first table to speak. And I'd like to know who this young man is who gave me the mike.

Well my name is Delroy Gordon. I'll be real quick, just take a minute. Just two points that are table talked about is in order for us to, I've shared some personal experience that I've had growing up as a young black man in Toronto, some of which were negative, with interaction with the police. But not at all jaded by the police, I think, a lot of my colleagues happen to be police officers. Never the less I think in order for this to work perhaps we need to change some of the negative stigma of calling it "carding". I think every effort should be made to change that. We have to do other things to educate the public, let them know, let individuals know what their rights are and I think

a greater effort should be made by police services to ensure that this happens, that individuals know what their rights are because in order for this to work, in and of itself I think personally it's a good way to gather information because ideally, if we want this, our communities to be protected. If it's coming from an honest place I think it can be effective, but in order to restore confidence in the police service and somehow this would, you know, it's a good to have this new regulation, but in order to restore confidence, something has to be done. Perhaps other factors need to be addressed to perhaps win the confidence for us to really believe that this is an effective means of policing.

KIKA: Thank you. So does that reflect sort of the full conversation at the table, sort of your—is that the highlights of your table? Okay. Thank you.

(Indiscernible)

UNIDENTIFIED MALE: Well the conversation we had again restoring confidence. And we do believe that the confidence will be restored based on the results of the process and I do believe that it will take some time. It will take some time to restore confidence. It will take some education. Education is very very important piece I do believe that will come out of this whole process. Educating the public and the police. The fact that the public have to have a clear sense of the dos and don'ts, the rights and wrongs. And even for the most part we need to know our own individual rights. Before I came in here I had no idea that I

could actually refuse to give the police officer my information if they stop me on the street. There's always that sense of fear and again based on the experiences we've had and the stories we've seen on television with respect to what happens in the United States, there's that sense of fear. And I do believe that we need to be educated enough that we have the clear sense that we are not obliged to give the police officer our information when we're stopped on the street. So education for the public and also more training in public relations particular for the police officers.

KIKA: Thank you so much. So if we can move onto another table. Is there another table that's ready to go now? Sorry, just before, can I just ask for the tables that are not sharing to not talk. So whoever has the microphone if they can be the only one talking in the room that would be great. We're all, as you see the whole team is trying to take notes at the side. Justice Tulloch is trying to hear, I'm trying to hear, so if people would just do us that favour. Thank you so much. Go ahead sister.

LEYTANIA GRANT: Hello everyone. My name is LEYTANIA Grant. One of the things that we discussed at our table was why was this new regulation implemented? Because this is 2017, but in 2014 August 24 my cousin Jermain Carby was killed because of carding, and what do street checks and carding mean to me? It means arbitrary detention, which is a charter violation. And I think that's why they changed it because they started to realize that it was a violation of our

charter rights and instead of getting sued they tried to cover themselves. Another thing that we talked about is, Do we think that street checks benefits the public safety? No it does not. They take your information, they put it in a database. Anything that happens in that area they're gonna look at that person like a criminal. If you stop me on the streets why should it be implemented into a data base. There should be a time line. Even if it's 24 hours, which one of our members said it should be. How do we guarantee that it's removed after 24 hours? And why is it in the data base in the first place if we've never committed a crime. Our thoughts on receipts. What does a receipt tell me? Are the police even gonna follow the procedures of giving us receipts. They racially profile people. They stop them. They shoot them for no reason. My cousin was shot because he was the passenger of a car. So he was carded. And I see that it says if you're a driver they can talk to you. When my cousin was shot in 2014, August 24 they spoke to the driver, they asked the driver for his licence, registration, insurance. The driver provided that. They even went forward to I guess administer a Breathalyzer test. The driver passed that. Once that traffic stop was done they should have let the car proceed, but then they carded my cousin, they made my cousin come out of the car, shot him three times for what, when he was going to get Burger King, five minutes from his house. So police should not be able to talk to you for no reason at all. Unless you're an officer that is a community officer, which was mentioned by this man.

You live in the community. You speak to the community. You have a relationship with the community. You don't live, you're not an officer in Peel and you live out in Oshawa. Think about it, if you're an officer that lives in our community and you harass me and you know that I might see you at the grocery store, you're probably not gonna harass me, right. But if you know that I'm never gonna see you in my city you're gonna harass me. For the next part that if, that you're allowed to refuse to give that information. Most black men are physiologically detained. Even if they're not arbitrarily detained they feel inferior, they feel intimidation. How do I know that if I say Officer I don't want to talk to you and I walk away I'm not gonna get a bullet in my back. So these are the things that it's never gonna change unless officers live in the community or just don't talk to us for no reason. Unless I come up to you and say Officer, I have an issue, don't talk to me. You don't have a right to talk to me. And I don't have a right to talk to you. But because my cousin died that night in 2014 and it took them three years to implement this regulation. Someone died because of that. So we now have a 12 million dollar lawsuit against the Peel police because my cousins charter rights were violated. So when I talk about this topic it's very pressing to me because my cousin died because of this. He was a passenger of a car that should be alive today, but carding killed Cardy. And that's all I have to say.

KIKA: Thank you very much. Thank you. Thank you.  
Can we have another table please? Thank you.

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Jaiden Oden Maxwell: Good afternoon. My name is Jaiden Oden Maxwell, and my group, a few important topics we touched on is the education of the youth. I feel like it's, right off the bat, a negative kind of stigma that if you see a police officer, man or woman in a badge, there's the oh my goodness what have I done. Right off the bat we all kind of came to the consensus that being in that negative mind set there's not gonna be a positive outcome of it. So I feel like there should be a huge, or we feel like there should be a huge movement, progression of parents, community activists, teachers whoever it is who has an impact or hand out to the youth, to be able to start teaching the youth that just because a man or woman in a badge is talking to you doesn't necessarily mean that you have to be afraid or you have to be defensive or you have to lie to them to defend yourself because right off the bat that may stir something negative out of nothing that would have been possible to become negative. We also felt like there was a big need to create a sense of accountability and a balancing of the power. It was me personally that said that once somebody does achieve that badge or that uniform or that utility belt, regardless if it's a said thing or it's an acknowledged thing, there is a subconscious idea that, you know, I am a figure of authority and with that everyone is a human, so whether or not someone chooses to use that in a negative light or use it in a positive light that's completely up to that persons mental

time, or mental standpoint at that point in time. So I feel like holding a certain level of accountability towards people with that power and giving a lot of thought and attention to what that power means and the responsibility behind that power is huge and it shouldn't be overlooked. We also touched on the importance and the positive impact that it would make for communities to allow police officers, maybe not necessarily for all police officers, but for police officers, men and women, to begin to do things again like interact with the youth of the community through things like teams and sports and soccer teams and football teams, that way it's not necessarily police having to know who you are by asking for your identification, but it could be, I remember you from three years ago when we played soccer. So there is a relationship. It's not you're a name or a statistic. You're a human being. And I feel like bringing it back to human interaction and bringing it back to the fact that at the end of the day before the badge, before a criminal, we're humans and we're interacting on a human level. I feel like we could simplify a lot of very complicated and unnecessary interactions and it might not have to be as bad. One other thing, I feel that, or we feel as a group, my apologies. My group felt that there are things that are overlooked such as cultural differences. In some cultures it may not be polite to look somebody in the eye or it may not be polite to shake someone's hand. So if a police officer isn't aware or educated on the different cultures that are

surrounding them, or the different things people do or don't do based out of how they're taught, not necessarily disrespect, they may not be able to use a certain level of discretion and be able to distinguish whether or not somebody is generally disrespecting them and if I should crack down on them or if somebody is just being the best person they can be. So I feel like there's a huge, there should be a huge push to be able to, you know, credit different cultures different practices and to give respect to those practices. Just because somebody isn't in their place of origin doesn't mean they don't have the right to practice their culture and to respect their culture the way they were taught to. So I thought that was huge too. And we also feel that it would be a great thing to be able to instill community leaders in the community to be able to be the voice of reason to contact the police or to be able to have a sit down if there is something going on in the neighbourhood. There is not, to my understanding and from what we found out, there isn't really, like, always one woman or one man that can be the forefront and can represent his or her community and ensure that the people in the community in the community not only feel safe, but their concerns are heard, their complaints are heard. A lot of times complaints are just forgotten. If we don't think we're going to get money on it, we don't think it's worth anything, but if there's a community leader that has a specific list of complaints, concerns, all that kind of stuff, you

know, I think we all think it would be a bigger impact on things going in one ear and out next.

KIKA: Thank you. Thank you so much. Dave, lots of tables around you. Thank you.

MICHELLE: Hello. So just a few highlights. First I'll say that none of us here really agree with the whole process of street checks, but it's our reality, so the conversation was centered around how to deal with that reality. For the most part, we don't see any benefit to it. We don't see any benefit to community safety. It's a violation of rights, a loss of rights. Documentation of information that can be used against us, so that's concerning. We agree that most people do not know about the regulation. There's been a lack of a marketing engine to promote it, and we compared it to the RIDE program and how that is advertised. So we feel that it's not intentional enough, so some suggestions; an ongoing media campaign. And keeping in mind how social media is so prevalent these days. The use of social media. School outreach and education campaigns within the school. So in Peel we still have school resources officers. They should be having these conversations with the students. And also, use of community-based media. So papers like the Share where we go to access information. So there should be larger effort to promote this, because a lot of people are not aware. There's also consideration for the fact that—

KIKA: Michele, can I ask for a point of clarification?

MICHELLE: Yes.

KIKA: Sorry. I just want to, because I don't know if my team is clear. To promote the new regulations or what? To promote what?

MICHELLE: Sorry. That's a good question. To promote information about our rights.

KIKA: Okay. Thank you.

MICHELLE: Thanks for asking that. Sorry about that, yeah. Just for people to know their rights. And it should come from the people in power. One of the things that we also discussed was the idea of the receipts. I mean it's great to get a receipt, but it doesn't make it any better that we are carded in the first place and a point of concern is the rules that the officers must follow. It can't be based on race or arbitrary reasons. How is that determined? They can say anything. So I think this still needs to be fleshed out because at the end of the day an officer can say, can make up any reason and say there wasn't legitimate reason. They have the power to do so, and I think we also have to be mindful of the fact that I believe that the young man, Defonte Miller, I understand was that he had let the officer know that he didn't have to answer any of his questions and look what happened to him. So I think we need to be cognizant of the fact that, yeah, we may know our rights, but not everyone feels comfortable or safe enough, it isn't always safe for us to access our rights. And when it comes to policy and accountability I'm gonna say that none of this is going to mean anything if there's no accountability. Quite frankly, if there's another policy and training and there's no accountability

then this is just meaningless. I'm just saying this is a waste of time. For every consultation we go to, there's a policy, there's more training and supervision and such, but they can still get away with it. So if there isn't gonna be any accountability, then please don't waste our time. And the reason there needs to be accountability is these are people that can take our lives. So there needs to be accountability for what they're doing. Perhaps even reviewing, at the end of the year when there is a review that they're reporting to the public, look at the officers who are the ones that are doing a large number of street checks. What is their interaction with the community?

Have there been any complaints lodged against them?  
KIKA: Okay.

MICHELLE: And the demographic of the community that they're stopping. The actions of the officers also have to be reviewed. And was there anything else?

KIKA: Sorry, I'm going to need to totally wrap it up in seconds.

MICHELLE: Yeah, that's it. Thanks so much.

KIKA: Thank you so much Michelle. =

UNIDENTIFIED MALE: Thank you. Hi everybody. Hello. So my group had a few things and I'm pretty sure that we all realize them. This point right here, the last bold yellow, that point completely negates everything else.

KIKA: Can you read it out loud sir? Just for the-

UNIDENTIFIED MALE: 'In rare cases if following the rules above could negatively effect an

investigation, threaten public safety or force officers to reveal confidential information, police officers may not have to tell you why they're asking you for the information'. What was the point of all that?

KIKA: Okay.

All right.

UNIDENTIFIED MALE: Tell you that you have the right to refuse, giving ID. Right? 'And give you a receipt from the interaction'. So that's it.

KIKA: Thank you.

UNIDENTIFIED MALE: Sorry. That was just for, you know dramatics. But on this thing right here it says that if there is an active, what 'em say? 'If they're looking into suspicious activities, if they're gathering intelligence, or they're investigating general criminal activity in the community'. What the hell does that look like? Nobody knows that that looks like. If there's caution tape up, we know what that looks like. If there's no caution tape we have no idea of knowing that this is the time we can actually go and communicate with these customer service agents, for lack of better word, with weapons. Right? So, I would suggest that just like when the ice cream truck comes into your neighbourhood you hear the ice cream truck. You know its tone. It's the ice cream truck. You have the choice, do I run out and get some ice cream? Or do I keep myself inside and tell the kids no. Right. So I think that the police cars because they're equipped, should have some sort of special community siren or something in the parking outside, down the neighbourhood, let

people know, hey, community investigation patrol is here. If anyone has any blood cleet something to stay, step out your house now and go and talk to them. It's not the regular sirens that are here to scare you. You know what I'm saying. You know what I'm saying? The next thing was no snitching. Is everybody familiar with no snitching. Please put your hands up if you're familiar with it. Okay. This is stupidest thing I've ever heard of. How are we going to say no snitching, no snitching? Oh, solve our murders, but I'm not gonna help you. Does that make any sense? You're talking to people outside of our community to solve the murders in the communities, but the community won't help the people that we're asking help from because rap says not to. And we have got to start teaching the younger generations amongst other things about not being afraid of the cops, but knowing when to exert certain rights and when not to. That this thing called no snitching does not make sense. We keep complaining about the murders in our community, but then when they come and they knock on our door, they walk through the neighbourhood Dicky D music playing because we don't know if this is the time to go talk to the cops or are they looking for someone to kill them? But if we don't know, come on, there's got to be some kind of fine line between forget the fine line. You guys have to communicate with the police officers. We have to communicate with the community and we have to communicate with the police officers cause they're part of the community. People are people. When they're naked in their bed, they're people. When

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5 they wake up in the morning, when they cut and when  
they bleed we're all people. So if we keep  
segregating them and segregating ourselves. Even  
when they're in cars and they're driving, how the  
hell is that, that's community watch. That's not  
community talk. Get out the car. I walk up to  
cops all the time and I talk to them. They know my  
face. What have I got to hide? But you have to  
step over that damn red line and stop keeping  
whatever the hell you know in your community to  
10 your damn self. I aint saying nothing. Are they  
solving my murders. I aint saying nothing. You  
with me?

KIKA: Thank you sir.

Thank you very much. Can we have another table  
please?

15 You're a lot of fun. Thank you.

UNIDENTIFIED FEMALE: It's hard to follow. But we  
have, it's 20 questions in 55 minutes.

KIKA: I know, and you only have three minutes to  
report back. Right.

20 UNIDENTIFIED FEMALE: We know that, just because  
this is being documented by researchers, we're  
hoping that the responses will be according to each  
question. So question one, we just want to and so  
this group was compromised of two moms, two dads,  
25 two youth within the early twenties, and so to  
start off, the first thing that they want to  
communicate is that they felt that there was, this  
I an unsafe space because police officers are  
unidentified, although there were a few that  
30 were identified, and it was very reminiscent of the  
culture of carding where you don't know where the

police are. You don't know what they're here to find out. And so number one recommendation is that it should be a community space if you want to hear about actual stories, which goes on into question eight. And I do hear you around communication, but that is one thing that was expressed that there was a level of feeling unsafe to speak about certain situations in question eight. So the group does feel that this process legalizes a pathway for conducting carding, and so the feeling is that the consultations that were conducted by the Ministry that have had TPS here, the voices of community have been ignored and that this systematizes carding. So we go through questions one and so some thought carding had actually stopped because after all the consultations, people were saying stop it, stop it. They thought actually they had been listened to. Others said no I didn't think that because social medial tells me every day that my brothers, my sisters, my peers, especially African descendant are being stopped for no reason, are being assaulted, are constantly in danger. Question two, in terms of listening to, you know, what carding means to the community. It means that to have carding being formalized right now means that we're not being listened to. Question number three, are you aware of the new regulation? A lot of them said we were not aware, and similar to what was expressed right now. This campaign around informing us is really quite confusing because the questions kept being asked around, well, what happened from the consultations till now. This is another round of consultations, but what's been

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happening? Why do we still have these issues of carding being reported if, you know, this regulation was implemented January 1, 2017, and the community has already said that we don't want it. In terms of question four, and do members of the public know enough about the regulation? No. When we move onto police stops, do you think that street checks, carding have any benefits when it comes to Public Safety? Overwhelmingly, speakers A, B, C, D, E all said no. They feel that this is limiting their movement within community, similar to what the brother before me said. They don't know why the cops are in their community. There is no ice cream ring. Right? So it limits where they want to go. If there's a car parked up in their community. They're scared. They're scared to walk there. There is Weston Road area. Jane and Finch community member and they're expressing that they feel limited in their community to move. There isn't a benefit if you know what it means, being stopped means your life is stopped.

KIKA: Can you work with 30 seconds?

UNIDENTIFIED FEMALE: So the overwhelming message in 30 seconds is that this process gives a glossy version of what has already been happening. The receipts are not streamlined, so different police divisions have different forms, different receipts. One can be a business card length. One can be a one pager. Where are the notes that are being put into their file? What is the process for being able to obtain that information? Do you people know that accessing the office of independent police review director with a complainant means

that you cannot access that information once the investigation has been conducted to let's say pursue a Human Rights case? Why are institutions that lack trust of community because they have not put that human to human contact be include in the process that is calling on trust to be built in community by the people that have broken it? So there's just a lot of work to be done.

KIKA: Thank you very much.

What I'm gonna recommend for groups is we've gone through more than half of the tables, so now is your opportunity to only give the information that hasn't already been said. Is that fair?

TYLER MURPHY: Yeah, but we didn't get too far.

KIKA: Okay.

TYLER MURPHY: So, I'm just basically going to touch on what is said. My name is Tyler Murphy. Have I heard of street checks? Carding? Yes. This is a new name for it, but this has been going on for years and years and years. They used to call it an occurrence report or incident report. What do carding or street checks mean to me? It's kind of a general consensus at the table that it is a way to stop people without probable cause or compel them to identify themselves and keep a record of that interaction, which they would have previously needed reasonable and probable grounds to do so. Three, are we aware of the new regulation that came into effect January of 2017? No. Everybody has heard of it, but nobody is really informed on it. Do members of the public know enough about the regulation? I don't think so. I don't think anybody does. Even people who work in the legal

industry, even police themselves aren't fully aware of how to go about this. What could be done to improve rights? Now that's a tricky question, because knowing your rights and the way that parlays when you're telling that to the police officer on the side of the road, it's two different things. In escalates things. From my experience they get upset and things can go left quickly when you start asking why you're detained. What's the reasonable and probable grounds stopping me? Why do I have to identify myself? That aggravates them. They don't sit there and explain to you why and refer to laws. It generally sets the tone for the way that interaction is going to go. Do I think street checks and carding having a benefit when it comes to public safety? I think if it's done properly, yes, they would have because there is people out there who are up to things that haven't been caught yet. Now that's if it's done properly, which I don't believe it is being done properly. When should people, police stop and talk to people in the community? When they have reasonable and probable grounds to do so. Not just because you're there. They do pull into a community and everybody who is within a certain age or demographic, you're getting carded. It doesn't matter why. Just because you're there. So I don't believe that, it should be when they have grounds to do so. What obligation do the police have when they stop and talk to people? They need to be friendly. They need to identify themselves first. If they're coming to you to just card you for no reason, they should identify themselves first, they

should share their information and maybe that will let you have you let your guard down a little bit and you identify yourself. They should answer why when you ask. Why am I being stopped? What's the reason for this? And that's my take on it. Thank you.

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KIKA: Thank you. Thank you very much. Another table that's willing? There was another table up here Dave. Right here. So you don't have to travel. You're welcome.

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UNIDENTIFIED FEMALE: So I'm not going to go through the whole questionnaire and all that, but we, first of all, we really want to touch on the first point, and that is looking into suspicious activity. The problem with this is that we've all been socialized to know that black and brown people look suspicious, period. Full blank stop. Okay? So this is actually not really, you know a public policy. This is a matter of perceptions. Okay? And in addition, one thing that (indiscernible) mentioned is the fact that people who are being trained in police foundations they are being trained militarily and these are supposed to be public servants. So there's a difference between being a public servant and a military force when you're dealing with communities. You just can't, you can't have that. So you got to pick a side. If you want to be the military, then to be the military, but we're going to have this, this isn't gonna work. If you're saying that you're a public servant and that you want to work with communities, then this, we need to throw this away, because this is not what we're saying works. We keep telling

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you what works and no one is listening. This isn't what works. We can sit here and come up with a whole bunch of innovative ideas that have to do with how we change perceptions and how we start looking at things differently. With many of the points that the gentleman and ladies that spoke tonight, that have to do with a lot of the new technologies that are out and things like that. And we don't do that. We still try to focus on things like this. And so I think that we're looking at the wrong thing. Why is this our responsibility as the community when it's the police who are going about this in the wrong way? Now we have to sit here and brainstorm and do this when it's the police who needs to be retrained and the police who need to have a new way of going about doing things. It's not our job. It's not our job. And more of our rights are actually being violated. When it comes to multiculturalism. All these things that are founded in the Canadian constitution. This is ridiculous. So for me I just think that we are like, we didn't even get to go through the whole questionnaire because we were just stuck on, wait a minute, what's going on with all of this. We couldn't even get through it cause it's so, it's just, it's very contradictory, and there's a lot more that needs to be done, you know, a gentleman said, these are customer service agents. They are. If you're gonna give me a receipt, you're not a public servant anymore. Proof of purchase. So I'm just a number and you're the guy at the front. If that's what we're gonna do here, that's what we're gonna do here. You guys

are lying cause you keep on coming and having this food and every, no stop. Which one are we doing?

KIKA: Thank you. Thank you. Another table. Which table hasn't gone yet? Another table? Which table hasn't gone yet? You got it? Okay, thanks.

Saved the best for last.

UNIDENTIFIED MALE: We'll be quick. Just a few points. Not around the questions. This may not be planned already, but some folks as well talked about the need to consult directly in certain communities, whether that be Rex or Soreham. I write in communities speaking to young people in private consultations. Some of us spoke about the idea that this isn't actually by carding, it's about police harassment and stereotyping, about racial harassment and surveillance and that as we're having this conversation about regulations on carding, we're actually forgetting almost a social context in which this exists. And so speaking more to that social context, it's almost like we're ignoring that, you know, there's anti-black racism, that there's bias that exists, and that there's a power dynamic when police and people interact. A lot of people around the table spoke about the actual experience of carding, so it wasn't just the physical thing around giving your ID and having your information written down. People spoke about being searches. About every time they stopped police had their guns out, pointed at them. Some mentioned the idea of carding in general is like fundamentally illegal to them and that receipts don't really mean anything. On the flip side of that, some folks spoke to the fact that they would

like to actually see receipts having another feedback loop. So almost like your uber app where they give you a receipt. You can go online immediately or on your app and actually give feedback about that interaction and have that be public and almost influence the way that training and kind of this process is monitored. And then in terms of, like, the actual understanding of the regulations, a lot of people said they had no, they knew the regulation existed, but they didn't actually know the nitty-gritty details of it, and that in order to actually have young people, parents, etcetera, involved there needs to be a public education campaign that engages the parents, school and curriculum.

KIKA: Thank you. Thank you very much.

UNIDENTIFIED MALE: I just want to conclude, for the table, and some of the sentiments expressed here. Fundamentally, this has not really dealt with the question. The whole issue about police carding and the stopping of people in the streets is an infringement of rights for black people. It should stop immediately. I don't think we can tamper on the edges with the matter of whether we should give a card or a receipt. It doesn't make any sense. Police should not be stopping black people in the street just because they look suspicious. That's just happening in Soviet Russia. I think it's very important to understand to understand that the carrying of a receipt around simulates what was happening in apartheid South Africa. This is the 21<sup>st</sup> century Canada. What we need to be speaking to, everyone of the black men

sitting at this table that I asked a fundamental question, have you been stopped by police officers. Every one of them has been stopped. I would like to understand how many in this black room would not have been stopped by police officers. How many white people have been stopped? I think the experiences, the social experiences that we are going through has inculturated our children to think it's okay to have police officers in their school. How many countries in the world do you go to and you see police officers in school?

Something is wrong with the society.

Thank you. It's failing the people.

KIKA: Thank you sir.

UNIDENTIFIED MALE: And the resources need to be put in places to stop the school prison pipeline.

Thank you. That's what needs to happen.

KIKA: Thank you. Thank you.

MAKERA PETER: Hello. My name is Makera Peter. I just want to say that that idea is very doable. We should bring it to the police, it only cost about \$30,000.00 to build. One thing that I can say is that we can't deny that there's a need for regulation regardless of what it is called.

Carding is subjective. I live downtown. I'm black. I've been pulled over. I've been stopped multiple times. So if I get stopped now, it doesn't really mean anything to me. You know we look into it, but then there are some people that they need to be stopped. There needs to be some sort of regulation, and people forget that police officers are regular people who have to make money. So maybe not the first year or the second year, but

the third year and fourth year after going through multiple experiences, they build a bias and they then act on those biases. It's not necessarily their fault, but can we come up with the way where we can get, you know, 10,000 cops to not develop that type of mentality. Because I haven't found that question yet. I went to school for criminology, I had an opportunity to be on the independent police review board, because Gerry McNeal is my uncle. But I can't realistically say how do we still realistically protect people and be active, you know, let police be active participants in the community and to serve us in terms of protecting us but then you know not inflict and impose bias. So in our group we kinda saw both sides of the story where, you know, there's a lot of times where they do put too much, they apply too much of the bias, but at the same time, how do you navigate through that as a police officer over time? It really is tough, because you hear stories like, you know, someone getting shot in their car and it's like holy crap, but at the same time, there's people who get stopped and they have two guns on them. They shouldn't have guns if they stopped that's two guns off the street. We save the card information and then they find, you know, thousands of dollars of guns, you know, drugs and stuff. It's because there's active investigations going on by the police. They can't tell everyone because if they did, then people get away all the time. So how do they actively do their jobs, but not, you know, kick down like little kids and do, you know, pull over random black people? It's a

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really tough position to be in and that's kind of what we got to. Thank you.

KIKA: Thank you. Is there another, how many tables have not gone? Sorry. I just want to make sure I have everyone. There's one there.

5 JOURDAN CLARK: My name is Jourdan Clark. Most of the people at our table are gone now. But we spent the majority of our time speaking about our experiences, and those experiences being very subjective. The times that I've been carded have always been in areas where I wasn't supposed to be. There are areas that we're supposed to be too nice for black people. I've been carded in my driveway. I've been carded in my driveway, yeah. I've been carded in nice areas in the States while riding my bike through communities which are deemed to be too nice for black people. But to speak on, or to build on the conversation from the second last table, it's fundamentally a racial issue. It's fundamentally a carryover of the activities of slave patrol from the late 1800's. If you look at the gathering of intelligence, the investigating of general criminal activity in the community, looking into suspicious activities, these are all things that the slave patrols from the late 1800s after emancipation were forced to do after the slaves were left free and had nowhere to go. So communities where police are coming in and they have absolutely no reason to be there, other than upholding statutes and not upholding the law, and the law being, focussing on maintaining the health and the prosperity of the physical body and the property as opposed to maintaining a quota is

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something that needs to be addressed by police officers, and that's a fundamental change that needs to take place within the police stations themselves, because until we address those issues, things aren't gonna change and we're going to keep getting legislation after legislation after legislation, but the fundamental issues still say the same.

KIKA: Thank you very much.

DOCTOR MCINTOSH: Good evening. I'm Doctor McIntosh, a medical doctor. I've been here since 1968. And I think I can talk a lot about this subject, but I won't. I'll just deal with the street carding and a few other points. The carding is totally uncalled for. We don't need the carding. The carding is an invasion. 95 percent of the people who are carded are people of colour. Are you saying that we are that important? That we are being struck out for carding? No. Accountability. If we do not have some accountability by the police when they stop the person and they are so called punished, and I don't mean they are put off from work and they still get their pay, that is not punishment. They have to have some form of punishment. The providing of a receipt, a receipt on this, it can be used in the sense that we can put it on facebook and put up the police officers name. Black and white, it means nothing. Totally absolutely nothing. Thank you. Very much.

KIKA: Thank you very much. If that covers all the tables. If we can just double check on that? Great. Where is Mr. Singh? Dave, I actually need

you right up here with the microphone to Nia here please who will introduce himself and then share. Thank you.

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GEORG KNIA SINGH: Good evening everyone. I'm glad to see so many people turn out for tonight's consultation. First of all I want to say, I'm going to let you know I'm not part of the regulations. I've contributed to them just like you have, but I am an independent community member and I am a lawyer. But most of all I'm just like you. I'm a community activist. I'm here to ensure that our rights as Canadians are safe. I've heard a lot of things since I came here. I wasn't here from the beginning because I was at court. But I heard a lot of things since I've been here and I wanted to speak to the audience and answer a few questions and clarify some misconceptions and feelings that are passing around the room. In order to understand what I'm saying it would take a lot of experience in first of all, being carded, which I have been. But also negotiating and speaking with the police, the police services board, the Ontario Government, and the Ministry of Community Safety. So what I'm going to explain to you, I really want you to pay attention and take it in. So first of all these regulations that we have here they are not a new law, they are not a new introduction to formulise carding. What they are is a synopsis of Supreme Court decisions and the Charter of Rights for Canada put into a format for police officers, but specifically to learn from and follow and govern their actions with the community. I know it seems like it's reverse. It seems like

these were put to legalize carding; they are not. Under Canadian law, primarily under the Charter everyone is free from arbitrary detention, Section 9. You have a right not to be arbitrarily detained. If these regulations were to be struck, you still have the right not to be arbitrarily detained. Under Section 8 you have the right not to be unreasonably searched and any property seized, and under Section seven you ever the right to liberty. So the reason why we have these regulation is because primarily, officers have not been doing their jobs properly when it comes to interactions with specifically the African-Canadian community. Think about how many things you've seen in the media lately in regards to officer's behaviour, the seizure of evidence and eating marijuana. Right? That's not legal, but officers still do it. Some officers, I'm not gonna say all officers, some officers have done that. There's seizures of property from evidence lockers. It's not legal, but some officers have done it. So the arbitrarily stopping of citizens and demanding information is not legal and it never has been. It never will be. But because our community has been targeted they stay silent. They don't speak up. And when we don't speak up we don't get results. Five years ago people started speaking up. Even before that the people starting speaking up, the media did not listen, the media did not pay attention. As of 2013, they caught on, the media started paying attention. 2015 the government stepped in and said we have to stop this practice because it is corrosive. So what I'm trying to say

is that we have all the tools in front of us. Primarily, you have no obligation to ever speak to anybody in this country. As long as you're on Canadian soil you have the right to silence in all circumstances. Now, knowing how the interactions can play out, sometimes it's not advisable to antagonize a situation or knowing that you may be in a threat, sometimes you will have to speak. But you have that right. What you have to do is remember the officer you're speaking to, know their badge number so you can lodge a complaint, because without complaints, things don't happen. This review is here because the community has complained. Legal professionals, community activists came out in force from 2013 on at police services board meetings and ensured that these policies were put in place to govern the way police interact. I've heard a lot of talks about receipts. Receipts are useful for this reason. If you get stopped and no officer is obliged to provide you with a receipt on that interaction, how are you going to know who to complain to and what to complain about. Once you're provided that receipt you have the officers badge number. You have the reason for the stop. And at that point you still don't have to give any information. If an officer right now tries to stop you and asks you for information and you refuse to talk, he's still obliged to provide you with the receipt. So these are some things our community does not understand. And I know my brother Damien mentioned, you know, what about these exceptions? Yes, the exceptions are a problem. They create a situation where

officers may be able to convolute something and get away with not following the regulations. But at no point can any officer arbitrarily detain you, illegally search and seize you or arrest you or abuse you. When those things happen it's imperative you speak to somebody. You have to contact somebody you trust in the community that has connections with somebody such as myself or other lawyers who are willing to provide the fight for you. Willing to take these tasks to court through the OPRD Human Rights Tribunal, through any of the police agencies. So what's most important that you take away from today is you have a provincial government right now that is willing to make these changes, that has made these changes and actually has followed up on these changes. The regulations were put in place already. This consultation is because the Provincial Government, justice people in the justice community understand there's still a problem that's existing. I know personally of cases of people who have told me I've been carded, I've been stopped. So you have to understand that the regulations are complicated, yes, but the solution is simple. Remember who's talking to you. Remember you have the right to silence. And remember if you're demanded information, you should be provided with a receipt. And for those people who are guilty of something, if you're guilty of something, the cops will arrest you. They will arrest you, then you'll face your charges in court. But for all those innocent people you do not have to overextend yourself, stand strong, be respectful, don't put yourself in

a bad situation. But understand only through complaints process will things ever change. Thank you.

GEORGE KNIA SINGH: And I'm willing to stay behind and answer any questions beyond this meeting.

5 KIKA: Thank you. I just want to, before Justice Tulloch comes to give us some final thoughts and we close the meeting. I just wanted to thank everyone for this process this evening, for the way you conducted yourselves, for helping me stick to the  
10 time lines for sort of the quality of the conversation. This has been extremely helpful. Do remember that we have a series of more meetings. Do check our website and spread the word to your friends and colleagues and network. You see all of our social media information here. The information  
15 about the other places and times is also listed on our website, which you see there. We're going to be here for probably, you know, a little while this evening, so if you do have additional questions, if you did not get to express yourself this evening  
20 and you have more to say, please visit our website. Again, we have tokens at the back. I'm just going trying to think if there's anything else I need to remember. Team, am I forgetting anything? Thank you for come and go we hope we see you again.  
25 Thank you. So Justice Tulloch.

JUSTICE MICHAEL TULLOCH: Thanks Kika. I just want to thank all of you, again, for coming out. And I want to reiterate the fact, though, that we're not  
30 the government. Right?

We are independent. I'm a Judge. I still sit on the Court of Appeal. My team that are with me,

we're here to hear from you. And we're going to reflect everything that you've said. We're not here to give you advice, though, because as a Judge I can't. When I was a lawyer I certainly was able to to do that. But you know, we've heard you and we've heard you loud and clear. I also want to thank Mr. Singh who was very gracious in speaking to you, because frankly, what he said we can't say. I'm not here, like I said, as a part of the government and we're not here, you know, in any way as an arm of the police. Right? We're here so that we can actually receive your information, receive your experiences, reflect upon them, and analyse this particular regulation within the context of how it effects the community and how the community feels. One of the things that you have to be mindful of though is the fact that for over I'd say 40, 50 years, I mean our communities have been at odds with been at odds with the police in that they have been racially profiled. And you know, a lot of our fathers and forefathers, they have been crying for change for a long time and nobody has listened. Now though the government has, well, you know, they are listening and they're listening because of people like yourselves who are actually you know, articulating your concerns as well as your experiences. And in the last round of review, I think we can see that there are changes that are forthcoming in the new legislation that is being tabled. So I'm hopeful that with your input and with the input of other members of the community over the next little while over the consultations that we'll be doing. We will be able

to make this regulation better or, you know, if the consensus is to get rid of it, well then that's what we will reflect to the government. But what we really need to hear, you know, what your true feelings are, what your perspective is, and how, you know, can we best reflect that in our recommendations. So again, I want to thank all of you for taking the time to come out here. By the way, I wasn't giving you guys food to entice you to come, but I think that it's important for you to come and share your views and your perspectives, because being silent isn't going to help. I can tell you that much. And there are will not be any changes unless, you know, your voices are heard, and like I said we're here to listen. Thank you.

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THIS IS TO CERTIFY THAT THE

foregoing is a true and accurate  
transcription from sound recording  
apparatus to the best of my skill and ability

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Michelle Lewis

Certified Court Reporter.

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