

5

INDEPENDENT STREET CHECK REVIEW

Date: March 6, 2018

10

Location: Tropicana Community Service
1385 Huntingwood Drive
Scarborough, Ontario
M1S 3I1

15

JUSTICE MICHAEL TULLOCH

20

25

30

5

TABLE OF CONTENTS

10

INDEPENDENT REVIEWER: Justice Michael Tulloch

15

20

25

30

TRANSCRIPT COMPLETED.....March 23, 2018

Independent Street Checks Review

KIKA OJO:

5
10
15
20
25
30

Good everyone. Welcome to our community consultations regarding the street check carding review. My name is Kika Ojo and I'm your facilitator for this evening. You'll meet a couple other of my colleagues and you'll notice that there are a number of our colleagues around the room. You'll know who the team members are because they'll be wearing these white tags. So feel free, if you have any questions or comments to offer those to those folks.

Just a couple of housekeeping things before we get started. Please have your full with dinner, feel free to eat throughout the evening. The washrooms are closer to the front. So if you go that way, you'll notice the one set of washrooms to the left, I think they're both on that side. I'm not, I might be mistaken, sorry about that. Yes, okay, thank you. We also, upon request, have tokens, transit tokens are available for folks who might need them. If you would see Roxanna who's at the registration at the front. Also with regard to French translation. We have an interpreter that is sort of working through the meeting. And if you would like to have a head set to listen to the process or participate in the process in french you may do so if you check out our guys at the back for a headset.

Independent Street Checks Review

5 I think that, and the additional piece is
around parking here. So, we acknowledge that
parking in the back is probably full. If you
are parked to my right, so the parking lot to
my right, so not this property but the next
door neighbours property we would suggest
highly that you move your car and note that you
can park anywhere on the road on Huntington
10 between the white lines. Okay. So if that is
you please take the time to move your car
probably now is a good idea. So yeah, so those
are just some housekeeping pieces.

15 Tonight is really about listening to you as our
community and so we want to get through the
logistics and move onto that. I'd like to
invite my colleague Daniel Dowdy to, actually
I'm wrong, I'm going to invite Justice Tulloch.
20 As most of you know Justice Tulloch is
appointed to do this review. And so he will be
here listening all evening. But I'd like him
to welcome you. Justice Tulloch.

JUSTICE MICHAEL TULLOCH:

25 I want to thank you Kika for those introductory
words. Ladies and gentleman I want to thank
all of you for coming out this evening. As
indicated we're here to listen to you. And you
know, what we want to say to you is that you
30 should feel free to speak to us and not feel
any kind of trepidation because it's your

Independent Street Checks Review

experiences that will inform the report that we will eventually write.

5 Now as indicated, my name is Michael Tulloch. I'm a Judge. I sit on the Court of Appeal for Ontario. And I was asked by the Ontario Government to conduct this review on the regulation. It's called regulation 58/16 which 10 was introduced in Ontario in 2016. Now just before I get into my comments I want to acknowledge that we are located on the land that were first inhabited by the indigenous peoples and First Nations of this territory. I 15 begin by acknowledging that these lands were the traditional territories of the Annishanabek Whodanoshine, the Heron Wendat, and the Mississauga of New Credit. The territory was the subject of the dish with one spoon Wampum Belt covenant, an agreement between the 20 Iroquois confederate and the Ojibway an allied nations to peaceably share and care for the resources around the Great Lakes. This territory is also covered by the Upper Canada 25 Treaties. I also recognize the contributions of the Metis Inuit and other indigenous peoples and the contributions which they have made. Both in shape and in strength in this community the Province and the country as a whole. Now 30 today the meeting place of Toronto is still the home to many indigenous people from across

Independent Street Checks Review

5
10
15
20
25
30

Turtle Island. And we're grateful to have the opportunity to work in the territory. Now by acknowledging this traditional territory we are recognizing and respecting the first peoples of this country and it is also the recognition and respecting the first peoples of this country. And it is also the recognition of their presence and contribution both the past and the present that we pay our respect to them. In my view this acknowledgment is key to any relationship and reconciliation going forward.

Now I also at this juncture want to thank Tropicana Community Services for hosting us this evening. Tropicana Community Services is dear to my heart cause I, as a young student I was one of the youth members of the board and you know I've seen the amazing work that this organization have done. I was on the board of this organization for about five years. And it's quite amazing the work that Tropicana is doing within this particular community.

Now by way of background. On June 7th, 2017 I was appointed by the Provincial Government to lead a full and independent review of regulation 58/16. And this regulation outlines new rules on police street checks or a practice that's generically referred to as "carding". I will be reviewing the content of the regulation

Independent Street Checks Review

5 and assessing whether police officers, chiefs
of police and police services boards 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. Now since my appointment I have
10 assembled a team to assist me and we have
participated in a number of consultations
across the Province. Today's consultation
marks the fourth of 12 public consultations
throughout Ontario. And I intend to draw on
what I'm learning from these consultations to
15 write a report with recommendations on the
regulation. That report will be submitted to
the Government of Ontario on November 30 2018
and made available to the public before January
20 1 of 2019. Now as a background for your
discussion Daniel Dowdy is gonna come forrard
and sort of lead you through the logistics of
how the evening is going to be proceeding. But
you need to know that a street check is when a
25 police officer asks someone for identifying
information in a particular circumstance. The
regulation applies if an officer asks you to
identify yourself when they are looking into
suspicious activities or investigating general
30 criminality in the community. Now by contrast
the new rules under the regulations do not
apply if the officer is talking to a driver

Independent Street Checks Review

5 during a traffic stop, arresting someone or
investigating a specific crime. The regulation
outlines what an officer must do if they ask
for your identification. The regulation also
provides information on the storage of
information that comes from street checks,
10 mandatory training for all police officers on
the new rules and public reporting
requirements. With that background in mind I
look forward to this evening. I want to
emphasize once again that this review is fully
independent. We're not here as part of the
Government of Ontario and we do not represent,
15 I don't represent the government nor do I
represent the police. You know I am
independent, I am a Judge and that's the office
that I stand in here this evening. So you know
I want you to feel free and speak to us and you
could be rest assured that it doesn't matter
20 how difficult your experience is or your
stories are, you are gonna be heard, right.
Meeting with you in my view and with all the
other members of various public communities
25 where we'll be going over the next little is a
critically important part of this process. So
I want to just let you know how grateful I am
that you have taken the time to meet with us
today. And I also want you to know that I
30 appreciate that speaking about some of these
issues may be difficult for some of you. So
again thank you for coming out tonight and I

Independent Street Checks Review

look forward to hearing from you and you can be rest assured that if you participate in this process you will be heard. Thanks.

5 **DANIELLE DOWDY:**

10 Good evening everyone. Just before we get started. (French translation at this time) So thank you all for coming. I'm just gonna go really quickly through the slide show that kind of outlines what we're gonna be doing this evening. So you know I'm just gonna skip through this cause it's just gonna talk about the regulation. But justice Tulloch just went through what that is all about. We are hosting 15 12, we are conducting 12 public consultations across the Province. Tonight is our fourth one. We did three in Toronto. Tonight is our third and final Toronto meeting. We'll be in Brampton on Thursday. And the goal of these public consultations is really to hear from 20 you. So you'll see on the table there's an Engagement Guide. There's questions in this guide that are gonna help facilitate the conversation, and there's questions in there that we want you to work through as a table and be able to capture your answers so we can have a good understanding of what it is that the 25 community is thinking and feeling on these issues as they relate to street checks, training and data collection and all of the things that are touched on in the regulation. 30 As a note the review does not, we're not here

Independent Street Checks Review

5
10
to resolve actual or individual cases, and so
it's important to hear from you and to hear
your stories. But our team is not here to
resolve a particular case. And so we understand
that it might be difficult to share that and we
appreciate you sharing that with us, but we
want you to understand that the stories that we
do hear inform our report and our
recommendations when we get to that.

15
20
25
30
And so the way that it works this evening is
that this is the brief introduction, then we're
gonna go right into the round table discussion.
So if you're sitting at a table by yourself if
you could join a table. There's empty seats.
If anyone wants to put their hand up if they
got space at their table, because really it's a
group exercise and we want everyone to be able
to talk together and hear from each other.
We're just gonna ask you to appoint a point
person to take notes, and then the third part
of the evening is the report back session. So,
then we'll ask you, each table, to report back
what was discussed at your table, any
recommendations for us and we'll be here taking
notes. And finally, we are on social media and
we're tweeting under the hash tag street
checks, as you see up in the corner. So we're
on face book, twitter, Instagram, and then our
website is there. We, if you see myself or
anyone with one of these white tags here taking

11
Independent Street Checks Review

5 pictures it's for our Instagram or for our
Twitter account. If you don't want your photo
taken it's not an issue at all, just let us
know and we'll move on. But if you see someone
taking your picture, that's what it's for. And
you can even go on line and you can join in on
the conversation. Or you can tweet, you can
ask questions or you can post it on yourself.
10 I've got a note here that there's a car being
blocked. It's a, there's two cars blocking. I
got a silver Chevrolet with a licence plate
OFMH, and I don't have the second ---

UNIDENTIFIED MALE:

15 The second is a Buick BHFL 410.
(Indiscernible)

DANIELLE DOWDY:

20 Valet service. We're a full review team here.
Did I mention about taking photos? Yes I did.
Any questions at all? You'll see, like I said,
our team mates, we all have on name tags.
Thank you so much and have a great evening.

KIKA OJO:

25 Okay. So now the fun begins. So as Daniel
said we're gonna ask that you join tables to
kind of fill them up. We will have between now
which, it's 6:39, so let's say 6:40, until 7:30
for your table conversation. As Daniel said
select someone to take notes and select someone
30 to report back in the end, because at 7:30 I'm
gonna pop back up and we're gonna go through,
from table to table to hear what you've had to

Independent Street Checks Review

say. Does that sound fair? All right. So you have till 7:30. Thank you so much.

(ROUND TABLE DISCUSSIONS)

So for those of you that came in sort of midway through this process my name is Kika Ojo and I'm your facilitator for this evening. We asked tables to discuss the consultation questions on your table that's on a white sheet. Hopefully you were able to get through most of those. If you don't have a seat, if you would join a table that would be great, we'd appreciate that. We ask that you would select someone to take notes, and someone to do feedback, like report back to the group. So I hope you've done that as well. By way of managing time, so we have a lot of people here tonight, which is wonderful. But by way of managing time I'm gonna keep a pretty good time of keeping a close look, I'm gonna hold you to a time commitment pretty closely. And one of the ways I do that is let you know when you have a yellow card which means your time is about to wind up, like you have approximately 30 seconds after that. Okay, so when I say yellow card you should be wrapping up your thoughts. Given the amount of tables we have we're working with a three minute window per table. So keeping the report backs high level. Hopefully those of you that took notes would be

Independent Street Checks Review

5
10
15
willing to leave them with us. So, you'll notice there are staff around the room with tags like this. If you would leave your notes with those folks at the end of the evening that would be much appreciated. So we're really trying to keep it high level. The first few tables will probably have the ideas, they'll obviously have the ideas that no-one has heard so feel free to share. But as we move through the room if your ideas have already been mentioned you can say so, and then continue on with the fresh ideas. So does that make sense? Is that fair? Awesome. Thank you so much.

20
So, is there a table that would like to go first? So Dave is going to pass around the microphone. We'll be in this corner first sir, and then we'll come to you after, okay. Thank you.

UNIDENTIFIED MALE:

Good evening.

KIKA OJO:

25
Good evening.

30
So the answer to question number one. Have you heard of this. "Have you heard of street checks?" The answers yes. The next question is, "What does it mean to us?", or "Why do we think it's happening?" One, to get information from young people who don't know their rights. In some instances, power tripping and gathering

Independent Street Checks Review

5 stats. The purpose of having these cards
frankly, or even doing this is unclear. Like
why it's even necessary, frankly. Number
three. None are aware of the new regulations.
We haven't heard of it. Okay, pardon me, one
was aware, one and a half. The next one is,
what can be done to bring awareness about the
10 regulation? So one was through schools and
educators. In class actually having educators
make this apart of what they actually share
with their students. So you take time out so
students understand their rights, like this.
So in schools there's through parents,
15 campaigns, through commercials on television.
They've been very effective with, we just heard
about this new law with the cell phone and
texting and so they've been very effective in
getting that one across. So if you can do
20 that, same way you can campaign like this,
through television and participation on church.
Through churches and Sunday schools. And
number five, "Are there any benefits?" No.
Not to carding. There's no benefit to carding
25 people. "When should police talk to the
community?" Well frankly, be consistent. Not
just when there's a problem. Regular community
engagement to build a relationship and trust.
Develop training. Develop training for police
30 tools. Another sentiment that came up was that
frankly if the police are going to engage then
maybe perhaps, since they've been trained

Independent Street Checks Review

5 really to deal with an offence, cause they're
law enforcement, then perhaps connect with us
when there's a real reason for law enforcement.
They ought to identify themselves and explain
why they're stopping, or why they're stopping
and having the conversation. That was for
number seven. This is, that's not for the
10 receipt, right? Couldn't see the licence, so
we had a couple of us who have instances where
yes we were stopped and there was no receipt
given after the communication. Number nine.
The issue of the receipt, well we've never
15 heard of this thing called a receipt, but then
when we looked at this statement here, it said
the new rules do not apply if the officer is
talking to a driver, arresting or detaining
you, executing a warrant or investigating a
20 specific crime. But when you get conversation
about fitting the description well what are
you, where does that fit? And then when you're
talking about arresting or detaining some of
that comes after they've carded you and you've
25 already engaged in a conversation that became
hostile. So this seems like a get of jail free
card because they, it's really up to the
discretion of the officer to do really what
they want to do at that point and time. So it
30 kind of nullifies the point if you will.

16
Independent Street Checks Review

5
KIKA OJO:

I'm gonna give you a yellow card now. But just, I acknowledge that you're the first group, so work with me.

UNIDENTIFIED MALE:

No problem.

KIKA OJO:

Thank you.

10
UNIDENTIFIED MALE:

15
20
25
30
Just let me know when you've got your card up. So no-ones heard of the receipt. How can we ask for the receipt? Date, time, and location should be added to the receipt information if we're having receipts. So date, time, and location of the incident. The training is not effective, number 13. 14, continuous training. Reviews of part of police performance, oh making it part of their performance review. For officers if they're found to get bad report cards. We do not know on how the data is being used, number 15. 16, what should it be used for? We really don't know. Should the information be stored? Again we don't even think the card should be there in the first place, to be frank. The individual police officer should have the info. Again, that part I'm sorry I'm a bit foggy on. 19 here, how many receipts should be issued? Say it again? Man, you put me on face book live. Thank you. So, say that again Sharon?

17
Independent Street Checks Review

UNIDENTIFIED FEMALE:

Indiscernible.

5 **UNIDENTIFIED MALE:**

Right. And one question for Chief Justice, Judge Tulloch, question, just within our rights situation. If somebody is pulled over or stopped by an officer, do we have the right to also record that interaction ourselves? If we want to go Face book live on it to keep everybody honest. So if they're doing their job, no problem. If they're not, well we have our copy, cause the body cam there seemed to be issues with that. When they're used and how frequently and all that kind of stuff. So is it legal for us to record our interaction with an officer? That's it.

(Applause)

20 **KIKA OJO:**

Thank you. Thanks. Just for t he record around question. We are recording your questions. But if you recall or remember that we are not representing the government or the police so -

25 **UNIDENTIFIED MALE:**

I can answer that question.

KIKA OJO:

So fair enough. One second sir.

30 **UNIDENTIFIED MALE:**

Say yes. (Indiscernible)

18
Independent Street Checks Review

JUSTICE MICHAEL TULLOCH:

5
Sorry. As a Judge I'm not here to answer any questions unfortunately, right. But your questions are being recorded and our reports gonna reflect them. Okay, thanks. And I can't let you answer questions either. Thank you.

KIKA OJO:

10
Thank you Justice Tulloch. Thank you. Dave, if you would do this table next please. This gentleman had his hand up before. Thank you so much.

UNIDENTIFIED MALE:

Is it on?

KIKA OJO:

Yes, sir.

UNIDENTIFIED MALE:

20
Quite a few of the questions were already addressed. There are just a few things I may just tag on so to speak. Random checks, number two. I would, number on is yes. Random two, random checks. Arbitrary checks that seem to want information that does not seem applicable to the reason why a person was pulled over. And well, an individual should know that. Number three. Yes we are aware of the new regulations, around this table. Most of us became aware through community newspapers, community print. And of course organization discussions as well. Number four. Do members of the public know enough about this? We don't think so. We feel it's necessary that the

25
30

Independent Street Checks Review

community, schools, churches and every facet of community gathering should be a platform for sharing this kind of information. I think it goes a lot to building the community, with information of course you, you're strong are and relationship with the police as well. Because the more you know as individuals the more you can protect your rights. Number five. Yes there are instances where street checks can be beneficial in instances where it also can protect the public. For instance, if there's a known situation in the community of we may see a lot of guns, a lot of crime, then probably checks of that nature could be beneficial to the entire community as well as if a curfew is on, you wouldn't need checks. Now, number, where are we? When should police stop and talk to the people in the community. At all times because helping to foster a better community relationship is a big plus for any law, I mean she's there to protect the community. And let the community trust you, well that's a big plus because that could be leading to information and many other benefits. Anyways, seven. "What obligation should police have when they stop and talk to people?" They're obligated, number one, to be respectful. Number two, to clearly explain why this individual is being pulled over and stopped. Number three, to talk about the police responsibility, re the circumstances explained, delivered or conveyed.

Independent Street Checks Review

So respect is a big thing. They are also obligated to be fair. Number four. We already had number four.

5 **KIKA OJO:**

Mmm-hmm. I'm gonna give you a yellow card sir.

UNIDENTIFIED MALE:

10

Oh thank you. Oh number eight. One person who was stopped and was let go once, the police officer found out who she was. Oh yes. The person at our table is of course the Counsel General. Therefore of course she was on the diplomatic community. And not only that she believed personally it is also vital for you to know or have an idea how you were stopped. How the police said she was speeding and she felt she wasn't. So who knows, maybe the reason for pulling her over was not valid or not as what you would say "kosher". Anyway, yeah. Number nine, a receipt. It is necessary for a receipt to be handed out. Of course the circumstances whereby it would not be convenient or provided, yeah.

15

20

KIKA OJO:

25

Sir. Thank you.

UNIDENTIFIED MALE:

I will leave the rest.

(Applause)

KIKA OJO:

30

Thank you sir. Thank you. So just, again to help us manage the time. Really think about your salient points where, you know, we're

Independent Street Checks Review

writing everything down. So really think about what you think is important for us to take away.

5 **RALPH SHATTER (PH) :**

My name is Ralph Chatter and I just want to mention the things that were mentioned before. One of the things that's observed in law is this whole concept of physiological detention. When you're put under an examination by a person in authority and you're physiologically detained. It's as strong or powerful as being physically detained. Card checks, stopping, invokes that. So the person, once there's a differential, it's nice to know what you could do. But what actually happens is quite different. One of the things that came out in our table was the, I didn't hear before, the whole issue of risk. There are some communities in which having a conversation with a police officer can put your life at risk. You could be deemed to a snitch. So police have to be aware that long conversations, random stopping, can actually put individuals at risk. I don't think anybody would disagree with that. The second thing we didn't hear a lot about, we had one female, on Thursday is International Day for woman so we talk about how does this effect racialized woman? There's not a lot of discussion on that. We believe that that needs to be probed. We don't have the answer. We understand that there may be

10

15

20

25

30

Independent Street Checks Review

5
10
15
20
25

more leniency, I don't know. So we're asking Justice Tulloch to sort of probe that further on. I think that's a very salient point there for young females. The other thing that we talked about was the whole receipting system, the way it's issued. What happens with the information? We all know now in law and otherwise that information really, we don't think about it. But information is property. The question is, who owns that property? Who trades that property? How is that property used? How is it respected and for how long? There are a lot of promises in the legislation. And I'll close with this. I'll close with this. What concerns us is that information gonna be used, the regulation promises that the regulation is not gonna be used to cut performance netricks of police officers. But we know the whole joke, right. You didn't meet your quota so you're giving me a ticket. Is this gonna be an off shoot? The regulations saw it's prohibited. But how do we know in actuality that it's not corrupt. Anything else?

(Applause)

KIKA OJO:

That's great. Thank you.

UNIDENTIFIED MALE:

Hello there.

KIKA OJO:

Hello.

Independent Street Checks Review

UNIDENTIFIED MALE:

I enjoyed that gentleman's statement there. Mines gonna be very brief. Let's see here. He mentioned a word property. If we ever look at the carding situation and what we present them is identification. Majority of our identification that is acceptable by any officer is gonna be issued from the Government. If anybody has ever looked at their government ID they would know that it says that it's property of the government. Anybody who uses something that is property of someone else takes on the liability of that property. So when these guys are carding you, they're not carding you, they're carding the property that they own, which is the ID that you have presented them. Because it wasn't your ID, it was property of the government. The government has created millions of statutes for that ID to follow. So when a police officer stops you and says show me that ID, he has millions of things he can come up with for why he stopped you. You think the problem is carding? The problem is the system we have. We're an artificial has been given to you as a conduit to live the rest of your life with under subjection to what is so called law. To have law you need a victim. I read this officer, he was here earlier, I read what a summons means. A summons is a law suit. The officer is saying, I'm suing you when he stops you in your cars. But how many

Independent Street Checks Review

5 go to court and say where is the injured party.
Where's the contract that we have? I did
nothing to you officer. I didn't hurt the stop
sign. What if you had hit somebody? But I
didn't. We all have knives at home. What if
10 we kill our family tonight. Are we gonna be
arrested for having knives at home now? It
looks funny to you but this is where we're
heading as a society where they can make up
anything on the fly and say you have to follow
it. Today, yesterday or tomorrow. Why?
15 Because they're not acting on you but a fiction
ID that you present them.

15 **KIKA OJO:**

Is the table satisfied? I wasn't sure. Oh
okay thank you.

Sir, sir. I'm warning you 30 seconds.

20 **UNIDENTIFIED MALE:**

I'm just gonna point to something that's
omitted there. I'll use part of your story.
When you get a traffic ticket, there's a
penalty attached to each type of violation.
25 Now this here does not have penalties, I think
that's a big omission because unless you have
police accountable then everything is a joke.
So either for every infraction there should be
a penalty matching it. And it should be known
30 to the public what that penalty should be. So
they didn't give you, they didn't tell you what
your rights were well that's \$100 penalty.

Independent Street Checks Review

Another thing, oh, that's a \$500 penalty. That's the only how you're gonna get police to take this thing seriously because right now our life does not count. And, you know, I always walk with this brother. We have hundreds of these people right, and that's how we gonna stop it, right. We have to make them pay.

5
UNIDENTIFIED MALE:

10 Yeah.

UNIDENTIFIED MALE:

And that's when they gonna stop. You know just \$100, right.

15 KIKA OJO:

Thank you.
(Applause)

20 UNIDENTIFIED MALE:

Just a few other things that we heard at our table really quickly. We heard that carding is associated with bias. We heard that no-one knows about the regulation. We heard that there's aggression. We heard that what's suspicious. That's very vague. And we heard about personal experiences about where officers stopped a gentleman here for suspicious activity for a really vague description. And he was just leaving the barber shop. We heard about the same gentleman was just waiting in his car for a friend, and then he was stopped. And then his car was searched and he wasn't doing anything wrong. That's what carding means to people at this table. Thank you.

25
30

26
Independent Street Checks Review

KIKA OJO:

Thank you. Thank you. Another table. Behind you Dave. Thank you.

5 **UNIDENTIFIED MALE:**

Hi everybody. So for the interest of time, I'll respect the 30 seconds.

KIKA OJO:

No, no you have three minutes.

10 **UNIDENTIFIED MALE:**

Three minutes.

KIKA OJO:

Yeah, three minutes. They had 30 seconds left.

UNIDENTIFIED MALE:

15 Good Lord.

KIKA OJO:

You're okay, you're all right.

UNIDENTIFIED MALE:

20 I won't speak for too long though. A lot of the topics that this table discussed is what you all discussed. So I think we're majority on the same page here. I think an important thing to touch on from our table was, you know, apart from how we're treated as people of colour. What is the end result of carding? In the sense of what happens to all of this data? This was already touched on so I don't need to go into detail. But the important thing here that I haven't heard mentioned yet was we do have stories of people who have lost jobs, who were denied jobs because of data that was collected on them. And these people don't even

25

30

Independent Street Checks Review

have the right to know what that data is. So if that could be fixed, at a bear minimum, that would be beneficial. So I'll leave it there.

5 **KIKA OJO:**

Curtis, there's an elder to your right that she has a little historic perception and she asked if she could share. Please, thank you.

10 **ANNE:**

Hello, my name is Anne. I've lived in Toronto most of my life. This issue about carding I got curious. I did some research on the Internet. In the 1950's, the decision was made as people were coming in from the Eastern part of the world, out of communist Russia and the other place, behind the iron curtain as we called it then. It would appear that Roman Catholic church and the Toronto police department decided to collude and write up people from those areas, those who belonged to the communist party. These were new comers. These were people who were trying to make their lives in this country, and what the status quo decided to do was to check up on them. The police were checking to see where they came from and what their beliefs were. Were they communists? And if they were communist, how was that gonna effect things like housing, jobs. Does any of this sound familiar?

30 **UNIDENTIFIED:**

Yup.

Independent Street Checks Review

ANNE :

5 This is the history that we've got in this country.
We need to take a look at where all of this stuff
came from and start doing something about it.
Because right now everybody is saying, oh yeah, but
it's just that group of people that have come in,
those racialized people. We've got to watch them.
10 Well guess what, my grandparents, my parents,
mothers, they were all going through this too. We
need to start taking a look at how the system to
oppress people. It doesn't matter where you come
from and where you are, the system will do its best
to drive us all apart and oppress us.

15 **KIKA OJO:**

Thank you Ms. Anne. Thank you. Next table.
Another table that's ready to go.
Thank you. Dave will make his way. Yeah.

20 **UNIDENTIFIED MALE:**

25 Thank you for the opportunity. Most of what we
have heard is exactly what we have discussed.
But mainly we are looking for some sort of
resolution. We are trying to figure out how to
resolve the problem. So what we recommend is
that we try our very best to restore confidence
in the police services between the black
community, the black community and the police
services. And one way we can do that, and I
30 really believe that there are efforts being
made in the school system is to help our
generations. The next generation. It seems as

Independent Street Checks Review

5
10
15
20
though we are, we already feel victimized, but our children don't have to. So if we can establish more relationships in the schools with the police officers. I know in some schools they already have them, but more so in the public school system, especially in the system in the west end; Jane and Finch area. We need to have more police presence there to establish more positive relationships with these, with the children and the police officers. I do believe that may help. It may be a bit of a struggle, and I can see some heads nodding. But I do believe that we must try to make some efforts. And the other thing we spoke about is to have in these communities, black and white police officers working together just to try to restore confidence between the black community and the police services. That's all we could think of.

(Applause)

KIKA OJO:

Thank you.

UNIDENTIFIED MALE:

25
30
Hello everyone. So a lot of this has already been talked about but I just want to go through a couple points that we had at our table here. The first one was to answer question two which I believe when should police stop and talk in the, oh sorry, what should, what do street checks, carding mean to you? So, we have a couple different things here. So violation.

Independent Street Checks Review

5
10
15
20
25
30

You lose the right of a quality without bias and discrimination. Police can use vague reasoning to harass people of colour, it's another form of repression and oppression or we can see it as modern day slavery. And also we had another one here. It might touch a few hearts here. Same as adding the Star of David to the Jews and the Holocaust, so it's the same type of thing. You're just basically identifying us because of how we look or, you know, where we're from. We should try to reach out to the youth through media awareness, social media, get to educate them on forms that they can reach. Forms that help them understand it. Help them relate to it. Things that, if they give a big report like this nobody's gonna read it. Visual maybe, music, art. Different things that we can reach the youth of the community, cause they are the future and they are going to be growing up with this. And it would be best obviously to educate this on the topic. It has, carding has zero benefits. It will create public retaliation and push back from the public. It actually does reverse harm on the person being stopped, so wheel of escalation. So, I think it was mentioned before. You can even be seen as a snitch just seeing cops talking to you. They need to engage, this was also talked about before, community engagement. They should go to barbeques and events. Schools, all that

Independent Street Checks Review

5
10
15
20

type of stuff was mentioned. Engage with the community, create a open dialogue without hindering your investigation. But create that open dialogue, say hey do you need help? Cops are here to serve and protect. They're not here to interpret law, they're here to enforce it. So they shouldn't just be randomly stopping people unless they have a specific reason and actual good reason. If they see a criminal activity happening that's when they can stop people. Be more transparent and not abrasive. Don't use these laws so that, you know, you can trick someone into giving their ID, or trick someone into admitting something or anything like that. Just be transparent, say hi how are you doing today? I'm doing this investigation. I just want to come and talk to you.

25
30

Last point, not every officer should have the privilege to card. More training for officers beforehand, they should have some sort of test or some sort of, what was the word I used here, a quality, ethical, emotional test or something to pass that, you know, not every cop has the privilege to card, but if you pass this test and you have this quality patch on you then yes, we trust you that you'll make those right decisions when you do stop someone of colour, that you know, engage properly and not just harass them. And yeah, that should be it.

Independent Street Checks Review

KIKA OJO:

(Applause)

Thank you. Dave, I see this table in the middle front. Thank you.

UNIDENTIFIED MALE:

Hi, good evening. Firstly I grew up in the UK, in London England and I recall it, I didn't tell my table, it just came here as I was sitting here. When I was going to school I remember two of my friends coming back to school after the weekend and telling me that they had been stopped by the police and information had been taken. I say that to say that this isn't a new thing and it's not exclusive to Canada either. We went through all of the questions, but we used them as a guideline. Four points that came out of our conversation. One of the points was, The officer of the independent review director, the OIPRD needs to be autonomous, safe and independent, almost, that should reside with a third party almost, an agency or an organization. The second point was around systemic issues and it was really about reviewing the recruitment process of police. We talked about the issues are numerous in how police are cultured. And to break that down we have to look at how we recruit and where we recruit and who we recruit. We should require community placements. We felt that it would be

Independent Street Checks Review

5
10
15
20
25
30

important that police officers, particularly new police officers, specifically new police officers should understand the communities that they're gonna be placed in. So a community placement similar to the kinds that, the faculties of education in the universities, place teacher candidates into communities, not into schools but into communities to do a placement of up to six to eight weeks so they get to understand communities a variety, different inner cities or different types of communities racialized, whatever. Before they actually get places there as a teacher so they understand where these families and young people are coming from. That would work very well, I think, with a police officer. Before they put them on the street as beat officers. The third point was investment and training. Somebody else, I think this young man, had mentioned it before. That we talked a lot about training and we felt that a big gap there, so step one is obviously to recruit the right people, but then the second thing would be to train them well. And training should be ongoing. And also we talked about the progression discipline process and again someone had talked about what was the penalty and we tried to move away from penalizing police officers, and rather talked about progressive discipline as any other employer would do with an employee who was having some

Independent Street Checks Review

5
10
difficulties following process. Cause we wouldn't fire them immediately, or we wouldn't fine them necessarily, but we would put in place a progressive discipline process and at some point it wouldn't work and we would let them go. I think that should exist, and not just for obviously for carding, but certainly for carding where people are following some simple basic structures and processes. There should be some progressive discipline.

15
20
25
And finally we talked about changing communities, societal perception of police carding, street checks. And that police, being a police officer should be an honour like you know I've seen on the t.v., a lot recently, how American soldiers, and perhaps the same applies to US soldiers, we don't see them so often, it's an honour to serve and that's what it should be for police officers, it should be an honour to serve. So I shouldn't wake up one day and say I want to be a police officer and move into like that. It almost should be a calling. So those are the four points that we talked about.

30
And there's a fifth point that we didn't document here, I think you did document it there though. We talked about the consultations themselves. We questioned the locations of some of the consultations. For

Independent Street Checks Review

5
10
15
20
example there was a downtown consultation, but it was in a nicer neighbourhood. Yonge and Bloor is not necessarily a neighbourhood where people get stopped. But if you were to go to Moss Park downtown you'll find almost everybody there whether you work, live, or play there would have had an experience of carding. So, we just asked that, as you go forward and you plan these things that you think about where the people are. And also who's represented at these gatherings. For example again the Judge talked earlier about the indigenous land that we are privileged to be on, but there are no indigenous people represented at the tables. So we just need to be mindful of who are here and who's represented at the table and whose voices are being included in the dialogue.
(Applause)

20 **KIKA OJO:**

Thank you. The time for your table is up.
Sorry sir.

UNIDENTIFIED MALE:

(Indiscernible)

25 **KIKA OJO:**

30
But I was doing it thoughtfully, so, but we'll see if we can come back to you. I just wanted to make a, to make one thing clear. When we go just to speak to this brothers point, when we do our sort of northern consultations, Thunder Bay, etcetera etcetera, we actually have special and specific meetings just for the

Independent Street Checks Review

indigenous community on top expecting them in any of these meetings, but we actually do a significant amount of outreach, we actually have a lead on Indigenous consultations as part of team as well. And I'm just not to directly respond to you, but to let everybody know that. So thank you for raising it. Yeah. This table. Thank you.

UNIDENTIFIED FEMALE:

Hi. To go off of what has been said about policing and their mind set. We had the privilege of having a law enforcement person at our table. And the conversation was very candid and very transparent. And what was stated from all of us, but also acknowledged was the mind set of the officers. How do we vet the mind sets? When they come in and they're now police officers, they're coming in with a filter. Everybody has had a lifestyle before they become a police officer and they've already had experiences. Now they're now in a position of authority how they're now executing, what they're being taught about the biases that they've already had in their mind from their experiences. So, what is the state of police officers. Is that they're not being addressed. There is a filter that has to be addressed. Change from the inside out. Not just giving them, you know, their training manual and say here this is what you can't do, but then for them not to do that there has to

Independent Street Checks Review

5
10
15
20
25
30

be a mind set of them knowing that what they're going to execute, as in carding, coming from a personal experience, but if they don't have that personal experience then the execution is gonna be delivered differently. So the acknowledgment was, how do you vet a mind set? You can vet by their physicality and they're doing the beat test and they're doing the math. How can you vet their minds? And the culture of secrecy internally within the police force, even if you see a colleague slipping up, you really can't come forward and speak about what that person did, because there's now the fear for yourself as an officer. So, that was really, that was really refreshing to hear that because we all kind of sense it but to actually hear it. So the culture of secrecy internally that can not, that you can't address colleagues, misconduct. And then the solution was finding the people from inside that's gonna be courageous to make the change. Cause we can have all of these implementations, but if we don't have the people within the Force to actually admit that this is an issue and want to change it. And if they might not know the historical background of what carding came from, like what I just heard, and everything else, then it's just going to be repeating, a repeating wheel. So also what we've had at this table was a lot experiences of carding which some of them were just jaw dropping

38
Independent Street Checks Review

hearing, and in the interest of them just said, experiences to be heard, If you don't mind me just listing off a couple.

5

KIKA OJO:

Can I give you a yellow card?

UNIDENTIFIED FEMALE:

Sure.

10

KIKA OJO:

Thank you.

UNIDENTIFIED FEMALE:

So we have an incident of a girlfriend just leaving her boyfriends home and she just happened to be in an area that was having a bad situation. She was on the payphone. Police ask her who are you talking to. She said my boyfriend. What is his address? She gave them. And then two twos later the police went into the boyfriend's house because she's just in the neighbourhood on the payphone when an incident happened. And the boyfriend came home with his home raided, and it's like what, how did they even know. And she said well I gave them the address. I was on the phone when something was happening and they just assumed that she was talking to the person that did it. Another incident was grandson we talking about age. A culture. A grandson already had his white peer telling him I don't have to worry about being pulled over, cause I'm white. And

15

20

25

30

Independent Street Checks Review

that is from an eight year old being, stating that right now.

5 We talked about education in the school system, so we have sexual curriculum, we might, I think at this age we might need to give our young people elementary education on carding. A curriculum on that so that the young people know their rights. And they know, you know, what they can and can not say, and you know do. And then the media. We talk about town hall meetings.

15 **KIKA OJO:**

The last one?

UNIDENTIFIED FEMALE:

20 Yes. So we talk about town hall meetings are important but they're not effective enough to inform the public. So some public service announcement should be mandated across all media platforms. Radio. T.v. newspaper to inform the public about street check, carding regulation. So that should be something that's mandated for all media.

25 **KIKA OJO:**

Thank you.

(Applause)

30 That table hadn't gone yet, and then we'll see if we have time for this gentleman. Who's gonna speak? Give him the mike, thank you.

Independent Street Checks Review

UNIDENTIFIED MALE:

5 So we just kinda had a, talked about stories from our lives. We didn't really go through all of the questions and we're gonna document them and hand them back out. One of the things we talked about though was have we noticed a change in carding since the regulation was put into effect. So, some people at the table have had experiences of being carded still over the past year. So, yeah, I'll leave it at that.

UNIDENTIFIED MALE:

15 I think, you know, everybody in here is recounting stories. If you're going through the questionnaires here to answer the questions I think everybody is kinda coming up with the same answers, right. I'm not hearing much different things from, you know, different tables and things like that. We're hearing different experiences of people that's had different interactions with the police and things like that. But one of the things that I heard is you know, this carding thing is not something new. It's not something that started yesterday, or you know, this is something that goes back generations. It's something that goes bad for decades, right. What I'd like to know at the end of the day is, what is the end game for all of this, you know what I mean, where does this go? Because somebody here said that information right now is power. I'm into IT, right, and we guard the information. We guard

20

25

30

Independent Street Checks Review

5
10
15
20
it because that information, once in the hands of somebody else can do a lot of damage, right, to an individual. Now when your information gets collected, you know, you're a teenager, you're going to school, you're doing nothing and your information gets collected. And then all of a sudden something happens and then you get pulled over and all of a sudden you're known to the police, right. For what? Are you known because you are a crossing guard. Are you known because you're a volunteer down at, you know, college street, the police station. Are you known because you volunteer at the hospital? Are you known because you're involved in some sort of nefarious gang, you know what I mean? So what is the end game for all this information? That is just my question that I'd like to know.

20 **UNIDENTIFIED MALE:**

25
30
I just wanted to have one final comment based on my research ten years ago as a graduate student. We didn't talk about this at my table, but one of the things I want you guys to consider is the role of conservative ideologies and African Americans have been in America for centuries. And so a lot of the policing comes out of centuries of oppression. In Toronto and in Canada for the most part most black people have only been here for 40 years, however Toronto police has similar types of policing, Toronto police is replicating types of policing

Independent Street Checks Review

5
10
15
and a war of drugs based on the American model. And I've worked in prisons and they've arrested so many black youth since the mid 90's when Harris came to power and implemented a common sense revolution to introduce this type of policing by swelling the police budget as well investing in the construction of super jails that since 1995 to now, 25 years later, they've arrested so many black youth in Ontario through carding that they've had to shut down many of the traditional jails throughout the Province which would hold one to two hundred, three hundred inmates and they've built super jails throughout the province that are now holding 1500 to 2000 prisoners, and so-

KIKA OJO:

Sir ---

UNIDENTIFIED MALE:

20
25
---complex in America came out of four centuries of oppression. In Canada that prison industrial complex has been inflicted on a community that's only been here for three or four decades.

KIKA OJO:

Thank you. Thank you. Dave, can I get this gentleman a microphone. And sir you have 30 seconds.

MIGUEL:

30
Thank you very much. My name is Miguel and I'm a regular at Toronto Police Service Board. Is counsellor Shetty in attendance? He's gone.

Independent Street Checks Review

5 Because I have a question for Constable Chin Lee, a member of the Toronto Police Services Board and ward counsellor for the neighbourhood. I've been carded many times and I'm a resident of Toronto community housing first and foremost. My sister Anne at the back can tell me how many times the police have been coming to our building because they are the agents of the landlord. TCH allows the Toronto police to come to our units any time, anywhere because they are acting on behalf of the management. So this information, I want to make a recommendation to please to give it to Toronto Community Housing Corporations, to the Board of Directors so that this information is posted on the bulletin boards because this the way to educate our residents, to let you know what are their rights and the rules. Another thing I want to comment is the OPRD form is only available when you walk into a police station. One of the things he talks about the receipt is you can, if you have grounds to complain you can go to the police station and pick up one of these forms. How many of you think in this room will go to police station to pick up a copy of the form? Any volunteers? No. So what we need to do is ask the government to, the Judge Tulloch recommendation is that that form should be available at a library so, our libraries, our community centres, so we don't have to relive again the

Independent Street Checks Review

experience of going to a police division.
Thank you so much.

KIKA OJO:

5

Thank you very much sir. All right. I believe that I've covered all the tables. Is that true? Perfect. We want to remind you that if you did not get to say everything you were thinking or share that please feel free to link with us on these multiple options, in particular our website. There is space for you to make a written submission. And we really encourage you to do that. If you have more to say we'd love to hear from you. Is there a question sir?

10

UNIDENTIFIED MALE:

I just wanted to thank the organisation for tonight.

15

KIKA OJO:

Thank you.
(Applause)

20

UNIDENTIFIED MALE:

(Indiscernible)

KIKA OJO:

Thank you. I think I've covered...so yes. Those are, we are going to be continuing this consultative process. We are in Brampton on Thursday as my colleague mentioned. We are, as of march 20 back on the road. After that in Hamilton, Durham, etcetera etcetera. We are across the province. So check us on our website to know where we will be next. Share this information with your friends and

25

30

Independent Street Checks Review

colleagues and family. And Justice Tulloch has the last word please. Thank you.

JUSTICE MICHAEL TULLOCH:

5 I just want to reiterate what Kika has said and
thank each and every one of you for coming out
again. I've been listening very carefully and
making notes of all the comments that I've
10 heard from all the tables who participated.
And I can assure you that we're gonna be
reflecting on these and at the end of the day a
lot of your comments will be reflected in
recommendations. So again thanks so much and
you know if you have friends and relatives who
15 live outside of this area and in an area where
we'll be holding consultations please, you
know, ask them to come out and speak to us.
Now I just wanted to assure you that we are
having, these are the public consultations.
20 But we've had many other consultations and you
know meeting, we've been meeting, meeting with
indigenous communities, both in urban areas as
well as in the north. And we continue to have
these consultations until the end of April.
25 All right. So, just wanted to let you know
that. So thanks again for coming out.

30

Independent Street Checks Review

5

10

THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND ACCURATE TRANSCRIPTION OF
MY RECORDINGS TO THE BEST OF MY SKILL
AND ABILITY

.....

Michelle Lewis

15

Certified Court Reporter/ACT

20

25

30

Independent Street Checks Review

