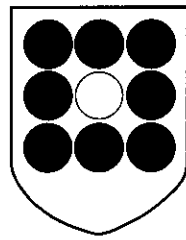


# CANADIAN CIVIL LIBERTIES ASSOCIATION

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By Email

January 27, 2010

Mr. Jim Rankin  
Staff Reporter, Toronto Star  
One Yonge St.  
Toronto, ON M5E 1E6  
Email: [jrankin@thestar.ca](mailto:jrankin@thestar.ca)

Dear Mr. Rankin:

Thank you for contacting the Canadian Civil Liberties Association (CCLA) for comment on the Toronto Star's analysis of stop, charge, and detention data from the Toronto Police Service (TPS). The data that you have provided appears to confirm perceptions that policing in Toronto is not always colour blind, both in terms of who is stopped by police and how they are subsequently treated. While there may be underlying demographic explanations for some of the differences borne out in the data, we are not aware of any that adequately explain the demonstrated degree of variation between different racial groups. As such, it appears that racial bias is likely a significant contributing factor.

Racial bias is a human failing that affects many members of our society and professions, including police. While this reality is troubling across all segments of society, it is particularly concerning in the context of policing. Police have a great deal of power in our society. How they wield that power can have significant consequences, both good and bad, for members of the public. Over-policing certain communities can skew resources, reinforce the likelihood of tunnel vision, and generally undermine good policing. Moreover, when police treat people differently because of their skin colour or membership in a particular racial or ethnic group, they discriminate against them and undermine their dignity. This conduct is unacceptable as it undercuts the principle of equality before the law, a central tenet of Canada's legal order.

Of particular concern is the data relating to "contact cards", as it seems to confirm suspicions that certain racial minorities, most notably blacks, are more likely to be stopped and questioned by police, even when no specific crime is

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being investigated. Regardless of intentions, police questioning can be intimidating and coercive. When perceived as excessive or discriminatory, it can create distrust in law enforcement, undermine public faith in police, and, ultimately, weaken efforts to root out and punish crime. Moreover, when information resulting from such interactions is retained in police databases, there is a real risk that innocent people will feel they are being treated like criminals and excessively monitored by the state. These concerns raise questions about the appropriateness of maintaining contact card data at all, particularly in light of the Star's findings that such data is much more likely to be generated about certain minority groups.

There is no quick fix solution to the concerns associated with racial bias in policing, and indeed, no foolproof way to determine the extent to which it exists. While the CCLA is troubled by apparent indications of bias borne out in the data analysed by the Star, we take some comfort in the TPS' espoused willingness to take steps to address this problems head on. Such problems cannot be fully addressed without the open-minded participation of the relevant police authorities. To the extent that such participation is forthcoming, we are hopeful that progress can be made.

Such efforts, of course, can be further enhanced and supported by the presence of an appropriate accountability framework for overseeing and responding to concerns of racial bias. For years, the CCLA has called on the government to empower an independent body to conduct on-going audits of police activity, including the extent to which racial bias may exist. This would require giving independent scrutineers access to police records, facilities, and personnel, so that they could expose problems and propose solutions in regular public reports. Such reports could help prevent, detect, and correct bias and other abuses of power, which would, in turn, enhance public confidence in police.

Again, thank you for contacting the CCLA for our comment on the Star's analysis of this data. We commend the Star's efforts to better understand this complex and important issue. Should you wish to discuss this matter further please feel free to contact me.

Sincerely,



Nathalie Des Rosiers  
General Counsel