Submissions to the Toronto Police Services Board

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June 20, 2013

RE: Report of the Street Check Sub-Committee and Deferral of Auditor General’s Review

CCLA
The Canadian Civil Liberties Association (CCLA) is a national non-profit organization with thousands of supporters drawn from all walks of life. The CCLA was constituted to promote respect for and observance of fundamental human rights and civil liberties and to defend and foster the recognition of those rights and liberties. The CCLA’s major objectives include the promotion and legal protection of individual freedom and dignity against unreasonable invasion by public authority, and the protection of procedural fairness.

Justice Delayed is Justice Denied

CCLA supports efforts of the Street Check Sub-Committee to review and reconsider the need for “street checks,” and to monitor police encounters with the public and demand accountability of such (through such measures as a providing information on the TPS website, reporting to the Board, and considering a transparent carbon copy receipt following such encounters).

CCLA also supports the need for a review of police practices with respect to “street checks” and racial profiling, and the need for baseline data with respect to these, as was requested of the City Auditor General.

However CCLA is concerned that the most recent Updates by the Street Check Sub-Committee and the Report of the Auditor General represent in fact a retreat from the forward movement begun over a year ago.
Specifically:

- CCLA objects to the emphasis placed by the TPS as work done to “review and substantially revise the current Field Information Report (FIR) process and to consider the most workable format for an interim receipt.”

  CCLA’s position continues to be that what should be under consideration is not how to conduct a street check, but the legality and constitutionality of this practice that unjustifiably invades a person’s privacy and violates their dignity.

  The practice of random street checks is unlawful and should be stopped immediately.

- CCLA objects to the delay on items “e” and “f” of the Recommendations until the end of 2013. The Board and the public require this information for transparency and accountability with respect to police practices concerning “street checks” and racial profiling.

- CCLA objects to the deferral of the Auditor General’s Review of Police collection of demographic data. The review was requested in April 2012, and was intended to establish “baseline data showing the pattern of contact between the police and members of the community in general, and young people from certain ethno-racial backgrounds in particular.” (emphasis added)

  An initial review, as requested, is essential, and may provide baseline data and important information. No delay is justified.

  That said, this initial review can and should be followed up by reviews following the implementation of changes to police policies and practices.

**Conclusion**

The Board is urged to require that the Toronto Police Service immediately put a stop to the unlawful practice of random street checks.

The Board is also urged to reject the above-mentioned items, and to persevere in its requests:

- For data and reports from the Chief without delays, and
- For a Review to be concluded within this calendar year from the Auditor General.