



**FILIPINO ASSOCIATION OF MONTREAL AND SUBURBS, INC. (FAMAS)
ASSOCIATION DES PHILIPPINS DE MONTREAL ET BANLIEUS, INC.**

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Presentation to the Public Security Commission of Montreal
Policy Regarding Police Street Checks

Dear Honourable Members,

The Filipino Association of Montreal and Suburbs (FAMAS) is the principal organization representing persons of Filipino origin and heritage in Quebec. Our community numbers over 35,000 persons in the province with most living in the Montreal region.

FAMAS was founded in 1963. We are headquartered in the Borough of Cote des Neiges - Notre Dame de Grace which is home to the largest Filipino community in Quebec with some 13,000 residents hailing from our community. Many Filipinos are recent arrivals in Canada but whether we are citizens or permanent residents, all of us are keenly eager to assure the success of our adopted city and country.

We are grateful for the communication received last week from Public Security Commission President, Councillor Alex Norris, in which he asserted that the street check policy that the SPVM made public in July can be amended to go beyond that which was decreed in August by the Government of Quebec.

It was reported in the media that Quebec's policy was to apply to every police force in the province thus making this consultation moot. It is on that basis of Mr. Norris' promise that we table this brief.

The fact that your Commission can improve the street check policy is important. There are major shortcomings in the SPVM document as well as in the guideline issued by Quebec. We were ready to pass on participating in this consultation under the assumption that Quebec's decree short - circuited the process. However, the news that you as a Commission can add requirements and make changes to the text has our approval and convinced us that it is worthwhile to dialogue with you.

Last November's Public Security Commission meeting released a really shocking portrait.

The number of street checks had increased astronomically in recent years and not for any particularly valid public safety reason.

We live in a democracy. Citizens should not have to fear being stopped for no real reason by police while peacefully going about their business. The numbers showed that the persons being stopped were overwhelmingly indigenous and from among visible minorities particularly from the Black community. This suggests racial profiling.

We appreciate that the City Council has debated the street checks situation on several occasions leading to the Montreal police issuing its policy proposal. Yet we are not reassured. We note that in releasing this document that the SPVM stated that this did not mean that the number of checks would diminish.

The press conference to release the SPVM document struck us as odd. It hardly connected the policy to an effort to address bias and the proven fact that minorities are targeted. The police spokespersons said that the SPVM retained its ability to stop persons on the street for a wide variety of reasons including obtaining general information.

We felt that the SPVM had not been listening at all. For example, there was no mention of a simmering problem of persons of visible minority origin being stopped while driving simply because they own expensive vehicles. This technically may not be a street check but it is an important issue that merited a mention. But the main problem is that the SPVM sees street checks as an important part of its work. The population however sees it as an infringement of democratic rights tinged with bias. The SPVM wishes to continue street checks and has written a document to allow it do that. The population by and large wants street checks abolished.

Studies across Canada show that street checks consume a great deal of police resources and have almost no impact in improving public safety. They do result though - everywhere - in accusations of racism and worsen relations between police and minorities.

Street checks are constitutionally questionable. Your Commission needs to start from that basis. Your goal should be within the context of your powers to make street checks a thing of the past.

There is a power imbalance when police officers stop a minority person in the street. It creates a sense of fear. The stipulation in the SPVM document that the person stopped can refuse to identify himself and decide to walk away is not realistic. It won't happen and officers in such a situation may be threatening to a person who wants to do that. Officially individuals so stopped are not being legally detained. However, the distinction is not clear.

In most cases persons stopped will out of fear show identification. They then become "known" to police. There has been too little information as to what happens with the personal data collected by police. In Toronto information from carding was kept in a database and shared with a series of other agencies.

Disproportionately in other Canadian cities where "carding" was or is used a disproportionate amount of Black and indigenous persons end up with their information recorded in police databases.

We submit to you that the new SPVM policy does not necessarily offer a future of fewer street checks and the end of the targeting of minorities.

The SPVM policy and that of Quebec allows officers as great latitude going forward as they have now to stop anyone for any reason and that without a warrant or a valid public security reason. The policy allows police to stop an individual to ask for general information even if there is no reason to believe that person has any useful information. The stipulation is so open-ended as to erode all constitutional rights. The policy allows police to stop anyone when they believe an "incivility" to have occurred.

Thus, an assertion of a minor bylaw infraction that may not lead to a violation being issued can be the justification for a street check. You can readily understand how this could be abused by police to justify any street check.

As well, the SPVM proposal like that has no real reporting requirements to the civilians who are supposed to oversee the police. Moreover, as we noted in our letter to you dated August 28, there is also no requirement to note the race of the person stopped.

The provincial directive has no mention of the requirement to collect data on the race of individuals stopped by police. The SPVM proposal does not either but had a vague requirement of noting a person's ethnographic identity, a requirement that is hard to define as identity and race are very different things.

We are not clear on the limits of your authority and whether the changes you can make can override Quebec's decree. However, we wish to make the following recommendations as a means to improve what we see as a flawed policy that will continue to generate hostility between minority communities and the police.

Our proposals are:

A) The City of Montreal should make a request to the Quebec Human Rights Commission asking whether street checks are a systemic violation of people's Charter and privacy rights.

B) The goal should be to ultimately eliminate street checks. Police officers should have the power to stop people in the street only when a warrant has been issued, a crime observed or a provable violation of a bylaw observed. The Public Security Commission proposal stemming from this consultation should be to assure a substantial decrease in street checks and remove police officers' discretion in stopping individuals.

C) As started above, neither the Quebec or SPVM documents address stopping drivers i.e. the phenomenon called "driving while Black". Both documents have no instructions to officers in regard to the Highway Code. This has been a major source of contention as many visible minorities say they are stopped simply because they drive a nice car. Your Commission must recommend that Quebec legislate to address this all to real phenomenon. In the interim, your Commission should instruct the SPVM to write its own directive to prevent stopping vehicles simply because their drivers are visible minorities.

D) Both documents allow police to stop people for "incivilities" which could be anything like loitering, spitting, littering, etc and which visible minorities and indigenous persons say has been used as excuses for profiling. There needs to be a strict guideline in regard to what is an "incivility" and when it justifies a street check.

E) Both the SPVM and Quebec documents have a vague phrase that is open ended and could be abused: *la collecte des informations lorsqu'elles sont d'intérêt au regard de la mission policière.*

We see this as a catch-all that is undefined and could excuse any street check no matter how questionable. This needs to be scaled back by your Commission. We live in a democracy. We should not allow street checks for ill-defined reasons that the police department itself decides.

F) The Montreal document asks officers were to note the ethno cultural identity of the individual. This isn't the same as race based data such as the Toronto police have committed to collect . The Quebec document does not have even this requirement. Race based data will allow the public to see whether the over representation of minorities in street checks is continuing. We urge the Commission to make race based data collection a requirement for all street checks by the Montreal police.

G) We ask that rules be put into place obliging the destruction of all data obtained by street checks.

We suggest all such data be destroyed within eighteen months of it being acquired. That allows enough time for the preparation of an annual report and allows researchers to see if

minorities continue to be over-represented in street checks. It also provides a small measure of protection for the private life of those whose data has been obtained by police.

H) We ask your Commission to prohibit the SPVM from sharing any data obtained via street checks with any third party including any other police force or governmental agency at the provincial or federal level or with any private enterprise.

We would agree to the opening up of this data for research to educational institutions upon the prior consent being given by the City Council.

I) There needs to be more transparency about street checks. The SPVM must be required to table a detailed annual report indicating the numbers of street checks and providing a portrait of the race of those stopped.

We believe that street checks serve very little useful purpose but create a great deal of societal friction. Montreal is a multiracial city and increasingly so. Street checks foster the impression that the police department is biased toward minorities. Whether this bias is conscious or not, is not relevant. The fact is that street checks are unequal - having been shown to overwhelmingly target minorities - and thus undermine the fundamental assumption of our Canadian society of equal treatment under the law for all regardless of race or colour.

We are not sure that even the integration of our recommendations into the SPVM street checks policy can lead to ending suspicion and mistrust in minority communities toward police but we see our proposals as necessary in providing reassurance that street checks in Montreal will not be discriminatory and will have controls in place to prevent their abuse by the police department.

For the Executive Board,

A handwritten signature in black ink, appearing to read 'R. Vicente', with a long horizontal line extending to the left.

Ramon Vicente
Vice President External