

December 11, 2024

**Mrs. Daphney Colin**

Chair of the Public Security Commission and borough councillor

**Mrs. Lisa Christensen**

Member of the Public Security Commission and city councillor

**Mr. Abdelhaq Sari**

Vice-chair of the Public Security Commission and city councillor

**Mr. Marc Doret**

Member of the Public Security Commission and Mayor of the City of Dorval

**Mrs. Christina Smith**

Vice-chair of the Public Security Commission and Mayor of the City of Westmount

**Mr. Benoit Gratton**

Member of the Public Security Commission and borough councillor

**Mr. Younes Boukala**

Member of the Public Security Commission and borough councillor

**Mr. Peter McQueen**

Member of the Public Security Commission and city councillor

Dear Members of the Public Security Commission of Montreal,

**Re: Public Hearing on the issue of street checks and racial profiling**

We are writing today to urge the City of Montreal to end street checks in Montreal by proclaiming a prohibition on street checks by Montreal police services (SPVM). This is a necessary step to ensure that the goal to eradicate racial profiling throughout law enforcement is achieved.

The CCLA is an independent, national, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Our work encompasses advocacy, research, and litigation related to the criminal justice system, equality rights, privacy rights, and fundamental freedoms. Key aspects of our mission include fighting for democratic accountability and against government overreach.

For decades CCLA has been one of the leading voices in advocating to fight against racial profiling in all of its manifestations in law enforcement agencies in Canada. Most recently, CCLA has been active in fighting against the practices of racial profiling by law enforcement as a conservatory party in a legal challenge of racial profiling in Quebec in the *Luamba* case.<sup>1</sup>

As you may know, In *Luamba*, on October 23, 2024, the Quebec Court of Appeal unanimously upheld a landmark 2022 Superior Court decision which declared that the police power to conduct arbitrary and suspicionless roadside stops was discriminatory and unconstitutional. The Court have found that these discriminatory practices violate Charter protections arbitrary detentions (section 9), and equality rights (section 15), and that these infringements were not justified under section 1. In doing

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<sup>1</sup> *Procureur général du Québec c. Luamba*, 2024 QCCA 1387, <https://canlii.ca/t/k7gbc>

so the Courts have recognized that there was nothing random about these stops where disproportionate number of drivers stopped pursuant to this power were Black, Indigenous or Arab. Courts have recognized the harms caused by racial profiling and found police practices that contribute towards racial profiling to be unconstitutional. **Like suspicionless roadside stops, street checks** are arbitrary, conducted without reasonable suspicion and outside the context of a police investigation. It is a discriminatory practice that do not lead to increased public safety but rather disproportionately impacts Black, Indigenous, Arab and other racialized groups. In addition, street checks foster negative perceptions of the police and undermine public perceptions of police legitimacy.<sup>2</sup> The time to end the discriminatory practice of street checks is long overdue.

SPVM is far from the only police service confronting the challenge of eradicating racial profiling. A recent report from the Ontario Human Rights Commission examining anti-Black racism in the Toronto Police Service<sup>3</sup> confirmed what we have known for decades – that Black people are significantly overrepresented in policing interactions specifically **street checks**, charges, arrests, and use of force.

As police forces and governments across the country grapple with the best measures to combat racial profiling, one thing is clear – the practice of street checks which directly contribute toward discrimination and racial profiling in police interaction with communities must end. While we know that a simple prohibition will not completely eradicate the practice of street checks, it is an important element towards creating a culture of respectful interactions between law enforcement and the public that promotes the dignity and rights of Black, Indigenous, and racialized communities.

CCLA is calling on the City of Montreal to take all necessary measure to prohibit the practice of street checks by its law enforcement agencies, including instituting a prohibition on street checks by the SPVM.

Sincerely,



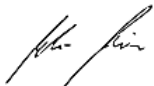
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Ana s Bussi eres McNicoll  
Director, Fundamental Freedoms Program  
Canadian Civil Liberties Association



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Harini Sivalingam  
Director, Equality program  
Canadian Civil Liberties Association



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Shakir Rahim  
Director, Criminal Justice program  
Canadian Civil Liberties Association

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<sup>2</sup> Doob, A. N. and Gartner R, "Understanding the Impact of Police Stops" (17 January 2017):

<https://www.crimsl.utoronto.ca/sites/crimsl.utoronto.ca/files/DoobGartnerPoliceStopsReport-17Jan2017r.pdf>

<sup>3</sup> Ontario Human Rights Commission "From Impact to Action: Final report into anti-Black racism by the Toronto Police Service" (December 2023): <https://www3.ohrc.on.ca/en/book/export/html/33461>