



OTTAWA POLICE SERVICE
SERVICE DE POLICE D'OTTAWA

The Trusted Leader in Policing
Le chef de file de confiance dans la police

DATE: 4 September 2015

TO/DEST: Ministry of Community Safety & Correctional Services

FROM/EXP: Acting Inspector Mark Patterson, Project Lead
Street Check Review & Policy Development

SUBJECT/OBJET: **Submission: Summary of Consultation Efforts**

For submission to the provincial consultation process on the street check standardization, please accept the following documents:

- Police Services Board Report and Engagement Plan (Approved by the Police Services Board on July 27th);
- Summary of Consultation Efforts and notes from five consultation sessions; and

The Ottawa Police Service (OPS) welcomes the Ontario government's decision to standardize street checks. Province-wide rules for street checks will ensure these encounters are consistent, without bias, and carried out in a manner that promotes public confidence in order to maintain the use of a valuable tool for police.

The OPS supports the continued used of Street Checks as they assist officers in solving and preventing crime. The OPS is called upon to identify and charge criminal offenders in our community and Street Checks are one of the key tools we have to make vital links and observations that help solve and prevent crimes.

As reported in the July 27th project update report to the Ottawa Police Services Board, the OPS was already engaged in an operational review of how Street Checks are performed prior to the provincial announcement. In pursuit of our ongoing work related to ensuring a professional and bias-free police service, we felt it was important to continue our local conversations on this topic with police and community members.

As part of this ongoing focus, and building on the extensive community-police dialogue over the last three years with the Traffic Stop Race Based Data Collection Project, The Ottawa Police Service carried out an engagement plan for participating in the provincial street check consultation process. It provided an opportunity for continued dialogue and feedback on the topic, and it will also be used as part of a larger conversation later this year.

Street Check Consultation Engagement Goals:

- Raise awareness and understanding about street checks as an intelligence tool used by police to solve and prevent crime in neighbourhoods;
- Obtain feedback about street checks (questions, perceptions, suggestions);
- Contribute to development of provincial guidelines development for street checks in the short-term and an OPS policy in the longer-term;
- Continue community-police dialogue about racial profiling concerns and perceptions;
- Contribute to bias-free policing and diversity and inclusion goals.

In addition to creating a project webpage (ottawapolice.ca/streetchecks) and promoting the provincial consultation sessions and online feedback document, the Ottawa Police Service held five well attended sessions with over 75 people who represented over 40 different organizations across Ottawa. Some of those organizations included:

- Community Health and Resource Centres
- Community associations and neighbourhood watch groups
- Universities (social sciences, law)
- Law practices
- Canadian Somali Mothers Association
- Crime Prevention Ottawa
- Ottawa Community Immigrant Services,
- Community Police Action Committee known as COMPAC
- AIDS Committee of Ottawa
- Somali Canadian Youth Centre
- Youth Advisory Committee
- The Catholic Centre for Immigrants
- Boys and Girls Club
- John Howard Society
- Emergency Services
- Ottawa Police Services Board
- Ontario Human Rights Commission

Consultation Themes

- Street Check Definition: There was significant dialogue about the need for the street definition to include/address:
 - Be clear and concise including defining suspicious behaviour;
 - Be linked to criminal activity and should not be random
- Data Collection Procedures: Ideas for standardized data collection included many ideas:
 - Standardized data collection template and data collection fields
 - Officers could advise the person of his/her rights
 - Officers could advise the reason for interacting/stopping the person
 - Officers could advise the person that a street check is being entered

- Officers could provide a “receipt”/document to the person if a street check is entered;
 - While data collection procedures should protect individual rights, they should also protect or not compromise officer and community safety
 - There was lots of dialogue about police interaction where a street check may not have been entered by the officer but the person perceives one was entered (the person was still stopped/questioned by police)
 - Data collection “sharing” rules
 - Data collection reporting requirements.
 - Separate procedures for youth
- Retention Period: Most people thought that there should be a retention period for street checks but the opinions varied from short-term to long-term, while others suggested that the retention should be consistent with other similar province retention periods.
 - Quality Assurance and Oversight: Suggestions for quality assurance and oversight measures included various options:
 - Supervisory review process of officer’s street checks.
 - Process to request your street check information.
 - Compliant process.
 - Annual reporting of street check statistics to Police Services Board.
 - Regular reporting to province (ie. Add to existing police reporting responsibilities like provincial adequacy standards).
 - Guidelines for disclosure/sharing of street check information.
 - Third party external advisory group or advisory committee to review process.
 - Provincial review and evaluation of guideline implementation.
 - Legal reviews.
 - Public Education: Public education on the guidelines, about street checks – what street checks are and how they are used to aid in police work, compliant process, individual rights. There is a need for meaningful community-police dialogue – especially as it relates to racialized communities and their lived experiences.
 - Training for Officers: Training for officers on the new guidelines, citizen’s rights, cultural competency and racial profiling awareness training, as well as training about mental health.
 - Provincial Guideline Development Timelines: While most people agreed that provincial standardization is necessary, many commented that the tight timelines were not conducive to meaningful outreach and consultation – especially considering the consultations occurred over the summer with little notice to promote and participate.

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Street Checks Feedback Session #1: Community Police Action Committee (COMPAC)

Date: Monday, August 24, 6pm to 8pm, Executive Boardroom, Ottawa Police Service

Attendees: Members of the Community Police Action Committee (COMPAC) and their guests

Consultation Question: The province is creating guidelines for police street checks across Ontario to ensure they are without bias, consistent, and carried out in a manner that promotes public confidence. **What would you like to see in the guidelines?**

Concerns with Timing of Provincial Consultations

The community members of Community Police Action Committee (COMPAC) welcome the province's review of street checks because it is an opportunity to address community concerns regarding the street checks practices. However, they feel that the process is being rushed and public consultations on this issue should not take place during the summer as many members of Aboriginal, racialized, diverse and youth communities will not be available to participate in large numbers. The consultation process should be extended for a reasonable period.

Consultations should happen where communities are based, particularly communities who are concerned about being over-policed and/or negatively impacted by street checks. The province should work in collaboration with COMPAC and community organizations to hold consultations.

Negative Impact of Street Checks

A young Black COMPAC Community member shared his personal story of the negative impact Street Checks. He has been frequently stopped by police while driving. He finally met an officer who explained to him that he was being stopped so frequently because he had been street checked and so whenever a police officer would run his license plate the street check would come up. This young man is a respected youth worker who has even received an award from Crime Prevention Ottawa. But he was street checked and he believes this has also impacted his application to become a police officer. He felt it was important to share his story so that people better understand that street checks are not harmless and do negatively affect the daily lives of innocent people in Ottawa

How Street Checks Should be Conducted

- Clear criteria should be established explaining what constitutes "suspicious behaviour". This cannot be a subjective determination by the officer
- People should be informed by police that they have the right to not give their personal information if there is no grounds to detain them
- People should be informed if they have been Street Checked (i.e., issued a "ticket" or document) and why they have been street checks. They should have access to the file created about them and they should have the ability to appeal being included in the OPS database where street checks are collected.
- Data should not be collected for those under 18 unless they have previously been convicted of a crime

Oversight of Street Checks

- The Street Checks Policy needs to have clear requirements, procedures, definitions, roles and responsibilities. Terms like "street checks", "criminal profiling", and other policing terms need to be clearly defined when doing public education on policing matters

- There needs to be overall transparency in the provincial Street Checks Policy-a copy of the policy needs to be publicly available and accessible
- There should be an independent Third-Party oversight and evaluation of the Street Checks Process. There should be a role for groups like COMPAC in the oversight and in developing the policies that go into this.
- Quality assurance measures need to be established in order to create a universally applicable standard for “quality” street checks
- Street checks should be reviewed regularly to establish quality assurance of the street checks which have been conducted
- There should be consequences for an officer if:
 - it is determined that bias and/or racial profiling has played a role in how he or she conducts street checks
 - She/he is not following the provincial guidelines for street checks
- The provincial guidelines should be reviewed by each police service annually; how the provincial guidelines are being implemented and adhered to would be part of this review
- There needs to be clear and transparent rules about sharing information from street checks with other jurisdictions

Retention Period

- There should be a time limit to how long someone’s Street Check information is retained in the police database if they are not charged with an actual crime. The street check data on a person shouldn’t be kept for more than 5 years.
- There should be a process for an individual to have their street check removed from the system

Public Education on Street Checks

- There needs to be more public education clarifying when members of the public are legally required to give their personal information to police and when they are not
- When the provincial government established its guidelines on street checks, there needs to be accessible public education about this guidelines

Street Checks and Data Collection

- Data Collection should follow a similar standard as has been established with the Ottawa Police Service’s Race Data Collection Project i.e., Race, location, gender, age (standard format of collection)

Police Training

- Police need to receive training to address issues of racial profiling
- The police training should focus on cultural competency in order to understand that people from many cultures where police are corrupt and/or who have come from a war torn country are sensitive about giving their ID or personal information to police but this does not mean they are involved in criminal activity
- Police should be educated about what constitutes a “quality” street check; this should include using examples of “bad” street checks done based on bias and racial profiling in order for officers to learn to understand the difference in terms of grounds for the street check

Community Concerns and Questions

- How will OPS intervene when concerns are raised about bias or racial profiling in an officer's conduct?
- What mechanisms are in place in order to identify and address racial profiling in officers' conduct?
- What do officers do if there is a language barrier when they are conducting a street check?
- What is the difference between criminal profiling and racial profiling?
- Not all public-police interactions are street checks. What is the official definition for other types of interactions-such as one an officer stops and questions a member of the public but does not street check that individual?
- There needs to be more conflict resolution mechanisms between police and the community, including the police complaints process. This will help to improve public trust and confidence.
- Reality is that people may interact with known criminals who are family members and community members. How do we protect these individuals from being wrongfully street checked?
- Current stats for the number of Aboriginal people street checked by the Ottawa Police Service seem low in comparison to how often members of the community feel they are stopped by the police
- There is a great deal of anger within a diversity of communities in relation to street checks. There will need to be ongoing public education and community engagement by the province and local police services to address this issue

Expected Outcomes of Street Checks Review and Policy

- Improved trust between Aboriginal, racialized, and diverse communities and the police in Ontario
- By sustaining trust of their communities, police services in a given region/city will be able to do street checks in an efficient and effective manner
- Reduction in public complaints about police on issues related to racial profiling and civil liberties violations

Street Checks Feedback Session #2

Date: Tuesday, August 25 10:00am-11:30am Councillors Lounge, City of Ottawa

Attendees: Social workers, settlement workers, and youth workers attended including those who work with criminalized youth, youth living in group homes, and street-involved youth. Staff from the Ontario Human Rights Commission was also present.

Consultation Question: The province is creating guidelines for police street checks across Ontario to ensure they are without bias, consistent, and carried out in a manner that promotes public confidence. **What would you like to see in the guidelines?**

How Street Checks Should be Conducted

- There needs to be a precise, detailed, and consistent definition of what constitutes a street check across all police services in Ontario
- Important for officer to inform public of their rights before street checking them
- Important for officer to disclose to the person being street checked that their information is being recorded and how this information will be used
- A person who is street checked should receive a receipt or document informing him or her that he or she has been subject to a street check

Oversight of Street Checks

- Street checks need to be monitored for issues of bias and/or racial profiling
- There needs to be standardized quality assurance measures in place for street checks which include community oversight and evaluation

Retention Period

- Retention of record need to be standardized across all jurisdictions in Ontario
- The province should consider a possible expiration date for street checks to be kept

Street Checks and Data Collection

- There needs to be more data made public about how many street checks were initiated by public calls versus those initiated by police officers
- There needs to be data made public about how many street checks produced valuable info in relation to investigation and/or arrest

Public Education on Street Checks

- Police need to engage the public in order to dispel the serious fears around street checks. Explaining the benefits of street checks and how street checks are used to solve crime would help.
- The public needs to be given a clear definition of street checks which applies across jurisdictions. A lot of the current confusion, fear, and misinformation is a result of the different ways in which street checks are defined in different jurisdictions
- The vulnerable sector, including criminalized youth and street involved community members need specific public education and outreach initiatives. They are likely not attending school or

community centres. These individuals steer clear from these locations therefore connecting to counselling programs who work with the vulnerable sectors could be an effective way of getting info on street checks to these populations

Police Training

- Neighbourhood patrol officers have the most interactions with the public so they would need more training and support around interacting in a friendly and respectful way with members of the public, particularly within marginalized communities
- There needs to be consistency across the province in the delivery of the police trainings, particularly around cultural competency, mental health etc
- Police officers should be required to complete a certain number of hours of community service in the neighbourhoods they often interact with in order to break down the barriers and develop more positive relationships with the people they may do street checks on
- There needs to be training to counter racial profiling

Community Concerns and Questions

- Members of the public are also concerned about being stopped by police and questioned even if it does not result in a street check
- Does officer have to release his or her badge number?
- Are street checks really “benign”? What is this assumption based on? Have stories been collected by the province of the negative impact street checks have had on the lives of innocent people?
- If a youth who wants to be a police officer drives home their cousin, a gang member and they get street checked, they are then affected in their future due to this simple association. Just an association shouldn’t warrant a street check
- Community workers meeting with clients and parking their cars in and “at risk” neighbourhood are concerned that they have also been street checked based on the criteria for street checks presented by police in Ottawa – an unknown vehicle in an “at risk” neighbourhood
- “Unknown individual is seen talking to a known street gang member” should not be grounds enough for a street check. People could be family members, neighbours, classmates
- Vulnerable youth, such as youth living in group homes, may be more subject to being street checked because of where they live-police are often called in to deal with conflicts in group homes
- What steps are in place to ensure certain groups are not being targeted? Is there training on addressing issues like racial profiling?
- There is a need to recruit more police officers from communities from marginalized communities who better understand their communities’ culture
- Some indigenous individuals may “look” Caucasian so may not be recorded as indigenous by police but are still concerned about street checks
- How can police officers be mindful and respectful of all individual rights if they maintain “secrecy” regarding street checks (not informing someone when street checked)?

- Any interaction where the public is asked to identify themselves or produce id should be classified as a street check.
- There needs to be more consultation on this issue with racialized youth from low-income communities
- Many newcomers are coming from countries where police are not trusted. There is a need to proactively work to develop positive relationships between police and newcomer communities.
- There is fear that low-income community residents are being overpoliced and street checked which could create a vicious cycle of poverty and criminalization
- Overpolicing in these communities may actually make people less trusting of people and willing to confide in them when need be
- There needs to be more diverse recruitment and hiring of police officers

Street Checks Feedback Session #3

Date: Tuesday, August 25 3:00pm-4:30pm Pat Hayes Boardroom, Ottawa Police Service

Attendees

Social workers from local community health organizations attended. Staff from the Ontario Human Rights Commission was present.

Consultation Question: The province is creating guidelines for police street checks across Ontario to ensure they are without bias, consistent, and carried out in a manner that promotes public confidence. **What would you like to see in the guidelines?**

How Street Checks Should be Conducted

- There needs to be a clear reason for a street check beyond simply being in the same car as a known criminal
- People should be informed that they have been street checked

Oversight of Street Checks

- There should be regular evaluation of the effectiveness of street checks, perhaps over a five year time period to assess the value of a street check

Street Checks and Data Collection

- Mapping should be done in order to find out where street checks are taking place
- Who initiated the street check needs to be record-officer initiated streets versus street checks as a result of a call from a resident
- There needs to be clear guidelines on how street check information is shared with other law enforcement agencies

Public Education on Street Checks

- It is important to have public education on street checks to distinguish how they are conducting in other cities from how they are conducted in Toronto
- Public needs to be informed about the merits of street checks

Police Training

- People need more effective training on interactions with people suffering from mental illness
- There is a need for standardized police training across the province

Community Concerns and Questions

- A community worker did a ride along with police in the neighbourhood she works in. She noticed that if the officer knew a person had been previously street checked, even if it was 6 to 7 years ago, their demeanor in interacting with this person changed and was more negative than with people who had not been street checked. This led her to conclude that being street checked did lead to more future negative interactions with the police for community members.
- The same community worker organized a session to collect community members experiences with the police. She collected several stories from community members, included a youth 13 years of age who was stopped and questioned about being a drug dealer and searched for drugs. Other community members experienced being frequently questioned by police or asked to empty their pockets. Other expressed fear that if they refused to cooperate with police questioning they could be arrested.
- Concern that stops and questioning of community members that is not recorded as street checks may happening far too often
- Concern that there is overpolicing in terms of stops and street checks in socially disadvantaged and racialized neighbourhoods as a result of social and/or racial profiling
- There is a need for official definitions and guidelines for other types of police stops that are not recorded
- Concern that holding consultations on street checks during the summer has made it difficult to reach youth, including the student population

Street Checks Feedback Session #4

Date: Wednesday, August 26 4:00pm-5:30pm City Hall Festival Control Boardroom

Attendees: Community workers from local community health centres and community associations and law professionals

Consultation Question: The province is creating guidelines for police street checks across Ontario to ensure they are without bias, consistent, and carried out in a manner that promotes public confidence. **What would you like to see in the guidelines?**

How Street Checks Should be Conducted

- Need to have real or probable grounds to record a street check
- There needs to be an objective definition of the word “suspicious” to justify a street check; it should not be up to an individual officer’s discretion
- The person street checked should have the right to see the info entered in the street check
- Police should inform the person street checked of his or her rights
- Police need to articulate the reason for the street check as part of the recording in their notes and to the person street checked

Oversight of Street Checks

- There needs to be quality assurance model, including the ability to analyse an officer’s street checking patterns
- There needs to be an independent review of police files on street checks to confirm practice of provincial street check policy and the validity of info collected
- There should be an ombudsman for oversight of street checks provincially who would pay attention to trends
- There should be an annual legal review of street checks to examine the lawfulness of police actions regarding street checks at a provincial level and to ensure legal compliance

Retention Period

- There should be the shortest retention period justified
- The record should be removed if person is not charged with a crime

Street Checks and Data Collection

- Strict privacy clause so that info is not inappropriately disclosed
- There should be public reporting of trends with recorded info that allows capturing those trends in street checks related to age, race, gender, time of day, etc.
- The data from local police services should be broken down by neighbourhood in order to review trends

Public Education on Street Checks

- There should be general public education on people's rights regarding street checks.
- There should be public education on the reason for street checks as a policing tool
- Public needs to be educated about the police complaints process

Police Training

- Define expectations to police officers about how to conduct quality street checks
- There needs to be education that clear distinguishes between criminal profiling and racial profiling

Community Concerns and Questions

- There is a need for guidelines not only for street checks but for all stops where a person is asked for ID and questioned about their activity by police
- In order to build trust with newcomer communities who are coming from countries where police are not trusted, police need to work harder to engage these communities in positive ways and understand when members of these communities may be wary about giving their personal information or ID-this does not mean they are criminals they may just not trust police due to their experience in their homelands
- In order to build trust and public confidence the issues of racial profiling within policing needs to be directly addressed
- A Muslim woman is regularly stopped by police while driving and asked for her port of entry. This has happened four times over five years. She wishes to file a complaint as she feels she is being racially profiled.

Street Checks Consultation Session #5: Youth Session

Date: Wednesday, August 26 2015, 6pm to 8pm, City of Ottawa

Attendees

Past and present members of the Ottawa Police Service's Youth Advisory Committee were in attendance. There was also a youth from the Lowertown Community Resource Centre who found out about the session on his own and a current Youth in Policing Initiative (YIPI) student.

Consultation Question: The province is creating guidelines for police street checks across Ontario to ensure they are without bias, consistent, and carried out in a manner that promotes public confidence. **What would you like to see in the guidelines?**

How Street Checks Should be Conducted

- Reasons for street check need to be clearly laid out
- Street checked individuals should be given a notice/receipt that they have been street checked
- There should be a set "script" delivered by police when they stop and/or street check people and respond to their questions as this will help improve public confidence in policing
- If youth under the age of 18 are street checked their parents and guardians should be informed; there is concern that this could deter police officers from street checking minors but it could also be an effective form of crime prevention as parents/legal guardians would be alerted that a young person is associated with known gang members, etc.
- A lower retention period for street checks of youth under 18 could be considered if they do not commit any crimes

Oversight of Street Checks

- Review content and quality of street checks to be sure of legitimacy

Retention Period

- Retention period should be in place and should be clearly stated
- Possibility of keeping street checks for longer but privacy laws need to be followed and there needs to be assurance that street checks are not used in background checks

Public Education on Street Checks

- Public needs to be informed of what street checks really are in order to combat misinformation
- Public needs to be informed of the benefits of street checks not just for policing but also the general public
- Also need to explore the negative impact street checks may or have had on innocent people and how to address this
- There is a need for focused public education on street checks for youth as there are concerns that they are overrepresented in current Street Checks data in Ottawa

- School presentations or larger community based presentations on street checks could be an effective way of getting this message out
- Public education also needed for youth on their rights in terms of giving information to the police if they are not under arrest

Street Checks and Data Collection

- Ottawa Street Checks data should be analysed in order to determine how effective street checks are-How many are helping to solve crimes?
- The current raw data from Ottawa Street Checks should be broken down based on location and neighbourhood and this information should be made available to the public
- There should be more frequent and adequate police engagement and consultation with communities that are overrepresented in current Street Checks data

Police Training

- Police need to develop cultural competency in order to understand how people from different cultures may react when they are asked for their ID