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End Race and Class-Based Profiling by Police
Stop Reporting of Undocumented
Torontonians to Federal
Immigration Enforcement



Toronto

Thursday, December 17 -- 12:00 noon
Toronto Police Headquarters, 40 College St.

Hosted by: No One Is Illegal

Facebook

End Race and Class-Based Profiling by Police

- **Stop Reporting of Undocumented Torontonians to Federal Immigration Enforcement**
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End Race and Class-Based Profiling by Police

Stop Reporting of Undocumented Torontonians to Federal Immigration Enforcement

An action is being organized by No One Is Illegal this Thursday, December 17 outside of the Toronto Police Headquarters to put forward the demand that the Toronto Police stop collaborating with immigration enforcement. They report that police officers are arbitrarily stopping large numbers of Torontonians on the basis of accent or skin colour, checking their immigration status and turning anyone who is undocumented over to the Canadian Border Services Agency to face deportation. *Ontario Political Forum* calls on everyone to take a stand and join in the action as an integral part of the fight to defend the rights of all.

No One Is Illegal points out that it has "evidence that Toronto Police calls Canada Border Services Agency 100 times per week, that is more than police forces in Vancouver, Montreal and Ottawa combined." It goes on to state:

"Four out of five times these calls are made for people without an immigration warrant!

"That means that Toronto Police look at witnesses or victims of crime, or just everyday residents that they stop and quiz for no reason and, based on the colour of their skin and their accent, call Border Services to see if that person has immigration status or not.

"This is racist policing at its worst. And it must stop.

"This collaboration between Toronto Police and immigration enforcement means that racial profiling of non-status people of colour can result in endless detentions or even deportation to suffering, sometimes death.

"We have too many stories:

"- A 16 year-old woman is sexually assaulted. When she goes to the Toronto Police, they arrest her and schedule her deportation for the same day as she is to testify against her assailant.

"- An 18 year-old Mexican boy is walking down the street in Parkdale. The police card him and call immigration enforcement because he has an accent. He is unaware that he's lost his immigration status. So they arrest him and hand him over to be deported before he can get adequate legal defence.

"- A mid-twenties Caribbean father sees a shooting in Jane-Finch. He goes to make a statement with the Police, and they decide to just call immigration enforcement. When they find out he doesn't have immigration status, they arrest him and he's in jail for two and-a-half months.

"And now we have the government data to prove what we already know.

"We found:



"- Toronto Police Service reported approximately 100 people a week to Immigration Enforcement between November 4th 2014 and June 28th 2015, (3,278 people in total or nearly 14 people every day). With its 3,278 calls, the Toronto Police Service made more calls than the police services of Montreal, Quebec City, Ottawa, Calgary, Edmonton and Vancouver combined (2,729).

"- Between November 4th 2014 and October 16th 2015, the Canadian Border Services Agency (CBSA) Immigration Warrant Response Centre only received 178 warrant enquiries and 100 database verification from the Toronto Police Service, but almost 3,275 status check inquiries. This means that only 7.1% of all those referred to CBSA even had immigration warrants out.

"- 83.4% people that were reported in the same roughly one-year period were because Police Officers were "suspicious" that the person may not have immigration status. This suggests that Toronto Police Service racially profiled individuals on the basis of their skin colour and accent.

"- The Toronto Police Service says that it has no formal agreement with federal immigration enforcement so these 100 reports a week are the Toronto Police Service going out of their way to do immigration enforcement's dirty work.

"- The Toronto Police Service reports even victims and witnesses of crimes (such as domestic abuse survivor Lilliana Fontes) contrary to its own partial Don't Ask for immigration status policy.



Toronto City Council meeting adopts a "Don't Ask" motion allowing people without documentation to access Toronto city services, February 21, 2013.

"- The Toronto Police Service reports immigration status of undocumented Torontonians every time, even though the *Ontario Police Act* gives Police the discretion to choose whether to report or not.

"- Toronto Police Service is in violation of Toronto's Sanctuary City Policy. In February 2013, the City of Toronto passed a Sanctuary City policy under which all city-funded agencies (which includes the Toronto Police Service) must not ask for immigration status of undocumented Torontonians, and if found, must not report it to Federal immigration enforcement.

"- The Toronto Police Service have the arbitrary power to determine when they are "satisfied" they have established a person's identity.

"- When undocumented Torontonians are reported to CBSA, they may end up being indefinitely detained without charges or trial, or deported to their deaths."

No One Is Illegal has issued the following demands to Toronto City Council and the Toronto Police Services Board:

- End race and class based profiling by the Toronto Police Service.
- Stop the reporting of undocumented Torontonians to federal immigration enforcement.
- Pass a formal Don't Ask, Don't Tell policy to this effect.



Ontario Liberal Government Whitewashes Carding Concerns

In the face of the widespread opposition to carding in Ontario -- from Black Lives Matter, the African-Canadian Legal Clinic, the Law Union of Ontario, a group comprised of former politicians, mayors and ambassadors living in Toronto called Concerned Citizens to End Carding, the Ontario Ombudsman and others -- the Wynne Liberals conducted a "review" of the practice in the province this past summer. It held "community consultations" with 42 community groups and 10 policing organizations, and organized five local public meetings in Ottawa, Thunder Bay, London, Brampton and Toronto. In addition, the government received more than 500 online submissions. The aim of these community consultations was clearly to diffuse and dismiss the people's concerns and undermine their resistance as the consultations were limited to a preset agenda of how to "improve carding" whereas those being "consulted" are adamant that carding must be ended.

It is noteworthy that not once during the consultations did the Minister of Community Safety and Correctional Services Yasir Naqvi, whose ministry led the review, ask police to produce statistical evidence backing up their claims that carding is a successful policing tool. In fact, when asked about this at the Toronto public consultation, Naqvi actually told the attendees that the government could not compel the police to reveal any statistics because the *Ontario Police Services Act*, the law that regulates policing in the province, prohibits it. This leads one to ask that if the Ontario government cannot compel its police forces to hand over information, who is in charge of the police? It must mean that the police are above the government and not under its control -- a most serious and worrying situation to say the very least. In a democracy, police are supposed to be under the civilian authority.

YOU'RE NOW "KNOWN TO POLICE"

- Your personal info will be entered into a database and may show on police record checks for employment, student placement etc.
- You will be "known to police" and may be guilty by association
- Black and Brown people are 3 to 8 times more likely to be carded
- Children as young as 9 have been carded

In Brampton and Toronto, public consultations were attended by large numbers of people. The Ontario Liberal government was denounced for stage-managing these "consultations" so as to deflect the anger and frustration of the people whose overwhelming demand is for a ban on carding and that the police must be held accountable for racist acts.

On October 28, as a result of its "review," the Wynne Liberals introduced a number of proposed regulations to the *Police Services Act*. According to the government, these new regulations will ensure police interactions with the public "are consistent, conducted without bias or discrimination, and done in a manner that promotes public confidence and keeps our communities safe." In other words, the government will not scrap carding as demanded by the public, but will "regulate" this police practice while legalizing it under the *Ontario Police Services Act*. Among other things, the regulations require the police to receive "training" in how to avoid human rights violations. For example, police would be required to inform those being stopped that they have the right to walk away if they are not being charged or arrested. They are also to be given a "receipt" indicating where and when they were stopped and the name and badge number of the officer involved as well as information on how they can launch a complaint if they wish to do so with the Ontario Office of the Independent Police Review Director!

Such proposals can only fool the gullible because there are many ways the police, who have the

upper hand because they are armed and represent "authority," can and will work around these regulations. Regulations and laws, including the Canadian Charter of Rights and the Ontario Human Rights Code are being violated with impunity by the Toronto and other police on an ongoing basis. The widespread violations of human rights with impunity that took place in Toronto at the June 2010 protests against the G20 provide ample evidence of this. There, the police forces, including then-Toronto Police Chief Bill Blair, informed the media that they would be policing the demonstration paying strict attention to the rights of the protesters. What followed was one of the most violent and massive violations of human rights by the police in Canada, with few people, including former Police Chief Blair, being held to account.

What is so insidious is that now by sleight of hand, carding is going to be made legal by the Wynne Government, under the pretext that now it is going to be "done right." It must not pass!



Demand the Abolition of Police Carding!

- Philip Fernandez -



Toronto protest against police carding, September 1, 2015.

The police practice known as "carding" involves arbitrary stops of individuals, based on racist stereotypes or other spurious reasons that do not have any legal basis. Those stopped are asked to produce identification and this personal information is then entered into police databases to be used for other dubious purposes and kept for an indefinite period. The whole process relies on people's ignorance of their right to refuse to be stopped (unless the police are actually carrying out an arrest) and the abuse of power and intimidation by someone in a uniform carrying a badge and gun.

A recent and somewhat publicized example of carding was that of Mi'kmaq artist and musician Thomas Clair. He was "carded" by police as he left the grounds of Rideau Hall following the swearing-in ceremony of Prime Minister Justin Trudeau and his cabinet on November 4. In Clair's



Protest in Saskatoon, October 7, 2015 against police carding outside the local Police Commissioners' meeting.

case, when he asked why the officer wanted to see his identification, two other officers approached. When he asked again why he was being stopped he was told that they had seen a "suspicious Native man" in the area. According to media reports, at this point Clair produced his ID because he "didn't want the hassle of getting arrested." The vast majority of such incidents go unreported.

Carding permits police to violate people's rights with impunity. It takes place across Canada and targets in particular Indigenous peoples and national minority youth, especially black youth. It is part of the "law and order" agenda of the state that racially profiles and targets those the state presumes guilty of being criminals and terrorists

until proven otherwise under the pretext of securing the safety of the public. Carding is fundamentally premised on the violation of rights and established legal norms. On this basis, anyone's rights can be violated and this practice must be opposed as part of defending the rights of all.

All human beings have rights by virtue of their being. In a modern society these rights must be guaranteed and protected by the state. This is what is expected and the widespread opposition to carding is an expression of this expectation. Black and other minority youth, Indigenous peoples and marginalized working class youth have the right to carry out their daily lives without constantly having to worry about being stopped and questioned by police. It is unacceptable that police can violate rights with impunity as official state policy. It is especially unacceptable that black youth live under conditions of siege in a racist state, being carded in such high numbers when they have done nothing wrong. Carding must be ended, no ifs ands or buts. The governments at all levels that enable police to engage in carding must be held to account for facilitating such an egregious breach of basic human rights.



The Racist Basis for Carding



In August, a *Globe and Mail* report revealed that most police forces in Canada engage in carding and that the majority of them keep information collected from these encounters indefinitely. The names, addresses and physical descriptions of people are recorded. According to an investigation carried out by the *Toronto Star*, between 2008 and 2011, there were more than 2.1 million incidences of people being stopped by police in Toronto, the majority of them black and other national minority youth. The overwhelming

majority of those stopped had no criminal record. Given that Toronto's population is roughly 2.6

million, the number of people carded as evidenced by the *Toronto Star* study reveals how serious and widespread the problem of carding is. Not a day goes by in Toronto, and in other cities and towns across Canada where black, national minority and Indigenous youth face the possibility of being stopped and interrogated by police, for no reason other than the colour of their skin and the fact that they have been blanket-profiled by the state as criminals and terrorists.

It is significant that in the 2008-2011 investigation by the *Toronto Star*, police records revealed that less than 10 per cent of carding was a result of an actual criminal investigation. In the overwhelming majority of cases, carding was random and arbitrary. A large number of black and national minority youth reported that they had been stopped numerous times by the police for no reason, including the well-known case of Desmond Cole, a black journalist in Toronto, who has been stopped more than 50 times by police in Kingston, Toronto and across southern Ontario.

Police forces persist in denying that they engage in racial profiling of black and other minority youth, but the facts show otherwise. A three-year study from 2008 to 2011 and reported in the *Toronto Star* based on statistics provided by the Toronto Police Services, showed that black and other national minority youth (15-25 years-old) living in Toronto's 72 "patrolled" zones were up to eight times more likely to be carded than the actual number of black and other national minority youth living in those neighbourhoods.



The police forces in Toronto and elsewhere in Canada have yet to offer any documented evidence that carding reduces or helps to solve criminal investigations as they assert. For example, at the end of September, Peel Regional Police Chief Jennifer Evans was able to give only six examples where carding was actually useful in police investigations after trawling three-years worth of police forces of her police force's records for any "success stories." Black and other national minority youth in Peel Region, which is in the Greater Toronto Area, are three times more likely to be stopped by police than youth in the general population. Former Toronto Police Chief Bill Blair -- now a federal Liberal MP for Scarborough Southwest and recently named Parliamentary Secretary to the Minister of Justice and Attorney General of Canada -- and current Toronto Police Chief Mark Saunders continue to defend carding as an effective strategy to curb crime, if it is "done right." How can the violation of rights be "done right"?

(With files from *Toronto Star*, *Globe and Mail*, Ontario Ministry of Community Safety and Correctional Services)



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