

Justice M. H. Tulloch
Court of Appeal for Ontario
130 Queen Street West
Toronto, Ontario M5H 2N5

May 3, 2018

Dear Justice M. H. Tulloch,

Enough is enough.

Communities increasingly believe that the justice system does not work for them. They feel that those enforcing law and order are not protecting them -- but instead are working against them.

The Ontario Federation of Labour (OFL), on behalf of the one million workers it represents across the province, strongly believes that this needs to change, and it begins with banning the practice of carding in its entirety.

The current review of Ontario's carding regulations is tasked with examining whether Ontario's new carding rules are being implemented "without bias or discrimination"; whether carding and the province's regulations align with the government's goal to eliminate systemic racism; and whether street checks are necessary in modern policing.

The answer to all of these questions is a resounding no.

It is widely recognized that carding – the stopping, questioning, and documenting of individuals when no particular offence is being investigated – is a systemic violation of Black people's, Indigenous people's, and people of colour's human rights. It disproportionately places these individuals at an increased risk of incarceration, violence, and abuse. In Toronto, for example, Black people are up to ten times more likely to be carded than white people. Such an oppressive practice has no place in Ontario, failing to reflect core values of inclusivity, political justice, and social freedom.

In early 2017, the government introduced regulations that now require the police to inform any citizens they stop that they do not have to provide any information; to provide citizens with a reason they are requesting identifying information; and to provide anyone they subject to carding with a receipt stating the officer's name and badge number. Officers are also prohibited from carding someone based on race or for being in a "high crime" area.

The law must completely eliminate the discriminatory practice of carding.

Instead, it provides a roadmap as to what the government considers an acceptable form of carding with its numerous exemptions. Carding regulations do not apply, for instance, if the police ask for identifying information while doing a traffic stop; arresting or detaining someone; executing a warrant; and investigating a specific crime.

CHRIS BUCKLEY
President

PATTY COATES
Secretary-Treasurer

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Executive Vice-President



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Carding is not – and should not – be viewed as a community engagement tool. It must be recognized as an approach rooted in past and present experiences of police aggression. For many, the sight of a police officer is triggering. There is an undeniable imbalance of power between police officers and community members that is exacerbated when it is layered on top of a racial and gender dynamic.

Furthermore, there are concerns with the requirement to notify citizens about their rights. The current regulation, for example, does not explicitly state that the officers must inform citizens – at the outset of the interaction – that they are not required to provide any information.

There are also significant concerns around the retention of historic data collected through carding, which has been left to individual police boards to determine for their own services. The Toronto police board, for example, established a system whereby historic information will be retained, but access will be highly restricted. This still allows police to benefit from information obtained through damaging or possibly unconstitutional police stops. Instead, the data should be deleted.

Ending racism is a collective obligation. The labour movement is committed to fairness and justice for all workers regardless of race and religion, and we continue to mobilize against racism and the rise of hate.

The government has its part too.

This means banning the practice of carding in its entirety – as echoed by community partners, social activists, and the Ontario NDP – in an effort to create an Ontario that is rooted in inclusivity, political justice, and social freedom for all.

Sincerely,

Chris Buckley
President

Patty Coates
Secretary-Treasurer

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Executive Vice-President

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