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Carding and Police Checks

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Who Should Read This Report?

- Public servants and politicians who want to rethink police interactions with the public
- People interested in talking about carding and street checks
- Young people who are interested in what their political representatives think
- Adults who want to learn from the experiences of young people
- People who are intimidated by the police
- Police officers who want to know more about how young people perceive carding

How Should I Read This Report?

LYAC reports are a different kind of report. They are conversational, friendly and honest. These reports don't try to trick you by using complicated language or pretend to be based on the opinions of experts. They are based on the best information that the Youth Councillors have at the time of each discussion. We hope that the reports make you think, make you act, and challenge you to consider things that you haven't considered before.

If you are a provincial politician, public servant, or member of the minister's political staff and are reading an LYAC report for the first time, here are a few important things to keep in mind

- Youth Councillors are elected to represent each of London's 14 electoral wards + 1 councillor to represent Western University.
- This report is part policy paper and part story. It captures the LYAC's conversation about carding with local City Councillor Mo Salih, London Police Service Chief John Paré held on September 3, 2015.
- Our report format aims to capture the context of the conversation, not just the discrete policy recommendations made by Councillors.

Setting the Scene

I look out the dust-streaked windows at the almost-empty parking lot beside 186 King Street and chuckle. Four rows in, angled nose-towards-the-road, a London Police Service patrol car sits casually, observing the evening movement of the street. Normally no one would think anything of it, but today we're talking about carding and everyone notices. It's not a reflection of much, other than a recognition of something unknown, but you can feel a sort of nervous respect spread across the room. The space looks the way it always does. A circle of chairs for the Youth Councillors and guests, a set of brown tables for report writers and LYAC staff, and the yellow glow of the orb-like lights that hang from the ceiling. But it's impossible not to notice that something is a little bit different. It's exciting, it's meaningful,

and it's important that Councillor Mo Salih and Police Chief John Paré have made time to join the LYAC to talk about Carding, but the combination of the car in the lot, the presence of the Police Chief and the Councillor, and the challenging topic of Carding make this week's LYAC meeting feel just a bit more intense. Just after 7pm everyone takes their seat and the conversation begins.

The Narratives and Themes

The Language of [police checks, carding, street checks?]

The day before the LYAC's meeting on Carding, a number of us attended the provincial consultation on carding in London. We noted that this session referred, almost religiously, to carding as 'street checks'. The allegiance to the term 'street checks' seemed to betray an unwillingness to engage with the negatively connotated term 'carding' and distanced the province from the language of the 'average citizen'.

This is important context because the LYAC's meet on carding began with a degree of confusion. The meeting started off with members of the group using the terms 'police checks', 'carding', and 'street checks' interchangeably, but inconsistently. The group didn't seem to realize that they were using different terms and communicating different concepts, but it was obvious that the Police Chief and City Councillor were uncomfortable with the inconsistent verbiage. At this point the Police Chief gently helped to clarify the different terms, explaining the difference between the different concepts.

Police forces and those in government seem to use 'street checks' because it reduces the tension associated with the term 'carding'. However, doing so creates distance from individuals who use 'carding' specifically because it communicates something negative. As our conversation evolved, all participants including the Police Chief, settled on the word 'carding' as the dominant term. The Police Chief's willingness to use the language of the group established a trust that wouldn't have been there if he had continued to exclusively refer to incidents of carding as 'street checks'.

The key takeaway from this period of the meeting is that the language used to talk about carding or street checks communicates a certain perspective and that settling on common terminology can be an important part of building trust between different stakeholders.

What is a Street Check?

Early in the meeting, the Youth Councillors asked the Police Chief a number of questions about the specifics of street checks/carding. They understood that a police check involved a police officer asking an individual to identify himself or herself and to provide some sort of information, but they had lots of other questions:

- Are they random or targeted?
- Are they the same as investigating a complaint?
- We only do street checks on the street; what about white collar crime?
- Under what circumstances do you do a street check?

The Police Chief answered all of the questions and provided examples, but throughout the conversation there was a real sense that a street check was a really hard thing to define. One of the Councillors said that they seemed to be random--something that police officers might ask anyone to do-

-while others saw them as being targeted, based on known hotspots, suspicious activity, or another specific reason. Sometimes street checks seemed to be about collecting information to solve a crime and sometimes seemed to be about building a relationship with the community. At the end of the day, perhaps street checks are about all of these things, but the lack of clarity led many of the Youth Councillors to feel like the inconsistencies constituted a major flaw in the practice.

Inconsistent explanations of what street checks are and what their purposes are makes people distrustful of the practice and wonder if the explanation is really just a rationalization.

The Mystery of a Contact Card

When a police officer completes a street check, they fill out a contact card. This card often contains a name, a description, and any information that you provide. Despite this general explanation of the format, the Youth Councillors were concerned about the fact that individuals might never know exactly what was being written about them.

Here are some of the questions that were asked:

- What exactly has the police officer written down?
- How will the information be used?
- Who gets to see the information?
- How long will the contact card be kept?
- Can I ask to see my file?
- Can I ask to have my file deleted?

The form 307 practice in Toronto (where police officers give individuals who are carded a 'receipt' with the information that they are entering into their database) alleviates some of this concern, but the Councillors expressed a desire to see all of these questions answered clearly. Beyond providing answers to these questions, the Councillors were concerned people might not trust the answers being provided because of current perceptions of police and government surveillance. Answering the questions separate from major community trust building efforts will not have the desired impact.

A key takeaway from this part of the conversation is the feeling that people should know exactly what is being written down about them, have the ability to restrict how their information is used and who it is used by, and general discomfort with the idea that non-criminal interactions remain on police files for significant periods of time.

Do Street Checks 'Work' and What Does 'Work' Mean?

One of the more pointed exchanges of the night was about whether carding 'actually' works. The first part of this conversation focused on whether there was quantitative evidence that directly links carding to crime prevention. The Councillors tended to think that this evidence was important to determining the future of carding. The general consensus seemed to be that there was some spotty anecdotal evidence that carding occasionally led to crime prevention, but that there was no large scale quantitative evidence to backup this claim.

The second question that came up is determining what it would mean for carding to be 'effective'. Imagine for a minute that there is quantitative evidence to support the notion that carding significantly

increases the number of crimes solved/prevented. On the surface this might appear to make the community safer and might appear to justify the practice. However, even if it could be proven that carding led to more crime prevention, it might also be leading to mass amounts of community frustration, suspicion, and general social upheaval. In this case, carding would be 'effective' at increasing the number of solved/prevented crimes, but it might be working against making the community a safer, more welcoming place.

The takeaway from this part of the conversation is that carding, no matter how effective, might be perceived as such a negative practice that no amount of success can justify the negative impact that it has on the broader fabric of the communities where it is practiced. In other words, people hate carding enough that it will have a negative impact on communities no matter how 'successful' or 'effective' it appears statistically.

How Do We Build Relationships?

One of the main explanations for carding is that it gives police officers a chance to talk to residents of the communities that they serve; talking to residents builds relationships and trust. However, given the frustration and negative attention surrounding the practice of carding, is it really realistic to say that conducting a police check helps to build positive relationships with the community? The Councillors didn't buy the idea that carding could create positive relationships between residents and police officers and felt that there were a lot of other ways that community relationships could be developed. Police forces can hold consistent community meetings, attend community events, visit schools, join in volunteer efforts, and chat casually with residents when they are in the area. These approaches will do more to build relationships than conducting a street check.

This part of the conversation spoke to the shifting justifications for carding that we spoke about earlier in this report: are street checks about collecting information to prevent/solve crimes, are they about building community relationships, or are they about something else? If they are truly about collecting information that will help to prevent/solve crimes then maybe the discussions that police officers have with people should be considered more formal; almost like an interview. If they are about casually building up a knowledge about the community, then why do police officers need to ask for names and record any sort of information about the person that provides them with the information? If they are about building community relationships, why not just chat with people throughout the community while you are patrolling your beat?

One Councillor made an interesting suggestion when she suggested that police officers who walk the beat be given a budget to buy people in the community coffee. They could take a different person for coffee every time that they walk the beat and build a relationship with them. Everyone laughed at this suggestion, but also kind of felt like it was a good idea. In order for this to work you'd have to get over the initial shock that people might have if a police officer just asked them to sit down for a casual coffee, but in the long run it might turn out to be a really effective community policing strategy (no identifying information would be attached to the information collected during these interactions unless the person was absolutely comfortable with identifying themselves).

Suspicious is Subjective

One of the more common explanations for why someone might be carded is that they are acting

'suspiciously'. The Councillors almost immediately said that what is suspicious to one person isn't necessarily suspicious to another. One of the Councillors asked if there was a list of suspicious traits that police officers were trained to look for. The Police Chief said that no such list existed and that generally police officers used the judgement that they have developed over their years on the force to identify suspicious behaviour.

Most of the Councillors agreed that suspected 'criminal' behaviour should be investigated and reacted to, but they didn't think that suspected suspicious but non-criminal behaviour should be treated in the same way. One Councillor noted that human beings are often suspicious of things that they don't understand which means that our experiences influence what we think of as suspicious. They felt that 'suspicious' behaviour was a far too subjective test to determine whether or not to conduct a street check.

Systemic Racism

The conversation about the subjectivity of the 'suspicious behaviour test' brought the Council to an important but, to this point, untouched part of the conversation. We talked about how cultures and races might act differently, wear different clothing, react to certain situations differently, have different social norms (ie. making eye contact or not) than the mainstream. Most police services operate within mainstream cultural and social views and will likely identify behaviour outside of the norm as suspicious. This doesn't mean that the behaviour is dangerous, it just means that it is different. The problem, as identified by the Councillors, is that some police officers interpret different or unfamiliar kinds of behaviour as being dangerous, disrespectful, or suspicious.

At this point in the meeting one of the Councillors finally called out the elephant in the room and said that she believes that the real problem with carding is that it projects the systemic racism that exists in Canada. She pointed out the imbalance in the ratio of racialized individuals who are stopped as a result of carding and the skewed numbers of people of colour who are incarcerated in Canada. Until this point in the conversation no one had really brought up the racial angle for fear of offending anyone or saying something wrong. But after this moment the conversation shifted and people gained comfort discussing the uncomfortable, but necessary topic of racism.

One of the more fascinating exchanges in the conversation happened when it was suggested that carding was a random practice, rather than a targeted one. One of the Councillors pointed out that racist carding statistics had to mean racist police officers. No one said anything to contradict this argument, it highlighted how difficult it is to talk about systemic racism. Sometimes systemic racism happens amongst people with the best of intentions and it is as much a part of the societal structure as it is a conscious action by an individual. There has to be a way to get police officers to talk about the subtle and unconscious ways that they are conditioned by society to be suspicious of people from different racial backgrounds and worldviews.

Integrating Newcomers and Young People into a Relationship with the Police

Newcomers to Canada come with a variety of life experiences and perspectives on policing. Many come from countries where the government and police officers are symbols of oppression and danger rather than protection and security. Working with these individuals to help them adjust to a new relationship with police officers and authority figures is incredibly important to the future of our country.

Without this effort, interactions with police officers will remind people of their previous negative experiences and lead to conflict and misunderstanding over time. Some of our Councillors have personal and/or family experiences coming to Canada from countries where the population's relationship with the police is not particularly good. They recommended heavy investment in community workshops as well as introducing police officers to communities at social events, in informal settings, at schools, and in neutral settings as being particularly important to newcomers.

Another Councillor told a story about growing up in an Ontario town where relationships between young people and the police were particularly strained. She said that they began hosting events in neutral territory to create opportunities for police officers and young people to meet in non-threatening environments. She pointed out that we often assume that it is best to interact with young people in the spaces that they like to inhabit, but that sometimes doing that is threatening because it disrupts the normal operating of the space. She thought that neutral ground was the best option.

Understanding Your Rights

Are you required to identify yourself if a police officer asks you to do so? Since you are not required to carry identification with you, you do not have to provide a police officer with your name unless you are being charged with an offense. However, some Councillors pointed out that most people do not know this to be the case and many feel uncomfortable asserting themselves around a person of authority (like a police officer). People from certain racial and cultural communities often do not feel comfortable asserting their rights because they fear that police officers will treat them unfairly.

A key consideration for the Ministry is how to make sure that people know about their right to refuse to ID themselves and to ensure that people are not penalized for refusing to do so?

Maybe They're Working?

The conversation at the meeting was by no means an echo chamber. People disagreed with one another and ideas flew back and forth. One particularly interesting moment was when one of the Councillors raised the possibility that street checks might be working. He suggested that one instance of a street check working might be enough to justify doing them. Some didn't particularly love this idea; largely because there was no evidence to suggest that any crimes had been prevented exclusively because of random carding. but it was important that he brought it up and forced everyone to consider the opposing perspective. Later in the meeting he went on a bit of a thought experiment and challenged people to imagine a world where everyone was carded rather than a world where no one was carded. He wondered if maybe we'd be more comfortable with street checks if people didn't feel singled out. At the end of the day it didn't seem like he was particularly convinced by his own argument, but again, it was an important balance to have in the conversation.

Personal Stories

Story 1: One of the Councillors regularly attends protests. As a protester she feels like it is likely that the police have a file on her. She doesn't like the fact that someone has a file on her that she doesn't know about. She feels like carding is a similar kind of practice to the way that information is collected about protesters. The main issue that she identified in her story was the feeling that she was doing something wrong by exercising her right to protest. She hasn't done anything illegal by participating in

protests but yet she feels like her involvement in them might impact the way that police interact with her.

Story 2: One of the Councillors compared street checks to students being targeted for home inspections. He feels singled out when bylaw officers check his property for violations more frequently than his neighbours. He was able to relate his experience feeling singled out because of his age to the way that people must feel when they are carded because of (what is perceived to be) their racial or cultural identity.

Story 3: Another Councillor said that when he imagines someone being carded he always imagines a white police officer

Story 4: The voice from across the room is caught between defiance and silence, “[I want] to be able to do whatever you want that is legal without being criticized. People criticize you for the smallest things. I want to live freely.” It takes a moment to catch up to the moment—after all, we’d just heard about haunted houses and petting zoos—important ideas for sure, but not quite on the same level as, “I want to be able to do whatever you want that is legal...” A couple of kids chuckle, nod their heads, they know what’s being said, the rest of us don’t understand. I lock eyes with the fidgety twelve-year-old boy across from me and ask for help, “You want to be able to do whatever you want that is legal; tell me more?” I’m not ready for what comes next. “If my friends are like, walking around in the evening or something, the cops always stop and ask what we’re doing. It’s not like we’re doing anything wrong.” Whoa, he’s talking about carding, he’s talking about profiling, and he’s talking about life as a racial minority, in a public housing complex, in the City of London, at twelve-years-old.

Things We Missed the First Time

This section is for Councillors to add anything that they wish that they’d said during the meeting or to make any additions to the report. We like to show the additions or clarifications that Councillors make so that you can see the evolution of the report.

- It is important to emphasize that many councillors seemed hesitant to embrace carding or look at the positive aspects of it entirely because of the lack of statistics. It allowed for easy dismissal and forced councillors to tip-toe around the issue at hand without supporting evidence one way or another.
- I believe the part where John talked about the amount of diversity (or lack of) in London’s Police was missed in the report (currently it comprises less than 15% of diversity). It is vital to indicate that a number of councillors were not convinced with the idea of carding because it may come from a police officer who may not understand the residents’ background, or simply see them as “suspicious” because they are so used to the norm. Perhaps increasing the diversity within the police force would create more trust between residents of visible minorities and the police. Also including that the London Police is working on a long term diversity plan would be good. Hope that makes sense!
- Another interesting aspect that should be noted is that Chief Pare stated that a current review is being done evaluating the ‘effectiveness’ of street checks/carding in London. However, it is concerning that a practice that has been going on since 1989 has yet to have any quantitative data or statistics displaying its ability to curb crime rate or solve investigations. Even if or when the required data is made available to the public for analysis, it seems that regulation of the

practice is the only compromise the police force and some politicians are willing to implement, rather than abolishing the whole strategy to begin with due to its unavoidable racist undertones.

Submitted on September 15, 2015 by the 2015/2016 Councillors of the London Youth Advisory Council

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