



Lerners LLP
88 Dufferin Avenue
P.O. Box 2335
London, Ontario N6A 4G4
Telephone: 519.672.4510
Facsimile: 519.675.9949
www.lerners.ca

Faisal Joseph
Direct Line: 519.640.6342
Direct Fax: 519.932.3342
fjoseph@lerners.ca

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FILE NUMBER

Mayor Matt Brown and City Councillors
300 Dufferin Avenue
P.O. Box 5035
London, Ontario
N6A 4L9

Dear Mayor Brown and City Councillors:

I am writing this letter with great concern in my personal capacity as a citizen and tax payer in this fine community. This issue is as serious as a heart attack for the City of London. I must confess my profound disappointment with our Chief of Police as to his public and legal positions on the practice of Carding or "street checks". The fact that he refuses to give a reason on the actual receipt of a person illegally and arbitrarily detained, speaks volumes of how our police leadership has ignored community oriented policing and how to best serve the needs of the community pursuant to Section 41(1)(b) and (c) of the Ontario Police Services Act. I do not believe there is a sound legal basis for the Chief not putting a reason in writing on the receipt for an arbitrary detention or stop because of "privacy issues". Is the real reason because an aggrieved person cannot ever effectively or legally challenge the arbitrary and perhaps repeated detention because no reason was ever given and would never have to be defended? Some would argue that he was afraid that Section 9 of our Canadian Charter of Rights would see Carding (street check) as an arbitrary detention prohibited by the supreme law of this country. This interpretation of the law has been espoused by many respected legal experts including but not limited to the Ontario Ombudsman's Office, the Ontario Human Rights Commission and Legal Aid Ontario. In my respectful view, if the Chief continues to ignore his public duties and responsibilities to this community on this issue, then the Police Board itself should step up and seek an Order of the Superior Court to legally compel him to do so.

The Police Board is not an advocate nor a puppet for the police. They also have a duty as a legitimate check and balance for our community.

Let me be absolutely clear, the London Police Services Board is legally responsible for setting policies and in particular, is required to set a "policy" on Carding. This is very different from the Chief's role for "specific operational decisions" or "day to day operations" which is his responsibility.

It is embarrassing as a community when our top law enforcement officer for the City speaks publicly that he will only comply as minimally as possible with the law as the Police Service "can get away with". This does nothing but bring the administration of justice into disrepute, when he should be honouring the letter and spirit of the law to enhance respect and trust between the police and its citizens.

Carding, in my opinion, is nothing short of leading to surreptitiously cloaking itself in racial and even religious profiling. We need criminal profiling not any other types where aboriginals, blacks and other minority groups are three to four times more likely to be Carded than others. The price of illegal Carding is high and do not be fooled. You will see further trust from it's citizens eroded and further lack of cooperation with authorities will undoubtedly increase. Education of officers is paramount in this area and the bad taste of being racially profiled, harassed or otherwise is an emotional scar that will not easily heal. Carding sends out the wrong message to our citizens and makes the police officer's job even more difficult than it already is.

Carding or street checks should be banned once and for all. If not, at the very least there should be a proper legal reason on the receipt for the arbitrary detention. Ninety-nine percent of the population will not know or appreciate that they are not compelled or required to be detained or speak with the police. They should be told so, whenever they are detained for a "street check". We don't need "TRUMP" like police tactics in London, Ontario. Enough already!

Yours truly,

A handwritten signature in blue ink, appearing to read 'Faisal Joseph', with a stylized flourish at the end.

Faisal Joseph
FJ/jb

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