

Street Checks in RCMP Jurisdictions in BC

Phase I

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The Crime Reduction Research Program

This project was funded through the British Columbia Crime Reduction Research Program (CRRP).

The CRRP is a research grant program administered and funded by the Province of British Columbia in collaboration with the Royal Canadian Mounted Police (RCMP). The CRRP is focused on investing in independent research to inform priority policing operations, policies, and programs related to public safety in British Columbia. In doing so, the CRRP also aims to foster greater collaboration between government, law enforcement, and academic experts in the field of policing and public safety.

Eligible research topics are identified on an annual basis by the BC Ministry of Public Safety & Solicitor General and the RCMP based on current and emerging provincial priorities. All grants are awarded on a merit basis by the CRRP Working Group.

Disclaimer

The statements, findings, and recommendations contained in this report have been reached independently by the authors of this report and do not necessarily reflect the views of the Province of British Columbia.

Background

In May 2018, the Vancouver Police Department (VPD) reported on their data on street checks from 2008–2017. As part of this data, the VPD released the gender and ethnicity of those who were street checked by VPD officers. As a result of the data release, the Union of BC Indian Chiefs and the BC Civil Liberties Association presented a complaint to the Office of the Police Complaints Commissioner stipulating that, according to their interpretation of the data, the information demonstrated that the VPD were conducting street checks in a discriminatory manner, especially with respect to Indigenous people, including Indigenous women, and other racialized persons. Similar concerns have been raised in other parts of the province and across Canada. This project will examine the number and distribution of street checks conducted in RCMP jurisdictions in the Lower Mainland of British Columbia (LMD) to describe and understand the distribution of street checks, street check hotspots, and the social, economic, demographic, and crime factors that may explain the distribution and concentration of street checks.

This purpose of this project is to assist the RCMP in developing policies, practices, and procedures to ensure that street checks continue to be an effective proactive policing tool and strategy, while ensuring that they do not damage or negatively affect citizens, particularly Indigenous and racialized people in RCMP jurisdictions in the LMD. This project will be divided into two phases and is designed to review the RCMP's use of street checks and to discuss the conduct and effect of street checks. The review would be used to ensure that the RCMP's use and practice of street checks aligns with the RCMP's public safety mandate, its commitment to treat all citizens of British Columbia with dignity and respect, its need to maintain public support, trust, and confidence, its desire to minimize the number of negative interactions between the police and the public as they relate to the practice of street checks, and to inform training and the development, as necessary, of additional policies and practices associated with performing effective and efficient street checks in all RCMP jurisdictions.

Methodology

The objectives of the first phase of the project will be achieved by conducting a literature review and setting the stage for the quantitative data collection and analyses on street checks.

This project will include a literature review of the existing research on street checks in Canada and the United States with a focus on best practices. This part of the project will highlight the ways in which police departments conduct street checks to minimize any potential negative effects related to Indigenous and racialized people, and the latest research on how police departments are effectively and efficiently conducting and using street checks. This review will also include an examination of some of the recent rulings in Canada and the United States about the use of street checks. The goal of the comprehensive literature review is to identify best and promising practices, policies, and strategies.

The data review portion of project, which will be undertaken in Phase II, will focus on distribution, concentration, and characteristics of street check locations in each RCMP jurisdiction in the LMD. The RCMP jurisdictions to be included in this project are: Burnaby, Coquitlam, Langley, Maple Ridge, North Vancouver, Richmond, Ridge Meadows, Sea to Sky (Bowen Island, Pemberton, Squamish, Whistler), Sunshine Coast (Gibsons, Sechelt), Surrey, University, Upper Fraser Valley (Agassiz, Boston Bar, Chilliwack, Hope), and White Rock.

A number of databases will be requested from OSB and CFSEU. If this information is not accessible through OSB, the researchers will request the information directly from each detachment. The databases are more fully laid out in the Phase II proposals, but in this Phase, the researchers will work with OSB, CFSEU, and RCMP detachments to identify the sources of data needed, develop the data dictionary, and develop the protocols to extract the data. The databases will include information on street checks conducted in each RCMP LMD jurisdiction between 2010 and 2017. A second database will include more detailed information on street checks in each RCMP LMD jurisdiction in 2017. Data related to street checks from Provincial Tactical Enforcement Priority (PTEP) targets and the Prolific Violent Gang Offender management program (PVGO) will be requested from CFSEU. Another database will include calls for service data for 2017 in the same jurisdictions as the street check data.

Literature Review

Street checks are non-random face-to-face contacts between the police and members of the public that are not part of any formal investigation (Tulloch, 2018). During a street check, police collect identifying information from the individual that can include the individual's name, age, gender, race, socioeconomic circumstances, medical or psychological information, and employment history (Griffiths et al., 2017; Tulloch, 2018). Street Check information also typically includes the time, location, and circumstances of the interaction between the police and a member of the public. When done correctly as part of a crime reduction policing strategy, street checks should be targeted at members of the public who are acting suspiciously or who are likely to engage in some kind of criminal behavior (Knecht, 2017; Tulloch, 2018; Vancouver Police Department, 2018). This type of contact often occurs when a police officer witnesses a member of the public engaging in suspicious behavior or when a member of the public calls the police regarding the behavior of an individual in a public place. While the main objectives of a street check are to prevent, disrupt, or detect crime, street checks can also be useful to facilitate an officer communicating with members of the public, checking on the wellbeing and safety of the public, and collecting information and intelligence for possible investigations, such as a previously committed crimes or missing persons investigations. It has long been the perspective that street checks provide a useful way of monitoring problem or high-crime areas, sometimes referred to as 'hot-spots' (Vancouver Police Department, 2018). In these areas, street checks are often part of police efforts to prevent and reduce crime, to collect intelligence useful to criminal investigations in high-crime areas, and as a non-confrontational way of communicating with individuals living in

marginalized communities (Knecht, 2017; Vancouver Police Department, 2018). For example, police regularly engage in street checks in areas with high levels of homelessness and/or addiction issues to gather intelligence that might be useful, such as if a person living on the street was a victim of a crime, or as a way to improve the relationship between the police and marginalized populations, such as assisting an individual with locating a shelter on a cold night.

Very similar to a street check, and often conflated with a street check, is the practice of carding. Although the general public and the media have often referred to these two activities synonymously, they are, in fact, very different. The process of carding, which derived its name in reference to a person's identification card, is the practice of a police officer randomly or arbitrarily asking a member of the public to provide the officer with a piece of identification in the absence of a formal investigation and where no suspicious or questionable activity has taken place (Tulloch, 2018). In effect, carding occurs when a police officer randomly asks someone for identification without any legal grounds, while a street check is conducted when the police officer has some reason to believe suspicious activity has taken place or is currently taking place. This is a critical distinction. Carding is a random process undertaken in circumstance where a police officer has no grounds to suspect the individual has been or is involved in any unlawful behaviour, while a street check is targeted, non-random, aimed at a member of the public engaging in suspicious activity, and conducted by an officer in an attempt to prevent or reduce crime. Given this important distinction, of particular concern is the possibility of a random or arbitrary carding process being conducted on the basis of profiling or prejudice, unconscious or not, rather than based on the observation of objectively suspicious behavior or activity.

According to Ontario Court of Appeal Justice Michael Tulloch (2018), the carding process came about as the formal police street check procedure in Ontario became less focused and largely uncontrolled. Over time, this 'mission creep' led to some police agencies collecting and storing identifying information from members of the public randomly, without any belief or suspicion that the person had any involvement in criminal activity. Additionally, there was no reasonable belief by the officer or agency that the intelligence or data collected during these carding processes might be useful to any current or future criminal investigations. Moreover, many police officers in Ontario were given minimums for the number of individuals they needed to card in over a given period of time, typically referred to as monthly quotas (Tulloch, 2018). As expected, the need to meet an arbitrary quota led to an increase in random or capricious stops for the purpose of information gathering by officers, rather than intelligence-led street checks. While there are clearly some useful public safety benefits to non-random, targeted, street checks, Judge Tulloch (2018) argued that the random carding process that evolved in Ontario had a number of negative effects on the individuals being targeted, including harmful effects on their mental health, the potential for damage to their current employment or future employment opportunities, the loss of public trust and confidence in the police, a reduction in voluntary cooperation by the public with the police, and a decrease in the belief by the public that police were acting in a legitimate and just fashion. Further, these

detrimental effects were more likely to be felt by the groups often disproportionately targeted by these random stops, specifically Indigenous people, Black people, and other visible minority populations.

The practice of randomly carding people who were not engaged in any suspicious or criminal behaviour and the need for police officers to reach specific quotas eventually led to the disproportionate targeting of visible minorities for random carding requests, which, in turn, understandably, led to public outcry from those groups. As Judge Tulloch (2018) pointed out, all of the potentially positive effects related to properly conducted street checks, such as crime reduction or intelligence gathering, were lost when the process was done randomly or arbitrarily, which are the defining characteristics of the carding process. This was a sentiment echoed by the Vancouver Police Department, which stressed the difference between an arbitrary stop (carding) and a legitimate street check, contending that a random stop could be considered a form of arbitrary detention and in direct violation of the Canadian *Charter of Rights and Freedoms* (Vancouver Police Department, 2018). This point of view was further reinforced by the most recent research in Nova Scotia that argued that randomly stopping and collecting personal information from the public was in violation of people's legal rights (MacDonald & Taylor, 2019).

The role of the police in Canada requires officers to regularly come into contact with the public for a wide range of reasons. These contacts between the public and police can range from simple communication to an arrest. At the same time, the Canadian *Charter of Rights and Freedoms* provides the public the right to move around freely and without interference from the state or agents of the state, such as the police. The police are able to freely communicate with members of the public in the community, but unless the police officer has reasonable grounds to arrest or detain an individual, that person is free to decline talking with police and is free to leave at any point (Tulloch, 2018).

Over the past several years, police agencies in multiple Canadian provinces have received complaints from various public agencies regarding the street check and carding practices conducted by the police. The complaints are typically based on the belief that the practice of street checks conducted by the police are based on profiling certain groups in society, are racially biased, and/or disproportionately target visible minorities. In British Columbia, the Vancouver Police Department received complaints from the Union of BC Indian Chiefs (UBCIC) and the BC Civil Liberties Association (BCCLA) after releasing data in 2018 on the number and nature of street checks conducted by the Vancouver Police Department in the previous year (Vancouver Police Department, 2018). The complaints maintained that the data indicated that the Vancouver Police Department's street checks were unfairly targeting visible minorities. The basis for this view was that just 2% of Vancouver's population was Indigenous, but Indigenous people represented 16% of the subjects of street checks by the Vancouver Police Department (Vancouver Police Department, 2018). Further, when considering the data related to Indigenous women independently, while accounting for about 2% of Vancouver's population, Indigenous women were the subjects of 21% of all street checks targeting females in Vancouver. Similarly, while Black persons comprised 1% of Vancouver's population, they represented 5% of all street checks. Finally,

the complaints argued that the massive overrepresentation of street checks targeting visible minorities conducted by the Vancouver Police Department provided evidence that the street check procedure was racially biased and, therefore, should be ended (Vancouver Police Department, 2018).

While not conducting street checks as defined above, equivalent concerns regarding the carding process have been raised in Ontario and, similar to British Columbia, the apprehensions associated with the carding process have typically focused on the process being conducted based on perceived racial discrimination, the belief that the carding process by the police were often arbitrary or random in nature, and trepidation regarding the collection, storage, and use of the data obtained by the police through carding (Ontario Human Rights Commission, 2017). In 2015, the Ministry of Community Safety and Correctional Services (MCSCS) of Ontario received a number of formal complaints arguing that carding disproportionality and negatively affected visible minorities and vulnerable populations (Tulloch, 2018). The complaints argued that the evidence of discrimination was sufficient grounds for the practice of carding to be banned and maintained that the practice was in direct violation of the *Ontario Human Rights Code* (Tulloch, 2018). After an extensive review by the MCSCS, including qualitative interviews with members of the public, the Province of Ontario enacted Regulation 58/16, the *Collection of Identifying Information in Certain Circumstances – Prohibition and Duties*, which outlined clearer and more specific guidelines for police officers to follow in the collection of information in a standard carding process (Tulloch, 2018). Critical to the process, Regulation 58/16 specifically stated that officers must clearly inform the individual that they have the right not to speak to police or provide any information or identification during a carding interaction (Tulloch, 2018). Further, this legislation outlined all of the expectations regarding the training of officers engaging in any carding processes in Ontario, as well as reporting and data management requirements (Tulloch, 2018). Regulation 58/16 was later independently reviewed by Judge Tulloch in late 2018 who identified several issues, not only with Regulation 58/16, but also with the carding process conducted by police in Ontario, which is reviewed in more detail below.

In 2017, a review of the Edmonton Police Service street check data by the local chapter of the Black Lives Matter movement identified that the Edmonton Police Service had disproportionately targeted visible minorities, in particular Indigenous and Black persons, for street checks (Huncar, 2017; Progress Alberta, 2018). According to their analysis of data gathered through a Freedom of Information (FOI) request, in particular, female visible minorities were over 10 times more likely to be targeted for a street check compared to Caucasian women (Huncar, 2017; Progress Alberta, 2018). Although the media in Alberta often presented the street check process being conducted by the Edmonton Police Service as random in nature, the Edmonton Police Service argued that their street checks were exclusively targeted at individuals who exhibited suspicious behavior (Knecht, 2017). Due to this distinction, the Edmonton Police Service and the Government of Alberta determined that there was no need for legislation prohibiting street checks (Knecht, 2017). An independent study of the Edmonton Police Service's street

check data conducted by Griffiths, Montgomery, and Murphy (2017) concluded that, although there was evidence of disproportionality in street check numbers based on race, it did not necessarily indicate racially motivated policing or an unjust targeting of visible minorities by the Edmonton Police Service.

In early 2019, criminologist Scot Wortley reviewed the practice of police street checks in the Halifax region after a Canadian Broadcasting Corporation (CBC) news report on police street checks data in 2017 identified that Black individuals were three time more likely to be targeted for a street check than White individuals (McGregor & MacIvor, 2017). Wortley's (2019) report included both consultation with community groups on the issue of street checks and the broader issue of police-race relations in the Halifax region, as well as a review and analysis of official street check data provided by Halifax police. It should be noted that the definition of street check in that report was often defined by those being interviewed and were typically recognized as police randomly stopping people without cause. Case in point, many of the people who were interviewed for the report viewed a street check and carding as being fundamentally the same practice. For example, one person stated "a street check is a police stop. All police stops are street checks. It's the same thing as carding" (Wortley, 2019, p. 3). As discussed above, there is an important difference between the practice of random carding and the practice of targeted street checks (Tulloch, 2018). Wortley's (2019) report highlighted many of the negative outcomes associated with the practice of carding from surveys and consultation with members of the public in Halifax. These outcomes included that Black respondents typically had less trust in the police, the belief that Black people were more likely to be stopped by police, and that nearly all Black respondents felt that police treated Black people in Halifax worse than White people. Further, Wortley (2019) found that, regardless of race, members of the public believed that the relationship between police and community needed to be improved, and that the practice of street checks, as defined and carried out by Halifax police, which much more closely resembled the definition of carding established by Judge Tulloch (2018), should be prohibited. Wortley (2019) concluded that, although there was substantial statistical evidence of police in Halifax stopping Black persons at a considerably higher rate than White persons, this does not necessarily prove racial discrimination. He further stated that he believed "only a small proportion of the racial disparity in police street checks can be explained by overt, malicious racism" (p. 154). Instead, Wortley (2019) argued that it was more likely that the higher rates of street checks targeting Black peoples was due, at least in part, to implicit or unconscious racial biases.

In his 2019 report, Wortley also engaged in focus group sessions with police officers and found that the police had a very different opinion and definition of a street check. Interestingly, Wortley reported that police officers argued that "street checks [forms] are only supposed to be filled out if an officer believes that the information gathered during an interaction with a civilian, or observed by officers on patrol, could have some intelligence value" (Wortley, 2019, p. 77). This definition of a street check, which is based on the value of intelligence gathered *after* the interaction with a member of the public,

is also very different than the definition of a street check provided by Judge Tulloch (2018). According to Judge Tulloch (2018), a street check occurs when a police officer witnesses a member of the public engaging in suspicious behavior or who are likely to engage in some kind of criminal behavior. Aside from this very important definitional difference, it would appear that police in Halifax were using the intelligence gathered from street checks in a similar way to other jurisdictions; specifically, to assist in criminal investigations, to identify witnesses or offenders, or to track or locate missing or vulnerable individuals (Wortley, 2019).

The report by Wortley in 2019 led to an additional analysis of the legality of street checks in Nova Scotia at the request of the Nova Scotia Human Rights Commission by former Chief Justice of the Nova Scotia Court of Appeal Michael MacDonald and research lawyer Jennifer Taylor. In their report, MacDonald and Taylor (2019) defined a street check in Nova Scotia as ‘an interaction or observation whereby personal and/or identifying information is collected by an officer and entered into the Versadex database for future use’ (p. 3). MacDonald and Taylor (2019) further stated that a street check essentially included two parts; an action (interaction or observation), and record keeping. Using this definition of street checks, which was the definition used by police in Nova Scotia, MacDonald and Taylor (2019) argued that “common law does not empower the police to conduct street checks because they are not reasonably necessary [and] are therefore illegal” (p. 9). They reached this conclusion after determining that the personal information collected during street checks was often unconnected to any particular incident or investigation. Moreover, MacDonald and Taylor (2019) discovered that the police routinely were not disclosing to those being street checked that the information the police collected was being stored or why the information was being collected and stored. It is important to note that MacDonald and Taylor (2019) were only reviewing the legality of street checks as they were typically conducted in Nova Scotia and did not advise what regulations or restrictions should be put in place to govern street checks, if any. Further, the definition of a street check used by MacDonald and Taylor (2019), which was very similar to the definition used by Wortley (2019), was essentially the same as the definition of carding, and not a street check, provided by Judge Tulloch (2018). This was particularly true considering that there was no mention of targeting individuals engaging in suspicions or criminal behavior. In effect, the act of a ‘street check’, at least as defined and practiced in Nova Scotia, appeared to be random in nature. As Judge Tulloch (2019) stated, the “random gathering of information for intelligence purposes... amounts to the practice traditionally known as carding: people are being identified simply to create a database of individuals in the area” (p. 10). After the release of the MacDonald and Taylor (2019) report on the legality of street checks, Nova Scotia Justice Minister Mark Furey stated that Nova Scotia will ban all street checks as of October 2019 (Ray, 2019).

As outlined in some of the public complaints of the process outlined above, some members of the public view the practice of street checks and carding as an unnecessary, arbitrary, and often racially motivated tactic by the police. However, the same technique, when used by properly trained police officers following detailed and appropriate

regulations, has been identified by the academic and research literature as an effective proactive crime prevention and crime reduction strategy that can assist the police to monitor and respond to crime and to connect and communicate with vulnerable populations, such as those who are homeless or suffering from mentally illness. In effect, from the perspective of the police, the use of street checks is an important tool to assist the police in their mandate of reducing crime and increasing or enhancing public safety (Tulloch, 2018; Vancouver Police Department, 2018). Of particular concern to police is the possibility that the public outcry regarding carding or street checks could lead to de-policing, a term used to describe a situation where, in response to negative coverage by the media and damaging public perceptions regarding the police, officers reduce or eliminate proactive policing strategies and community engagement (Vancouver Police Department, 2018). Of note, it appears that public discourse around street checks has already contributed to the process of de-policing in Ontario. For example, street checks conducted by the Ontario Provincial Police decreased from about 40,000 per year to just 100 in 2017 after legislative changes to the process and negative media coverage of street checks occurred (Griffiths et al., 2018; Vancouver Police Department, 2018). Similarly, the Ottawa Police Service recorded just seven street checks between March and December of 2017 after legislative changes to the process compared to around 10,000 per year between 2011 and 2014 (Cossette, 2018; Vancouver Police Department, 2018). This trend of de-policing has also occurred in Edmonton, where several Edmonton Police Service officers interviewed by Griffiths et al. (2017) stated that they had reduced or completely eliminated engaging in street checks.

Police do have a broad range of powers that give them the ability to stop and talk with members of the public, including those in the *Criminal Code of Canada* and any number of powers from various statutes or common law decisions. However, these powers have very specific legal limits. When considering the issue of street checks specifically, there are two important police powers to consider; the ability to arrest and the ability to engage in an investigative detention. Police officers can arrest an individual, either with or without a warrant, under specific circumstances. An officer can arrest without a warrant when they encounter an individual who is actively committing a criminal offence, who they have reasonable grounds to believe has committed an offence, or who they believe is about to commit an offence (Tulloch, 2018; Vancouver Police Department, 2018). When making an arrest, police officers need to inform the individual of their legal rights, as outlined in the *Charter of Rights and Freedoms*, provide the individual of the reason(s) for their arrest, and must clearly identify themselves as a police officer (Tulloch, 2018). It is important to note that neither street checks nor carding meet the legal requirements for an arrest.

The second main power police officers have is that of an investigative detention. This allows a police officer to temporarily detain an individual. Being temporarily detained means that the individual in question is not permitted to leave the scene and temporary detention can only occur when the officer has reasonable suspicion that the individual is associated with a crime that is currently being investigated (Tulloch, 2018; Vancouver Police Department, 2018). Importantly, the officer must believe that the detention is

reasonably and objectively necessary to complete the investigation. This type of investigative detention must be based on some type of concrete and reasonable suspicion that could be outlined in court and cannot be random. Nonetheless, the basis for a temporary detention does not need to meet the higher legal standard of reasonable and probable grounds required for an arrest (Vancouver Police Department, 2018). Moreover, police must follow several rules when engaged in an investigative detention. For example, police must inform the person of their right to a lawyer, must inform the person of the reason for the investigative detention, and must identify themselves as a police officer. Further, it must be made clear to the individual that they do not have to speak to police because they are not under arrest (Tulloch, 2018). An investigative detention does not occur when an officer simply stops a person to talk with them. Instead, investigative detention only occurs when a person is objectively detained, either physically or psychologically, such as being handcuffed (physical detention) or told by police that they are not permitted to leave the scene (psychological detention). Finally, similar to a formal arrest, street checks and carding do not typically meet the requirements for an investigative detention, as a brief investigative detention is only permitted when an officer has objectively reasonable suspicion that the individual being detained is linked to a criminal offense that has been committed or is in the process of being committed (Tulloch, 2018).

Potential Benefits of Street Checks

Those in support of street checks have argued that the process of targeting individuals who are behaving suspiciously has substantial benefits related to public safety and crime reduction. Street checks have the potential to prevent crimes from occurring in real time by having police directly engage with people who are acting suspiciously. Street checks could prevent crime from occurring in a specific location in the future by those targeted for street checks because the process serves as a deterrent signaling to potential offenders that the police are active in the area, and are aware of and observing the individual (Knecht, 2017; Tulloch, 2018). Further, the police being active in the area and conducting street checks, particularly those initiated by calls from the public, could provide an increased feeling of safety for people living and working in the area (Vancouver Police Department, 2018). In effect, an additional benefit of appropriate street checks is that they can contribute to more public support for the police, as the police can be seen as responding to public concerns, addressing social disorder issues, and being more engaged in the community. In this way, an active and ongoing street check strategy by police is both reactive and proactive. As established by Sir Robert Peel in his fundamental principles of policing, being both reactive and proactive is one of the most important duties of a police force (Loader, 2016). According to Peel, the effectiveness of a police force is demonstrated by the absence of crime and disorder in a community, rather than exclusively demonstrating to the public that the police have appropriately responded to instances of crime (Loader, 2016). This fundamental principle argued that police should be proactive in attempting to prevent crime, rather than simply reacting to crime once it has

taken place. More simply stated, it is the view that it is always better for police to prevent crime from occurring in the first instance, rather than dealing with the aftermath of a crime that has occurred.

Another possible benefit of a street check strategy is the improved communication between the police and the public, particularly with at-risk or marginalized members of the public (Griffiths et al., 2017; Vancouver Police Department, 2018). Officers involved in street-level policing, such as those conducting street checks, are able to monitor and assist marginalized people living in the area, particularly those living on the street and who are often dealing with addiction and mental health issues. Street checks provide the police with an ability to check on people's welfare and well-being, especially as there is commonly a lack of other services capable of undertaking this responsibility (Vancouver Police Department, 2018). In an example from the Vancouver Police Department, officers involved in street checks often conduct safety and welfare checks on the homeless, particularly during the winter months. These checks have provided officers with the ability to provide, when necessary, the homeless and other vulnerable populations with immediate assistance (Vancouver Police Department, 2018). The various forms of assistance can include finding those living on the streets a place in a shelter or other accommodations, medical assistance, as well as connecting people to service providers associated with mental health and addiction issues. The type of open communication that the police can have with marginalized populations through the practice of street checks can also have potentially long-term benefits, such as improving the relationships between the police, the community, and vulnerable populations, and a greater willingness of certain members of the public to assist the police in ongoing missing persons cases or criminal investigations. For example, over a 10-year period, over half of the Indigenous women involved in a street check in Vancouver had been the subject of a missing person report in the past, and information from street checks could lead to those cases being solved and saving lives (Vancouver Police Department, 2018).

It is also possible that proactive strategies, such as street checks, provide long-term benefits for the police in terms of intelligence gathering (Cohen, Plecas, McCormick, & Peters, 2014; Griffiths et al., 2017; Knecht, 2017; Vancouver Police Department, 2018). For example, street checks can provide a list of potential witnesses in an area for investigators to contact after an offence occurs in the area or it could lead to a list of potential suspects. It is also possible that the intelligence gathered during a street check may link an offender to an organized crime group or gang activity. Street checks can also link offenders to each other when they are street checked together or may be used by police engaging in active surveillance on a particular individual (Tulloch, 2018). There is potential for a street check to provide an alibi for an individual suspected of a crime if they had been the target of a street check at a different location during the period of time in question (Tulloch, 2018; Cohen et al., 2014). Finally, properly conducted street checks can simply provide the police with real time information about what is happening in the community, who is criminally active in the community, who requires immediate police

intervention or assistance, and what are the challenges or concerns of those in the community.

Proactive policing, or the practice of police that attempts to prevent or deter criminal activity in an area, often through increasing their presence and patrols in the area and a concerted effort to improve engagement and communication with the public, has been identified as an effective strategy for reducing crime (Cohen et al., 2014; Doob & Gartner, 2017). For example, a strategy very similar to street checks is 'hot spot' policing, where police identify high crime areas through analysis and make an effort to be more visible, target offenders in the area, and problem-solve crime-related issues. This type of targeted policing, led by intelligence and analysis of crime rates and crime trends, has been consistently supported in the research literature as an important and effective policing strategy (Cohen et al., 2014; Doob & Gartner, 2017). Provided that the practice of street checks is also intelligence-led, lawful, and targeted at individuals who are acting suspiciously, it is reasonable to believe that this strategy would have the same crime-reducing effect as a targeted hot spot strategy.

Analyses conducted by the Vancouver Police Department (2018) demonstrated that their street check program has, in fact, been intelligence-led and not random in nature. The analyses showed that the vast majority (80 per cent) of VPD street checks were targeted at individuals with criminal records and that the typical individual stopped for a street check had been a suspect in 22 prior criminal investigations. These findings were similar to the results found in Edmonton, where the Edmonton Police Service demonstrated that more than three-quarters (77 per cent) of individuals involved in a street check had at least one previous contact with the police (Knecht, 2017). Research by the Vancouver Police Department also showed that their street checks overwhelmingly occurred in areas identified by the department's crime analysts or through calls for service from the public as high-crime areas. In effect, an analysis of where street checks occurred in Vancouver demonstrated that they were most frequently taking place in those areas of the city that had the highest violent crime rates, with a strong positive correlation ($r = .875$) between high crime locations and street check locations. Given that street checks in Vancouver were intelligence-led, specifically targeted individuals engaged in objectively suspicious behavior in high crime areas, and most often occurred with a known offender, there has been legitimate concern raised by the police that ending the street check program could lead to an increase in crime in those areas (Vancouver Police Department, 2018). However, given the differences in street check and/or carding procedures between provinces, as well as recent legal and procedural changes in the provinces of Ontario or Nova Scotia, there is no empirical research on the effects of these changes in police practices at this point. Further, as noted by Judge Tulloch (2018), while some have pointed to an increase in gun crime in Toronto as a side effect of ending police street checks, there are likely numerous other factors involved, such as reduced resources and staffing numbers for police, changes in sentencing laws for gun-related offences, and changes to bail procedures for potentially dangerous individuals.

Another concern that has been raised is the possibility that ending an intelligence-led and targeted street check program could result in a decrease in public support for police. This could occur simply through the effects of de-policing, which reduces the contact between the public and the police. Moreover, a decrease in public support for the police as a result of eliminating street checks could also occur if the public felt that the change in tactic was perceived as the police ignoring crime and disorder issues in the community or perceived that the lack of police attention was due to the police deciding that the neighborhood was not worthy of a concentrated police presence, effort, or response. In effect, the concern related to de-policing, which includes the removal of street checks as a police practice, is that this could lead to already socially and economically disadvantaged neighborhoods becoming even further marginalized.

Criticisms of the Practice of Street Checks and Carding

While the benefits of intelligence-led and specifically targeted street checks are theoretically evident and clear in practice, there are critics of street check and carding programs. The most common criticism of street checks and carding has often come from members of visible minorities in a community, particularly Indigenous and Black populations in Canada. These populations have frequently stated that they felt that police were far more likely to target them for random identification requests than Caucasians and that the random stops that they were subjected to were based on personal biases of the officer, including legitimate concerns of racism (Griffiths et al., 2017; Ontario Human Rights Commission, 2017; Tulloch, 2018). These concerns have been repeated in several qualitative research reports carried out with different visible minority groups across Canada, including in Vancouver, Edmonton, Toronto, and Halifax (Griffiths et al., 2017; Ontario Human Rights Commission, 2017; Peirone, Maticka-Tyndale, Gdabedo, & Kerr, 2017; Vancouver Police Department, 2018; Tulloch, 2018; Wortley, 2019). Further, research does support and confirm the idea that members of visible minority populations were more likely to be stopped by police and asked for their personal information compared to Caucasians (Foster, Jacobs, & Sui, 2016; Doob & Gartner, 2017; Peirone et al., 2017). Research has also shown that these types of negative contacts with police often led to increased dissatisfaction with the police, negative perceptions of police, feelings of injustice, and poorer evaluations of police services (Tyler, Fagan, & Geller, 2014; Doob & Gartner, 2017; Peirone et al., 2017; Wortley, 2019).

There has been a considerable amount of controversy around the practice of carding in Toronto specifically, which re-implemented their carding policy in 2005 in an attempt to reduce firearm-related violence after there were 87 murders in the city, 52 of which were committed by firearms (Tulloch, 2018). The carding program implemented by the Toronto Police Service included teams focused on high-crime areas. Any interactions with a member of the public required that person to complete a personal information form referred to as a Form 208. Eventually, the gun violence subsided, but the carding program continued (Tulloch, 2018). As with many police programs, with the passing of time, the program no longer focused on high crime areas, but targeted anyone that an officer was

interested in. Unfortunately, while the program started with the intention of reducing violent firearm-related offences, it devolved into random, non-targeted or intelligence-led stops, based solely on either randomness or officer biases (Tulloch, 2018). According to Judge Tulloch (2018), the carding practice that occurred in Toronto came not to be based on any suspicious behavior on the part of the individual stopped or the goal of collecting intelligence for particular investigations, but had instead degenerated into random requests for personal information from people in public spaces. Particularly concerning was the implementation of monthly quotas for carding in Toronto that had the effect of creating pressure for officers to meet a minimum number of stops to fulfil performance targets. The outcome of this system, according to Judge Tulloch (2018), was to further exacerbate the feelings of police biases or racism in specific communities against particular minority groups.

In 2018, Judge Tulloch reviewed Regulation 58/16, which was specifically created to address the criticisms surrounding the carding program being conducted by police in Ontario. Judge Tulloch (2018) described Regulation 58/16 as “confusing and somewhat convoluted” (pg. 48) and found that police and community stakeholders felt that the Regulation was too complicated and hard to understand to be of any use. For example, the Regulation stipulated specific kinds of information that should be collected by an officer conducting a carding stop, but, for some reason, did not include vital information for intelligence or crime prevention objectives, such as the location of the stop or the age or race of the person the officer interacted with. Of note, in a section of the Regulation regarding data analysis, there was a mention of location, age, and race of the target that should have indicated to the officer that this type of information was important and should always be collected by police (Tulloch, 2018). These types of issues have contributed to the police in Ontario struggling to create policies and procedures that would meet Regulation 58/16 and have created challenges in the development of training tools to be used in the education of officers conducting street checks—training that is required under Regulation 58/16 (Tulloch, 2018).

Research has frequently concluded that there are significant physical and mental negative outcomes for individuals who were stopped by police as part of a carding or street check program (Tyler, Fagan, & Geller, 2014; Griffiths et al., 2017; Doob & Gartner, 2017; Ontario Human Rights Commission, 2017). Further, there is evidence that just the act of a police officer stopping an individual and requesting information can have the same negative effects as being stopped and searched by police (Doob & Gartner, 2017). This is important, particularly when research has shown that, regardless of the country, police stops more often target minority groups (Tulloch, 2018; Henry & Franklin, 2019). However, the exact proportion of stops conducted by police targeting visible minorities can be difficult to pinpoint in Canada, as many police jurisdictions in Canada do not collect race-related data during stops that do not result in an arrest, such as street checks and carding stops.

In qualitative interviews with members of the community in Ontario, respondents stated that they had been denied for employment because their name was included on a street check database after a criminal record check (Tulloch, 2018). This problem was confirmed

by the Toronto Police Services Board in 2005 when they stated that street checks and, in particular, the 208 forms that recorded personal information from street checks, likely had a negative effect on employment opportunities. Further, the Toronto Police Service Board conceded that it was likely that visible minorities were more likely to experience this problem, as they were more likely to live in neighborhoods that had frequent street checks (Toronto Police Services Board, 2005). Judge Tulloch (2018) noted examples of individuals in Ontario having their security clearances revoked, which led to the loss of employment, all as a result of a carding instance that was random and not based on any criminal activity by the individual or anyone that was with the individual.

Conclusions

There are very clear and important benefits to a properly conducted street check program, including intelligence gathering useful to criminal investigations, crime reduction effects, improved communication with the public, enhanced feelings of safety by the public, and the ability for the police to assist and check on the welfare of marginalized populations (Vancouver Police Department, 2018; Tulloch, 2018). These benefits are only gained when street checks are conducted in a proper and legal manner, based on intelligence, and targeted at individuals who have a criminal record or who are presently involved in objectively suspicious behavior, particularly in high crime areas (Vancouver Police Department, 2018). All of these potential benefits are lost when the process becomes random and non-targeted, as is commonly the case with carding programs. The carding process is an arbitrary collection of data by police that has significant hazards, including the possibility of officers targeting individuals based on biases or even racism, damaging the reputation of the police, and contributing to a wide range of potential negative implications for the relationship between police and the public (Tulloch, 2018). Further, it is likely that these types of random, arbitrary stops not related to suspicious behavior, a criminal offense, or a criminal investigation could be in violation of the Canadian *Charter of Rights and Freedoms* and common law practices (MacDonald & Taylor, 2019).

Like many of the activities in which the police are involved, a balance must be found where the police are able to engage in proactive endeavors done in the name of protecting the public and improving public safety, while also ensuring that civil liberties and human rights are not only respected, but promoted. Police departments involved in a street check program should have proper safeguards in place to ensure that the rights of the public are protected, and specifically, need to ensure that street checks are conducted based on objectively discernable suspicion of criminal behavior, rather than individual biases, assumptions, or random selection. Importantly, these safeguards need to ensure that street checks are not unfairly targeting marginalized, Indigenous, or visible minority communities. One way to achieve this is for the police to routinely publish their street check data so that the public can see, in the aggregate, where the police have conducted street checks in relation to crime hot spots and information correlating street checks to known offenders. Perhaps community concerns of racism, systematic bias, or profiling can

be ameliorated, to some degree, by the police being transparent about their street check policies and practices.

Finally, it is vitally important to recognize the legal distinctions between street checks and carding. Too often, the literature and the media represent these two practices as being synonymous. This is extremely misleading, as one practice is legal and based on intelligence-led policing strategies that contributes to crime prevention and crime reduction, while the other is a random stop that may constitute a violation of an individual's rights under the Canadian *Charter of Rights and Freedoms*. While it is not likely that the general public has a nuanced understanding of the differences between street checks and carding, it is in the best interest of the police to educate the public and media about these important differences, to inform the public about the benefits of a transparent street check program, and for the police to ensure that none of their police officers engage in carding. As argued by Ratcliffe, Taniguchi, Groff, and Wood (2011), the presence of a police officer can serve to deter crime because it increases the perceived risk of committing a crime in the mind of a potential offender. However, police being proactive in their patrol by conducting effective street checks can have an even greater deterrent effect. While street checks can be used as a way to ensure compliance with court orders, as a crime prevention strategy, it is an effective way of collecting timely, relevant, actionable, and investigative information from offenders about their behaviour, the behaviour of their associates, general criminal activity, and emerging crime trends (Cohen et al., 2014). It also sends the message to offenders that they are being monitored, that the police know who they are, where they are, and who they tend to hang out with; all effective crime prevention techniques.

Data Dictionary for Phase II

The data review portion of this project will focus on the distribution, concentration, and characteristics of street check locations in each RCMP jurisdiction in the LMD. The RCMP jurisdictions included in this project will be: Burnaby, Coquitlam, Langley, Maple Ridge, North Vancouver, Richmond, Ridge Meadows, Sea to Sky (Bowen Island, Pemberton, Squamish, Whistler), Sunshine Coast (Gibson, Sechelt), Surrey, University, Upper Fraser Valley (Agassiz, Boston Bar, Chilliwack, Hope), and White Rock.

The research requires the development of a database. The database will include the information on street checks conducted in each RCMP LMD jurisdiction between 2010 and 2018. This information will be used to create trend analyses for the number of street checks in each jurisdiction. The specific variables that should be included in this database are:

- Date of Street Check
- Gender, Age, Ethnicity, City of Residence of the subject of the Street Check
- Number of Prior Police Contacts with Person Street Checked
- Number of Prior Negative Police Contacts with Person Street Checked

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- Whether the Person Street Checked had a Criminal History and if so number of prior arrests and convictions
 - Whether the Individual was a PTEP Target
 - Whether the Individual was a Prolific Offender
 - Nature or Reason for Street Check
 - Number of times the Individual was Street Checked in the past
 - The specific location for each street check so that this data can be geocoded within ArcMap

A second database will also include calls for service data from 2010 to 2018 in the same jurisdictions as the street check data. The researchers will conduct the same geographic analyses as for the street checks, ultimately producing a map of crime hotspots. Finally, the researchers will analyse the overlap in maps to determine the degree to which crime hotspots and street check hotspots overlap in each jurisdiction. Data related to street checks from Provincial Tactical Enforcement Priority (PTEP) targets and the Prolific Violent Gang Offender management program (PVGO) will be requested from CFSEU. Another database will include calls for service data for 2017 in the same jurisdictions as the street check data.

To provide a full contextual understanding of street checks, and how street check hotspots compare to non-street check hotspots in a given jurisdiction, the analyses will also include compositional profiles of the census tracts. Public sources of data will be accessed to collect data on the key socio-economic, socio-demographic, and compositional variables outlined below. In addition to overall crime data, the main factors to be considered in this report fall under four main categories: socio-demographic, socio-economic, and compositional, and policing.

Socio-Demographic Factors:

- Population size and population change
- Gender-Age distribution
- Land area
- Population density
- Residential mobility
- Ethnic structure
- Immigration
- Proportion of young men

Socio-Economic Factors:

- Proportion of low-income families

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- Median income
 - Inequality
 - Level on income assistance
 - Level and distribution of unemployment
 - Educational attainment

Compositional Factors:

- Degree of homelessness
- Presence and nature of gangs or organized crime
- Number and distribution of illegal suites
- Number and distribution of recovery homes
- Number and distribution of halfway homes and group homes
- Number of bars/licensed establishments
- Number cheque-cashing locations
- Presence and rate of drugs and drug use
- Mental health issues

Policing Factors:

- Number of police officers
- Police officer density
- Crime rates for violent, property, drug, weapon, and other offences

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