

April 21, 2017

Toronto Police Services Board  
40 College Street  
Toronto, Ontario M5G 2J3



**Re: Request for Feedback on Police “Street Checks”**

The Canadian HIV/AIDS Legal Network wishes to add our voice to the many calling for the immediate abolition of all aspects of “street checks” or “carding” used by the Toronto Police Service (TPS).

Our mandate is to promote the rights of people living with HIV and the rights of communities particularly affected by HIV, who are often the most marginalized members of society. As a human rights organization, we share the concerns echoed by numerous individuals and agencies across Canada, including the Ontario Human Rights Commission, that carding has facilitated unchecked racism by members of the TPS, with little countervailing societal benefit. In addition, the questionable policy of stopping and recording information of individuals not suspected of any crime — sometimes randomly, and sometimes in a targeted fashion based on bias and prejudice — infringes numerous human rights, including the right to privacy (which the courts have interpreted as the right to be left alone without undue state interference), and frequently manifests or leads to breaches of the right to equal treatment without discrimination on the basis of race, ethnicity or other prohibited ground of discrimination, and the right to freedom from arbitrary detention. There is also ongoing, substantial evidence that police officers fail to inform detained individuals of their legal rights, including the right to walk away and to not provide any information, when they are being carded.

As a crime-fighting tool, carding has proven less effective than other methods of policing, such as community engagement, and makes the city more unsafe. Black people in some areas of Toronto are nearly 17 times more likely to be carded and this has been identified as a major contributor to distrust of police by members of these communities. As a result, critical intelligence that can legitimately help police is withheld by members of these targeted communities.

Members of groups disproportionately targeted by carding are already vulnerable to numerous structural factors that compromise their quality of life, including their health. By eroding individuals’ faith in the state, carding further drives targeted communities away from critical health and social service interventions and frustrates public health measures. This includes the ongoing fight against HIV. In addition to being unethical, breaching human rights through discriminatory policing is bad for public health.

Carding is unconstitutional, unsafe, unhealthy and ultimately unhelpful. We urge the Police Services Board to end it without caveat or delay.

Sincerely,

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