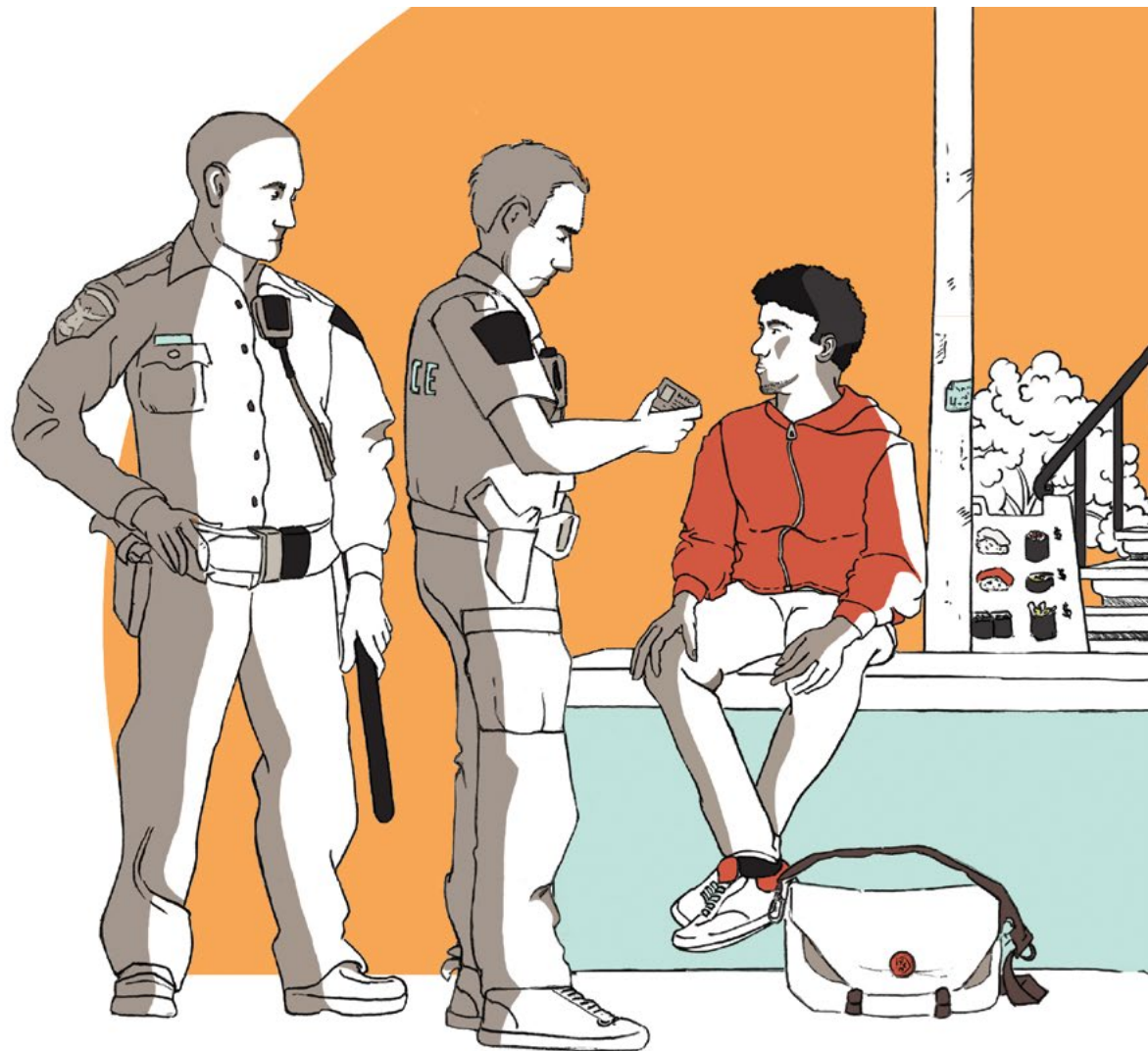


10 QUESTIONS & ANSWERS

Police Street Checks in Quebec

A PRACTICE TO BAN



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This is a tool to promote human rights.

It is not intended as legal advice on a specific problem you may have experienced with a police officer. In that case, it would be best to consult a lawyer.

This handbook was produced by the activists on the *Police and Oversight Mechanisms of Police Practices* committee of the *Ligue des droits et libertés*.

At several points in the *10 Questions and Answers*, you will see references to court decisions, reports, or information handouts where you can learn more about this situation.



To consult the PDF version in English, please visit the *Ligue des droits et libertés* website.

Online: <https://liguedesdroits.ca/outil-interpellation-accueil>

AN ARBITRARY PRACTICE

For several years now, we have heard more and more about street checks in Quebec. This arbitrary practice has gone on too long. It is a practice which violates several rights and freedoms and is a dimension of racial and social profiling.

But what exactly is a street check? Is one obliged to identify oneself during a street check? What rights and freedoms are violated during a street check? Do police officers have the power to make street checks in Quebec? Which people are most at risk of a street check? Why do we have to ban street checks?

To answer these questions, the *Ligue des droits et libertés* has produced this handbook *Police Street Checks in Quebec, a Practice to Ban. 10 Questions and Answers*, to help better understand the problem of police street checks.

This handbook is for any person concerned by police street checks, racial and social profiling and the violation of rights and freedoms by police authorities. The handbook also answers several questions which people at risk of being street checked may well be asking themselves.

Finally, after reading this handbook, you will be able to understand why it is necessary to ban street checks in Quebec.

Please, read, discuss and share!



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A police street check is...

A street check is when a police officer tries to obtain the identity of a person and collect information, in a situation where the person has no legal obligation to identify her/himself, nor to answer questions.

A street check is something done outside the context of an arrest, a detention, or a police investigation. It generally occurs in a public space and is aimed at pedestrians or motor vehicle passengers.

A street check is a discretionary practice (at the initiative of the police officer), which infringes on rights and freedoms. It doesn't have a legal basis in Quebec (see Question 7).

It is important to fully understand the meaning given by police forces to the expression "street check" in order to discuss this problematic practice and to put an end to it.

Is the person being street checked obligated to identify her/himself?

No. The only situations in which a person has an obligation to identify her/himself to a police officer are if the person is being arrested or is under detention (see Question 2). Identifying oneself implies supplying or validating one's name, address and date of birth to a police officer.

By definition, a street check is an **attempt** by a police officer to collect information from a person, amongst other things, about her/his identity, despite the fact that the person has **no legal obligation to identify her/himself**, nor to answer the police officer's questions.

INFORMING THE PERSON BEING STREET CHECKED OF HER/HIS RIGHTS

It is important to realize that in Quebec, police officers do not have the obligation to inform a person being street checked that she/he has the right not to identify her/himself and to leave whatever place she/he happens to be.

As a matter of fact, the *Service de police de la Ville de Montréal* (SPVM; Montreal Police Service) and the *Ministère de la Sécurité publique* (Ministry of Public Security) have produced policies aimed at regulating street checks, without imposing on police officers the obligation to inform people being street checked of their right to not identify themselves and not to answer questions¹.

However, in Ontario and British Columbia, police officers do have to give such information to people who are street checked since these provinces decided, a few years ago, to regulate street checks.

AMBIGUOUS INTERACTIONS WITH POLICE OFFICERS

Often the nature of an interaction with a police officer is not obvious: is it a street check or not?

When a person doesn't know if she/he is legally obligated to identify her/himself and the police officer seems to be maintaining a certain ambiguity, **the person being street checked person could ask:**

- ➔ What is your reason for stopping me?
- ➔ Am I being arrested or detained?
- ➔ Am I obliged to identify myself or answer your questions?

The police officer is required to tell the truth. Failure to do so may be a violation of constitutional rights protected by the Charters.

¹ Service de police de la Ville de Montréal, *Politique sur les interpellations policières du SPVM*, 2020; Ministère de la Sécurité publique, *Pratique policière 2.1.7 Interpellation policière*, 2020.

A STRESSFUL SITUATION

An interaction with a police officer is often a stressful situation, and even more so for people who are often stopped or harassed by police officers.



Every person may have a different reaction when confronted with, or is a witness to, a police street check. Some may decide to protest or express their indignation, others will voluntarily, or involuntarily, choose to submit to police directives despite their feeling of unfairness. A person may be justified in fearing that the situation could degenerate (such as risk of arbitrary accusations, use of force, etc.) notably because of the relationship of authority that exists between police and citizens.

Ending abusive police behaviour shouldn't be an individual burden. **It is the responsibility of public authorities.**

WHAT PROTECTION FOR PERSONAL INFORMATION?

For the *Ligue des droits et libertés*, the fact that police officers in Quebec do not inform people being street checked of their rights nor the reason for which they are being stopped, is contrary to the principles of protection of personal information collected by public bodies, as provided for by statute (Act respecting Access to documents held by public bodies and the Protection of personal information, Section 65).


THE RIGHT TO REMAIN SILENT. DID YOU KNOW?

-  You always have the right to remain silent when stopped by a police officer
-  The **only exception** to this rule is the obligation to identify yourself in case of **arrest, detention or giving a ticket.**

In such a situation, you are only obliged to give:

- Your complete name
- Your address
- Your date of birth, in certain cases

In Quebec, you are under no obligation to have ID (an identity document) on you.

 If a police officer has doubts about your identity, she/he can detain you in order to do the necessary checks.

What is the difference between a street check, an arrest, a detention, and a police investigation?

A police street check is a situation where a police officer tries to identify a person - when that person is not obliged to identify her/himself - and to gather information about the person, about the places where they hang out, the people they know, etc. in order to collect police information, amongst other things.

A street check is done outside the context of an arrest, a detention or a police investigation.

DIFFERENTIATING BETWEEN STREET CHECKS AND POWERS OF ARREST AND DETENTION

For the *Ligue des droits et libertés*, it is clear that the police in Quebec don't have the power to do street checks (see Question 7), whereas they do have the power according to the law and court decisions to make arrests, detentions and investigative detentions.

The powers granted to police officers are limited and come with obligations with regard to the people they deal with in these contexts. For example, the obligation to inform the person arrested of the reason for her/his arrest and of her/his right to remain silent.

During an arrest, a detention or an investigative detention, the police officer must have reasonable grounds to believe or to suspect - according to one or another of the situations mentioned - that the person concerned has committed an infraction of a municipal by-law or of a law or that she/he is involved in a crime. **This is not the case for a street check.**

GIVING SOMEONE A TICKET IS NOT A STREET CHECK

It is often said in ordinary speech that a police officer stopped a person on the street to give her/him a ticket - if the officer has reasonable grounds to believe that the person has committed a by-law violation. However, given that police officers have the legal power to detain someone in order to give them a ticket, this situation is not a street check.

DIFFERENTIATE BETWEEN STREET CHECKS AND POLICE INVESTIGATIONS

The practice of street checking takes place outside the context of a police investigation. To start an investigation, police officers must have a reasonable suspicion that a criminal or penal infraction has been, or is being, committed. The officers can question people in this context, as suspects or as witnesses.

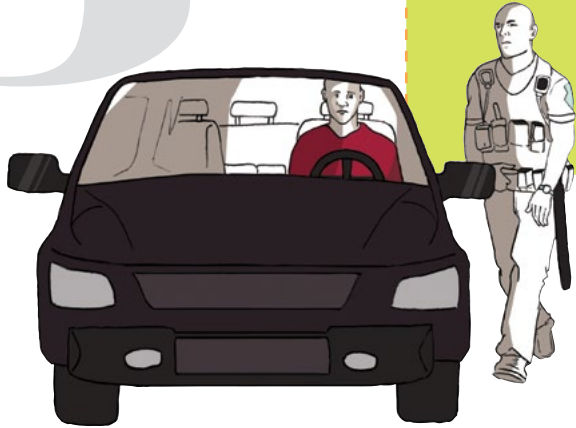
Banning street checks will not prevent police officers from carrying out investigations.

IMPORTANT CLARIFICATIONS

Police street checks are one of many dimensions of the problem of racial and social profiling, rights violations and police abuses that can also occur during a police investigation or the exercise of arrest and detention powers.

Sometimes an interaction between an individual and a police officer may begin as a street check and escalate to issuing a ticket or an arrest.

A person is driving a car and a police officer stops her/him for no reason. Is this a street check?



No. When a police officer asks a driver to stop her/his vehicle, it is a **traffic stop**.

SECTION 636 OF THE HIGHWAY SAFETY CODE

In Quebec, Section 636 of the Highway Safety Code (HSC) gives police officers the authority to randomly stop drivers of road vehicles for driving-related reasons, such as the validity of the driver's license and insurance, the mechanical fitness of the vehicle, or the sobriety of the driver².

Unlike drivers, passengers are not covered by Section 636. When a police officer stops a driver, passengers are not legally required to identify themselves under this provision, nor are they required to answer the officer's questions.

THE PROBLEM OF TRAFFIC STOPS WITHOUT GROUNDS

For many years, Black and racialized people have denounced the multiple unjustified traffic stops under section 636 of the HSC which they experience while driving a car, despite the fact that no infraction has been committed. This was the case of Joseph-Christopher Luamba, who contested the validity of the police power to make traffic stops without grounds granted by section 636.

On October 25, 2022, in a historical decision³, Judge Yergeau of the Superior Court agreed with this citizen and invalidated Section 636. The judge concluded that this police practice is a source of racial profiling and unjustifiably infringes on a person's rights to life, liberty, and the security of his person (Section 7), to protection against arbitrary detention (Section 9) and to the right to equality (Section 15) inscribed in the Canadian Charter of Rights and Freedoms.

On November 25, 2022, the Quebec Government filed an appeal of this decision before the Quebec Court of Appeal.

² *R. v. Ladouceur*, 1990 SCC 108.

³ *Luamba c. Procureur général du Québec*, 2022 QCCS 3866.



What rights and freedoms are breached during police street checking?

Police street checks and the resulting collection of information infringes **several rights and freedoms** protected by the Quebec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms.

SEVERAL RIGHTS VIOLATED

According to a 2019 independent legal opinion on street checks in Nova Scotia by a former Chief Justice of the Nova Scotia Court of Appeal, street checks interfere with the right to liberty - that is to say to be left alone, free from any undue interference from the State - and of **freedom to circulate**⁴.

Street checks also infringe on one's **right to privacy** and the **right to anonymity**. In 2014, the Supreme Court declared that even in public spaces, every person conserves a right to anonymity, as an essential component of the right to privacy⁵.

Street checks also compromise the **right to protection from arbitrary detentions** - which guards the individual freedom from unjustified State interference.

The rights of every person being street checked are violated.

THE RIGHT TO EQUALITY FLOUTED

The **right to equality** - and to the protection from discrimination - of racialized, Indigenous and marginalized people is also flouted, because they are particularly targeted by police street checks. These constitute racial and social profiling (see Question 5).

⁴ Nova Scotia Human Rights Commission, *Independent Legal Opinion on Street Checks*, J. Michael MacDonald and Jennifer Taylor, Nova Scotia, 2019.

⁵ *R. v. Spencer*, 2014 SCC 43.

Racial and social profiling leads to numerous consequences as much on individual as on collective and familial levels for the targeted populations:

- ➔ Many racialized youths targeted by the street checks “have resigned themselves to the reality of police intrusion, have withdrawn from public spaces or no longer accept to cooperate with the police”⁶ [our translation];
- ➔ Certain homeless people and sex workers avoid certain spaces because they fear police, which puts their safety at risk;
- ➔ Certain people move and change cities in the hope of being less harassed by the police;
- ➔ Certain parents fear that their racialized children will suffer profiling from police and teach them rules of vigilance.

Studies have shown that racialized and Indigenous people are over street checked compared to white people. The consequences of this repeated street checking are many, as the Supreme Court affirmed in 2019:

The impact of the over-policing of racial minorities and the carding of individuals within those communities without any reasonable suspicion of criminal activity is more than an inconvenience. Carding takes a toll on a person’s physical and mental health. It impacts their ability to pursue employment and education opportunities (Tulloch Report, at p. 42). Such a practice contributes to the continuing social exclusion of racial minorities, encourages a loss of trust in the fairness of our criminal justice system, and perpetuates criminalization [...]⁷

UNJUSTIFIED RIGHTS VIOLATIONS

Some infringements of rights and freedoms may be justified, but only in certain circumstances. It is the State which has the obligation to demonstrate that a violation of rights and freedoms is justified, according to the common law or the Charters.

For the *Ligue des droits et libertés*, the infringement of the rights and freedoms of street checked people cannot be justified because, amongst other things, street checking is not a practice reasonably necessary to ensure public safety (see Question 7).

6 MTL Sans Profilage, *Le profilage racial dans les pratiques policières, Points de vue et expériences de jeunes racisés à Montréal*, Report, 2018.

7 *R. v. Le*, 2019 SCC 34, para. 95. See also : Tulloch, *Report of the Independent Street Checks Review*, Ontario, 2018.

Which people are most at risk of being street checked by the police?

Indigenous and racialized people, homeless people and those facing mental health issues, sex workers and marginalized people are more at risk of being street checked by the police.



STREET CHECKS IN MONTREAL

According to a study⁸ done on police street checks in Montreal between 2014 and 2017, Indigenous, Black and Arab⁹ people are street checked more frequently than white people.

- ➔ Indigenous and Black people are 4 to 5 times more at risk of being street checked by police than white people;
- ➔ Indigenous women are 11 times more at risk of being street checked by police than white women;
- ➔ Arabs are twice as much at risk of being street checked by police than white people;
- ➔ Arabs between the ages of 15 and 24 are 4 times more at risk of being street checked by police than white youth of the same age.

⁸ Armony, Hassaoui and Mulone, *Les interpellations policières à la lumière des identités racisées des personnes interpellées. Analyse des données du Service de Police de la Ville de Montréal (SPVM) et élaboration d'indicateurs de suivi en matière de profilage racial*, 2019.

⁹ According to the authors of Armony, Hassaoui, and Mulone, op. cit. 2019, p. 48: "The 'Arab' category includes people identified as Maghrebi (with roots in Arab-Berber North Africa, a major source of immigration to Quebec) and people from the Near and Middle East (which includes Arab-majority countries such as Egypt, Jordan, Lebanon and Syria)."

NOT A NEW PHENOMENON

The politicians and the *Service de police de la Ville de Montréal* (SPVM; Montreal Police Service) say that they are shocked by the magnitude of the phenomenon. However, already in 2009, a study commissioned by the SPVM noted an overrepresentation of Black youth in street checks. This study showed that in certain Montreal neighbourhoods, Black people represented close to 40% of the youths who were street checked between 2006 and 2007¹⁰.

Then, in 2011, the Commission des droits de la personne et des droits de la jeunesse (CDPDJ; Human Rights Commission) published a report from a consultation on racial profiling. In it, several racialized youths stated that they were not able to move about freely, particularly as a group, without being targeted by the police¹¹.

DECONSTRUCT THE MYTH OF CRIMINALITY

Some people affirm that racialized people are being street checked more often because they commit more violations of by-laws or laws. This is not the case according to the two studies done on police street checks in Montreal and Repentigny.

Proportionally to their supposed group “contribution” to criminality in Montreal, Black and Arab people are clearly over street checked (by 66% and 99% respectively) compared to non-racialized people. Proportionally to the number of violations of municipal by-laws committed, these groups are also over street checked (by 137% and 180% respectively)¹² [our translation].



- Report about street checks in Montreal

[A] person from the black community is between 2.5 and 3 times [...] more at risk to be stopped than a person from the white, non-racial majority. The disproportions observed [in Repentigny] are not explained by the presumed participation of the groups concerned in criminal activities. [...] In addition, the proportion of people having criminal records was no higher for the Black people who were stopped than for the whites who were stopped¹³ [our translation].

- Report about street checks and traffic stops in Repentigny

And even if it were the case, a higher proportion of police stops would still not be justified. The proportion of violations of by-laws or laws could be explained by the phenomenon of over policing of marginalized, Indigenous, and racialized populations. In effect, the more police monitor a population, the more they are susceptible to observe violations of by-laws or laws.

¹⁰ Mathieu, *Mécontentement populaire et pratiques d'interpellation du SPVM depuis 2005. Doit-on garder le cap après la tempête?*, 2009.

¹¹ CDPDJ, *Profilage racial et discrimination systémique des jeunes racisés. Rapport de la consultation sur le profilage racial et ses conséquences*, 2011.

¹² Armony, Hassaoui and Mulone, op. cit., 2019, p. 10.

¹³ Armony, Hassaoui and Mulone, *Portrait de recherche sur les interpellations dans le dossier profilage. Rapport présenté au Service de police de la Ville de Repentigny*, 2021, p. 36. It should be noted that the data analyzed concerns street checks as well as traffic stops under the Highway Safety Code.

SYSTEMIC RACIAL PROFILING

The phenomenon of over street checking of racialized and Indigenous people constitutes racial profiling and is part of systemic racism, as indicated in the second paragraph of the definition of racial profiling adopted by the CDPDJ in 2005:

[R]acial profiling includes any action by a person in a situation of authority who applies a measure in a disproportionate way to certain segments of the population on the basis, in particular, of their racial, ethnic, national or religious background, whether actual or presumed¹⁴.

STREET CHECKS AND SOCIAL PROFILING

Social profiling and the over policing of homeless people has also been documented for more than 20 years now¹⁵. The most recent study revealed that in Montreal, 50,727 tickets related to peace and good order were issued to homeless people between 2012 and 2019, totalling close to 40% of all the tickets issued for these reasons. Among others, youth and Indigenous people are targeted more often¹⁶.

In addition to being over-represented in terms of tickets issued, homeless people are also excessively street checked in public spaces.

A report published in 2020 by the Réseau d'aide aux personnes seules et itinérantes de Montreal (RAPSIM) reveals that 52.3% of homeless people surveyed had been street checked at least once during the preceding year.

It is reported that these people are frequently “called out loud by their names (or even by a microphone) and are asked intrusive questions about where they are going and what they are doing, when nothing indicates that they have committed an infraction or are preparing to do so¹⁷” [our translation].

The accounts from the field indicate as well that sex workers, drug users, people facing mental health issues and marginalized people are overly targeted by police street checks.

It should also be noted that beyond the issue of street checks, there are numerous criminal and by-law provisions that increase the scrutiny and targeting of these communities by police. In addition to banning street checks, other actions are required to stop social and racial profiling, harassment and surveillance by police.



¹⁴ CDPDJ, *Racial Profiling: Context and Definition*, 2005, p. 13.

¹⁵ CDPDJ, *Social Profiling and Homelessness*, Web Page.

¹⁶ Bellot and al., *Judiciarisation de l'itinérance à Montréal : des données alarmantes témoignent d'un profilage social accru (2012-2019)*, 2021.

¹⁷ RAPSIM, *Nouvelles réalités, autant d'enjeux pour le respect des droits 5e portrait de la situation dans l'espace public montréalais*, 2020, p. 16-17.

6 What does the police officer do with the personal information obtained during a street check?

It is difficult to know with certainty whether or not one should worry about this situation.

ABUSIVE COLLECTION OF INFORMATION

When a police officer has no reason to stop a person (she/he is not being arrested or detained, she/he is not breaking any by-law, she/he is not a witness in an ongoing investigation nor involved in a crime), the police officer should not collect information about she/him or about the context of her/his presence in a given space.

When the police officer does that, it is an abusive collection of information. It infringes on the rights to privacy, to anonymity and to the freedom of circulation of people being street checked.

QUEBEC POLICE INFORMATION CENTER

Several police information database exist to which this information can be added for future use.

The police officer can fill out a street check sheet and put the information in the database of the Centre de renseignements policiers du Québec (CRPQ; Quebec Police Information Center). All police forces in Quebec and across Canada have access to this database¹⁸.

The information can be kept on file in this database for a period varying from 7 to 30 years because presently¹⁹, each police force decides on how long to keep the information it collects²⁰.

And even if the police officer judges that it is not necessary to put someone's personal information in the database, this information is from now on known, at least to the officer, which infringes on the person's right to privacy and to anonymity.

¹⁸ Commission de la Sécurité publique de Montréal, *Recommandations, Politique sur les interpellations policières du SPVM*, 2021, p. 11-12.

¹⁹ Idem.

²⁰ Ministère de la Sécurité publique, *Pratique policière 2.1.7 Interpellation policière*, 2020, p. 3.

Do police officers have the power to do street checks in Quebec?

No. For the *Ligue des droits et libertés*, it is clear that police officers in Quebec don't have the power to do street checks. This important question is totally absent from public debate.

THE SOURCES OF POLICE POWERS

One has to know that police powers are provided for and limited by two legal sources: the existing laws (the Criminal Code, the Police Act, the Code of Penal Procedure, the Code of ethics of Québec police officers) and common law, that is the rules developed by the courts.

In Quebec, no law exists authorizing a police officer to do a street check.

Certain police forces affirm that their power to do street checks is rooted in their common law duty to maintain public order.

However, this is not the case, according to an independent legal opinion on street checks in Nova Scotia by a former Chief Justice of the Nova Scotia Court of Appeal²¹.

Why? Because street checks are not a practice reasonably necessary to carry out their duty of maintaining public order. On the one hand, street checks lead to violations of rights and freedoms, and on the other hand, their necessity to ensure public safety has not been demonstrated (see Question 8).

21 Nova Scotia Human Rights Commission, *Independent Legal Opinion on Street Checks*, J. Michael MacDonald and Jennifer Taylor, Nova Scotia, 2019.

Are street checks necessary to ensure public safety?

Quebec police forces **have never demonstrated that the multiplication of street checks is necessary** to ensure public safety and prevent criminality.

THE DIFFERENCE BETWEEN UTILITY AND NECESSITY

Some police forces, for example the *Service de police de la Ville de Montréal* (SPVM; Montreal Police Service) and the *Association des directeurs de police du Québec* (Association of Quebec Police Chiefs) publicly affirm that the practice of street checking is useful to ensure the safety of the public.

However, it is not because a police practice is **useful** or **effective** that it is also **necessary**. Here it is essential to differentiate between the useful or effective nature of an action and its necessity:

[T]he mere fact that a police action was effective cannot be relied upon to justify its being taken if it interfered with an individual's liberty. For an intrusion on liberty to be justified, the common law rule is that it must be "reasonably necessary"²².

-The Supreme Court of Canada (2019)

The *Ministère de la Sécurité publique* (Ministry of Public Security) affirms as well that street checking is "an essential practice for public security" [our translation] but without demonstrating this²³.

However, the practice of street checking infringes on several rights and freedoms (see Question 4) and creates real insecurities within over policed communities.

Finally, there are no studies on the effects of street checking on public security in Quebec. There is, on the contrary, a study on street checks in Nova Scotia published in 2019, that has established that this practice has no significant impact on public security:

[S]treet checks have only a small role to play in police investigations and likely have only a small impact on crime rates²⁴.

²² *Fleming v. Ontario*, 2019 SCC 45, para. 98.

²³ Ministère de la Sécurité publique, *Le ministère de la Sécurité publique met à la disposition des corps de police du Québec une pratique policière portant sur l'interpellation policière*, Press Release, August 21, 2020.

²⁴ Nova Scotia Human Rights Commission, *Halifax, Nova Scotia: Street Checks Report*, Scot Wortley, Nova Scotia, 2019, p.150.

The Montreal police and the Quebec government propose to regulate police street checks. Is this a solution?

No. For the *Ligue des droits et libertés*, the regulation of street checks is a **bad idea**.

Regulation doesn't end the violations of rights and freedoms and the racial and social profiling which results from street checks.

SPVM AND MINISTRY POLICIES

Following the report on police street checks in Montreal published in 2019, the *Service de police de la Ville de Montréal* (SPVM; Montreal Police Service) developed a policy²⁵ on street checks which was made public in July 2020.

The following month, the *Ministère de la Sécurité publique* (Ministry of Public Security) in turn made public a policy on street checks²⁶ integrated into its *Guide des pratiques policières*.

The two documents propose guidelines for street checks (a form of non-mandatory regulation), without even requiring that police officers inform people being street checked of their right not to identify themselves and not to answer questions.

Policies of the SPVM and the Ministry stated five objectives of the practice of street checks.

Objectives 1 and 2 don't seem to really be cases of street checking, on condition that assisting a person in need is not harassment of people in marginal situations in public space. Their inclusion in these policies creates confusion.

1. To assist a person who needs help;
2. Identifying a person for whom the police is searching (a mandate, a disappearance).

Objectives 3, 4 and 5 are problematic and at the core of the practice of street checking that must be banned, because these practices lead to violations of rights and racial and social profiling.

3. Preventing "incivilities" (disobeying a by-law);
4. Preventing crime or violations of laws or by-laws;
5. Collecting information falling within the police mission;

The identification of individuals and police intelligence gathering are what street checking is really about.

²⁵ Service de police de la Ville de Montréal, *Politique sur les interpellations policières du SPVM*, 2020.

²⁶ Ministère de la Sécurité publique, *Pratique policière 2.1.7 Interpellation policière*, 2020.

OBSERVABLE FACTS VS REASONABLE SUSPICIONS

Another important issue: the SPVM and Ministry policies indicate that a street check must be based on observable facts. However, that is not a recognized legal standard. This criterion is much lower than the **legal standard of reasonable suspicion** which sets the standard in regard to investigative detention.

In Nova Scotia, following the mobilization of organizations such as the African Nova Scotian Decade for People of African Descent Coalition and the African Nova Scotian Justice Institute,, the Minister of Justice strengthened in December 2021 the ban on street checks²⁷ that had been in place since October 2019.

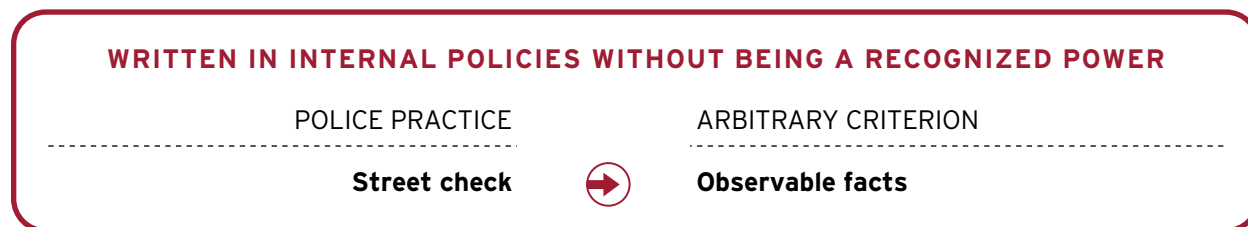
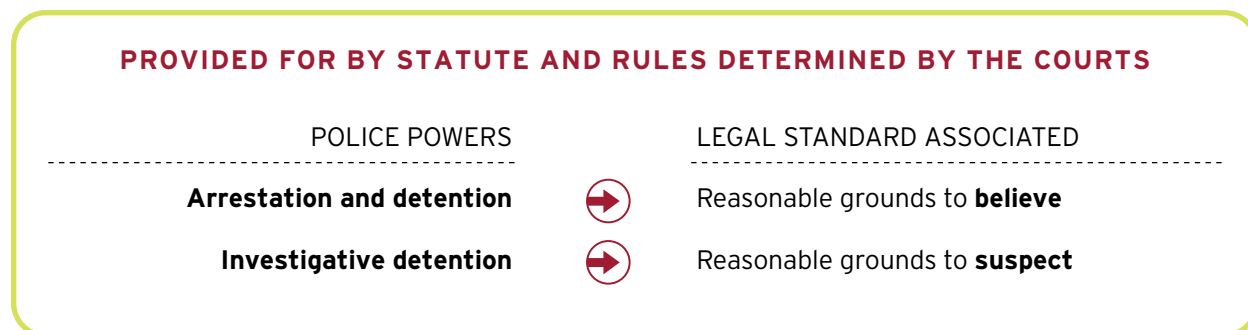
UNACCEPTABLE TOLERANCE ON THE PART OF POLITICAL AUTHORITIES

In Quebec, with the existing policies on street checks, we are witnessing the continuation of street checks and the collection of information without justification.

Regulating such a practice would come down to, through use, legitimating and normalizing it.

Why not require police officers to act within the limits of the powers conferred upon them by the law and the decisions of the courts?

Those are all concerns that must be raised and to which political authorities of Quebec, both on the provincial and the municipal levels, must respond.



²⁷ Nova Scotia, *Minister's Directive - Street Checks Ban*, December 1st, 2021 ; Nova Scotia, *Directive Strengthens Street Checks Ban*, Press Release, December 2nd, 2021.

10 Why must we ban police street checks in Quebec?

The Quebec government must ban police officers from doing street checks, for the following reasons:

- 1.** Street checks violate rights and freedoms of all people being street checked;
- 2.** This practice targets particularly Indigenous, racialized and marginalized communities and it is a dimension of the phenomenon of racial and social profiling;
- 3.** Police officers don't have the power to do street checks in Quebec and up until now, they have not demonstrated that this practice is necessary to ensure public safety.

The *Ligue des droits et libertés* (LDL) has been speaking out publicly for several years to denounce the violations of rights and freedoms inherent in the practice of police street checks and the insecurity that it creates in the targeted communities.

Amongst other actions, the LDL participated in the September 2020 public consultation carried out by the Montreal *Commission de la sécurité publique* (CSP) by filing a brief²⁸ on the *Politique sur les interpellations policières* of the *Service de police de la Ville de Montréal* (SPVM; Montreal Police Service), calling for a moratorium on street checks. In February 2021, the LDL also commented on the recommendations of the CSP concerning the SPVM policy²⁹.

After a rigorous analysis of the practice of street checks, the LDL concludes that the only way to seriously ensure the respect of rights and freedoms is to ban street checks.

Requiring police officers to act within the limits of their powers and to respect the rights and freedoms of citizens is the cornerstone of a democratic society.

²⁸ Ligue des droits et libertés, *Pour un moratoire immédiat sur la pratique des interpellations policières à Montréal*, Brief, Consultation about the SPVM policy, Commission de la sécurité publique de Montréal, September 30, 2020.

²⁹ Ligue des droits et libertés, *Recommandations de la CSP de Montréal sur les interpellations policières - Réaction préliminaire*, Press Release, February 26, 2021.

- ✘ NO to police street checks
- ✘ NO to the regulation and normalization of police street checks
- ✔ YES to a ban of police street checks by the Quebec government





Since 1963 the *Ligue des droits et libertés* (LDL) has influenced several government policies and bills and has contributed to the creation of instruments dedicated to the defense and promotion of human rights such as the Quebec Charter of Human Rights and Freedoms.

The LDL's work of analysis, awareness and consciousness raising is essential to ensure that human rights (civil, political, economic, social and cultural) become the path towards a just and inclusive society for all.

As a non-profit, independent and non-partisan organization, the LDL aims to defend and promote the universality, indivisibility and interdependence of the rights recognized in the International Bill of Human Rights.

The LDL has intervened publicly for several years to denounce the violations of human rights inherent to the practice of street checks and the insecurity that it creates within the targeted communities.

