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December 11th, 2024

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Dear Members of the Public Safety Commission of Montreal,

Re: Public Hearing on the issue of street checks and racial profiling

The Black and African Nova Scotian community have fought to address systemic racism and anti-Black racism and the racial and discriminatory inequities in the legal system for many decades. The African Nova Scotian Justice Institute focuses on advocacy, community engagement and legal reform to promote equity and justice. The ANSJI also provides resources and support for those navigating legal challenges and works to build capacity in the fight against systemic racism and racial discrimination and racial profiling in Nova Scotia since its inception.

We have been informed by the *Ligue des droits et libertés* that a public meeting of the Public Safety Commission of Montreal will be held on December 11, 2024, on the issue of police street checks and systemic racial profiling in the city.

We want to express our support for the demands of the *Ligue des droits et libertés* and numerous civil society organizations in Montreal and the province of Quebec for a ban on the arbitrary practice of street checks. We expressed this support as early as February 2023 when the ANSJI signed the statement "For a Ban on Street Checks in Quebec".

It has been brought to our attention that the moratorium on street checks in Nova Scotia is sometimes mentioned in the public debate about this arbitrary practice in Montreal. Recently, on October 29, 2024 the Director of the Service de police de la Ville de Montréal, Mr. Fady Dagher, stated at a public meeting of the Public Safety Commission that a moratorium on Street Checks is not an effective measure, referring to Nova Scotia. He also mentioned our organization by name at that time.

We think it's timely to correct some facts for your benefit, as we believe a moratorium and ban on street checks is an essential action in the broader struggle against systemic racial profiling and systemic racism.

In March 2019, the Nova Scotia Human Rights Commission released a study on the practice of street checks in Halifax conducted by Professor Scot Wortley of the University of Toronto. The study confirmed that black people are more likely to be street checked by police than white people - 6 times more. Following the publication of this report, the Nova Scotia government adopted its first moratorium on Street Checks on April 17, 2019.

As you may know, one of the recommendations of the Wortley Report was that a legal opinion be produced on the legality of the practice of stop-and-frisk (Do police officers legally have the power to do street checks?). A legal opinion written by a former Nova Scotia Court of Appeal Chief Justice Michael MacDonald (retd.) was released in October 2019. It concludes that the practice of interpellation



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is not a *common law* power, as it is not reasonably necessary. In conclusion, street checks are an illegal practice.

It is very important to mention that the first moratorium in 2019 adopted the vague criterion of “suspicious activity”, which is not a legal standard, and had several exceptions. Thus, the text of this moratorium was not satisfactory to us and other organizations fighting racial profiling in Nova Scotia, and we expressed that clearly.

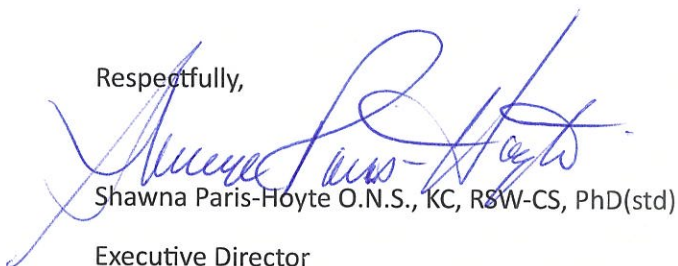
We continued to mobilize against the practice of street checks in the years that followed. It was in this context that in 2021, the Minister of Justice Mark Furey made amendments to the Streets Checks Ban, replacing the vague criterion of “suspicious activity” by the legal standard of “reasonable suspicion”.

The lesson here is that the choice of words is important. Any directive banning street checks must be written in such a way as to genuinely put an end to the practice and by consulting organizations of civil society.

A ban on paper alone is insufficient to address the lived reality and experience of Black people subjected to racial profiling. While we continue to advance our advocacy efforts in this area, it is unequivocally clear that street checks must be banned not only in Nova Scotia but across Canada. This practice is a direct manifestation of systemic racial profiling, violates fundamental human rights, and provides no measurable benefit to public safety. Eliminating street checks is a necessary step toward dismantling systemic racism and building a justice system rooted in equity, accountability, and respect for all individuals.

We hope you find our letter helpful in clarifying the street checks debates taking place in Montreal and avoiding any misrepresentations of Nova Scotia and or the African Nova Scotian Justice Institute about the situation in Nova Scotia and our position.

Respectfully,



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Executive Director

SPH/KT