



November 28<sup>th</sup>, 2019

**Re: DPAD expresses concerns about the proposed Halifax Regional Police street check apology**

While DPAD understands the motivation for the Halifax Regional Police's (HRP) proposed apology for the practice of street checks, we remain deeply concerned about how our community will continue to experience policing in the immediate aftermath.

DPAD recognizes that the HRP plans to apologize for the practice known as street checks and the overrepresentation of African Nova Scotians (ANS), and especially Black youth, under this practice. Though an apology can be a first step in the process of reconciliation and healing, an apology is meaningful only once significant change has occurred.

It is important for government, HRP and RCMP to know that there are several common themes in successful apologies, including specific mention of the concerns that the ANS community have expressed as necessary for repairing the harms and trauma that have occurred, and the establishment of a process that will ensure a better future.

Of particular concern to the ANS Community is the lack of regulation or policy around traffic stops. As in the Kirk Johnson decision itself, yet to date we have not had release of the traffic stop data nor an indication that there is any restraint upon current police practice around these stops. A ban on pedestrian street checks is meaningless if the police continue to profile in other areas.

In order for the street checks apology to have a meaningful resolution that positively changes the relationship between the African Nova Scotian community, government, and all policing agencies, we need to work collaboratively to address the following areas of concern regarding street checks:

- While street checks have technically been banned, the government maintains that police still have the power to stop and record information related to "suspicious activity" defined as any activity where the police have objective, credible grounds to request identifying information. This purported power – again without legal authority beyond the Minister's Directive itself – is not defined anywhere. What situations provide "credible" grounds for police to request identifying information? Who reviews

those grounds? The government maintains that police have such power to stop even if police don't have reasonable suspicion that there is a connection between the individual and a recent or ongoing offence. Street checks under the guise of recording "suspicious activity" are still street checks.

- Moreover, there is a lack of meaningful policy to create safeguards to protect the ANS community and all Nova Scotians from the practice of street checks. Remember over 100,000 white people were street checked. This is not just an African Nova Scotian issue. The recommended safeguards to protect civilians stopped by police have not been implemented. In particular, the Wortley Report recommends that police should: (1) inform citizens of their rights prior to making requests for personal information; (2) inform civilians of the reason that they are requesting personal information; (3) identify and record the authority to collect the information and the reason for the collection; and (4) provide the civilian with a receipt. To our knowledge, no such commitment has been made by the HRP or RCMP.
- The community maintains our grave concern about the retention of our data, the lack of evidence around how a ban is being enforced, and who is monitoring this ban, holding police accountable and disciplining officers who continue to carry out the practice. The community must be involved in these crucial decisions.
- The apparent collusion of government and police boards with street checks is unaccounted for and ongoing.
- The Kirk Johnson decision has yet to be implemented which directs that police provide a "proposal for how information could be provided on the role of race in traffic stops by the Halifax Regional Police" as set out in paragraph 41 of that decision.
- The government has not acknowledged a willingness to support a community-led African Nova Scotian Policing Strategy (ANSPS) or African Nova Scotian Justice Institute (ANSJI).

These are highlights, but not an exhaustive list, of community concerns. An apology for a practice that has not been eradicated cannot be considered a true apology. There needs to be evidence of change in both approach and policy. We will continue as a community to advocate for our rights to be free of racist police profiling and surveillance.

With respect to accepting an apology, we are accepting the apology by committing to work with all the players to implement solutions. If there is no traction on the solutions, and no good faith engagement, the issue is not whether or not the apology was accepted but whether or not the apology was real. The onus is on those responsible for policing to make the apology real

through their demonstrated commitment. Accepting the leadership of the African Nova Scotian community is an essential part of making the apology real. We have yet to hear back from the department of justice on initial funding for the ANSJI or commitment to develop the ANSPS. So we wait and watch.

Of course we cannot even discuss the ability to accept an apology from and to work with the RCMP because no apology was forthcoming.

DPAD Coalition