



---

October 23, 2015

Letters to the Editor  
The Spec  
44 Frid Street  
Hamilton, ON L8N 3G3  
Via email: [letters@thespec.com](mailto:letters@thespec.com)

**Re: Carding is basic investigative work, Hamilton officers say (Oct. 22, 2015)**

Hamilton police chief Glenn De Caire's position on carding and street checks contains a fundamental and significant error.

In his September 21 letter to the Minister of Community Safety and Correctional Services, Chief De Caire cites the Ontario Human Rights Commission and our recognition of “the importance of officer discretion.” We agree that discretion is important – vitally so. But we have always been clear: officer discretion must be informed and guided to prevent racial profiling – and discretionary decisions that are informed by racial bias should lead to officer discipline.

Chief De Caire goes on to say that “discretion is a major component of applying the law in a fair, consistent and bias free manner and must never be exercised to favour or to target an individual or group.”

Yet, a few paragraphs later, Chief De Caire outlines what he apparently feels is a suitable discretionary approach to collecting information. Speaking about an exchange of gunfire in Hamilton last May, he writes:

When we send officers to this area in response to the shooting, we are going to be stopping, talking and investigating young black males. We are going to be stopping and talking to as many people as possible because we do not know who might be a suspect, person of interest, victim, witness or a person who may wish to be a confidential informant. We don't know until we gather the information.

Anyone who happens to be a “young black male” is going to be stopped, without evidence of wrongdoing, without even a suspicion of wrongdoing; they are to be stopped and questioned and information about them added to a police database solely because they are young Black males.

This is a textbook description of racial profiling. It is not discretion in action – it is a racially-motivated round-up.

The Human Rights Tribunal of Ontario (HRTO) has been very clear on this kind of policing approach – it is unjustifiable. In the *Maynard* case in Toronto, an officer investigating a gun-related incident involving a Black male suspect driving a black sports car decided to follow the man simply because he was a young Black man driving alone in a black BMW. The HRTO noted that the officer had no indication of the suspect's age, and stated that the most reasonable explanation for the officer's decision was that the claimant was a "black man, and specifically a young black man, driving a black vehicle...and as a result, he was stereotyped as a person with some probability of being involved in a gun-related incident."

The HRTO explained that it was consistent with a finding of racial profiling that all Black men driving alone in the area in a black car became possible suspects. The HRTO found that if the suspect had been a Caucasian man in the same circumstances, with no other defining characteristics, and with as little information available about the car and direction of travel, the officer would probably not have chosen to investigate.

Racial profiling in street checks has a corrosive effect on Black and other racialized communities. As the OHRC has said repeatedly – it must be stopped. We salute the unanimous approval in the Ontario Legislature this week of a motion to ban carding and look forward to a provincial regulation that eliminates a practice which has unfairly targeted and demeaned so many people.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ruth Goba', written in a cursive style.

Ruth Goba, Hon. BA, LLB  
Interim Chief Commissioner