



# **POLITIQUE**

**SUR LES INTERPELLATIONS  
POLICIÈRES DU SPVM**

# **SPVM POLICY**

**ON POLICE CHECKS**

JULY 8, 2020

Montréal@

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## MESSAGE FROM THE DIRECTOR OF THE SERVICE DE POLICE DE LA VILLE DE MONTRÉAL

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I hereby present the SPVM's Policy on Police Checks. This is a concrete action, a real gesture, a historic contribution to the Québec police community, but first and foremost, a contribution to the fight against disparities in police checks.

The research results that have highlighted disparities in police checks practices allow us to go beyond the recognition of the issue of racial profiling. We are faced with the challenge of making changes in our systems and in the way we govern our practices, without hindering police officers in their primary mission of maintaining peace and ensuring safety. The SPVM is setting the pace with a policy that reflects these two intentions.

However, this contribution cannot be complete without recognizing the societal issue of systemic racism. I therefore recognize that social inequalities can be linked to systemic discrimination, which can be observed in every sphere of our society, in every institution and organization, including the SPVM.

The cultural shift initiated at the SPVM doesn't stop there. The Policy on Police Checks will be evolutionary and accompanied by several measures in the organization of work which will always aim to make Montréal a safe city that respects individual freedoms.

With great openness to dialogue, I sincerely thank the Montreal population and the SPVM's personnel for their confidence.

A handwritten signature in blue ink that reads "Sylvain Caron". The signature is fluid and cursive, with a large loop at the end of the last name.

**Sylvain Caron**

Director

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## 1. A MAJOR CHANGE IN DIRECTION – BACKGROUND

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In 2017, the Commission de la sécurité publique and the Commission sur le développement social et la diversité montréalaise jointly held a series of consultations on racial and social profiling. At the end of this process, a report presented 31 recommendations addressed to various Ville de Montréal services, including 12 to the Service de police de la Ville de Montréal (SPVM). The SPVM set up a working committee to develop a second strategic plan on racial and social profiling. The process led to the creation of the *2018-2021 Écouter, Comprendre, Agir* plan, based on internal consultations and enriched by other public ones.

Among the actions identified in this plan, one of them involved accompanying the SPVM with a team of independent researchers, which was to be mandated to carry out analyzes on police data. In October 2019, the publication of the report of the independent researchers confirmed disparities in police check practices. A reflection began on the creation of a new policy on police checks. The Director of the SPVM then was convinced that a new vision was necessary and that concrete actions had to be considered. A committee composed of police officers and civilians was established and the work began immediately for the submission of a policy on police checks.

Finally, in June 2020, the Office de consultation publique de Montréal (OCPM) set out recommendations to various Ville de Montréal services, including about a dozen for the SPVM. Among them, the OCPM: “endorses the five recommendations of the Armony-Hassaoui-Mulone Report and takes note of the SPVM’s commitment to develop a policy on police checks”<sup>1</sup>.

Currently, provinces and police organizations across the country are adopting normative frameworks to standardize the practice of police checks. The SPVM is also dedicated to this approach and today becomes the first police force in Québec to adopt such a policy.

The SPVM's head officials made sure the policy development process was a collaborative and inclusive approach. It was therefore the subject of an internal and external consultation involving police officers, civilian personnel, citizens, community leaders and institutional partners. For example, over 160 consultations were held by commanders of neighbourhood police stations.<sup>2</sup> The purpose of these consultations was to ensure a vision of openness to an external point of view.

The Policy on Police Checks will take effect in the fall, after its presentation to all police personnel. It is bound to evolve and constitutes one means among several commitments intended to foster conciliation and a fair balance between public safety and respect for individual liberties.

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<sup>1</sup> Office de consultation publique de Montréal. June 2020. Rapport de la consultation publique sur le racisme et la discrimination systémiques. p. 224.

<sup>2</sup> To respect confidentiality and maintain the confidence of these partners, their identity will not be made public.

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## 2. BASIS OF THE POLICY ON POLICE CHECKS

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Police officers are among the only professionals mandated by the public to use a power in their interventions, which seek to account the mission of maintaining peace and ensuring safety. In Montreal, they exercise these functions under the neighbourhood policing model, which notably proposes sharing between the police and the community in the identification, prioritizing and resolution of crime and safety issues. This approach, implemented in North America in the 90s, to essentially reframe the legitimacy of the police, was thereby supposed to increase trust between the police and the community. It also created an extension of police functions, which henceforth went beyond suppression of crime.

Although the powers granted to police officers are governed by statutes, teaching and oversight, in an era where bringing citizens and the police community closer together is encouraged, tensions may occur regarding inappropriate use of these functions or an expression of inappropriate attitude on the part of police officers. Other tensions between the community and the police come from the feeling of injustice suffered by citizens resulting from lack, felt by them, of disciplinary measures applied regarding complaints filed against the police.

Since the late 90s, Canadian and Québec police forces have been reconsidering their practices with members of ethnocultural groups. Moreover, to better equip the personnel, the first training on interventions with ethnocultural groups was established in 1986 and all SPCUM<sup>3</sup> police personnel were invited to participate. Over the years, these training measures, consultations, evaluations, detection strategies, awareness and rapprochement with the community succeeded each other and still remain essential today to dialogue and respect of the “moral and social contract”. The SPVM, formerly the SPCUM, has always been at the forefront of the issues raised and has shown great openness in the course of its history.

In 2020, the time has come to question the target of our organizational efforts to remedy the issue of racial profiling. The approach recommended to identify, induce awareness, educate and supervise police officers who knowingly would engage in racial profiling certainly has its merits and must continue to be applied. However, it does not seem sufficient to explain the importance of the disparities in the data on police checks. More plausible, the approach that maintains that police behaviours are mainly influenced by situational factors, such as the suspects' actions, the context of interaction between police personnel and the suspects, the composition of the neighbourhood, and factors such as the gender, ethnic origin and socioeconomic status of both parties, is retained to explain the alleged systemic biases.

How can we act on these biases? By a change in the system or in practice. At least, that is another point of view. For example, our experience with *the Équipe mobile de référence et d'intervention en itinérance* (EMRII) was also part of a change of practice in the approach to homelessness in Montreal. Traditionally riddled with criticisms for overly repressive interventions and overjudicialization of homeless people in Montréal, the SPVM deployed a team composed of police officers and social workers, who work together in the field to take on the challenges presented by homelessness. This has allowed the SPVM to really make a difference. Its direct action on the “system” and the concrete measures of success make EMRII a model that has been reproduced by other police forces to date. Were all the police officers ill-intentioned or discriminatory when they previously ticketed homeless people to make them respond or who took them to hospital to give them respite?

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<sup>3</sup> Service de police de la Communauté urbaine de Montréal

This is the basis of the introduction of an SPVM policy on police checks. A concrete action on the system of recording police checks and an obligation for our personnel to think about the basis of each check. The police officers who swear an oath to serve the public do so with integrity and an intention of respect. Nonetheless, they are human beings operating in a society influenced by omnipresent systematic biases. This new way of working should have an impact on the practice of police checks resulting from bias. The direct measurement of data on police checks over a period of time will allow us to assess its scope in the confirmed disparities.

This being said, we recognize that any police check based on ethnocultural identity, religion or social status is a violation of the fundamental rights of Montrealers. When this is done with a clear intention of racial profiling, the perpetrator of this police check must be dealt with.

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### 3. DEMYSTIFYING THE PRACTICE OF POLICE CHECKS

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Police checks are performed, in particular, with the aim of assisting a person and preventing uncivil behaviour and offences against laws, regulations and by-laws. They constitute an important activity for police officers to do their job. For example, some officers may proceed with police checks to look for a missing person or a fugitive. Police checks also result from complaints to 9-1-1 or concerns reported by citizens.

However, police checks must be based on observable facts and not on the police officers' perceptions or on the biases indirectly associated with the complaints, reports or requests for assistance transmitted to them. Although the results of the report presented by the independent researchers on October 7, 2019 do not address individual discriminatory behaviour by police personnel, the SPVM today is establishing guidelines to prevent any unfounded or random police check.

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## 4. CONCRETE IMPLICATIONS OF THIS NEW POLICY

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This Policy is an internal technical document, creating an operational framework for police personnel regarding the practice of police checks. The Policy is part of the SPVM's operating standards, so compliance with its application is mandatory. Management measures already in place within the SPVM for any deviation from compliance with a policy will be enforced, if applicable.

### Concretely, the Policy will allow to:

- have a common definition of the concepts, such as police check and social interaction, and an explanation of the principles of application;
- better establish the context of police checks and identify the disparities of police checks of members of ethnocultural, known as "racialized" or belonging to a visible minority or an Indigenous communities.
  - In fact, the computerized police check records from now on will indicate whether the check was initiated by the police officer or resulted from a 9-1-1 call, or a report by a citizen or another police officer.
  - The police officer will also have to indicate the circumstances that justified the check and the objective sought.
  - This practice will be made possible by the improvement of the computerized system used by the SPVM. This will be completed when the Policy takes effect in fall 2020;
- require police officers to inform citizens of the summary reasons justifying checks (subject to exceptions described in the Policy);
- inform and give awareness to police officers regarding citizens' rights in the context of the practice of police checks.

### Concretely, the Policy will prohibit:

- any police checks that are unfounded, random or based on a discriminatory criterion;
- the use of a power, provided for in a statute or arising from common law, as a pretext for the sole purpose of identifying a person and obtaining information and resorting to a regulation or by-law for such purposes.



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## 5. NEXT STEPS

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As mentioned in the introduction, the Policy will be implemented in the fall of 2020, throughout the SPVM, after its presentation to the police officers and the completion of changes to the computer system. It is essential to comply with these time frames. Only presenting the Policy, without the computer support for more accurate recording, would not allow evaluation of the success of the expected changes.

Starting in September, to support the implementation of the Policy, the SPVM will deploy a team of Coaches in police checks, who will have the mission of providing awareness, advising and accompanying the police officers. This team will encourage appropriation of the change embodied by this Policy and will be able to provide feedback on the key adjustments and improvement desired.

From now on, a second mandate is assigned to the independent researchers who have accompanied the SPVM for several months. The SPVM wishes to pursue this collaboration in order to obtain an external and neutral perspective to update the Policy in 2021 and introduce follow-up measures favourable to the success of this organizational change. Summarily, this mandate will break down into three main objectives:

- Understand the decision-making mechanisms of police officers regarding checks;
- Analyze the work tools deployed in support of the Policy;
- Evaluate the evolution of police checks, particularly by using indicators developed by the researchers<sup>4</sup>.

In due course, and following the researchers' recommendation, the SPVM will proceed with a consultation of the members from the ethnocultural communities to get to know their appreciation and new expectations regarding the practice of police checks, while accounting for the comments of police officers who have experimented in the field with the principles of application of the Policy. Until then, innovative actions and measures in community policing will be studied by the SPVM.

Finally, the Policy on Police Checks will certainly make it possible to mitigate the systemic biases confirmed in the previous analyses. Because the Policy is not an end in itself, the SPVM and its partners will also have to address the promising means for dealing with any profiling or discriminatory behaviour, for example, as opportunities for learning and awareness to the reality experienced by police officers and citizens. The desired cultural change thus may evolve more positively.

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<sup>4</sup> This objective particularly includes training given by the researchers for the future analysis of the data on police checks to make this activity systematic in the SPVM.

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## CLOSING REMARKS

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Given the scope of the challenges posed by the complexity of the issues pertaining to the disparities in police checks, this Policy sets the pace for several essential complementary actions. The police community is attentive to the Montreal experience, which will blaze the trail for the achievement of a fair balance between public safety and individual freedoms. This balance is the basis of the Policy on Police Checks. The SPVM remains humble in view of the progress accomplished, but optimistic and determined to meet Montrealers' expectations.

The cultural shift announced by the organization is punctuated by a sincere and complex process. This reflection, which extends to society as a whole, must be part of a collective effort by all organizations, communities, groups and citizens of the Ville de Montréal. The SPVM intends to contribute in encouraging concrete changes to enable the Montreal population to operate in an inclusive environment. The SPVM thanks its personnel, its partners and the population for the confidence granted, which is essential to the accomplishment of the positive changes in progress.

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## APPENDIX 1 – SPVM POLICY ON POLICE CHECKS

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 <b>POLITIQUE</b> <i>INTERPELLATION POLICIÈRE</i>	NUMERO
	EN VIGUEUR
	ANNULE

Le SPVM se dote d'une politique en matière d'interpellation policière afin de promouvoir sa vision d'excellence dans le service offert à l'ensemble de la population. Cette politique vise le maintien du climat de confiance dans les interactions entre les policiers et les personnes.

### 1. PRINCIPES GÉNÉRAUX

Le SPVM reconnaît les droits et libertés de la personne énoncés dans la *Charte canadienne des droits et libertés* et la *Charte québécoise des droits et libertés de la personne*, les diverses lois et les règlements en vigueur.

Le SPVM exige de ses policiers un comportement professionnel et respectueux lorsqu'ils interagissent avec une ou plusieurs personnes.

Dans l'exécution de ses fonctions, le policier est légitimé à procéder à une interpellation, activité policière essentielle en matière de sécurité publique, lorsque celle-ci s'inscrit dans l'accomplissement de la mission du SPVM.

Une interpellation basée sur un motif discriminatoire est sans fondement et à proscrire.

Cette politique ne limite en rien les interactions sociales entre le policier et une personne lorsqu'il s'agit d'échanges dans un contexte communautaire ou social.

## 2. DÉFINITIONS

### 2.1. INTERACTION SOCIALE

Échange réciproque entre un policier et une personne afin notamment de dialoguer, d'informer ou de participer à des activités communautaires et sociales.

### 2.2. INTERPELLATION POLICIÈRE

Interaction entre un policier et une personne au cours de laquelle le policier tente de l'identifier et de collecter des informations. L'interpellation policière n'est pas une interaction sociale ni une forme de détention. L'interpellation doit reposer sur un ensemble de faits observables<sup>5</sup> qui fournit au policier une raison pour interagir avec une personne dans l'atteinte de l'un des objectifs suivants :

- assister une personne dans le besoin;
- prévenir les incivilités;
- prévenir le crime ou les infractions aux lois ou aux règlements;
- collecter des informations s'inscrivant dans la mission du SPVM;
- identifier une personne recherchée (mandat, disparition).

N'est pas une interpellation policière au sens de la présente politique :

- une arrestation;
- une détention aux fins d'enquête;
- une situation où la personne est légalement tenue de fournir son identité et des informations à un policier;
- une enquête auprès d'une personne, à titre de suspect ou témoin, pour une infraction criminelle ou pénale dont le policier soupçonne raisonnablement qu'elle a été, est en train ou sera commise;
- une exécution d'un mandat, d'une ordonnance ou d'une autorisation judiciaire.

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<sup>5</sup> Faits, circonstances, informations.

### 3. PRINCIPES D'ORIENTATION

#### 3.1. RESPECT DES DROITS ET LIBERTÉS

Toute interpellation policière est effectuée dans le respect des droits et des libertés individuelles des personnes interpellées et ne peut reposer sur un motif discriminatoire, incluant :

- l'identité ethnoculturelle réelle ou perçue;
- la religion;
- les opinions politiques;
- l'appartenance ou l'affiliation à un groupe non criminalisé;
- l'âge;
- le genre, l'identité ou l'orientation sexuelle;
- un handicap physique ou intellectuel;
- le statut socio-économique;
- la condition médicale.

#### 3.2. MOTIF OBLIQUE

L'utilisation d'un pouvoir, prévu dans une loi ou découlant de la common law, comme prétexte dans **le seul but** d'identifier une personne et d'obtenir des informations est à proscrire. Le recours à une infraction réglementaire à de telles fins n'est pas permis.

### 4. PRINCIPES D'APPLICATION

#### 4.1. RAISON DE L'INTERPELLATION

Le policier informe la personne de la raison de l'interpellation de façon sommaire, sans toutefois divulguer des informations qui pourraient nuire à d'autres opérations en cours ou qui sont confidentielles ou privilégiées.

#### 4.2. DÉTENTION PSYCHOLOGIQUE

La personne interpellée n'a aucune obligation légale de s'identifier ou de répondre aux questions du policier. N'étant pas détenue, elle peut quitter les lieux en tout temps.

Le policier doit être sensible aux circonstances entourant l'interpellation, à son approche, ainsi qu'aux caractéristiques de la personne ou à sa situation particulière. Il doit être conscient que la personne interpellée peut se sentir psychologiquement détenue donc obligée de s'identifier ou de répondre à ses questions.

#### **4.3. FICHE D'INTERPELLATION**

Une fiche doit être produite à l'issue de l'interpellation lorsque les informations recueillies sont d'intérêt au regard de la mission du Service. Elle doit notamment comprendre les informations suivantes :

- l'objectif;
- la date, l'heure et l'endroit;
- les informations nominatives de la personne interpellée;
- l'identité ethnoculturelle perçue ou présumée de la personne interpellée;
- le contexte (interpellation initiée par le policier, résultant d'une demande d'une personne, d'un appel au 9-1-1 ou d'une demande d'un autre policier);
- la raison de l'interpellation;
- les faits observables ayant mené à l'interpellation;
- les informations recueillies à la suite de l'interpellation;
- les mesures prises à la suite de l'interpellation.

**Le directeur,**

**Sylvain Caron**