

Community Mobilization for Policing Reforms

Memoire presented to the *Office de consultation publique de Montréal* for consultation on systemic racism and discrimination by Alain Babineau, consultant on racial profiling and security.

Introduction:

In September 2016, I retired as a Staff Sergeant with the Royal Canadian Mounted Police. During my nearly thirty years as a law enforcement professional, I had the opportunity to work in Nova Scotia as a Military Policeman, in Ontario and in the province of Quebec as a member of the Ontario Provincial Police and the Royal Canadian Mounted Police. During those tenures, I also developed a broad understanding of various policies and procedures as well as of federal and provincial laws. During my career, I also oversaw a national training program, and acted as a manager within RCMP's national recruiting program. In those roles, I developed a thorough understanding of training principles and learning styles, as well as the process of researching, developing, implementing and evaluating learning initiatives. I was also often called upon to provide strategic advice, coordination, analysis, support, policy interpretation, recommendations, and guidance at the local, divisional and national levels to senior managers of the RCMP.

During my career as a police officer, and since I retired, I have also been involved in my community in a variety of ways. Starting in 1992, while stationed in Toronto, I helped form The Association of Black Law Enforcers (A.B.L.E.), which is a non-profit organization focused on addressing the needs and concerns of Black and other racial minorities in law enforcement, and of the community at large. Later, during my three years spent as a recruiter for the RCMP, I led and championed various initiatives in the province of Quebec to promote the Force's goal to recruit a qualified and diverse RCMP workforce, while conducting ongoing community outreaches to attract candidates from groups who had historically not been widely represented in the RCMP. While living in Ottawa I became member of the Black Agenda Noir, a community group focused on bringing about policing reforms in the city, and I recently joined the board of directors of the Montreal Jamaican Association Foundation.

I am convinced that at the heart of criminal justice reform, should be police reforms. Since policing is the most visible part of the criminal justice system, progressive agencies constantly make reforms and improvements, as they know policing cannot remain stagnant. Police agencies around the country have been grappling with how to improve their service delivery, while balancing community criticism about excessive force and their concerns over increasing political pressure to tamp down crime rates. Even in areas afflicted by high level of criminality, police officers who are also skilled communicators can make the difference between an alienated or collaborative community. For instance, in the falls of 2016 & 2018, through the Carleton University Graduate Diploma Conflict Resolution program, I was involved in the delivery of "insight policing" communication techniques to a group of police officers from the Trinidad & Tobago Police Force Hearts and Minds Unit. This Unit is a component of "high crime" community policing programme in the Laventille area of Trinidad and Tobago.

Over the last 2 years, I have been an advisor in matters of racial profiling with the Center for Research-Action on Race Relations (CRARR) in Montreal. I have seen first-hand the impact of the practice of racial profiling on racialized communities. I believe that police legitimacy can be defined as the extent to which members of the public view the police as legitimate. I further believe that if police lose their legitimacy, it can compromise their ability and authority to work effectively.

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“Racial profiling needlessly entangles communities of color, youth and young adults, in the criminal justice system for nonviolent activities that are not enforced in other communities, ensnarls hundreds of thousands of people in the criminal justice system while breeding mistrust of the police in these targeted communities, thereby reducing public safety.”

Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty first to twenty-third periodic reports of Canada.

Proposal:

I am proposing that the city of Montreal allocates funding to assist in developing Black, Indigenous and other vulnerable racialized community mobilization. I believe that an empowered community mobilization should contribute to a long-term strategy for meaningful policing reforms in the Service de police de Montreal.

The problem:

With extensive powers come great responsibilities. As the Supreme Court of Canada suggested recently in *R v Le*, requiring law enforcement organizations to meet their obligations under the Canadian *Charter of Rights and Freedoms (Charter)* and the Quebec *Charter of human rights and freedoms (Charter)* and to respect the rights of all people upholds the rule of law, promotes public confidence, and provides safer communities. Canadian courts and human rights tribunals have long recognized that racial profiling exists, affects people from Indigenous and racialized communities, and is contrary to the Canadian and Quebec *Charters* and other Provincial human rights laws.

The persistent practice of racial profiling by police services in Montreal and its suburbs against members of the Black community particularly, is an existential threat to the notion of “le vivre ensemble” as espoused by these municipalities. This is supported by a 2005 report I which Mme. Lise Thériault, (then Quebec Minister of Immigration and Cultural Communities) acknowledged that members of the Quebec “Black communities”, including those born in Québec and who have lived here for more than three generations, face more challenge than other Quebecers in developing their full potential.¹

There is a plethora of evidence regarding the problem of systemic racial profiling, showing that significant police reform within the SPVM, as well as in policing more broadly, is urgent and necessary. In a policy document recently released by the Ontario Human Rights Commission (OHRC) at the Ontario Association of Chiefs of Police (OACP) CEOs Day, racial profiling was recognized by both organizations as “illegal and counterproductive”, and undermining “the powerful and important role that law enforcement authorities play in keeping the public safe.”²

¹ Quebec, Direction des affaires publiques et des communications of the Ministère de l’Immigration et des Communautés culturelles, *The Full Participation of Black Communities in Québec Society; Shared Values, Common Interests*, Discussion document, Quebec : Publication du Quebec, 2005.

² The Ontario Human Rights Commission (OHRC), *Policy on eliminating racial profiling in law enforcement*, 2019.

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Policing Montreal:

*"Ensemble pour mieux servir" (Together to serve you better)-SPVM
Mission statement*

In the 1960s, the Communauté urbaine de Montréal (SPCUM) adopted its mission statement: *"Ensemble pour mieux servir"* (Together to serve you better), which morphed 20 years later through the concept of "Neighbourhood Policing" as a new policing approach. With the aim of better countering emerging safety problems, this model sought to strengthen community ties through an approach based on "solving problems, building partnerships and on a greater openness toward community groups"³

Through its creation of neighbourhood police stations (Police De Quartier), the SPCUM, which changed its name to the SPVM in 2002, continued its "Neighbourhood Policing" strategy. Unfortunately, it appears that by focusing on "enforcement" rather than on "community relation building" the SPVM has only exacerbated the problem of racial profiling in all neighbourhoods. Indeed, according to a 2018 released report, by profiling all Black youths in Black areas under the pretext of wanting to curb gang activities and targeting the same youth in predominantly White spaces for being "out of place", it appears that SPVM "Neighbourhood Policing" strategy has been a dismal failure.⁴

There has been growing awareness of the importance of community perceptions to effective policing, and periodically, law enforcement agencies have attempted to create some community-police partnerships and engaged in dialogues with community leaders. However, these efforts have not succeeded in thwarting the practice of racial profiling in Montreal and its suburbs. At the same time, these community-oriented policing efforts continue to show us that police cannot do their jobs well without strong relationships between them and all the communities they serve. We need each other.

Systemic racial profiling:

"The challenge is a change of culture basically within the police forces and within Quebec society in general, so we're fighting against prejudice we're fighting against well-established ways of doing things"

Jacques Frémont, ex-President of the Quebec Human Rights Commission

Racial profiling can be "systemic" in nature and become part of the "normal" way an organization operates. While police services in the province of Quebec receive high satisfaction ratings, for Black and other racialized citizens in Montreal and its suburbs, racial profiling is often perceived as a form of terrorism! Racial profiling may result from an individual's explicit or implicit bias based on conscious or unconscious stereotypes, personal prejudice or hostility toward Indigenous or racialized people. Racial profiling by an individual may be established where:

- A racialized or Indigenous person is singled out
- A racialized or Indigenous person is subject to unprofessional or degrading treatment

³ Service de police de la Ville de Montréal (SPVM), Neighbourhood police, online:<<https://spvm.qc.ca/en/PDQ>>.

⁴ Anne-Marie Livingstone, Ted Rutland, Stéphane Alix, *Profilage Racial Dans Les Pratiques Policières Points De Vue Et Expériences De Jeunes Racisés À Montréal*, MTL Sans Profilage, 2018, 102.

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- There are deviations from normal practices
- There is a failure to assess the totality of circumstances before reaching a conclusion
- There is no sufficient, credible, non-discriminatory reason that explains the treatment experienced by the racialized or Indigenous person.⁵

However, not all racial profiling is based on the individual actions of a few “bad apples.” Canadian courts recognize that racial profiling is a systemic problem. Systemic racial profiling occurs when over-scrutiny and different treatment of Indigenous and racialized groups becomes an established and accepted part of the way an organization operates. Systemic racial profiling can be driven by discretionary or inappropriate policies, practices or decision-making processes, as well as organizational culture. Activities that may contribute to racial profiling include:

- Deployment that selectively targets particular neighbourhoods or groups
- Proactive or pretext pedestrian or vehicle stops to question or detain people without reasonable suspicion
- Enforcement incentives and performance targets that reward stereotyping
- Setting priorities based on stereotypes rather than objective information about risk
- Certain techniques related to national security or anti-terrorism
- Use of artificial intelligence including risk assessment tools such as “predictive policing” algorithms that rely on racially biased data
- Failure to take appropriate action to protect the safety and security of Indigenous or racialized persons and communities.
- Law enforcement organizations must take steps to prevent, identify and respond to racial profiling, racial discrimination, harassment and other violations of the Code.”⁶

Over the last 35 years, on the issue of policing racialized communities in Montreal, numerous independent as well as government sanctioned quantitative and qualitative research, (culminating with the recently released SPVM Mulone, Armory, Hassaoui report⁷) have yielded undisputable evidence demonstrating that the problem of racial profiling goes beyond individual cases and has become systemic on several levels. During these years, while calls for reform have been wide ranging, the ones adopted by the city and the SPVM have always been more limited in scope. In general, they have involved new multicultural training programs for police, new efforts to hire non-white police officers and some forms of police-community dialogue. Even as the failure of these reforms to eliminate racial profiling has become increasingly evident over the last few years, the recently SPVM action plan continues to offer similar initiatives.

⁵ The Ontario Human Rights Commission (OHRC), Policy on eliminating racial profiling in law enforcement, 2019.

⁶ Ibid.

⁷ Victor Armony, Département de sociologie, Université du Québec à Montréal / Centre de recherche interdisciplinaire sur la diversité et la démocratie, Mariam Hassaoui Université TELUQ, Massimiliano Mulone École de criminologie, Université de Montréal / Centre international de criminologie comparée 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, Rapport final remis au SPVM, Août 2019.

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Historically, police services have been more interested in viewing their involvement with community engagement pragmatically rather than democratically. Communities have been sought by the police to assist in the “crime fighting” side of policing rather than on the “public servant” side. Community engagement strategies emphasizing the performance goals of the public service (including the balanced distribution of equitable services to Blacks, Indigenous and other racialized communities) have not been readily embraced.⁸ The large gap between reality and perceptions in the debate around racial profiling shows us how valuable education in human rights, diversity, citizenship, critical media analysis, and the management of conflicts can be.

Solution summary:

I believe the time has come for a community generated and driven series of substantial changes to address the issue of racial profiling. I further believe that community mobilization efforts should focus on three key areas of reform at the micro, meso and macro levels, in which the community will play an active role in bringing forth fundamental changes and continuous support. These are:

- (1) Accountability for racial profiling and related misconduct,
- (2) The development of strong anti-racial profiling policies, practices and relevant timely training for officers, and
- (3) Meaningful community engagement.

Community mobilization on police reforms can be viewed as a process which begins a dialogue among members of the community to determine who, what, and how issues are decided, and also to provide an avenue for everyone to participate in decisions that affect their lives. Community mobilization is a process through which action is stimulated by the community itself with the goal of eliminating racial profiling, by raising the level of trust and confidence in the institution of policing with a particular attention to vulnerable communities, while controlling crime effectively. I believe that it is possible for a group of people who have transcended their differences, to meet on equal terms in order to facilitate a participatory decision-making process.

In other words, community mobilization can generate police reforms through a process which begins a dialogue among members of the community to determine who, what, and how issues are decided, and also to provide an avenue for everyone to participate in decisions that affect their lives. For instance, community mobilization can examine the effects of police programs (such as decades-long war on street gangs and the more recent war on “incivilities”) and units that have historically disproportionately targeted Blacks, Indigenous people and people of colour. My suggestion calls for a two-way community engagement used to drive co-creation, both in terms of the process and outcomes of policies and practices. I believe community empowerment for racially marginalized communities, should be at the core rather than at the periphery of community mobilization, to better address the problem of racial profiling within the city of Montreal.

⁸ Lorne Foster & Lesley Jacobs, Community engagement in policing : as a dialogic tool for combating racial profiling in *Racial profiling and human rights in Canada : the new legal landscape*, edited by Lorne Foster, Lesley Jacobs, Bobby Siu, & Shaheen Azmi, Toronto :Irwin Law, 2018.