



VIA EMAIL

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September 26, 2018

Vancouver Police Board Service and Policy Complaint Review Committee

Re: Service or Policy Complaint #2018-133 on Street Checks

Dear Committee members,

We appreciate the VPD's considerable effort in drafting report #1809C01 in relation to the above-noted complaint. We have had a brief opportunity to review the report. Due to the short time we have had to review the report, this letter is not our full response. Nevertheless, we wish to make a few short comments for your meeting today.

Our brief comments are as follows:

- On July 17, 2018, we wrote to the Board to indicate that further study would be needed beyond the anticipated report, specifically:
 - Independent analysis of the street check data and the efficacy of the tactic,
 - Independent analysis of the impact of street checks on Indigenous and racialized people,
 - Community-based research assessment with affected communities to determine the impact of the practice, and
 - Work with the Information and Privacy Commissioner to create a policy on data collection, protection, and retention.

In our view, these studies continue to be necessary, following the VPD report.

- The VPD's covering note acknowledges that, regardless of the motivation of the police, the street checks can have an impact on racialized and Indigenous persons that they subjectively experience as discriminatory. The VPD states that it is critical for the VPD to understand these experiences. The report itself points to the documented negative psychological and physical impacts of racial profiling when it occurs, and negative societal implications. Without concluding that that is what is happening here, it is clear that the subjective experience of the people affected by the practice of street checks, and police stops that are not necessarily counted as street checks, needs to be understood by

this Board in order to make a decision as to the appropriate policy to adopt. The Board should not make a decision on policy based solely on the VPD's view of its own practice, without further independent assessment of the impact of that practice on people in our community.

- The VPD acknowledge that there are limitations in the data on which their report (and our complaint) is based. Additional research and analysis is required to attempt to address these limitation issues, to the extent possible.
- The VPD notes that 80% of street checked individuals in 2017 had previously been suspects (suspect, chargeable or charged) in previous investigations, and that on average, street-checked individuals had been suspects in 22 criminal investigations prior to the 2017 street check. The VPD suggests that this lends support to the position that VPD officers base street checks on observed unusual, suspicious or potentially criminal behaviour. With respect, this data could as support a range of conclusions, including that some individuals are unduly over-suspected or seen as suspicious due to a range of factors that could be unrelated to behaviour. Just as we cannot conclude that street checks are discriminatory based solely on the racial breakdown of the persons street-checked, neither can we conclude that they are not discriminatory just because a majority of individuals street-checked have been previously investigated by police on multiple occasions. More study is required to better understand what is happening, and what the effects are on racialized and Indigenous people in Vancouver.

Based on these observations, we reiterate that the Board should only adopt a new policy once it has had the benefit of further, independent reports to provide a better picture of the practice of street checks and police stops, their efficacy, and their impact on racialized and Indigenous people in the city.

We anticipate providing further response to the VPD's report in the future, and we thank the VPD sincerely for the effort and attention that it has dedicated to helping the Complainants, the Board, and the public better understand these questions.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief Robert Chamberlin
Vice-President



Kukpi7 Judy Wilson
Secretary-Treasurer

On behalf of the BC Civil Liberties Association

A handwritten signature in black ink, appearing to be 'JP', with a long horizontal line extending to the right.

Josh Paterson
Executive Director

CC: Stan Lowe, Police Complaints Commissioner; Chief Constable Adam Palmer, VPD