



## **Decision clearing New Westminster Police Officers for Unlawful Street Check Based on Race to be Reviewed**

FOR IMMEDIATE RELEASE

(Xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səlilwətəl (Tsleil-Waututh)/Vancouver, QayQayt and Kwikwetlem First Nations /New Westminster B.C. — August 24, 2021

### **Illegal Police Street Checks Continue in BC**

The BCCLA calls upon the government to immediately and definitively end street checks. We are reiterating our demand that policing laws must reflect human rights and civil liberties considering the latest development in Dr. Jovian Radheshwar's quest for police accountability and justice in New Westminster. The recent development occurred on August 20, 2021, when the Office of the Police Complaint Commissioner (OPCC) ordered a review of a decision in which Abbotsford police cleared New Westminster police officers of misconduct.

Dr. Radheshwar's experiences with the New Westminster Police Department (NWPD) and its oversight bodies glaringly illustrate that BC's policing standards on police stops, implemented in January of 2020, do not protect people in the province from racial discrimination and other illegal police practices. In July of 2020 Dr. Radheshwar, a Political Science Instructor at Douglas College, was stopped by two New Westminster police officers who claimed that he looked just like a suspect that they had reasonable grounds to arrest. As far as the BCCLA and Dr. Radheshwar can tell, however, the only characteristic that Dr. Radheshwar and the suspect had in common was their male gender and assumed race, falling short of the legal thresholds needed for a police officer to stop and detain someone who is going about their private affairs in a free and democratic society.

### **Police Oversight is Weak and Review Processes are Dismal**

The various police accountability processes that Dr. Radheshwar has opted to use to hold the officers – and the NWPD – accountable further highlight how slow, confusing, and elusive

justice is for people whose rights have been violated by police in BC. After finding the informal complaint mechanism unsatisfactory, Dr. Radheshwar has launched two formal complaints: one is a “Service or Policy” complaint filed against the New Westminster Police Board, and another is a “misconduct” complaint filed against the individual NWPB officers that stopped him last summer.

In his Service or Policy complaint, Dr. Radheshwar raised concerns regarding NWPB policies and member training with respect to street checks and racial profiling. Last December 2020, the OPCC sent the matter back to the New Westminster Police Board to take further action after they had already decided that there was no problem and that their policies were sound. Read our letter to the NWPB and Mayor Coté about that matter [here](#). We are unaware as to whether the New West Police Board is taking up the (non-binding) recommendations by the OPCC, which does not bode well for democratic transparency and public trust in police oversight processes.

The investigation into the misconduct complaint filed against the two NWPB officers was conducted by an officer at the Abbotsford Police Department. After an eight month investigation, the final report issued last month cleared NWPB Constables Peter Jon and Alex Oprea of any wrongdoing in relation to the street check they conducted in July 2020.

The NWPB’s Policy on Street Checks (and Police Stops) stipulates that the decision to stop a person must not be based solely on that person sharing an identity factor, such as race. However, that is precisely what happened to Dr. Radheshwar. Inspector Casey Vinet of the Abbotsford PD confirmed that in his decision stating that the officers stopped Dr. Radheshwar because they thought—based solely on his appearance—that he was the “Middle Eastern” man they were looking for.

On August 20, the OPCC determined that “there is a reasonable basis to believe” that these findings of the Abbotsford Police Department are “incorrect” and has appointed a retired judge to consider all the facts and make a new decision on the matter.

The BCCLA is deeply troubled that the NWPB officers neglected to follow their own policy in deciding to stop Dr. Radheshwar for no lawful reason. We have serious concerns about the issues Dr. Radheshwar faced in navigating the accountability process, including inappropriate interference by Mayor Coté. Finally, we note that the NWPB Street Checks Policy is not publicly available despite the requirement under the [BC Police Stops Standards](#), which is unacceptable.

The BCCLA continues to call upon the government of BC (specifically the Minister of Public Safety, Mike Farnworth) and the New West Police Board to put an end to street checks as it is an

illegal practice that disproportionately impacts Indigenous, Black, persons of colour and marginalized members of society. Limiting police interactions with the public is necessary to maintain a free and democratic society for all.

## **MEDIA STATEMENTS**

“This case has been a byzantine and Kafkaesque series of twists and turns through layers of bureaucracy, bad faith investigations, appeals, anxious interludes aimlessly spent worrying about the future of people of color in New Westminster, high-pressure high-intensity letter writing campaigns, and ongoing denials from the police and mayor and attempts to evade responsibility for their casualization of police abuse. If this happened to me, and they are seeking to sweep the matter under the rug, as the evidence emerging now points to their systematic – albeit ill-executed – attempt to cover-up of the facts of the case, this points to the banality of racial profiling and a culture of corruption going all the way up to the mayor’s office! Who knows how many people have been dealt with unjustly! I have already previously won an appeal in December against the police board, and now the NWPD’s concocted narrative in defense of Oprea and Jon is collapsing under the weight of its own contradictions – not to mention outright lies. The NWPD seems to really value the power to casually racially profile people in the community and push them around without being held accountable, and the New Westminster political class is partially in denial. And the mayor is the chief of cover ups. This case and my cases before the Human Rights Tribunal concerning this same set of matters are extremely important for the equitable treatment of all the different communities living in these Coast Salish lands and other lands up north and in the interior. Public attention must stay focused on these cases in order to hold police and elected officials accountable, and demand true protection, and not merely heroic posturing.” – **Dr. Jovian Radheshwar**

“Witnessing Jovian’s struggle to seek accountability and justice for being illegally street checked has been exhausting and frustrating. Particularly bothersome about this situation, is the apparent lack of care on the part of NWPD to understand its responsibilities under the law and to ensure that the public is properly informed of police policies and their rights in relation to those policies. Being left alone by the police is a right we should all enjoy. We need to recognize and expect that in a free and democratic society, police interference should only occur where there exists a lawful justification. The onus is on the police to know and respect the limitations of their power and to act within the confines of the law. The police accountability mechanisms that are in place, including police boards, should also operate with that understanding instead of enabling unaccountability and police misconduct.” – **Veronica Martisius, BCCLA Staff Counsel (Policy)**

“This whole debacle completely undermines the government narrative that illegal and discriminatory street checks were banned in British Columbia through policing standards made effective in 2020. Racial profiling is unfortunately alive and well in BC policing institutions,” said **Meghan McDermott, BCCLA Policy Director** “It also exposes how weak police accountability is – both of Dr. Radheshwar’s complaints were initially determined to be unfounded which is very alarming and also why [we continue to call for an end to police investigating police](#), and for stronger powers for oversight bodies such as the OPCC.”

## **MEDIA CONTACTS**

Dr. Jovian Radheshwar, [radheshwars@douglascollege.ca](mailto:radheshwars@douglascollege.ca)

Veronica Martisius, [veronica@bccla.org](mailto:veronica@bccla.org)

Meghan McDermott, [meghan@bccla.org](mailto:meghan@bccla.org) 778-679-8906