

	<p>OTTAWA POLICE SERVICE SERVICE DE POLICE D'OTTAWA</p> <p><i>Working together for a safer community</i> <i>La sécurité de notre communauté, un travail d'équipe</i></p>	<p>REPORT RAPPORT</p>
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DATE: 27 July 2015

TO/DEST: Executive Director, Ottawa Police Services Board

FROM/EXP: Chief of Police, Ottawa Police Service

SUBJECT/OBJET: **OTTAWA POLICE SERVICE PLAN FOR PARTICIPATION IN
PROVINCIAL STREET CHECK REVIEW**

RECOMMENDATIONS

That the Ottawa Police Services Board:

- 1. Receive this report for information.**
- 2. Approve the Street Checks Engagement Plan described in Annex A.**

INTRODUCTION

On June 16, 2015, the Ontario government announced it would begin public consultations this summer as part of an effort to standardize Street Checks across the province. The aim is to establish rules around Street Checks to ensure these encounters are consistent, without bias, and carried out in a manner that promotes public confidence in order to maintain the use of a valuable tool for police. Ontario is seeking input on topics including:

- The circumstances when police may ask an individual for information;
- The rights of those being asked for their information;
- How to enhance accountability mechanisms and training requirements; and
- Data collection and retention.

Following these consultations, the Ontario government plans to introduce regulations to standardize how Street Checks are conducted and used province-wide. These would provide Ontario's police officers with clear and consistent guidelines to help them deliver fair and effective policing to keep Ontario communities safe, while strengthening public accountability and safeguarding citizens' rights.

The Ottawa Police Service (OPS) welcomes the Ontario government's decision to provide Street Check guidelines.

Currently, the practices followed by police services related to Street Checks vary by jurisdiction. The OPS recognizes that clear guidelines, policy and training are necessary to ensure Street Checks are used as effectively and appropriately as possible.

The OPS was already engaged in an operational review of how Street Checks are performed prior to the provincial announcement. The OPS review, requested by the Board in January 2013, has included research and initial consultations with members of the public, academics, community organizations, members of the police service and other stakeholders to identify key issues.

The dialogue on this issue has been important and positive and the OPS plans to conduct further engagement over the summer in order to make a submission to the province.

The OPS will work to ensure its policy on Street Checks aligns with any new Ontario regulations.

BACKGROUND

In September 2012, there was a complaint submitted to the Office of the Independent Police Review Director (OIPRD) on the issue of sharing information related to Street Checks. This prompted a review of Street Checks within the OPS. This review found that the use of Street Checks was not governed by clear OPS policies, procedures or directives.

In November 2013, the OPS began initial internal and external discussions towards consultations to fully understand the issues and concerns around Street Checks in our community.

There is currently no OPS policy specifically for Street Checks. The primary goal of the review was to develop a policy with clear guidelines around when Street Checks are and are not warranted, as well as to develop better training, quality assurance standards, and oversight around this sensitive issue. It was also intended to make sure OPS policy and procedures around Street Checks are in line with:

- Community expectations
- Human Rights/Race Relations Policies
- Racial Profiling Policy
- The Charter of Rights and Freedoms; and
- The Ontario Human Rights Code.

DISCUSSION

The OPS supports the continued use of Street Checks as they assist officers in solving and preventing crime. The OPS is called upon to identify and charge criminal offenders in our community and Street Checks are one of the key tools we have to make vital links and observations that help solve and prevent crimes.

That said, a clear policy and training should be put in place to ensure Street Checks are used as effectively and appropriately as possible. In addition, the OPS needs to do a better job of educating the public about Street Checks, when they are submitted and why they are used.

Normally, during a provincial review, we would halt our own research in anticipation of the results of the review. However, in the case of Street Checks, we have been actively working with our partners in the community to improve our own practices. The position of our Service is that the consultation and discussion should continue, as it contributes to a larger discussion in the community that has already been aided by the Traffic Stop Race-Based Data Collection Project.

An internal consultation will also be carried out to ensure the views and opinions of members are gathered for the review.

A plan for the Board's approval for Community and Internal Engagement around Street Checks is attached in Annex A.

What is a Street Check?

A Street Check is a tool used by officers to record information gained through interactions with and/or observations of a person or people, vehicles or locations known or suspected of being involved in criminal activities. Street Checks provide a formal method of collecting, storing and using information to support investigations and help police gain a better understanding of criminal activity.

Street Checks are not random and are driven by information observed or known by an officer that creates a suspicion of criminal activity. This can include a strange van parked outside of an industrial complex late at night, an unknown individual talking to a known street gang member or a suspicious individual found late at night in a neighbourhood victimized by crime. Street Checks are also submitted as part of prevention activities in neighbourhoods where OPS assistance in preventing crime has been requested.

Information collected during a Street Check is stored in the OPS Records Management System (RMS) and is both searchable and disclosable to the courts. This information is intended to help police fulfil their statutory duties – to preserve peace, prevent crime, protect the public, and assist victims – in order to keep our community safe.

In Ottawa, Street Checks are not used in police background checks.

Suspicion of criminal activity

In Ottawa, Street Checks are not random. They are prompted by suspected criminal activity. Random Street Checks are not acceptable and the OPS believes they lead to the collection of information not useful in solving or preventing crime.

When do officers submit Street Checks?

A very small number of the hundreds of thousands of interactions and observations by OPS officers are actually recorded as Street Checks. For example, in 2014 there were 339,304 calls for service, 59,435 traffic stops and 4,405 Street Checks.

The following chart compares Street Checks to other activity carried out by OPS members over the last five years.

	2010	2011	2012	2013	2014
Total calls for service	386,327	390,558	374,409	354,450	339,304
Officer Initiated calls	112,969	101,216	107,567	109,825	102,330
Traffic Stops	69,104	56,174	59,428	64,161	59,435
Submitted Street Checks	8,240	6,748	6,950	5,301	4,405

(Note: The OPS Street Check data in this report has been taken directly from the OPS Records Management System. It has not been analyzed further to provide context and determine or explain trends associated with the data. The data could also include entry errors. About 400 street checks could not be analyzed as access to them has been restricted to protect investigative integrity. The OPS is releasing it now because there have been requests from stakeholders, the media and through the Municipal Freedom of Information and Protection of Privacy Act.)

The following are examples of how Street Checks have been used in investigations:

Commercial Break and Enters

An officer came upon a male acting suspiciously and submitted a Street Check on his behaviour. A surveillance team acted on the Street Check information and observed the individual committing a break and enter shortly thereafter. He was subsequently charged with 21 counts of breaking and entering.

Robbery and Forcible Confinement:

Two female suspects had been identified in a robbery involving forcible confinement. A month later, a Street Check associated the two females with two additional male suspects, one of whom was picked out in a line-up. One of the females later confirmed his involvement.

Homicide Investigation:

In February 1986, an officer had observed a known suspect having breakfast with a man who was later reported as a missing person. This was documented as a Street Check.

As the missing person report was investigated, a source led police to a suspect who had allegedly been heard boasting about killing the missing person. At the time, when the suspect was interviewed, he denied knowing this individual and no further evidence was available. However, the information obtained by the previous Street Check clarified that both parties in fact knew each other and had been in contact.

With no further evidence at the time, the case turned into a cold case.

Over the next 20 years, officers identified five other homicides involving this suspect. Twenty-one years later, in 2007, at the suspect's trial for first-degree murder, the officer testified to the contents of the Street Check. It was important not only in showing

association between the parties but also in corroborating some of the information provided by the sources in the context of their disclosure.

Attempted murder:

In 1999, an officer working in the east end of Ottawa documented activity by drug dealers whenever he saw them going into a house, in a vehicle or with someone new. These observations were documented as Street Checks. One morning, the officer completed a Street Check on a known suspect who was seen entering a house at 7 a.m. with coffees. About 4 weeks later, that suspect stabbed someone 20 times and was wanted by police. The officer reviewed his Street Checks and surveyed the house on several occasions. One evening, while observing the house, the officer saw the suspect arrive by taxi and an arrest was made. The Street Check played a significant role in enabling this arrest.

How is information submitted during a Street Check used?

Information submitted during a Street Check is used to further understanding of criminal activity, and to aid in investigations. The information is entered into the OPS Records Management System by an officer, where it is searchable and can also be disclosed in court.

In Ottawa, Street Checks are not used or shared as part of police background clearance checks.

How does OPS currently oversee Street Checks?

All Street Checks submitted by OPS officers are reviewed by a civilian in the Criminal Intelligence section. After a Street Check is reviewed, any concerns – about for example whether appropriate information was obtained – are reported to the Sergeant in charge, and the information may be sent back to the submitting officer to rectify. Issues that cannot be resolved by the Sergeant are raised with the Staff Sergeant.

Street Check Data 2011-2014

The Ottawa Police Service recorded 23,402 Street Checks within the Records Management System (RMS) database between January 1, 2011 through December 31st 2014.

There are 45,802 entities (persons) entered within the 23,402 Street Checks from 2011-14 (an average of 1.95 people per Street Check). About one third of these individuals were in the database more than once.

About 80% are male and 20% female and 40% of all street checks involve individuals between the ages of 20 and 29.

Street Checks by ethnicity: 2011-2014 (note: numbers do not add up to 100 due to rounding)

- 58% White Caucasian
- 20% Black
- 14% Middle Eastern
- 2% Aboriginal People
- 2% Asian

- 1% East Indian
- 1% Latin American
- 1% Unknown

About 10% do not include ethnicity for various reasons. In some cases an individual is not observed and descriptors cannot be recorded.

Street Check by hour of day

The majority of Street Checks are generated between the hours of 8 p.m. and 12 a.m., dropping off until 7am when they start to increase again.

OPS Operational Review: Community feedback so far

Several key issues related to Street Checks have been identified during the on-going consultation process. These include:

- The desire for an external consultation group or advisory committee;
- Quality assurance measures that are clear and standardized;
- The retention period for information obtained from Street Checks;
- The need to ensure OPS policy aligns with federal, provincial and municipal privacy laws; and
- Clear guidelines on disclosure of information gleaned during Street Checks.

OPS has identified a need to better inform the community about Street Checks, what they are and how they're used as an operational tool to aid in police work. This, along with new OPS policy aligned with clear, consistent guidelines from the province, will help promote public confidence and address some of the concerns our citizens have expressed about Street Checks.

There is also a need for more clarity and training for officers around situations that may warrant a Street Check. This should include training about when to submit a Street Check, and when not to submit one.

EXISTING POLICY

There is currently no existing OPS policy governing Street Checks.

CONSULTATION

As part of its operational review, OPS has conducted initial consultations with members of the public, academics, community organizations, and other stakeholders in order to identify issues and concerns, and to gather questions and comments related to Street Checks. The information gleaned from these and future consultations will be used to guide future policy development.

The parties present during the consultations were provided a “Street Check Review” presentation that addressed topics including:

- What is a Street Check;
- The importance of Street Checks;
- Examples of Street Checks;
- Requirements of Street Check Policy;
- Goals; and
- Next Steps.

Each presentation was followed by an open discussion.

FINANCIAL STATEMENT

Not applicable.

CONCLUSION

The OPS welcomes the Ontario Government’s review of Street Checks across the province, and its plan to standardize policies and procedures governing the use of this valuable investigative tool, which vary a great deal from jurisdiction to jurisdiction. Ensuring that all Ontario police officers have clear and consistent guidelines around the use of Street Checks will help them fulfil their mandate to keep communities safe, while at the same time strengthening public accountability and safeguarding citizen’s rights.

The OPS recognizes that clear policy and training are necessary to ensure Street Checks are used as effectively and appropriately as possible. The Ontario-wide work on Street Checks presents an opportunity for OPS to engage in further community and police dialogue on this important issue.

(Original signed by)

Charles Bordeleau
Chief of Police

Responsible for report: A/Inspector Mark Patterson

Attach. (1)