

OFTEN ASKING, ALWAYS TELLING:

The Toronto Police Service and the Sanctuary City Policy



November 2015

We humbly acknowledge that our work takes place on traditional territories defended by the Mississaugas of the New Credit First Nation, Haudenosaunee People and the Wendat Nation.

And with deep thanks to those who shared their stories.

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About No One is Illegal - Toronto

Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy is a project of No One Is Illegal-Toronto.

No One is Illegal-Toronto is a grassroots, anti-colonial, migrant justice group with leadership from members of migrant and/or racialized backgrounds. We are an all-volunteer group; none of our organizers are paid.

We are a group of immigrants, refugees and allies who fight for the rights of all migrants to live with dignity and respect. We believe that granting citizenship to a privileged few is a part of racist immigration and border policies designed to exploit and marginalize migrants. We work to oppose these policies, as well as the international economic policies that create the conditions of poverty and war that force migration. At the same time, it is part of our ongoing work to support and build alliances with Indigenous peoples in their fight against colonialism, displacement and the ongoing occupation of their land.

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Executive Summary

This report presents new evidence that the Toronto Police Service (TPS) is not complying with the City of Toronto's Access Without Fear directives and often violates its own partial "Don't Ask" policy.

Since the TPS has only implemented a partial "Don't Ask" policy and remains opposed to a practice of non-disclosure, we hold the position that Toronto police services remain an inaccessible service for undocumented Torontonians who fear being reported to the Canada Border Services Agency (CBSA), and potentially detained and deported. Data recently obtained through *Access to Information* requests also confirm what many undocumented Torontonians and service providers have been saying for years: that Toronto police officers continue to practice racial profiling to inquire into Torontonians' immigration status, in contravention of their own "Don't Ask" commitment.

We have found that the TPS is the most frequent user of the CBSA's Warrant Response System. Described as "an important component in effecting removal orders" by the CBSA, the call centre is available 24 hours/day, 7 days/week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. In the period for which we have obtained data (part of 2014 and 2015), the TPS is responsible for 31% of all calls made by all law enforcement and transit agencies *across the country*. The TPS inquired more often than the RCMP, and more often than the police services of Montreal, Quebec City, Calgary and Vancouver combined.

The reason for these calls is also shocking. The data provided by the CBSA show that TPS calls were rarely for "database verification." Rather, 83% of all calls were place to perform a "status check" – to actively seek out information about someone's immigration situation. This troubling information confirms what we already knew: that TPS is not accessible to people with precarious immigration status and actively seeks to identify immigration status of undocumented Torontonians, putting them in danger of indefinite detention without charges or trial or deportation to places where their lives may be at grave risk.¹

¹http://ihrp.law.utoronto.ca/utfl_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf http://ihrp.law.utoronto.ca/utfl_file/count/PUBLICATIONS/IHRP%20

In addition to this data, this report presents new testimonies that contribute to the substantial anecdotal evidence collected over the years that highlight the continued discrepancy between TPS policies and officer practices. We have conducted interviews with people, including a woman who was the victim of intimate violence, a man who found himself witness to a crime and assisted police and a woman stopped for a minor traffic violation. These individuals ended up in immigration detention and threatened with deportation. In light of these testimonies and the new data collecting, we have to conclude that officers are in fact often asking and almost always telling.

This report also presents legal arguments for the addition of a “Don’t Tell” component to the TPS policy, finding that there is no legislation or regulation that compels the TPS to disclose information to the CBSA. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair claimed that *Ontario Regulation 265/98* compels police officers to share this information. In our view, this is simply not true.² In fact, in order to make his case, Chief Blair had to selectively cite only the parts of Article 5(1) that supported his position, clearly misrepresenting the law and misleading councillors. Article 5(1) states that officers **may** choose to share this information, not that it **compels** them to do so as in the version doctored by the former chief.

In order for the TPS to be in compliance with Toronto’s Access Without Fear directive, a comprehensive “Don’t Ask, Don’t Tell” policy must be adopted. The implementation of a DADT policy is legal and—in the opinion of the Immigration Legal Committee—*recommended* by Ontario law. The provincial government may actually become crucial in realizing this – much like the province was forced to intervene after the TPS and other Ontario municipal police forces refused to reign in carding (or “street checks”), a provincial directive to explicitly prevent police from doing immigration enforcement may be the deciding factor. Racial profiling by police has received enormous media scrutiny during the carding debate – immigration status checks may in fact be one of the most overt (and underreported) forms of racial profiling, and is thus a natural extension of the fight for racial justice in our city. For the past

² TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication with the CDRC, March 12, 2015, p. 6. Online: <http://www.toronto.ca/legdocs/mmis/2015/cd/bgrrd/backgroundfile-79357.pdf>

decade, the TPS has demonstrated that it is not willing to take the necessary steps required to become an accessible service to *all* Torontonians. Hundreds of cities in the U.S. and across Europe have taken steps to ensure they are safe for all of their residents. The City of Toronto must also move forward with this issue. It's time for City Council to make its police an accessible service and create a true Sanctuary City.

Recommendations

To the City of Toronto

1. Request that the Toronto Police Service come into compliance with Toronto's Sanctuary City Policy (CD 18.9).
2. Specifically, instruct the Toronto Police Service to not compile immigration status information.
3. Request that the Toronto Police Service not communicate with federal immigration authorities or any other agencies to verify immigration status of individuals the TPS comes in to contact with.
4. Request that the Toronto Police Service not arrest for the purposes of immigration enforcement, nor share identifying information about individuals it becomes aware of as being without full immigration status with federal immigration authorities.
5. Until the Toronto Police Services agrees in writing to implement recommendations 1 to 4 and until communities are confident interactions with police won't lead to their detention and deportation, the Toronto Police Service must be removed from all municipal outreach materials that list city services that are accessible to undocumented Torontonians Not only is the listing of the TPS dangerous to undocumented people but it also diminishes the credibility of all other services listed as accessible.

Recommendations

To the Toronto Police Service

6. Expand the Don't Ask policy (*Victims and Witnesses Without Legal Status*) to include all encounters with police.
7. Create a Don't Tell policy, where immigration status information of an individual, if ascertained, would not be shared with CBSA or other federal immigration enforcement bodies voluntarily.
8. Sever any formal cooperation agreements with federal immigration enforcement agencies where it violates City Council's Sanctuary Motion (CD 18.9), including all present and future memorandums of understanding. No such agreements should ever be instated.
9. Remove the CBSA Enforcement and Intelligence Division, CBSA Investigations Tip Line, and Immigration Warrant Response Center phone numbers as well as all immigration-related databases such as Immigration Detainees Management System from Toronto Police Services materials, officers notebooks and databases
10. Ensure that a range of identification is accepted as sufficient to verify identity. This can range from passport, birth certificate or photo ID from country of origin; valid or expired immigration or visa documents; community center, public library, or food bank identification; bank card or tax forms; lease or any bill with place of residence; or a notarized letter.
11. End the practice of 'carding', which arbitrarily puts racialized people in police custody and significantly increases the chance of immigration status being found and disclosed to the CBSA.
12. Cease all communications with CBSA or CIC regarding persons they come in contact with (including but not limited to witnesses, suspects, persons of interest etc.) unless there is a warrant for that person's arrest.

Recommendations

To the Government of Ontario

13. Ban the use of status checks by all police departments in the province.
14. Sever any formal cooperation agreements with federal immigration enforcement agencies, including all present and future memorandums of understanding.
15. Remove the words, ‘... is under investigation of, is charged with...’ from O. Reg. 265/98, s. 5 (1).

About the Authors

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List of Acronyms

AWF:	Access Without Fear
CBSA:	Canada Border Services Agency
CDRC:	Community Recreation and Development Committee
CPIC:	Canadian Police Information Centre
DADT:	Don't Ask, Don't Tell
ILC:	Immigration Legal Committee
GTA:	Greater Toronto Area
OPP:	Ontario Provincial Police
RCMP:	Royal Canadian Mounted Police
SCN:	Solidarity City Network
SQ:	Sûreté du Québec
TIHC:	Toronto Immigration Holding Centre
TPS:	Toronto Police Service
TPSB:	Toronto Police Service Board

Background

For over a decade, the Toronto Police Service (TPS) has defended its power to arbitrarily verify individuals' immigration status against countless objections from communities and organizations across the city. This routinized practice of "status checks" – even in encounters unrelated to immigration warrants – virtually excludes the approximately 200,000 Torontonians³ who are undocumented from accessing city services without fear of being arrested, detained, and eventually deported. This report is a response to the continued non-compliance of TPS policies and practices to Toronto's Access Without Fear directive. The City must remove the TPS from the list of accessible municipal services and take the lead in making the police an accessible service to all Torontonians, as per the Sanctuary City policy.

Only in times of intense public and political pressure has the TPS agreed to circumscribe when such status checks may be conducted. In 2008, following public pressure and advocacy, a partial "Don't Ask" policy was implemented.⁴ Victims and witnesses of crime are now supposedly protected from status checks, provided there are no bona fide reasons to ask. In any circumstances in which immigration status is found out, however, there is no "Don't Tell" component to the policy to protect those whose precarious status have been discovered.

Such a response proved to be wholly inadequate. Despite adopting the *Victims and Witnesses without Legal Status* policy, testimonies we have collected over the years show that undocumented Torontonians continue to have their status unduly checked, and these individuals are then handed over to the Canada Border Services Agency (CBSA), detained in the Toronto Immigration Holding Centre (TIHC), and eventually deported.

The partial "Don't Ask" policy has failed to make the TPS an accessible service for two reasons. First, information regarding immigration status often can and does come up, directly or indirectly, in police encounters with victims and witnesses of crime. Immigration status is not always asked for directly by officers. Nonetheless, data obtained of the CBSA

³ http://www.thestar.com/news/immigration/2013/08/20/undocumented_immigrants_toronto_may_be_a_sanctuary_city_but_agencies_still_ask_about_status.html

⁴ http://www.torontopolice.on.ca/publications/files/victims_and_witnesses_without_legal_status.pdf

through Access to Information requests show that despite the existence of a partial “Don’t Ask” policy, the TPS has contacted the CBSA thousands of times in the past six months alone to perform “status checks” (see section: “Evidence of Non-Compliance”). A narrowly defined “Don’t Ask” policy is therefore inadequate in creating a police force that can be accessed without fear. Furthermore, without a corresponding “Don’t Tell” component, there will remain a high degree of risk and fear for undocumented people and those with precarious status attempting to access the police.

Second, a proper “Don’t Ask” policy must be extended beyond victims and witnesses of crime to include all people and interactions with the police not specifically related to an immigration warrant. This includes, but is not limited to, the practice of “carding” by Toronto Police officers. Carding, understood here as a form of street check based on racial profiling,⁵ is an encounter that does not fall under the narrow purview of “victims and witnesses of crime” and therefore leaves undocumented people (who are often racialized) at risk. Community agencies and advocacy organizations that work with undocumented people have reported that racialized clients are routinely stopped and “carded” by police. By limiting “Don’t Ask” practices to victims and witnesses of crime, a large segment of interactions with police officers will continue to be exempt from the City’s Access Without Fear mandate and “status check” will continue to be performed during “routine” interactions often based on racial profiling.

This report presents a collection of new empirical data and testimonies from victims of what the CBSA calls “status checks” as well as front line service providers. The information presented here demonstrates the lack of accessibility of the TPS to undocumented Torontonians, and details its continued non-compliance with Toronto’s Access Without Fear directives.

⁵ Ontario Human Rights Commission Submission to the Ministry of Community Safety and Correctional Services on street checks August 11, 2015: <http://www.ohrc.on.ca/en/ohrc-submission-ministry-community-safety-and-correctional-services-street-checks>

Legal Principles

For a decade now, the TPS has been resisting the implementation of an Access Without Fear or “Don’t Ask, Don’t Tell” policy. In the absence of an immigration warrant, no law prevents the implementation of a full “Don’t Ask, Don’t Tell” policy, only a lack of political will.

According to the Immigration Legal Committee (ILC):

- Police have no legal duty to disclose immigration status to federal officials;
- In most cases, police disclosure of immigration status likely conflicts with certain duties under the *Police Services Act*, (PSA) as well as with provisions of the *Victim’s Bill of Rights*, the *Ontario Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and a number of international legal instruments.⁶

The TPS has been resisting this legal argument, but the weakness of its claim is becoming evident. Forced to respond to allegations that its officers inquired and shared information about the immigration status of people with whom they interact, including victims and witnesses of crime, the TPS first argued in 2005 that “the Police are bound by law to enforce the provisions set out in the Immigration and Refugee Protection Act” and that “no changes to the Rules, Procedures or Policies of the Toronto Police Service was required.”⁷

Nonetheless, on May 18th 2006, the TPSB approved a policy requesting the Chief to develop a “Don’t Ask” policy that would prevent the police from inquiring about the immigration status of victims and witnesses of crime without bona fide reasons to do so. In February 2007, the TPSB approved the TPS official proposal for the *Victims and Witnesses without Legal Status* policy, but decided to reopen the discussion about the feasibility of a “Don’t Tell” component just a month later, in March 2007.⁸

⁶ Immigration Legal Committee, *Police Services: Safe Access for All. Legal Arguments for a Complete “Don’t Ask, Don’t Tell” Policy*, report presented to the TPSB, May 2008. Online: <http://toronto.nooneisillegal.org/node/567>

⁷ TPSB, minutes of the August 11, 2005 meeting, p.7. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2005/>

⁸ TPSB, minutes of the March 22, 2007 meeting, p.146-149. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2007/orderby,4/page,2/>

The final version of the TPS policy approved in 2008 does not include a “Don’t Tell” component.

Most recently, as a result of the adoption of the motion on the Access to City Services for Undocumented Torontonians in June 2014, the TPS has been required to review its policies to ensure that it complies with the City policy. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair misrepresented the law in an attempt to convince councillors that officers who find out about an immigration violation have a duty to report it.⁹ **This is simply not true.**

What Toronto Police Claims the Law Says

“If, during an investigation, a police officer discovers that an individual is under investigation for, is charged with, or is convicted or found guilty of a an offence [...] subsection 5(1) of the Ontario Regulation 265/98 entitled *Disclosure of Personal Information*, made under the *Police Services Act* **compels** the officer to disclose any personal information about the individual to:

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administrative of justice or the enforcement of or compliance with any federal or provincial regulation or government program. [...]

As such, **police officers would be in contravention of Ontario Regulation 265/98** if they do not share information about these individuals

Here, Chief Blair eliminated the wording in the legislation that does not support his argument in order to present the *Ontario regulation 265/98* as *compelling* officers to disclose immigration status to the CBSA or any other police service, law enforcement body, or person/agency engaged in the protection of the public. However, *Ontario Regulation 265/98* specifically states that officers **may** disclose information about an

⁹ TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication to the CDRC, March 12, 2015, p. 6. Online: www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf

individual under certain circumstances, never that they have a duty to do so.

What the Law Actually Says

5. (1) A chief of police or his or her designate **may disclose** any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to,

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

O. Reg. 265/98, s. 5(1).

The Police Chief's claim misrepresents the law. As Karin Baqi, a lawyer with the South Asian Legal Clinic of Ontario and co-author of the 2008 ILC legal opinion explains: "The language is *may*, not *should*; the law is clear that officers do not have to disclose this information." Considering what he chose to omit in order to push his interpretation, it is hard not to conclude that Chief Blair attempted to mislead the TPSB and City councillors.

Section 5(1) of the *Ontario Regulation 265/98* also indicates that officers may only disclose personal information "if the individual is under investigation, is charged with, or is convicted or found guilty of" a number of offences. It does not authorize them to share information about victims and witnesses of crime, nor about any individual who is "carded" or otherwise stopped on the street while not being directly under investigation. Finally, even for individuals about whom police officers are authorized to disclose information, Section 6 of *Regulation 265/98* specifies that they have to use their discretion to decide what is reasonable and consistent with the public interest.

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

O. Reg. 265/98, s. 6.

Macdonald Scott, an immigration consultant at Carranza LLP, notes that “disclosing immigration information will not protect the public, will not protect victims of crime, will not help keep victims informed of the correctional processes relevant to the crime that affected them,” but instead “throws the profile of law enforcement into disrepute in migrant communities.”

There is therefore no stated obligation to request and/or disclose information about an individual’s immigration status, contrary to what the TPS has been saying for years. In his recent report submitted to the TPSB on September 17th 2015, Chief Saunders acknowledged that under *Ontario Regulation 265/98*, the TPS only has “the power to disclose personal information” in certain circumstances.¹⁰ His report suggests, however, that the TPS will continue to keep and use this power, despite the fact that he cannot make a compelling legal case against a “Don’t Tell” component and the fact that this practice unnecessarily puts undocumented people and those with precarious status at risk in *every encounter* with the TPS.

Torontonians and their representatives are entitled to decide whether or not this power should be exercised and set criteria and guidelines on such power to make sure that it does not contravene the Access Without Fear principles of the Sanctuary City policy. The addition of a “Don’t Tell” component to the TPS policy is compliant with the law, and, in the ILC’s opinion, encouraged by Ontario law. The only limits to the TPS’s implementation of a full “Don’t Ask, Don’t Tell” policy is a lack of political will. Beyond *actually* implementing its “Don’t Ask” policy, the TPS also needs to develop and implement a comprehensive “Don’t Tell” component. Without a full “Don’t Ask, Don’t Tell” policy, the TPS will remain an inaccessible service, which runs contrary to the City’s Access Without Fear directives.

¹⁰ TPSB, “Access to Police Services for Undocumented Torontonians”, *Public Meeting Agenda*, September 17th 2015. Online: www.tpsb.ca/documents/agendadoc.pdf

Evidence of Non-Compliance

Individuals and organizations working with undocumented Torontonians have been reporting collusion between the TPS and the CBSA for years. In July 2004, a 16-year-old woman from Grenada who had reported an assault to the Toronto Police was handed over to immigration enforcement. This and other cases around the same time fuelled a rising public pressure that would force the TPSB to recommend a “Don’t Ask” policy in 2006.¹¹ Over the years, No One Is Illegal -Toronto has collected many testimonies demonstrating that the TPS regularly inquires into racialized individuals’ immigration status and reports it to the CBSA. The final adoption of the *Victims and Witnesses Without Legal Status*, or “Don’t Ask” policy, by the TPS in 2008 did not change that. Unfortunately, these stories are still abound today, and we feature some recent ones in this report. In addition to these numerous testimonies, we now also have new quantitative data to show the extent that the TPS “often asks, and always tells.”

Status Checks, Suspicion and Racial Profiling

In his August 12th 2015 report to the TPSB¹², Chief Saunders stated that “the Toronto Police Service does not maintain statistics on persons reported to the CBSA.” He added that “the general occurrence and arrest reports do not contain a field to record this information, so it is not possible to search for this information.” This clearly limits oversight into police practice, and the lack of internal information makes it easy for the TPS to claim that it complies with the Sanctuary City policy. However, we obtained CBSA data through *Access to Information* requests that suggests otherwise.

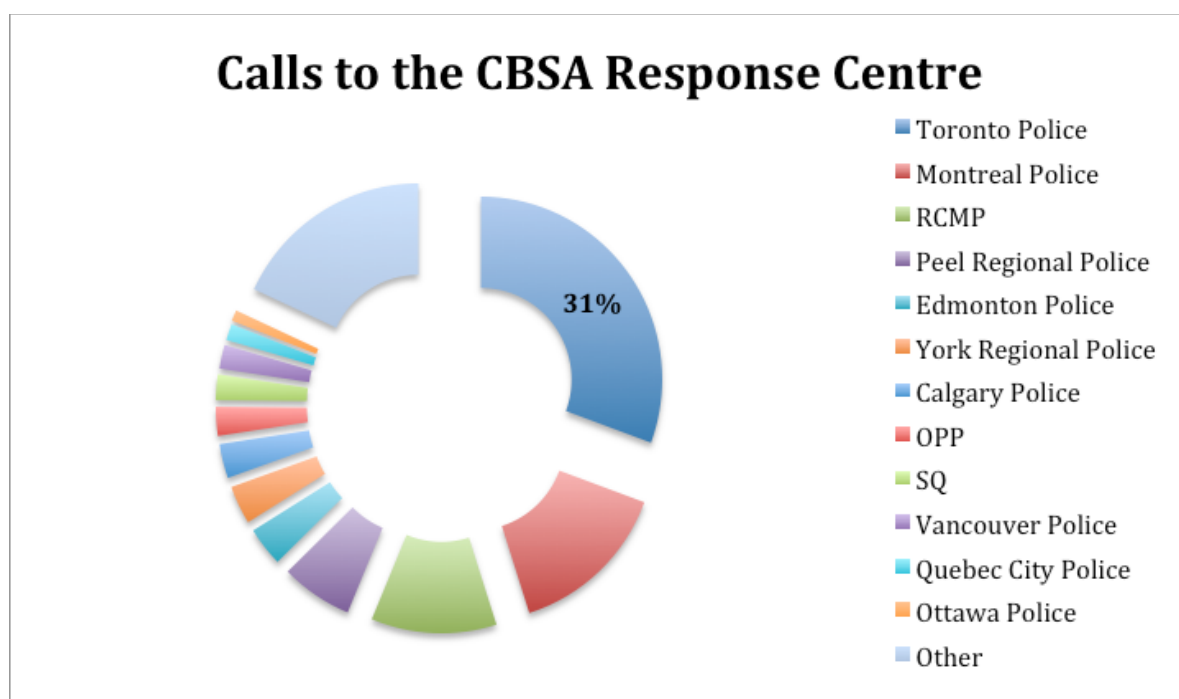
The CBSA claim that “the process to add an immigration-related warrant to the CPIC [Canadian Police Information Centre] system is cumbersome and leads to delays in warrants being transferred to CPIC.” In an attempt to streamline this process, the agency runs a Warrant Response Centre, which it describes as “an important component in

¹¹ On early cases, see the Solidarity City Network (<http://solidaritycity.net/victories-to-date/>). For a summary of the beginning of the mobilization for the implementation of a DADT for the TPS, see Deshman, Abigail. 2009. “To Serve and to Protect Fewer: The Toronto Police Services’ Policy on Non-Status Victims and Witnesses of Crime”, *Journal of Law and Social Policy* 2(1): 209-235.

¹² TPSB, minutes of the September 17, 2015 meeting, p.16. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2015/>

effecting removal orders.”¹³ This call centre is available 24 hours a day, 7 days a week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. According to the CBSA, it usually receives between 16,000 and 20,000 requests per year.

In the nearly eight months between November 4th 2014 and June 28th 2015 for which we have obtained data, 10,700 calls were made by all Canadian law enforcement agencies to the CBSA, 4,392 of which were made from the Greater Toronto Area. The TPS made 75% (3,278) of all calls from the GTA. In fact, calls made by the TPS to the CBSA constitute 31% of the total calls made by all law enforcement and transit agencies *across the country*. With its 3,278 calls, the TPS made more calls than the RCMP (1,197), and more calls than the police services of Montreal, Quebec City, Ottawa, Calgary, Edmonton, and Vancouver combined (2,729). The data show that the TPS is the most frequent user of what the CBSA calls an “important component in effecting removal orders” in the country.



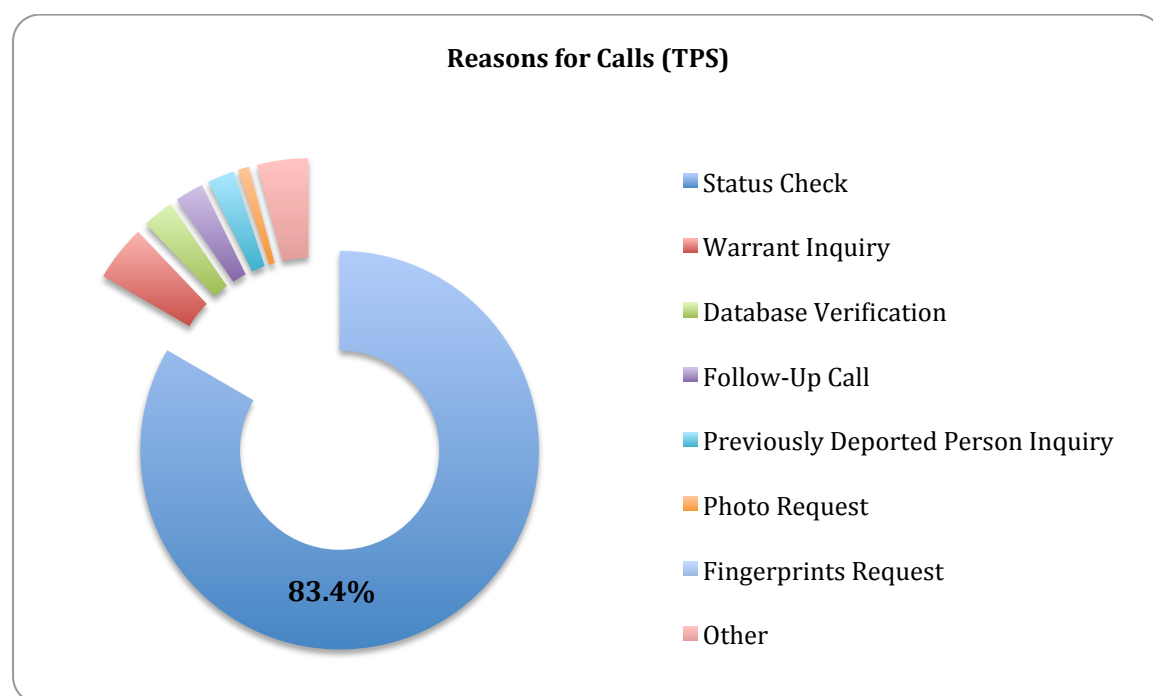
Source: Data obtained with the CBSA through an ATIP request. Data from Nov. 4, 2014 to June 28, 2015.

The CBSA also keeps statistics about the reasons law enforcement officers call. When officers notice that an immigration warrant has been

¹³ CBSA Detentions and Removal Programs - Evaluation Study, November 2010. Online: (www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html)

uploaded to the CPIC, they may call to verify that the information is valid. This is classified as a “warrant inquiry” or “database verification.”

Yet, the most important reason for calling is not, in fact, to confirm the validity of a warrant. The CBSA listed “status checks” as the most common reason. Across the country, “status check” is the reason for 72% the calls, a proportion that rises to 83.35% in the case of the TPS. This shows the consistent practice of “asking,” that is, inquiring about the immigration status on an individual even when no immigration warrant appears on the CPIC. Indeed, the CBSA call centre procedures explain that a call should be filed as a "status check" when "law enforcement officers [...] call to verify the immigration status of a subject because they have a suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA" or when they call "to confirm the status of a subject they have in custody." It is therefore a practice informed by a mere suspicion about an individual’s immigration status that often relies on racial profiling.



Source: Data obtained with the CBSA through an ATIP request. Data for several months from Nov. 2014 to the time the request was processed in the fall of 2015.

The broad criterion of “officer suspicion” is fertile ground for the practice of racial profiling. This is not a matter of a few exceptional circumstances of certain individual officers, but instead a *systemic problem in policing*. “Suspicion” in this context often relies on the racist equation of Black people and other racialized individuals with criminality and non-citizenship. Combined with the concentrated police presence in Black and racialized communities which itself is based in such racist suspicions, “status checks” illegally and disproportionately target people because of their race.

As well, checking the status of someone the TPS is holding in custody for a transgression unrelated to immigration is similarly based in the same racist assumptions that fuel racial profiling. Once again, calls in such circumstances are *not* “warrant checks,” but arbitrary “status checks” fuelled by officer suspicion. By being arbitrarily subjected to immigration enforcement on top of the criminal justice system, undocumented Torontonians are therefore subject to *double punishment* by the TPS. Such practices are in absolute contravention of *both* the partial “Don’t Ask” policy adopted by the TPS as well as the City’s Sanctuary City status.

Indeed, the data suggests the TPS not only shares information regarding undocumented Torontonians’ immigration status with the CBSA (as the numerous testimonies we collected and cases we’ve supported over the years reveal), but officers also actively contact this agency to inquire about the status of whomever they encounter. More concerning, however, is the clear link between “status checks” and officer suspicion. Judging by the numerous testimonies and case work we have done over the years, along with the growing concern over police practices of “carding,” Black and racialized individuals are clearly subject to more intensive police investigation and surveillance. Given the frequency of the deeply embedded practice of racial profiling and its link to the numerous calls made based on an officer’s suspicion of criminality and non-citizenship, we must conclude that the TPS are not by any means an accessible service to Black and racialized groups with precarious or no status in Toronto.

Testimonies and Cases

For the last decade, the TPS has assured the public that it is an accessible service. This has continued in the face of a decade of community efforts and personal testimonies attesting to the stark contrast between the TPS “Don’t Ask” policy and the practices of its officers. The TPS has continually been informed that such instances occur through various means, but solicited or unsolicited community input has been routinely ignored or the problems they raised have been minimized as “exceptional circumstances.” This is simply not the case. The testimonies shared in this report form the most recent addition of years of stories that have been brought forward to the TPS, and demonstrate the need for a radical change in its policies and practices.

No One Is Illegal-Toronto regularly receives stories from people who cannot access the police without fear of detention or deportation. Most recently, we interviewed a man who was subject to the very practices the police claim to have ceased (see Testimony 1). He was a witness to a crime against someone close to him, but his status was checked while he was aiding the police in their investigation. After finding out he was undocumented, the TPS turned him over to the CBSA who detained him for almost three months. He was then forced to fight (successfully) his pending deportation in federal court. This man has lived in Canada for almost ten years, and has a wife and child. Despite all this, the officers ran his name and kept him in the police station until CBSA authorities arrived. The result was a man taken away from his wife and newborn child, extensive legal fees, and a now embedded distrust and fear of the police. As he explained:

“To tell you the truth if I could do it all over again, I would do it differently ... if I see someone getting killed on the road, I’m not going to say nothing to the police. I told my wife straight up I’m not going to report it. And I’m going to put that in my kid’s head, even though my kid is Canadian, I’m gonna tell him: sorry for whomever but whenever you see something, someone getting killed, doing something bad, shut your mouth and don’t say nothing to the police.

Testimony 1

Name: Jared

Age: Mid-20s

Region of Origin: Caribbean

Time in Canada: Almost 10 years

Family: Married with a child

Interview conducted: September 20, 2015

Summary:

- Witness of a crime, gave statement at police station, turned over to CBSA. No criminal history.
- Detained by CBSA in the summer of 2015

I called the police around 11:30 PM. Upon arrival they asked for my ID and they wrote down my details. They asked if I would be willing to come down to the station for some questioning to help with their investigation – my friend had been shot. Because I knew the victim of the crime I immediately said yes even though my immigration status crossed my mind.

At the police station, I gave a statement with all the details. I had to two officers and answered all their questions. They thanked me for my assistance and took me out to the waiting area, where they asked me if I would like a ride back to where my car was parked. I accepted their offer as my car was a long walk away.

I was waiting in the lobby for a long time so I asked if the officer who I had just dealt with could be called. I was told to wait for another minute, and that the officer was on his way. Eventually the officer appeared, accompanied by another officer dressed in a suit, with a paper in his hands. They asked me to come into a room for a moment.

When I sat down they told me that they had run my name and discovered that there was an immigration warrant out for me. I immediately broke down in tears because I knew what that meant. Two more police officers in suits came and sat in the room with me. I think they thought I might have run. The officer who had brought the paper said that he had spoken to CBSA and they were sending over two of their officers. He said that the bad news was they have to take me with them to detention but that the good news is I would be released on Monday. This all happened on Thursday night, Friday morning. He said you'll see the judge on Monday and be out promptly because we've already told him you're cooperating with us and helping with the investigation.

That wasn't to be the case. I spent two and half months in an Immigration Holding Centre. I was on the verge of being deported and then had to pay a lot of money to fight it in federal court just to be out."

Part 1 of 2

Despite what they had said, the police weren't cooperating with CBSA to help me once I was in detention because what a CBSA officer told me was that the police is not helping you at all because we asked them for a specific document related to serious crimes, saying that you're needed for the case and they didn't send it. Despite further attempts the police never responded to the request. I was told the deportation had to go ahead because the police weren't helping my case. The CBSA officer's boss told him, to hell with it, deport him, because they're [the police] not doing anything to help him so why should we? Send him home.

The CBSA officer told me he later found out that the police officer that I had originally dealt with had been removed from the case and a new officer had been assigned. Even my relative, the victim of the crime, was trying to pressure them to send the note required. However he was told that the police had more serious cases to deal with, that he had only been shot, and was lucky to be alive. That's what they told my cousin. You just got shot. Just shot. So getting shot is not nothing serious. When I heard this I told him, it's cause we're black. If we were white, number one I wouldn't be in here, and number two they would've already caught the guy.

Were you given any indication of why they ran your name?

They just came out with the paper and said we ran your name and found there was an immigration warrant out for you. I don't believe they ran my name while I was in the questioning room giving my statement. I'm sure it was while I was waiting in the lobby to be driven back to my car. The ridiculous thing is I could've just got up and walked out the door and gone back to my car myself.

As a witness of a crime, what was the experience like to then end up in immigration detention?

To tell you the truth if I could do it all over again, I would do it differently. Number one, I wouldn't go into the police station to give my statement. It made me so angry afterwards. I now always say to my wife, if I see someone getting killed on the road, I'm not going to say anything to the police. I told my wife straight up I'm not going to report it. And I'm going to put that in my kid's head. Even though my kid is Canadian, I'm going to tell him to be sorry for the victim but whenever you see something, someone getting killed, someone doing something bad, shut your mouth and don't say anything to the police. Just come home, tell me, we'll keep it between us but never ever go to the police and say anything.

I really regret what happened. I'm sorry my relative had to go through that tough thing but I regret helping with the investigation. I'll never ever ever ever go to the police again, even for the smallest thing. I'll never ever tell them something that has happened. I'll never report anything to the police.

Part 2 of 2

Just come home, tell me, we'll keep it between us but never ever go to the police and say nothing ... [Reporting on a crime as a witness] was one of my biggest regrets. I'll never ever go to the police again, even for the smallest thing, I'll never tell them something that happened. I'll never report anything to the police”

To reiterate, this is not an isolated incident. The second testimony offered below – which has been shared anonymously on multiple occasions in the fight for a full TPS “Don’t Ask, Don’t Tell” policy – concerns a survivor of domestic abuse. She has been in Canada for three years and was seeking trauma counselling. Not understanding the severe precarity of being non-status and accessing the police, she was consistently pushed by her councillors to report the assault. When she did, her and her community were shocked to find that the TPS immediately began investigating her immigration status and notified the CBSA, who quickly filed a removal order. After public outrage and legal action, her removal was blocked a day before it was scheduled. Beyond the injustice of having her status arbitrarily checked by the TPS, she remained detained during her trial against the perpetrator and was not allowed to testify, leading to the charges eventually being dropped. This story opened up the space for many others to come forward with similar experiences and launched the initial push for a comprehensive “Don’t Ask, Don’t Tell” policy; which was then only partially adopted by the TPS.

In the third testimony contained in this report, a woman was stopped by the TPS for failing to come to a complete stop at a stop sign. The police officer aggressively questioned the woman who did not have any identification with her. After repeated and escalating questions, the officer asked point blank if she was “illegal,” to which she broke down and admitted being in the country without status. Such questioning and assumptions is exemplary of the numerous cases of racial profiling and ‘carding’ by TPS officers. She was handed over to the CBSA and detained with her 7 year old daughter, to eventually be deported. Her removal order was stayed due to health issues concerning her daughter, who would not receive the treatment she required in Haiti – the country she fled. The routinized occurrence of such instances of racial profiling, status checks, and enforcement of immigration law where it is irrelevant to the encounter:

Testimony 2

Name: Anonymous

Age: Late teens

Region of Origin: Grenada

Time in Canada: 3 years

Family: Single

Interview conducted: October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

Summary:

- Victim of crime, encouraged to report to police by trauma counsellors, handed over to CBSA
- Detained by CBSA in 2004; released after last-minute federal stay of deportation after enormous anti-VAW and refugee advocate uproar

This victim has agreed to share her case once again. After being assaulted by a partner in 2004, after fleeing domestic violence as a refugee in 2001, she was fearful of reporting her perpetrator to the police for fear of having her lapsed status reported. After a considerable amount of prodding from trauma counsellors, who couldn't foresee her immigration status being a priority for police interested in investigating a serious assault case, she agreed to report the assault to police. She, and her community of support, were shocked when the police immediately investigated her immigration status, and promptly handed her over to CBSA, who filed a removal order shortly thereafter.

Her deportation was blocked by federal courts days before she was set to be deported, thanks to the skilful intervention of anti-VAW immigration lawyers that framed the very real threats to her life in the place she had fled. This was not before she was unable to testify against her perpetrator in court - she was held in immigration detention on the day of the trial, and the perpetrator saw all subsequent charges dropped. This spurred an interest in collecting similar stories from around the city, where victims and witnesses of crime were being put at enormous risk of deportation if they were to cooperate with police investigations against their perpetrators or crime they had witnessed. In 2006, this led to a series of deputations that was resisted by then Chief of Police Bill Blair, but which gained at least partial traction.

Part 1 of 2

“Invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks ... this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing.”

Such examples are not simply “poor judgments” by officers who otherwise respect the partial “Don’t Ask” policy. As our data above suggests, inquiring as to the immigration status of people they interact with continues to be a pervasive practice.

Front-line service providers have countless stories of their clients’ status being unnecessarily checked or put in immigration detention after encounters with the police that were unrelated to issues related to immigration. We have recently been informed of a client experiencing a mental health crisis at a shelter, and once the police arrived the client’s status was divulged and the person was handed over to the CBSA, detained, and eventually deported. Another service provider shared that a client who was also experiencing mental health issues was, again, subject to an immigration status check when the TPS ran the client’s name for prior diagnoses. This client was taken to the hospital, released into the custody of the CBSA, detained and deported.

Macdonald Scott (Carranza, LLP), an immigration consultant, works on many cases every year related to TPS-CBSA collaboration. In one particularly instructive example, Scott outlines that a Latin American client of his was profiled by police officers claiming to locate a “drug dealer” in the area. Scott explains: “He was picked up by plain clothes cops, not told what was going on, thrown into a regular car to the floor, kicked and beaten.” Following this police misconduct, CBSA was contacted:

“After he stewed at 51 division for a while, they realized they did not have the right person. They did a Canadian Police Information Centre check on him and discovered an immigration warrant, and he was transferred to CBSA custody at the Toronto Immigration Holding Centre. A pre-removal risk assessment request was filed, but

The police claimed they were compelled to run the individuals name for “advice” reasons with CBSA. This is the case that launched the 2006 campaign to have the police develop an internal “Don’t Ask, Don’t Tell” policy. The compromised policy that was eventually developed with respect to this landmark case stopped short of a holistic “Don’t Ask, Don’t Tell,” leaving us where we are now, with a “Don’t Ask” component that leaves far too much discretion with police on when to call immigration. As seen in the first testimony, fear of police is at an extremely high level in Toronto’s racialized communities, and not only for the reasons that residents with immigration status fear - police can, as they did in this case, turn people attempting to seek justice from perpetrators into deportees.

Part 2 of 2

when we filed a civil action, the assessment was processed (extremely quickly) and denied, and the client deported, killing the civil action.”

Considering this instance of police misconduct, it appears that the immigration status check and prompt deportation may have been used to cover these bad practices. This client was not a victim or a witness of a crime, but of racial profiling, and therefore not protected by the partial “Don’t Ask” policy of the TPS. Subsequently, the TPS consciously sought to hand over the individual to the CBSA to stop the civil action they were taking.

What these testimonies, along with nearly a decade of similar stories, reveal is the continued lack of accessibility of the TPS for undocumented people and those with precarious status. Not only is there a stark contrast between TPS policy and officers’ practices, but the partial “Don’t Ask” and lack of “Don’t Tell” policies also remain wholly inadequate. TPS policies and practices therefore continue to put people with precarious or no status at serious risk of indefinite detention criticized by the United Nations, and deportation. The TPS currently does not adhere to the City’s Access Without Fear directives and therefore should be immediately removed from all City outreach materials. Not only does this mislead people who are undocumented or have precarious status into a false sense of safety in accessing the police, it in fact calls the accessible character of all other services on the list into question for those fearing for their lives and the lives of their families. Any new TPS policy must be reflected in officers’ practices to ensure communities are confident interactions with police won’t lead to the detention and deportation of their loved ones. Until then, the TPS stands in contravention of Toronto’s status as a Sanctuary City and its Access Without Fear directives and should be removed from the list of accessible services.

Testimony 3

Name: Anonymous

Age: Mid-20s

Region of Origin: Haiti

Time in Canada: 6 years

Family: Single mother with 7-year old daughter

Interview conducted: October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

Summary:

- Stopped for minor traffic violation, arrested and scheduled for deportation
- Detained by CBSA in 2011 with her 7-year-old child; released after last-minute federal stay of deportation resulting from community mobilization

This woman has also agreed to share her story on condition of anonymity. She was driving in Toronto in 2011, when she was pulled over by a police cruiser for not having come to a complete stop at a stop sign. After being aggressively questioned for identification and failing to have any with her, the police officer asked her right away if she was “illegal” and she finally disclosed that she was indeed in the country irregularly. Her refugee claim was one of thousands of Haitian cases that had suspiciously failed. The coercive questioning and officer implications through omission are unusual for such a minor traffic violation. This is what could be considered a classic case of racial profiling that would need explicit policy to address: the police officer had no reason except racialized suspicion to check her status with immigration enforcement. The woman had no criminal background, and had been pulled over for an exceedingly minor traffic violation. These types of stories spread quickly through our communities, reinforcing the gap between racialized communities and the police.

She was detained at the Toronto Immigration Holding Centre in Rexdale, along with her 7-year-old child for weeks before being released on bail. Her removal order was stayed due to her child’s medical conditions, which could be treated here but not in her country of origin.

The police were incredibly silent on their role in landing this woman and her child in immigration detention, at huge risk of deportation. Because other channels were being followed to fight for a successful Humanitarian and Compassionate leave application - which granted the woman and her child permanent residency - this did not become a major media event at the wishes of the family. This invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks. In tandem with policies such as carding, which effectively lead to questioning residents without reason, this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing. Only a holistic and simple Don't Ask, Don't Tell policy is able to rebuild some trust with many of Toronto's communities.

Conclusion

We investigated the extent to which the TPS follows the Access Without Fear directives set forth in the City of Toronto's Sanctuary City policy. We found that current TPS practices violate the Sanctuary City principles adopted by City Council in 2013. There is evidence that undocumented Torontonians cannot reasonably trust that they can access the services of the Toronto Police without fear of reprisal - indefinite immigration detention and deportation to places where their lives may be at risk - due to their immigration status.

As such, we recommend that the TPS be immediately taken off the list of City services claimed to be accessible to undocumented Torontonians. This is necessary in order to protect our neighbours, our co-workers, and our loved ones who live in this city with precarious immigration status. This should be a temporary measure as we work toward rendering the TPS accessible to all Torontonians.

Despite the existence of a partial "Don't Ask" policy, we have evidence that the TPS regularly inquires into the immigration status of Torontonians with whom they interact. Data obtained through Access to Information requests show that the TPS often reaches out to the CBSA to seek this information in the form of 'status checks'. We demand that the TPS honour its commitment as defined in the *Victims and Witnesses without Status* policy and expand its "Don't Ask" guidelines to anyone who is not the subject of an active investigation. The practice of inquiring about one's immigration status while performing routine street checks or 'carding' adds to the discredit of this discriminatory practice. Carding and 'random' questions about one's immigration status are practices based on racial profiling and must stop altogether.

In order for the TPS to comply with the City's access without fear principles, it must implement a "Don't Tell" component. As many of the testimonies we received indicate, without a "Don't Tell" policy, undocumented Torontonians are at risk of detention and deportation when they contact police. This is the case even for victims and witnesses of crime, since police often find out about immigration status even when not asking directly. We argue that the legal analysis presented by the Immigration Legal Committee in 2008 is still valid and that there are no legal limits to the adoption of a "Don't Tell" policy. Chief

Saunders recently acknowledged that this is the case, arguing that police officers have a legal “power” to share information, not an obligation to do so.

It is therefore not a legal obligation but a lack of political will that has prevented us from ensuring that the TPS is in compliance with the City’s Access Without Fear directive, which requires a comprehensive “Don’t Ask, Don’t Tell” policy. More than 350 cities and counties in the United States have adopted policies allowing for various forms of noncompliance with immigration enforcement. In a time when distrust of police is growing in Toronto’s Black and racialized communities, the TPS gains nothing in pretending that carding and collaboration with CBSA are legal and necessary policing tools. They are not. It’s time for the TPS to stop these attacks against immigrant and racialized communities and acknowledge these practices are hurting Torontonians. It’s time for City Councillors to force the TPSB to take this policy seriously. It’s time that **all** municipal services are made accessible to all Torontonians so that Toronto can become a true Sanctuary City.



Canada Border
Services Agency

Agence des services
frontaliers du Canada

JUL 24 2015

Mr. David Moffette
201 - 161 Christie Street
Toronto, ON M6G 3B3

Your File
20150623_310297

Our File
A-2015-10242 / TW

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

"Requesting copies of statistics and other data regarding the origins and topics of calls made to the Warrant Response Centre (WRC) with a detailed breakdown of the Canadian police services and other Canadian agencies that have consulted the WRC since 2005."

The processing of your request is now complete. Please note that the records are being released in their entirety.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Tanya Wagdin at 343-291-7019 or by email at Tanya.Wagdin@cbsa-asfc.gc.ca, using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, QC K1A 1H3

Yours truly,

Alain Belleville

Manager

Access to Information and Privacy Division

Place Vanier Tower A

333 North River Road, 14th floor

Ottawa, ON K1A 0L8

Enclosure: A copy of the release package to the applicant

Canada

WRC Caller Type Breakdown
 November 4, 2014 to June 28, 2015

Total Calls received	12352
Calls Received from With-in the CBSA	
Atlantic Region	8
Quebec Region	226
Northern Ontario Region	108
Southern Ontario Region	91
Greater Toronto Area Region	154
Prairie Region	222
Pacific Region	456
Other	59
CBSA Total	1424
Calls Received from Law Enforcement/Transit Agencies	
Atlantic Region	
Nil	
Total Atlantic Region	0
Quebec Region	
Montreal, Service de Police de la Ville de	1547
Quebec, Service de Police de la Ville de Quebec	155
SQ, Surete du Quebec	242
Total Quebec Region	1944
Northern Ontario Region	
Ottawa Police Service	103
Total Northern Ontario Region	103
Southern Ontario Region	
Nil	
Total Southern Ontario Region	0
Greater Toronto Area Region	
Peel Regional Police	682
Toronto Police Service	3278
Toronto Transit (GO)	67
York Regional Police	365
Total Greater Toronto Area Region	4392
Prairie Region	
Calgary Police Service	325
Edmonton Police Service	373
Total Prairie Region	698
Pacific Region	
Vancouver Police Department	226
Vancouver Transit	141
Total Pacific Region	367
International	
USCBP	25
US POLICE SERVICE	43
Total International	68
OPP, Ontario Provincial Police	272
RCMP, Rural Canadian Mounted Police	1197
Other Law Enforcement/Transit Agency	1727
Total Other Law Enforcement/Transit Agency	3196
Total Law Enforcement/Transit Agency	10768
Calls Received from Other Type of Agency	
Total Other Type of Agency	160

ATI Request to
 CBSA. Response
 July 24, 2015

ATI FILE
 20150623-310297

CBSA FILE
 A-2015-10242/TW

Call Reason Breakdown
November 4, 2014 to June 28, 2015

Call Reasons	
Status Check	9321
Warrant Inquiry	979
PDP Inquiry	303
Database Verification	663
Photo Request	307
Fingerprints Request	39
Follow-up Call	389
Special Event	0
Other	1059

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Data prior to November 2014:

Due to system limitations, the WRC is unable to provide data for call topics prior to the launch of the new NBOC log in November 2014. For call origins, here is the data that was extracted from a decommissioned system (CATS) prior to the new log creation (the CATS system only allowed for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries):

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Law Enforcement Inquiries	N/A	N/A	19879	16061	16245	18327	20044	5702	16217	12098
CBSA Inland offices	N/A	N/A	1939	1777	1906	1752	1605	383	1922	1461
Other Inquiries	N/A	N/A	448	223	940	94	137	40	175	193

***As you will notice above, there seems to be a discrepancy for the year 2012. We are unable to provide a breakdown for April – December 2012 for call origins and therefore 18,357 are unclassified (See below). These statistics were not collected at the time and we are therefore unable to go back and retrieve them from the decommissioned database. ***

	Jan.2012	Feb.2012	Mar.2012	Apr.2012	May.2012	Jun.2012	Jul.2012	Aug.2012	Sep.2012	Oct.2012	Nov.2012	Dec.2012
Law Enforcement Inquiries	1,776	1,763	2,163	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CBSA Inland offices	122	104	157	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Other Inquiries	13	13	14	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Unclassified				2027	2000	1935	2121	2190	2033	2209	2112	1730



NOV 13 2015

Mr. Macdonald Scott
Immigration Consultant
Carranza LLP
1280 Finch Ave West, Suite 200
Toronto, ON M3J 3K6

Our File:
A-2015-11669 / MZM

Dear Mr. Scott:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

***"Freedom of Information Request regarding Toronto Police Services (TPS)
Collaboration with Canada Border Services Agency (CBSA):***

- 1. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2014 year?***
- 2. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2013 year?***
- 3. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2012 year?***
- 4. How many times has TPS supported, collaborated with, or played a role with CBSA 2009 and 2011?***
- 5. How many times has TPS supported, collaborated with, or played a role with CBSA between 2006 and 2008?***
- 6. Please provide us with all documents and communications that outlines the relationship between the TPS and CBSA on matters related to immigration enforcement (including briefing notes and materials, slide decks, memorandums of understanding, emails, and so on) between 2006 and 2015."***

The processing of your request is now complete. Please note that the records are being released in their entirety. Number 6 of your request is being answered in the attached document. Be aware that the total inquiries by TPS do not match the total of call reasons for 2014 because there may be more than one call reason per inquiry (an officer asking for a status check and a photo, for example).

For your information, no briefing note, material, slide deck, memorandum of understanding and or email were found.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Marcil at 343-291-6589 or by email at Melanie.Marcil@cbsa-asfc.gc.ca, using our file number as a reference.

.../2

Canada

- 2 -

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours truly,



Lindsay Bright
A/Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosures

Inquiries by Toronto Police Service:

Year	Number of inquiries by TPS
Nov 4, 2014 - Dec 31, 2014	757

Total inquiries by TPS: 3,759

Data prior to November 2014:

Due to system limitations, the WRC is unable to provide data for the Toronto Police Service prior to the launch of the new NBOC log in November 2014. The decommissioned system (CATS) prior to the new log creation, only allows for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries)

#6: The requestor asks for communication that outlines the relationship between TPS and CBSA for 2006 - 2015 regarding immigration enforcement – so for this, we have provided why the call was made.

Call reason (note 2014 commences in Nov)

	2014	2015
Status check	667	2608
Warrant Inquiry	44	134
PDP Inquiry	22	64
Database verification	43	57
Photo Request	11	24
Fingerprints Request	0	1
Follow-up Call	14	77
Special Event	0	0
Other	48	115



Canada Border
Services Agency

Agence des services
frontaliers du Canada

NOV 12 2015

Mr. David Moffette
201 - 161 Christie Street
Toronto, ON
M6G 3B3

Our File
A-2015-15097 / MZM

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

"I would like to have a breakdown of reasons for calls for each of the callers. Minimally, I would like to receive statistics regarding the reasons for calls by: Service de Police de la Ville de Montreal, Peel Regional Police, Toronto Police Service, Toronto Transit (GO), York Regional Police. I would also like to receive the definitions of each reason since many seem to overlap (status check, warrant inquiry, database verification, follow-up call)."

The processing of your request is now complete. Please note that the records are being released in their entirety and that due to our system limitations we were only able to extract data from November 4th, 2014 to present.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Marcil at 343-291-6589 or by email at Melanie.Marcil@cbsa-asfc.gc.ca, using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours truly,

Lindsay Bright
A/Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosures

Call Reasons from Nov 4, 2014 to Oct 16, 2015

	Service de Police de la Ville de Montreal	Peel	TPS	Toronto Transit GO	York RP
Status check	1940	738	4254	84	399
Warrant inquiry	177	78	214	3	52
PDP Inquiry	37	20	103	0	24
Database verification	71	68	152	4	34
Photo request	24	21	47	0	8
Fingerprints request	0	2	1	0	3
Follow-up call	85	20	123	1	21
Special event	0	0	0	0	0
Other	96	84	208	1	27

Status Check:

The status check box is used when inquiries are received from Law Enforcement Officers to the WRC in regards to a subject they have encountered. The status check box is used to reflect the nature of the request as well as the legislative provisions under which the information is collected and released. Law enforcement Officers may call to verify the Immigration status of a subject because they have suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA. Law Enforcement Officers may also call to confirm the status of a subject they have in custody. It should be noted, the status check box is not always reflective of only Immigration status queries but is reflective of the source on which the WRC makes any determination.

Database Verification:

The database check box is used when inquiries are received from CBSA officers in regards to the performance of a specific database query. The database check box is used to reflect the nature of the request. CBSA officers may call to ask the WRC to conduct a query of a database that they do not have access at that point in time or with which they are having technological issues. The WRC officer simply reads the information requested from the database screen to the CBSA officer, and WRC does not make any determination of status for these calls.

Warrant Inquiry:

The warrant inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual with an Immigration Warrant. The warrant inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Immigration warrant due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

PDP Inquiry:

The PDP inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual who is a Previously Deported Person. The PDP inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Previously Deported Person due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

Follow-up Call:

A follow-up call is selected when a Law Enforcement Officer or CBSA Officer calls again for the same case after the initial call, with follow up information or questions. This box is selected to reflect the nature of the request.

Photo Request:

The Photo Request check box is used when a Law Enforcement Officer or CBSA Officer requests a photo of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

Fingerprints Request:

The Fingerprint Request check box is used when a Law Enforcement Officer or CBSA Officer requests fingerprints of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

Special Event:

This check box is used for special projects that need to be accounted for statistically at the Warrant Response Centre.

Other:

This check box is used for telephone calls that fall outside of the standard Call Reasons.

NOTES: