



April 3, 2020

Ms. Andrea Horwath, Leader of the Official Opposition
Room 381, Main Legislative Building
Queen's Park
Toronto, ON
M7A 1A5

Ms. Horwath,

I'm writing in response to your statement yesterday that likened Ontario's emergency orders allowing provincial offences officers to obtain identifying information from individuals who are in breach of the orders to the practice of "carding."

I'm extremely disappointed that I find myself having to write this letter, but on behalf of the Police Association of Ontario's 47 member associations who represent over 18,000 sworn and civilian police personnel across the province, it would be irresponsible for me not to.

We all have a duty to act prudently and responsibly during a time when Ontario expects and requires strong leadership. Your message to the public yesterday fell short. The PAO finds your comments highly inappropriate in the wake of the pandemic crisis we are facing – they were clearly made without any legal analysis.

"Carding" is defined by The Honourable Justice Michael H. Tulloch in his Independent Street Checks Review as situations in which a police officer **randomly** asks an individual to provide identifying information when there is **no objectively suspicious activity**, the individual is **not suspected of any offence** and there is no reason to believe that the individual has any information on any offence. That information is then recorded and stored in a police intelligence database. The PAO does not support, and has never supported, this practice.

This emergency order, on the other hand, requires that provincial offences officers have "reasonable and probable" grounds to believe that a member of the public has committed an offence under the *Emergency Measures and Civil Protection Act* (EMCPA). Under this order, an individual is allowed to provide the required information orally; it does not empower peace and police officers to require the person to produce physical documentation. Additionally, the order does not give officers the power to compel an individual to provide any information other than their name, date of birth and address for the purpose of charging them with breaching an emergency order under the EMCPA.

In our view, there is no conflict between Emergency Order contained in Regulation 114/20 under the EMCPA and Regulation 58/16 under the Police Services Act. It is absolutely not "legalized carding" as you stated yesterday, nor is it "a step backward in the fight against racism." It has nothing to do with one's ethnicity – this order will be applied to anyone who is in contravention of orders within the EMCPA.

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These measures are in place to protect the public from those who are not complying with orders to self-isolate, to physically/socially distance by 6 feet, and to not congregate in groups of more than five individuals. Unfortunately, we have seen and heard numerous examples of citizens not taking the emergency orders seriously enough, so this order is an important part of the province's effort to flatten the curve and protect the health and safety of Ontarians. If every member of the public complied with the provincial orders in place, this measure would not need to be enforced or be needed at all.

It is quite discouraging that you have found the need to politicize this issue – your comments were not only inaccurate, but they also undermine our members' ability to effectively enforce the EMCPA orders from the provincial government. We formally request that you publicly clarify your comments on this issue.

Though I am currently working from home in order to comply with local and provincial social distancing orders, I am available by phone or email if you'd like to discuss this further.

Sincerely,



Bruce Chapman, President
Police Association of Ontario

CC: Mr. Kevin Yarde, Official Opposition Critic, Community Safety and Correctional Services
Mr. Michael Balagus, Chief of Staff