

Card[ing] Capital:
A Political Sociological Analysis of the Police Practice of ‘Carding’ in Toronto

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Abstract

There has been a history of a strained relationship between the public and the police institution for decades; most recently as a result of documented high levels of arrest rates among marginalized communities. Stop and frisk practices have been active in the United States since the 1950s and have been studied academically in the United States since the 1990s. However, research concerning Canadian data is limited.

This project, using Bourdieusian concepts (field, habitus, capital, and doxa) with other resistance to change/police culture research, addresses the gaps in literature surrounding the practice of 'carding' in Canada by determining the forms of strategies and capital used by parties to defend and contest the police practice in the city of Toronto.

Using a form of Document Analysis, this project created inductive categories from reports and recommendations submitted by the Toronto Police, several activist groups, and the province of Ontario between the years of 2012-2015.

Findings from this paper were similar to previous literature; however, we saw an emotional argument surrounding the use of risk emerge through those justifying the police practice of 'carding'. This emotional argument relied on a platform of fear and risk discourse, arguing that having limited faith in police not only goes against previously accepted practices, but places our communities in greater potential danger.

Furthermore, our findings showed that narratives presented by those contesting the practice of 'carding' saw legal and factual arguments emerge which were not seen in previous literature. These legal and factual arguments focused on Constitutionality and statistics to contest the practice of 'carding', rather than rely on emotional arguments as seen in previous literature.

This project allowed for a snapshot of the case in Toronto to help understand the issue in a Canadian context. Many themes developed were similar to previous literature; however, we saw a new emotional argument surrounding a risk discourse and those contesting 'carding' have accessed the legal 'field' to express concerns. Directions for future research are presented at the end of this study.

Chapter 1: Introduction

In this chapter, I discuss the academic and practical significance of researching the police practice of ‘carding’ through a political sociological lens. From there, I provide an overview of the remaining five chapters of this thesis.

Purpose and Significance: Let’s I.D. the Issue

According to the literature, there is criticism of how the institution of the police interacts with the public (Henry & Tator, 2006; Bellin, 2014; Fagan & Geller, 2015; Meares, 2015; Eterno et al. 2016). Marginalized communities have voiced their concern that they are not treated fairly in comparison to other community groups. This criticism results from differing norms and values (Gau, 2011; Hough, 2012; Van Craen, 2013; Tyler et al. 2015), personal experiences with police (Goldsmith, 2005; Van Craen, 2013), police officer performance (Goldsmith, 2005; Weitzer & Tuch, 2006; Lai and Zhao, 2010; Gau, 2011; Van Craen, 2013), and evidence of disproportionate rates of arrests among minority community groups (Gelman, Fagan, and Kiss, 2005; Weitzer & Tuch, 2006; Owusu-Bempah, 2014; Marshall, 2017; Meng, 2017). Most recently, the strain in this relationship stems from documented high levels of arrest rates among racialized communities by police across North America. The media coverage surrounding the cases of Rodney King¹ in the 1990s and more recently of the 2014 case of Michael Brown² in

¹ In 1992, King was beaten by four Los Angeles Police officers using batons after he refused to pull over for a speeding traffic violation. The incident was captured on video by a local, and further enraged already frustrated African Americans in the Los Angeles community (Gray, n.d, The LA Riots, TIME).

² On August 9, 2014, Brown, an 18-year-old African American, was fatally shot by a police officer in Ferguson Missouri. The officer shot Brown a total of six times. There is still conflicting information surrounding the event and how it occurred; however, it led to

Ferguson, Missouri can support this. For the past several decades, stop and frisk practices have been a large concern for activist groups who claim that it hinges on the racial profiling of citizens. These practices have been used throughout several American cities, including New York City and Los Angeles since the 1990s (Harris, 2013). However, according to Owusu-Bempah (2014), in recent years Canadian policing institutions have been under a higher level of scrutiny since the surfacing of the fact that Canadian police have relied on similar practices across the country, especially within the province of Ontario.

As per the Ontario Human Rights Commission, for the purpose of this research “racial profiling” will refer to any action undertaken for reasons of safety, security, or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, place of origin, or a combination of these.

The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures by the government by requiring a warrant sanctioned by the judiciary based upon probable cause (Rahman, 2016, p. 1). However, in the late 1960s, the United States Supreme Court ruled that the Fourth Amendment is not violated when “[...] a police officer stops, searches, and detains a person without probable cause, as long as the officer has reasonable suspicion that the person may be engaging in illegal activity or potential threat to those in the immediate vicinity” (Rahman, 2016, p.1). Several studies have since been published connected to these

a national spotlight being placed on police and race issues across the United States of America (Buchanan, 2015 August 10, What happened in Ferguson, NY Times).

policies, and concluded that stop and frisk practices have no effect on reducing crime (Harris, 2013).

Similar to stop and frisk in the United States, Canadian police agencies have engaged in a practice of ‘carding’ to gain information from the community. ‘Carding’ can be understood as the police practice of stopping, questioning, and documenting personal details of citizens in non-criminal encounters (“Have you even been carded...”, 2015). Much like stop and frisk in the United States, the police practice of ‘carding’ in major Canadian cities such as Toronto, has been criticized for the practice’s perceived discriminatory nature and lack of results (Owusu-Bempah, 2014). However, this debate concerning the effectiveness and outcomes surrounding the use of ‘carding’ practices exploded after a 2012 report published by the Toronto Star criticizing the actions of the Toronto Police Service. Despite public outcry to reform the practice, the Toronto Police, in conjunction with the Toronto Police Service Board, failed to reach an agreement on how to improve the erosion of trust felt by individuals throughout the city of Toronto stemming from this information gathering practice. As a result, the Ontario government involved themselves in the process, and banned the practice throughout the province in January 2017. However, some critics of ‘carding’ and similar police practices still argue that the ban has not gone far enough to protect Canadian citizens (Draaisma, January 1 2017, CBC News).

For this research, the practices of stop and frisk and the police practice of ‘carding’ will be considered as equivalent. Similar to stop and frisk in the United States, the police practice of ‘carding’ is criticized for unequal and discriminatory stops against racialized communities by the police (Owusu-Bempah, 2014). Despite vast amounts of

literature written on stop and frisk throughout New York, Los Angeles, and other American cities, few have focused on the discriminatory stops conducted by the Toronto Police Service.

‘Carding’ has been a debated issue in Toronto long before the Toronto Star report surfaced in 2012. Critics have argued for over a decade that street checks performed by the Toronto Police has eroded the marginalized community population’s trust in law enforcement (Wortley & Owusu-Bempah, 2011). Although the Toronto Police originally denied the negative impact of the ‘carding’ practice, marginalized groups have expressed lack of trust in the police due to the harassing police practice long before the Toronto Star report became public (Wortley & Owusu-Bempah, 2011). When the 2012 Toronto Star report was released to the public, it gained the attention of government officials (i.e. then Minister Community of Safety and Correctional Services Yasir Naqvi), activist groups, and concerned citizens. The Toronto Police continue to defend the practice of ‘carding’ as an objective practice used solely for the collection of information, and finding ‘hot-spots’ for crime throughout the city (Owusu-Bempah, 2014). However, marginalized groups throughout Toronto have placed more and more doubt towards this argument in recent years, arguing that the police practice is ineffective, unconstitutional, and creates a lack of trust between police force and the communities they serve. (Wortley & Owusu-Bempah, 2011).

While research surrounding the impact of stop and frisk and ‘carding’ practices has been identified in the existing literature, it remains incomplete. Current knowledge focuses on the impact of stop and frisk practices towards marginalized groups throughout the community, and deterioration of trust that is created by the police practice

(Goldsmith, 2005; Engel & Johnson, 2006; Wortley & Owusu-Bempah, 2011; Tyler et al, 2015). According to the literature, racialized people are more likely to be stopped, but are less likely to be found in possession of contraband compared to Caucasians (Engel & Johnson, 2006). Perceptions support this with studies concluding that Blacks perceive the use of racial profiling almost three times more than White and Chinese participants (61% v. 21%) (Wortley & Owusu-Bempah, 2011, p. 2). These statistics call previously relied upon police training and profiling into question (Engel & Johnson, 2006, p.10).

However, the literature is limited in addressing the competing narratives surrounding the police tactic of ‘carding’. Using Bourdieusian concepts of political sociology along with other resistance to change literature, the present study will investigate the ways in which certain narratives were defended and contested by the groups involved in the process. Political sociology, according to Neuman (2008), “[...] is primarily [concerned with] how groups, classes, genders, and races acquire, extend, use, maintain, and struggle over power [...] [I]t helps individuals make sense of and see their situation in a larger, often, unnoticed context [...] (Neuman, 2008, p. 26). Chan (1999) for example, concludes that improvements in police accountability may be political (p. 3). Furthermore, past evidence has been found showing that the use of political interference in Australia police forces, demonstrated that when reform failed, it was because the current restructuring was against the government agenda (Chan, 2007, p. 21-22). This leads us to ask the question of how political and policing discourses live and die.

For my primary research goal, I am interested in what types of arguments present themselves to justify and contest the practice of ‘carding’ in Toronto. Specifically, how

do the Toronto Police and Activist groups frame their arguments ‘for’ or ‘against’ the practice of ‘carding’. This is an attempt to clarify narratives provided by the police, activists, and the Ontario government and to try and diagnose forms of political ideas, powers, and contests.

To achieve this, my secondary goals will include (1) determining the legal definition of ‘carding’, (2) determining what strategies and forms of capital the Toronto police used to justify the continued use of ‘carding’ practices throughout Toronto and if they differ from previous strategies, (3) determining what strategies and capital activist groups and community members used to contest the practice of ‘carding’ and how they compare to past arguments criticizing the police practice, and (4) looking at how competing discourses have influenced the Ontario government in their implementation of the regulations to the ‘carding’ process following its ban in 2015.

The case of ‘carding’ in Toronto provides a current example of police-public relations, and the ongoing social issue of trust in the police; however, it also provides an opportunity to diagnose the arguments that present themselves surrounding the practice of ‘carding’. This project will look at the reports and recommendations provided by the Toronto Police, the Toronto Police Service Board, activist groups, as well as the government of Ontario. Through a political lens, this project will analyze the several narratives surrounding the ‘carding’ debate and attempt to understand how certain narratives came out of the process as successful and justified. This will help clarify how we are struggling to make progress with reforms towards ‘carding’.

Overview:

The following chapter, Chapter 2, is devoted to examining the evolution and significance of stop and frisk practices. From there, the principles of political sociology are described, forming the basis of the theoretical framework. Chapter 2 then draws on police culture to illustrate the ways in which officers and the police institution defend the use of stop and frisk practices. Various forms of trust are also conceptualized. Following this, empirical developments of stop and frisk practices, along with its justifications and criticisms. The chapter then concludes by outlining the research questions to be explored.

Chapter 3 describes the methodological framework and the qualitative research design used to explore the issue of ‘carding’ in Toronto. Furthermore, the data collection and analysis process is explained in detail. From this, the strengths and limitations associated with the methodology of document analysis are also addressed. Finally, Chapter 3 will introduce details concerning the population involved, along with the ethical safeguards undertaken to protect individuals involved in this study.

Chapter 4 discusses the results pertaining to the reports and recommendations made by groups that defend and contest the practice of ‘carding’. Furthermore, the justifications of these reports and recommendations are explored, along with the arguments behind their decision. This project will analyze the discourses presented, and identify the types of arguments and rhetorical strategies that are put forward.

Chapter 5 analyses the findings in relation to the Bourdieusian concepts of the political sociology framework outlined in the literature review. By analyzing these results, the researcher can determine how different people involved in the ‘carding’ process present their views on the practice. These findings will also allow for the researcher to analyze and diagnose the arguments made by the competing groups, and

address how the Ontario government made their recommendations in their final government report.

The final chapter, Chapter 6, reviews the purpose and significance of the present study. From there, policy implications based on a diagnosis of narratives presented by the groups involved in the process are presented. The chapter then concludes with directions for future research.

Chapter Summary

In this chapter, I presented the purpose of the present study, as well as the academic and practical significance of investigating the topic of stop and frisk and ‘carding’ practices through a political sociology lens. I then concluded with an overview of the remaining chapters of this thesis. In the following chapter, I conceptualize the topic of trust in policing and introduce my research goals based on the gaps in the existing literature surrounding a lack of research around the Canadian practice of ‘carding’.

Chapter 2: Collection of Literature

Evolution of ‘Carding’

In this chapter, I introduce the concepts of risk and security and conceptualize them within the field of policing. I then introduce the literature on stop and frisk policing, mainly in the United States and Canada. Following that, I introduce my theoretical framework of political sociology along with literature to support its application in this project. Finally, I define my research questions and objectives to situate and guide the present study.

Evolution and Significance of Stop and Frisk Practices

Racial profiling has been understood as a relatively recent practice, emerging with a massive governmental clampdown on the ‘war on drugs’ (Tanovich, 2006, p. 56). However, Tanovich (2006) argues that racialized individuals have been constructed as criminals and in need of policing for as long as organized police forces have been established (p. 56). Henry and Tator (2006) provide similar conclusions, arguing that “[t]he overpolicing of racial minorities can be understood [...] within the larger sociopolitical context, in which the police contribute to the criminalization of marginalized individuals and groups by selecting what is ‘high risk’ criminal behavior” (p. 162). Supporting this, Campbell and Shoenfeld (2013) argue that public support for increased social control is intimately linked to the politics of racial resentment. Furthermore, past research has shown that policy makers in the United States are more likely to manipulate and be influenced by stereotypes of marginalized communities being disproportionately involved in drug and public-order crimes (Tanovich, 2006, p. 57; Campbell & Shoenfeld, 2013, p. 1381). This same literature found a stereotypical belief

that Blacks are more likely to be overly violent and involved in more serious forms of crimes (Tanovich, 2006, p. 57; Campbell & Shoenfeld, 2013, p. 1381). Tanovich (2006) supports this, concluding that one of the motivating factors behind the criminalization of opium (1908), cocaine and morphine (1911), and cannabis (1924), was to enable the policing of racialized communities by the RCMP (p. 57). Griffiths (1994) supports this, arguing that the RCMP was utilized as an instrument of national policy to establish sovereignty over vast areas in the western and northern regions of Canada (p. 123). As a result, the RCMP institution played a predominant role in the colonization of Aboriginal peoples. Henry and Tator (2006) present similar claims, arguing that for many years “[...] people of colour and Aboriginal peoples have strongly indicated that policing in Canada was not carried out with an even hand, and that they are the objects of a constant systematic pattern of harassment and unnecessary violence and of insensitivity to their lifestyle and needs” (p. 151). Loree (1985) supports this, noting that the RCMP “[...] have long been among the most, if not the most, visible and obviously powerful manifestation of a dominant Euro-Canadian society, its institutions, customs, and laws (Griffiths, 1994, p. 123). Canada’s first Prime Minister, Sir John A Macdonald, got the idea for the RCMP from the Royal Irish Constabulary, a paramilitary police force the British created to keep the Irish under control. As Gerster (2019) explains, “[t]here was no coast-to-coast railway yet, and the ink was barely dry on Canada’s purchase of Western Canada from the Hudson’s Bay Company, an acquisition that paved the way for western settlement [...] [so] the job of the Mounties ‘effectively was to clear the plains, the Prairies, of indigenous people [...] [u]ltimately, they were to displace Indigenous

people, to move them onto reserves whether they were willing to go or not” (Gerster, June 15 2019, Global News).

Intentional or not, because of these stereotypical beliefs, phenomena such as the ‘war on drugs’, ‘war on gangs’, and the ‘war on terrorism’ have all led to an increase in the surveillance and imprisonment of marginalized populations (Tanovich, 2006; Warren & Tomaskovic, 2009).

Racial profiling became particularly politicized in the late 1990s as police departments came under media and political scrutiny for disproportionately targeting drivers from marginalized communities (Warren & Tomaskovic-Devey, 2009, p. 344). The televised beating of Rodney King along with other instances (i.e. Trayvon Martin³) raised questions about the role of race in law-enforcement outcomes (Warren & Tomaskovic-Devey, 2009). This led to the development of dashboard cameras in police vehicles to enhance accountability and transparency (Warren & Tomaskovic-Devey, 2009, p. 349).

Past literature has shown that there is a disturbingly high correlation concerning individuals from marginalized communities and deadly force. Evidence has shown that the higher the percentage of non-white community members in a city, the higher rates of police use of deadly force (James et al., 2016). Legewie (2016) provides similar results, concluding that physical force by police officers against Black citizens increased significantly (16%) in the days following the shooting of an officer by a Black suspect (p.

³ Martin was shot and killed by a neighbourhood watch captain George Zimmerman, who called the police claiming he observed a suspicious person in the area. Zimmerman was charged with murder for Martin’s death, but was later acquitted claiming self-defence (Trayvon Martin Shooting Fast Facts, CNN).

396). This same trend was not seen against white and Hispanic suspects throughout these same time periods (Legewie, 2016). Legewie (2016) accounts this to racial biases held by police officers against the Black community such as regarding them as hostile and violent.

Furthermore, Sorenson et al. (1993), examined the U.S Federal Bureau of Investigation's (FBI) Supplemental Homicide Reports from the largest city in the United States and found that economic inequality and the percentage of Black population in a city significantly predicted increased numbers of shooting by the police (as cited in James et al., 2016, p. 2). However, although there is a high probability for police officers to associate Black suspects with weapons, James et al. (2016) argue that this does not affect the officer's decision to shoot. In fact, James et al. (2016) tested 80 officers from the Spokane Police Department in the state of Washington, and found that police are more hesitant and careful in their decision to shoot Black suspects over any other race compared in the study (James et al., 2016). James et al. (2016) links these results to several explanations, most probably due to what he refers to as an "observer effect". As James et al. (2016) explain, police officers are consistently being monitored and recorded, both by bystanders' technology and increasingly by their body-worn cameras or dashboard cameras. What cannot be overlooked however, is the moderate to high implicit racial bias that police participants displayed throughout the study conducted by James et al. (2016), which helps support an argument of racial profiling.

This is a continuously pressing issue as citizens who distrust police are fearful or reluctant to report crimes, to assist law enforcement officers in criminal investigations, to volunteer for police-sponsored neighbourhood programs, or to call the police for

assistance (Tyler & Huo, 2002; Flexon et al., 2009). To understand what is fuelling this distrust in police, we must first understand the justification for the actions of police officers themselves.

Development of Risk in Western Societies

Previous literature discusses several factors that lead to racial profiling among police; however, it is imperative to understand the logic behind policing and their defense of stop and frisk practices. Much of the defense for the use of policing practices comes from the possibility of risk (Haggerty, Doyle, & Chan, 2011). Risk refers not only to external dangers such as a natural disaster or a technological catastrophe, but to the threatening behaviour of human beings (Ericson & Haggerty, 1997; Haggerty, Doyle, & Chan, 2011). We currently live in a risk society, comprised of several institutions, such as insurance companies, that organize themselves based on knowledge of risk (O'Malley, 2004; Haggerty, Doyle, & Chan, 2011). Ericson and Haggerty (1997) claim that the risk-profiling of populations became an instrumental part of liberal utilitarian political reform in matters of public health and security since the nineteenth century, and it continues to be integral to society today.

Haggerty, Doyle, and Chan (2011), conclude that the police are at the centre of this risk communication. When the institution of the police is proactive, it is mainly to obtain knowledge about possible subjects who appear out of place and time (Ericson & Haggerty, 1997; Haggerty, Doyle, and Chan, 2011). This trend has been increasing since the late 1930s. In 1939, police reports were simply a narrative of the incident seen through the eyes of the police officers; presently, these reports have grown to include ten times the amount of information that was originally needed (Haggerty, Doyle, & Chan,

2011). Ericson and Haggerty (1997) support this, claiming that risk logics of external institutions (i.e. insurance), and the classification schemes and knowledge requirements they entail, fundamentally influence the police. This leads Ericson (1982) to argue that police work is not about crime prevention or law enforcement; its' primary role is a vehicle for the reproduction of order.

Previous literature argues that risk society is characterized by the marketing of insecurity (Haggerty, Doyle, & Chan, 2011). Crime, risk, and fear has become the basis for proliferating systems of surveillance in public spaces. This can be seen through the implementation of surveillance systems, security throughout schools, community watch programs, and missing person registries (Haggerty, Doyle, & Chan, 2011, p. 268). Supporting this, Ericson (2005) argues that it is uncertainty that leads entities to engage in risk avoidance, and limit the freedom of others in the name of security. Similarly, Murphy (2007) has argued that within the post 9/11 period, the size, resources, and mandate of the police have grown as security was made a 'policing objective' (as cited in Kitchen & Rygiel, 2014, p. 202).

As a result, the role of the police officer has shifted. The traditional police model that focused on deviance, control and order has been displaced in favour of a focus on risk, surveillance and security (Ericson & Haggerty, 1997, p. 18). A 2014 report by the Police Executive Research Forum shows that at least 85 percent of police chiefs in Canada are invested in crime analysis, directed patrol, and the adoption of intelligence led policing (Saunders et al., 2014, p. 711). Saunders et al. (2014) defines intelligence led policing as "[...] an organizational approach that emphasizes aggressive information gathering and risk analysis to 'target, prioritize and focus interventions'" (p. 712).

Hodgson (as cited in Hodgson & Orban, 2005, p. 1) and Whitaker, Kealey, and Parnaby (2012) support this, claiming that police in the United States and Canada are facing new challenges in the 21st century, ranging from the public's fear of crime to the 'homeland security agenda' and police militarization. The police are now not only involved in law enforcement, order maintenance, and social service, but also in a role as a knowledge worker engaged in the production and distribution of knowledge of risk (Ericson & Haggerty, 1997; Haggerty, Doyle, and Chan, 2011). Recent statistics show that for police patrol officers in the United States, direct involvement in crime work takes up as little as three percent of their working time (Ericson, 1982; in Haggerty, Doyle, and Chan, 2011, p. 258).

Since the attacks on September 11, 2001, for example, Hodgson (2005) claims that local and state police agencies in the U.S. have been given responsibilities in intelligence gathering and terrorism detection, and have been designated as America's first line of defense in any terrorism attack (as cited in Hodgson & Orban, 2005, p. 6). As explained by Hodgson (as cited in Hodgson & Orban, 2005, p. 7) and Whitaker, Kealey, and Parnaby (2012), legislation such as the Patriots Act in the United States and the Anti-Terrorism Act in Canada gave law enforcement agencies a significant increase in powers of surveillance, search and seizure, and apprehension. In Canada, we saw a shift in the Canadian Security Intelligence Service (CSIS) mandate towards terrorism prevention (Whitaker, Kealey, & Parnaby, 2012). Within five years of 9/11, Jean Chretien and the Canadian government gave just under \$8 billion of new resources into national security and enforcement, of which 1.6 billion of this was allocated to intelligence and policing (Whitaker, Kealey, & Parnaby, 2012, p. 435).

This attempt to eliminate all potential risk is further seen through the creation and implementation of ‘contact cards’ and other stop and frisk techniques. With advances in technology, police vehicles can submit an electronic entry of collected street-check information collected. This gives police the potential to commit more pervasive and systematic inspection of populations that appear out of place (Haggerty, Doyle, & Chan, 2011, p. 268-269). An interesting observation was brought forward by Saunders et al. (2015), who concluded that it was easier to access certain types of information, such as criminal incidents, but what they refer to as ‘intelligence data’ such as street checks, are not always accessible or shared (p. 718). In this way, the public is provided with as much or as little information as the police institution wants.

These ideas came into action during the protests of the 2010 G20 Summit in Toronto. Monaghan and Walby (2012) argue that intelligence gathering prior to the 2010 Summit informed frontline officer training and created conditions for threat amplification. Records from intelligence hubs detailed how anarchists were identified as the lead source of potential threat and disruption at the Vancouver Olympics earlier in 2010, and due to time constraints, these concerns were then applied to threat assessments for the G20 in Toronto (Monaghan & Walby, 2012, p. 658). As a result, undercover police operations targeted several groups, through several indicators, designated to be the most disruptive (Monaghan & Walby, 2012). Police was briefed on the “Black Bloc” protest group that traditionally dressed in black clothes (Monaghan & Walby, 2012). This led to several illegitimate arrests based solely on appearance alone, including Michael Puddy, who had dressed in black and sported a ‘mohawk’ style haircut as he was heading downtown for a punk rock concert (Monaghan & Walby, 2012, p. 664). The Toronto

Police Chief at the time, Bill Blair, reasoned that the searches, arrests, and detentions would not be second-guessed or investigated externally (Monaghan & Walby, 2012, p. 654). Earl and Soule (2006) support Monaghan and Walby's (2012) findings, arguing that police are afraid of losing control and legitimacy because of poor planning or the actions of well-organized protesters, therefore they invest heavily in intelligence (Monaghan & Walby, 2012, p. 667).

Providing similar findings, Kitchen and Rygiel (2014) conclude that Canadian government authorities budgeted amounts of security far higher than had been spent at previous G20 summits. While the 2009 Summits in Pittsburgh and London had security costs of 98.7 million and 28.6 million respectively, reports estimated that total costs for the Toronto Summit were 664 million (Kitchen & Rygiel, 2014, p. 205-206). This fluctuation in spending was a result of the use of private security, multiple security apparatuses and the development of 'secure spaces' across the city for certain groups (Kitchen & Rygiel, 2014).

Hodgen (as cited in Hodgson & Orban, 2005) and Whitaker, Kealey, and Parnaby (2012) support this, claiming that while officially policing across the United States and Canada is about criminal law enforcement, modern policing also concerns itself with the surveillance and control of particular groups and communities, in the name of public safety and national security. The concept of risk just explained and unpacked, helps us frame an understanding of 'stop and frisk' policing.

History of 'Stop and Frisk' Policing

As seen in previous literature (Tanovich, 2006; Warren & Tomaskovic-Devey, 2009; Campbell and Shoenfeld, 2013; Eterno et al., 2016; Legewie, 2016), there has been

a strained relationship between police and marginalized populations in the United States. This is seen through forcible stop and frisk tactics continuously used across the United States for decades and still produces distrust among community members (Eterno et al., 2016). According to recent data in 2010, residents of Los Angeles, California, reported being stopped, questioned, and frisked by officers and released without charge an average of 5.3 times per year (Stuart, 2016, p. 286).

The stop and frisk policing technique was first used throughout the San Francisco Area under the name “Operation Saturation”, or “Operation S” throughout the 1950s, where dozens of officers stopped, questioned, frisked, and arrested citizens based on their suspicious character (Meares, 2015, p. 167). In its first year, “Operation S” tallied twenty thousand stops, most of which were of young black men (Meares, 2015, p. 167).

Stop and frisk practices were not popularized until used by the New York Police Department in the 1990s. Bellin (2014) argues that the origins of the New York City stop and frisk practices can be traced to an epic crime wave that hit the city in the early 1990s. In 1993 alone, nearly half of New York City residents claimed they had been victimized by crime in the past year (Bellin, 2014, p. 1503).

Supporting this, Bellin (2014) concluded that New York’s stop and frisk practices arose from a desire to eradicate unlawful public gun possession, as gun violence was one of the city’s primary sources of crime (p. 1507). Policy documents issued by the New York Police Department (NYPD) emphasised that between 1960 and 1992, the number of murders committed in New York City with a handgun increased by almost two thousand percent (Bellin, 2014, p. 1507). This increase in crime led to a reliance on stop and frisk policing to find unlawful firearms. In 2003, the New York Police Department

(NYPD) implemented ‘Operation Impact’, described as a “[...] hot-spots strategy where police commanders identified 24 high-crime ‘Impact Zones’ that would be targeted with ‘saturation foot patrol in combination with resources from a variety of departmental divisions’” (Fradella & White, 2017, p. 63). This move was supported with stop and frisk searches jumping from 160,000 to 685,000 between the years of 2003 and 2011 (Fradella & White, 2017, p. 63). Also, Bellin (2014) found that at least 18,000 stops were made in 1997, and 27,000 in 1998 solely by an elite Street Crime Unit (SCU) announced by the NYPD (p. 1508). The Street Crime Unit was later disbanded in 2002 after criticism came forward that the unit was disproportionately stopping marginalized populations, and was ineffective in eliminating crime throughout the city (Bellin, 2014; Gelman, Fagan, & Kiss, 2005).

However, Bellin (2014) argues that the New York Police Department provided a theory of deterrence to critics in response to their lack of success with stop and frisk policing. With the theory of deterrence as a defence, the NYPD could successfully defend stop and frisk. In theory, if stops produce the seizure of weapons like it is designed to do, the NYPD is successfully taking guns off the street. But, when the stops produce few results and fail to collect unlawful firearms, the program is still argued by the NYPD to be successful through a deterrence of gun possession by civilians (Bellin, 2014, p. 1516).

Critiquing this, several authors (Bellin, 2014; Fagan & Geller, 2015; Meares, 2015) have argued that for the stop and frisk policy to be successful throughout New York City and elsewhere in achieving their goals of deterrence, they must bend longstanding civilian rights such as the Fourth Amendment of the United States Constitution, which guarantees the right of people to be defended against unreasonable

searches and seizures. This criticism implies that police departments can only deter gun use and carrying illegal firearms if civilian rights are altered or even disregarded.

Despite this concern of unconstitutional police stops starting in the 1960s through the case of *Terry v. Ohio* (1968), the Supreme Court validated the common police practice of ‘patting down’ a stopped suspect, so long as the police officer possesses a reasonable suspicion both that criminal activity is present and the suspect is armed and dangerous (Harris, 2013; Meares, 2014; Fagan & Geller, 2015; Eterno et al., 2016; Rahman, 2016). Policing scholars such as James Q. Wilson and Barbara Boland urged the police in 1978 to shift from random police patrol to a more aggressive style aimed at maximizing the number of interactions with and observations of a relevant community (Meares, 2014, p. 339; Meares, 2015, p. 167). This was based off results supporting that cities with high levels of traffic violations had fewer robberies than those with low levels (Meares, 2014, p. 339; Meares, 2015, p. 168). More than twenty years later, three of the most populated cities in the United States (New York, Chicago, and Los Angeles) have all adopted at least some aspect of Wilson’s theory, primarily through more aggressive enforcement and minor misdemeanour laws (Harcourt & Ludwig, 2006).

For example, 4.4 million New York City residents were stopped by the police between January 2004 and June 2012 (Meares, 2014, p. 336). Throughout this same time-period, the number/volume of police stops increased from 160, 851 made in 2003, to a peak of 685, 724 in 2011 (Meares, 2015, p. 159). Furthermore, between the years of 1990 and 2012, while the city’s population grew by almost a million people, the number of homicides dropped from 2245 to 419 (Bellin, 2014, p. 1520) and other major crimes such as robbery, rape, and auto theft dropped as well (Bellin, 2014, p. 1521). Despite crime

falling across the country, the crime drop in New York City outpaced statistics in other American cities over the same time-period (Bellin, 2014, p. 1521).

Most stops in New York City were concentrated in a relatively small number of neighbourhoods with high crime rates, a high concentration of non-white residents, and severe economic disadvantage (Meares, 2014; Fagan & Geller, 2015). MacDonald (2001) concludes that police defend racially disparate patterns of stops on the grounds that marginalized populations commit disproportionately more crimes than whites, which justifies more aggressive enforcement in minority communities (Gelman, Fagan, & Kiss, 2005, p. 2). This is further demonstrated by Harris (2013) through his finding that over 80 percent of the stops and frisks conducted by the NYPD between 2002 and 2011, were of people of colour. In 2011 alone, just over 50 percent of all those stopped were Black, 33 percent were Hispanic, and less than 10 percent were white (Harris, 2013, p. 866). Harris (2013) argues that these statistics are very similar to those reported in 1999 (p. 866). Furthermore, in the highest crime areas of New York City, nearly 80 percent of young African American men between the ages of 18 and 24, were stopped at least once during 2006 (Meares, 2014, p. 339). Likewise, less than one percent of the marginalized population stopped during that time revealed a weapon (Meares, 2014, p. 339). Stoudt, Fine and Fox (2011) support this, concluding that NYPD stop and frisk is a policy heavily focused on younger citizens of marginalized communities (Eterno et al., 2016, p. 694). This further expresses previous findings that NYPD officers stop Black and Hispanic individuals more often than whites (Gelman, Fagan, & Kiss, 2005).

This trend continued into 2011, showing that the New York Police Department recorded almost 700,00 stops throughout the city. However, almost 90 percent of those

stopped were males from marginalized communities, and the clear majority of the stops (88%) uncovered no evidence of wrongdoing (Harris, 2013; Bellin, 2014, p. 1498). A study conducted by the New York State Office of the Attorney general (OAG Study) produced similar findings, documenting that just 6 percent of stops during 2009 to 2012, resulted in an arrest (Meares, 2014, p. 344). Sherman (1993) and Wilson (1994) held concerns that increasingly aggressive policing and overly harsh criminal sanctions had the potential to antagonize young marginalized community groups, but ultimately concluded that the potential for violence crime reduction was worth the costs (Meares, 2014, p. 340).

The New York Police Department attempted in the *Floyd v. City of New York* (2013) litigation to justify its policy of stopping hundreds of thousands of mostly young people of colour by claiming that the approach was responsible for saving lives (Meares, 2014, p. 342). This may have some validity, as the New York State's Division of Criminal Justice Services acknowledged that in 2009, violent crimes within New York City decreased by 74 percent since 1990, while violent crime throughout the rest of the state of New York did not change significantly (Bellin, 2014, p. 1521).

Criticizing the link between neighbourhood disorder and crime, Sampson and Raudennush (1999) found that there was very little correlation between the two variables. They concluded that “[a]ttacking public disorder through tough police tactics may thus be politically popular but perhaps an analytically weak strategy to reduce crime” (Harcourt & Ludwig, 2006, p. 284). Furthermore, much of this behaviour impacts public perceptions of police. Jones (2015) argues that according to a recent Gallup poll,

Americans' confidence in the police is at a 22-year low of 52 percent, particularly among male youth in marginalized communities (Eterno et al., 2016, p. 694).

Previous literature expresses that there is a large debate surrounding whether stop and frisk practices are even successful, especially considering the amount of damage it does to trust within the community.

Policing in Toronto

Like stop and frisk practices in the United States, police across Canada engage in a tactic of 'carding' to gain information from the community ("Have you ever been carded...", July 2 2015). 'Carding' is the police practice of stopping, questioning and documenting personal details of citizens in non-criminal encounters ("Have you ever been carded...", July 2 2015), and have been relied upon heavily throughout the Toronto area (Owusu-Bempah, 2014).

This practice of 'carding' is similar to stop and frisk practices throughout the United States, but differs in one key way. Unlike stop and frisk where the practice is used to deter crime through random searches, the police practice of 'carding' is a broader practice of stopping individuals on the street to collect information, which may then be used later. The practice of 'carding' is more of an intelligence gathering practice in relation to other stop and frisk practices; however, they both seem to create tension and conflict between the community and the police.

Meng (2017) presented that consistent with the trend of declining crime rates in Canada, the crime rate in Toronto has dropped by 42 percent between 2001 and 2012 (p. 5). Furthermore, statistics show that Toronto has the lowest crime rate among the 33 metropolitan areas in Canada (Meng, 2017, p. 5). This crime decrease has been linked in

part to proactive policing such a crime analysis, problem-oriented policing, and community partnerships that have been implemented by the Toronto Police (Meng, 2017).

Like police forces in the United States, the Toronto Police Service have had issues of trust between the police and the community. Toronto's Black community has directed allegations of racial discrimination at the police services operating within the city for the past several decades despite declining crime rates (Owusu-Bempah, 2014; Meng, 2017). Even attempts at police reform in Toronto have historically left minority community members with little voice in the process (McMahon & Ericson, 1984). McMahon and Ericson (1984) have documented police wrongdoing in Toronto since the 1970s. Despite attempts at reform, little was acted on. Complaints against the Toronto Police were listened to by the Citizens' Independent Review of Police Activities (CIRPA) Board but not addressed. Furthermore, minority representation on the CIRPA Board was lacking due to an inability to build networks with individuals at the community level (McMahon & Ericson, 1984). McMahon and Ericson (1984) argue that CIRPA was more concerned with negotiating and achieving some form of legitimacy with the Police Commission, rather than focusing on representing the Toronto community.

Furthermore, in October 2002, the Toronto Star obtained a Toronto Police Service arrest database through a Freedom of Information Act request, and the results were published in a series of investigative articles on race, crime, and policing in Canada (Marshall, 2017, p. 77). The database collected contained charges laid from late 1996 to early 2002, and the Star analysis concluded that Black motorists were disproportionately

ticketed for traffic stop violations and were treated more harshly when arrested (Marshall, 2017, p. 77).

To defend their collection of information, Meng (2017) argues that the Toronto Police take the information of hundreds of thousands of people, both walking and driving, across the city to ‘get to know the neighbourhood’ (p. 6). Furthermore, the Toronto police force has emphasized that Blacks, especially Black youth, are overrepresented in police stops and search data because they are more likely to be involved in homicides and in crimes involving drugs and firearms (Meng, 2017, p. 6). Marshall (2017) supports this, claiming that those who defended the actions of the police often followed a discourse of denial, or simply that there are a few “rotten apples” (p. 175).

However, this 2002 Toronto Star analysis opened the national debate on racial profiling in Canada for the first time, even though various marginalized communities had expressed their concern for decades on how they were treated by the police (Marshall, 2017, p. 77). Henry and Tator (2006) for example provide statistics showing that since the last 1980s, Canadians have felt that police have discriminated against marginalized groups. A survey carried out in 1989 by the Royal Commission on the Donald Marshall Jr. Prosecution in Nova Scotia found that 60 percent of respondents agreed that police discriminated against Blacks (Henry & Tator, 2006, p. 151). A poll conducted by the Toronto Star in 1999 found that Black Torontonians in general felt they are more discriminated against than any other group in the city (Henry & Tator, 2006, p. 152). These statistics show that long felt lack of confidence by marginalized communities towards the institution of the police.

This debate following the 2002 Toronto Star analysis led to an investigation on all stops conducted between October 2003 and September 2004, in Kingston, Ontario. This study found that marginalized populations were stopped more than whites. Analyzing this study, Scot Wortley concluded that Black male residents of Kingston between the ages of 15 and 24 were three times more likely to be stopped and questioned, and arrested and charged during police stops by Kingston police than people from other racial grounds (Closs & McKenna, 2006, p. 150-151). Marshall (2017) provides similar results, concluding that Blacks were over twice as likely to be stopped than whites by the Kingston Police. Marshall (2017) argues through this data that in fact, police stops in Kingston are not actually concerned with crime control as most police organizations claim, as statistics in the Kingston study show that although ‘stop’ rates are high for the Black population, their ‘hit’ rates (i.e. percentage of times they are arrested for a crime) is low. This indirectly showing that although marginalized populations are often stopped by police, they are not equally charged with a crime (p. 122). This supports results found throughout major cities across the United States, who have engaged with stop and frisk police practices.

Despite this, a discourse of denial was evident in the reactions by those justifying police stops in Toronto following the 2002 report. Julian Fantino, who was Police Chief in Toronto at the time, was quoted saying that “[w]e do not do racial profiling. We do not deal with people on the basis of their ethnicity, their race, or any other factor. We’re not perfect people but you’re barking up the wrong tree” (Henry & Tator. 2006, p. 157). The Toronto Police Association supported Chief Fantino and stated that “[n]o racial profiling

has ever been conducted by the Toronto Police Service and we question the Toronto Star's interpretation of its statistical information" (Henry & Tator, 2006, p. 157).

Expressing what much of the literature presented already, Owusu-Bempah's (2014) study analyzing the 2007 Perceptions and Experiences with the Justice System Survey (PEJSS) in Toronto revealed that white respondents tended to hold more favourable views of the police than Black and Chinese respondents, regardless of gender. Furthermore, results indicate that Black respondents living in the Toronto Area were much more likely to believe that racial profiling is a problem in Canada compared to respondents of other racial groups (Owusu-Bempah, 2014). Owusu-Bempah (2014) provides evidence suggesting that Black respondents in Toronto are found to be two times as likely as white respondents (Owusu-Bempah, 2014; Meng, 2017), and over three times as likely as Chinese respondents to say they have been stopped three or more times by the police from 2012-2014 (Owusu-Bempah, 2014). Supporting this, Meng (2017) concludes that between 2008 and 2012, twenty-two percent of the black male population was stopped and questioned by the Toronto Police (p. 6). Wortley's (2013) research suggests that around 80 percent of black youth in Toronto between the ages of 15 and 24, have been stopped by police for 'purposes of investigation' during the years of 2008 to 2013 (Meng, 2017, p. 6). Furthermore, Black respondents claimed they were subjected to police searches six times more often than any other racial group of the study (Owusu-Bempah, 2014). Through all of this, it was found that 23 percent of Black respondents believed they have been racially profiled by the police, compared to 7.1 percent of Chinese and only 2.4 percent of white respondents (Owusu-Bempah, 2014).

Over three-quarters of Black respondents believed that a Black person is more likely to be unfairly shot by the police than a white person (Owusu-Bempah, 2014). What was even more interesting however, was results concluding that 46.7 percent of white and 44 percent of Chinese respondents from the Toronto study agreed that a Black person is more likely to be unfairly or wrongly shot by the police than a white person. Officers themselves felt that Black people in the city were treated worse by the police, and that the Black community's negative perceptions of the police are justified (Owusu-Bempah, 2014).

Hamlin Grange, a former Journalist and current member of the Toronto Police Service Board claims that racial profiling is a 'rite of passage' that most young black people in the city of Toronto have been through (Tanovich, 2006, p. 12). Supporting this, statistics show that Black police officers are just as likely as their white counterparts to engage in racial profiling (Tanovich, 2006, p. 18). Findings from a 2002 Toronto Star report supports this showing evidence of differential treatment after the arrest. According to the Toronto Star report, Blacks arrested for simple drug possession were more likely to be taken to the police station and detained, pending a bail hearing, than white suspects (Tanovich, 2006, p. 33).

Unfortunately, the research on racial bias in police stop and search practices in Toronto and the rest of Canada is limited. Meng (2017) argues that this is largely because of a complete ban on the collection and release of all race-crime data in Canada. Unlike in the United States, Canadian researchers do not have easy access to official data on the race of people stopped and searched by the police unless they file for freedom of information (Meng, 2017). Meng (2017) argues that even this process can be difficult as

the Toronto Star was required to take the Toronto Police Service to the Court of Appeal for freedom of information access. As a result, very little research has been published investigating the police practice of ‘carding’ in Toronto and the rest of the Canada. This project attempts to use the snapshot provided by the events that occurred between 2012-2015 to add to limited treatment of this topic.

Theoretical Framework: Political Sociology

To better comprehend the practice of ‘carding’ in Toronto and to understand the actions of individuals involved, this project’s theoretical framework dives into motives and pre-set understandings. Practice cannot fully be understood without a cognisance of the social, political and legal climates involved in producing a culture (Ganapathy & Chang, 2016). The theoretical framework of political sociology presented by Pierre Bourdieu understands this limitation of individual practice, and applies this understanding to the social world.

Practice, according to Bourdieu, “[...] is an effect of actions and interactions which are shaped, simultaneously and in equal measure, by the habitus and capital of agents, as well as the context and dynamism constituted by their shared participation in a common [field]” (Crossley, 2003, p. 44). Chan (2007) and Topper (2011) argue that social practice is a product of the interaction between the structural environment external to the actor and the set of physical, cognitive and emotional dispositions an actor has acquired through individual or group socialization. Pierre Bourdieu describes this process through his concepts of ‘field’, ‘habitus’, and ‘doxa’. The concept of ‘field’ refers to structural realities, ‘habitus’ describes cultural knowledge, and ‘doxa’ can be understood

as a taken-for-granted truth that does not need defending, nor dispute (Chan, 1996; Chan, 2004; Chan & Dixon, 2007; Ganapathy & Chang, 2016).

Bourdieu defines his concept of ‘field’ as “[...] a network, or a configuration, of objective relations between positions” (Bourdieu & Wacquant, 1992, p. 97). According to Swartz (2013), a ‘field’ “[...] denotes arenas of production, circulation and appropriation of good, services, knowledge, or status, and the competitive positions held by the actors in their struggle to accumulate and monopolize different kinds of capital” (p. 35). In this way, a ‘field’ can be understood as relational (Bourdieu & Wacquant, 1992; Swartz, 2013). According to Bourdieu and Wacquant (1992), in a ‘field’ the agents and institutions constantly struggle according to the regularities and the rules constitutive in this space of play (i.e. ‘field’).

Bourdieu and Wacquant (1992) argue that any form of ‘capital’ held by an individual does not exist or function except in relation to a ‘field’. These relations and forms of capital in different fields come to light as “[t]hose who dominate in a given field are in a position to make it function to their advantage but they must always contend with the resistance, the claims, the contention, ‘political’ or otherwise, of the dominated” (Bourdieu & Wacquant, 1992, p. 102). Swartz (2013) supports this, defending that power is a central organizing feature of all social life, and argues that resources turn into ‘capital’ when they come to function as a “social relation of power” (p. 56). This relationality provides political sociology a means to conceptualize individuals, groups, or even capital, as interdependent units in broad networks of relations that shape human action beyond individual consciousness or even direct contact (Swartz, 2013, p. 58).

Bourdieu and Wacquant (1992) argue that ‘habitus’ and ‘capital’ work together to constantly create a ‘field’. To construct the ‘field’, one must first identify the forms of the specific capital (i.e. symbolic, cultural, financial) that operate within it; however, to construct the forms of specific capital one must know the specific logic of the field (Bourdieu & Wacquant, 1992, p. 108; Swartz, 2013). Each field operates on different forms of capital. For example, lawyers by profession develop an education capital as they attend specific academic programs and become experts in our laws. These forms of ‘capital’ are then accumulated and exchanged to maintain and enhance an individual’s position in the social order (Swartz, 2013, p. 55). Bourdieu explains that there is an endless movement between the concepts of ‘field’ and ‘capital’; the distribution of power for example is described by Bourdieu as forms of capital distributed over a set of field arrangements and in an increasingly diversified field of power (Swartz, 2013, p. 127).

Furthermore, within these ‘fields’ throughout society, Bourdieu defends that several forms of ‘habitus’ are born. The concept of ‘habitus’ can be understood as a form of socialized subjectivity (Bourdieu & Wacquant, 1992). Chan (2004) for example, argues that ‘habitus’ can be understood as “[...] dispositions which agents acquire either individually, through family and the education system, or as a group, through organized socialization” (p. 333). These dispositions orient individuals at a subconscious level towards the world around them (Page, 2012). Supporting this, Swartz (2013) posits that the dispositions of ‘habitus’ incorporate a sense of place in the stratified social order, and an understanding of inclusion and exclusion in the various social hierarchies (p. 38). Actors select forms of conduct that are most likely to succeed in light of their resources and past experience (Swartz, 2013).

For this reason, ‘field’ and ‘habitus’ are forever intertwined; when the field is changing, the organizational habitus must adjust (Chan, 2007; Ganapathy & Chang, 2016). Without a ‘field’ to work with, social actors will not be able to exercise their agency as they do not understand the ‘rules of the game’ (Ganapathy & Chang, 2016, p. 6). Chan (2004) however, argues that the changing of field and habitus is not a fluid process. In fact, Crossley (2003) and Chan (2004; 2007) contend that Bourdieu’s political sociology framework must be adjusted to include people who are stuck between the old habitus they have become accustomed to, and the new habitus that the field produces. In this way, Crossley (2003) and Chan (2004; 2007) posit that individuals have a form of agency. In time individuals will adjust to the habitus produced in a certain field; however, if the habitus is changing or fragmented, individuals will continue to be conscious and cautious of their actions. Nonetheless, Bourdieu argues that the adjustment of the habitus to changes in the field is never radical because the process of adjustment relies on existing cultural frames for cues and interpretation (Chan, 2007, p. 342; Ganapathy & Cheong, 2016, p. 5). Therefore, there is room to move away from old frameworks, and test new ones.

Drawing on interviews with key informants within the New Wales Police Service in Australia, Chan (2007) gives an example of increased reporting of police misconduct by police officers as evidence that the old ‘stand by your mates’ framework is no longer suitable under a new regime (p. 343). Chan (2007) concluded in her New Wales study that these findings signal a shift in police culture. Conversely, Bourdieu defends that these changes can only be made within the existing cultural constraints. It is important to acknowledge that in the eyes of Bourdieu and Wacquant (1992), notions of ‘habitus’,

‘field’ and ‘capital’ “[...] can be defined, but only within the theoretical system they constitute, not in isolation” (p. 96). This theme was present in Chan’ (2007) conclusions, as her study found that police reform eventually slipped off the political agenda for a more simplistic law and order rhetoric.

As such, Chan’s (2007) conclusions regarding New Wales does not seem to be an anomaly. Past research has demonstrated that despite attempts to reform police actions, it has largely remained consistent with past practices. Analyzing gangs in the United Kingdom, Fraser and Atkinson (2014) used ethnographic research and semi-structured interviews, which denoted that despite implementing civilian intelligence officers to shift police attitudes and prejudices, the conditions of police culture, including its power dynamics, hierarchies, and privileged forms of capital and habitus, has remained unchanged (p. 162).

Staw, Sanderlands, and Dutton (1981) support this, demonstrating that organizations, particularly those that are resource dependent, are responsive to the political pressures that originate in their social and political environments (as cited in Warren & Tomaskovic-Devey, 2009, p. 345). Swartz (2013) provides a similar argument, claiming that Bourdieu’s sociology does not differentiate between the sociological approach to the study of the social world, and the study of political powers (p. 3).

Past studies have used political sociology to analyze gang membership (Fraser & Atkinson, 2014), ‘tough on crime’ policies (Campbell & Shoenfeld, 2013), prisons, punishment, and shifting penal policies (Page, 2012) and to understand international institutions such as the European Union (Kauppi, 2003). For example, political sociology uncovers that definitional debates surrounding gangs are often overlaid with political

considerations and the need to attract more funding (Fraser & Atkinson, 2014, p. 156). The definition of a gang varies widely between street-based understanding, definitions used in policing contests, and those developed within academic discourse (Fraser & Atkinson, 2014, p. 156). Fraser and Atkinson (2014) show how political sociology can help interpret who is a gang member, depending on how the community views the actions of the local gang itself. This analysis of gangs allows for a discussion on the collection of intelligence by police, and the difference between system intelligence and street intelligence, where the former is possibly out of date or misinterpreted (Fraser & Atkinson, 2014).

Nevertheless, Page (2012) argues that Bourdieu did not strive to develop a grand theory to explain everything, instead “[...] he sought to advance a theoretical stance that emphasizes the fundamentally relational nature of practice” (p. 12). Likewise, Lebaron (2010) claims that Bourdieu argued his conception of sociological theory as “[...] a collective patrimony or as an intellectual ‘toolbox’ at the disposal of the researcher” (as cited in Silva & Warde, 2010, p. 142). In this way, Lebaron (2010) argues that a researcher can take from and leave things within this universal toolbox according to the stakes, sociological problems, and the limits of existing theoretical conceptions (as cited in Silva & Warde, 2010, p. 142). Therefore, to further understand this theoretical framework in relation to the current project at hand, several authors have used political sociology to analyze aspects of police culture and community perceptions with pieces from the aforementioned toolbox.

Police Culture within Political Sociology Literature

Much like many groups in society, the institution of the police can be understood through Bourdieu's theory of political sociology. As already discussed, there are several main concepts of relevance, including 'field' and 'habitus'. In the 'field' of policing, the 'habitus' will include not only learning the laws, procedures and techniques of law enforcement and order maintenance, but also requiring a range of organizational skills, attitudes and assumptions that are compatible with other members of the occupation (Chan, 2004, p. 328). In terms of police work on the streets for example, the 'field' may consist of "[...] the historical relations between certain social groups and the police, anchored in the legal powers and discretion police are authorized to exercise and the distribution of power and the material resources within the community" (Chan, 1996, p. 115).

Existing literature has found that police work is rarely guided solely by legal precepts, but also through personal discretion in how officers enforced the law (i.e. habitus) (Ganapathy & Cheong, 2016). Although law enforcement organizations attempt to construct rules and policies that emphasise a guardian role (Loader, 1997, p. 8), if the policies conflict with existing police culture, they will not usually be institutionalized and behaviour will not likely be changed (Marenin, 2016, p. 2). Supporting this, Chan (2004) claims that socialization of police officers includes not only learning the laws and procedures of law enforcement, but also requiring a range of organizational skills, attitudes, and assumptions that are compatible with other members of the occupation (p. 328). According to Chan (1996), a clear example of this 'habitus' among police officers can be seen through the physical violence and intimidation used towards the population, specifically marginalized communities (p. 120). Henry and Tator (2006) support this,

arguing that another norm that is commonly associated with police culture is the requirement of officers to be suspicious of their surroundings (p. 153). Chan (2004) argues that there are different forms of cultural knowledge that are produced through the occupation of policing. Supporting this, Sackmann presents four types of cultural knowledge: (1) axiomatic, (2) dictionary, (3), directory, and (4) recipe knowledge (Chan, 2004).

Axiomatic knowledge refers to the fundamental assumptions about why things are done the way they are; this is what Bourdieu refers to a 'doxa' in his work (Chan, 2004, p. 333). Dictionary knowledge provides definitions and labels of persons, things, and events that are encountered by police, which are then categorized as 'normal' or 'abnormal' (Chan, 2004, p. 335). Directory knowledge informs police officers about how operational work is routinely carried out. This involves looking for cues of suspicious behavior (Chan, 2004, p. 336). Finally, recipe knowledge refers to what Chan (2004) describes as the "[...] normative dimension of cultural knowledge [and] suggests what should or should not be done in specific situations" (p. 337). Chan (2004) documented the police 'code of silence' and solidarity among police officers as a strong example of this recipe knowledge. It is seen that these four dimensions of cultural knowledge can partially explain the behavior of police officers, but cannot fully explain all police actions.

Conversely, Chan (1996) argues that there is little discussion in Sackmann's research about how the various dimensions of knowledge are related to the power relations external to the organization, and those between organizational members and the environment. Political sociology, according to Chan (1996), "[presents] a model of

[police culture] that emphasises the relationship between the social, legal, and organizational context of policing and the schemas [...] and vocabulary of precedents central to the craft of policing” (p. 131). Chan (2004) supports this, claiming that policing is inherently political as it is an institution created and sustained by political processes to enforce dominant conceptions of public order (p. 331). This is seen through conclusions provided by Chan and Dixon (2007), who claim that after analyzing reforms towards the New Wales Police Department in Australia, much of the deeper structural and cultural change that was deemed necessary has not happened yet due to what the authors believe as an incompatibility with the police leadership and the priorities of government (p. 463).

Looking at the police through a different lens, Loader (1997) draws on previous literature presented by Bourdieu and argues that the police hold a form of what Pierre Bourdieu would refer to as ‘symbolic power’. Policing provides an interpretive lens through which people can make sense of, and give order to, their world; this is an omnipresent source of authority that stands up and defends against the criminal ‘other’ (Loader, 1997, p. 3). This symbolic capital held by police helps produce a form of ‘doxa’ surrounding the occupation of policing where their actions are accepted simply because of the badge they hold.

Bourdieu (Loader, 1997, p. 4) and Swartz (2013) would argue that this symbolic power is not generated solely by the police themselves, but rather from a form of symbolic capital that emerges within the iconography of policing developed through the handcuffs, cop shows, uniforms and car sirens that we have come to recognize as legitimate symbols of crime fighting. Similarly, Swartz (2013) defends that symbolic power is “[...] experienced as a taken-for-granted, natural, inevitable state of affairs,

especially on the part of the dominated (p. 83)”. Symbolic power refers to socially recognized and approved authority (Swartz, 2013). Supporting this, Chan (2004) argues that holding this symbolic power and symbolic capital, police officers are vested with discretionary powers to stop, question, arrest, search and detain suspects.

Using a longitudinal study, Chan (2004) presented that this symbolic capital held by police officers is above or was added to the physical capital that all police are expected to hold. Although these requirements have been altered in some respects in recent years to encourage the recruitment of females and some minority groups, physical strength and endurance is still an important component to the occupation of policing (Chan, 2004, p. 332). This once again supports a formation of ‘doxa’ surrounding policing, where aggressive crime fighting, toughness and physicality are expected from officers, and therefore accepted (Chan, 2004).

Reiner (2000) concluded that police culture and its deviation from the due process of law, is responsible for several injustices (Ganapathy & Chang, 2016, p. 3). According to the literature, the array of forces arises from reaction to danger (Reiner, 2000; Marenin, 2016, p. 3). To street police, danger is not a legal issue or defined in guidelines, it is the encounters with people which shape their understanding of danger and their responses to it (Marenin, 2016). Officers’ decisions on the street are influenced by a multitude of factors including: the law, political pressures, organizational mandates, public expectations, histories of interaction with communities, peer advice, and specific situational contingencies (Chan, 2004, p. 331; Henry & Tator, 2006; Chan, 2007; Marenin, 2016, p. 5). Street level police officers often form stereotypical opinions about the criminality of certain ethnic groups and use such visual cues in routine, proactive

police work (Chan, 2011). What some may argue as racially motivated practices, police view as sound, work-related criminal profiling (Chan, 2011, p. 76).

Henry and Tator (2006) provide similar arguments towards the creation of police culture, presenting that it is a deeply complex phenomenon. Henry and Tator (2006, p. 151) defend that

“[Police culture] is based on a shared system of beliefs assumptions and attitudes that the dominant or White culture uses to make sense of and render intelligible, the way a capitalistic, highly stratified society works. These belief systems or ideologies help to organize, maintain, and regulate particular forms of power and dominance”

Past research has criticized attempts at police reform which tried to change police culture directly without strategies to shift structural conditions and context in which the policing role is located (Ganapathy & Chang, 2016). Recommendations have been made towards organization initiatives such as having an explicit policy of not permitting profiling, and providing extensive training and educating of officers on the impacts of racial profiling, additional external oversight and keeping/monitoring data on such decisions (Chan, 1996; Chan, 2007; Chan, 2011). However, attention is limited to managerial culture of police departments, which is distinctly different from the occupational culture of street cops (Marenin, 2016, p. 2). Traditional approaches for reform must be complimented by strategies to change police culture from the inside (Ganapathy & Cheong, 2016; Marenin, 2016). Still, Chan (1999) argues that this is too simple, claiming that “[...] the rhetoric of accountability is not necessarily realized in practice, nor is it meant to be in some instances, as when an accountability model is advanced with its real objectives hidden for political reasons” (p. 253).

Therefore, attention should be paid not just to informal rules, practices and values, but also to the social, economic, legal, and political sites which constitute the conditions of policing (Chan & Dixon, 2007, p. 448). Through the framework of political sociology, police culture is understood as a product of the relationship between cultural influence and structural conditions in which the policing role is located (Chan, 1996; Ganapathy & Chang, 2016, p. 4). As the ‘field’ changes, eventually so must the ‘habitus’ of officers to avoid feeling out of place (Chan, 1996; Ganapathy & Chang, 2016).

Previous literature has focused on interviews (Chan, 2007; Frasier & Atkinson; Ganapathy & Cheong, 2016) and longitudinal studies (Chan 2004) to provide their results surrounding police reform. These methods limit the findings to what is observed, and the ideas of specific individuals, not allowing for the voice of the entire community to be heard. This project will use a document analysis to capture arguments from all individuals expressing an opinion towards the police practice of ‘carding’ in the province in Ontario.

Furthermore, little to no literature has addressed political sociology and the influence that the ‘doxa’ of risk plays on the institution of policing and the actions of its police officers. Chan (2004) defines ‘doxa’ as “[...] the fundamental assumptions about ‘why things are done the way they are’ in an organization” (p. 333). For example, a ‘doxa’ of policing would include viewing their role in society as waging a war against crime, maintaining order and protecting lives. This project attempts to address a gap in the role that risk plays in policing ‘doxa’, as I argue that the practices and actions of police officers surrounding the police practice of ‘carding’ cannot be fully understood without addressing the influence that risk ‘doxa’ plays in their role as a police officer and

peace officer, and the role that risk ‘doxa’ plays in constructing our view of current society. In other words, risk is an essential part of the our current social ‘doxa’.

Chan (1996) concludes that police culture should not be understood as some internalized rules or values independent of the conditions of policing. Political sociology assists our understanding of the relationship between the formal structural context of policing and police cultural practice (i.e. field and habitus).

Citizen Perceptions of Police

Unlike previous research surrounding police culture in political sociology literature, the collection of literature concerning the strategies and capital taken in by those contesting police practices uses more of an emotional argument. As seen in the literature surrounding stop and frisk and policing in Canada, recent police practices have created renewed strain between the police and the community (Loader, 1997; Tyler & Huo, 2002; Macdonald and Stokes, 2006; Van Craen, 2013; Brayne, 2014; Tyler et al., 2015). Brayne (2014) found that excluding traffic stops, 5.5 million people in the United States are involuntarily detained by police every year, most of whom are released without charge (Stuart, 2016, p. 280). In certain neighbourhoods of Los Angeles, California, residents reported being stopped, questioned and frisked by police officers and released without charge an average of 5.3 times per year (Stuart, 2016, p. 289).

Similar to how symbolic power gives a sense of authority to the institution of the police over the population, Loader (1997) argues that everyday policing may lead to frustration and disappointment among the masses if the institution cannot live up to the hopes and expectations people believe they can accomplish. Supporting this, Kennelly (2009) argues that Bourdieu’s concepts of ‘habitus’, ‘cultural capital’ and ‘field’, are an

essential aspect of any attempt to theorize agency (p. 260). Kennelly (2009) defends that activism is created in part by the habitus of an individual, including their family history, political affiliation, as well as their class and race background.

To fully understand the actions and perceptions of the general population who interact with the institution of the police, academics have developed various social models. These following models introduce several themes that can be analyzed through a political sociology framework.

Social Capital Model

The Social Capital Model (Macdonald & Stokes, 2006; Andreescu & Keeling, 2012; Van Craen, 2013) revolves around communities having forms of social capital, referred to by Macdonald and Stokes (2006) as ‘residential trust’. This is where specific norms and networks are created that can improve aspects of society by facilitating coordinated actions. Previous literature has found that in communities with higher degrees of ‘residential trust’ and a perceived willingness of others to engage in informal social control, rates of crime and violence are lower (Macdonald & Stokes, 2006).

There has also been evidence that a lack of social capital quickly diminishes trust between the police and the local communities (Van Craen, 2013). Previous literature has found that wherever there are strong indicators of social disorganization and relative socio-economic inequality, public trust in police tends to be problematic (Goldsmith, 2005; Macdonald & Stokes, 2006). Weitzer and Tuch (2006) support this, claiming that from their survey 77 percent of Blacks, 63 percent of Hispanics, and 47 percent of whites believes that low-income neighbourhoods received inferior police service (p. 80). This

lack of ‘capital’ helps frame risk-management techniques used by police to access possible offenders. (Ericson, 1982).

On this same note, residents in neighbourhoods with concentrated socio-economic disadvantage and higher crime rates are likely to experience racially biased policing (Gelman, Fagan, & Kiss, 2005; Weitzer & Tuch, 2006). Because of this, it is only reasonable to expect that those residents who reside in concentrated disadvantage are more likely to hold unfavourable attitudes towards the police (Weitzer and Tuch, 2006; Horowitz, 2007; Bjornstrom, 2015). This is in part resulting from police altering their policing tactics in disadvantaged neighbourhoods, where they have been found to be more likely to use coercion in high-crime minority communities and have higher rates of police misconduct (Goldsmith, 2005; Hawdon, 2008; Bjornstrom, 2015; Fagan & Geller, 2015). Goldsmith (2005) provides similar findings, observing that persons who are socially disadvantaged often have distinct life experiences that negatively affect their perceptions of public services, police included.

Furthermore, previous literature has found that affluent communities experience a privileging effect in which, police perceive that individuals using the space are not suspicious because visually the community is a ‘nice place’ (Bjornstrom, 2015). Statistics defend that neighbourhood affluence largely affects the probability of unfair treatment (Bjornstrom, 2015). Each racial subgroup (African American, Latino, White) reported a decrease of at least 50% of reported unfair treatment between participants who reside in neighbourhoods classified with low levels of affluence to highly affluent communities (Bjornstrom, 2015). Bjornstrom (2015) argues that this in part results from the fact that these affluent neighbourhoods exhibit signs of privilege, such as newer vehicles in better

repair, that lead officers to be more likely to identify with them, and less likely to suspect them of any wrongdoing. Bjornstrom (2015) found that to not have these forms of social and physical capital (i.e. new car, big house), individuals were not seen in the same 'field' as others.

Despite evidence suggesting that the relationship between the police and the public relied on physical disadvantage or poverty (Goldsmith, 2005; Weitzer and Tuch, 2006; Horowitz, 2007; Hawdon, 2008; Bjornstrom, 2015), others (Van Craen, 2013; Nix et al., 2015) have stated that individual perceptions of neighbourhood social cohesion played a key role in explaining attitudes. An individual's cognitive orientation toward legal authorities may be largely shaped by how they perceive community informal social control efforts and mutual cohesion, creating a social-psychological cognitive landscape (Nix et al., 2015). Interviewing community groups living in Belgium, Van Craen (2013) found that the more often participants spoke with neighbours that share their ethnic background, the less trust they have in the police. Similarly, using a mail study, Nix (2015) concludes that how the police interact with a community, will determine how legitimate that community groups sees the actions of the police.

This theme is further supported through the argument that for subordinate groups, the perceived bases for distrust of police will emerge from the particular 'habitus' they possess, grounded in the personal experiences, shared narratives, and interpretive frames located within those groups (Goldsmith, 2005). Recent research at the University of Illinois-Chicago published similar findings claiming that residents' initial attitudes toward the police played a critical role in determining their judgments of subsequent experiences and in the formation of future attitudes towards the police (Horowitz, 2007).

This is supported through other evidence, showing that attitudes towards the police begin crystalizing during adolescence where youths have greater opportunities for direct and indirect contact with police officer and other agents of the criminal justice system (Flexon et al., 2009). Furthermore, by early adulthood, most people's views of the police are well developed, including their perceptions of police trustworthiness (Flexon et al., 2009). However, these perceptions continue to be influenced by neighbours and close friends (Van Craen, 2013). This is most likely a result from the passing of information about negative experiences with the police (disorder, discrimination) shared throughout the community (Van Craen, 2013).

Performance Model

As Van Craen (2013) explains, this performance model provides that the more the citizens see their performance expectations met, the more confidence they will place in the authorities. Police effectiveness matters a great deal in predicting citizens' willingness to cooperate with police in collaborative crime control efforts (Murphy et al., 2014). Furthermore, citizens who feel the police are not capable of keeping them safe, and are therefore more likely to be robbed, or a victim of a violent crime, are more likely to have a poor relationship with the police (Andreescu & Keeling, 2012). Therefore, the failure of the police to be answerable for their acts, and to act responsively to the concerns of the community at large, is disastrous for public trust in police (Goldsmith, 2005).

The performance model argues that trust arises out of the perception of accountable institutions. For example, results have shown that 'answerability' and 'responsiveness' were important for developing trust (Goldsmith, 2005). According to findings by Goldsmith (2005), citizens feel that the police have an obligation to provide

information in response to questions about performance, and are expected to respond to relevant community opinion, even if they feel such opinion is incomplete or flawed. Being the face of a democratic government, failing to do this, will quickly lead to loss in trust not only in the police but also in the government (Goldsmith, 2005).

Likewise, if people feel they have been valued and their rights have been properly regarded and their voice heard, they will invest a greater amount of legitimacy in the outcome, even if it is not in their favour (Gilmour, 2006). This satisfaction is determined through contact situations including, but not limited to, calls for service, reporting a crime, stopped by police, traffic citation and initiation, and overall treatment during service (Goldsmith, 2005; Weitzer & Tuch, 2006; Lai & Zhao, 2010). However, unpleasant encounters with police officers tend to produce negative attitudes. This is further reinforced by data showing that those residents who are dissatisfied with calls for service and traffic stops usually hold negative attitudes towards the police (Reisig & Parks, 2000; Weitzer & Tuch, 2006).

That being said, effectiveness cannot by itself translate into trustworthiness for a police force. Even when the police are very effective in maintaining law and order, and in reducing crime and victimization, people may still be less inclined to have substantial amounts of trust in the police force if they feel they are being treated unfairly in some way (Van Craen, 2013). Police who are consistently required to enforce unpopular laws (i.e. traffic stops) will gradually lose public support for their general duties (Goldsmith, 2005).

For example in London, England, research found that the police need to achieve a better balance between 'crime fighting' objectives and the equally important ones of

‘peacekeeping’ and ‘order maintenance’ if it is to retain the consent of Londoners (Hough, 2012). The only way for society to build strategic trust in its police is in an environment where people trust the police to operate in their best interests and not those driven by an agenda where people are a means to the end of fulfilling a target (Gilmour, 2006).

Procedural Justice Model

The third model constantly present in the literature proposes that the relationship between the police and the public is based on a promotion in the belief that the police possess legitimate authority to enforce the law and are worthy of being obeyed (Gau, 2011). In this model, opinions of the police are based on their interactions with the institution, rather than the outcome (Horowitz, 2007; Gau, 2011). It is understood that a large portion of people’s satisfaction with final outcomes is based on their evaluations of the amount of input they had during the process, and the extent to which the decision-maker considered their side of the conflict before arriving at a conclusion (Gau, 2011). Therefore, outcome distribution is still relevant to the amount of trust given to the police, however it is not nearly as important as the perceived fairness an officer’s actions are deemed to be.

Previous literature has expressed that impressions of police encounters are influenced by the demeanour as well as the actions of the officer, including neutrality of decision-making, respectful and polite interpersonal treatment, opportunities for input, among other variables (Tyler & Huo, 2002; Horowitz, 2007; Gau, 2011; Hough, 2012; Murphy et al. 2014; Tyler et al., 2015). The way officers treat people during direct encounters conveys information to members of the public about their social worth (Gau,

2011). Good treatment sends the message that they are valued members of society, while poor treatment implies that they have no social merit (Gau, 2011). Similarly, individuals who believe police actions are procedurally fair are more likely to perceive them as a legitimate and trustworthy institution (Nix et al., 2015). Therefore, the procedural justice model defends that trust is firmly rooted in experience. An individual's interactions with other people and the past experiences they had with institutions create expectations about how they will be treated in the future.

Past research has suggested that positive encounters with the police mattered very little for shaping positive perceptions, while negative encounters had significant negative effects on perceptions of the police force (Flexon et al., 2009). Murphy et al. (2014) however present findings suggesting that fair treatment by police in only one short encounter can have a significant positive impact on recipients' trust and confidence in police.

It should be noted that Tyler et al. (2015) take a different lens to the procedural justice model, asking what police officers themselves gain from changing their practices and attitudes to please the public. Working in these hostile, conflict driven neighbourhoods, leads officers to show more signs of physical and mental problems and overall lack of safety for the officer (Tyler et al., 2015). Furthermore, officers who experience fair process and procedures in their department are not only more likely to comply with department rules and organization goals, they are more likely to be supportive of community policing models that emphasize cooperation with the community and building positive working relations with community leaders (Tyler et al., 2015). These findings present that producing trust is more complicated than addressing

police actions within the community. Other factors, such as that of organizational dynamics within a police station is shown to have an impact on relations between the police and the community (Tyler et al., 2015).

In modern society, people give up some of their freedoms in exchange for police regulation of social life and moral order (Jackson, 2012). By indicating that this surrender will not be abused, a sense of moral alignment between citizens and police cements the deal. When the police are seen not to share a basic moral framework, people's commitment to cooperate is expected to be relatively weak (Jackson, 2012). If officers wield their authority in unfair ways, it not only damages people's sense of obligation to obey, it also affects public perceptions of their moral authority (Jackson et al., 2012). Therefore, if the police are seen to act in ways that conflict with social norms around fair treatment and decision making, this generates a powerful cynicism of 'If the police can behave unfairly, so can I' (Jackson et al., 2012).

However, despite these models, evidence has shown that most of the American population disapproves of racial profiling by the police. Weitzer and Tuch (2006) argue that Americans feel racial profiling is becoming a nation-wide problem. Their study showed that 91 percent of Blacks, 77 percent of Hispanics and 73 percent of whites all disapproved of racial profiling, and most of these participants defended that their position would not be altered by the hypothetical possibility the profiling 'works' (Weitzer & Tuch, 2006, p. 82).

This literature provides relevant explanatory factors both for members of the majority and minority communities, focusing on how the communities react to police action that they experience first-hand. However, it is limited in discussing how

community groups contest or defend police practices, such as ‘carding’ seen throughout the province of Ontario.

More importantly, despite addressing the relationship between the police and public, it does not focus on how individuals unhappy with the police address their frustrations or concerns. This project will use the literature surrounding the relationship between the police and public, and attempt to uncover the arguments made to fight what they believe as unfair police practices.

Although there is a vast amount of literature concerning the relationship between the police and community members, there is limited research engaging the theoretical framework of political sociology and the actions of members of the community. Swartz (1997) supports this, claiming that although Bourdieu believes his sociology can help subordinate groups in their struggles against elites and their social domination, he lacks answers to when subordinate groups will have the inclination and capacity to actively resist against domination (p. 294). Overall, Swartz (1997) argues that a major undeveloped aspect of Bourdieu’s theory revolves around social change. His framework is fashioned towards patterns of continuity than to change. This project attempts to highlight and expand on this unresolved issue in political sociology literature. Understanding these Bourdieusian concepts and their use in previous literature surrounding the ‘field’ of policing, we can begin to understand its use towards unpacking to stop and frisk practices in North America, and the practice of ‘carding’ in Canada specifically.

Research Questions:

In general, the issue of stop and frisk policing has not been examined as deeply in Canada as it has been in the United States. Despite evidence supporting the disparities of racial profiling by the police, the ‘carding’ technique performed by Toronto Police continues to be used throughout the city. Although past literature has investigated stop and frisk practices in New York City and across the United States, very little research has been published on the ‘stop and frisk’ technique, referred to as ‘carding’, in the city of Toronto and the rest of Canada despite multiple advocates addressing the public and the government to abolish the practice.

As such this project, using Bourdieusian concepts with other resistance to change/police culture research, will address the gaps in literature surrounding the practice of ‘carding’ in Canada by determining the forms of strategies and capital used by parties to defend and contest the police practice.

As discussed in Chapter 1 of this paper, my primary research goal is interested in what types of arguments present themselves to justify and contest the practice of ‘carding’ in Toronto. Specifically, how do the Toronto Police and Activist groups frame their arguments ‘for’ or ‘against’ the practice of ‘carding’. This will clarify narratives provided by the police, activists, and the Ontario government and aid in diagnosing forms of political ideas, powers, and contests.

To achieve this, I have developed secondary goals to address throughout Chapter 4 and 5 of this paper.

- 1) What is the legal definition of ‘carding’?
- 2) What strategies and forms of capital do the Toronto police and other parties use to justify the continuing use of ‘carding’ practices throughout Toronto. Do

these differ from the symbolic (Chan, 1996; Loader, 1997; Chan 2004, Henry & Tator, 2006; Chan, 2011, Swartz, 2014; Ganapathy and Chang, 2016), and cultural (Chan, 2004; Henry & Tator, 2006; Chan and Dixon, 2007; Marenin, 2016) strategies presented in the literature?

- 3) In the case of Toronto, are the arguments presented by the activist groups and parties contesting the police practice of ‘carding’ reflective of the social capital (Goldsmith, 2005; Macdonald & Stokes, 2006; Weitzer and Tuch, 2006; Van Craen, 2013; Bjornstrom, 2015), performance (Goldsmith, 2005; Gilmour, 2006; Weitzer and Tuch, 2006; Andreescu & Keeling, 2012; Murphy et al., 2014) and procedural (Tyler & Huo, 2002; Horowitz, 2007; Gau, 2011; Jackson, 2012; Murphy et al, 2014; Tyler et al., 2015) arguments presented in the collection of literature?
- 4) Finally, how have the competing discourses influenced the Ontario government in their implementations of the regulations to the ‘carding’ process following its ban in 2015?

This project will be exploratory in nature as it attempts to uncover the narratives surrounding the police practice of ‘carding’ in the city of Toronto. Decades of research have been placed into trust between the community and the police, yet still erosion of trust emerges. This project will allow for further analysis of the pressing issue through the specific case study presented in Toronto using Bourdieusian concepts of political sociology.

Chapter 3: Methodology

In this chapter, I present the paradigm that this project will be constructed under; then, I introduce my methods of choice for investigating the ‘carding’ practices of the Toronto Police Service and explain why these methods were chosen. I also present the strengths and limitations of these methods, along with the process through which I collected and analyzed my data. I then conclude by outlining the ethical considerations that were considered before the present study took place.

Paradigm

This project will take a critical lens towards understanding the practice of ‘carding’ in Toronto. Critical researchers view the positivistic scientific paradigm as unsatisfactory as it deals only with surface appearances. In a critical paradigm, reality is shaped through social, political, cultural, economic, ethnic, and gender factors (Guba & Lincoln, 1994, p. 110). Therefore, critical research “[...] aims at an analysis of social processes, delving beneath [...] dominant conceptual frames, in order to reveal the underlying practices, their historical specificity and structural manifestations” (Harvey, 1990, p. 4). These forces have previously shaped our social reality to help overlook the amount of erosion of trust between the police and the community. It was not until the report conducted by the Toronto Star in 2012 that the practices of what the public refer to as ‘carding’, was brought into the public eye. Critical research attempts to challenge the social structure and status quo to produce change; it asks how social systems really work, and how ideology or history conceals the processes that oppress and control people (Harvey, 1990).

For instance, the role of politics surrounding the contested debates circling the police practice of ‘carding’ must not be overlooked for they played a large part in the recommendations and policies implemented. As a researcher, I recognize that politics is always influencing our decisions. In the case of the ‘carding’ practices in Toronto, as a researcher I must always be aware how political forces are shaping the reports and recommendations made by specific groups. For example, although current Toronto Mayor John Tory originally called for the abolishment of ‘carding’ practices in his electoral platform in 2014, once in office he softened his stance on the policy, acknowledging that he sees potential in the police practice (Ferreira, June 8 2015, National Post). However, just days later, Tory once again cracked down on the police practice of ‘carding’, stating publically that he plans to permanently abolish the practice (Ferreira, June 8 2015, National Post). To date, this has yet to be accomplished.

For critical researchers, research is the creation of knowledge, and people regularly use knowledge to advance political-moral ends (Newman & Robson, 2007, p. 44). The aim of critical methodology is to provide knowledge that engages the prevailing social structures (Harvey, 1990). In some way or another, critical researchers see social structures as oppressive in terms of class, gender, and race. Therefore, thinking critically, I must understand knowledge as a dynamic process rather than a static entity. This project will shed light on the practices of the Toronto Police and city officials, and allow myself as the researcher to analyze the dialogue between citizens and the state, and dialogues between citizen and citizen as well. One goal of a critical researcher is to transform ignorance and misunderstandings into a more informed consciousness through dialogue (Guba & Lincoln, 1994). The critical approach notes that people are often misled and/or

are subject to manipulated messages, or hold false ideas (Newman & Robson, 2007). Part of the task of social research in the eyes of a critical researcher is to strip away the surface layer of illusion or falsehood. Although I myself as a researcher will not interact with citizens directly, this project will allow for the entire population to further understand the issue of the police practice of ‘carding’ through an analysis of the documents provided.

Being critical, knowledge is not just about finding out about the world, but it is about changing it. As Harvey (1990) explains, “[k]nowledge does not reside in a cupboard or on a bookshelf to be taken out...and looked at...[k]nowledge exists in our everyday lives...[w]e live our knowledge and constantly transform through what we do, as much as it informs what we do” (p. 23). As a critical researcher, it is important to engage in a form of ‘praxis’ where we can find ways to apply the ideas and knowledge that we study (Harvey, 1990).

Methodological Approach

Understanding the overarching paradigm, this project will be qualitative in nature, and this will allow me to explore the arguments apparent in these documents, rather than being simply numbers on a page. For this reason, I will use a form of Critical Content Analysis to explore the document provided. Specifically, this project will rely on a Critical Content Analysis and its approach to explore and analyze themes that are presented throughout the data collected.

Unlike with Discourse Analysis, which seeks to examine social realities in relation to social elements (i.e. power, ideology, institutions), Critical Content Analysis takes note of and counts visible data and produces inductive categories. Krippendorff

(2004) defines content analysis as “[...] a research technique for making replicable and valid inferences from texts [...] to the contexts of their use” (p. 18). Supporting this, Franzoni (2008) defends that Critical Content Analysis enables qualitative analysis of large numbers of texts in terms of what words or concepts are used or implied in a text (p. 186). Most Content Analysis paradigms, according to Krippendorff (2004), see texts as being meant to be read, interpreted, and understood by people (p. 30). From this, “[r]eaders may decompose what they read into meaningful units, recognize compelling structures, reiterate their understandings sequentially and holistically, and act on them sensibly” (Krippendorff, 2004, p. 30). Supporting this, Weber (1985), argues that counting words into categories is often useful because it may reveal aspects of the text that otherwise would not be apparent (p. 56). Miller (1951) provides a similar analysis of Content Analysis, writing that “[i]n order to handle large blocks of verbal material in a statistical way, it seems necessary to reduce the variety of alternatives that must be tabulated. This can be accomplished by putting a wide variety of different word patterns in a single category” (in Krippendorff, 2004, p. 126). In this sense, determining what information is irrelevant is a choice that I must make as a researcher (Franzoni, 2008).

This qualitative approach will allow me to understand the statements provided in the selected reports and recommendations and their particular meanings and beliefs towards the practice of ‘carding’. Through qualitative research, I can use statements from participants to understand the arguments made to contest and justify the police practice of ‘carding’, rather than relying on raw data. This will help me as a researcher to understand the complexity around the ‘carding’ practice.

There have been several criticisms of Critical Content Analysis, including a need for time-consuming preparation data, difficulties in relating textual analysis to other data, and a lack of a strong theoretical basis (Franzoni, 2008, p. 186). Carley (1988) for example, concludes that the extraction of implicit concepts requires impressionistic judgments, which when made by humans frequently result in coding mistakes such as errors in omission (in Franzoni, 2008, p. 195).

Despite these criticisms, the methodology of Critical Content Analysis offers a great opportunity and possible avenue for several groups and individual Canadians to voice their positions and opinions surrounding the debate concerning the use of the police practice of ‘carding’. Furthermore, Critical Content Analysis allows for the qualitative analysis from a large number of texts, and determining what words and concepts are used. Although this project will not allow myself as a researcher to interview individuals directly, the analysis of reports and recommendations that contain consultations with the public will allow the perspectives and experiences of individuals to be documented and analyzed. I will develop inductive categories to organize data collected allowing my research to explore the perspectives of individuals who are associated with the police, but also those who feel ignored or oppressed in the recommendations process conducted by the Toronto Police and the Toronto Police Services Board.

In the case of the Toronto Police, this strategy of investigating experience will help me understand how groups are defending the practice of ‘carding’. For example, based on an understanding of police culture, through inductive categories, it may become apparent that several police officers and their supporters defend the practice of ‘carding’ for the overall safety of officers who work in dangerous neighborhoods of the city.

Similarly, some may continue to support ‘carding’ practices due to their faith in the police system and the outcomes they produce.

Furthermore, the same strategy of investigating experiences may present that several leaders of the activist parties, and members of the general population who are openly against the practice of ‘carding’ have had direct contact with the Toronto Police and their stop and frisk technique. These interactions may occur often without further probable cause other than the neighborhood they were found in, and their racial designation. These unwarranted interactions could fuel the negative attitudes that activists have against the police and their practice of ‘carding’.

Through this project, my analysis will rely entirely on documents; the perspectives represented in these documents through statements provided will be filtered through a Critical Content Analysis by myself as the researcher to facilitate understanding. As a critical researcher, I must be aware of my personal and cultural assumptions to be able to fully understand their experiences and perspectives and document them accurately and in detail (Hammersley, 2013, p. 51).

Data Collection: Document Analysis

As discussed in my methodological approach, this project will produce a document analysis, as I will collect and analyze several documents presented by multiple groups involved in the consultation following the Toronto Star ‘carding’ Report in 2012. The analysis of these documents will present several specific themes that can be used to understand the stance of the groups involved, and their intentions in publishing their reports and recommendations. From these collected documents, I will create inductive categories to organize themes. I will analyze several oral and written reports as well as

submissions put forward by the police, the Ontario government, several politicians, and activist groups such as the Law Union of Ontario, Stop Carding Now, and Black Lives Matter. Most recently for example, the Ontario government and the Community Safety and Correctional Services has published their findings on the practice of ‘carding’ leading up to their decision to ban the practice provincially. This will be one of the main reports used in my project. I will analyze this report, the recommendations the government has made, and the themes that present themselves through the interactions between the provincial government and the individual citizens they interacted with throughout their process.

The Data Collection Process

The data collection process in this project will be purposive in nature, as I will be analyzing specific documents relevant to the police practice of ‘carding’. Not all documents published after 2012 for example will be relevant to my project on the practice of ‘carding’. This project will focus on the submissions, reports, and recommendations made between 2012 when the Toronto Star report was published, to October 2015, when Yasir Naqvi and the Ontario government announced that the police practice of ‘carding’ would be banned. My research will be looking for the submissions, reports and recommendations made by the Toronto Police, and activist groups including the Law Union of Ontario, Stop Carding Now, and Black Lives Matter. These groups are extremely important for my project as they were at the forefront against the practice of ‘carding’ when the report originally surfaced in 2012 through the Toronto Star. Many of these groups have been fighting against the Toronto Police and their policies even before the ‘carding’ report became public. These reports and recommendations will be taken

from cities across the province of Ontario, including provincial consultation with Toronto, London, Ottawa, Thunder Bay, and Brampton, as well as through online forums.

This purposive sampling will also include documents presented by the Ontario government, more specifically the Community Safety and Correctional Services, who got involved in the process in June 2015, after they felt Toronto was incapable of properly resolving the issue on their own. Led by Minister Yasir Naqvi, the Ontario government held workshop style meeting across the province, which included interactions with activist groups, police officers, and community members from Ottawa, Brampton, Thunder Bay, London, and Toronto.

Analytical Technique: Thematic Coding as a Critical Content Analysis

To analyze these documents provided by these several groups, a thematic coding technique will be used, and as a result a form of manifest coding will surface. As explained by Neuendorf (2002), Content Analysis concentrates on manifest and/or latent content. Manifest coding can be understood as “[...] elements that are physically present and countable”; latent coding rather consists of unobserved concepts “[...] that cannot be measured directly but can be represented or measured by one or more [...] indicators” (Neuendorf, 2004, p. 23). This project will focus mainly on using a form of Manifest coding, using the phrases and statements that are physically present in the reports and recommendations analyzed, and determining their frequency in our findings to determine their relevance in the arguments presented by each concerned group. As discussed earlier in this chapter, Miller (in Krippendorff, 2004, p. 126) and Weber (1985, p. 56) defend that creating categories for statements and themes expressed in documents is often useful because it may reveal aspects of the text that otherwise would not be apparent. This will

help me as the researcher understand what is potentially relevant to my issue at hand as different themes will emerge from the discourses concerning ‘carding’ practices, and this can be used to further understand the support or criticism towards the police technique. This thematic analysis will help me find the academic story and theoretical problem behind this public issue of the police practice of ‘carding’ in Toronto. Through an analysis of official reports, recommendations, and online and written submissions on the practice of ‘carding’, themes develop to depict not only how groups defend or contest this issue, but also how individual citizens across the province view the practice of ‘carding’ and their opinion on reform and oversight.

I feel that using a thematic analysis is important for my research because I cannot have pre-set categories before the data collection process (Ezzy, 2002b). I must first read and listen to the voices in these reports, so I may understand their perspectives and concerns. As a result, the data collected and therefore the nature of the categories cannot be anticipated. Through thematic analysis, categories are induced from the data (Ezzy, 2002b). While the general issues that I am interested in are going to be determined before the analysis, the specific nature of the categories and themes to be explored cannot be set until after I have analyzed the documents.

With this technique of this thematic analysis, the data provided throughout the analysis of my reports and recommendations will be used as a pathway to reality (Alasuutari, 1995). Therefore, my views as a researcher cannot affect the data that is provided through my analytical process. However, I must still place myself as the expert in the process, having adequate training and experiences to find the truth through specific techniques. One of these techniques would be the process of saturation. Each theme

presented throughout the data will eventually reach a saturation point; the experiences within the data will begin to repeat itself (Alasuutari, 1995). At this point, I know as a researcher that there is nothing left to learn about that specific theme from my current data. Therefore, the collecting of new stories can be stopped at the point where nothing new comes out and we have reached a point of ‘saturation’ in the research.

However, following the critical paradigm, this data is only meaningful in terms of its theoretical context. Its reliability and validity as data is decided by me as the researcher, resulting from the epistemological presuppositions I bring to the analysis (Harvey, 1990). I must be aware and therefore reflexive of this throughout my project.

The Data Analysis Process

As my research will be critical in nature, I must remember to be reflexive as a researcher. I must not be set in the ways in which I analyze and interpret my data and develop my theoretical constructs. Billig (2003) supports this, claiming that critical researchers must be self-critical, and “[...] we cannot use critical terminology unreflexively, as if our own words are somehow magically innocent” (p. 36). Being reflexive in my research, I must consider to what extent the themes that I extract from this discourse is what is being said, or simply what I want to hear. Furthermore, I must be reflexive concerning the theoretical structures that I have drawn out throughout my thematic analysis. For example, I should always be asking myself if the data fit better into any other theoretical framework that I may be neglecting.

Understanding the importance of being reflexive, as I follow the political model of rigour provided by Ezzy (2002a), my position in the research must not be ignored. It is impossible for my research to be fully objective, as it is I who has developed the

categories of themes, and I will decide what data goes where. I am naïve as a researcher if I feel that my project cannot be influenced by my personal standpoint. I must continue to be reflexive of this throughout my research.

Ethical Considerations

All the documents that will be used for my analysis will be publically accessible, therefore there is no need to apply for ethics.

That being said, as I am conducting qualitative research, there will always be ethical considerations arising day-to-day that I will need to address. To achieve this, I will need to rely on post-modern ethical techniques. This will allow me to be reflexive throughout my research process. Although this project itself is low risk, there is no predictability in how situations will develop. It is for this reason that post-modern ethics will allow me if necessary to follow the guidelines of modern ethics, but I will not be limited to its procedures.

Furthermore, as this research is conducted I must recognize that my social and political locations affect my position as a researcher. As a researcher, I recognize that politics is always influencing our decisions and our research. Funding, academic position, among other things are all influenced by the game of politics. Therefore, I will continuously need to be aware of these potential influences, and take a step back to take a critical look at my research process. In terms of social locations, I must not forget that I see the world through a lens that others may not.

As already mentioned throughout the evaluation of my criteria, I will need to be reflexive towards the discourse I am analyzing. Being reflexive as a critical researcher, the responses and statements given through the reports and recommendations should all

be awarded equal weight in terms of their relevance to my project. This means that I will have to constantly be reflexive concerning the themes that I am developing throughout my research, and how responses that I am collected either fit, or do not fit, into these categories.

As a researcher, I cannot ignore that values or beliefs that I hold. My social and political upbringing will always have a place in my understanding on the world. However, I must always remember to be reflexive of my actions and how I may be favoring or neglected specific voices throughout my research. I must always to the best of my ability try and conduct research in the most ethical way possible.

Chapter 4: Presentation of Findings

Head vs. Heart

In this project, the data expressed that each group (police, activist groups) focused for the most part on specific types of arguments to defend their position. To organize the themes presented in this chapter, inductive categories have been created (See Appendix B). It can be seen through the reports and recommendations analyzed (See Appendix A), that those who defended the act of ‘carding’ tended to rely on emotional and symbolic arguments for support. Meanwhile, those who publically opposed the practice relied largely on legal and factual arguments to try and persuade others. These types of arguments will be elaborated in detail throughout this chapter.

Emotional: Risk and Safety

To begin, defending the practice of ‘carding’ we start to see an emotional argument emerge. To persuade individuals of the benefits of ‘carding’, parties, the police especially, argue that the police practice of ‘carding’ makes all of us safer, and without it crime will rise and the city’s population will suffer. This can be seen through a sub-theme of risk presented throughout the data.

Risky Business: Risk and Safety

Throughout the document analysis of this project, several supporters of the practice of ‘carding’, within Toronto and the rest of Ontario, cited the concept of risk as a main defense. We see through our data collected, that keywords revolving around Public Safety and Intelligence Gathering were extremely common in the reports and recommendations analyzed. The Toronto Police argue that the practice of ‘carding’ is needed to “reduce crime and protect the public” (Toronto Police Service Board, 2013, p.

449). Supporting this, according to the PACER II Report published in 2013, the collection of information through ‘carding’, what the Toronto Police Service (TPS) refer to as “Field Information Reports” are an important contributor to public safety (PACER II, Toronto Police Service, 2013, p. iv). It was clear from the conclusions of the PACER II (Toronto Police Service, 2013) report that the Toronto Police felt public safety is best-served when police have the information they need to effectively develop crime reduction and prevention strategies (PACER II, Toronto Police Service, 2013, p 34). In their report, the Toronto Police claim that

Collection of data and sharing of data obtained through community contacts has always been a means to share information among police officers who may be dealing with the same persons or patrolling the same area. Data collection, including the collection of personal information, is important to present day policing practices and in particular to intelligence led policing (PACER II, Toronto Police Service, 2013, p. 34).

Furthermore, the Toronto Police argue that their actions as police officers and the data reflect solely their duties as outlined in the Police Services Act, to preserve the peace, reduce crime and protect the public (PACER II, Toronto Police Service, 2013, p. 8). As detailed in the PACER II (Toronto Police Service, 2013) report,

[...] where others may walk by without intervention or rendering of assistance, a police officer is duty-bound to engage with a person about whom they have an articulable concern. This fundamental principle has been repeatedly recognized subjected to judicial review and recognized by the Supreme Court of Canada (p. 52).

This is further supported through the argument that data collection used to potentially solve crime and protect the community is in line with the Municipal Freedom of Information and the Protection of Privacy Act. Because of this duty, “[o]fficers interact with community members several thousand times a day, [as a result] [c]ommunity

engagements when conducted at the right place, at the right time, and for the right reasons, contribute to public safety” (PACER II, Toronto Police Service, 2013, p. iv).

Furthermore, through the PACER II (2013) Report the Toronto Police argue that

Officers engage thousands of people in an informal capacity with no intention of documenting the encounter and for no investigative or enforcement purpose. While the majority of these interactions are non-verbal communications some involve casual conversation. However, throughout the course of all interactions Officers, as is their duty, monitor and make observations of the people in their vicinity with respect to maintaining community safety. (PACER II, Toronto Police Service, 2013, p. 53).

Voicing their support through the Ministry of Community Safety and Correctional Services (MCSCS) Consultation from July to September 2015, the Police Association of Ontario argues “[o]verall [...] the regulation of street checks need not be major in order to accomplish the goals of the Government while maintaining the value of community policing and protecting the safety of officers and the public” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 2).

The actions of the Toronto Police Service are following the same trend observed by Erikson & Haggerty (1997), where police services are increasingly collecting information to constantly obtain knowledge. This same message is seen through messages presented by the Toronto Police through the PACER II Report (2013), claiming that “[t]here is an expectation that the police will proactively collect the information they need to keep the community safe. Information gathering is a necessary adjunct to the statutory duties to preserve the peace, prevent crime, and protect the public [...]” (PACER II, Toronto Police Service, 2013, p. 35). There is no surprise here, as the findings of this paper concerning the collection of information or the collection of data is

supported through the changing function of the institutions of the police to gather as much information as possible to enforce public safety.

Therefore, a theme emerges where the supporters of the police practice of ‘carding’ defend that public safety is best served when the police have the information they need to effectively develop crime reduction and prevention strategies (PACER II, Toronto Police Service, 2013). The Toronto Police Service Board (TPSB) made a similar argument in 2012, acknowledging that “[...] no single statistic is or should be determinative of how deployment decisions are made; rather such decisions should be based on a combination of considerations because safety in a neighborhood or the experience of policing by a community depends on an intersectionality of factors” (Toronto Police Service Board, 2013, p. 10).

The Toronto Police argue that policing is a ‘high-risk business’, and because of this, there will always be a stress between the need for police enforcement and an individual’s legal rights (PACER II, Toronto Police Service, 2013, p. 8).

Symbolic: Role of the Police, Training

In addition to the emotional argument used to defend the continued practice of ‘carding’, police and their supporters also rely heavily on a discourse surrounding a symbolic role held by police officers and a trust in our policing institution to keep us safe. The Toronto Police Service (TPS) argues that “[i]t is the Service member’s responsibility to ensure members of the community are not at risk” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 3). Furthermore, the Service defends that they “[have] successfully engaged the community in efforts to reduce crime and develop collaborative partnerships” (PACER II, Toronto

Police Service, 2013, p. iv). It is clear through documents such as the PACER II (2013) report that “[t]he [Toronto Police Service wants] to develop an approach that respects the legal risks that arise, maintains public trust, but does not serve to suppress operational functionality” (PACER II, Toronto Police Service, 2013, p. 33).

Trust the Badge: Role of the Police

One prevalent sub-argument emerging from a symbolic lens focusing on the role of the police in Canadian society; arguing that the community must have trust and faith in the police to eliminate crime and promote safety for all. The Toronto Police argue that “Toronto is one of the safest large cities in the world, and has experienced a reduction in crime every year for the last seven years. This success is achieved in large part due to the efforts of its 2.6 million residents working in partnership, based on mutual trust and respect, with the 7,700 service-oriented Toronto Police [Service] members” (PACER II, Toronto Police Service, 2013, p. 3). The Toronto Police Service supports this, claiming that the street checks will enhance public trust and cooperation with the police, and “[t]he collection, retention, use and disclosure of information gathered in ways consistent with this Procedure, and for a valid public safety purpose, can be a legitimate and effective policing tool” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 1).

The Ottawa Police Service (OPS) present a similar argument, claiming that these data collection practices assist officers in solving and preventing crime. In a statement provided to the Ministry of Community Safety and Correctional Services, the Ottawa Police determined that “the [Ottawa Police Service] 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” (Ministry of Community Safety and Correctional Services, August 2015, p. 2).

As explained by police officers interviewed in the PACER II (2013) Report, “[t]here is an expectation that the police will proactively collect the information they need to keep the community safe. Information gathering is a necessary adjunct to the statutory duties to preserve the peace, prevent crime, and protect the public and assist victims” (PACER II, Toronto Police Service, 2013, p. 33). The police argue that it is their sworn duty to keep their citizens safe, and the population needs to have faith that everything they do is an attempt to keep that oath. Supporting this, the conclusions of the PACER II (2013) Report, argue that “[u]ltimately where others may walk by without intervention or rendering of assistance, a police officer is duty-bound to engage with a person about whom they have an articulable concern. This fundamental component of policing has been repeatedly subjected to judicial review and recognized by the Supreme Court of Canada” (PACER II, Toronto Police Service, 2013, p. 52).

Similarly, the police defend that what the community sees when police are performing street checks may be misleading. The Toronto Police argue that “[w]hile officers may have access to intelligence information, experience and knowledge upon which they base their decisions, a community member has no such background information and, in the absence of timely explanation by the Officer, may presume the reasons for the interaction are based on subjective bias” (PACER II, Toronto Police Service, 2013, p. 52).

This same argument is used by officers who defend the unintentional application of racial profiling, arguing “[r]acial profiling occurs when [...] race is illegitimately used

as a proxy for the criminality or general criminal propensity of an entire racial group. Racial bias, however, may occur when an officer is not ill-intentioned, but rather engages in discriminatory practices unconsciously. Racial profiling constitutes a disciplinary offence. Racial bias can contribute to damages and case dismissal. What is clear is that both allegations are corrosive to public trust.” (PACER II, Toronto Police Service, 2013, p. 36).

For this reason, some officers believe that training on racial profiling should only be mandatory for those displaying racially biased behaviors and not the entire Service (PACER II, Toronto Police Service, 2013, p. 49). This supporting similar research provided in the collection of literature, arguing that only a few apples are rotten in institution of the police, but not the whole barrel.

Similar arguments are provided by third party groups such as the Police Association of Ontario who argue that “[...] the regulation of street checks need not be major in order to accomplish the goals of the government while maintain[ing] the value of community policing and protecting the safety of officers and the public” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 1).

Always Room for Improvement: Training

A second theme revolving around a symbolic argument concerns an increased reliance on the training of police officers and the Toronto Police Service. Although the officers are not sold on department wide training as a solution, the Toronto Police as an institution defend that further training will help contribute to a better understanding of

‘bias-free policing’, and a better relationship between the police and the public. The PACER II (2013) report recommends that all uniform officers and investigators receive training in the conduct of Canadian Charter of Right and Freedoms, Ontario Human Rights code, along with officer participation in the community (Toronto Police Service, 2013, p. 19). The PACER (2013) report concludes that “[t]he Service is committed to continuing to implement systemic improvements to procedures and Service governance relating to the documenting of community interactions. It is critical for the Service to continue to support its Members by providing the necessary tools and training required for the delivery of police services in a bias-free manner” (PACER II, Toronto Police Service, 2013, p. iv).

This is further supported through drafts of Toronto Police Service Policy and Procedure Manuals that surfaced in March 2015, demanding that all officers respect the Canadian Charter and the Ontario Human Rights Code, and will not consider race, age, and gender among other variables in their investigations (Toronto Police Draft, 2015, p. 3).

Former Police Chief Bill Blair supported this idea, recognizing the need to address systemic bias and racial profiling at all levels of the Toronto Police Service, and forming the Chief’s Internal Organizational Review (CIOR) to examine all aspects of the Service related to the carding process (PACER II, Toronto Police Service, 2013, p. 4). In fact, a core theme provided by PACER II (2013) cites a new Core Values training committed to delivering bias-free police services complementing the existing principles of Honesty, Integrity, Fairness, Reliability, Respect, Teamwork and Positive Attitude held by the Toronto Police Service (Toronto Police Service, 2013). This standard to

developing bias-free policing would include professional standard investigations, and tribunal hearing for officers suspected of misconduct concerning discrimination or racism (PACER II, Toronto Police Service, 2013, p. 12, p. 58). The Toronto Police also consulted with British police on their own stop and frisk practices to see where they could improve. (PACER II, Toronto Police Service, 2013, p. 25).

Furthermore, there has been a call for greater community involvement by the police. The Ontario Police Service conclude that “[p]olice officers should be required to complete a certain number of hours of community service in the neighbourhoods they often interact with to break down the barriers and develop more positive relationships with the people they may do street checks on” (Ottawa Police Service, September 2015, p. 14). Supporting this, PACER (2013) concludes that

[w]hile Officers continuously receive extensive training, the appropriate street-level application and articulation of this training may be improved through the incorporation of scenario-driven learning modules accompanied by constructive feedback. This type of training should be created, in consultation with community stakeholders, to identify relevant scenarios. This training should include the following topics: the Canadian Charter of Rights and Freedoms; the Ontario Human Rights Code; reasonable suspicion, investigative detention (PACER II, Toronto Police Service, 2013, p. 14).

The OHRC (2015) support this, arguing that “[g]iven significant concerns about racial profiling in street checks and in overall police activity, [we] [recommend] that detailed training on racial profiling be require by the Ministry for new recruits, current officers, and supervisors as part of street checks regulation” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 2).

However, Phase 1 of the review on the practice of ‘carding’ in Toronto also presented an argument to educate the public on the ‘carding’ practice performed

throughout the city. Consultations with various academics in the field of sociology and criminology, as well as key leaders in the community, revealed concerns regarding how officer carried out a stop, and the justifications behind it. As explained by the Toronto Police in their PACER II (2013) report, “[w]hile officers may have access to intelligence information, experience and knowledge upon which they base their decisions, a community member has no such background information, and, in the absence of timely explanation by the Officer, may presume the reasons for the interactions are based on subjective bias (PACER II, Toronto Police Service, 2013, p. 52).

Therefore, Toronto Police officials defended that educating the public, would give them a greater understanding of the process, and continue to maintain and build the community’s trust and the fostering of positive action (PACER II, Toronto Police Service, 2013, p. 24).

This is an interesting finding that will be explored further in the following chapter. Although the findings concerning the need for training of police officers is consistent with previous literature in this paper, the argument to educate the public on the benefits of police practices seems to be for the most part unexplored and will an interesting point of discussion.

The Toronto Police Accountability Coalition however defend that training is not the answer to the issues surrounding the practice of ‘carding’ in Toronto, instead they argue this issue is police culture (Toronto Police Service Board, 2013, p. 27). Reporting similar concerns that were found throughout the collection of literature presented earlier in this paper, TPAC explain “[they] considered the option of more training, but that is not the answer: this issue is the police culture, and that can only be changed by different

requirements and consequences. It is the same problem with recruitment: the police culture is so strong that hiring police officers of different races [...] has not changed police behavior” (Toronto Police Service Board, 2013, p. 28).

This is further supported through a theme of ‘carding’ practices as a way for the police to engage with the public. Above all, the process of ‘carding’ allows for the Police Service to engage with people on the street. Concluding the PACER II (2013) report, the Toronto Police Service defends that community engagement, their understanding of the colloquial ‘carding’, is one of the most important ways for the Service to reduce crime and build relationships (PACER II, Toronto Police Service, 2013, p. 21). However, they do recognize that it is still one of the most controversial and least understood practices (PACER II, Toronto Police Service, 2013). They conclude through their PACER (2013) report that

Community engagement is one of the most important ways for the Service to reduce crime and build relationships. It is also one of the most controversial and least understood police practices [...] rais[ing] general concerns about police accountability and transparency [...]. Clearly, [carding] is a high-volume, high risk activity that has produced both high value public safety results and high social costs outcome (PACER II, Toronto Police Service, 2013, p. 21).

Therefore, the Toronto Police Service acknowledges that they “[...] must continuously balance the value of gathering intelligence with the social cost in order to maintain public trust” (PACER II, Toronto Police Service, 2013, p. 23). Statements like these have been seen continuously throughout reports and recommendations made by the Toronto Police and its supporters, showing that the Toronto Police Service see that the need for improvement in the police practices, but don’t want to lose their intelligence gathering ability.

Legal: Constitutionality, Accountability, Transparency

Activist groups and other parties who contest the police practice of ‘carding’ however feel that a legal and factual approach to the issue is more relevant. Those who are contesting the police practice let the facts and past legal cases speak for themselves in their attempt to discredit any argument supporting the continuation of ‘carding’ practices. The legal argument provided relies heavily on the constitutionality of current stop and frisk practices.

Law Abiding Citizens: Constitutionality

Despite the attempts to improve the ‘carding’ practice by the Toronto Police, Howard Morton and the Law Union of Ontario address that the PACER (2013) report cannot improve ‘carding’, because the practice itself is illegitimate (Toronto Police Service Board, 2013, p. 442). Voicing their concern to the Toronto Police Service Board, the Law Union of Ontario defend that

The approaching, stopping, and questioning of persons solely for the purpose of a ‘street check’ in and of itself violates the Charter of Rights in several respects [...]. The fact that such intrusions disproportionately involve male, black, youth [...] are clear violations of these safeguards. Street Checks are discriminatory and often race based and as such violate the Ontario Human Rights Act. While the Pacer Report and its recommendations are an attempt to modify the practice, such do not and cannot legitimize ‘street checks’ because the practice is itself illegitimate (Toronto Police Service Board, 2013, p. 442-443).

Supporting this, the Ontario Human Rights Commission (2015) reminds the Toronto Police Service that:

The police duty to inform an individual of his or her section 10(b) Charter right to retain and instruct counsel is triggered at the outset of an investigative detention.[39] It includes the right to do so in private[40] and be advised of the existence and availability of Legal Aid and duty counsel[41]. The Charter right to counsel that arises on detention under

section 10(b) also reflects the principle against self-incrimination - a principle of fundamental justice under section 7.^[42] Furthermore, section 10(a) of the Charter requires that individuals who are detained for investigative purposes be advised, in clear and simple language, of the reasons for the detention (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 7).

The Canadian Civil Liberties Association (CCLA) among others (BADC, LOU, Black is Not a Crime) argue that the practice of ‘carding’, including the unwarranted stops and/or questioning, demanding and recording of identities, intimidation, and searches is unacceptable and unconstitutional (Toronto Police Service Board, 2013). Supporting this, in April 2012, the Black Action Defense Committee (BADC) reminded the Toronto Police Service Board (TPSB) and Canadians that the United Nations Charter of Human Rights, Section 11 of the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code all affirm that everyone has the right to be free from unlawful search and seizure (Toronto Police Service Board, 2013, p. 39). The similar arguments were presented in 2013, as Moya Teklu of Black is not a Crime expressed that the practice of ‘carding’ violates the Canadian Charter, Ontario Human Rights Code, and various international treaties (Toronto Police Service Board, 2013, p. 153).

The Ontario Human Rights Commission concluding with findings supporting several of these arguments, determining “[t]hat actions taken from ‘reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin’ constitute racial profiling and are prohibited as a matter of human rights” (Legal Aid Union, August 2015, p. 9).

This same message was still present in November 2012 and January 2013, as the Law Union of Ontario expressed that the design and use of Form 208 and the deployment of ‘carding’ practices are clear violations of the of the Canadian Charter of Rights and

Freedoms. The CCLA support these arguments, defending that the recording of personal information performed through practice of ‘carding’ is intrusive, frightening and intimidating, denies privacy and dignity, and can have further consequences for the individual (Toronto Police Service Board, 2013, p. 98).

These same themes emerged throughout communities within the Greater Toronto Area as well. Both Joy Bullen and Odion Fayalo, who identify themselves as concerned citizens in the community, claimed that the practice of ‘carding’ drives a wedge between communities, and attacked the constitutionality of ‘carding’ practices and form 208 and revised form 306, calling them immoral and a violation of the right to be free from arbitrary detention or imprisonment (Toronto Police Service Board, 2013). Similar messages surfaced through local university law programs, such as the Community and Legal Aid Services Programme (CLASP) at York University, claiming again that the police practice of ‘carding’ contravenes Canadian Charter rights.

Many groups (LUO, Justice for Children and Youth) turned to the Toronto Police Service Board (TPSB) to create a policy for the Toronto Police to follow that safeguard individual rights and protect the community (Toronto Police Service Board, 2013). The Ontario Human Rights Commission supports this, maintaining that the TPSB must ensure that current ‘carding’ practices, even though it helps with investigations and community engagement, does not contradict Ontario Human Rights Code (Toronto Police Service, 2013, p 146).

Throughout the months of deliberation and reports provided by several academic groups, these core message concerning the constitutionality of ‘carding’ practices remain

unchanged. It is held deeply by critics of the police practice of ‘carding’ that police officers violate the supreme law of Canada when they refuse to respect charter rights.

The Absentee Principle: Accountability/Transparency:

Adding to a legal argument, several group who publically contest the police practice of ‘carding’ presented issues of accountability and transparency that need to be addressed within the police force specifically, and how they can improve, if not fully abolish the ‘carding’ process.

Between 2012 and 2015, when the Toronto Police Service Board met with or received statements from activists such as the Law Union of Ontario, The Toronto Police Accountability Coalition, African Canadian Legal Counsel, among others. Through these reports delivered, recommendations were made by the community on why the practice of ‘carding’ should be abolished, or at the very least, how it can be improved.

Since early 2012, several activist groups (TPAC, CCLA, ACLC, Frontline Partners with Youth Network, Justice for Children and Youth) presented that police should provide a carbon copy receipt of every interaction made by an officer, including the reason for the stop, the race of the individual, the officer’s details (i.e. badge, division) and the individual’s rights in the process (Toronto Police Service Board, 2013).

Along with this, the ACLC and CCLA, among other devoted groups advocated for a public education campaign that included the right to refuse to provide information, right to receive receipts, how the information will be used, among other things (Toronto Police Service Board, 2013). TPAC and Justice for Children and Youth support this, recommending that police should provide an information sheet indicating an individual’s rights, particularly their right not to cooperate (Toronto Police Service Board, 2013).

While this receipt process is used by the Toronto Police, TPAC argues that there needs to be monitoring in place to ensure the receipt program is effective in informing members of the public about what the police are doing.

Members of the Ontario Community across Toronto, Brampton, Ottawa, London and Thunder Bay who consulted with the Ministry of Community Safety and Correctional Services felt that using technology such as police officers wearing body cameras would help with the legitimacy of the police actions when stopping individuals (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015).

Above all else, these groups claim that before any form of receipt program is implemented, the Toronto Police should develop communication strategies with communities, particularly marginalized populations, about what they can expect, and what the receipt is. Several groups (TPAC, CCLA, LUO, Ontario Bar Association) argue that there is a power imbalance that cannot be denied between the police and persons stopped. Consulting with the MCSCS in 2015, the Ontario Bar Association is “[...] concerned that vague rationalities [for street checks] can too easily serve as pretext and risk perpetuating discriminatory practices that disproportionately affect racialized groups, [along with] vulnerable and marginalized individuals, violating their human rights” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015). Despite attempts at further accountability, Toronto Police Accountability Coalition (TPAC) and others (CCLA, LUO, Ontario Bar Association) argue that police officers can claim a stop for criminal investigation, alleged drugs, and overall threat of arrest to influence citizens to cooperate in their investigations. For this reason alone, the

police practice of ‘carding’ can never truly be voluntary as it involves aspects of coercion.

Several groups, including academic Rand Schmidt express that instead of the TPSB trying to find a perfect solution to the ‘carding’ situation, we are better to deploy immediate measures now while modifying future policies (Toronto Police Service Board, 2013, p. 156). Supporting this, the Law Union of Ontario protest that years of inaction by the Police Board while trying to find a perfect solution has led to the continued stops, intimidation, violation of rights and discrimination against law abiding community members (Toronto Police Service Board, 2013, p. 154).

Despite this, legal counsel consulting with the Toronto Police during the completion of the PACER II (2013) report unanimously agree that nothing is legally wrong with collecting, using, and/or retaining data collected given that it was collected in a race-free environment and the information was voluntarily given (PACER II, Toronto Police Service, 2013, p. 33-34).

Factual: Statistics, Reports

Providing a similar argument to the legal debate, those who contest the police practice of ‘carding’ rely on facts to produce change. As one Toronto citizen voiced during their consultation with the Ministry of Community Safety and Correctional Services, “[p]eople say that Toronto does not have a racism problem in policing. Check your stats, crime has been falling in Toronto...we are at the lowest rate since the 1970s” (Ministry of Community Safety and Correctional Services, September 2015, p. 15).

Following the Numbers:

Those consulting with the Toronto Police Service Board for example provided statistics from the Toronto Star (Mach 10, 2011) showing that there were 11 patrol areas where blacks were more than five times as likely as whites to be stopped by police; 31 areas where blacks were three to five times as likely as whites to be stopped by police; and 24 where they were two to three times as likely. There were no patrol areas where blacks were less likely to be stopped by police as whites (Toronto Police Service Board, 2013, p. 26).

This supporting a key factual argument that the practice of ‘carding’ and street checks disproportionately singles out Black and Brown children and youth (LUO, 2015, p. 5). Between 2003 and 2013, data shows “[...] that young Black and Brown males were disproportionately represented in certain types of interactions with [Toronto Police Service] officers and within the legal system” (Law Union of Ontario, 2014, p. 5). The Law Union of Ontario supports this, providing research revealing that the Black community is subject to much greater police surveillance and faces a far higher rate of being stopped, searched, or arrested. As the Toronto Star presents, “[w]hile 8.1 percent of Toronto’s population is black, 30 percent of violent crime charges...laid between 2008 and 2012 were laid against blacks (Toronto Star, August 2013, p. 31). Similar data shows that the proportion of cards in Black people is three times greater than what Black people represent in Toronto’s population (Toronto Star, August 2013, p. 3). Putting this into context, The Toronto Star concluded that the over-representation of Blacks in contact card data in Toronto is higher than it is for Blacks and stop and frisk in New York City (Toronto Star, August 2013, p. 3).

Several reports highlight the impact these street check practices have on the

population. One 2008 study concluded

[i]t was made clear to us that when policing is done in an aggressive manner, when youth are singled out for attention because of their race and treated with a lack of civility, they can become alienated, lose self-esteem and feel that they have less hope or opportunity in this society. As well, the communities of which they are part can lose faith in the police and can cooperate less in the resolution of crime and the maintenance of public safety. When this happens, the approach to policing increases rather than addresses the roots of violence involving youth (Law Union of Ontario, August 2015, p. 12).

Supporting this, the Ontario Human Rights Commission (OHRC) indicate that “[...] racial profiling is much more than a hassle or an annoyance. It has real and direct consequences. Those who experience profiling pay the price emotionally, psychologically, mentally and in some cases even financially and physically” (Law Union of Ontario, August 2015, p. 10).

Since 2005, the year Bill Blair became Police Chief and Toronto experienced the so-called ‘year of the gun’, the number of cards has risen by 62 percent (Toronto Star, 2013, p. 6). However, those contesting the practice of ‘carding’ question its efficiency. One Toronto citizen indicates that the Toronto Police Service Board online document claims that “street checks done properly are a necessary and valuable tool to help communities remain safe”, but the citizen asks “[...] [w]here is the data? Where is the evidence that this is a necessary tool?” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 13).

Citizens consulting with the Ministry of Community Safety and Correctional Services argue that “[t]he issue of carding regardless of what people think does not deal with the right of the police to investigate and prevent crimes. What we are dealing with is

the arbitrary stopping, questioning and collecting of data on people and putting it in a database and then they are forever known by police” (Street Checks Consultation, Ministry of Community Safety and Correctional Services, September 2015, p. 11).

The argument made here, is that marginalized populations are disproportionately stopped and questioned by police, and this can be seen throughout the statistics provided. These stops however have led to those contesting the practice of ‘carding’ to pursue a legal and factual style of argument, hoping to reach the ears of those who fail to recognize their message.

Emotional: Trust

Despite relying mainly on a legal and factual style of argument, it becomes clear in reports and recommendations that contesting ‘carding’ practices provides an emotional avenue for individuals as well. Those who consulted in the process express their anger, fear, and resentment towards the current process; one individual consulting with the Toronto Police Service Board (TPSB) expresses that “[...] ongoing harassment from the police against young racialized youth [...] stigmatizes these young people, creates resistance and mistrust against law enforcement and sets up exactly the kind of negative dynamic in policing that makes young people more likely to be criminalized in future. Instead of community policing making neighborhoods safer for all, youth become targeted for merely being visible in public spaces” (Toronto Police Service Board, 2013, p. 12). Another Toronto based citizen argues “[s]treet checks are designed to have you think, act, behave, and believe a certain way. It’s a slow killing weapon and its popular especially with schools and housing corporations” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015, p. 10).

One Ontario Member of Parliament supports this frustration, claiming that “[w]e need to address this at the position of those who is in power. If we know that arbitrary ‘carding’ practices and street checks violate the Charter, then let’s have a rigid mandate that says these practices are unacceptable in the province. We know this is something that hurts us...why isn’t the government taking the steps to end these practices” (Street Checks Consultation, Ministry of Community Safety and Correctional Services, September 2015, p. 15).

As a result, a common argument revolves around more inclusion of the community in police policy and practices. One Toronto resident for example proposes that “Officers should have weekly community meeting and should touch base with individuals so they aren’t misled by criminal groups” (Street Checks Consultation, Ministry of Community Safety and Correctional Services, September 2015, p. 10).

Making Policing Great Again: Building Trust

This emotional argument has led individuals to express the lack of trust that these ‘carding’ practices are creating, no matter what their effectiveness is. A key argument by the Toronto Police defending the practice of ‘carding’ is that the practice is a key way not only to reduce crime but also build relationships (PACER II, Toronto Police Service, 2013, p. 27). For that reason, the practice of ‘carding’ gives the Toronto Police a continuous avenue to interact and be involved with the public.

However, as already stated, since 2005, the year Bill Blair became Police Chief and Toronto experienced the so-called ‘year of the gun’, the number of cards has risen by 62 per cent (Toronto Star, August 2013, p. 6). Although groups such as the Law Union of

Ontario commemorate the Toronto Police for reviewing the ‘carding’ process’ trust is deteriorating daily in communities (Toronto Police Services Board, 2013, p. 199).

Several activist groups support how this stress between the police and public affect trust relations. Statistics collected by the Toronto Police Service though the PACER II (2013) report indicate that 32.2 percent of all persons stopped for a Field Information report (FIR) between 2009-2011 was for ‘general investigation’ (PACER II, Toronto Police Service, 2013, p. 7). However, this same data concluded that since 2009 fewer than 1 in 10 Field Information Report (FIR) cards collected was directly related to intelligence led-policing (PACER II, Toronto Police Service, 2013, p. 7). Furthermore, data provided the Toronto Police Accountability Coalition and the Law Union of Ontario shows that racialized youth/men are stopped by police more often than white youth/men (Toronto Police Service Board, 2013). The Toronto Police Accountability Coalition (and others) further support this showing that although the Black population accounts for just 8.3 of Toronto’s population, 23.4 percent of the ‘cards’ issued were for people identified as Black (Toronto Police Service Board, 2013, p. 26).

This leading groups such as The Law Union of Ontario (LUO), Toronto Police Accountability Coalition (TPAC), Justice for Children and Youth, and the Urban Alliance on Race Relations to voice how communities are continuously harassed by police, claiming that

[...] ongoing harassment from the police against young racialized youth [...] stigmatizes these young people, creates resistance and mistrust against law enforcement, and sets up exactly the kind of negative dynamic in policing that makes young people more likely to be criminalized in the future (Toronto Police Services Board, 2013, p. 12).

The African Canadian Legal Clinic (ACLC) and community members throughout Toronto, such as Odion Fayalo, support this, claiming that the Toronto Police do not respect the intelligence of the African Canadian communities and discriminatory practices they have lived through in the past decades (Toronto Police Services Board, 2012, p. 205-206). As he explains

[a]t this point in time, the issue is more than street checks. The police and this Board are not respecting the intelligence of the African Canadian community and are exhibiting non-confidence in its capacity to know how best to solve its social problems. [The Toronto Police] are not actively listening to the community but are in fact paternalistically and autocratically dictating solutions to our problems. This must come to an end. This is why we must reintegrate again the importance of re-educating the Service's officers [...] (Toronto Police Services Board. 2013, p. 205).

However, the Office of the Provincial Advocate for Children and Youth claim that youth have been spoken openly about a desire to forge better relations with police in their communities (Toronto Police Service Board, 2013, p. 43). Supporting this, a former Toronto Police Officer interviewed by the Toronto Star in 2013, described a system that encourages high card counts and rewards officers with timely access to training opportunities, which in turn leads to promotions. The former officer quotes

It's a situation where we judge without knowing and to basically find out, we have to go and stop them. But we don't have a reason. So, hopefully once we run them, [we will] see that there have been contacts with the police before [...] [a]nd that becomes our justification. But the truth of the matter is that we're pre-judging them, because we really don't know. (Toronto Star, August 2013, p. 2).

Several social activist groups (CCLA, ALCL, TPAC, LUA, Justice for Children and Youth, Office of the Provincial Advocate for Children and Youth) have made the argument that whether the practice of 'carding' is effective or not, it undermines positive police/community relations (Toronto Police Service Board, 2013). The Canadian Civil

Liberties Association (CCLA) defends that positive interactions and relationships that certain officers may attempting to be forging, are undermined when stops and unconstitutional violations target specific racialized groups (Toronto Police Service Board, 2013, p 30). One concerned citizen in the Brampton, Ontario area argues “[o]ur police officers do phenomenal work to ensure our communities are safe and prevent and stop crime. But we don’t want to see continued erosion between police and communities through [the] practice of street checks where they are arbitrarily stopping racialized people and youths” (Ministry of Community Safety and Correctional Services, August 25, 2015, p. 7). Supporting this, the Office of the Provincial Advocate for Children and Youth contend that the police practice of ‘carding’ and issues 208s run contrary to building bridges within the community (Toronto Police Services Board, 2012, p. 43). Stating a similar message, the Black Action Defense Committee (BADC) defend that the practice of ‘carding’ is compromising the future of our children as it causes them to fear police, to have low self-esteem and confidence, and intimidates them when entering specific areas of the city (Toronto Police Services Board, 2012). BADC argues that

[...] this program seriously erodes our community’s confidence and instead instills a lasting mistrust of Law Enforcement and ultimately the Judiciary system. The pressure felt by our Communities is tangible and has brought us to the limits of our patience [...] [i]n this regard the Toronto Police Service does not serve to protect the Toronto [population]. It disses and profiles us. We condemn the reign of terror against our communities and youth by police acting as an out-of-control occupying army now intent on playing sociologist and anthropologist” (Toronto Police Service Board, 2013, p. 39). The Justice for Youth and Children identify similar themes to the TPSB, claiming that youth identifying as a member of a marginalized population experience a higher level of distrust of police (Toronto Police Service Board, 2013, p. 42).

The African Canadian Legal Counsel (ACLC) supports this, claiming that the problem of racially biased policing in the Greater Toronto Area has been an issue of concern for over ten years, and instead of the City Auditor analyzing data provided by the Toronto Star, the budget provided to the Toronto Police Service Board (TPSB) would be better used to address the long-standing problem concerning police-community relations (Toronto Police Service Board, 2013, p. 32). Through consultation with MCSCS in 2015, private citizens began expressing their discontent with the process. As one individual explains “[w]e look at the comment on the board and look to the provincial government now, who is basically saying that they will regulate carding. It shouldn’t be a question about regulating carding. How can you regulate something that traumatizes certain segments of the populations” (Ministry of Community Safety and Correctional Services, September 2015, p. 12).

Supporting this, Rand Schmidt, a Professor at the University of Toronto, defends that although the practice of ‘carding’ potentially helps the Toronto Police Service in short and medium term, the Toronto Police Service Board and the Police must think long-term about police and community relations (Toronto Police Service Board, 2013, p. 156).

For several of these groups involved in the process, including the Toronto Police Service, it is important to convey the importance of community relations (Toronto Police Service Board, 2013). For example, as early as April 2012, Urban Alliance recommended that the Toronto Police Service create a special task force with community and police participation to work through this issue of ‘carding’ together (Toronto Police Service Board, 2013, p. 13). Ben Lau of the Chinese Community Consultative

Committee (2013) provides similar suggestions, mainly wanting consultation between police and the community to try and better the current situation (Toronto Police Service Board, 2013, p. 482). Ontario Federation of Indigenous Friendship Centres supports this, claiming that “[w]e understand the need for police interactions with the public to ensure community safety, but we recommend that police efforts begin with meaningful engagement that is strengths-based to regain the confidence that has been lost” (Ontario Federation of Indigenous Friendship Centres, 2015, p. 6). Supporting these groups, through the PACER II (2013) report, the Toronto Police acknowledge the need for consultation between the police and the community (PACER II, Toronto Police Service, 2013). For this reason, the Toronto Police recommend that a “ [...] standing community advisory committee is formed to work continuously with the service, in order to assess and address the issue of racial profiling, and through this partnership assist the Service in the delivery of bias-free police services” (PACER II, Toronto Police Service, 2013, p. 55). Providing a similar response, a Police Officer who voiced their opinion with the MCSCS consultation maintained “[f]rom a police officer’s [point of view], [he] welcomes this interaction. We need public confidence to make our job easier, since our job is already difficult enough. Hopefully these public consultations will restore some public confidence and improve the relationship we have with them” (Ministry of Community Safety and Correctional Services, August 27 2015, p. 3).

Chapter Summary

In this chapter, I presented findings from the present study according to style of argument. In doing so, I discussed several prevalent trends pertaining to the strategies used by the police, the provincial government, and activist groups to defend their

argument supporting to attacking the practice of street checks or ‘carding’ practices across Ontario.

The Toronto Police Service recognize a need for improvement in their police practices, however do not seem willing to lose the ability of intelligence gathering in the process. This can be seen through their emotional and symbolic arguments surrounding risk and the role of the police. They acknowledge that racially biased policing does exist, but these instances acknowledged refer to isolated incidents and is not a universal condemnation of all officers on the force (PACER II, Toronto Police Service, 2013, p. 48).

Those who contest the police practice of ‘carding’ remain unmoved on the arguments of constitutionality and the evidence of racial profiling that has surfaced in recent years. Groups such as the CCLA have held firm that above all else, there should be ongoing community consultation with the Toronto Police, so both sides can voice issues and concerns they feel are pressing. As journalist Desmond Cole of the Toronto Star explains, “[...] police intention to discriminate is not the issue, people feel the impact the same way regardless” (Toronto Police Service Board, 2013, October 2013 meeting).

This data presented continues to provide in depth insights on the already reoccurring themes throughout the stop and frisk literature. However, it expands on the limited literature concerning police in Toronto through the ‘snapshot’ of the police practice of ‘carding’ in Toronto.

In the following chapter, the findings from the present study will be analyzed and interpreted using the Bourdieusian concepts of a political sociology framework that was outlined in the literature review.

Chapter 5: Discussion and Analysis

Tipping the Scales?

In this chapter, I interpret my findings through several Bourdieusian concepts of Political Sociology outlined in Chapter 2, along with other resistance to change and police culture literature. As discussed in Chapter 2, practice cannot fully be understood without being cognisant of the social, political and legal climates involved in producing a culture (Ganapathy & Cheong, 2016). This Political Sociology framework will be used to explain the arguments and discourses put forward by active groups such as the Toronto Police Service, the Toronto Police Service Board, Activist groups (African Canadian Legal Clinic, Black Lives Matter, Black Action Defense Committee, Canadian Civil Liberties Association, Justice for Children and Youth, Law Union of Ontario, Office of the Provincial Advocate for Children and Youth, Ontario Bar Association, Ontario Human Rights Commission, Toronto Police Accountability Coalition), and the Ontario Provincial government seen throughout the consultation process in Toronto from 2012 to 2015. This will help answer questions that I outlined in Chapter 2.

Sticking to the Status Quo: Justifying Carding:

Previous literature discussed in Chapter 2 of this paper provided several narratives surrounding past policing practices. One of the main questions of this project revolved around the strategies and forms of capital those who justified the practice of ‘carding’ used to argue the continued use of the practice throughout Toronto. Political Sociologists argue that the theoretical concepts of ‘habitus’ and ‘capital’ work together to constantly create a ‘field’. The institution of the police develops its’ understanding of the occupation through not only learning the laws, procedures and techniques of law enforcement and

order maintenance, but also requiring a range of organizational skills, attitudes and assumptions that are compatible with other members of the occupation (Chan, 2004, p. 328). Through these pre-understanding, a ‘field’ is created for police officers to work within. In the case of police work on the street for example, the field may consist of “[...] the historical relations between certain social groups and the police, anchored in the legal powers and discretion police are authorized to exercise and the distribution of power and the material resources within the community” (Chan, 1996, p. 115). An officer’s perception of his/her role and duties is created not only through the laws he/she protects, but also through interactions with communities and advice from peers. Chan (2007) and Topper (2011) provide similar conclusions through past literature, arguing that social practice is a product of the interaction between the structural environment external to the actor and the set of physical, cognitive and emotional dispositions an actor has acquired through individual or group socialization.

This can be seen throughout the findings of this paper. The Toronto Police make an emotional and symbolic argument to defend the practice of ‘carding’, arguing that it makes us all safer, and crime throughout the city will rise without it. This defense of a symbolic argument, can be argued through the lens of Political Sociology as internalization of the policing ‘field’ discussed in Chapter 2. Loader (1997) argues that policing as a profession, and as an institution, provides an interpretive lens through which people make sense of, and give order to the world. Pierre Bourdieu argues that groups such as the police hold symbolic capital for this reason, holding an omnipresent source of authority that stands up and defends against the criminal ‘other’ (Loader, 1997). Loader (1997) and others (Chan, 2004, Swartz, 2013) argue that this symbolic capital helps

produce a form of ‘doxa’ which is defined as a taken for granted truth that does not need defending or disputation, surrounding the occupation of policing, where actions are accepted simply because of the badge they hold. This can be seen throughout the findings presented in Chapter 4.

The Toronto Police for example, argue that what the community sees when the police are performing street checks may be misleading. As explained in the PACER II (Toronto Police Service, 2013) Report, “[w]hile officers may have access to intelligence information, experience and knowledge upon which they can base their decisions, a community member has no such background information and, in the absence of timely explanation by the Officer, may presume the reasons for the interaction are [subjective]” (PACER II, Toronto Police Service, 2013, p. 52). Those defending the police practice of ‘carding’ argue that it is the role as a police officer to protect the public. Internalizing this notion of symbolic capital, the institution of the police is one of the few groups tasked with such a high burden of public safety, and groups supporting the practice of ‘carding’ argue that a sense of trust should be given by the public in this regard. It can be seen through the findings of this paper that symbolic capital is an important contributor to how the ‘field’ and ‘habitus’ of the institution of the police and its officers is created.

Furthermore, the emotional argument that surfaced through data collection in Chapter 4 presents a new lens to understand how the practice of ‘carding’ is defended. As explained in Chapter 4, the emotional argument surrounds a discourse concerning a need to reduce crime and protect the public. Although this is similar to the symbolic argument presented by (Chan, 1996; Loader, 1997; Chan 2004, Chan, 2011, Swartz, 2014; Ganapathy and Chang, 2016) in the collection of previous literature, the findings of this

paper show that the Toronto Police and others defending the police practice of ‘carding’, rely on a platform of fear and risk discourse to defend the continual use of the ‘carding’ practice. Using arguments of public safety and the protection of communities, these key positions differ from what was expressed through the collection of literature in Chapter 2. For example, we see groups such as the Police Association of Ontario express that “[o]verall [...] the regulation of street checks need not be major to accomplish the goals of the Government while maintaining the value of community policing and protecting the safety of officers and the public” (“Summary of Feedback...”, Ministry of Community Safety and Correctional Services, October 2015). As stated in Chapter 4, we begin to see a theme emerge where supporters of the ‘carding’ practice defend that public safety is best served when the police have the information they need to effectively keep the community safe, without police practices such as ‘carding’ the risk of crime and overall danger to citizens increases.

Although this is not necessarily surprising as a finding, it does provide a new aspect to the literature that has been largely unexplored to date. These findings also help explain the relevance of Political Sociology in this project concerning the police practice of ‘carding’. We see through our findings how this emotional argument expands the use of symbolic capital by the institution of the police and its officers.

As presented in Chapter 4, the police presented through their reports and recommendations to the Toronto Police Service Board and the community that public safety is best served when the police have the information they need to effectively develop crime reduction and prevention strategies. This once again plays into the field of policing created by a specific ‘doxa’. Ericson and Haggarty (2011) provide a similar

argument surrounding risk discourse in Chapter 2. Previous literature on risk identifies that the risk-profiling of populations has been an instrumental part in matters of public health and safety since the nineteenth century, and it continues to be an integral part of society today (Ericson & Haggarty, 1997). These findings in Chapter 4 supports previous literature presented by Ericson and Haggarty (1997) and Haggarty, Doyle and Chan (2011) who claim that the police are now not only involved in law enforcement, order maintenance, and social service, but also in a role as a knowledge worker engaged in the production and distribution of knowledge of risk.

As seen in Chapter 2, since 9/11, the size, resources, and mandate of the police have grown as security was made a policing objective (Murphy, 2007, as cited in Kitchen & Rygiel. 2014, p. 202). Police work has shifted from deviance and social control to include a focus on risk, surveillance, and security. This is showing how the ‘field’ of policing has expanded in recent history to meet the demands of ‘doxa’ it works within. As this field continues to develop and solidify, the ‘habitus’, understood as dispositions agents acquire through organized socialization, is further solidified as well. This is where we can see police behaviors such as desires to stop and frisk, and ‘card’ the population emerge to protect the public from an over-looming threat of risk to the population.

The arguments made by the Toronto Police in Chapter 4 relies heavily on this symbolic capital they have been given by society. One of the more prevalent themes in the findings revolves around the community having trust in the police to eliminate crime and promote safety for all, with an underlying assumption that any racial profiling that is perceived by the public is simply unintentional, but necessary for the greater good of public safety. This argument fueled the use of the police practice of ‘carding’ throughout

Toronto and the rest of Ontario. This finding supports what has been found in previous literature. Ericson (2005) argues that it is uncertainty that leads entities to engage in risk avoidance, and limit the freedom of others in the name of security. Meng (2017) argues in previous literature that the Toronto Police take the information of hundreds of thousands of people around the city to get to know the neighbourhood. Bellin (2014) promotes a similar argument in Chapter 2, showing how the New York Police Department embraced ‘stop and frisk’ policing to eradicate unlawful public gun possession. The New York Police Department justified its policy of stopping hundreds of thousands of mostly young people of colour by claiming through the *Floyd v. City of New York* (2013) litigation that the approach was responsible for saving lives (Meares, 2014, p. 342). Similar research in the literature showed how despite concern of unconstitutional police stops, starting in the 1960s, through the case of *Terry v. Ohio* (1968), the Supreme Court validated the common police practice of ‘patting down’ a stopped suspect, so long as the police officer possesses a reasonable suspicion both that criminal activity is present and the suspect is armed and dangerous (Harris, 2013; Meares, 2014; Fagan & Geller, 2015; Eterno et al., 2016; Rahman, 2016). Chan (2004), Chan (2007) and Marenin (2016) concluded with similar results, arguing that a police officer’s decisions on the street are influenced by a multitude of factors including, the law, political pressures, organizational mandates, public expectations, histories of interaction with communities, peer advice, and specific situational contingencies.

Police in Toronto provided a similar argument in Chapter 2, providing statistics revealing the crime rate in Ontario’s capital dropped by 42 percent from 2001 to 2012, and that Toronto has the lowest crime rate among the 33 metropolitan areas in Canada

(Meng, 2017, p. 5). According to Meng (2017), this crime drop has been linked to proactive policing such as crime analysis and crime both in past studies (New York, Los Angeles), and presently, the institution of the police relied on police practices (stop and frisk, ‘carding’) to eliminate or decrease criminal activity and promote public safety.

This same theme is present in the argument for training of police officers. Although the Toronto Police Service Board, and the Toronto Police Service look for training to be an acceptable solution (PACER II, Toronto Police Service, 2013), it shows the desire for the ‘field’ of policing to be shifted, to include greater protection of Canadian rights and values, but not broken. The Toronto Police Service, who are looking to improve ‘carding’ without abolishing the practice, recommend that officers and investigators receive training in the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code, and officer participation in the community. However similar to arguments already seen in the literature in Chapter 2, these training objectives address the managerial culture of police departments, but fails to address the occupational culture of policing. This is a common theme in previous literature; Chan (2004) argues that the changing of ‘field’ and ‘habitus’ is not a fluid process. Marenin (2016) and Chan (2004) support this, providing research that socialization of police officers includes not only learning the laws and procedures of law enforcement, but also requiring a range of organizational skills, attitudes, and assumptions that are compatible with other members of the occupation (Chan, 2004, p. 328).

A surprising finding found in Chapter 4 was how the arguments defending the police practice of ‘carding’ placed an emotional argument on this symbolic capital held by the police. Not only do we see how our findings line up with previous arguments

surrounding having faith in the police as an institution, but our findings uncover that different players are supporting this symbolic capital through an emotional lens. Having limited faith and trust in the police, not only goes against accepted practices, but places our communities in more potential danger. More research needs to be done on this link between symbolic capital and a notion of heightened risk.

Crossley (2003) and Chan (2004; 2007) conclude contending that Bourdieu's Political Sociology framework must be adjusted to include people who are stuck between the old 'habitus' they have become accustomed to, and the new 'habitus' that the field produces. Bourdieu and Wacquant (1992) however disagree and argue that Chan (2004; 2007) and Crossley (2003) are limited in their understanding. Bourdieu and Wacquant (1992) provide that the notions of 'habitus', 'field' and 'capital' "[...] can be defined, but only within the theoretical system they constitute, not in isolation". This helps grasp the findings provided in Chapter 4. Although the Toronto Police are attempting to shift their understanding and use of current police practices, these attempts are only limited to the reality or 'doxa' that they are working in. This is where previous literature is limited and findings found within Chapter 4 become that much more valuable. There has been limited research on addressing Political Sociology and the influence that the 'doxa' of risk plays on the institution of policing and the actions of its police officers. We see through Chapter 4 that most of the arguments supporting the practice of 'carding' are made through a risk/safety discourse; this giving credibility to an influence of risk 'doxa' on the institution of the police.

As the demands of those criticizing police practice become voiced, such as greater accountability on the police as an institution and training police officers on citizens'

rights, the ‘field’ of policing will adjust, along with an officer’s habitus. However, it cannot shift the over-arching ‘doxa’ that the institution of policing is placed under, where security and risk-management is an important aspect of policing.

This understanding of the intertwined nature of ‘field’, ‘habitus’, and ‘capital’ helps situate the practices of the Toronto Police. For example, as explained in Chapter 1, the politics behind policing in Toronto has been a contested issue. Forums created by the former Police Chief Bill Blair, current mayor John Tory, and the appointment of current Police Chief Mark Saunders all help explain the discourse and arguments presented by the Toronto Police Service. Bourdieu argues that ‘capital’ gives individual influence over the ‘field’. The more ‘capital’ you possess, symbolic or otherwise, the more power or influence is held over those in the same ‘field’. With this same argument, the Toronto Police Chief, who holds a large amount of ‘capital’ in the policing ‘field’ has influence on how the ‘field’ is formed, therefore adjusting the habitus that extends out of it.

This becomes a relevant theme to explore when we discuss the different mandates between current Police Chief Mark Saunders and his competition at the time of the appointment, Peter Sloly, who helped publish the PACER II (Toronto Police Service, 2013) report referenced in Chapter 4. Chan (2007) touched on this theme briefly in her study with the New Wales Police, however very little research seems to be written outside of this. As a result, this becomes a surprising finding that appeared in Chapter 4 of our project. As discussed in Chapter 2, forms of ‘capital’ are accumulated and exchanged to maintain and enhance an individual’s position in the social order. Through reading of the Sloly’s ideas through the PACER Report (Toronto Police Service, 2013), we begin to see a different future for policing in Toronto, one that focused much more

heavily on community consultation than the policing mandate brought into effect with the appointment of Mark Saunders. This continuing to show how those with high levels of ‘capital’ can help shift specific ‘fields’. Previous literature provides similar arguments, Bourdieu & Wacquant (1992) argued in their research that “[t]hose who dominate in a given field are in a position to make it function to their advantage but they must always contend with the resistance, the claims, the contention, ‘political’ or otherwise, of the dominated” (p. 102). There has been limited research surrounding the political aspects behind the debate of ‘carding’ in Toronto. However, we see how the themes presented by Peter Sloly through the PACER II (Toronto Police Service, 2013) Report differ from the final stance of the Toronto Police. Although we see how the concepts of Political Sociology can apply to the findings above, there is limited research provided in Chapter 2 surrounding political capital. This theme is limited in the data of the findings presented in Chapter 4, however it uncovers an interesting aspect to the ‘carding’ debate and provides a new avenue of research in the politics of policing. This is something that should be addressed in future research.

Fresh Eyes: Strategies to Contest Carding.

Similar to the question analyzed above, this project was also geared to determine the strategies activist groups and community members used to contest the practice of ‘carding’. Previous literature has claimed a disturbingly high correlation concerning between use of force and minority groups (James et al., 2016).

Interestingly, the arguments presented in the findings of this paper (legal, factual, emotional) differ greatly from the themes that surfaced in the collection of literature. As seen in Chapter 2, previous literature focused on the relationship between the police and

the public, showing how trust was founded, developed, and lost between the two parties. More importantly, much of the literature collected in Chapter 2 focused on emotional arguments. Although this is an important aspect to understand the relationship between the police and the public, the discourses that emerged from our findings in Chapter 4 rely instead on legal and factual arguments to make a case to contest the police practice of ‘carding’. Although this strategy differs from what was presented by theorists (Tyler & Huo, 2002; Goldsmith, 2005; Gilmour, 2006; Macdonald & Stokes, 2006; Weitzer and Tuch, 2006; Horowitz, 2007; Gau, 2011; Jackson, 2012; Andreescu & Keeling, 2012; Van Craen, 2013; Murphy et al., 2014; Tyler et al., 2015; Bjornstrom, 2015), it is on track to what critics argued against stop and frisk practices throughout New York and Los Angeles in the past.

As explained in Chapter 2, similar to how symbolic capital gives a sense of authority to the police, Loader (1997) argues that everyday policing may lead to frustration and disappointment among the masses if the institution cannot live up to the hopes and fantasies of people believe they can accomplish. Therefore, unlike the arguments made to defend ‘carding’, those who oppose or contest the police practice made arguments geared towards getting validation from the public. As discussed in Chapter 4, those who contested carding relied on legal and factual arguments to discredit arguments in support of the Toronto Police’s controversial practice. This strategy is very similar to what was found in previous research; academics (Sorenson et al., 1993; Bellin, 2014; James et al., 2016) all presented factual arguments to make a case against the police and the institutions over policing of minority populations. Harris (2013) and Bellin (2014) argued in Chapter 2 that past applications of stop and frisk, such as the instance in

New York, led to an influx of minority groups being stopped and questioned. Between 2002 and 2011, over 80 percent of the police stops conducted by the NYPD were people of colour (Harris, 2013). In 2011 alone, just over 50 percent of stops were Black, 33 percent were Hispanic, and less than 10 percent were whites (Harris, 2013, 866). Harris (2013) and Bellin (2014, p. 1498) provide statistics that in 2011, almost 700,000 people were stopped throughout New York City. However almost 90% of those stopped were minority males, and the majority of the stops (88%) uncovered no evidence of wrongdoing (Bellin, 2014, p. 1498). As seen here, the arguments made to contest the police practice of ‘carding’ in this present study is very similar to the argument contesting police practices, such as stop and frisk policing, in the past.

Unlike what we saw through the perspective of the police, these arguments do not rely on the ‘field’ or ‘habitus’ of those disproportionately affected by the practice of ‘carding’, rather their arguments aim to create a narrative that is accepted and embodied by the public, a rational argument seen simply through the data collected.

This is probably the most surprising, and arguably the most significant finding that emerged in Chapter 4. It is seen through the reports and recommendations analyzed in Chapter 4 of this paper that the legal arguments used by activist groups and others are trying to reach the population as a whole, rather than just their own communities.

In this way, those contesting ‘carding’ are trying to access a ‘field’ that they might not necessarily belong to, but feel that a legal ‘field’ is regarded highly in the current ‘doxa’ in society. This is seen through their reliance on factual and legal evidence, rather than focusing on their own personal experiences and interactions with the police practice of ‘carding’. There seems to be limited research on this in previous

literature. Previous literature focuses mainly on the concepts of ‘habitus’, field’ and ‘capital’ as groups are created and then fought for using different forms of capital. This finding presented in Chapter 4 provides a new avenue of discussion that has yet to be developed in previous literature.

These findings uncovered in Chapter 4 may have surfaced as individuals affected by the police practice of ‘carding’ feel that their experiences are not validated or heard in the current system, or because they feel that accessing a legal field gives more validity to their arguments and concerns in the eyes of the public. This follows previous literature concerning the Performance and Procedural Justice models surrounding the construction of trust between the institution of the police and community groups. According to Van Craen (2013), the Performance model provides that the more citizens see their performance expectations met, the more confidence they will place in authorities (Murphy et al., 2014). Gilmour (2006) supports this, concluding that if people feel that they have been valued and their rights have been properly regarded and their voices heard, they will invest a greater amount of legitimacy in the outcome, even if it is viewed as not fair. Meanwhile, the Procedural Justice model proposes that the relationship between the police and the public is based on a promotion in the belief that the police possess legitimate authority to enforce the law and are worthy of being obeyed (Gau, 2011). Gau (2011) concludes that the way officers treat people during direct encounters conveys information to members of the public about their social worth. Good treatment sends the message that they are valued members of society, while poor treatment implies that they have no social merit (Gau, 2011).

What the findings of this project indicate through the access of an unlikely legal ‘field’ is that those contesting the police practice of ‘carding’ have lost a portion of faith in police officers and their performance. Henry and Tator (2006) present that

“[Police culture] is based on a shared system of beliefs assumptions and attitudes that the dominant or White culture uses to make sense of and render intelligible, the way a capitalistic, highly stratified society works. These belief systems or ideologies help to organize, maintain, and regulate particular forms of power and dominance” (p. 151).

It is for this reason that those contesting ‘carding’ have chosen to other ‘fields’ to voice their messages.

By accessing the legal ‘field’, this strategy can be argued as an attempt to produce a form of cultural capital, where ideas will be more likely to be accepted due to aspects such as educational credentials, or in this case, type of argument and evidence presented. Rather than expressing arguments through previous experiences and stories, those contesting the practice of ‘carding’ instead make arguments of constitutionality, expressing that “[...] the United Nations Charter of Rights and Freedoms, Section 11 of the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code, all affirm that everyone has the right to be free from unlawful search and seizure (Toronto Police Service Board, 2013, p. 39). This is further supported through factual evidence such as “[w]hile 8.1 percent of Toronto’s population is Black, 30 percent of violent crimes charged, laid between 2008 and 2012 were laid against Blacks (Toronto Star, August 2013, p. 31). Similar arguments were seen in Chapter 2 concerning constitutionality surrounding stop and frisk policing in New York City. Academics (Bellin, 2014; Fagan & Geller, 2015; Meares, 2015) claimed that for the New York stop

and frisk policy to be successful, longstanding civilian rights (i.e. Fourth Amendment) of the United States Constitution must be bent.

Throughout Chapter 4, those contesting ‘carding’ argue that the practice is illegitimate, and provide current and previous legal cases to the public along with factual evidence to support this. This can be seen through the reliance on statistics surrounding the police practice of ‘carding’ throughout the Toronto Area. Data compiled in Chapter 4 of this paper argue that marginalized populations, especially young males of these marginalized communities are disproportionately targeted by Toronto Police practices, and these practices lead to physical, mental and emotional harm on civilians. Literature in Chapter 2 supports this, providing factual evidence that police practices, such as the practice of ‘carding’, targeting minority groups intentionally. Brayne’s (2014) research has shown that excluding traffic stops, over five million people in the United States are involuntary detained by police every year (Stuart, 2015, p. 280). Stuart (2015) argues that in certain neighborhoods throughout Los Angeles, residents reported by stopped and questioned by police an average of 5.3 times a year (p. 289). In Canada, Marshall (2017) provides evidence showing that from 1996 to 2002, the Toronto Police Service disproportionately ticketed Black motorists for traffic stop violations and were treated more harshly than arrested. Owusu-Bempah (2014) argues in Chapter 2 that over three-quarters of Black respondents surveyed in Toronto believed that a Black person is more likely to be unfairly shot by police than a white person. Moreover, the same literature found that nearly half of white and Chinese respondents surveyed in the Toronto area agreed that a Black person is more likely to be unfairly or wrongly shot than a white person (Owusu-Bempah, 2014).

This providing evidence that Political Sociology is not simply an idea of accepting behaviors created within specific groups such as seen in the institution of the police, but the theoretical framework also shines light on groups trying to gain access to specific ‘fields’ in society to gain forms of capital not as easily accessible, or as readily accepted within other fields throughout society.

However, to fully understand the arguments of activist groups and the contestation of ‘carding’, the same emotional arguments used to defend the controversial police practice can be applied. In Chapter 2, Kennelly (2009) defends that activism is created in part by the ‘habitus’ of an individual, including their family history, political affiliation, as well as their race and class background. This reliance on the concept of Bourdieu’s ‘habitus’ can help the reader recognize the emotional arguments made by those who contest ‘carding’ in Chapter 4.

Despite relying mainly on legal and factual arguments, those who voiced their emotions in Chapter 4 expressed anger, fear, and resentment towards the current process. These findings are much more in line with themes present in previous literature. Political Sociology argues that this is a result of a lack of trust and cooperation felt between the police and community groups. These core feelings are passed down through personal experiences, shared narratives, and interpretive frames located within their groups (Goldsmith, 2005). Chan (2004) for example, argues that ‘habitus’ can be understood as “[...] dispositions which agents acquire either individually, through family and the education system, or as a group, through organized socialization” (p. 333).

As discussed in the literature, the more often minority group members chat with neighbors who share their ethnic background, the less trust they have for the police (Van

Craen, 2013). This literature provided by Goldsmith (2005) and others (Hawdon, 2008; Bjornstrom, 2015, Fagan & Geller, 2015) support how an individual's 'habitus' is affected by the perceptions and attitudes of the people surrounding them. If their work colleagues and neighbors harbor negative feelings towards the institution of the police, these negatives perceptions are more likely to be passed along, leading to further distrust and lack of cooperation between the public and the police. This distrust is common throughout previous literature, a recent study by Eterno et al. (2016) found that Americans' confidence in the police is at a 22 year-low of 52 percent, particularly among male minority youth (p. 694).

As discussed Chapter 4, youth in the city of Toronto expressed a desire to forge better relationships with the police. A goal for trust and cooperation to be a key component to modern day policing. As one young male expresses in their consultation "I believe we all want a day to come where youth are known to police for positive, pro-social reasons rather than reasons of suspicion" (OPACY in Toronto Police Service Board, 2013, p. 44). This can hopefully be a sign of hope in the future of public-police relations.

Dealer's Choice: Legislative Result of Political Contest

Despite these themes emerging through reports and recommendations made by groups supporting and contesting the practice of carding, one of the final questions of this paper was to recognize what arguments influenced the opinion of the provincial administration and were adopted by the Ontario government.

The Ontario government, through their online newsroom platform, argue that with

this legislation, Ontario is building safer communities and protecting individual rights by banning the arbitrary and race-based collection of identifying information by the police, referred to as ‘carding’ or ‘street checks’ (Ministry of Community Safety and Correctional Services, January 1 2017). The legislation, for the first time in Ontario’s history, outlines clear and consistent rules for a range of voluntary police-public relations where police are seeking to collect information (Ministry of Community Safety and Correctional Services, January 1 2017). As explained by then Minister of Community Safety and Correctional Services, Yasir Naqvi

This regulation delivers on our government’s commitment to prohibit carding and street checks in Ontario. It both bans the arbitrary and race-based collection of identifying information and establishes clear and consistent rules for police officers to protect individual rights in interactions that help keep our communities safe. Our regulation reflects the public input we received from Ontarians, and our work with civil liberties, human rights, policing, legal and community partners, as well as ethnic and cultural groups. These important changes will help strengthen public accountability and foster increased public trust in police, which is essential for building a stronger, safer Ontario. (Ministry of Community Safety and Correctional Services, January 1 2017).

This statement seems to follow closer to the discourse provided by the Toronto Police and the justification of the practice of ‘carding’. Although it speaks of a ban concerning the controversial police practice, the language speaks more to a more transparent, but just as real version of the police practice of ‘carding’, relying once again on a narrative to ‘build safer communities and protect individuals’.

As of January 1 2017, officer must provide a reason for requesting information, and according to the new legislation, the reason cannot be (1) arbitrary, (2) because a person declined to answer a question or attempted to end the interaction, and (3) based on

race or solely because an individual is in a high crime location (Ministry of Community Safety and Correctional Services, January 1 2017).

The Ontario Government argues that the final regulation, which is mandatory for all police services across the province, reflects feedback from public consultations with the public. However, several criticisms have been brought forward. One major criticism brought forward against the new legislation is that the definition of ‘street checks’ is too broad. The MCSCS define street checks as, “a tool police use ‘to engage and record interactions with individuals who activities and/or presence within their broader context (eg., location, time, behavior, etc.) seem out of the ordinary” (Gillis & Rankin, 2015, Toronto Star). However, critics argue that this does not capture the reality of street checks, which involve arbitrary detentions. Knia Singh, a Toronto Law student who launched a Charter challenge against the police practice of ‘carding’ argues “[w]hat we’ve always been fighting is the non-criminal investigation of people. What [they are] missing is the whole point of people just walking on the street, standing on the corner or minding their own business and getting stopped” (Gillis & Rankin, 2015, Toronto Star).

Similarly, the Ontario Human Rights Commission is concerned that the definition does not go far enough to address the ‘systemic issue’ underlying the overrepresentation of racialized people in street checks interactions. They challenge that police may perform street checks when individual activities ‘seem out of the ordinary’. Ruth Goba, interim chief commissioner for OHRC finds this simply too broad, arguing “[...] unguided officer discretion to initiate street checks is ‘fertile ground for racial profiling’” (Gillis & Rankin, 2015, Toronto Star). OHRC provide a recommendation that the current

regulation be amended to “[...] narrow and provide more guidance on the circumstances in which police may approach individuals in a non-arrest scenario and collection identifying information” (“ORHC Submission to the Independent Street Checks Review...”, May 1 2018).

This is further supported through an argument made in Ottawa claiming that the new legislation does not apply when police are conducting a traffic stop or when they have reasonable grounds to believe an interaction is necessary to investigate a specific offense (Cossette, January 29 2018, CBC News). In Ottawa, a 2017 tally found that just seven people were stopped for a street check. Critics are hesitant to accept these statistics, claiming that even in Ottawa, being stopped and ‘carded’ by the police is a massive issue according to Dahabo Ahmed Omer, a spokesperson for the Justice for Abdirahman Coalition (Cossette, January 29 2018, CBC News).

These findings are in a large part unsurprising to the reader. The majority of previous literature (Chan, 2004; Chan, 2007; Ganapathy and Cheong, 2016), concluded that although all voices can be heard, historically the government has defended the institution of the police in these instances, attempting to adjust the practice rather than condemn it.

Previous literature provided in Chapter 2 support these concerns. Van Craen (2013) argues through a performance model that if civilians do not feel valued or if their rights are properly regarded, they will hold dissatisfaction and a lack of legitimacy towards the police. Goldsmith (2005) supports this, concluding that police who are consistently required to enforce unpopular laws, such as traffic stops, will gradually lose

public support for their general duties. Similarly, Gilmour (2006), argues that the only way to build strategic trust in police is in an environment where people trust the police to operate in their best interest and not those driven by some sort of agenda or a means of fulfilling a target. We can see through previous literature that the implementation of this report and its policies by the Ontario government is troublesome. Previous literature dictates that the Ontario government will have difficulty gaining popularity or acceptance from those oppose the police practice of ‘carding’, just as previous police practices implemented in a similar way have struggled in the past.

However, despite these concerns brought forward through the implementation of the new legislation, police chiefs, notably Peel Region Police Chief Jennifer Evans argue the limits that the new legislation brings has empowered criminals. Through an interview with the Globe and Mail, Evans expresses that the new laws “[...] has empowered criminals, who think officers won’t stop them, they now are more confident that they will get away with carrying guns and knives. We have seen an increase in violent crime over the past year (Hayes & Gray, June 28 2018, The Globe and Mail).

In January 2018, Ottawa Police President Matt Skoff drew a direct link between the degree in police interaction with the public that resulted from the change in legislation, and the recent spike in violent crime across the nation’s capital (Mussa, January 30 2018, CBC News). However, critics, such as Toronto Journalist and activist Desmond Cole, argue that there this no evidence of this. Cole presents that [the Ottawa Police] has capitalized on the fact that there’s poor public information on this, that there is fear among quarters on the public [...] [i]f there really are 40 murders in a city on year

and 60 the next, can you attribute that really to one factor? Do they have data to back that up? No”. (Mussa, January 30 2018, CBC News).

This ties very closely to arguments made in Chapter 2 of this paper (Loader, 1997; Chan, 2004, Swartz, 2013), but also our Findings and Discussion chapters. The Police do not enjoy constraints on their ability to control public safety, as if evident in Chapter 2 and Chapter 4 of this paper. Both parties seem to hold reservations to this legislation brought forward by the government of Ontario.

At the end of the day, police officers such as Keada Edwards Pierre, an officer with the 54 Division of the Toronto Police Service, present that “[...] the question isn’t ‘does it exist?’. The question is how do we address it?” (“A year after Ontario moved to restrict carding...”, March 7 2018, CBC News).

It can be seen through the creation of this legislation, that changes made to address the police practice of ‘carding’ have not satisfied those who have previously contested or even supported the practice. What the response to this legislation begins to show is that the issues discussed in the legislation and in this project, are continuously moving. In order to try and address concerns addressed by both sides, it is important to do just as TPS Officer Pierre and the collection of literature clearly articulate, continuously work with the groups involved, rather than attempting to produce a firm solution.

Chapter 6: Conclusion

A New Hope

In this chapter, I review the purpose and significance of this study. From there, I discuss policy implications of the findings. The chapter then concludes with the project's strengths and limitations, along with directions for future research.

Significance of the Present Study

According to the literature, for decades the relationship between the police and the public has been strained. As seen in this thesis, most recently this strain is because of perceived racial profiling by the institution of the police. This strain is linked to the relationship between subjects of marginalized communities and an overrepresentation in police arrests (Harris, 2013; Bellin, 2014; James et al., 2016), more media coverage on these issues (Warren & Tomaskovic-Devey, 2009), a lack of trust to assist law enforcement (Tyler & Huo, 2002; Flexon et al., 2009; Eterno, 2016), and a shift in policing practices (Ericson & Haggerty, 1997; Hodgson & Orban, 2005; Haggerty, Doyle, and Chan, 2011; Whitaker, Kealey, & Parnaby, 2012; Bellin, 2014; Owusu-Bempah, 2014; James et al., 2016). As risk-management is becoming more and more of a real issue within the institution of the police, practices such as stop and frisk and 'carding' have been developed to address ongoing concerns. However, these practices have historically led to racial profiling and discriminatory practices towards marginalized community populations, leading to distrust and lack of cooperation from within the community.

This issue has been researched in depth throughout the United States through major cities that rely on stop and frisk practices such as New York City and Los Angeles,

however limited research has been conducted on how these practices are conducted and perceived in Canada.

When the Toronto Star report was published in 2012, claiming that racial profiling by police officers was a key concern throughout Ontario's capital of Toronto, several parties jumped to defend and contest the police practice of 'carding'. This project provides in-depth insights on these already re-occurring themes throughout the United States by taking a 'snapshot' of the situation of the police practice of 'carding' in Toronto, and expands on a limited amount of literature concerning policing in Canada.

Furthermore, this project allows for an understanding of a current issue in stop and frisk policing through a new theoretical framework. Political Sociology and its' concepts helps us understand that the police are not solely a technical institution but are influenced by social and political factors as well. That being said, this project was not intended to encompass and expand stop and frisk policing in its entirety. Rather it provided a snapshot understanding of how the police practice of 'carding' in Toronto was justified, contested, and eventually made more accountable and transparent. Therefore, this project does not attempt to analyze the relationship between the police and the community.

We see through the Findings and Discussion of this paper that the parties involved in the 'carding' process voiced similar arguments seen in the collections of literature, however developed some emotional themes that were limited in previous literature. This is highlighted through the risk discourse that was limited in previous Political Sociology literature, and allowed this project to explore this gap in the literature further.

Furthermore, our discussion has allowed the reader to see a different lens of the ‘carding’ debate through the theoretical lens of Political Sociology. This can be seen through those contesting the use of ‘carding’ accessing the legal ‘field’ to express their concerns against the police practice. We saw that in previous literature, those contesting the police practice of ‘carding’ used mainly emotional and factual arguments to support their arguments. However, our findings have shown that those contesting ‘carding’ are just as likely to try and access a legal field to try to voice their concerns.

Strengths and Limitations of Data

In the present study, a document analysis was used to gather arguments that supported and contested the police practice of ‘carding’ throughout the city of Toronto and the province of Ontario. As explained in Chapter 3, the analysis of these documents presented several specific themes that can be used to understand the stance of the groups involved. This document analysis allowed the collection and analysis of several documents presented by multiple groups involved in the attempt to improve trust between the police and the public, permitting this project to gather various themes and arguments made by a wide range of groups. For example, this project could take themes from a wide range of groups either defending or contesting the police practice of ‘carding’ and determine if the arguments made were similar across similar parties. This information had not been extensively explored in a Canadian context. Although this project provided valuable insight to try and further understand ‘carding’ policing in a Canadian context, it is limited to the province of Ontario. Further research will need to explore evidence in other areas of the country to gain a full understanding of the practice of ‘carding’ throughout Canada as a whole.

However, while the document analysis used in the project was useful for exploratory purposes, there are certain limitations associated with it. Although our findings offer valuable insight into the police practice of ‘carding’ in Ontario, specifically Toronto, it is unable to speak to the population directly. The accounts found in the Findings of the paper cannot speak to all affected by the police practice of ‘carding’. Therefore, the arguments seen in this project cannot be viewed as “truths”, but simply as statements made by individuals and groups involved in the consultation surrounding the police practice of ‘carding’. Consequently, I am less confident in my ability to make claims about all impacted by the police practice of ‘carding’ in Canada. Knowing this, open-ended interviews should be implemented to determine whether similar themes emerge in other major cities across Canada.

Also, evidence was found in Chapter 4 expressing interest from youth in Toronto. This interest explores an aspect of this ‘carding’ issue that Political Sociology was not able to fully understand. Despite distrust and contestation from the majority of marginalized groups, still our younger generations see hope for the future of the police-public relationship. This will have to be further explored in future research endeavors.

Furthermore, using purposive sampling, this project did not analyze all documents published between the years of 2012 and 2015. Although it allowed myself as a researcher to determine what published documents were relevant, the project also did not give much attention to any publications before and after this created timeframe. Any future research regarding the police practice of ‘carding’ within Ontario, and more broadly in Canada, should take into consideration these gaps. This would provide the literature with a better understanding of narratives surrounding police practices among

different cities and regions across Canada. From there, results from this research could be used to determine which narratives are used to justify and contest carding and whether these narratives influence legislative decisions. This future research could take us into other concepts and ideas of Political Sociology.

Chapter Summary

In this chapter, I reviewed the significance and the purpose of the present study. From there, I discussed the policy implications of my findings, and reintroduced my research questions. I then concluded with the study's strengths and limitations, along with directions for future research in the field of 'carding'.

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ANNEX A

Title:	Published By:	Date:	Consulted With:
Toronto Police Service Board Street Checks Subcommittee	Toronto Police Service Board	2012, April 5 – 2013, November 3	1) Toronto Police Services 2) Ontario Human Rights Commission 3) Ontario Bar Association 4) Canadian Civil Liberties Association 5) African Canadian Legal Clinic 6) Urban Alliance on Race Relations 7) Toronto Police Accountability Coalition 8) Black Action Defense Committee 9) Frontline Partners with Youth Network 10) Justice for Children and Youth 11) Office of the Provincial Advocate for Children and Youth 12) Law Union of Ontario 13) Black is Not a Crime 14) Justice is not Colour Blind 15) Public Consultation with citizens and academics
PACER II	Toronto Police Service	2013	1) Toronto Police Service (across all Ranks and Unit)) 2) Civilians (unclear how this was sampled)
Submission on Behalf of Law Union of Ontario	Law Union of Ontario	2013, June 23	1) Law Union of Ontario Members
Preliminary Toronto Star Analysis of CIPS/FIR	Toronto Star	2013, August 7	1) Analysis of CIPS and FIR Data collected through Access to Information and Privacy requests

Submission to Toronto Police Service Board	Law Union of Ontario	2014, April 4	1) Law Union of Ontario Members
Submission to the Toronto Police Services Board on the draft policy for “street checks” and community contacts	Provincial Advocate for Children and Youth	2014, April 8	1) PACY Members
Joint Statement of Principles between the Toronto Police Services Board and the Toronto Police Service Concerning Community Engagements	Toronto Police Service Board	2014, April 24	1) TPSC Board Members 2) Toronto Police Service
Submission to the Toronto Police Service Board. RE. Community Contacts Policy	Law Union of Ontario	2014, May 25	1) Law Union of Ontario Members
Submissions to the Toronto Police Services Board Meeting	Canadian Civil Liberties Association	2015, March 26	1) Canadian Civil Liberties Association Members
Consultation Response on Street Checks to Ontario Government	Ontario Federation of Indigenous Friendship Centres	2015, August	1) OFIFC Members 2) Human Rights Legal Support Centre
Street Checks Consultation Summary: Ottawa	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, August 21	1) Public Consultation with citizens and Academics in Ottawa

Street Checks Consultation Summary: Brampton	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, August 25	1) Public Consultation with citizens and Academics in Brampton
Street Checks Consultation Summary: Thunder Bay	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, August 27	1) Public Consultation with citizens and Academics in Thunder Bay
Submission to Ministry of Community Safety and Correctional Services Carding and Street Checks	Legal Aid Ontario	2015, August 28	1) Legal Aid Ontario
Submission to Ministry of Community Safety and Correctional Service	Canadian Civil Liberties Association	2015, August 31	1) Canadian Civil Liberties Association Members
Street Checks Consultation Summary: London	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, August 31	1) Public Consultation with citizens and Academics in London
Street Checks Consultation Summary: Toronto	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, September 1	1) Public Consultation with citizens and Academics in Toronto 2) Black Action Defense Committee 3) Coalition of Black Trade Unionists 4) Ontario Members of Parliament

			5) African Indian Coalition Organization
Submission: Summary of Consultation Efforts	Ottawa Police Service	2015, September 25	1) Ottawa Police Services 2) Several different organizations across the city of Ottawa
Summary of Feedback: Online and Written submissions on Street Checks	Ministry of Community Safety and Correctional Services (Government of Ontario)	2015, October	1) 510 Submissions (476 members of the Public & 34 Groups and Associations) 2) Ontario Human Rights Commission 3) Ontario Bar Association 4) Ombudsman of Ontario 5) Canadian Civil Liberties Association 6) Toronto Police Association 7) Toronto Police Service 8) York Regional Police 9) Information and Privacy Commissioner of Ontario 10) African Canadian Legal Clinic 11) Consultation with Members of public through 12) online Consultation and from 5 specific cities - Toronto - Ottawa - London - Brampton - Thunder Bay

ANNEX B

Justifying Carding

Keywords/Key Phrases	Amount of times used in Reports/Recommendations
Understanding how information databases can help police	2
Training Officers/Educating Public	23
Public Safety	26
‘Carding’ process is random	2
Stops are made with Probable Cause	10
Rules regarding Reasonable suspicion are already in place	3
Allows for the collection of data to study/educate/prevent	19
Builds trust with and way to engage with communities	14
Pre-emptive police work (intelligence gathering, investigative tool)	7
Carding is effective	3

Contesting Carding

Keywords/Key Phrases	Amount of times used in Reports/Recommendations
Statistics showing racial profiling/Racialized youth men are disproportionately stopped	47
Undermines police/community relations	53
Statistics showing racial profiling	13
Constitutionality/Violation of Charter rights	87
Informing individuals of their rights/More accountability	21
‘Carding’ infringes on privacy	5
No practical use for ‘carding’/ Abolish ‘Carding’	22
Abuse of power/Power imbalance	14
Change Police Culture	1