



## Police board targets 'wall of silence'

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A construction worker is owed months' worth of wages from his deadbeat boss. A domestic worker is robbed and assaulted on the street. A bystander witnesses a shooting on her block.

But none comes forward to police, fearful of being the one who gets "caught."

It's a conundrum faced by many crime victims and witnesses who, because they're among the estimated 200,000 people living in Canada without legal status, are afraid to call police for help — or come forward to tell what they know about a crime.

But that may change after the Toronto Police Services Board meets today to vote on a proposal endorsing a "don't ask, don't tell" approach that would restrain police from demanding that victims and witnesses reveal their immigration status.

"This is going to be a significant milestone for the non-status community, that the police have finally acknowledged the reality that they face every day," noted Sima Sahar Zerehi, a spokeswoman for the Don't Ask, Don't Tell Campaign, a two-year-old grassroots advocacy group for non-status migrants.

"This is a very positive first step. Anyone, regardless of immigration status, should be able to access police protection and services without fear."

The policy, which has been adopted by more than 50 jurisdictions in the United States, isn't without controversy.

Critics argue that police officers have a responsibility to uphold provincial and federal laws and that the illegal status of a victim or witness could be abused by defence lawyers and jeopardize subsequent prosecutions. But proponents argue that "don't ask, don't tell" would encourage more people to co-operate in police investigations.

"In light of the current gun violence facing the city, removal or relaxation of any legal requirement to report the immigration status of victims and witnesses would be a concrete way for the federal government to assist the city and the (police) service," police services board chair Alok Mukherjee wrote in a four-page report to be considered today. If the proposed policy passes, the board would also write to the federal citizenship and immigration minister requesting that orders of removal be stayed against any illegal migrant who is a witness in a criminal case until the trial is over.

The move was prompted by Torontonians Steve Watson, who lodged a formal complaint with the police service in November 2004, after reading about the arrest and deportation of an assault victim who was in Canada illegally.

Watson, an education co-ordinator with the Canadian Auto Workers union, complained that the practice of asking about immigration status and providing that information to federal authorities makes people afraid to call police for help.

The issue was initially dismissed by incoming Police Chief Bill Blair, but the board heard the complaint last August and decided to set up a working group that would review existing practices and make recommendations.

"I was trying to make a point about our public safety," Watson explained, saying that for many victims, the consequences of being reported to immigration authorities outweigh the consequences to the criminal.

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**New York's policy restricts**

## questioning about

### immigration status

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"People can't report a crime and police can't get the co-operation they need and are asking for in solving some serious criminal problems. Everyone should be entitled to protection from criminal acts."

The working group's report points out that such major cities as Houston, Los Angeles, Chicago, Seattle and San Francisco now restrict police and other officials from asking about or reporting the immigration status of individuals.

In 1986, for example, the city council of Oakland, Calif., banned all departments and employees from assisting or co-operating with any immigration investigation, detention or arrest procedures "relating to the alleged violations of the civil provisions of the immigration laws."

New York City adopted a policy three years ago instructing police not to inquire about a person's immigration status "unless investigating illegal activity other than mere status as an undocumented alien." And such an inquiry is completely out of the question for "victims, witnesses or others who call or approach the police seeking assistance."

The Toronto District School Board has adopted admission policies to ensure that children whose parents don't have legal status here aren't treated differently.

It doesn't report non-status individuals to immigration officials.

"Don't ask, don't tell" also applies to library and recreation services, where municipalities don't act as agents for higher governments. But it's a different story when it comes to social housing, welfare and health care — fields where the province requires social insurance numbers.

City Councillor Joe Mihevc (Ward 21, St. Paul's) said the police fall into a grey area.

"For those perpetrating crime, police have to do background checks and if the person is not legally here, they are bound to inform immigration officials," said Mihevc, who chairs the Mayor's Roundtable on Access, Equity and Human Rights.

"Our concern here has to do with the victims and witnesses of crime. It's in the public interest for us as a city not to require this information on them ... and provide an argument for them to conceal a crime."

Watson, who sat on the police board's working group, said he is pleased with the recommendations but feels they could have gone further and embraced an unconditional "don't ask, don't tell" approach.

"Right now, it says that police should not ask victims and witnesses about their immigration status, *unless* there are bona-fide reasons to do so," Watson noted.

"But what are those bona-fide reasons? If the board and the chief don't spell it out, the issues won't be fully resolved."

For the sake of "accountability," he recommends that police be required to keep records of the reasons whenever they do decide to ask a victim or witness about immigration status.

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