# RACE, POLICING AND SOCIAL UNREST DURING THE COVID-19 PANDEMIC

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## Abstract

Black Canadians have a historically tenuous relationship with the police. The negative perceptions of the police held by Black people result from high levels of police contact and perceived negative treatment during these encounters. Well publicized instances of police violence involving Black and other racialized individuals also foster hostility and mistrust of the police, sometimes resulting in social unrest. This paper situates the recent widespread social uprisings resulting from police violence in the context of the racial and social inequities exposed by the COVID-19 pandemic. A series of related recommendations are made.

## Introduction

An article published in the September 5th edition of the *Toronto Star* newspaper ran with the following headline: "In 1999, cops pulled over Dee Brown, a Black Raptors player. Two decades later, CEO Masai Ujiri is shoved on the basketball court. Has anything changed?" The article refers to two cases of police misconduct involving high-profile members of Toronto's professional basketball team, which reverberated through Canada's Black communities. The opening paragraphs of the article read:

> A Black man driving a fancy car is pulled over for speeding on the Don Valley Parkway in the early morning hours after a Halloween party. The arresting officer runs a licence plate check to see if the car is stolen before pulling the driver over, and prepares a second set of notes about the stop. The man is charged with impaired driving after failing a breathalyzer test.
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> At a subsequent trial, the judge called the man's racial-profiling claims "conversation stoppers" and suggests he apologize for such allegations against the officer. The man is convicted, fined $2,000 and banned from driving in Canada, a decision that is eventually overturned thanks to a "landmark" ruling by the Ontario Court of Appeal that acknowledges some police officers target racial minorities out of a belief that they are more likely to commit crimes.
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> Twenty years later, another Black man is making his way onto a basketball court in Oakland, Calif, where the team he runs is celebrating its first NBA championship. As he goes to pull out the credential that allows him access to the court, he is shoved twice by an on-duty sheriff's officer. The man shoves back.
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> The sheriff's office recommends criminal charges be laid. When the district attorney's office decides against it, the officer files a federal lawsuit against the man, seeking damages. The man makes it clear he believes the incident occurred because he is Black. The sheriff's deputy claims those are false allegations of "racial animus and prejudicial bias."

> Nearly two decades elapsed between the Nov. 1, 1999 night when a police officer stopped former Raptors guard Dee Brown in Toronto and the June 13, 2019 night when current Raptors president and CEO Masai Ujiri was involved in an altercation with Alameda County Sheriff's deputy Alan Strickland. Local legal experts believe the similarities between the two cases, namely the allegations of racial profiling, highlight how little progress has been made in the fight against anti-Black racism.[i]

These instances of police misconduct have hit home for many Black Canadians and the question "has anything changed?" is an important one. Indeed, police race relations in Canada are strained at the best of times. Decades of research and Task Force reports have highlighted the gulf between Black communities and the police. While efforts to address this gulf have waxed and waned over time, police race relations have taken centre stage in the midst of a global pandemic and following the high-profile police killings and shootings of Black people in Canada and the United States. This paper provides a brief overview of Black peoples' perceptions of and experiences with the police, highlighting the role of excessive force in shaping these perceptions and experiences and in prompting social unrest. This discussion is situated within the broader Black COVID-19 experience, examining how the pandemic exposed the grave social inequities experienced by Black and other racialized populations, provoking widespread fury and outrage.

## Race and Perceptions of the Police

Research has consistently shown that Black people and members of some other racial minority groups (e.g. Indigenous, Latinx) hold more negative views of the police than white people.[ii] As part of its research into systemic racism in the Ontario criminal justice system in the early 1990s, the Commission on Systemic Racism surveyed members of the general public in the Greater Toronto Area (GTA) about their perceptions of the justice system. Their research found that over half of Black, white, and Chinese respondents believed that the police treat Black people differently than white people.[iii] This study was replicated in 2007, fifteen years later, to examine whether there were changes in citizens' perceptions of the system. Despite the myriad race relations initiatives that were implemented in the intervening period, the more recent study found that perceptions of bias had actually increased amongst both Black and white respondents. For example, in 1994, 76 per cent of Black respondents felt that the police treated Black people worse or much worse than they treated white people. By 2007, this figure had risen to 81 per cent.[iv]

Outside of the GTA, researchers have used data from Canada's General Social Survey (GSS) to examine perceptions of the police held amongst "visible minorities" as a collective group. Drawing on the 1999 and 2004 GSSs respectively, O'Conner and Cao both found that visible minorities held less positive views of the police than white people. [vvi] Recognizing that the visible minority category encompasses members of different racial groups with very different experiences, Sprott and Doob disaggregated those classified as visible minorities and included Chinese, South Asian and Black respondents in their analysis of 2009 GSS data and compared them with the views of Indigenous and white respondents.[vii] They also separated what they considered to be the interpersonal-interaction items contained in the GSS (whether the officers were approachable and easy to talk to, whether they treated people fairly) from the technical items (enforcing laws, responding promptly, supplying information to the public and ensuring safety). Sprott and Doob found that Black and Chinese people in Ontario rated the police more negatively than white people on the interpersonal questions, but not on the technical questions. Indigenous people held more negative views

on both the interpersonal and the technical questions than did white respondents. Perhaps unsurprisingly, these negative perceptions are a product of the nature of police treatment experienced by these groups.

## Experiences with Police

Research also shows that the negative perceptions of the police held by Black people and members of other racial minority groups stem, at least in part, from their interactions with law enforcement. My research with Prof. Scot Wortley, for example, has shown that Black people feel more negatively about their treatment at the hands of police than do members of other groups. Indeed, in one study we found Black respondents to be less likely than their white and Chinese counterparts to have been told the reason for their last police stop by the officer involved, less likely to feel that the officer treated them with respect, more likely to feel the stop was unfair, and more likely to report leaving the encounter feeling "upset."[viii] We also know that perceptions of mistreatment during stops are compounded by the volume of police stops experienced by Black people. Multiple studies have shown that Black people experience higher levels of contact with the police (e.g., stop and search) than members of other racial groups.[ixxxi] As "Willie," a young man I interviewed on the matter told me several years ago: "I get stopped a lot – I was stopped four times in one night and questioned. It is annoying because they don't look at anyone else."[xii] The feeling of being "singled out," also the title of the *Toronto Star's* first groundbreaking series on racial profiling in Canada, is commonplace among Black Canadians and clearly fuels their frustrations with police.

The phenomenon of police "carding" in Canada also contributed greatly to antipathy towards the police as a result of excessive stops. In addition to a stop, carding involves the gathering of information about the person stopped by the police which is then entered into a police database for "intelligence purposes." The practice is controversial, not only because of the racially disparate way in which it is practiced, but also because there have typically been few controls over how the information collected was to be stored and used, including who it could be shared with and under what circumstances. Data from across the country shows that Black people are overrepresented in the carding activities of a range of police services, including those in Vancouver, Halifax, Peel, Waterloo, Hamilton, London, Ottawa and Toronto. The *Toronto Star's* analysis of more than 1.7 million "contact cards" filled out by the Toronto police between 2003 and 2008 found that Black people comprised almost 25 per cent of those documented by the police, while representing only 8.4 per cent of the population. Importantly, the data also indicates that Black people are overrepresented in police "contact cards" for all areas of the city, regardless of neighbourhood crime rate or racial composition, debunking the assertion that Black people are only stopped in high crime areas of the city.[xiiixiv] While the practice of carding has come under increased scrutiny and oversight, we still see various forms of discriminatory policing playing out. Most recently, this has occurred in the context of "pandemic policing" or the enforcement of social distancing regulations. Data from London and New York both show stark racial disparities in who is ticketed for violating social distancing laws with Black people being overrepresented in both cities. [xvxvi] While comparable data is not available for Canada, media attention to Black people being targeted by public officials and members of the public for violating similar rules in this country suggests the same phenomenon may be at play here.[xviixviii]

## Use of Force

There is perhaps no greater driver of the negative perceptions documented above than high-profile cases of use of force. Indeed, the gravity of issues relating to race and racism in the context of police use of force was recognized recently by Justice Joseph Di Luca in his decision in *R v. Theriault*, a case involving a white Toronto Police officer and his brother who stood trial for the vicious beating of Dafonte Miller, a young Black man they allege to have found stealing from a vehicle in their parents' driveway.[xix]

At the outset, Justice Di Luca carefully acknowledged the "racialized context" in which the matter before him arose. He wrote:

> My task is also not to conduct a public inquiry into matters involving race and policing. In stating this, I want to make one thing very clear. I am *not* saying that race has nothing to do with this case. Indeed, I am mindful of the need to carefully consider the racialized context within which this case arises. Beyond that, I also acknowledge that this case, and others like it, raise significant issues involving race and policing that should be further examined. To give but one example taken from the evidence in this case, one could well ask how this matter might have unfolded if the first responders arrived at a call late one winter evening and observed a black man dressed in socks with no shoes, claiming to be a police officer, asking for handcuffs while kneeling on top of a significantly injured white man.

While Justice Di Luca did not conduct a public inquiry into race and policing, he did offer a careful consideration of the influence of race in his judgement of the evidence presented. I have no doubt that this careful consideration stemmed from the fact that Justice Di Luca recognized the importance of his decision given the high level of attention paid to police use of force cases.

In Canada, public attention to issues of police violence facing Black people increased in the 1970s and 1980s with the growth in Black immigration and following high-profile shooting deaths of Black men by police in the GTA. The first series of deaths involved the shooting of 24-year-old Buddy Evans by a white officer in a Toronto nightclub in 1978 and the shooting of 35-year-old Albert Johnson by two white officers in his own apartment. These shootings and the officers' acquittals in both cases sparked community mobilization and the establishment of the public complaints commissioner in Toronto. A second series of police shootings involving Black men in the late 1980s, including those of 44-year-old Lester Donaldson in his Toronto rooming house apartment and 17-year-old Michael Wade Lawson, who was shot in the back of the head by a Peel regional police officer using an illegal hollow-point bullet prompted further community organizing and mobilization, and the establishment of a provincial Task Force on Race Relations and Policing.[xx] Despite action by government, a significant overrepresentation of Black people persists in police use of force cases. Drawing on data collected by the Special Investigations Unit, for example, a recent Ontario Human Rights Commission Inquiry found that although Black represent just 8.9 per cent of Toronto's population, they accounted for:

- 25.4 per cent of Special Investigations Unit cases;
- 28.8 per cent of police use of force cases in;
- 36 per cent of police shootings;

- 61.5% of police use of force cases that resulted in civilian death and;
- 70 per cent of police shootings that resulted in civilian death.[xxi]

As in the United States, widespread social unrest has followed high-profile instances of police use of force in the Canadian context including in response to the recent deaths of Andrew Loku in Toronto and Abdirahman Abdi in Ottawa.[xxii] Unlike the current unrest sweeping across North America and around the world, demonstrations following these deaths, however, have not been quite so sustained.

## Protesting the Police in the Midst of a Global Pandemic

The moment we find ourselves in now appears to be different from those of the more recent past. While the demonstrations following the beating of Rodney King prompted widespread public and political action in the 1990s as did the deaths of Michael Brown, Eric Garner and others in the mid-2010s, the unrest and action prompted by the deaths of George Floyd, Breonna Taylor and the shooting of Jacob Blake have spurned discussions and mobilization to tackle anti-Black racism on a scale not seen since the Civil Rights era. [xxiiixxiv] Importantly, the protests and demonstrations that have been seen from New York to Portland, Toronto to Theran, and Rome to Rio de Janeiro have taken place during a global pandemic. Those individuals who have taken to the streets to protest police brutality in particular and anti-Black racism in general have put their physical health at risk to do so. This is no coincidence. Indeed, the same factors that put Black people at increased risk of experiencing violence at the hands of the police, including various forms of social, political and economic marginalization, also increase their risk of contracting COVID-19.[xxvxxvi] Not only are Black people disproportionately likely to be the recipients of police use of force and to die at the hands (or knees) of the police but they are also more likely to be infected with and die from the coronavirus.[xxviixxviii]

As mentioned, in Toronto, Black people represent 8.9 per cent of the overall population, yet they accounted for 21 per cent of COVID-19 cases reported by the end of July 2020.[xxix] Similarly, the mapping of COVID-19 cases in Toronto by Toronto Public Health reveals stark geographical differences with the city's northwest corner being particularly hard hit.[xxx] As the *Toronto Star* reports, Toronto Public Health's map mirrors other maps showing where chronic disease, socioeconomic disadvantage, such as poverty and low post-secondary outcomes, and high percentages of residents living in high-rise buildings exist.[xxxi] The *Star* quoted Toronto's medical officer of health as saying "[t]he fascinating thing about COVID-19 is that it has actually really laid bare where the health inequities are in the city, in a way that frankly all the reports that we have done over the years just haven't done as effectively." Of course, these health inequities are strongly correlated with social and economic inequities present in Toronto and other cities across North America and around the world. Indeed, Toronto Counsellor Joe Cressy noted, "[a]ll levels of government have a responsibility for the continued health inequities that have long plagued certain neighbourhoods and all levels of government have failed to do enough. And COVID has made that painfully visible for everyone to see."[xxxii] By laying bare these inequities, the fear and unease caused by the pandemic created an environment where protest against racism and anti-Black racism have taken place.

## Conclusion: A Global Awakening?

The death of George Floyd and the ravages of COVID-19 on Black communities has furthered a growing recognition, not only that we do not live in a "post-racial" world, but in fact, the legacies of both slavery and colonialism continue to play a major role in shaping the life outcomes and social positions of Black, Indigenous and other racialized people.[xxxiii] In addition to increased public and political dialogue about racism generally and anti-Black racism in particular, acknowledgement of the continued impact of the legacy of colonialism and slavery is perhaps best captured by the recent toppling of statues depicting the architects of colonial machinery and the defenders and benefactors of slavery, such as Canadian Prime Minister John A. Macdonald in Montreal, Quebec, Confederate President Jefferson Davis in Richmond, Virginia and British merchant Edward Colston in Bristol, England.[xxxivxxxvxxxvi] As we move forward in addressing the underlying inequities that result in the racial disparities observed in both levels of police violence and in vulnerability to the coronavirus, it is important to acknowledge the potential of the pandemic to further entrench these inequalities. Indeed, not only has inequality influenced who is impacted by COVID-19, but the pandemic itself threatens to deepen inequality as economic slowdowns and quarantine measures disproportionately harm those on the margins of the labour force.[xxxvii]

## Recommendations

1. Police recruiting efforts should prioritize the selection of candidates that can demonstrate broad life experience over candidates narrowly trained in police foundations and criminal justice programs.
2. Police education, training and policy be revised to emphasize disengagement with civilians who pose no immediate danger to the officer(s) at the scene or to other members of the general public.
3. Police policy should dictate that a service weapon can only be discharged in circumstances where a civilian has a firearm or in situations where a civilian with another weapon (e.g., knife) poses a clear and immediate threat to human life.
4. Canada should develop a national police use of force database in order to foster a greater understanding of the nature and extent of police use of force in the country.
5. Given the unique role they occupy in society and in light of the immense authority granted to them, police officers should be compelled to cooperate in investigations into the use of force against a civilian.

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[i] Armstrong, Laura. In 1999, cops pulled over Dee Brown, a Black Raptors player. Two decades later, CEO Masai Ujiri is shoved on a basketball court. Has anything changed? *The Toronto Star.* Available: https://www.thestar.com/sports/raptors/2020/09/05/in-1999-cops-pulled-over-dee-brown-a-black-raptors-player-two-decades-later-ceo-masai-ujiri-is-shoved-on-a-basketball-court-has-anything-changed.html. (2020)

[ii] Brown, Ben, and Wm Reed Benedict. "Perceptions of the police: Past findings, methodological issues, conceptual issues and policy implications." *Policing: An International Journal of Police Strategies and Management* 25, no. 3 (2002): 543-580.

[iii] Wortley, Scot. "Justice for all? Race and perceptions of bias in the Ontario criminal justice system–a Toronto survey." *Canadian Journal of Criminology* 38, no. 4 (1996): 439-467.

[iv] Wortley, Scot, and Akwasi Owusu-Bempah. "Unequal before the law: Immigrant and racial minority perceptions of the Canadian criminal justice system." *Journal of International Migration and Integration* 10, no. 4 (2009): 447-473.
[v] O'Connor, Christopher D. "Citizen Attitudes Toward the Police in Canada." *Policing: An International Journal of Police Strategies & Management* 31, no. 4 (2008): 578-595.
[vi] Cao, Liqun. "Visible minorities and confidence in the police." *Canadian Journal of Criminology and Criminal Justice* 53, no. 1 (2011): 1-26.
[vii] Sprott, Jane B., and Anthony N. Doob. "Confidence in the police: Variation across groups classified as visible minorities." *Canadian Journal of Criminology and Criminal Justice* 56, no. 3 (2014): 367-379.
[viii] Wortley, Scot, and Akwasi Owusu-Bempah. "The usual suspects: Police stop and search practices in Canada." *Policing and Society* 21, no. 4 (2011): 395-407.
[ix] James, Carl. "'Up to no good': black on the streets and encountering police." *Racism and social inequality in Canada: Concepts, controversies and strategies of resistance* (1998): 157-176.
[x] OHRC. "Paying the price: the human cost of racial profiling: inquiry report." OHRC. (2003).
[xi] Fearon, Gervan & Carlyle Farrell. "Perceptions of the Toronto Police and Impact of Rule Changes Under Regulation 58/16: A Community Survey." Available: http://tpsb.ca/publications-list/send/2-publications/612-perceptions-of-the-toronto-police-and-impact-of-rule-changes-under-regulation-58-16-a-community-survey (2019).
[xii] Owusu-Bempah, A. Black Males' Perceptions of and Experiences with the Police in Toronto. Unpublished Doctoral Diss., University of Toronto, Toronto (2014).
[xiii] Rankin, Jim. "CARDED: Probing a racial disparity." *Toronto Star* (2010): A1.
[xiv] Rankin, Jim. "Race matters: When good people are swept up with the bad." *Toronto Star* (2010):A1.
[xv] Dearden, Lizzie. "Police fining and arresting black and Asian people disproportionately under coronavirus laws in London". *The Independent*. Available: https://www.independent.co.uk/news/uk/crime/police-fine-arrest-black-people-coronavirus-lockdown-london-a9546181.html (2020).
[xvi] Bates, Josiah. "Police Data Reveals Stark Racial Discrepancies in Social Distancing Enforcement Across New York City." *Time*. Available: https://time.com/5834414/nypd-social-distancing-arrest-data/ (2020).
[xvii] CBC News. "Hefty fines for Black teens playing basketball prompt questions about racism in Montreal suburb." *CBC News*. Available: https://www.cbc.ca/news/canada/montreal/hefty-fines-for-black-teens-playing-basketball-prompt-questions-about-racism-in-montreal-suburb-1.5663617 (2020).
[xviii] Yogaretham, Shaamini. "Ottawa police apologize to Black man who had woman call 911 on him for standing on a bridge." *Ottawa Citizen*. Available: https://ottawacitizen.com/news/local-news/ottawa-police-apologize-to-black-man-who-had-woman-call-911-on-him-for-standing-on-a-bridge.
[xix] *R.v. Theriault*, 2020 ONSC 3317.

[xx] Lewis, Clare. "Report of the Race Relations and Policing Task Force." Ontario: Queen's Printer (1989).
[xxi] OHRC. "A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service." Available: http://www.ohrc.on.ca/sites/default/files/TPS%20Inquiry_Interim%20Report%20EN%20FINAL%20DESIGNED%20for%20remed_3_0.pdf#overlay-context=en/news_centre/ohrc-interim-report-toronto-police-service-inquiry-shows-disturbing-results (2018).
[xxii] Cole, Desmond. *The Skin we're in: A year of Black resistance and power.* Toronto: Penguin Random House Canada (2020).
[xxiii] Gooding-Williams, Robert. "Reading Rodney King/Reading Urban Uprising." New York: Routledge (1993).

[xxiv] Cobbina, Jennifer E., Akwasi Owusu-Bempah, and Kimberly Bender. "Perceptions of race, crime, and policing among Ferguson protesters." *Journal of Crime and Justice* 39, no. 1 (2016): 210-229.
[xxv]Brown, Caitlin S., and Martin Ravallion. *Inequality and the coronavirus: Socioeconomic covariates of behavioral responses and viral outcomes across US counties*. No. w27549. National Bureau of Economic Research, 2020.
[xxvi] Zhang, Charlie H., and Gary G. Schwartz. "Spatial disparities in coronavirus incidence and mortality in the United States: an ecological analysis as of May 2020." *The Journal of Rural Health* 36, no. 3 (2020): 433-445.
[xxvii] Owusu-Bempah, Akwasi. "Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century." *Theoretical Criminology* 21, no. 1 (2017): 23-34.
[xxviii] Yehia, Baligh R., Angela Winegar, Richard Fogel, Mohamad Fakih, Allison Ottenbacher, Christine Jesser, Angelo Bufalino, Ren-Huai Huang, and Joseph Cacchione. "Association of Race With Mortality Among Patients Hospitalized With Coronavirus Disease 2019 (COVID-19) at 92 US Hospitals." *JAMA network open* 3, no. 8 (2020): e2018039-e2018039.
[xxix] Cheung, J.. "Black people and other people of colour make up 83% of reported COVID-19 cases in Toronto." *CBC News*. Available: https://www.cbc.ca/news/canada/toronto/toronto-COVID-19-data-1.5669091 (2020).
[xxx] City of Toronto. *COVID-19: Status of Cases in Toronto*. Available: https://www.toronto.ca/home/covid-19/covid-19-latest-city-of-toronto-news/covid-19-status-of-cases-in-toronto/ (2020).
[xxxi] Yang, Jennifer, Kate Allen & Andrew Bailey. "Toronto's COVID-19 divide: The city's northwest corner has been 'failed by the system'". *The Toronto Star*. Available: https://www.thestar.com/news/gta/2020/06/28/torontos-covid-19-divide-the-citys-northwest-corner-has-been-failed-by-the-system.html (2020).
[xxxii] Ibid.
[xxxiii] Owusu-Bempah, Akwasi, and Shaun Gabbidon. *Race, Ethnicity, Crime, and Justice: An International Dilemma*. New York: Routledge (2021).
[xxxiv] BBC News. "Canada statue of John A Macdonald toppled by activists in Montreal." *BBC News*. Available: https://www.bbc.com/news/world-us-canada-53963665 (2020).
[xxxv] BBC News. "Confederate and Columbus statues toppled by US protesters." *BBC News.* Available: https://www.bbc.com/news/world-us-canada-53005243 (2020).
[xxxvi] Wall, Tom. The day Bristol dumped its hated slave trader in the docks and a nation began to search its soul. The Guardian. https://www.theguardian.com/uk-news/2020/jun/14/the-day-bristol-dumped-its-hated-slave-trader-in-the-docks-and-a-nation-began-to-search-its-soul (2020).
[xxxvii] Fisher, Max and Emma Bubola. "As Coronavirus Deepens Inequality, Inequality Worsens Its Spread." *The New York Times*. Available: https://www.nytimes.com/2020/03/15/world/europe/coronavirus-inequality.html (2020).