

BREAKING 9AM-EST June 23, 2020 – By Zoom (Toronto)

COVID-19 LAW ENFORCEMENT IN ONTARIO, QUEBEC AND NOVA SCOTIA SLAMMED BY NEW REPORT

The Canadian Civil Liberties Association (CCLA) and the Policing the Pandemic Mapping Project have released a new report entitled “Stay off the Grass: COVID-19 and Law Enforcement in Canada”. The report examines Canada’s use of law enforcement and coercive fines during the COVID-19 pandemic.

“This report proves that we’ve got an ugly ticketing pandemic, replete with COVID carding and racial profiling, in Central and Eastern Canada. Somehow a public health crisis has been twisted into a public order crisis,” said Michael Bryant, Executive Director of the Canadian Civil Liberties Association, a national human rights watch-dog.

“Lessons from previous public health emergencies have shown that compliance with public health strategies is most effectively secured through good will and education – not policing, fines and arrests,” said Alexander McClelland, of University of Ottawa, who is a co-founder of the Policing the Pandemic Mapping Project.

The project’s other co-founder Alex Luscombe, of the University of Toronto, added, “for some provinces in Canada, the focus was on education, not enforcement, and many provinces very effectively ‘flattened the curve’ of the pandemic by relying on public health recommendations and education. Other provinces, however, turned to punitive enforcement to secure compliance.”

10,000 COVID tickets or charges were laid over a hundred days (April 1 – June 15), mostly in Quebec, Ontario and Nova Scotia, the Report estimates, based on publicly-available sources. \$13 Million in COVID-related fines to date have been issued across Canada.

The vast majority of COVID-related fines – a full 98% of the national total – have been issued in just three provinces: Quebec (6600 COVID-related charges, 77% of all fines), Ontario (2853 charges, 18%) and Nova Scotia (555 charges, 3%). On a per capita basis, that’s 78 tickets per 100,000 in Quebec, 57 tickets per 100,000 in Nova Scotia, and 20 per 100,000 in Ontario.

Since the outset of the pandemic, CCLA has urged governments to prioritize education over enforcement and warned of the discriminatory impacts of adopting a public order approach to a public health crisis. For the past three months the CCLA has invited Canadians to share their experiences of COVID-related law enforcement through an online ticket tracker. Most of the individual ticketing reports CCLA received were from Ontario, Quebec or Nova Scotia.

Abby Deshman, Director of the Criminal Justice Program for CCLA, stated, “Many of the experiences Canadians shared demonstrate how over-zealous, technical enforcement of confusing, broad and vague laws led to fines that were completely disconnected with the goal of protecting public health. Many others who contacted CCLA seemed to have been ticketed for actions that were not contrary to any emergency orders at all. All the tickets we were contacted about were issued without warnings or attempts at education.”

Across all three jurisdictions there were deeply concerning indications that the arbitrary rules, increased enforcement powers, and significant fines are having a disproportionate impact on specific communities, including Black, Indigenous, and other racialized groups, those with precarious housing, recent immigrants, youth, members of the LGBTQ2S community, and certain religious minorities.

“We received multiple reports of bylaw officers being needlessly aggressive with Black individuals walking through parks,” said Deshman. “Members of the LGBTQ+ community also reported that they felt targeted by law enforcement.” CCLA and The 519 reported this to the Prime Minister on May 7th.¹

Students, elderly persons on fixed incomes, single parents and those who were unemployed or about to lose their jobs all commented to CCLA that the amount of the fines they received was crushing. For many, the fine represented their entire rent or grocery budget for the month.

The report calls on governments across the country to ensure that all emergency orders are necessary, proportionate, clearly drafted and constitutional. Leaders must resist the temptation to back up every public health recommendation with the force of law and give a *carte blanche* to law enforcement. Canadians – and particularly those communities most impacted by the pandemic - need public health supports, not punitive law enforcement and fines.

The Canadian Civil Liberties Association (CCLA) is a national, non-partisan, non-profit organization that works to protect the rights and freedoms of all people in Canada. CCLA issued Canada’s first qualitative report on civil liberties during COVID last week: <https://ccla.org/cclanewsletter/wp-content/uploads/2020/06/June-2020-COVID-report-working-document.pdf>.

The Policing the Pandemic Mapping Project was launched on 4 April, 2020 to track and visualize the expansion of police power across Canada in response to the COVID-19 Pandemic. The project aims to bring to light COVID-19 related patterns of police intervention to help understand who is being targeted, what justifications are being used by police, and how marginalized people in particular are being impacted.

¹ Letter available at <https://www.the519.org/news/letters-to-pm-may2020>.

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