Race and Criminal Justice Report
Q and A By
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Q: Can you tell me about this study? What did you set out to uncover and how did you do it?

A: This research is actually a replication or repeat of a study that was originally conducted as part of the work of the Commission on Systemic Racism in the Ontario Criminal Justice System, commissioned by the Ontario Government in the early 1990s. The goal of that study was to examine whether there were racial differences in Toronto residents' perceptions of and experiences with the police and the courts. Professor Wortley replicated that work in 2006-2007 and I helped him on that study. We did so together with a graduate student, Hubin Lin, again in 2019-2020 for the Canadian Association of Black Lawyers and published our results in early 2021. Our aim in replicating the earlier work was to examine whether there had been any changes in how the public views the police and the courts and whether levels of contact, specifically with the police, over time. Each survey included a sample of adults who live in the Greater Toronto Area and who were willing to answer questions about their views and experiences with the justice system.

Q: What did the study uncover about how people view the police?

A: Generally, our respondents had positive views about the performance of the police – that is, they generally think the police are doing a good job of enforcing the law, keeping their

neighbourhoods safe and being approachable and easy to talk to. There were racial differences here, with White respondents having the most favourable views and Asian respondents the least favourable.

We also found significant differences in perceptions of police bias (whether people are treated differently based on age, race, gender and language). Our results also show that Black and Asian respondents perceived much higher levels of police bias than White respondents and that the perception of anti-Black racism in policing is particularly widespread. The majority of White, Asian, and Black respondents to our study said that they believe that the police treat Black citizens worse or much worse than White citizens. We also found that the perception of police discrimination against Black people has increased over the past twenty-five years, especially among White and Asian respondents.

Q: What about the courts? How do people view the courts system?

A: We asked people whether they felt the courts are doing a good job of providing justice quickly, helping the victims of crime, and determining guilt and innocence. Generally, we found that people had less favourable views of the performance of the courts than they did the police. Interestingly, Black respondents had the most favourable views of the performance of the courts and White respondents the lowest.

As with the police, we also found that a significant proportion of respondents perceived bias within the criminal court system. The perception of anti-Black bias in sentencing was particularly widespread and we found that Black and Asian respondents were more likely to perceive bias in the criminal court system than were White respondents.

Q: How do you explain these differences in how people perceive the justice system and importantly, why do the matter?

A: For me one of the most striking differences is the increase in perceptions of bias over time. Especially among white and Asian respondents. I would attribute this to a growing awareness about police injustice - especially involving racialized people. When you look at the earlier survey results, you see that black people perceived high levels of bias in the 1990s. These perceptions were not necessarily shared among other respondents. However by 2019, white and Asian people also perceived higher levels of police bias against black people. Since the 2020 killing of George Floyd in the U.S., anti-black racism by police has become a top global issue for the general public. That tipping point was preceded by high-profile cases of police abuse, as well as the work of various journalists, and academics in their efforts to bring public attention to racial disproportionalities in police stop and search practices. We also know of course that perceptions of the police are formed by both individual and vicarious experiences. People who have been repeatedly stopped, and who have had negative experiences with the police, are more likely to view them in a negative light. So, among black respondents, negative perceptions of the police stem from high levels of negative police contact.

A: Being unfairly singled out for police scrutiny is bad enough, but that's only the tip of the iceberg. Not only are Black people more likely to be stopped by the police, but our 2006-2007 survey also showed that when stopped, Black people were least likely amongst all respondents to report having been told the reason for the stop by the police; they were most likely to feel that they were treated unfairly, and with disrespect; and most likely to report feeling very upset by the stop. Therefore, the nature of the interactions that Black people have with the police – these perceptions of highly negative treatment – influence broader perceptions of police bias. I think it's important to point out that negative experiences with the police are shared among friends and family members as well – so direct contact with the police is not necessary to form negative opinions about the police and about policing.

These findings are troubling because we know that negative encounters with the police, can have a negative impact on individuals' physical and mental health. This is especially true for people who feel that they've been the victims of police bias or injustice. People subject to unjust police action have higher levels of depression, anxiety and PTSD. People living in neighbourhoods where aggressive policing practices are prevalent have higher rates of stress related health problems. These encounters can also contribute to views that support law violating behavior - in a very tangible way, these unjust police stops may result in increased criminal activity or behavior. Put another way, overpolicing and unfair policing not only fails to make neighborhoods safer, it increases the crime that police are supposed to diminish.

Q Why are perceptions of the police and the justice system important?

A: Perceptions of the police are important for a number of reasons. Democracy should mean that the justice system and the police serve the people; that police are accountable to the people. So it matters very much, in a democracy, what people think of *their* police. The corollary to this is that the public play a role themselves in public safety. The police rely on the public to help them solve crimes, to identify criminals, and to uphold public safety. If people do not have positive views of the police, they are less likely to cooperate as victims, as witnesses and even as the accused. They are also less likely to follow police direction, and it turns out, they're also less likely to obey the law – a growing body of literature also shows that negative police perceptions increase the likelihood of offending.

We also know that negative perceptions of the police, especially following high profile instances of police abuse, can result in social unrest. That social unrest ought to be seen as ringing a democratic alarm bell. The demonstrations that we saw sweep across the U.S. last year and subsequently, across the world, stem from perceptions of police bias. I think it's important to note that the police are front line representatives of the state and that negative perceptions of the police also reflect poorly on the state or the government itself as well.

Q: Any other important takeaways from this research?

A: Yes: our research proves that high rates of stops continue for some populations, despite a dramatic change to carding policies. In 2017 the Ontario government introduced regulations regarding police "street checks" (also known as carding), following a great deal of attention to both the high number of street checks conducted by police in Ontario each year and the glaring racial disparities in these street checks. The regulations were put in place to serve as a check on police stop and search activities (or more accurately police stop and document activities). At the height of police carding, the Toronto police were conducting between 200,000 and 300,000 street checks a year and entering these interactions in their databases. Following the introduction of the regulations, these documented interactions dropped dramatically, to the point where in 2019, the Toronto police service street check count dropped to less than 10. This led a lot of people to suggest that the police had stopped stopping people.

Number of stops	Black (%)	White (%)	Asian (%)
Not stopped	59.6	75.3	75.1
Stopped once	14.2	14.9	13.1
Stopped two or more times	26.2	9.8	11.8
Sample size	450	550	450

Table 30: Percentage of respondents who report being stopped and questioned by the police during the past two years (combined traffic and pedestrian stops), by respondents' race. *Notes:* $x^2 = 60.168$; $df = 4$; $p > 0.001$.

On the contrary, our findings show that not only had rates of police stops remained consistent, but also that the racial disparities in police stops persist. So, an important take away from this is the fact that not only are police stops continuing, and that we still see stark racial disparities in police stops, but what we have now is a situation where there is much less documentation of these stops – there is no paper trail. As we note in the report "… although Ontario's Street Check Regulation may have eliminated the formal documentation of street checks, it has not decreased racial disparities in police stop-and-question activities. Eliminating the street check paper trail has not eliminated all evidence of racial profiling."