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PROVINCIAL POLITICS

Civil liberties watchdog warns of 'ugly ticketing pandemic' during COVID-19 outbreak

By **Robert Benzie** Queen's Park Bureau Chief

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The COVID-19 outbreak has sparked “an ugly ticketing pandemic” rife with racial profiling by overzealous enforcement officers, a new Canadian Civil Liberties Association report finds.

In a 37-page study entitled “Stay Off The Grass: COVID-19 and Law Enforcement in Canada,” the rights watchdog calculates 10,000 tickets were issued between April 1 and June 15.

Quebec, the province that was hardest hit by the coronavirus, accounted for two-thirds of charges and three-quarters of the nation’s \$13 million in fines.

In comparison, there were 2,853 charges in Ontario, which made up less than one-fifth of the fines levied across the country.

“Somehow, a public health crisis has been twisted into a public order crisis,” said CCLA executive director Michael Bryant.

“This report proves that we’ve got an ugly ticketing pandemic, replete with COVID carding and racial profiling,” said Bryant, a former attorney general of Ontario.

The review, which comes on the heels of a CCLA report last Friday suggesting Canada is in the gravest curbs on civil liberties since the 1970 October crisis in Quebec, highlights allegations of racist behaviour.

“In Ottawa, an internal review has been launched into the case of a Black man who was punched by a bylaw officer. And in Toronto two Black women reported that a bylaw officer stopped them, but not other white users of the park, and said they were ‘trespassing’ and that if they were at his home he could ‘shoot’ them,” the report says.

“In mid-May, in Saskatchewan, the RCMP interrupted a sun dance ceremony of the Beardy’s Okemasis Cree Nation despite the fact that the organizers said they limited the number of people at the event and practised physical distancing.”

While the CCLA acknowledges that “unfortunately, we may never have quantitative data regarding discriminatory patterns of COVID-19 enforcement in Canada,” there is considerable anecdotal evidence of racial prejudice during a pandemic that has killed about 8,500 Canadians.

“Despite large gaps in data, however, there have been numerous reports of Black, Indigenous, and other racialized and marginalized people being targeted by COVID-19-related enforcement measures,” says the report obtained by the Star.

“Numerous individuals who got in touch with CCLA and self-identified as racialized felt that they had been targeted by law enforcement because of their race,” it continues.

“One organization that provides services to the Indigenous community in Montreal reported that a large number of their clients, many of whom were street-involved, had received COVID-related tickets and reported a significant increase in police harassment.”

The report notes the penalties for pandemic-related offences are steep.

"In Quebec the fines are most often \$1,546, and are enabled under the province's Public Health Act. In Ontario, fines enforced under the Emergency Management and Civil Protection Act are \$750, with a mandatory victim surcharge, bringing the cost of each ticket to \$880," the review says.

"In Nova Scotia, tickets are most often \$697.50. In Saskatchewan, tickets are the highest in the country, at a minimum of \$2,000 each. In all instances, the size of the fine goes up after the first alleged violation, and can potentially result in jail time.

"Although we have not seen evidence of anyone going to jail for receiving multiple tickets in Canada, there have been media reports of people being fined multiple times."

University of Ottawa criminology researcher Alexander McClelland, a founder of the new Policing the Pandemic Mapping Project, which co-wrote the report, said the law enforcement strategy may not be good for public health.

"Lessons from previous public health emergencies have shown that compliance with public health strategies is most effectively secured through goodwill and education – not policing, fines and arrests," said McClelland.

Abby Deshman, director of the CCLA's criminal justice program, noted there were common themes from the more than 100 people who contacted the rights organization to share concerns.

"Many of the experiences Canadians shared demonstrate how overzealous, technical enforcement of confusing, broad and vague laws led to fines that were completely disconnected with the goal of protecting public health," said Deshman.

"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," she said.

"We received multiple reports of bylaw officers being needlessly aggressive with Black individuals walking through parks. "LGBTQ+ folks also reported that they also felt targeted by law enforcement."



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