



# Black Legal Action Centre

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## COVID-19 Emergency Measures: Expanded Police Powers Statement by: The Black Legal Action Centre

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The Black Legal Action Centre (BLAC) is a not-for-profit corporation, mandated to combat individual and systemic anti-Black racism in Ontario. We provide free legal services to low- and no-income Black Ontarians. Our doors have been open since March 2019, and to date we have served over 1,000 Black Ontarians. In our daily work, we see the devastation of anti-Black racism and it is because of this that BLAC is deeply disturbed by the provincial government's decision to expand police powers in the province of Ontario, during this stay-at-home order.

A number of regulations made under the *Emergency Management and Civil Protection Act* (EMCPA) authorize police to question individuals they believe to be in violation of emergency measures. While the unconstitutional amendments under O. Reg 294/21 were quickly reversed after public outcry, the reality is that for Black, racialized and Indigenous people, any increase in police power results in a greater risk of being arbitrarily questioned, having their information stored by police, and potentially detained. We call this carding<sup>1</sup> – a phenomenon that still occurs in the province of Ontario. This power is further aggravated by the uncertainty of where this identifying information is stored and how it will be used.

The provincial government could have used its time and resources to develop meaningful strategies that support equitable COVID-19 responses for Black, Indigenous and racialized communities – instead, it expanded police powers. Many neighbourhoods with the highest rates of transmission are comprised of Black and other racialized populations, many of whom are essential workers – this puts them at high risk of contracting COVID-19. Existing disparities in access to healthcare, high poverty rates, housing evictions, and cramped living conditions are some of the factors that may increase COVID-19 complications in Black<sup>2</sup>, Indigenous and racialized communities. Coupled with the expansion of these new police powers, the lack of a

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<sup>1</sup> The Honourable Michael H. Tulloch, *Independent Street Checks Review*, (2018), online: <<https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/StreetChecks.pdf>>.

<sup>2</sup> CBC News, *Black people and other people of colour make up 83% of reported COVID-19 cases in Toronto* (30 July 2020), online: CBC News <<https://www.cbc.ca/news/canada/toronto/toronto-covid-19-data-1.5669091>>.



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clear vaccine strategy and paid sick leave for the majority of front-line and essential workers, COVID-19 is uniquely lethal to Black communities.

While we understand and support the need for emergency measures to fight the spread of COVID-19, these measures need to be responsive to the actual needs of Ontarians. The provincial government has been relying on a narrative of personal responsibility to prevent the spread of COVID-19, and focusing on individual behaviour related to gatherings and mobility, rather than systemic failures related to the vaccine rollout, the lack of paid sick leave and now, the expansion of police powers.

We are calling on the provincial government to follow through on its recent promise to prioritize the distribution of the vaccine to all adults in communities most impacted by systemic racism and neighbourhoods worst hit by COVID-19.<sup>3</sup> We are also calling on the provincial government to address the lack of transparency and confusion surrounding the vaccine supply, which has resulted in numerous cancellations of vaccination appointments.<sup>4</sup> Finally, we are calling on the government to rescind the extension of these new police powers. We believe that if the provincial government continues in this direction, the impact of COVID-19 on Black, Indigenous, and racialized Ontarians will last far beyond the end of the pandemic.

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<sup>3</sup> Government of Ontario, *Ontario's COVID-19 Vaccination Strategy Targets High-Risk Neighbourhoods*, (13 April 2021), online: Government of Ontario <<https://news.ontario.ca/en/release/61124/ontarios-covid-19-vaccination-strategy-targets-high-risk-neighbourhoods>>.

<sup>4</sup> CTV news, *About 10K vaccination appointments cancelled at two Ontario clinics due to lack of supply*, (13 April 2021), online: CTV News <<https://toronto.ctvnews.ca/about-10k-vaccination-appointments-cancelled-at-two-ontario-clinics-due-to-lack-of-supply-1.5386636>>.