



Black Legal Action Centre

Suite 221 – 720 Spadina Avenue • Toronto • Ontario • M5S 2T9

Written Deputation by the Black Legal Action Centre to the Toronto Police Services Board's Special Meeting January 9, 2023

The Black Legal Action Centre (BLAC) is extremely concerned by Mayor John Tory's proposal to increase the already inflated \$1.2+ billion budget of the Toronto Police Services (TPS) by nearly \$50 million.

The police have played a devastating role in the ongoing marginalization and mass criminalization of Black, Indigenous and racialized communities.¹ Both the highest courts in the country and province have recognized the role systemic racism plays in the policing of Black and low-income communities.² BLAC is particularly concerned with how the increased police budget in Toronto – and the addition of 200 more police officers – will negatively impact Toronto's low income Black communities and further strain an already frayed relationship between TPS and Black communities.

As a legal clinic that provides free legal services to Black people who are living on low or no incomes, we receive daily calls from Black people across the province who are struggling with multiple legal issues involving their housing, employment, education and their health. We see every day how under-funding communities leads to their criminalization. Last year, 12% of our legal cases were for police complaints across the province, primarily within the City of Toronto. We know that folks living at the intersection of Blackness and poverty in this city are consistently targeted by the police, and often struggle to survive and thrive in other aspects of life. They are faced with chronic under-resourcing of the very social services that could help them, and that could be strengthened by the funding that is instead being disproportionately misdirected towards policing.

In the summer of 2020, after the death of George Floyd in the US and the death of Regis Korchinski-Paquet here in Toronto, Black communities, organizers and advocates, rallied to demand to defund the police. In 2017, the TPS acknowledged in their own report, *Action Plan: The Way Forward*, that the answer to policing cannot simply be more public funding; rather, **fundamental change is needed**. Instead, the city's response has been to increase police budgets year after year. Enough is enough. The logic is simple – the police do not make all people's lives safer. For Black people, they cause more harm.

Government-commissioned reports over the last 30 years have repeatedly found that Black people are more likely to experience proactive and aggressive policing, and are more likely to be stopped,

¹ House of Commons, Report of the Standing Committee on Public Safety and National Security, 43-2, *Systemic Racism in Policing in Canada* (June 2021) at 2.6 - 2.6.2.

² *R v Le*, [2019 SCC 34](#) ["Le"]; *R v Morris*, [2021 ONCA 680](#).

Website: www.blacklegalactioncentre.ca

Email: info@blac.clcj.ca

Phone: 416-597-5831 • Toll Free: 1-877-736-9406 • TTY 1-800-855-0511

Facsimile: 416-975-5156 • Toll Free Facsimile: 1-844-302-2694 • Correctional Facilities: 1-877-279-0680

questioned, arrested, charged, over-charged, assaulted, and killed by police.³ These reports and studies have echoed what Black communities, organizers and activists have been saying for decades: that systemic anti-Black racism is embedded within practices and policies in police services across the province.

Even the mechanisms that are in place to hold the police accountable do not work. When a person submits a police complaint to the Office of the Independent Police Review Director, the vast majority are not substantiated. If they file an application to the Human Rights Tribunal of Ontario (HRTO or Tribunal), it does not succeed. BLAC's 2022 report, [Access Obscured](#) provides an analysis of 269 applications filed with the HRTO against police services in Ontario which were closed by the HRTO between 2017 and 2020. Of those 269 applications, **only one** resulted in a public decision favouring the applicant.⁴

Last year, the TPS released their race-based data, and it confirmed that the Toronto police are more likely to use force on Black people, more likely to search Black people, and more likely to point a firearm at a Black person, even when that person is not perceived to be in possession of any weapons.⁵ This data, collected in response to growing calls to address the systemic racism within TPS, requires action to address the root causes of the violence that police perpetuates. What actions have been taken since this data was released?

At the time, Chief James Ramer [apologized to Black communities](#). And now, the TPS will get \$50 million more to continue to use force on Black people, point firearms, and search Black people.

This proposed increase is in concert with the 2021 provincial announcement of a \$75.1 million investment into guns and gangs and pushes from elected officials to place police back in schools. This comes at a time when [evidence](#) increasingly shows that it is in fact **investing in the social determinants of justice**, rather than increased policing and criminalization, that creates a more healthy and equitable society. Why is the evidence being ignored? And what message is being sent to Black, Indigenous and racialized communities as a result of that consistent disregard for the truth of our experiences?

What if the professionals who respond to crises in our communities were mental health service providers, gender-based violence advocates and social workers? What would the outcome have been if a mental health service provider trained in de-escalation had responded to the call from Regis Korchiniski-Paquet's mother, rather than six police officers with badges and guns?

What if prisons and correctional facilities were not used to cage people living with mental health issues, addictions and those living in poverty?

³ Le, at paras 87, 90, 94-97; Ontario Human Rights Commission, [A Disparate Impact: Second interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service](#) (2020) at pp. 2-3; Ontario Human Rights Commission, [Use of Force by the Toronto Police Service Final Report](#) (2020) at pp. 52-77; Scot Wortley, Akwasi Owusu-Bempah and Huibin Lin, [Race and Criminal Injustice: An Examination of Public Perceptions of, and Experiences with, the Criminal Justice System among Residents of the Greater Toronto Area](#) (Toronto: X University Faculty of Law, 2021) at 66-67.

⁴ *JKB v Peel (Police Services Board)*, [2020 HRTO 172](#).

⁵ Toronto Police Service, [Race and Identity Based Data Collection Strategy](#) (2022) at pp 47-62.



What if, instead of governments slashing funding to public health, harm reduction services, access to justice, housing, food security, and the education system, these sectors and programs were properly funded?

To the members of the Toronto Police Services Board, what will you do to ensure the victims of continued police misconduct are made whole? How will the decisions you make remedy their continued trauma, degradation, and humiliation? How will your decisions ensure that they have true access to justice?

The police continue to fail to fulfil their purported mandate. They continue to fail to serve and protect Black people. And yet, year after year, all levels of government continue to pour money into police services. They do this instead of funding Black communities. The solution is not to provide the police with more money for new officers, body scanners, or training. It is to de-task the police and to redirect funding into those services that will actually protect, serve, and increase the public safety of Black people, and everyone. The police have shown that they are not up to the task.

BLAC provides this deputation in solidarity with the No Pride in Policing Coalition, Doctors for Defunding Police, and others.

The Black Legal Action Centre

Established in 2017, the Black Legal Action Centre (BLAC) is an independent not-for-profit community legal clinic that combats individual and systemic anti-Black racism by conducting research, engaging in structural transformation, and providing legal services to members of Ontario's Black communities. BLAC engages in advocacy, community development, law reform, test case litigation, and public legal education. BLAC is funded by Legal Aid Ontario and governed by a volunteer Board of Directors.