



## Defund, Disarm, Dismantle and Abolish the Police and Prisons Report



Prepared for Queer Ontario

By

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Queer Ontario is a provincial network of gender and sexually diverse individuals — and their allies — who are committed to questioning, challenging, and reforming the laws, institutional practices, and social norms that regulate queer people. Operating under liberationist and sex-positive principles, we fight for accessibility, recognition, and pluralism, using social media and other tactics to engage in political action, public education, and coalition-building.

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## **Introduction**

The news has been filled with public outrage against the racist behaviours of the police particularly against Black and Indigenous people that include carding, assaults and numerous murders. High-profile examples of violence against these communities include the murders of US Black man George Floyd, the suspicious death of Regis Korchinski-Paquet, a Canadian Black and Indigenous woman, and the killing of Chantal Moore, an Indigenous woman in Edmundston, New Brunswick. Yet, we are aware that the history of law enforcement treating these communities differently with results of indifference is a longstanding one (Maynard, 2017). The role of the police, prisons, and coercive behaviour towards racialized and 2SLGBTQ+ communities and Indigenous Treaties is integrated. This report seeks to highlight the disproportionate policing, law enforcement, and incarceration against Black, Indigenous and people of colour members of society both within and outside of the 2SLGBTQ+ communities. Importantly, we explore new opportunities for communities and their development by defunding, disarming, dismantling, and abolishing the police and prisons.

## **Cost of Canada's Criminal Justice System**

When looking at our current societal structures, it can be helpful to examine the extent to which funding is provided to the criminal justice system in this country – funding drawn from our tax dollars.

- Public spending on Canada's criminal justice system amounts to \$20 billion per year. Of that, \$5 billion is spent on jails and prisons (55% provincial, 45% federal) (Office of the Parliamentary Budget Officer, 2013)
- This amount of spending well exceeds other federal spending such as Aboriginal Affairs (\$10 billion), Department of Health (under \$3 billion), Veterans Affairs (\$3.5 billion), and the Department of the Environment (\$1 billion) (Office of the Parliamentary Budget Officer, 2013)
- The annual average cost per prisoner in Canada's federal system is approximately \$115,000 and 67,000 in provincial jails (Public Safety Canada, 2016)
- Community supervision (parole, probation) per person per year costs \$18,000 (John Howard Society of Canada, 2018)
- Between 2016 – 2020 Canada's incarcerated immigration detainees increased each fiscal year peaking at 8,825, with unprecedented numbers released during COVID pointing to alternative approaches (Human Rights Watch, 2021)

## **Anti-Black, Anti-Indigenous Racism and Incarceration**

One of the most blatant examples of anti-Black and anti-Indigenous racism in Canada is through the statistics of incarceration within these communities and their comparison to the rest of the population.

- Noteworthy are the incarceration rates of Black (7.2%) and Indigenous (31%) people compared to white people (1.5%) when Black people make up 3.5% and Indigenous people make up 4.5% of the population in Canada? (Malakieh, 2020; Owusu-Bempah, 2021)

## **2SLGBTQ+ Communities Under Attack**

In addition to and oftentimes along with Black, Indigenous and other people of colour groups, the 2SLGBTQ+ communities have a long history of surveillance, entrapment, discrimination, and abuse at the hands of the police and the criminal justice system that persists post decriminalization.

- There is a long history of police trying to regulate sexual relations within the 2SLGBTQ+ communities that includes bathhouse raids, parks and washroom arrests, and entrapment. A past attempt at a police apology, and the Bruce McArthur bungled investigation, vulnerability of trans and sex workers within our communities demonstrate that police abuses towards these communities continue
- A recent Statistics Canada report based on a large-scale survey on safety in public and private spaces conducted in 2018 reveals the increased rates of physical and sexual assaults against the 2SLGBTQ+ people as compared to heterosexuals (Haig, 2020)
- 2SLGBTQ+ people reported having been physically or sexually assaulted at close to three (3) times the rate of heterosexuals in the previous 12 months
- As compared to heterosexuals, 2SLGBTQ+ reported being victimized violently at twice the rate since age 15
- In the previous 12 months, 2SLGBTQ+ were also twice as likely as Canadian heterosexuals to experience inappropriate sexual behaviours, whether in public, online or at work
- 59% of 2SLGBTQ+ people indicated having been assaulted since age 15, as compared to 37% of heterosexuals
- 2SLGBTQ+ Canadians reported having been physically or sexually assaulted in the past 12 months at 11% as compared to heterosexuals at 4%
- Similarly, inappropriate sexual behaviour in public was experienced in the previous 12 months by 57% of 2SLGBTQ+ people compared to 22% of heterosexuals
- Relatedly, there was a higher frequency of inappropriate jokes and unwanted sexual attention in the workplace experienced by 2SLGBTQ+ people
- Despite human rights protections on the basis of sexual orientation and gender identity and expression, 32% of 2SLGBTQ+ people report poor to fair mental health, almost three (3) times the rate compared to 11% of heterosexuals in 2018
- 40% of 2SLGBTQ+ people contemplated suicide at some point in their life, whereas heterosexuals had at 15%, again at almost three (3) times the rate
- Substance use in the form of drugs or alcohol was reported by 29% of 2SLGBTQ+ people in the previous 12 months at almost triple the rate of heterosexual people (10%) (Haig, 2020)

- A number of these incidents may involve the police, while many others go unreported to law enforcement officials due to lack of confidence in the legal system or fear of further abuse
- These statistics indicate the coping mechanisms 2SLGBTQ+ people will turn to in the face of continued repression in Canada

### **Current State of Policing**

Specific to policing are the increasing budget levels for these services. When reviewing these numbers, it is important to consider how often other sectors (i.e., health care and social services) have their budgets cut. This illustrates what is being valued and where emphasis is being placed.

- Increasingly bloated budgets
- Amount of tax dollars invested in policing in Ontario
  - The Greater Toronto Area (GTA) spends \$2.4 billion on funding police services, \$6.5 million per day
  - City of Toronto 25% of taxpayer dollars, \$1.13 billion, approaching \$3.1 million per day
  - Peel Region 40% of taxpayer dollars, \$476 million, \$1.3 million per day
  - York Region 30% of taxpayer dollars, almost \$360 million, approaching \$1 million per day
  - Durham Region just over 30% of taxpayer dollars, \$223 million
  - Halton Region just over 37% of taxpayer dollars, approaching \$170 million
  - Hamilton almost 20% of taxpayer dollars, approaching \$175 million
  - Ottawa almost 18% of taxpayer dollars, \$332 million
  - Windsor over 20% of taxpayer dollars, approaching \$94 million (Black Lives Matter Canada, 2021c)
- The above figures average out to over a quarter of taxpayer dollars in the province of Ontario are spent on policing services at 27.5%
- Nationally, Canada's annual budget on municipal, provincial, and federal police services is 15.7 billion, costing taxpayers \$42.9 million per day for policing (Black Lives Matter Canada, 2021c)

### **Independent Police Oversight**

There have long been criticisms regarding the police investigating themselves with these points demonstrating why.

- Oversight bodies that provide 'independent' oversight review of the police include the Special Investigations Unit (SIU) that investigates police-involved incidents of sexual assault, injury, or death; the Office of the Independent Police Review Director (OIPRD) who receives and manages public complaints regarding Ontario police; and the Ontario

Civilian Police Commission (OCPC), an adjudicative body that oversees policing services (Independent Police Oversight Review, N.D.)

- The SIU has undertaken an average of 338 investigations a year between 2012 and 2019 involving firearm, custody, and vehicle injuries or deaths; other injuries or deaths and sexual assault complaints (Wittnebel, 2020)
- The ‘independence’ of these police oversight review bodies amounts to little more than the police investigating themselves
- The Report of the Independent Police Oversight Review (Tulloch, 2017) called for 129 recommendations, which the former provincial Liberal government legislated with Bill 175 The Safer Ontario Act, only to be quashed by the current provincial Progressive Conservative government as they deemed it to be “anti-police” (Wittnebel, 2020)

### **Implications for Other Sectors**

The increased development of a police state and penalizing approach to addressing social issues in society has had and continues to have direct implications on other sectors that have the skills and ability to approach such issues through alternative means.

- Police expenditures are generally broken down by salaries and wages at 70%, benefits at 17% and other at 13% (Huggins, 2013). The cost of police training is difficult to assess as it is not consistently tracked across police services in Canada (Government of Canada, 2018). What minimal statistics exist indicate that police training is folded into 13% of other police expenditures, for example 6.3% of the total operating budget of the Toronto Police Service in 2005 (Huggins, 2013)
- While society has increasingly invested in law enforcement it has simultaneously divested from other sectors such as public health, mental health and social services
- The financial investment in policing services outlined in the previous section indicates that they are comparable in Toronto and Ottawa and surpasses that spent on public transportation, social housing, parks and recreation and public health combined in Peel Region, York Region, Durham Region, Halton Region, Hamilton, and Windsor (Black Lives Matter Canada, 2021c)
- Much of this has been driven by police unions that have strayed from the values of labour movements (DiSalvo, 2021; Greenhouse, 2020; Tulloch, 2017)
- The police have been given an unprecedented amount of authority both legislatively and financially to the detriment of other sectors. As a result, we have increasingly become a police state

### **Reimagining Wellbeing, Reinvesting in Communities**

Shifting the emphasis away from a police state and penalizing approach to one that makes room for alternatives, requires us to reimagine how to pursue and sustain wellbeing, and to reinvest in the potentialities of communities rather than restricting them.

- Although the criminal justice system's mandate is to provide safety and protection to the community, it fails to as their actions clearly demonstrate that their interventions are premised on upholding straight, male, cisgendered, white, middle-class, and ableist norms
- Therefore, groups who fall outside these normative constructions end up being targeted by the police (i.e., Black, Indigenous, trans and people with mental health challenges in particular)
- One means of re-imagining community wellbeing is to divest from policing and imprisonment and redirect such funding and resources to other sectors of society that can approach community challenges with a caring, educational, harm reducing, strengths-based, inspiring, and developmental approach to community development and wellbeing (Choosing Real Safety, ND)
- Yet, simply redirecting funds from the police to existing sectors such as education, public health and social services is also not the answer as each of these sectors must undertake their own development process such as redressing the racism, heterosexism and transphobia that exist therein. In other words, public health nurses, mental health workers and social workers have also inflicted racial, heterosexist and transphobic harm on racialized and LGBTQ communities
- For community development to take place that integrates the needs of society's most marginalized, a divestment in policing funds need to be redeployed to Black, Indigenous, people of colour, LGBTQ, mental health, and disability communities doing the on-the-ground, work to redress their oppressions, so they in turn can educate, inform and contribute to new policies and programming that will address their needs in an educative, caring, inspirational and developmental way
- Oftentimes, such communities lack the resources to take on such work that funding alone will not fully address. The time, skills and availability are not always readily on offer in highly vulnerable community groups. Hence, partnerships between grassroots, community-based groups and formal community organizations within the education, health and social service sectors would be important to develop collaborative relationships and create sustainable goals going forward

### **Defunding, Disarming, Dismantling, and Abolishing the Police and Prisons**

A means of creating a new vision and approach to our social order, community development, and addressing social issues, is by defunding, disarming, dismantling, and abolishing the police and prisons and redistributing that funding and those resources to other sectors of society and grassroots community initiatives.

- In the decade that followed 2000, annual public spending per capita on criminal justice increased by 23%, while crime rates decreased by 25% (Office of the Parliamentary Budget Officer, 2013)
- Decades of attempts at reform have failed spectacularly, when a white police officer can press his knee down on the neck of a Black man for close to nine minutes, while staring

into a camera trained on him and casually placing his hand in his pocket. How barbaric will we be seen in the future, when people reflect on this time and try to make sense as to why we send uniformed police with weapons holstered, at the ready and sometimes drawn, for a wellness check of individuals experiencing mental distress? How do we justify police stopping and gathering information from certain individuals over other individuals, simply based on the colour of their skin? How do we explain the preponderance of Black and Indigenous peoples' incarceration in comparison to white people in correlation to their proportion of the Canadian population?

- Reform has failed repeatedly making the lives of Black, Indigenous and LGBTQ people miserable. The incrementalist approach is not only preserving the status quo, it has caused society to drift from focusing on community wellbeing to punitive law enforcement that brutalizes society's most vulnerable
- To re-imagine a more caring and responsive society the notion of abolishing our current punitive system must be seriously considered. A place to begin is to dismantle and defund the policing and prison infrastructure and redirect those funds to community-based groups to work with other sectors as a broad-based community development initiative that addresses anti-Black, anti-Indigenous racism, heterosexism, transphobia, and ableism
- Part of the defunding process must include the process of disarming the police, who do not require such weaponry or technical gadgetry for the majority of their work and would save enormous costs. Whether tanks, sound cannons or the deployment of SWAT teams, all demonstrate the increased militarization of the police. It was found that in Canada the deployment of SWAT teams increased by 2000% in the past 37 years (Walby & Roziere, 2018). Additional policing technologies include Stingray, drones, body cameras all contribute to increased surveillance of marginalized communities (Roziere & Walby, 2019). For example, recent investments in body cameras have already been documented to be ineffective for both the police and those they are dealing with (Matsakis, 2020) and serves as a poor reformative solution that only further increases the police budget
- At the core of these issues is the paramilitary, hyper-masculine police culture that has increasingly prioritized self-protection over protection of the community they are mandated to keep safe. It is for this reason that dismantling police structures and the systemic biases that exist within, is absolutely necessary
- Through dismantlement, we can envision an absence of the police and carceral state as they currently exist and begin imagining what form, what means our communities can take with the police and such punitive measures abolished. What entities can we put in place to address those that blatantly or schematically flout the law? How can we ensure that any investment in the enforcement of the law be commensurate with crime rates and that resources are adequately balanced between the law enforcement sector and that of other sectors? Entering this kind of imaginative, requires stepping outside the box and engaging in serious, responsible thinking of how best we can contribute to community wellbeing that does not sacrifice Black, Indigenous, racialized, LGBTQ, impoverished, mentally ill and disabled members of our communities

## Rethinking the Criminal Justice System

We are called upon to rethink our criminal justice system critically and consider new more effective ways of addressing our social issues, so that Black, Indigenous, People of Colour and 2SLGBTQ+ lives are not oppressed, if not lost altogether.

- A means by which to rethink the criminal justice system is to look at the decriminalization of outdated laws and bylaws at all jurisdictional levels, municipal, provincial and federal
- Do we need uniformed and armed police overseeing fare evasion in the public transit system?
- How effective is placing thousands of immigrants in detention centres without criminal charges for indeterminate periods of time? (Human Rights Watch, 2021)
- We have begun a process of decriminalizing drug use that can be furthered saving us the \$2.3 billion Canadian taxpayers pay annually for drug enforcement costs (Black Lives Matter, 2021a)
- By decriminalizing sex work, it would put an end to the unsolicited and unwelcome presence of police whose profiling, harassment, surveillance, arrest and detention of sex workers, clients and third parties are the very reason the latter are placed in dangerous, isolating, and vulnerable circumstances
- Criminalizing poor people, particularly those who are unhoused and living in public spaces is not an effective response to poverty and precarity
- Enormous costs can be saved and redirected to supporting and assisting those in need in any of the above circumstances by not criminalizing them and not investing in huge expenses to surveil, arrest, detain and incarcerate them (Black Lives Matter, 2021a)

Following decades of police reforms, what has been proven is that they do not work. Black, Indigenous, LGBTQ and the lives of people with mental health challenges are vulnerable in our current law enforcement system. It's time for real change as opposed to incremental reform.

## Recommendations

Queer Ontario is on record to support the demands of Black Lives Matter – Toronto (2021b) and the No Pride in Policing Coalition (2020).

Although Queer Ontario has a provincial mandate, we recognize the systemic connections at various jurisdictional levels and as such are recommending the following:

1. Repeal Criminal Code exemption on police use of force
  - 1.2 Review sections 25(1,2,3,4,5) of the Criminal Code (Government of Canada, 2021) regarding use of force “intended or is likely to cause death or grievous bodily harm” during arrests or interventions regarding ‘good faith,’ ‘reasonable grounds,’ and ‘reasonable means’
2. Solicitor General’s Office – Provincial legislation
  - 2.1 Dismantle the Special Investigations Unit (SIU), due to decades of biased practice of the police investigating themselves
  - 2.2 The composition of police oversight bodies including the Office of the Independent Police Review Director (OIPRD), or the Ontario Civilian Police Commission (OCPC) need to be revisited to develop models of more public accountability, such as limiting the number of former police officers (Tulloch, 2017), or be dismantled to develop entirely new models
3. Decolonize the RCMP with a complete overhaul to end their historical and current status as agents of the state to implement anti-Indigenous colonialism (Gerster, 2019; Hewitt, 2006)
4. Divest from body cameras, as they have been found to be not as effective (Hermann, 2017; Ovide, 2020; Yokum, Ravishankar & Coppock, 2019) as claimed and their use will be at police discretion
5. Stop investing in training of police, which have been ineffective given numerous police mishandlings and lack of confidence and trust in the police
6. Invest funds diverted from police and the carceral system towards most surveilled and impacted by policing (Abolition Coalition, ND)
7. Grant diverted funds to deep rooted collaborative community development intersecting the most vulnerable populations (i.e., Black, Indigenous, racialized, 2SLGBTQ+, (dis)Able, sex workers)
8. Refocus policies, funds, programs, services, and resources committed to initiatives that develop and build communities (e.g., community centres, community health centres, cultural and recreation centres, free public spaces, public libraries, schools, etc.)

## **Conclusion**

In this political moment in time, we have an opportunity to re-think our social order, re-examine our distribution and allotment of resources, and re-imagine a society that places equity at the core. In doing so, we challenge white supremacy, racism, anti-Indigeneity, heterosexism and cisgenderism among numerous other oppressions. Recognizing that our issues are intertwined, and that true liberation will not be achieved, while some remain marginalized, is the first step towards creating a society that is less punitive and repressive (SURJ Toronto, 2021). Queer Ontario supports an abolitionist position regarding the police and prisons towards the development of a society that treats all its members equitably and without fear.

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