

The Maddening Criminalization of Blackness in Canada

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Context is Key for Systemic Change

“[E]xperiences of mental illness and distress, regardless of their origins, take place in a social, cultural and historical **context** which includes environments of **discrimination** that are structured through legal, medical and psychological practices and policies”, (pg. 29)

“[R]ecovery without a full recognition of the current social and political context which has eroded social welfare supports will be impotent to foster real **systemic change**” (p.40).

- Towards a Social Justice Framework of Mental Health Recovery, *Studies in Social Justice*, Vol 6, Issue 1, pg 27-43, 2012, by Professors Marina Morrow and Julia Weisser, Simon Fraser University

Criminalization of Blackness?

Activities that are common and permitted for all communities, but when done by Black people, ends up subjecting Black folks to higher levels of:

- ▣ Scrutiny
- ▣ Monitoring
- ▣ Surveillance
- ▣ Control/containment concerns and tactics
- ▣ Discipline
- ▣ Punishment

Sitting While Black At Starbucks



Sitting While Black At Starbucks

- April 12, 2018, Rashon Nelson (23) and Donte Robinson (23)
- Arrested in a Starbucks store in Philadelphia, Pennsylvania.
- The men asked the staff if they could use the bathroom to which an employee said it was reserved for paying customers.
- The men waited at a table for another person without ordering
- They were instructed by the staff to leave.
- When they didn't comply, the store manager called the police, saying the men were trespassing, which led to the arrests.

Examples of Criminalization of Blackness

1. Having and/or associating with a group of friends from your neighborhood, school, same ethnic/national/cultural background = **gang membership & activity**
2. Walking to or hanging out in public spaces ie schools, community centres, malls, movie theatres = **trespassing, ticketing for loitering, carding, racial profiling, police use of lethal force**
3. A woman walking alone at night wearing a dress and heels = **sex workers**
4. Being poor and living in a single parent household = **children seen as being in need of protection, leading to calls to child welfare**
5. Entering a country with too much or too little luggage = **drug mule**
6. Making too much eye contact or avoiding eye contact with a person in authority = **suspicion and criminality**

Historically Contextualizing the Criminalization of Blackness in Canada

TO BE SOLD,
A BLACK WOMAN, named
PEGGY, aged about 15 years; and a
black boy her son, named **JUPITER,** aged
about fifteen years, both of them the property of the
Subscriber.
The Woman is a tolerable Cook and washer woman
and perfectly understands making Soap and Candles.
The Boy is tall and strong of his age, and has been
employed in Country business, but brought up prin-
cipally as a House Servant—They are each of them
Servants for life. The Price for the Woman is one
hundred and fifty Dollars—for the Boy two hundred
Dollars, payable in three years with Interest from the
day of Sale and to be properly secured by Bond &c. &c.
But one fourth less will be taken in ready Money.
PETER RUSSELL.
York, Feb. 19th 1806.

Slavery's Afterlife: Canada's Generational Inheritance of Anti-Blackness

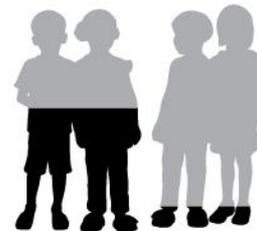
- **Slavery's afterlife: Solidifying anti-Blackness in our collective public consciousness and social imagination**
- Social scripts of anti-Blackness inherited over centuries of enslavement of African people on Turtle Island and across the Western Hemisphere
- **Perceptions, Place, Belonging and Value of Black in and to Canada**
 - Lazy; Unintelligent; Uncivilized
 - Lacking personal/moral standards and character
 - Social deviants: Liars, cheaters, swindlers/schemers, gamblers, sexual predators
 - Lacking family values
 - Neglectful, abusive, absentee fathers and baby mommas
 - **Unpredictably angry/dangerous/threatening/violent/criminal = FEAR**
- Fosters a collective absence or avoidance of compassion; understanding and empathy for Black people in Canada

Canada's Institutional Manifestations of Slavery's Afterlife

In Toronto **Black people** make up **8.5%** of the population yet...



85%
of racist hate crimes
in Toronto were against
Black people



48%
of Black children live
in low income households
compared to only **9%**
of non-racialized children



13%
of Black Torontonians are
unemployed,
2x the provincial
unemployment rate



42%
of children in the care of the
Children's Aid Society of
Toronto are Black,
5x of the overall Black
population in Toronto



27%
of all carding incidents were
focused on Black Torontonians,
3x their representation in
the overall population



48%
of all those expelled
from school are Black
despite being only **12%**
of the Toronto public
school board population



Canada's Institutional Manifestations of Slavery's Afterlife

- ❑ Overrepresentation in the criminal justice system
 - ❑ Carding
 - ❑ Use of lethal force
 - ❑ Incarceration
 - ❑ Solitary confinement and classifications of dangerousness
- ❑ **Mental health** apprehensions
- ❑ **Child welfare** apprehensions
- ❑ Significant **unemployment** rates
- ❑ **Poverty** rates and lower socioeconomic status
- ❑ Lower **educational** attainment
- ❑ Limited or **lack of opportunities in leadership** (e.g., boards and public appointments)
- ❑ Lack of access to affordable safe **housing**
- ❑ Limited access to **community, social and recreational services, supports and facilities**

Systemic Anti-Black Racism In Canada

Anti-Black Racism is policies and practices that are embedded in Canadian institutions that reflect and reinforce beliefs, attitudes, prejudice, stereotyping and/or discrimination that are directed at people of African descent and are rooted in their unique history and experience of enslavement and colonization here in Canada.

1. Policies and practices that are embedded in Canadian institutions;
2. Reflect and reinforce beliefs, attitudes, prejudice, stereotyping and/or discrimination that are directed at people of African descent;
3. Rooted in African descendants' history and experience of enslavement and colonization here in Canada.

What makes the criminalization of Blackness maddening?

1. Ubiquity/Pervasiveness
 - ▣ Multi-institutional; Systemic;
 - ▣ Normalized through strategies for sustaining systemic anti-Blackness: **Denial, dismissal, diminish, and delegitimize**
 - ▣ Word of a Black person vs. word of police officer
2. Canada's National Myth of Racelessness, Racial Utopianism & Racial Exceptionalism
3. Social conditions of anti-Blackness increase risk of mental unwellness
 - ▣ Low senses of: self-esteem; social belonging; self-worth
 - ▣ Hopelessness
 - ▣ Anxiety
 - ▣ Depression
 - ▣ Stress

Mental Health Court Diversion and the Criminalization of Blackness



Enslavement

Criminalization

Systemic/Institutional ABR

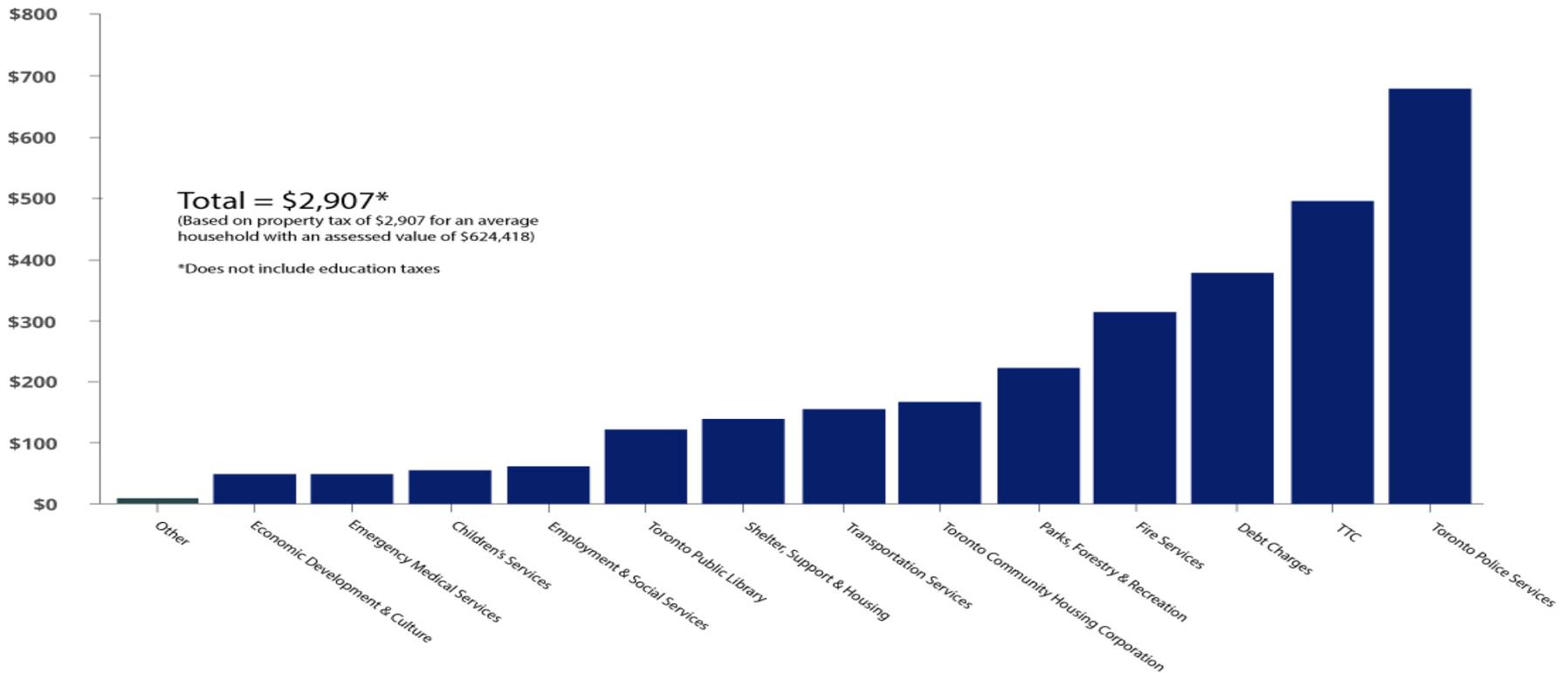
Recipe for Over-Policing

How do we apply this context to criminal court and mental health and diversion?

- ❑ Impoverished and resource-deprived communities
- ❑ High levels of crime
- ❑ Concentrations of Black populations
- ❑ Amplified fears of Black bodies
- ❑ **Response:** Increased policing and police presence

Over-Prioritizing Policing in Public Expenditures

Figure 2: Where do your property tax dollars go? Toronto, 2018



Source: Based on City of Toronto Council Approved 2018 Operating Budget and 2018–2027 Capital Budget and Plan

Systemic Anti-Black Racism in Mental Health Court Diversion

Crowns

- ❑ **Discretion** re risk to public safety: vulnerable to bias, stereotypes and abuse
- ❑ **People & Privilege:** race, social, class
- ❑ **Training & professionalism:** Little to no competence, understanding, appreciation/value, under-resources regarding anti-Black racism

Cases that qualify

- ❑ Minor criminal record/first time offender
- ❑ Low-level offences, typically minor and non-violent offences.

Systemic Anti-Black Racism in Mental Health Diversion

Inaccessibility of Mental Health Services for Black Communities

- Individualized burden of obtaining supports/services: Locate, enroll in and sometimes pay for themselves
- Unavailability of community health supports, services and facilities
- Alienation from mental health services
 - Staff attitudes and misperceptions about Black people
 - Stigmatization in communities
 - Under diagnosis: Misreading symptoms of mental illness as dangerousness
 - Over diagnosis: Black men and paranoid schizophrenia
 - Mistrust, fear of mental health services and supports ie dangerousness, restrictions and punitive treatment

Recommendations for Reform

- 1. Expanding Access to Diversion**
- 2. Reinvestment:** Into community, health, and social supports services, programs and facilities, and away from policing
- 3. Critical Race Competence Training & Practice**
 - ❑ Crowns, counsel and court mental health court workers
 - ❑ Intersectional
 - ❑ Grounded anti-racism, anti oppression, human rights, equity, diversity, inclusion
 - ❑ Complimenting cultural competency trainings that address bias, stereotypes, prejudices
- 4. Criminal Justice Employment Equity Strategy**
 - ❑ Crowns, counsel, court mental health workers, judges; justices of the peace, etc.
- 5. Collection and reporting of race-based disaggregated data**

Recurring Inputs
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Better Outcomes

