

# Policing the Pandemic Enforcement Report

April 14 2020 - May 1 2020

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## National Level Trends

*Based on available data, we count a total of 4,575 people that have been ticketed/charged on separate occasions for alleged COVID-19 related violations across Canada, resulting in over \$5.8 million in fines to date. Although a very small number, we cannot say these are unique individuals as some people have already been fined/charged multiple times since police responses to COVID-19 began.*

The vast majority of these enforcement actions have been in Québec (3048), followed by Ontario (930), Nova Scotia (516), and Alberta (44). Based on available data, we continue to observe far less enforcement actions in other Canadian provinces (less than 15 per province) (Figure 1). At the city level, most of these enforcement actions have been concentrated in Montréal (1848), Toronto (594), and Halifax (216).

In the previous [Enforcement Report](#) released April 13, we indicated a concern that other provinces outside of Québec, Ontario, and Nova Scotia could soon scale-up enforcement. Although that concern has not been realized, we note that in Saskatchewan, Alberta, and Manitoba, there has been a small increase in enforcement. In Saskatchewan, tickets for alleged COVID-related violations are also the highest we have seen yet, starting at \$2000 (compared to the next highest, Québec, at \$1,546).

In terms of alleged violations, the majority of enforcement actions to date have been for failure to physical distance/comply with minimal gathering rules (4398). More and more details about these incidents are beginning to come to light. In Ottawa, a Syrian refugee was required to show ID and ticketed \$880.00 for being in a park. Two weeks later, a Syrian man who arrived with his family in Canada two years ago was walking in the park with his pregnant wife and he also received a \$880.00 ticket. In Toronto, several homeless people were given tickets for \$880.00 for sitting on public benches.

The next most frequent source of enforcement action is continuing to operate a business deemed non-essential (105). These businesses include hair salons, pawn shops, nail salons, bars, a hookah lounge, a gym, and many that are not specified in reports.

The other far less common alleged violations include COVID-19 mischief (24), leaving one's house during mandatory 14-day quarantine (10), coughing/spitting on someone (20), and attending a closed park (6) (Figure 2). Many Indigenous reserve communities across Canada have imposed curfews, resulting in one enforcement action being taken against a

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Figure 1: Total enforcement actions by province

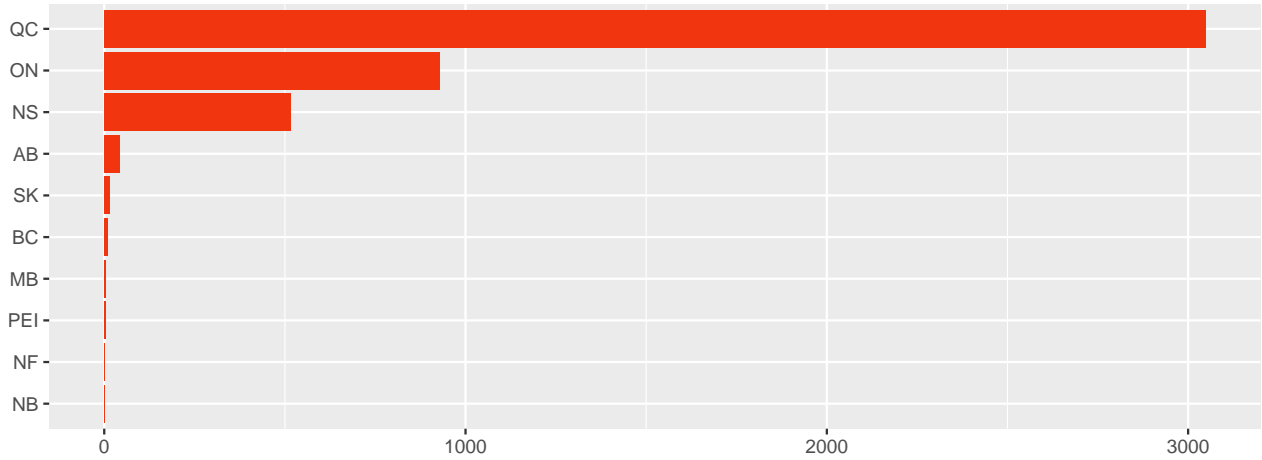


Figure 2: Total enforcement actions by alleged violation

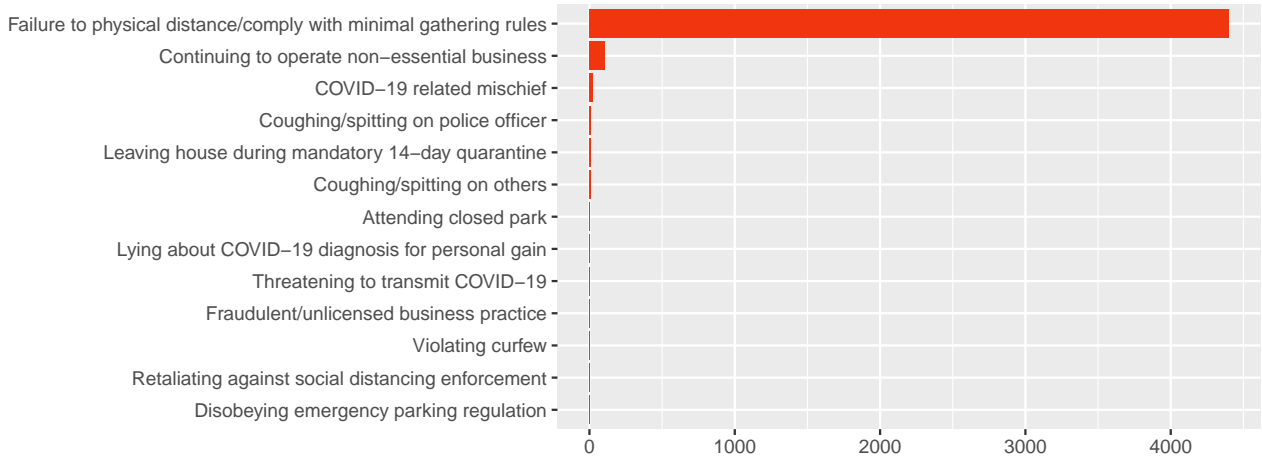
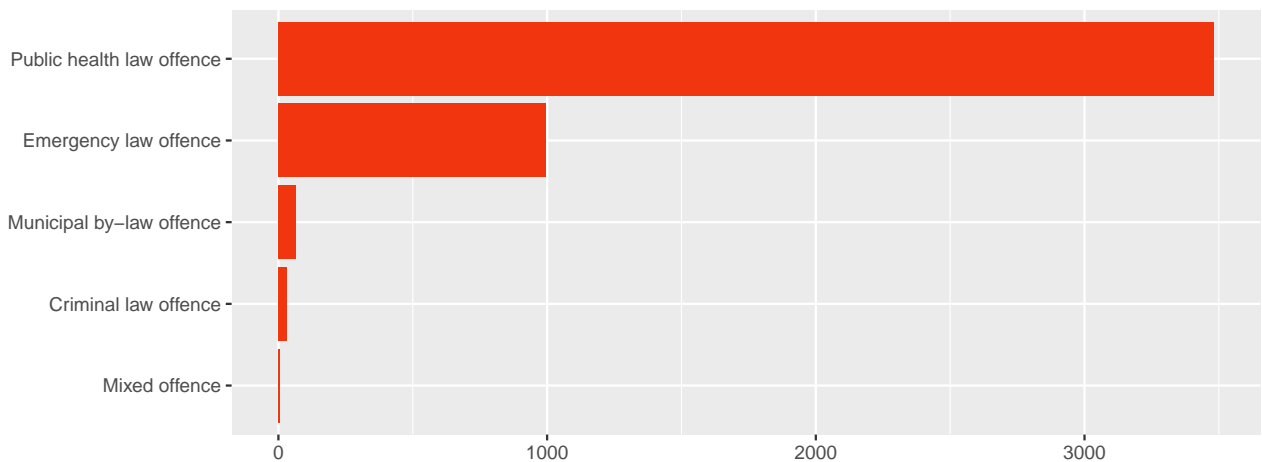


Figure 3: Total enforcement actions by offence type



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**TABLE I:** Total cost of public health/emergency law fines by province for failure to physical distance/comply with minimal gathering restrictions. First fine given out March 29 2020.

Province	Total number of fines	Total cost of fines
Québec	3043	\$4,696,288
Ontario	795	\$700,440
Nova Scotia	512	\$394,499
Saskatchewan	25	\$50,000
Alberta	16	\$19,200
Prince Edward Island	3	\$3,000
TOTAL	4394	\$5,863,427

Manitoba man for allegedly violating the evening curfew by being outside past 10:00pm. He was charged by the Manitoba First Nation Police Service.

In terms of law, most of these enforcement actions have occurred under provincial public health or emergency law (4475), such as the Ontario Emergency Management and Civil Protection Act, or the Québec Public Health Act. A smaller number of enforcement actions have occurred under municipal legislation (65), followed by the Criminal Code (31), and a combination public health/emergency law and the Criminal Code (4) (Figure 3).

## Fines

Based on available data, we offer an estimate of the total amount of fines which have gone out since police and by-law responses to the pandemic began. We calculate the amount of fines for the two most frequent causes of police action: failure to physical distance/comply with minimal gathering rules (Table I) and continuing to operate a business deemed non-essential (Table II). *Nationally we calculate these numbers at over \$5.8 million for alleged physical distancing/minimal gathering violations, and over \$80,000 for alleged non-essential business violations.* We have not yet calculated fines for other alleged violations (e.g., leaving one’s house during mandatory 14-day quarantine).

As we are relying on newspaper reports, police press releases, and the occasional social media post, we offer these as conservative estimates. In reality, the number is likely to be higher, as the sources we are using do not capture all enforcement events occurring across the country. Additionally, as we discuss more below, there is likely to be a lag time between when enforcement took place and when it is reported, making temporal inferences difficult at this point in time.

Since enforcement in the province ramped up on April 04 2020, Québec has seen the vast majority of fines, with \$4,696,288 worth of tickets being issued to individuals for alleged failures to physical distance/comply with minimal gathering restriction. Ontario is next at \$700,440, followed by Nova Scotia at \$394,499. Saskatchewan, Alberta and PEI have collectively issued less than \$75,000 in tickets for these alleged violations to date.

With regard to continuing to operate a non-essential business, the greatest total amount of fines has occurred in Ontario (\$71,500), followed by Nova Scotia (\$7,500), Alberta (\$1,000), and British Columbia (\$345).

**TABLE II:** Total cost of public health/emergency law fines by province for continuing to operate a non-essential business. First fine given out March 19 2020. We have excluded 7 of the total 105 fines due to missing data.

Province	Total number of fines	Total cost of fines
Ontario	95	\$71,510
Nova Scotia	1	\$7,500
Alberta	1	\$1,000
British Columbia	1	\$345
TOTAL	98	\$80,355

**Snitch Lines**

Due to the important role that citizen tip lines play in shaping COVID-related enforcement, on April 29 2020, we expanded our project to also track and visualize emergent “snitch lines” across Canada and other related issues of non-compliance reporting (e.g., encouraging residents to call 311 if they observe any alleged non-compliance behaviour).

*We found reports of residents being encouraged to report alleged COVID-19 violations, either to a dedicated phone or online “snitch line”, to 911, or to 311 in 28 different regions of Canada: Edmonton, Alberta; Medicine Hat, Alberta; Vancouver, British Columbia; Penticton, British Columbia; New Brunswick; Newfoundland and Labrador; London, Ontario; Sarnia, Ontario; Toronto, Ontario; Hamilton, Ontario; Ottawa, Ontario; Chatham-Kent, Ontario; Saugeen Shores, Ontario; South Simcoe, Ontario; Brampton, Ontario; Halton Hills, Ontario; Brant County, Ontario; Barrie, Ontario; Blue Mountains, Ontario; Brantford, Ontario; Kingsville, Ontario; Richmond Hill, Ontario; Quinte West, Ontario; Montréal, Québec; Montréal, Québec; Laval, Québec; Regina, Saskatchewan; Fort Saskatchewan, Saskatchewan. The majority of these dedicated “snitch lines” are in Ontario. Again, the number of lines should be treated as a conservative estimate; there are likely many more of these initiatives that have yet to come to our attention.*

Already, we can see that these lines are having an impact on policing practice. In Québec City, it was reported that the police received complaints via a snitch line about a local escort agency which had been alleged to continue operations. The Service de police de la Ville de Québec gave out three tickets of \$1546.00 to the agency. *In a number of provinces, such as Alberta and Ontario, there are reports of police using geocoded data from resident’s reports to these tip lines to identify non-compliance “hot spots”, which are then be patrolled more frequently by officers.*

**Criminal Enforcement Actions**

*We document 31 individual criminal enforcement actions related to COVID-19, facing up to 49 known criminal charges.* This number has gone up since our first enforcement report, which examined trends between April 04 2020 - April 13 2020. In that first report, we documented 19 individuals facing 27 criminal charges in total. The total 31 COVID-related criminal enforcement actions across Canada to date have occurred in Ontario (12), British Columbia (8), Alberta (4), Québec (3), New Brunswick (2), Saskatchewan (1), and Manitoba (1).

Since the last report there have been more charges related to alleged incidents of coughing on police in the context of an arrest for another crime. For example, one man was arrested in Alberta for arrested for breaking and entering, while a woman in the same province was arrested for trying to break into a vehicle. Both individuals were then alleged to have coughed on police after claiming they had COVID-19 during the arrest. Along with other charges these two arrestees were charged with multiple counts of assault on a police officer due to the coughing incidents. The man has since been remanded, while the woman has been released into house arrest.

There have been a number of cases where someone was arrested because they were alleged to have used the threat of COVID-19 against others. For example, a man in Ontario allegedly coughed on money before giving to a convenience store clerk. Another man in Ontario allegedly spat on a dollar store employee. In British Columbia, a woman allegedly coughed on a store clerk, upset about the rule restricting her to only buy a limited amount of tissues. These individuals are now facing a range of criminal charges, including assault.

In addition to these 31 individuals and 49 charges, we document 4 individuals that were charged under a combination of criminal and public health/emergency law, for a total of 10 charges across the 4 cases. This is up from 2 that were charged under both criminal code and public health/emergency law in our last enforcement report.

### **Public Health and Emergency Law Enforcement Actions**

*We document 4475 individuals fined under provincial public health and emergency law across Canada. Again, although a very small number, we cannot say these are unique individuals as some people have already been fined/charged multiple times since police responses to COVID-19 began. Our previous enforcement examined trends between April 04 2020 - April 13 2020. April 04 2020 is the day when COVID-related enforcement in Canada ramped up most intensely in Canada, with a number of cities including Toronto, Montreal, and Halifax conducting “ticketing blitzes” in parks and other public spaces. At that time, we had documented 735 enforcement actions under provincial public health and emergency law. Although the increase the enforcement actions since then has been significant, the increase since our last report should not be interpreted as the increase in enforcement actions that occurred since April 13 2020. There is a lag between when the enforcement action takes place and when it becomes publicly known via news reporting or a police press release. With time, our data becomes more complete. We therefore have to assume that a portion of the 3,740 enforcement event increase that we are documenting since our last report had in fact occurred between April 04 2020 – April 13 2020, but simply had not yet been reported.*

### **Data Sharing**

At the beginning of April, Ontario, enabled the sharing of individual COVID-19 positive data with police and fire authorities under an order from the Emergency Management and Civil Protection Act. The order allows for the sharing of an individual’s name, address and

date of birth, and whether they had a positive test COVID-19. There are fifty municipal police services and nine self-administered First Nations police services in Ontario, in addition to the Ontario Provincial Police (OPP). All of these police forces will have access of these data, held for the duration of the pandemic, in a separate database from the Canadian Police Information Centre (CPIC). *However, no specific protocols have been communicated publicly about how the data will be managed, or what oversight mechanism will be in place. Furthermore, there is no indication that COVID-19 positive patients are being informed or are aware that their health data will be shared with police.*

In Toronto, on April 14, across all communication channels of the Toronto Transit Commission (TTC), a message disclosing a person's COVID-19 positive status was sent to all operators. The message stated: "Please do not pick up female/black/ other identifying information ... Person is homeless and confirmed to be COVID-19 positive." *It is not clear how the TTC had access to this information.*

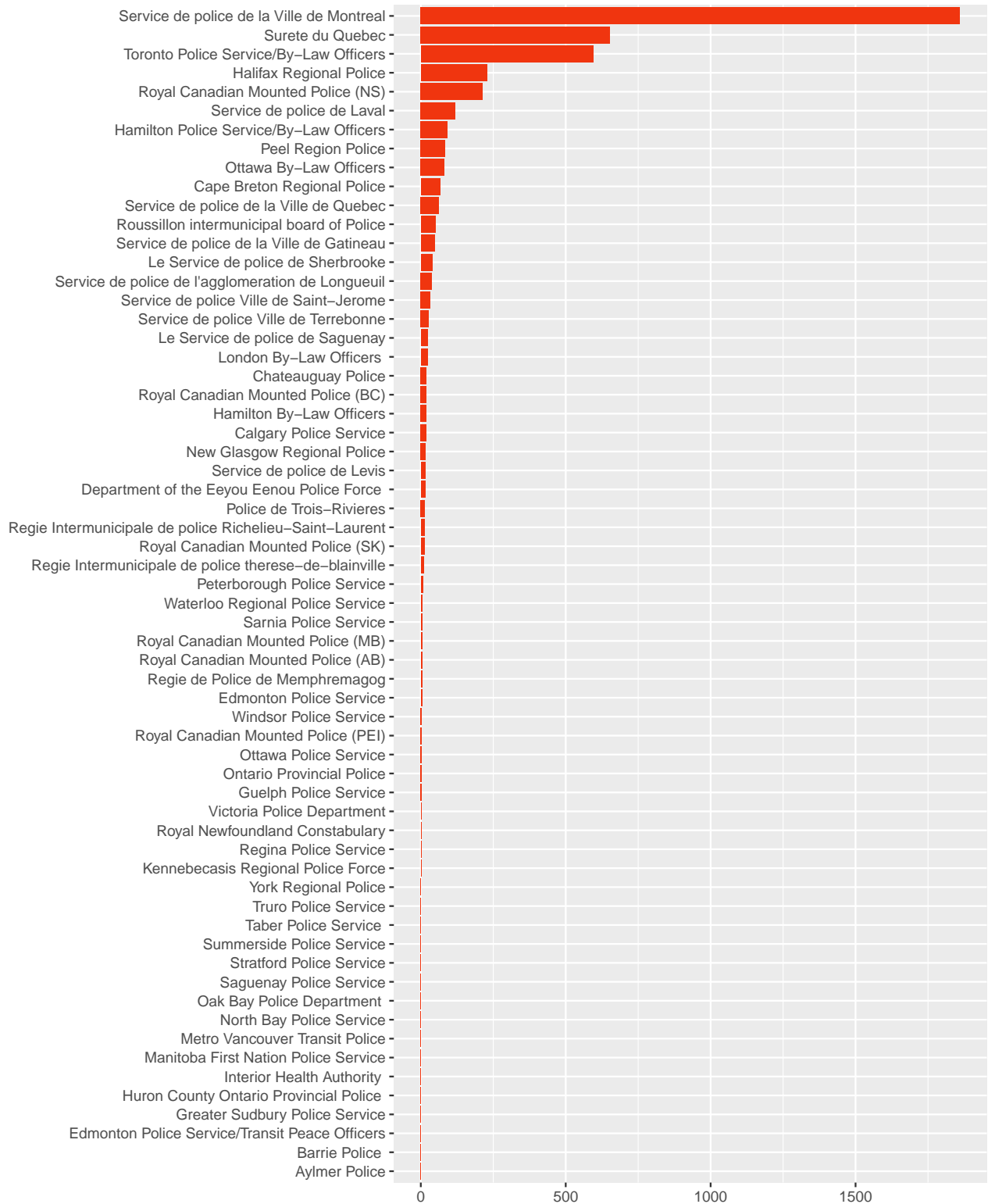
### **Acting Agencies**

Finally, we provide data on the breakdown enforcement actions by acting agency (Figure 4). *The Service de police de la Ville de Montréal have conducted the vast majority of enforcement actions to date, followed by Sûreté du Québec, and Toronto Police Services/Toronto municipal by-law officers.* Unfortunately, based on the reports we examine, it is not always obvious whether it was a police force carrying out the action, or a municipal by-law officer. As a result, there are likely to be some errors in these data.

### **To reference this report:**

Luscombe, Alex, and Alexander McClelland. 2020. *Policing the Pandemic Enforcement Report, April 14 2020 - May 1 2020*. Policing the Pandemic Mapping Project, available at [www.policingthepandemic.ca](http://www.policingthepandemic.ca).

Figure 4: Total enforcement actions by acting agency



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