

CLAIMS OF SYSTEMIC RACISM IN POLICING AND HEALTH CARE: A REVIEW OF THE EVIDENCE

Recently, the sponsors of two separate reports have claimed that police departments and the health care system in BC practice systemic racism. What does the phrase “systemic racism” mean, and what is the evidence that supports these claims? While some appear to use the phrase with some circumspection, others do not. Some describe pervasive or widespread negative attitudes toward indigenous, black, and other people of colour as systemic racism, others prefer to reserve the phrase for a more restrictive view, where racist practices are embedded in laws, regulations or operating policy (see Appendix).

I SYSTEMIC RACISM IN POLICING?

On 24 November 2021, the BC human rights commissioner released her submission to the legislative committee studying changes to the Police Act.¹ The report included a significant study of police statistics in certain cities prepared by Scot Wortley.²

In the media event Commissioner Kasari Govender stated that the report confirmed that systemic racism was evident. “Taken together his report and our submissions confirm the existence of systemic racism and the impact of certain policing practices in British Columbia and demonstrate that its effects are pervasive and severe,” Govender said.³

The first sentences of the written submission are more declarative; “The time for debate about whether systemic racism exists in policing is over — particularly, but not exclusively, as it affects Indigenous and Black people in British Columbia. It is time to act.”⁴ The submission asserts that systemic racism, rather than socio-economic factors “leads to the over criminalization of people who are Indigenous, Black or otherwise

¹ <https://bchumanrights.ca/news/b-c-s-human-rights-commissioners-police-act-submission-data-reveals-disturbing-pattern-of-discrimination-in-b-c-policing/>

² Dr. Wortley has an extensive background analyzing inequalities in the Canadian justice system; <https://jhscan.wpengine.com/blog/race-crime-justice-canada/>

³ https://theyee.ca/News/2021/11/25/BC-Human-Rights-Report-Documents-Racial-Bias-Policing/?utm_source=daily&utm_medium=email&utm_campaign=261121

⁴ https://bchumanrights.ca/wp-content/uploads/BCOHRC_Nov2021_SCORPA_Equity-is-safer.pdf

marginalized.”⁵ The clear implication is that the law and law enforcement targets these racial groups, rather than individuals within these groups displaying a greater propensity to be in conflict with the law.

But do the data in the report support this conclusion?

While Commissioner Govender asserted that Scot Wortley’s report demonstrated active systemic racism, the author did not make this claim. He states that: “In general...Indigenous, Black, Hispanic and Arab/West Asian people are significantly over-represented in police statistics [while Asian and South Asian are under-represented]. These results suggest that the relationship between race, crime, and policing deserves far more policy attention than these issues have traditionally received.”⁶ He concluded by stating “...while the data cannot “prove” racial bias within British Columbia policing the results reveal that the issue deserves much more research attention.”⁷

The Wortley Report

The main evidence presented for the assertion of systemic racism is a 295 page report entitled Racial Disparities in British Columbia Police Statistics: A Preliminary Examination of a Complex Issue.”⁸ The review of ten years of data from five urban centres, prepared by respected academic Scot Wortley, is highly useful, even with certain differences in definition and practice. For example, the Vancouver police information is for people arrested and taken into custody, while the other jurisdictions reported “chargeable incidents” which included individuals detained but later released at the scene as well as those taken into custody.

The primary comparison was the ratio of various indigenous and racial groups arrests compared to the ratio of these groups to their share of each city’s population. These were compared to the white population percentages.

The Wortley study contains a large amount of useful information. It controls for various factors, such as the nature of the offense, and looks at the difference in the results between males and females. Indigenous people have a much higher involvement with the police than the other groups, while Asian and South Asian people have less interaction than would be suggested by a simple comparison to their share of the population.

⁵ Ibid., p. 7. The same logic is displayed by those who suggest that disproportionate racial incarceration rates are signs of discrimination or racism against a group, rather than reflecting the severity of the crime for which the individual was convicted.

⁶ https://bchumanrights.ca/wp-content/uploads/Wortley_Sep2021_Racial-disparities-police-statistics.pdf , p. 6.

⁷ Ibid. p. 7.

⁸ https://bchumanrights.ca/wp-content/uploads/Wortley_Sep2021_Racial-disparities-police-statistics.pdf

The fact that the ratios are much lower for Asian and South Asian would suggest that any blanket charge of systemic racism is not supported.

The Wortley report would have been even more useful had it examined the data based on age. Young people (especially young males) have a higher interaction with the police, and the justice system, and young people make up a higher proportion of the indigenous population compared to the non-indigenous population.⁹

The report would also have benefitted from an analysis based on income, or some reference to socio-economic status. Socio-economic factors are often associated inter-linked with mental health and substance abuse, homelessness and other social problems that manifest by interactions of marginalized “street” persons with the police in core areas of urban centres.¹⁰

II SYSTEMIC RACISM IN THE HEALTH CARE SYSTEM?

Following a report in June 2020 of an anti-indigenous game practiced in some hospital emergency departments, the minister of health contracted Mary Ellen Turpel-Lafond to conduct a review of this and the broader issue of the potential extent of indigenous specific racism in the provincial health care system. Her report “In Plain Sight” was prepared in a relatively short time and released in November 2020.¹¹ While she could not verify that the anti-indigenous incidents actually occurred, Turpel-Lafond declared that there was widespread systemic anti-indigenous racism in the provincial health care system.

On 30 November 2021, Ms Turpel-Lafond held a self-initiated media event to provide a one-year review of the implementation of the recommendations. During this event she was reported as saying that some have called for “In Plain Sight” reports for education, child welfare and the justice system “where anti-Indigenous racism is also rampant.”¹²

The Review: Information and Definitions

The sources of information considered in the review were primarily anecdotal based on two self-reporting surveys (indigenous people and health care workers) and interviews with leaders in the health care sector. A research team also analyzed health sector data and conducted a document review. A separate data report was also released.¹³

The report defines indigenous-specific racism as “the ongoing race-based discrimination, negative stereotyping and injustice experienced by Indigenous peoples

⁹ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Full-Report.pdf> p. 10.

¹⁰ <https://www.cbc.ca/news/canada/british-columbia/judge-drugs-addicts-sentencing-1.6275724>

¹¹ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Full-Report.pdf>

¹² She did not explain why it was necessary to provide the update criticizing the health care system in the midst of a historic flooding disaster. https://theyee.ca/News/2021/12/01/BC-Ways-To-Go-Eliminating-Anti-Indigenous-Racism-Health-Care/?utm_source=daily&utm_medium=email&utm_campaign=021221

¹³ https://engage.gov.bc.ca/app/uploads/sites/613/2021/02/In-Plain-Sight-Data-Report_Dec2020.pdf1_.pdf

that perpetuates power imbalances, systemic discrimination and inequitable outcomes stemming from the colonial policies and practices.”¹⁴

Systemic racism is defined as being practiced “through routine and societal systems, structures and institutions such as requirements, policies, legislation and practices that perpetuate and maintain avoidable and unfair inequalities across racial groups, including the use of profiling and stereotyping.”¹⁵

The Findings

While Ms. Turpel-Lafond was unable to provide evidence of the reported alleged anti-indigenous game played in emergency departments, she stated that her review revealed a “pervasive mindset of misinformed and prejudiced beliefs about the inferiority of Indigenous peoples exists across all regions and health care settings, meaning that this is a systemic problem that requires systemic and multi-layered solutions.”¹⁶ Later the report noted: “This pervasive mindset of misinformed and prejudiced beliefs about the inferiority of Indigenous peoples exists across all regions and health care settings, meaning that this is a systemic problem that requires systemic and multi-layered solutions.”¹⁷

Therefore, because workers across the health care system harbour misinformed and prejudiced beliefs about indigenous people, the problem is described as systemic anti-indigenous racism. However, the report contains a section on definitions where systemic racism is defined as being grounded in laws, regulations or institutional policies and practices (see Appendix). There was no evidence that the bias and prejudice noted by a good number of the survey respondents was part of institutional or systemic anti-indigenous laws, regulations or operational policies.

The report does mention that the perceived interpersonal racism within the health care system against indigenous people may relate to other factors “including continued socio-economic inequities and the geographic reality of many Indigenous communities which were forced onto small Indian Act reserves.”¹⁸ Unfortunately, these areas of inquiry were not explored.

The report made a series of recommendations to eliminate anti-indigenous racism but noted that there was no systemic reporting or measurement of indigenous health outcomes. Presumably, this lack of standardized data was why self-reporting surveys were used to assess the extent of anti-indigenous racism.¹⁹

¹⁴ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Full-Report.pdf> , p. 5.

¹⁵ Ibid., p. 6.

¹⁶ Ibid., p. 2.

¹⁷ Ibid., p. 53.

¹⁸ Ibid., p. 55.

¹⁹ The response rate was low for both the survey of indigenous people and for the survey of health care workers, see pp 19-20 in https://engage.gov.bc.ca/app/uploads/sites/613/2021/02/In-Plain-Sight-Data-Report_Dec2020.pdf1_.pdf

In her 30 November 2021 update, Ms Turpel-Lafond continued with the anecdotal evidence by noting that she continues to receive “disturbing complaints” about racism in the system.²⁰

Data Ownership and Access

Of interest for future research regarding the extent of racist beliefs in the health care system are the limitations placed on the data collected by Ms. Turpel-Lafond and her team as part of the contract with the BC government. The terms of reference for the contract specify that Ms. Turpel-Lafond is to be the “custodian of all data created as a result of this investigation, on behalf of the Indigenous peoples of British Columbia who own the data collectively.”²¹ I do not believe that the indigenous people of British Columbia are a legal entity, or that they asked her to be the custodian, and it is odd that the province would give up its ownership right to something for which it contracted.

A second clause states that once the study is completed “all data and information, including survey responses, will be sealed and will not be available for any use, including further analysis, editing, research or publication.”²² This may have been designed to protect the identities of those surveyed, but it certainly limits any interpretation of the data to those who authored the report.

Based on the generally accepted definition of systemic racism as being based on overt legislation, regulations or operational policy, it seems clear that these two studies fail to prove that systemic racism exists in policing or in the provincial health care system.

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²⁰ https://theyee.ca/News/2021/12/01/BC-Ways-To-Go-Eliminating-Anti-Indigenous-Racism-Health-Care/?utm_source=daily&utm_medium=email&utm_campaign=021221

²¹ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Full-Report.pdf> p. 209.

²² *Ibid.*, p. 210.

APPENDIX

Defining Systemic Racism

A) Canada House of Commons, Standing Committee on Public Safety and National Security, Report 6, June 2021.

https://bchumanrights.ca/wp-content/uploads/BCOHRC_Nov2021_SCORPA_Equity-is-safer.pdf

Systemic racism is both a social and legal concept connoting a particular type of racism which occurs within social systems and is reproduced by them. Witness Alain Babineau, a law enforcement consultant, social justice advocate and former member of the RCMP, provided the Committee with a helpful explanation of systemic racism, quoting Senator Murray Sinclair:

Systemic racism is when the system itself is based upon and founded upon racist beliefs and philosophies and thinking and has put in place policies and practices that literally force even the non-racists to act in a racist way. p. 17

This very broad definition of systemic racism does refer to overt policies and practices.

B) BC Office of the Human Rights Commissioner

“Equity is Safer: Human Rights Considerations for Policing Reform in British Columbia, November 2021.”

https://bchumanrights.ca/wp-content/uploads/BCOHRC_Nov2021_SCORPA_Equity-is-safer.pdf

Sometimes, even when people are well intentioned, the laws and structures of our society produce consistently discriminatory outcomes for Indigenous and racialized peoples, which is known as systemic racism. p 16.

Here systemic racism is based on overt laws and structures but also includes discriminatory outcomes as part of the definition.

C) “In Plain Sight: Addressing Indigenous Specific Racism and Discrimination in BC Health Care, November 2020.”

[https://engage.gov.bc.ca/app/uploads/sites/613/2021/02/In-Plain-Sight-Data-Report-Dec2020.pdf1 .pdf](https://engage.gov.bc.ca/app/uploads/sites/613/2021/02/In-Plain-Sight-Data-Report-Dec2020.pdf1.pdf)

Racism is the belief that a group of people are inferior based on the colour of their skin or cultural background. This belief drives discriminatory behaviours and practices, such as negative racial profiling, and policies that oppress, ignore, or treat racialized groups as ‘less than’ non-racialized groups. The result is substantive inequity – where members of racialized and culturally distinct peoples, such as Indigenous peoples, do not receive the services they require or enjoy equitable opportunities or outcomes with citizens from non-racialized groups. This is systemic racism – wherein acceptance of these discriminatory and prejudicial practices is normalized across our society, in public services and institutions. p. 6

This definition clearly suggests that the lack of equitable outcomes is part of systemic racism.

Indigenous-specific racism refers to the unique nature of stereotyping, bias and prejudice about Indigenous peoples in Canada that is rooted in the history of settler colonialism. It is the ongoing race-based discrimination, negative stereotyping and injustice experienced by Indigenous peoples that perpetuates power imbalances, systemic discrimination and inequitable outcomes stemming from the colonial policies and practices. p. 8.

This definition now includes power imbalances in addition to inequitable outcomes.

Systemic racism is enacted through routine and societal systems, structures and institutions such as requirements, policies, legislation and practices that perpetuate and maintain avoidable and unfair inequalities across racial groups, including the use of profiling and stereotyping. p. 6

This narrower definition of systemic racism references overt policies, legislation and practices.