

Policing Urban Space under Neoliberalism

The neoliberal period, beginning in the 1970s, brought about significant changes in the North America. Among its most important changes has been the neoliberalization of cities, which has come in the form of downloading responsibilities, fiscal austerity, and creating competition between cities to attract capital. Life in the cities for the most marginalized became more precarious than before. Moreover, policing shifted into a ‘law-and-order’ phase that can be traced to Kelling and Wilson’s influential ‘broken windows’ theory. My discussion of the neoliberal period borrows from the frame of the “annihilation of space by law” developed by Don Mitchell.

For this paper I will be arguing that policing in the neoliberal period, with the focus on law-and-order, has been about more than just the policing of behaviour: it has also consistently been about the policing and removal of space for modes of expression and living that exist outside the liberal norm and that challenge cities as spaces of capital accumulation. This form of policing is seen clearly in Toronto from the late 1990s onwards in the Ontario Safe Streets Act (SSA) which can be seen as one of the main expressions of the very neoliberal broken windows approach to policing. Moreover, Toronto has also adopted by-laws, which while separate from the SSA, enforce the same logic that eliminates the spaces in which people must exist. While the SSA and Toronto by-laws continue to be a major part of policing in Toronto by regulating the poor on the streets, policing also underwent intensification in the form of policing dissent and protest. This change can be seen clearly in the policing of, and crackdown against, the G20 summit protesters in Toronto in 2010. While the changes in policing are clear, a direct continuity

exists between them through their attempts to eliminate space in which people can either exist or express themselves.

To analyze these changes and continuities, I will first lay out the context of the changes in economic structure from Keynesianism to neoliberalism, in particular to authoritarian neoliberalism. Second, I will look at police, their history and their role in the maintenance of social order and capital accumulation. In this examination, I will also analyze broken windows theory and its steady influence on neoliberal policing, and the racialized and gendered patterns of policing. Third, I will look at the policing of homelessness through the SSA and by-laws in Toronto through the lens of Mitchell's "annihilation of space by law," and the ways in which homelessness and the policing over it have been gendered and racialized. Finally, I will look at the post-2008 crisis intensification in policing through the militarized and repressive tactics displayed during the 2010 G20 protests as police, annihilated the spaces in which expression and dissent were able to take.

An important aspect of my exploration of this topic is that I apply a lens spatial elimination to the major policing innovations deployed by Toronto's police throughout the neoliberal period. Throughout my research, it was difficult to find information on policing and space in Toronto, especially information that connected the spatial logic that continued through the changes in policing in neoliberalism. More practically, this topic helps to understand what underlies the policing practices that attack both the homeless and those who are expressing their anger against the corrupt and brutalizing systems in place. To see policing in Toronto as an act of eliminating space helps to understand, first, the importance of public spaces for people to exist and carry out their daily lives as well as its growing importance for capital accumulation; and second, how space is important for expressing dissent and, with that, the necessity of both

occupying and holding strategic spaces for radical politics, and also challenging those who wish to take that space away¹.

Neoliberalization, the Competitive City and Post- 2008 Crisis Authoritarian Neoliberalism

According to Albo and Fanelli, the shift from the post-War period Keynesianism into neoliberalism has been a “shift from the ‘national-local’ to the ‘global-national-local’ as capital restructured its patterns of accumulation and reproduction” (2). Moreover, the shift is also “a set of specific contentions about the circulation of capital as it traverses and fixes urban space and the remaking of the modalities, apparatuses and capacities of local states” (2).

Although urbanization has always been essential to capitalism (Albo and Fanelli 3; also see Harvey), neoliberal urbanism is a very particular dynamic in capitalism with its own distinct logic in relation to cities. The appearance of neoliberalism can be first seen in the 1970s in the West as a project that, Harvey states, was to restore the conditions necessary for the accumulation of capital while also restoring power to economic elites (19). This project necessitated the breaking of the working class to further the restructuring of the state and capital (Albo and Fanelli 3). The breaking of the working class was necessary to the neoliberal project as from the late 1960s the Keynesian system confronted a hardship to overcome the falling profit rate due to the relationship between labour and capital that had developed in the Keynesian period, where capital integrated labour into its relations through collective bargaining rights, lower levels of unemployment, and social wage increases. (Gordon “Law and Order” 57).

However, as Gordon notes, we have to be careful not to overstate these benefits and the benefits

¹ This applies equally to police and the state generally, as well as to the far right/fascists who have become emboldened and more public with their actions since Trumps campaign and election..

of the welfare state and understand access to them as a whole during this period was not extended equally or at all to certain groups of people, such as LGBTQ+ people, people of colour, and women (Gordon *Cops, Crime and Capitalism* 55). The absorption of labour struggle into the state and capital allowed the ruling classes to achieve peace with the working class. However, as by the late 1960s Keynesianism began to falter due to a crisis of overaccumulation, labour, in this period, became a roadblock for attempts by the state at introducing “austerity by consent” due to its militancy and power (Gordon “Law and Order”, 58). The solution then would need to be more coercive, with capital forcibly “reassert[ing] over workers its right to manage” (58). This resulted in a “systemic attack on the postwar accord between organized Labour, capital, and the state,” leading to weakened working class power (58-59).

Neoliberalism can be divided into two distinct parts: its theory of re-representing capitalism as a utopian project, and a political project to restore class power and the conditions for capital accumulation that had been compromised during the post-war period (Harvey 19). According to Harvey, the political project to restore class power and the conditions for capital accumulation has dominated in practice, with the theoretical side being used as justification (19). Theoretically, neoliberalism advances a view that is in line with a more classical liberalism but intensified. The gist of its theory is that “human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade” (Harvey 2). Moreover, neoliberalism operates under a market dominating logic, where the market becomes the “primary producer of cultural logic and value” (Lynch 3). Citizenship under neoliberalism can be characterized as a market-citizenship “antithetical to... state guaranteed rights in education, welfare, health and other public goods,” where the citizen is a self-interested economic maximizer (3). Neoliberalism

further justifies a downloading of responsibilities to the individual, where this individual is entirely liable for its own well-being, whereas the state becomes the structural enforcer of the marketized citizenship instead of the provider of social provisioning (3).

The restructuring of the (already exclusionary) Keynesian capital-labour accord under neoliberalism brought with it further complications for the marginalized people who had minimal or zero access to the gains of the welfare state under Keynesianism. For example, the privatization and downsizing of social services under neoliberalism “have increased both the demands on women’s responsibilities in the home and exacerbated low-wage occupational job segregation” (Fanelli 12). This has taken place under the already existing racialized and gendered division of labour. As Fanelli states, “[f]rom the reduction of child and elder care services to ongoing workplace-based segregation, the broad policy matrixes of neoliberalism have further reinforced Canada’s gender- and colour-coded labour market” (12). Neoliberal policies have intensified the already existing inequalities within the labour market, which has led to the over-representation of women and people of colour in low-income employment as well as having higher poverty rates among them (13). The restructuring of neoliberalism impacts far more broadly than the straightforward class reductionist viewpoint. Not only is neoliberalism attacking along class lines, with a move to reassert class power (Harvey 19), but it is also compounding this attack along identity lines, leaving the marginalized groups within the working class even less to survive on.

The neoliberal regime can be viewed as a means to push economic policy that is ‘market-expanding’ due to its “focus on the market determination of distribution and allocation of output,” the regulation of the individual through the market, capital’s internationalization, and the “monetization of the public sector” (Albo and Fanelli 3-4). Neoliberalism goes hand-in-hand

with fiscal retrenchment in cities, where neoliberalism is constantly reinvented. Under neoliberal urbanism, development strategies at the local, or urban, scale are transformed into competitive strategies for attracting investment, and creating spaces that could give a city a competitive advantage over other cities (4). Cities have transformed in such a way due to the changes brought about in the neoliberal period such as the retrenchment of the welfare-state, the imposition of fiscal constraints and budgetary austerity upon cities, and “downloaded regulatory responsibilities and socioeconomic risks” (Peck, et al. 58). This forced cities to “introduce various kinds of cost cutting measures – including tax abatements, land grants, cutbacks in public services, the privatization of infrastructural facilities and so forth – in order to lower the short term costs of administration and production within their jurisdictions” (63). While these major changes were happening, cities also became sites of policy experiments, like ‘place-marketing’ and ‘public-private partnerships’ to workfare and property redevelopment (58). Due to the nature of neoliberal urbanism’s drive for a competitive edge, departments involved in precise matters related to development in the local state have become the major player in municipal politics, with fiscal austerity being imposed on the departments in charge of redistribution. The empowerment of policing within the local state has helped to deal with the contradictions neoliberalization of municipal politics has produced: those hit hardest by the austerity in redistributive agencies are now highly policed, whereas “property and security’ is provided for the investors and the ‘creative classes’” (Albo and Fanelli 4).

In Canada, neoliberal urbanism has taken on a similar, but distinctive, role. Traced back to the 1970s, market-centred policies began to assert their dominance at the urban scale in Canada. The federal and provincial governments began to change their orientation, with the federal government abandoning its role in urban development and housing policy pushed toward

private sector markets, on the one hand; and the provincial governments pushed for the amalgamation of municipalities to ‘rationalize’ service provisioning for the sprawling suburbs, on the other (Albo and Fanelli, 4). In the 1980s, due to state and industrial restructuring, the welfare population increased, workplaces downsized, and industrial plants moved to less expensive areas. Moreover, financialization led to the expansion of speculative markets alongside free trade agreements (4).

In the 1990s, under Prime Minister Mulroney, neoliberalism intensified further through limits in fiscal transfers and social funding to key programmes (Albo and Fanelli, 5). The provinces, due to increased costs and reduced federal fiscal transfer, began to offload more programs and responsibilities onto municipalities, including planning capacities and support for cities (5). From Mike Harris’ election as premier in 1995 onwards, his Conservative party introduced what Fanelli calls “slash and burn” neoliberalism by bringing down two statements, Fiscal Overview and Spending Cuts and Fiscal and Economic Statement (Fanelli 23). The government began its wide-ranging cuts by rescinding the Planning Reform Act, which was originally made to halt urban sprawl. The government moved forward many other changes that cut municipal fiscal capacity and social provisioning, including: “a moratorium on the development of non-profit housing and cooperatives; suspension of \$234 million worth of spending on public transportation, road and highway maintenance; elimination of recycling funds and environmental grants to municipalities totaling \$24 million; \$290 million in funding cuts to the Ontario Municipal Support Program; over \$12 million in cuts to public libraries; cancellation of the conversion of private-sector childcare spaces into non-profit spaces; and reduction in transfers to school boards by \$400 million” (23). By 1999, when the Safe Street Act (SSA) was introduced, the provincial government severely limited municipalities’ abilities to generate

revenue with over ninety-nine different tax cuts (23). Boudreau, et al. list many of the policies enacted from 1995 onwards that especially affected municipalities, including: welfare cuts, amalgamation of local governments, cuts of 21,000 positions in full-time employment in the social services, the introduction of workfare and a 60-hour work week, loosening of restrictions on planning, downloading (to local governments) and elimination of public housing programs, environmental deregulation, and more (Boudreau, et al. 59).

This tendency to download services and responsibilities from the federal to the provincial and provincial to municipal has been central to the neoliberal policy regime in Canada (Albo and Fanelli 6). Downloading to each subsequent level of government has been a way to retrench the provisioning the state has provided since the Keynesian era and has resulted in tax cuts, lack of affordability of provisioning and the decrease in public sector employment, and the opening of new spaces for profit maximization through privatization and contracting out (6). Moreover, these cuts have been complemented by an “ideological assault on benefit recipients,” which has been to call recipients of social provisioning like welfare as “undeserving” and “lazy” (Gordon 60). The downloading has carved out new spatial polarizations within cities marked by the gentrifying inner-city, on the one hand, and aging residential areas in the outer suburbs inhabited by racial minority groups, especially immigrants who are in precarious employment, on the other (Albo and Fanelli 6).

In the context of municipalities facing increasing pressures from downloaded responsibilities, the associated costs, and increasing populations, cities have increasingly depended on development projects to generate funds. This has led to a politics of the competitive city. In 2002 Kipfer and Keil noted that the city of Toronto was on its way to becoming a competitive city (234), and that the shift represented a shift in governance in Toronto. They note

three aspects of the competitive city: “the entrepreneurial city, the city of difference, and the revanchist city” (234). These aspects together comprise policies, ideologies and state orientation that “articulate strategies of accumulation (the entrepreneurial city), patterns of class formation (the city of difference), and forms of social control (the revanchist city),” and are tied to the imperative of competition between cities that vie for investment and middle class segments through policies that include economic development, urban design, diversity management, policing, and more (234-235).

In this new competitive model, more than just neoliberal social and economic policies are at play: the competitive city “represents a broader project of cementing and reordering the social and moral landscape of the contemporary urban order” (Kipfer and Keil, 235). This is especially visible through the “racializing law-and-order project” (235). The entrepreneurial city represents the economic policies pursuing business investment and maintaining “hard” strategies of “cost competition” promoted through privatization, fiscal conservatism, and marketization of the local state; and “soft” strategies of training, education and social infrastructure investment (235-236). In Toronto, through self-imposed fiscal austerity, many city departments have had to ‘rationalize’ their operations which directly affected redistributive functions. However, the police have been exempt from these rationalization processes for the most part (236). This same process holds when, on the one hand, we look at the current budget problems that Toronto Community Housing Corporation (TCHC) is having, and the police budget, on the other. TCHC is currently dealing with a funding gap of \$96 million and is \$1.7 billion short in expected funding from federal and provincial governments (Pagliaro). Moreover, mayor John Tory has imposed fiscal constraints on all departments of 2.6 percent, which will lead to cuts in “quality-of-life improvements proposed by Tory’s own housing task force last year” (Pagliaro). This, however,

is not the same for policing budgets. Although Toronto police services are receiving their lowest budget in recent history (although not by much), it is still falling short of the 2.6 percent requirement that TCHC is beholden to, without it being forced into cutting further (Powell). The police budget had been on an 11 year steady increase, and even in its first year of a lower budget, it still has not been made to follow the fiscal constraint that housing services are forced to comply with (Powell).

The city of difference and the revanchist city represent the social and moral aspects of the competitive city model. The city of difference relates to policies and discourses of culture and aesthetic diversity that are integrated into urban development (Kipfer and Keil 236). This is the policy realm of “gentrification and ‘place-making’ through spectacular urban development” and the use of multiculturalism to integrate “categories of difference” into commodified spaces for the new middle-class which are “aestheticized in a ‘corporate and commercial’ multicultural body aesthetic with fascist undertones” (236). This aspect exploits diversity for the competitive city’s benefit while increasing exclusion and polarization is experienced by those same ‘diverse’ and marginalized groups (237). Furthermore, the revanchist city represents the policies that explicitly militarize space through policing, parks management, social housing administration, and the like (237). The revanchist city is a term first coined by Neil Smith. The term comes from the late nineteenth-century French revanchists who “initiated a revengeful and reactionary campaign against the French people” (Smith 211). This, he states, is the most appropriate historical pretext for understanding contemporary ‘American urbanism’ which “represents a reaction against the supposed ‘theft’ of the city, a desperate defense of a challenged phalanx of privileges, cloaked in the populist language of civic morality, family values and neighborhood security” (211). For Smith, the revanchist city expresses a race/class/gender terror felt by middle-

and ruling-class whites who are suddenly stuck in place by a ravaged property market, the threat and reality of unemployment, the decimation of social services, and the emergence of minority and immigrant groups as well as women, as powerful urban actors. It portends a vicious reaction against minorities, the working class, homeless people, the unemployed, women, gays and lesbians, immigrants” (211). A main point of contention in the revanchist city has been crime (213) leading to “law-and-order campaigns and racialized moral panics” being the common means through which the revanchist city implements its strategy (Kipfer and Keil 237). These coercive and “exclusionary forms of social control” are now a mainstay in competitive city politics in an attempt to sterilize urban space for investors, capital and the new middle class (237).

The Phases of Neoliberalism

In the periodization of neoliberalism Peck and Tickell have identified two distinct phases; that is, ‘roll-back’ and ‘roll-out’ neoliberalism (Peck and Tickell 384). The shift towards the roll-back phase occurred in the late 1970s, where neoliberalism shifted from its theoretical project characterized by Friedrich Hayek and Milton Friedman to the projects championed by Thatcher and Reagan (388). The project itself, in this phase “was associated with the crisis conditions ‘external’ to the project itself” (390). This was the dominant project throughout the 1980s, where the state was mobilized for deregulation, dismantlement of the welfare state and marketization (384, 388).

The ‘roll-out’ phase emerged out of the limits of the Thatcher and Reagan years by the early 1990s (Peck and Tickell 388). This phase is characterized by the move away from market centric reforms to more ‘socially interventionist’ forms characterized by Clinton in the United

States and Blair in Britain (388-389). The neoliberal project in the 1990s underwent an expansion which allowed for new forms of intervention and institution-building, becoming more associated with “new modes of ‘social’ and penal policy making, concerned specifically with the aggressive reregulation, disciplining, and containment of those marginalized or dispossessed by the neoliberalization of the 1980s,” instead of the narrow concerns of extending markets and their logic (389). The roll-out phase has been concerned with “new forms of institutional ‘hardware,’” associated with new technocratic and ‘depoliticized’ forms of rule; ‘depoliticized’ meaning that they are taken as common sense or ‘foundational’ in policy discourse (338). While this occurs, new technologies are developed by states in areas around “‘social’ issues like crime, immigration, policing, welfare reform, urban order and surveillance, and community regeneration” in a deeply interventionist fashion (389). The new policies being pursued, both social and penal, represent the “advancement of the neoliberal project – of extending and bolstering market logics, socializing individualized subjects, and disciplining the noncompliant – and a recognition of sorts that earlier manifestations of this project, rooted in dogmatic deregulation and marketization, clearly had serious limitations and contradictions” (389-390).

Recently, some writers have been characterizing the neoliberalism in the aftermath of the 2008 crisis as authoritarian neoliberalism (Albo and Fanelli 2014; Bruff 2013; Bruff 2016). The writers have used Poulantzas theory of authoritarian statism as a roadmap for understanding what they see to be the changes in neoliberalism since the 2008 crisis. The major takeaways from Poulantzas for this theory are his insights into the changes within the state itself and its increasingly authoritarian path. Poulantzas theorized the “intensified state control over every sphere of socio-economic life combined with radical decline of the institutions of political democracy and with draconian and multiform curtailment of so-called ‘formal’ liberties”

(Poulantzas 203-4). Moreover, he identified the increased power of the executive and the decreasing power of parliament. Parliament has historically consisted of law and legislature which invoked “the general will and universality of the people-nation in opposition of royal arbitrariness” (218). The divide between the legislature and executive were shrinking under authoritarian statism, and power was shifting to the executive and state apparatus, with parliamentary legitimacy being transformed into an “instrumental rationality of efficiency” thus resulting in the decline of law (218-219).

Writers have noted that the so-called authoritarian neoliberal period has been marked by what Poulantzas identified as a trend in authoritarian statism: a decrease in democratic powers and the lessening of the importance of parliament, with the increasing undemocratic powers and the greater importance of the Executive and different technocratic departments within the state apparatus. This period has also been marked by financialization, which has led to finance having more power over state policy and over the push for the “total privatization and commodification of the public sector” (Albo and Fanelli 12).

Although under neoliberalism democracy has always been constrained, with one of the major neoliberal thinkers, Friedrich Hayek, believing that “there is a need to restrict strongly the power of elected parliaments in favour of the creation of institutional safeguards” (Bruff *Handbook* 151), writers have argued that post-2008 crisis neoliberalism has seen the rise of “more overtly ‘authoritarian’ measures” (Albo and Fanelli 19). With anti-democratic sentiment pervading society as a whole, a resurgence of far right politics has come to the fore. These groups usually all contain elements of xenophobia, conservatism, and “a deep mistrust of democratic institutions” (19-20). They have been able to make their way into dominant national parties where they “command a sizable percentage of the popular vote” (20). Far right populism

has been an important part of the state's intensifying of "surveillance and coercion and the curtailment of equal civil and political freedoms for all citizens" (20). We can see this especially clearly now with the election of the president Donald Trump in the United States and the myriad far-right nationalist parties making serious gains all throughout Europe.

For Bruff there are three main features that distinguish authoritarian neoliberalism from pre-2008 crisis neoliberalism,

(1) the more immediate appeal to material circumstances as a reason for the state being unable, despite "the best will in the world," to reverse processes such as greater socioeconomic inequality and dislocation; (2) the deeper and longer-term recalibration of the kinds of activity that are feasible and appropriate for nonmarket institutions to engage in, diminishing expectations in the process; and (3) the reconceptualization of the state as increasingly nondemocratic through its subordination to constitutional and legal rules that are deemed necessary for prosperity to be achieved (Bruff 115-6).

Under authoritarian neoliberalism, "authoritarian tendencies – such as the increasingly punitive nature of penal and criminal policy – have come to the fore through the shift *toward* constitutional and legal mechanisms and the move *away* from seeking consent for hegemonic projects" (116). Instead of compromise and concessions for dealing with dissent, authoritarian neoliberalism follows the path of exclusionary policy and "legally engineered self-disempowerment of nominally democratic institutions, governments, and parliaments" (116). This, Bruff argues, is "qualitatively distinct," yet it "does not represent a wholesale break from pre-2007 neoliberal practices" (116).

In the post-crisis era, the state has undergone a restructuring and deepening of "the neoliberal policy mix" (Albo and Fanelli 14). A strengthening of executive power has occurred alongside a weakening of parliament, which has come "in the guise of 'technical governments'" (14). The creation of special economic agencies that report directly to the executive, distant from any form of democratic control, have been formed with the purpose of strategizing state

restructuring (14). Simultaneously, central banks have also gained further autonomy in the deployment of “monetary policy ‘techniques’ ... to shift bank liabilities into the public sector and onto central bank balance sheets” (14). Alongside, “‘fiscal consolidation’ has become the ‘technical operational mandate for a further shifting of the tax burden, reducing welfare state provisions, seeking union concessions and a massive ‘monetization of public assets’” (14).

The changes under authoritarian neoliberalism have resulted in two major developments, attempting the total privatization of public goods and the policing of dissent. Although privatization has always been at the core of neoliberal restructuring, since the 2007-8 crisis, it has seen a surge in popularity (Albo and Fanelli 15). Mass privatization has been happening across the advanced capitalist countries in an attempt “to reduce public debt to GDP ratios” (17). However, there are areas where total privatization may not be possible, so states have pursued the monetization of public assets through “public-private partnerships, contracting out and leasing options” and the formulation of new budgetary and management norms (18).

The post-crisis period has seen larger protests and more diverse tactics aimed at multiple different institutions from governments and corporations to supranational institutions (Albo and Fanelli 21). However, protest and dissent has been met with “a ‘hardening’ of the state,” based on the “multiplication of legalized restrictions and policing modalities for the disciplining of dissent” (21). Ironically, in some cases, the denial of constitutional rights through coercive state intervention has been done “in the name of democracy” itself (Bruff *The Rise* 126). More often, however, dissent tends to be framed as a threat to competition and economic recovery (Albo and Fanelli 22). A myriad of policing tactics are being employed to squash dissent including police infiltration, “defunding equity-seeking organizations, closing down public space for protest, and expanding fines and criminal charges for ‘illegal’ protests” (22). A very recent example of this in

the US has been the absurd charges placed on protestors of the Trump inauguration who are facing up to 75 years on charges of inciting a riot and destruction of property (Democracy Now). Moreover, technologies developed for fighting ‘terrorism’ have been mobilized for the policing of dissent, including, “facial recognition software, telephone, computer and electronic hacking, and metadata mining” (Albo and Fanelli 22). While “the formal appearance of democracy remains... the security and policing capacities of the state are being reconfigured in a way that reduces democratic freedoms and restricts the explosions of popular democracy” (22).

The antecedents to the intensification of protest policing in the post-2008 period can easily be traced to the new modes of regulation and powers that the police had in their arsenal after September 11, 2001. Anti-terrorism legislation in Canada gave the police new powers in dealing with terrorism by allowing police to preventatively arrest on suspicion and hold for up to seventy-two hours without charges, something that Gordon points out have not existed before in the law except with the War Measures Act used by Trudeau Senior responding to the FLQ (Gordon *Cops Crime and Capitalism* 24-25). Critics at the time expressed worry of these changes in the law becoming permanent aspects of criminal law (25). With the passing on Bill C-51, I think it became clear that the state intended to both make these permanent and extend powers further than before. The changes adopted from 9/11 had made, according to Gordon, the role of police “broader and more coercive than it ever was before” (25).

The so-called authoritarian neoliberal period does not mark a real break in neoliberalism, but like the neoliberal period marked a return to and intensification of older forms of coercion and control (McNally 116), the post-2008 crisis period marks a direct continuation and intensification of neoliberal forms of coercion and control. As McNally points out in his book *Global Slump*, the neoliberal period (and capitalism generally) has always been an authoritarian

project. In the fifth chapter, McNally details many of the changes and intensifications of the modes of discipline that capital and the state have employed to ensure people “submit to the unyielding disciplinary regimes of wage-labor” (117). He shows that neoliberalism has been a project that vowed to put fear back into the hearts of workers and reassert authority that had been undermined by different social movements throughout the 1960s (115). Moreover, he points out that the ‘law and order’ policies at the heart of neoliberalism have always tended towards police militarization and brutalized violence, including heightened surveillance, the targeting of the poor and outright murder (116-119). These processes have always been racialized and targeted the most marginalized communities (116). The militarization has also gone hand-in-hand with mass incarceration with prisons, instead of schools, “that secure the disciplinary ethos of neoliberalism” (119).

As noted earlier with Peck and Tickell, the roll-out phase itself contains much of what the writers employing authoritarian neoliberalism maintain is unique to the post-2008 crisis period. What is important in the discussion of authoritarian neoliberalism for this paper is not that it is a distinct or new period in neoliberalism, as much of what is described has direct antecedents before the 2008 crash, but rather, that there is both a direct continuity between it and the roll-out phase and an intensification of the processes within that phase, and that there is an attempt (Bruff 2013; Bruff 2016; Albo and Fanelli 2014) – even if I am not entirely convinced – to understand these processes without employing neoliberalism generally.

The Role of Police, Vagrancy Laws and Broken Windows

Through the changes brought on by the neoliberal turn and the retrenchment of the state in the area of social provisioning, and the downloading and offloading of responsibilities to

municipalities, the local state has had to play a competitive game in order to attract investment and maintain fiscal responsibility. This process has required an intensification of the policing and the militarization of space. Space has become hostile to the most marginalized and vulnerable under the need to restore conditions for investment and capital accumulation.

Historically, the police have always played a particular role in the regulation of the working class and the poor. Through Neocleous, Gordon states that police need to be understood as a central feature of the state's power that is expressed in "power over the working class... through a range of mechanisms [Neocleous] refers to as political administration" (Gordon *Cops, Crime and Capitalism* 38). Through political administration, police exercise their power over the working class on a daily basis, with modern police coming to play the role of fabricating "a new order of bourgeois rule" which they maintain to this day (38). Policing, according to Gordon, "has evolved historically into the key means by which the state produces the working class and responds to its day-to-day struggles against the social order" (39). Neocleous maintains that the development of police forces was seen to be "an extension for the emerging machinery for managing the poor" (Neocleous 67). Gordon maintains that it was not poverty itself that was historically the problem, for example in Britain, but rather indigence. Indigence was linked to criminal activity and the indigent were the poor who were unrespectable and refused to acquire subsistence through the wage labour relation (Gordon *Cops, Crime and Capitalism* 39). The new poor laws that were enacted in Britain in the 1800s were enacted by administrators who had a "symbiotic relationship" with administrators of the new police force (39). The emergence of industrial capitalism at the same time as there became a focus on the distinction between poor and indigent poor is an extremely important context for understanding policing. Gordon states that for capitalism to develop properly, there needed to be the development of a working class.

The process required for creating a propertyless class reliant on wage labour and the market for subsistence resulted in the need for “a massive police operation” that focused firmly on the enforcement of the wage labour relation (39-40).

Vagrancy Laws and Policing the Poor

The historical role of policing and poor laws become very clear when we look at vagrancy laws. Vagrancy laws originated out of necessity for the consolidation of the capitalist system. These laws were essentially aimed at policing activities that would allow people to live outside the wage labour relation (Gordon *Cops, Crime and Capitalism* 75). Idleness and criminality were seen to go hand-in-hand, and idleness was a defining characteristic of vagrancy—which meant idleness was made to become a crime (75). In Britain, the Vagrancy Act of 1824 was passed to address the problem of idleness, but also “defined a variety of street-based activities as illegal” (75). This Act allowed police a broad scope of whom they could target, including beggars, people with “suspicious characters,” and those sleeping in public, while maintaining that the burden of proof for not participating in these activities rests on the vagrant (75). The power that this allowed the police essentially made public spaces increasingly hostile, especially to people “deemed fit for work” (75). In line with this, a distinction was made between the “worthy” and “unworthy” poor with the vagrants occupying the latter category (75).

Vagrancy laws also played a similar role in Canada. These laws existed before confederation and were consolidated in the criminal law when Canada passed the Vagrancy Act in 1869 (Gordon *Cops, Crime and Capitalism* 76). Canadian vagrancy laws were modeled after the British version and clearly targeted the indigent: “the person who is ‘able to work and thereby... to maintain himself’ but who ‘refuses or neglects to do so’” (76). Under these laws,

acts were not policed but instead identity was: looking poor became reason for the police to target someone which could lead to arrests or jail time (76-77). With these laws, the act of begging became criminalized, unless it was allowed by “the proper authorities”; the burden of proof was placed on the target rather than the authorities to make clear they were not a vagrant (77). Like the poor laws in Britain, the goal here, according to Gordon, was “to create a class of wage labourers... to stamp out alternatives to holding a job or other reasons to avoid work” (77). Gordon points to the subsections (e) and (f) of the Canadian Criminal Code which ban causing a disturbance, public drunkenness and loitering. These subsections are important because the acts are outlawed regardless of if the activities are an actual threat to public safety. This leads to the implication that loitering and drunkenness signify a lack of moral discipline, while employment signals the height of moral discipline (77).

The pre-WWII era of policing, beginning in 1900 saw the beginnings of the police professionalizing, especially through the International Association of Chiefs of Police (IACP), which concerned itself with protecting the police’s image and raising “standards in terms of recruitment, training, discipline and pay” (Marquis 66-67). Alongside this, the police focused on following the military example of bureaucratic organization while adopting new and adapting technologies like fingerprinting, vehicles and radio (66, 67). The police in this period still responded mostly violently to labour unrest and strikes, as evinced by their response to the Winnipeg General Strike (66,70-71,102-103). During this period, the police took a mostly “tough-on-crime” approach which reflected the dominant values at the time, where “crime was caused by individuals, not society” (66).

The post-WWII saw the change in police to a more “efficiency-driven model” where they tended to be on service calls and mobile patrols; the beat cop became replaced with a more

motorized police force that reflected the motorized society of Canada itself (Marquis 173,175). A rise in the crime rate was also associated with this period, although as Marquis points out, it is unclear if crime was actually rising or if there was just an improvement in reporting procedures (174). With the growth of both urban and suburban populations, the post-1945 period also saw the expansion of police departments (174). Women in the police force also saw a change in this period where they became integrated into the operations not as ‘policewomen’ but as regular officers (188). Police also felt certain constraints on them starting in the 1960s where their authority was undermined by ‘progressive’ reforms (177). Much of this, according to Marquis, was due to a society which was better educated and questioned authority alongside stronger concerns for privacy and human rights (177).

Policing and Race

The racial and gendered aspects of policing must also be situated within the context of managing the poor and working class in capitalism. Gordon notes that since “capitalist state power is itself systematically racialized and gendered” the composition and re-composition of class are inseparable from “the historical processes of racialization and gendering” (Gordon *Cops, Crime and Capitalism* 46). In the capitalist order, the state must manage the struggles of the working class, and since policing is the vehicle for this managing, policing itself is inseparable from racialized and gendered oppression (46). Connecting policing to state management of the working class “highlights the way in which these dynamics are rooted in the heart of policing itself, rather than simply a feature of individual racist or sexist police” (46). Since marginalized groups tend to be disproportionately represented within the class categories that policing focuses on, it follows that they experience a disproportionate amount of attention.

The targeting that these groups face is “therefore both a precondition and result of their location” (46). However, it must be noted that although class is a major factor, it is still the case that “[b]lack Canadians of higher status are still much more likely than whites from a similar socio-economic background to be stopped by police” (47), so that we understand that the relationship to policing operates on an intrinsically racist, not just racist by extension of class, basis.

The specific nature of anti-black policing is important to remember when dealing with the police as an institution of the state. Especially for the United States, Taylor states that,

The daily harm caused by the mere presence of police in Black communities has been a consistent feature of Black urban history and, increasingly, Black suburban history. Police brutality has been a consistent badge of inferiority and second-class citizenship. When the police enforce the law inconsistently and become the agents of lawlessness and disorder, it serves as a tangible reminder of the incompleteness of formal equality. You cannot truly be free when the police are able to set upon you at will, for no particular reason at all. It is a constant reminder of the space between freedom and “unfreedom,” where the contested citizenship of African Americans is held (Taylor 250 eBook).

Like Gordon, Taylor sees the racism of police coming “from their role as armed agents of the state” (251). Policing functions as an arm of the politically and economically powerful. This is why police target poor and working class folks and because “African Americans are overrepresented among the ranks of the poor and the working class... police overwhelmingly focus on those neighbourhoods, even as they direct their violence more generally against all working-class people” (251). Because the police both “reflect and reinforce the ideology of the state that employs them... [it] explains why they are inherently racist and resistant to substantive reform” (251). Taylor continues, “if the task of the police is to maintain law and order, then that role takes on a specific meaning in a fundamentally racist society” (251). While Taylor is speaking about the American context, this also directly applies to Canada as a white supremacist settler colonial state. Canada’s policing cannot be separated from its history of indigenous

slaughter, anti-Chinese racism, Japanese internment camps, and its continued discrimination against racialized people (Mullings, et al. 21).

Racism and policing for both Gordon and Taylor must be seen within the context of class position as well as race. The policing of black people cannot be properly understood without the context of the overrepresentation of black people within poor and working-class communities; communities which they both state are heavily policed as the result of the police's job "to enforce the rule of the politically powerful and the economic elite" (Taylor 251) and to manage the poor (Gordon *Cops, Crime and Capitalism* 46). However, neither author ever reduces the nature of policing and race to class reductionism. To both authors society itself is racist regardless of class position and racism cannot be reduced solely to class.

Broken Windows and Neoliberal Policing

In 1982 George L. Kelling and James Q. Wilson had an article published in the *Atlantic* where they discussed their new theory of policing and maintaining community safety. This became known as "broken windows theory."² Kelling and Wilson stated that,

one broken window becomes many. The citizen who fears the ill-smelling drunk, the rowdy teenager, or the importuning beggar is not merely expressing his distaste for unseemly behavior; he is also giving voice to a bit of folk wisdom that happens to be a correct generalization—namely, that serious street crime flourishes in areas in which disorderly behavior goes unchecked. The unchecked panhandler is, in effect, the first

² Broken windows theory comes from the idea that a broken window signals that no one cares and that one broken window will lead to more broken windows if left alone and unrepaired. Psychologist Phillip Zimbardo experimented with this in 1969, leaving a vehicle without license plates and its hood up on the streets in two cities. First, in the Bronx, within ten minutes, the vehicle was stripped of its parts. One full day later, once the valuable things were removed "random destruction [began] – windows were smashed". In the second city, Palo Alto, Zimbardo had to smash the car because it was untouched for a week. A little while after he smashed it, 'vandals' had destroyed the car (Kelling and Wilson).

broken window. Muggers and robbers, whether opportunistic or professional, believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place (Kelling and Wilson).

This passage represents the basis of their theory. Essentially, they argue that “stopping low-stakes or “nuisance” crimes, such as subway fare evasion, public drinking, or graffiti, would prevent more serious crimes” (Taylor 288). As Taylor notes, “[t]here is no empirical evidence for its effectiveness, but it has created a pretext for aggressive policing of poor and working-class people, who are more likely to be seen engaged in such ‘nuisance’ activities because their neighborhoods are more likely to be patrolled” (Taylor 288).

Not surprisingly, the type of policing that Kelling and Wilson promoted here was less about what is actually legal, and more about enforcing the “informal rules” of the neighbourhood. In a description of a night that Kelling spent with a foot patrol officer, he states that what this officer was doing on the job could sometimes be described as ‘enforcing the law’ and just as often “taking informal or extra legal steps to help protect what the neighbourhood had decided was the appropriate level of public order. Some of the things he did probably would not withstand a legal challenge” (Kelling and Wilson). Within their own theory, a theory about policing in a *liberal* society where rights and laws are to be upheld and respected, we see Kelling and Wilson agree with an officer’s use of power that goes beyond the rights and law in a very *illiberal* way. The removal of rights and safeguards and movement towards more authoritarian forms of control are directly visible here in their explanation. Further, they claim that the process of urban decay in the post-war period is the result of two factors: 1) mobility for people has become much easier, and therefore, their commitment to a neighbor is not the same as it was pre-WWII; and 2) unlike the pre-WWII period where the police were able to reassert authority, act

violent, rough people up, and arrest on suspicion “on behalf of the community” and “[r]ights were something enjoyed by decent folk, and perhaps also by the serious professional criminal, who avoided violence and could afford a lawyer,” the police have forgotten their prior functions to focus solely on crime fighting, not order-maintenance’ (Kelling and Wilson). The authors practically salivate over the abuse of authority by police through their nostalgia for a time when the police could do as they pleased on behalf of a so-called community. Moreover, they explicitly admit that rights are only afforded to those who can afford them – that the poor do not have the same equality under the law and through the state as citizens who both have money and fit the “decent folk” criteria.

The theory that Kelling and Wilson espouse here has some direct connections with the Ontario Safe Streets Act (SSA) and the logic employed in the “annihilation of space by law,”³ the latter of which refers to the use of legal means to “cleanse the streets of those left behind by globalization and other secular changes in the economy by simply erasing the spaces in which they must live – by creating a legal fiction in which the rights of the wealthy, of the successful in the global economy, are sufficient for all the rest” (Mitchell 305). The policing and maintenance of order so desired by Kelling and Wilson, making safe of communities and policing behaviours, all points to the policing of space, keeping space clear for certain people, for “decent” people. To the authors, arresting on charges like “‘suspicious person’ or ‘vagrancy’ or ‘public drunkenness’” is done not to “punish vagrants or drunks but because [society] wants an officer to have the legal tools to remove undesirable persons from a neighborhood when informal efforts to preserve order in the streets have failed” (Kelling and Wilson). Further, they state that,

³ The phrase annihilation of space by law is modified from Karl Marx’s phrase “annihilation of space by time,” which Mitchell mentions is “one of [David] Harvey’s favorite insights from Marx” (Mitchell 303).

This wish to "decriminalize" disreputable behavior that "harms no one"- and thus remove the ultimate sanction the police can employ to maintain neighborhood order—is, we think, a mistake. Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community (Kelling and Wilson).

Clearly, it is both the maintenance of order, the policing of behaviour and the policing of space at play. The authors, like the architects of SSA, want to remove the space for ‘vagrants’ to exist. And, as shown above, panhandling is one of the main behaviours associated with crime and broken windows.

A final point about Kelling and Wilson article from 1982 is their mention of equity. They ask: “How do we ensure, in short, that the police do not become the agents of neighborhood bigotry?” (Kelling and Wilson). They answer: “We can offer no wholly satisfactory answer to this important question;” all they do is to hope that through selection, training and supervision the police will understand that they “exist to help regulate behavior, not to maintain the racial or ethnic purity of a neighborhood” (Kelling and Wilson). It is clear that the authors lacked the same understanding of police and race that both Taylor and Gordon do – that the police take on the prejudice of the institutions that they serve and that since these institutions are racist, the police will inevitably be racist.

Toronto Policing and Race

The type of policing theorized by broken windows became a reality in the United States, especially in New York in the neoliberal period. As Taylor states, William Bratton, the then New York City police chief, popularized this type of policing in the 1990s (Taylor 288). Through the use of Compstat, a software that tracks stops and arrests to generate crime statistics daily, and the use of race-based stops through “stop-and-frisk” Taylor 288-290) New York saw the

implementation of a racist and purely neoliberal form of policing influenced by broken windows. Toronto, too, has seen its form of race-based policing since the 1980s.

Saberi points out that racialization and territorialization being “at the heart of the threat of the ‘American ghetto’” have been normalized in Toronto through many different ways, including community policing strategies (Saberi 6). Targeted policing in Toronto has been carried out since 1982, but in 1993, when the ‘Yonge street riot’ happened, the police force in Toronto reintroduced a form of area based policing into low-income housing of downtown Toronto under the name of Project 35 (6-7). Project 35 became the precursor for 1999’s Community Action Policing (CAP) which focused on targeting “specific ‘hot spots’ to prevent ‘uncommitted crimes’” (7). Five years later, by 2004, the worry of the American ghetto became Toronto’s Paris problem. “In 2004, a police-induced spike in gun violence among non-White youth in Toronto brought the territorialised and racialised geography of poverty to public attention,” which eventually led to Toronto’s first targeted area-based policing in 2005 (7). This policing targeted low income postwar suburbs and ‘priority neighbourhoods’ which “soon became code for Toronto’s ‘ungoverned’ spaces, characterised by the geographical concentration of non-White poverty and violence” (7).

In 2006, very much in line with New York’s implementation of broken windows, Toronto introduced the Toronto Anti-Violence Intervention Strategy (TAVIS) as an area-based policing strategy (Saberi 9). TAVIS was intended to be a rapid response team targeting ‘high-risk’ areas, a high visibility force in targeted neighbourhoods, and was responsible for community empowerment and engagement, which included activities like park cleaning, flower planting and playing basketball, mostly with young non-White males (9). “TAVIS rationalized its targeting based on allegedly scientific police crime statistics, occurrence mapping, and

community consultations,” but it always maintained its “racialised ideology concerning non-White poverty” (10). Alongside and growing out of TAVIS, Toronto implemented other forms of community-police involvement and engagement, aimed at the administration of “‘problem’ spaces,” pacification and “winning hearts and minds” (11-12). This included a three year program aimed at improving police-community relations while decreasing gang recruitment; the introduction of school policing, where officers are placed in schools in ‘priority neighbourhoods’; the absurd attempt to improve public image by having a theatre company create the *DISS* production that utilized “hop-hop, choreography and theatre to draw a voice out of [gang-affected] youth”; and more (12-13).

This type of area-based policing is not the only racialized policing in Toronto, however. The issue of carding has been a problem in Toronto since at least the early 2000s, with activists criticizing its racist nature (Saber 11). In 2010 and 2012, the Toronto Star published two series with data, showing, first, that the practice was indeed racist, with black males between the ages of 15-24 being stopped 2.5 times more than white males of the same age, and second, that the data was again confirmed in the 2012 update (11; see also Rankin, and Rankin and Winsa). Quoting Wortly and Owusu-Bempah, Saber notes that “non-White populations in Canada ‘suffer from racial profiling as well as relatively harsh treatment with respect to arrest decisions, police use of force, pre-trial decisions making and sentencing’” (11; see also Wortly and Owusu-Bempah).

Anti-Homeless Policing and the Annihilation of Space by Law

Vagrancy law saw a drastic change in Canada in 1972 with amendments that removed the status offence from legislation in the criminal law (81). However, though these changes

essentially decriminalized vagrancy laws in the Criminal Code, there has been a growing use of municipal by-laws to recreate the effects of vagrancy legislation. Moreover, Ontario passed the Safe Streets Act (SSA), which came into effect in 2000 (Esmonde 64) which can be seen as a continuation of vagrancy laws. Importantly, the use of bylaws and the SSA to police space came about in the neoliberal period, especially with the push towards the competitive city in Toronto. The SSA was introduced as a way to make “squeegeeing and some forms of panhandling illegal” (64). Gordon argues that the SSA “is the clearest example yet of the return of vagrancy-type legislation in Canada” (Gordon *Cops, Crime and Capitalism* 95). Since the SSA marks a clear return to vagrancy style legislation, it follows that the legislation will be directly targeting the homeless and their behaviour as well as the space in which they live. The SSA can be seen as the Ontario specific resurgence in anti-homelessness that Don Mitchell theorizes as the ‘annihilation of space by law.’

Mitchell situates the annihilation of space by law as a way for cities concerned with “livability” to “[make] urban centers attractive to both footloose capital and to the footloose middle class” (305). This approach appeared in the neoliberal period of competitive city making in the 1980s and 1990s. The annihilation of space by law essentially means that cities have implemented a legal strategy aimed at sanitizing the streets of the marginalized who were “left behind by globalization and other secular changes in the economy by simply erasing the spaces in which they must live—by creating a legal fiction in which the rights of the wealthy... are sufficient for the rest” (305). This fits firmly within the revanchist attitude Smith describes and as one of the three aspects of the competitive city which Toronto is shaped by. In line with the historical poor and vagrancy laws, this new legal regime is banning behaviours that the poor must partake in in public space for survival (305). This is achieved by “legally (if in some ways

figuratively) annihilating the only spaces the homeless have left” (305). Moreover, like poor laws before, these laws define what behaviour is acceptable in public space which amounts to “annihilating the spaces in which the homeless must live” (305). This, according to Mitchell, effectively attempts to annihilate the homeless themselves so that spaces for global capital can be opened without interference (305).

The SSA is a prime example of a legalistic framework that attempts to annihilate space by law in Toronto⁴. As noted earlier, squeegeeing and panhandling are the direct targets of this legislation and both of these are actions taken by the visibly poor. These activities are subsistence activities that the homeless rely on but, instead of addressing the causes of these activities – structural inequalities such as lack of decently paying jobs and affordable housing – Ontario has moved to criminalize them (Esmonde 69). Since the SSA addresses particular behaviour instead of the root causes, Gordon sees the SSA as an act to criminalize behaviour that does not correspond with market discipline. Moreover, the homeless who use these survival strategies do not present much real danger: the danger, as the state sees it, is “in being young and without work—and seeking to survive this way” which threatens the market functions of capitalism (Gordon *Cops, Crime and Capitalism* 94). The state, in this case, is interested in policing behaviour and removing the visible poor from sight. This serves both purposes of “the purification of public space” (Collins and Blomley 40) and the enforcement of strict behavioural norms conducive to market functions.

⁴ The SSA and the by-laws mentioned below are specifically formulated in order to ‘sterilize’ spaces, to remove certain persons (the poor and homeless) and their behaviours from public space (Mitchell 305). What this accomplishes is not the fixing of the actual core issues at the root of poverty caused by brutal neoliberalization, but rather making space more aesthetically pleasing and attractive for new rounds of capital accumulation in cities (304).

Although the SSA does not directly refer to squeegeeing or panhandling, it does specifically prohibit a broad definition of soliciting. The act defines soliciting as “[requesting], in person, the immediate provision of money or another thing of value...using the spoken, written or printed word, a gesture or other means (Esmonde 70). Soliciting is then divided into two forms, an “aggressive manner” and through a “captive audience.” The definition for aggressive manner is “a manner that is likely to cause a reasonable person to be concerned for his or her safety or security” (70). Aggressive acts broadly include: threatening a person with physical harm, by word, gesture, etc.; “obstructing the path of the person solicited” during or after solicitation; using abusive language during or after solicitation; “[p]roceeding behind, alongside or ahead of the person solicited” during or after solicitation; and more. Captive audience entails that no one shall solicit near an ATM, a payphone or public toilet, a taxi or bus stop, a public transit vehicle, someone getting in or out of a vehicle, etc. (70).

The definitions within the SSA allow for homeless people to be targeted by police simply by being visibly poor and on the streets (Gordon *Cops, Crime and Capitalism* 99). Moreover, it becomes nearly impossible for homeless people to avoid violating the SSA “[b]ecause homeless people must carry their belongings wherever they go” and “the belongings are likely to constitute an “obstruction”” (Esmonde 71). The basic acts of panhandling and squeegeeing are clearly targeted within the language provided under the definition of solicitation. The implication of this type of broad language is that it allows for police to take a very broad approach: they can interpret the act how they so choose and arbitrarily determine who is in violation. An important note that Gordon makes is that although this directly targets people requesting money in public space, it was “common sense” to politicians like Mike Harris that this act would definitely not

target charities, even though the “definition of aggressive could easily include some of their actions” (Gordon *Cops, Crime and Capitalism* 102).

Due to the direct targeting of homeless people by police under the act and the fact that being homeless in public space can easily be considered a form of soliciting, Mitchell’s claim that “we are creating a world in which a whole class of people simply cannot be, entirely because they have no place to be” (Mitchell 311) seems to be exactly the case with the SSA. He notes that in the American context, the types of things being banned like “sitting on sidewalks, sleeping in parks, asking for donations, peeing” are not outright banned across society as a whole; those who have a private space to do these things can without having to worry. However, for those who have only the public space to live in, these laws “destroy whatever freedom homeless people have, as people, not just to live under conditions at least partially of their own choosing, but to live at all” (311-312). Most of what Mitchell mentions being banned in the US falls directly under soliciting in the SSA, especially with the obstruction of the path of the person solicited. The same process of annihilating space that Mitchell describes in the US is happening in Toronto through the SSA and the policing of it.

By-Laws and the Annihilation of Space by Law

The SSA is not the only method that Toronto has available for the authorities to annihilate spaces for the homeless, however. Toronto has at least two active by-laws that police the spaces that the homeless exist within and the activities that they are allowed to perform within those spaces. In February of 2005, then mayor David Miller and the Toronto City Council passed a plan aimed to ‘end street homelessness’. The plan consisted of \$18.4 million to be used to lobby higher governments for funding, build more affordable housing, increase outreach in the

streets, and more controversially, ban sleeping in Nathan Phillip's Square (Kraus). The ban on sleeping in the Square is covered under by-laws 636-11 and 636-23. By-law 636-11 states the prohibited activities under the "use of the Square" article. The important part of this subsection is 636-11 L., which states that "[n]o person shall, within the limits of a square," "[c]amp or erect or place a tent or temporary abode of any kind". Similarly, part A of subsection 636-23 titled "Camping prohibited" states that "[n]o person shall, within the limits of a square as defined in § 636-22A, camp or erect or place a tent or temporary abode of any kind" A Square as defined in 636-22A includes Albert Campbell Square, Mel Lastman Square, and David Pecaut Square. What is particularly important here is that these by-laws do not only ban the placing of a temporary abode, a structure that a homeless person could use as temporary shelter; rather, it specifically defines camp as including "sleeping in a square... during day or night, whether or not a tent or temporary abode of any kind is used". Simply sleeping in what is defined as a Square in the city of Toronto, regardless of the time of day or why someone would need to sleep becomes illegal and subject to a fine. While the language seems to be neutral on whether it is the housed or houseless that this is directed towards, it is quite clear that this would be extremely detrimental to the homeless. Moreover, it is clear that this is to target the homeless, as Miller has said that the change in the by-law is necessary for his \$18 million plan, "saying 'that you sometimes need to be able to give a little nudge to people'" (Gray).

Two other connected by-laws appear in Toronto's municipal code that have a similar affect, one that I am sure many would argue is not targeted towards the homeless if they were just to read the code as is and lack an understanding of where it is that some homeless people are forced to sleep. Both of these by-laws, § 608-13 and § 608-14, are under the section devoted to parks where they restrict camping and lodging as well as the use of tents and structures. § 608-13

states, “[u]nless authorized by permit, no person shall dwell, camp or lodge in a park” and § 608-14 states that, “[u]nless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park” Quite clearly, the restrictions within the park are similar to the restrictions in the square which would directly affect the homeless from being able to use public spaces like a park for basic human needs like sleeping or to be sheltered. And while it does state that these activities may be pursued with an authorized permit, § 608-14 shows that being issued a permit can be a complicated process involving conditions and fees which a homeless person may not be likely able to fulfill.

Another aspect of these by-laws that warrant a critical look is what shows up on Toronto’s 311 website that gives a quick breakdown of the by-laws. On the webpage both these by-laws are listed together under the title “Bylaw enforcement – sleeping in a City park” (311). Moreover, near the bottom of the page a paragraph is devoted to whom to contact if a homeless person is found sleeping in a park and a link below sends you to a page with the information of whom to contact with a complaint about a homeless encampment in a City park.

While not explicitly written within the municipal code itself, the implications and surrounding information all point to these by-laws as a manifestation of the further annihilation of space by law for the homeless in Toronto. Each one clearly prohibits activities which are necessary for human survival that only directly affect those who do not have access to private spaces where they are permitted to perform these activities.

Under the so-called authoritarian neoliberal period another attempt to criminalize homelessness and annihilate the spaces for their survival occurred. In 2011 the City of Toronto, under Mayor Rob Ford, made a draft for the streets by-law to add § 743-12. This by-law prohibits camping, dwelling and lodging stating that, “No person shall, without the approval of

the General Manager, camp, dwell or lodge on the street”. This draft was an attempt for the municipalities that were amalgamated in 1998 to harmonize many different by laws and make them uniform across the City of Toronto (Shapchott). However, the harmonization has introduced new language which did not contain any language similar to what § 743-12 proposed (Kupferman). The city claimed that the new language was not intended “for the purposes of using it as a dragnet to round up homeless people” (Allan Smithies quoted in Kupferman) and that camping was banned on City streets before, but not explicitly (kupferman). However, Shapchott claimed that this draft “is clearly targeted at activities associated with homelessness. People who are properly housed... do not need to camp in the streets (Shapchott).

The changes in the by-laws came at a very interesting time as well. Ford and others around this period were publicly speaking about anti-panhandling laws for Toronto (Kupferman). Deputy Mayor Doug Holyday, interestingly, believed that the new “panhandling bylaw should make it illegal to obstruct the sidewalk and include fines and possible jail time (Levy). He was quoted in the Sun stating, “We don’t need to reinvent the wheel here... there are other jurisdictions that have strong panhandling laws in effect and that’s what we need here” (Levy). It does not seem like it is a coincidence that what Holyday called for appeared in the bylaw draft, albeit, more implicitly. The attempt at inserting this new anti-homeless by-law in the Municipal code, however, was thwarted. According to the Wellesley Institute, the by-law was removed from the proposed amendments by at least October 25, 2011, when they published an article on their website about it (Wellesley Institute).

The continuity between pre- and post-crisis neoliberalism is clear: the annihilation of space by law, the attempt to sterilize the streets of homeless people continues. The newer edition in the post-crisis period, however, must also be seen in a specific context: starting at the crisis,

the tickets for the SSA broke into 5 digits with each consecutive year in the so-called authoritarian neoliberal period seeing an increase of nearly 2000 tickets up to 2010 with 15224 tickets issued (Homeless Hub Safe Streets Act). In 2011, the number increased again, however, by a much smaller amount to 15324 (Nefs).

Gender and Race

An important factor is also the gendered nature of the SSA and the associated homeless activity that it strives to eliminate. As squeegeeing and panhandling are important money making strategies for the homeless, especially homeless youth, it is clear that youth are strongly affected by the act. However, the space that the homeless youth live in is also gendered, as are their survival strategies. Both panhandling and squeegeeing have different gendered make-ups. Squeegeeing is more prevalent among homeless men while panhandling is more prevalent among homeless women, with 22% of male homeless youth squeegeeing on a daily basis and only 13% of female homeless youth whereas only 12% of male homeless youth panhandle on a daily basis compared to 17% of female homeless youth (O'Grady and Gaetz 405). Homeless youth also have other means of making money such as criminal activity like drug dealing and the sex trade, which are both particularly gendered (407). However, these activities come with more risk than panhandling, and it is likely that women would like to "engage in activities that take place in public spaces that are open, well-travelled and well-lit" for safety (412). These are precisely the spaces that the SSA targets making safer environments for homeless women increasingly harder to find. When that is viewed in the context of the fact that women are less likely to see shelters as safe and more likely to report that they are in their 'own place' (410), the removal of a public economic activity and the policing of spaces through obstruction, the strict

policing and the SSA can push women into more risky situations where they will “establish partnering relationships that enable shelter, even if these relationships are highly problematic and regardless of whether this in itself is a safe or healthy decision” (411).

According to Springer, et al. (447), studies on homeless populations in Canada tend not to identify to which ethnic and racial categories homeless people belong to. For this reason, it is difficult to point to the particular impacts of homelessness on different populations.” However, some data exists for indigenous homelessness. In Toronto, in both 2006 and 2009, a count for homelessness was done where ethnicity was recorded to understand indigenous homelessness. In 2006 and 2009 it was reported that indigenous people account for 0.5% of the population of the City of Toronto, but that indigenous people account for 16.2 and 15.4% of the homeless population, respectively. This means that there is a rate of overrepresentation of indigenous homeless people of 32.4 and 30.8, respectively (Anderson and Collins 963-964).

As for other racialized homelessness, the study done by Springer, et al. shows that among the small sample of Caribbean homeless youth, 77% was identified as Black (Springer, et al., 451). While this can show that among a sample size, this is a high percentage, it does not tell us much more about the actual make-up of racialized homeless in the City at large. The best that we can look to here is the statistics on poverty and race. A 2011 study using the Canadian census data from 2006 shows that the poverty rate for racialized people is 22% but only 9% for non racialized people (Snapshot of Racialized Poverty). For racialized families, 1 in 5 live in poverty, with 1 in 20 for non-racialized families (Canada Without Poverty). For Toronto specifically racialized groups make up 62% of all people living in poverty (Snapshot of Racialized Poverty). From this information, we can see that homeless is an issue amongst Black youth and that

homelessness is very likely an issue for many other racialized groups considering the rates of impoverishment.

When we understand the nature of racialized policing and factor in racialized poverty and homelessness, it becomes clear that there will be an increase in the presence of police in the lives of racialized homeless people which will also mean an increase in the level of repression they face. While there are not statistics for this, I think we can assume there would be an overrepresentation of tickets given out under the SSA and by-law violations for Black homeless people considering how police target poor, racialized neighbourhoods with targeted policing and with the racial profiling that exist in the carding practice. What is more, given the massive overrepresentation of indigenous homeless people, it would not be unreasonable to infer that indigenous people are also disproportionately policed and highly overrepresented in the number of tickets they receive. The annihilation of space for racialized homeless people is likely to be accelerating at a much higher pace than it is for the non-racialized homeless.

The nature of homelessness and working class composition of being racialized and gendered leads to further marginalization by police against these groups. The SSA is no different in that respect from the gendered and racialized policing of old poor and vagrancy laws. The attempt to annihilate and sterilize space to create spaces conducive for capital accumulation seems to be one of the core motivators for this type of policing. This underlying logic, the attempt at annihilating space to annihilate certain people and modes of living, is not only at the heart of the SSA and City by-laws against the homeless. This logic continues to be felt in the authoritarian neoliberal period in another major way.

Policing dissent at the G20 Summit and the Annihilation of Space by Law

The continuity between policing in the pre- and post-2008 crisis period in Toronto extends beyond the continued criminalization of poverty: the innovations and changes in policing in the post-2008 crisis, or the so-called authoritarian neoliberal period in policing dissent and protest carry the same underlying logic: the annihilation of space by law. As Bruff notes that authoritarian neoliberalism is not a complete break with pre-crisis neoliberalism, but a shift towards a more qualitatively coercive neoliberalism (Bruff *The Rise* 116), policing has seen a somewhat similar phenomenon. Wood states that policing in North America and the UK has seen a shift towards “increasing police impunity, and involves an integration of previously distinct fields of public and private policing, security and intelligence activities (Wood 333). This change is directly in line with the neoliberal transformation, as cities have become the competitive centres of finance, insurance, and real estate and their associated services, while also seeing cuts in the public sector and class polarization (334). New police strategies have been introduced, such as broken windows policing and zero tolerance policy, which have “dramatically increased the role of police in eliminating any evidence of social disorder, hitting the poor people and people of colour hardest” (335). The strengthening of the “penal state” has become the norm, where “police operate within a context of ongoing social cleansing in which legal, cultural and political space for dissent has narrowed, facilitated by legislative tools... [like] anti-terrorism laws... bans on protest and an increased state capacity for surveillance and border control” (335). These changes were seen before the 2008 crisis⁵ and have since been continued after the crisis, with a particularly notable example of its intensification happening in Toronto in 2010.

⁵ Such as the Anti-terrorism Act, Bill C-36, enacted December 24, 2001 and the Public Safety Act, Bill C-42, enacted may 6, 2004.

An emblematic manifestation of the changes in policing post-crisis, without precedent in Toronto before the crisis, comes in the form of policing of the 2010 G20 summit. This summit was marked by intense militarization of police and space, and a disturbing lack of transparency, legality, and democracy. At the site of the summit, a large fence was erected which was 6.5 km around and 3m high to protect delegates of the G20 countries. This area allowed no public access and “effectively militarized almost 2 sq. km of downtown Toronto” (Cowen and Smith 30). A law was passed by the province which allowed the arrest and jailing of anyone who would not produce identification to police. This law was passed without the public knowing and was “set to expire before it was announced” (30). Moreover, the police themselves decided to implement a “5 metre law” which extended the militarized zone beyond the fenced area (30).

As protestors marched down the streets of Toronto they were met by riot police who “unleashed tear gas and rubber bullets at point blank range on peaceful demonstrators” (Cowen and Smith 31). The police continued to push them in whatever direction – away from the so-called yellow zone where the summit was taking place. Even a disturbingly labeled “‘Free speech zone,’ a telling euphemism that presumably concedes a lack of free speech everywhere else” was cordoned off by police (31). Makeshift cage jails were used to house those arrested, where they had no access to water, phone calls or lawyers (32). And for the more than 1100 arrested, bystanders and protestors, they were sent to a film studio transformed into a detention centre, where again they lacked access to water, lawyers, phone calls, food, or medical care (32-33). Intimidation, sexual harassment, threats of physical violence, and humiliation were all part of the temporary jail (34). Those who came to protest and call for the release of everyone detained in the detention centre were met by brutal force, with police resorting to rubber bullets and tear gas to disperse protestors (33).

The police also targeted a hotel strike in the area, where they attacked the crowd and carried out mass arrests. Moreover, they targeted the Graduate Student Union of the University of Toronto, taking in 75 people (Cowen and Smith 32). ‘Kettling,’ a never before used tactic in Canada, saw its first appearance here where police pushed protestors toward Queen and Spadina and blocked all four sides, leaving them to be picked off for arrests systematically (32-33). Out of all the 1,100 arrested, 827 were not charged, 263 had pending charges but were released, and only “20 of the original arrestees were held for bail hearings” (34). With the indiscriminate violence, secrecy, the elimination of space for dissent whether legal or otherwise, the G20 summit is a disturbing example of authoritarian neoliberal practices manifested in policing. Here we see the coercive apparatus of the state acting in direct accordance with capital through increasingly militarized activity. The province, without any democratic approval, passed through what is essentially martial law in total secrecy. Moreover, the police took it into their own hands to extend beyond the law, again completely undemocratically, the protected space for the delegates of capital.

In both the pre- and post-2008 crisis periods of neoliberalism, policing continues to not only target behaviour and the maintenance of order, but also targets space itself. The militarization of urban space, which occurred through the law-and-order policing of broken windows under the SSA for homeless people, became a momentary reality in a different but very similar way for the protesters at the G20 rally: the space for different modes of expression and living had been annihilated. The daily reality for the homeless of the policing of space and the attempt to eliminate bodies from it in the interests of capital became a momentary reality for those involved in dissent. As all space under the SSA essentially becomes hostile for the homeless, all space near the delegates became a no-go zone, and subsequently, all space the

protestors occupied, even the “free speech zone,” was effectively restricted. The post-2008 crisis period, then, has seen innovation in some areas of policing, notably in the stifling of dissent; but, more importantly, it has seen continuity in other areas of policing, such as the vile attacks on the homeless and the criminalizing of poverty.

Conclusion

The innovation of policing under neoliberalism has been its implementation of law-and-order tactics to bring about drastic changes in society. Administrating order and behaviour is a key aspect of policing the neoliberal period, clearly traced to the influential broken windows theory. This form of policing has been expanded throughout the neoliberal world. But, more than just order and behaviour, this type of policing has focused on space and the denial of public space for anything that challenges capital accumulation. The new competitive city under neoliberalism, Toronto in particular, has needed to attract investment from out government funding and taxation. Through the downloading and cuts, the city has had to create spaces of accumulation, to sterilize spaces that would hinder accumulation and to eliminate the spaces that challenge this by people who are either visibly poor, and thus according to broken windows, the first step in a worsening of crime; or by people who come together to challenge these concepts in protest and dissent. Although neoliberalism has undergone its own internal changes and phases, and become increasingly authoritarian after each passing crisis, the logic of policing has continued throughout.

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