

Community Resource

Understanding Racial Profiling and Violence

Have you been followed by security in a store?

Have you been ignored or dismissed when accessing services?

Have you been treated differently because of your non-Western name(s)?

Have you been through repeated “random” searches at security checkpoints?

Have you been physically harmed and detained by police because of your skin colour?

This is racial profiling. Racial profiling refers to the racial identification and control of bodies based on race, skin colour, ethnicity, religion, national origin and non-Western practices. Racial profiling interacts with other parts of our identities, such as all genders, sexualities, ages, classes, languages, and citizenships. Racial profiling targets certain racialized individuals and groups making them suspicious of criminal activity. Different racialized individual and groups experience racial profiling differently, some more than others.

The first form of racial profiling is through colonial violence. In Canada, the first group of people to experience racial profiling and violence are the Indigenous Peoples (First Nations, Aboriginal, Native, Inuit, Métis) of Canada. Canada is a white-settler society. A white-settler society is one established by dominant Europeans on non-European soil. It is based on the theft and removal of land and resources and near genocide of Indigenous populations by the conquering Europeans. It creates a society based on a racial hierarchy and white dominance. Also, this produces the belief that white people came first and they are the most responsible for having developed the land.¹

This white dominance is dependent on the constant surveillance and control of racialized bodies. Without racial profiling, white dominance would not have the power and the hold it has. White people are seen as not dangerous and not suspicious rather as the norm and the innocent - as invisible. White bodies become the legitimate and rightful managers of racial profiling (ie. judges, police, or simply individuals “in charge”) in a white-settler society. Racial profiling preserves and rewards how well one understands and performs whiteness in society.

Racial profiling occurs across a range of sites: the classroom/at school, shopping (ie. dollar store), workplace, place of worship, while driving, walking down the street, at the airport, on public transit, and/or other locations. Once individuals and/or communities are identified as suspicious or dangerous, they experience a level of control and regulation by:

- (1) The State (police, military, border security)
- (2) Members of the public through everyday social forms of policing and monitoring of behaviours and activities (ie. teachers, neighbours, managers, transit riders, storekeepers, customers)

Racial profiling takes place in the following ways:

- **Individual:** actions and beliefs that discriminate against members of a racial group
- **Institutional:** laws, policies, and practices within organizations and government that target racialized communities and individuals
- **Systemic:** racist attitudes, values, norms and social practices that become normalized or accepted in society

These three forms of racial profiling interact with each other, producing multiple impacts and effects on different communities.

Scenario:

Steve, a white, middle-aged male, gets on the #99 bus in Vancouver, feeling tired from a long day at work. The only seat available is at the front of the bus beside Mark, a joyful young, Black man with headphones on. Steve chooses to stand over Mark as he does not want to sit beside a Black youth. Steve is irritated that the only seat available is beside Mark whose music can be heard close by. Steve rudely asks him to turn the music down. Mark does not hear him, and Steve repeats his demand. This creates a conflict between the two. The bus driver overhears, stops the bus, and asks Mark to leave or he will call the police.

In the above scenario, the individual actions of Steve directly and racially target Mark because he decides not to take a seat beside Mark, he is rude and disrespectful, and he also finds Mark to be a nuisance to him. Both Steve and the bus driver individually racially profile Mark which results in institutional racial profiling because both Steve and the bus driver become the “rightful” managers of this racially charged space--public transportation. These white “managers” collectively policed and removed this young Black man from the bus and withdrew his right from access to public transportation. Finally, this is systemic racial profiling because no other passengers question or interrupt the decision to make Mark leave the bus. It is also systemic racial profiling because we accepted that the “managers” of the space should not be challenged. This is also because we have normalized the control of Black bodies since times of slavery and colonization.

Individual, institutional, and systemic racial profiling are based on the idea that white people are racially and morally superior, which is called white supremacist thinking. This form of racial violence is rooted in historical and current thinking practices of biological/scientific racism as experienced by Indigenous people and people of colour. It is racist because it supports the belief that certain races are naturally superior and others are naturally inferior. It creates and labels racialized people as those who are irrational, illegitimate, uncivilized, terrorist, and deviant while producing the monstrous Other - who becomes ejected from everyday society. At this specific time in history, it is important to recognize the increased racial profiling of Muslim/Arabic communities. Islamophobia is the hatred, fear and hostility towards Muslims based on a perceived "Muslim/Islamic threat" rooted in Eurocentric and Orientalist thinking and power structures.

When the State draws on its police or when we draw on each other to control the movement of people, this creates the over-policing of certain communities (racial profiling), while under-policing of others. It is a form of managing bodies that are considered out of place (e.g. Mark on the bus), where rights are not recognized and/or are suspended in the interest of national security. Such individuals' legal rights are erased and are outside any protection of the law.

IMPACTS & EFFECTS OF RACIAL PROFILING & VIOLENCE

There are many physical, psychological, and symbolic effects on individuals and communities being racially profiled. According to *The Ontario Human Rights Commission on Racial Profiling*², those experiencing racial profiling tend to: have low self-esteem and confidence; lack of access to education; have negative psychological impact; experience criminalization of children; and withdraw from employment and/or school.

Some of the unseen tolls include the use of racial slurs and comments during the profiling incident which impacts one's dignity. Others reported direct financial costs, such as legal fees or lost employment income, as a result of profiling. Parents, especially, described significant emotional or psychological impact of an incident of profiling experienced by a child. Many reported feeling blamed for society's problems or being made to feel like a criminal simply by virtue of race, colour, ethnic origin, religion or ancestry.³

The Ontario Human Rights Commission on Racial Profiling also examines some of the physical effects of racial profiling where there is a more physical or aggressive response from authorities based on the race, colour, ancestry, ethnic origin, place of origin or religion of the person. For example, some participants recounted being strip-searched or frisked. There were many other examples related to physical injuries as a result of the use of excessive force during the incident of racial profiling.

Other impacts of different forms of violence particularly affecting women include: depression; feelings of shame; loss of autonomy; post-traumatic stress disorder; eating disorders; substance abuse; not being able to provide a safe/secure environment; higher rates of suicide; increased incarceration and detention; increased incidents of violent death; higher rates of sexual assault, rape, and murder (missing and murdered Indigenous women).⁴

There is a significant lack of relevant informed resources and support for those who have been racially profiled for and across Indigenous and people of colour communities. Also, due to the negative treatment received from various service providers, racialized individuals, including those without legal status, avoid accessing services which are taken for granted by the mainstream community. Racial profiling results in lack of trust and lack of public confidence in various institutions -- the criminal justice system, law enforcement, customs and border control, and the education system -- especially among youth and adults. Throughout history, certain groups have been racially profiled and policed, resulting in their overrepresentation in prisons and detention centres.⁵

STATISTICS ON RACIAL PROFILING

From BC Civil Liberties Association (BCCLA) on Racial Profiling⁶

- **1994:** Ontario Commission on Systemic Racism interviewed 1,300 residents in the Metropolitan Toronto area. The results indicated that Blacks were twice as likely as whites or Asians to be stopped by the police a single time and four times more likely to be stopped multiple times. The NDP conducted phone interviews with 1,257 individuals who identified as Black (417), Chinese (405), and white (435). The study shows that 43% of Black male residents reported having been stopped by the Toronto police in the previous two years, as opposed to only 25% of white male residents.
- **2003:** 48% of Canadians reported that they approved of profiling Arabs and Muslims. Also, a national survey (Ipsos Reid) in 2005 found that Muslims and Arabs were the most likely group to be targets of racism, at 38 %—a finding that largely results from the after-effects of the 9/11 events.
- **2005:** data showed that police in Kingston Ontario, a predominantly white city, were 3.7 times more likely to stop a Black individual and 1.4 times more likely to stop an Aboriginal person than a white individual.
- Canadian research data reveals that Black youth in groups are four times more likely to be stopped and six times more likely to be searched than similarly situated white youth.

From African Canadian Community Coalition on Racial Profiling Factsheet #1⁷

Canadian Civil Liberties Association in a 1993 survey of 150 youth found that:

- 71% of visible minorities v. 50% Whites who had contact with the police said their experience was negative. Several alleged they had been subject to racial slurs by the officers during questioning.

Professor Scot Wortley, *The Usual suspects: Race, Police Stops and Perceptions of Criminal Injustice*, 1994

- 28.1% of African Canadians reported being stopped by police, compared to 18.2% whites and 14.6% Chinese
- 11.7% African Canadians reported being stopped by police “unfairly” in the previous two years, compared to 2.1% whites and 2.2% Chinese
- 42.7% African Canadian males reported being stopped by police in the previous two years, compared to 22.1% whites and Asians

Dr. Philip C. Stenning, Canadian Centre for Police-Race Relations, 1994, found that in the sample of African Canadians he studied:

- African Canadians were: sworn at more often by police (58.8% v. 38.3% for Whites and 43.6% for Others) and subject to racial epithets more often as well (31.4% v. 5% for Others)
- In responding to ‘minor offences’, police drew their weapons against African Canadians more frequently than with other groups (25% v. 6.7% for Whites and 6.7% for Others)

RESOURCES AND LINKS

Knowing your rights is important if stopped by the police. However, the interaction between you and the police will vary based on your skin colour, accent, tone, dress, name, nationality, or where/why you were stopped and for reasons you may not be aware of. Whether your rights will be upheld falls in the hands of the police. You may find the following useful:

The Arrest Handbook: A Guide to your Rights by BC Civil Liberties Association

<https://noii-van.resist.ca/wp-content/uploads/2007/05/arrest-handbook.pdf>

No One is Illegal (NOII): Detention and Deportation

https://noii-van.resist.ca/?page_id=98

BC Civil Liberties Association (BCCLA) on Racial Profiling

<https://bccla.org/wp-content/uploads/2012/03/2007-BCCLA-Report-Racial-Profiling.pdf>

African Canadian Community Coalition on Racial Profiling Factsheets

<http://crr.ca/divers-files/en/onGoing/racProf/rep/eRacProfRepRacProfFctSh.pdf>

No One is Illegal - Get the Facts

https://noii-van.resist.ca/?page_id=11

The Ontario Human Rights Commission on Racial Profiling

<http://www.ohrc.on.ca/en/what-racial-profiling-fact-sheet>

PAST, CURRENT, and PROPOSED LAWS & EVENTS on RACIAL PROFILING⁸

- **Since Colonial contact - present:** Rising numbers of missing and murdered Indigenous women
- **1876 - Indian Act**
 - Designed to erase Indigenous culture and steal land and resources
 - Defines, dislocates, disenfranchises, and assimilates Indigenous Peoples while removing Indigenous Peoples rights to self-determination
 - Defines who is Status and Non-status Indians based on male lineage
 - Prohibits several traditional Indigenous ceremonies (Potlatch & Sundance)

- **1910 - Canadian Immigration Act** creates a list of preferred and non-preferred countries with British and white Europeans immigrants on the 'preferred'
- **1914 - War Measures Act**
 - Gives the government wide powers to arrest, detain, and deport racialized individuals and expropriate Indigenous land
 - Used to imprison Japanese Canadians & confiscate their property during World War 2
- **1923 - Chinese Exclusion Act** - Bans Chinese from immigrating to Canada until 1947
- **1927 - Indian Act** revision makes it a criminal offence, punishable by imprisonment, to raise money to press for land claims
- **1942-1949 - Japanese Canadians are interned & sent to detention camps.** Their properties are confiscated and sold by the Canadian government
- **1967 - Immigration Act** introduces the Point System which claims to create a more fair selection process. Yet, it selects "suitable" immigrants through a colonial Eurocentric capitalist point system
- **1970 - Environmental Black Racism**
 - Africville - The Black settlement near Halifax, Nova Scotia is forced to relocate (without the consent of the residents). Their experience of poverty and health risks where they lived included: human waste disposal pits, an infectious disease, hospital, slaughter houses, open city dumps, a coal-handling facility, a tannery, a shoe factory, all of which white settlers did not want in their backyards due to environmental racism and classism.
 - Vancouver City Council destroys Hogan's Alley, Vancouver's Black community, with the construction of the Georgia Street Viaduct.
- **2002 - Immigration and Refugee Protection Act (IRPA)** replaces the Immigration Act of 1976.
 - *2002 -The Anti-Terrorism Act* - gives police forces extraordinary investigative and surveillance powers, authorizes arrests without warrants and preventive detention for interrogation on the basis of mere suspicion. Canada's definition of terrorist activity is vague, imprecise and over-expansive.
 - Canada is using the anti-terrorist mandate to eradicate all forms of opposition to, or criticism of, authority with restrictions on freedom of expression, the right to demonstrate, and freedom of association.
 - *2002 - Security Certificate* re-introduced (first introduced in 1978 and active as of 1991)⁹
 - A mechanism for detaining and removing non-Canadian citizens considered to be a security threat, without charge, and includes indefinite detention. The arrest is based on alleged link to "terrorist organizations", rather than actual evidence

- Makes the legal proceedings unjust because: (1) the accused and their lawyer (chosen from a government list of lawyers) do not have full access to the secret evidence (2) the court hearing is held under secrecy without the presence of the accused
- Violates principles of due process and justice and the fundamental principle of innocent until proven guilty. It violates the prohibition against indefinite detention.

“Double Punishment” under the Immigration and Refugee Protection Act¹⁰

- Those non-citizens who commit a crime lose their permanent residency and are deported according to the (undefined) seriousness of their crime after they have already been punished by the criminal justice system

▪ *2011- Amendments under IRPA - Safe Streets and Communities Act¹¹*

- Denies any foreign nationals a work permit if the person is “at risk” of being exploited – punishing the victim rather than the abusive Canadian employers

● **2015 – Anti-Terrorism Bill C-51¹²**

- The vagueness inherent to the term “terrorism” gives the law enforcement and secret agencies enormous power to criminalize any unwanted activities such as protests on social justice issues of Indigenous self-determination, environment rights, im/migrant rights, and other violation of social justice. This allows for:
 - Search and seizures without warrant¹³
 - Detention to extend from 3 to 7 days without charges
 - A new “no-fly” restrictions on those considered as “high risk”
 - Court proceedings to be sealed
 - Judges to impose conditions on the person, including passport surrender, electronic monitoring/ban on leaving the jurisdiction
 - Potentially imposing a maximum 5 years sentence in jail
- Canadian Security Intelligence Services (CSIS) will have more power to:
 - Share private information more freely across governmental agencies
 - Lower the threshold for arrest: law enforcement agencies could arrest somebody if they think a terrorist act “may be carried out”
 - Go online to challenge the online communications sent to those suspected of becoming “radicalized”
 - Interfere in the suspects’ travel plans and financial transactions or intercept their goods

● **2015- Zero Tolerance for Barbaric Cultural Practices Act (Bill S-7)¹⁴**

- Bars migrants who practice or allegedly practice polygamy from entering Canada and potentially removes permanent residents already in Canada who practice polygamy
- Criminalizes certain conduct related to early and forced marriage ceremonies, including the act of removing a child from Canada for the purpose of such marriage. For many violence against women's support groups, this Act creates another institutional barrier for marginalized communities reporting violence and receiving support against violence¹⁵

- **2015- Strengthening Canadian Citizenship Act (Bill C-24)**
 - Allows the Canadian government to revoke citizenship from dual citizens who are convicted of terrorism, high treason, and other offences.
 - If you are born out of Canada or born in Canada and have another nationality or are eligible to obtain another nationality, you now have second-class status and your citizenship can be stripped¹⁶

Stop Racial Profiling and Violence!

*Created by the Ad Hoc Committee Against Racial Profiling & Racial Violence
Coast Salish Territories (Vancouver, BC, Canada)*

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When reproducing this material, please kindly acknowledge the source.

We respectfully recognize that our gatherings & relations take place on the traditional and unceded territory of the Coast Salish Peoples. We acknowledge the rights of Indigenous sovereignty and self-determination. We call for an end to the occupation and racial violence/profiling on Indigenous lands, communities, and individuals of Turtle Island.

This important resource is available on the following website in multiple languages: www.vsw.ca

¹ Razack, S. (2002). *Race, Space and the Law: Unmapping a White-Settler Society* (pp. 1-2). Toronto: Between the Lines.

² The Ontario Human Rights Commission on Racial Profiling.

³ Ibid.

⁴ Canadian Research Institute for the Advancement of Women (http://www.criaw-icref.ca/sites/criaw/files/VAW_ENG_LongFinal.pdf) & Ottawa Rape Crisis Centre (<http://www.orcc.net/resources/factsheets>)

⁵ The Ontario Human Rights Commission on Racial Profiling.

⁶ Bahdi et al. (2010). *Racial Profiling* (pp. 84, 33-35, 43). Vancouver: B.C. Civil Liberties Association.

⁷ African Canadian Community Coalition on Racial Profiling.

⁸ Vancouver Status of Women. (2008). *History in our Faces on Occupied Land: A Race Relations Timeline:*

<http://www.vsw.ca/Documents/RRTimelineJune10thFINAL.pdf>.

⁹ http://www.thestar.com/news/canada/2007/10/23/ottawa_tackles_terror_laws.html & <http://www.cbc.ca/news/canada/security-certificates-and-secret-evidence-1.777624>

¹⁰ <http://www.solidarityacrossborders.org/solidarity-city/solidarity-city-journal/what-is-double-punishment>

¹¹ <http://www.cbc.ca/news/canada/9-key-elements-of-the-crime-bill-1.995701> & <http://ccla.org/wordpress/wp-content/uploads/2011/10/CCLA-Brief-C101.pdf>

¹² <http://www.cbc.ca/news/politics/anti-terrorism-powers-what-s-in-the-legislation-1.2937964>

¹³ <http://www.globalresearch.ca/canadas-antiterrorism-bill-c-51-a-legal-primer-expands-the-powers-of-canadas-spy-agency-allows-arrest-on-merely-suspicion/5436727>

¹⁴ <http://outburstmovement.com/2014/12/stop-bill-s-7-proposed-zero-tolerance-for-barbaric-cultural-practices-act/>. This Act amends the Immigration and Refugee Protection Act (IRPA), the Civil Marriage Act and the Criminal Code.

¹⁵ <http://schliferclinic.com/if-passed-the-zero-tolerance-for-barbaric-cultural-practices-act-will-pose-another-institutional-barrier-to-marginalized-communities-reporting-violence-and-receiving-support/>

¹⁶ <http://www.ctvnews.ca/canada/what-dual-citizens-need-to-know-about-bill-c-24-the-new-citizenship-law-1.2426968>