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Soapbox: Racial profiling is an epidemic in Canada

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Shortly before noon on Nov. 9, I walked out of a TD bank located at Ouellette and Pitt in downtown Windsor. I was dressed casually and holding my administrative law textbook and my briefcase.

While I was on the phone calling for a taxi, I saw a police officer cross the road to speak to his colleagues in a cruiser. The officer then approached me. He asked what I was up to and why I was standing on the street corner at this particular location.

I told him “I am waiting for a cab.” Without missing a beat, he asked if he could call the cab company to verify my claim. I said “sure,” then asked why he was asking these questions. He told me that the police were securing the area for the Remembrance Day parade scheduled to take place within the hour. I would learn later from speaking to a staff sergeant at police headquarters that these officers were simply following orders.

The officer then asked for my name, which I provided. I quickly followed up with “and I teach at the University of Windsor Law School.” I have never had to resort to my professional career as a way to legitimize my innocuous behaviour, in public or otherwise. I felt humiliated and scared. The officer’s tone and manner quickly changed to accommodate my newly perceived status, or as some may say, my privilege. I can only imagine what might have happened had I not been able to exhibit my professional status to these officers.

I knew what had happened. As my colleague Prof. David Tanovich has written in his book *The Colour of Justice: Policing Race in Canada*, it was “my rite of passage” as a visible minority and a newcomer to the City of Windsor. According to the Windsor Police Service directive and in the eyes of these officers, I was a potential threat — a terrorist threat — because I looked Muslim.

This is something other racialized members of this community know all too well.

On that Sunday, I was not the only victim of racial profiling. There were a number of reports of residents being questioned and searched without cause in the downtown area. I know this because Legal Assistance of Windsor, one of our clinics, received a number of calls from residents who had experienced these unjustified intrusions.

Racial profiling is an epidemic in Canada. Experts recognize racial profiling’s limitations as a policing tool. Social science researchers and lawyers suggest that racial profiling is an affront to our human rights and dignity. Much more importantly, it is unconstitutional and contrary to our shared values rooted in pluralism and fundamental freedoms. Law enforcement officials and the public nonetheless seem prepared to look past these concerns because it is necessary to protect the public from serious harm.

But this is far from the reality. Our experience in combating terrorism demonstrates that the face and background of the terrorist is constantly evolving. The shooting in Ottawa and the incident

in Saint-Jean-sur-Richelieu, Que., in October demonstrates the constantly changing nature of terrorism.

Ironically, this past October, the Ontario Human Rights Commission and the Windsor Police Service celebrated the completion of Project Charter, a three-year long project aimed at developing and implementing anti-discriminatory practices by the Windsor Police Service in employment and service delivery.

My personal experience is a clear illustration that there is a gap in the way the Windsor Police Service performs its public function, especially in light of the diverse composition of the community. The Windsor-Essex region is one of the most diverse areas in Ontario. According to the 2011 Census, close to 60,000 visible minorities live in the City of Windsor.

The University of Windsor attracts a large number of visible-minority students. A recent university-wide survey suggests that close to 27 per cent of our student body is racialized.

My albeit brief and thankfully non-violent encounter with the police on Nov. 9 demonstrates the need for much more vigilance and accountability from the police in our city.

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