



Call for papers for policy dialogue on racial profiling

Introduction

The **Ontario Human Rights Commission** (OHRC) will host a policy dialogue on racial profiling early in 2016. The primary purposes of the event are to stimulate dialogue and generate relevant research to help inform the development of a new OHRC policy on racial profiling.

The OHRC currently defines racial profiling as:

“any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment” (OHRC, *Paying the Price: The Human Cost of Racial Profiling*, 2003, p. 6).

We want to learn more about people’s experiences of racial profiling, and effective measures to address and prevent it, from a range of diverse perspectives, including affected Indigenous, racialized and Muslim individuals and communities, legal and academic researchers and human rights practitioners, and organizations like police, school boards and child welfare agencies among others. The event will provide an important opportunity for meaningful dialogue, networking, and engagement among a broad range of individuals and organizations who share an interest in ending racial profiling.

For more information and context on the OHRC’s current effort to address racial profiling through policy development, see the OHRC’s *Towards a new OHRC policy on racial profiling*.

Request for proposals

The OHRC is currently accepting proposals (approximately 1-3 pages) for papers for this policy dialogue. Proposals should address at least one of the five themes and related questions listed below concerning racial profiling.

Short papers (approximately 5,000 words maximum) will be presented and discussed at the policy dialogue with a diverse audience of community members, academics, human rights lawyers and practitioners, and organizational representatives from a diverse range of sectors. Papers may also potentially be published on the OHRC website and be printed in a special journal issue collection on racial profiling.

Potential paper themes and questions include:

1. Social and historical context and experiences of racial profiling

- 1.1 What is the nature and scope of community members' experiences of racial profiling (including but not limited to Indigenous, Black, Muslim or Arab community members)?
- 1.2 How do intersecting identities and dynamics (for example of race, class, ancestry, place of origin, ethnicity, gender, ability, sexual orientation, or area of residence) shape people's experiences of racial profiling?
- 1.3 What are the effects of racial profiling on individuals and communities?
- 1.4 What are some of the root causes of racial profiling?
- 1.5 What are some of the relevant social, historical, institutional or systemic dynamics shaping racial profiling in the present?
- 1.6 What kinds of myths and stereotypes underlie and contribute to current forms of racial profiling?

2. Definition of racial profiling

The OHRC currently understands racial profiling to include:

*“any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment” (OHRC, *Paying the Price: The Human Cost of Racial Profiling*, 2003, p. 6).*

- 2.1 What are some of the strengths or limitations of the OHRC's current definition of racial profiling?
- 2.2 How do you think the OHRC should define racial profiling?
- 2.3 How has racial profiling been defined and conceptualized in the social scientific literature?
- 2.4 How has racial profiling been defined in Canadian law? What different bodies of law and jurisprudence are relevant for better understanding and defining racial profiling?
- 2.5 How has racial profiling been legally defined in other international jurisdictions?
- 2.6 What distinguishes racial profiling from other non-discriminatory forms of profiling (e.g. criminal profiling or other legal forms of profiling based on public safety and security)?

3. Types of racial profiling

- 3.1 What are some of the different forms racial profiling may take?
- 3.2 What does racial profiling look like in different sectors and contexts?
For example, what forms may racial profiling take in the contexts below?

Please focus on treatment related to safety, security or public protection. We are particularly interested in racial profiling issues in areas under provincial jurisdiction.

- law enforcement (e.g. selective or unequal enforcement of hunting and fishing laws and regulations in Indigenous contexts)
- policing
- correctional services (e.g. in discipline, segregation, or racially biased design or application of offender classification and risk assessment systems in correctional facilities, or in probation or parole)
- courts (e.g. differential bail, sentencing and conditions based on race)
- the justice system
- national security or intelligence (e.g. application of anti-terror laws and special security measures by municipal or provincial police forces, alone or in partnership with federal intelligence agencies and police services)
- immigration (discriminatory application of immigration policies and laws by provincial and municipal authorities based on racial stereotypes relating to public safety, security or protection)
- private security (e.g. mall security)
- the education system (e.g. discipline and punishment practices)
- the child welfare system (e.g. racial stereotyping impact on child protection agency risk assessments and referrals)
- healthcare services (e.g. racial stereotyping and false attribution of at-risk behaviour in assessing and treating patients)
- housing (e.g. racial profiling in tenant selection and rejection practices; selective or disproportionate enforcement of trespassing laws and regulations in social housing based on race; use of CCTV cameras)
- government and social services (e.g. treatment by social welfare agencies, etc.)
- employment (treatment when applying for a job or on the job)
- private business or retail service (e.g. excessive monitoring and unequal treatment by store staff and security based in part on race)
- financial services and contracts (e.g. denial of bank or car loan based on racial stereotypes about “risky” borrowers)
- transportation (e.g. treatment on bus, subway or train service, or other area under provincial jurisdiction)
- public facilities (e.g. differential treatment and heightened scrutiny by library or recreation centre staff)

- 3.3 What are some less obvious, indirect, inadvertent or systemic forms that racial profiling may take? For example, adverse effect racial profiling through:
- (a) design and application of risk assessment systems
 - (b) disclosure of non-conviction police records to third parties
 - (c) failure of organizations to recognize, account for, follow up on or remedy information provided or referred to them by third parties that was the result of third-party racial profiling

4. Newer, emerging or contested forms of racial profiling

4.1 What are some newer and emerging potential forms of racial profiling?

For example, are there human rights concerns that relate to the use of newer and emerging surveillance technologies, such as:

- DNA sampling practices
- other biometric scanning and identification technologies (e.g. face scanning and detection etc.)
- CCTV camera images and recordings etc.
- mass data collection and monitoring of electronic communication by intelligence agencies?

4.2 What are the human rights concerns associated with police surveillance/intelligence gathering practices like “carding” or “street checks” for avowed public safety purposes?

Note: Carding or street checks may be described as the police practice of stopping individuals and collecting and recording information about them in a police record including for reasons unrelated to any specific traffic violation, criminal investigation or suspect description.

4.2.1 Street checks or carding and other data collection and analysis methods have sometimes been defended as a pro-active, prevention-based form of community policing or engagement.

- What is community policing? Are there different models of community policing? If so, what are they, and what are their strengths or weaknesses, and associated potential human rights concerns? What evidence is there for their effectiveness?
- What is or ought to be the relationship between community engagement and relationship-building, on the one hand, and intelligence gathering and surveillance on the other hand?
- What is the best way to effectively engage in community policing in a way that is free from racial profiling?

4.2.2 What are the race-related human rights concerns associated with handling, storing or sharing non-conviction police records?

5. Preventing and responding to racial profiling

5.1 How can racial profiling be prevented, mitigated or reduced by individuals, organizations or society?

5.1.1 For example, a growing number of organizations are engaging in anti-bias training to address and prevent (conscious or unconscious) racial bias. What are some of the strengths and weaknesses of anti-bias training as an organizational response to racial profiling?

5.1.2 For example, how effective is the use of body-worn cameras by police forces as a deterrent and check on racial profiling?

5.2 What challenges do organizations face in trying to acknowledge, prevent, respond to, eliminate or reduce racial profiling?

5.3 What are some good practice examples of effective organizational efforts to respond to and prevent racial profiling?

Submission guidelines and process

Please include the following details within your proposal:

- Name, title and contact information (including phone number and email)
- Brief bio explaining your interest and background in dealing with racial profiling
- RFP theme(s) and question(s) to be engaged in your paper
- Outline of proposed topic and breakdown of issues to be explored in your paper
- Research method(s) informing the production of your paper, including potential sources of information
- Timeline for completion

Proposed papers will be selected based on their:

- Engagement of policy dialogue themes and questions listed above
- Addressing of racial profiling issues potentially engaging Ontario *Human Rights Code* protections or, secondarily, the Canadian *Charter of Rights and Freedoms* (Note: While the focus of the event is on the Ontario human rights context, comparative provincial and international reflections and analyses on the themes listed above are also welcome).
- Authors' range or depth of experience or expertise dealing with the proposed racial profiling topic (Note: we are seeking to learn from a range of community and institutional perspectives and expert opinions)
- Quality of analysis
- Clarity and coherence of proposed paper and accessibility to a broad community audience.

Select papers will be presented at the policy dialogue (in short form if necessary) for further discussion and feedback from participants.

Note that not all proposals accepted for development into a full paper will necessarily be presented at the policy dialogue, or published thereafter.

The deadline for submission of proposals is **September 1, 2015**.

Selected proposals will be confirmed by October 1, 2015. The deadline for submission of full papers will be December 1, 2015.

Please email proposals to:

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