

<b>Ottawa Police Service</b>	<b>RACIAL PROFILING</b>	
	<b>Policy Section: Criminal Investigations</b>	
	<b>Policy No: 5.39</b>	<b>Date of Approval: 27Jun11</b>
<p><b>Policy Description:</b> The Ottawa Police Service is committed to the principle that all persons have the right to live and work in an environment that is free of police action based on racial bias and racial profiling.</p> <p>Racist ideology can be openly manifested in racial slurs, jokes or hate crimes. However, it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases these beliefs are unconsciously maintained by individuals and have become deeply embedded in systems and institutions that have evolved over time.</p> <p><u>Racism</u> differs from simple prejudice in that it has also been tied to the aspect of power such as the social, political, economic and institutional power that is held by the dominant group in society.</p> <p>Racism often manifests in negative beliefs, assumptions and actions. However, it is not just perpetuated by individuals. It may be evident in organizational or institutional structures and programs as well as in individual thought or behaviour patterns. Racism oppresses and subordinates people because of racialized characteristics. It has a profound impact on social, economic, political and cultural life.</p>		

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### RELATED POLICIES

- Human Rights/Race Relations
- Respectful Workplace

### REFERENCES

- Canadian Charter of Rights and Freedoms
- Ontario Human Rights Commission Policy and Guidelines on Racism and Racial Discrimination

### GENERAL

1. The Ottawa Police Service is committed to respecting and adhering to the equity, fairness and non-discrimination principles stated in the OPS Mission, Vision and Values, our policies on *Human Rights/Race Relations and Respectful Workplace* and the *Canadian Charter of Rights and Freedoms*. This policy has also taken into account the principles contained in Human Rights Commission's *Policy and Guidelines on Racism and Racial Discrimination*.
2. Definitions of [racism](#) all agree that it is an ideology that either explicitly or implicitly asserts that one racialized group is inherently superior to others.
3. [Racial Profiling](#) in policing occurs when race, ethnicity, colour, place of origin, religion, or stereotypes about offending or dangerousness associated with any of these characteristics, is used, consciously or unconsciously, to any degree in suspect selection or suspect treatment except when looking for a particular suspect who has committed an offence and who is identified, in part, by their race.
4. Members of the Ottawa Police Service shall not engage in racial profiling in any of their activities. The test for determining violations of this prohibition will depend on the nature of the police activity in question. Three examples are provided for guidance and clarification.
  - a. **Exercising Statutory Powers**
    - i. A police officer shall not, in the absence of a reasonable and racially neutral explanation, exercise a statutory power such as the power to detain a motor vehicle under the *Ontario Highway Traffic Act* as a pretext to conduct a criminal investigation of a racialized individual.
    - ii. A [pretext stop](#) occurs where the officer's primary motivation is to conduct a criminal rather than a traffic investigation. A pretext stop can occur even where a traffic violation has been committed. [Pretext stops](#) have been found to violate section 9 of the [Charter](#). Pre-text

vehicle stops are one of the primary means by which racial profiling is manifested.

**b. Exercising Investigative Detention Powers**

- i. A police officer shall not, in the absence of a reasonable and racially neutral explanation, conduct an investigative detention of a racialized individual in the absence of objectively reasonable grounds to suspect that the individual has committed or is committing a crime.

**c. Using Race as Part of Suspect Description**

- i. A police officer shall not, in the absence of a reasonable and racially neutral explanation, maintain that a racialized individual matches the description of a known suspect where:
  - a. there are clearly distinguishing features between the two individuals; or
  - b. the officer cannot articulate what other parts of the description he or she was relying on (e.g. height, weight, age, location, or other features).

5. **Professional and reliable policing** occurs when a criminal investigation is grounded:

- i. in a reasonable suspicion that the person matches the description of an identified suspect; or
- ii. on the basis of behavior, intelligence that would lead a reasonable person to suspect that the individual is involved in a recent or on-going crime

6. The purpose of this policy is:

- a. to educate members of the OPS so they recognize racial profiling takes many forms and is prohibited;
- b. to provide a clear definition of racial profiling as well as standards by which to measure compliance with the prohibition;
- c. to recognize that racial profiling is a serious problem in Canadian society and that members of police services, including the Ottawa Police Service, can be susceptible to its negative influence;
- d. to acknowledge that racial profiling is largely an unconscious phenomenon and in the majority of incidents where it occurs, the intent of the member is not to discriminate;
- e. to recognize that racial profiling causes tremendous harm to those who experience it and more broadly causes harm to the police service's relationship with the community. This harm includes, but is not limited to, psychological harm, alienation, loss of trust and confidence in the police and criminal justice system, unwillingness to contribute to police investigations; and, the criminalization of race;

- f. to protect members from unwarranted accusations of misconduct by clearly articulating when professional policing becomes racially influenced policing;
  - g. to recognize that in addition to the harm caused to affected communities, racial profiling is an unreliable investigative technique that will result in an inefficient use of police resources;
  - h. to reaffirm Ottawa Police Service is committed to professional policing and the delivery of unbiased police services;
  - i. to acknowledge that when it occurs, it can be because the police officer believes that they are trying to serve the public and reduce the incidence of crime. The problem in racial profiling cases is the failure of the officer to appreciate that they are relying on stereotypes instead of behavior to guide their investigation;
  - j. to require that members have a heightened responsibility to ensure that their decisions or actions are free of all biases, racial or otherwise;
  - k. to establish a training program through the Professional Development Centre with consultation that will include an evaluation component and revisions as the program evolves to recognize the importance of community outreach, education programs, events, visits and forums to build and foster relations with community members and organizations; and finally,
  - l. to reaffirm the Ottawa Police Service is committed to promoting trust and confidence by addressing community concerns such as racial profiling.
7. Stereotyping refers to a means of classifying behaviour and expectations of persons based on their appearance and apparent membership in a particular group rather than on their actual conduct. Stereotyping has a disparate impact on already marginalized groups. It erodes civil liberties, diminishes human rights and subverts the integrity of the decision-making process.
- a. Officers that rely on stereotypical assumptions about race or indirect markers of race such as colour, neighbourhood, dress, music, manner of walking cannot produce informed, accurate or just results, as they are not making an objective decision, but rather one that is unfair and arbitrary.
8. There are challenges in finding ways in which to best describe people. Terminology is fluid and what is considered most appropriate will likely evolve over time.
- a. In describing people collectively, this policy uses the term racialized rather than “visible minority” or “person of colour” because it more accurately reflects that race is a social construction and not a biological identifier. The process in which race is socially constructed by the dominant groups and institutions in our society is referred to as racialization. The Report of the Commission on Systemic Racism in the Ontario Criminal Justice System defined racialization “as the process by

which societies construct races as real, different and unequal in ways that matter to economic, political and social life.”

## **ROLES AND RESPONSIBILITIES**

### **A. Members**

1. Members of the Ottawa Police Service have a responsibility to abide by all of the terms of this policy.
2. Any member who observes an activity or receives a complaint relating to [racial profiling](#) shall notify a supervisor.
3. Members of the Ottawa Police Service are required to successfully complete training developed with respect to racial profiling and demonstrate comprehension of the principles and objectives set out in this policy.

### **B. Supervisors**

1. Any Supervisor who observes an activity or receive a complaint relating to [racial profiling](#) shall document and investigate the matter and, where warranted, take appropriate action.

### **C. Professional Development Centre**

1. The officer in charge of the Professional Development Centre (PDC) shall ensure that:
  - a. training materials relevant to understanding and preventing racial profiling are developed;
  - b. training is reviewed regularly to ensure the currency of the training materials;
  - c. anti-racial profiling sessions are delivered to all new recruits, currently serving officers, new and currently serving supervisors, as well as all new and current civilian members. The training can be tailored depending on the delivery group.
2. PDC shall maintain records of the training delivered, including course training standards, lesson plans and instructors, and ensure members’ attendance is added to their training history.

### **D. Diversity & Race Relations**

1. The Diversity and Race Relations Section Manager shall provide guidance to members, consult with the community and support the organization in matters concerning racial profiling.

2. The Diversity and Race Relations Section members will assist in community development and outreach through education programs, events, visits and forums to build and maintain relationships.

**E. Chief of Police**

1. The Chief shall ensure that his or her designate reviews, on a biannual basis, the measures designed to address racial profiling including training, community concerns and compliance with this policy.