DEFINING THE CONCEPT OF RACIAL PROFILING: A DISCUSSION

Dr. Bobby Siu provides management consulting services on diversity and equity matters. He is an Adjunct Professor at York University.

This paper reviews the definitions of racial profiling in selected published academic and government publications in Canada and the U.S. between 1990 and 2015. The review aims to delineate the central conceptual issues on racial profiling and is not intended to be exhaustive. This paper highlights seven components in the definitions of racial profiling and concludes that there is no consensus on what constitutes racial profiling. Lack of common theoretical grounds, inconclusive empirical evidence, and competing values make it difficult for arriving at a consensus.

CONCEPTUAL ISSUES

This paper identifies seven components in definitions on racial profiling:

- Social domains
- Grounds
- Activities
- Formal Rationales and justifications
- Triggers
- Psychological focus
- Adverse impacts

ot all reviewed definitions have all of these components. Most have only some of them. This review concludes that there is a divergence of ideas among these definitions.

SOCIAL DOMAINS

"Social domains" refers to social institutions and their agents. The term racial profiling has been adopted in an expanding range of social domains. In the 1990s and early 2000s, the term racial profiling was limited mostly to police services. In the mid-2000s and 2010s, the notion of racial profiling has extended from police services to the entire law enforcement field. In addition, the notion of racial profiling has been spread to other fields: clinical medicine and health care fields; retail sector; and property insurance industry. In the 2010s, the term racial profiling has begun to be used in a very broad context covering all people in authority positions irrespective of their social domains.

Key issue: How specific should social domains be when the notion of racial profiling is applied?

GROUNDS

"Grounds" means the scope of prohibited grounds under human rights legislation. In the 1990s, the term racial profiling focused specifically on "race", with occasional mentioning of "ethnicity". As time progress, more grounds are covered in the definition: national origin and religion. Ontario Human

Rights Commission (2003: 6) expanded the range of grounds to include "colour", "ancestry", "religion", and "place of origin", over and above "race" and "ethnicity". Tanovich (2006: 13) expanded the list of grounds further to include "Aboriginality", although it is not technically a prohibited ground.

Key issue: Should the notion of racial profiling covers more than "race" as a prohibited ground?

ACTIVITIES

"Activities" refers to formal or informal actions or reactions by agents working in specific social domains. Some definitions have very specific activities designated as racial profiling activities (such as "traffic stops", "search", "cite", "arrest", or "search practices"), and others have generic descriptions of activities (such as "surveillance", "treatment" or "law enforcement practices").

Key issue: How broad or specific racial profiling activities should be?

FORMAL RATIONALES AND JUSTIFICATIONS

"Formal rationales and justifications" refers to official reasons for activities conducted at work. Most definitions of racial profile do not mention any formal rationales for profiling activities. Justifications, such as "reasonable suspicion" or "factual grounds", have been mentioned as legitimate grounds for racial profiling.

Key issue: How important should formal rationales and justifications be included in the definition of racial profiling?

TRIGGERS

"Triggers" means galvanizing factors which initiate activities related to racial profiling. Some definitions are silenced on the triggers of racial profiling. However, for those definitions which have a formal statement on triggers, there are three camps. The first camp believes that race is the only factor in triggering police actions; the second camp believes that race is the major factor, among others; and the third camp believes that race is only one of the many factors. The second and third camps believe that there are non-racial factors which also trigger police actions. All camps wrestle with the issue of finding the factors which impact on the decision-making process of police officers before they take their actions.

Key Issue: How clear should the triggering role of "race" be in the definition of racial profiling?

PSYCHOLOGICAL FACTORS

"Psychological focus" refers to the centrality of psychology in explaining human actions. Some definitions have an explicit statement on the importance of stereotypes in racial profiling. This mindset of associating minorities with criminality is considered to be the driving force behind traffic or pedestrian stops, searches, and other police actions.

However, there are also definitions of racial profiling which do not have an explicit statement on psychological components. They either do not view psychological components as the "causes" of racial profiling, or view non-psychological factors (such as methods of governance or police deployment strategies) as "causing" police actions.

Key Issue: How necessary is the psychological focus in racial profiling?

ADVERSE IMPACTS

"Adverse impacts" denotes results which are harmful or disadvantageous to people physically, psychologically, socially, or economically. These negative results often spilled over from individuals to communities.

There are authors who believe that the important factor in racial profiling is its adverse impacts on racial minority groups, not the "causes" of police actions (be they psychological or non-psychological). The Ontario Human Rights Commission did not include adverse impacts of racial profiling in its definition of racial profiling, but its publications on the same topic clearly illustrate the adverse impacts. The issue of adverse impacts is the least mentioned feature in all the American and Canadian definitions under review.

Key Issue: How important is adverse impacts in racial profiling?

OBSERVATIONS

This review of the definitions of racial profiling suggests that the concept has been evolving, not so much in a linear progression, but more like in different directions competing for dominance. The concept acquired various components as it evolved making it even more difficult to reach a consensus.

Most definitions of racial profiling have three basic components: social domains, grounds, and activities. Some are silenced in rationales and justifications, triggers, psychological focus, or adverse impacts. There are historical changes and variations in the ways they deal with the seven components. Psychological focus remains one of the stronger theme,

and adverse impact is one of the least adopted in definitions. Such diversity in the conceptualization of racial profiling illustrates that the concept remains multi-faceted and fluid. Three factors seemed to contribute to the lack of consensus on what racial profiling is and how it works: *a)* Lack of common theoretical grounds; *b)* Inconclusive empirical evidence; and *c)* Competing values of "law and order" and "democracy and freedom".

As noted, there are unresolved competing issues in each of the seven components, and these issues are not disappearing any time soon. As a concept, racial profiling is therefore expected to be fluid in the near future.

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