WHY POLICE SHOULD COLLECT RACIAL DATA

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This paper argues that gathering racial data regarding police practices is an important step forward to address concerns about racial profiling and racial bias, and the growing tensions today between racialized minorities and the police. Hence, the commitment to race data collection is essential if police are to retain public support and legitimacy in minority communities, and fully contribute to an inclusive society as well as a safe one.

INTRODUCTION

Over the past two decades, issues of racial profiling and racial bias as part of police practices in Canada have come to the forefront of public attention. Allegations of "driving while black" are common place among racialized communities. In fact, the problem is now frequently characterized as a systemic one for Canadian police services Indeed, complaints about racial profiling are generally framed as systemic when they are heard by Canadian courts and human rights tribunals. Often, however, concerns about racial profiling are dismissed by defenders of the police as anecdotal and an indicator of an occasional bad apple and in no sense a part of everyday policing in Canada.

Yet, unlike in for example the United States or the United Kingdom, Canadian police services have no history of collecting racial data about who they serve or stop or why (Foster & Jacobs 2015). Without this data, it is difficult, if not impossible, to evaluate seriously the extent, if at all, to which racial profiling is a systemic problem among Canadian police services. In other human rights areas such as employment discrimination and housing discrimination, Canada has been a pioneer in gathering publicly accessible relevant data to assess allegations of systemic bias. Our argument here is that an important step forward to address concerns about racial profiling and racial bias is to also gather racial data regarding police practices.

WHAT KIND OF RACIAL DATA SHOULD BE COLLECTED BY THE POLICE?

Canadian police services gather and retain an immense amount of micro- and meta-data, which shows that they are well positioned to also gather racial data. The police also provide a tremendous number of diverse services for the community. Only some of these typically raise concerns about racial profiling and racial bias, in particular, those that involve safety and security. The police practices that are especially subject to scrutiny concern arrests and detentions, traffic stops, pedestrian stops, and criminal investigations. Our view is that racial data should eventually be collected for all of these aspects of policing.

There are many different sorts of information that might be gathered for the purposes of addressing concerns about racial profiling and racial bias. Our view is that there should be three

basic categories of information gathered. One category is the demographics of those stopped. These demographics should include at minimum race, sex and age. The second category is the reason or the context for police activity. For example, in the case of a traffic stop, the relevant information is the reason for the stop. The third category of information is the outcome for the person stopped, whether for example he or she was charged with a crime or given a ticket.

The precise fields of information, especially with regard to race, may well be calibrated for different communities. There is no one-size-fits-all for gathering racial data relevant to policing. In some communities, it is especially important to focus on whether or not the person subject to police activity was black or indigenous, in a different community the focus may be on whether or not the police officer perceives the person as Middle Eastern or south Asian. The decisions about racial categories should reflect the concerns of racialized minority communities about police activities. Racial data should not be gathered to assess the behavior of racialized communities in Canada.

It is important to acknowledge the police who will be gathering this information about themselves. Canadian police services have a long history of gathering data in a professional manner. Collecting racial data to make them accountable should simply be another part of their job. Canadian police research suggests that data suppression and the lack of data transparency in areas of police performance and impact is the result of a deeply entrenched police subculture which loathes observation by outsiders (Wortley, 1999; Owusu-Bempah & Millar, 2010). The racial data collected must be made public in order to inform debate over the extent to which racial profiling and racial bias is systemic.

WHY SHOULD A LAW ENFORCEMENT AGENCY BEGIN TO COLLECT AND PUBLISH RACE-BASED STATISTICS?

Early research in the United States found that collecting race-based statistics does help to address community concerns about the activities of the police and ascertain the scope and magnitude of racial profiling and racial bias (Lamberth *et. al.*, 2005).

The systematic collection of information regarding law enforcement performance can support community policing by building trust and respect for the police in the community. By providing information about the nature, characteristics, and demographics of police enforcement patterns, these data collection efforts have the potential for shifting the rhetoric surrounding racial profiling from accusations, anecdotal stories, and stereotypes to a more rational discussion about the appropriate allocation of police resources (Ramirez, McDevitt and Farrell, 2000).

Data collection for law enforcement is fundamental to a comprehensive early warning system that alerts management to problems of police misconduct (Ramirez, McDevitt and Farrell, 2000). By detecting and addressing instances of disproportionate treatment of persons of colour by the police, law enforcement organizations may be able to prevent the development of a systemic pattern of discriminatory practice.

Implementing a data collection system also sends a clear message to the entire police community, as well as to the larger community, that racial profiling is inconsistent with effective policing and equal protection and that the police have nothing to hide (Lamberth *et. al.,* 2005).

BENEFITS OF DATA COLLECTION

The implementation of data collection systems have resulted in significant benefits for police services and communities in other countries with diverse populations. Studies conducted in both the United States and England have found that data collection processes can:

- Avoid rhetoric and accusation and promote more rational dialogue about appropriate policing strategies.
- Send a strong message to the community that the department is against racial profiling and that racial profiling is inconsistent with effective policing and equal protection.
- Build trust and respect for the police in the communities they serve through increased transparency and public accountability.
- Provide departments with information about the types of stops being made by officers, the proportion of police time spent on high-discretion stops, and the results of such stops.
- Help shape and develop training programs to educate officers about racial profiling and interactions with the community.
- Enable the development of police and community dialogue to assess the quality and quantity of police-citizen encounters.
- Alleviate community concerns about the activities of police.
- Identify potential police misconduct and deter it, when implemented as part of a comprehensive early warning system.

- Retain autonomous officer discretion and allow for flexible responses in different situations (Ramirez, McDevitt, Farrell, 2000).

BENEFITS OF GOOD DATA

Race data collection efforts are an attempt to provide the tangible numbers that will enable police and community leaders to better understand their policing activities.

- Good data can help identify and verify issues, theories and perceptions.
- Good data can help to proactively address issues, measure progress and capitalize on opportunities.
- Good data can gain trust, develop effective, respectful consultations, and secure the support of key decision-makers and stakeholders.
- Good data can reduce exposure to possible legal action and human rights complaints. (OHRC, 2010).

CHALLENGES OF DATA COLLECTION

While jurisdictions can derive many benefits from implementing data collection systems, they also face several potential challenges. Such challenges may include the following:

- Concerns about extra-budgetary expenditures associated with collecting data
- Developing a robust benchmark against which the data can be compared.
- The potential burden an improved data collection procedure will have on individual officers in the course of a normal shift.
- The potential for police disengagement from their duties, which may lead to officers scaling back on the number of legitimate stops.
- The challenge of ensuring that officers will fully comply with a directive to collect stop data.
- Ensuring that data is recorded on all stops made, and that the data collected is correct.
- The difficulty of determining the race or ethnicity of the persons stopped.
- Racial data on its own does not answer definitely whether racial profiling is systemic or not (Ramirez, McDevitt, Farrell, 2000).

There have been many experiences of data collection with police developed internationally and now in Ottawa, and there is clear evidence that these many challenges can be addressed.

CONCLUSION

It is only with the collection of racial data by police that it will be possible to determine if racial profiling is a systemic problem for Canadian police services. In a diverse country like Canada with its deep commitment to human rights, that issue can no longer be ignored or avoided.

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