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Social Profiling, Homelessness, and
Policing in Canada

CAROL KAUPPI AND HENRI R. PALLARD

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Social Profiling, Homelessness, and Policing in Canada

Carol Kauppi, Laurentian University, Canada
Henri R. Pallard, Laurentian University, Canada

Abstract: Social profiling expands the scope of policing activities through the construction and application of broad profiles. Such actions have an impact on homeless people regardless of gender, cultural group, or ethnic background. Use of the term “ethnic profiling” enables the understanding of social sorting based on cultural and linguistic characteristics rather than on perceived physical differences. Social profiling in relationship to homelessness has not been extensively examined in Canada. Interviews were conducted with twenty-nine people living with homelessness in northern Ontario, Canada who reported interactions with police. A social profiling lens was used to guide the analysis of descriptions of harassment and abuse; ethnic or racial profiling was treated as a subtheme within the larger category of social profiling. Participants described six subthemes relating to social profiling tactics: physical abuse, psychological abuse, provocation, general abuses of power and control, ethnic/racial profiling, and outcomes or effects. Social profiling was a more relevant concept than racial profiling as all homeless participants (including Anglophones and Francophones) were targeted by police and subjected to difficult or abusive treatment. Women reported the same types of interactions as men, including physically abusive treatment. Findings are discussed with reference to human rights legislation in Canada.

Keywords: Social Profiling, Policing, Homelessness, Northeastern Ontario, Canada

Introduction

Like racial profiling, social profiling is recognized as a set of practices and tools leading to social exclusion (O’Grady, Gaetz, and Bussieri 2013). Selective or bias-based policing offers benefits to those who are “insiders” while “outsiders” are excluded and bear the burden of techniques of excessive social control (Peterson and Åkerström 2014). Through “othering processes,” including criminalization, homeless people are excluded and marginalized (Amster 2003). In this paper, we examine the manner in which police interact with homeless people in a city in northern Ontario, Canada in order to reveal structures of social profiling inherent in those forms of interaction. Through the construction and application of broad profiles, social profiling expands the scope of policing to homeless people regardless of gender, cultural group or ethnic background. Racialized people may experience both social and ethnic or racial profiling as well as mental health profiling.

The context for this study, northeastern Ontario, is a region in which the primary minority groups are French Canadians—Francophones mainly of European origins—and Indigenous people (officially defined in Canada as First Nations, Inuit, or Métis). The Government of Canada (2015) decided recently to conduct a national inquiry into missing and murdered Indigenous women following numerous, repeated calls for action by Indigenous and some non-Indigenous groups. The inquiry will examine issues related to the high number of missing and murdered Indigenous women and girls (Canada 2015) and includes within its mandate the goals of obtaining information about outstanding cases and holding police accountable. Allegations of physical and sexual abuse experienced by Indigenous women in Quebec led the Native Women’s Association of Canada (2016) to raise concerns about policing and to condemn racism and sexism on the part of officers in the Sûreté du Québec. Within Ontario, Francophones have struggled against discrimination from the dominant Anglophone population (Behiels 2005) and have been found to experience more severe effects compared to other groups of homeless people (Kauppi, Pallard, and Shaikh 2015).

Social profiling in relationship to homelessness has been studied somewhat but has not been extensively examined in the Canadian context (Bellott and Sylvestre 2012). According to O’Grady et al. (2013), social profiling occurs when police attention focuses on individuals on the basis of

poverty or homelessness. Their definition is similar to the one adopted by the Ontario Human Rights Commission (OHRC) in its 2003 Inquiry Report on racial profiling. The OHRC defined racial profiling quite broadly 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 reasonable suspicion, to single out an individual for greater scrutiny or different treatment” (2003, 1). According to the OHRC, racial profiling can be based on any combination of factors included within its definition or through interaction with other factors such as age and gender. Mental health profiling is similarly defined as action that is based on an individual’s mental health or addiction instead of reasonable grounds (OHRC 2014). The OHRC further explains that, while individuals who are racialized are affected most often, anyone can experience profiling. Drawing upon the definitions of the OHRC, social profiling may be defined as any action undertaken for reasons of safety, security, or public protection that relies on stereotypes about poverty or homelessness, rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. Social profiling may be readily distinguished from criminal profiling. The former pertains to the reliance on stereotypical assumptions about an individual due to his or her characteristics. In contrast, the latter is a legitimate strategy in policing when it is based on actual behaviour or information and reasonable suspicion.

The OHRC emphasis on racial profiling is based on the inclusion of race as one of the protected grounds in human rights legislation. However, it is also important to consider terms such as ethnic profiling or policing ethnicity (Peterson and Åkerström 2014). It has been widely recognized that the term “race” lacks a basis in scientific classification as racialization stems from processes through which racial groups are socially constructed as real in order to justify unequal treatment (cf. Gardner 2014; Gittens and Cole 1995; Ducharme and Eid 2005). At the same time, the consequences of racial profiling are real and have the effect of reifying the link between race and criminality (Gardner 2014). In the current paper, we explore Franco-Ontarian experiences of homelessness and profiling, a form of ethnic profiling related to the “maintenance of the ethnicized socio-economic order” (Peterson and Åkerström 2014, 2). Use of the term *ethnic profiling* enables the understanding of social sorting based on cultural and linguistic characteristics rather than on perceived physical differences.

It is important to recognize the concept of social profiling within research on homelessness given evidence that homeless people have been subject to greater police action in recent years despite decreases in *Criminal Code* violations in Ontario (O’Grady, Gaetz, and Bussieri 2013). Since the 1990s, a combination of factors, including rising levels of poverty, a growing disparity between rich and poor, a lack of affordable housing, and changes to social security have made people with disabilities, social assistance recipients and the working poor more vulnerable to homelessness. Indeed, the documented level of homelessness in the City of Greater Sudbury more than doubled between 2009 and 2015 (Kauppi, Pallard, and Faries 2015). Reporting on an examination of issues relating to poverty and social inclusion in Canadian cities, a federal government committee expressed concerns about the inadequacy of government policies and programs in supporting people living with poverty and homelessness and further, about the violation of domestic human rights legislation (Canada 2009). The interconnectedness of poverty and homelessness and the denial of fundamental human rights is perhaps one of the most serious forms of social exclusion in a country that has been repeatedly identified by the United Nations as among the top nations globally in terms of human development (United Nations 2015).

In a previous study of police interactions with homeless people, findings showed that there was evidence of contacts with police that appeared to violate fundamental legal rights guaranteed under the *Canadian Charter of Rights and Freedoms*. In particular, homeless people described contacts with police involving arbitrary searches and detention (Kauppi and Pallard 2009). In the current paper, we examine the most frequent types of interactions between police and people living with homelessness related to social and ethnic/racial profiling. With greater attention now focussed, within Ontario, on racial profiling—such as a recent initiative of the OHRC (2015) to hold a policy dialogue on racial profiling in 2016—it is important to examine how police actions

linked to social and ethnic/racial profiling of homeless people may intersect with fundamental human rights.

The current study aims to examine the concept of social profiling to determine the consistency of descriptions provided by homeless people with OHRC descriptions of racial profiling. Criminalizing homelessness through social profiling is a form of social exclusion that may be examined through the narratives of homeless people. The objectives of the study are to examine and describe the types of interactions with police and the legal system as described by homeless people. The analysis focuses on the most frequently described categories of interactions and explores themes related to social and ethnic/racial profiling within the narratives of homeless people. Particular attention is given to gender and culture.

Methodology

Background

In this study, we adopted an inclusive definition of homelessness by including those who were absolutely homeless, formerly homeless, precariously housed, and vulnerable to homelessness. Persons are absolutely homeless if they do not have a place that they consider to be home or a place where they sleep regularly. Their home is neither a room, an apartment, nor a house, or their room, apartment or house is not their own, or they stay there four times a week or less, or they have no arrangement to sleep there regularly. Persons are at-risk of homelessness if, due to particular circumstances, they are at an elevated risk of losing their housing such as through pending eviction, extremely low income, familial abuse, inability to pay rent, or existing medical condition with no benefits.

Our research in Sudbury has shown that many individuals who are precariously housed, such as those who are “couch surfing” or living in substandard or overcrowded conditions, have often experienced homelessness in the past and thus have had similar experiences as those who are absolutely homeless (cf. Kauppi, Pallard, and Shaikh 2015). Also, social assistance recipients, the working poor, and people with disabilities are particularly vulnerable to homelessness due to a combination of factors including the rising levels of poverty, the growing gap between rich and poor, and the lack of affordable housing (Kauppi, Pallard, and Shaikh 2015). Thus a broad definition of homelessness has allowed us to evaluate common experiences among absolutely homeless and unsheltered people, formerly homeless, and near-homeless individuals.

Various service providers in the City of Greater Sudbury were contacted and asked to assist with recruitment so that the sample of homeless people would comprise a wide range of people with varied characteristics and circumstances. Utilizing a purposive sampling strategy, interviews were conducted in January and in August of 2009 with twenty-nine participants in a range of circumstances: those who have been homeless for varying lengths of time, those staying in shelters, in tents, on the streets or in substandard living arrangements. The interviews were conducted within front line agencies serving Sudbury’s homeless population. Service providers facilitated the interviews both by assisting with recruitment and by providing a space in the agency in which the interviews could take place. First, the interviewer explained the purpose of the study and outlined ethical considerations such as voluntary participation, withdrawal, and confidentiality. The participants also received a letter containing this information and the interviewer obtained consent for participation and audio recording. The interview questions were designed to collect information on a range of issues linked to homelessness and interactions with police and the legal system, while also allowing the participants to speak about their experiences in a narrative form.

Sample

The twenty-nine participants included twelve women and seventeen men in the same age range, that is, from eighteen to fifty-four. Over half of the participants (59%) were youth or adults aged

eighteen to forty. Two-thirds of the participants—ten men and nine women—were of Indigenous background (66%). Three participants were Francophone and five Anglophone of European origins. One participant was of African-American heritage. In order to maintain confidentiality, that person, who is part of a racialized group, was included with Indigenous people for the purposes of the analysis and reporting. Another participant did not know about his cultural heritage as he had been through the child welfare system and adoption. He was interviewed at an agency serving Indigenous people and he was in a common law relationship with an Indigenous person. To maintain confidentiality, that person is also reported as Indigenous.

Analysis

This study built upon our earlier work to identify the range of experiences identified by homeless people who had been in contact with police officers (Kauppi and Pallard 2009). In that study we identified sixteen general categories of themes relating to interactions with police or the legal system. In the current study, the full range of categories or themes was expanded to take into account all themes discussed by the participants. An interpretative qualitative analysis was conducted to develop an organizing system for the interview data (Tesch 1990). A systematic reading of the interview transcripts generated an expanded set of coding categories pertaining to contacts with the police and the legal system. These coding categories were applied to all relevant sections (text units) of the interview transcripts. Twenty-three themes were identified reflecting the patterns of discourse used by homeless people to describe their contacts with the police or legal system. The themes refer to policies, regulations, practices, or processes adopted by police officers or the legal system in dealing with homeless or near homeless people. Four research assistants were trained to do the coding independently and any instances of disagreement in codes were reviewed by the researchers to resolve differences.

In the second step of the analysis, the transcripts were further analysed to gain a better understanding of the ways in which the homeless individuals reacted to the actions of police officers and how they made sense of these experiences. Six themes relating to harassment and abuse from police were identified and analysed using the lens of social profiling. The process for the analysis took into account the gender and socio-cultural backgrounds of the participants. In presenting verbatim quotations, the gender and cultural group is noted through the letters “W” for woman, “M” for man, “I” for Indigenous, “F” for Francophone of European origins, and “A” for Anglophone of European origins. For example, “W, I” indicates woman with Indigenous background. Pseudonyms have also been assigned to the participants; this common practice in qualitative research is intended to humanize participants while maintaining confidentiality.

Findings: Harassment, Abuse, and Social Profiling

Collectively, the participants discussed harassment or abuse in 133 text segments (i.e., units or segments of text where they express this idea). This content comprised 39 percent of the text units pertaining to contacts with police. The analysis of forms of harassment and abuse are described and discussed with regard to the participants’ descriptions of six subthemes relating to social profiling tactics: 1) physical abuse, 2) psychological abuse, 3) provocation, 4) general abuses of power and control, 5) ethnic/racial profiling, and 6) outcomes or effects. Each of these themes is discussed below. Thus, a social profiling lens was used to guide the analysis of harassment and abuse and ethnic/racial profiling was viewed as a subtheme within the larger category of social profiling.

Physical Abuse

Participants from all cultural groups described physical abuse that they had experienced in contacts with police officers. Indigenous people comprised a majority (two-thirds) of the participants; hence

most descriptions of such incidents were from this group. Anglophone, Francophone, and other homeless participants also described experiences of physical abuse from police officers and some are included below.

Elaine was engaged in sex work on the streets and she described at least three forms of physical and sexual abuse that she had experienced:

Because they don't like me, they pick on me. [The officer was] holding me, choking me and everything else. And it's not funny. And you don't think that you are going to breathe no more. Like I was right to the point [making the sound of someone gasping for air]. I couldn't get my wind anymore you know? You don't do that to somebody. That's wrong; man that's wrong. You don't hurt nobody like that. I didn't do nothing wrong. (Elaine, W, A)

When I got picked up for prostitution, I had an officer put his hand in my shirt and grab my nipple, yeah. (Elaine, W, A)

Indigenous women also described physical abuse that they or a partner had encountered:

They pushed me on the ground, grabbed my head, kept smashing it into the car. Yeah, they're assholes, excuse my language, but they're assholes. There's a lot of police brutality; they do that to people. I was pregnant at the time. I went and got my tubes tied now. But, I was pregnant at the time, and I ended up [having a] miscarriage. (Susan, W, I)

Yeah, I mean their attitudes, [police] are assholes, or they sound all cocky...But in [an Ontario city] they yell at you, they swear at you, they cuff you before they even search you. [...] They followed [me], they did all their stuff...and they told me get down on the ground, I got down on the ground. My husband fought with them so he got tased. I just laid on the ground while he got tased. They treated him like shit, threw him around a bit, yelled at him. (Marie, W, I)

Susan's statement that police brutality occurs frequently is reflected in the comments of other participants pertaining to being choked, hit or beaten, thrown to the ground, knocked out, tasered, tear gassed, or injured by handcuffs applied with excessive pressure. Doug's statement below indicated that he tried to avoid harsh physical treatment by being compliant: "They just tell me to shut up and sit down. Anyways, which I did promptly, cause I have been knocked out by them before." (Doug, M, I).

Dave explained why it was pointless to try to refuse police demands to search them or to challenge police actions involving excessive force:

[I refused to let them search my property]. I got jumped by six cops, I got tased, I got pepper sprayed. They beat me up bad though man. My face was full of blood, and my head was split open, man. [...] I tried to [make a complaint] but all the cops had to say in court was, "He was resisting." That's all that they would have had to say. It's kinda hard to win against a cop. (Dave, M, A)

Women and men from all cultural groups discussed instances of excessive police force or "brutality" that they had experienced. As all participants were either homeless or had lived with various forms of homelessness along with some level of contact with police and the legal system, they believed that police were targeting them as members of a particular group. They perceived that police targeted them as homeless or street people—people with a criminal record or with history of mental illness or addiction—or as Indigenous people.

Psychological Abuse

Jeanne and Gilles, Francophone participants, spoke about tactics that they saw as unfair and disturbing: “I’ve been stopped and asked to empty out my pockets. At times I think it’s unfair that they just automatically assume something” (Jeanne, W, F). It is unclear whether they were targeted because of their minority Francophone status, because of their vulnerability as people engaged with the street community, or as Gilles states, because they have a police record. An Indigenous participant, Marie, described the insults she has heard police officers direct toward Indigenous people:

But the Native guys, they [police] really harass them. It’s ‘cause I [look] white, to be honest, that they don’t harass me much. [Its] just ‘cause cops are assholes and they’re Native and homeless. And they [police] look down on them [and say] “Go back to your reserve,” you know, “You want to live like an animal go home.” Just stupid insults; I don’t feel comfortable repeating them. (Marie, W, I)

As someone with mixed heritage who stated that her appearance does not identify her as an Indigenous person, Marie contrasts her experiences on the streets with those who are racialized because of their appearance. Another Indigenous woman, Susan, did not have the apparent protection offered by looking “white”: “You can’t say ‘no’ to them, [if you do] then they’ll do whatever they want. Cops, they think if they’ve got a badge, that they can [do anything].” (Susan, W, I)

Provocation

Indigenous people, primarily, discussed actions of police officers which they deemed to be instances where police were tempting people to react in a manner that would escalate the situation. A participant stated, “They try to egg you on.” Another explained the circumstances she had witnessed:

The police officer that was talking to these young Native guys was being a really ignorant person. He was even swearing at them. Like, he was just trying to get them to react to him. He was very rude and [...] he was pushing them to do something the way he was talking to them and they did want to do something, but both of them held back. (Linda, W, I)

Some participants described what would happen if they acted on such instances of provocation: they were subject to forms of physical abuse, as noted above, and charged with resisting arrest. As Linda explained in her description of the incident she witnessed when she was with the Indigenous young people who were targeted, they “held back” and did not react to the rude, provocative behaviour of the police officer. Others similarly indicated a general awareness of provocation as a tactic: “Oh he was just, he was trying to push my buttons” (Michael, M, I). Susan stated:

But whatever officer they send, sometimes they’re cocky and rude. You know, when they know what buttons to push. Where you say something and “nuuuuhhhhh,” they’re right in your face. I don’t like that. (Susan, W, I)

Michael and Susan used similar language regarding the provocative tactic of “pushing their buttons.” Other participants also spoke about “in your face” tactics that they had experienced or witnessed.

Power and Control

Indigenous people, primarily, spoke about a sense of powerlessness in the face of police actions to exert control over them. This sense is consistent with the view of the report of the Ontario Human Rights Commission (2003, 8) indicating that “concerns with profiling relate directly to the concepts of discretion and power.” Wanda described the treatment she received; she asserted that she had learned to behave in a submissive manner, to be fearful of the police and not to voice her opinions.

It was a learning experience for me to find out how a person is treated but I didn't think it was going to get that bad. They asked [to search my purse]. I was not in a position of saying no. They had the power over me. [...] I would never, ever, ever, ever, ever [do anything]. I'm too afraid of them; they got this mission thing there, they don't like women that have opinions, they don't like anyone to have opinions. You had to be submissive. (Wanda, W, I)

Doug also explained that he and his friends had no choice but to be obedient when dealing with police officers, even if they believed that the police did not have cause to be suspicious. His reference to guns carried by police officers is an acknowledgement about the power of police to order him and his friends to be compliant:

They'd tell us to shut the fuck up. “Go sit over there.” You know, just like a dog, “Go sit over there,” “Go squat over there.” We had no choice to do it. They had guns. Yeah they just search everything, our bedding, our bags. You have to let 'em. (Doug, M, I)

Doug's use of the phrase “just like a dog” reveals his feeling that police officers treated him as less than human. The sense conveyed is similar to Wanda's statement above regarding the negative way in which Indigenous people are treated.

Racial Profiling

In their descriptions of contacts with police and the legal system, Indigenous participants specifically noted that racialization was the primary basis for many police actions against Indigenous people. Michael, Fred, Paul, and Wayne made comments that are consistent with the definition of racial profiling developed by the OHRC (2003). These participants mentioned assumptions based on appearance, racism, or targeting of Indigenous people:

But what I find that they do that's intimidating is they will pretend that they are coming after you. They look at you and see what your reaction will be, or they go to slam on the brakes to see if you will run. Stupid little things like that. Because they profile people right? Well profiling, like you know, the way you look. (Michael, M, I)

They usually were assuming that I did something. [...] Cause they always assumed I have drugs or carried a weapon of some sort. And they always asked me to empty out my pockets. (Fred, M, I)

[...] they [the police] have ah some kind of thing against ah Native people, so considering them racist. [...] I was minding my own business and a couple of them told me to get out of town. And I didn't do nothing. [They said] “You have to get out of town, go anywhere. Go back home to your reserve, or just go anywhere to a town or city. Just don't come back here.” (Paul, M, I)

They [Natives] get harassed here on a regular basis. (Wayne, M, I)

In Wayne's opinion, the negative treatment of Indigenous people had escalated since the early 1990s. Another Indigenous man, Leo, mentioned that, when he was being held in the police station, he overheard many references to "fucking Indians." According to the OHRC definition (2003), racial profiling is based on stereotypical assumptions, results in greater scrutiny or different treatment, and is wrong even when it is subtle or unconscious. The treatment received by Mandy when taken into police custody was not subtle, whether or not the underlying impetus for disbelieving her—as an Indigenous woman—was unconscious:

When I was four and a half months pregnant with twins, my ex punched me out. I was having a miscarriage and the cops thought I was lying, so they charged me with [obstructing justice]. They said, "Oh no, you're not pregnant, you're just not wearing a tampon." If they would have took me to the hospital, my kids would still be here to this day. But they let me, bleed—almost bleed to death—at the police station, for three and a half hours before they finally said "Call the paramedics." The paramedics even wrote a statement that, when they walked in and seen me in the cell, I looked like someone [who] was stabbed to death because there was blood everywhere. (Mandy, W, I)

Mandy's experiences—domestic violence, failure of police to believe that her partner had physically abused her, being charged with obstructing justice, being detained in jail, having a miscarriage and experiencing the loss of her twins—were traumatic. She further stated that her rights were constantly violated and that the police were rarely, if ever, helpful to her.

Results or Effects of Social Profiling

According to the OHRC (2003), profiling has been shown to be an inefficient and ineffective strategy in crime prevention. Furthermore, it erodes public confidence in policing and contributes to rising cynicism and mistrust towards the legal system. The participants of this study voiced ideas that are consistent with the concerns raised by the OHRC: "Me, I have a trust issue with any kind of authority. I don't trust the law or nothing. [It's] about the shit they did to my Dad. So, it's all about family, you know" (Ellen, W, I).

Shared family histories of racial or social profiling, individual experiences, and word of mouth conveyed the view that police could not be trusted. Marie, an Indigenous woman, reflected upon whether she could recall a single instance in which police officers had ever helped her and her conclusion was "never." She stated, "I don't have much faith in them." Another Indigenous woman, Darlene, stated that she did not want police to know where she was living because of an awareness that police harass Indigenous people; this could lead to a reluctance to call police when required, given her mistrust of them, as other participants also explained. Certainly, our participants, especially Indigenous people, took the view that police officers and the legal system were problematic for them.

An Indigenous man and a Francophone woman revealed some of the effects of negative contacts with police. Leo described the experience of frightening flash backs which negatively impacted his health and well-being: "Certain memories come back and like those fright[ening] memories, like they come back. And all of a sudden something else comes back and I start getting headaches" (Leo, M, I). Leo's reference to flashbacks is consistent with the indication that flashbacks are a common symptom of PTSD (Archibald 2006).

Jeanne explained that she suppressed her emotions as a way of coping with experiences of street policing:

Being raised on the streets has brought me to learn to just, you know, brush things off my shoulder and learn to deal with things on your own. Just everything that goes on, just push it down to your toes and not let it bother you. (Jeanne, W, F)

While this strategy allowed Jeanne to cope with her experiences at the time, there is evidence from research on mental health indicating that the suppression (or repression) of emotions and memories is problematic and that recognition of emotional responses is linked to well-being (Kirby et al. 2014). According to Mattley (2002), emotions are central to meaning-making and individual identities; the stream of emotionality connects an individual's past to present and future actions. A person's entire biography is connected to the stream of emotionality in a present moment. This interconnection has implications for mental health and therapy; emotion work is understood to be an important tool in the construction of emotions in the present and in relationships with others. Archibald (2006) indicates that recognizing and dealing with aspects of emotions is central to many healing practices. Harvey (2002) asserted that homeless people experience many forms of losses—including those linked to social roles, trauma, despair, and grief—which require openness to healing and recovery. According to Gardner (2014, 54), an insidious outcome of racial profiling can result from the categorization and labelling of a young person as deviant: “the conceptualization of the child as criminal [...] is understood to have a powerful normative effect. It shapes a new subjectivity for the child in which the child plays the role of a deviant suffering from a dysfunctional disposition [...]”

Wanda also spoke to the outcomes or effects of racial profiling. She raised the issue of a lack of respect for police when racial profiling exists as a practice that targets Indigenous people. Her question “Where is your humanity?” speaks to the demeaning manner in which Indigenous people are treated by police but also appears to be a demand for more social justice and equitable treatment in policing practices.

I says, “How do you feel?” Like how do you want us to respect the badge and the uniform if that is how you treat us? I’m just saying, “How do you feel?” Like didn’t you guys have a course in humanity? Where is your humanity? Where is your humanity? (Wanda, W, I)

The analysis of subthemes relating to harassment and abuse reveals much about the perspectives of homeless people regarding issues related to profiling and contacts with police. Their experiences indicate that policing practices demonstrate regulatory fervour, demonization, treatment as less than human, criminalization, and brutality. Racial profiling was discussed extensively by Indigenous participants but Francophone and Anglophone men and women living with homelessness were also subject to profiling tactics used by police.

Social Profiling, Homelessness, Policing, and Rights

This study indicates that the narratives of homeless people about interactions with police and the legal system are consistent with aspects of racial profiling described by the OHRC (2003). While the OHRC emphasized racial profiling, it did not provide much information about other forms of profiling such as social and mental health profiling. The OHRC (2003, 9) cited findings from the Solicitor General of Ontario’s Race Relations and Policing Task Force:

The Task Force’s 1989 report concluded that visible minorities believed they were policed differently: “They do not believe that they are policed fairly and they made a strong case for their view which cannot be ignored.” The Task Force found that racial minorities would like to participate in law enforcement and crime prevention but are “denied integration into community life when labelled as crime prone.”

Findings from the current study support these statements in certain respects. The characteristics of the sample itself suggest that ethnic or racial profiling is an issue: when we recruited participants for the study of people who had experienced homelessness and interaction with police, a majority (two-thirds) of the people who came forward were Indigenous people. Furthermore, as a group, Indigenous people had experienced every form of harassment and every category of incidents we

identified in the study. Nevertheless, the findings suggest that, when considering the experiences of homeless people, social profiling is a more relevant concept than racial profiling as all homeless people (including Anglophones and Francophones) were targeted by police and subjected to difficult or even abusive treatment. Women reported the same types of interactions as men, including physically abusive treatment.

There is a need for further research in this area. Homeless people in other communities in Ontario may be targeted by police in ways described by our participants. Since the early 1990s, many towns and cities in Ontario have made it illegal to engage in behaviours related to homelessness. Behaviours such as sitting, sleeping, or panhandling in public places have become objects of sanction, fuelled by public concern over the ever-growing presence of homeless individuals in public places and their need to use such areas as living spaces. These laws have had their primary impact on individuals experiencing homelessness (O'Grady, Gaetz, and Bussieri 2013). When individuals experiencing homelessness are arrested under laws that criminalize behaviours like sleeping outside or sitting on a sidewalk or in a park, they acquire police records for behaviour that is not criminal in nature but a mere by-product of their homelessness. People with a police record have difficulty obtaining employment and housing; these laws make moving out of homelessness that much more difficult (Ozdeger 2011). The intersection between homelessness and the denial of human rights both creates and reinforces processes of social distancing through which homeless individuals are excluded and marginalized. While human rights legislation clearly prohibits discrimination on protected grounds, such as linguistic, racial, or ethnic group, neither the *Ontario Human Rights Code* nor the *Federal Human Rights Act* prohibit discrimination based on social condition.

Criminalization is not the solution to homelessness: it is not working. The general academic consensus deems this approach as one that fails to recognize the broader socio-economic issues that force individuals into homelessness (Hodulik 2000). The criminalization approach to homelessness is counterproductive since it does not help people out of homelessness. Towns and cities criminalize the behaviour of people experiencing homelessness, yet they provide them with few alternatives. Often, communities, and especially towns and cities in northern locations in Canadian provinces, do not have adequate shelter space or affordable housing to accommodate their entire homeless population. This situation leaves some individuals with no option but to occupy public spaces even though activities required to survive are punished. Legislation that criminalizes homelessness, with the complicity of police, serves as a mechanism or "weapon" (Amster 2003, 202) in banishing homeless people from public spaces and has become entrenched as a means of social exclusion, disempowerment, and marginalization.

Homelessness is ever-present and increasing (Kauppi, Pallard, and Faries 2015). Yet it is becoming more apparent that the police response to this issue is problematic. However, desired change must come from systemic alterations in social structures; criminalizing sex work, alcohol or drug addiction, and homeless behaviours such as panhandling does not solve the problems, as noted by the Pivot Legal Society (2002, 41):

Criminalization imposes obvious economic costs on society through the justice and prison systems, but the social costs run much deeper and wider than that. They include the break-up of households as parents are incarcerated, the entrenchment of poverty, and escalating health care costs as the symptoms, rather than root causes [...] are treated.

These issues must be accepted as medical and social issues in order to move forward and repair the damage that has been done, allowing homeless people and police to leave behind this failed system of criminalization that too often forces them to see each other as enemies.

Fassin's (2013) ethnographic study of policing in Paris, France documented how patterns of social, ethnic, and racial profiling are international in nature. His conclusion that governments are responsible for transforming social issues into racial issues is equally applicable to the Canadian

context. Fassin (2013, 228) offers insights into practices that are unsettling in their applicability to the results of the current study:

Whole categories of people of color [...] become sufficiently suspect, simply by virtue of belonging to these groups, to be subjected to identity checks and body searches which in the best cases inflict a degree of harassment, but sometimes degenerate into verbal and physical violence, as a matter of routine. [...] For police] their respect for authority, their duty of secrecy, the protection of their job and, for some, their ideological adherence to this repressive policy lead them to accept and perpetuate these unheroic practices.

The themes we identified in our study—breaches of human rights through harassment, social, and racial profiling, searches, checks, and verbal as well as physical violence—are the same as those noted by Fassin.

A future study could be designed to collect data focussing specifically on social profiling and violations of particular rights guaranteed by the *Canadian Charter of Rights and Freedoms*. Such a study could examine the overlap between approaches that examine profiling based on the human rights codes and those that focus on the *Charter*. Furthermore, additional research is needed to document the types of interactions with police in specific communities, and to compare patterns in these communities with each other, in order to examine how and where social and ethnic/racial profiling are conflated. In the current study, we did not identify the particular communities where incidents had taken place. This information was kept confidential in order to protect the identities of participants, as per Research Ethics Board requirements. A larger study with more participants could achieve the goal of identifying the locations where incidents occurred while maintaining confidentiality. Such an approach could facilitate knowledge mobilization and action to sensitize police services about the types of breaches of human rights occurring within specific regions. An example is collaboration between the OHRC and the Toronto Police Service to examine and eliminate discrimination. The OHRC training has been extended throughout the province, with a focus on traffic stops and “carding” (targeted identity checks). Initiatives of the OHRC may not, however, impact police activities based on social profiling.

It is important to examine how social and racial profiling of homeless people may intersect with fundamental human rights. Analysing social profiling in relation to its impact on human rights can help to transform our understanding of social rights so that they become an integral part of the *Charter*. Jackman and Porter (2008) have observed that the *Charter* has great potential for ensuring that economic, social, and cultural rights become a constitutional entitlement as has, for the example the right not to be subject to arbitrary treatment or punishment. However observers of *Charter* litigation have described “a certain timidity” with regard to cases dealing with “freedom from want” (Jackman and Porter 2014, 15). Indeed, based on a review of court challenges, these authors note that “few socio-economic rights cases have been brought before the courts in the first quarter century of constitutional democracy in Canada” (Jackman and Porter 2008, 228). Nevertheless, a recent victory in an action initiated by the Pivot Legal Society (2015) is significant. In *Abbotsford v Shantz*, 2015 BCSC 1909, the Chief Justice of the BC Supreme Court found that certain by-laws of the city of Abbotsford violated s. 7 *Charter* rights to life, liberty, and security of homeless people. This is consistent with Jackman and Porter’s assertion (2008) that Canada can help to develop socio-economic rights by showing how they are an essential aspect of all human rights and not peripheral or separate.

Understanding how socio-economic rights are inherently connected to human rights under the *Charter* is important as the research findings can potentially help to inform this vital debate within Canada and internationally. It is notable that the OHRC has launched a new initiative to combat racial profiling as a form of discrimination that is prohibited by the *Ontario Human Rights Code*. There is some hope that such action can result in real change. As Jackman and Porter (2014) have argued, equality-seeking groups in the past have struggled for social inclusion and have sometimes achieved required structural change in Canada. For example, critical language was included “to

ensure that the *Charter* would directly engage with government obligations to institute programs and benefits to address historic patterns of exclusion and disadvantage” (Jackman and Porter 2014, 7). According to Jackman and Porter, the view that all human rights are interconnected is garnering increasing attention internationally. They point towards the possibility that legal challenges can be successful, as Canadian human rights legislation addresses the obligations of government and the entitlements of individuals. However social rights must be defended in order to be enforced by courts in Canada.

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ABOUT THE AUTHORS

Dr. Carol Kauppi: Professor, School of Social Work, Laurentian University, Sudbury, Ontario, Canada.

Dr. Henri Pallard: Professor, Department of Law and Justice, Laurentian University, Sudbury, Ontario, Canada.

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