



TORONTO POLICE SERVICES BOARD

RACE-BASED DATA COLLECTION, ANALYSIS AND PUBLIC REPORTING

DATE APPROVED		
DATE(S) AMENDED		
DATE REVIEWED		
REPORTING REQUIREMENT	As set out below	
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c)</i> <i>Ontario Human Rights Code, R.S.O. 1990, c. H.19</i> <i>Anti-Racism Act, 2017, 2017, S.O. 2017, c. 15 and the Data Standards for the Identification and Monitoring of Systemic Racism made under s.6(1) of this Act</i>	
DERIVATION	Rule 4.3.9 – Release of Statistics	

Guiding Principles

The Toronto Police Services Board recognizes that Toronto is one of the most diverse cities in the world. The Board is committed to ensuring that the Toronto Police Service provides policing services in a professional manner that: respects each individual's inherent dignity and sense of self-worth; is without discrimination contrary to law; and, which promotes trust and confidence by working to address community concerns with respect to policing with racialized individuals and in communities.

The Board realizes that efforts to reduce or eliminate bias must first focus on the institutional or structural practices that can result in discrimination. Based on the principle that only what is measured can be effectively understood and improved, the Board recognizes the importance of collecting, analyzing and publicly reporting on data related to the race of those who are receiving police services. In order to assess the effectiveness of legal, policy and procedural initiatives aimed at reducing bias, it is vital to track and publicly report on race-based data that is collected in the context of the powers police exercise. Ultimately, the Board views this Policy as vital to improving transparency and accountability in how police services are delivered – necessary ingredients for community trust and engagement between Members of the Service and the City's communities, as well as positive morale in the delivery of police services.

The Board recognizes that the collection of race-based data is complex, multifaceted and sensitive. In developing this Policy, the Board has consulted with and obtained valuable advice

from its Anti-Racism Advisory Panel, and has also incorporated research and international best practices related to experiences with race-based data collection, analysis and reporting in other jurisdictions. As a result of this work, it is the Board's policy that race-based data will be collected by the Service in all stops, searches, interactions involving Use of Force, charges, apprehensions¹ and arrests. The Board has chosen to engage in a phased implementation of this Policy, with a focus on a single area for collection first: all Use of Force incidents. After this first phase is properly evaluated, the Board will, as soon as possible, expand the application of this Policy to the mandatory collection of race-based data across all areas of the Service. The Board believes that this approach will set the Service apart as 'best in class' in this important area.

Purpose of Policy

The purpose of this Policy is to: preserve the dignity of individuals and communities; enhance measures of accountability; advance the delivery of police services that are not discriminatory or contrary to law; and, identify disparities in service through the public reporting of the information collected under this Policy. Importantly, this Policy and its implementation by the Service should not result in the stigmatization or stereotyping of any communities, and must have regard to the sensitive nature of the information that is collected so that the Service can protect the privacy of the individuals with whom it comes into contact.

This Policy will lead to the establishment of processes and practices within the Toronto Police Service which ensure that data is collected in a consistent, transparent and meaningful manner to inform evidence-based decision-making and public accountability in the context of community safety and policing services. A race-based data collection, analysis and public reporting approach examines the effectiveness of police intervention with members of the community, and not crime rates of the communities with whom the police interact.

To monitor and ensure that the Chief of Police and Service provide police services in a manner that does not discriminate based on race, contrary to law, this Policy directs the Chief to design and implement a system to collect race-based data with respect to the delivery of police services, using a phased-in implementation approach. To underscore the Board's commitment to transparency and accountability in policing – and specifically in the collection and reporting of de-identified race-based data – the Chief will be required to collect, analyze and publicly report on this data. In addition, the Service's analysis and reporting will be subject to review by an external, independent organization that will report directly to the Board. The Policy is founded on a commitment to the continuous improvement in the services delivered by the Service.

This Policy builds on the Province of Ontario's *Data Standards for the Identification and Monitoring of Systemic Racism* (also known as Ontario's *Anti-Racism Data Standards*) made under s. 6(1) of the *Anti-Racism Act, 2017*, which "were established to help identify and monitor systemic racism and racial disparities within the public sector."

¹ 'Apprehension' is defined to include apprehensions under Ontario's *Mental Health Act* and under the *Child and Family Services Act*.

It is the policy of the Toronto Police Services Board that the Chief of Police will:

1. Establish a procedure(s) for the mandatory collection, analysis and public reporting of race-based data that considers models developed by other jurisdictions for the collection, analysis and reporting of race-based data, as well as Ontario's *Anti-Racism Data Standards* and any future regulations that may be made under Ontario's *Anti-Racism Act, 2017*;
2. In developing these procedures, incorporate the use of *Service Members' perception data* with respect to race identification in every case of data collection. *Service Members' perception data* is defined as the information derived from a Member making a determination with respect to the race of an individual by observation, solely on the basis of that officer's own perception;
3. In developing these procedures, also incorporate the use of *self-identification data* with respect to race identification using a phased-in approach, determined in consultation with the Board, that will allow for proper evaluation on an ongoing basis. *Self-identification data* is defined as the information that derives from an individual providing their race in response to being asked this information by a Service Member, unless it is impracticable to do so, where that Member is also seeking other identifying information² as a result of an interaction with that individual;
4. In developing these procedure(s), use only the following race categories (which are the categories listed in Ontario's *Anti-Racism Data Standards*), as follows:
 - a. Black
 - b. East/Southeast Asian
 - c. Indigenous
 - d. Latino
 - e. Middle Eastern
 - f. South Asian
 - g. White
 - h. Another race category
 - i. Prefer not to answer (applicable only to self-identification data collection);

Analysis, Development of Action Plans and Reporting to the Board and Public

5. In developing these procedure(s), create a Community Advisory Working Group that comprises representatives from Toronto's racialized communities who have expertise in the collection, analysis and public reporting of race-based data and who are able to provide perspectives concerning how the Service can engage in these activities in a manner that

² Identifying information means any information that alone, or in combination with other information, can be used to identify an individual. It may include information about an individual's race, age, sex, sexual orientation, gender identity, marital or family status, economic circumstances, and education, medical, psychiatric, psychological, criminal or employment history.

optimally furthers the purposes of this Policy. The Community Advisory Working Group will include representatives from affected communities with lived experience of racial discrimination;

6. Develop and implement a framework for the Service to analyze and publicly report on the race-based data that is collected. This framework must enable the Service to, on a qualitative and quantitative basis:
 - a. conduct its own analysis of the data, and, where possible, develop an approach that permits an intersectional analysis of various factors (*e.g.* in addition to race, age, gender identity, etc.);
 - b. incorporate relevant contextual information in its analysis, such as demographic and census information, deployment information, *etc.*;
 - c. develop and identify appropriate comparators – or benchmarks – that are relevant to the police interaction at issue, can assist in objectively identifying bias, and can be applied in the analysis and public reporting of the data collected;
 - d. identify any trends identified;
 - e. identify any racial disproportionalities or racial disparities identified;
 - f. assess the community safety outcome(s) of the interaction the data is collected in relation to – that is, whether the community safety objective(s) sought to be achieved by the policing interaction were accomplished³;
 - g. evaluate compliance with this Policy and the procedure(s);
 - h. comment on training needs and opportunities identified through analysis;
 - i. identify possible key performance indicators that can be applied to monitor the appropriateness and effectiveness of the police interaction at issue;
 - j. create Action Plans⁴ to address any issues that arise from the Service’s findings, as well as the ongoing monitoring and implementation of any Actions Plans, the tracking of progress in the implementation of the Action Plans, and the evaluation of outcomes related to this implementation; and,
 - k. regularly and meaningfully consult with Community Advisory Working Group concerning the matters listed in a. – j., above, to ensure its perspectives are incorporated into the Service’s analysis, reporting and development of Action Plans;
7. Ensure the framework developed by the Service also includes the development of reports to be submitted to the Board on an annual basis concerning the items listed in paragraph 6, above, in a form appropriate for publication;

³ For example, where police use of force is being examined, the community safety outcomes would include analyzing whether: (i) the police use of force in a particular situation was justified by law, policy and procedure, (ii) resulted in addressing the particular threat the use of force was meant to neutralize, and (iii) an arrest or other enforcement response occurred as a result of the use of force interaction (*e.g.* mental health apprehension, etc.).

⁴ Action Plans are defined as evidence-based approaches that seek to remove systemic barriers and advance racial equity in the context of the Service’s delivery of policing services to members of the public, built on a commitment of continuous improvement.

8. In consultation with the Board, enter into an ongoing partnership with an academic or other organization (“the independent organization”) for the purpose of that organization:
 - a. conducting its own analysis of de-identified race-based data collected by the Service;
 - b. reporting to the Board with its independent findings arising from an examination of the Service’s analysis and findings regarding the race-based data that has been collected; and,
 - c. reporting to the Board with recommendations to improve the Service’s Action Plans so as to increase their responsiveness to the issues identified through any findings.
9. Ensure the partnership with the independent organization requires that the independent organization be provided with all available, de-identified data collected pursuant to this Policy and have made available to it any relevant contextual information it determines is necessary, such as, but not limited to demographic and census information (race, Indigenous ancestry, age and gender of the individual), deployment information, detailed information about where the interaction occurred, etc. that assists with an analysis of the data;
10. Regularly include the data collected by the Service in the information provided on the Service’s Public Safety Data Portal, in a manner that complies with the *Municipal Freedom of Information and Protection of Privacy Act*, so as to ensure individuals cannot be identified;

Monitoring Compliance with Policy and Procedure

11. Ensure that compliance with this Policy and relevant procedure(s) is regularly monitored;
12. Report to the Board on an annual basis on compliance monitoring with respect to this Policy and relevant procedure(s);

Training and Ongoing Support and Development

13. Develop comprehensive and adequately-resourced training to be delivered to all Service Members to whom this Policy and relevant procedure(s) apply. This training should utilize adult learning approaches, including experiential learning and realistic scenario-based training to provide Members the opportunity to develop skills in settings they may encounter in their work. This training should also be developed having regard to international best practices for training in areas covered by this Policy and the relevant procedure(s), and be consistent with any provincial training created in this area;
14. Ensure that this training is developed in consultation with the community, including community members that are knowledgeable about relevant issues, including issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and

disability, with an emphasis on those who have lived experience that would contribute to the learning environment;

15. Include in this training, at a minimum, information about:
 - a. the purpose of the policy, that is, to preserve the dignity of individuals and communities; to enhance measures of accountability; to advance the delivery of police services that are not discriminatory or contrary to law; and, to identify disparities in service through the public reporting of the information collected under this Policy;
 - b. how to carry out race-based data collection in a manner that promotes transparency, accountability and a positive police-community relationship;
 - c. bias awareness, discrimination and racism and how to avoid bias, discrimination and racism when providing police services, with specific reference to this Policy, relevant procedure(s) and the approach to policing that is required by Ontario's *Human Rights Code*;
 - d. the impact of historical events on police-community relations, including specific relevant local incidents that have contributed to negative perceptions of the police by some members of the public; and,
 - e. the general impact of this Policy and procedure(s) in the communities the Service serves, on the basis of feedback provided by the Community Advisory Working Group.
16. Ensure that the training content is regularly updated in light of developments in relevant subject-matter areas and based on emerging best practices;
17. Develop a training approach that ensures that training on this Policy and relevant procedure(s) is integrated into a regular and continuous program of learning, including delivery at the Divisional level, and utilizing a variety of educational tools and methods, involving members of the community in the delivery of training, where feasible;
18. Ensure that additional, ongoing learning and development supports and opportunities are created, are both proactively and reactively made available to Members following the completion of training, are responsive to questions, concerns and the need for ongoing reinforcement of and development in line with the training objectives;
19. Ensure that this training is subject to regular external and independent evaluation, including by participants, stakeholders and members of the community, which evaluation will include an assessment of the effectiveness of this training and an assessment of whether the training objectives were meaningfully met;

Communication

20. Develop comprehensive internal and external communication strategies, based on the Guiding Principles and Purposes of this Policy, so that both Service Members and members of the community are aware of this Policy, and its purposes and desired outcomes;
21. Utilize a variety of communication tools, including the use of social media, to ensure that communications are accessible and widely disseminated within the Service and publicly;
22. Ensure that Service Members, stakeholders and members of the community are consulted in the development of these communication strategies; and

Resources

23. Ensure that adequate resources are provided in areas across the Service so that this Policy can be effectively implemented.

Phased Implementation of Policy

Further, it is the policy of the Toronto Police Services Board that:

24. For its first phase, this Policy applies only to collection of race-based data as it relates to all Use of Force Reports submitted by Members of the Service, effective no later than January 1, 2020; and
25. The Board will review this Policy _____ to propose any amendments, as well as to specify additional phases and timelines for implementation.
26. This Policy will apply Service-wide, with the implementation of all remaining phases being complete by no later than the date on which O. Reg. 267/18 comes into force.