



**Virtual Public Meeting**

**Tuesday, August 18,  
2020 at 10:30AM**



## PUBLIC MEETING MINUTES

**Tuesday, August 18, 2020 at 10:30AM**  
Livestreamed at: <https://youtu.be/lUG3LdKOo>

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The following *draft* Minutes of the meeting of the Toronto Police Services Board that was held virtually on August 18, 2020 are subject to adoption at its next regularly scheduled meeting.

### Attendance:

The following members were present:

Jim Hart, Chair  
Marie Moliner, Vice-Chair  
John Tory, Mayor & Member  
Frances Nunziata, Councillor & Member  
Michael Ford, Councillor & Member  
Lisa Kostakis, Member  
Ainsworth Morgan, Member

The following individuals were also present:

James Ramer, Interim Chief of Police, Toronto Police Service  
Ryan Teschner, Executive Director & Chief of Staff, Toronto Police Services Board  
Diana Achim, Board Administrator, Toronto Police Services Board  
Jane Burton, Solicitor, City of Toronto - Legal Services Division  
Scott Nowoselski, Solicitor, City of Toronto – Legal Services Division

### Declarations:

There were no declarations of interest under the *Municipal Conflict of Interest Act*.

**This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on August 18, 2020**

- P123. Swearing-in of New Board Member appointed by the Province of Ontario, Ms. Lisa Kostakis

Chair Hart welcomed Ms. Lisa Kostakis as a new Board Member to the Board who was appointed by the Province of Ontario. Mr. Ryan Teschner introduced and officiated the swearing-in of Ms. Kostakis.

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- P124. Farewell to former Chief Mark Saunders and former Board Member Uppala Chandrasekera

Chair Hart and other Board Members farewell remarks for former Chief Saunders' retirement and former Board Member Uppala Chandrasekera's work on the Board.

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- P125. Welcome to Interim Chief, James Ramer

Chair Hart read a statement regarding a number of significant recent events that "have undoubtedly deeply affected the residents of our city and the Toronto Police Service."

Chair Hart also acknowledged again the tragic death of Ms. Regis Korchinski-Paquet on May 27, 2020. He said that as her death is currently the subject of an active Special Investigations Unit (SIU) investigation, the Board is prohibited from discussing the details surrounding this incident. Chair Hart stated that "the Board joins the call of many others in requesting that the SIU work as expeditiously as possible, so that its investigation can conclude and the public can be informed of its findings." He further advised that the Board has requested "that the SIU provide regular public updates regarding the status of this investigation as it unfolds, as this will bring additional transparency to the process and enhance public confidence".

Chair Hart also made remarks regarding issues related to the budget of the Toronto Police Service. He advised that the Board is endeavouring to enhance budget transparency, "beginning immediately, with the 2021 budget process, so that Torontonians can clearly see where and how the policing budget is spent." He further stated that "it is our hope that this will help to inform the broader community discussion, encourage debate, and foster ongoing dialogue."

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P126. Time reduced for deputations

Chair Hart advised that as stated in section 17.4 of the Board's Procedural By-law: "The time allotted for any deputation may be extended or reduced as considered necessary at the discretion of the Board". Chair said that "due to the large number of deputants who have registered to speak today, I would like to move a motion to reduce the allotted speaking time from five to three minutes. If approved, everyone who is on the line to speak to our agenda items will have three (3) minutes to provide their deputation".

**Motion:**

**The Board direct that the time for each deputation be reduced to three minutes as per section 17.4 of the Board's Procedural By-law.**

**Motion was moved by Chair Hart and seconded by Vice-Chair Moliner.**

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**This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on August 18, 2020**

P127. The Board approved the Minutes from the virtual meeting that was held on [June 19, 2020](#).

Deputations: Kris Langenfeld  
Derek Moran\* ([written submission included](#))

**The Board received the deputations and approved the Minutes.**

Moved by: M. Moliner  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on August 18, 2020**

P128. [Special Constable Re-Appointments – August 2020](#)

The Board was in receipt of a report dated July 23, 2020 from Interim Chief James Ramer.

**Recommendations:**

It is recommended that the Board approve the re-appointments of the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.) and the University of Toronto (U of T), subject to the approval of the Ministry of the Solicitor General.

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**The Board approved the foregoing report.**

Moved by: M. Moliner  
Seconded by: L. Kostakis

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P129. Policing Reform Initiatives and Accompanying Presentations

The Board was in receipt of presentations and three separate reports regarding current events.

Deputations:

Kris Langenfeld  
[Derek Moran](#)  
[John Sewell](#)  
Morgan Lockhart  
Dylan Gunaratne  
[Ena Chadha](#), Chief Commissioner, Ontario Human Rights Commission  
Scout R  
Kris Langenfeld  
Dallas Jokic  
Berkley Staite  
[Steve Lurie](#)  
Alex Lepianka  
Marie Glass  
Ryan Murdock  
Jennifer Chambers  
Rachel Bromberg  
Jade Armstrong  
Anders Yates  
Jason Prolas  
[Howard . Morton](#)  
Luke Ottenhof  
Amy Todd  
Pax Santos  
Serena Purdy  
Emma McKay  
Rebecca Amoah  
Emma Wildeman  
Vanessa Campbell  
Derek Moran,  
Jacqueline Edwards  
Twoey Gray  
Tom Hobson

Miguel Avila-Velarde  
Karita  
Norman Gardner  
Written Submissions:

Information and Privacy Commissioner of Ontario  
John Cartwright, Toronto and York Region Labour Council  
Kathryn Wells  
Katias Yee  
Mackenzie Kinmond  
Alex Mlynek  
Howard F. Morton, Law Union of Ontario  
Estarmir Hernandez  
Matthew McMahon  
Nicole Corrado  
Tynan Bramberger  
Hans Tim  
Diedra Wandel  
Bev Solomon

- a. August 10, 2020 from Jim Hart, Chair  
**Re: Police Reform in Toronto: Systemic Racism, Alternative  
Community Safety and Crisis Response Models and Building  
New Confidence in Public Safety**

The Board was in receipt of a report dated August 10, 2020 from Jim Hart, Chair.

Recommendation(s):

It is recommended that the Board approve the recommendations listed at Appendix A.

The recommendations listed in Appendix A were as follows:

It is recommended that the Board:

1. Direct the Executive Director to:
  - a. Work with the Service, City Manager and other stakeholders to identify the categories of calls that might be addressed by a non-police response. (City Council #1; Board #4; MHAAP #26; ARAP #11)
  - b. Work with the City Manager, Government of Ontario, community based mental health and addictions service providers, organization representing people with mental health and/or addictions issues and other stakeholders to develop new and enhance existing alternative models of community safety response, including mobile mental health and addictions crisis intervention. (City Council #1 and 18; Board #4, MHAAP #25; ARAP #10)

- c. Work with the Service, and others including the Auditor General, to identify non-core policing services that can be delivered by alternative service providers, as well as other opportunities for improved service delivery by the Service itself (subject to the requirement that provincial Adequacy Standards for policing continue to be met)
  - d. Work with the Service, and others including the Auditor General, to identify funding or areas of funding currently allocated to policing that can potentially be re-allocated to support alternative community safety models and/or fund other City of Toronto programming and services that contribute to community safety.
  - e. Work with the City of Toronto and the Service to develop community-based asset mapping to determine the most effective crisis response models that would work best for Toronto, including the services that currently exist that can support individuals in crisis. (MHAAP #5; ARAP #19)
  - f. Engage the Service to detail potential reductions to the Toronto Police Service budget that would result from any proposed changes to the current community safety response model, once the details of this alternative model are developed. (City Council #1)
  - g. Engage MHAAP and ARAP in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26 )
  - h. Engage the CABR Unit and other experts to ensure that an anti-Black racism analysis is employed in the development and implementation of any alternative models to public safety response. (CABR #18.2)
  - i. Provide an opportunity for broad community and public consultation in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26)
2. Direct the Chief of Police to work with the Executive Director and Board Staff in the above efforts, including providing access to the Service Members, data and other resources necessary to perform this work.
  3. Direct the Chief of Police to report to the Board on the outcome of crisis calls made to the Service (e.g., referral to services, apprehensions, etc.) in 2019 and 2020, and going forward on an annual basis, for the city in aggregate and per police division. (MHAAP #5; ARAP #19)
  4. Direct the Chief of Police to prioritize and create a plan to implement, as soon as feasible, an immediate expansion of the MCIT program in partnership with existing community-based crisis services, including peer support, to meet current demands for mental health-related service calls, recognizing the need for the Service's partners to secure necessary funding for this expansion, with a view to providing MCIT services 24 hours a day, seven days a week, and across all Divisions. (City Council #5; Board #4; MHAAP #2 and 25; ARAP #10 and 16)
  5. Direct the Chief of Police to include in that plan provisions for:
    - a. implementation oversight, including routine monitoring, evaluation and benchmarks for success; (MHAAP #6; ARAP #20)

- b. follow-up for individuals after an MCIT response, which should be delivered in partnership with community-based mental health and addictions service providers including ethno-racial specific services, provide connection to ongoing supports including case management when needed, and ensure individuals who could benefit are referred to Mental Health and Justice and community-based crisis prevention programs and/or the FOCUS table; (MHAAP #7; ARAP #21)
  - c. quarterly meetings at the Divisional level with community-based mental health and addictions agencies within Divisions to plan for a co-ordinated approach to crisis response and prevention, and to align their strategies with existing community-based planning tables as appropriate; (MHAAP #9; ARAP #23)
  - d. a culturally responsive approach consistent with the commitment to equity and anti-racism outlined in the Service's Mental Health and Addictions Strategy; (MHAAP #10; ARAP #24)
  - e. recruitment criteria for participating police and health care providers, which should include a demonstrated ability for anti-racist and anti-oppressive practice, commitment to human rights, and awareness of lived experience of mental health and/or addictions related issues; (MHAAP #10; ARAP #24)
  - f. ongoing quality improvement of program operations through data collection and reporting on MCIT interventions, services provided and outcomes, which should include:
    - i. anonymization and aggregation for public dissemination through regular reports to the Board;
    - ii. mandatory race-based data collection for MCIT service calls, which collection should be prioritized for implementation;
    - iii. gender-based data collection that should include non-binary gender options;
    - iv. public reporting through reports to the Board on MCIT service call outcomes, including apprehensions made under the *Mental Health Act* (MHA);
    - v. public reporting through reports to the Board on service outcome disparities by race, gender identity or other client information;
    - vi. cross-referencing MCIT service call outcomes with emergency department data (through the Institute for Clinical Evaluation Sciences) to understand how MHA apprehensions result in hospital admissions; and
    - vii. provision for any public data reporting to be reviewed by MHAAP and ARAP prior to public release. (MHAAP #11; ARAP #25)
6. Direct the Chief of Police to present his plans for expanding the MCIT to MHAAP for review and feedback. (MHAAP #6; ARAP #20)
7. Direct the Chief of Police to fund the expansion of the MCIT program from within the current 2020 Toronto Police Service Operating Budget, including any appropriate reserves, and to continue to fund the expanded MCIT

program without a request for additional funding in the 2021 budget request. (City Council #5; Board #4; MHAAP #2 and 10; ARAP #25)

8. Direct the Chief of Police to expand the existing MCIT Steering Committee to include representatives from MHAAP and ARAP, Executive Directors/CEOs of community-based mental health and addictions agencies, a representative of the CABR unit, delegates of the Board and people with lived experience. (MHAAP #8; ARAP #22)
9. Direct the Chief of Police to have the expanded MCIT Steering Committee meet on a quarterly basis, at minimum. (MHAAP #8; ARAP #22)
10. Direct the Chief of Police to work with the Board to pursue additional contribution from other levels of government to expand the MCIT program, and in particular, the funding of additional mental health nurses or other mental health providers.
11. Advocate with the municipal, provincial and federal governments for additional funding at a level consistent with or greater than the cost of the proposed MCIT expansion, specifically for community-based services to work in collaboration with police crisis services and Ontario Health Teams and, more specifically, for organizations that provide relevant resources, services and support to assist individuals responding to mental health and addictions related issues. (MHAAP #3; ARAP #17)
12. Direct the Chief of Police, in consultation with MCIT service users, front-line workers and Service Members, to explore and develop a plan to place MCIT police officers in a distinct uniform, specially designed to support de-escalation. (MHAAP #4; ARAP #18)
13. Direct the Chief of Police to work with the Chair and Executive Director to develop and implement a line-by-line approach to reviewing the police budget in order to identify opportunities for service delivery improvement and efficiencies, including the possible redirection of non-core policing functions and their associated funding to alternative non-police community safety providers and/or community safety services or programming.
14. Direct the Chief of Police to work with the Executive Director and the City Manager to identify opportunities for the development of alternative crime prevention and reduction initiatives that could ultimately reduce the demand for reactive police services across Toronto.
15. Direct the Chief of Police to immediately post a line-by-line breakdown of the 2020 Toronto Police Service Budget to the Service's website in a machine readable, open format that would facilitate further analysis of the information. (City Council #4)
16. Direct the Chief of Police to provide an annual line-by-line breakdown of the Toronto Police Service's budget request at the outset of every annual budget process. (Board #6; ARAP #12; MHAAP #27)

17. Direct the Chief of Police to provide a line-by-line breakdown of the Toronto Police Service's approved budget at the end of every annual budget process. (Board #6; ARAP #12; MHAAP #27)
18. Direct the Chief of Police to organize all line-by-line breakdowns by individual program area, function and service delivered, subject to the need to protect investigative techniques and operations, and in such a way as to provide maximum transparency to the public. (Board #6; ARAP #12; MHAAP #27)
19. Direct the Chief of Police to immediately provide the Board with the annual Budget Summaries and Uniform/Civilian Staffing Summaries by command, with Approved, Proposed and Actuals for the last five budgets, and to do so for all future budgets, in a machine readable open dataset format. (City Council #7)
20. Direct the Executive Director to immediately post the annual Budget Summaries and Uniform/Civilian Staffing Summaries per command, with Approved, Proposed and Actuals for the last five budgets and for all future budgets to the Board website in a machine readable open dataset format, and to make the same available to the City of Toronto to post to its open data portal. (City Council #7)
21. Allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, to include the involvement of community-based partners, and, in the future, to ensure that sufficient funds are allocated annually to support public consultation during the budget process. (Board #6; ARAP #12; MHAAP #27)
22. Direct the Chief of Police to explore options for the Service to pay honoraria and transportation costs to otherwise unpaid community members that contribute their time, skills and experience to police training and service improvement. (MHAAP # 14; ARAP #28)
23. Direct the Executive Director to compile the above directions and any other appropriate policy guidance into a budget transparency policy, for future consideration by the Board.
24. Direct the Chair and Executive Director to work with the Auditor General to enter into a Memorandum of Understanding, and accompanying work plan, with the effect of engaging the Auditor General to perform audits of the Toronto Police Service to improve service delivery, identify specific areas of success and specific areas for improvement within the Service, and to find potential areas for savings and redistribution of funding. (City Council #10 and 11)
25. Direct the Chief of Police to assist the Chair, Executive Director and Auditor General in developing the above Memorandum of Understanding and accompanying work plan and to make available the personnel, information and other resources necessary for that purpose. (City Council #10 and 11)

26. Direct the Chief of Police to grant Board Staff and the Auditor General access to personnel, information, records and any other resources necessary to perform any audits contemplated by the above work plan, subject always to applicable legal requirements that do not permit disclosure (e.g. investigative techniques). (City Council #10 and 11)
27. Direct the Chair to communicate to the Province the Board's support of City Council's request to amend the City of Toronto Act to expand the Auditor General's jurisdiction to include auditing the Service, and reporting the results of any audits by the Auditor General to the Board. (City Council #9)
28. Direct the Executive Director to update the Board's Audit Policy addressing audits of the Service, to include any standing directions and policy guidance for the Chief of Police to ensure the Board, its staff and any third parties contracted by the Board for the purpose of auditing the Service, are provided with the access to information and personnel necessary for a successful audit.
29. Direct the Chair and Executive Director to engage with the City Manager and discuss additional and alternative approaches to ensuring transparent auditing of police practices and policies. (City Council #31)
30. Direct the Chief of Police to present a preliminary report to the Board by November 2020, to be followed by a comprehensive report by February 2021 and thereafter on a frequency as directed by the Board, on outcomes associated with how diversity in human resources is being prioritized and achieved in the Toronto Police Service, including with respect to recruitment, hiring and promotion for both civilian and uniform positions at all ranks and classifications. (City Council #33)
31. Direct the Executive Director to publish the criteria expected in a successful candidate for Toronto's Chief of Police to the Board's website and communicate those criteria in the recruitment process.
32. Emphasize, in the selection of the Chief of Police, the following qualifications, skills and experience:
  - a. a proven track record and/or demonstrated ability to create deep and successful reform of policing, including:
    - i. a proven ability to ensure that non-violent de-escalation strategies and techniques are properly employed by police officers, particularly in relation to engagement with people from racialized communities and people with mental health issues;
    - ii. demonstrated experience and success in policing modernization initiatives, with an emphasis on building and sustaining strong, collaborative relationships with racialized and marginalized communities, and the willingness to consider other models for first responder calls for non-violent incidents.

- iii. a demonstrated track record of building and maintaining community safety, as well as the ability to lead through innovation and collaboration. The Chief will, together with an engaged Command Team, be a visible advocate of effective, equitable policing with the public. The Chief will work to ensure the Service is seen as an international leader in providing modern, trusted, community-focused policing;
- iv. the ability to motivate members to be innovative, collaborative and inclusive. The Chief will support both the 'front line' and uniform and civilian support staff and will ensure the Service is a sought-after and positive place of employment with talented individuals who reflect the city's diversity at all levels of the organization and who are passionate ambassadors of community engagement and public safety;
- v. the understanding of how to prioritize, develop and nurture partnerships with a broad spectrum of social service providers, law enforcement agencies, health sector organizations (with a focus on mental health and addictions services), community organizations and leaders, and government, in addition to having demonstrated experience and success in collaborating with these stakeholders. The Chief will leverage these partnerships to collaborate in the development of innovative programs rooted in community policing;
- vi. having a deep understanding of the myriad and complex challenges facing policing organizations internally and externally, including strengthening member wellness and engagement, and increasing public trust and legitimacy across communities, particularly those that are vulnerable, marginalized, and disaffected;
- vii. having the ability to effectively manage a significant annual budget that places innovation, alternative service delivery, data and technology at the centre of a strategy to leverage the most out of public dollars, and find ways to do the TPS's work so as to set a new standard in policing;
- viii. being a recognized and proven senior leader in the policing community who is known for embracing challenge, developing creative solutions and a clear ability to lead cultural change with the support of an engaged Command Team. The Chief will have a demonstrated track record of bridging divides, earning respect through a commitment to excellence and accountability, and empowering people to be their best; and
- ix. providing the leadership and inspire the confidence necessary to make Toronto the model for the future of urban policing.

b. understand and value:

- i. the importance of diversity in the City and in the Toronto Police Service itself;
- ii. acceptance of all people and a recognition that Toronto is home to the most culturally diverse population in the world, which gives our City its strength in times of crisis;

- iii. the strategies and actions required to ensure that, in the policing context, Toronto remains a place of inclusion, diversity and respect for all; and
    - iv. human rights as a core competency and an on-going commitment for themselves and the Toronto Police Service as a whole. (City Council #14)
33. Direct the Executive Director to engage the City Manager, the CABR Unit and the Indigenous Affairs Office of the City of Toronto to provide their advice on the development and implementation of a rigorous community consultation process for the selection of the next Chief of Police. (City Council #16)
  34. Ensure that human rights competency and achievements are included as a component of the Chief of Police's annual performance review.
  35. Direct the Chief of Police to immediately post the Toronto Police Service's Use of Force Procedure on its public website, in a form that will ensure the efficacy of investigative techniques or operations is not endangered and that will not compromise the safety of any person by divulging police practice. (City Council #6)
  36. Direct the Chief of Police to post on the Service's public website, as soon as feasible and on an on-going basis, up-to-date copies of those procedures of public interest that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations.
  37. Direct the Chief of Police to share regularly updated datasets from the Toronto Police Service's open data portal with the City of Toronto for display and distribution on the City's open data portal, subject to the need to protect personal privacy and to comply with any privacy legislation. (City Council #16)
  38. Direct the Chief of Police to convert the Toronto Police Services Board's annual reports and any files currently provided on the Toronto Police Service's open data portal in PDF format into appropriate digital format for use and distribution on the City's open data portal. (City Council #16)
  39. Direct the Chief of Police to post all open data collected pursuant to the Race-Based Data Collection Policy to the Toronto Police Service open data portal and to share that data with the City of Toronto for display and distribution on its open data portal, subject to the need to comply with applicable privacy and other legislation. (City Council #30)
  40. Direct the Chief of Police and the Executive Director to work with the City Manager to consolidate and expedite continuous data sharing in order to better inform city-wide approaches to violence prevention and community safety, including with respect to the City's Community Safety and Well-Being Planning efforts. (City Council #30)

41. Direct the Executive Director to develop a policy governing information transparency and data sharing for the Toronto Police Service, which will include the above directions and any other provisions that will contribute to information transparency and data sharing that will improve accountability and service delivery.
42. Direct the Executive Director to identify potential research, policy and academic centres with whom the Board can partner for research and policy development aimed at improving policing in Toronto.
43. Direct the Chair to write in support of City Council's requests for changes to the *Police Services Act* and other applicable legislation or regulations that would expand the instances in which suspension without pay and revocation of a police officer's appointment as a police officer are available and to support amendments that would, at a minimum, implement the relevant elements of the *Police Services Act, 2018* that addressed suspension without pay and the relevant elements of the *Policing Oversight Act, 2018* that created the ability to revoke a police officer's appointment as a police officer in Ontario. (City Council #20; CABR #17.2)
44. Direct the Chair and Executive Director to explore and report on the Board's ability to enact a policy directing that all instances of alleged racial profiling and bias be investigated under the *Police Services Act*, and to make recommendations on how the Board can ensure that all alleged instances of racial profiling and bias are investigated and addressed. (City Council #29; CABR #17.2)
45. Direct the Chief to report by November 2020 on the means by which:
  - a. the Toronto Police Service identifies police officers who are repeated subjects of conduct complaints or negative findings by the courts, or those who disproportionately use force, even where no specific instance amounts to allegations of misconduct;
  - b. those identified officers are monitored for compliance with Toronto Police Service policy and procedure and receive additional training where necessary;
  - c. the Toronto Police Service determines what other interventions are appropriate or required for officers that are identified as part of the Service's efforts as per a. and b., above.
46. Direct the Chief of Police to develop and implement a formal annual performance review process for uniformed Service Members, in consultation with any relevant experts, that will assist in identifying the strengths and areas for improvement of each police officer, and which will include an individualized annual performance plan that identifies the education, training and experiences to be completed in the coming year in order to build on their identified strengths and address their identified areas for improvement.
47. Explore, in consultation with the Chief of Police, mechanisms to make both disciplinary proceedings under the *Police Services Act*, as well as the

decisions reached in these proceedings, more transparent and accessible to the public, given the provisions of the current *Act*, and in light of the future coming into force of the new *Police Services Act, 2019*.

48. Direct the Chair and the Executive Director to advocate for and recommend that the Government of Ontario (Ministry of the Solicitor General):
  - a. conduct a review of the current Use of Force Model with input from all relevant stakeholders, including police services boards, community organizations and persons with lived experience;
  - b. ensure any new model focused on de-escalation and minimizes use of force, especially with people in crisis; and
  - c. rename the Use of Force Model the De-Escalation Model. (MHAAP #15; ARAP #29)
  
49. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Use of Force Policy, consult with internal and external experts, and propose to the Board by November 2020, amendments to the Policy that will align it with best practices to reduce death and injuries from the use of force by Service Members and with the Ontario Provincial Use of Force Model.
  
50. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Uniform Promotions and Appointments Policy, and propose to the Board by November 2020, amendments to the Policy that will improve the transparency of promotions with regards to candidates' disciplinary history.
  
51. Direct the Executive Director to review and consolidate the Board's Policies on human rights, and develop a revised comprehensive Human Rights Policy that will also include direction on racial profiling, for consideration by the Board.
  
52. Direct the Chief of Police to:
  - a. immediately make permanent the current anti-Black racism training component of the annual re-training (civilians) and In-Service Training Program (uniform); and
  - b. consult with experts in the appropriate fields and engage the CABR Unit to:
    - i. explore opportunities to expand this component;
    - ii. audit and review all courses with an anti-racism lens to identify how existing police training can be changed to address systemic racism or bias in training and to identify how anti-racism training can be incorporated into all courses taught at the College; and
    - iii. report to the Board by December 2021 with the findings of these consultations. (Board #2; CABR #16.4 and 16.5)
  
53. Direct the Chief of Police to:
  - a. create a permanent stand-alone training course that contributes to professional practice in policing with a view to supporting an organizational culture committed to the delivery of fair and unbiased police services to Toronto's diverse communities and populations.

This training curriculum must include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias and implicit bias avoidance; interactions with racialized communities, LGBTQ2S+ communities and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; and principles of human rights accommodation and disabilities, including mental health and addictions issues and ethics in policing;

- b. ensure this training is developed and updated based on best practice and through the active engagement of the CABR Unit, ARAP, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, community representatives with experience in addressing discrimination and prejudice against people with mental health and addictions issues and with a focus on utilizing adult-oriented training methods that are proven to lead to high achievement and demonstrated applied practice by those who experience the curriculum;
- c. make this training mandatory for all new Members of the Service, both civilian and uniform;
- d. make a refresher version of this training mandatory for all current Members of the Service, both civilian and uniform, every 2 years; and
- e. present the training curriculum before the Board for information by February 2021. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)

54. Direct the Chief of Police to prepare a plan for integrating the provision of annual in-service and other training and education of Service Members by members of peer run organizations, including organizations representing people with lived experience of mental health and addiction issues, through collaborations with racialized, indigenous, LGBTQ2S+, immigrant and refugee community members skilled in training. (MHAAP #13; ARAP #27)

55. Direct the Chief of Police to review all current and future training, including judgment and other scenario based training, and ensure that it:

- a. prioritizes and emphasizes de-escalation; (MHAAP #14)
- b. is informed by members of the communities most often affected by police use of force; (MHAAP #14; ARAP #28)
- c. is relevant to the root causes and consequences of structural violence, systemic and internalized racism, negative stereotyping, intersectionalities, and use of force on people with mental health and/or addictions issues; and (MHAAP #13; ARAP #27)
- d. is trauma informed. (MHAAP #13; ARAP #27)

56. Direct the Chief of Police to report of the feasibility of all uniformed Service Members receiving MCIT training or other mental health crisis response training, such as mental health first aid or emotional CPR. (ARAP #10; MHAAP 25)

57. Direct the Chief of Police to engage experts in the relevant fields to create and implement a framework to constantly evaluate the efficacy of its mental health and anti-racism training and the competence of training participants, including how it is applied in the field, and serve to identify areas for improvement to training, with reports on the Service's findings and responsive actions provided to the Board semi-annually. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
58. Direct the Chief of Police to review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of Service funded training co-developed and led by members of the community, outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
59. Direct the Executive Director to coordinate ongoing training sessions for Board Members on anti-Black racism and human rights as it relates to police governance in Ontario.
60. Make ARAP permanent and require ARAP to:
  - a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - d. meet with MHAAP annually; (Board #1; CABR #17.4; ARAP #5; MHAAP #20) and
  - e. share its minutes with MHAAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #1; CABR #17.4; ARAP #5; MHAAP #20)
61. Confirm ARAP's mandate to advise and support the Board in relation to policing and racism, anti-Black racism and anti-Indigenous racism, including:
  - a. Identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for approval by the Board;
  - b. Monitoring the implementation of the Toronto City Council's Action Plan to Confront Anti-Black Racism;
  - c. Monitoring the implementation of the Board's Race-Based Data Collection, Analysis, and Public Reporting Policy, including reviewing the data analysis and any interventions developed by the Service to address racial disparities for feedback and recommendations for enhancement;
  - d. Monitoring the implementation of the recommendations from the Andrew Loku Inquest through the monitoring framework previously developed by ARAP;

- e. Reviewing Service reports on Conducted Energy Weapon (CEW) use and making recommendations for enhancement;
  - f. Monitoring the implementation of inquest recommendations as appropriate;
  - g. Reviewing the development and implementation of all Service training and offering recommendations for enhancement, including training on anti-racism;
  - h. Monitoring the implementation of the recommendations in the present report and providing advice to the Board on necessary enhancements and improvements; and
  - i. Participating in the community consultation process on the Toronto Police Service's annual budget. (ARAP #3; MHAAP #18)
62. Appoint Ainsworth Morgan as ARAP's next Board Co-Chair for a 3 year term and direct the Chair and Executive Director to explore the appointment of Anthony Morgan, the Manager of the CABR Unit, or another agreed delegate of the CABR Unit, as community Co-Chair for a 3 year term. (ARAP #4; MHAAP #19)
63. Make MHAAP permanent and require MHAAP to:
- a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #3; ARAP #1; MHAAP #16)
  - d. meet with ARAP annually; and (Board #3; ARAP #5; MHAAP #20)
  - e. share its minutes with ARAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #3; ARAP #5; MHAAP #20).
64. Request MHAAP to monitor and advise the Board on the implementation of the recommendations in the present report, inasmuch as they are included within MHAAP's mandate.
65. Direct the Executive Director to develop plans for an annual policy forum or other process that will provide a regular opportunity for the Board and its advisory panels to consult the public, community organizations and other stakeholders both at length and in depth in order to review the efficacy of existing Board policies, identify existing and emerging issues in policing, and develop effective policy interventions to address those issues. (CABR #17.4)
66. Direct the Chief of Police to develop, in consultation with the CABR Unit and other experts in the field, an anti-racism lens to be applied in auditing existing Toronto Police Service procedures and the development of future procedures. (CABR #16.3)
67. Direct the Chief of Police to implement new communications strategies, with input from ARAP and on the basis of community consultation, especially with

members of Toronto's Black and Indigenous communities, about the steps taken to eliminate carding as a policing practice and regulate street checks in Toronto (CABR #16.1)

68. Direct the Executive Director to, in consultation with the Chief of Police and other stakeholders, develop a new policy for the provision of apologies, expressions of regret and recognitions of loss, mindful of legal and other considerations.
69. Direct the Executive Director to explore, in consultation with relevant stakeholders, ARAP, community organizations and representatives of Toronto's Black and Indigenous communities, the development of a Board-sponsored voluntary restorative alternative dispute resolution process aimed at both resolving complaints and claims against police, and achieving reconciliation between police and both complainants and their respective communities.
70. Direct the Chief of Police to develop and execute a multi-faceted "know your rights" campaign before the end of 2020, on the basis of consultation and collaboration with various stakeholders, including representatives from the Board-funded Collective Impact initiative, representatives of Toronto's Black and Indigenous communities, youth groups, and community-based organizations that serve vulnerable and marginalized populations. (CABR #18.1)
71. Direct the Executive Director and the Chief of Police to work with the Government of Ontario, City of Toronto, community-based mental health and addictions providers, and people with lived experience of mental health and addictions issues, to develop a low-cost, public, social media campaign to increase awareness about the different types of crisis response services in Toronto, including police-based models and non-police models, the role of police under the *Mental Health Act*, the use of Form 1 and Form 2 under the *Mental Health Act*, individuals' rights related to the *Mental Health Act* and success stories should be showcased as part of this campaign. (MHAAP #12; ARAP #26)
72. Direct the Executive Director to develop, in consultation with the City Manager, an on-line tool to assist the public in tracking and monitoring the progress of the implementation of the recommendations in this report, which will be available on the Board's website by October 2020.
73. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the Board's Race-Based Data Collection Policy, and where the Policy deviates from or fails to implement the recommendations of the Ontario Human Rights Commission in its written deputation to the Board, to identify the reason for that deviation or failure to implement. (City Council #24; ARAP #6; MHAAP #21)
74. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the recommendations made in the PACER

Report and, where recommendations remain unimplemented in part or in full, to present a timetable for their implementation or the rationale for not implementing particular recommendations and suitable alternatives. (ARAP #7; MHAAP #22)

75. Direct the Chief to report by November 2020 on the status of implementation of the recommendations made in the *Independent Review of Police Encounters with People in Crisis* and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #25)
76. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Auditor General in all previous reports and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement.
77. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Inquest into the Death of Andrew Loku and, where the Service has deviated from or failed to implement an inquest recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #27)
78. Direct the Chief of Police to report by November 2020 on the status of the implementation of the Service's Mental Health and Addictions Strategy and further direct that the strategy be fully implemented by September 30, 2021. (MHAAP #1; ARAP #15)
79. Direct the Chief of Police to report by November 2020 on the status of recommendations made in *Action Plan: The Way Forward*, including what has been implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of *Action Plan: The Way Forward* should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility. (Board #2; ARAP #14; MHAAP #29)
80. Direct the Chief of Police that the reports required in above sections **Error! Reference source not found.**–**Error! Reference source not found.** should include an assessment of each recommendation, including:
  - a. Concerns;
  - b. Status;
  - c. Impact (weighting);
  - d. Ease of Implementation (weighting of resource capabilities/ budgetary implications, etc);
  - e. Timelines; and
  - f. Service Lead (Deputy Chief)

81. Direct the Executive Director to develop, in consultation with the Auditor General, a work plan for the auditing of the implementation of the approved recommendations made in this report.

Chair Hart emphasized the importance of continuing to incorporate community voices in the discussion surrounding policing reforms. He indicated that these reforms are part of an ongoing process that must be inclusive and dynamic.

The Board discussed the possibility of civilianizing more of the Service's training. Chair Hart noted that such options were included in past Auditor General reports, and they will be considered as part of the requirement of the Service to report on the implementation of these reports, which is included in the report.

In addition to the recommendations contained in the report, Mayor Tory moved the following Motion:

## **MOTION**

**THAT the Board direct the Chief to:**

- 1. Consult with stakeholders, including the Mobile Crisis Intervention Team (MCIT) Steering Committee and hospital partners, and report back to the September 2020 meeting of the Board on a preliminary basis regarding:**
    - **The current approach as to how the Service responds to mental health crisis calls, including relevant considerations in determining the nature of the emergency response;**
    - **How the Service is exploring the feasibility of having MCITs dispatched as the first responders to as many persons in crisis calls as possible, concurrent with the implementation of the expanded MCIT Program currently being designed by the Service;**
    - **The initiatives that the Service is currently exploring, including pilot programs, to expand the response by non-police crisis responders to mental health crisis calls; and,**
    - **Additional details about the approach to addressing and implementing the above-noted items at the Boards' November 2020 meeting.**
  
  - 2. THAT the Chief provide a report at the Board's November 2020 meeting which provides additional details about the approach to addressing and implementing the above-noted items.**
-

- b. June 25, 2020 from Uppala Chandrasekera (former Board Member) and Notisha Massaquoi, Co-Chairs of the Board's Anti-Racism Advisory Panel (ARAP)

**Re: Recommended Monitoring Framework for the Implementation of the Recommendations Arising from the Inquest into the Death of Andrew Loku**

The Board was in receipt of a report dated June 25, 2020 from Uppala Chandrasekera (former Board Member) and Notisha Massaquoi, Co-Chairs of the Anti-Racism Advisory Panel.

Recommendation(s):

It is recommended THAT the Board:

- 1) Approve the attached Loku Monitoring Framework, and associated Dashboard, to monitor the implementation of the recommendations made at the Inquest into the Death of Andrew Loku;
- 2) Direct the Chief to report back to the Board on the implementation of this Framework and associated Dashboard by January 2021, and annually thereafter; and
- 3) Where appropriate, apply the same comprehensive, analytic and thematic approach to similar decisions that have significant public interest in the future.

Mayor Tory requested clarification on the accountability measures to be put into place that will ensure the successful implementation of the Inquest recommendations. Executive Director Teschner noted that the Dashboard that is discussed in the report will be publicly accessible. In addition, he noted that item 3.A on the agenda recommends that the Anti-Racism Advisory Panel be made permanent and that it will continue to monitor the implementation of work related to these recommendations, and report to the Board on its findings.

Vice Chair Moliner asked whether an external monitoring and accountability structure could be created. Executive Director Teschner responded that this role can best be served by the Board's existing Anti-Racism and Mental Health and Addictions Advisory Panels.

- 
- c. July 29, 2020 from Mark Saunders, former Chief of Police  
**Re: Approval of Body Worn Camera (B.W.C.) Contract Award and Project Implementation**

The Board was in receipt of a report dated July 29, 2020 from former Chief Mark Saunders.

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

(1) Approve a contract with Axon Canada for a B.W.C. solution for a five-year term commencing August 19, 2020 to July 31, 2025, with the option to extend for one additional year, at the discretion of the Chief of Police; and

(2) Authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor, as to form.

Vice Chair Moliner inquired on the “value-added” of the investment in the body-worn cameras requested, and on the consequences of a possible rejection of the recommendations in the report by the Board. Chief Information Officer Colin Stairs noted that the cameras are an accountability tool that could assist in understanding disputed situations. In addition, he noted that the investment also provides storage solutions and video management tools that will serve not only body-worn camera videos, but also videos from in-car cameras, interview room cameras and other systems used by the Service. CIO Stairs noted that savings can also be realized through the faster resolution of disputes and complaints, transcriptions and video editing. Deputy Chief Coxon noted that additional savings will be realized in the future through the additional efficiencies afforded by the system.

Vice Chair Moliner asked when a cost analysis could be provided to the Board. CIO Stairs suggested that an indication can be seen within six to nine months of deployment, and the Service can report on these to the Board as they become available.

Vice Chair Moliner asked about the accountability measures in place to account for the investment and the use of the technology. Deputy Chief Coxon responded that there a number of elements to address accountability in the draft Procedure developed by the Service, including a minimum disciplinary penalty for turning off the camera without justification. Deputy Chief Coxon further suggested that the Service will report to the Board on various accountability and financial metrics.

Mayor Tory asked whether the Service will conduct any surveys on the impact of the deployment of body-worn cameras, and what reporting the Board will receive on discipline in relation to their use. Supt. Barsky noted that the Service has begun steps towards surveying the impacts. He further noted that reporting will occur on a regular basis with regards to cost savings.

Mayor Tory discussed the need for strong provisions to be included in governance for discipline in the case of recurring breaches in the use of body-worn cameras. .

## **MOTION**

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**THAT the Board:**

- 1. Receive the correspondence dated July 27, 2020, from the Information and Privacy Commissioner of Ontario (IPC) offering to provide advice to the Board on the development of its Body-Worn Camera Policy;**
- 2. Direct the Executive Director, in developing the Board's Body-Worn Camera Policy to be brought before the Board for approval at its October 22 meeting, to consult with the IPC and other stakeholders and experts on measures that can be included in the Policy to ensure that the deployment and use of Body-Worn Cameras, in addition to increasing the accountability of Service Members, does not result in undue breaches of privacy;**
- 3. Direct the Chief of Police to ensure that Body-Worn Cameras are not deployed fully to all front-line Members until the Board has approved a Body-Worn Camera Policy and the relevant Service Procedures have been developed and/or amended to ensure consistency with the Board Policy.**

The Mayor wished to ensure that the Motion he wanted to propose would not slow down deployment of body-worn cameras and Chair Hart confirmed that deployment would not be slowed down by the Motion.

**The Board moved the Motions, received the deputations, presentation and approved the foregoing reports.**

**Each Board Member recorded their approval via a vote.**

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**This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on August 18, 2020**

P130. Confidential

In addition to the public meeting conducted by the Board today, a confidential meeting was held to consider a number of matters which were exempt from the public agenda in accordance with the criteria for considering confidential matters set out in section 35(4) of the *Police Services Act*.

The following Members attended the confidential meeting:

Mr. Jim Hart, Chair  
Ms. Marie Moliner, Vice-Chair  
Mr. John Tory, Mayor & Member  
Ms. Frances Nunziata, Councillor & Member  
Mr. Michael Ford, Councillor & Member  
Ms. Lisa Kostakis, Member  
Mr. Ainsworth Morgan, Member

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Meeting was adjourned by L. Kostakis and Councillor Nunziata.

**Next Board Meeting**

**Date: Thursday, September 17, 2020**

**Time and location to be determined and announced publicly prior to that date.**

Minutes Approved by:

*-original signed-*

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Jim Hart  
Chair

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**Members of the Toronto Police Services Board**

Jim Hart, Chair  
Lisa Kostakis, Member  
Michael Ford, Councillor & Member  
Ainsworth Morgan, Member

Marie Moliner, Vice-Chair  
Frances Nunziata, Councillor & Member  
John Tory, Mayor & Member





## Toronto Police Services Board Report

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July 23, 2020

To: Chair and Members  
Toronto Police Services Board

From: James Ramer  
Interim Chief of Police

**Subject: Special Constable Re-Appointments – August 2020**

### **Recommendation:**

It is recommended that the Board approve the re-appointments of the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.) and the University of Toronto (U of T), subject to the approval of the Ministry of the Solicitor General.

### **Financial Implications:**

There are no financial implications relating to the recommendations contained within this report.

### **Background / Purpose:**

Under Section 53 of the *Police Services Act*, the Board is authorized to appoint and re - appoint special constables, subject to the approval of the Ministry of the Solicitor General. Pursuant to this authority, the Board has agreements with the University of Toronto (U of T), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of special constables (Min. Nos. P571/94, P41/98 and P289/13 refer).

It is the position of the Special Constable Liaison Office that the re-appointment of the individuals listed in this report is of operational urgency as two individuals' special constable status expired as a result of unforeseen operational impacts due to the COVID-19 pandemic and the cancellation of the July Board meeting. As external special constables respond to a significant amount of calls for service that would ordinarily require a police response, ensuring that the complement of special constables can be maintained in each agency is paramount in ensuring public safety and frontline operational continuity for the Toronto Police Service.

The Service has received requests from the T.C.H.C, and U of T to re-appoint the following individuals as special constables:

**Table 1 Name of Agency and Special Constable Applicant**

<b>Agency</b>	<b>Name</b>	<b>Status Request</b>	<b>Expiry</b>
T.C.H.C.	Arnold Cheung	Re - Appointment	October 10, 2020
T.C.H.C.	Giovanni Kinney	Re - Appointment	August 4, 2020

<b>Agency</b>	<b>Name</b>	<b>Status Request</b>	<b>Expiry</b>
T.C.H.C.	Alexander Shefler	Re - Appointment	July 20, 2020
U of T St. George Campus	Susie Lennie	Re - Appointment	November 9, 2020
U of T St. George Campus	George Hall	Re - Appointment	October 6, 2020
U of T St. George Campus	Shawn Phyper	Re - Appointment	November 19, 2020

**Discussion:**

Special constables are appointed to enforce the *Criminal Code* and certain sections of the *Controlled Drugs and Substances Act*, *Trespass to Property Act*, *Liquor Licence Act* and *Mental Health Act* on their respective properties within the City of Toronto.

The agreements between the Board and each agency require that background investigations be conducted on all individuals who are being recommended for appointment and re-appointment as special constables. The Service's Talent Acquisition Unit completed background investigations on these individuals and there is nothing on file to preclude them from being re-appointed as special constables for a five year term.

The agencies have advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreement with the Board. The agencies' approved strength and current complements are indicated below:

**Table 2 Name of Agency, Approved Complement and Current Complement of Special Constables**

<b>Agency</b>	<b>Approved Complement</b>	<b>Current Complement</b>
T.C.H.C.	300	163
U of T St. George Campus	50	35

**Conclusion:**

The Service continues to work together in partnership with the agencies to identify individuals who may be appointed as special constables who will contribute positively to the safety and well-being of persons engaged in activities on T.C.H.C. and U of T properties within the City of Toronto.

Acting Deputy Chief of Police Myron Demkiw, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

James Ramer, O.O.M.  
Interim Chief of Police



# Toronto Police Services Board Report

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August 10, 2020

To: Members  
Toronto Police Services Board

From: Jim Hart  
Chair

**Subject: Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety**

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## **Recommendation(s):**

It is recommended that the Board approve the recommendations listed at [Appendix A](#).

## **Financial Implications:**

The financial implications arising out of the recommendations contained in this report are unknown at this time. If the recommendations are approved, financial implications – including for potential costs savings or re-allocations – will be assessed on an ongoing basis.

## **Background / Purpose:**

There is a long history of anti-Black and anti-Indigenous racism, discrimination, and marginalization in our city. Systemic racism occurs within policing, as it does in many other public and private systems. Too many of our fellow residents experience the effects of systemic racism every day. It is an ongoing challenge for the Toronto Police Services Board (the "Board") and the Toronto Police Service (the "Service") to address these issues in a way that engenders public trust. We acknowledge that we must do better. We acknowledge that the status quo is not adequate. We recognize that much work remains to be done and that it must be done in partnership with others, including our city's diverse communities. This report is a beginning; one that proposes immediate action and a commitment to change through ongoing consultation and a reimagining of our current approach to public safety.

As the governing body for the Service, the Board must be a catalyst for reform that addresses systemic racism in the areas of community safety and policing. In 2016 the Board, in partnership with the Service, undertook a wholesale review of its operations and created a roadmap for modernization. However, no plan can be frozen in time. We have and must continue to engage with various stakeholders and the public. We must listen, learn, and continually test our understanding of the challenges facing our communities and public safety in Toronto. We have to work collaboratively to design the best responses to these challenges.

The Board's priority has, and must continue to be, ensuring fair and equitable policing in Toronto. We also must recognize that law enforcement – whether reactive or proactive – is not the only solution to many of the challenges our city faces. Rather, it is a single piece of a multi-dimensional pie. Toronto's community safety is a shared responsibility. It relies on a continuum of governments, organizations, experts and persons with lived experience, who together have the appropriate skills, abilities, and vested interest to create and implement strategies to make our city safer.

This report was developed holistically, incorporating: the referred Board report from the June 2020 Board Meeting as a foundation; the directions from the June City Council decision; the substantive community input received from the recent public town hall meetings; consulting the Toronto Action Plan to Confront Anti-Black Racism; consultations and recommendations from the Board's two advisory panels, namely the

Anti-Racism Advisory Panel (ARAP) and the Mental Health and Addictions Advisory Panel (MHAAP); and relying on the expertise of the professional staff within the Board Office, who ensure that the Board fulfils its governance and oversight duties.

### *Referred Report*

At its meeting of June 19, 2020, the Board received a report from the Chair entitled “Recommendations for the Board Related to Current Events” (Min. No. P89/20 refers). That report is attached as [Appendix B](#). The report was drafted in response to recent events, including the killing of George Floyd at the hands of a Minneapolis police officer, and the tragic death of Regis Korchinski-Paquet in Toronto. These tragedies and lost lives have brought our city to engage once again in a critical conversation about the status quo in policing and the systemic racism that is evident in the current systems that respond to crises and ensure public safety in Toronto.

Following the release of the June 2020 report, we heard from members of the public, as well as members of both ARAP and MHAAP. They felt that further engagement was needed before the Board could consider any meaningful recommendations for reform.

Therefore, at its June 19, 2020, meeting, the Board decided to refer the report to the next Board meeting to allow for broader consultation with the public, and to receive advice from its advisory panels.

### *Toronto City Council Consideration of Changes to Policing*

At its meeting of June 29, 2020, Toronto City Council considered a number of motions by councillors addressing policing in Toronto. Among those motions was agenda item CC22.2, a report by the Mayor entitled “Changes to Policing in Toronto”. The report was adopted with amendments. The decision of City Council comprises 36 items covering a number of areas touching on policing, public safety and crisis response in Toronto. The items are directed to a variety of stakeholders, including the Board. Attached as [Appendix C](#) are the items adopted by City Council.

### *Town Hall Meetings hosted by the Board*

The Board held four full-day town hall meetings on July 9, 10, 15 and 16, 2020. These forums were created in response to the thousands of messages that the Board received in the aftermath of the killing of George Floyd and the death of Regis Korchinski-Paquet, and related protests in Toronto and around the world.

The meetings followed an open format allowing the public to make submissions to the Board and providing the Board an opportunity to hear the voices of our communities and ask questions. The submissions covered a wide range of issues, including police accountability, police reform, and community safety priorities. Members of the public who could not make a live presentation at the town hall meetings were invited to provide a written or recorded statement on the Board’s website. Over one hundred such submissions were made.

The town hall meetings were broadcast via YouTube. Links to the recordings of these sessions and copies of all of the written and recorded submissions provided to the Board are available on the Board's website at <https://tpsb.ca/consultations-and-publications/july-2020-town-halls>.

A comprehensive synthesis of the submissions made at the town hall meetings is being prepared for posting on the Board's website. Those submission informed this report and will inform the Board's continuing engagement with these issues. For the purposes of this report, an interim synthesis is attached at [Appendix D](#), which identifies certain general themes and some of the key recommendations that were highlighted during the town hall meetings. [Appendix D](#) also includes a unique illustrated summary of the Town Hall meetings. This summary provides a visual representation of the key themes heard throughout the Town Hall meetings. Both the textual summary and a "flipbook" version of the visual summary are available on the Board's website.

Most consistently, the Board heard that many people want to see a complete restructuring of how community safety is addressed and delivered in the city. Members of the public and those representing community organizations made powerful and compelling submissions that Toronto should rethink and de-emphasize the current reactive approach to public safety in favour of a proactive approach that addresses the social determinants of crime, such as poverty, housing, food security and social services. It was widely submitted that this alternative approach avoids the criminalization of poverty, mental health and addictions issues. The majority of speakers called to fund this alternative approach to public safety by reducing the funding of police services in Toronto.

Recognizing, however, that an emergency response will always be necessary, another frequent recommendation was the creation of a community crisis response model that does not include police, or has reduced and tiered police involvement. These recommendations were animated by the belief expressed by many deputants that police officers do not have the requisite training, background or expertise to effectively deal with mental health crises. Indeed, many told us that this is not the appropriate role for police, regardless of how well trained they might be in the area.

In short, many speakers said there is a need to "reimagine" how community safety is achieved in Toronto, possibly with a considerably redesigned role for police.

In considering what action to take and how, the Board has and will continue to examine and be informed by the submissions made during the town hall meetings . The Board will also continue to consult with the public on these issues and ensure that the public has opportunities to make its voices heard.

### *The Toronto Action Plan to Confront Anti-Black Racism*

In preparing this report, Board staff has reviewed and considered the recommendations addressing policing that are contained in the Toronto Action Plan to Confront Anti-Black Racism ("CABR Action Plan").

The CABR Action Plan is the culmination of a process started by the City of Toronto in 2016 to acknowledge and confront anti-Black racism in the city, and was approved unanimously by City Council. In partnership with community agencies, young Black leaders and Black Torontonians, the City built on past recommendations to synthesize a list of recommendations and actions meant to address the continued anti-Black racism in Toronto. The Confronting Anti-Black Racism Unit ("CABR Unit") at the City of Toronto is responsible for the implementation of the CABR Action Plan. The CABR Action Plan's recommendations and actions addressing policing are listed at [Appendix E](#).

The recommendations in this report that reference the CABR Action Plan are by no means meant to be a full answer to the recommendations made in that document. Reference to the CABR Action Plan is simply meant to indicate where a recommendation is informed by the Action Plan work.

### *Consultation with MHAAP and ARAP*

The Board's two advisory panels, MHAAP and ARAP, met in July to consider the Board's referred report and provide their advice and recommendations. A summary of the advice and recommendations from MHAAP and ARAP are attached respectively as [Appendix F](#) and [Appendix G](#). These advisory panels will also serve an integral role in guiding the Board and monitoring the implementation of the recommendations in this report.

### *Existing Initiatives*

The Board recognizes that the Service has long engaged in initiatives that are designed to address many of the same issues the Report's recommendations address. The plan laid out in this report builds on and expands these initiatives to continue and improve the Service's response to systemic racism, and enhance public trust in the Service.

Many of the Service's existing initiatives are being led by the Equity, Inclusion and Human Rights Unit (EI&HR). Resulting from the strategic direction of the Board's and Service's modernization plan *The Way Forward*, the EI&HR, the first of its kind in Canadian policing, is a Centre of Excellence led by a team of subject matter experts, utilizing best practices in the embedding of inclusion and human rights through a research and evaluation framework to champion a progressive equity agenda for the Service. Among its many initiatives, EI&HR is currently working with the Service's Governance Unit and is engaged in a comprehensive review of all of TPS procedures from an anti-racism and human rights lens to identify gaps as well as embed equity principles throughout all of its procedures.

Other existing initiatives underway include:

Race-Based Data Collection Strategy: Developed on the basis of the Board's Race-Based Data Collection, Analysis and Public Reporting Policy, and guided by the legal principles of *Ontario Human Rights Code* and Ontario's *Anti-Racism Act 2017*. The Service will collect and, in partnership with external stakeholders and the community, analyze race-based data to identify and address systemic race-based barriers and disparities in the Service's programs, services and procedures. Substantial internal and community consultation identified key considerations, concerns and recommendations for implementation. Starting January 1, 2020, phase one includes the collection of race-based data for Use of Force, development of race-based data collection training, and design of the recruitment and selection process for a Community Advisory Panel informed by the Wellesley Institute.

Workplace Harassment Review: Deloitte has been contracted to conduct an independent and comprehensive review of our workplace culture and processes relating to harassment and discrimination inform an actionable roadmap for tangible culture change. Data analysis will include an anti-Black racism lens.

Talent Sourcing and Marketing Framework: This Framework seeks to increase diversity among applicants and new hires, particularly focusing on mass hiring initiatives. The Service is achieving greater diversity outcomes in its Uniform Cadet recruitment as a result of this approach.

Core Values and Competency Framework: This was developed through a collaborative and inclusive process, including interviews with 100 members of the public, from community advocates to members of Community Police Liaison Committees, as well as interviews with Service members.

#### Ongoing Training and Capacity Building activities

- Race Based Data Collection Technical briefing for all uniform members.
- Police and Community Engagement Review (P.A.C.E.R.) Recommendation 12: In accordance with this recommendation, the T.P.S. will continue to ensure all uniform officers and investigators receive training grounded in an anti-Black racism lens.
- Bias Avoidance Training.
- Ethics and Incivility in the Workplace (Human Rights Leadership): a three hour Diversity training program for recruits, addressing the value of diversity, the Human Rights Code, the Toronto Police Code of Conduct and the need for inclusion, accommodation and professionalism.
- All Leadership Training has a minimum 90 minute Human Rights, Diversity and Inclusivity lecture.
- A redesigned In Service Training-Day 1, including: Indigenous Perspectives, Anti-Black Racism, Race-Based Data Collection, Strip Search, Persons with Disabilities, Vulnerable Persons, Wellness and Resiliency, and Scenario Based Training.

### Ongoing Community Engagement initiatives

- In 2018, after community feedback, the Neighbourhood Community Officer (NCO) Program was enhanced to include:
  - A standardized mandate to focus on building partnerships in the community and working towards long-term solutions to public safety and disorder issues;
  - Community-centric training specific to their role;
  - Assignment to each neighbourhood for at least four years;
  - Identification as NCOs on uniforms and vehicles; and,
  - Access their work environment through a mobile device allowing officers to spend more time in their assigned neighbourhoods
- The Black Community Consultative Committee advises the Chief of Police and identifies opportunities to build bridges between the Service and Black communities.
- Impact Truth Hearing: This event was an opportunity for both the Black youth and Toronto Police Service officers to enter into a dialogue based on true lived experiences to understand the emotional impact and collateral trauma felt by both sides with the goal of building trust and improving youth-police relations.

### *The Board's Responsibility for Oversight*

The Board recognizes the intensive effort that community organizations, City Council and others put into identifying interventions to address the very complex, intersectional issues of race and mental health in policing. The Board welcomes and appreciates all the work and recommendations of our partners across the city, which have been supplemented by the extraordinary flow of recent submissions and recommendations made by community members and organizations. We are committed to reviewing the recommendations and submissions received by the Board, as well as to continue consulting with communities, organizations and individuals across the city, as we build new and deeper relationships with these partners in order to confront and address systemic racism in the provision of public safety in Toronto.

Our task must include creating space for the public to be heard so the Board is better informed while discharging its statutory role in the governance and oversight of the Service. That role also requires that the Board apply its resources and expertise to create change that will achieve the ultimate goal of addressing systemic racism. That means not only leveraging the recommendations and submissions of others, but providing our own direction borne from the Board's own research and expertise in policing and governance. With the invaluable contribution of the community and our partners in public safety, we must commit the Board to designing approaches and interventions that will eradicate the scourge of systemic racism in the provision of public safety.

The recommendations in this report are not meant to be an end point in this critical work but, rather, an important beginning. Successful reform takes time, collaborative

engagement, and a recognition that change can be substantive and substantial, even where it is not immediate. This report is a beginning. It begins to address some of the important issues we face as a community. The Board commits to continued engagement on these matters and to advancing bold and innovative proposals that will achieve our collective goal of achieving a fair and equitable system of public safety.

The Board also recognizes that while some recommendations will be carried out immediately, others will require more time to develop, in consultation with the Service, subject matter expert, and the public. Implementing these recommendations will impose a substantial amount of work on the Service in terms of time and resources, and the Board is prepared to work with the Chief of Police to ensure this work can be carried out so as not to have a negative impact on the Service's ability to carry out its core duties effectively. This report presents the roadmap that the Board and the Service will follow in the foreseeable future as we work collaboratively to ensure a safer city for all its communities.

## **Discussion:**

This report synthesizes the many recommendations, observations and submissions made by the public, ARAP and MHAAP, and other stakeholders, into proposals for action that the Board and/or Service can implement. These proposals are the inaugural steps of a larger process towards the development of new systems, interventions and a culture that will confront systemic racism and the other challenges that result in disparate outcomes for racialized communities in their interactions with the Service.

It should be noted that the Board heard a number of submissions and received a variety of recommendations addressing body-worn cameras, through a variety of correspondence, submissions, and speakers at our town hall meetings. Those recommendations are not addressed in this report. The Board is considering a separate report addressing a recommended procurement of body-worn cameras that was submitted by the Service, and will consider an additional report in the near future concerning the Board's Policy on body-worn cameras. The Board will consider the submissions and recommendations received in the recent consultative process as part of its review and consideration of those reports. This will include the specific recommendations that were made with respect to how the creation of checks and balances within a policy on body-worn camera use can work to address concerns about how the technology is used, and the potential for improper use.

To assist in organizing and discussing the many recommendations, this report identifies common themes that run through them and reflects the general areas of concern raised by MHAAP, ARAP and the recent town hall meetings. Those themes are:

1. Alternative Community Safety Response Models
2. Police Budget and Budgetary Transparency
3. Independent Auditing and Service Accountability
4. Chief Selection Criteria

5. Data Sharing and Information Transparency
6. Conduct Accountability
7. Police Training
8. Consultation with Experts and Communities
9. Building Public Confidence
10. Ensuring Change

While these actions are spread across a broad spectrum of areas, they represent different facets of a single holistic approach that the Board has taken up to openly acknowledge and directly confront systemic racism in all its manifestations.

As well, where possible, we have identified where the recommendations below are informed, in whole or in part, by motions adopted by City Council, recommendations from the report referred by the Board at its June 19, 2020 meeting, recommendations found in the CABR Action Plan, or recommendations made by MHAAP or ARAP.

### ***Alternative Community Safety Response Models***

(City Council #1, 5, 12 and 18; Board #4; MHAAP #2-10 and 25-26; ARAP #10-11 and 16-26)

A major theme from the recommendations and submissions received by the Board is the need for an alternative to the current community safety response model, specifically one that does not require the presence, intervention or legal powers of police. This would include alternatives to police attendance at mental health crisis calls, wellness checks and low-level disputes between community members (e.g., neighbour disputes). The recommendations and submissions received to date have also highlighted the need to expand the Service's current Mobile Crisis Intervention Team (MCIT) program, which is the only existing alternative to a police-only response to mental health crises and wellness checks in Toronto. Currently, the Service's MCIT program can respond to only 20% of the approximately 30,000 crisis calls received each year.

The Board has long supported the MCIT program, which pairs a specially trained police officer with a mental health nurse to respond to people experiencing mental health crises in our community. Through this innovative and progressive program, we have seen a number of important benefits: the delivery of swift and compassionate support with a focus on de-escalation, the prevention of injury, the ability to more readily link people in crisis to appropriate community services, and reduced pressure on hospitals and the justice system. However, the recommendations and submissions received suggest it is time to consider an even bolder approach, namely redirecting certain calls currently handled by police into the more specialized hands of non-police response teams.

The redirection of calls from police to other alternative responders will require considerable work in partnership with other stakeholders, including the City Manager's Office, City divisions and provincial counterparts. This work will involve identifying the appropriate non-core policing calls currently handled by police that can be directed to an alternative community safety and crisis response. Moreover, it will take time to develop

and implement such an alternative response model, during which time the police and the MCIT will remain the only response option. Given its statutory responsibility to ensure adequate and effective policing services, the Board cannot make a recommendation that will result in any gap in this essential service until an alternative model is available.

However, taking advantage of this important opportunity to conceive a crisis response model that does not depend on police, there are steps the Board can take now. To that end, it is recommended that the Board:

1. Direct the Executive Director to:
  - a. Work with the Service, City Manager and other stakeholders to identify the categories of calls that might be addressed by a non-police response. (City Council #1; Board #4; MHAAP #26; ARAP #11)
  - b. Work with the City Manager, Government of Ontario, community based mental health and addictions service providers, organization representing people with mental health and/or addictions issues and other stakeholders to develop new and enhance existing alternative models of community safety response, including mobile mental health and addictions crisis intervention. (City Council #1 and 18; Board #4, MHAAP #25; ARAP #10)
  - c. Work with the Service, and others including the Auditor General, to identify non-core policing services that can be delivered by alternative service providers, as well as other opportunities for improved service delivery by the Service itself (subject to the requirement that provincial Adequacy Standards for policing continue to be met)
  - d. Work with the Service, and others including the Auditor General, to identify funding or areas of funding currently allocated to policing that can potentially be re-allocated to support alternative community safety models and/or fund other City of Toronto programming and services that contribute to community safety.
  - e. Work with the City of Toronto and the Service to develop community-based asset mapping to determine the most effective crisis response models that would work best for Toronto, including the services that currently exist that can support individuals in crisis. (MHAAP #5; ARAP #19)
  - f. Engage the Service to detail potential reductions to the Toronto Police Service budget that would result from any proposed changes to the current community safety response model, once the details of this alternative model are developed. (City Council #1)
  - g. Engage MHAAP and ARAP in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26 )
  - h. Engage the CABR Unit and other experts to ensure that an anti-Black racism analysis is employed in the development and implementation of any alternative models to public safety response. (CABR #18.2)

- i. Provide an opportunity for broad community and public consultation in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26)
2. Direct the Chief of Police to work with the Executive Director and Board Staff in the above efforts, including providing access to the Service Members, data and other resources necessary to perform this work.
3. Direct the Chief of Police to report to the Board on the outcome of crisis calls made to the Service (e.g., referral to services, apprehensions, etc.) in 2019 and 2020, and going forward on an annual basis, for the city in aggregate and per police division. (MHAAP #5; ARAP #19)
4. Direct the Chief of Police to prioritize and create a plan to implement, as soon as feasible, an immediate expansion of the MCIT program in partnership with existing community-based crisis services, including peer support, to meet current demands for mental health-related service calls, recognizing the need for the Service's partners to secure necessary funding for this expansion, with a view to providing MCIT services 24 hours a day, seven days a week, and across all Divisions. (City Council #5; Board #4; MHAAP #2 and 25; ARAP #10 and 16)
5. Direct the Chief of Police to include in that plan provisions for:
  - a. implementation oversight, including routine monitoring, evaluation and benchmarks for success; (MHAAP #6; ARAP #20)
  - b. follow-up for individuals after an MCIT response, which should be delivered in partnership with community-based mental health and addictions service providers including ethno-racial specific services, provide connection to ongoing supports including case management when needed, and ensure individuals who could benefit are referred to Mental Health and Justice and community-based crisis prevention programs and/or the FOCUS table; (MHAAP #7; ARAP #21)
  - c. quarterly meetings at the Divisional level with community-based mental health and addictions agencies within Divisions to plan for a co-ordinated approach to crisis response and prevention, and to align their strategies with existing community-based planning tables as appropriate; (MHAAP #9; ARAP #23)
  - d. a culturally responsive approach consistent with the commitment to equity and anti-racism outlined in the Service's Mental Health and Addictions Strategy; (MHAAP #10; ARAP #24)
  - e. recruitment criteria for participating police and health care providers, which should include a demonstrated ability for anti-racist and anti-oppressive practice, commitment to human rights, and awareness of lived experience of mental health and/or addictions related issues; (MHAAP #10; ARAP #24)

- f. ongoing quality improvement of program operations through data collection and reporting on MCIT interventions, services provided and outcomes, which should include:
    - i. anonymization and aggregation for public dissemination through regular reports to the Board;
    - ii. mandatory race-based data collection for MCIT service calls, which collection should be prioritized for implementation;
    - iii. gender-based data collection that should include non-binary gender options;
    - iv. public reporting through reports to the Board on MCIT service call outcomes, including apprehensions made under the *Mental Health Act* (MHA);
    - v. public reporting through reports to the Board on service outcome disparities by race, gender identity or other client information;
    - vi. cross-referencing MCIT service call outcomes with emergency department data (through the Institute for Clinical Evaluation Sciences) to understand how MHA apprehensions result in hospital admissions; and
    - vii. provision for any public data reporting to be reviewed by MHAAP and ARAP prior to public release. (MHAAP #11; ARAP #25)
6. Direct the Chief of Police to present his plans for expanding the MCIT to MHAAP for review and feedback. (MHAAP #6; ARAP #20)
7. Direct the Chief of Police to fund the expansion of the MCIT program from within the current 2020 Toronto Police Service Operating Budget, including any appropriate reserves, and to continue to fund the expanded MCIT program without a request for additional funding in the 2021 budget request. (City Council #5; Board #4; MHAAP #2 and 10; ARAP #25)
8. Direct the Chief of Police to expand the existing MCIT Steering Committee to include representatives from MHAAP and ARAP, Executive Directors/CEOs of community-based mental health and addictions agencies, a representative of the CABR unit, delegates of the Board and people with lived experience. (MHAAP #8; ARAP #22)
9. Direct the Chief of Police to have the expanded MCIT Steering Committee meet on a quarterly basis, at minimum. (MHAAP #8; ARAP #22)
10. Direct the Chief of Police to work with the Board to pursue additional contribution from other levels of government to expand the MCIT program, and in particular, the funding of additional mental health nurses or other mental health providers.
11. Advocate with the municipal, provincial and federal governments for additional funding at a level consistent with or greater than the cost of the proposed MCIT expansion, specifically for community-based services to work in collaboration

with police crisis services and Ontario Health Teams and, more specifically, for organizations that provide relevant resources, services and support to assist individuals responding to mental health and addictions related issues. (MHAAP #3; ARAP #17)

12. Direct the Chief of Police, in consultation with MCIT service users, front-line workers and Service Members, to explore and develop a plan to place MCIT police officers in a distinct uniform, specially designed to support de-escalation. (MHAAP #4; ARAP #18)

### ***Police Budget and Budgetary Transparency***

(City Council # 4 and 7; Board #6; MHAAP #14 and 27; ARAP 12 and 18)

The police budget, which surpasses \$1B, has generated significant public interest. A number of the recommendations by City Council and submissions from the public called for changes in police budgets. While there are calls by many to reduce or eliminate the budgets allocated to police services, there is also a call for greater accountability and transparency in the police budgetary process itself.

The Board has heard calls to defund the Toronto Police Service by as much as 50%. The Board is statutorily responsible for the provision of adequate and effective policing in Toronto. The Board is also statutorily prohibited both from making arbitrary cuts to the police budget and reducing the Service's complement of police officers where to do so would affect the ability of the Service to adequately and effectively deliver policing services in the city. The Board, therefore, cannot impose any arbitrary cut in the police budget, or a cut that compromises the Service's ability to deliver the host of policing services required by law.

At the same time, the City of Toronto is not adequately and effectively policed if particular communities within the city are disproportionately affected or stigmatized by policing. Nor is it adequately served if the share of the City's funds committed to policing results in the underfunding of programming and services that eliminate the root causes of crime and proactively achieve community safety without law enforcement. It is, therefore, incumbent on the Board to consider the police budget in the fuller context of the limited resources available for allocation by the City of Toronto. In that respect, the Board should review the Service's budget, budgetary process and service delivery with the perspective that public safety, and, in particular, crime prevention, might be more effectively, efficiently and economically provided by investing in, and through partnership with, social services and community initiatives that are currently underfunded, as well as by funding alternative crisis response models staffed by persons with specialized training and experience. This can be facilitated, in part, by examining previous recommendations made by consultants, the Board, the Auditor General and others, which identified opportunities for moving some areas of service delivery to more appropriate service-providers, and how police funding could be re-allocated to support this change.

In addition to the calls for reducing the police budget, members of the public and others have called for greater transparency in the police budget and budgeting process. Greater transparency is a democratic imperative. Transparency results in greater accountability and, potentially, savings.

To provide greater budget transparency and to identify areas where services could be more effectively and economically provided by alternative service delivery models, it is recommended that the Board:

13. Direct the Chief of Police to work with the Chair and Executive Director to develop and implement a line-by-line approach to reviewing the police budget in order to identify opportunities for service delivery improvement and efficiencies, including the possible redirection of non-core policing functions and their associated funding to alternative non-police community safety providers and/or community safety services or programming.
14. Direct the Chief of Police to work with the Executive Director and the City Manager to identify opportunities for the development of alternative crime prevention and reduction initiatives that could ultimately reduce the demand for reactive police services across Toronto.
15. Direct the Chief of Police to immediately post a line-by-line breakdown of the 2020 Toronto Police Service Budget to the Service's website in a machine readable, open format that would facilitate further analysis of the information. (City Council #4)
16. Direct the Chief of Police to provide an annual line-by-line breakdown of the Toronto Police Service's budget request at the outset of every annual budget process. (Board #6; ARAP #12; MHAAP #27)
17. Direct the Chief of Police to provide a line-by-line breakdown of the Toronto Police Service's approved budget at the end of every annual budget process. (Board #6; ARAP #12; MHAAP #27)
18. Direct the Chief of Police to organize all line-by-line breakdowns by individual program area, function and service delivered, subject to the need to protect investigative techniques and operations, and in such a way as to provide maximum transparency to the public. (Board #6; ARAP #12; MHAAP #27)
19. Direct the Chief of Police to immediately provide the Board with the annual Budget Summaries and Uniform/Civilian Staffing Summaries by command, with Approved, Proposed and Actuals for the last five budgets, and to do so for all future budgets, in a machine readable open dataset format. (City Council #7)
20. Direct the Executive Director to immediately post the annual Budget Summaries and Uniform/Civilian Staffing Summaries per command, with Approved,

Proposed and Actuals for the last five budgets and for all future budgets to the Board website in a machine readable open dataset format, and to make the same available to the City of Toronto to post to its open data portal. (City Council #7)

21. Allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, to include the involvement of community-based partners, and, in the future, to ensure that sufficient funds are allocated annually to support public consultation during the budget process. (Board #6; ARAP #12; MHAAP #27)
22. Direct the Chief of Police to explore options for the Service to pay honoraria and transportation costs to otherwise unpaid community members that contribute their time, skills and experience to police training and service improvement. (MHAAP # 14; ARAP #28)
23. Direct the Executive Director to compile the above directions and any other appropriate policy guidance into a budget transparency policy, for future consideration by the Board.

### ***Independent Auditing and Service Accountability***

(City Council #9, 10, 11, 31 and 33)

The Board heard from members of the public, as well as City Council, that there is a desire and need for independent auditing of the Toronto Police Service. These include requests that the Board invite the Auditor General for the City of Toronto ("Auditor General") to perform audits of the Toronto Police Service and its services, systems, and finances.

The Board recognizes the beneficial relationship that we have had with the Auditor General in the past. The Auditor General has previously conducted audits of a variety of aspects of the Service, including, for example, controls relating to overtime and premium pay, vehicle replacement policy, investigations of sexual assaults, and police training. In 2015, the Board also invited the Auditor General to consider including the Service as part of City-wide audits on long term disability, capital project management, and accounts payable (Min. No. P293/15 refers). More recently, on December 12, 2019, the Board sent a letter to the Auditor General inviting her to conduct an overall risk assessment as well as a cybersecurity audit of the Toronto Police Service. Work on this project is currently on-going. The Board welcomes to opportunity to refresh that relationship and build upon it.

Given the expenditure of significant public funds on policing in Toronto, the importance of accountability and transparency in how these funds are spent, and the need to continuously strengthen internal systems, there is real value in engaging the services of the Auditor General.

Therefore, it is recommended that the Board address these recommendations by taking the following action:

24. Direct the Chair and Executive Director to work with the Auditor General to enter into a Memorandum of Understanding, and accompanying work plan, with the effect of engaging the Auditor General to perform audits of the Toronto Police Service to improve service delivery, identify specific areas of success and specific areas for improvement within the Service, and to find potential areas for savings and redistribution of funding. (City Council #10 and 11)
25. Direct the Chief of Police to assist the Chair, Executive Director and Auditor General in developing the above Memorandum of Understanding and accompanying work plan and to make available the personnel, information and other resources necessary for that purpose. (City Council #10 and 11)
26. Direct the Chief of Police to grant Board Staff and the Auditor General access to personnel, information, records and any other resources necessary to perform any audits contemplated by the above work plan, subject always to applicable legal requirements that do not permit disclosure (e.g. investigative techniques). (City Council #10 and 11)
27. Direct the Chair to communicate to the Province the Board's support of City Council's request to amend the City of Toronto Act to expand the Auditor General's jurisdiction to include auditing the Service, and reporting the results of any audits by the Auditor General to the Board. (City Council #9)
28. Direct the Executive Director to update the Board's Audit Policy addressing audits of the Service, to include any standing directions and policy guidance for the Chief of Police to ensure the Board, its staff and any third parties contracted by the Board for the purpose of auditing the Service, are provided with the access to information and personnel necessary for a successful audit.
29. Direct the Chair and Executive Director to engage with the City Manager and discuss additional and alternative approaches to ensuring transparent auditing of police practices and policies. (City Council #31)
30. Direct the Chief of Police to present a preliminary report to the Board by November 2020, to be followed by a comprehensive report by February 2021 and thereafter on a frequency as directed by the Board, on outcomes associated with how diversity in human resources is being prioritized and achieved in the Toronto Police Service, including with respect to recruitment, hiring and promotion for both civilian and uniform positions at all ranks and classifications. (City Council #33)

### **Chief Selection Criteria**

(City Council #14 and 16)

The Board takes the selection of and hiring process associated with the next Chief of Police very seriously. The Board values and has prioritized public consultation in the selection process for the Chief of Police in the past and recognizes the importance of further improving its engagement efforts. In particular, it values input from the public and community stakeholders on the values, skills and other criteria deemed integral to the success of the Chief of Police for Toronto. During the town hall meetings, as well as at City Council, the selection process and criteria associated with the Chief of Police was the subject of much discussion.

The Board will soon begin the public procurement process to select firms to assist with the executive search for the next Chief, as well as for the public consultation process which will inform the executive search. The Board will receive Requests for Proposals (RFP) from interested firms, and will then follow the procedural steps of receiving, evaluating, and selecting firms to execute the executive search and public consultation processes. It is anticipated that a Board report recommending the successful firms will be brought before the Board for approval in Q4 2020. The firms will begin their work following the Board's approvals.

Based on this input, it is recommended that the Board:

31. Direct the Executive Director to publish the criteria expected in a successful candidate for Toronto's Chief of Police to the Board's website and communicate those criteria in the recruitment process.
32. Emphasize, in the selection of the Chief of Police, the following qualifications, skills and experience:
  - a. a proven track record and/or demonstrated ability to create deep and successful reform of policing, including:
    - i. a proven ability to ensure that non-violent de-escalation strategies and techniques are properly employed by police officers, particularly in relation to engagement with people from racialized communities and people with mental health issues;
    - ii. demonstrated experience and success in policing modernization initiatives, with an emphasis on building and sustaining strong, collaborative relationships with racialized and marginalized communities, and the willingness to consider other models for first responder calls for non-violent incidents.
    - iii. a demonstrated track record of building and maintaining community safety, as well as the ability to lead through innovation and collaboration. The Chief will, together with an engaged Command Team, be a visible advocate of effective, equitable policing with the public. The Chief will work to ensure the Service is seen as an

- international leader in providing modern, trusted, community-focused policing;
  - iv. the ability to motivate members to be innovative, collaborative and inclusive. The Chief will support both the 'front line' and uniform and civilian support staff and will ensure the Service is a sought-after and positive place of employment with talented individuals who reflect the city's diversity at all levels of the organization and who are passionate ambassadors of community engagement and public safety;
  - v. the understanding of how to prioritize, develop and nurture partnerships with a broad spectrum of social service providers, law enforcement agencies, health sector organizations (with a focus on mental health and addictions services), community organizations and leaders, and government, in addition to having demonstrated experience and success in collaborating with these stakeholders. The Chief will leverage these partnerships to collaborate in the development of innovative programs rooted in community policing;
  - vi. having a deep understanding of the myriad and complex challenges facing policing organizations internally and externally, including strengthening member wellness and engagement, and increasing public trust and legitimacy across communities, particularly those that are vulnerable, marginalized, and disaffected;
  - vii. having the ability to effectively manage a significant annual budget that places innovation, alternative service delivery, data and technology at the centre of a strategy to leverage the most out of public dollars, and find ways to do the TPS's work so as to set a new standard in policing;
  - viii. being a recognized and proven senior leader in the policing community who is known for embracing challenge, developing creative solutions and a clear ability to lead cultural change with the support of an engaged Command Team. The Chief will have a demonstrated track record of bridging divides, earning respect through a commitment to excellence and accountability, and empowering people to be their best; and
  - ix. providing the leadership and inspire the confidence necessary to make Toronto the model for the future of urban policing.
- b. understand and value:
- i. the importance of diversity in the City and in the Toronto Police Service itself;
  - ii. acceptance of all people and a recognition that Toronto is home to the most culturally diverse population in the world, which gives our City its strength in times of crisis;
  - iii. the strategies and actions required to ensure that, in the policing context, Toronto remains a place of inclusion, diversity and respect for all; and

- iv. human rights as a core competency and an on-going commitment for themselves and the Toronto Police Service as a whole. (City Council #14)

33. Direct the Executive Director to engage the City Manager, the CABR Unit and the Indigenous Affairs Office of the City of Toronto to provide their advice on the development and implementation of a rigorous community consultation process for the selection of the next Chief of Police. (City Council #16)

34. Ensure that human rights competency and achievements are included as a component of the Chief of Police's annual performance review.

### ***Information-Sharing and Transparency***

(City Council #6, 16 and 30)

Information-sharing and transparency is key to building and maintaining public confidence. Information-sharing and transparency is also fundamental to good police governance and the improvement of service delivery. It is the Board's practice to publicly post all its Policies on its website, and to encourage the open sharing of data.

There are other areas that relate to policing procedures and operations about which less information has traditionally been made available to the public. The Board recognizes that there is some information, such as specific policing techniques, that cannot be shared publicly without compromising the Service's ability to maintain public safety. However, there is likely more information that can be shared with the public than has been to date, and in sharing this information, members of the public will have access to information to better inform themselves about policing in Toronto.

With that in mind, it is recommended that the Board:

35. Direct the Chief of Police to immediately post the Toronto Police Service's Use of Force Procedure on its public website, in a form that will ensure the efficacy of investigative techniques or operations is not endangered and that will not compromise the safety of any person by divulging police practice. (City Council #6)

36. Direct the Chief of Police to post on the Service's public website, as soon as feasible and on an on-going basis, up-to-date copies of those procedures of public interest that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations.

37. Direct the Chief of Police to share regularly updated datasets from the Toronto Police Service's open data portal with the City of Toronto for display and distribution on the City's open data portal, subject to the need to protect personal privacy and to comply with any privacy legislation. (City Council #16)

38. Direct the Chief of Police to convert the Toronto Police Services Board's annual reports and any files currently provided on the Toronto Police Service's open data portal in PDF format into appropriate digital format for use and distribution on the City's open data portal. (City Council #16)
39. Direct the Chief of Police to post all open data collected pursuant to the Race-Based Data Collection Policy to the Toronto Police Service open data portal and to share that data with the City of Toronto for display and distribution on its open data portal, subject to the need to comply with applicable privacy and other legislation. (City Council #30)
40. Direct the Chief of Police and the Executive Director to work with the City Manager to consolidate and expedite continuous data sharing in order to better inform city-wide approaches to violence prevention and community safety, including with respect to the City's Community Safety and Well-Being Planning efforts. (City Council #30)
41. Direct the Executive Director to develop a policy governing information transparency and data sharing for the Toronto Police Service, which will include the above directions and any other provisions that will contribute to information transparency and data sharing that will improve accountability and service delivery.
42. Direct the Executive Director to identify potential research, policy and academic centres with whom the Board can partner for research and policy development aimed at improving policing in Toronto.

### **Conduct Accountability**

(City Council #20 and 29; CABR #17.2; MHAAP #15; ARAP #29)

The investigations and discipline of police officers is strictly regulated by provincial legislation. Despite being the employer of police officers, the Board has no jurisdiction to direct accountability for misconduct. The means by which police officer conduct is investigated and disciplined is entirely out of the Board's hands under current provincial law. We acknowledge and support Mayor Tory's recent correspondence to Ontario's Solicitor General, the Honourable Sylvia Jones, conveying City Council's request that provincial law regarding police discipline be reformed in line with recommendations that were made to the province in the 2017 *Report of the Independent Police Oversight Review* by The Honourable Justice Michael H. Tulloch.

There are also steps within the Board's current jurisdiction that can be taken to ensure that possible misconduct of Toronto police officers is properly investigated and addressed in a transparent and accountable manner. In this context, it is important to note that many regulated professions (including lawyers, physicians, nurses and teachers) post hearing details and decisions made by their disciplinary tribunals on the websites of their respective colleges or self-regulating bodies. Many of those professions also post disciplinary decisions to the Canadian Legal Information Institute

(CanLII). Applying a principle of openness – both open access to the hearing process and to the outcomes of hearings – serves not only to demystify the police disciplinary process, but also to ensure the process receives the kind of public scrutiny that is integral to achieve transparency, accountability and confidence in the administration of police discipline. Given what the Board has heard over the years, which was again echoed at its recent town hall meetings, members of the public have a justified interest in seeing how police are disciplined and the outcomes of police disciplinary hearings.

To that end, it is recommended that the Board:

43. Direct the Chair to write in support of City Council's requests for changes to the *Police Services Act* and other applicable legislation or regulations that would expand the instances in which suspension without pay and revocation of a police officer's appointment as a police officer are available and to support amendments that would, at a minimum, implement the relevant elements of the *Police Services Act, 2018* that addressed suspension without pay and the relevant elements of the *Policing Oversight Act, 2018* that created the ability to revoke a police officer's appointment as a police officer in Ontario. (City Council #20; CABR #17.2)
44. Direct the Chair and Executive Director to explore and report on the Board's ability to enact a policy directing that all instances of alleged racial profiling and bias be investigated under the *Police Services Act*, and to make recommendations on how the Board can ensure that all alleged instances of racial profiling and bias are investigated and addressed. (City Council #29; CABR #17.2)
45. Direct the Chief to report by November 2020 on the means by which:
  - a. the Toronto Police Service identifies police officers who are repeated subjects of conduct complaints or negative findings by the courts, or those who disproportionately use force, even where no specific instance amounts to allegations of misconduct;
  - b. those identified officers are monitored for compliance with Toronto Police Service policy and procedure and receive additional training where necessary;
  - c. the Toronto Police Service determines what other interventions are appropriate or required for officers that are identified as part of the Service's efforts as per a. and b., above.
46. Direct the Chief of Police to develop and implement a formal annual performance review process for uniformed Service Members, in consultation with any relevant experts, that will assist in identifying the strengths and areas for improvement of each police officer, and which will include an individualized annual performance plan that identifies the education, training and experiences to be completed in the

coming year in order to build on their identified strengths and address their identified areas for improvement.

47. Explore, in consultation with the Chief of Police, mechanisms to make both disciplinary proceedings under the *Police Services Act*, as well as the decisions reached in these proceedings, more transparent and accessible to the public, given the provisions of the current *Act*, and in light of the future coming into force of the new *Police Services Act, 2019*.
48. Direct the Chair and the Executive Director to advocate for and recommend that the Government of Ontario (Ministry of the Solicitor General):
  - a. conduct a review of the current Use of Force Model with input from all relevant stakeholders, including police services boards, community organizations and persons with lived experience;
  - b. ensure any new model focused on de-escalation and minimizes use of force, especially with people in crisis; and
  - c. rename the Use of Force Model the De-Escalation Model. (MHAAP #15; ARAP #29)
49. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Use of Force Policy, consult with internal and external experts, and propose to the Board by November 2020, amendments to the Policy that will align it with best practices to reduce death and injuries from the use of force by Service Members and with the Ontario Provincial Use of Force Model.
50. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Uniform Promotions and Appointments Policy, and propose to the Board by November 2020, amendments to the Policy that will improve the transparency of promotions with regards to candidates' disciplinary history.
51. Direct the Executive Director to review and consolidate the Board's Policies on human rights, and develop a revised comprehensive Human Rights Policy that will also include direction on racial profiling, for consideration by the Board.

### ***Police Training***

(Board #2; CABR #16.4 and 16.5; MHAAP #13-14, 23 and 25; ARAP #8, 10 and 27-28)

As we heard clearly in our recent consultations with the public, training itself is not the answer to addressing systemic racism. It is, however, a part of any approach to confronting and disrupting issues that feed the systemic racism and unconscious biases present in organizations. While recognizing the advances in training that the Toronto Police College have implemented, the Board also recognizes that all training can be improved and that a focus on inclusivity, community input, and the incorporation of lived experience at all stages from development to delivery, as well as the development of an effective anti-racism lens, is crucial to disrupting the presence of systemic racism in policing. The Board also recognizes that the Board Members themselves are not

exempt from the need to be continuously educated on human rights and anti-Black racism, and that, as the governing body, continuous knowledge development in this area is crucial.

To that end, it is recommended that the Board:

52. Direct the Chief of Police to:

- a. immediately make permanent the current anti-Black racism training component of the annual re-training (civilians) and In-Service Training Program (uniform); and
- b. consult with experts in the appropriate fields and engage the CABR Unit to:
  - i. explore opportunities to expand this component;
  - ii. audit and review all courses with an anti-racism lens to identify how existing police training can be changed to address systemic racism or bias in training and to identify how anti-racism training can be incorporated into all courses taught at the College; and
  - iii. report to the Board by December 2021 with the findings of these consultations. (Board #2; CABR #16.4 and 16.5)

53. Direct the Chief of Police to:

- a. create a permanent stand-alone training course that contributes to professional practice in policing with a view to supporting an organizational culture committed to the delivery of fair and unbiased police services to Toronto's diverse communities and populations. This training curriculum must include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias and implicit bias avoidance; interactions with racialized communities, LGBTQS2+ communities and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; and principles of human rights accommodation and disabilities, including mental health and addictions issues and ethics in policing;
- b. ensure this training is developed and updated based on best practice and through the active engagement of the CABR Unit, ARAP, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, community representatives with experience in addressing discrimination and prejudice against people with mental health and addictions issues and with a focus on utilizing adult-oriented training methods that are proven to lead to high achievement and demonstrated applied practice by those who experience the curriculum;
- c. make this training mandatory for all new Members of the Service, both civilian and uniform;
- d. make a refresher version of this training mandatory for all current Members of the Service, both civilian and uniform, every 2 years; and
- e. present the training curriculum before the Board for information by February 2021. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)

54. Direct the Chief of Police to prepare a plan for integrating the provision of annual in-service and other training and education of Service Members by members of peer run organizations, including organizations representing people with lived experience of mental health and addiction issues, through collaborations with racialized, indigenous, LGBTQ2S+, immigrant and refugee community members skilled in training. (MHAAP #13; ARAP #27)
55. Direct the Chief of Police to review all current and future training, including judgment and other scenario based training, and ensure that it:
  - a. prioritizes and emphasizes de-escalation; (MHAAP #14)
  - b. is informed by members of the communities most often affected by police use of force; (MHAAP #14; ARAP #28)
  - c. is relevant to the root causes and consequences of structural violence, systemic and internalized racism, negative stereotyping, intersectionalities, and use of force on people with mental health and/or addiction issues; and (MHAAP #13; ARAP #27)
  - d. is trauma informed. (MHAAP #13; ARAP #27)
56. Direct the Chief of Police to report of the feasibility of all uniformed Service Members receiving MCIT training or other mental health crisis response training, such as mental health first aid or emotional CPR. (ARAP #10; MHAAP 25)
57. Direct the Chief of Police to engage experts in the relevant fields to create and implement a framework to constantly evaluate the efficacy of its mental health and anti-racism training and the competence of training participants, including how it is applied in the field, and serve to identify areas for improvement to training, with reports on the Service's findings and responsive actions provided to the Board semi-annually. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
58. Direct the Chief of Police to review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of Service funded training co-developed and led by members of the community, outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
59. Direct the Executive Director to coordinate ongoing training sessions for Board Members on anti-Black racism and human rights as it relates to police governance in Ontario.

### ***Consultation with Experts and Communities***

(Board #1 and 3; CABR #17.4; MHAAP #16 and 18-20; ARAP #1 and 3-5)

The Board acknowledges that its Members do not have all the expertise and experience necessary to unpack the complex and intersecting issues of race and mental health in policing. The Board also acknowledges that its Members do not have, on their own, all the knowledge necessary to design interventions and identify the changes needed to address those complex issues. The Board has recognized the need for input from experts in various fields and from persons with lived experience. To that end, it has created two advisory panels, MHAAP and ARAP, to advise the Board in these critical areas.

MHAAP, ARAP and their individual members have worked tirelessly to fulfil their respective mandates and have been an indispensable source of advice for the Board. It is clear from recent events that the input and guidance from these advisory panels remains essential to the effective governance and oversight of the Service, as is expanded consultation with communities and, as needed, experts in relevant fields.

To that end, it is recommended that the Board:

60. Make ARAP permanent and require ARAP to:
  - a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - d. meet with MHAAP annually; (Board #1; CABR #17.4; ARAP #5; MHAAP #20) and
  - e. share its minutes with MHAAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #1; CABR #17.4; ARAP #5; MHAAP #20)
  
61. Confirm ARAP's mandate to advise and support the Board in relation to policing and racism, anti-Black racism and anti-Indigenous racism, including:
  - a. Identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for approval by the Board;
  - b. Monitoring the implementation of the Toronto City Council's Action Plan to Confront Anti-Black Racism;
  - c. Monitoring the implementation of the Board's Race-Based Data Collection, Analysis, and Public Reporting Policy, including reviewing the data analysis and any interventions developed by the Service to address racial disparities for feedback and recommendations for enhancement;

- d. Monitoring the implementation of the recommendations from the Andrew Loku Inquest through the monitoring framework previously developed by ARAP;
  - e. Reviewing Service reports on Conducted Energy Weapon (CEW) use and making recommendations for enhancement;
  - f. Monitoring the implementation of inquest recommendations as appropriate;
  - g. Reviewing the development and implementation of all Service training and offering recommendations for enhancement, including training on anti-racism;
  - h. Monitoring the implementation of the recommendations in the present report and providing advice to the Board on necessary enhancements and improvements; and
  - i. Participating in the community consultation process on the Toronto Police Service's annual budget. (ARAP #3; MHAAP #18)
62. Appoint Ainsworth Morgan as ARAP's next Board Co-Chair for a 3 year term and direct the Chair and Executive Director to explore the appointment of Anthony Morgan, the Manager of the CABR Unit, or another agreed delegate of the CABR Unit, as community Co-Chair for a 3 year term. (ARAP #4; MHAAP #19)
63. Make MHAAP permanent and require MHAAP to:
- a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #3; ARAP #1; MHAAP #16)
  - d. meet with ARAP annually; and (Board #3; ARAP #5; MHAAP #20)
  - e. share its minutes with ARAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #3; ARAP #5; MHAAP #20).
64. Request MHAAP to monitor and advise the Board on the implementation of the recommendations in the present report, inasmuch as they are included within MHAAP's mandate.
65. Direct the Executive Director to develop plans for an annual policy forum or other process that will provide a regular opportunity for the Board and its advisory panels to consult the public, community organizations and other stakeholders both at length and in depth in order to review the efficacy of existing Board policies, identify existing and emerging issues in policing, and develop effective policy interventions to address those issues. (CABR #17.4)

### ***Building Public Confidence***

(CABR #16.2, 16.3 and 18.1; MHAAP #12; ARAP #26)

A repeated theme in the recommendations and submissions to the Board is the need to build public confidence in the Toronto Police Service, especially among communities that have been the subject of systemic racism and bias. There is no single path to rebuilding the trust of those communities in police. It will take a concerted and sustained effort and significant consultation to identify the paths forward. It will also require an understanding of steps taken to date by the Service to create and repair relations with marginalized, vulnerable, and racialized communities in Toronto, and how those steps can be improved upon in partnership with the Board.

To these ends, it is recommended that the Board:

66. Direct the Chief of Police to develop, in consultation with the CABR Unit and other experts in the field, an anti-racism lens to be applied in auditing existing Toronto Police Service procedures and the development of future procedures. (CABR #16.3)
67. Direct the Chief of Police to implement new communications strategies, with input from ARAP and on the basis of community consultation, especially with members of Toronto's Black and Indigenous communities, about the steps taken to eliminate carding as a policing practice and regulate street checks in Toronto (CABR #16.1)
68. Direct the Executive Director to, in consultation with the Chief of Police and other stakeholders, develop a new policy for the provision of apologies, expressions of regret and recognitions of loss, mindful of legal and other considerations.
69. Direct the Executive Director to explore, in consultation with relevant stakeholders, ARAP, community organizations and representatives of Toronto's Black and Indigenous communities, the development of a Board-sponsored voluntary restorative alternative dispute resolution process aimed at both resolving complaints and claims against police, and achieving reconciliation between police and both complainants and their respective communities.
70. Direct the Chief of Police to develop and execute a multi-faceted "know your rights" campaign before the end of 2020, on the basis of consultation and collaboration with various stakeholders, including representatives from the Board-funded Collective Impact initiative, representatives of Toronto's Black and Indigenous communities, youth groups, and community-based organizations that serve vulnerable and marginalized populations. (CABR #18.1)
71. Direct the Executive Director and the Chief of Police to work with the Government of Ontario, City of Toronto, community-based mental health and addictions providers, and people with lived experience of mental health and addictions issues, to develop a low-cost, public, social media campaign to

increase awareness about the different types of crisis response services in Toronto, including police-based models and non-police models, the role of police under the *Mental Health Act*, the use of Form 1 and Form 2 under the *Mental Health Act*, individuals' rights related to the *Mental Health Act* and success stories should be showcased as part of this campaign. (MHAAP #12; ARAP #26)

### ***Ensuring Change***

(City Council # 24, 25 and 27; Board #2; MHAAP #1, 21-22 and 29; ARAP #6-7 and 14-15)

A recurring theme voiced by members of the public was a belief that change would be promised, but not delivered. There was an understandable frustration stemming from the failure to implement past recommendations made to improve policing in Toronto.

Indeed, there are a number of past reviews, reports, inquests and other processes that have resulted in recommendations for changes to policing in Toronto and more broadly. These include the recommendations to the Board by the Ontario Human Rights Commission on the collection, analysis and public reporting of race-based data, those of Justice Iacobucci in his *Independent Review into Police Encounters with People in Crisis*, the jury recommendations from the Inquest into the Death of Andrew Loku, recommendations from the Service's Police and Community Engagement Review (PACER), and the recommendations of the Toronto Police Service's Transformational Task Force that are detailed in the *Action Plan: The Way Forward*.

In some cases, the Board and the Service have developed specific monitoring frameworks to oversee the implementation of recommendations directed at the Toronto Police Service. For example, ARAP has worked diligently to create a monitoring framework for the implementation of the Loku inquest recommendations and to measure the efficacy of the changes once implemented. That framework is the subject of a Board report on this meeting's agenda, and will set a new standard for how the Board can engage in monitoring the implementation of recommendations that are adopted by the Board and/or the Service.

That said, at this time, when the Board is contemplating fundamental change, it is important to return to past recommendations to understand the current state of previously proposed reforms and to inform ourselves of recommendations that remain relevant but unimplemented. This will help continue to set the course for further efforts to bring about change.

Moreover, it is important for the Board to create a structure to ensure the implementation of the recommendations in this report that are approved by the Board, and to provide the public with information about how implementation is progressing.

To these ends, it is recommended that the Board:

72. Direct the Executive Director to develop, in consultation with the City Manager, an on-line tool to assist the public in tracking and monitoring the progress of the implementation of the recommendations in this report, which will be available on the Board's website by October 2020.
73. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the Board's Race-Based Data Collection Policy, and where the Policy deviates from or fails to implement the recommendations of the Ontario Human Rights Commission in its written deputation to the Board, to identify the reason for that deviation or failure to implement. (City Council #24; ARAP #6; MHAAP #21)
74. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the recommendations made in the PACER Report and, where recommendations remain unimplemented in part or in full, to present a timetable for their implementation or the rationale for not implementing particular recommendations and suitable alternatives. (ARAP #7; MHAAP #22)
75. Direct the Chief to report by November 2020 on the status of implementation of the recommendations made in the *Independent Review of Police Encounters with People in Crisis* and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #25)
76. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Auditor General in all previous reports and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement.
77. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Inquest into the Death of Andrew Loku and, where the Service has deviated from or failed to implement an inquest recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #27)
78. Direct the Chief of Police to report by November 2020 on the status of the implementation of the Service's Mental Health and Addictions Strategy and further direct that the strategy be fully implemented by September 30, 2021. (MHAAP #1; ARAP #15)
79. Direct the Chief of Police to report by November 2020 on the status of recommendations made in *Action Plan: The Way Forward*, including what has been implemented, what remains to be implemented, and what additional

recommendations for modernization can lead to more effective and efficient police service delivery. This ‘refresh’ of *Action Plan: The Way Forward* should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility. (Board #2; ARAP #14; MHAAP #29)

80. Direct the Chief of Police that the reports required in above sections 73–79 should include an assessment of each recommendation, including:
  - a. Concerns;
  - b. Status;
  - c. Impact (weighting);
  - d. Ease of Implementation (weighting of resource capabilities/ budgetary implications, etc);
  - e. Timelines; and
  - f. Service Lead (Deputy Chief)
  
81. Direct the Executive Director to develop, in consultation with the Auditor General, a work plan for the auditing of the implementation of the approved recommendations made in this report.

## **Conclusion:**

The issues addressed in this report are the product of a much larger conversation – across populations and around the world. It is a conversation drawing on the expertise and experience of people from different fields and different communities, but who all have a singular purpose in mind – eliminating the systemic racism that threatens the lives and wellbeing of Toronto’s Black, Indigenous and other racialized community members. For any change to be meaningful and effective, this conversation must be sustained. The Board recognizes that the effort put into the consultation that culminated in this report is only the beginning of a dialogue that the Board has to maintain in order to achieve change. Moreover, the steps taken by the Board in these early stages of reform must demonstrate the Board's commitment to fundamental change and reflect its pledge to be a leader in change. The onus is on the Board to regain the trust of Torontonians as a body that exercises its important governance function with a real and visible commitment to equity and collective community safety.

The implementation of some of the recommendations made in this report has already begun. For example, the Service will post a copy of the Service’s 2020 line-by-line budget to its website by the Board meeting date, and the Service has already begun posting its open data datasets in a machine readable format. The Service has also already moved ahead with posting its Use of Force Procedure on its own website, and is examining the possibility of posting other procedures of public interest. Furthermore, Board Staff has already started working in collaboration with the City Manager on the development of alternative public safety response models. As more work is undertaken, the Board will continue to provide the public with updates on the progress made along

this transformative plan of action, and the impacts it is having on policing in Toronto and on the diverse communities of our city.

I recommend the Board approve the recommendations made in this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Hart", with a long horizontal flourish extending to the right.

Jim Hart  
Chair

## Appendix A

### List of Recommendations

It is recommended that the Board:

1. Direct the Executive Director to:
  - a. Work with the Service, City Manager and other stakeholders to identify the categories of calls that might be addressed by a non-police response. (City Council #1; Board #4; MHAAP #26; ARAP #11)
  - b. Work with the City Manager, Government of Ontario, community based mental health and addictions service providers, organization representing people with mental health and/or addictions issues and other stakeholders to develop new and enhance existing alternative models of community safety response, including mobile mental health and addictions crisis intervention. (City Council #1 and 18; Board #4, MHAAP #25; ARAP #10)
  - c. Work with the Service, and others including the Auditor General, to identify non-core policing services that can be delivered by alternative service providers, as well as other opportunities for improved service delivery by the Service itself (subject to the requirement that provincial Adequacy Standards for policing continue to be met)
  - d. Work with the Service, and others including the Auditor General, to identify funding or areas of funding currently allocated to policing that can potentially be re-allocated to support alternative community safety models and/or fund other City of Toronto programming and services that contribute to community safety.
  - e. Work with the City of Toronto and the Service to develop community-based asset mapping to determine the most effective crisis response models that would work best for Toronto, including the services that currently exist that can support individuals in crisis. (MHAAP #5; ARAP #19)
  - f. Engage the Service to detail potential reductions to the Toronto Police Service budget that would result from any proposed changes to the current community safety response model, once the details of this alternative model are developed. (City Council #1)
  - g. Engage MHAAP and ARAP in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26 )
  - h. Engage the CABR Unit and other experts to ensure that an anti-Black racism analysis is employed in the development and implementation of any alternative models to public safety response. (CABR #18.2)
  - i. Provide an opportunity for broad community and public consultation in the above efforts. (City Council #1; Board #4; ARAP #11; MHAAP #26)
2. Direct the Chief of Police to work with the Executive Director and Board Staff in the above efforts, including providing access to the Service Members, data and other resources necessary to perform this work.

3. Direct the Chief of Police to report to the Board on the outcome of crisis calls made to the Service (e.g., referral to services, apprehensions, etc.) in 2019 and 2020, and going forward on an annual basis, for the city in aggregate and per police division. (MHAAP #5; ARAP #19)
4. Direct the Chief of Police to prioritize and create a plan to implement, as soon as feasible, an immediate expansion of the MCIT program in partnership with existing community-based crisis services, including peer support, to meet current demands for mental health-related service calls, recognizing the need for the Service's partners to secure necessary funding for this expansion, with a view to providing MCIT services 24 hours a day, seven days a week, and across all Divisions. (City Council #5; Board #4; MHAAP #2 and 25; ARAP #10 and 16)
5. Direct the Chief of Police to include in that plan provisions for:
  - a. implementation oversight, including routine monitoring, evaluation and benchmarks for success; (MHAAP #6; ARAP #20)
  - b. follow-up for individuals after an MCIT response, which should be delivered in partnership with community-based mental health and addictions service providers including ethno-racial specific services, provide connection to ongoing supports including case management when needed, and ensure individuals who could benefit are referred to Mental Health and Justice and community-based crisis prevention programs and/or the FOCUS table; (MHAAP #7; ARAP #21)
  - c. quarterly meetings at the Divisional level with community-based mental health and addictions agencies within Divisions to plan for a co-ordinated approach to crisis response and prevention, and to align their strategies with existing community-based planning tables as appropriate; (MHAAP #9; ARAP #23)
  - d. a culturally responsive approach consistent with the commitment to equity and anti-racism outlined in the Service's Mental Health and Addictions Strategy; (MHAAP #10; ARAP #24)
  - e. recruitment criteria for participating police and health care providers, which should include a demonstrated ability for anti-racist and anti-oppressive practice, commitment to human rights, and awareness of lived experience of mental health and/or addictions related issues; (MHAAP #10; ARAP #24)
  - f. ongoing quality improvement of program operations through data collection and reporting on MCIT interventions, services provided and outcomes, which should include:
    - i. anonymization and aggregation for public dissemination through regular reports to the Board;
    - ii. mandatory race-based data collection for MCIT service calls, which collection should be prioritized for implementation;

- iii. gender-based data collection that should include non-binary gender options;
  - iv. public reporting through reports to the Board on MCIT service call outcomes, including apprehensions made under the *Mental Health Act* (MHA);
  - v. public reporting through reports to the Board on service outcome disparities by race, gender identity or other client information;
  - vi. cross-referencing MCIT service call outcomes with emergency department data (through the Institute for Clinical Evaluation Sciences) to understand how MHA apprehensions result in hospital admissions; and
  - vii. provision for any public data reporting to be reviewed by MHAAP and ARAP prior to public release. (MHAAP #11; ARAP #25)
6. Direct the Chief of Police to present his plans for expanding the MCIT to MHAAP for review and feedback. (MHAAP #6; ARAP #20)
  7. Direct the Chief of Police to fund the expansion of the MCIT program from within the current 2020 Toronto Police Service Operating Budget, including any appropriate reserves, and to continue to fund the expanded MCIT program without a request for additional funding in the 2021 budget request. (City Council #5; Board #4; MHAAP #2 and 10; ARAP #25)
  8. Direct the Chief of Police to expand the existing MCIT Steering Committee to include representatives from MHAAP and ARAP, Executive Directors/CEOs of community-based mental health and addictions agencies, a representative of the CABR unit, delegates of the Board and people with lived experience. (MHAAP #8; ARAP #22)
  9. Direct the Chief of Police to have the expanded MCIT Steering Committee meet on a quarterly basis, at minimum. (MHAAP #8; ARAP #22)
  10. Direct the Chief of Police to work with the Board to pursue additional contribution from other levels of government to expand the MCIT program, and in particular, the funding of additional mental health nurses or other mental health providers.
  11. Advocate with the municipal, provincial and federal governments for additional funding at a level consistent with or greater than the cost of the proposed MCIT expansion, specifically for community-based services to work in collaboration with police crisis services and Ontario Health Teams and, more specifically, for organizations that provide relevant resources, services and support to assist individuals responding to mental health and addictions related issues. (MHAAP #3; ARAP #17)
  12. Direct the Chief of Police, in consultation with MCIT service users, front-line workers and Service Members, to explore and develop a plan to place MCIT

- police officers in a distinct uniform, specially designed to support de-escalation. (MHAAP #4; ARAP #18)
13. Direct the Chief of Police to work with the Chair and Executive Director to develop and implement a line-by-line approach to reviewing the police budget in order to identify opportunities for service delivery improvement and efficiencies, including the possible redirection of non-core policing functions and their associated funding to alternative non-police community safety providers and/or community safety services or programming.
  14. Direct the Chief of Police to work with the Executive Director and the City Manager to identify opportunities for the development of alternative crime prevention and reduction initiatives that could ultimately reduce the demand for reactive police services across Toronto.
  15. Direct the Chief of Police to immediately post a line-by-line breakdown of the 2020 Toronto Police Service Budget to the Service's website in a machine readable, open format that would facilitate further analysis of the information. (City Council #4)
  16. Direct the Chief of Police to provide an annual line-by-line breakdown of the Toronto Police Service's budget request at the outset of every annual budget process. (Board #6; ARAP #12; MHAAP #27)
  17. Direct the Chief of Police to provide a line-by-line breakdown of the Toronto Police Service's approved budget at the end of every annual budget process. (Board #6; ARAP #12; MHAAP #27)
  18. Direct the Chief of Police to organize all line-by-line breakdowns by individual program area, function and service delivered, subject to the need to protect investigative techniques and operations, and in such a way as to provide maximum transparency to the public. (Board #6; ARAP #12; MHAAP #27)
  19. Direct the Chief of Police to immediately provide the Board with the annual Budget Summaries and Uniform/Civilian Staffing Summaries by command, with Approved, Proposed and Actuals for the last five budgets, and to do so for all future budgets, in a machine readable open dataset format. (City Council #7)
  20. Direct the Executive Director to immediately post the annual Budget Summaries and Uniform/Civilian Staffing Summaries per command, with Approved, Proposed and Actuals for the last five budgets and for all future budgets to the Board website in a machine readable open dataset format, and to make the same available to the City of Toronto to post to its open data portal. (City Council #7)
  21. Allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service

budget, to include the involvement of community-based partners, and, in the future, to ensure that sufficient funds are allocated annually to support public consultation during the budget process. (Board #6; ARAP #12; MHAAP #27)

22. Direct the Chief of Police to explore options for the Service to pay honoraria and transportation costs to otherwise unpaid community members that contribute their time, skills and experience to police training and service improvement. (MHAAP # 14; ARAP #28)
23. Direct the Executive Director to compile the above directions and any other appropriate policy guidance into a budget transparency policy, for future consideration by the Board.
24. Direct the Chair and Executive Director to work with the Auditor General to enter into a Memorandum of Understanding, and accompanying work plan, with the effect of engaging the Auditor General to perform audits of the Toronto Police Service to improve service delivery, identify specific areas of success and specific areas for improvement within the Service, and to find potential areas for savings and redistribution of funding. (City Council #10 and 11)
25. Direct the Chief of Police to assist the Chair, Executive Director and Auditor General in developing the above Memorandum of Understanding and accompanying work plan and to make available the personnel, information and other resources necessary for that purpose. (City Council #10 and 11)
26. Direct the Chief of Police to grant Board Staff and the Auditor General access to personnel, information, records and any other resources necessary to perform any audits contemplated by the above work plan, subject always to applicable legal requirements that do not permit disclosure (e.g. investigative techniques). (City Council #10 and 11)
27. Direct the Chair to communicate to the Province the Board's support of City Council's request to amend the City of Toronto Act to expand the Auditor General's jurisdiction to include auditing the Service, and reporting the results of any audits by the Auditor General to the Board. (City Council #9)
28. Direct the Executive Director to update the Board's Audit Policy addressing audits of the Service, to include any standing directions and policy guidance for the Chief of Police to ensure the Board, its staff and any third parties contracted by the Board for the purpose of auditing the Service, are provided with the access to information and personnel necessary for a successful audit.
29. Direct the Chair and Executive Director to engage with the City Manager and discuss additional and alternative approaches to ensuring transparent auditing of police practices and policies. (City Council #31)

30. Direct the Chief of Police to present a preliminary report to the Board by November 2020, to be followed by a comprehensive report by February 2021 and thereafter on a frequency as directed by the Board, on outcomes associated with how diversity in human resources is being prioritized and achieved in the Toronto Police Service, including with respect to recruitment, hiring and promotion for both civilian and uniform positions at all ranks and classifications. (City Council #33)
  
31. Direct the Executive Director to publish the criteria expected in a successful candidate for Toronto's Chief of Police to the Board's website and communicate those criteria in the recruitment process.
  
32. Emphasize, in the selection of the Chief of Police, the following qualifications, skills and experience:
  - c. a proven track record and/or demonstrated ability to create deep and successful reform of policing, including:
    - i. a proven ability to ensure that non-violent de-escalation strategies and techniques are properly employed by police officers, particularly in relation to engagement with people from racialized communities and people with mental health issues;
    - ii. demonstrated experience and success in policing modernization initiatives, with an emphasis on building and sustaining strong, collaborative relationships with racialized and marginalized communities, and the willingness to consider other models for first responder calls for non-violent incidents.
    - iii. a demonstrated track record of building and maintaining community safety, as well as the ability to lead through innovation and collaboration. The Chief will, together with an engaged Command Team, be a visible advocate of effective, equitable policing with the public. The Chief will work to ensure the Service is seen as an international leader in providing modern, trusted, community-focused policing;
    - iv. the ability to motivate members to be innovative, collaborative and inclusive. The Chief will support both the 'front line' and uniform and civilian support staff and will ensure the Service is a sought-after and positive place of employment with talented individuals who reflect the city's diversity at all levels of the organization and who are passionate ambassadors of community engagement and public safety;
    - v. the understanding of how to prioritize, develop and nurture partnerships with a broad spectrum of social service providers, law enforcement agencies, health sector organizations (with a focus on mental health and addictions services), community organizations and leaders, and government, in addition to having demonstrated experience and success in collaborating with these stakeholders.

- The Chief will leverage these partnerships to collaborate in the development of innovative programs rooted in community policing;
- vi. having a deep understanding of the myriad and complex challenges facing policing organizations internally and externally, including strengthening member wellness and engagement, and increasing public trust and legitimacy across communities, particularly those that are vulnerable, marginalized, and disaffected;
  - vii. having the ability to effectively manage a significant annual budget that places innovation, alternative service delivery, data and technology at the centre of a strategy to leverage the most out of public dollars, and find ways to do the TPS's work so as to set a new standard in policing;
  - viii. being a recognized and proven senior leader in the policing community who is known for embracing challenge, developing creative solutions and a clear ability to lead cultural change with the support of an engaged Command Team. The Chief will have a demonstrated track record of bridging divides, earning respect through a commitment to excellence and accountability, and empowering people to be their best; and
  - ix. providing the leadership and inspire the confidence necessary to make Toronto the model for the future of urban policing.

d. understand and value:

- i. the importance of diversity in the City and in the Toronto Police Service itself;
- ii. acceptance of all people and a recognition that Toronto is home to the most culturally diverse population in the world, which gives our City its strength in times of crisis;
- iii. the strategies and actions required to ensure that, in the policing context, Toronto remains a place of inclusion, diversity and respect for all; and
- iv. human rights as a core competency and an on-going commitment for themselves and the Toronto Police Service as a whole. (City Council #14)

33. Direct the Executive Director to engage the City Manager, the CABR Unit and the Indigenous Affairs Office of the City of Toronto to provide their advice on the development and implementation of a rigorous community consultation process for the selection of the next Chief of Police. (City Council #16)

34. Ensure that human rights competency and achievements are included as a component of the Chief of Police's annual performance review.

35. Direct the Chief of Police to immediately post the Toronto Police Service's Use of Force Procedure on its public website, in a form that will ensure the efficacy of investigative techniques or operations is not endangered and that will not

compromise the safety of any person by divulging police practice. (City Council #6)

36. Direct the Chief of Police to post on the Service's public website, as soon as feasible and on an on-going basis, up-to-date copies of those procedures of public interest that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations.
37. Direct the Chief of Police to share regularly updated datasets from the Toronto Police Service's open data portal with the City of Toronto for display and distribution on the City's open data portal, subject to the need to protect personal privacy and to comply with any privacy legislation. (City Council #16)
38. Direct the Chief of Police to convert the Toronto Police Services Board's annual reports and any files currently provided on the Toronto Police Service's open data portal in PDF format into appropriate digital format for use and distribution on the City's open data portal. (City Council #16)
39. Direct the Chief of Police to post all open data collected pursuant to the Race-Based Data Collection Policy to the Toronto Police Service open data portal and to share that data with the City of Toronto for display and distribution on its open data portal, subject to the need to comply with applicable privacy and other legislation. (City Council #30)
40. Direct the Chief of Police and the Executive Director to work with the City Manager to consolidate and expedite continuous data sharing in order to better inform city-wide approaches to violence prevention and community safety, including with respect to the City's Community Safety and Well-Being Planning efforts. (City Council #30)
41. Direct the Executive Director to develop a policy governing information transparency and data sharing for the Toronto Police Service, which will include the above directions and any other provisions that will contribute to information transparency and data sharing that will improve accountability and service delivery.
42. Direct the Executive Director to identify potential research, policy and academic centres with whom the Board can partner for research and policy development aimed at improving policing in Toronto.
43. Direct the Chair to write in support of City Council's requests for changes to the *Police Services Act* and other applicable legislation or regulations that would expand the instances in which suspension without pay and revocation of a police officer's appointment as a police officer are available and to support amendments that would, at a minimum, implement the relevant elements of the *Police Services Act, 2018* that addressed suspension without pay and the relevant

elements of the *Policing Oversight Act, 2018* that created the ability to revoke a police officer's appointment as a police officer in Ontario. (City Council #20; CABR #17.2)

44. Direct the Chair and Executive Director to explore and report on the Board's ability to enact a policy directing that all instances of alleged racial profiling and bias be investigated under the *Police Services Act*, and to make recommendations on how the Board can ensure that all alleged instances of racial profiling and bias are investigated and addressed. (City Council #29; CABR #17.2)
45. Direct the Chief to report by November 2020 on the means by which:
  - d. the Toronto Police Service identifies police officers who are repeated subjects of conduct complaints or negative findings by the courts, or those who disproportionately use force, even where no specific instance amounts to allegations of misconduct;
  - e. those identified officers are monitored for compliance with Toronto Police Service policy and procedure and receive additional training where necessary;
  - f. the Toronto Police Service determines what other interventions are appropriate or required for officers that are identified as part of the Service's efforts as per a. and b., above.
46. Direct the Chief of Police to develop and implement a formal annual performance review process for uniformed Service Members, in consultation with any relevant experts, that will assist in identifying the strengths and areas for improvement of each police officer, and which will include an individualized annual performance plan that identifies the education, training and experiences to be completed in the coming year in order to build on their identified strengths and address their identified areas for improvement.
47. Explore, in consultation with the Chief of Police, mechanisms to make both disciplinary proceedings under the *Police Services Act*, as well as the decisions reached in these proceedings, more transparent and accessible to the public, given the provisions of the current *Act*, and in light of the future coming into force of the new *Police Services Act, 2019*.
48. Direct the Chair and the Executive Director to advocate for and recommend that the Government of Ontario (Ministry of the Solicitor General):
  - a. conduct a review of the current Use of Force Model with input from all relevant stakeholders, including police services boards, community organizations and persons with lived experience;
  - b. ensure any new model focused on de-escalation and minimizes use of force, especially with people in crisis; and

- c. rename the Use of Force Model the De-Escalation Model. (MHAAP #15; ARAP #29)
49. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Use of Force Policy, consult with internal and external experts, and propose to the Board by November 2020, amendments to the Policy that will align it with best practices to reduce death and injuries from the use of force by Service Members and with the Ontario Provincial Use of Force Model.
50. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Uniform Promotions and Appointments Policy, and propose to the Board by November 2020, amendments to the Policy that will improve the transparency of promotions with regards to candidates' disciplinary history.
51. Direct the Executive Director to review and consolidate the Board's Policies on human rights, and develop a revised comprehensive Human Rights Policy that will also include direction on racial profiling, for consideration by the Board.
52. Direct the Chief of Police to:
- a. immediately make permanent the current anti-Black racism training component of the annual re-training (civilians) and In-Service Training Program (uniform); and
  - b. consult with experts in the appropriate fields and engage the CABR Unit to:
    - i. explore opportunities to expand this component;
    - ii. audit and review all courses with an anti-racism lens to identify how existing police training can be changed to address systemic racism or bias in training and to identify how anti-racism training can be incorporated into all courses taught at the College; and
    - iii. report to the Board by December 2021 with the findings of these consultations. (Board #2; CABR #16.4 and 16.5)
53. Direct the Chief of Police to:
- a. create a permanent stand-alone training course that contributes to professional practice in policing with a view to supporting an organizational culture committed to the delivery of fair and unbiased police services to Toronto's diverse communities and populations. This training curriculum must include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias and implicit bias avoidance; interactions with racialized communities, LGBTQS2+ communities and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; and principles of human rights accommodation and disabilities, including mental health and addictions issues and ethics in policing;
  - b. ensure this training is developed and updated based on best practice and through the active engagement of the CABR Unit, ARAP, subject matter experts in anti-racist curriculum design and community representatives

- with expertise in systemic racism and anti-Black and anti-Indigenous racism, community representatives with experience in addressing discrimination and prejudice against people with mental health and addictions issues and with a focus on utilizing adult-oriented training methods that are proven to lead to high achievement and demonstrated applied practice by those who experience the curriculum;
  - c. make this training mandatory for all new Members of the Service, both civilian and uniform;
  - d. make a refresher version of this training mandatory for all current Members of the Service, both civilian and uniform, every 2 years; and
  - e. present the training curriculum before the Board for information by February 2021. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
54. Direct the Chief of Police to prepare a plan for integrating the provision of annual in-service and other training and education of Service Members by members of peer run organizations, including organizations representing people with lived experience of mental health and addiction issues, through collaborations with racialized, indigenous, LGBTQ2S+, immigrant and refugee community members skilled in training. (MHAAP #13; ARAP #27)
55. Direct the Chief of Police to review all current and future training, including judgment and other scenario based training, and ensure that it:
- a. prioritizes and emphasizes de-escalation; (MHAAP #14)
  - b. is informed by members of the communities most often affected by police use of force; (MHAAP #14; ARAP #28)
  - c. is relevant to the root causes and consequences of structural violence, systemic and internalized racism, negative stereotyping, intersectionalities, and use of force on people with mental health and/or addictions issues; and (MHAAP #13; ARAP #27)
  - d. is trauma informed. (MHAAP #13; ARAP #27)
56. Direct the Chief of Police to report of the feasibility of all uniformed Service Members receiving MCIT training or other mental health crisis response training, such as mental health first aid or emotional CPR. (ARAP #10; MHAAP 25)
57. Direct the Chief of Police to engage experts in the relevant fields to create and implement a framework to constantly evaluate the efficacy of its mental health and anti-racism training and the competence of training participants, including how it is applied in the field, and serve to identify areas for improvement to training, with reports on the Service's findings and responsive actions provided to the Board semi-annually. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)
58. Direct the Chief of Police to review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of Service funded training co-developed and led by members of the community, outside the Toronto

Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options. (Board #2; CABR #16.4 and 16.5; MHAAP #23; ARAP #8)

59. Direct the Executive Director to coordinate ongoing training sessions for Board Members on anti-Black racism and human rights as it relates to police governance in Ontario.
60. Make ARAP permanent and require ARAP to:
  - a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #1; CABR #17.4; ARAP #1; MHAAP #16)
  - d. meet with MHAAP annually; (Board #1; CABR #17.4; ARAP #5; MHAAP #20) and
  - e. share its minutes with MHAAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #1; CABR #17.4; ARAP #5; MHAAP #20)
61. Confirm ARAP's mandate to advise and support the Board in relation to policing and racism, anti-Black racism and anti-Indigenous racism, including:
  - a. Identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for approval by the Board;
  - b. Monitoring the implementation of the Toronto City Council's Action Plan to Confront Anti-Black Racism;
  - c. Monitoring the implementation of the Board's Race-Based Data Collection, Analysis, and Public Reporting Policy, including reviewing the data analysis and any interventions developed by the Service to address racial disparities for feedback and recommendations for enhancement;
  - d. Monitoring the implementation of the recommendations from the Andrew Loku Inquest through the monitoring framework previously developed by ARAP;
  - e. Reviewing Service reports on Conducted Energy Weapon (CEW) use and making recommendations for enhancement;
  - f. Monitoring the implementation of inquest recommendations as appropriate;
  - g. Reviewing the development and implementation of all Service training and offering recommendations for enhancement, including training on anti-racism;

- h. Monitoring the implementation of the recommendations in the present report and providing advice to the Board on necessary enhancements and improvements; and
  - i. Participating in the community consultation process on the Toronto Police Service's annual budget. (ARAP #3; MHAAP #18)
62. Appoint Ainsworth Morgan as ARAP's next Board Co-Chair for a 3 year term and direct the Chair and Executive Director to explore the appointment of Anthony Morgan, the Manager of the CABR Unit, or another agreed delegate of the CABR Unit, as community Co-Chair for a 3 year term. (ARAP #4; MHAAP #19)
63. Make MHAAP permanent and require MHAAP to:
- a. review its terms of reference in consultation with the Board at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - b. review its membership at least every 3 years or when otherwise required; (Board #3; ARAP #1; MHAAP #16)
  - c. meet on a quarterly basis, at a minimum; (Board #3; ARAP #1; MHAAP #16)
  - d. meet with ARAP annually; and (Board #3; ARAP #5; MHAAP #20)
  - e. share its minutes with ARAP and convene a joint meeting when there are issues of mutual interest and significance. (Board #3; ARAP #5; MHAAP #20).
64. Request MHAAP to monitor and advise the Board on the implementation of the recommendations in the present report, inasmuch as they are included within MHAAP's mandate.
65. Direct the Executive Director to develop plans for an annual policy forum or other process that will provide a regular opportunity for the Board and its advisory panels to consult the public, community organizations and other stakeholders both at length and in depth in order to review the efficacy of existing Board policies, identify existing and emerging issues in policing, and develop effective policy interventions to address those issues. (CABR #17.4)
66. Direct the Chief of Police to develop, in consultation with the CABR Unit and other experts in the field, an anti-racism lens to be applied in auditing existing Toronto Police Service procedures and the development of future procedures. (CABR #16.3)
67. Direct the Chief of Police to implement new communications strategies, with input from ARAP and on the basis of community consultation, especially with members of Toronto's Black and Indigenous communities, about the steps taken to eliminate carding as a policing practice and regulate street checks in Toronto (CABR #16.1)

68. Direct the Executive Director to, in consultation with the Chief of Police and other stakeholders, develop a new policy for the provision of apologies, expressions of regret and recognitions of loss, mindful of legal and other considerations.
69. Direct the Executive Director to explore, in consultation with relevant stakeholders, ARAP, community organizations and representatives of Toronto's Black and Indigenous communities, the development of a Board-sponsored voluntary restorative alternative dispute resolution process aimed at both resolving complaints and claims against police, and achieving reconciliation between police and both complainants and their respective communities.
70. Direct the Chief of Police to develop and execute a multi-faceted "know your rights" campaign before the end of 2020, on the basis of consultation and collaboration with various stakeholders, including representatives from the Board-funded Collective Impact initiative, representatives of Toronto's Black and Indigenous communities, youth groups, and community-based organizations that serve vulnerable and marginalized populations. (CABR #18.1)
71. Direct the Executive Director and the Chief of Police to work with the Government of Ontario, City of Toronto, community-based mental health and addictions providers, and people with lived experience of mental health and addictions issues, to develop a low-cost, public, social media campaign to increase awareness about the different types of crisis response services in Toronto, including police-based models and non-police models, the role of police under the *Mental Health Act*, the use of Form 1 and Form 2 under the *Mental Health Act*, individuals' rights related to the *Mental Health Act* and success stories should be showcased as part of this campaign. (MHAAP #12; ARAP #26)
72. Direct the Executive Director to develop, in consultation with the City Manager, an on-line tool to assist the public in tracking and monitoring the progress of the implementation of the recommendations in this report, which will be available on the Board's website by October 2020.
73. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the Board's Race-Based Data Collection Policy, and where the Policy deviates from or fails to implement the recommendations of the Ontario Human Rights Commission in its written deputation to the Board, to identify the reason for that deviation or failure to implement. (City Council #24; ARAP #6; MHAAP #21)
74. Direct the Chief of Police to report to the Board by November 2020 on the status of implementation of the recommendations made in the PACER Report and, where recommendations remain unimplemented in part or in full, to present a timetable for their implementation or the rationale for not implementing particular recommendations and suitable alternatives. (ARAP #7; MHAAP #22)

75. Direct the Chief to report by November 2020 on the status of implementation of the recommendations made in the *Independent Review of Police Encounters with People in Crisis* and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #25)
76. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Auditor General in all previous reports and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement.
77. Direct the Chief of Police to report by November 2020 on the status of the implementation of the recommendations made by the Inquest into the Death of Andrew Loku and, where the Service has deviated from or failed to implement an inquest recommendation, to identify in detail the reason for that deviation or failure to implement. (City Council #27)
78. Direct the Chief of Police to report by November 2020 on the status of the implementation of the Service's Mental Health and Addictions Strategy and further direct that the strategy be fully implemented by September 30, 2021. (MHAAP #1; ARAP #15)
79. Direct the Chief of Police to report by November 2020 on the status of recommendations made in *Action Plan: The Way Forward*, including what has been implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of *Action Plan: The Way Forward* should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility. (Board #2; ARAP #14; MHAAP #29)
80. Direct the Chief of Police that the reports required in above sections 73–79 should include an assessment of each recommendation, including:
  - a. Concerns;
  - b. Status;
  - c. Impact (weighting);
  - d. Ease of Implementation (weighting of resource capabilities/ budgetary implications, etc);
  - e. Timelines; and
  - f. Service Lead (Deputy Chief)
81. Direct the Executive Director to develop, in consultation with the Auditor General, a work plan for the auditing of the implementation of the approved recommendations made in this report.

**Appendix B**  
**Referred Report**

June 17, 2020

To: Members  
Toronto Police Services Board

From: Jim Hart, Chair

**Subject: RECOMMENDATIONS FOR THE BOARD RELATED TO  
CURRENT EVENTS**

**Recommendation(s):**

It is recommended that:

1. The Board's Anti-Racism Advisory Panel should be made permanent, and its mandate expanded;
2. The Board direct the Chief to:
  - a. create a permanent, standalone Ethics, Inclusivity and Human Rights training course that contributes to professional practice in policing in the context of providing policing services to Toronto's diverse communities and populations. This training curriculum will include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias avoidance; interactions with racialized and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; the LGBTQ2S+ community; and, ethics in policing. This standalone course will be taken every 2 years by all Members of the Service, civilian and uniform;
  - b. ensure this training is developed and updated based on best practice and through the active engagement of the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, and that the City's CABR Unit be requested to provide an independent assessment of the new course curriculum to the Board by October 2020;
  - c. make this training mandatory for both new and current Members of the Service, both uniform and civilian;

- d. create and implement a framework to constantly evaluate the efficacy of this training and serve to identify areas for improvement to the training, with reports on the Service's findings and responsive actions provided to the Board semi annually;
    - e. make permanent the current anti-Black racism training component of the annual re-training (civilians) and In Service Training Program (uniform) and report back to the Board on opportunities to expand this component;
    - f. audit and review all courses to determine how anti-racism training can be incorporated throughout all courses taught at the College, and report to the Board by December 2020 with the findings of this audit and review; and
    - g. review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of training co-developed and led by members of the community, outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options.
3. The Board's Mental Health and Addictions Advisory Panel should be made permanent, and its mandate expanded;
4. The Board, in consultation with its Mental Health and Addictions Advisory Panel and the Toronto Police Service, should:
  - a. expand the Mobile Crisis Intervention Team Program on an urgent basis to meet current service demands, and that any expansion be funded from within the current 2020 Toronto Police Service Operating Budget, and given that no allocation was made for this purpose within the current budget, any expenses that cannot be absorbed be allocated to appropriate reserves;
  - b. work with the City of Toronto and other partners to develop new community based models to mobile mental health crisis intervention service delivery where this intervention is delivered by mental health experts (e.g. trained nurses, social workers, peer workers etc.) and may not necessarily involve police officers unless there are significant safety issues present; and,
  - c. if an alternative mobile crisis intervention model is identified and all partners agree, and the demand for a regular police presence reduces, the Board can identify the funding currently allocated to the Service's Mobile Crisis Intervention Team Program for re-allocation to this alternative model;

5. The Board will consult with its Anti-Racism Advisory Panel and its Mental Health and Addictions Advisory Panel on Recommendations 1 – 4 and consider any input provided on an ongoing basis;
6. The Board direct the Chief to annually provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process, and this breakdown should be made publicly available. This line-by-line breakdown should be organized by the Toronto Police Service's individual program areas, functions or services delivered so as to provide maximum transparency to the public as to how public dollars are allocated currently (while not revealing investigative techniques or operations). The Board should also direct the Chief to provide and make publicly available the same line-by-line breakdown of any new budget requests that are recommended to the Board during the Board's annual budget process;
7. The Board allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, including the involvement of community-based consultation partners and should commence the public consultation process in September 2020; and,
8. The Board direct the Chief to provide a status update regarding the recommendations in *The Way Forward*, based on what has already been implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of *The Way Forward* should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility.

### **Financial Implications:**

There are no immediate financial implications arising from the recommendations contained in this report. However, future reports with respect to certain recommendations will identify the specific financial implications, once ascertained.

### **Background / Purpose:**

Throughout our city, and around the world, there is pain right now. There is too long a history of anti-Black and anti-Indigenous racism, discrimination, and marginalization in our city. These issues continue to face us, including in the context of policing. We hear about it, see it, and recognize that too many of our fellow residents experience it every day. It has been an ongoing challenge for the Board and Service to address these issues in a way that engenders public trust, and we acknowledge that we must always try, and will, do better.

Despite our best efforts, we recognize that much work remains to be done. This reality has been brought into sharper focus by the shocking and senseless killing of George

Floyd, which serves as a tragic reminder that discrimination suffered by members of Black communities remains harmfully present. Mr. Floyd's death has also served as a catalyst to reflect deeply on the state of police and community relations locally, and globally. We must use this moment to figure out how we all move forward, collectively. We join in the calls that justice in that case be done.

The Board also continues to acknowledge the tragic loss of life of Ms. Regis Korchinski-Paquet, and the many questions and concerns that surround her death. Everyone wants, and deserves, answers in this case. The Board has publicly requested that province's Special Investigations Unit work as expeditiously as possible, so that its investigation can conclude and the public can be informed of its findings.

Although the peaceful marches and protests that have taken place in Toronto over these last few weeks will not, themselves, solve the hard problems society must continue to confront, they are a clear reminder that we can and must work together to improve the social fabric that holds us together. No institution or organization, including the Toronto Police Service, is immune from overt and implicit bias. Racism – including anti-Black and anti-Indigenous racism – exists within our public and other institutions. The only way to dismantle it is to confront it, call it out in all its form, and dedicate ourselves to action that puts us clearly on the path to change.

As the governing body for the Toronto Police Service, the Board must be a catalyst, along with others, for the examination of reforms and changes that are in the city's best interests – particularly in the areas of community safety and policing. While the Board, in partnership with the Toronto Police Service, has previously undertaken a wholesale review of its operations and created a roadmap for modernization, no plan can be frozen in time. The Board's priority has, and must continue to be, ensuring fair and equitable policing in Toronto. There also must be recognition that law enforcement – whether reactive or proactive – is not the solution to many of the challenges our city faces, but rather, is only one piece of a multi-dimensional pie. Toronto's community safety is a shared responsibility, and relies on a continuum of municipal, provincial, and federal services, community-based organizations, experts and everyday citizens who have the appropriate skills, abilities, and vested interest to implement strategies to make our city safer.

In the current context, then, it is important for the Board to outline how it intends, in the immediate, to prioritize the concerns it has heard from the communities it serves and integrate the public interest that animates those concerns into its future actions. This report highlights some key themes that have emerged from the recent public discourse regarding policing and community safety, and suggests specific actions the Board can undertake or direct right now. These actions are by no means a panacea, but they are some concrete steps that can be taken in the immediate while additional work is undertaken to examine these issues thoughtfully with a view to continuing to make progress. The Board will continue to engage with the public, and its community partners and stakeholders to determine longer-term and impactful actions and solutions.

## **Discussion:**

### ***Commitment to anti-racism and addressing systemic bias***

- a. Recent efforts by the Board

#### *Anti-Racism Advisory Panel*

The Board has acknowledged and remains cognizant of perennial and pervasive issues of systemic and implicit bias, which affect policing work throughout Canada, including in the Toronto Police Service. That is why the Board has made issues of equity and diversity an explicit focus in its work in recent years. The Board's Anti-Racism Advisory Panel (ARAP) was created by the Board in April 2018 as part of its decision to implement a recommendation from the Coroner's Inquest into the Death of Andrew Loku. It comprises leading voices on anti-racism work in Toronto, including members of the community with lived experience and subject-matter expertise in anti-racism, anti-Black racism, and mental health and addictions. ARAP also includes membership from the Toronto Police Service, which provides important operational perspectives on the issues being studied. The focus of ARAP's work has been the development of a monitoring framework of the recommendations arising from the Loku Inquest, although it also played a major role in the development of the Board's Race-Based Data Collection, Analysis and Public Reporting Policy.

#### *Race-Based Data Collection Policy and related work*

At its meeting of September 19, 2019, the Board approved its new Race-Based Data Collection, Analysis and Public Reporting Policy. This Policy cements the Board's commitment to ensuring there is real, public data to guide our collective work in eliminating racial bias and promoting equity, fairness and non-discriminatory police service delivery in Toronto. The Service has implemented aspects of the Board's Policy in part, and is continuing to work towards full implementation.

#### *Equity, Inclusion & Human Rights*

Additionally, at its May 2019 meeting, the Board approved of the re-structuring and rebranding of the Equity, Inclusion & Human Rights Unit (E.I. & H.R.), including approving the hiring of eight subject matter experts in the areas of equity, anti-racism, and human rights. The Board recognized that a modernized E.I. & H.R. unit was imperative to developing anti-racism initiatives, managing diversity issues, championing equity, promoting human rights, and developing tools to measure diversity in all ranks

and positions, all within a progressive equity and human rights agenda. The Service has staffed this Unit, which is undertaking work daily across the Service.

b. Recommendations and rationale

*Recommendation 1: The Board's Anti-Racism Advisory Panel should be made permanent, and its mandate expanded.*

The ARAP was intended to respond directly to the recommendations from the Coroner's Inquest into the Death of Andrew Loku. However, it has become clear through its work, including in relation to the Board's Race-Based Data Collection, Analysis and Public Reporting Policy that its expertise and thought leadership will benefit the Board as it continues to apply an anti-racism lens to its police governance function.

Given the complex and significant issues that must be addressed on a constant basis insofar as anti-racism work in policing goes, having an expert body to regularly advise the Board is vital. The Board would be well-served – and, therefore, better serve the public – by making the Board's ARAP a permanent entity, expanding its mandate such that it becomes the Board's advisory body with respect to all matters involving anti-racism in the context of policing, and allowing its membership to change as required over time.

*Recommendation 2: The Board direct the Chief to:*

- a. *create a permanent, standalone Ethics, Inclusivity and Human Rights training course that contributes to professional practice in policing in the context of providing policing services to Toronto's diverse communities and populations. This training curriculum will include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias avoidance; interactions with racialized and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; the LGBTQ2S+ community; and, ethics in policing. This standalone course will be taken every 2 years by all Members of the Service, civilian and uniform;*
- b. *ensure this training is developed and updated based on best practice and through the active engagement of the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, and that the City's CABR Unit be requested to provide an independent assessment of the new course curriculum to the Board by October 2020;*

- c. *make this training mandatory for both new and current Members of the Service, both uniform and civilian;*
- d. *create and implement a framework to constantly evaluate the efficacy of this training and serve to identify areas for improvement to the training, with reports on the Service's findings and responsive actions provided to the Board semi annually;*
- e. *make permanent the current anti-Black racism training component of the annual re-training (civilians) and In Service Training Program (uniform) and report back to the Board on opportunities to expand this component;*
- f. *audit and review all courses taught at the College to determine how anti-racism training can be incorporated in all courses, and report to the Board by December 2020 with the findings of this audit and review; and,*
- g. *review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of training co-developed and led by members of the community, including outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options.*

As the employer, the Board has a mandate to create and support a culture of anti-racism within the Service. While the Service currently provides anti-racism training, there is important work that can be done to enhance the focus on anti-racism during various training cycles for both uniform and civilian members of the organization. This includes: creating dedicated courses on this subject as well as identifying how anti-racism teaching can be woven into other courses; making permanent course offerings on the subject of anti-racism; creating a more explicit and constant community connection to inform this training; and, ongoing monitoring and evaluation of training to ensure 'uptake.' These are all important steps the Board and Service can take to enhance our Members' understanding of, and ability to relate to the diverse communities in Toronto that they serve. Anti-racism work must begin with an individual's own learning journey, and the Board, as employer, should make this an organizational priority. While training alone is not sufficient to create systemic and cultural change, it is a vital component of any organization's equity, inclusion and human rights strategy.

### ***Commitment to an effective response to persons in crisis***

- a. Recent efforts by the Board

Police interactions with people experiencing mental health crisis has been a priority area of the Board for many years. To this end, in February 2019, the Board approved the establishment of a new Mental Health and Addictions Advisory Panel (MHAAP); the

Board previously had a Mental Health Sub-Committee, created to enable the Board to address the approach mental health issues in an informed and effective manner. The main objective of MHAAP is to review the implementation of the Service's Mental Health and Addictions Strategy and to provide ongoing advice to the Board with respect to this important work. Ensuring membership from marginalized and racialized groups was also an explicit focus during the establishment of MHAAP, as was bringing in the voices and perspectives of the community, including consumers/survivors and representatives from a wide array of mental health providers. MHAAP also includes membership from the Toronto Police Service, which, again, provides important operational perspectives on the issues being studied.

The Board is also very supportive of the Service's Mobile Crisis Intervention Team (MCIT) program, which pairs a specially trained police officer and a mental health nurse to respond to individuals in crisis across the city. The Board has engaged MHAAP with respect to how to most effectively expand the MCIT program, which currently is able to respond to only one-quarter of the "person in crisis" calls that the Toronto Police Service receives each day.

b. Recommendations and rationale

*Recommendation 3: The Board's Mental Health and Addictions Advisory Panel should be made permanent, and its mandate expanded.*

Like ARAP, the Board would be well served by a permanent advisory body that provides perspective and recommendations on matters related to mental health and addictions issues in the policing context. This includes issues related to the public health crisis presented by opioid overdoses, as well as other mental health matters that arise in the context of community safety and policing. MHAAP will also provide invaluable monitoring and guidance with respect to the ongoing implementation of the Toronto Police Service's Mental Health and Addictions Strategy. MHAAP's membership should be allowed to change over time.

*Recommendation 4: The Board, in consultation with its Mental Health and Addictions Advisory Panel and the Toronto Police Service, should:*

- a. expand the Mobile Crisis Intervention Team Program on an urgent basis to meet current service demands, and that any expansion be funded from within the current 2020 Toronto Police Service Operating Budget, and given that no allocation was made for this purpose within the current budget, any expenses that cannot be absorbed be allocated to appropriate reserves;*

- b. work with the City of Toronto and other partners to develop new community based models to mental health crisis intervention service delivery where this intervention is delivered by mental health experts (e.g. trained nurses, social workers, peer workers etc.) and may not necessarily involve police officers unless there are significant safety issues present; and,*
  
- c. if an alternative mobile crisis intervention model is identified and all partners agree, and the demand for a regular police presence reduces, the Board can identify the funding currently allocated to the Service's Mobile Crisis Intervention Team Program for re-allocation to this alternative model.*

Currently, the MCIT Program is unable to meet the real-time demand for mobile crisis intervention that exists daily in Toronto. An urgent expansion of the MCIT Program will assist in responding to more of these calls in the immediate. The MCIT Program has proven itself as an effective method of bringing care to the community while also minimizing the number of emergency room visits. The program also limits reliance on the criminal justice system, and instead, connects persons in crisis with community resources that will more effectively address their mental health needs.

The recent public discourse regarding police budgets is motivated, at least in part, by a desire to ensure that community services are adequately resourced to do their important work. This is an important societal goal. At the same time, budgets for the delivery of police services must recognize that police are called upon 24 hours a day, seven days a week, to answer a full spectrum of community safety calls – including those that relate to persons in crisis – when other services are not available in the city. Given that the MCIT Program has proven effective, is being delivered so as to minimize reliance on the justice system, and the need for expansion exists now, the Board – as the body charged with ensuring the adequate and effective policing in Toronto – should seek opportunities for immediate expansion from within the existing Service budget, or, if those costs cannot be absorbed, and allocation to the appropriate reserve.

However, to the extent other models of delivering community-based mental health crisis intervention services exist that do not require a police presence (other than in circumstances of significant safety risk) and have proven successful, the Board, in consultation with MHAAP and other partners, including the City of Toronto, should work to identify existing and develop new community based models to mobile mental health crisis intervention services delivery where this intervention is delivered by mental health experts (e.g. trained nurses, social workers, peer workers etc.) that may not necessarily involve police officers, unless there are significant safety issues present. The Service currently works with many social agencies to reduce police involvement in mental health crisis calls and such programs are most effective when they are not police-led. If an

alternative model is agreed to, the relevant service providers are able to deliver the services and the demand for a regular police presence reduces, the Board can identify the funding currently allocated to the Service's Mobile Crisis Intervention Team Program for re-allocation to this alternative model.

***Recommendation 5:** The Board will consult with its Anti-Racism Advisory Panel and its Mental Health and Addictions Advisory Panel on Recommendations 1 – 4, above, and consider any input provided on an ongoing basis.*

### **Commitment to transparent and consultative budgeting**

#### a. Recent efforts by the Board

Generally, the Board strikes a Budget Subcommittee each year, studies the Service's budget proposals, creates a forum to hear from the public through deputations, and then recommends a budget to Toronto City Council. For at least the last three years (2018, 2019 and 2020) the budget has also included some line-by-line details with respect to the components of the budget. There are opportunities to enhance the amount of information and detail provided with respect to the police budget, as well as to enhance the approach to public consultation on the budget.

In addition, the Board's and Service's modernization strategy, *The Way Forward*, remains a priority. This strategy was premised on ensuring that the Toronto Police Service can serve the city's population effectively and efficiently, and prioritizes community-based policing. This strategy is also premised on recognizing that while certain functions and services have historically been delivered by the Toronto Police Service (e.g. crossing guard services, life guard services, answering non-emergency calls), there are more effective and efficient ways to deliver those services. Some of these services, identified in *The Way Forward*, are now being delivered by other city partners and have been permanently removed from the police budget and operations.

#### b. Recommendations and rationale

***Recommendation 6:** The Board should direct the Chief to annually provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process, and this breakdown should be made publicly available. This line-by-line breakdown should be organized by the Toronto Police Service's individual program areas, functions or services delivered so as to provide maximum transparency to the public as to how public dollars are allocated currently (while not revealing investigative techniques or operations). The Board should also direct the Chief to provide and make publicly available the same line-by-line breakdown of any new budget requests that are recommended to the Board during the Board's annual budget process.*

While line-by-line details have been provided and available publicly for the last three years, the information provided to date has been somewhat limited. It is clear that the details of the budget can be further enhanced. Providing a breakdown by each Toronto Police Service program area, service and function will provide members of the public with more information to understand how public dollars are allocated and prioritized within the annual budget. This information will enhance public discussion of the Service's budget.

*Recommendation 7: The Board should allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, including the involvement of community-based consultation partners and should commence the public consultation process in September 2020.*

While the Board engages in public consultation with respect to the budget each year, the approach to consultation has not been consistent and there is always room for enhancing public participation. The Board should direct an amount from its Special Fund to support a more robust annual public consultation process with respect to the budget.

***Commitment to ongoing modernization and engaging the community in community safety priority-setting and modernization***

*a. The Way Forward status update*

The Board continues to support the implementation of *The Way Forward*, the Toronto Police Service's modernization strategy. This strategy was premised on ensuring that the Toronto Police Service can serve the city's population effectively and efficiently. As a result of this work, the Board was able to realize some financial savings in previous years' budgets, and some of these modernized approaches have resulted in permanent cost savings. At the same time, given the critical issues associated with gun violence and other community safety issues, the Board is required to ensure that adequate and effective policing is provided throughout the city. Beyond traditional law enforcement approaches, an important component of this strategy is the enhancement of community neighbourhood policing. The direct, daily contact between a police officer and the community they serve is crucial to build mutual trust and tear down the walls that enable fear, suspicion, and bias.

*b. Recommendations and rationale*

*Recommendation 8: The Board should direct the Chief to provide a status update regarding the recommendations in *The Way Forward*, based on what has already been*

*implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of The Way Forward should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility.*

No plan or strategy should remain frozen in time. As new issues and developments arise, there should be a constant 'feedback loop' that keeps the strategy current and responsive to relevant trends. There has been some success in implementing the recommendations in *The Way Forward*, and other recommendations remain in progress. With direction from the Board, the Service can update the strategy and look for additional opportunities for modernization. Given that community safety is a shared societal responsibility, stakeholders and members of the public should be engaged in consultation with respect to this 'refresh.' This consultation will ensure that any updates to *The Way Forward* that emerge will be more responsive to current and anticipated community safety needs.

**Conclusion:**

It is recommended that the Board consider and approve the recommendations in this report. These recommendations are focused on the Board taking some immediate steps and providing some immediate direction to the Chief to address important current events, recognizing that additional work will be required to determine longer-term and impactful actions and solutions. The Board will continue to engage with the public, and its community partners and stakeholders, in this important work.

Respectfully submitted,



Jim Hart  
Chair

## **Appendix C**

### **Changes to Policing in Toronto**

#### **City Council Decision**

City Council on June 29 and 30, 2020 adopted the following:

1. City Council direct the City Manager, in consultation with the Toronto Police Services Board, community-based organizations, social services agencies and mental health support organizations to develop alternative models of community safety response that would:

- a. Involve the creation of non-police led response to calls involving individuals in crisis, and others as deemed appropriate through consultation;
- b. reflect the City's commitment to reconciliation;
- c. involve extensive community consultation on a proposed response model; and
- d. detail the likely reductions to the Toronto Police Services budget that would result from these changes,

for Report to the Executive Committee by January 2021.

2. City Council commit that its first funding priority for future budgets is centered on a robust system of social supports and services, including ongoing investments in Indigenous, Black and marginalized communities, with rigorous accountability mechanisms to measure performance.

3. City Council request the Toronto Police Services Board to direct the Chief of Police to annually provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process, and this breakdown should be made publicly available; this line-by-line breakdown should be organized by the Toronto Police Service's individual program areas, functions or services delivered so as to provide maximum transparency to the public as to how public dollars are allocated currently (while not revealing investigative techniques or operations).

4. City Council request the Toronto Police Services Board to direct the Chief of Police to immediately provide the line-by-line breakdown of the Toronto Police Service's 2020 Budget and to make the breakdown publicly available by July 2020.

5. City Council request the Toronto Police Services Board to implement a 24-hour/7-days-a-week program across Toronto for its Mobile Crisis Intervention Team Program.

6. City Council request the Toronto Police Services Board to post its Use of Force Policy on its public website.

7. City Council request the Toronto Police Services Board to post its annual Budget Summary and Uniform/Civilian Staffing Summary per Command with Approved, Proposed and Actuals/ similar to the Excel information provided during the 2018 budget cycle, as the example they should follow starting retroactively for the last 5 years of machine-readable Open datasets to both theirs, and the City of Toronto Open Data Portal.

8. To assist in identifying areas of financial and operational improvement within the Toronto Police Service, City Council request the City Manager to seek an amendment to the City of Toronto Act to expand the City of Toronto's Auditor General's jurisdiction to include auditing the Toronto Police Service.

9. City Council request the Toronto Police Service Board to consider a motion supporting City Council's request in Part 8 above and to communicate its position to the Province.

10. Until the legislative change to the City of Toronto Act requested in Part 8 above is in place, City Council request the Toronto Police Services Board to invite the City's Auditor General to independently develop a work plan and conduct audits, which would include an examination of systemic issues, and to provide the Auditor General with the same level of co-operation and access to information as if this was required by the City of Toronto Act.

11. City Council request the Auditor General to report to City Council in the fourth quarter of 2020 on the status of the work plan set out in Part 10 above and the level of co-operation the Auditor General is receiving from the Toronto Police Services Board.

12. City Council direct the City Manager to develop plans to invest in critical community and social services that better address the root causes of safety and security, and ensure any savings identified from policing reforms are allocated to the following areas:

a. investment in initiatives identified from the Combatting Anti-Black Racism Strategy, and those in Appendix A to the report (June 23, 2020) from Mayor John Tory;

b. investment in the Immediate Steps to Address Gun Violence Plan to fulfil the City's outstanding requests to Public Safety Canada for the enhancement of violence prevention and intervention programs;

c. investment in the City's Poverty Reduction Strategy and Indigenous-led Poverty Reduction Strategy;

d. investment in Indigenous-led initiatives related to community safety and wellbeing;  
and

e. investment in initiatives to support people experiencing mental health crisis.

13. City Council direct the City Manager to work with the Toronto Police Services Board in the development of a rigorous community consultation process to inform the criteria for the selection of the next Chief of Police.

14. City Council request the Toronto Police Services Board in the recruitment for Toronto's new Chief of Police, to ensure that the successful candidate:

a. has a proven track record of deep and successful reform of policing including:

1. proven ability to ensure that non-violent de-escalation strategies and techniques are employed at all times by police officers, particularly in relation to engagement with people from racialized communities and with residents with mental health issues; and

2. demonstrated experience in "modern policing" including building strong, lasting and sustainable bridges and relationships with racialized and marginalized communities and willingness to consider other models for first responder calls for non-violent incidents.

b. understands and values:

1. the importance of diversity in the City and in the Toronto Police Service itself;

2. acceptance and tolerance of all people and a recognition that Toronto is home to the most culturally diverse population in the world which gives our City its strength in times of crisis all around the world; and

3. the strategies and actions required to ensure that Toronto remains a place of tolerance, diversity and respect for all.

15. City Council request the Toronto Police Services Board to work in consultation with the City Manager to engage the City of Toronto's Anti-Black Racism Unit and Indigenous Affairs Office to assist in the community consultations about the new Chief of Police.

16. That City Council request the Toronto Police Services Board to share regularly updated datasets from their Open Data Portal to the City of Toronto Open Data Portal, taking into consideration for any issues around personal data privacy; data sets to also include:

a. Toronto Police Services Board annual reports in the proper digital format; and

b. converting files currently provided in a .pdf format on the Toronto Police Service Open Data Portal to the proper digital format.

17. City Council request the Toronto Police Services Board to post all relevant open data with regards to its Races Based Data Strategy following all the provincially mandated guidelines to protect personal privacy, to both the Toronto Police Service Open Data Portal and the City of Toronto Open Data Portal.

18. City Council request the City Manager to report on the implementation of a City of Toronto Mobile Crisis Assistance Intervention Service that would deploy unarmed, medically trained crisis intervention assistance personnel, based on the "CAHOOTS" model from Eugene, Oregon. Such report should include:

a. description of how these specially trained first responders would deal with a range of community challenges including: homelessness, intoxication, substance abuse, mental illness, dispute resolution, and basic medical emergency care; and

b. a process whereby when Crisis Assistance Intervention Service is established, that the City would subtract the cost of this new service from future Police budgets.

19. City Council request the Province immediately review and overhaul the Equipment and Use of Force Regulation, R.R.O. 1990, Reg. 926, so as to:

a. emphasize de-escalation; and

b. incorporate further modifications based on alternative models and best practices in peer jurisdictions, which address the use of deadly force.

20. City Council request the Province of Ontario to amend the Police Services Act and the Community Safety and Policing Act, 2019 (which received Royal Assent but has not yet come into force) to significantly expand the instances in which suspension without pay and revocation of a police officer's appointment as a police officer is available where serious misconduct is alleged or ultimately established; these amendments should, at a minimum, implement the relevant elements of the Police Services Act, 2018 that addressed suspension without pay and the relevant elements of the Policing Oversight Act, 2018 that created the ability to revoke a police officer's appointment as a police officer in Ontario.

21. City Council request the Province of Ontario to amend the Police Services Act and the Community Safety and Policing Act, 2019 (which received Royal Assent but has not yet come into force) to require that complaints made about a police officer's public conduct that alleges serious misconduct be investigated by the Province's independent police complaints agency (currently, the Office of the Independent Police Review Director) and not any police service's professional standards unit.

22. City Council request the Government of Ontario to eliminate any and all appeal powers for the Toronto Police Services Board as set out in the Police Services Act, 1990 for the Ontario Civilian Police Commission to overturn Toronto City Council

decisions pertaining to Police Budget matters including requests for reduction, abolition, creation or amalgamation of police services.

23. City Council request the Province of Ontario to amend the Police Services Act to allow the City of Toronto to have direct oversight over the Toronto Police Services Budget and exempt Toronto City Council from the provisions of subsection 39(4) of the Act by removing the word “not” from the provisions of the subsection, as it pertains to the City of Toronto, as follows:

In establishing an overall budget for the board, the Toronto City council does not have the authority to approve or disapprove specific items in the estimates.

24. City Council commit to eradicating racial profiling in policing and request the Toronto Police Services Board to direct the Toronto Police Service to immediately adopt the recommendations from the Ontario Human Rights Commission on race-based data and report back on the implementation status by January 1, 2021.

25. City Council request the Toronto Police Services Board to direct the Toronto Police Service to adopt all recommendations in Justice Iacobucci's report entitled Police Encounters with People in Crisis (2014), with a particular emphasis on Recommendation 3, which requires the Toronto Police Service to notify crisis intervention units for every call involving a person experiencing a mental health crisis and Recommendations 43 thru 54 pertaining to Mobile Crisis Intervention Team response.

26. City Council request, in the strongest possible terms, the Province immediately reinstate the Police Services Act reforms recommended by Justice Tulloch, particularly those reforms focused on enhancing the independence and notifications requirements of the Special Investigations Unit (Recommendation 5.7).

27. City Council request the Chief of Police adopt all of the recommendations directed to the Toronto Police Service from the 2017 Andrew Loku Inquest.

28. City Council request the Toronto Police Services Board to ensure policies are enacted requiring all instances of alleged racial profiling and bias to be investigated under the Police Services Act.

29. City Council request the Toronto Police Services Board to direct the Toronto Police Service to implement a plan to equip all police officers with Body-Worn Cameras by January 1, 2021 and enact policies that ensure consequences for unauthorized de-activation or covering of the cameras.

30. City Council direct the City Manager and request the Toronto Police Services Board and City Divisions to consolidate and expedite data sharing to advise on violence prevention approaches.

31. City Council direct the City Manager to work with the Toronto Police Services Board to establish an accountability office and agency, independent of government and the Toronto Police, empowered through ongoing access to police personnel, facilities and records to conduct self-generated audits of police practices and policies, and report annually to the Toronto Police Services Board and City Council with its audited findings and recommendations.

32. City Council direct the City Manager to establish and resource an Accountability Table with annual reporting, similar to that established for the Toronto Seniors Strategy, by September 2020, composed of representatives of Black, Indigenous, and People of Colour, mental health and addictions experts, homeless advocates, and other equity-seeking groups to monitor the implementation including budgetary impacts of all recommendations pertaining to City Council's decision.

33. City Council request the Toronto Police Services Board to report on outcomes associated with how diversity in human resources is being prioritized and achieved by the Toronto Police Service, including with respect to recruitment, hiring and promotion for both civilian and uniform positions, at all ranks and classifications.

34. City Council, building on the mandate and membership of the Partnership and Accountability Circle, establish a Confronting Anti-Black Racism Council Advisory Body, and direct the City Manager to report to the Executive Committee on recommended Terms of Reference for the Advisory Body to be approved by City Council in September 2020.

35. City Council direct the City Manager to determine and fill the necessary staffing requirements within the Confronting Anti-Black Racism Unit and the Indigenous Affairs Office to deliver on a mandate focused solely on advancing the implementation of the above recommendations and those Recommendations and Actions concerning Policing and the Justice System, as outlined in the Toronto Action Plan to Confront Anti-Black Racism.

36. City Council direct the City Manager to provide an update by January 1, 2021 on the implementation status of City Council's decision.

## Appendix D

### Town Hall Summary

August 7, 2020

### **“I Don’t Want to Live In Fear”: Voices from the Toronto Police Services Board Town Hall Meetings – Interim Summary**

#### **Background**

Following the killing of George Floyd, a Black man, at the hands of a Minneapolis police officer in May 2020, and the tragic death of Regis Korchinski-Paquet during a wellness check in Toronto, protests erupted in Toronto and around the world calling for radical reform in the way communities are policed in order to address the systemic racism that has resulted in the disproportionate use of force by police against Black, Indigenous, and other racialized groups. Thousands of messages were received by the Toronto Police Services Board (Board) demanding change. In response, the Board announced it would hold a virtual Town Hall meeting to hear the voices of members from communities across Toronto. The response was overwhelming, with over 350 individuals signing up. As a result, the originally planned single day Town Hall meeting was extended to four full-day meetings, which took place on July 9, 10, 15 and 16, 2020.

The meetings followed an open format, creating space to allow the public to make submissions to the Board, providing the Board an opportunity to hear the voices of our communities and to ask questions. The submissions covered a wide range of issues, including police accountability, police reform, and community safety priorities. Members of the public who could not make a live presentation at the Town Hall meetings were invited to provide a written or recorded statement on the Board’s website. In total, over 200 individuals and representatives of community organizations spoke at the Town Hall meetings, or made a written statement or recording.

This interim summary focuses on the main themes raised by the participants at the Town Hall meetings. In total, more than a hundred different recommendations were made by the wide variety of participants, and numerous stories and experiences were relayed. Not all can be summarized in this report, but all are valuable, and all will continue to inform the Board as it develops its approach to eliminate systemic racism, explore alternative community safety approaches, and build trust with communities across Toronto.

This interim report attempts to condense the many experiences and ideas brought before the Board, and, therefore, we have reduced them into broad themes. The intent of this interim report is *not* to analyze what was said, but to summarize what was actually said or submitted to the Board. This interim report will be followed by a

comprehensive report that will give due place to the actual words and individual experiences the Board heard. These submissions also remain available to the public on the Board's website at: <https://tpsb.ca/consultations-and-publications/july-2020-town-halls>.

Finally, some of the participants offered particular and unique expertise and knowledge that can inform the Board's actions in specific areas. While many of these matters were not able to be integrated into this interim report, the Board has committed to follow up with those individuals who offered to assist the Board, and benefit from their generosity.

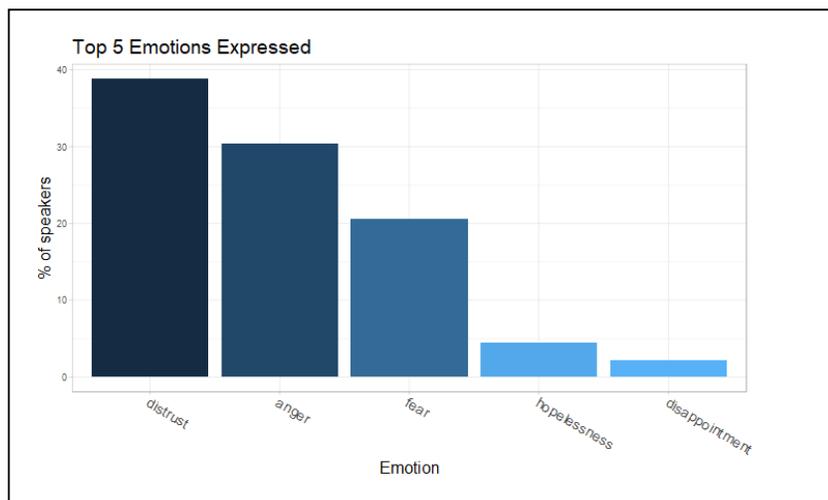
## Discussion

The Town Hall meeting participants relayed stories from their lived experience, expressed their feelings about the Service and the Board, explained their perspectives regarding the problems faced by Toronto's communities with regards to policing, and suggested or demanded concrete actions that could be taken to address them.

### *Understanding the Problems*

Overall, most of the participants in the Town Hall meetings told the Board that policing in Toronto suffers from systemic racism. Many said that for too many residents, especially those on the intersection of racialization and mental health and addictions, the Toronto Police Service is a threat to their safety, rather than a reassuring presence, and many of the speakers were uncertain as to whether there is any way to fix the current system.

A thread of distrust and suspicion could be found throughout many of statements heard by the Board. This distrust, fuelled by disappointment and frustration with past experiences, and a sense of hopelessness for the future, was aimed at both the Service and the Board. With regard to the Service, participants told the Board they do not



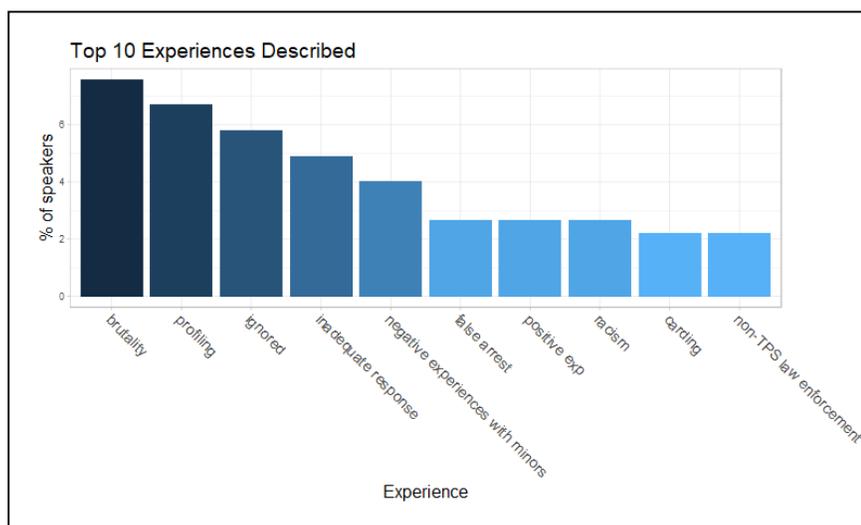
believe Service Members can or want to change, that too many police officers refuse to admit there is a problem of systemic racism within the Service, and that the Service has engendered an "us vs. them" mentality that makes it impervious to criticism.

The Board, itself, was also the target of much distrust. While many participants expressed gratitude for the creation of the Town Hall forum, and viewed it as a positive step, they also expressed their views that past reports and recommendations have had no effect on policing in this city, and expressed their lack of belief that the Board has the will or the courage to enact sweeping changes that will bring it into conflict with the Service or the Toronto Police Association. Participants have said that the onus is on the Board to prove that it is serious in its commitment to eliminate systemic racism and earn the trust of the public.

Many of the participants viewed the Board as one and the same as the Service, and suggested that the Board was failing in its role as an independent civilian oversight body. As a result, they felt there is a need for new and alternative independent oversight bodies. Distrust also extended to the Province’s Special Investigations Unit (SIU). Many of the participants who spoke of the SIU described it as composed mainly of police officers, whose main concern is to protect their colleagues.

Approximately one in three the participants expressed anger with the Service and the Board. Anger at the Service focused on concerns about its mistreatment of vulnerable and racialized communities, including accusations of harassment, over-policing, discriminatory practices, and excessive use of force. Many cited findings by the Ontario Human Rights Commission of the gross over-representation of Black men among the victims of police lethal use of force. Another issue identified was the size of the Service budget, at over \$1 billion dollars and the single largest item in the City of Toronto’s overall budget. Participants indicated that the size of the Service’s budget prevented the City from investing in much needed social services, including housing, mental health and addictions services, and transit, among others. Many suggested that, especially at a time when the City faces a shortfall as a result of the pandemic, part of the Service’s budget must be allocated to other priorities. Moreover, many participants pointed out that the budgetary focus on policing undermines the very goal of increasing safety in Toronto, as it results in the neglect of important crime prevention measures that would prevent crime before it happens, rather than just responding to it.

Fear was also expressed by many participants, fuelled to a large degree by the experiences that participants or their families, friends and neighbours have had when interacting with the police. Participants described experiencing or witnessing brutality,



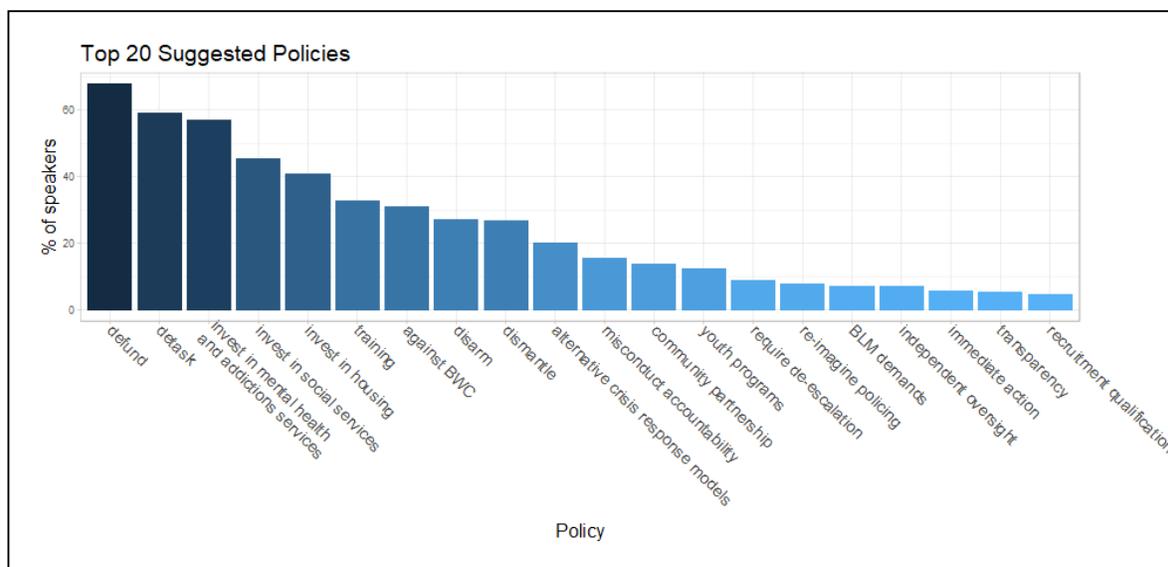
profiling, and false arrests, as well as other incidents of apparent misconduct. Some have told the Board that they were ignored by Service Members when they or others needed help. A substantial number described incidents where Service Members were simply unable to provide an adequate response, in particular when interacting with people in crisis, possibly due to lack of appropriate training. A number of participants related incidents where police officers reacted unprofessionally when faced with criticism from passers-by during an interaction with a vulnerable individual, or even when they just stopped to observe such an interaction.

Combined, it is clear that these experiences lead many to fear the police: fear that they will be the subject of biased policing because they are members of racialized or vulnerable groups, and fear that friends, neighbours or clients in crisis will be hurt if the police are called to respond. Several participants told the Board that they refrain from calling the police in an emergency, and expressed the need for alternative response options with non-police professionals that are better trained to respond to crisis situations.

This fear is compounded by a sense that police lack accountability for their actions. Participants related accounts of police misconduct that have been brushed aside with minor disciplinary action. Many pointed to the practice of suspension with pay for officers under investigation, the small number of charges brought forward by SIU following investigations of alleged misconduct, and the fact that few, if any, Service Members have faced significant discipline, or even lost their job as a police officer following complaints of misconduct.

### **Suggested Solutions**

As noted by many participants, it is the Board’s role to engage with experts and identify the best solutions to the problems facing policing in Toronto. It is not the public’s duty to conduct the research necessary to develop appropriate solutions. Nevertheless, the Board is grateful to the many participants who brought forward their ideas, suggestions and demands for concrete changes in the way policing services are provided to the City of Toronto, and the way the Board carries out its oversight role.



Over one hundred specific recommendations across a broad variety of areas were heard at the Town Hall meetings. Many of these derived from the specific lived experience of participants, and illuminated to the Board issues that would, otherwise, have been difficult to identify. This further demonstrates the power and importance of continued consultations with the public. This interim report will focus on the main themes that were raised repeatedly throughout the Town Hall meetings.

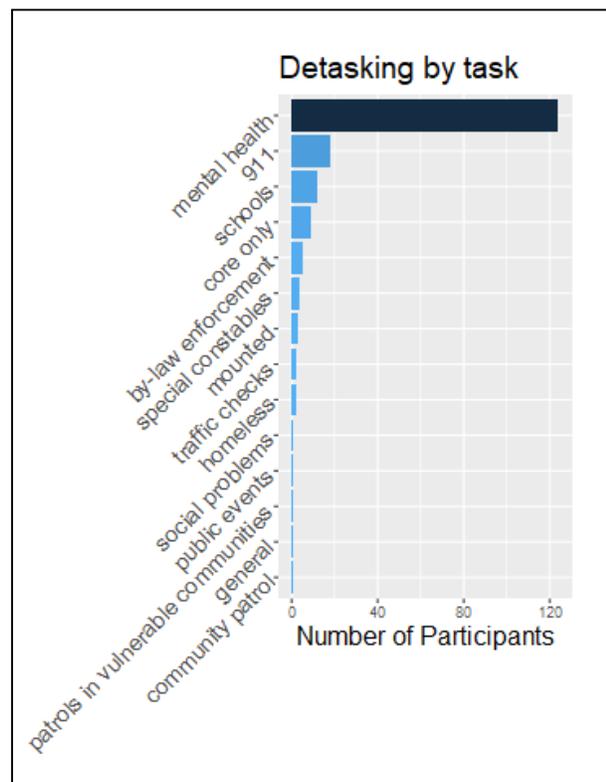
### Defund and Reinvest

A majority of participants called for the defunding of the Service. Of those who identified a specific number, approximately 60% suggested the Service budget should be defunded by 50%, and a further 30% suggested that it should be defunded by 10%. Defunding generally was not presented as a punitive measure, but as a means to reallocate desperately needed funds to a variety of social services, particularly mental health and addictions services. Many participants also proposed that this reinvestment would result in less need for policing, as the underlying causes of crime would be better addressed. In particular, participants noted that investment in mental health and addictions services, and in housing supports, would reduce the burden of person in crisis calls, thus reducing the need for police funding.

### Detask

Approximately half of the participants acknowledged that the police are asked to do many things they are not trained or qualified to do, including handling people in crisis. These participants asked that the task of attending to these individuals be redirected to mental health professionals. Many asked for the development of alternative crisis response models, with some specifically naming the CAHOOTS (Crisis Assistance Helping Out On The Streets) model used in Oregon as one such potential model to adopt or explore adopting in Toronto.

Some participants also suggested that 911 triaging should be transferred to a different provider, who would decide when police intervention is required and when an incident is better triaged to another first responder. Some participants noted that they fear calling 911 when they need help because they don't want police involvement. One suggested



that the “menu” of “police, fire department, ambulance” should be expanded to include mental health professionals, so that callers can feel safe that they will receive the appropriate response – including to mental health crisis calls – when dialling 911.

Other tasks and areas that participants suggested could be transferred away from the police include schools, by-law enforcement, and TTC special constables. A number of participants suggested police should only be tasked with core policing activities that could legitimately require use of force, such as responding to violent crime. In addition, a small number of participants told the Board that they believe the Mounted Unit should be disbanded.

### Training and Recruitment Qualifications

Approximately one in three participants said they thought training of Service Members should be improved. Many pointed out that the training period for new recruits is significantly shorter than what is required of police officers in some European countries, and several suggested that new recruits should be required to have completed some higher education degree. Other suggestions included a greater emphasis on de-escalation and crisis response training, improved anti-racism and anti-implicit bias training, and an enhanced focus on officers’ own mental health.

A number of participants told the Board that training should be at least partially civilianized. The Board was told that community-led and peer-run organizations should participate in providing training, and learning from individuals with lived experience should be an important part of any anti-bias program. Participants told the Board that this would reduce the focus on use of force as a primary tool for policing, and shift the balance towards de-escalation methods.

Notably, a substantial number of participants opposed the focus on additional training, citing evidence that anti-bias training is not an effective tool, and certainly not in isolation, for eliminating systemic bias.

Finally, a number of participants noted that the recruitment of new officers should be structured so as to ensure the diversity of the Service, and promotion standards must ensure that this diversity is also reflected throughout the ranks.

### Body-Worn Cameras

Of the participants who discussed Body-Worn Cameras (BWC), almost 95% expressed opposition to their implementation. Reasons to oppose BWC implementation included concerns about costs and concerns about the increased surveillance of already over-policed communities. However, the majority of those opposed to BWC argued that this tool is simply not effective for the purpose of eliminating systemic racism and reducing excessive use of force. Evidence was cited showing that law enforcement agencies who implemented BWCs did not demonstrate consistent reductions in use of force, and, indeed, in some cases, saw a rise in its use. Others have cited evidence showing that the recordings made from the perspective of the officer tend to create in the viewer

empathy for the officers, and exaggerates the sense of danger from the people facing them. Others noted that BWCs can be used as an accountability tool, but not a preventative one. Several participants noted that BWC use must be strictly regulated for it to have any positive effect. In particular, the Board was told that officers should not have any discretion to decide when to turn the BWC on or off, and the Service should not have discretion with regards to releasing recordings of alleged misconduct incidents. A number of participants demanded that strict discipline be enforced against officers who fail to properly activate their BWCs.

### Disarming and Demilitarizing

More than one in four participants demanded that Service Members be disarmed, and that any militarized gear be removed from the Service. A small number of participants suggested that officers might continue to have access to firearms when responding to violent calls, but that those could be stored in a secure compartment in the vehicle when officers are responding to non-violent calls, including during wellness checks.

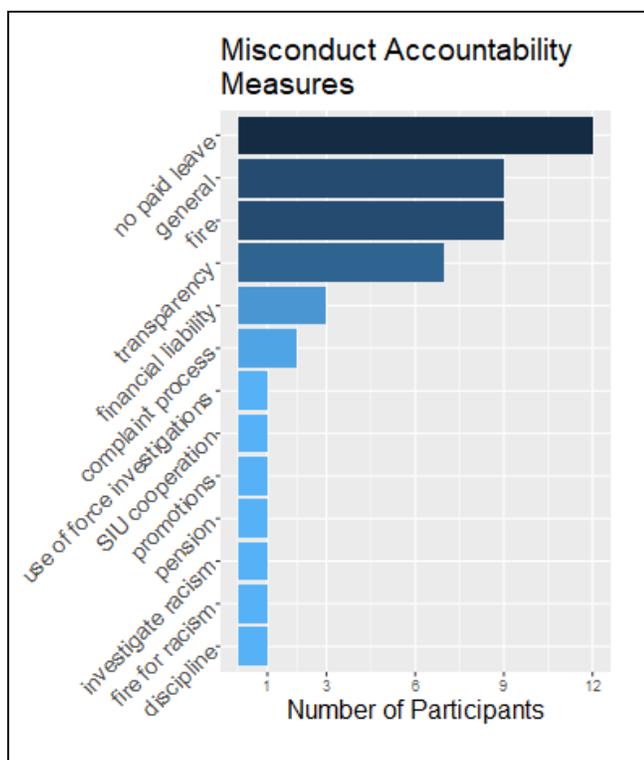
Some participants specified that disarming the police should include not only firearms, but also less-lethal weapons, including Conducted Energy Weapons (CEWs), batons, and pepper spray.

### Dismantle and Re-Imagine

Approximately one in four participants demanded the dismantling of the Toronto Police Service altogether, and a “re-imagining” of community safety in Toronto. While some suggested some form of police agency should be rebuilt following the dismantling of the Service, others suggested that Toronto can be a “city without police.” Among those advocating for a re-imagined police service, several called for following a principle of “policing by consent.”

### Misconduct Accountability

A number of participants highlighted flaws in the manner in which Service Members are held accountable for incidents of misconduct. Most frequently, participants demanded that officers suspended due to misconduct investigations should not continue to get paid from public tax dollars. Several participants also demanded that officers found guilty



of misconduct, in particular with regards to racism, should be fired. Participants also frequently demanded greater transparency with regard to misconduct accountability and discipline.

### Community Partnership

Approximately 15% of participants advocated for increased community partnership in developing police procedures and training, as well as in the day-to-day work of the Service. Many noted that the perspectives of people with lived experience could be indispensable in helping to rebuild the trust between the Service and various communities. Several representatives of organizations extended invitations to the Service and the Board to partner with them in addressing the issues raised in the Town Hall meetings.

### Black Lives Matter Demands

Many Town Hall meeting participants quoted or explicitly referenced the demands published by Black Lives Matter Canada during the protests, in full or in part. These demands are reproduced in [Box 1](#) below.

### Independent Oversight

A number of participants called for new models or approaches to independent oversight over the Service, in particular with regards to investigations of alleged misconduct. Some also called for increased involvement of the City and the Auditor General in auditing the Service's budget.

## **Conclusion**

The Board's July 2020 Town Hall meetings were unprecedented in both the format imposed by the pandemic, and the number of people energized to be heard as part of the current public discussion on systemic racism and police reforms. The Board is grateful to all of the participants for their willingness to engage with the Board, and believes that the value of this public forum has been proven beyond doubt in the many valuable ideas raised and issues identified.

The Board recognizes that it is now tasked with justifying the trust given to it by the participants by demonstrating real and substantial change. Furthermore, the Board is committed to continuing the conversation that has started with these Town Hall meetings in a variety of different ways, to ensure that the Board and the Service remain transparent and accountable to the public.

## Box 1: Black Lives Matter Canada Demands

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### **DEFUND THE POLICE**

1. Immediately redirect a minimum of 50 percent of the \$1.1 billion TPS budget toward the communities they have devastated by investing in secure, long-term housing for street-involved and unhoused communities, food security programs, public transit, public health, public libraries, and community-led anti-violence programs.

### **DEMILITARIZE THE POLICE**

2. End Emergency Task Force (ETF) and Emergency Response Teams (ERT) (similar to the US-based SWAT teams), tactical squads, military grade weapons, and surveillance equipment.
3. Remove all weaponry from police and other law enforcement, including tasers, batons, firearms, rubber bullets, tear gas, pepper spray, and sound canons.
4. End the mass surveillance of our communities through the use of technologies such as stingray, facial recognition, and predictive policing technologies, drones, robots, and G20 surveillance technology that remained in Toronto.

### **REMOVE COPS IN SCHOOLS**

5. Remove police and school resource officers (SROs) in all schools (Public, Catholic, Private, and Post-Secondary) in Toronto.
6. Remove police and school resource officers (SROs) in all schools, at all levels, across Canada.

### **REDUCE SCOPE OF POLICE**

7. End all special constable programs and all policing on campuses.
8. End the policing of public transportation.
9. End the policing of minor bylaw infractions and noise complaints.
10. End paid-duty policing program (officers for hire by developers, street festivals, etc.).
11. End police collaboration with the CBSA.
12. Eliminate all stealth police cars and plainclothes operations.
13. Eliminate community policing patrols in highly racialized communities.
14. End Carding

### **DOCUMENT POLICE VIOLENCE**

15. Mandate the public collection of data regarding police killing, and incidents of police brutality for all local, regional, provincial, and Federal police or law enforcement agency disaggregated by race, gender, age and citizenship.

### **DECRIMINALIZE POVERTY, DRUGS, HIV & SEX WORK**

16. Release and expunge record for all poverty-related charges (including bylaw infractions, solicitation, sleeping outside, public urination, loitering, solicitation).
17. Decriminalize drugs, sex work, and HIV status.
18. Release and expunge records of all drug-related and sex work charges.

### **CREATE ALTERNATIVES**

19. Create Crisis Intervention and Mad co-lead support teams; work with communities to develop models that work for them.
20. Create police-free, community-led, trauma-informed emergency service for mental health/psychiatric distress and other forms of crisis.
21. Invest in community support for shelters, drop-ins, after-school programming in low-income, Black, and Indigenous neighborhoods.
22. Create restorative services, mental health services, and community-run health centres
23. Invest in harm reduction, including safe supply, safe injection/inhalation sites, and harm-reduction outreach workers.
24. Establish a community-based and trauma-informed emergency service for people who have experienced gender-based violence.
25. Implement of civilian transportation safety service and better/safer road infrastructure for pedestrians, cyclists and public transit
26. Create a civilian conflict resolution resolution service to replace policing of minor bylaw infractions/noise complaints
27. Provide permanent, secure housing options for all people who need housing.

(Source: <https://blacklivesmatter.ca/defund-the-police/>)

# TPSB JULY 2020 TOWN HALLS

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**PUBLIC FUNDING**

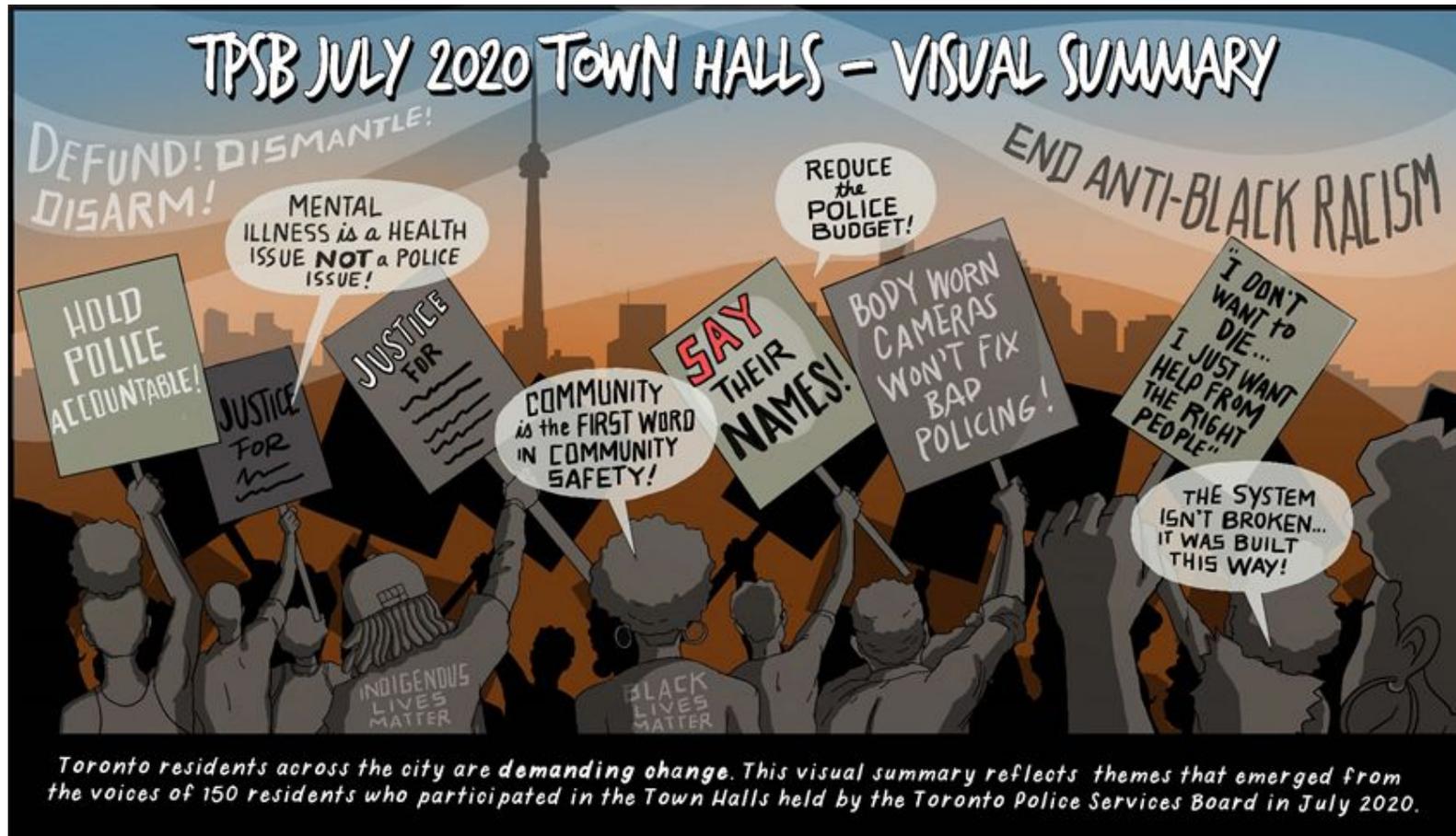
**REFORM CULTURE**

**COMMUNITY SAFETY**

**EDUCATION & TRAINING**

**MENTAL HEALTH**

This graphic flipbook is a summary, organized by themes, of the voices of people in the community who answered the Toronto Police Services Board call to contribute to a Town Hall on current events triggered by anti-Black and systemic racism.



## BACKGROUND

In May 2020, George Floyd, a Black man, was murdered in Minneapolis when a white police officer knelt on his neck for 8 minutes and 46 seconds.

Mr. Floyd begged for his life repeatedly saying; "I can't breathe". Other officers stood by and did nothing. Mr. Floyd's death sparked global protests against anti-Black and systemic racism.

In Toronto, protesters gathered to demand police reform and to seek justice in the name of Regis Korchinski-Paquet and others who have died during police interactions in Canada.

The Toronto Police Services Board responded by holding a town hall to hear residents' views on policing in response to current events. Originally scheduled for a day in July, an overwhelming response to the call for speakers led to 4 days of meetings.

Due to the COVID 19 pandemic, these meetings were held virtually. Community activists, concerned citizens, disability advocates, filmmakers, lawyers, doctors, CEOs, psychiatrists, teachers, childcare workers, and many more, responded. The Board is grateful to each of the nearly 150 residents who took the time to speak and for the over 100 written, audio, and video submissions we received.

We heard bold ideas for reform and pragmatic recommendations. People spoke from their heart and often from their hurt. It was evident that people care deeply about Toronto and about policing. The Board heard repeatedly that residents want **EVERYONE** to feel safe and to receive the same level of service in this city they call home.

This booklet captures the major themes we heard from Town Hall participants.

CHAIR  
JIM HART

VICE-CHAIR  
MARIE MOLINER

MAYOR  
JOHN TORY

UPPALA CHANDRASEKERA  
MEMBER

COUNCILLOR  
MICHAEL FORD

COUNCILLOR  
FRANCES NUNZIATA

RINSWORTH M. MORGAN  
MEMBER





# PUBLIC REFORM

TPSB Town Hall Voices, illustrated by a Ward 11 artist

**BE BRAVE**

**REFORM!**

IS NOT ENOUGH!  
IT'S TIME TO

**TRANSFORM**

HAVE THE COURAGE TO ADMIT WHAT NEEDS TO CHANGE

**AND CHANGE IT!**

"WE PLACE A HEAVY BURDEN ON POLICE. I DON'T BLAME THEM INDIVIDUALLY THEY ARE DOING SOMETHING THAT THEY BECAME EVEN TRAINED FOR. POLICE NEED TO GO TO THE WORK SHOPS THEY ARE UNTRAINED & UNWELCOME. FOODS POLICE ON SITUATIONS THAT MIGHT REQUIRE DEFENCE AGAINST THE REAL THREAT OF VIOLENCE."

"IF IGNORING THE VOICES OF BIPOC AND THEIR ALLIES MEANS WE ARE ONLY FOCUSING ON THE SAFETY OF WHITE PEOPLE, & WE ARE CONTINUING ALL SYSTEMIC ISSUES THAT CREATED THIS IN THE FIRST PLACE."



**WHO HOLDS THE POLICE ACCOUNTABLE?**

THE SIU IS MOSTLY POLICE OFFICERS

THE NEW CHIEF OF POLICE NEEDS TO REVAMP CULTURE, DEMAND ACCOUNTABILITY, CHALLENGE, INVESTIGATE & ACKNOWLEDGE SYSTEMIC RACISM!

**FORM A TORONTO POLICE ACCOUNTABILITY COALITION!**

## ACCOUNTABILITY

**RACISM BRUTALITY & MISCONDUCT**

NEED CONSEQUENCES POLICE OFFICERS ARE ALSO CITIZENS and SUBJECT TO THE LAW!

**DE-ESCALATION!**

PRIMARY GOAL!

**PROTECT and RESPECT**

HUMAN RIGHTS

**DIVERSITY**

ON POLICE FORCE and BOARD

THE COMMUNITY NEEDS TO FEEL REPRESENTED BY and HAVE INPUT INTO THE NEW CHIEF OF POLICE!

**ACCESSIBILITY!**

THE BOARD NEEDS TO BE RESPECTFUL OF HOW ALL COMMUNITIES ENGAGE!

**INDIGENOUS LAND**

ACKNOWLEDGEMENTS SHOULD BE RECOGNIZED WITHIN THE FRAMEWORK OF:

**RECONCILIATION**

HOW IS THE BOARD MOVING FORWARD WITH THIS?

DON'T JUST READ IT!

**CULTURE**

**ACTION**

MUST BE TAKEN AGAINST POLICE VIOLENCE!

FAIR & EQUITABLE POLICING NEEDS TO BE THE PRIORITY OF THE BOARD!

**STOP KILLING US!**

**TRANSPARENT & OPEN DATA**

**MEASURABLE SYSTEMS AND PROCEDURES IN PLACE!**

## TRANSPARENCY

**RACE BASED DATA**

**EASY PUBLIC ACCESS**

COMPLAINTS DATA

**WILL BE POSTED WITH MORE TRANSPARENCY THAN EVER BEFORE!**

# COMMUNITY SAFETY

TPSB Town Hall Voices, illustrated by a Ward 9 artist





# MENTAL HEALTH

TPSB Town Hall Voices, illustrated by a Ward 10 artist

**KEY ISSUES**  
**MENTAL HEALTH ISSUES** are CAUSED by **POVERTY, RACISM & LACK of SOCIAL SERVICES**

EMPATHY  
 UNDERSTANDING  
 HOPE

LET'S TALK MENTAL HEALTH  
 BE THEIR VOICE!  
 HOPE  
 BLACK LIVES MATTER

**MAKE MENTAL HEALTH A PRIORITY**

COVID-19 HAS SHOWN US HOW QUICKLY WE CAN MOBILIZE!

IT'S TIME TO MOBILIZE and PRIORITIZE MENTAL HEALTH as a CRISIS in the GTA!

TRAINED COUNSELLORS  
 MENTAL HEALTH WORKERS

EMERGENCY SHARED HOW SCARY IT WAS TO HAVE A POLICE OFFICER RESPOND

**WELLNESS CHECKS** to be PERFORMED by trained counsellors and MENTAL HEALTH PROFESSIONALS

**REMOVE POLICE OFFICERS** entirely from MENTAL HEALTH CALLS and LEAVE IT TO TRAINED PROFESSIONALS

Situations ESCALATE with Police presence... the vulnerable are often fearful of them  
 Police should be AN ESCORT to Mental Health professionals

REMOVE Armed POLICE WHERE THEY ARE NOT REQUIRED

REMOVE quito/tasers/sprays

**CRISIS INTERVENTION**

LOOK at OTHER COMMUNITIES who HAVE HAD SUCCESS.

TASK FORCES WITH LIVED EXPERIENCE  
 Victims of domestic violence or sexual assault need their own task force

Whether home or on the street, teams dealing with Mental Health issues need to be **FUNDED** and **MOBILIZED**

Mental Health workers as first responders

EMERGENCY MENTAL HEALTH AMBULANCE

**INVOLVE FAMILIES**

A NURSE OR SOCIAL WORKER SHOULD ALWAYS BE PRESENT

PCU Primary Response Unit  
 in conjunction with  
 MCIT Mobile Crisis Intervention Teams

**PARTNERING**

**Camh** SHOULD BE A PARTNER with Mental Health

**ALTERNATIVE 911 IDEAS.**  
 Many calls are mental health related  
 CREATE A MENTAL HEALTH LINE

TRIAGE 911 Calls:  
 Police  
 Fire  
 Mental Health

VULNERABLE PERSONS REGISTRY needs to be USER FRIENDLY and USEFUL!  
 → have a GTA registry to avoid duplication  
 → created by and for people with special needs

FAMILIES should be able to ask for the team they think is BEST suited to help them.

**FAMILY CAREGIVERS** ARE OFTEN LEFT OUT of the CONVERSATION

→ Mental Health Professionals can determine whether to include police

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## Appendix E

### Toronto Action Plan to Confront Anti-Black Racism

(Excerpted from the section addressing Policing and the Justice System)

#### RECOMMENDATION

16. Implement measures to stop racial profiling and over-policing of Black Torontonians

#### ACTIONS

- 16.1 Review communication strategies with communities of African descent about the ongoing elimination of carding as a policing practice
- 16.2 Review the decision not to destroy the previously collected carding data
- 16.3 Review use of force protocols from an Anti-Black Racism Analysis
- 16.4 Review police and community training, including Community Crisis Response Programs, to include use of force issues
- 16.5 Improve training to equip Law Enforcement Officers with knowledge and skills to better protect and serve diverse people of African descent
- 16.6 Strengthen protocols for police response to Emotionally Disturbed Persons (EDP) and report regularly on police-EDP interactions, using an Anti-Black Racism Analysis
- 16.7 Communicate to the Province the need for improvements to policing and the justice system to better serve and protect people of African descent

#### RECOMMENDATION

17. Build a more transparent, accountable and effective police oversight system to better serve Black Torontonians and to strengthen community trust in police

#### ACTIONS

- 17.1 Mandate the collection and public reporting of race-based data for greater transparency

17.2 Review and overhaul the Professional Standards for discipline at the Toronto Police Service

17.3 Strengthen community capacity to report and police capacity to investigate Islamophobic, transphobic and anti-Black hate crimes through a Community Police Hate Crimes Advisory Committee

17.4 Convene a Community and Police Eliminating Anti-Black Racism Team (CAPE-ABR Team) of community and police leaders as a resource to inform the development and implementation of Actions related to policing and the justice system

## **RECOMMENDATION**

18. Invest in alternative models that create better safety outcomes for Black Torontonians

## **ACTIONS**

18.1 Work with community partners to build a coordinated strategy to 18.1 advance police accountability and community capacity to respond to policing and the criminal justice system, including translation, expansion, and dissemination of “know your rights” information

18.2 Use an Anti-Black Racism Analysis to develop and implement alternative models of policing that focus on community engagement

18.3 Use effective alternative models to incarceration such as the use of restorative justice models developed and implemented with elders in Black communities

## Appendix F

### MHAAP Recommendations

July 23, 2020

To: Chair and Members  
Toronto Police Services Board

From: Jim Hart  
Uppala Chandrasekera  
Steve Lurie  
Jennifer Chambers

Co-Chairs, Mental Health and Addictions Advisory Panel (MHAAP)

**Subject: Recommendations from the Toronto Police Services Board’s Mental Health and Addictions Advisory Panel regarding the Toronto Mobile Crisis Intervention Team Program and Board Chair Jim Hart’s Report titled “Recommendations to the Board Related to Current Events”**

The following recommendations were developed through consensus by the Community Members of the Toronto Police Services Board’s Mental Health & Addictions Advisory Panel (MHAAP) at a meeting held on the morning of Thursday, July 23, 2020, to review and provide feedback on Board Chair Jim Hart’s report titled “Recommendations to the Board Related to Current Events” dated June 17, 2020.

#### **TPS Mental Health & Addictions Strategy**

1. First and foremost, MHAAP recommends that the TPS and the Board fully implement the TPS Mental Health and Addictions Strategy by September 30, 2021, which is within two years of the initial launch of the strategy.

#### **Toronto Mobile Crisis Intervention Team (MCIT) Program**

2. MHAAP supports the expansion of the MCIT in partnership with existing community-based crisis services in Toronto, including peer support services. The total costs for this expansion should come from the existing TPS budget.
3. At the same time, MHAAP recommends that the Board advocate for, at minimum, an equal amount of additional funding for community-based services – those organizations that provide the relevant resources, services and support to

assist individuals with responding to mental health and addictions related issues  
– to work in collaboration with police crisis services and Ontario Health Teams.

4. The police officers with the MCIT program should wear plainclothes. TPS should consult with service users, front-line workers and TPS members to develop a plan to move to a plainclothes approach for the MCIT police officers.
5. TPS should work with the City of Toronto to develop community-based asset mapping to determine the most effective crisis response models that would work best for Toronto, including the services that currently exist that can support individuals in crisis right now. Information on the outcomes of the existing crisis calls to TPS (by police division, etc.), the outcomes of the crisis calls, as well as the connections between MCIT and other community-based services is needed to determine the most appropriate response for individuals in crisis.
6. Any plans for MCIT expansion should be first presented to MHAAP for feedback and review; and the plan should include a comprehensive plan for routine monitoring, evaluation, benchmarks for success, etc.
7. An expanded MCIT model should build in follow-up for individuals after an MCIT response. Follow-up should be delivered in partnership with community-based mental health and addictions service providers including ethno-racial specific services, provide connection to ongoing supports including case management when needed, and ensure individuals who could benefit are referred to Mental Health and Justice and community-based crisis prevention programs and/or the FOCUS table.
8. The current MCIT Steering Committee should be expanded to include representatives from MHAAP as well as the Board's Anti-Racism Advisory Panel (ARAP), Executive Directors/CEOs of community-based mental health and addictions agencies, representative from the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, and people with lived experience of mental health and addictions issues, as well as any other members appointed/selected by the Board, ensuring significant inclusion of peer run organizations. The expanded MCIT Steering Committee should meet quarterly at a minimum.
9. TPS should host quarterly meetings at the division-level with the community-based mental health and addictions agencies within their division to plan for a coordinated approach to crisis response and prevention services and align their strategies with existing community-based planning tables as appropriate.
10. The MCIT program should ensure that a culturally responsive approach is embedded into the program, consistent with the commitment to equity and anti-racism as outlined in the TPS Mental Health and Addictions Strategy. Individuals that are recruited for the MCIT program, including police officers and health care

providers, must have demonstrated ability in anti-racist and anti-oppressive practice, demonstrated skills in human rights related matters, and awareness of lived experience of mental health and/or addictions related issues.

11. MCIT program should continue to collect data on interventions and services provided to inform the quality improvement of program operations:
  - a. This data should be anonymized, aggregated, and made available to the public, through regular reporting to the Board;
  - b. Race-based data collection must be made mandatory for the MCIT program and prioritized for implementation as soon as possible;
  - c. Gender-based data collection should be enhanced beyond gender binary options;
  - d. Outcomes of MCIT interactions should be reported publicly, including when apprehensions are made under the *Mental Health Act*, and whether there are disparities by race using the TPS race-based data collection;
  - e. Outcomes of MCIT interactions should be linked to emergency department data, through the Institute for Clinical Evaluative Sciences, to better understand how apprehensions made under the *Mental Health Act* result in hospital admissions; and
  - f. Data relating to the MCIT program should be reviewed by MHAAP and ARAP prior to public release.

### **Communication to the Public Regarding Crisis Response Programs**

12. TPS should work with the Government of Ontario, City of Toronto, community-based mental health and addictions providers, and people with lived experience of mental health and addictions issues, to develop a low-cost, public, social media campaign to increase awareness about the different types of crisis response services in Toronto, including police-based models and non-police models, the role of police under the *Mental Health Act*, the use of Form 1 and Form 2 under the *Mental Health Act*, and individuals' rights related to the *Mental Health Act*. Success stories should be showcased as part of this campaign.

### **Training for All TPS Members**

13. Training and education for all TPS members, at minimum on an annual basis, should include education by members of peer-run organizations, including organizations representing people with lived experience of mental health and addiction issues, forming collaborations with Black, Brown, Indigenous, LGBTQ2S+, immigrant and refugee community members skilled in training. Training needs to be relevant to the root causes and consequence of structural violence, systemic and internalized racism and negative stereotyping of, a focus on the impact of intersectionalities, and use of force on, people with mental health and/or addictions issues. All training must be trauma informed.

14. Training must prioritize and emphasize de-escalation. De-escalation is important for safe outcomes involving people in crisis. Training must include members of the communities most often affected by use of force, and funds must be provided by TPS for community members to provide this education.
15. The Board should recommend to the Government of Ontario (Ministry of the Solicitor General) that a review of the use of force model be conducted, that the use of force model be renamed the de-escalation model, and that the new model minimize the use of force, especially with people in crisis.

**Board Chair Jim Hart’s report titled “Recommendations to the Board Related to Current Events” dated June 17, 2020**

MHAAP fully supports the following recommendations in Board Chair Jim Hart’s report. Wording changes to the original report recommended by MHAAP are underlined.

16. The Board’s Anti-Racism Advisory Panel (ARAP) should be made permanent, and a review of the terms of reference for the panel should take place every 3 years in consultation with the Board and ARAP, or when required, where the panel mandate and membership is reviewed and renewed as appropriate. ARAP meetings should be held at minimum on a quarterly basis.
17. The work of ARAP will be informed by Ontario’s *Anti-Racism Act, 2017*, and other governance and guidance documents as appropriate. The definitions and guiding principles contained within the legislation and the associated *Anti-Racism Strategic Plan* will be the starting point of ARAP’s discussions (see Appendix).
18. Mandate of ARAP is to advise TPSB relating to racism, anti-Black racism, and anti-Indigenous racism and policing, including:
  - a. Identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for adoption by the Board;
  - b. Monitoring the implementation of the Toronto City Council’s Action Plan to Confront Anti-Black Racism;
  - c. Monitoring the implementation of the TPSB Race-Based Data Collection, Analysis, and Public Reporting Policy, including reviewing the data analysis; any interventions developed by TPS to address racial disparities should be reviewed by ARAP for feedback and recommendations for enhancement;
  - d. Monitoring the implementation of the Andrew Loku Inquest using the monitoring framework previously developed by ARAP;

- e. Reviewing TPS reports on CEW use and making recommendations for enhancement;
  - f. Monitoring the implementation of Inquest recommendations as appropriate;
  - g. Reviewing the development and implementation of all TPS training and offering recommendations for enhancement, including training on anti-racism; and
  - h. Participating in the community consultation process on the Toronto Police Service's annual budget.
19. ARAP recommends that the new ARAP Co-Chairs be Board Member Mr. Ainsworth Morgan (as the TPSB Co-Chair) and Mr. Anthony Morgan, the Manager of the City of Toronto's Confronting Anti-Black Racism Unit or agreed designate (as the Community Co-Chair), for a term of 3 years from 2020-2023.
20. ARAP should meet with the Board's Mental Health & Addictions Advisory Panel (MHAAP) annually and as needed to share information and recommendations. ARAP and MHAAP should share their meeting minutes and convene a joint meeting when there are issues of mutual interest and significance.
21. ARAP recommends the full implementation of the TPSB Race-Based Data Collection, Analysis, and Public Reporting Policy by January 1, 2021, and recommends that the Toronto Police Service continue ongoing reporting on progress to ARAP, and to the Board at its public meetings, on a quarterly basis.
22. ARAP recommends the full implementation of the recommendations contained in the PACER report by January 1, 2021, and recommends that the Toronto Police Service report on progress to ARAP, as well as to the Board at a public meeting.
23. The Board direct the Chief to:
- a. create a permanent, standalone Ethics, Inclusivity and Human Rights training course that contributes to professional practice in policing in the context of providing policing services to Toronto's diverse communities and populations. This training curriculum will include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias avoidance; interactions with racialized communities, LGBTQ2S+ communities, and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; ~~the LGBTQ2S+ community~~; principles of human rights accommodation and disabilities, including mental health and addictions issues, and, ethics in policing. This standalone course will be taken every 2 years by all Members of the Service, civilian and uniform;
  - b. ensure this training is developed and updated based on best practice and through the active engagement of the City of Toronto's Confronting Anti-

Black Racism (CABR) Unit, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, community representatives with experience in addressing discrimination and prejudice against people with mental and addictions issues, and that the City's CABR Unit be requested to provide an independent assessment of the new course curriculum to the Board by October 2020;

- c. make this training mandatory for both new and current Members of the Service, both uniform and civilian;
- d. create and implement a framework to constantly evaluate the efficacy of this training and serve to identify areas for improvement to the training, evaluate the competence of training participants, with reports on the Service's findings and responsive actions provided to the Board semi annually;
- e. make permanent the current anti-Black racism training component of the annual re-training (civilians) and In Service Training Program (uniform) and report back to the Board on opportunities to expand this component;
- f. audit and review all courses to determine how anti-racism training can be incorporated throughout all courses taught at the College, and report to the Board by December 2020 with the findings of this audit and review;
- g. review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of training co-developed and led by members of the community, outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options; and
- h. funding for the development and implementation of this training should be provided by the Toronto Police Service.

24. The Board's Mental Health and Addictions Advisory Panel (MHAAP) should be made permanent, and a review of the terms of reference for the panel should take place every 3 years in consultation with the Board and MHAAP, or when required, where the panel mandate and membership is reviewed and renewed as appropriate. MHAAP should participate in the community consultation process on the Toronto Police Service's annual budget.

~~MHAAP should meet with the Anti-Racism Advisory Panel as needed to share information and recommendations.~~ MHAAP should meet with the Board's Anti-Racism Advisory Panel (MHAAP) annually and as needed to share information and recommendations. MHAAP and ARAP should share their

meeting minutes and convene a joint meeting when there are issues of mutual interest and significance.

25. The Board, in consultation with its Mental Health and Addictions Advisory Panel, Anti-Racism Advisory Panel and the Toronto Police Service, should:
- a. expand the Mobile Crisis Intervention Team Program on an urgent basis to meet current service demands, and that any expansion be funded from within the current 2020 Toronto Police Service Operating Budget, and given that no allocation was made for this purpose within the current budget, any expenses that cannot be absorbed be allocated to appropriate reserves;
  - b. work with the Government of Ontario, the City of Toronto, community-based mental health and addictions providers, and organizations representing people with mental health and/or addictions issues, and other partners to develop new and enhance existing community based models to mobile mental health crisis intervention service delivery where this intervention is delivered by mental health experts (e.g. trained nurses, social workers, peer workers etc.) and may not necessarily involve police officers unless there are significant safety issues present; and,
  - c. if an alternative mobile crisis intervention model is identified and all partners agree, and the demand for a regular police presence reduces, the Board can identify the funding currently allocated to the Service's Mobile Crisis Intervention Team Program for re-allocation to this alternative model;
  - d. all TPS Officers should be required to receive the five-day Mobile Crisis Intervention Team training, and explore whether alternative training options should be provided, including the Mental Health Commission of Canada's Mental Health First Aid training, Emotional CPR, etc.
26. The Board will consult with its Anti-Racism Advisory Panel and its Mental Health and Addictions Advisory Panel on Recommendations 1 – 4 and consider any input provided on an ongoing basis;
27. The Board direct the Chief to annually provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process, and this breakdown should be made publicly available. This line-by-line breakdown should be organized by the Toronto Police Service's individual program areas, functions or services delivered so as to provide maximum transparency to the public as to how public dollars are allocated currently (while not revealing investigative techniques or operations). The Board should also direct the Chief to provide and make publicly available the same line-by-line

breakdown of any new budget requests that are recommended to the Board during the Board's annual budget process;

28. The Board allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, including the involvement of community-based consultation partners and should commence the public consultation process in September 2020; and,

29. The Board direct the Chief to provide a status update regarding the recommendations in The Way Forward, based on what has already been implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of The Way Forward should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility.

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## **Appendix**

Selected definitions from *Ontario's 3-Year Anti-Racism Strategic Plan*, arising from the *Anti-Racism Act, 2017*, S.O. 2017, c. 15.

### **Selected Definitions**

#### **Anti-Black racism**

Anti-Black racism is prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, such that anti-Black racism is either functionally normalized or rendered invisible to the larger white society. Anti-Black racism is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system. (African Canadian Legal Clinic).

#### **Race**

Is a term used to classify people into groups based principally on physical traits (phenotype) such as skin colour. Racial categories are not based on science or biology but on differences that society has chosen to emphasize, with significant consequences for people's lives. Racial categories may vary over time and place, and can overlap with ethnic, cultural or religious groupings.

## **Racism**

Refers to ideas or practices that establish, maintain or perpetuate the racial superiority or dominance of one group over another.

## **Systemic racism**

When institutions or systems create or maintain racial inequity, often as a result of hidden institutional biases in policies, practices and procedures that privilege some groups and disadvantage others.

## **Guiding Principles**

*A Better Way Forward: Ontario's 3-Year Anti-Racism Strategic Plan* targets systemic racism by building an anti-racism approach into the way government develops policies, makes decisions, evaluates programs, and monitors outcomes. It calls for a proactive, collaborative effort from all government ministries and community partners to work toward racial equity.

The plan is comprised of initiatives under four categories: Policy, Research and Evaluation; Sustainability and Accountability; Public Education and Awareness; and Community Collaboration. In addition, there are targeted population-specific strategies. All of these initiatives are informed by the following key guiding principles:

1. **Systemic focus:** We are focusing on proactively removing systemic barriers and root causes of racial inequities in provincial institutions.
2. **Whole-of-government, collective impact approach:** We recognize that working with ministries across government — not in silos — is required to address systemic racial inequities.
3. **Targeted universalism:** We recognize everyone benefits from government's targeted removal of systemic barriers faced by the most disadvantaged communities. Reducing barriers and disparities leads to a better Ontario for everyone.
4. **Distinctness and intersectionality of racisms:** We acknowledge racism is experienced differently by various racialized groups, and within groups along intersectional lines, including gender identity, creed, class, sexual orientation, history of colonization, etc.
5. **Inclusive process:** Indigenous and racialized people must be meaningfully engaged. Their perspectives and guidance inform the strategy and government decision-making.
6. **Transparent, evidence-based approach:** Our approach is evidence-based and driven by measurable goals and outcomes that are tracked and publicly

reported. This is consistent with Ontario's Open Government principles.

**Sustainability:** We are setting the foundation for long-term government anti-racism efforts.

## Appendix G

### ARAP Recommendations

July 24, 2020

To: Chair and Members  
Toronto Police Services Board

From: Notisha Massaquoi  
Uppala Chandrasekera

Co-Chairs, Anti-Racism Advisory Panel (ARAP)

**Subject: Recommendations from the Toronto Police Services Board's Anti-Racism Advisory Panel regarding the Board Chair Jim Hart's Report titled "Recommendations to the Board Related to Current Events"**

The following recommendations were developed through consensus by the Community Members of the Toronto Police Services Board's Anti-Racism Advisory Panel (ARAP) at a meeting held on the morning of Friday, July 24, 2020, to review and provide feedback on Board Chair Jim Hart's report titled "Recommendations to the Board Related to Current Events" dated June 17, 2020.

#### **Board Chair Jim Hart's report titled "Recommendations to the Board Related to Current Events" dated June 17, 2020**

ARAP fully supports the following recommendations in Board Chair Jim Hart's report. Wording changes to the original report recommended by ARAP are wave underlined. Please note that the wording changes to the original report recommended by the Board's Mental Health & Addictions Advisory Panel (MHAAP) at their meeting on July 23, 2020, are single underlined.

1. The Board's Anti-Racism Advisory Panel (ARAP) should be made permanent, and a review of the terms of reference for the panel should take place every 3 years in consultation with the Board and ARAP, or when required, where the panel mandate and membership is reviewed and renewed as appropriate. ARAP meetings should be held at minimum on a quarterly basis.
2. The work of ARAP will be informed by Ontario's *Anti-Racism Act, 2017*, and other governance and guidance documents as appropriate. The definitions and guiding principles contained within the legislation and the associated

Anti-Racism Strategic Plan will be the starting point of ARAP's discussions (see Appendix).

3. Mandate of ARAP is to advise TPSB relating to racism, anti-Black racism, and anti-Indigenous racism and policing, including:
  - a. Identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for adoption by the Board;
  - b. Monitoring the implementation of the Toronto City Council's Action Plan to Confront Anti-Black Racism;
  - c. Monitoring the implementation of the TPSB Race-Based Data Collection, Analysis, and Public Reporting Policy, including reviewing the data analysis; any interventions developed by TPS to address racial disparities should be reviewed by ARAP for feedback and recommendations for enhancement;
  - d. Monitoring the implementation of the Andrew Loku Inquest using the monitoring framework previously developed by ARAP;
  - e. Reviewing TPS reports on CEW use and making recommendations for enhancement;
  - f. Monitoring the implementation of Inquest recommendations as appropriate;
  - g. Reviewing the development and implementation of all TPS training and offering recommendations for enhancement, including training on anti-racism; and
  - h. Participating in the community consultation process on the Toronto Police Service's annual budget.
  
4. ARAP recommends that the new ARAP Co-Chairs be Board Member Mr. Ainsworth Morgan (as the TPSB Co-Chair) and Mr. Anthony Morgan, the Manager of the City of Toronto's Confronting Anti-Black Racism Unit or agreed designate (as the Community Co-Chair), for a term of 3 years from 2020-2023.
  
5. ARAP should meet with the Board's Mental Health & Addictions Advisory Panel (MHAAP) annually and as needed to share information and recommendations. ARAP and MHAAP should share their meeting minutes and convene a joint meeting when there are issues of mutual interest and significance.
  
6. ARAP recommends the full implementation of the TPSB Race-Based Data Collection, Analysis, and Public Reporting Policy by January 1, 2021, and recommends that the Toronto Police Service continue ongoing reporting on progress to ARAP, and to the Board at its public meetings, on a quarterly basis.

7. ARAP recommends the full implementation of the recommendations contained in the PACER report by January 1, 2021, and recommends that the Toronto Police Service report on progress to ARAP, as well as to the Board at a public meeting.
8. The Board direct the Chief to:
  - a. create a permanent, standalone Ethics, Inclusivity and Human Rights training course that contributes to professional practice in policing in the context of providing policing services to Toronto's diverse communities and populations. This training curriculum will include, among other components: anti-racism; anti-Black and anti-Indigenous racism; bias avoidance; interactions with racialized communities, LGBTQ2S+ communities, and marginalized communities; an understanding of intersectionality; the importance of lived experience in developing understanding and compassionate service delivery; ~~the LGBTQ2S+ community~~; principles of human rights accommodation and disabilities, including mental health and addictions issues, and, ethics in policing. This standalone course will be taken every 2 years by all Members of the Service, civilian and uniform;
  - b. ensure this training is developed and updated based on best practice and through the active engagement of the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, subject matter experts in anti-racist curriculum design and community representatives with expertise in systemic racism and anti-Black and anti-Indigenous racism, community representatives with experience in addressing discrimination and prejudice against people with mental and addictions issues, and that the City's CABR Unit be requested to provide an independent assessment of the new course curriculum to the Board by October 2020;
  - c. make this training mandatory for both new and current Members of the Service, both uniform and civilian;
  - d. create and implement a framework to constantly evaluate the efficacy of this training and serve to identify areas for improvement to the training, evaluate the competence of training participants, with reports on the Service's findings and responsive actions provided to the Board semi annually;
  - e. make permanent the current anti-Black racism training component of the annual re-training (civilians) and In Service Training Program (uniform) and report back to the Board on opportunities to expand this component;
  - f. audit and review all courses to determine how anti-racism training can be incorporated throughout all courses taught at the College, and report to the Board by December 2020 with the findings of this audit and review;

- g. review the current training curriculum for new uniform recruits and special constables, and explore the inclusion of training co-developed and led by members of the community, outside the Toronto Police College, specific to police-community interactions and relations with marginalized communities, youth, and vulnerable populations and report to the Board by December 2020 with an assessment of options; and
  - h. funding for the development and implementation of this training should be provided by the Toronto Police Service.
9. The Board's Mental Health and Addictions Advisory Panel (MHAAP) should be made permanent, and a review of the terms of reference for the panel should take place every 3 years in consultation with the Board and MHAAP, or when required, where the panel mandate and membership is reviewed and renewed as appropriate. MHAAP should participate in the community consultation process on the Toronto Police Service's annual budget. MHAAP should meet with the Anti-Racism Advisory Panel as needed to share information and recommendations. MHAAP should meet with the Board's Anti-Racism Advisory Panel (MHAAP) annually and as needed to share information and recommendations. MHAAP and ARAP should share their meeting minutes and convene a joint meeting when there are issues of mutual interest and significance.
10. The Board, in consultation with its Mental Health and Addictions Advisory Panel, Anti-Racism Advisory Panel and the Toronto Police Service, should:
- e. expand the Mobile Crisis Intervention Team Program on an urgent basis to meet current service demands, and that any expansion be funded from within the current 2020 Toronto Police Service Operating Budget, and given that no allocation was made for this purpose within the current budget, any expenses that cannot be absorbed be allocated to appropriate reserves;
  - f. work with the Government of Ontario, the City of Toronto, community-based mental health and addictions providers, and organizations representing people with mental health and/or addictions issues, and other partners to develop new and enhance existing community based models to mobile mental health crisis intervention service delivery where this intervention is delivered by mental health experts (e.g. trained nurses, social workers, peer workers etc.) and may not necessarily involve police officers unless there are significant safety issues present; and,
  - g. if an alternative mobile crisis intervention model is identified and all partners agree, and the demand for a regular police presence reduces, the Board can identify the funding currently allocated to the Service's

Mobile Crisis Intervention Team Program for re-allocation to this alternative model;

- h. all TPS Officers should be required to receive the five-day Mobile Crisis Intervention Team training, and explore whether alternative training options should be provided, including the Mental Health Commission of Canada's Mental Health First Aid training, Emotional CPR, etc.
- 11. The Board will consult with its Anti-Racism Advisory Panel and its Mental Health and Addictions Advisory Panel on Recommendations 1 – 4 and consider any input provided on an ongoing basis;
- 12. The Board direct the Chief to annually provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process, and this breakdown should be made publicly available. This line-by-line breakdown should be organized by the Toronto Police Service's individual program areas, functions or services delivered so as to provide maximum transparency to the public as to how public dollars are allocated currently (while not revealing investigative techniques or operations). The Board should also direct the Chief to provide and make publicly available the same line-by-line breakdown of any new budget requests that are recommended to the Board during the Board's annual budget process;
- 13. The Board allocate funding from its Special Fund to support enhancements to the public consultation process regarding the annual proposed Toronto Police Service budget, including the involvement of community-based consultation partners and should commence the public consultation process in September 2020; and,
- 14. The Board direct the Chief to provide a status update regarding the recommendations in The Way Forward, based on what has already been implemented, what remains to be implemented, and what additional recommendations for modernization can lead to more effective and efficient police service delivery. This 'refresh' of The Way Forward should occur on the basis of stakeholder and community consultation that recognizes community safety is a shared societal responsibility.

ARAP also endorses all of the recommendations that were developed through consensus by the Community Members of the Toronto Police Services Board's Mental Health & Addictions Advisory Panel (MHAAP) at a meeting held on the morning of Thursday, July 23, 2020.

## **TPS Mental Health & Addictions Strategy**

15. First and foremost, MHAAP recommends that the TPS and the Board fully implement the TPS Mental Health and Addictions Strategy by September 30, 2021, which is within two years of the initial launch of the strategy.

## **Toronto Mobile Crisis Intervention Team (MCIT) Program**

16. MHAAP supports the expansion of the MCIT in partnership with existing community-based crisis services in Toronto, including peer support services. The total costs for this expansion should come from the existing TPS budget.
17. At the same time, MHAAP recommends that the Board advocate for, at minimum, an equal amount of additional funding for community-based services – those organizations that provide the relevant resources, services and support to assist individuals with responding to mental health and addictions related issues – to work in collaboration with police crisis services and Ontario Health Teams.
18. The police officers with the MCIT program should wear plainclothes. TPS should consult with service users, front-line workers and TPS members to develop a plan to move to a plainclothes approach for the MCIT police officers.
19. TPS should work with the City of Toronto to develop community-based asset mapping to determine the most effective crisis response models that would work best for Toronto, including the services that currently exist that can support individuals in crisis right now. Information on the outcomes of the existing crisis calls to TPS (by police division, etc.), the outcomes of the crisis calls, as well as the connections between MCIT and other community-based services is needed to determine the most appropriate response for individuals in crisis.
20. Any plans for MCIT expansion should be first presented to MHAAP for feedback and review; and the plan should include a comprehensive plan for routine monitoring, evaluation, benchmarks for success, etc.
21. An expanded MCIT model should build in ongoing case management and/or ongoing supports for the individuals in crisis served by MCIT in partnership with a community-based mental health and addictions service provider, and ensure these individuals are referred to community-based crisis prevention programs and the FOCUS program.
22. The current MCIT Steering Committee should be expanded to include representatives from MHAAP as well as the Board's Anti-Racism Advisory

Panel (ARAP), Executive Directors/CEOs of community-based mental health and addictions agencies, representative from the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, and people with lived experience of mental health and addictions issues, as well as any other members appointed/selected by the Board, ensuring significant inclusion of peer run organizations. The expanded MCIT Steering Committee should meet quarterly at a minimum.

23. TPS should host quarterly meetings at the division-level with the community-based mental health and addictions agencies within their division to plan for a coordinated approach to crisis response and prevention services and align their strategies with existing community-based planning tables as appropriate.
24. The MCIT program should ensure that a culturally responsive approach is embedded into the program, consistent with the commitment to equity and anti-racism as outlined in the TPS Mental Health and Addictions Strategy. Individuals that are recruited for the MCIT program, including police officers and health care providers, must have demonstrated ability for anti-racist and anti-oppressive practice, demonstrated skills in human rights related matters, and lived experience of mental health and/or addictions related issues.
25. MCIT program should continue to collect data on interventions and services provided to inform the quality improvement of program operations:
  - a. This data should be anonymized, aggregated, and made available to the public, through regular reporting to the Board;
  - b. Race-based data collection must be made mandatory for the MCIT program and prioritized for implementation as soon as possible;
  - c. Gender-based data collection should be enhanced beyond gender binary options;
  - d. Outcomes of MCIT interactions should be reported publicly, including when apprehensions are made under the *Mental Health Act*, and whether there are disparities by race using the TPS race-based data collection;
  - e. Outcomes of MCIT interactions should be linked to emergency department data, through the Institute for Clinical Evaluative Sciences, to better understand how apprehensions made under the *Mental Health Act* result in hospital admissions; and
  - f. Data relating to the MCIT program should be reviewed by MHAAP and ARAP prior to public release.

### **Communication to the Public Regarding Crisis Response Programs**

26. TPS should work with the Government of Ontario, City of Toronto, community-based mental health and addictions providers, and people with lived experience of mental health and addictions issues, to develop a low-cost, public, social media campaign to increase awareness about the different

types of crisis response services in Toronto, including police-based models and non-police models, the role of police under the *Mental Health Act*, the use of Form 1 and Form 2 under the *Mental Health Act*, and individuals' rights related to the *Mental Health Act*. Success stories should be showcased as part of this campaign.

### **Training for All TPS Members**

27. Training and education for all TPS members, at minimum on an annual basis, should include education by members of peer-run organizations, including organizations representing people with lived experience of mental health and addiction issues, forming collaborations with Black, Brown, Indigenous, LGBTQ2S+, immigrant and refugee community members skilled in training. Training needs to be relevant to the root causes and consequence of structural violence, systemic and internalized racism and negative stereotyping of, a focus on the impact of intersectionalities, and use of force on, people with mental health and/or addictions issues. All training must be trauma informed.
28. Training must prioritize and emphasize de-escalation. De-escalation is important for safe outcomes involving people in crisis. Training must include members of the communities most often affected by use of force, and funds must be provided by TPS for community members to provide this education.
29. The Board should recommend to the Government of Ontario (Ministry of the Solicitor General) that a review of the use of force model be conducted, that the use of force model be renamed the de-escalation model, and that the new model minimize the use of force, especially with people in crisis.

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### **Appendix to the ARAP Recommendations**

Selected definitions from *Ontario's 3-Year Anti-Racism Strategic Plan*, arising from the *Anti-Racism Act, 2017*, S.O. 2017, c. 15.

#### **Selected Definitions**

##### **Anti-Black racism**

Anti-Black racism is prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, such that anti-Black racism is either functionally normalized or rendered invisible to the larger white society. Anti-Black

racism is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system. (African Canadian Legal Clinic).

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Is a term used to classify people into groups based principally on physical traits (phenotype) such as skin colour. Racial categories are not based on science or biology but on differences that society has chosen to emphasize, with significant consequences for people's lives. Racial categories may vary over time and place, and can overlap with ethnic, cultural or religious groupings.

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## **Guiding Principles**

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The plan is comprised of initiatives under four categories: Policy, Research and Evaluation; Sustainability and Accountability; Public Education and Awareness; and Community Collaboration. In addition, there are targeted population-specific strategies. All of these initiatives are informed by the following key guiding principles:

- 7. Systemic focus:** We are focusing on proactively removing systemic barriers and root causes of racial inequities in provincial institutions.
- 8. Whole-of-government, collective impact approach:** We recognize that working with ministries across government — not in silos — is required to address systemic racial inequities.
- 9. Targeted universalism:** We recognize everyone benefits from government's targeted removal of systemic barriers faced by the most disadvantaged communities. Reducing barriers and disparities leads to a better Ontario for everyone.

- 10. Distinctness and intersectionality of racisms:** We acknowledge racism is experienced differently by various racialized groups, and within groups along intersectional lines, including gender identity, creed, class, sexual orientation, history of colonization, etc.
- 11. Inclusive process:** Indigenous and racialized people must be meaningfully engaged. Their perspectives and guidance inform the strategy and government decision-making.
- 12. Transparent, evidence-based approach:** Our approach is evidence-based and driven by measurable goals and outcomes that are tracked and publicly reported. This is consistent with Ontario's Open Government principles.
- 13. Sustainability:** We are setting the foundation for long-term government anti- racism efforts.



## Toronto Police Services Board Report

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June 25, 2020

To: Chair and Members  
Toronto Police Services Board

From: Notisha Massaquoi  
Co-Chair  
Anti-Racism Advisory Panel (ARAP)

Uppala Chandrasekera  
Co-Chair  
Anti-Racism Advisory Panel (ARAP)

**Subject: Recommended Monitoring Framework for the Implementation of the Recommendations Arising from the Inquest into the Death of Andrew Loku**

### **Recommendation(s):**

It is recommended THAT the Board:

- 1) Approve the attached Loku Monitoring Framework, and associated Dashboard, to monitor the implementation of the recommendations made at the Inquest into the Death of Andrew Loku;
- 2) Direct the Chief to report back to the Board on the implementation of this Framework and associated Dashboard by January 2021, and annually thereafter; and
- 3) Where appropriate, apply the same comprehensive, analytic and thematic approach to similar decisions that have significant public interest in the future.

### **Financial Implications:**

There are no financial implications arising from the recommendations contained in this report.

## **Background / Purpose:**

Mr. Andrew Loku was a Toronto resident who died in July 2015 after being fatally shot during an interaction with police. A father of five from South Sudan, Mr. Loku had experienced Post Traumatic Stress Disorder (PTSD), among other issues. The inquest into his death resulted in 39 recommendations, 18 of which were directed to the Service and the Board. The recommendations addressed a number of topics, including police training, improving interactions with people experiencing mental health and addiction issues; they also had a noted focus on the role of implicit bias and anti-Black racism.

The Board, at its meeting of December 14, 2017, considered a report from Chair Pringle with respect to the “Implementation of Recommendations Arising from the Inquest into the Death of Andrew Loku.” (P261/17 refers). At this report notes, three of the recommendations made by the jury in this inquest were directed to the Board, including recommendation #17 which states as follows:

1. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

At its meeting of April 18, 2018 the Board approved a document pertaining to the establishment of the Anti-Racism Advisory Panel (ARAP), detailing its mandate, terms of reference, as well as a number of other relevant issues. (Min. No. P62/18 refers) At its meeting of August 23, 2018, the Board approved the recommended membership of ARAP (Min. No. 158/18 refers).

The work of ARAP was to be focused on the establishment of a monitoring framework for the Board to use in assessing the response to and implementation of each of the Loku inquest recommendations directed to the Toronto Police Service and the Toronto Police Services Board, including the creation of key benchmarks and performance indicators addressing each recommendation.

In December 2018, the Board referred the review of its race-based data collection policy to ARAP (Min. No. P257/18 refers) and, in much of 2019, ARAP focused its work on the development of a new policy to deal with the collection, analysis and public reporting of race-based data. This was a lengthy and very comprehensive process, which has involved considerable research, analysis, discussion and deliberation. It culminated in the approval of a new Race-Based Data Collection, Analysis and Public Reporting Policy at the Board’s meeting of September 19, 2019. (Min. No. P.178/19 refers) This Policy cements the Board’s commitment to the elimination of racial bias and the promotion of equity, fairness and non-discriminatory police service delivery in Toronto.

## **Discussion:**

Since that time, the work of ARAP has been focused on developing and finalizing the Loku Monitoring Framework. Key to this process has been the involvement of both community members and Service Members, without whom this work could not have been completed. For each recommendation, ARAP discussed the spirit and the intent of the recommendation, and heard from Service representatives who sit on ARAP as to its current status of implementation. Members discussed performance measures and intended outcomes for each recommendation, suggesting indicators and benchmarks that could be used.

A critical element of this Framework is the incorporation of ongoing community evaluation as to whether recommendations have been effectively and meaningfully implemented. ARAP has emphasized that implementation cannot be measured simply by internal benchmarks – the perspective of the public is essential in monitoring success and ensuring continued improvement.

To adhere to the Service's commitment to transparency, the measures and outcomes for each of the Loku inquest recommendations will be made publicly available via the Loku Monitoring Framework Dashboard. The measures and outcomes outlined in the Loku Monitoring Framework will be assessed and once the implementation of each process is in place, data collection will begin in order to produce the respective dashboard components. The Loku Monitoring Framework dashboard will be established once the first set of data is available, and will expand concurrently along with each process implementation. As each recommendation moves towards implementation, updates to measures and outcomes will be made as appropriate. The proposed dashboard, once completed, will be hosted on the Service's Public Safety Data Portal, with continuous updates provided on each recommendation.

At the Board's meeting of May 30, 2019, Dr. Gervan Fearon and Dr. Carlyle Farrell presented their report, Community Survey to Assess the Impact of Rule Changes under Regulation 58/16 – Findings of Phase 1. (Min. No. P99/19 refers). At this time, the Board received the report from report and referred it to ARAP "for its consideration in its work related to overseeing and monitoring response to and implementation of the recommendations directed both to the Toronto Police Service and to the Toronto Police Services Board, by the jury in the Inquest into the Death of Andrew Loku. Specifically, the Board requests ARAP to use the report's findings to assist in the development of a framework, benchmarks, and other measurement tools in its monitoring and analysis."

Among the general principles arising from the report that were taken into account in developing the Framework, were that geographical and demographic disparities should be accounted for in community surveys, etc. and that bias should be measured and monitored. The report emphasized at the onset that while many of the overall metrics noted may be positive, they mask important underlying demographic differences that must be highlighted. As a result, it is important that any surveys administered as part of the Framework attempt to include ways to measure/monitor demographic differences.

In addition, the report notes that a full 50% of the city's population believe that officers are not impartial but instead favor members of particular ethnic groups; this also points to an area that needs to be monitored for improvement in subsequent community surveys that may be a part of the Framework.

The Loku Monitoring Framework represents a significant piece of work, both in terms of the implementation of the inquest recommendations themselves, and in terms of an approach to the topics it contains more generally. Our hope is that the Framework, and the comprehensive, analytic and thematic approach it embodies, can be applied to similar decisions of significant public interest.

### ***Continued Work of ARAP***

The development of the Loku Monitoring Framework represents the completion of the central piece of ARAP's original mandate, as set out in its establishment. We would like to thank ARAP members for their time and dedication to the development of this critical work and the expertise, lived experiences and valuable insights that they provided over many months, which make up the foundation of this Framework.

While this formally concludes the inaugural mandate of ARAP, it is clear that there is much work still to be done in addressing systemic racism in policing, as well as the disparities in services and outcomes for members of Toronto's racialized communities. Another item on this meeting agenda from Chair Jim Hart that the Board is considering today, "Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety," sets out a comprehensive approach containing a variety of recommendations aimed at addressing systemic racism and the other challenges that result in disparate outcomes for racialized communities in their interactions with the Service, incorporating input from ARAP and the Board's other advisory panel, the Mental Health and Addictions Advisory Panel (MHAAP), as well as feedback received by the public through the Board's recent Town Hall meetings.

As part of this report, there are a number of recommendations related to the future of ARAP, including that ARAP be made permanent, and that its mandate be confirmed to advise and support the Board in relation to policing and racism, anti-Black racism and anti-Indigenous racism, including identifying relevant current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies and action plans for approval by the Board, monitoring the Toronto City Council's Action Plan to Confront Anti-Black Racism, monitoring the implementation of the recommendations from the Loku Inquest through the Monitoring Framework, among others. The report also includes recommendations regarding the appointment of new Co-Chairs, terms of membership and terms of reference.

It is our hope that the work of ARAP will continue, grounded in the important principles upon which this Framework is based, and informed by the expertise and lived experience of community members.

**Conclusion:**

Therefore, is recommended THAT the Board:

- 1) Approve the attached Loku Monitoring Framework, and associated Dashboard, to monitor the implementation of the recommendations made at the Inquest into the Death of Andrew Loku;
- 2) Direct the Chief to report back to the Board on the implementation of this Framework and associated Dashboard by January 2021, and annually thereafter; and
- 3) Where appropriate, apply the same comprehensive, analytic and thematic approach to similar decisions that have significant public interest in the future.

Respectfully submitted,



Notisha Massaquoi  
Co-Chair  
ARAP



Uppala Chandrasekera  
Co-Chair  
ARAP



# Loku Monitoring Framework Analytics & Innovation

ARAP Meeting  
June 25<sup>th</sup>, 2020



# Purpose

To outline the Loku Monitoring Framework recommendations, performance measures and intended outcomes for the Toronto Police Service (TPS) and communities across Toronto.

- Overall approach to Measures and Outcomes will include geographical and demographic factors wherever possible
- Surveys will attempt to include a measurement of bias and intersectionality of bias between persons in crisis and racialized groups wherever possible
- Many measures include data points which have yet to be collected and will require mechanisms/processes to do so as a next step
- Reporting and Dashboards can be produced upon collection of these data points

# Recommendation 1 (TPS)

- Using reputable, external educators and other experts, TPS should ensure that the Service develops and implements annual/regular training at division and platoon meetings with a focus on the equitable delivery of policing services.
  - The training should acknowledge the social inequities and challenges faced by racialized communities and consumer survivors who have experienced mental health challenges and equip officers with skills needed to provide appropriate responses and service delivery

## Measures

- Number/ percentage of officers trained.
- Officer perception of validity of training (pre- and post- implementation).
- Community perception of validity of training based on interactions with officers (pre- and post- implementation).

## Outcomes

- Officers demonstrate enhanced understanding and capacity concerning the equitable delivery of policing services, human rights and accommodation principles, social inequities and challenges facing racialized communities, and consumer survivors who have experienced mental health challenges.
- Officers perceive value in the training.
- Enhanced community confidence through relationship building with TPS.

# Recommendation 2 (TPS)

- Measure the effectiveness of the above mentioned training in anti-Black racism and persons in crisis by requiring both a written and oral exam of the participants.
  - Failure in such exams should result in requiring re-attendance at such training.

## Measures

- Officer perception of validity of training (pre- and post- implementation).
- Community perception of validity of training based on interactions with officers (pre- and post- implementation).

## Outcomes

- Officers demonstrate enhanced understanding and capacity concerning anti-Black racism and persons in crisis.
- Officers perceive value in the training (i.e. have skills to assess individual accommodation needs).
- Enhanced community confidence through relationship building with TPS.

# Recommendation 3 (TPS)

- Mandate that all officers complete the Implicit Association Test as part of initial and requalification training.

## Measures

- Number/percentage of officers trained.
- Officer perception of validity of training (pre- and post- implementation).
- Community perception of validity of training based on interactions with officers (pre- and post- implementation).

## Outcomes

- Officers demonstrate understanding and capacity concerning the Implicit Association Test criteria.
- Officers perceive value in the training.
- Enhanced community confidence through relationship building with TPS. 5

# Recommendation 4 (TPS)

- TPS should continue to emphasize the importance of planning in a crisis situation to identify the lead in communication.

## Measures

- Number of training hours/courses attended by TPS members.
- Officers trained.

## Outcomes

- TPS members increasingly aware of who the lead is for situations involving persons in crisis.

# Recommendation 5 (TPS)

- Expose or continue to expose officers in training to the perspectives and lived experience of racialized communities, the Black community and individuals with mental health issues and/or addictions.

## Measures

- Number of officers trained.
- Number of conversations, number of people in conversations about bias.
- Number of complaints related to bias policing.

## Outcomes

- Officers demonstrate enhanced understanding and capacity concerning the perspectives and lived experiences of racialized communities, the Black community and individuals with mental health issues and addictions.
- Reduction in the number of complaints (internal and external) related to biased policing.

# Recommendation 6 (TPS)

- Review the Intercultural Development Program deployed by the Toronto Police Service and consider the continued use of the Intercultural Development Inventory or other similar tool, as well as in-house intercultural competence facilitators, to further the intercultural competence of Toronto Police Service members.

## Measures

- Intercultural Development Program review completed.
- Number of conversations, number of people in conversations about bias
- Number of complaints (internal and external) related to bias in policing.

## Outcomes

- New/ existing intercultural competency tools leveraged to enhance TPS cultural competency.
- Officers demonstrate enhanced understanding and capacity concerning cultural competency.

# Recommendation 7 (TPS)

- Amend the annual Use of Force recertification to include qualification in areas such as mental health and/or addictions, anti-racism, particularly anti-Black racism, implicit and unconscious bias, fear inoculation, de-escalation and crisis communication.

## Measures

- Use of Force recertification amended to include qualifications noted above.
- Number/percentage of officers trained, hours spent.
- Officer perception of validity of training.
- Community perception of validity of training based on interactions with officers.
- Number of complaints (internal and external) related to bias in policing.

## Outcomes

- Increasing proportion of Officers successfully complete amended Use of Force recertification.
- Officers demonstrate enhanced understanding and capacity concerning use of force with respect to mental health and/or addictions, anti-racism (particularly anti-Black racism), implicit and unconscious bias, fear inoculation, de-escalation and crisis communication.
- Officers perceive value in the training.
- Enhanced community confidence through relationship building with TPS.
- Reduction in the number of complaints (internal and external) related to biased policing.

# Recommendation 8 (TPS)

- Continue to emphasize that where the police challenge is issued and the subject does not comply, where possible, alternative methods of communication, de-escalation, disengagement and containment should be attempted.

## Measures

- Number of incidents where de-escalation used by Division, platoon, Service.
- TPS training continually updated to include lessons learned regarding non-physical de-escalation techniques.

## Outcomes

- Increase in use of alternative methods concerning subject non-compliance.
- Decrease in the number of physical de-escalation incidents used by Division, platoon, Service.

# Recommendation 9 (TPS)

- Consider the use of trained de-briefers to be deployed following exceptional critical incidents, having regard to any SIU investigation and the rights of officers, with a view to using the knowledge gained to inform de-escalation training.
  - If resources permit, consider using the de-briefers in situations with positive outcomes as well as negative ones, even if they are less serious incidents, in order to learn from those occurrences.

## Measures

- Officers perception of support received through de-briefers.
- Number of debriefs completed.
- Number of people debriefed.

## Outcomes

- Increasing number of de-briefs undertaken.
- Increasing number of people debriefed.
- Officers perceive value in the debriefing.

# Recommendation 10 (TPS)

- Require Coach officers and Supervisory officers take the 5-day Mobile Crisis Intervention Team (MCIT) training.
  - Make mental health and/or addictions and policing of racialized communities, in particular Toronto's Black community, a key component of Coach Officer training.

## Measures

- Develop a catalog of all of the courses offered per year that involve persons in crisis, people suffering from addiction and racialized communities:
- Number and percentage of officers that receive the training.
- Number and percentage of courses that embed these topics.
- Number of hours per officer and total hours spent training by TPS members
- Value of the topics and training to the officers – perception of training.

## Outcomes

- Increase in the number and percentage of officers trained.
- Increased application of learning objectives.
- Positive officer perception of training.
- Reduction in complaints (internal and external) involving mental health & use of force.

# Recommendation 11 (TPS)

- Ensure that all patrol cars are equipped with less lethal weapons, e.g., CEW, sock or beanbag guns and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.

## Measures

- Number and proportion of CEWs that go out per shift vs. number of cars that go out.
- Number and proportion of less lethal force that go out per shift vs. number of cars that go out.
- Number of use of force incidents in proportion to the violent calls for service, persons in crisis calls for service.
- Spatial distribution of use of force and geographic composition and any disproportionalities.

## Outcomes

- Zero use of lethal force.

# Recommendation 12 (TPS)

- Undertake a structural/cultural review and analysis to ensure that the Service has a clear policy with respect to serving and protecting persons with mental health or addiction issues and/or racialized persons, in particular, Black persons.

## Measures

- Connect the reporting of the Mental Health and Addiction Strategy and the race-based data strategy and associated action plans.
- The content of the annual reports on this will include relevant measures.

## Outcomes

- Increased transparency and strengthening of policies with respect to serving and protecting persons with mental health or addiction issues and/or racialized persons, in particular, Black persons.

# Recommendation 13 (TPS)

- When making decisions about promotions, supervisors should consider an officer's skill and experience in dealing with Emotionally Disturbed Persons (EDPs), members of the Black community and racialized communities, including their ability to de-escalate and negotiate during crisis situations.

## Measures

- Using relevant information for TPS Members with these skills and experience, to create a measure of how many have been promoted recently in comparison with the “general population” of TPS Members.

## Outcomes

- Increased leadership across TPS for officers who work in support of persons in crisis, and members of the Black and racialized communities in Toronto.
- Improved outcomes during and as a result of crisis situations.

# Recommendation 14 (TPS)

- Encourage the Toronto Police Service to make use of the Gerstein Crisis Centre police telephone line when interacting with a person in crisis.

## Measures

- Regular update and usage of statistics on the Community Asset Portal (CAP).
- Referrals made by TPS members (Divisional and over time comparisons).

## Outcomes

- Increased call intake and referrals at Gerstein and other partner agencies.

# Recommendation 15 (TPS)

- Consider additional funding and training for 911 operators in order to improve their skills in extracting more pertinent information during an emergency call. Consider beginning the de-escalation process during a 911 call.

## Measures

- Number of Communications Operators trained on de-escalation and human rights considerations.
- Survey of Communications Operators on their perception of validity of training.
- Funding increase (y/n).
- Number of calls where de-escalation took place during the call.

## Outcomes

- Best practices and enhanced training in de-escalation at the call taker or front-line member level.
- Increase in referrals to other agencies following a crisis call.

# Recommendation 16 (TPSB)

- Maintain its existing committee on mental health in ongoing partnership with members of the mental health community (throughout this document, 'mental health community' means to include the phrase in particular people who have been directly affected by mental health issues), the Toronto Police Service and subject matter experts.

## Measures

- Existing committees regarding mental health continue (number of meetings, recommendations to the Board, consultations with community groups)

## Outcomes

- TPS continues to receive relevant and actionable information and recommendations through ongoing partnerships with the mental health community.
- Enhanced community confidence through relationship building with TPS.

# Recommendation 17 (TPSB)

- Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities.
  - The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community.
  - The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

## Measures

- Committee regarding disparities in services and outcomes for racialized persons experiencing mental health issues established.

## Outcomes

- TPS continues to receive relevant and actionable recommendations through ongoing partnerships with the mental health community.
- Enhanced community confidence through relationship building with TPS.

# Recommendation 18 (TPSB)

- Conduct a pilot study of two divisions (preferably 14 and 51 division) where there would be more intensive community involvement, education, and training (keeping in mind resourcing) concerning interactions with people who have racial and/or mental health and/or addiction differences to determine whether this has a positive impact on reducing 'use of force' incidents.

## Measures

- Pilot study concerning interactions with racialized people and/or people with mental health and/ or addictions issues within two Divisions undertaken, with intensive community involvement.

## Outcomes

- TPS and community partners have an enhanced understanding of disparities in services and outcomes for racialized persons.
- TPS continues to receive relevant and actionable recommendations through community partnerships.
- Enhanced community confidence through relationship building with TPS.

# Proposed Dashboard Concept

The proposed dashboard, once completed in part, will be updated frequently to provide continuous updates on recommendations.

- Once the implementation of each process is in place, data collection will be possible in order to produce the respective dashboard components.
- The dashboard will be established once the first set of data is available, and will expand concurrent with each process implementation.



# LOKU MONITORING FRAMEWORK

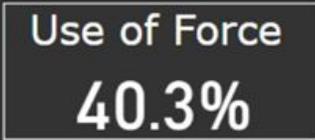
Prepared by: Analytics & Innovation



## THEME

### 1

THIS DATA IS NOT VALID AND DOES NOT CURRENTLY EXIST  
This dashboard is for demonstration purposes only



Officers Trained

99.4%



Officer Perception of Validity of Training

Useful Somewhat Useful Not Usefull



De-Escalation Use of Force Incidents

38.5%



Community Perception of Officer Interactions

Useful Somewhat Useful Not Usefull





# LOKU MONITORING FRAMEWORK

Prepared by: Analytics & Innovation

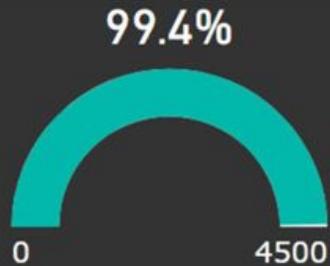


## Recommendation 1



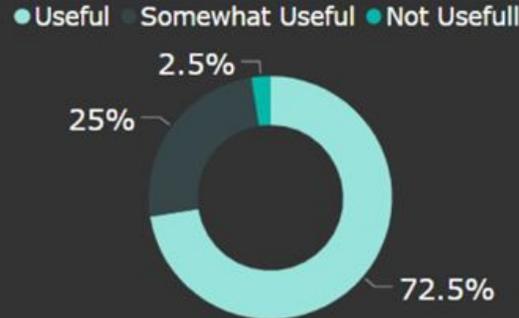
THIS DATA IS NOT VALID AND DOES NOT CURRENTLY EXIST  
This dashboard is for demonstration purposes only

Officers Trained



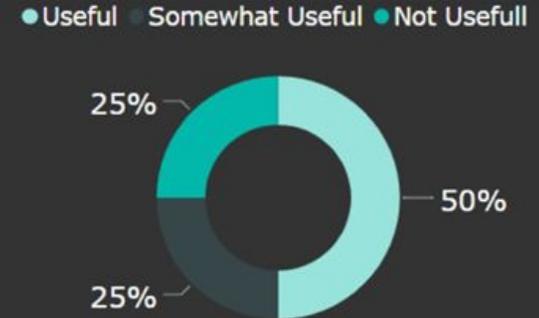
Training  
1.7%

Officer Perception of Validity of Training



Change  
-2.8%

Community Perception of Officer Interactions



Change  
0.0%



## Toronto Police Services Board Report

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July 29, 2020

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Approval of Body Worn Camera (B.W.C.) Contract Award and Project Implementation**

### **Recommendations:**

It is recommended that the Toronto Police Services Board (Board):

- (1) approve a contract with Axon Canada for a B.W.C. solution for a five-year term commencing August 19, 2020 to July 31, 2025, with the option to extend for one additional year, at the discretion of the Chief of Police; and
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor, as to form.

### **Overview:**

The acquisition of the Axon Canada Body Worn Camera (BWC) solution allows the Toronto Police Service the ability to respond to an assortment of investigative demands in real time. The real-time video will enable the Service, or external investigative bodies such as the SIU or OIPRD an instant reflection on the actions of our front line officers. This transparency is paramount in maintaining public trust and confidence. BWC's will be a powerful accountability tool.

The solution will provide the Service with the ability to collect digital evidence directly from the public to the cloud storage provider, so that the evidence can be more readily available to both investigations and the courts. The use of the cloud Software as a Service (SaaS) will allow the Service to reduce IT infrastructure costs around people and hardware. By using the integrated tools within the system to manage and share evidence, the Service will reduce costs immediately. The cost savings of this new and evolving technology will allow the Service the ability to use limited funding sources for other means, while providing an ability to store, redact and disclose evidence seamlessly from one source. The growth of BWC solutions such as this will continue to

provide timely and cost effective digital evidence management tools to the Service for years to come.

## Financial Implications:

### *Estimated Total Cost - Axon Canada:*

The current estimated cost, funded from the operating and capital budget, is \$25 Million (M) for the 5-year term of the contract with Axon Canada. The additional option year is estimated at \$5M. The total cost over the life of the contract is estimated at \$30M and includes both one-time implementation and ongoing costs, as detailed in the table below:

Table 1 - Estimated Total Cost - Axon Canada

Description	Total Cost						Total Cost
	Aug - Dec 2020	2021	2022	2023	2024	Jan - July 2025	
Total Axon Annual Cost	1,458,500	5,851,500	5,000,000	5,000,000	5,000,000	2,690,000	25,000,000
Estimated 5-year Cost - Axon Canada							25,000,000
Estimated 5-year Cost plus one option year - Axon Canada							30,000,000

The Axon annualized cost is \$5M. The contract type is an OSP 7+, which is all-inclusive plan. The following items are included in this cost: <sup>1</sup>

- User licensing is based on a subscription cost model for each user that includes; the application software and unlimited cloud data storage, transcription software, redaction software and a total suite of additional products for use by the officers using the B.W.C. solution, for an annualized cost of \$5M;
- Built into the subscription cost is the lifecycle for hardware replacements at 30 and 60-month periods for the cameras and docks, respectively.
  - The unit cost for docking stations for the camera to facilitate video upload and is included in the overall cost of the OSP 7+ contract. The Service requires 334 units. There is no maintenance or lifecycle cost associated with the docking stations;

<sup>1</sup> The budget impact reflected above is lower in 2020 due to that fact that only 800 cameras and licences are will be installed and billed in that fiscal year. The balance of 1550 cameras are being delivered in 2021. Further to the delivery of the cameras and the associated cost, the total cost of the solution (\$5M) is paid in the 2021 budget, thus the additional \$851,500 is reflected above under 2021.

- Project management and support services to prepare and configure the various software and hardware modules, provide on-site support services and issues management will be handled by Axon Canada;
- Software modules to help integrate the B.W.C. solution with the Service's Computer Automated Dispatch (C.A.D.) and Versadex systems. These modules will be used to develop the required interfaces with C.A.D. and Versadex systems; and
- User training, including the associated training material, to select members from Information Technology Services (I.T.S.) and Toronto Police College (T.P.C.) using the train-the-trainer approach. Instructors at T.P.C. will deliver training to the rest of the members of the Service.

*Estimated Total Cost - Other Expenditures (Non-Axon):*

In addition to cost of procuring the B.W.C. solution from Axon Canada, the Service will incur other implementation and ongoing costs to operationalize the solution. These other expenditures, funded from the operating and capital budget, are currently estimated at \$2.9M over the initial 5 year contract term with an additional \$293,300 estimated for the option year, bringing the total to \$3.2M. This cost estimate is based on known information at this time and assumptions about the implementation and solution features.

The costs are broken out in the table as follows:

Table 2 - Estimated Total Cost -Other Expenditures (Non-Axon)

Estimated Total Cost of B.W.C. Project - Other Expenditures (non-Axon)	On-going						One-time Cost 2020 - 2021	Total Cost
	Aug - Dec 2020	2021	2022	2023	2024	Jan - July 2025		
<b>One-time Cost:</b>								
Infrastructure Cost							840,000	840,000
Professional Services	-	-	-	-	-	-	656,000	656,000
<b>Total One-time Cost</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,496,000</b>	<b>1,496,000</b>
<b>Total On-going Cost:</b>								
Licensing Cost	-	-	73,500	73,500	73,500	42,900		263,400
Staffing Cost	118,300	219,800	219,800	219,800	219,800	101,500	-	1,099,000
<b>Total On-going Cost:</b>	<b>118,300</b>	<b>219,800</b>	<b>293,300</b>	<b>293,300</b>	<b>293,300</b>	<b>144,400</b>	<b>0</b>	<b>1,362,400</b>
<b>Estimated 5-year Cost - Other Expenditures</b>						<b>1,362,400</b>	<b>1,496,000</b>	<b>2,858,400</b>
<b>Estimated 5-year Cost plus one option year - Other Expenditures</b>						<b>1,655,700</b>	<b>1,496,000</b>	<b>3,151,700</b>

It should be noted that year to date cost for proof of concept and initial implementation of this program is \$914,300 of which \$874,000 was for professional services and the remainder was for various software and hardware. These were reported to the board as part of the Capital Program variance reporting.

Total one-time cost (\$1.5M)

Infrastructure Cost (\$840,000)

- In preparation for the rollout, the current divisional infrastructure is being upgraded Service wide. This includes the acquisition and installation of network switches and cables, electrical wiring, installation of the wall mounting brackets for the camera docks and associated miscellaneous items.

The cost for the upgrade at each unit is approximately \$40,000. The total cost for all units Service wide is estimated to be \$840,000. This cost will vary depending on the age of the facility, network cabling and wiring requirements and configuration of the current network equipment.

Professional Services cost (\$656,000)

- Professional legal services were retained for the purpose of contract negotiation with Axon Canada. The total cost for legal services is estimated at \$166,000;
- Services of a third-party cloud security company were contracted and conducted penetration testing on Axon Canada's cloud infrastructure to identify any gaps in security requirements. The total cost of the penetration test services, including the final report, is \$40,000; and
- Project management backfill costs for ITS during the program implementation are estimated at \$450,000 for year 2020-2021.

Total on-going cost (\$1.4M for 5-year term)

Licensing Cost (\$73,500/Year)

The upgrade to each facility will also have an estimated \$73,500 impact on the annual operating budget starting 2022 for the network hardware lifecycle, associated maintenance and licensing costs

Staffing Cost (\$219,800/Year)

- To ensure that the Service has sufficient capacity to support the B.W.C. rollout and provide ongoing support services, provision for two additional staffing are made in Information Technology Services (I.T.S.) at this point, for an estimated annualized cost of \$219,800

The hiring of additional staff if needed will be gradual and aligned with any increase in work effort associated with supporting the solution.

*Total Estimated Cost - Body Worn Camera Solution:*

The year to date capital cost of the program as of end of July 2020 is \$914,300. The current total estimated cost of B.W.C is \$25M over 5 years. It is estimated that the annualized cost of B.W.C is \$5.3M per year. There are also one-time expenditures of \$1.5M. Therefore, the total cost of ownership including the year to date cost over the five-year plus one year option of the contract is estimated at \$34.1M

The summary of costing is shown in the table as follows:

**Table 3 - Estimated Total Cost of B.W.C. Project**

Summary of Estimated Total Body Worn Camera Cost Description	On-going						One-time	Total Cost
	Aug - Dec 2020	2021	2022	2023	2024	Jan - Aug 2025	2020 - 2021	
Year To Date Spending (2017 to end of July 2020)- Capital								914,300
Estimated 5-year Total one-time Cost							1,496,000	1,496,000
Estimated 5-Year Total on-going Cost	1,576,800	6,071,300	5,293,300	5,293,300	5,293,300	2,834,400	0	26,362,400
Estimated 5-year Total Cost (On-going and One-time)							1,496,000	27,858,400
Estimated 5-Year Total plus one option year ongoing Cost and YTD spending								34,066,000

One time capital costs required for project implementation are estimated at \$1.5M. Funding for each respective year is currently estimated at \$5.3M and will be included in the Service's annual operating budget request.

As the B.W.C. solution is implemented, operational impacts will be monitored. The Board will be notified of any material change in the estimates above.

**Background / Purpose:**

The B.W.C. project was first initiated in 2014, with a competitive process that resulted in a year-long pilot project that started May 2015. Despite a favourable response from

front-line officers and public feedback, the project did not progress beyond the pilot phase at that time due to technological shortcomings.

The technology advanced rapidly over the last few years and the B.W.C. project was re-initiated with the issuance of a Request for Information in 2018, to learn more about the latest advancements and implementation considerations. The R.F.I. was followed by the issuance of a non-binding, multi-stage R.F.P. in 2019.

The purpose of this report is to provide the Board with information about the B.W.C. journey, the results of the non-binding Request for Proposal (R.F.P.) process for a B.W.C. solution, and to recommend to the Board a contract award to Axon Canada in this regard.

## **Discussion:**

### Evolution of the B.W.C. Solution at the Service:

In February 2014, under the direction of Chief William Blair, the B.W.C. pilot project was initiated to test, evaluate, and report on equipping frontline officers with a B.W.C. This initiative aligned with the Service's commitment to maintain public trust, to provide professional and unbiased policing, and to be a world leader in providing police services.

The Service commenced the pilot project by consulting with numerous stakeholders, including but not limited to; the Information and Privacy Commission of Ontario (I.P.C.), Human Rights Commission (H.R.C.), and the Ministry of the Attorney General (M.A.G.) to address potential privacy, human rights and evidentiary issues associated with the use of the B.W.C.s

Subsequently, a R.F.P. was issued in August 2014 that attracted eight proponents. The process resulted in the selection of two proponents to participate in the year-long pilot project commencing on May 8, 2015. This was the first time in Canada that an R.F.P. was conducted to solicit a B.W.C. solution.

Eighty-five officers from a cross-section of units were selected to participate in the pilot. At the commencement of the pilot, as well as at the half way point, surveys were mailed to 45,000 members of the community using random postal codes, of which 7540 responded. Further to these random surveys, 4285 members of the community who experienced "law enforcement contact" during the project were mailed questionnaires on their experience with the cameras; 427 of those residents responded back to the questionnaire.

From these surveys and questionnaires, 94% of members of the community endorsed the use of the B.W.C. technology. Of the 85 officers involved in the pilot, 85% of them also endorsed the use of the cameras.

The pilot project ended on March 29, 2016, and based on the evaluation scores, it was determined that neither proponent provided an adequate solution. As a result, the project was placed on hold pending further direction from now Chief Mark Saunders.

#### Procurement Process for a B.W.C. Solution:

Due to the advancement of the B.W.C. technology in general, Chief Mark Saunders directed the re-initiation of the B.W.C. project in 2016 and designated Superintendent Michael Barsky as the overall Project Lead. Consultations similar to those conducted with the earlier R.F.P. process continued throughout this process.

On the recommendation of the Board (Min. No. P68/2016) and City Legal, a Fairness Commissioner was engaged, through a competitive process in 2017, to monitor the procurement process. An extraction of the Fairness Commissioners Report has been attached, as authorized by the Fairness Commissioner. The Service does not have authorization to make the document public in its entirety.

An R.F.I was issued on June 6, 2018 in order to learn more about the latest advancements in B.W.C. technology to inform an eventual R.F.P. Interested vendors were invited to do a presentation and educate the B.W.C. Project Team and other select members of the Service. The Service received information presentations from eighteen vendors.

The R.F.I. stage was extremely beneficial as it allowed the project team to gain a better understanding of the solutions available, market maturity level, future roadmaps and the various pricing models.

Prior to initiating the R.F.P. stage, a public consultation was held on April 6, 2019 to determine the public's sentiment on the use of B.W.C. by the Service was still consistent with that in 2016, which at that time was at 94%. Those in attendance were canvassed for their thoughts, and confirmed the public sentiment was still very high in support of having B.W.C. technology on our front-line members.

At the end of 2018, as the preparatory work on the B.W.C. R.F.P. was underway, the Purchasing Services Unit along with City Legal recommended to retain the services of a procurement expert to assist with the R.F.P. process. The B.W.C. procurement was seen as complex and a first of its kind in Canada and therefore a company that specialized in complex procurement and contract negotiations was recommended and retained through City Legal.

The B.W.C. R.F.P. was developed and released on April 18, 2019. The R.F.P. subsequently closed on June 24, 2019.

The evaluation was scored with 60% of the total score attributed to the technology solution, and 40% attributed to the Best and Final Offer (B.A.F.O.) - price. The evaluation stages, as included in the R.F.P., are as follows:

Evaluation of the written proposals:

Five responses to the R.F.P. were received and evaluated. The written proposals detailed the capabilities of their technology. The three highest scoring proponents were shortlisted to move to the next stage of the procurement.

Controlled Environment Testing:

The shortlisted proponents were evaluated in a controlled environment test, where the technologies were tested to ensure that the content of their written proposals was accurate.

Field Evaluation:

The proponents were further evaluated in a 30-day Field Evaluation. This was a live test with the participation of three Primary Response Unit (P.R.U.) platoons from 23 Division. Officers were trained prior to the commencement of the Field Evaluation in relation to the use of the devices, the applicable laws related to recording interactions, and the Service procedures that were developed to guide the use and management of the B.W.C. technology. Upon completion of the Field Evaluation test, participating officers completed a User Experience Survey providing input on their experience using the three solutions.

Demonstrations:

In addition to the Field Evaluation test, select modules from each proponent, that could not be included in the Field Evaluation test, were set aside to be presented at the Vendor Demonstration session. Proponents were invited to conduct a live demonstration of their respective modules in front of the evaluation panel.

Commercial Confidential Meetings:

Following the live demonstrations, commercial confidential meetings with each proponent were held to discuss and provide guidance and clarification.

Best and Final Offer:

The proponents then submitted their B.A.F.O. The B.A.F.O. presented a foundation, which allowed the Service to negotiate the best value solution.

Successful Vendor:

Based on the R.F.P., two of the three proponents did not meet a mandatory requirement during the evaluation. Axon met all of the requirements and was therefore selected as the successful proponent, and is being recommended for approval by the Board.

Contract negotiations were entered into with Axon with the assistance of an external lawyer, to ensure the Service achieved a robust and value added solution that meets the needs of our organization.

Axon Canada's B.W.C. solution is reliable and cost effective and will help with the Service's commitment to maintain public trust, provide professional and unbiased policing and continue to be a world leader in the provision of public safety services. It will also be a powerful tool to ensure accountability which will, in turn, reinforce public trust.

The B.W.C. solution will be used in an overt capacity by front line uniform officers. The decision to limit the deployment to the front line officers is guided by the Supreme Court of Canada decision of *R. vs. Duarte (SCC 1990)*.

This solution is a cloud-based subscription that provides unlimited data storage and access for all B.W.C. generated video. It is also capable of accommodating non-B.W.C. video at an additional cost. The Service is exploring options to consolidate all its digital evidence data from other sources into a single cloud storage repository that will result in significant cost savings for the Service in the end. To that end, the Service owns all of the data stored in the cloud solution by the Service and as such, it would be returned if at any time the contract were concluded.

Data security requirements pertaining to residency within the Canadian borders as well as data encryption, while in transit and at rest, have been addressed. Axon Canada's personnel who require direct access to the Service's data will undergo thorough background security checks conducted by the Service as per the terms and conditions of the contract.

Additionally, penetration testing was conducted to ensure the security infrastructure of Axon Canada's cloud solution has the appropriate capacity to protect the integrity of all of the Services' data.

Results of the various security parameters were reviewed with Axon Canada and included in the contract negotiations to ensure the all deficiencies were mitigated to the Service's satisfaction.

As part of the R.F.P. process, a cloud solution Privacy Impact Assessment (P.I.A.) was conducted and shared with the Information and Privacy Commissioner. The P.I.A. identified low-level risks that the Service is able to mitigate prior to rollout.

The solution comprises approximately 2,350 cameras and accompanying docks that facilitate data upload and the battery recharge, unlimited data storage, redaction and transcription tools, electronic disclosure portals M.A.G. and City Prosecutor as well as an in-take portal for media files from members of the community. A set of mobile applications are also included that are installed on the Service issued connected phones. These applications will enable the officers to view the recordings in the field as well as capture additional recordings such as interviews and crime scenes. These recordings can be uploaded directly to Axon Canada's cloud.

Axon Canada's solution provides a complete business process lifecycle from video capture and management, video and audio redaction, audio transcription, electronic disclosure, community in-take portal and application integration tools. As a result, many aspects of the current business process can be automated and work distributed to optimize resource utilization.

Lastly, the introduction of a cloud solution of this nature will significantly reduce or eliminate the need for acquisition and management of a large-scale storage environment, associated lifecycle costs and the need for specialized I.T. resources.

#### B.W.C. Program - Operational Benefits and Risks:

##### Program Benefits (Service):

While the primary objective of the B.W.C. project is officer accountability and maintaining a truthful and integral narrative of police interactions with the public, the solution has manifest additional benefits to the Service.

1. Video evidence will accelerate Special Investigation Unit (S.I.U.) investigations, returning officers to duty (or discipline) with less time on paid leave or administrative duties – saving backfill costs;
2. Direct-to-cloud capture of seized video evidence will streamline the operations of video-dependant investigations, in particular homicides;
3. Unlimited storage is proffered for existing Axon Canada systems (the Service has Axon Canada interview rooms) thereby reducing our operating cost for this storage load;
4. Built-in archival capability (for video with evidentiary value) and a negotiated archival storage tier will avoid cost of retained video. Archival storage will cost approximately 25% of current storage cost;

5. Axon Canada Aware allows for real time monitoring of video and audio to authorized personnel, enabling new support models for front-line officers which will be consistent with the Services' Operating Procedure and the Board's Policy, which were not previously possible;
6. Built-in voice to text technology will streamline the transcription function, particularly as the recognition rate improves over time, reducing cost to the service over current manual transcription;
7. Crown attorneys can gain access to specific video evidence without the need to burn and courier CD-ROMs;
8. Auto-redaction tools significantly reduce the manual input to redact video for use in the courts – expected to be cost neutral as a result of the new efficiencies of the overall disclosure process.

Program Benefits (Community):

1. Accountability of interactions with officers wearing B.W.C.;
2. Ability to request access to video footage within the parameters of Freedom of Information legislation;
3. Confidence of best evidence being presented in court;
4. Overall cost savings to the current Digital Evidence Management System and storage of Digital Evidence in the cloud.

Program Risks:

1. Officer Not Activating Camera - Given officer demand for this technology, this risk is deemed as low, however impact, in loss of public trust would be high. Officers are responsible for the activation and deactivation of the cameras, based on best practices from around the world coupled with dialogue with the I.P.C. Of Ontario, supporting this methodology. A regular random audit will be performed monthly coupled with a monthly electronic report for use of the cameras, as it will allow for more succinct auditing to this issue. The mitigation is a policy of mandatory loss of pay for failure to turn the device on. The minimum penalty for failure to activate the device will be 8 hours for a first offence, increasing for any additional violations. Other forms of discipline will also be available depending on the specific circumstances of the particular case;
2. Breach of Privacy of Members of the Public – As cameras will incidentally capture images of those uninvolved in any criminal activity, each case will be evaluated and assessed for the need to redact. In these cases, an assessment of a person's expectation to privacy as dictated by the I.P.C. will be conducted;
3. Increase in Public Requests for Video / Complaints – Knowing that an encounter may have been recorded, members of the public may request video or make

- complaints more frequently, increasing the cost of managing the said process. Unknown impact. Ultimate mitigation would be to automate the request process;
4. In conjunction with the current Operating Procedure, the Board will develop Policy that will augment and enhance the controls in place for activation / deactivation of the BWC;
  5. Operational Support Requirements – A broad implementation of the B.W.C. solution is a first for the Service. Efforts have been made, including discussions with other Services where B.W.C. has already been implemented, to understand and identify incremental support requirements to operationalize the solution. Staffing and other costs have been identified in this Board Report to the best of the Service’s knowledge. Operational and workload impacts will be monitored and the Board will be notified of any material changes in effort. For example: it is anticipated that the BWC solution includes a high degree of automation capability to transcribe and redact the videos for disclosure purposes; a role currently performed by the Property and Video Evidence Management (P&VEM) unit. Once implemented, the videos represent a greater volume of disclosure-related material and workload impacts on the P&VEM unit will be monitored.

## **Conclusion:**

The B.W.C. Project Team has been actively involved in evaluating and learning about the B.W.C. technology since 2014. The additional knowledge gained through the R.F.I. process helped guide the project team with their project scope development and detail user requirements.

The project team undertook a competitive R.F.P. and selected a B.W.C. solution that best met the Service’s needs. The selected solution architecture is cloud-based and provides a complete business process life-cycle solution widely used in the law enforcement environment and is reliable and cost effective. The project team will report quarterly on the implementation of this project through the Service’s variance reporting process. Post-implementation operational updates will be provided annually to the Board and will include aspects such as cost savings, any successes, any failures or any significant issues related to the solution. Other major jurisdictions from around the world including but not limited to: Los Angeles, London Met, and Boston are currently using the Axon technology with documented success.

Funding for the B.W.C. program is available in the Service’s approved 2020 operating budget as well as the Service’s approved 2020-2029 capital program.

The estimated total Capital and Operating costs for the term of the contract including the option year are \$34.1M.



This report is requesting the Board to:

1. approve a contract with Axon Canada for a B.W.C. solution for a five-year term commencing August 19, 2020 to July 31, 2025, with the option to extend for one additional year, at the discretion of the Chief of Police; and
2. authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor, as to form.

Deputy Chief Shawna Coxon, Communities and Neighbourhood Command, C.I.O. Colin Stairs, and Superintendent Michael Barsky, B.W.C. Project Lead, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.  
Chief of Police

\*original copy with signature on file in Board office

# FAIRNESS REPORT

**REQUEST FOR PROPOSALS**

**BODY WORN CAMERA SYSTEM**

RFP NUMBER: RFP1322546-19

ISSUED: APRIL 18, 2019

*PREPARED FOR:*

TORONTO POLICE SERVICE

MARCH 13, 2020



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## 1. INTRODUCTION AND MANDATE

The Toronto Police Service and the Toronto Police Board (the “TPS”) issued a Request for Proposals to invite prospective proponents to submit proposals to provide a Body-Worn Camera System (“BWC”) through a negotiated Request for Proposals (the “RFP”) and Best and Final Offer (BAFO) procurement process.

During the assignment, we first reported to the BWC project team for the Public Information Meeting process and the RFI process, and for the RFP process reported to the TPS procurement department and its representatives. TPS retained the services of a Procurement Advisory Team to support its RFP process. However, our client contact was TPS procurement and to the best of our knowledge, TPS procurement coordinated with both the BWC project team and the Procurement Advisory Team.

This report is our feedback on the RFP process and documents as they were issued, administered and applied throughout the procurement. Neither HKA nor the individual author(s) of this report, are responsible for any conclusions that may be drawn from this opinion. For further detail on the RFP process, we recommend that communication be sought from TPS directly.

### 1.1 PROJECT OBJECTIVES

The TPS was seeking responses from qualified proponents “to provide a commercially available turn-key, cloud-based, BWC that shall be able to capture video from a law enforcement officer’s perspective and store the recorded video in a cloud-based software as a service (“SaaS”) solution.”

The BWC system consisted of five (5) components:

- Body Worn Cameras
- Video management software and data storage of an external cloud solution (SaaS);
- Improvement of redaction process and tools for video and audio evidence assets;
- Transcription tools to automate the audio transcription for court and Freedom of Information (“FOI”) requests; and
- Electronic disclosure for court proceedings.<sup>1</sup>

### 1.2 PROJECT RFP TIMELINES AS AMENDED THROUGH THE PROCESS

Milestone	Date / Deadline
Issue Date of RFP	April 18, 2019
Deadline for questions	May 7, 2019 at 1:00:00 p.m. (local time) (revised)
Deadline for issuing addenda	<del>May 14, 2019</del> June 10, 2019 (revised)
<b>Submission Deadline:</b> Submission deadline for Proposal	<del>May 28, 2019 at 1:00:00 p.m. (local time)</del> June 24, 2019 at 1:00:00 p.m. (local time) (revised)
Rectification Period	Three (3) business days
Anticipated Initial Ranking and Commencement of Concurrent Negotiations	<del>June 17, 2019</del> July 17, 2019 (revised)

<sup>1</sup> TPS, Request for Proposals (RFP) For a Body Worn Camera System RFP Number: RFP1322546-19 – April 18, 2019

Milestone	Date / Deadline
Anticipated deadline for Best and Final Offer (“BAFO”)	<del>October 1, 2019</del> October 8, 2019 at 2:00:00 p.m. (local time) (revised)
Field Evaluation	<del>September 11, 2019</del> August 2019 (revised)
Anticipated Final Ranking	October 15, 2019
Contract Negotiation Period	Thirty (30) days
Anticipated Execution of the Agreement	November 2019

**2. THE FAIRNESS COMMISSIONER’S ROLE**

**2.1 FAIRNESS MONITORING DURING THE RFP**

HKA Global (Canada) Inc. or HKA, was retained as the Fairness Commissioner for the procurement project on September 12<sup>th</sup>, 2017. As per our executed Fairness Commissioner Services agreement with TPS we were to participate in the procurement process as follows:

The purpose of the Fairness Commissioner was to provide an independent oversight and evaluation of the competitive procurement of Body Worn Cameras and associated components during the four (4) stages of this initiative, i.e., procurement processes related to:

1. Public Information Forum;
2. Request for Information (RFI);
3. Request for Pre-Qualifications (RFPQ); and
4. Non-binding Request for Proposals (RFP).

Scope taken from our Statement of Work dated on September 12, 2017 (See Attachment #2 to this report):

The Fairness Commissioner is to review, advise, and report on the fairness of the procurement process including guidance in the development of the TPS responses to questions received regarding the RFx from proponents, the evaluation of responses and/or proposals and the post contract award process.

- i. The Fairness Commissioner is to provide a written report on the findings and conclusions as Fairness Commissioner for the various stages. The written reports apply to BWC initiative RFI, RFPQ and RFP and shall contain at the minimum the following:
  - a) comment on the overall fairness and objectivity observed in the process
  - b) detail advice that has been provided and actions taken by TPS to address concerns raised
  - c) reference best practices and lessons learned; and
  - d) review outstanding issues and make recommendations for further action.

Following the completion of the RFI process, a decision was made not to proceed with the RFPQ process, and instead the non-binding RFP process was administered. This report will only provide a fairness opinion on the TPS BWC RFP process.

To form our fairness opinion, we did or attempted to do the following:

1. review of any pre-release documentation, such as a Pre-Notice

2. review drafts of the RFP prior to posting so that matters of fairness if present, could be identified and resolved\*
3. review issuance version of the Request for Proposal (“RFP”) developed for fairness
4. review the posting period and the RFP schedule
5. review any addenda before they are posted\*
6. review questions and answers before they are posted
7. attend and observe all interactions (written or verbal official communications) with proponents throughout the process\*
8. review the evaluation materials including the guidelines and scoring guidance\*
9. attendance at evaluator training
10. review the outcome of the mandatory requirements and any evaluation rectifications that were issued or waived\*
11. attendance at the technical rated criteria evaluation consensus scoring meetings
12. review of the technical rated criteria consensus scoring meeting results which identified the shortlisted proponents to be invited to the concurrent negotiations stage of the evaluation process\*
13. review of the controlled environment pass/fail evaluation and review of the results prior to the field evaluation beginning\*
14. review the field evaluation results prior to the demonstration invitation being issued\*
15. review of materials related to any presentations, demonstrations or proof of concept evaluation stage meetings and attendance, confirming that only proponents that successfully completed previously established gates into this evaluation stage were participating in it\*
16. attendance at presentation, demonstration and proof of concept evaluation consensus meeting
17. review of presentation, demonstration and proof of concept evaluation stage results to confirm the results before invites were issued for Commercially Confidential Meetings (“CCM”) \*
18. review of CCM submission requirements prior to issuance and changes if any occurred\*
19. attendance and confirmation CCM’s for all proponents who received an invitation was administered in accordance with RFP, and as per CCM invitation\*
20. review submission information requested and collected from proponents prior to, during or post CCM’s\*
21. review any updates to Best and Final Offer (“BAFO”) submission process requirements issued\*
22. review any issued post CCM addenda, questions and answers and attendance, prior to BAFO submissions being received\*
23. review of BAFO submissions and evaluation results completed once received by TPS to confirm evaluation results\*
24. review of all evaluation documents, processes and results\*
25. issue a formed opinion of fairness, openness and transparency of the TPS BWC RFP evaluation process\*

(\*) refers to Fairness Commissioner tasks that could not be in whole or part completed by us because information was not shared with us or we were not able to monitor the process administered or there was otherwise a fairness matter that arose during this task which was unresolved by TPS, in our opinion. Further details are provided on these matters in the balance of this report.

## 2.2 CONFLICTS OF INTEREST

As Fairness Commissioner, we are able to attest that the following is true to the best of our knowledge for the RFP processes and evaluation stages we observed:

**Conflicts of Interest**

It is our understanding that all RFP evaluation participants and advisors were bound by expressly executed agreements to disclose any perceived or actual conflicts of interest. For verification of these documents, please contact TPS. To our knowledge, no declarations were made as none were brought to our attention at any time. Proponents were also required to declare any conflicts of interest through the RFP process. No actual conflicts of interest were declared, to our knowledge, during the RFP issuance period nor at the time of submission.

**3. THE RFP PROCESS****3.1 RFP DOCUMENT**

We were provided with the latest draft of the RFP after it had already been posted in the market. At that time, we were asked for our opinion of the documents that had been posted by TPS. We reviewed the RFP documents and provided fairness, openness and transparency comments, for the purposes of clarifying TPS' intent and approach and method of evaluating its proponents as reflected in the evaluation process. Although we were given this opportunity to conduct our fairness review of the RFP documents, to do so after the RFP documents were issued, is not in line with best practice, nor our statement of work, nor the confirmed understanding we had with TPS which would have been to receive this information prior to issuance of the RFP.

We had many substantive comments on the RFP documents in terms of the clarity of the evaluation processes and evaluation criteria and price form, many of which were missing. However, many were resolved during the addendum process during the RFP open period issued prior to the RFP Submission Deadline. While we deemed this to be ultimately acceptable, best practices from a fairness is to ensure that our comments are received and discussed prior to posting publicly to minimize confusion for proponents.

We took the established RFP document and its addenda as a standard against which we conducted our fairness review. There were a few unresolved and clarity related comments that we raised with regard to the BAFO submittal and evaluation process details, CEE process, and tie breaker language for the final evaluation ranking. The decision to clarify and address the fairness concerns that had been raised during the RFP were done for some of our comments. Others were attempted to be clarified but were not issued to the proponents until quite close to the BAFO submittal process, when CCM's had been completed. This was an area for future improvement as making significant evaluation process changes, post-close, to an evaluation stage that is about to become active is a poor practice and should be avoided.

**3.2 POSTING THE RFP**

The RFP was posted on the TPS Bonfire Portal. The RFP was issued on April 18, 2019 and closed on June 24, 2019 at 1:00:00 pm. Proposal deadline extensions were requested and provided which moved the closing from May 28, 2019 at 1:00:00 pm to the amended date referenced above. In our opinion, TPS RFP open period represents a sufficient amount of time for potential proponents to prepare a complete proposal.

**4. COMMUNICATION WITH THE PROPONENTS****4.1 QUESTIONS AND ANSWERS AND ADDENDA**

The question and answer period started with release of the RFP and ended on May 7, 2019 the last day for proponents to submit their questions to TPS. TPS responded to all questions received in a timely manner and did not breach the response deadline that it established for itself which was publicly amended.

In total, six (6) Addenda and one (1) post tender Addendum which comprised of both amendments to RFP documents and questions and answers responses to proponent questions were issued by the June 10, 2019 deadline which was amended from May 14, 2019. TPS respected the Addenda issuance deadline it set. We reviewed most amendments prior to the RFP documents prior to their issuance and had no unresolved fairness comments to note.

An area of improvement that we recommend TPS consider in future is to ensure that if a date or deadline is being extended that the new deadline or date be indicated clearly in the issued addendum. There was an instance whereby language in an issued addendum stated the following:

Addendum 5 – “The Submission Deadline will not be Friday June 7, 2019 at 1:00:00pm (local time) as a final addendum has not been posted yet. An addendum will be forthcoming, and that addendum will announce the revised Submission Deadline accordingly.”

As provided in our feedback to TPS, it is unusual in any procurement to propose the amendment to the submission deadline without providing a new date to the market.

The RFP and all addenda were distributed through the TPS Bonfire Portal. Communications during the RFP open period and after closing were conducted through a single point of contact established and maintained by the Procurement Advisory Team in accordance with the RFP. We understand that technical matters during the field evaluation process, were addressed through TPS.

We are not in a position to confirm that all communications aligned with our fairness objectives as we did not always see communication before they were issued to proponents.

However, in our opinion, TPS took all the necessary steps during this phase to provide enough time for questions to be raised, and for their responses to be given to the proponents for sufficient understanding and incorporation of changes, where applicable.

#### **4.4 SINGLE POINT OF CONTACT**

The RFP designated one contact email address, through the Bonfire portal to manage all communication with Proponents during the RFP process. Proponents were instructed to submit requests for information by sending them directly to the RFP Contact Person. Prohibited contacts were disclosed in the RFP and there were no breaches of this established communication protocol came to our attention at any point during the RFP process by or for any potential or actual Proponent, nor were we made aware of any by TPS.

## **5. CONFIDENTIALITY AND CONFLICT OF INTEREST**

### **5.1 SECURITY OF DOCUMENTS DURING THE RFP**

Document security pertains to the handling and storage of all procurement documents throughout the process. Document security is important as it can have a direct effect on the fairness of the process and the handling of commercially confidential information.

There are three (3) key stages as follows:

1. Security of the RFP during the drafting period;
2. Security of the proposals; and
3. Security of the evaluation material.

#### 5.1.1 Security of RFP Documents

All procurement documents must be handled with security during the RFP planning, preparation and writing process. It is critical that a proponent or interest group does not obtain a copy of the RFP or any background information prior to the release of the final RFP. Allowing this to occur could give a Proponent an unfair advantage and would jeopardize the entire process.

However, as we were not involved in the RFP draft review process, and the sharing of RFP documents with us did not occur prior to posting, we are unable to comment to indicate on the management practices of the TPS with regards to this aspect of the process.

#### 5.1.2 Security of Proposal Submissions

Proposals contain commercially confidential information. As a result, it was important that all Proposal documents were kept strictly confidential and in secure locations. TPS maintained the electronic proposals securely with support of the Procurement Advisory Team.

The contents of the proposals were only known to the evaluation team members, and advisors. Prior to the beginning of the evaluation, all evaluators signed an electronic undertaking to keep the contents of the Proposals and any information related to the evaluation process confidential. We are not aware of any Proposals being reviewed by unauthorized persons at any time.

In summary, we are satisfied that the RFP proposal contents were kept secure and confidential.

#### 5.1.3 Security of Evaluation Materials

It was critical that the all evaluation and scoring material be kept under strict security at all times. We understand that the evaluation materials developed were not shared with unauthorized persons. In summary, we are satisfied that all evaluation materials generated in the evaluation process were kept confidential by TPS.

## 6. EVALUATION APPROACH

### 6.1 STRUCTURE OF THE EVALUATION TEAMS

All evaluators actively participated in the evaluation process and all evaluators attendance was mandatory for each evaluation meeting which did occur. Evaluators reviewed the proposals objectively and adhered to the evaluation criteria established in the RFP.

TPS instituted a two-step evaluation scoring process which included an individual review process, followed by a consensus meeting occurring with all evaluators for each evaluation category based on the evaluation plan established by the TPS. Discussions during consensus scoring sessions was focused on the evaluation criteria and a free exchange of views took place.

TPS strived to consciously align the qualifications of the evaluators with the evaluation team and specific evaluation category they were asked to score. We witnessed a diligent and solid effort to provide clear and constructive feedback in the consensus notes agreed upon by each evaluation team for each of their evaluation criterion.

Procurement Advisory Team – this team was responsible for evaluating all mandatory requirements, conducting the CCMs; and evaluating the BAFO submissions. However, we understand from TPS that the BAFO evaluation process did not occur.

Technical Evaluation Team – this team was responsible for evaluating all rated criteria, CEE evaluation criteria, demonstrations.

Field Evaluation Team – this team was comprised of law enforcement officers only. The field evaluation process was managed by TPS.

## 6.2 EVALUATION CRITERIA

The evaluation criteria appeared to reflect the objective and legitimate needs and requirements of the TPS and were expressed transparently in the RFP. All evaluation criteria were established and disclosed in the RFP documents, and while the majority were maintained throughout, some related to the presentation and demonstration requirements did change, as some requirements were not actually demonstrable and so they were removed or amended to a requirement that aligned with other RFP requirements which was a lesser technical requirement.

The amendment related to the presentation and demonstration criteria. While the fairness risk with this decision was that the change occurred post RFP closing, the decision otherwise did not unfairly present an evaluation risk to any Proponent, and, the change was reflected in a notification, with more than 3 weeks prior the evaluation occurring, to all shortlisted proponents in their invitation to participate in this specific evaluation stage.

## 6.3 EVALUATION METHODOLOGY AND APPROACH

The evaluation methodology and approach to scoring each criterion inclusive of an evaluation scales that were used to determine the score given by the evaluators for the evaluation processes were transparently provided in the RFP documents.

However, there were changes that occurred post-RFP closing with regard to the controlled environment evaluation stage which created an ambiguity between what was set out in the RFP documents in terms of the assessment factors and determinants for failure, and that which was indicted in the controlled environment evaluation procedure documents distributed to the shortlisted proponents.

The change resulted in providing more than one opportunity for a proposed BWC which went through the Controlled Environment Evaluation (CEE) stage testing to achieve a score of PASS, which was different than the RFP's CEE stipulated process. The fairness concern presented here in our opinion was the ambiguity that lay between the RFP and the new procedure issued post-RFP close when assessment factors should have been established prior to closing, in alignment with best practice and policy.

#### 6.4 EVALUATOR QUALIFICATIONS

All evaluators were selected specifically for their capabilities and knowledge of the technical material required. We deemed that the evaluators we observed were qualified and experienced to evaluate the proposals.

#### 6.5 EVALUATOR TRAINING SESSION

All evaluation participants in the evaluation process, including the Fairness Commissioner, participated in a mandatory evaluation training session. The training was delivered by the Procurement Advisory Team and provided a sound understanding to the evaluators on next steps and how to proceed with their evaluation.

#### 6.6 EVALUATION DOCUMENTS

The RFP provided all evaluation details for each stage of the evaluation process through the online bonfire portal, excel spreadsheets, and process documents to support the various evaluation stages. We reviewed all scoring documents prior to them being used in the evaluation process. This allowed evaluators to score and supply a comment for each evaluation criterion for each evaluation stage, as required consistently. The documents enabled evaluators to review the response in each proposal and assess it objectively to the criteria established in the RFP documents as amended over time. Once the quality of the response was ascertained, the evaluator could look at the scoring scale or approach to scoring methodology and determine what score they would like to select.

## 7. THE EVALUATION PROCESS

### 7.1 PROPOSAL RECEIPT PROCESS

Five (5) proposals were received by TPS through the TPS Bonfire portal submission receipt process by 1:00:00 pm on June 24, 2019, as instructed in the RFP documents and amendments. No late submissions were received, as TPS used an e-submission process.

### 7.2 EVALUATION PROCESS STAGES

Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
Stage 1	Mandatory Submission Requirements	No Score	Pass	This review was completed by the Procurement Advisory Team and the five (5) proposals received a pass for all criteria in this review.  We did not monitor this evaluation stage, nor did we receive any information for our records following the completion of this stage.
Stage 2	Technical Rated Evaluation	100 points	6/10 points – Experience	This evaluation was completed by the Technical Evaluation Team.

Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
			and Qualifications criterion	<p>It came to our attention that two proponents that had passed evaluation Stage 1 should have been issued mandatory clarifications with response for their proposals to proceed into Stage 2. Based on the RFP requirements only one BWC was to be proposed by each proponent. This was conveyed clearly in the RFP and in fairness to all other proponents it needed to be clarified and confirmed during Stage 1 as the two proponents had each proposed more than one BWC camera type and only one could be evaluated during this process.</p> <p>Instead, a decision was made to allow both proponents to continue into Stage 2 with multiple BWC's to be evaluated by the Technical Evaluation Team for consideration; this was contrary, in our fairness opinion, to the process and requirements established in the RFP documents.</p> <p>Once we were made aware of this matter, we recommended that the matter be addressed immediately before either proposal was scored and ranked further for shortlisting during this evaluation stage. TPS agreed, and the matter was resolved by the end of this evaluation stage. Specifically, TPS issued a clarification requiring each proponent to identify a single BWC camera to be evaluated.</p> <p>Consequently, two proponents failed to meet the minimum scoring threshold requirements and three proponents successfully did and a total of only 3 BWC cameras proceeded further for consideration.</p> <p>The three proponents which met the minimum scoring threshold were shortlisted and invited to participate in the Stage 3 evaluation process.</p>
<b>Stage 3</b>	<b>Concurrent Negotiations</b>			
	a) Controlled Environment Evaluation	Pass/Fail	Pass	<p>This process was completed by a subset of the Technical Evaluation Team as per TPS' CEE evaluation procedure document developed and established post-RFP close during the evaluation phase, but prior to this evaluation stage beginning.</p> <p>We understand that all three remaining proponents received a pass as defined by the CEE evaluation procedure document and had their BWC cameras proceed forward to Stage 3 b) in the evaluation process.</p> <p>We did not monitor this evaluation stage and were not provided the evaluation results of it until January 2020, five months after it had occurred.</p>
	b) Field Evaluation	12 points	N/A	<p>This evaluation was completed by the law enforcement officers during their shifts in an on the job live setting over the course of a 3-week period through a scored evaluation during the month of August 2019. While we</p>

Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
				<p>were not made aware of the start and end dates of this evaluation stage, we do know that it began with training to all evaluators and facilitators from TPS and then proceeded to the live use and scored evaluation.</p> <p>The process included opportunities for TPS to raise BWC user concerns to the proponents during the field evaluation to ensure full use of the equipment as needed, and we understand that notifications of such matters occurred from time to time during this evaluation process from TPS to the proponents, but we did not monitor this communication between TPS, and the Proponent.</p> <p>We understand that all three remaining proponents were scored in this stage using the established scoring document in the RFP and in accordance with the evaluation procedure documents. As there was no minimum scoring threshold on this section, all proponents had their BWC's proceed forward to Stage 3 c) in the evaluation process.</p> <p>We did not monitor this evaluation stage but were provided the scored evaluation results a month after the evaluation was completed. However, we note that we received the results after the next two evaluation stages had been conducted. This is a fairness concern as it meant we could not confirm the results of the Field Evaluation or any evaluation matters which may have been present during that evaluation stage, before TPS continued to the next evaluation stage from a fairness perspective.</p>
	c) Demonstrations	48 points	N/A	<p>This evaluation was completed by the Technical Evaluation Team over a 3-day period at the TPS training centre. These evaluations occurred on September 9<sup>th</sup> - 13<sup>th</sup>, 2019.</p> <p>This process was completed by the Technical Evaluation Team and facilitated by the Procurement Advisory Team as per TPS' demonstration evaluation procedure document developed and established post-RFP close during the evaluation phase, but prior to this evaluation stage beginning.</p> <p>All three remaining proponents were scored in this stage using the established scoring document in the RFP and as there was no minimum scoring threshold on this section all proponents had their BWC's proceed forward to Stage 3 d) in the evaluation process.</p> <p>We monitored this evaluation stage, but we were not provided the scored evaluation results despite our requests until January 2020, four months after this evaluation process was completed.</p>

Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
				<p>This is a fairness concern as it meant we could not confirm the results of the Demonstration Evaluation or any evaluation matters associated with that evaluation stage before TPS continued to the next evaluation stage.</p>
	<p>d) Commercially Confidential Meeting (CCM)</p>	<p>N/A</p>	<p>N/A</p>	<p>All three remaining proponents were invited to attend a one-on-one CCM with TPS. This was an opportunity offered as per the RFP for the proponent to engage in meaningful dialogue with TPS about the preceding evaluation process stages, and their BWC performance during each evaluation stage previously completed.</p> <p>These meetings occurred over a two-day period on September 30<sup>th</sup> - October 1<sup>st</sup>, 2019.</p> <p>As this is an unscored process step, following its completion, all proponents were invited to proceed to the BAFO submission evaluation stage as per the RFP, taking to account the supplementary process information and instructions that had been given to them by TPS since RFP closing during the evaluation process.</p> <p>We monitored this evaluation stage meeting with each proponent but raised two fairness concerns with regard to the process; these two concerns were not resolved. The first issue was raised before the CCM's occurred and the second was raised at the beginning of the first CCM that had occurred.</p> <p>The proponents' CCM invitations were in their entirety to be reviewed by us, as the Fairness Commissioner, prior to issuance to allow us to provide a confirmation of the acceptability of the invitation prior to issuance. We discovered that the CCM invitation draft document that we reviewed and provided comment on, was further amended upon issuance to include a requirement for an initial pricing submittal. The submittal was requested with an associated deadline both of which represented net new requirements.</p> <p>The email asked the proponents to submit initial pricing information prior to their CCM's for TPS' review and feedback during their respective CCM meetings in a confidential meeting.</p> <p>Our fairness concern was that this was not ever indicated as a submittal item in this evaluation process explained in the RFP documents nor was it discussed with us prior to being communicated to the Proponents. When we raised our concern, we understood that TPS and the Procurement Advisory Team had a differing opinion to the fairness of the change and decided to proceed as planned.</p>

Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
				<p>However, during the CCM's, TPS and its Procurement Advisory Team did not allow proponents to ask commercially confidential questions about the initial pricing that they had drafted and submitted as requested in their confidential setting. Instead TPS advised that they would not answer questions during the CCM. We note that proponents had travelled to Toronto in some cases for this specific purpose. The initial pricing was an additional submittal item which had a deadline that was two weeks prior to the BAFO submittal deadline, and so in our opinion, to put the proponents under this undue effort and unnecessary costs given that TPS and its procurement advisor planned not to allow for questions or the meaningful feedback, as indicated in the RFP, raised significant fairness concerns. This was an avoidable risk, a poor use of time and effort for the proponents as it presented little value as a process stage overall for both parties involved.</p> <p>Though 2 hours were held for each meeting, no CCM took longer than 8-15 minutes in length. They began with a round table of introductions and an explanation that no commercially confidential discussions or questions would occur, and an instruction that proponents were to issue all their questions to TPS, and the responses to these questions would be shared with all other proponents in writing.</p> <p>This meant that proponents lost their opportunity that was communicated would be afforded to them to seek both technical performance clarity or gap updates gleaned from the previously completed evaluation processes, and feedback on their pricing in a confidential setting. This represented a fairness concern.</p> <p>Following the CCM's, some further clarity was drafted for sharing with the proponents which all would receive. However, we are not certain if it was issued or not, as we were left out of the stages of the process that occurred after the first week of October 2019.</p>
<b>Stage IV</b>	Submission of BAFO's	40 points	N/A	<p>Before the first BAFO submission was received, TPS notified us that there was a matter that had arisen which would require a suspension of the evaluation process and BAFO process stage; however, we were not informed what the matter was.</p> <p>However, we understand that proponents were not notified of the suspension, and that all three proponents submitted BAFO's which were received before the BAFO closing deadline of October 8<sup>th</sup>, 2019 at 2:00:00pm. We were further informed by TPS that all BAFO's received were not going to be downloaded (opened) or evaluated by TPS nor by its Procurement Advisory Team and that this could be proven by TPS</p>

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Stage #	Stage	Overall Points	Minimum Pass Mark	Fairness Comments
				from the TPS Bonfire portal management company. Despite our request for this proof since this suspension occurred, we have not received this proof.
<b>Total Weight Score</b>		<b>100 points</b>		

After being contacted by TPS on October 3<sup>rd</sup>, 2019, we did not meet with TPS again until November 21, 2019 where we were given an update on matters that had arisen during that time. Please refer to our Attachment #1 to this report for further details on this update we received.

## 8. CONCLUSION

The table in section 7.2 in this report provides our detailed fairness comments on each evaluation stage.

In summary, the fairness concerns may be categorized into three groups:

1. Unresolved fairness comments as they related to process or document reviews.
2. Fairness comments related to substantive evaluation process and assessment factors and methodology changes which occurred post-RFP closing which presented risks and created ambiguities to the process from an openness, fairness and transparency perspective.
3. Fairness Commissioner being kept out of the loop and therefore, not able to oversee processes that were necessary or to review evaluation process documents and key communications to the proponents prior to their issuance. Please refer to Attachment #1.

In addition, we did not monitor the RFP development process as we only received the RFP documents after they were issued to the market. Although we did monitor the RFP issuance period, and parts of the RFP evaluation process, we had numerous unresolved fairness concerns, as outlined in this report.

Therefore, we are unable to attest to the fairness, openness and transparency of the TPS BWC procurement process.



Andrea Robinson, B.A., LL.M., PMP., SCMP (candidate)  
Senior Fairness Commissioner  
HKA Global (Canada), Inc.

cc. Don Solomon, B.A., Cert. Tech. Arch.  
Senior Fairness Commissioner  
HKA Global (Canada), Inc.

Doreen Wong, B.A., B.COMM., LL.B., SCMP (candidate)  
Senior Fairness Commissioner  
HKA Global (Canada), Inc.

# Attachments

1. **Updated Fairness Opinion on the Toronto Police Service's Body Worn Cameras Solution Request for Proposal – Attachment: Outstanding documents 2020-01-31 – Fairness Commissioner**
2. **HKA – Fairness Commissioner Statement of Work – Dated September 13, 2017**



February 2, 2020

Mr. Michael Barsky  
Superintendent #4420  
Unit Commander - No. 52 Division  
Toronto Police Service

**RE: Updated Fairness Opinion on the Toronto Police Service's Body Worn Cameras Solution Request for Proposal – Attachment: Outstanding documents 2020-01-31 – Fairness Commissioner**

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Dear Superintendent Barsky,

In accordance with your request, we have reviewed the above-noted attachment.

Having completed this review of the additional attachment, our January 29, 2020 fairness opinion remains unchanged.

Sincerely,

**ANDREA ROBINSON, B.A., LL.M. PMP., SCMP (Candidate)**  
**SENIOR FAIRNESS COMMISSIONER**

**CC: DON SOLOMON, B.A., CERT.TECH.ARCH.**  
**SENIOR FAIRNESS COMMISSIONER**

**DOREEN WONG, B.A., B.COMM., LL.B., SCMP (Candidate)**  
**SENIOR FAIRNESS COMMISSIONER**

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## HKA Global (Canada), Inc.'s Fairness Opinion Dated January 29, 2020

**January 29, 2020**

Mr. Michael Barsky  
Superintendent #4420  
Unit Commander - No. 52 Division  
Toronto Police Service

**RE: Fairness Opinion on the Toronto Police Service's Body Worn Cameras Solution Request for Proposal - Issues for Consideration Correspondence in Exhibit 1**

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Dear Superintendent Barsky,

This Fairness Commissioner opinion being provided relates solely to the correspondence provided to us on December 2, 2019 as it relates to "Issues For Consideration" (Exhibit 1 attached), and is based on our expertise in monitoring Canadian public procurement processes, delivering expert procedural fairness services to government entities at all levels over many years, and coupled with our role as the Fairness Commissioner in this matter to date.

It is our opinion that the fairest approach in this phase of the evaluation process, without consideration to any other possible options which were not presented to us, would be for the Toronto Police Service ("the Service"), to disqualify the two (2) Proponents who did not demonstrate consistent and satisfactory compliance to achieve the requirements in the RFP - Appendix D - Section A – Deliverables, during the evaluation process competition, in fairness to all other Proponents.

We confirm that prior to being notified of the Service's evaluation matter for consideration, and prior to the commencement of the CCM and BAFO submissions being received by the Service, as the Fairness Commissioner, we had sent numerous written requests relating to the evaluation process, to review the detailed evaluation stages outcomes, and documents for verification and for our records and reporting, as required. However, we confirm that we did not receive all of the information sought, despite these numerous requests. Nearly two (2) months after our requests, we received notification from the Service to attend meetings with the Service, which resulted in the Exhibit 1 correspondence to this letter being sent to us after the first meeting on November 21, 2019.

With regard to the Exhibit 1 correspondence, we verbally requested on two occasions (November 21<sup>st</sup>, 2019 and December 9<sup>th</sup>, 2019) and once again in writing (on December 23<sup>rd</sup>, 2019) access to the documents, evaluation process findings for each Proponent for all stages of evaluation completed to date, CCM Proponent submittal information, evaluation process information, and access to all communications and correspondence, between August 2019 to date, between the Service and the Proponents during the evaluation process that transpired.

During the verbal requests for these critical pieces of information, and the "Issues for Consideration" having been provided to us, our request for this information was confirmed, accepted and promised, but

ultimately not provided to us, thereafter, as agreed upon. Finally, two weeks after the second meeting where the same information was promised, we received an emailed communication from the Service questioning why we needed the information, despite the fact we had already requested it multiple times, and further had explained the purpose of and necessity for this information, that is, that it related directly to the question for which the Service posed to us and sought our fairness opinion. We responded to the Service confirming that, as per our contract, we were to be permitted and granted access to this information in order to complete our scope of services and to answer the question posed to us in the "Issues for Consideration" document, to verify the accuracy of the facts provided for in the correspondence, activities and timelines referenced therein.

Since providing our last response to the Service explaining the need for the evaluation process information requested, we have not received a response from the Service individual who asked for our justification for access to evaluation process information, and the information has not been provided.

Neither HKA Global (Canada), Inc., nor the individual author(s) of this opinion, is responsible for any conclusions or insights that may be drawn. For further detail on the opinion given, we recommend that communication be sought from the Toronto Police Service directly.

Sincerely,



**ANDREA ROBINSON, B.A., LL.M. PMP., SCMP (Candidate)**

**SENIOR FAIRNESS COMMISSIONER**

**CC: DON SOLOMON, B.A., CERT.TECH.ARCH.**

**SENIOR FAIRNESS COMMISSIONER**

**DOREEN WONG, B.A., B.COMM., LL.B., SCMP (Candidate)**

**SENIOR FAIRNESS COMMISSIONER**

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**MAKING THE BEST  
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**Toronto Police Services Board  
Virtual Public Meeting  
August 18, 2020**

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**\*\* Speakers' List \*\***

**Opening of the Meeting**

**1. Confirmation of the Minutes from the virtual meeting held on June 19, 2020**

Deputations: Kris Langenfeld  
Derek Moran\* (written submission included)

**3. Policing Reform Initiatives and Accompanying Presentations**

Deputations:

Kris Langenfeld  
Derek Moran  
John Sewell  
Morgan Lockhart  
Dylan Gunaratne  
Ena Chadha, Chief Commissioner, Ontario Human Rights Commission  
Scout R  
Kris Langenfeld  
Dallas Jokic  
Berkley Staite  
Steve Lurie  
Alex Lepianka  
Marie Glass  
Ryan Murdock  
Jennifer Chambers  
Rachel Bromberg  
Jade Armstrong  
Anders Yates  
Jason Prolas  
Howard . Morton  
Luke Ottenhof  
Amy Todd

Pax Santos  
Serena Purdy  
Emma McKay  
Rebecca Amoah  
Emma Wildeman  
Vanessa Campbell  
Derek Moran,  
Jacqueline Edwards  
Twoey Gray  
Tom Hobson  
Miguel Avila-Velarde  
Karita  
Norman Gardner

Written Submissions:

Information and Privacy Commissioner of Ontario  
John Cartwright, Toronto and York Region Labour Council  
Kathryn Wells  
Katias Yee  
Mackenzie Kinmond  
Alex Mlynek  
Howard F. Morton, Law Union of Ontario  
Estarmir Hernandez  
Matthew McMahon  
Nicole Corrado  
Tynan Bramberger  
Hans Tim  
Diedra Wandel  
Bev Solomon

## THIS IS NOTICE OF HOW THE TORONTO POLICE SERVICES BOARD (“TPSB”) DECEIVES THE PUBLIC THROUGH THE USE OF THEIR LEGAL WEASEL-WORDS FOR “PERSON,” “BY-LAW,” “DEPUTATION,” AND “SOLICITOR-CLIENT PRIVILEGE”

1. I just wanna say by me speaking at this meeting this shall not be deemed to be in any way my consent express or implied and doing so is fraud God Bless Her Majesty the Queen and long live Her Majesty the Queen, and let the record show as “PERSON” is defined as a CORPORATION in the Legislation Act of Ontario if I have ever led the Toronto Police Services and/or this Board to believe in any way that i am the PERSON then that would be a mistake and that i ask all of you to please FORGIVE ME?

2. **TAKE NOTICE** this is what the Alberta Court of Appeal had to say in regards to all persons being legally bound to take notice of the laws of the country where they are:

[Neilson v. Underwood](#), 1933 CanLII 476 (AB CA)

Court of Appeal — Alberta

1933-07-24 | 39 pages | cited by 3 documents

*solemnization of marriage — ceremony — marriage — marriage of minors — contract*

[...] **All persons are legally bound to take notice of the laws of the country where they are domiciled.**

3. So in the last meeting’s minutes it mentions - “Ryan Teschner, Executive Director, ANSWERED questions from the deputant and advised that notice of the proposed amendments to the Board’s Procedural By-Law had been provided during the last public Board meeting that took place on May 21, 2020...”

4. **TAKE NOTICE** what the Saskatchewan Queen’s Bench had to say in regards to the word “depute”:

[Lac La Ronge Indian Band v. Canada](#), 1999 SKQB 218

Court of Queen’s Bench for Saskatchewan — Saskatchewan

1999-11-30 | 246 pages | cited by 7 documents

*lands — land — treaty — acres — reserves*

[...] **Within itself the word “depute” contains the notion of superior and inferior.** [...] **The former possesses authority, but passes it on or shares it with the latter.** [...] **In each instance it is necessary to ascertain what authority was conveyed to the deputy.** [...]

5. And speaking of the “Board’s Procedural By-Law” just mentioned in the minutes, **TAKE NOTICE** what the Ontario Superior Court citing a Court of Appeal case had to say in regards to defining/describing the function of a by-law:

[Pathak v. Sabha](#), 2004 CanLII 10850 (ON SC)

2004-04-20 | 10 pages

*charitable — parens patriae — charity — amicus curiae — intervene*

[...] **By-laws are regulations, ordinances, rules or laws adopted by a corporation for its government.** [...] **The function of a by-law is to prescribe the rights and duties of the members with reference to the internal government of the corporation, the management of its affairs and the rights and duties existing between the members inter se.** [...] **MacKenzie v. Maple Mountain Mining Co., (1910), 20 O.L.R. 615 (C.A.).** [...]

This is why by-laws aren’t actually ‘laws,’ that apply to all of us. They are clubhouse rules, for a clubhouse, that unless you specifically WORK for/are a member of that organization, you are NOT, a member of.

6. **TAKE NOTICE** of this maxim-of-law:

***Leges suum ligent latorem.*** Laws should **bind** their own author.

7. So in the “Confirmation of the Minutes from the virtual meeting held on June 19, 2020” - “It was noted that the Board Administrator posted the public agenda on Monday June 15 2020, and a revised agenda was posted on June 17 2020 adding the report listed under item 3 as well as a new report from the Chief listed as item 35. The Board consents to consider all items on the agenda for the meeting dated June 19 2020 including new business added after the Agenda Deadline, and WAIVES, pursuant to section 4.4 of the Procedural By-law, the timing requirement in section 8.6 for this meeting.” So the Toronto Police Services Board gets to decide that when it doesn’t work for them, that they can just simply WAIVE, having to follow their OWN rules. This reminds me of the time D!ONNE Renee told Justice Cavanagh when she took you to court that, “The Toronto Police Services Board, doesn’t even follow, their OWN rules.” Just so we’re clear, the Toronto Police Services Board have given themselves the ‘magic powers,’ to NOT follow their own rules, when it suits them. Which is hilarious, because in this month’s agenda it says - “The Board itself, was also the target of much distrust...Many of the participants viewed the Board as one and the same as the Service, and suggested that the Board was failing in its role as an independent civilian oversight body.”

8. **WHEREAS** TPSB Board Administrator and/or Law Society of Ontario member Diana ACHIM “on behalf of the Board” cited “solicitor-client privilege,” as the reasoning behind why the TPSB wouldn’t answer my question on which dictionary they used to get their definition for “DEPUTATION” they have in the TPSB’s definition section:

RE: TPSB by-law definition section

Yahoo/Inbox 1

 Diana Achim <Diana.Achim@tpsb.ca>  
To: 'Derek Moran'

 Jul 30 at 7:56 PM 1

Good afternoon,

The Procedural By-law was adopted by the Board after consultation with Board staff including legal counsel. The contents of legal advice in drafting the by-law, including sources consulted in drafting definitions and other provisions, is covered by solicitor-client privilege, but the report which speaks to the background of the by-law can be found here:

<http://www.tpsb.ca/component/downloads/send/42-2017/554-february-23>. This report (dated February 13, 2017) provides information on, among other things, the kinds of sources consulted and purpose of the by-law as a whole, and provides guidance to the extent I can on behalf of the Board.

Respectfully,

**DIANA ACHIM**

Board Administrator

9. **TAKE NOTICE** what the Alberta Queen’s Bench had to say in citing the Supreme Court of Canada, in regards to the application of solicitor-client privilege:

[Alberta \(Municipal Affairs\) v Alberta \(Information and Privacy Commissioner\)](#), 2019 ABQB 274

2019-04-17 | 10 pages | cited by 6 documents

*solicitor-client privilege — legal advice — communications — client — lawyers*

[...] [8] In the context of drawing differences between solicitor-client privilege and litigation privilege, the Supreme Court reiterated that solicitor-client privilege applies to confidential communications between a solicitor and client when legal advice is sought, whether or not in relation to litigation. [...] The scope of the privilege does not extend to communications: (1) where legal advice is not sought or offered; (2) where it is not intended to be confidential; or (3) that have the purpose of furthering unlawful conduct: see Solosky, supra, at p. 835. [...] These Reasons do not disclose solicitor-client privileged information, inadvertently or otherwise. [...]

## **Deputation to Toronto Police Services Board**

**Steve Lurie C.M., Executive Director CMHA Toronto Branch**

**Co chair- TPS Mental Health and Addictions Advisory Panel**

I want to indicate my support for Chair Hart's report and the recommendations contained therein. I also want to acknowledge the vision and leadership of board member Uppala Chandrasekera for her formative work with ARAP and MHAAP. She will be missed.

I look forward to working with TPS, MHAAP and ARAP to create a community focused crisis response system. As we know from the LOKU inquest this will require acknowledging the impact of racism, leveraging the experiences and outcomes of police and non police response to crisis calls, as well as best practices from other jurisdictions, to develop a made in Toronto crisis response system that is well connected to mental health and addictions services.

In order for this to occur the province of Ontario will need to make major investments in community mental health and addictions services.

In 2011 and 2013 the Ontario Chiefs of Police and the Canadian Chiefs of Police noted that police were the default 24/7 mental health/ crisis response service in local communities, due to a historic lack of investment in mental health and addiction services. To put this in perspective, in 1979 Ontario's mental health spending accounted for over 10% of health spending. It is now just over 6%. Other areas of health care funding have received proportionately more investment than mental health and addictions.

The provincial government has promised to increase mental health and addictions spending over 10 years, by \$3.8 billion- which works out to an annualised spending increase of \$380 million for the whole province. This represents a 2% increase in current community mental health and addictions spending each year. While this investment would be welcomed and Toronto could expect to receive up to \$74 million annualised, this will not significantly improve access to mental health and addiction services in Toronto.

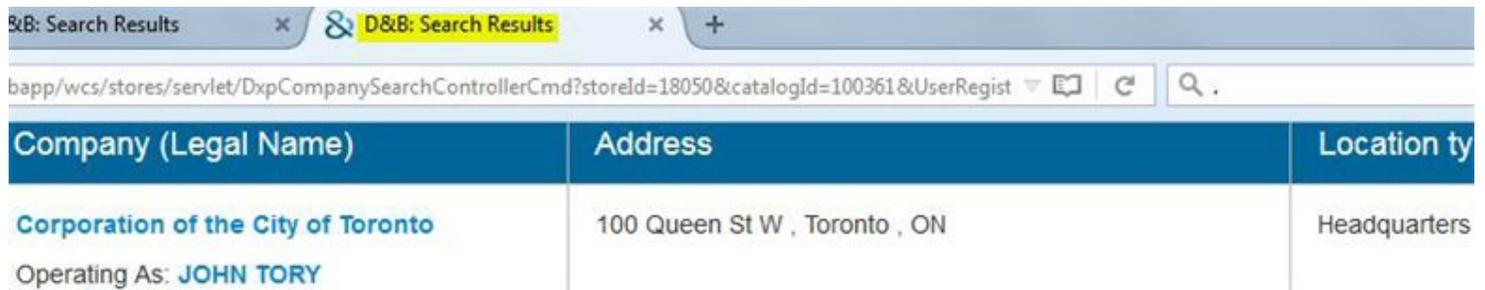
In 2012 the Mental Health Commission of Canada recommended that all provinces increase the mental health share of health spending to 9% and 2% of social spending. The current provincial commitment get us about 30% of the way. Last October City Council unanimously approved a motion by Councillor Kristin Wong Tam for Toronto to call on the federal government to meet the MHCC spending targets. If this happened, Toronto would see annualised funding for mental health and addictions increase by \$300 million and social spending, which could for supportive housing, increase by \$600 million. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM11.12>

Currently we don't have a commitment from the provincial government which has pledged to match the current federal funding for the \$74 million that Toronto needs as a minimum.

We need to work together to reduce reliance on police response in mental health crises, and ensure that more community based alternatives are in place that could work with police divisions and Ontario Health Teams in Toronto to coordinate access to community based crisis services and other supports. MHAAP discussed the recommendations in the report before you which we support, but we would like the Board to write the provincial government and ask them to ensure they flow the federal funding and provincial match funding to Toronto now to increase access to community based crisis services and other mental health and addiction supports.

We expect that our panel will have more to say about TPS crisis response once the SIU and Section 11 reports are made public with regard to the death of Ms. Korchinski- Paquet, in addition to discussions we are having regarding the implementation of the LOKU inquest recommendations and the TPS Mental Health Strategy. We are also interested in what other deputants have to say today about moving forward on anti black racism, indigenous racism and police response to mental health and addictions crisis calls. MHAAP would like to have further discussions on these issues and would ask that you consider our request to write the province about the need for funding community based crisis services and other supports, and defer a decision on this report until July.

**THIS IS NOTICE OF HOW THE TORONTO POLICE SERVICES (“TPS”) SHOULD BE DETASKED OF ENABLING THE CORPORATION OF THE CITY OF TORONTO OPERATING AS: JOHN TORY (“CITY”) FROM IMPOSING THEIR COERCIVE BYLAWS ONTO THE PUBLIC**



The screenshot shows a web browser with two tabs: '&B: Search Results' and 'D&B: Search Results'. The address bar contains the URL: `bapp/wcs/stores/servlet/DxpCompanySearchControllerCmd?storeId=18050&catalogId=100361&UserRegist`. Below the address bar is a table with three columns: 'Company (Legal Name)', 'Address', and 'Location ty'. The first row contains the following information:

Company (Legal Name)	Address	Location ty
Corporation of the City of Toronto Operating As: JOHN TORY	100 Queen St W , Toronto , ON	Headquarters

**1. TAKE NOTICE** this is what the Alberta Court of Appeal had to say in regards to all persons being legally bound to take notice of the laws of the country where they are:

[Neilson v. Underwood](#), 1933 CanLII 476 (AB CA)

Court of Appeal — Alberta

1933-07-24 | 39 pages | cited by 3 documents

*solemnization of marriage — ceremony — marriage — marriage of minors — contract*

[...] **All persons are legally bound to take notice of the laws of the country where they are domiciled.**

**2.** So in this item it mentions - “Guiding Principles - Transparent, evidence-based approach: Our approach is evidence-based and driven by measurable goals and outcomes that are tracked and publicly reported. This is consistent with Ontario’s Open Government principles.”

**3.** Since almost HALF of this board comes from an organization which routinely defrauds the public by improperly applying their by-laws, how is the City of Toronto by wilfully concealing the definition for “BY-LAW” in their Toronto Municipal Code, “consistent with Ontario’s Open Government principles?” This board speaks of a “transparent, evidence-based approach” as a “guiding principle.” Then what EVIDENCE, does the City of Toronto and/or the Toronto Police Service have, that the ‘corporate mandatory mask by-law’ which specifically applies to a “PERSON,” applies to ME? If I have ever led any of YOU to believe in any way that I am a “PERSON” as defined in the Toronto Municipal Code then that is a MISTAKE, and that I ask all of YOU to please FORGIVE ME? If I have ever led any of you to believe in any way that I work for and/or am an employee of the Corporation of the City of Toronto Operating As: JOHN TORY then that is a MISTAKE, and that I ask all of YOU to please FORGIVE ME?

**4.** One of the suggestions in this item made at the townhall was to “Detask – (described as) Other tasks and areas that participants suggested could be transferred away from the police include schools, TTC special constables, and, by-law enforcement.” This is a great idea.

**5. TAKE NOTICE** what the Ontario Superior Court citing a Court of Appeal case had to say in regards to defining/describing the function of a by-law:

[Pathak v. Sabha](#), 2004 CanLII 10850 (ON SC)

2004-04-20 | 10 pages

*charitable — parens patriae — charity — amicus curiae — intervene*

[...] **By-laws are regulations, ordinances, rules or laws adopted by a corporation for its government.** [...] **The function of a by-law is to prescribe the rights and duties of the members with reference to the internal government of the corporation, the management of its affairs and the rights and duties existing between the members inter se.** [...] **MacKenzie v. Maple Mountain Mining Co., (1910), 20 O.L.R. 615 (C.A.).** [...]

6. So in this item it also mentions - "Information-Sharing and Transparency - Information-sharing and transparency is key to building and maintaining public confidence. Information-sharing and transparency is also fundamental to good police governance and the improvement of service delivery. It is the Board's practice to publicly post all its Policies on its website, and to encourage the open sharing of data...."

7. TAKE NOTICE what the Supreme Court of Canada had to say in regards to providing guidance to those who apply the law:

[Greater Vancouver Transportation Authority v. Canadian Federation of Students — British Columbia Component](#),

2009 SCC 31 (CanLII), [2009] 2 SCR 295

2009-07-10 | 64 pages | cited by 174 documents

*transit authorities — advertising — freedom of expression — policies — government*

[...] At the second stage of the enquiry, to find that the limit is "prescribed" by law, it must be determined whether the policies are **sufficiently precise** and accessible. [...] **Professor Peter W. Hogg** describes the rationale behind the "prescribed by law" requirement in *Constitutional Law of Canada* (5th ed. 2007), vol. 2, at p. 122: [...] Both these values are satisfied by a law that fulfils two requirements: (1) the law must be **adequately accessible** to the public, and (2) the law must be formulated with **sufficient precision** to enable people to regulate their conduct by it, and **to provide guidance to those who apply the law**. [...]

8. In this item it also mentions - "Direct the Chief of Police to share regularly updated datasets from the Toronto Police Service's open data portal with the City of Toronto for display and distribution on the City's open data portal..."

9. I just want to point out to Chief Ramer my latest example to show him and his officers of the blatant/overt hypocrisy of the City of Toronto expecting the TPS to be more "open" in sharing their data, in regards to the Toronto Public Library, who have yet to respond to my Notice for Full Disclosure about what the legal definition for "BY-LAW" is in the Toronto Municipal Code in regards to the 'mandatory mask by-law,' as I've been told by the Northern District library that if I want to enter the library that I have to wear a mask as it's now 'the law,' even though Chief Ramer knows that Ontario is actually a COMMON LAW jurisdiction. As especially City Manager Chris Murray knows it's not reasonable to expect that the City of Toronto would actually tell the truth let alone apply the law properly, it'd be great if Chief Ramer could mention to 53 Division Superintendent Shaun Narine, that it's going on FIVE WEEKS now and the Northern District library has yet to respond to my Notice for Full Disclosure with an honest/truthful answer. As Sergeant Eustace while at the front-desk at 53 Division agreed with me when I said, that it would be fraud to go around charging people with laws that don't actually apply to them.

10. TAKE NOTICE this email is in regards to the second notice I dropped off to the Northern District library, as I have dropped off three in total:

Re: the notice i dropped off on Friday

Yahoo/Inbox

 **Sarah Bradley** <sbradley@tpl.ca>  
To: Derek Moran  
Cc: Alan Barry, Marvella Lee

  Mon, Jul 27 at 11:26 AM

Hi Derek,

Thanks for speaking with me today! I have sent a request to Rosa Stall from City Legal asking for the **definition of By-Law**, and **where** this definition can be found **in the Toronto Municipal Code**, attaching your latest notice as well. Will let you know as soon as I hear back.

Thank you,

Sarah Bradley (she/her)  
Library Service Manager, Northern District branches  
Toronto Public Library  
40 Orchard View Blvd, M4R 1B9, 416-393-7643 cell: 647-213-3080  
[tpl.ca](http://tpl.ca)

Toronto Police Accountability Coalition  
[info@tpac.ca](mailto:info@tpac.ca) tpac.ca

August 13, 2020.

To: Toronto Police Services Board

Subject: August 18 agenda, Item 3a, 'Police Reform in Toronto'

If the Board approves the 80 recommendations in the above document there will be a host of reports presented to future Board meetings, but there will not be very much change in the way policing is done in Toronto. It is serious change which the public wants with policing, not just more tinkering with the illusion of change.

Here are some of the things which won't change, since they are not addressed in this document:

1. Officers will continue to have a gun, a taser and a baton, and most will wear body armour to ensure they look appropriately intimidating and invincible.
2. The police service will continue to strip search about 40 per cent of those it arrests in spite of reports and court cases arguing it should be strip searching about one per cent of those arrested.
3. Police patrols will continue as in the past with two officers in a car after dark which is a waste of resources and leads to risky pursuits and behaviour.
4. Officers will continue to be managed as they now are by the same managers who have years and years and years of experience within the police hierarchy, fully enthralled in a police culture with its systemic history of discrimination against Blacks, Indigenous persons and persons of colour.
5. The first responders to calls involving persons in mental crisis will continue to be armed front-line officers, not Mobile Crisis Intervention Teams or other community-based responders. The risks of those in crisis being injured or killed remains as it is today.
6. Disciplinary hearings concerning police activities contrary to the Police Services Act and police policy will continue to be heard by uniformed officers who are part and parcel of police culture.
7. There is no reason to think that fewer Black or Indigenous persons or person of colour will face discrimination from the police in the near future.
8. Police will continue to lay three or four charges against a person for a single incident, even though almost two third of those charges will not be supported at the court level, and there is no thought of implementing a pre-charge screening protocol such as that used in other provinces to protect those the police charge and to save the time and energy of those in the criminal justice system.
9. The Guns and Gangs Unit will continue even though it has not been shown to reduce the gun violence impacting youth in Toronto.
10. A new chief of police will be hired before a new agenda for policing in Toronto is agree to.

What is needed at this time is not a raft of reports about changes in the way police do things but instead new ways of thinking about policing and new ways of proceeding. As stated in our June 12 letter to the Board, this process must be led by a group of people - let's call it The Police Change Group - which has wide credibility among those who are demanding change and by the public at large. The Toronto Police Service Board is not such a group: the Board has not distinguished itself in recent decades in defining or resolving major police issues, which is one reason we are at the place we are today. The Police Change Group to lead this process should consist of 12 – 15 people, (at least 60% women/non-binary/trans), some of whom have distinguished themselves in thinking deeply about policing, some with strong roots in the communities impacted by policing, some who are considered excellent representatives of the community at large because of their activities in the past. Certainly several members of the Board should be part of this group.

To determine who these people might be, it will be important to bring together four or five acknowledged leaders in the community to prepare a list of those it thinks should be asked to serve on this group. They should be gender diverse leaders of Black, Indigenous, and other racialized communities, who have worked in large organizations, and know about making systemic change. It is important to ensure that people who are knowledgeable about the intersections of gender, racism, mental health and addictions issues are represented in this group.

The list they propose should be circulated for approval to major organizations in the city and a final decision arrived for the composition of the Police Change Group by these four or five acknowledged leaders.

That is the process we ask the Board to agree to at this time.

The function of the Police Change Group will be to define the issues that must be addressed by the police service and its leadership. It will involve such matters as:

- \* transforming police culture
- \* defining clearly the functions police now deliver which should be delivered by other organizations and clarifying the role of police in our city
- \* addressing how systemic change can occur within the police service, including police oversight
- \* ending systemic anti-Black racism and anti-Indigenous racism within the police service
- \* strategies for disarming and de-militarizing the police
- \* changes in senior management of the police service, including bringing in senior managers from outside of policing.

The Group will not be expected to have the answers to all the important questions but it should suggest processes which will help get there.

The group of acknowledged leaders should be asked to report within two months; the Police Change Group should be asked to report within six months. Funding should be provided to the Police Change Group, initially in the amount of \$100,000, with further funds to be provided as the Group proposes.

We recommend the Board agree to these structures and the functions of the Police Change Group as proposed.

Yours very truly,

John Sewell for  
Toronto Police Accountability Coalition.

Toronto Police Accountability Bulletin No. 123, July 3, 2020.

This Bulletin is published by the Toronto Police Accountability Coalition (TPAC), a group of individuals and organizations in Toronto interested in police policies and procedures, and in making police more accountable to the community they are committed to serving. Our website

is <http://www.tpac.ca>

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In this issue:

Toronto Police Accountability Coalition  
[info@tpac.ca](mailto:info@tpac.ca) tpac.ca

August 13, 2020.

To: Toronto Police Services Board

Subject: August 18, Item 3c, Body Worn Cameras

Spending \$35 million on Body Worn Cameras is not a good decision. Yet another technological change will not improve policing in Toronto. As the 2016 report commissioned by the Board showed, body worn cameras hold out little hope of changing the way policing is done.

This money would be much better spent on poverty reduction, recreation and education programs for young people.

We urge the Board to reject this recommendation.

Yours very truly,

John Sewell for  
Toronto Police Accountability Coalition



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

## Ontario Human Rights Commission

Written Deputation to the

### **Toronto Police Services Board re: *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety***

August 17, 2020

#### **I. Introduction**

The Ontario Human Rights Commission (OHRC) is providing this written deputation to the Toronto Police Services Board (TPSB) in response to its August 11, 2020, report on *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety* and the recommendations it contains (*Police Reform Report*),<sup>1</sup> which are being considered for approval at its August 18, 2020, meeting.

#### **II. Executive summary**

Action plans without accountability and enforceability are not meaningful. The OHRC is concerned that the *Police Reform Report* and its recommendations will amount to mere lip service – another report on the shelf that fails to result in substantive change.

As it stands, the OHRC cannot support this report and its recommendations, due to both procedural and substantive deficiencies.

Procedurally, the *Police Reform Report* falls far short of the OHRC's Call to Action in *A Disparate Impact* to create a process with Black communities and the OHRC to establish legally-binding remedies to address and eliminate systemic racism in the TPS. Instead, the report in large part provides non-binding directions to police staff to consider additional reforms.

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<sup>1</sup> Toronto Police Services Board, *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety* (2020), *Race-based Data Collection, Analysis and Public Reporting* (2019), Public Agenda Item #3A of the Toronto Police Services Board's August 18, 2020 meeting, online: [https://tpsb.ca/images/agendas/PUBLIC\\_AGENDA\\_Aug\\_18.pdf](https://tpsb.ca/images/agendas/PUBLIC_AGENDA_Aug_18.pdf) [*Police Reform Report*].

Moreover, providing this report with 81 recommendations to the public and the OHRC with only one week to review, analyze and comment belies general principles of due process, is an insult to the OHRC's call for a consultative and transparent process, and raises serious concerns about whether the TPSB is working in good faith to eliminate systemic racism in the TPS.<sup>2</sup> Given the OHRC's engagement with the TPSB during the inquiry, the recommendations could have been shared at an earlier point, rather than the day after the OHRC released *A Disparate Impact*. This would have provided the OHRC with a fair opportunity to share its human rights expertise and perspectives informed by consultations with Black communities.

In substance, there are important gaps with the recommendations in the *Police Reform Report*. These gaps relate to investigating and addressing officer misconduct, as well as key policy prescriptions on use of force and laying of charges, among others. Further, Black communities have clearly and repeatedly called for defunding, decriminalization and demilitarization. The OHRC is sensitive to calls from Black communities for the nature and scope of policing to undergo a systemic transformation, and strongly supports this transformation. The OHRC agrees it is time to reimagine the role of the police. Communities' demands must be heard, considered, and substantively addressed by the TPSB.

For these reasons, as well as the key gaps we have identified within the 81 recommendations, the OHRC cannot support the *Police Reform Report*. While the report may serve as an initial step, there must be full and focused consultations with Black communities and organizations as well as the OHRC, towards establishing legally binding remedies that will address the procedural and substantive deficiencies in the *Police Reform Report*.

### III. Background

As the TPSB is well aware, the OHRC is currently conducting an inquiry into racial profiling and racial discrimination of Black persons by the TPS pursuant to section 31 of the Ontario *Human Rights Code*. This inquiry was launched in 2017 and builds on decades of work to end prejudice in policing.

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<sup>2</sup> Before the public release of *A Disparate Impact*, on July 8, 2020, the OHRC provided the TPSB and TPS with an advance copy of *A Disparate Impact*, with the aim of identifying any technical issues with the research team's analysis. Further, on August 4, 2020, the OHRC provided the TPSB, TPS and Mayor Tory with the courtesy of a pre-briefing on the report's findings and the OHRC's Calls to Action. Although all parties spoke positively about collaborating with the OHRC to address the alarming findings in *A Disparate Impact*, the TPSB, TPS or Mayor Tory offered no advance notification or information on the *Police Reform Report* or its 81 recommendations, which was released less than one week later. This seriously calls into question whether the TPSB, TPS and Mayor Tory are acting in good faith to address systemic racism. It is disappointing that they utterly ignored their stated goals of cooperation and consultation.

## **A. A Collective Impact**

The OHRC released its first interim inquiry report, *A Collective Impact*, in December 2018.

*A Collective Impact* included expert analysis by criminologist Dr. Scot Wortley of data obtained by the OHRC from the Special Investigations Unit. Among other things, Dr. Wortley found that between 2013 and 2017, a Black person was nearly 20 times more likely than a White person to be a victim of a fatal shooting by the Toronto Police Service.

*A Collective Impact* also included a case law review that identified a number of court and tribunal findings of racial discrimination by the Toronto Police Service; and a review of SIU director reports that raised disconcerting themes, such as illegal policing stops and/or detentions at the beginning of civilian encounters, inappropriate or unjustified searches, meritless charges and a lack of cooperation by police during SIU investigations.

Finally, *A Collective Impact* included the results of the OHRC's broad consultation with 130 members of Black communities across Toronto. It documented Black communities' fear, trauma, expectations of negative treatment and lack of trust of the police.

The findings in *A Collective Impact* were very troubling and continue to garner public attention to this day. The Supreme Court of Canada recognized *A Collective Impact* as credible and highly authoritative.

## **B. A Disparate Impact**

Just last week, on August 10, 2020, the OHRC released *A Disparate Impact*, which includes two new reports by Dr. Wortley, that analyze racial disparities in arrests, charges and use of force by the TPS.

The reports' results were highly disturbing and confirm what Black communities have said for decades – that Black people bear a disproportionate burden of law enforcement. The reports conclusively showed that:

- Black people were more likely to be charged, over-charged and arrested by the Toronto police
- Black people were more likely to be struck, shot or killed by the Toronto police.

The first report examined racial disparities in charges and arrests between 2013 and 2017. Focusing on offences that involve significant police discretion, it examined how race can affect charge, arrest and post-arrest decisions. The report found that Black people were grossly over-represented in discretionary, lower-level charges. For example, although Black people make up 8.8% of the population, they represented

almost 38% of people involved in cannabis charges. This was despite conviction rates and many studies which show that Black people use cannabis at similar rates to White people. White people and people from other racialized groups were under-represented.

The second report provided a deeper analysis of the 2013 to 2017 data from the Special Investigations Unit that the OHRC analyzed in the first interim report of our inquiry, *A Collective Impact*, as well as an analysis of lower-level use of force between 2016 and 2017. Lower-level use of force is force that may not reach the threshold of serious injury, death or allegations of sexual assault required to engage the SIU's mandate, but may still result in serious physical and emotional impacts.

This report found that Black people were significantly over-represented in SIU use of force cases and grossly over-represented in lower-level use of force cases that resulted in physical injury (such as bruises and lacerations) but did not rise to the level of the SIU threshold.

This over-representation could not be explained by factors such as patrol zones in low-crime and high-crime neighbourhoods, violent crime rates and/or average income.

Black people were more likely to be involved in use of force cases that involved proactive policing (for example, when an officer decides to stop and question someone) than reactive policing (for example, when the police respond to a call for assistance). A significantly larger percentage of more serious and lower-level use of force cases involving White people resulted from reactive policing.

These findings demonstrated the urgent need for the TPSB, TPS, the City of Toronto, and Ontario to concretely address racial inequities, to regain community trust and to institute meaningful and binding changes that will transform policing and end suffering.

As a result, *A Disparate Impact* includes two calls to action. First, the OHRC calls on the TPSB, TPS, and City of Toronto to formally establish a process with Black communities and organizations and the OHRC to adopt legally binding remedies that would result in fundamental shifts in the practices and culture of policing and eliminate systemic racism and anti-Black racial bias in policing. Second, the OHRC calls on the government of Ontario to establish a legislative and regulatory framework to directly address systemic racism and anti-Black racial bias in policing.

However, on the day after the release of *A Disparate Impact*, the TPSB decided to release the *Police Reform Report* without any advance notice and decidedly without taking up the OHRC's calls to action. The *Police Reform Report* and its recommendations form the subject of this deputation.

## IV. Procedural failures in the TPSB's approach

### A. The reforms must be independently monitored and legally enforceable

The *Police Reform Report* fails to establish legally binding remedies and falls short of the OHRC's Calls to Action. To avoid the uncertainty, procrastination or lack of action that has followed previous reports, the current recommendations must be situated within a legally binding framework to combat indecision and inertia. The unfair treatment of Black communities has been studied and documented *ad nauseam* without meaningful change due to the perpetual absence of accountability measures. This has contributed to the lack of trust between the community and oversight bodies, such as the TPSB, and report fatigue in society in general.

Fundamentally, and regrettably, history shows that the TPS and TPSB, as organizations, have been unsuccessful at, and some believe cannot be trusted to, implement a process for change unless there are clear deliverables, backed up by the force of law. Reforms must be independently monitored and legally binding because:

- There is structural impunity for systemic racism within the TPS and TPSB
- Substantive change has not occurred in the past
- Objectively monitored and measurable legally enforceable remedies produce results.

The OHRC's Calls to Action underscore that the TPSB's proposals and promises are inadequate to ensure that meaningful change is initiated and real reform occurs. Legally binding remedies are necessary to address and eliminate systemic racism in the TPS. The OHRC and racialized communities have seen how past recommendations and policies of the TPSB can appear transformative on paper, and yet fail to yield meaningful, tangible results.

Sadly, despite many decisions from courts and the Human Rights Tribunal of Ontario (HRTO), extensive reports from the OHRC and others, and previous commitments for change from the TPS and TPSB, substantive change has simply failed to occur. Serious and alarming racial disparities continue to persist.

Systemic anti-Black racism and broken trust between Black communities and the Toronto Police Service will continue unless there is robust accountability. Reforms must be independently monitored and legally enforceable.

The OHRC suggests that the legally binding process could occur pursuant to a consent order filed with the Human Rights Tribunal of Ontario, to mirror the consent decree model that has been successfully deployed in many large municipalities in the United States.

## **B. Structural impunity for systemic racism within the TPS and TPSB**

Information gathered by the OHRC in its inquiry so far suggests there has been a fundamental lack of effective monitoring and accountability for anti-Black racism, racial profiling and racial discrimination of Black people by the TPS and TPSB. For example:

- Findings of the courts and HRTO that Black people were racially profiled or racially discriminated against were not effectively addressed by the TPS or TPSB
- The TPSB failed to ensure that the Chief of Police complied with its Race and Ethnocultural Equity Policy
- The TPS refused to implement the TPSB's 2014 Community Contacts Policy.

### **i. Findings of the HRTO or courts that Black people were racially profiled or racial discriminated against were not treated seriously by the TPS or TPSB**

For example, there are many HRTO and court decisions between 2009 and 2017 that found that Black people were victims of racial profiling or racial discrimination by TPS officers:

- *Abbott v Toronto Police Services Board*, 2009 HRTO 1909
- *Maynard v Toronto Police Services Board*, 2012 HRTO 1220
- *Shaw v Phipps*, 2012 ONCA 155
- *R v Ahmed*, [2009] OJ No 5092 (SCJ)
- *R v K(A)*, 2014 ONCJ 374
- *R v Smith*, 2015 ONSC 3548
- *R v Thompson*, [2016] O.J. No. 2118 (Ont CJ)
- *Elmardy v Toronto Police Services Board*, 2017 ONSC 2074.

However, these cases were not treated seriously by the TPS or TPSB. The TPS advised that none of these decisions resulted in an officer being brought before the TPS Disciplinary Tribunal. Accordingly, internal complaints were either not filed against the officers, dismissed after investigation, or deemed to be “not of a serious nature” and resolved informally by the TPS – all of which represent a failure to hold officers accountable for anti-Black racism.<sup>3</sup>

For example, in the civil case of *Elmardy v Toronto Police Services Board*, the Divisional Court concluded that a Black man was the victim of racial discrimination when he was on his way back from prayers in 2011. He was stopped by TPS officers, punched twice in the face, searched, handcuffed and left injured out in the cold. The police officers were also

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<sup>3</sup> The OHRC could not identify which factors specifically applied in each case because of the confidentiality provisions of the *Police Services Act* RSO 1990, c P-15, s. 95; *Roberts v Toronto Police Services Board*, 2016 HRTO 1464.

found to have lied when the trial judge questioned them about their behavior.<sup>4</sup> However, it appears there were no serious disciplinary consequences; there were no Notices of Hearing or TPS Disciplinary Tribunal decisions regarding the officers' conduct.

Furthermore, the TPSB has not issued any policy guidance in this area. For example, the TPSB did not establish guidelines on how internal complaints in these circumstances should be effectively triggered and administered. In the absence of requisite protocols, meaningful reform and remedies continue to be denied to Black communities, resulting in little faith in the TPS and TPSB's ability to address misconduct and racial bias.

## **ii. The TPSB failed to ensure that the Chief of Police complied with its Race and Ethnocultural Equity Policy**

The TPSB's Race and Ethnocultural Equity Policy (EEP) was approved in 2006 and amended in 2010<sup>5</sup>. The EEP states that discriminatory treatment of members of the public based on race, among other grounds, will not be tolerated. It requires the Chief to develop procedures to implement the policy through procedures and to report to the TPSB annually on the "effectiveness and impact of the implementation of this policy. Such reporting should include any procedures developed, an assessment of the impact and effectiveness of such procedures on practices throughout the organization, and should provide details of mechanisms to ensure accountability by all levels of management."

However, notwithstanding the requirements set out in the EEP, the TPS developed no specific procedures to address racial discrimination in the interactions described in the EEP (e.g. stops and searches). Furthermore, the TPS only prepared and presented four annual reports under the EEP to the TPSB (2011, 2012, 2014 and 2015)<sup>6</sup> in the nine years (2011 to 2019) since the amended EEP was passed.

None of the annual reports included "an assessment of the impact and effectiveness of such procedures on practices throughout the organization," or "provide[d] details of mechanisms to ensure accountability by all levels of management" as required under the EEP. Finally, and remarkably, in the four annual reports, the TPS listed the Toronto Anti-Violence Intervention Strategy (TAVIS) as one the initiatives that "enhance race and ethnocultural equity." This flagrantly ignores widespread criticism of TAVIS for its use of carding and aggressive tactics, which increased tensions between police and Black communities.<sup>7</sup> TAVIS was disbanded in 2017.<sup>8</sup>

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<sup>4</sup> *Elmardy v Toronto (City) Police Services Board*, 2015 ONSC 2952; 2017 ONSC 2074. Please note that Mr. Elmardy was not charged with any offences.

<sup>5</sup> [www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/127-race-and-ethnocultural-equity](http://www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/127-race-and-ethnocultural-equity)

<sup>6</sup> June 15, 2012; June 20, 2013; December 17, 2015, and August 18, 2016, TPSB meeting minutes.

<sup>7</sup> The Honourable Michael H. Tulloch, Independent Street Checks Review (2019)

[www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/StreetChecks.pdf](http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/StreetChecks.pdf) at 28-29.

<sup>8</sup> Transformational Task Force, *The Way Forward: Modernizing Community Safety in Toronto – Interim Report* (2016) at 13 [www.tpsb.ca/items-of-interest/send/29-items-of-interest/518-the-way-forward-modernizing-community-safety-in-toronto](http://www.tpsb.ca/items-of-interest/send/29-items-of-interest/518-the-way-forward-modernizing-community-safety-in-toronto)

### iii. The TPS refused to implement the TPSB's 2014 Community Contacts Policy

Finally, the TPS refused to implement the TPSB's 2014 Policy on Community Contacts.<sup>9</sup> The TPSB role is to provide independent oversight and accountability; this inherently requires the TPSB to ensure that there will be consequences if the TPS is non-compliant.

Findings related to accountability for anti-Black racism will be released in the OHRC's final report on its inquiry. However, the above clearly demonstrates the need for robust accountability. Reforms must be independently monitored and legally enforceable.

## C. Substantive change has not occurred in the past

Previous TPS and TPSB anti-racism initiatives adopted with much fanfare have not resulted in any meaningful improvements for racialized communities because there was no accountability – the TPSB clearly did not feel bound to follow through on its commitments and there was no independent monitoring to hold them to account. To adopt the same approach here, as the TPSB recommends in their *Police Reform Report*, will not solve decades of anti-Black racism.

In *A Collective Impact* and *A Disparate Impact*, the OHRC uncovered serious racial disparities in use of force, charges and arrests that negatively affect Black communities. These disparities have persisted over time. And they persist despite many TPS and TPSB anti-racism initiatives and reports, including:

- The Human Rights Project Charter<sup>10</sup>
- The CAPP Report<sup>11</sup>
- The Intercultural Development Inventory (IDI) Assessment Project<sup>12</sup>
- The PACER Report<sup>13</sup>
- The Doob and Gardner Report<sup>14</sup>
- TPSB policies, including the EEP and Human Right Policy.<sup>15</sup>

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<sup>9</sup> 'Was the Toronto police board's carding policy 'illegal' as Bill Blair claimed?' The Star, May 4, 2015

[www.thestar.com/news/insight/2015/05/04/was-the-toronto-police-boards-carding-policy-illegal-as-bill-blair-claimed.html](http://www.thestar.com/news/insight/2015/05/04/was-the-toronto-police-boards-carding-policy-illegal-as-bill-blair-claimed.html)

<sup>10</sup> Diversity Institute, Ryerson University, Evaluation of the Human Rights Project Charter (2014), online Toronto Police Service

[www.torontopolice.on.ca/publications/files/reports/hrpc\\_evaluation\\_report\\_2014.pdf](http://www.torontopolice.on.ca/publications/files/reports/hrpc_evaluation_report_2014.pdf)

<sup>11</sup> Logical Outcomes, The issue has been with us for ages: A community-based assessment of police contact carding in 31 Division – Final Report (2014).

<sup>12</sup> Mitchell Hammer, Hamlin Grange and Michael Paige, "IDI Assessment Project on Building Intercultural Competence with the Toronto Police Service" (2015) – Executive Summary.

<sup>13</sup> Toronto Police Service, PACER Report (2013)

[www.torontopolice.on.ca/publications/files/reports/2013pacereport.pdf](http://www.torontopolice.on.ca/publications/files/reports/2013pacereport.pdf)

<sup>14</sup> Anthony N. Doob and Rosemary Gartner, Understanding the Impact of Police Stops, A report prepared for the Toronto Police Services Board, 17 January 2017 <https://criminology.utoronto.ca/wp-content/uploads/2017/03/DoobGartnerPoliceStopsReport-17Jan2017r.pdf>

<sup>15</sup> TPSB Minutes (January 21, 2015), report from Dr. Alok Mukherjee (December 29, 2014) re City Counsel Reporting Requirement – Access, Equity and Human Rights Actions Plans, Initiatives and

## **D. Independently monitored and legally enforceable remedies, like consent decrees, produce results**

Consent decrees are legally-binding agreements between police departments and the U.S. Department of Justice (DOJ) to address findings of discriminatory or improper policing. Consent decrees have been used with over a dozen police services in the U.S., including in Ferguson, Baltimore and Cleveland, to address the disparate impact of policing on Black communities following high-profile tragedies, such as the death of Freddie Gray.

The American experience has confirmed that the most effective consent decrees contemplate and include ongoing oversight through a court-appointed monitor. The decrees are typically negotiated with input from the community.

Research has found that consent decrees with independent monitoring are an effective measure to ensure reforms to policing.<sup>16</sup> Consent decrees have been found to reduce civilian fatalities caused by officers. Police departments that have been investigated by the DOJ were responsible for 27% fewer civilian fatalities.<sup>17</sup> After consent decrees were implemented, the reduction in fatalities increased to 29%.<sup>18</sup> These are not simply statistics; they are lives – and most often, Black lives.

## **E. The reforms must be developed through robust and inclusive engagement**

Providing such a lengthy report with 81 recommendations to the public with less than one week to review, analyze and comment does a disservice to this process and the TPSB's stated goals of eliminating systemic racism in the TPS.

Black communities have been victimized by policing and over-policing in Toronto for decades. Black communities must be involved at every step of the solution, including prioritizing which recommendations need immediate attention through formally binding mechanisms and measurable benchmarks. While it is helpful that the TPSB hosted a number of town hall meetings, where Black people and communities were able to share their perspectives based on their lived experiences, this is not a substitute for focused consultation on the merits, efficacy and timelines of the 81 recommendations that form the subject matter of this deputation.

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Accomplishments, online: TPSB [www.tpsb.ca/component/downloads/send/7-2015/174-january-21](http://www.tpsb.ca/component/downloads/send/7-2015/174-january-21); TPSB Human Rights Policy (2015) [www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/118-human-rights](http://www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/118-human-rights)

<sup>16</sup> Goh, Li Sian "Consent Decrees can reduce the number of police-related killings, but only when used alongside court-appointed monitoring." LSE US Centre, March 18, 2020. Online: <https://blogs.lse.ac.uk/usappblog/2020/03/18/consent-decrees-can-reduce-the-number-of-police-related-killings-but-only-when-used-alongside-court-appointed-monitoring/>

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

## **F. The reforms must include measurable outcomes and timelines**

The overall effectiveness of the report is also limited by the absence of timelines and measurable outcomes in key areas. A handful of recommendations in the *Police Reform Report* include timelines, but the vast majority do not stipulate the necessary conditions and criteria for achieving tangible deliverables with respect to reform and post-implementation assessment. For example, the report recommends that the TPSB Executive Director, the City Manager and other stakeholders identify categories of calls that might be addressed by a non-police response.<sup>19</sup> No process is set for consultation, no timelines are attached to the goal and no steps are delineated to assess whether the identified categories will achieve measurable outcomes. The *Police Reform Report* also “Direct(s) the Chief of Police to work with the Executive Director and the City Manager to identify opportunities for the development of alternative crime prevention and reduction initiatives that could ultimately reduce the demand for reactive police services across Toronto.”<sup>20</sup> In addition to being a vague and abstract objective, no timelines, no consultation or measurable outcomes are attached to this recommendation.

The OHRC believes that these objectives and others must be articulated with measurable outcomes to ensure that the public can readily track TPS and TPSB’s progress towards these goals.

## **V. Substantive deficiencies in the *Police Reform Report***

Addressing and eliminating systemic racism in policing requires holistic, concrete action with measurable results. This framework for addressing racial discrimination must include organizational change, changes in policies, procedures, training, accountability measures, and shift in culture.

While the *Police Reform Report* includes many general recommendations that seem positive, it is well understood that “the devil is often in the details” and many of the recommendations fail to commit the Board to the specific details and concrete action that will be necessary to ensure that true institutional change is achieved.

While the one-week review period has not allowed for a comprehensive analysis of the recommendations, some key gaps in the report’s recommendations were easily discernable and are highlighted below.

### **A. Investigating and disciplining officers**

Officers who engage in conduct that is consistent with racial profiling or racial discrimination must be held accountable for their actions. For too long, there has been an absence of meaningful accountability for officers who strike, ground and shoot Black people. This void has sparked hurt, outrage and protests in Toronto and across the

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<sup>19</sup>*Police Reform Report*, Recommendation 1, at pg. 32.

<sup>20</sup>*Ibid*, recommendation 14 at pg. 35.

United States. It is important to note that the protests following the deaths of George Floyd in the Minneapolis and Regis Korchinski-Paquet in Toronto, were just as much about the absence of accountability, as they were about the use of force. The omission of accountability renders the pledges to promoting equitable policing empty.

#### **i. Ensuring investigations and discipline for racial bias**

Given concerns about impunity for systemic racism, the TPSB must take strong measures to ensure that officers who engage in conduct consistent with racial profiling or discrimination face discipline. The TPSB must act decisively to tighten its oversight measures and disciplinary procedures. The TPSB should direct the Chief of Police to:

- a. Consider officer behaviour found by a decision of the HRTO or the courts to be consistent with racial discrimination as a negative factor in promotion decisions of their supervisors
- b. Proactively investigate the race of the alleged victim in allegations of officer misconduct
- c. Proactively investigate (and provide officers with notice of such investigation) potential racial profiling or discrimination in allegations of officer misconduct against racialized individuals, even where claims of racial profiling or discrimination are not explicitly raised by a complainant, witness, SIU Director, OIPRD, or any legal decision involving a *Charter* breach by the TPS
- d. Investigate each allegation of officer misconduct raised by the SIU Director in letters to the Chief
- e. Establish a process by which findings or comments in any decision of the HRTO or courts regarding conduct consistent with racial profiling or discrimination is automatically substantiated, not deemed to be “not of a serious nature” under the *Police Services Act* and leads to a notice of hearing being released, even if the officer consents to a penalty
- f. Ensure that all Professional Standards investigators are trained to identify human rights concerns and make investigatory findings regarding violations of the *Human Rights Code*, including potential racial profiling/discrimination
- g. Establish a process by which misconduct flagged by the SIU or otherwise identified by TPS as consistent with racial profiling or discrimination is investigated, and require the Chief to report publicly to the Board on the findings and outcome of the investigation, subject to the confidentiality provisions of the *Police Services Act*
- h. Make performance criteria – for officers and supervisors – publicly available online along with any quantitative measures associated with performance reviews.

#### **ii. Early Intervention System**

An Early Intervention System (EIS) that captures and tracks bias and racial profiling must be implemented as part of the proposed accountability reforms. An effective EIS system must use race-based data on stops, searches, charges, arrests, and use of force incidents to alert supervisory officers when service members have

disproportionately policed a racial group. This data can also be used to measure the outcomes at the unit or division level.

When implemented correctly, these systems have the potential to change outcomes. For example, media reports have revealed that the officer who killed George Floyd had a history of complaints, and that the Minneapolis police department failed to appropriately implement an EIS system in accordance with previous recommendations. A properly functioning EIS system may have prevented this tragedy.<sup>21</sup>

In 2013, the Police and Community Engagement Review Report (PACER Report) recommended establishing an early warning system related to bias and racial profiling. However, the TPS failed to implement the recommended system in a way that effectively incorporated race-based data on stops, searches, charges, arrests or use of force. Unfortunately, the current recommendations fail to address this shortcoming.

## **B. Policy prescriptions**

Clear policy prescriptions are necessary to address the alarming disparities identified in *A Disparate Impact* and the lived experiences of Black communities in Toronto. The *Police Reform Report* fails to provide important measures to address systemic use of force and charging policies and practices.

### **i) Use of force**

The OHRC's *Policy on eliminating racial profiling in law enforcement* (Policy on racial profiling) provides clear policy guidance on use of force policies, and these should be adopted and implemented immediately.<sup>22</sup> The policy also provides clear guidance on training, data collection and monitoring that should have been adopted in the *Police Reform Report*.

The OHRC's Policy on Racial Profiling also recommends that police services review these models to place an emphasis on de-escalation.

The OHRC urges the TPS and TPSB to consider the following recommendations from the Policy on Racial Profiling:

- Require de-escalation prior to any use of force, wherever possible, and mandate specific de-escalation alternatives that should be considered as priority options prior to use of force
- Train officers on how to recognize and deal with fears, anxieties or biases that may contribute to their use of force decisions

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<sup>21</sup> Libor Jany "Minneapolis to launch early warning system to identify potentially problematic officers" Minneapolis Star Tribune, June 10 2020, online: [www.startribune.com/early-warning-system-to-weed-out-troublesome-minneapolis-officers-didn-t-appear-to-launch/571157682/](http://www.startribune.com/early-warning-system-to-weed-out-troublesome-minneapolis-officers-didn-t-appear-to-launch/571157682/).

<sup>22</sup> Ontario Human Rights Commission, *Policy on eliminating racial profiling in law enforcement*, Sept. 2019, [www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement](http://www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement). [Policy on Racial Profiling].

- Train officers on how to tolerate verbal abuse and disrespect (including allegations of racism or bias) from civilians without resorting to physical force
- Develop a system of zero tolerance for use of force as punishment or retaliation rather than as a necessary and proportionate response to counter a threat
- Supervisors should thoroughly review use of force incidents (including all of the data and any video from body-worn or in-car cameras) immediately after the incident takes place, to determine if there were credible non-discriminatory explanations for use of force
- A reliable and accurate electronic system to track all data about use of force.<sup>23</sup>

## ii) Charging

*A Disparate Impact* found that Black people were grossly over-represented in the charges examined by the OHRC as part of its inquiry. However, regardless of suspect race, almost 60% of all charges ended in a non-conviction. In addition, cases involving White suspects were slightly more likely to end in conviction (22.4%) than cases involving Black (18.1%) or other minority suspects (18.3%). These findings are consistent with systemic and anti-Black racism.

The TPSB should direct the Chief of Police to amend TPS procedures on laying a charge to require officers to approach all interactions with Black, Indigenous and other racialized persons, including youth and adults, in a way that takes into account histories of being over-policed, and use alternatives to charges and arrests, where appropriate. This includes and builds on the requirement from the *Youth Criminal Justice Act* that police officers consider the use of extrajudicial measures, such as informal warnings, police cautions, or referrals to community resources before deciding to charge a young person.

## C. Community demands for defunding, demilitarization and decriminalization

The *Police Reform Report* notes that defunding was the most commonly suggested solution to the problems facing policing.<sup>24</sup> The OHRC is encouraged by the Board's steps towards a budget transparency policy and the expansion of the MCIT program without additional funding from the budget in 2020 and 2021. The OHRC views the renewed focus on the TPS budget as an opportunity for the TPSB to address the disparate impact of police services on Black communities through allocating and re-allocating resources. Community perspectives and demands on these issues should be

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<sup>23</sup> Ontario Human Rights Commission, *Policy on eliminating racial profiling in law enforcement*, Sept. 2019, [www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement](http://www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement). [Policy on Racial Profiling]. The reforms to the TPSB use of force policy and related directives should include the reforms noted at section IV, 6 of this document.

<sup>24</sup> *Police Reform Report*, at pg 68.

heard. The TPSB must commit to investments in promoting and ensuring community well-being and safety through equitable policing practices (for example, to better protect and serve racialized communities and people with disabilities who historically have been the subject of unfair disparities in policing services).

#### **D. Acknowledgement and apology for Toronto’s painful history of systemic racism**

Anti-Black racism is woven into the fabric of Canadian institutions including policing. The Supreme Court of Canada has repeatedly recognized the presence of anti-Black racism in society and the criminal justice system.<sup>25</sup> In addition, courts and tribunals have consistently recognized that racial profiling is a systemic problem in policing, and is not the result of individual “bad apples” within police forces.<sup>26</sup> In addition to a multitude of court decisions, several reports have commented on the disproportionate burden that systemic racism has placed on Black communities, including the 1995 *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*, the 2008 *Review of the Roots of Youth Violence Report*, and the 2017 report of the Ontario-wide *Independent Police Oversight Review*. The interim reports from the OHRC’s inquiry into racial profiling and racial discrimination of Black persons by TPS provide further empirical support for this disproportionate burden. For example, *A Disparate Impact* finds that Black people were more likely to be fatally shot by Toronto police compared to White people, who were more likely to survive being shot by Toronto police. Black people were also significantly over-represented in SIU investigations that took place within both low-crime and high-crime communities. While Dr. Wortley’s analysis in *A Disparate Impact* focused on recent data, we cannot wilfully ignore the reality that these outcomes have been part of the lived reality for the Black community for decades.

TPS must formally acknowledge this history and apologize for the systemic anti-Black racism that exists within its structures. Furthermore, the TPSB should engage with Black communities on the form and content of this formal acknowledgment and take meaningful steps to provide redress for the harm they have caused.

### **VI. Advocating for legislative change with the Province**

There is much that the TPSB and TPS can do immediately to address and eliminate systemic racism in policing, such as advocating for a coordinated, province-wide approach and measures, including that the Ontario government institute legislative and regulatory change to better address racial discrimination. While the *Police Reform*

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<sup>25</sup> *R v RDS*, 1997 CanLII 324 (SCC), [1997] 3 SCR 484 at para. 46; *R v Spence*, 2005 SCC 71 at paras. 31-33, [2005] 3 SCR 458.

<sup>26</sup> *Nassiah v. Peel Regional Police Services Board*, 2007 HRTO 14 (CanLII) at para. 113 [*Nassiah*]; *Peart v. Peel Regional Police Services*, 2006 CanLII 37566 at para. 94 (Ont. C.A.) [*Peart*]; *R v Le*, 2019 SCC 34 at paras. 89-97.

*Report* calls for legislative and regulatory change to expand the availability of suspensions without pay, this is not enough. The TPSB, TPS and City of Toronto must call on the Province to:

### **A. Implement a Crown pre-charge screening process to address over-charging and racial profiling**

This would require amending the *Police Services Act* and/or the *Community Safety and Policing Act, 2019*, as well as making related changes to the Crown Prosecution Manual to allow the Crown to lay charges, not police. This is particularly important because of the OHRC's findings regarding over-charging of Black people by the TPS. Notably, the OHRC found that only 20% of all charges analyzed, regardless of race, resulted in a conviction, and that charges against Black people were more likely to be withdrawn and less likely to result in a conviction than White people.

The OHRC's Policy on Racial Profiling<sup>27</sup>, which was released in September 2019, recommends that police services "work with government to implement a Crown pre-charge screening process to address overcharging and racial profiling."<sup>28</sup> While the TPS has explored limited charge screening projects, there is no indication in the *Police Reform Report* that projects of this nature will be expanded to all courthouses or police divisions, or that the TPSB, TPS and City of Toronto are prepared to call on the Province for a pre-charge screening process.

### **B. Amend the *Police Services Act* and/or the *Community Safety and Policing Act, 2019*, so that there is greater transparency regarding police discipline**

The *Police Services Act's* current confidentiality provisions mean that the public does not know when and whether an officer was subject to some form of discipline for engaging in racial profiling, racial discrimination or other police misconduct. Only decisions from police service disciplinary tribunals are not confidential.

### **C. Make legislative or regulatory changes to ensure that court or tribunal findings of discrimination or other *Human Rights Code* violations by police officers are appropriately investigated and addressed as potential misconduct**

The public's confidence in the police is gravely diminished when public findings of discriminatory or other *Code*-violating conduct by a police officer do not result in any consequences for the officer in question. The law must ensure that such findings by courts and human rights tribunals result in appropriate discipline.

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<sup>27</sup> Ontario Human Rights Commission, *Policy on eliminating racial profiling in law enforcement*, Sept. 2019, [www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement](http://www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement). [Policy on Racial Profiling].

<sup>28</sup> *Ibid.*

#### **D. Amend the *Police Services Act* and/or the *Community Safety and Policing Act, 2019* so that there is independent investigation of police complaints**

In consulting with Black, Indigenous and other racialized communities, the OHRC has found that there is a deep distrust of the current public complaints process. In particular, there is a clear apprehension of bias where police officers of the same service are tasked with investigating the conduct of their fellow officers. These concerns were echoed and confirmed by the Honourable Justice Michael Tulloch in his *Report of the Independent Police Oversight Review*. Currently, most public complaints in Ontario about municipal and provincial police officer conduct are not independently investigated.

In 2018 – 2019, 90% of public complaints were investigated by the same police services that the complaints were about. The changes to the police discipline process anticipated by the *Community Safety and Policing Act, 2019*, (which is still not in force) are insufficient to address this problem. The Province should mandate that all investigations and adjudications of police misconduct are carried out by an independent body, and that misconduct be determined on the civil standard of a balance of probabilities.<sup>29</sup>

At its June 29 and 30, 2020, meeting, Toronto City Council formally requested that the Province of Ontario amend the *Police Services Act* and the *Community Safety and Policing Act, 2019* to require that complaints that allege a police officer's serious misconduct be investigated by the Province's independent police complaints agency (currently, the Office of the Independent Police Review Director) and not any police service's professional standards unit. The OHRC supports that request, and the TPSB should expressly do so as well.

#### **E. Adopt and implement all appropriate standards, guidelines, policies and strict directives to address and end racial profiling and racial discrimination in policing**

These guidelines should include, but are not limited to:

- A clear definition of racial profiling that is consistent with the OHRC's definition in its *Policy on eliminating racial profiling in law enforcement*<sup>30</sup>
- Amend Ontario Regulation 58/16, Collection of Identifying Information in Certain Circumstances to provide criteria for when an officer may approach an individual in a non-arrest scenario, and criteria for what may not form a basis for an officer approach
- An appropriate framework for rights notification
- A prohibition on using race in suspect, victim or witness selection, unless the police are dealing with a sufficiently specific description.

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<sup>29</sup> [www.ohrc.on.ca/en/news\\_centre/ontario-human-rights-commission-submission-standing-committee-justice-policy-bill-68-comprehensive](http://www.ohrc.on.ca/en/news_centre/ontario-human-rights-commission-submission-standing-committee-justice-policy-bill-68-comprehensive)

<sup>30</sup> Ontario Human Rights Commission, *Policy on eliminating racial profiling in law enforcement*, Sept. 2019, [www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement](http://www.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement).

Racial profiling is a systemic problem in policing. It has a profound collective and disparate impact on Black people, Indigenous peoples, and other racialized groups. Racial profiling occurs in a wide variety of police interactions, including traffic stops, searches, DNA sampling, arrests, and use of force incidents. Addressing racial profiling requires a comprehensive approach from the Province that provides specific direction to officers to ensure that discriminatory conduct is prevented.

*A Disparate Impact* shed light on TPS's uneven stop and question practices. The data found that Black persons were over-represented in out-of-sight driving offences, which typically arise after the race of the driver is observed or the vehicle is stopped. In addition, over a quarter of all SIU cases involving Black people resulted from proactive police stops, compared to only 11.1% of cases involving White people. By contrast, 59.3% of cases involving White people resulted from a civilian call for service, compared to only 46.8% of cases involving Black people. This data is consistent with systemic anti-Black racism. To address this concern, TPS and the TPSB must limit the opportunity for officers to engage in discretionary stops. Legislative responses such as the street check regulations, simply do not go far enough. TPS and TPB must advocate for the elimination of street checks at the provincial level and amend internal directives and procedures accordingly.

#### **F. Amend the provincial Use of Force model so that officers are required to use de-escalation techniques and tactics, whenever possible, before resorting to use of force**

In *A Collective Impact*, the OHRC found that between 2013 and 2017, a Black person was nearly 20 times more likely than a White person to be a victim of a fatal shooting by the Toronto Police Service. In *A Disparate Impact*, the OHRC found that the likelihood of a Black person being shot by police in Toronto was just as high as for a Black person in the average city in the United States. These alarming findings demonstrate the need for stringent use of force policies, to dramatically curtail officers' use of force options.

The provincial Use of Force model should:

- i. Require communication and de-escalation attempts before any use of force, whenever possible, and mandate specific de-escalation alternatives that should be considered as priority options before use of force
- ii. Provide that if an officer engages with a person who is not carrying a lethal weapon/firearm, then that officer is prohibited from using a lethal force/firearm against the person (except for instances where the suspect is causing serious harm to an individual or officer)
- iii. Prohibit officers from shooting at persons unless they are armed with a firearm or are using deadly force against someone
- iv. Prohibit the use of chokeholds and strangleholds (including carotid restraints)
- v. Require officers to give a verbal warning, when possible, before using deadly force
- vi. Require officers to exhaust all other reasonable alternatives before resorting to using deadly force

- vii. Require officers to intervene to stop another officer from using excessive force
- viii. Require officers to report both use of force and threats/attempted use of force (for example, when an officer handler exercises discretion to deploy a police service dog when stopping a member of the public)
- ix. Ensure that all patrol cars are equipped with less-lethal weapons that can be used in place of firearms and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.

### **G. Amend s. 17 of the Mental Health Act to facilitate non-police responses to issues related to mental health, addictions or homelessness**

There are clear and significant intersections between race and mental health. We are deeply concerned when a police response to a 911 call for help because someone is distraught results in death, as was the recent case with Regis Korchinski-Paquet. A non-police response to distress calls related to mental health, addictions or homelessness is necessary. Provincial legislation must facilitate and allow for this transition away from a policing model of crisis intervention to a holistic, pro-health model that de-escalates mental health or substance abuse emergencies.

The OHRC will also be engaging the Province separately to adopt more holistic changes which are necessary for eliminating prejudiced policing across the province.

## **VII. Conclusion**

The *Police Reform Report* falls far short of the OHRC's Call to Action in *A Disparate Impact*: to create a process with Black communities and the OHRC to establish legally binding remedies to address and eliminate systemic racism in the TPS.

Ultimately, action without accountability and enforceability is not meaningful, exacerbates ongoing community mistrust over empty promises, and perpetuates suffering.

In substance, there are important gaps within the *Police Reform Report* and its recommendations. Ensuring individual officers are investigated and disciplined for policing with prejudice, as well as key policy prescriptions relating to use of force and charging are sorely lacking. Further, Black communities have clearly and repeatedly called for defunding, decriminalization and demilitarization. These demands cannot simply be ignored.

In process, there are serious failures in the TPSB's approach. Providing this report with 81 recommendations to the public one day after the release of *A Disparate Impact*, and with one week to review, analyze and comment is an insult to this process. The TPSB's approach, in the context of the ongoing OHRC inquiry and the OHRC's call for consultation on binding remedies, casts serious doubt on whether the TPSB is working

in good faith with the OHRC and Black communities to eliminate systemic racism in the TPS. The TPSB's approach appears to be an exercise in damage control after another authoritative<sup>31</sup> and damning report that demonstrates systemic and anti-Black racism in the TPS. Despite the foregoing, the OHRC remains committed to working towards substantive change. The OHRC will remain engaged in any process that gives the community an accessible, transparent and fair opportunity to share their perspectives on what is needed to address systemic racism in policing.

Given the TPSB's failures in substance and process to address systemic racism through the *Police Reform Report*, the OHRC cannot support this report and its recommendations. The TPSB should recognize the procedural and substantive shortcomings in its launch of the *Police Reform Report* and take prompt steps to address these issues by consulting and working with the OHRC and Black communities and organizations to establish legally binding remedies.

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<sup>31</sup> *R. v Le*, 2019 SCC 34 at paras. 95-97. At paragraph 97 *Le* states, “We do not hesitate to find that, even without these most recent reports, we have arrived at a place where the research now shows disproportionate policing of racialized and low-income communities...”



Information and Privacy  
Commissioner of Ontario  
Commissaire à l'information et à la  
protection de la vie privée de l'Ontario

August 17, 2020

Mr. Jim Hart  
Chair  
Toronto Police Services Board  
40 College Street  
Toronto, ON  
M5G 2J3

Dear Mr. Hart:

**RE: Item 3c on the Toronto Police Service Board's August 18, 2020 Virtual Public Meeting Agenda (Approval of Body-Worn Camera Contract Award and Project Implementation)**

I am writing to provide the written deputation of the Information and Privacy Commissioner of Ontario (IPC) to the Toronto Police Services Board (the Board) regarding the Toronto Police Service (TPS) Body-Worn Camera (BWC) Program being considered by the Board.

To begin, let me thank you for your August 4, 2020 reply to my letter of July 27, 2020, and your offer to meet to discuss access and privacy issues, including those related to the proper governance of BWCs. I know our respective staff are in the midst of scheduling that meeting and I look forward to further discussions with the Board.

As you are aware, the TPS and the Board have consulted the IPC on many important programs and initiatives in the past, including, for example, with respect to policies and procedures related to street checks and race-based data collection. We remain committed to continuing this collaborative relationship with the TPS and the Board.

With respect to the BWC Program more specifically, my office received a copy of Procedure 15-20 Body Worn Camera (the Procedure) on July 27, 2020 for review and comment. We submitted our recommendations in a letter from Assistant Commissioner David Goodis to Superintendent Michael Barsky dated August 14, 2020. These recommendations build upon IPC recommendations previously made in the context of the BWC Pilot Project of 2014-2016, and reiterate the comments we made on the Privacy Impact Assessment of the full BWC Program in June 2020. These recommendations are also informed by the work my office has done with other Canadian privacy commissioners in developing the [Guidance for the Use of Body-Worn Cameras by Law Enforcement Authorities](#).



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### **The IPC's overarching position on BWCs**

The IPC recognizes the potential value of implementing police BWC systems. Recent civilian deaths in both Canada and the United States are tragic reminders of the importance of creating and obtaining accurate recordings documenting a variety of police-civilian encounters and the public's growing expectation to receive accurate and timely information about those encounters. Receiving accurate and timely information is critical to being able to hold government accountable.

In addition to transparency and accountability, individuals also hold dear their sense of privacy and expect it to be protected from the unwarranted gaze of the state when in private dwellings or in public places. Accordingly, it is critical that a BWC governance framework be put in place that respects both the public's need for transparency and accountability in policing and the equally compelling need to respect their reasonable expectation of privacy. As I explained in my July 27, 2020 letter to the Board, with the appropriate governance framework in place, BWC systems can be implemented in a manner that achieves both these goals and ultimately earns public trust.

### **An Appropriate BWC governance framework**

#### ***Meeting the public's expectation with respect to transparency and accountability***

It is essential that any investment in BWCs pays sufficient transparency and accountability dividends. After all, it is increasingly well understood that transparency and accountability are essential to the effective delivery of law enforcement. This is reflected in the goals of the TPS' BWC Program. If the Program does not come with adequate transparency and accountability mechanisms, BWCs will not be able to enhance public trust and police legitimacy, including with respect to bias free service delivery. In my view, the following mechanisms are critical for enhancing transparency and accountability as part of an appropriate BWC governance framework.

1. The Board and the TPS should commit to making BWC policies and procedures readily available to the public and publicly commit to working with the IPC to address the following recommendations by the end of 2020.
2. To help ensure that a full picture of the initial stages of police-civilian encounters is captured, the BWC's pre-event recording capacity should be leveraged to capture a longer period (for example, 60 rather than 30 seconds), and include both audio and video recording.
3. BWC recordings should be mandatory for the full duration of any calls for service and all other investigative-type encounters that involve a member of the public, subject to only a very limited number of exceptions. In particular, any mandated exceptions to the duty to record should be kept to a minimum, and any such exceptions should be clearly defined.

4. Officer discretion to deactivate a BWC's recording functions and a supervisor's authority to order such deactivation should also be significantly limited and clearly defined.<sup>1</sup>
5. Officer discretion to block or reduce a BWC's recording capacity should also be significantly limited and clearly defined.
6. Officer and supervisor decisions to deactivate a BWC should be accompanied by stricter record keeping requirements.
7. Accountability and transparency as part of a comprehensive governance framework further require:
  - The timely disclosure of all relevant BWC recordings to the bodies responsible for independent oversight of police (e.g. the Ontario Independent Police Review Director and the Special Investigations Unit), and
  - The proactive public interest-based disclosure of BWC footage to the public in special circumstances to address compelling concerns about human rights and the police use of force.

While some of the changes described above will require the collection of more personal information, we believe this increase is both necessary and proportionate, subject to the correlative access controls and privacy protections outlined below. As will be further described, controls regarding access to, and the use and disclosure of, the recordings should be implemented to address any privacy and confidentiality concerns.

### ***Protecting the public's reasonable expectation of privacy***

Even when deployed and governed in a responsible manner, BWCs come with a significant cost to the privacy rights of the public. In seeking to capture a more accurate record of the full range of investigative encounters with the public, BWCs will generate large amounts of video and audio records. Law-abiding individuals going about their everyday activities, vulnerable persons experiencing some form of crisis, and innocent family members or friends in close proximity of a suspect's arrest may all unwittingly become subject to this form of surveillance.

In this context, it is critical that TPS procedures and Board policies recognize and protect the public's right to privacy in public spaces. While it is not clear what, if any, expectation of privacy police officers have while on duty and in the midst of an investigative encounter with a member of the public, individual members of the public do have statutory and constitutional privacy rights even in the public domain. The Supreme Court of Canada has repeatedly recognized that members

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<sup>1</sup> On this specific point, we wish to clarify the IPC's position on the deactivation of BWCs which former Police Chief Mark Saunders refers to in his report to the Board dated July 29, 2020 (found at Item 3c of the Board's August 18, 2020 Virtual Public Meeting Agenda). At page 11 of the Report, there is reference to the IPC which appears to suggest that we support the proposed methodology for deactivating BWCs. As currently phrased, this may lend confusion to the IPC's position on this point. To clarify the public record on the issue, ever since the TPS's BWC Pilot Project until the present day, the IPC has consistently re-iterated our call for a *reduction* in the discretion provided to officers when it comes to deactivating BWC recording functions.

of the public have a reasonable, if diminished, expectation of privacy in public spaces. It follows that, if police are to deploy BWCs, the program must be designed and governed in a manner that is capable of accomplishing legitimate social objectives without incurring a disproportionate cost to fundamental rights and freedoms, including the right to privacy.

8. Accordingly, the BWC governance framework must recognize and protect the public's reasonable expectation of privacy.
9. Explicit limits and controls with respect to the use and disclosure of BWC recordings should be put in place, including detailed role-based access controls and explicit limitations on the use and disclosure of BWC recordings for secondary purposes.
10. Enhanced notices should be provided to the public informing them of the existence and use of BWCs worn by officers.
11. Meaningful opportunity should be afforded to members of the public to provide or refuse consent to BWC recordings in private places.
12. Use of personal information in BWC recordings used for officer training should be restricted when other less privacy-invasive alternatives are available.
13. The TPS should commit (and the Board should so direct the TPS) to adhere to a moratorium on the use of any facial recognition-related technologies in conjunction with BWCs – other than in the context of “mug shot” matching – until after the release of the privacy guidance being prepared by federal, provincial, and territorial privacy authorities and consultation with the IPC.

## **Conclusion**

We appreciate that to meet the above recommendations, substantial changes will be required to the TPS BWC procedure and other TPS and Board governance tools. In this context, we understand that both the Board and the TPS are committed to improving the BWC Program in the coming weeks, months, and years. In addition, we appreciate the Board's commitment to engage with the IPC regarding the development of a BWC policy that addresses personal privacy, transparency and accountability.

At the same time, we understand that if the Board approves the BWC Program at its August 18, 2020 public meeting, the TPS hopes to purchase and begin deploying BWCs in the ensuing weeks. Full deployment of BWCs for all uniformed officers is not expected for some months. Given that there appears to be some urgency with moving ahead, we are reluctant to call on the Board to put a full stop to any purchase of BWCs pending full implementation of the necessary governance framework. From a practical perspective, therefore, we would not object to the Board approving a contract and moving ahead with the purchase of appropriate equipment, provided that:

- the selected vendor and equipment are capable of supporting the TPS' ability to comply with the various privacy and security requirements the IPC raised with the TPS during our consideration of the BWC Program, including the Privacy Impact Assessment,

- the Board and the TPS continue to work with the IPC to ensure that the necessary governance framework is in place (as per recommendations above), and
- officers are trained on this framework well before BWCs are widely deployed in Toronto.

Accordingly, we recommend that the Board pass a motion on August 18, 2020 committing the Board and the TPS to:

- develop, enact and implement the necessary elements of a BWC governance framework well before BWCs are widely deployed in Toronto or by the end of 2020, whichever comes first,
- make the necessary changes to the Procedure (and other implementation tools) to accord with the overarching BWC governance framework, and
- consult the IPC throughout the development of the framework.

We look forward to continuing to work with both the Board and the TPS on these critical matters. Please note that, in the spirit of transparency, we will be posting this letter on our website and ask that you attach it to the public agenda and minutes of the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Kosseim". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke at the end.

Patricia Kosseim  
Commissioner

August 17, 2020



Toronto Police Services Board  
40 College Street  
Toronto M5G 2J3

Email: [diana.achim@tpsb.ca](mailto:diana.achim@tpsb.ca)  
[Boardgeneral.mailbox@torontopolice.on.ca](mailto:Boardgeneral.mailbox@torontopolice.on.ca)

Greetings:

We are responding to the August 10<sup>th</sup> Toronto Police Services report *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety*. The introduction to the report makes an important acknowledgement:

**”There is a long history of anti-Black and anti-Indigenous racism, discrimination, and marginalization in our city. Systemic racism occurs within policing, as it does in many other public and private systems. Too many of our fellow residents experience the effects of systemic racism every day. It is an ongoing challenge for the Toronto Police Services Board (the "Board") and the Toronto Police Service (the "Service") to address these issues in a way that engenders public trust.”**

That is precisely the challenge facing the Toronto Police Services and the TPS Board. The 81 recommendations being put forward respond to many of the issues raised by the Labour Council and community voices during the public town hall sessions. On their face, they seem to point towards a process that could make substantial changes to some aspects of policing practice. But there are still gaps, and the 81 recommendations fall short of tackling the deep changes needed in policing culture.

The TPS Board will be judged by how effective this process will actually be in the face of provincial legislation, internal resistance and a long institutional history of failure to implement external recommendations.

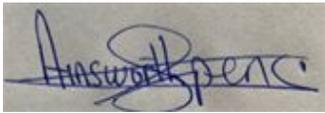
As we pointed out in the covering letter to our original submission, society is putting “the fierce urgency of now” on the agenda of governments at every level. Here in Toronto, there is a growing frustration of communities who feel that little has actually changed despite many promises of “transformation” or “reform”.

The *City of Toronto* and the *Toronto Police Services* must commit to re-design the policing model, re-direct financial resources, demilitarize police culture, and ensure the law is equally applied for the protection of everyone – based on human rights of every person being fully respected and protected.

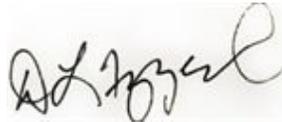
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The *Toronto & York Region Labour Council* recommendations come from decades of ongoing work that encompasses the lived experience of our members and their families, the knowledge of frontline workers, and lessons from dealing with political decision-makers and working with community allies. We hope the Toronto Police Services, including the command structure, commit to undertaking the crucial work required to make lasting change to a model of community safety that truly works for all Torontonians.

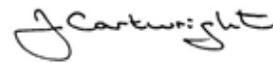
Sincerely,



Ainsworth Spence  
Equity Committee Co-Chair



Danica Izzard  
Equity Committee Co-Chair



John Cartwright  
President

cope 343



# UNFINISHED BUSINESS:

## Community Safety and Racism in Policing

### INTRODUCTION

Canadians and citizens around the world have taken to the streets to demand anti-Black racism be addressed after the brutal murder of George Floyd, and the deaths of far too many others. Society is putting “the fierce urgency of now” clearly on the agenda of governments at every level. We need real action to address systemic racism, particularly anti-Black racism.

The *Toronto & York Region Labour Council* represents 220,000 women and men who work in every sector of the economy. The recommendations provided build on decades of ongoing work that encompasses the lived experience of our members and their families, the knowledge of frontline workers, the lessons from dealing with political decision-makers and working with community allies, and the learning from both gains and setbacks.

### HISTORY

Systemic racism and anti-Black racism are deeply rooted in our society. We have many shameful instances of discrimination in Canada's history: the treatment of First Nations, the Chinese Exclusion Act, the turning away of South Asian and Jewish migrants, anti-Black and anti-Asian policies and even Ku Klux Klan activity, right up to the present day deaths of racialized and Indigenous people at the hands of police. These acts have been made possible by casting groups of people as the "other" -- somehow not part of our shared humanity.

The people and institutions in Toronto have never been immune to the corrosive influences of racism, discrimination and exploitation. In response, in 1947, the *Toronto Joint Labour Committee to Combat Racial Intolerance* was founded to undertake campaigns for legislation and action against discrimination. Their efforts helped secure some of the first anti-discrimination legislation in North America. The Joint Committee also joined with Black community leaders to demand the federal government end Canada's deeply racist immigration policies.

In 1975, *Labour Council* helped found the *Urban Alliance on Race Relations* after a series of violent attacks on South Asian immigrants. Toronto unions have joined with community activists to push for human rights policies at work and in broader society, and have campaigned for Employment Equity, public services for every community, refugee rights and police accountability. In recent years the crucial work of fighting Islamophobia has also been a priority, along with challenging anti-refugee xenophobia.

Throughout the decades, *Labour Council* and its affiliates have been engaging with City Council, federal and provincial politicians, the Police Services, School Boards and community allies to identify and fight for policies and practices that address systemic racism. But too often the statements of key political leaders have not translated into effective outcomes. We therefore must honour determination of Black and Indigenous community organizations who are calling for the current model of policing to be defunded – it is a result of decades of frustration and anger over the refusal of those with power in the system to allow meaningful reform.

## POLICING & COMMUNITY SAFETY

### THE ISSUE

The *City of Toronto* must commit to re-design the policing model, re-direct financial resources, demilitarize police culture, and ensure the law is equally applied for the protection of everyone – based on human rights of every person being fully respected and protected.

### RECOMMENDATIONS

- Ensure that a major portion of public funds will be re-assigned from the current flawed model of policing into a comprehensive, inclusive, equitable approach to community safety for all.
- Continue to investigate and remove systemic racism in all practices and culture of policing.
- Explore new methods of community safety - from the use of non-lethal technology and “mobile crisis teams,” to alternative support teams for people facing mental-health issues and non-life threatening safety needs.
- Review training, guidelines, and protocols for the use of force and for responding to incidents involving mental illness, disabilities, and those who are exhibiting mental distress.
- Recruit, support and promote officers who are representative of the diversity of Toronto’s communities and who can interact fully with all residents.
- Require police officers to co-operate fully with SIU investigations (and to have an independent SIU that reports to a civilian authority) and submit all relevant evidence to a civilian body.
- End racial profiling and other practices that often disproportionately single out young people of colour and marginalized members of our communities, which can become the entry point into the discriminatory criminal justice system.

## PUBLIC GOVERNANCE

### THE ISSUE

Time and time again, past Anti-Racism directorates, task forces and secretariats do not withstand the test of time or lack the financial teeth necessary to enact change. New governments and new priorities sweep in and erase equity policies and programs, effectively resetting the process and eroding trust with the public. Provincial statutes have prevented democratic control over policing and the unsustainable growth of police budgets.

Accessibility and accountability of public services is a key element of equity and justice. The provincial government, the *City of Toronto* and *Toronto Police Services* must undertake significant change to current governance and funding decisions.

### RECOMMENDATIONS

- Amend the *Police Services Act* to ensure that governance of Police Services is clearly placed with Police Services Boards.
- Reform police governing structures so they are legally accountable to civilian oversight, including the City Auditor, and ensure they are accessible to the community.
- Eliminate the power of the *Ontario Civilian Police Commission* to overturn *Toronto City Council* decisions pertaining to police budget matters.

- Ensure any new anti-racism bodies are adequately funded and legally protected so they can participate in monitoring redesigned policing.
- Work with other agencies to protect and preserve public services in all areas so those subject to systemic racism have access to discrimination-free resources.
- Strengthen democratic and inclusion practices in all public bodies and agencies, boards and commissions; municipal committees and other decision-making venues so those who oversee institutions like the police are more representative of the communities served by those institutions.

## NEXT STEPS

Every single day Toronto residents and families are harmed as prejudice is perpetuated through structural and institutional racism – the criminal justice system, the education system, governments, social media and through many other facets of society. People are fed up with reports and studies – they want decisions that are actionable and intentional. **The work will not be easy.** Every Canadian is called upon to combat discrimination – and those with power in all levels of government have a special duty to make decisions that are bold, lasting and truly transformative.

Kathryn Wells  
(416) 991-2125  
[kathrynwells@live.ca](mailto:kathrynwells@live.ca)  
City of Toronto, M5V 2B2

August 18, 2020

ATTN: Toronto Police Services Board

RE: Police Reform Initiatives

Dear board members and community leaders,

I am writing to you today as a concerned citizen of the city of Toronto and a community member. This is my first time submitting a form to the Toronto Police Services Board as a call to action to defund the Toronto Police Service as a first step toward police abolition. The recent public outcries in response to police brutality toward BIPOC (Black, Indigenous, and People of Colour) communities has brought the issue of defunding the police to forefront of the public attention. I would like to take this opportunity to express my support for the call to defund the police by at least 50% in Toronto this year. I would also like to express that reform is not a productive way to go about addressing the pervasive systemic issues, including racism and ableism, imbedded within the Toronto Police Service (TPS). This is a call to take action and hold yourselves and the TPS accountable for their actions so we can disband the police services as they exist today and reallocate the funding to community services that will allow for reduced crime and more cohesive community supports.

It is clear in the report; "I Don't Want to Live In Fear": Voices from the Toronto Police Services Board Town Hall Meetings – Interim Summary that you know what the community wants and needs from the Board. Officers in the TPS actively engage in misconduct and are not held accountable in an appropriate way. Body-worn cameras are not a sustainable solution to these pervasive and recurring incidents that sometimes lead to police murdering unarmed and non-violent community members. Body-worn cameras are not a solution to the issue of systemic racism and ableism in the Toronto Police Services. Body-worn cameras are a costly and temporary band-aid solution that serves no one but those who hold power in our society. Police accountability is often dissolved by the complex layers involved in institutional hierarchies, police unions and the judicial system that clearly favours law enforcement in many cases. Accountability is not going to be solved with body-worn cameras.

Like many of the deputations included in the interim summary report, I urge the board to reallocate the funds and resources available to support community partnerships. Many organizations have long been working in the communities that are currently over-policed and are the victims of racism and ableism by TPS members. Many of these community organizations create informative reports on what the real issues are and provide concrete solutions to aid in addressing community issues and concerns. By partnering with these community-lead organizations, you can help to dismantle the white supremacy that is imbedded in our society and reinvest in the communities you claim to serve. It is time for the

Toronto Police Services Board members to take responsibility, hold themselves and the TPS accountable, and recognize that reform, like body-worn cameras, is not a productive solution to the systemic issues our BIPOC and mentally ill community members face daily. Please take this letter as more proof that the community, including myself, is demanding radical change to the way things work in regard to police services and all the institutions and people involved with upholding white supremacy. I have not provided citations here because I know that you and your team are capable of doing some basic research into these issues. If you want to discuss anything further, please contact me to set up a meeting.

Thank you to the board for taking the time to listen to citizens in the Town Halls along with providing a place for written submissions like this one. Should you like to continue this discussion or ask any questions, please feel free to contact me directly to set up a meeting.

Sincerely,

Kathryn Wells  
Concerned resident of the City of Toronto

Toronto Policy Service Board:

I am grateful to have the opportunity to share my opinion related to the way Toronto Police conduct their duties. It is to my understanding that Mayor Tory is in favor of policing reform. I submitted an audio deputation in July and I am glad that many of my recommendations, for police reform, are reflected in the 10 themes. One theme in particular however, "alternative community safety response" sounds great in theory, but in practicality there are a number of issues. For example, I know now of the new reform, MCIT included therein, is now in full effect and operating full-time. What is not clear is that should a nurse be paired up with a police officer, what powers does a nurse hold? Does and will a nurse have the authority to arrest? And, how do police officers and nurses coordinate takedowns--who determines if a takedown is warranted? Additionally, with an alternative community safety response, has the implication of this practice considered community privacy and individual rights? For example, I am in favor of rebuilding police confidence and I do believe this to be necessary to facilitate harmonious community living, but what I am not in favor of is the police and MCIT overextending their reach. That is, imposing their presence, taking liberties and invading individual privacy which in the end perpetuates stigma and targeting.

Sincerely,

Katias Yee

I was outraged that a debate around addressing racism in police services at City council ended with no concrete action except a raise in the police budget. I do not support the introduction of body cameras, they have little evidence of actually addressing the violence done by police. It is merely a tactic to appear like you are increasing accountability while effectively doing nothing of consequence except spending more money on initiatives that don't get to the root of the violence that people experience at that hands of the police on a daily basis. With so many municipalities around North America finally taking bold action to address the elephant in the room that police forces act in ways that make marginalized communities feel less safe, I feel so ashamed that Toronto seems to be moving away from actual bold action.

I would like you to consider this crucial analysis about the approach to police reforms that you are undertaking. It is written by a Black woman in Toronto:

## **Palatable Motions. Or Toronto's Benevolent White Supremacy?**

**An open letter to our Toronto City Council members, Mayor and the public they purport to serve.**

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I was talking with some people a few days ago about the motion that had been put forward by Coun. Josh Matlow and Kristyn Wong-Tam at the beginning of the month regarding defunding the police budget by 10%. At that time, the meeting had not yet happened.

One person asked me, a Black woman living in Toronto, my thoughts on the subject. I turned it back to them and asked (to consider): "why 10%?"

Their response was: "Good question, I don't know, though my guess would be arbitrary and hoped to be somewhat palatable?"

And there it is.

**"Palatable".**

The proposed "10%" was palatable. Without a doubt, so was the Mayor's rebuttal submission.

I can hardly find the words to express how incredibly, unconscionably problematic and humiliating this is. But let's try.

**This is how we move within White Supremacy without ever getting out.**

Palatable means comfortable. For white folks.

'Palatable' is weak and racist at its core.

'Palatable' is humiliating.

It is impossible to explain how humiliating it is for Black folks (and I can imagine for Indigenous folks) to continuously be offered proposals regarding the value of our lives that are still formulated to stay within the parameters of white majority comfort. It is humiliating that Black life is on the same scale as white comfort. It is humiliating that given no other choice, we, Black folks, and others, have to actually sign off on small scale 'solutions' in the hopes that it might be just a little better for our youth (though maybe not, maybe their kids?) than it is for us, while knowing that we will be signing another contract that offers crumbs, disguised as bold solutions, reminding everyone that Black and Indigenous lives are still being scaled against white comfort.

White supremacy making concessions for Black or Indigenous lives isn't progress.

To be clear: you cannot **reform** white supremacy. And so we cannot partially defund **nor** try to reform one of its most valuable institutions as a goal. This is how we move within White Supremacy without ever getting out.

Folks have to WAIT for white people to come around and be outraged enough to make a meaningful move. None of the proposals were radical. None of it is bold. It may look like it if you just woke up. But this is more of that slow 'progress'.

We have to acknowledge that the real progress isn't Black people's and it isn't Indigenous people's. The progress called for continuously is that of the white majority. We have to wait for a white majority to catch up and be ready. The things proposed in this motion and the mayor's have been asked for and ignored before. And many, if not most of them are and will be ignored again. And if not ignored they have been co-opted and watered down and made palatable to the white majority. **The progress is not Black and Indigenous people's.** We do not need to progress into knowing we're human and deserving of the same amount of respect, consideration and protection. We already know. How many Black and Brown bodies have to drop, break, be taken, be disgraced, be humiliated and be buried in order to meet the hard-sought threshold of white empathy?

Perhaps Floyd was the magic number.

And yet...

We still cannot move to meet the scale of the issue. Because dismantling the system requires dismantling privilege. And that is a hell of a drug that not very many will let go of easily.

So we, the people most affected, see it happen again. We see it. We see you.

If your success is defined as being well adjusted to injustice and well adapted to indifference then we don't want successful leaders. We want great leaders – who love the people enough and respect the people enough to be unsought, unbound, unafraid and unintimidated to tell the truth.” —Dr Cornel West.

**#BlackLivesMatter**

WRITTEN BY

**Enke**

<https://medium.com/@mle.enke/palatable-motions-9c5d5a16defe>

Hello, my name is Alex Mlynek. I am a parent of two school-age children and live in the Davenport riding.

While I can appreciate the good faith that went into the recommendations in this report, I am here to say that they are not good enough. The police service as an institution has too much power and has proven that it cannot be trusted to protect ALL of the people who live in Toronto, with Black people being 20 times more likely to be killed by this police service.

Acknowledging the systemic racism in this institution, as well as the overt and implicit bias by some of its members, is not enough.

Reforming the Toronto Police Service will not bring the results the board seeks. This path requires financial investments that can be better spent funding other agencies and community groups that can do the work more effectively or can support people's well-being so that they are happy and healthy and cared for, which is an upstream approach to public safety. What the board is asking for is a distraction that will allow the Toronto Police Service to continue on in an unaccountable fashion.

Ask the people who live in Toronto's most over-policed areas if they feel safer. The answer is they do not. They feel surveilled and at risk of being targeted and unfairly and disproportionately punished. In the specific case of Black and Indigenous people, especially those with mental health challenges, they often end up experiencing violence or are killed by the police, even when seeking their help.

This is why community policing initiatives are not the answer, and neither is CCTV surveillance. This is the impact of the decisions made by the Toronto Police Service that are said to be about helping under-resourced communities. They do not support public safety, in fact, they do the opposite, they target marginalized peoples.

The Toronto Police Service currently provides services that they are not qualified to deliver. And the police service's budget is allocated at their will, which means that they could decide to move funding away from any of these proposed measures if they so choose. All Torontonians deserve reliable public safety measures. The board's requests today will not ensure that they are delivered.

The bottom line: There is so much momentum right now; so much support from everyday people to do things differently.

We have an opportunity to create a better system that truly takes care of all Torontonians, and the first step is admitting that the police service does not need to be modernized, it needs to be defunded.

Thank you.

Alex Mlynek

# LAW UNION OF ONTARIO

31 PRINCE ARTHUR AVENUE  
TORONTO, ONTARIO M5R 1B2  
TEL. (416) 964-7406 EXT.155  
FAX. (416) 960-5456

August 16, 2020

The Toronto Police Service Board Members  
tpsb.ca  
psb.ca

Dear Board Members

Law Union of Ontario Deputation  
August 18, 2020  
Policing Reform Initiatives

Please find enclosed the Deputation materials filed on our behalf.

## Attachments

1. Letter from Law Union of Ontario addressed to Chair Jim Hart, August 17, 2020
2. Coroners Jury Verdict Recommendations in inquest into death of Andrew Loku, June 30, 2017
3. Across Boundaries Communique, October 3, 2017
4. Across Boundaries to City Council regarding Mayor Tory's motion, June 28, 2020

*Howard F. Morton*

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**HOWARD F. MORTON**  
HFM:lc

# LAW UNION OF ONTARIO

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August 17, 2020

Chair Jim Hart  
Toronto Police Services Board  
40 College St  
Toronto, ON M5G 2J3

Dear Chair Hart,

This is our written deputation concerning Item 3. Policing Reform Initiatives and Accompanying Presentations on the August 18, 2020 TPSB agenda. If the Board so requests, we are available to make an in person deputation to elaborate on any aspect of this deputation.

We are concerned that Chair Hart's report, *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety*, while admirable in its scope and its identification of much needed areas of reform, fails to propose immediate action on important items within the Board's jurisdiction. To remedy this failure, we propose in this deputation below some immediate action items. They include:

- banning chokeholds, knee-to-the-neck restraints and other neck restraints;
- requiring officers to intervene when they witness another officer using excessive force;
- banning carding and arbitrary street checks and vehicle stops; and
- amending the Board's Financial Management and Control By-Law to review line-by-line, program-by-program reporting of police budgets and financial statements.

In making these proposals, we are not suggesting that these reforms will solve the problems of policing Toronto in the 21<sup>st</sup> century. Much more is needed from the Board, the City, and the Province. Toronto needs solutions for systemic racism in policing, lack of police accountability, excessive use of force, and a toxic police culture. It needs alternatives to policing in dealing with mental health crises, responding to social issues and petty crime, and handling drug use and addictions. It needs to reallocate funding from counterproductive policing to community-based initiatives. In short, this Board and Toronto must rethink policing: what it intends to accomplish, what it is good at, what it fails at, and what are the alternatives.

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To its credit, Chair Hart's report addresses at great length many of these issues. Unfortunately, it offers much process but few solutions. The report proposes many more studies, many more reviews, and many more consultations. Given the complexity of some of the issues this is perhaps understandable. But, in our view, absent clear guidance from the Board and firm timetables for action, this is a recipe for failure. This Board has a woeful history of seemingly agreeing with recommended reforms but then failing to act. Important matters disappear, lost in referrals to the Chief or the Board's staff and committees for endless studies, reviews, reports, and consultations, or are punted to a disinterested provincial government. Well-intentioned reforms, if they ever see light again, are reduced to vague ineffectual pieties after encountering resistance from an entrenched police bureaucracy and a powerful police association.

If the Board has learned anything from the Town Hall presentations, it must be that failure is not an option. Torontonians are demanding change now. On the positive side, this is a wonderful opportunity for the Toronto Police to achieve its goal of becoming a world leader in bias-free policing and making Toronto one of the safest cities in the world. It is time to re-imagine policing in Toronto.

Below are the action items we urge the Board to implement now. We also attach our recent letter to the Solicitor General for Ontario going into greater detail on some of these issues.

**1. Create a transparent and open consultation process for the selection of a new Chief of Police.**

Probably the most important decision the Board will make this year is its selection of the next Chief of Police. It is critically important that the Board establish a transparent and open consultation process for this decision.

City Council has urged the Board to do so. In its June motion, *Changes to Policing in Toronto*, City Council asked this Board to develop "a rigorous community consultation process to inform the criteria for the selection of the next Chief of Police" and set out some criteria that the new Chief should meet.

The Board has recognized the need to do so. In its June 8 news release following Chief Saunders's announcement of effective July 31 the Board said that it was "developing a comprehensive chief selection process to appoint the next Chief for the Toronto Police Service, a process that will incorporate public consultation and input in a meaningful and proactive way." On June 22, the Board stated that the firm it hires to help search for the next Chief of Police must be able "to undertake a comprehensive public consultation process that will effectively engage the diverse voices of Toronto in identifying the qualities and priorities for the next Chief of Police." Chair Hart's report recommends that "the development and

implementation of a rigorous community consultation process for the selection of the next Chief of Police.”<sup>1</sup>

We totally agree. But the Board should seek input **now** on what kind of police chief Torontonians would like to see. Don't wait for the completion of the RFP process for executive search firms. Create a simple web page to solicit opinions now. Ask simple questions: do you agree with the Board's proposed criteria? What other criteria would you suggest the Board consider? What is the most important qualification a Chief should have? Is it time for a female Chief? Should the Board emphasize non-white candidates? Should the Board look for candidates from outside Toronto, outside of Ontario, or even outside of Canada? Should the Chief be a police officer? Is there any person you think would be a good candidate to consider and why? The Town Hall experience teaches that the Board will receive many thoughtful responses raising issues in a new way. This would not be a substitute for a more formal consultation process but it will help the Board frame its choice of executive search firms and ultimately of the new Chief of Police.

**2. Revise Board policy and police directives governing the use of force. Immediately ban the use of choke holds, carotid holds and knee-to-the neck restraints.**

This Board should heed the lessons of the George Floyd and Eric Garner cases. The Board should immediately:

- ban the use of choke holds, carotid holds and knee-to-the neck restraints;
- require officers to intervene when another officer uses excessive force and to report any such violations they witness; and
- require officers to assess the condition of physically restrained prisoners and to respond immediately to complaints of distress. Contrary to what many officers believe, merely because a person can manage to say “I can't breathe” is not proof positive that he or she can breathe.

The Board should also immediately endorse the principle that de-escalation should be the tactic of first resort when a police officer deals with a non-compliant individual. The Board's use of force policy and the TPS use of force procedures fail to make any reference to de-escalation at all. This must be changed.

The Board does not have to wait for the Province to act. The provincial regulations set minimum standards; they don't prevent the Board and the TPS from setting higher standards. These changes are necessary for the Board to meet its responsibility to establish policies to provide adequate and effective police services for the City of Toronto. The Board has already exercised its authority in the evidence through its Use of Force policy. Now it should do more.

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<sup>1</sup> Recommendation 33.

Any revisions or elaborations on these changes can be considered later in the reviews of use of force policies and procedures recommended in Chief Hart's report.<sup>2</sup>

We recommend that the Board abandon its reliance on the deeply flawed Ontario Use of Force model.<sup>3</sup> The TPS use of force procedures rely heavily on the Provincial model. The model is clearly deficient. It makes no mention of de-escalation. It emphasizes the use of force. And it provides a smorgasbord of excuses and justifications for the use of force based on the officer's perceptions of the situation and the individual's supposedly problematic behaviours such as complaining, being non-compliant, or being upset.

Finally the Board should require the TPS to immediately post on its website all its use of force procedures, not just including the Use of Force Procedure, 15-01 *Use of Force* and Appendices A and B, *Provincial Use of Force Model*.<sup>4</sup> This should include TPS procedures 15-02 *Injury/Illness Reporting*, 15-03 *Services Firearms*, 15-04 *C-8 Rifle*, 15-05 *Shotgun*, 15-06 *Less Lethal Shotguns*, 15-08 *M.P.5 Submachine Gun*, 15-09 *Conducted Energy Weapon*, 15-10 *Suspect Apprehension Pursuits* and 06-04 *Emotionally Disturbed Persons*. The posting of these procedures should not be qualified by the phantom excuses that revealing them would somehow endanger police operations or investigative techniques or compromise safety. TPS Procedures 6-02, 15-01 and 15-09 among others were published in the Iacobucci Report<sup>5</sup> and the other procedures are available through an access to information request. There is no reason not to post them full on the TPS web site.

We also heartily endorse Chief Hart's recommendation that all TPS procedures of public interest that govern the interaction of police with the public be posted to the TPS website. We would go further and ask that all procedures in the public interest be posted to the website and attach a list of procedures that we think should be posted to the website.

### **3. Improve police accountability by referring all complaints involving serious misconduct to the OIPRD for independent investigation.**

Accountability is a critical issue. A ban on choke holds will be ineffective if not enforced. This has been the experience of American cities where such bans are in place.

Chair Hart's report recognizes this in part<sup>6</sup> but does not address the important problem of the police investigating the police. Justice Tulloch in his *Report of the Independent Police Oversight Review (2017)* noted that having the local police force investigate complaints against its own

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<sup>2</sup> Recommendations 48 and 49, Report from Chair Jim Hart, August 10, 2020, *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety*.

<sup>3</sup> Chair Hart's report recommends that the Board asks the Province to review its Use of Force Model: #48.

<sup>4</sup> Recommendation 35, Chair Hart's Report.

<sup>5</sup> *Police Encounters with People in Crisis*, Appendix E

<sup>6</sup> Recommendations

officers “erodes public confidence in the complaints process.”<sup>7</sup> He recommended that the OIPRD should be the sole agency to investigate public complaints against the police.<sup>8</sup> City Council also recommended this change.<sup>9</sup>

Fundamental changes in this area will require changes to the relevant Provincial legislation. In the meantime, the Board can immediately improve accountability by requesting that the OIPRD retain for its investigation all complaints made to it involving serious misconduct by TPS officers. By serious misconduct we include allegations of unjustified use of force, illegal arrest or detention and illegal searches. This would be an exercise of the Board’s powers to establish guidelines for dealing with complaints pursuant to section 31(1)(h) of the *Police Services Act*.

Currently the OIPRD refers the vast majority of complaints it receives to the local police force for investigation and only retains only a few for its own investigation. The OIPRD Director decides whether the OIPRD will retain a complaint for its independent investigation. The seriousness of the conduct complained about and any request by the police force for an independent investigation are important factors in the Director’s decision whether to retain the complaint for investigation: see the OIPRD’s *Guidelines for Retaining/Referring Complaints*.

A standing request by the Board for OIPRD investigation of serious allegations of misconduct undoubtedly would weigh heavily in the Director’s exercise of his discretion to retain the complaint for independent investigation. If needs be, funding arrangements between the TPSB and the OIPRD may have to be negotiated to provide the OIPRD with additional resources to handle the additional caseload.

Moving forward, the Board should urge the Province to implement all the recommendations of *Report of the Independent Police Oversight Review*.

**4. Ban street checks, carding, and other forms of arbitrary stops and detentions. Remove police access to the historic carding database.**

The enactment of the carding regulation, *Collection of Identifying Information in Certain Circumstances – Prohibition and Duties*, didn’t end carding or street checks. It simply changed how officers did it. Black youth and black drivers continue to be arbitrarily stopped and detained.

The Board should act immediately to ban the arbitrary or random stopping of individuals. This practice violates the right not to be arbitrarily detained guaranteed by section 9 of the

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<sup>7</sup> Justice Tulloch, *Report of the Independent Police Oversight Review*, 2017, 7.341, para. 149.

<sup>8</sup> Justice Tulloch, *Report of the Independent Police Oversight Review*, 2017 Recommendation 7.20, 7.21 and 7.22.

<sup>9</sup> City Council #21.

*Canadian Charter of Rights and Freedoms*. The Board needs to act to fulfill its mandate to safeguard the fundamental rights guaranteed by the *Charter*.<sup>10</sup>

An arbitrary detention occurs where an individual is detained without reasonable suspicion. For that reason alone, carding<sup>11</sup> or street checks in the absence of any reasonable suspicion of criminal activity should be banned as a violation of the *Charter*.

More importantly, the Board should ban all arbitrary or random stops where the reason for the stop is based at least in part on racial profiling or other prohibited form of discrimination. Such stops violate section 9 of the *Charter* as both the Ontario Court of Appeal and the Supreme Court of Canada have recently held.<sup>12</sup> But worse, the practice enables and perpetuates racial profiling and racial discrimination. Black persons and especially young black men have disproportionately suffered the impact of these pernicious practices, leading to fear and distrust of the police in these communities.

This ban should apply to vehicle stops where the stop is motivated in any way by racial profiling or where the stop is a ruse to carry out an investigation not founded on reasonable suspicion of criminal activity.<sup>13</sup> Passengers shouldn't be required to produce identification absent reasonable suspicion and stops should not be prolonged in hopes of acquiring information to justify further detention or a search.<sup>14</sup>

The Board should specifically ban the random stopping of people to collect information for entry into a database for general intelligence purpose.<sup>15</sup>

Finally, the Board should direct the Toronto Police to divest itself of its historic carding database for all purposes. The PACER Report recommended retention for seven years;<sup>16</sup> the Tulloch Review for five years.<sup>17</sup> Despite this, the database lives on thanks to the Board continuing to pass the buck on this issue. There should be no more access to a database filled with stale-dated and illegally acquired information. The Board should immediately adopt the Third Party option in the Executive Director's March 14, 2019 Report to the Board, that is transfer all data to a third-party organization to hold the de-identified and anonymized data for historical and academic purpose.

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<sup>10</sup> Section 1, paragraph 2 of the *Police Services Act*: "Police services shall be provided throughout Ontario in accordance with the following principles ... 2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*."

<sup>11</sup> Tulloch, *Report of the Independent Street Checks Review*, Recommendation 5.1: "... no police officer should arbitrarily or randomly stop individuals to request their identifying information."

<sup>12</sup> See *R. v. Dudhi*, (2019) 379 CCC (3d) 334 (Ont. CA) at paragraphs 54 to 86 and *R. v. Le*, (2019) 375 CCC (3d) 431 (SCC) at paragraph 76.

<sup>13</sup> Recommendation 5.6, Tulloch Review.

<sup>14</sup> Recommendations 5.7 and 5.11, Tulloch Review.

<sup>15</sup> Recommendation 5.15, Tulloch Review.

<sup>16</sup> Recommendation 21, Toronto Police Services – The Police and Community Engagement Review (The PACER Report), 2013, Phase II – Internal Report & Recommendations.

<sup>17</sup> Recommendation 8.6, Tulloch Review.

**5. Make the Mobile Crisis Intervention Team Program available 24/7 across all of Toronto. Implement the recommendations of the Loku Inquest and the Iacobucci Report. Get the TPS out of the mental health/wellness business.**

The TPS should get out of the mental health/wellness business. It is not within the professional expertise of police officers and has led to tragic unnecessary death and injury to the very people the officers are being sent to help.

The Board and the TPS will need the cooperation of the City and the Province to fully implement these reforms. In the meantime, the Board should commit to a goal of creating unarmed civilian crisis response teams as the first responders to mental health crisis call. 911 calls about mental health crises should be directed to these civilian crisis response teams. Officers should attend only as back-up and intervene only if requested. Intervening officers should be trained to de-escalate and disengagement as the tactic of first resort.

As an immediate first step, the Board should immediately require the TPS to make the current Mobile Crisis Intervention Team Program available 24/7 across all of Toronto and to notify the Crisis Intervention units of every call involving a person experiencing a mental health crisis.<sup>18</sup> Chair Hart's report recognizes this need but does not recommend immediate implementation; instead the Chief of Police is just directed to create a plan. In our view, it is better to act now and sort the funding out later. More importantly, police officers responding first to a mental health crisis should be directed to wait for the Crisis Intervention team to arrive, absent a urgent need to protect lives or safety of others.

The Board should also implement the recommendations of the Loku Inquest. The tragic death of Andrew Loku raised important issues about the police response to mental health crises, about police use of force in dealing with such crises, and about the invidious interplay between racism and stereotyping of people with mental health disorders resulting in a disproportionate number of black people experiencing mental health crises being shot by Toronto Police officers.

Andrew Loku was a father of five from Sudan who had been receiving mental health and housing supports from Across Boundaries and CMHA Toronto for 9 years. On the night of July 5, 2015 two Toronto Police officers responded to a 911 noise complaint call related to Mr. Loku's mental health. The officers encountered Mr. Loku holding a hammer in the hall of his apartment building and within 21 seconds had shot and killed him.

At the inquest into his death, a Coroner's jury heard four weeks of evidence about the shooting and death of Mr. Loku and the intersectionality of race and mental health. On June 20, 2017,

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<sup>18</sup> Justice Iacobucci's report, *Police Encounters with People in Crisis*, Recommendation 3: "The TPS amend Procedure 06-04 "Emotionally Disturbed Persons" to provide for the mandatory notification of MCIT units for every call involving a person in crisis." Toronto City Council motion, *Changes to Policing*, June 29 – 30, 2020, paragraphs 5, 25.

the jury released 39 recommendations addressing the urgent need to completely modify and restructure police culture and structure (as testified to by Dr. Kwame McKenzie at the inquest and reflected in jury recommendation 12), and the manner in which officers engage in situations involving mental health, race and intersectionality of same, particularly anti-Black racism. The recommendations were directed specifically at the Ministry of Community Safety and Correctional Service, the Ministry of Health, the Toronto Police Service, the Toronto Police Services Board and CMHA.

At a press conference held at Queen's Park on October 3, 2017 a coalition of mental health service providers, supportive housing providers and community activists called upon the Ontario government to implement forthwith the inquest jury recommendations. Nothing happened.

This Board should take steps to ensure the implementation of the 3 recommendations directed specifically to it and the 15 recommendations to the TPS. The Board can directly implement its 3 recommendations and it can ensure the implementation of the 15 recommendations directed to the TPS by issuing directives and making policy. All 15 TPS recommendations concern matters of policy or at a minimum are informed by policy and therefore fall within the Board's jurisdiction to provide oversight and governance of the TPS.

The jury also recommended changes to police use of force. These included amending the Use of Force Report to include the collection of race-based data including perceived race and to require officers to set out what de-escalation techniques were attempted before force was used and exploring options relating to the use and deployment of less-lethal use of force options. While these recommendations were directed to the Ministry, they also fall within the purview of the Board and the TPS as we argue above. The Board should implement these use of force recommendations without delay with the exception of the recommendation about the use of tasers which is controversial.

While these recommendations do not address the full gamut of changes needed to address the critical issues that arise in this regard, they signal an important start. This Board should take the lead in this area. There is no point waiting for the province to act, given the province's long history of non-responsiveness to inquest jury recommendations. A lack of meaningful response to the Loku recommendations quite simply is irresponsible and intolerable.

- 6. Incorporate the "line-by-line, program-by-program" reporting requirement for TPS budgets and estimates into the Board's Financial Management and Control By-Law. Ask the Province to make this requirement a standard for all police services and police services boards in the Province.**

At long last the Board appears to have committed to more transparency in the reporting of police budgets and estimates. In his June 17 report, *Recommendations for the Board Related to Current Events*, Chair Hart recommended that the TPS provide a line-by-line breakdown of the police budget "be organized by the Toronto Police Service's individual program areas, functions

or services delivered so as to provide maximum transparency to the public.” In its June 29/30 motion City Council in its motion, *Changes to Policing in Toronto*, echoed this recommendation.

The Board has provided a line-by-line breakdown of the TPS’s operating and capital budget requests for 2020. Still needed is a program-by-program breakdown. Chair Hart’s report specifically recommends this.<sup>19</sup> To expedite matters, we suggest the following non-exhaustive program breakdown:

- Uniform patrols
- Traffic enforcement
- Parking enforcement
- Marine Unit
- Mounted unit
- Police Dog unit
- Community policing
- Criminal investigation
- Investigative supports such as FIS and wiretaps
- Integrated Gun & Gang Task Force
- Joint forces operations
- Public order and tactical units such as the ETF and hostage response teams
- Mental health responses, including Mobile Crisis Intervention Teams
- Professional standards
- Police training, including Toronto Police College
- Secondment of officers to other police forces and organizations
- Police communications including 911 and Crime Stoppers;
- Criminal intelligence
- Criminal analysis
- National security and counter-terrorism
- Informant and agent payments and expenses
- Community engagement and response programs such as FOCUS
- Court security

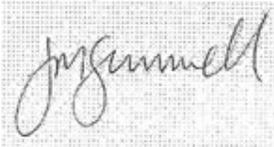
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<sup>19</sup> Recommendation #18.

- Prisoner care and control and prisoner transportation
- Bail reporting and compliance
- Provincial Repeat Offender Parole Enforcement (ROPE) Squad and fugitive squad
- Witness protection and security
- Victims assistance

To make the reporting changes more permanent the Board should incorporate the new reporting requirements in the Financial Management and Control By-Law and ask the Province to make these reporting standards province-wide.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jack Gemmell", is written over a light gray grid background.

Jack Gemmell

Dyanoosh Youssefi

For the Policing Subcommittee of the Law Union of Ontario

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## OCC Inquest - Loku 2017

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### Verdict of Coroner's Jury

Office of the Chief Coroner

The Coroners Act - Province of Ontario

Surname: Loku  
Given name(s): Andrew  
Age: 45

Held at: Toronto  
From: June 5

**To:** June 30, 2017

**By:** Dr. John Carlisle, Coroner for Ontario

having been duly sworn/affirmed, have inquired into and determined the following:

**Name of deceased:** Andrew Loku

**Date and time of death:** July 5, 2015 at 12:25 a.m.

**Place of death:** 502 Gilbert Avenue, Toronto

**Cause of death:** Gunshot wounds to the left chest

**By what means:** Homicide

(Original signed by: Foreperson)

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The verdict was received on the 30 of June, 2017

**Coroner's name:** Dr. John Carlisle

(Original signed by coroner)

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We, the jury, wish to make the following recommendations:

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Inquest into the death of:

Andrew Loku

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### Jury Recommendations

*To the Toronto Police Service:*

1. Using reputable, external educators and other experts, TPS should ensure that the Service develops and implements annual/regular training at division and platoon meetings with a focus on the equitable delivery of policing services. The training should acknowledge the social inequities and challenges faced by racialized communities and consumer survivors who have experienced mental health challenges and equip officers with skills needed to provide appropriate responses and service delivery. Training topics should include, but not be limited to:
    - Bias-free service delivery
    - Social disparity
    - Equitable outcomes for all
    - Stress and fear inoculation techniques
    - Mindfulness techniques
    - De-escalation
    - Crisis communication
    - Negotiation
    - Implicit bias
    - Trauma informed approaches
    - Anti-Black Racism
    - Visible and invisible disabilities
  2. Measure the effectiveness of the above mentioned training in anti-Black racism and persons in crisis by requiring both a written and oral exam of the participants. Failure in such exams should result in requiring re-attendance at such training.
  3. Mandate that all officers complete the Implicit Association Test as part of initial and requalification training.
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4. TPS should continue to emphasize the importance of planning in a crisis situation to identify the lead in communication.
5. Expose or continue to expose officers in training to the perspectives and lived experience of racialized communities, the Black community and individuals with mental health issues and/or addictions.
6. Review the Intercultural Development Program deployed by the Toronto Police Service and consider the continued use of the Intercultural Development Inventory or other similar tool, as well as in-house intercultural competence facilitators, to further the intercultural competence of Toronto Police Service members.
7. Amend the annual Use of Force recertification to include qualification in areas such as mental health and/or addictions, anti-racism, particularly anti-Black racism, implicit and unconscious bias, fear inoculation, de-escalation and crisis communication.
8. Continue to emphasize that where the police challenge is issued and the subject does not comply, where possible, alternative methods of communication, de-escalation, disengagement and containment should be attempted. For example, consider making it clear that lethal force will be used if commands aren't obeyed.
9. Consider the use of trained de-briefers to be deployed following exceptional critical incidents, having regard to any SIU investigation and the rights of officers, with a view to using the knowledge gained to inform de-escalation training. If resources permit, consider using the de-briefers in situations with positive outcomes as well as negative ones, even if they are less serious incidents, in order to learn from those occurrences.
10. Require Coach officers and Supervisory officers take the 5-day Mobile Crisis Intervention Team training. Make mental health and/or addictions and policing of racialized communities, in particular Toronto's Black community, a key component of Coach Officer training.
11. Ensure that all patrol cars are equipped with less lethal weapons, e.g., CEW, sock or beanbag guns and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.
12. Undertake a structural/cultural review and analysis to ensure that the Service has a clear policy with respect to serving and protecting persons with mental health or addiction issues and/or racialized persons, in particular, Black persons. The Chief's review and analysis should include input from experts in this field together with persons in the communities falling within the above-mentioned descriptors. Following this, the Chief shall clearly state the TPS policy and communicate it in detail to all officers and employees. The Chief shall ensure that all members through continuous training have a clear understanding of the Chief's mandate in this regard. Failure to follow the Chief's mandate should have consequences and sanctions.
13. When making decisions about promotions, supervisors should consider an officer's skill and experience in dealing with Emotionally Disturbed Persons (EDPs), members of the Black community and racialized communities, including their ability to de-escalate and negotiate during crisis situations.
14. Encourage the Toronto Police Service to make use of the Gerstein Crisis Centre police telephone line when interacting with a person in crisis.
15. Consider additional funding and training for 911 operators in order to improve their skills in extracting more pertinent information during an emergency call. Consider beginning the de-escalation process during a 911 call.

*To the Toronto Police Service Board:*

16. Maintain its existing committee on mental health in ongoing partnership with members of the mental health community (throughout this document, 'mental health community' means to include the phrase in particular people who have been directly affected by mental health issues), the Toronto Police Service and subject matter experts.
17. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities,

including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

18. Conduct a pilot study of two divisions (preferably 14 and 51 division) where there would be more intensive community involvement, education, and training (keeping in mind resourcing) concerning interactions with people who have racial and/or mental health and/or addiction differences to determine whether this has a positive impact on reducing 'use of force' incidents.

*To the Canadian Mental Health Association (CMHA -Toronto Branch):*

19. Offer education to the appropriate building superintendents and managers on information sharing policies; in particular, what sort of information ought to be shared with CMHA (Toronto Branch) housing or support workers about CMHA (Toronto Branch) residential clients. In addition, it should deliver in-service training on how to better serve these clients.
20. Together with Across Boundaries study ways of ensuring that clients are able to access the services that they require across multiple agencies so that clients don't 'fall through the cracks'.

*To the Ministry Of Health and Long Term Care/LHIN's:*

21. Fund a province-wide telephone crisis support line staffed by people trained in crisis intervention or peer support to be available to clients in supportive housing and community mental health and addiction programs, 24 hours a day, 7 days per week.
22. Provide additional funding for a sufficient number of nurses to staff Mobile Crisis Intervention Teams (MCIT) in Toronto, 24 hours a day in each police division.
23. Together with the Toronto Police Service, explore all possible avenues to assess whether MCITs could be available as first responders in crisis situations, specifically including situations where weapons are involved.
24. Fund and create a program to provide appropriate housing support to individuals suffering from noise sensitivity.

*To the Ministry Of Community Safety And Correctional Service:*

25. Using a research based approach, update provincial standards for de-escalation, crisis communication and bias-free police training.
26. Provide funding to research and establish appropriate benchmarks for measuring effectiveness and outcomes of current police response to persons in crisis.
27. The Ontario Police College should consider additional training for police officers on de-escalation techniques, implicit bias awareness training, crisis intervention, mechanisms for combating stressful encounters and negotiation techniques.
28. Consider requiring annual de-escalation, crisis communication and bias-free policing requalification, separate from any 'use of force' requalification based on developed provincial standards.
29. Establish a provincial standard for the collection of race-based data pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.
30. Establish a provincial standard for the collection of data concerning emotionally disturbed persons pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must

include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.

31. Once the data in recommendations 29 and 30 has been analyzed and interpreted, the results should be made public in an accessible format. The data should be collected in a manner consistent with human rights principles and in consultation with affected communities and appropriate experts about the purpose, use, benefits and methods of collecting data.
  32. The Police Services Act - Use of Force Report (UFR Form 1 2013/12, or its successor) should be amended to include the collection of race-based data including perceived race.
  33. The Use of Force Report (or its successor) should be redesigned to require officers to set out what de-escalation techniques were attempted before force was used.
  34. Establish a provincial standard, in conjunction with police services and accredited academic institutions, for measuring the effectiveness of police training. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for the collection and analysis of data. The province should ensure that any trends or indicators that are subsequently identified be used to inform the provincial standard on an ongoing basis. Data will be used to inform police training in municipalities that provide training additional to the Ontario Police College.
  35. Fund and continue to study the use and deployment of less-lethal use of force options such as, the CEW, sock rounds and the use of defensive equipment such as helmets and shields and to study the expanded use and deployment and related training on less-lethal use of force options to front-line officers as well as specialized teams.
  36. Ensure that all front-line or "primary response" officers are trained and equipped with conductive energy weapons (CEWs known as "Tasers").
  37. Study and consider implementing de-escalation techniques as used in other jurisdictions, particularly those in the U.K. for example, study and consider equipping officers with less lethal weapons.
  38. Create a program to encourage, fund and support the participation of members of the mental health and addictions community, racialized communities and the Black community in training at the Ontario Police College, the Toronto Police College and the divisional level, and to participate in any standing or advisory committees.
  39. Rename the Use of Force Model (e.g. Compliance Model) and redesign it to incorporate and emphasize communication, de-escalation, disengagement and containment and that the use of lethal force is a last resort.
-



# ACROSS BOUNDARIES

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<https://www.facebook.com/ABMentalHealth> <https://twitter.com/ABMentalHealth> <https://instagram.com/abmentalhealth/>

## COMMUNIQUE

### **Implement Recommendations of Andrew Loku Inquest: Coalition Asks Province Press Conference: October 3rd, 2017**

At a press conference held at Queen's Park on Tuesday, October 3<sup>rd</sup>, a coalition of mental health service providers, supportive housing providers and community activists called upon the Ontario government to implement forthwith the inquest jury recommendations. These recommendations address the urgent need to completely modify and restructure police culture and structure (as testified to by Dr. Kwame McKenzie at the inquest and reflected in jury recommendation number twelve), and the manner in which officers engage in situations involving mental health, race and the intersectionality of same, particularly anti-Black racism.

On June 30, 2017, the Coroner's jury made 39 recommendations arising out of its consideration of four weeks of evidence concerning Mr. Loku's death at the hands of police in circumstances involving the intersectionality of race and mental health. While these recommendations do not address the full gamut of changes needed to address the critical issues that arise in this regard, they signal an important start, and should be implemented without delay with the exception of the use of tasers which is controversial.

Seventeen of the thirty-nine recommendations address the issue of policing and race. And in several of its recommendations, the jury chose to specifically address the issue of anti-Black racism.

This province has a long history of non-responsiveness to inquest jury recommendations. A lack of meaningful response to the Loku recommendations by the Government and all responsible agencies quite simply will not be tolerated.

The recommendations are directed specifically at the Ministry of Community Safety and Correctional Service, the Ministry of Health, the Toronto Police Service, the Toronto Police Services Board, and CMHA.

Coalition members have written to Premier Wynne, requesting a meeting with her and the involved Ministers to impress upon the government the need for leadership in ensuring full and expeditious implementation and to determine how it plans to do so.

The letter to Premier Wynne was released at the press conference.

A Registered Charitable Organization  
Charitable # 14098 8262 RR0001

On behalf of the undersigned:

1. Anti-Black Racism Network
2. Accommodation, Information and Support Inc. (AIS)
3. Across Boundaries: An Ethnoracial Mental Health Centre
4. Addictions and Mental Health Ontario
5. Black Coalition For AIDS Prevention
6. Canadian Civil Liberties Association
7. Canadian Mental Health Association
8. Colour of Poverty - Colour of Change
9. Dream Team
10. Empowerment Council
11. Fife House
12. Houselink Community Homes
13. Human Rights Legal Support Centre
14. Law Union of Ontario
15. Madison Community Services
16. Mainstay Housing
17. Ontario Council of Agencies Serving Immigrants
18. Parkdale Queen West Community Health Centre
19. Peel Coalition Against Racial Discrimination (PCARD)
20. Reconnect Community Health Services
21. Regeneration Community Services
22. Street Haven
23. Street Health
24. Taibu Community Health Centre
25. Unifor
26. Urban Alliance for Race Relation
27. Wellesley Institute
28. York Youth Coalition(YYC)
29. Abdillahi, Idil
30. Chow, Olivia
31. Councillor Mike Layton
32. Councillor Joe Mihevc
33. Councillor Michael Thompson
34. Cressy, Gordon
35. Ewart, Doug
36. Galabuzi, Grace-Edward
37. MPP Peter Tabuns
38. Mukherjee, Alok
39. Roach, Kikelola
40. Singh J.D., Knia
41. Singh, Anne-Marie

## QUOTES FROM SIGNATORIES

“Anti-Black racism, for the first time in the history of inquests, was identified and named in the death of Andrew Loku. In the face of historical non-responsiveness to inquest recommendations we urge the Government of Ontario to show leadership in working with the community to implement the recommendations that will not only improve the experiences but more importantly save the lives of individuals from racialized and Black communities living with a mental health or addiction issue and their interactions with the Police.”

- Aseefa Sarang  
Executive Director  
*Across Boundaries: An Ethnoracial Mental Health Centre*

“The tragic shooting death of Andrew Loku should never have occurred. It took place within a police culture that raises troubling questions about policing, mental health, systemic racism and other forms of discrimination. It is imperative that the government take all possible measures to prevent future deaths of this kind. That is the very purpose of the inquest – and the government must move swiftly to implement the jury recommendations and report publicly on their implementation.”

- Noa Mendelsohn Aviv, LL.B., LL.M.  
Acting Executive Director, Canadian Civil Liberties Association

“Coroner's inquest recommendations are meant to prevent further deaths. Yet, deaths at the hands of the police have continued, and recommendations made by the coroner's juries go unheeded. It is time for the province to get serious and take responsibility for ensuring that recommendations, such as those related to anti-Black racism in policing and gathering of data on deaths in police interactions are implemented. Otherwise, public will lose confidence in the utility of these inquests.”

- Alok Mukherjee  
Distinguished Visiting Professor  
Equity & Community Inclusion, and,  
Department of Criminology  
Ryerson University

“The Jury has presented a thoughtful, broad, comprehensive and timely set of recommendations on how to better protect the public when mental health issues are involved,” said Councillor Michael Thompson, Scarborough Centre, Ward 37. “Toronto’s sociological profile is changing rapidly, and current approaches have fallen behind. Sweeping changes are needed to ensure that policing, corrections and health services are prepared to help and protect people who are dealing with mental health crises, no matter what their backgrounds.”

- Michael Thompson  
Chair, Economic Development and Culture Committee  
Chair, Invest Toronto  
Councillor, Scarborough Centre  
Ward 37



## ACROSS BOUNDARIES

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E-Mail: [info@acrossboundaries.ca](mailto:info@acrossboundaries.ca)

Web Site: <http://www.acrossboundaries.ca>

June 28, 2020

To:

Mayor John Tory

City Councillors

Chair, and Members, Toronto Police Services Board

The Andrew Loku Coalition

We, the undersigned, write on behalf of Across Boundaries and The Andrew Loku Coalition (consisting of mental health service providers, supportive housing providers, academics and community groups and members), who in October 2017 called on the Government of Ontario, the City of Toronto and the Toronto Police Services Board to forthwith implement all of the June 2017 Loku Inquest recommendations (attached is our October 3, 2017 communique).

Andrew Loku was a father of five from Sudan, receiving mental health and housing supports from Across Boundaries and CMHA Toronto. He had been a participant of the two organizations for 9 years and on the night of July 5, 2015 Andrew Loku was killed by the Toronto Police who were responding to a noise issue related to his mental health. An inquest was held in this death and 39 recommendations were released on June 30<sup>th</sup> 2017.

On June 25, 2020 Mayor Tory released 18 recommendations to address the current community demands for better responses to Black, Indigenous and marginalized individuals in distress who are attended to by the police.

Having reviewed the motion, the Coalition is able to support item 3 only, "provide a line-by-line breakdown of the Toronto Police Service's existing budget at the outset of the Board's annual budget process".

The rest of the items are problematic and continue to perpetuate systemic racism against Black, Indigenous and marginalized communities. They attempt to delay, if not resist, serious, meaningful transformative action. They reflect historical platitudes, "requests" for "plans" and "consultations" and suggestions for improved training, all of which have been proposed and echoed for years, yet have utterly failed to result in meaningful reform with respect to the intersectionality of anti-Black racism and mental health within the current policing model. They propose re-investments into existing initiatives without community consultation, risking the recreation of continued problematic racist structures that do not help restore faith in the system.

Furthermore, the motion urges adoption rather than **implementation** of "all of the recommendations directed to the Toronto Police Service from the 2017 Andrew Loku Inquest". The Loku jury made 39

A Registered Charitable Organization  
Charitable # 14098 8262 RR0001

recommendations aimed at the Toronto Police Services, Toronto Police Services Board, and various Provincial ministries. Seventeen of those recommendations specifically dealt with racism, anti-Black racism, and implicit bias within the Toronto Police Service – link to recommendations: (<https://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/Inquests/Verdictsandrecommendations/OCCInquestLoku2017.html>)

We are deeply concerned that the only item which refers to the Loku recommendations, that is, # 11, is a mere request to the Chief to “adopt” the Loku recommendation directed to the Toronto Police Service. Mere adoption is unacceptable. The item should have called for implementation and should have called for the Police Services Board, of which the Mayor is a member, to implement the Loku recommendations directed to it. We fail to understand the obviously purposeful wording used.

We do not support item # 11 as presently worded.

We expect City Council to advance strong, meaningful transformative action through an amendment to the Mayor’s motion as follows:

- require implementation of **all** of the recommendations that fall within the City’s jurisdiction;
- take action to establish immediately an alternative, community-based civilian model of response to non-violent mental health crises;
- direct the Mayor and Councillors in their role as members of the Toronto Police Services Board to ensure full and immediate implementation by TPS of all recommendations from the Iacobucci review, the Andrew Loku Inquest and the Ontario Human Rights Commission’s report related to racism, anti-Black racism and implicit bias in policing; and,
- initiate immediate discussion with relevant institutions to advocate for the implementation of those changes and processes which fall outside the City’s purview.

Now is the time for concrete, immediate action. Anything less is unacceptable.

On Behalf of the Coalition:

Aseefa Sarang, Executive Director, Across Boundaries  
Idil Abdillahi, Assistant Professor, Ryerson University  
Howard F. Morton, Q.C.  
Alok Mukherjee, Author, with Tim Harper, *Excessive Force: Toronto’s Fight to Reform City Policing* (2018)

**Supported by:**

Ali, Shaheen, Retired Mental Health Planner, Promoter, Anti-Racism Consultant  
Atungo, Simone, Board Member, Across Boundaries  
Badsha, Mohamed, CEO, Reconnect Community Mental Health Centre  
Chow, Olivia, Academic Lead, Institute For Change Leaders  
Douglas, Debbie, Executive Director, Ontario Council Of Agencies Serving Immigrants (OCASI)  
Fakunle, Babatunde, Board Member, Across Boundaries  
Harriott, Dawnmarie, Board Member, Across Boundaries  
Hunt, Alison, Executive Director, Regeneration Community Services  
Khalid, Fizza, Board Member, Across Boundaries  
Robertson, Angela, Executive Director, Parkdale Queen West Community Health Centre  
Singh, Anne-Marie, Associate Professor of Criminology, Ryerson University  
Sun, Fay, Board Member, Across Boundaries  
Swadron, Marshall, Chair - Mental Health Legal Committee  
Zine, Jasmine, Professor, Sociology/Muslim Studies, Wilfrid Laurier University



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Chai-Tikvah Foundation  
Canadian Mental Health Association, Toronto  
Dixon Hall  
Fred Victor  
Habitat Services  
Houselink Community Homes  
House of Compassion  
LOFT Community Services  
Madison Community Services  
Progress Place  
St. Jude Community Homes

A Registered Charitable Organization  
Charitable # 14098 8262 RR0001

Thank you for reading my deputation.

As a Hispanic-Canadian. I want to recommend that we do not defund the Police in any capacity until it is clear that the current level of policing is in excess of the amount of crimes in Toronto. To take funds from the Toronto Police, and put it into community programs, that may or may not fix the issue is too risky. I believe the presence or expansions of these programs may be necessary to address the root causes that lead to crime. However, seeing that the intent of the recommendations brought forth today are mostly addressing root cause analysis, the funding sources for these programs should come from elsewhere in the city budget. (Housing, education, etc)

Also If we will be requiring increased training and mandatory anti-racism mandatory training for police - **more funding** should be allocated to the Toronto Police, not less. On this topic, I would prefer that if we are claiming there is rampant systemic racism within the Toronto Police I would like to see the data points for this myself first. The OHRC study found that Black people only make up 8.8 per cent of Toronto's population, but represent almost 32% of people charged by Toronto police. Was there discussion on the data to suggest that the 32% of people charged were largely innocent? And if not, why does the ethnic representation of charges matter? A crime is a crime. Last I checked Latin Americans made up 3% of the Toronto population, but if we made up a huge percentage of those charged for crimes, I would side with the Toronto Police. We should be colour-blind when it comes to crime.

Please do not making sweeping changes to the Toronto Police. Just because the vocal few have requested these changes, doesn't mean the silent majority agree with it. I grew up lower-middle class next to government housing, and my interactions with the police were mostly positive. I was cordial and obeyed and guidance or request from the police. We should be funding programs for people to not unnecessarily fear the police, or to blatantly disobey them as I have witnessed growing up, or with the recent "peaceful protesting" that has happened in Toronto.

**Do not defund the Toronto Police.** Fund the recommendations from other City of Toronto funds, and once it is clear that these programs have helped bring down crime - **then and only** then should we open a dialogue about defunding the police. **Let's not experiment with everyone's safety.**

At first glance, the reforms proposed appear to be a good start in rebuilding the trust the community has in the Toronto police. But there are constant times throughout Appendix A where is vague leaving room for empty promises or inaction. They are as follows:

1.d) The term 'potentially' leaves room for them to not re-allocate funding. Remove that word.

5.b) Should – change to will.

5.e) should – change to will.

5.f) should – change to will

5.f)ii) should to will

5.f)iii) should to will – it will include non-binary options.

58) "And explore the inclusion" – what are these vague terms? Change to just say "and include"

Appendix B also has some portions that I have concerns with namely:

2.a) Change to every year from every 2 years.

4) Change should to will – The Toronto Police will... - hold them accountable they represent us.

Page 69 of the report stated

"A majority of participants called for the defunding of the Service. Of those who identified a specific number, approximately 60% suggested the Service budget should be defunded by 50%, and a further 30% suggested that it should be defunded by 10%. Defunding generally was not presented as a punitive measure, but as a means to reallocate desperately needed funds to a variety of social services, particularly mental health and addictions services. Many participants also proposed that this reinvestment would result in less need for policing, as the underlying causes of crime would be better addressed. In particular, participants noted that investment in mental health and addictions services, and in housing supports, would reduce the burden of person in crisis calls, thus reducing the need for police funding."

So 90% of people are calling for defunding the police and reallocating resources to mental health, addiction services and housing supports. We have been educated and seen this enough times to know that investing heavier in policing does not reduce crime. It does not make the city safer and it does not make citizens happier. It is time Toronto led by example and invested in our people and communities rather than policing that solves nothing. Lets solve the problem with funding the needed social services that can prevent the need for policing in the first place. We're smarter and better than this. Lets make the city a better, safer and happier place by showing that all people can feel safe here and safety does not come from the police, it comes from our communities.

Show the people of this amazing city that you are listening. Defund the police.

Regards,

Matthew McMahon.

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-----Original Message-----

From: Nicole Corrado <ntcorrado@rogers.com>

Sent: Thursday August 13, 2020 16:08

To: Board General Mailbox <Boardgeneral.Mailbox@torontopolice.on.ca>

Subject: TPSB Contact Request

Name

Nicole Corrado

Email

ntcorrado@rogers.com

Subject

Agenda item 3 response for August 18 2020 meeting

Message

Feedback on Jim Hart's Report Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Model, and Building New Confidence in Public Safety

I am autistic, and I am always concerned as to how the police may respond to persons like myself in crisis. Persons who are neurodivergent themselves must be part of every involved party, from all levels of police training, the development of police training, the MCIT Steering Committee, MCIT, ARAP, MHAAP, the Toronto Police Services Disability Advisory Committee, The Use of Force model, and the proposed City of Toronto Accountability Table (similar to the Toronto Seniors Strategy).

Currently, people with the disabilities being discussed are not always part of the discussion or solutions. The current Toronto Police Services Disability Advisory Committee has only an agency representing autistic people. The current TPSDAC needs to be dissolved and replaced with a Disability Advisory Committee that is consisted of people with the disabilities being discussed, posts its meeting agenda online, and allows public input and feedback.

The proposal to have all MCIT call statistics be made publicly available is a good idea, but they must be completely anonymized. The MCIT call information should never be put onto a police record that could come up on a background check. The publicized MCIT information should never identify any individual person.

MCIT is a great program, and it should be expanded to every police division in Toronto and be available 24/7. I agree that the MCIT officers need to have a different uniform. The current uniform is anxiety and trauma producing, and can increase sensory overload. I particularly find the firearms being worn by the officers worrisome.

The renaming of the Use of Force model must actually involve the disarmament of police, especially (and starting with) the MCIT unit officers.

There should be a definitive deadline for the phaseout of police presence at all mental health related 911 calls. MCIT should be replaced by a program run through Toronto EMS Services, other health care professionals, and people with lived experience/peer support workers, rather than by Toronto Police Services.

I really like the idea of having a social media campaign, similar to autism social stories, to educate the public about

the mental health system in Ontario.

## Deputation for Basic Constable Training Program

First, I would like to speak to the incredible disorganisation that occurred in preparation for this meeting and this particular agenda item. It really speaks to the reactive nature of this proposed solution to the problem of black and indigenous deaths at the hands of the police as opposed to a more thoughtful planned-out response required for long-lasting, meaningful, change leading to the safety and life of black and indigenous communities. My experience with this meeting really speaks to the disrespect of the system towards its community members and speaks to the larger issue of anti-racist trainings: trainings are a bandaid solution to a police culture problem. Anti-racist training for individual workers won't do anything within a racist system.

Focusing on anti-racist training programs for the police is a deeply underwhelming response to a long-standing historical problem of the police murdering black, indigenous, and people of colour. The police do not require anti-racist training, the police culture and the essential role of the police are not to be emergency, crisis intervention professionals because this was never who they were intended to be. The police were founded on controlling black and indigenous communities during colonisation and slavery and the legacy of this birthplace lives on by virtue of the fact that police are not health workers. Police time and time again escalate situations rather than de-escalate. The police continue to prove that brute force is what they are trained in and how they respond to calls for help. If we are to believe police are meant to serve and protect, then we must face the fact that our ideas of what serving and protecting should look like are completely out of touch with scientific, evidence-based, developments in our understanding of human psychology, community, and well-being. As a Psychotherapist trained in social justice, it is clear to me that the police do not provide a support role for community members who need support most. I have never heard of a successful police intervention at any point in my mental health career from my clients or colleagues.

I don't want to see anti-racist police trainings, I want to see the complete dismantling of the police and the reallocation of that money toward mental health crisis intervention professionals responding to wellness checks and de-escalation calls. I want to see firefighters and paramedics on the scene of emergency accidents. I want to see shelter improvements and expansion including universal income and not arresting people for living under bridges or removing individuals sleeping in banks trying not to freeze to death in below 30 weather. I want to see free public transportation for increased access to all of the cities amenities including access to hospitals, mental health services, shelters, and the like.

The police have no role in communities that already know how to take care of themselves. The police only serve to protect the white elite, wealthy, and some of the middle-class that are nervous and uncomfortable about having to deal with underserved communities members. This is not a service that serves and protects because if it did we would not be seeing the global uprising we see today. Anti-racist training will not change anything if we do not see the police for who they really are: a tool of control for a minority white elites.

Sincerely, Tynan Bramberger

Toronto Police Services Board

Topic: CARDING AND RACE RELATIONS

I am still learning on both Television and radio the disproportionate stops and carding of black citizens as per the percentage of their population. Even a reporter that usually does his research like Evan Solomon indicated that you can't argue with statistics, however, there are statistics and the story behind those statistics. The recent report released by the Human Rights Commission was extremely damaging and lacked a lot of substance in their report. Only Global News Radio had a few reporters that gave challenged the report.

During a 4.5 month period from September 95 to Feb 96, I kept a separate notebook containing only those descriptions of outstanding suspects for major crimes that were usually read out on parade prior to personnel going on the road. Due to the fact that we were filling out a notebook in a very short period of time in some instances, the book allowed me during free periods to check on areas where a good description of a suspect or vehicle was given. This also allowed me to retain the book when I retired because no other information would be required for court purposes.

As I flipped through the book, I kept asking myself what would a group of highly motivated and dedicated officers be stopping when and if they had some spare time during their numerous duties?

The number of robbery incidents were unbelievable. For the victim, facing a gun or knife can be a life altering and traumatic event, that stays with him or her for years; something the courts still do not seem to grasp to this day.

The final analysis reduces the suspects into three groups, black suspects, white suspects and all other races, including race unknown. Of 311 occurrences involving robberies, sexual assault and home invasions, 329 male black suspects were involved, 92 involved male white suspects and 93 in the all other and unknown race category. Crimes involving firearms had 49 male black suspects, 17 male white suspects and 11 in the last group. Suspects with a knife or machete involved 18 male black suspects, 10 white suspects and 4 in the other group.

This was also a quieter 4.5 month period in 42 Division. I could just imagine what the summer 4.5 month period must have looked like. This was also the first time the issue of carding came under scrutiny.

I imagine events have not changed that much since these statistic were looked at. Some crimes have escalated, such as car jackings and the number of shoot outs both in residential areas and main business areas; have added a whole new dimension of reaction and decision making. The numerous videos that have been captured leave little doubt as to who is involved in the majority of these incidents.

You have some major challenges in the future, because criticism comes easy, and the new era of justice by public opinion rather than the courts, who people are losing faith in; has commenced. Facts speak for themselves if presented accurately.

Attached is the summary page of 11 pages. Notebook and remainder pages available for perusal.

H. Tim Retired # 20

[hjtim7023@gmail.com](mailto:hjtim7023@gmail.com)

CRIME	BLACK	SPANISH	BROWN	WHITE	MULATON	E. IND	ASIAN	UNKNOWN OR NONLIFE	243
ROB				1 CUN INDIC					← B
SEX ASSLT	1								
ROB	1			1 TOX CUN					W
ROB				2					
ROB								1 UNKN	Pi
ROB				3					← B:
ROB	2								Pi
ROB							1 CUN	1 UNK	← B:
ROB				1					Pi
ROB				1 CUN					← B:
ROB	1 KNIFE GFB 322MB								CUT 1" VICTIM

SUMMARY: NOT INCLUDED 1 ROBBERY INVOLVING 20+ M/BLK YOUTH HEAR A SCHOOL OF HOME MALE VICTIM

TOTAL OCCURRENCES 311

NO. OF SUSPECTS INVOLVED	322 MAKE BLK	7 FEM BLK	92 WHITE	93 OTHER	OTHER E. IND ASIAN
SUSPECTS WITH FIREARM OR INDICATED	49	0	17	11	MULATON
SUSPECTS WITH KNIFE OR MACHETTE	18	0	10	4	UNKN
SUSPECTS WITH VEHICLE	18	0	12	7	

OCCURRENCES ON STREET	250
ROBBERIES OF BUSINESSES	35
ROBBERIES OF TAXI OR DELIVERY PERSON	10
HOME INVASION	1
OTHERS SEX ASSLT, ACC ASSLT, B+E	15
	(311)

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**From:** Diedra Wandel <diedrawandel@gmail.com>

**Sent:** Friday August 14, 2020 12:56

**To:** Board General Mailbox <Boardgeneral.Mailbox@torontopolice.on.ca>; mayor\_tory@toronto.ca

**Subject:** MCIT improvements

Dear Toronto Police Services Board,

On August 18th you will be discussing Alternative Community Safety Response Models. This is an opportunity to substantially improve the lives of Toronto citizens by expanding the role and scale of mental health crisis intervention teams (MCITs) in Toronto.

In cities where mental health crisis teams are properly implemented, they provide clear benefits, including:

- reducing carceral costs,
- reducing the incidents of violence from the police,
- reducing repeat calls for service,
- reducing costly psychiatric hospitalizations, and
- improving the use of officers' time [1].

I am asking you to improve the efficacy of our approach to mental health crises by expanding the role of MCITs in Toronto in the following ways:

- **Make MCITs first responders.** They are currently secondary responders, but to be effective they must be the first point of contact. First contact on mental health calls is critical for de-escalating the situation, and standard officers are not properly trained for this, leading to unnecessary force and, in extreme cases, violence.
- **MCITs should be radioed for any mental health calls,** in case even if they are unable to physically be at the scene they can provide guidance to untrained officers who are present.
- **Toronto needs more MCITs,** to be able to handle the number of mental health calls received. Toronto received 30,000 mental health calls last year and MCITs responded to 7,000, ideally we

would have at least 3x as many MCITs to be able to handle the demand.

These are not novel proposals, they have been made before, and were all in fact part of the original proposal for MCITs [2]. I am asking you to act on them on August 18th. Below, I expand on some of the supporting evidence for each of these points.

MCITs need their status changed to first responders. Currently, they are secondary responders only allowed onto a scene when other officers, untrained with mental health crises give the all-clear. The 2014 independent report 'Police encounters with people in crisis' [2], which cites the Memphis and Hamilton mental health crisis intervention teams as examples of successful first responder teams, originally called for the MCITs to be first responders but they have been made secondary responders due to fear of safety. The success of the Memphis and Hamilton teams as first responders provides evidence to the contrary, as well as statistical analysis showing that individuals with mental health issues are less likely to engage in violence than healthy members of the population [5]. As a well trained team the MCIT are best prepared to safely de-escalate mental health crisis situations and prevent avoidable incidents of violence.

We need more MCITs. While the number of mental health calls to 911 has increased from ~20k in 2013 to over 30k in 2019, the MCIT response stayed in the ~5k to ~7k range. Additionally, MCITs currently only operate 11am to 11pm [4], but mental health calls can happen at any hour of the day. There needs to be sufficient staffing to allow this. The number of response teams needs to be increased to the point that all of the mental health calls to 911 can be handled by MCITs.

The official protocol needs to be that MCITs are alerted over radio for every mental health call. Even if they are not available to respond, they may be able to provide expert guidance to officers with no training for handling such stressful situations. While MCITs will likely be unable to be physically present as the first point of contact for all mental health calls, they can still help to de-escalate situations that would otherwise result in violence.

**If there are barriers to any of these proposals, I'd love for you to share your insights so that the TPSB and the community can work together to resolve them.** I would be happy to discuss and provide you with resources showing you strong evidence supporting all of them for your consideration. There is strong community support of these actions from people who are intimately familiar with the current system [3, 4], this is a real chance to inspire the city to believe that meaningful change is achievable inside our law enforcement system.

Thank you for your time,  
Diedra Wandel

#### Sources

[1] <https://www.prainc.com/wp-content/uploads/2020/03/RespondingtoBHCrisisviaCRMModels.pdf>

[2]

[https://www.torontopolice.on.ca/publications/files/reports/police\\_encounters\\_with\\_people\\_in\\_crisis\\_2014.pdf](https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf)

[3] <https://www.cbc.ca/news/canada/toronto/police-mental-crisis-1.5623907>

[4] <https://www.torontopolice.on.ca/community/mcit.php>

[5] <https://globalnews.ca/news/7091702/mental-illness-violence-police/>

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**From:** bev salmon <bevsalm@hotmail.com>  
**Sent:** Thursday June 18, 2020 13:26  
**To:** Sandy Murray <Sandy.Murray@torontopolice.on.ca>  
**Cc:** Jaye Robinson <councillor\_robinson@toronto.ca>  
**Subject:** Letter to members of Toronto Poice Service Board re: Current Events- Antiracism recomendations

Hello Sandy

Will you please distribute this letter to members of the Police Service Board for consideration of the recommendations to be discussed June 19th.

This is in addition to my summary of concerns listed with my deputation request form

Thank you

Bev Salmon

Dear Chair Hart and members of the Toronto Police Service Board  
Re: Current Events and recommendations on June 19, 2020 agenda

Anti-black racism and victimization by police is not new to Toronto. In 1975, forty-five years ago, I submitted four complaints to my local Police Station in Don Mills. All four complaints were regarding anti-black racism and abuse of police power. Two of these complaints were made by me on behalf of neighbours who felt too afraid to make them directly. One person had been advised by her lawyer to "let the incident pass because your home needs protecting and so does your family". They were correct to be fearful because shortly after lodging the complaints my household was awakened at 2am by two uniformed police officers on the pretense that they were investigating complaints about our noisy pool party. There were no cars in my driveway, no lights on at our home and we had not used our pool all evening as later confirmed my neighbour. Since that incident being stopped by police for no valid reason including "driving (or walking) while black" has been a common experience of myself, my family members and countless friends. The serious repercussions of carding still need to be addressed. The psychological damage is not erasable.

During my tenure on municipal council (1985-97), I advocated along with like-minded Councillors for changes in the budgeting process to zero-based budgeting to weed out what is no longer serving the public meaningfully. At that time there was insufficient support for this but stepping away from incremental budgeting should be reconsidered, I'm encouraging you to listen seriously to the current outcry to defund the police. In my view this does not mean that we do not need police but it is an outcry to re-assign funding for specific duties now given to police that would better serve the public if given over to more appropriate expertise.

Military style training of police is no longer acceptable. Police are trained to kill. Had proper de-escalation tactics been employed most murders of citizens would have been avoided. Numerous recommendations continued to be made at Coroners inquests should be enacted with urgency. In addition complaints process as well as victims' services should be at arms length from the police..

The time for systemic change is NOW. The public along with the victimized demand that policing be restructured to serve and protect and your role is imperative to bring about this change

Respectfully  
Bev Salmon