



The following *draft* Minutes of the special meeting of the Toronto Police Services Board held on November 18, 2013 are subject to adoption at its next regularly scheduled meeting.

MINUTES OF THE SPECIAL PUBLIC MEETING of the Toronto Police Services Board held on **NOVEMBER 18, 2013** at 5:00 PM in Committee Room 1, Toronto City Hall, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Mr. Michael Del Grande, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member
Mr. Andrew Pringle, Member

ALSO PRESENT:

Mr. Peter Sloly, Deputy Chief of Police
Mr. Albert Cohen, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE SPECIAL PUBLIC MEETING
OF THE TORONTO POLICE SERVICES BOARD HELD ON
NOVEMBER 18, 2013**

#P277. POLICE CARDING AND THE ISSUE OF PROFILING

The Board was in receipt of the following report November 11, 2013 from Alok Mukherjee, Chair:

Subject: POLICE CARDING AND THE ISSUE OF PROFILING

Recommendations:

It is recommended that the Toronto Police Services Board approve the following principles to be included in a Board policy on the documentation of contacts with members of the public otherwise known as “carding,” and profiling:

1. The Board rejects and does not condone any individual or institutional policing practice that results in profiling generally and racial profiling specifically, whether intentionally or by impact, against individuals because of their membership of particular groups identified by characteristics including, but not limited to, race, ethnicity, sex, sexual orientation, age, disability and socio-economic status. Therefore, the purpose of this policy is to eliminate conscious or unconscious profiling of individuals as a result of the practice of carding while supporting the legitimate collection and retention of information needed for *bona fide* investigative purposes.
2. Gathering and retention of contact information under clearly defined circumstances, based on *bona fide* reasons and proper supervision can be a legitimate tool for effective police work related to criminal investigation and crime prevention.
3. Consistent with the principles of policing contained in the *Police Service Act* (“the Act,” the Ontario *Human Rights Code* and the Board’s policies on Race and Ethnocultural Equity, Human Rights as well as Collection, Use and Reporting of Demographic Statistics, such information will be based on *bona fide* investigative reasons and include only those elements of an individual’s background that are demonstrably relevant to specific police investigations.

It is further recommended that the Board policy on the documentation of contacts with members of the public and profiling include a direction to the Chief of Police (“the Chief”) to develop procedures to ensure that:

4. *Bona fide* criteria are established for the collection and retention of contact information, and clear direction is provided for the monitoring and supervision of individual members’ practice including specific provisions for dealing with deviation from the criteria.
5. Consistent with the principles of policing contained in the *Police Service Act* (“the Act”), the Ontario *Human Rights Code* and the Board’s policies on Race and Ethnocultural Equity, Human Rights as well as Collection, Use and Reporting of Demographic Statistics, such information will be based on *bona fide* investigative reasons and include

only those elements of an individual's background that are demonstrably relevant to specific police investigations.

6. This information will be retained in the police database for a period of five years, except in circumstances where there is a legitimate investigative reason to retain the information for a longer period. Retention beyond the prescribed five-year period will be authorized on a case-by-case basis by the Chief.
7. In those exceptional circumstances where information is retained beyond the prescribed retention period, access to such information will be given only to those Service members who are so authorized by the Chief.
8. Collection of contact information through the issuance of any card or note which documents contacts with members of the community ("contact cards") will not be used to measure performance and productivity of individual members of the Toronto Police Service ("the Service").
9. Statistics related to the issuance of contact cards by individual members of the Service will be reviewed by the Service and the members' Unit Commanders on a monthly basis and in the instance where an individual member's practice is found to deviate significantly from the general pattern established by the statistics, the member will be subject to review and appropriate remedial action taken.

It is further recommended that the Board policy on the documentation of contacts with members of the public and profiling include a reporting requirement as follows:

10. The Chief will submit a public report to the Board in January, May and September of each year on the number of contact cards issued by members of each Division and specialized Unit, broken down by race, ethnicity, sex, age, sexual orientation, disability of the subject and any other relevant grounds protected under the Ontario *Human Rights Code*. The report will provide general reasons for which contact cards were issued.

It is further recommended that subsequent to the development and approval of the formal Board policy on the documentation of contacts with members of the public and profiling, the Board direct that the Chief will:

11. Implement a comprehensive communication plan to ensure that this Board policy, and related procedures, are known to all members of the Service and widely publicized in the community.
12. Implement an appropriate training, communication and monitoring plan to ensure full Service-wide compliance with this policy and related procedures.
13. Provide full details of his procedure with respect to collection and retention of contact information to the Board within three (3) months from the approval of this policy by the Board.
14. Provide to the Board for its review within three (3) months from the approval of this policy any new tool that is developed for the consistent collection and recording of contact information.

15. Immediately conduct a review of the existing Service database to identify contact card information pertaining to individuals where there is no *bona fide* investigative justification for retaining such information, and purge such information within six (6) months from the approval of this policy by the Board.
16. Undertake an immediate review of the practices associated with the Toronto Anti-Violence Intervention Strategy (“TAVIS”) with a view to ensuring that these practices are consistent with the principles of policing contained in the *Police Service Act*, the Ontario *Human Rights Code* and the Board’s Race and Ethnocultural Equity as well as Human Rights policies.
17. Verify to the Board by a public report due no later than six (6) months from the approval of the Board policy that these actions have been completed.

It is further recommended that subsequent to the development and approval of the formal Board policy on the documentation of contacts with members of the public and profiling, the Board:

18. Request that, one (1) year later, the Auditor General of the City of Toronto undertake a comprehensive audit of the implementation of the Board’s directions and of the changes in practice implemented by the Chief as a result of his Police and Community Engagement Review (P.A.C.E.R) report with a view to assessing their impact on the practice of carding by members of the Toronto Police Service, with follow-up reports as deemed appropriate by the Auditor General.

Financial Implications:

The financial impact associated with the implementation of these recommendations is not known at this time.

Background/Purpose:

The purpose of this report is to recommend principles for a policy and measures to address issues related to the practice of carding individuals with whom members of the Toronto Police Service interact. Carding is the police practice of completing a documentation containing information about the individual with whom a contact occurred, and of entering that documentation in a police database. It is claimed that this practice is very useful in dealing with violent crimes because it provides police with a valuable intelligence database. As a result of this belief, information is gathered and retained even about individuals who are not suspects in or subjects of a criminal investigation, but who are identified by their identity or background.

Interaction with the public is, no doubt, integral to policing; through such interaction police officers serving Toronto’s neighbourhoods and the Service as a whole gain valuable intelligence which assists them in investigating and preventing crime and keeping the community safe. In certain circumstances, retention of information regarding that contact can serve a legitimate policing purpose. It is essential, however, that this practice is implemented in a way that does not have a disproportionate, negative impact on members of any group within the society because of factors including, but not limited to, race, ethnicity, sex, sexual orientation, age and socio-economic status.

Of particular concern in this regard is the long-standing view that young Black Torontonians and, to a lesser extent, youth from other racialized backgrounds as well as poor youth are disproportionately carded without legitimate reasons, leading to concerns about “profiling.” It has been claimed that profiling unjustifiably criminalizes and/or stigmatizes innocent members of certain social groups, especially Blacks, is contrary to the *Ontario Human Rights Code* as well as the principles of the *Police Services Act*, and, finally, does not serve any useful public safety purpose. On the contrary, it may undermine that purpose by sowing the seeds of distrust towards the police in large segments of the community.

There has been substantial discussion of this issue by academics, inquiry commissions and journalists over many years. Of particular note are the periodic investigative articles published by the *Toronto Star* newspaper since 2002. The most recent such examination is contained in the *Toronto Star* series of Saturday, September 28 and Sunday, September 29, 2013.

An extensive analysis by the *Toronto Star* of the practice of carding since 2008 to 2012 suggests a very disturbing trend. It shows that carding reached a historic height in 2007, the year marked by the so-called “summer of the gun,” and has remained at unprecedented levels in the following five years.

This is disturbing because these are also the years when the Board and the Service have acknowledged that police interaction with community should not result in a disproportionate, negative impact on any group and have taken several actions to prevent this impact.

Therefore, the Board has an obligation to use its statutory authority and powers as interpreted by the Supreme Court to give the Service a clear policy direction in regard to carding as it relates to racial and other forms of profiling.

The Board derives its authority to enact these directions from the following provisions of the Ontario *Police Services Act* (“the Act”):

Declaration of principles

1. 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*.
3. The need for co-operation between the providers of police services and the communities they serve.
5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.

Responsibilities of boards

31. (1) A board is responsible for the provision of adequate and effective police services in the municipality and shall,

- (c) establish policies for the effective management of the police force;
- (e) direct the chief of police and monitor his or her performance;

There can be no question that the principles in section 1 of the *Act* are intended to be overarching. As such, the responsibilities of the Board enumerated in section 31 (1) of the *Act* must be interpreted within the framework of those principles. This is such a fundamental

consideration that the Supreme Court of Canada has acknowledged that the Board “arguably” had a positive duty to act where matters of great public significance are involved.

In its 2003 decision in *Odhavji Estate v. Woodhouse*, the Supreme Court recognized “the Board’s broad discretion to determine what objectives and priorities to pursue, or what policies to enact in pursuit of those objectives.” According to the highest court, “courts should be loath to interfere with the Board’s broad discretion.” Nevertheless, the Supreme Court also recognized that there were circumstances when the Board could be considered to have “a positive obligation” to take action. In such circumstances, the Board would be “required” to act and, by implication, be subject to judicial scrutiny if it failed to do so. The court said:

66 It is possible . . . that circumstances might arise in which the Board is required to address a particular problem in order to discharge its statutory obligation to provide adequate and effective police service. If there was evidence, for example, of a widespread problem in respect of the excessive use of force in the detention of visible minorities, the Board arguably is under a positive obligation to combat racism and the resultant use of excessive force.

I would suggest that the issue of profiling due to excessive and disproportionate issuance and retention of contact card information involving racialized and poor youth by the Service meets the threshold for “a positive obligation” to act as established by the Supreme Court.

Discussion:

Through its policies – including, in particular, the Race and Ethnocultural Equity Policy, the Human Rights Policy and the Policy on Collection, Reporting and Use of Demographic Statistics – the Board has made very clear its position that discriminatory policing, whether by intent or impact, is unacceptable, against the law and will not be tolerated.

Profiling, especially racial profiling, is a form of discriminatory policing. It has been the subject of considerable research, analysis and discussion. Disproportionate carding of members of a group, identifiable by race, ethnicity, sex, age and/or socio-economic status, even when it is not deliberately targeted, may constitute a form of discriminatory policing in terms of its impact and, as such, a breach of Board policies as well as the law.

Beyond the legal aspect, the Board must take a serious view of the issue of discriminatory policing from a public interest perspective as well. To the extent that public safety and community well-being are the overarching goals to which the community expects the police to contribute along with other institutions, such as education, housing and public health, those goals apply to all members of society regardless of their race, age or socio-economic status. It would be ironic if those goals were sought for some at the expense of others.

In an in-depth examination of contact cards issued by members of the Toronto Police Service during the years 2008-2012 in the course of interactions with members of the public, published on Saturday, September 28 and Sunday, September 29, 2013, the *Toronto Star* has found that there has been a significant increase in the magnitude of contact card activity since 2007. It found, further, that young Black Torontonians and, to a lesser extent, young Brown and poor white residents were given more contact cards than the rest of the population. These reports are based on data obtained from the police database and compared against Statistics Canada population statistics.

The *Star* provides a breakdown of the data by patrol zones and individual police officers.

While it is generally accepted that such data, properly collected using valid criteria, can serve an important investigative purpose, the Service's practice causes concern due to its sheer size and apparent disproportional impact. Academics, researchers and concerned members of the community have expressed serious reservation that the practice may even be counter-productive in so far as it has a negative impact on community trust and confidence in the police.

For the Board, this is a matter of serious concern because the practice appears to run counter to its stated position with respect to the issuance of contact cards and retention of information, a practice popularly referred to as "profiling."

At its meeting on April 5, 2012, the Board considered a report from me, dated March 12, 2012 and titled "Collection of Demographic Statistics," which contained a series of recommendations to address the issue (Minute No. P56/012 refers). These recommendations were approved, among others and, based on representations from members of the community a Board committee called the Street Checks Sub-Committee was established in 2013.

At the same time, the Service announced that it had undertaken a comprehensive internal review of the practice.

It is in the context of these efforts, based on the law and Board policies, that the findings published in the September 28-29, 2013 editions of the *Toronto Star* suggesting a continuing and ever-growing practice are disconcerting. They create a distinct impression that efforts of the past decade to ensure that carding does not have a discriminatory impact may have been ineffective.

At the Board meeting of October 7, 2013, the Service made a public presentation of the 31 recommendations it planned to introduce by way of a new approach to gathering and retaining carding information (Min. No. 244/13 refers). The Service contends that these recommendations will address the issue of racial and other profiling.

In conjunction with the operational changes the Service proposes to make, the Board, in its role as the oversight and governing body for policing in Toronto, must now take action to deal with the continuing discriminatory impact, give policy direction with respect to disposition of data retained from previous years and implement measures to ensure accountability to prevent any continuation of a discriminatory practice.

It has been suggested in some quarters that restrictions on carding will have a chilling effect on front-line policing as officers may be unwilling to gather and fill out information. It has been further suggested that should this happen, violent crime will rise.

I must strenuously reject these suggestions; surely, the Service, with all the intelligence, expertise and experience at its disposal, has the means and the ability to develop effective policing strategies without negatively affecting large numbers of innocent people from particular racialized and other backgrounds.

These are, of course, not the only actions taken to address the issue of the disproportionate carding, or profiling, of members of certain backgrounds. A review of previous efforts shows that the Board and the Service have been attempting to address the issue of profiling for many years. Racial profiling by police has been a serious concern in the community since at least the 1970s.

History/Context

Profiling as a result of the police practice of carding is a challenge that faces policing in many jurisdictions around the world. In Toronto, it has been a subject of considerable attention. Of note, besides the *Toronto Star* reports of 2002, 2010, 2012 and 2013, are such recent examinations as Ontario Human Rights Commission report, “Paying the Price: The Human Cost of Racial Profiling” (2002); Carol Tator and Frances Henry, ed., *Racial Profiling in Canada* (2006); and Roy McMurtry and Alving Curling’s review, “Review of Roots of Youth Violence” (2008).

In fact, the matter has been on the public agenda for a much longer period of time, as documented in a 2003 Toronto Police Service report, “Policing a World Within a City.” An excerpt from this report providing an overview of the history of these earlier efforts is to be found in Appendix A.

Discriminatory policing – and in particular, involving Black Canadians – has been the focus of concern, criticism and study since at least 1975 when the late Wilson Head conducted his study entitled, *The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination Against Blacks in Metropolitan Toronto*. Since then, there have been several others, including Walter Pitman’s 1977 task force report commissioned by the Toronto City Council, *Now Is Not Too Late*, Dr Reva Gerstein’s 1980 study of the credibility of the police to provide fair and just services to members of Toronto’s Black community, numerous studies commissioned by the Police Services Board and the Police Service in the 1990s, and the 1992 audit of race relations practices of the Metropolitan Toronto Police Force by the Metropolitan Toronto Auditor Allan Andrews. At the same time, the province, too, began paying attention to the issue through the 1989 Race Relations and Policing Task Force chaired by Clare Lewis, the 1992 study of anti-Black racism conducted by Stephen Lewis, and the 1992 Royal Commission on Systemic Racism in the Criminal Justice System co-chaired by David Cole and Margaret Gittens.

As a result of and in response to all of this work, the Board and the Service carried out many initiatives. These included the establishment in 1989 of a Race Relations Policy by the Board, attention to police training, changes in procedures related to police conduct and focus on improving police-community relations, among others. The focus was on “moving forward together,” to borrow the title of a report prepared in 1995 containing responses to all of the recommendations made by different authors. The intent was to demonstrate that the Race Relations Policy adopted in 1989 had a meaningful impact on every aspect of organizational life.

Yet, in a presentation to the Board’s Race Relations Sub-Committee on December 6, 1999, based on a survey of police stops carried out in 1994, University of Toronto Criminology Professor Scot Wortley pointed out that Black respondents were more likely to have been stopped by police than others. This information was relayed to the Board, during its January 26, 2000 meeting, and the Board requested a response from Chief Boothby about strategies on police stops. This was received at the February 24, 2000 Board meeting.

To the extent that carding is related to police stops, then, it has been considered by the Board and the Service for the last two decades as the source of a serious problem that had not been resolved by the strategies implemented in prior years. This was supported by the first *Toronto Star* “Race and Crime” series of October 19, 20 and 26, 2002. It reinforced and supported the findings of Professor Wortley’s 1999 presentation. Further support came from the Ontario Human Rights

Commission’s report, “Paying the Price: The Human Cost of Racial Profiling,” which was presented to the Board by Chief Commissioner Keith Norton on May 27, 2004.

Beginning in 2005, new efforts began to deal with this issue, as the following chronology of Board response to carding and the issue of profiling demonstrates.

Recent Response to Carding and the Issue of Profiling, 2003-2013 – A Chronology

Date	Action
January 2003	TPS Report: “Policing a World Within a City”
September 2003	Draft Report of the Board/Service Race Relations Joint Working Group (not published or approved by the Board) questioning the existence of racial profiling in police contacts
May 27, 2004	Presentation to Board by Keith Norton, Chief Commissioner of the Ontario Human Rights Commission, “Paying the Price: The Human Cost of Racial Profiling” and adoption by the Board of several recommendations to address the issue
March 8, 2005	Board direction on mandatory Name Badges
June 21, 2004	Board direction on in-car cameras in patrol cars
March 26, 2006	Approval of Board Policy on Race and Ethnocultural Equity Replaced the former Race Relations Policy, with focus on outcomes; contains specific reference to police stops; requires review of all procedures to ensure they are consistent with this policy and regular evaluation and reporting on the implementation of the policy
March 22, 2007	Human Rights Charter Project A comprehensive organization change project initiated jointly by the Board, the Service and the Ontario Human Rights Commission to ensure, through policy, procedures, training and monitoring of results, that all practices of the organization are consistent with the requirements of the Ontario <i>Human Rights Code</i>
October 18, 2007	Board Policy on Collection, Use and Reporting of Demographic Statistics (Amended in September 23 and November 15, 2010 and again on May 11, 2011)
February 12, 2009	“Aboriginal Policing – Statement of Commitment and Guiding Principles”
March 25, 2010	Approval, in principle, of a comprehensive Board Policy on Human Rights (final policy in effect since June 15, 2012)
April 5, 2012	Chair’s Report of March 12, 2012 with a series of recommendations to address the issue, titled “Collection of Demographic Statistics”

January 23, 2013	Establishment of Street Checks Sub-Committee
April 25, 2013	Direction to the Chief of Police to provide a receipt to every individual for whom a card is created, as an interim measure, pending further changes

However, the 2008 review, “Roots of Youth Violence,” by former Ontario Chief Justice Roy McMurtry and former Speaker of the Ontario Legislature Alvin Curling, as well as subsequent reports in the *Toronto Star* of 2010 and 2012 showed that disproportionate carding of Black youth or profiling persisted.

Analysis of Police Carding Data by Toronto Star – 2001-2012

Date	Finding
<p>Oct. 19, 20, & 26, 2002</p> <p>Part 1: http://www.thestar.com/news/gta/kenowntopolice/singled-out.html Board reaction story: http://www.thestar.com/news/gta/raceandcrime/analysis-raises-board-hackles.html Black arrest rates: http://www.thestar.com/news/gta/raceandcrime/black-arrest-rates-highest.html</p>	<p>Toronto Star “Race & crime” series</p> <p>This series used Toronto police CIPS arrest and charge data as its foundation and found that blacks in certain circumstances were treated more harshly than whites in terms of being held for bail more often, and were charged to a higher degree with certain driving offences that would have come to light following a traffic stop. It also examined who was being charged for serious violent crimes and found young black males, many of whom were born in Jamaica, were disproportionately represented.</p>
<p>Feb. 6, 7, & 15, 2010</p> <p>http://www.thestar.com/news/gta/raceandcrime.html</p>	<p>Toronto Star “Race matters”</p> <p>This series revisited the CIPS analysis and found little had changed. It also for the first time examined contact cards from MANIX and FIR databases and showed black and brown-skinned people are carded at higher rates.</p>
<p>March 10, 11, 2012</p> <p>http://www.thestar.com/news/gta/kenowntopolice.html</p>	<p>Toronto Star “Known to police”</p> <p>Another re-visit of CIPS analysis and again there was little change. An analysis of FIR shows carding is on the rise and no change in who is being carded. The Star, looking at who is carded and where, asks the question of whether it is possible that police in certain pockets of the city have stopped, questioned and documented every young man of colour who lives there.</p>

It was in this context that the Board approved a series of further measures in late 2012 and early 2013, including the establishment of the Street Checks Sub-Committee and the direction to provide receipts to those with whom contact had been made by police. At the same time, the Service announced its comprehensive internal review of the practice of carding.

In addition to recommending the provision of receipts, the Street Checks Sub-Committee held a community consultation, summarized and posted on the Board's website, submissions from members of the public and held numerous discussions with senior members of the Service engaged in the review ordered by the Chief.

Need for Further Board Action

This most recent analysis by the *Star* of September 28-29, 2013 is more extensive than the previous ones. It is also the most disconcerting in that it shows that at the very time when the Board and the Service were establishing stronger policies and procedures, implementing enhanced training and education, and going through a comprehensive process to change organizational culture and practices through the Human Rights Charter Project, carding – especially carding of Black and Brown youth and poor white youth – was at an all-time high continually year after year.

To be sure, in two of those years, there had been a significant spike in violent crime that required the gathering of intelligence through community engagement. However, the fact remains that, on one hand, overall, crime was declining during this period and, on the other, information about a disproportionate number of racialized and poor youth was being collected and stored in the police database.

A consideration of this paradox raises a number of questions, such as:

1. What was the place of high volume carding in the Service's strategies for controlling violent crime?
2. How widespread and routine was the use of carding as a measure of productivity and performance?
3. What explicit attention was paid to Board policies in the development and implementation of policing strategies?
4. With respect to the TAVIS program, what mandate and directions were given to those responsible for managing it? Was it so results-driven that there were no parameters set consistent with the Board policies referenced above? What was the nature of monitoring and supervision of TAVIS initiated actions?
5. Beyond TAVIS, what was the nature and quality of supervision and monitoring in the Service from the top ranks to the lowest ranks of management? Did people truly exercise supervision at each level? Did they monitor results regularly? Did they hold each other accountable for complying with Board policies?

Questions like these raise the issue of accountability and responsibility throughout the organization. That is to say, profiling as a form of discriminatory policing – even if by impact rather than intent – should not be seen as a problem of bad behaviour on the part of some individuals. It needs to be seen as the result of systemic practices involving policing strategies.

The Board needs to gain a clear understanding of this systemic issue. And as the Board seeks to do so, it is imperative that it take a clear policy position and establish a stricter framework with respect to the practice itself.

Efforts until now have been focused largely on controlling and changing individual behaviour through training, education, communication, community engagement and discipline. These are important and necessary; however, they have clearly not been successful in bringing an end to profiling. Stronger, systemic measures are needed to overcome an unacceptable pattern of profiling that persists stubbornly. And those measures must include a clear direction with respect to acceptable practices related to outcomes and to accountability, supervision and monitoring. That is what the recommendations contained in this report provide.

It is fair to say that in focusing attention on individual behavior, there has been insufficient consideration of policing strategies and their impact. The intent behind these recommendations is to recognize that profiling is, or can be, the result of strategies used to deal with crime. The recommendations, therefore, emphasize accountability, supervision and monitoring.

Conclusion:

It is, therefore, recommended that the Toronto Police Services Board approve the following principles to be included in a Board policy on the documentation of contacts with members of the public otherwise known as “carding,” and profiling:

1. The Board rejects and does not condone any individual or institutional policing practice that results in profiling generally and racial profiling specifically, whether intentionally or by impact, against individuals because of their membership of particular groups identified by characteristics including, but not limited to, race, ethnicity, sex, sexual orientation, age, disability and socio-economic status. Therefore, the purpose of this policy is to eliminate conscious or unconscious profiling of individuals as a result of the practice of carding while supporting the legitimate collection and retention of information needed for *bona fide* investigative purposes.
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3. Consistent with the principles of policing contained in the *Police Service Act* (“the Act,” the Ontario *Human Rights Code* and the Board’s policies on Race and Ethnocultural Equity, Human Rights as well as Collection, Use and Reporting of Demographic Statistics, such information will be based on *bona fide* investigative reasons and include only those elements of an individual’s background that are demonstrably relevant to specific police investigations.

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6. This information will be retained in the police database for a period of five years, except in circumstances where there is a legitimate investigative reason to retain the information for a longer period. Retention beyond the prescribed five-year period will be authorized on a case-by-case basis by the Chief.
7. In those exceptional circumstances where information is retained beyond the prescribed retention period, access to such information will be given only to those Service members who are so authorized by the Chief.
8. Collection of contact information through the issuance of any card or note which documents contacts with members of the community (“contact cards”) will not be used to measure performance and productivity of individual members of the Toronto Police Service (“the Service”).
9. Statistics related to the issuance of contact cards by individual members of the Service will be reviewed by the Service and the members’ Unit Commanders on a monthly basis and in the instance where an individual member’s practice is found to deviate significantly from the general pattern established by the statistics, the member will be subject to review and appropriate remedial action taken.

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11. Implement a comprehensive communication plan to ensure that this Board policy, and related procedures, are known to all members of the Service and widely publicized in the community.
12. Implement an appropriate training, communication and monitoring plan to ensure full Service-wide compliance with this policy and related procedures.
13. Provide full details of his procedure with respect to collection and retention of contact information to the Board within three (3) months from the approval of this policy by the Board.

14. Provide to the Board for its review within three (3) months from the approval of this policy any new tool that is developed for the consistent collection and recording of contact information.
15. Immediately conduct a review of the existing Service database to identify contact card information pertaining to individuals where there is no *bona fide* investigative justification for retaining such information, and purge such information within six (6) months from the approval of this policy by the Board.
16. Undertake an immediate review of the practices associated with the Toronto Anti-Violence Intervention Strategy (“TAVIS”) with a view to ensuring that these practices are consistent with the principles of policing contained in the *Police Service Act*, the Ontario *Human Rights Code* and the Board’s Race and Ethnocultural Equity as well as Human Rights policies.
17. Verify to the Board by a public report due no later than six (6) months from the approval of the Board policy that these actions have been completed.

It is further recommended that subsequent to the development and approval of the formal Board policy on the documentation of contacts with members of the public and profiling, the Board:

18. Request that, one (1) year later, the Auditor General of the City of Toronto undertake a comprehensive audit of the implementation of the Board’s directions and of the changes in practice implemented by the Chief as a result of his Police and Community Engagement Review (P.A.C.E.R) report with a view to assessing their impact on the practice of carding by members of the Toronto Police Service, with follow-up reports as deemed appropriate by the Auditor General.

The Board was also in receipt of a copy of Minute No. P244/13 from the meeting held on October 07, 2013, with respect to the Toronto Police Service - Police and Community Engagement Review (PACER). A copy of the Minute is appended to this Minute for information.

The following persons were in attendance and delivered deputations to the Board:

- **Veronica Salvatierra, Youth Criminal Justice Worker, St. Stephen’s Community House ***
- **Peter Rosenthal ***
- **Howard Morton, The Law Union of Ontario ***
- **Wyndham Bettencourt-McCarthy ***
- **Derek Moran ***
- **Dianne Carter and Shaheen Azmi, Ontario Human Rights Commission ***
- **Joy Bullen ***
- **Maurice Stone ***
- **Knia Singh ***
- **Knia Singh, Osgoode Society Against Institutional Injustice**

- **Emma Julian**
- **Bev Salmon ***
- **Noa Mendelsohn Aviv, Director, Equality Program, Canadian Civil Liberties Association**
- **Paul Copeland ***
- **William Rosemberg**
- **Kingsley Gilliam, Black Action Defence Committee ***
- **Anna Willats, Toronto Police Accountability Coalition ***
- **Ben Lau, Co-Chair, Chinese Community Consultative Committee ***
- **Kris Langenfeld ***
- **Audrey Nakintu, Justice is Not Colour Blind ***
- **Roger Love, Advice Counsel, African Canadian Legal Clinic**
- **Miguel Avila**
- **Desmond Cole**

***written submission also provided; copy on file in the Board office.**

Ms. Bettencourt-McCarthy also provided the Board with a copy of her report *Reforming Carding Procedures, An Alternative Policing Model for the Toronto Police Service*. A copy of the report is on file in the Board office.

The Board was also in receipt of written submissions from:

- **Dahn Batchelor, Criminology and Criminal Law Consultant**
- **Rand Schmidt**
- **Bill Closs**
- **Jim Roche**

Copies of the foregoing written submissions are on file in the Board office.

Following the deputations, the Board had a discussion with Deputy Chief Sloly with respect to some of the issues raised by the deputants.

The Board noted that several deputants had referred to the three legal opinions that were provided to the TPS. Chair Mukherjee asked whether the TPS would release the names of the lawyers who provided the opinions.

Deputy Chief Sloly advised the Board that he was permitted to identify the three lawyers who had provided Chief Blair with opinions. They are:

- **Don McLeod, former defence counsel and recently appointed to the Ontario Court of Justice**
- **Murray Segal, Murray D. Segal Professional Corporation**
- **Alan Gold, Alan D. Gold Professional Corporation**

The Board discussed the timeline for further discussions regarding the development of a policy on contacts with members of the public. The Board subsequently approved the following Motions:

- 1. THAT the Board receive the deputations and written submissions;**
- 2. THAT the Board receive the foregoing report from the Chair and the copy of Minute No. P244/13; and**
- 3. THAT the Board hold a special meeting prior to the end of December 2013 in order to consider a position on this matter.**

Moved by: M. Thompson

Excerpts from the TPS Report, *Policing a World Within a City* (2003)

This section of *Policing a World Within a City* outlines many of the reports, publications, studies and discussion papers that have been written on the topic of police-race relations in the Toronto or Ontario context. . . .

Mr. Wilson Head was commissioned in 1975 to study discrimination in Metropolitan Toronto in response to reports and concerns about tensions between various diverse groups in the city.

The result was *The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination Against Blacks in Metropolitan Toronto*. Published through the Ontario Human Rights Commission, this report provided an overview of discrimination that had been found to exist in Metropolitan Toronto, and made 34 recommendations for change to school systems, media, police and community services and activities.

Metropolitan Toronto City Council commissioned a task force on human relations chaired by Walter Pitman in 1977. The Task Force was asked to prepare a comprehensive report on racism and violence within Metropolitan Toronto. This request came as a result of a series of beatings of individuals of South Asian heritage on the Toronto subway. The report by the Task Force, entitled *Now Is Not Too Late*, contained 41 recommendations, 18 of which dealt with policing issues. The report stressed that the police had to respond to the rapid demographic changes taking place in Metropolitan Toronto.

The Board of Commissioners of Police were in receipt of the Pitman report on December 8, 1977, and appointed a committee to study and analyze the 18 recommendations that dealt with policing issues (Board Minute 749 of December 8, 1977, refers). On January 19, 1978, the Committee presented its report to the Board, which unanimously adopted the recommendations.

Although the Force was initially resistant to the idea, *Now is Not Too Late* began a process that resulted in the removal of height and weight restrictions for police applicants. This was an important step to ensure that members of visible minorities whose height and weight often fell outside these parameters were not prevented from joining the Metropolitan Toronto Police.

Other similar changes were also recommended by the study.

The adoption of a *Declaration of Concern and Intent*, which committed the police to combating all forms of discrimination within the Service, was in response to the Pitman report. This represented a significant step forward in the area of police-race relations.

The *Declaration of Concern and Intent* led to the creation of *Standing Order 24*, which conclusively prohibited discriminatory practices by police staff. It stated that “[e]very member of the Force must avoid any expression or display of prejudice, bigotry, discrimination, and sexual or racial harassment.” This *Standing*

Order was distributed to all members, who signed that they received their copy of this important document. The *Standing Order* was re-affirmed, revised and re-issued several times by successive Chiefs of Police until 1989. It was integrated into the new and completely revised Rules and Procedures in 1993.

Mr. Walter Pitman's *Now is Not Too Late* report had also recommended that a study and evaluation of psychological tests be completed to determine racial attitudes of applicants for police employment. As a result of this recommendation, the Committee recommended that the Board retain the services of Canadian psychologist Dr. Reva Gerstein to further study the needs of the Force relating to this recommendation. Dr. Gerstein chaired the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development, which submitted its report *Policing in Ontario for the Eighties: Perceptions and Reflections*, in 1980.

The report addressed the credibility of the police to effectively provide fair and just services in their contacts with members of the Black community. The report found that few individuals from racial minority groups were selected during the police recruitment process, and that the biggest barrier to attracting recruits was the negative perception that minorities had of the police.

The Task Force made 26 recommendations to the effect that all police forces institute positive recruitment programs with the purpose of reaching qualified individuals from minority groups.

The Service took action on Dr. Gerstein's recommendations and has been involved since that time in positive recruitment programs to reach qualified individuals from minority groups. . . .

During this period, the Metropolitan Toronto Police refined and enhanced the diversity training that had been provided to its members since the 1970's. This training was supported by a book that was issued to all of Toronto's police officers. *Police, Race and Ethnicity: A Guide for Law Enforcement Officers* by Brian K. Cryderman and Chris N. O'Toole (published in 1986 by Butterworth and Company in Toronto) is a collection of essays and articles by many different authors. . . . The Board purchased 5,300 copies of the book (Board Minute 364 of July 3, 1986 refers), which was distributed to all uniform members of the Service. A motion from Metro Chairman and Board of Commissioners of Police member Paul Godfrey led to a report by His Eminence Gerald Emmett Cardinal Carter. . . .

The *Report to Civic Authorities of Metropolitan Toronto and its Citizens*, was released in 1979. . . .

"The establishment of a permanent committee to form a link between the Commission and the visible minorities of Metropolitan Toronto", the expansion of the police officer foot patrols in the city, the request for implementation of a citizen complaint procedure (as recommended [previously] by Mr. Arthur Maloney and Mr. Justice Morand), and the continuation of training in human relations and specifically relations with minority groups were among the significant changes made within the police force as a direct result of the Cardinal Carter report.

The Advent of a Race Relations Policy

In 1989, the Metropolitan Toronto Police Force signed the Race Relations Policy document that illustrated the police commitment to race relations. In a special ceremony at Police Headquarters in November of that year, the Chair of the Police Services Board, the Chief of Police, the President of the Police Association and hundreds of community members pledged their commitment to assist in the process of developing a comprehensive race relations policy.

The participants specifically committed themselves to the principles and intent of enhancing police-community relations, and striving to ensure the Metropolitan Toronto Police Force remained at the forefront of the promotion of harmonious race relations, and that it continued to be an example to other police forces across Canada.

In September 1990, public consultations were held throughout Toronto, as community input was crucial to the development of the race relations policy. Draft policies that were developed by the Committee were made available to the public for input and consideration through five public consultations. Suggestions and comments from the community were received, and were incorporated where appropriate.

The result was five policy statements that, along with *Standing Order 24*, formed the Police Services Board's *Race Relations Policy*. The five policy statements covered community relations, employment equity, staff development & training, media relations and the public complaints policy. When it was completed, the *Race Relations Policy* document was distributed to Service members.

The policy statements also identified the five major "program areas" that had a significant role in race relations issues. The five "program areas" (units) were Personnel Services (now Human Resources), Training, Education and Development (now Training & Education), Community Services (now Community Policing Support), Public Affairs (now Corporate Communications) and Professional Standards. . . .

Implementation of the Race Relations Policy - The Moving Forward Together Process

Moving Forward Together: An Integrated Approach to Race Relations was approved by the Police Services Board in March 1995. The report represented the culmination of an intensive process of consultation, research and self-examination on the part of the Metropolitan Toronto Police as it continued to work toward improved relationships with the visible minority, Aboriginal and other groups across the city that had taken place over the previous few years.

During the early 1990s, the Police Services Board had commissioned a series of external reports on the race relations policies, practices and procedures of the Force. Additional reports on the subject were received from other external sources.

The following five reports were examined in detail, and their recommendations addressed during the *Moving Forward Together* process.

- *A Strategy to Enhance the Metropolitan Toronto Police Force's Profile with Racial Minorities* by the Equal Opportunity Consultants (41 recommendations)
- *As We Were Told* by Mukwa Ode First Nations Consulting Inc. (48 recommendations)
- *Review of Race Relations Practices of the Metropolitan Toronto Police Force* by Metropolitan Auditor Allan Andrews (74 recommendations)
- *The Report of the Race Relations and Policing Task Force* chaired by Claire Lewis (11 recommendations)
- National Black Police Association 1993 Conference (7 recommendations)

Equal Opportunity Consultants and Mukwa Ode First Nations Consulting Inc. were retained on October 3, 1991, by the Metropolitan Toronto Police Services Board to develop strategies to enhance the relationship between the Metropolitan Toronto Police and the racial minority and Aboriginal communities.

Equal Opportunity Consultants provided their report, entitled *A Strategy to Enhance the Metropolitan Toronto Police Force's Profile with Racial Minorities*, in January 1992. This report contained recommendations focusing on strategies for recruitment and organizational, policy and program, media and communications development. Recommendations also covered minority officers on the Force, the role of frontline supervisors, research as a means of monitoring police/minority relations, the role of the communities, the role of community consultative mechanisms, police service activities, and police partnerships. These recommendations were specifically responded to in the 1995 *Moving Forward Together* document.

Mukwa Ode First Nations Consulting Inc. completed its report, entitled *As We Were Told* in January 1992. This report contained recommendations, focusing on improvements in police perceptions of the Aboriginal community, perceptions of the police within the Aboriginal community, recruiting, and community access to police headquarters. These recommendations were specifically responded to in the 1995 *Moving Forward Together* document.

The Metropolitan Toronto Police Services Board in April 1992 asked Metropolitan Auditor Allan Andrews to conduct an audit of the policies, procedures, programs and practices of the Force which impact on racial minorities and the police-race relations climate. Mr. Andrews completed his report, entitled *Review of Race Relations Practices of the Metropolitan Toronto Police Force*, in September 1992. This report contained recommendations dealing with a variety of issues, including training, community relations, complaints, an audit process and hiring, evaluation and promotion practices. These recommendations were specifically responded to in the 1995 *Moving Forward Together* document.

In the late 1980s, Mr. Clare Lewis was appointed by the Solicitor General of Ontario to lead a task force on race relations and policing. The task force was mandated to explore ways in which the relationship between the police and

minority communities could be improved, and focused on certain key areas such as police training, hiring and promotion.

Mr. Clare Lewis submitted his first *Report of the Race Relations and Policing Task Force* in April 1989. The report contained recommendations, most of which focused on resolving issues dealing with human resource practices including recruitment, hiring and promotion.

Mr. Stephen Lewis, Special Advisor on Race Relations to Ontario Premier Bob Rae, was asked to engage in a consultative process to assess and report on race relations issues across the province. This report, which was not limited to policing issues, was sent to the Premier on June 9, 1992. In his report, he outlined perceived inadequacies with the implementation of the recommendations of the 1989 *Race Relations and Policing Task Force*, led by Clare Lewis.

The result was the re-constitution of that task force.

The Race Relations and Policing Task Force was re-instated and the second report of the Task Force was published in November 1992. This report contained the recommendations from the 1989 Task Force report as well as additional recommendations created during the most recent process. Although the majority of recommendations were directed at government agencies, the Service responded to those specifically directed to police services and their management in the *Moving Forward Together* document.

The National Black Police Association held a conference in Atlanta, Georgia in 1993. There were seven recommendations that emerged from the conference which addressed such things as opportunities for racial minorities in investigative areas and leadership roles, the amalgamation of the recruiting unit and the employment office, visible minority input into the content of the training curriculum and the active recruitment of qualified racial minority candidates as training instructors. These recommendations were specifically responded to in the 1995 *Moving Forward Together* document.

All of these reports were welcomed by the Toronto Police Services and Police Services Board because it had become apparent that while the development of a formal race relations policy was a significant challenge, a greater challenge still was to ensure that the policy had the desired effect not only on the organization but also on the public it serves. This proved to be a daunting though vitally important task, which was addressed by a series of committees and working groups both within and outside the Service.

In September 1992, former Deputy Chief James Clark was asked by the Police Services Board to develop a race relations action plan. To this end, he established and chaired a Race Relations Management Committee, which was made up of senior police personnel representing key areas of the Service.

The Race Relations Management Committee set out the following goals:

- Formulate a precise plan of action in response to the recommendations made through various reports [excludes the 1993 conference]

- Designate a unit of the Force with a mandate which includes overall responsibility for the ongoing co-ordination and integration of race relations activities, including monitoring and implementation of the Action Plan
- Enhance the Force's relationship with the Aboriginal and minority communities
- Ensure that Board policy and Force procedure, with respect to race relations and related issues, impact in a meaningful way on all aspects of organizational life

The initial priority of the *Moving Forward Together* process was to ensure that the 174 recommendations in the various external reports were specifically addressed. This was accomplished by distributing the reports for review and task identification by relevant program areas of the Service. Units were then assigned to formulate responses to the recommendations that applied to their program areas in terms of existing programs, pending initiatives and required action. The Race Relations Management Committee addressed the recommendations and issues that did not fall precisely within a specific unit's mandate, and also finalized all responses. Ultimately, over one hundred civilian and uniform members worked on this project.

To ensure that the voice of the community was heard, six community consultation sessions were hosted in January 1993. The sessions dealt with training, complaints and discipline, access and enforcement, community and media relations, Aboriginal issues and personnel practices and employment. Invitations were extended to ninety individuals and organizations including the Police Services Board to participate in the evening sessions or otherwise have input to the Committee's deliberations. All of the information received was considered and, where appropriate, it was incorporated into *Moving Forward Together: An Integrated Approach to Race Relations*.

On July 29, 1993, the Toronto Police Services Board received the Committee's interim report, which addressed the 174 recommendations included in the reports by the Metropolitan Auditor, Equal Opportunity Consultants, Mukwa Ode First Nations Consulting Inc. and the Race Relations And Policing Task Force. At the same meeting, the Board also directed that the recommendations which emerged from the National Black Police Association 1993 Conference be addressed, bringing the total number of recommendations to 181.

The five reports outlined above were the foundation of the *Moving Forward Together* process that was directed by the Race Relations Management Committee. Each report contained a series of recommendations, which were addressed during the process. . . .

In addition, a sub-committee of the Board was formed to develop a forward-looking implementation model. . . . Known as the Race Relations Implementation Committee, this group drafted a mission statement and articulated the philosophical basis upon which to proceed. The Mission Statement and governing principles, established to guide the development of a management strategy to integrate race relations into core policing during the second phase of the *Moving Forward Together* process, were as follows:

Mission Statement

The Metropolitan Toronto Police is committed to providing an equitable service, by eliminating barriers to access and treating all persons within the community and the organization with respect and equality, with no expression or display of prejudice, bigotry, discrimination or harassment toward any person.

Governing Principles

In order to accomplish this, the Force will adhere to the following governing principles:

- race relations is the responsibility of every member of the Force
- race relations will be integrated into all aspects of organizational life as well as its operations through existing management structures
- Unit Commanders are responsible and accountable for ensuring that the Force Race Relations Policy is implemented in their area of command
- Personnel Services; Training, Education and Development; Professional Standards; Public Affairs; and Community Services will act in concert to support the race relations efforts of the balance of the Force
- the diverse communities of Metropolitan Toronto will have ongoing involvement in the design and application of the Force's Race Relations Policy

Implementation Plan

- race relations is best addressed in the context of competent community oriented policing

Unfortunately, the availability of members of this group proved difficult, so progress on the project was delayed. In the spring of 1994, it was decided that a smaller group, known as the Race Relations Co-ordinating Committee, would take on the activities of the Race Relations Implementation Committee.

The smaller committee, which consisted of the unit commanders of the five units most directly involved in race relations (Personnel Services, Training, Education & Development, Professional Standards, Public Affairs and Community Services) then took over the work on the project.

The Race Relations Co-ordinating Committee prioritized four fundamental implementation objectives:

- Senior management is committed to, and accountable for, the integration of race relations into core policing activities.
- Within all of Toronto's diverse neighbourhoods and communities, each member performs his/her duties with sensitivity and effectiveness consistent with community oriented policing.
- In a manner that is consistent with Board policy, the organization establishes structures and processes to provide members with the necessary skills, resources, supports and rewards to ensure that members interact appropriately with all persons. The institution effectively supports community oriented policing.

- Neighbourhoods and their communities are continually consulted and actively involved in supporting and enhancing members' ability to work effectively within diversity.

In order to accomplish these objectives in a manner consistent with Board direction, the Race Relations Co-ordinating Committee engaged in additional formal and informal consultation with internal and external sources. This consultation included federal, provincial and municipal government bodies, a number of other police services, and community organizations.

Consequently, a model designed to facilitate the integration of race relations and core policing was presented to the whole Race Relations Implementation Committee in June 1994. This model, including the amendments garnered from that meeting, was incorporated into the final version of the *Moving Forward Together* document.

The overall purpose of the Race Relations Implementation Model was to ensure that the Race Relations Policy adopted in 1989 had a meaningful impact on every aspect of organizational life. . . .

In keeping with the original strategic direction of the *Moving Forward Together* process (to integrate race relations into all aspects of organizational life including operations), the Chief and other Command Officers assumed responsibility for race relations issues.

The formal document, entitled *Moving Forward Together - An Integrated Approach To Race Relations*, was thus the culmination of a process that had begun with the adoption of the Race Relations Policy in 1989. The development and introduction of the Race Relations Implementation Model was the capstone of a comprehensive undertaking that would profoundly impact the entire organization, and especially the units who deliver police service directly to the public. It is regarded as a crucial milestone in the development of the organization, addressing as it does an issue which is so fundamental to the relationship with the community served by the TPS. . . .

As the *Moving Forward Together* process concluded, another race relations review was being undertaken at the provincial level that had an impact on all elements of the justice system in Ontario, including the police. In October 1992, Order-in-Council 2909 established the *Commission on Systemic Racism*. The Commission, co-chaired by David Cole and Margaret Gittens, was mandated to investigate and recommend on the extent to which systemic racism exists in the practices, procedures and policies of the Ontario criminal justice system.

The report of the Commission identified problems with systemic racism in the Ontario criminal justice system, and made recommendations intended to address these problems. Among the findings of the Commission was that visible minorities, and particularly Blacks and Aboriginals, were over-represented in the criminal justice system. The recommendations directed specifically to police services dealt with arrest, detention, conditional release powers, cautioning and charging, accountability to the community, police involvement in schools, race relations strategy and community policing.

Metro Council referred the report to the Chair, Metropolitan Toronto Police Services Board, for response. The Police Services Board directed then-Chief David Boothby to provide a report that responded to the policing recommendations. “Examination of the *Report* reveals that generally, the Metropolitan Toronto Police Service already meets the spirit of those recommendations directed to police services.” . . .

Towards a New Beginning – The Report and Action Plan of the Four-Level Government/African Canadian Community Working Group was a result of the initiation of a working group “to develop an integrated, strategic plan of action to address the urgent concerns of the Black community in Toronto.”

The Report noted that there were many concerns which included issues such as policing, community relations, discrimination in employment and housing, training opportunities for youth as well as inadequacies in mental health and other social service related programs. In total forty-six recommendations were made, eight of which addressed issues of policing.

Good Beginnings – A Catalogue of Race Relations Initiatives in Ontario, 1996, was distributed by the Police-Race Relations Monitoring Board, Ministry of the Solicitor General and Correctional Services. Chairman Dr. Nazru Deen and his team catalogued the race relations initiatives of 61 police services and 11 community organizations. Forty-five race relations initiatives of the Toronto Police Service have been highlighted within this report, the largest amount supplied by any one police service in Ontario. These initiatives outline the significant work that has been undertaken by the Service and its community partners to enhance race relations in Toronto, and provides the rest of the province with further initiatives and ideas to assist in the enhancement of their police-race relations.

The Equal Opportunity Guideline for Ontario Police Services was a substitute for Ontario’s employment equity regulation, specific to police services, which was repealed in 1995. The Board and the Service have followed the guideline, with the result that the Service’s response to employment equity was every bit as rigorous as when the regulation was in force – even though there was no formal requirement that the Service do so.

Professor Scot Wortley made a presentation to the Toronto Police Services Board – Race Relations Sub-Committee on December 6, 1999. He “outlined the results of a survey conducted five years ago [1994] on police stops. His research showed Black respondents were more likely to have been stopped by police. He also spoke about the issue of who gets stopped and searched at Customs.” He left a number of academic papers as background information. This information was relayed to the Police Services Board, during their January 26, 2000 meeting.

The Board requested a response from Chief Boothby about strategies on police stops, which was received at the February 24, 2000 Board meeting.

“In a survey of eight ethnic groups done for The Star by Goldfarb Consultants, black Torontonians said they faced more discrimination than any other ethnic group. Of the blacks polled, 88 per cent of Jamaicans perceived the greatest biases

against them...According to the poll, nearly three in four Jamaicans believe their community is treated unfairly by police, 68 percent feel mistreated by Canada Customs and half perceive unfair treatment by the courts. . . .”

. . .

As can be seen from the foregoing, individually and collectively, the members of the Toronto Police Service have a proud history in race relations. With the support of the community, the Service has achieved significant success in the field of race relations particularly with the development of the strategic plan articulated in the 1995 *Moving Forward Together – An Integrated Approach To Race Relations*. . . (<http://www.torontopolice.on.ca/publications/files/reports/2003.02.13-policingaworldwithinacity.pdf>)

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 07, 2013**

#P244. POLICE AND COMMUNITY ENGAGEMENT REVIEW (P.A.C.E.R.)

The Board was in receipt of the following report October 4, 2013 from William Blair, Chief of Police:

Subject: POLICE AND COMMUNITY ENGAGEMENT REVIEW (P.A.C.E.R.)

Recommendation:

It is recommended that the Board receive this report and presentation on the Police and Community Engagement Review.

Financial Implications:

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

Background/Purpose:

The Police and Community Engagement Review (P.A.C.E.R.) was initially directed by the Chief of Police in 2012 to evaluate the practices and procedures related to the Field Information Report (TPS 208). The Review focused on continuous improvement of all the processes, procedures and practices relating to in-person interactions between police officers and members of the community. As a result of the extensive feedback from both member and community consultations, the scope and magnitude of this Review grew to encompass all of the ways in which police engage with the community and the social costs stemming from these interactions.

Discussion:

On August 1, 2013, the P.A.C.E.R. report was provided to the Command for their approval. After review, the report's 31 recommendations were approved for implementation. These recommendations will improve service effectiveness, public safety and public trust and are categorized under the following 11 sub-headings:

- Service Governance
- Community Consultation
- Professional Standards
- Human Resources
- Performance Management
- Information Management
- Operational Improvements
- Intelligence Led Policing
- Corporate Communications
- Public Accountability
- Project Management

These recommendations, when implemented, will significantly improve existing procedures and practices governing police and community engagements. They will also improve the quality of information collected, record retention policies, officer training, and performance evaluations as they relate to these engagements.

The presentation will be delivered by members of the P.A.C.E.R. Team, Inspector Myron Demkiw, Sergeant Aly Virji and Constable Ali Moosvi.

The P.A.C.E.R. Report will be available on the Service's internet site, <http://www.torontopolice.on.ca>., immediately following the Board meeting.

Conclusion:

This report and presentation will provide the Board with an overview of the review teams process and findings.

Deputy Chief Peter Sloly, Divisional Policing Command, will be in attendance to answer any questions that the Board may have.

The following members of the P.A.C.E.R. Team were in attendance and delivered a presentation to the Board:

- **Insp. Myron Demkiw**
- **Sgt. Aly Virji**
- **P.C. Ali Moosvi**

A paper copy of the presentation is on file in the Board office. A list of the 31 recommendations that was provided to the Board during the presentation is also on file in the Board office.

Chief Blair and Deputy Chief Peter Sloly discussed this report with the Board and responded to questions.

The Board received the foregoing report.

The Board also noted that a special meeting would be held in the month of November 2013 to receive public response to the Board's and the TPS's proposals related to the issue of street checks in order to assist the Board in establishing an effective policy (Min. No. P239/13 refers).

Moved by: F. Nunziata

A copy of the P.A.C.E.R. Report Executive Summary is appended to this Minute for information. A copy of the complete report is on file in the Board office.

Executive Summary

THE POLICE AND COMMUNITY ENGAGEMENT REVIEW (THE PACER REPORT)

INTRODUCTION

Toronto is one of the safest large cities in the world, and has experienced a reduction in crime every year for the last seven years. This success is achieved in large part due to the efforts of its 2.6 million residents working in partnership, based on mutual trust and respect, with the 7,700 service-oriented Toronto Police Service (Service) members (Members). The Service relies on the trust and cooperation of Torontonians to “co-produce” public safety in the city. In order to preserve and enhance the level of public trust and police legitimacy currently experienced, the Service must constantly adapt to the needs of the community by acknowledging and addressing concerns that are raised. This sentiment is embodied in the Service *Mission Statement*, “We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.”

The Service has established several *Service Priorities* including, delivering inclusive police services and focusing on service delivery. These priorities highlight the importance of guaranteeing that there is a fair balance between the need for ensuring public safety and the protection of an individual’s legal rights. In addition to these goals, the Service also seeks to minimize the potential negative social cost resulting from community engagements while maximizing the quality and value of the information obtained during these encounters. It is important to acknowledge that both the police and the community recognize that community engagements effectively enhance public safety.

For the purposes of this report, the term *community engagement* refers to in-person communications between a police officer and a member of the community. This encompasses both *Community Inquiries*¹ and *Informal Interactions*².

The Service risks losing public trust when operational practises result, intentionally or unintentionally, in the alienation of individuals or groups within society. One of the most important practices impacting the relationship between the police and the community is the manner in which officers engage with the community and how those interactions are documented. Specifically, the process of recording these interactions, referred to in the community as “carding”³ has been at the centre of this debate.

In March of 2012, Police Chief William Blair directed the Chief’s Internal Organizational Review (CIOR) to examine all aspects of the Service related to community engagement and specifically the Field Information Report (FIR) process. This review was the foundation for Phase II of the Police and Community Engagement Review (PACER).

¹ An in-person communication between an Officer and a community member wherein the Officer, for the purposes of preserving the peace and/or preventing crimes or other offences, makes inquiry of a community member.

² A simple “meet-and-greet” communication between an Officer and a community member, wherein a limited exchange of information may occur. An Informal Interaction concludes with no formal process or documentation submitted.

³ While not adopted as official Service terminology, for the exclusive purposes of this publication and in order to provide consistency of context with references external to the Service, the term “contact card” may refer to the actual TPS 208, TPS 306, FIR or CIR while the terms “carding” and “carded” will be used to refer to the practice of an Officer using a contact card to document an interaction with a community member.

The initial CIOR addressed the issues raised by the community about community engagements as they related to Field Information Reports (now called Community Inquiry Reports). The review team recognized the need to address the issues of systemic bias and racial profiling at every level of the organization and Chief Blair accordingly expanded the scope of this Review. The goal was to improve community engagements and address the root causes of the community's concerns by making improvements to every relevant aspect of the organization. In July of 2012, as a result of the broader scope of the review, the PACER Team was established.

The entire review has been conducted under the direction and leadership of Chief Blair and guided by the *Vision Statement* of the Service, "We are committed to deliver police services which are sensitive to the needs of our communities, involving collaborative partnerships and teamwork to overcome all challenges." The *Vision Statement* has been operationalized through collaborative Member and community consultations. These consultations helped the PACER Team identify areas of the Service where enhancements could be made to improve service delivery, as it relates to community engagement.

Effectively addressing and eliminating bias in policing has arguably been one of the most challenging and important undertakings in the history of the Service. With full support from Chief Blair, the PACER Team took on this challenge to improve community engagements and eliminate bias-based policing. A comprehensive review of Service governance, business processes, and the culture of policing has been conducted and will be summarized below.

The Service is continuously striving to find the right combination of strategies that protect the public and promote human rights. There are communities in Toronto who believe they have experienced biased-based policing during their interactions with police. This is especially prominent in the Black community, and particularly among Black youth, based upon some of their community engagement experiences. An unintended consequence of a performance management system that focused on quantitative measurements rather than qualitative value, potentially contributed to the community's experience. Furthermore, it is important to recognize the community's concerns may also be the result of the unintentional application of an Officer's personal biases. Decisions based on the intentional application of bias or racism have never been, and will never be, tolerated by the Service.

The Service does not deny its imperfections and this report is intended to provide a comprehensive and transparent strategy for the continued prevention of systemic bias-based policing including in relation to community engagements.

TERMS OF REFERENCE

The PACER Team

In March of 2012, Police Chief William Blair directed the Chief's Internal Organizational Review (CIOR) to examine all aspects of the Toronto Police Service (Service) related to community engagement and specifically the Field Information Report (FIR) process. Deputy Chief Peter Sloly was assigned as the project's Executive Sponsor. During Phase II of the review, in July of 2012, the scope of the review expanded and the Police and Community Engagement Review (PACER) Team was established. The PACER Team included the following Service Members:

Deputy Chief Mark Saunders
Superintendent David McLeod
Staff Inspector Heinz Kuck
Inspector Myron Demkiw
Andre Goh (Manager, Diversity Management Unit)
Meaghan Gray (Corporate Communications, Section Head)
Detective Stacy Clarke
Sergeant Aly Virji
Detective Constable Deanna Gagliardi
Police Constable Syed Moosvi
Police Constable Ilana Gavaller

PACER Vision

*The Toronto Police Service will be a world leader
in bias-free police service delivery and
Toronto will be one of the safest urban centres in the world.*

PACER Mission

*To review and continually improve all Toronto Police Service
procedures and practices relating to in-person interactions
between police officers and members of the community.*

PACER Scope

This Review includes the following five phases:

Phase I – Research, Analysis & Best Practice Review (March - December 2012)

Phase II – Internal/Community Consultations & Report Recommendations (January-July 2013)

Phase III – Implementation Planning & Corporate Communications (August-December 2013)

Phase IV – Implementation & Evaluation (January 2014-December 2016)

Phase V – Continuous Improvement (January 2017 and forward)

The Police and Community Engagement Review (PACER) goals are:

- 1) To establish the purpose, legality, and governance framework for community engagements and information obtained therein.

- 2) To assess and address issues of racial profiling and bias in community engagements (at both the individual and systemic levels) to enable the delivery of bias-free police services.
- 3) To collaborate with the community in a process of continuous improvement for the effectiveness and equity of community engagements.
- 4) To improve Officer training and performance related to community engagements.
- 5) To improve the public safety value of community engagements while reducing the social costs associated with the process.

The expected outcomes of the Police and Community Engagement Review (PACER) are:

- 1) The Service will establish relevant Service Governance and training to provide guidance and support to Officers regarding community engagements.
- 2) The Service will be a world leader in bias-free police service delivery and the city of Toronto will be the safest major urban centre in the world.
- 3) The Service will be more transparent and accountable to the community while earning an increased level of public trust.
- 4) Officers will be better able to safely reduce crime while also being better trusted and respected by the community they are sworn to serve and protect.
- 5) Officers will have enhanced cultural competence improving their capacity to engage Toronto residents, particularly racial minority community members and specifically Black youth, in a professional, ethical and customer service oriented approach.

Toronto Police Services Board Interim Receipt Process

It should be noted the Toronto Police Services Board (Board) created a Street Check Sub-Committee (SCSC) in 2012. The Board SCSC's examination of "street checks" was separate from, and completely outside of, the PACER Terms of Reference. The Board SCSC directed the Chief introduce an interim receipt process for community engagements effective July 1st, 2013. The Service fully implemented this interim receipt process as directed.

SIGNIFICANT FINDINGS

The purpose of examining each of the following sections was to provide context, verification and further substantiation to Phase II Final Recommendations.

Research & Analysis

Data Collection

Analysis indicated from 2009 to 2011, there were 1,104,561 persons entered into the FIR database. The top three categories (Nature of Contacts) selected most frequently by Officers to indicate why the Officer had engaged with a member of the community represented nearly seven out of ten, or 69.2 percent, of all FIR cards collected during this time (person based). The “General Investigation” category was the most frequently selected entry, with approximately one in three, or 32.2 percent of all FIRs in the database submitted under this category. Radio Calls represented one in five or 21.2 percent of all FIR submissions and Traffic Stops represent more than one in ten or 15.8 percent.

“General Investigation” terminology is a non-specific category used to define the reason for an interaction and may require individual review of the information to determine its inherent value. Some “Traffic Stop” and “Radio Call” FIRs were submitted due to the fact there were no other applications or forms better suited to record the details. Additional analysis examined traditional intelligence led nature of contacts and determined fewer than one in ten FIR cards collected since 2009 had been assigned a nature of contact which flagged the card as being directly related to an intelligence led policing strategy. It was feasible a substantial number of FIRs collected on persons within the category of General Investigation were collected for the purpose of intelligence led policing. However, without indicating the specific categorization at the time of collection it was not possible to ascertain estimates of these cards.

Defined Purpose

Phase I affirmed the purpose of collecting data was to ensure public safety. Significant investigations, successfully concluded as a result of information captured on a contact card, were collected and categorized. One hundred and ten significant examples, submitted by 70 Officers, representing three command pillars were selected for this collection. Various submissions pertained to recent events while other examples were historical in nature. These findings substantiated the value of intelligence in regards to criminal investigations, covert operations, security and intelligence, frontline policing functions and ultimately, ensuring community safety.

Best Practices

Canadian police services with outlined procedures and practices similar to the Service were consulted with respect to contact cards and maintained their purpose for gathering information was to ensure public safety. Canadian police agencies currently operating and submitting within the Versadex[®] application had an integrated quality control process that reviewed each document upon submission. Furthermore, all of the external agencies retained the information garnered through contact card interactions indefinitely. None of the agencies issued a community-based receipt.

International police agencies such as the Metropolitan Police Service (MPS) and Greater Manchester Police (GMP) were required by law to provide receipts to the community from 2003 to 2011. After 2011, the laws were amended and agencies were granted jurisdictional

discretion. GMP opted to negate issuing receipts, whereas the MPS has continued the practice. GMP determined the receipting process did not achieve the desired effect for which it was intended. In fact, further consultations with community members from the Greater Manchester area indicated the receipt accomplished very little to improve the quality of the service provided by officers, nor did it reduce the frequency or arbitrariness of the engagements.

Legal Foundations

Policing is a high-risk business. There will always be a stress between the need for enforcement and an individual's legal rights. The balance between operational requirements and public trust and accountability is where the legal risks arise. These risks ultimately need to be managed and mitigated. The Service's Legal Services section was consulted extensively throughout this process. Direction was clear from the onset:

- 1) What is the purpose of interacting with the community?
- 2) Why do officers gather information?
- 3) How is this activity carried out?

Legal Services, consulted with three eminent lawyers, all representing different legal scope and interests. All three opinions were unanimous in stating police officers may, for recognized policing reasons, approach members of the community and seek their voluntary cooperation in responding to questions and that such police conduct does not violate an individual's rights under the *Canadian Charter of Rights and Freedoms (Charter)*.

The declaration of principles to the *Police Services Act* makes it clear police services are required to conduct their affairs in accordance with the law, having respect for the *Charter* and the *Ontario Human Right Code (Code)*. Practices and procedures must be carried out in a respectful manner and free of bias or racism. Data collection should be purposeful and the corresponding use of the data should lawfully relate to the purpose for which it was collected. There is an expectation the police will proactively collect the information they need to keep the community safe. Information gathering is a necessary adjunct to the statutory duties of a police officer⁴ to preserve the peace, prevent crime, and protect the public.

Legal Services submitted ten guidelines concerning the purpose, method and means in which officers should collect information from the community. The most significant guidelines placed emphasis on training in relation to investigative detention with a focus on collecting and articulating grounds. Legal Services also provided very clear direction with respect to the use of data in regards to employment purposes. A stringent review of the content and use of the data was recommended in relation to employment and vulnerable sector records checks. Furthermore, Legal Services advocates a seven-year retention period to allow for prosecutions and appeals to be completed, allow for limitation periods in civil litigation to expire and to allow sufficient time for any complaint investigations or internal discipline process.

SUMMARY OF RECOMMENDATIONS

Recommendations

The Police and Community Engagement Review (PACER) examined the following 11 areas of the Service:

- 1) Service Governance
- 2) Community Consultation
- 3) Professional Standards

⁴ *Police Services Act*, R.S.O. 1990, c. P-15., s. 42 "Duties of a Police Officer"

- 4) Human Resources
- 5) Performance Management
- 6) Information Management
- 7) Operational Improvements
- 8) Intelligence Led Policing
- 9) Corporate Communications
- 10) Public Accountability
- 11) Project Management

Here, in the Phase II report, the PACER Team submits a series of recommendations for consideration and, subject to approval by Chief Blair, implementation by the Service.

Service Governance

RECOMMENDATION

- 1) That the Service create a new *Core Value* articulating the Service's explicit, continued commitment to delivering bias-free police services, and that a new values statement reflecting the new *Core Value* is embedded in all related Service Governance.

SUMMARY OF RATIONALE

Police officers, as part of being human, hold bias-based beliefs in the same manner as members of the community. The Service continues to strive to mitigate inappropriate application of such bias through training, adherence to *Core Values*, supervision and disciplinary sanctions where applicable. An appropriate phraseology should be developed by the Service which consists of a concise sentence to be adopted under a new *Core Value*. This new *Core Value* should speak to the concept of "Bias-Free" as a complement to the existing principles of Honesty, Integrity, Fairness, Reliability, Respect, Teamwork and Positive Attitude. The newly constructed tenet becomes an ever present reminder of the continued commitment the Service has made to delivering bias-free police services and should be utilized in the rationale section of Procedure 04-14 and all related Service Governance.

RECOMMENDATION

- 2) That Procedure 04-14 be revised to reflect new terminology concerning Community Safety Notes (CSN) and that the Procedure be rewritten to include and define: the operational purpose of ensuring public safety, a legal and human rights framework, information management and retention requirements, new quality control processes and introduces heightened supervision standards.

SUMMARY OF RATIONALE

The purpose of community engagements is community safety and the documentation is done using memobook notes. Thus, the Procedure regarding the practice should be aptly rebranded as, "Community Safety Note".

The Field Information Report Procedure (Procedure 04-14) ([Toronto Police Service, 2009](#)) provides direction to Officers as to their roles and responsibilities during a community engagement. This Procedure has been reviewed with consideration to continual improvement, best practices, risk management, customer service, and a legal and human rights context. As a result of the review it has been determined the procedure can be enhanced to better reflect the purpose of recording a community engagement, provide clear direction of Officer roles, including supervisory review, and best practices.

RECOMMENDATION

- 3) That the Service discontinue use of the physical hard copy card (currently the Community Inquiry Report or TPS 306 Form) and, as a replacement, direct Officers to enter the information captured during such community engagements directly into their memobook for subsequent input into the electronic application.

SUMMARY OF RATIONALE

As technology continues to evolve, the practice of using the cardstock 306s to record information has become redundant. Using a hardcopy 306 means the Officer records the information in three different places (on the 306, in their memobook, and into the FIR database). Access to a Mobile Work Station eliminates the need for a hard copy Community Inquiry Report card because the information can be transferred directly from the Officer's notes to the database, without eradicating any value. Elimination of the physical cardstock 306 and training Officers to make notes directly in their memobooks will eliminate duplication and ensure Officers have original notes should the information be subsequently required for court purposes.

Community Consultation

RECOMMENDATION

- 4) That the Service create a standing community advisory committee to work continuously with the Service, in order to assess and address the issue of racial profiling, and through this partnership assist the Service in the delivery of bias-free police services.

SUMMARY OF RATIONALE

Many participants in the community consultations, conducted as part of this review, were encouraged by the consultation process and expressed a feeling of cautious optimism. They suggested a joint committee, comprised of police and community representatives, would act as a resource to provide input and feedback as well as to facilitate the dissemination of information on its progress internally and externally.

RECOMMENDATION

- 5) That the Service conduct community surveys to proactively evaluate and address issues relating to public trust, police legitimacy, customer service, racial profiling and bias in police services.

SUMMARY OF RATIONALE

The participants acknowledged input from the community is essential for the Service to improve customer service and increase public trust. In order to ensure the broader community has the ability to provide ongoing feedback to improve the delivery of police services, the Service should conduct surveys within the community. A recommendation of this nature and scope will have a positive impact with Members of the Service as well as members of the community.

Professional Standards

RECOMMENDATION

- 6) That the Professional Standards Unit develop new risk thresholds specifically designed and implemented with respect to bias and racial profiling and create a new dimension with respect to an early detection and intervention alert system to support Officers working in high-risk assignments.

SUMMARY OF RATIONALE

Currently, the Professional Standards (PRS) Analysis and Assessment Group utilizes a “table of thresholds” to trigger an alert regarding an Officer’s conduct. Although ‘human rights’ is included as a threshold, there is a need to have a more focused approach towards identifying an Officer’s potential application of bias or racial profiling during the course of his or her duties.

The early detection and intervention alert system is not punitive and there is recognized value to expanding the use of the database and mechanisms to support identifying issues related to an Officer’s well-being, especially for those involved in high-risk assignments. Given the inherent stress of police work, there is a necessity for the Service to proactively manage the health and wellness of Members. Utilizing the PRS database for early detection and intervention is an opportunity for the Service to leverage technology and become more efficient and effective in the management of its most valuable asset: the Members.

RECOMMENDATION

- 7) That the Service design and conduct reviews at both the Unit and Professional Standards Unit level, examining all ranks of the Service to proactively assess and address Officer

performance trends and indicators that may relate to bias, prejudices and/or racial profiling.

SUMMARY OF RATIONALE

Within the scope of the PRS mandate it is a responsibility to proactively manage risk. A component of this function could be supported by the design and utilization of unit level reviews of performance trends and indicators that may relate to systemic and/or individual bias, prejudices and/or racial profiling. This may be accomplished by co-comparator analysis of Officers and unit performance. Recognizing such analysis does not in itself indicate bias-based policing, the trend indicator should be utilized as part of a more comprehensive analysis of the individual or unit level performance to ensure consistency with the unit and Service priorities.

RECOMMENDATION

- 8) That all internal or external complaints involving allegations of discrimination and/or racism are assigned to Professional Standards, and that the investigation will assume a case conference process involving Labour Relations, Legal Services, Toronto Police College and the Diversity Management Unit. The final dispositions of all such investigations will be entered in the Professional Standards Information System.

SUMMARY OF RATIONALE

PRS Conduct Investigations Section should be mandated to investigate and take carriage of all internal or external complaints which contain allegations of discrimination and/or racism. All such investigations should assume the case conference process involving Labour Relations, Legal Services, Toronto Police College and the Diversity Management Unit. This reinforces the Service's commitment to bias-free service delivery while enhancing public trust. This process enhancement will provide investigative consistency while ensuring an appropriate method for Service-wide coordination of required resources. To ensure consistent tracking all dispositions should be entered into the Professional Standards Information System (PSIS).

RECOMMENDATION

- 9) That all Professional Standards investigations concluded with a final disposition indicating Officer misconduct concerning discrimination or racism are subject to a Tribunal Hearing.

SUMMARY OF RATIONALE

Consistent with the Service's commitment to address racially biased policing, any investigations substantiating an allegation of discrimination or racism must be directed to Tribunal for prosecution and adjudication to ensure fair and consistent dispositions.

RECOMMENDATION

- 10) That the Service continue to collaborate with the Office of the Independent Police Review Director (OIPRD) for implementation of the OIPRD "Informal Resolutions" program.

SUMMARY OF RATIONALE

Currently the Office of the Independent Police Review Director (OIPRD) has proposed a new practice in order to deal with minor complaints prior to the activation of Part V of the *Police Services Act*. This proposal is known as the "Customer Service Resolution" and is designed only to deal with matters submitted directly to the OIPRD. Once reviewed as a conduct, policy, or service issue, the police service involved is contacted and offered the "Customer Service Resolution". If the police service wishes to pursue this informal resolution process then the

OIPRD, subject Officer and complainant are assembled for resolution discussions. If the “Customer Service Resolution” is successful, the OIPRD will close the file. If unsuccessful, the matter will return to the OIPRD roster for further screening of the matter.

RECOMMENDATION

- 11) That the Service continue to leverage and monitor the In-Car Camera System currently installed in all marked police vehicles, as well as explore the possibility of equipping all uniform Officers with Body Worn Video (Body Cameras).

SUMMARY OF RATIONALE

As specified in the procedure, the In Car Camera System (ICCS) was employed as a measure to enhance Officer safety, to protect Officers from unwarranted accusations of misconduct, to provide powerful evidence in court, and to provide insight into the effectiveness of the Service training and Procedures ([Toronto Police Service, 2012](#)). The same Procedure directs Officers to use their camera systems in a number of prescribed scenarios, most notably during any investigative interactions with the general public. Several police services have adopted the use of Body Worn Video (BWV) for the same purposes. The Service will continue to monitor the outcomes of those service’s experiences to determine whether BWV is a viable option for use in the city of Toronto.

Human Resources

RECOMMENDATION

- 12) That the Service continue to ensure all uniform Officers and investigators receive training that includes, but is not limited to:
 - *Canadian Charter of Rights and Freedoms*;
 - *Ontario Human Rights Code*;
 - articulable cause, reasonable suspicion & investigative detention;
 - police note-taking, case disclosure and court testimony;
 - customer service;
 - tactical communication, strategic disengagement & conflict de-escalation, mediation and resolution; and
 - prevention of discrimination, racism and Black racism.

This training should incorporate role-play and scenario-based training in relation to the Community Safety Note Procedure 04-14. All training will involve community participation in training design, delivery and evaluation.

SUMMARY OF RATIONALE

The training of Officers is an essential part of ensuring the Service achieves its organizational aspirations of treating everyone in an impartial, equitable, sensitive and ethical manner. In the context of a pro-active community engagement, an Officer’s reason and explanation for what they are doing should be rooted in their duties, as described in Section 42 of the *Police Services Act*. The course of action they select should also be consistent and within the laws and legislation created to govern their actions. In order to address the concerns raised by the community it has become clear the Service should continue to improve and enhance the formal training Officers receive in relation to community engagements.

While Officers continuously receive extensive training, the appropriate street-level application and articulation of this training may be improved through the incorporation of scenario-driven learning modules accompanied by constructive feedback. This type of training should be created,

in consultation with community stakeholders, to identify relevant scenarios. This training should include the following topics: the *Canadian Charter of Rights and Freedoms*; the *Ontario Human Rights Code*; reasonable suspicion, investigative detention; note-taking; case disclosure and court testimony; customer service; tactical communication; strategic disengagement; conflict de-escalation/mediation/resolution and anti-racism including role play/scenario-based training for community and youth engagement; and the updated Community Safety Note (CSN) procedure.

RECOMMENDATION

- 13) That the Service's recruiting and hiring process is strengthened to include an evaluation of all potential candidates for evidence of discriminatory and/or racist behaviour, including an examination of related social media content.

SUMMARY OF RATIONALE

In order to ensure Officers value the diverse communities that make up Toronto, all recruitment and hiring strategies must address bias by ensuring the people hired by the Service are able to recognize their own biases and prevent them from influencing their professional responsibilities as members of a police service.

RECOMMENDATION

- 14) That the Service continue to review the weight given to Community Safety Notes (CSN) in the recruitment and hiring process and ensure a supervisor is responsible for content validation and evaluation of any CSN submissions considered in the process, including making every reasonable effort to ensure the original submitting Officer clarifies the context in which the CSN was submitted.

SUMMARY OF RATIONALE

Given the Service reviews FIRs/CIRs as part of the recruitment and hiring process, the accuracy and validity of the content of any such data should continue to be appropriately qualified by the submitting Officer. Supervisory oversight is required to determine the relevance of FIR/CIR data that may be used in 'screening out' a job applicant.

RECOMMENDATION

- 15) That all Probationary Constables (including the May 2013 constable graduation class) successfully complete a minimum of two Compressed Work Week Cycles, within their probationary period, assigned to the divisional Community Response Unit.

SUMMARY OF RATIONALE

Community Response Unit (CRU) assignments afford Officers exposure to diverse communities. The development of an Officer's interpersonal skills benefits them in all aspects of their career and should be considered a priority.

RECOMMENDATION

- 16) That the Service develop and implement an intercultural development program.

SUMMARY OF RATIONALE

Intercultural competence is the ability to communicate effectively and appropriately with people of other cultures (Messner & Schafer, 2012). Intercultural competence development will assist Officers with navigating the unique cultural nuances of Toronto's diverse communities.

RECOMMENDATION

- 17) That a specific and individualized program is designed for Officers requiring improvement in the areas of valuing diversity or bias-free service delivery, which would include participation in the intercultural development program.

SUMMARY OF RATIONALE

Opportunities to improve development of intercultural competencies should be available for Officers as needed. Officers should have individualized programs designed to help them in their continued development regarding valuing cultural diversity and the impacts of bias in policing.

RECOMMENDATION

- 18) That the Service mandate an intercultural development assessment of all persons making application for employment with, or for promotion within, the Service.

SUMMARY OF RATIONALE

Officers should be encouraged to continually improve their intercultural competence. Furthermore, those seeking promotion should be required to demonstrate a commitment to intercultural development. Persons seeking employment with the Service should be able to similarly demonstrate their level of cultural competency. This will develop individuals and emphasize the Service's commitment to the importance of hiring and promoting people who have demonstrated awareness and appreciation for intercultural development.

Performance Management

RECOMMENDATION

- 19) That Officers continue to conduct Community Safety Note (CSN) related activities and will be evaluated primarily on the professional quality of such engagements and the intelligence quality of any CSN submissions.

SUMMARY OF RATIONALE

As a result of the internal and external consultations, it was determined that qualitative analysis as pertained to Community Safety Notes (CSN) are a better measure of an Officer's work performance as opposed to a simplified quantitative measures. With a reduced focus on quantitative measurement of FIRs/CIRs on the Officer Performance Review, supervisors will be required to consider other factors of Officer performance. How Officers engage with members of the community and the value of those engagements to local crime management strategies will have to be considered.

RECOMMENDATION

- 20) That the Service create and implement an informal recognition program that fosters high quality Officer performance in the areas of intercultural competence, customer service, intelligence led policing and bias-free service delivery.

SUMMARY OF RATIONALE

An alternate recognition program would serve to notify Officers if a FIR/CIR they submitted resulted in a notable achievement. The acknowledgment of effective community engagements, even by a simple email, provides positive reinforcement for Officers and when applied consistently encourages continued good work.

It has been identified that an informal system of recognition should be developed in an effort to encourage and recognize Officers who demonstrate skills pertaining to cultural competence and the ability to effectively interact with members of the community while producing positive public safety outcomes.

Information Management

RECOMMENDATION

- 21) That the Service retain all Community Safety Note submissions for a maximum of seven years while continuing to explore industry best practices for information management, retention, privacy and access.

SUMMARY OF RATIONALE

The Information and Privacy Commissioner (IPC) of Ontario states that an organization's retention needs will vary on a case by case basis and cannot be uniformly designated. The community has expressed concerns pertaining to three main areas of information management regarding Community Safety Notes (CSN); their content, usage, and retention. Recognizing the Service needs to have access to records for an extended period and in order to address the community's concerns about retention, an interim seven year retention period should be set for all CSNs. During this time, the Service can research the best practices for information management and retention, which may include implementing a Role Based Security Access format.

Operational Improvements

RECOMMENDATION

- 22) That the Divisional Policing Support Unit (DPSU) ensure all DPSU deployments are done in collaboration with the Divisional Crime Management Team, aligned to the Division's crime management processes, priorities and projects, providing professional, high quality, bias-free service delivery to all members of the community.

SUMMARY OF RATIONALE

Each division has its own unique needs that are constantly evolving. To ensure that DPSU initiatives continue to succeed, and address the current priorities in the communities they serve, there should be continued enhancements to the collaboration with the Divisional Crime Management Team, prior to deployment, so that DPSU Officers are policing in the most effective manner possible. This will ensure community engagement is aligned to the division's crime management processes, priorities and projects.

RECOMMENDATION

- 23) That Divisional Policing Command (DPC) conduct a comprehensive review to assess the Divisional Policing Support Unit's recruitment, selection, training, supervision, deployment and performance management systems to more effectively align with DPC priorities.

SUMMARY OF RATIONALE

Due to the impact that DPSU has on the Service's continued commitment to reduce violence and ensure community safety while maintaining public trust, it is relevant to seek ways to continually enhance performance management systems, training, selection, recruitment, and supervision. A comprehensive review will assist in ensuring deployments and strategies are in line with Divisional Policing Command (DPC) priorities and address community needs.

RECOMMENDATION

- 24) That all officers assigned to Divisional Policing Support Units must have successfully completed the staff development program at a Divisional Policing Command division prior to an assignment with the Unit.

SUMMARY OF RATIONALE

Completing a term in the Community Response Unit (CRU) helps to develop an Officer's interpersonal skills and increase their intercultural competency. The CRU's mandate requires them to engage with the community in all aspects of policing, including community based programs and crime prevention. Similarly, an Officer who has completed an investigative component to their staff development program has a better understanding of lawful authorities and articulation as it relates to engaging the community. Once both investigative and community training has been completed, Officers are better prepared to provide professional, high quality and bias-free service delivery. These qualities are essential to deployment in a DPSU assignment. Therefore, Officers selected for a DPSU secondment should have completed their staff development program in full.

RECOMMENDATION

- 25) That the Unit Commander assigned to Divisional Policing Support Unit hold the rank of Superintendent, supported by an Inspector as the second-in-command.

SUMMARY OF RATIONALE

Due to the size, scope and impact of DPSU, the unit should be managed by a Superintendent and supported by an Inspector. This will ensure consistent leadership, transparency and accountability to the community and Service Members.

Intelligence Led Policing

RECOMMENDATION

- 26) That the Service review and evaluate the current capacity of intelligence led policing practices and adopt appropriate means by which to increase Officer awareness, training and competency with respect to all existing intelligence gathering and dissemination methods.

SUMMARY OF RATIONALE

It is important to ensure all Officers are aware of the various intelligence gathering and dissemination methods within the Service. This includes, but is not limited to, the cultivation and management of confidential sources and how this information is collected, analysed, and disseminated via various police reports. Any information collected by an Officer needs to be entered into the intelligence cycle, in order to be corroborated, so it can be utilized to inform deployments such as; 'Directed Patrols', 'Intelligence Led Policing' initiatives, and other crime management processes.

Corporate Communications

RECOMMENDATION

- 27) That the Service create and implement a corporate communications strategy to continuously educate, inform and engage the community with respect to the implementation of the PACER Report recommendations, Service public safety and public trust programs, the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms* civil liberties and responsibilities. The communication strategy will involve direct community input into the design and delivery of the medium, embracing multiple languages and will be delivered across a full spectrum of avenues, including but not limited to mainstream, ethnic and social media, Community Police Liaison Committees meetings, focus groups and virtual town halls.

SUMMARY OF RATIONALE

Through consultations, the community commented they *want* to understand a police officer's roles and responsibilities. They want to be aware of their rights and responsibilities when approached by an officer. They want to understand why an officer is speaking with them and not someone else; why their information is being recorded; and for what purpose that information will be used. The community's lack of understanding regarding these issues can be improved through a comprehensive and consistent corporate communications strategy.

RECOMMENDATION

- 28) That the Service design, implement and prepare a public report of Community Safety Note related procedures and practices including the use of demographic and race-based data.

SUMMARY OF RATIONALE

The Business Intelligence Unit (BIU) currently publishes an Annual Year-End Executive Dashboard report, which includes a section devoted to FIRs/CIRs. Additionally, the BIU should also publish a report that includes an in-depth analysis of all CSNs. This will provide transparency and accountability for the public in regards to the procedures and practices surrounding CSNs. Furthermore, this report should include raw data as well as an in-depth analysis of the CSN information. It is important to ensure the analysis is presented in a format that recognizes and highlights variables that may impact when and where CSNs are completed. For example, a geo-spatial analysis of violent calls for service may help explain why there is a significant increase in police presence in a certain area and a related increase in CSNs for a given time period. In addition to the equity-tracking capabilities of this report, it should also be capable of tracking the effectiveness of the CSN process, in order to demonstrate its success in producing intended and desired results.

Public Accountability

RECOMMENDATION

- 29) That the Community Inquiry Report Receipt (Form 307) be redesigned to a Service business card format, which will be offered to any community member who is the subject of a Community Safety Note submission.

SUMMARY OF RATIONALE

As a result of feedback received during both internal and external consultations, the Service should consider redesigning the current interim receipt to a business card format with an area for Officers to record information regarding interactions with a community member. This revised business card could be provided to members of the public when a CSN is being entered into the Service database.

Project Management

RECOMMENDATION

- 30) That the Service enter into a partnership with an external person or organization for the purpose of conducting an evaluation of the implementation phase of the PACER Report recommendations, encompassing January 1st, 2014 to December 31st, 2016.

SUMMARY OF RATIONALE

Ensuring the recommendations are implemented effectively, and are achieving the desired outcome(s), will require on-going assessment and evaluation. This will require sound project management and should include a process of formal oversight. The oversight of the implementation should be conducted by an independent third party with experience in managing complex and multifaceted projects.

By creating a continuous process of review of the implementation the evaluators will be positioned to adjust the implementation and course of action to help the Service reach the desired outcomes. A three year period of evaluation, commencing January 1st, 2014 and concluding December 31st, 2016, allows for adequate time to accurately assess the implementation and establish an effective methodology to ensure continuous improvement during Phase V.

RECOMMENDATION

- 31) That the Service invite the City of Toronto Auditor General to conduct an external compliance audit of Procedure 04-14.

SUMMARY OF RATIONALE

Independent oversight of compliance with Procedure 04-14 may assist with ensuring accountability, integrity, and transparency which in turn increases public trust and confidence in the process.

CONCLUSION

Toronto is the safest major city in Canada and one of the safest most inclusive cities in the world. The level of public safety and the quality of life experienced in Toronto has been accomplished in large part because of the mutual trust and respect between the community and the Service.

Community engagement is one of the most important ways for the Service to reduce crime and build relationships. It is also one of the most controversial and least understood police practices. These encounters have raised general community concerns about police accountability and transparency – it has also resulted in longstanding specific concerns from the Black community about racial profiling. Clearly, community engagement is a high-volume, high-risk activity that has produced both high-value public safety results and high social cost outcomes.

The Service continues to acknowledge that racial profiling is illegal, immoral, and intolerable. Chief William Blair, over the course of his tenure, has consistently created corporate strategies designed to address and eliminate racial profiling. The Service and the community both recognize the need for continued vigilance regarding the potential of bias and racial profiling in policing.

Chief Blair directed the Police and Community Engagement Review (PACER) to identify ways to improve the public safety value and reduce the social costs of community engagements. The implementation of the PACER recommendations will help establish the Toronto Police Service as a world leader in bias-free police service delivery and assist the city of Toronto with becoming one of the safest major urban centres in the world.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE SPECIAL PUBLIC MEETING
OF THE TORONTO POLICE SERVICES BOARD HELD ON
NOVEMBER 18, 2013**

#P278. ADJOURNMENT

Alok Mukherjee
Chair