



## TORONTO POLICE SERVICES BOARD

### RACE-BASED DATA COLLECTION, ANALYSIS AND PUBLIC REPORTING

<b>DATE APPROVED</b>	September 19, 2019	
<b>DATE(S) AMENDED</b>		
<b>DATE REVIEWED</b>		
<b>REPORTING REQUIREMENT</b>	As set out below	
<b>LEGISLATION</b>	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c)</i>  <i>Ontario Human Rights Code, R.S.O. 1990, c. H.19</i>  <i>Anti-Racism Act, 2017, 2017, S.O. 2017, c. 15 and the Data Standards for the Identification and Monitoring of Systemic Racism made under s. 6(1) of this Act</i>	
<b>DERIVATION</b>	Rule 4.3.9 – Release of Statistics	

#### *Guiding Principles*

The City of Toronto is home to people who represent nearly every race, ethnicity, country, language, and faith in the world. The Toronto Police Services Board embraces this diversity and is committed to ensuring that the Toronto Police Service will provide services in partnership with all the communities of the City. These policing services should be delivered in a professional manner that is free from discrimination, equitable, culturally competent, and inspires confidence in addressing community concerns regarding policing with racialized individuals and in communities.

The Board understands that bias and racism in society is impossible to deny, but must never be seen as inevitable or acceptable. As the employer, the Board knows that the Members of the Service are deeply committed to this principle. The Board also realizes that efforts to reduce or eliminate bias and to specifically address anti-Black and anti-Indigenous discrimination must focus on institutional and structural practices – practices that manifest in every institution and which are systemic in their nature – that can result in racial disparities and prejudicial treatment.

Guided by the constitutional and legal principles of the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, *Ontario’s Anti-Racism Act*, and based on the principle that only what is measured can be effectively understood and improved, the Board

recognizes the importance of collecting, analyzing and publicly reporting on data related to the race of those with whom police interact. Collecting, analyzing and reporting on this data is also critically important to the Board’s goal of eliminating racial bias, promoting equity, fairness and non-discriminatory police service delivery. In order to assess the effectiveness of legal, policy and procedural initiatives aimed at reducing bias, it is vital to track and publicly report on race-based data that is collected by police officers in the course of their duties. Ultimately, the Board views this Policy as vital to improving transparency, accountability, and oversight in how police services are delivered – necessary ingredients for continuing to build community trust and engagement between Members of the Service and the communities we serve.

The Board recognizes that the collection of race-based data is complex, multifaceted and sensitive and is a process that must be handled with respect and care. The process must protect an individual’s personal privacy and respect their dignity. The results of collecting race-based data must also lead to reliable and high-quality race-based statistics that contribute to informed public discourse and evidence-based decision-making. Recognizing the important dimensions of this issue, in developing this Policy, the Board has consulted with and obtained valuable input and feedback from its Anti-Racism Advisory Panel (ARAP), various professional stakeholders and experts, and through extensive community consultations. The Board has also incorporated findings from research and international best practices related to race-based data collection, analysis and reporting in other jurisdictions.

Recognizing that this is an evolving area that requires constant feedback to improve, the Board has chosen to engage in a phased implementation of this Policy, with a focus on a single area for collection first: Use of Force. After this first phase, the Board will, as soon as possible, expand the application of this Policy to the mandatory collection of race-based data across the following additional areas: stops, questioning and searches; arrests; the laying of charges; as well as any discrete interaction between an individual and a Toronto Police Service Member that (i) leads to a decision that determines an outcome for the individual, where (ii) the Member has the authority to make a decision that can have a significant outcome for the individual, and (iii) the decision and/or outcome can be measured or documented.<sup>1</sup> The Board believes that this approach will establish the Service as ‘best in class’ in this important area.

### ***Purpose of Policy***

The purpose of this Policy is to use race-based data collection, analysis and public reporting to:

- identify, monitor and eliminate potential systemic racism and racial bias;
- identify equitable service delivery that can contribute to understanding and best practice;
- advance the delivery of police services that advance the fair treatment of every person by supporting the development of equitable policies, procedures, services and initiatives;
- preserve the dignity of individuals and communities; and
- enhance trend analysis, professional development and public accountability.

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<sup>1</sup> These criteria are consistent with Ontario’s *Anti-Racism Data Standards*, Standard 39: <https://www.ontario.ca/page/anti-racism-data-standards-order-council-8972018>.

Importantly, this Policy and its implementation by the Service should not result in the stigmatization or stereotyping of any communities, and must have regard to the sensitive nature of the information that is collected so that the Service can protect the privacy of the individuals with whom it comes into contact. In addition, the Board is clear that this Policy and its implementation should not be used for performance management or to identify individual Service Members, but, rather, as a tool to identify trends that contribute to professional development and organizational change. It should be noted that the Professional Standards and public complaint processes that are required by the *Police Services Act* are not impacted by this Policy.

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

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

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

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

1. Establish a procedure(s) for the mandatory collection, analysis and public reporting of race-based data that considers models developed by other jurisdictions for the collection, analysis and reporting of race-based data, and is consistent with Ontario's *Anti-Racism Act, 2017*, Ontario's *Anti-Racism Data Standards* and any future regulations that may be made under Ontario's *Anti-Racism Act, 2017*;
2. In developing these procedures, incorporate the use of ***Service Members' perception data*** with respect to race identification in every case of data collection. ***Service Members' perception data*** is defined as the information derived from a Member making a determination with respect to the race of an individual by observation, solely on the basis of that officer's own perception;

3. In developing these procedures, also incorporate the use of *self-identification data* with respect to race identification piloting a phased-in approach, determined in consultation with the Board, that will allow for proper evaluation on an ongoing basis. *Self-identification data* is defined as the information that derives from an individual providing their race in response to being asked this information by a Service Member, unless it is impracticable to do so, where that Member is also seeking other identifying information<sup>2</sup> as a result of an interaction with that individual. The approach to obtaining self-identification data should emphasize respect for individual and cultural dignity;
4. In developing these procedure(s), use only the following race categories (which are the categories listed in Ontario's *Anti-Racism Data Standards*), as follows:
  - a. Black
  - b. East/Southeast Asian
  - c. Indigenous
  - d. Latino
  - e. Middle Eastern
  - f. South Asian
  - g. White
  - h. Another race category (applicable only to perception data collection)
  - i. Prefer not to answer (applicable only to self-identification data collection);

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

5. In developing these procedure(s), create a Community Advisory Working Group that comprises representatives from Toronto's Black, racialized, and Indigenous communities who have expertise in the collection, analysis and public reporting of race-based data and who are able to provide perspectives, including through lived-experience, concerning how the Service can engage in these activities in a manner that optimally furthers the purposes of this Policy. The Community Advisory Working Group will include representatives from affected communities with lived experience of racial discrimination;
6. Develop and implement a framework for the Service to analyze and publicly report on the race-based data that is collected. This framework must enable the Service to, on a qualitative and quantitative basis:

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

- a. conduct its own analysis of the data, and, where possible, develop an approach that permits an intersectional analysis of various factors (*e.g.* in addition to race, age, gender identity, etc.);
  - b. incorporate relevant contextual information in its analysis, such as demographic and census information, deployment information, *etc.*;
  - c. develop and identify appropriate benchmarks that are relevant to the police interaction at issue, can assist in objectively identifying bias, and can be applied in the analysis and public reporting of the data collected;
  - d. identify any trends identified;
  - e. apply key performance indicators that assist in assessing whether racial disproportionalities or racial disparities in the data collected exist;
  - f. assess the community safety outcome(s) of the interaction the data is collected in relation to – that is, whether the community safety objective(s) sought to be achieved by the policing interaction were accomplished<sup>3</sup>;
  - g. evaluate compliance with this Policy and the procedure(s);
  - h. comment on training needs and opportunities identified through analysis;
  - i. identify possible key performance indicators that can be applied to monitor the appropriateness and effectiveness of the police interaction at issue;
  - j. create Action Plans<sup>4</sup> to address any issues that arise from the Service’s findings, as well as the ongoing monitoring and implementation of any Actions Plans, the tracking of progress in the implementation of the Action Plans, and the evaluation of outcomes related to this implementation; and,
  - k. regularly and meaningfully consult with Community Advisory Working Group concerning the matters listed in a. – j., above, to ensure its perspectives are incorporated into the Service’s analysis, reporting and development of Action Plans;
7. Ensure the framework developed by the Service also includes the development of reports to be submitted to the Board on an annual basis concerning the items listed in paragraph 6, above, in a form appropriate for publication;
  8. In consultation with the Board, enter into an ongoing partnership with an independent academic or other organization (“the independent organization”) for the purpose of that organization:
    - a. conducting its own analysis of de-identified race-based data collected by the Service;

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

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

- b. reporting to the Board with its independent findings arising from an examination of the Service’s analysis and findings regarding the race-based data that has been collected; and,
  - c. reporting to the Board with recommendations to improve the Service’s Action Plans so as to increase their responsiveness to the issues identified through any findings.
9. Ensure the partnership with the independent individual or organization requires that the independent individual or organization be provided with all available, de-identified data collected pursuant to this Policy and have made available to it any relevant contextual information it determines is necessary, such as, but not limited to demographic and census information (race, Indigenous ancestry, age and gender of the individual), deployment information, detailed information about where the interaction occurred, etc. that assists with an analysis of the data;
10. Annually include the data collected by the Service in the information provided on the Service’s Public Safety Data Portal, in a manner that complies with the *Municipal Freedom of Information and Protection of Privacy Act*, so as to ensure individuals cannot be identified;
11. In consultation with the Information and Privacy Commissioner of Ontario, develop data privacy safeguards that will: (i) ensure personal privacy is protected in the collection, analysis and public reporting of the race-based data that is collected, (ii) limit the access to or use of race-based data other than in a manner that complies with this Policy, and (iii) create accountability and reporting requirements to prevent and address the possible misuse of race-based data as well as data breaches.

***Monitoring Compliance with Policy and Procedure***

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

***Training and Ongoing Support and Development***

14. Develop comprehensive and adequately-resourced training to be delivered to all Service Members to whom this Policy and relevant procedure(s) apply. This training should utilize adult learning approaches, including experiential learning and realistic scenario-based training to provide Members the opportunity to develop skills in settings they may encounter in their work. This training should also be developed having regard to international best practices for training in areas covered by this Policy and the relevant procedure(s), and be consistent with any provincial training created in this area;

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

### ***Communication***

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

### ***Resources***

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

### ***Phased Implementation of Policy***

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

25. For the first phase, this Policy applies only to the collection of race-based data as it related to all Use of Force reports submitted by Members of the Service, effective no later than January 1, 2020;
26. Additional phases will ensure that this Policy applies to the various other interactions between members of the public and the Toronto Police Service, with such later phases to be specified by the Board. The Chief will report to the Board, by September 2020, concerning a timeline for the operational implementation of the remaining phases under this Policy. For greater clarity, this Policy must be implemented in a manner that complies with the timelines specified in O. Reg. 267/18 and any related legal requirements; and,
27. The Board will review this Policy annually.