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# Toronto Police Service

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The Police and Community Engagement Review  
*(The PACER Report)*

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**Phase II – Internal Report & Recommendations**

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## **Toronto Police Service - The PACER Report**

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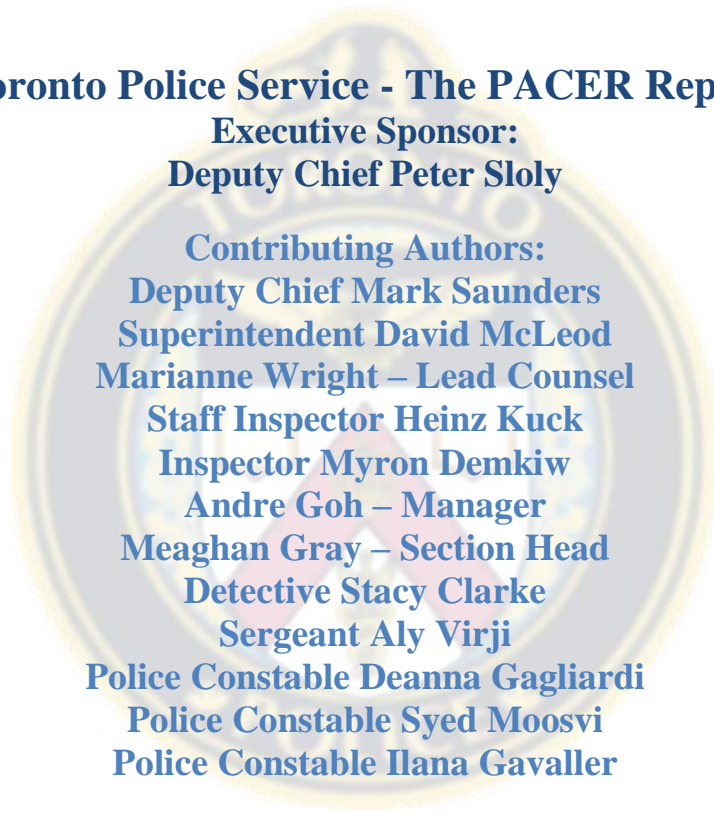
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# Preface

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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<sup>1</sup> and specifically the Field Information Report (FIR) process. This review was the foundation for Phase II of the Police and Community Engagement Review (PACER).

In April of 2012, the Toronto Police Services Board (Board) created a Street Check Sub-Committee (SCSC). In the midst of Phase II of PACER, in April of 2013, the Board SCSC directed the Chief introduce an interim receipt process for community engagements effective July 1<sup>st</sup>, 2013. It should be noted, while the PACER Team facilitated this process it was implemented separately and was completely outside of the PACER Terms of Reference.

As part of Phase II of PACER, cross-sections of Service members (Members) and community members were consulted with respect to seeking input for improvement to community engagement and specifically the FIR process.

During the internal consultations Members from across the Service, representative of all ranks of Service officers (Officers) and civilians, were consulted for ideas on improvement. The Members were provided an open forum in which they could offer insight and make suggestions for change.

The external consultations included a variety of community organizations and individuals representing and/or advocating on behalf of segments of communities which consider themselves marginalized and sometimes subjected to the application of individual or systemic biases. The participants of the external consultations provided valuable insight into their views on community engagements. To ensure their sentiments were not misrepresented, portions of this report have maintained the authentic language and terminology expressed by the participants. The documentation of the input was reviewed by the respective community members to ensure their views were accurately reflected in the report.

The feedback from community consultations expressed concerns regarding the current policing practices surrounding the FIR process and the potential for an Officers' reasons for engaging people being bias-based. They view this as indicative of "racial profiling". Officers acting upon information not readily available to the public may be seen to be arbitrarily engaging a member of the community. Recognizing the legitimacy of these concerns, whether based in fact or not, increases public trust.

As this review progressed it became clear the evaluation and revision of the FIR process would not be complete without addressing the issue of bias in policing.

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<sup>1</sup> 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* and *Informal Interactions*.

There is a significant difference between bias and racism. Where bias may be viewed as a human frailty, racism can be viewed as a human failure. Racism has not been, nor will it ever be, tolerated by the Service. The Service continuously strives to ensure personal biases are not applied in the delivery of police services.

The Service is committed to continuing to implement systemic improvements to procedures and Service governance relating to the documenting of community interactions. It is critical for the Service to continue to support its Members by providing the necessary tools and training required for the delivery of police services in a bias-free manner.

Field Information Reports (FIRs) are an important contributor to public safety. Their purpose is rooted in the *Police Services Act* as part of the duties of a police officer to preserve the peace, reduce crime and protect the public. Officers interact with community members several thousands of times a day. Community engagements, when conducted at the right place, at the right time, and for the right reasons, contribute to public safety.

The Service has successfully engaged the community in efforts to reduce crime and develop collaborative partnerships. As the Service adapts to meet the fluid needs of the community it continually strives to improve the manner in which Officers interact with members of the public. Furthermore, the Service remains dedicated to demonstrating a commitment to delivering police services in a transparent and accountable manner.

PACER was an undertaking that looked at all levels of the organization to find ways for widespread advancement. As such, the review grew to be a comprehensive undertaking which concluded with presenting the Chief with 31 recommendations of ways the Service can continue to improve public safety and reduce social costs incurred during community engagements.

This report does not specifically refer to how the recommendations will be implemented. Phase III of PACER will be dedicated to planning for the implementation of the approved recommendations, which will be effected and evaluated in Phase IV. This process will include assessing the feasibility and practicality of the implementation plan for each approved recommendation.

With this review, under the leadership of Chief Blair, the Service has recognized an opportunity to further enhance the support and guidance provided to Members while improving the tools they have available to continue to do outstanding work within the community. The end result will allow the Toronto Police Service to police, with the consent of the public, more efficiently and effectively.

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# Executive Summary

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## 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*<sup>1</sup> and *Informal Interactions*<sup>2</sup>.

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”<sup>3</sup> has been at the centre of this debate.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

## Executive Summary

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).

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.

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### 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)

## Executive Summary

### **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 1<sup>st</sup>, 2013. The Service fully implemented this interim receipt process as directed.

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## Executive Summary

### 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<sup>®</sup> 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.

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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 officer<sup>1</sup> 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.

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<sup>1</sup> *Police Services Act*, R.S.O. 1990, c. P-15., s. 42 "Duties of a Police Officer"

## Executive Summary

### 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) 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.



## Executive Summary

### 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.

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### 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.

## Executive Summary

### 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.

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### 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.

## Executive Summary

### 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.

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### 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.

## Executive Summary

### 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.

## Executive Summary

### 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.



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### 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.

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### 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.

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### 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 1<sup>st</sup>, 2014 to December 31<sup>st</sup>, 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 1<sup>st</sup>, 2014 and concluding December 31<sup>st</sup>, 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.

## Executive Summary

### 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.



# Supporting Research & Analysis

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## PHASE I RESEARCH AND ANALYSIS

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. The initial CIOR addressed the issues raised by the community about community engagements as they related to Field Information Reports. 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.

The practice of engaging with a member of the community and recording details from that encounter, on a contact card<sup>1</sup>, has evolved into one of the most frequently documented police interactions. In order to address the community's concerns the Service undertook a thorough analytical review of the FIR database. The Service must continuously balance the value of gathering intelligence with the social cost in order to maintain public trust.

The Service remains committed to maintaining public trust and confidence while providing Officers with the necessary tools and training for the effective delivery of police services. Phase I of the CIOR (the foundation for this Police and Community Engagement Review) focused on five areas:

- 1) The History of "Contact Cards"
- 2) Research and Analysis
- 3) Significant Investigative Examples
- 4) Training and Education
- 5) External Agency Best Practices

The purpose of examining each section was to assess and evaluate the existing procedures, practices and compiled data. Phase I established benchmarks as to the existing process and provided a foundation for the Phase II review.

### *Phase I Significant Findings*

#### **Training & Education, External Agencies and Best Practices**

Phase I of the Review confirmed the digital environment was considered to be the most efficient and effective for capturing and storing information garnered from the community. Furthermore, the option of eliminating the need for a physical card format was explored. Further consultations were required in Phase II to substantiate the recommendations; however, the usage of an

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<sup>1</sup> 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.

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Officer's memobook to record the information (the details of which to be submitted at a later time directly into the electronic application) was thought to considerably improve the quality of the data captured and established as a best practice. Furthermore, within this new framework, Phase I examined current and proposed measures to ensure the quality and integrity of the information collected from the community. Freedom of Information requests, as well as legally binding disclosure requirements, all required the process and information collected by Officers withstand a level of scrutiny, accountability and transparency. Numerous measures that continue to support the Service's commitment to ensuring quality information is collected during community engagements, were considered for implementation.

The natural evolution of the process and the substantiating data analysis formulated a strong point of reference, by which to examine the training and education provided to Officers with respect to this process. Examining the training identified the necessity to ensure community engagement within this context was carried out in a professional and unbiased manner sensitive to the diverse needs of the community. Phase I identified that training in relation to contact cards was critically important in determining a point of reference, by which Officers could then make informed decisions, as to when and how to engage with members of the community.

Phase I examined technical and practical training methods directly and indirectly related to the contact card process. Technical training addressed the application and provided actions that, moving forward, could be implemented to ensure the quality and consistency of data that was inputted by Officers. Practical training, or the coaching of how to proactively engage with members of the community, was examined to ensure Officers were trained in such a manner as to deliver services that were intelligence led, community focused and free of bias. Phase I suggested numerous actions for implementation, reflecting practical training that would encompass a multifaceted approach, including Service Governance, Human Rights and Diversity, Federal and Provincial Law and Community Engagement. These preliminary significant Phase I outcomes were crucial to prioritizing staff development and training and providing direction by which to proceed into the Phase II Member and Community Consultations.

Preliminary Phase I consultations with various academics in the fields of sociology and criminology, as well as key leaders in the community, revealed concerns regarding how the "first contact approach" was carried out by Officers, as well as the justifications provided by Officers for the stop. The community expressed a general lack of understanding surrounding the entire process. Phase I considered these concerns and explored various methods by which to educate the public, thereby maintaining and building the community's trust, and fostering positive interactions. This initial contact with the community was crucial to moving forward in a constructive manner with respect to the external consultative process proposed in Phase II.

Standardized methods of engagement were also considered in regards to external police agency best practices as well. Of those agencies contacted, all of the Canadian police services have outlined procedures and practices very similar to the Service with respect to contact cards.

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“Street Checks”, a pre-labelled component in the Versadex<sup>®</sup> software<sup>1</sup>, were executed primarily for intelligence driven purposes. The Canadian police agencies currently operating and submitting as per the Versadex<sup>®</sup> application had an integrated quality control process that each document was subjected to 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. Therefore, international police agencies were examined in Phase I as well, expressly for the purposes of examining these agencies’ community-based receipt practices.

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 MPS has continued the practice. Most importantly, Phase I identified the fundamental and significant differences in the laws governing external agencies and the Service in relation to contact cards. The contact card process in England was defined as two separate and distinct actions: “stop and search” or “stop and account.” The first action clearly denotes the physical search of a person, whereas the second action is comparable to community engagements carried out by the Service. Likewise, if and when a receipt was issued, the process reflected the type of stop initiated – clearly a distinction that must be made between external police agencies and the Service. For this reason, the receipt cards provided to the community by the MPS expressly outlined the laws governing police powers to detain and search an individual on the back of the card.

External agencies advised that prior to the implementation of community-based receipts, standard operating procedures, comprehensive internal and external communication strategies and an electronic records management system had to be developed. In addition, consultation with the community occurred and, as a result, Officers received specific training with respect to issuing receipts. Officers interviewed from the MPS and GMP stated it was several years before community-based receipt were implemented. Furthermore, to date there has been no research indicating the effect the receipt had on police and community relations, or a measurement of the implementation.

### *Phase I Conclusions*

Phase I of the FIR process CIOR established 2012 benchmarks which provided the foundation for the Phase II review. Operational improvements related to community engagements require organizational modifications. In this regard, the Phase I research was instrumental in moving forward in a constructive manner with respect to the consultations and valuations conducted as part of Phase II.

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<sup>1</sup> Scheduled for implementation in November of 2013, Versadex<sup>®</sup> will be the new reporting and records management system for the Toronto Police Service and will incorporate the submission of CIRs/CSNs within a software component pre-labelled, by the software manufacturer, as “Street Checks”.





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## Supporting Research & Analysis

### LITERATURE REVIEW

To establish the greater sociological context of the issues surrounding this report, an extensive literature review was conducted of several bodies of work published within Canada, the United States, and internationally. The research, summarized below, provided significant direction for the ideas and recommendations in this report. This review of the literature has been included as part of this report to allow it to be understood in a broader context, and demonstrates the recommendations are relevant not only to the Service, but also to the greater policing community.

#### *Police Legitimacy*

Police Legitimacy is defined as the lawful right to govern and the recognition by the governed of that right (Pearls in Policing, 2010). Research indicates when people regard legal authorities as more legitimate they are less likely to break the law. Furthermore, changes in legitimacy affect the degree to which people comply with laws in their everyday lives (Pearls in Policing, 2010; Tyler, 2006). “A legitimate police force demonstrates to its citizens why its access to and exercise of power is rightful and why those subjected to its power have a corresponding duty to obey” (Pearls in Policing, 2010).

Interestingly, the research also indicates people are more concerned with whether they receive a fair outcome, arrived at through a fair procedure, rather than with the favourability of the outcome. With this in mind, police officers can maintain their authority by acting in ways that will be viewed as fair (Tyler, 2006). The literature reinforces views vocalized during community consultations; the recognition that the police must often deliver negative outcomes to parties that the parties themselves may feel are not fair (Tyler, 2006). This is of particular importance in the context of police initiated community contacts such as vehicle stops or community inquiries, where the outcomes may on occasion be less favourable for the community member.

#### *Public Trust and Public Confidence*

Directly tied to the concept of police legitimacy is the related concept of public trust. There are many factors which will affect the dynamics of the public-police relationship; however, “the worst enemy of effective policing is the absence of public confidence” (Ontario Human Rights Commission, 2003). Considerations such as a lack of communication with the public, little external collaboration, and being overly secretive, all contribute to police services being unable to reach their full potential (Pearls in Policing, 2010). The best way to allay any suspicions about the police service is to make its actions public and transparent (Queally, 2013).

From an organizational standpoint, the literature refers to the idea that for the betterment of policing as a whole, the community’s input must be sought out and considered (Metropolitan Police Authority, 2011; Queally, 2013; Pearls in Policing, 2010). In the modern world, people have the means to vocalize their opinions to a much broader audience than ever before. The key to effective community policing will lie in proactively seeking out such information then working in partnership with the public to continue with the positive and reshape the negative.

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When the public feels they are being heard, they become less focused on the outcomes, because they feel they have contributed to the process (Tyler, 2006).

### *Bias*

Everyone has biases but, through training, people can learn to behave fairly and equitably despite these biases. Research suggests if the police want to retain their credibility, they must publicly acknowledge their dark sides and then work towards bettering themselves (Pearls in Policing, 2010; Metropolitan Police Authority, 2011). “An unwillingness to discuss community concerns about racial profiling, a denial of its existence or an unwillingness to implement measures to monitor whether it may be occurring and to prevent it, further undermines public confidence” (Ontario Human Rights Commission, 2003).

The issue of bias-based policing often comes up in conjunction with the police practice of stopping and investigating individuals (Critical Issues in Policing Series, 2013; Metropolitan Police Authority, 2011; Tator & Henry, 2006; Auguste, 2013). The literature recognizes effective policing must always balance the rights of individuals with the need to fulfill the fundamental duties of policing, namely to protect residents, arrest criminals, and prevent crime (Metropolitan Police Authority, 2011; Pearls in Policing, 2010). This, combined with the duties of a police officer as outlined in the *Police Services Act*, makes it even more important for the police to find the correct balance between the rights of an individual (as outlined in the *Charter* and the *Ontario Human Rights Code*) and the duties of police officers to preserve the peace and prevent crime and other offences.

The importance of an individual’s previous experience is highlighted in Malcolm Gladwell’s (2005) book *Blink*, where he discusses the process of “thin-slicing” (or implicit cognition), referring to the ability of one’s unconscious to find patterns in situations based on one’s previous knowledge and perception, that influences one’s behavior. “The signature of implicit cognition is that traces of past experience affect some performance, even though the influential earlier experience is not remembered in the usual sense—that is, it is unavailable to self-report or introspection” (Greenwald & Banaji, 1995). This unconscious process is often grounded on very narrow “slices” of experience. Furthermore, Gladwell asserts, when one makes split-second judgments, one is vulnerable to being guided by one’s stereotypes and prejudices, including those one may not necessarily endorse or even believe (Gladwell, 2005). The ideas presented by Gladwell help to further an understanding of biased-based policing, including racial profiling; issues that are not primarily about the ill-intentioned officer, but rather the officer who engages in discriminatory practices unconsciously (Critical Issues in Policing Series, 2013). By the nature of their job, police officers are often required to make immediate decisions and as a result may unconsciously allow bias to impact their decisions on a daily basis; however, through training, this can be recognized and managed (Gladwell, 2005). This is of particular importance when a police officer is unconsciously biased towards a person’s race or culture.

One training module created to address internal biases and intercultural competence (Messner & Schafer, 2012) is the Intercultural Development Inventory® (IDI®), which recognizes a person’s bias(es) and then creates a training and development program to help the individual to perform free from those preconceptions. Hammer et al. reviewed the IDI® and published their findings in

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the *International Journal of Intercultural Relations*, stating: “This measurement should be useful for purposes of assessing training needs, guiding interventions for individual and group development of intercultural competence, contributing to personnel selection, and evaluating programs.” (Hammer, Bennett, & Wiseman, 2003).

Research indicates Black Canadians are the most segregated of all the racial ethnic groups in Canada (Thompson & Gartner, 2013). This, combined with the fact Black Canadians have historically faced systemic discrimination in contact with police officers (Tator & Henry, 2006), means additional attention needs to be given to this unique relationship.

In the *Review of the Roots of Youth Violence*, it is acknowledged systemic racism exists in all public sector bodies, and must be addressed by the creation of personalized action plans. For policing in particular, the report suggests short-term initiatives that support the relationship between frontline officers and many youth, such as the establishment of police and youth committees in priority neighbourhoods and neighbourhood-based training on anti-racism for frontline officers, be created (McMurtry & Curling, 2008). Additionally, this review recommends proactively exposing youth to positive interactions with police officers. Police initiatives that focus on youth are helpful for a variety of reasons; however, perhaps one of the most important outcomes of such programs is the belief youth that feel connected and safe in their communities are less likely to engage in serious violence (McMurtry & Curling, 2008). For the long-term goals, the report noted the need for a culture shift within policing that includes having officers be “assessed for competence” in regards to race and that unit commanders should include community relations and support in their Officer evaluations (McMurtry & Curling, 2008).

### *Public Perceptions of Racial Profiling*

In order to better understand the above discussion on bias-based policing and racial profiling, it is important to recognize a person’s experience before, during, and after an encounter with the police can be significantly influenced by their inclusion in a self-identified minority group.

On October 19, 2002, the *Toronto Star* published a front page article, titled “*Singled Out*”, which included statistics that, the authors claimed, demonstrated the Service was laying charges and detaining Black men at a disproportionate rate to White men. The subtitle of the article read, “*Toronto black community has been worried for years*”. “We have long suspected police bias”, said Alan Borovoy (then general counsel of the Canadian Civil Liberties Association) (*Toronto Star*, 2002).

The *Toronto Star* revisited the issue of racial profiling in 2010 when it printed a series of articles based on the further analysis of 1.7 million contact cards from 2003-2008. The first in this series, “*When Good People are Swept up With the Bad*” and “*Carded: Probing a Racial Disparity*”, suggested Blacks are three times more likely to be stopped and documented than Whites. The article also cites community members who indicated they believe these contacts result in a criminal record due to “repeated encounters where they believe they have no choice but to answer police questions, produce identification and sometimes be searched” (*Toronto Star*, 2010).

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In March 2012, the *Star* reviewed new data from 1.2 million cards submitted between 2008 and 2011 and published another series of articles. Their analysis, using census data as a baseline, suggested the proportion of young Black men carded in Toronto was 3.4 times greater than the young male Black portion of the population of Toronto ([Toronto Star, 2012](#)). The series did acknowledge the work of the Service to address issues of racial profiling and racially biased policing, but the articles highlighted comments from community workers who described the relationship between the police and youth as ‘toxic’ ([Toronto Star, 2012](#)). Further, the *Star* quoted community members who confirmed the poor opinion of policing was being perpetuated to a younger generation who had only heard from family and friends of the carding done by police. In 2012, for the first time, the *Star* emphasized the differences between community perceptions of local community officers and non-local, reportedly TAVIS, Officers. A member of the Community Action Resources Centre on Keele Street was quoted as saying: “...these are not the guys who are coming after school to (stop and document) them. The guys who are coming after school have a different approach. They first see them as criminals before seeing them as anybody else. So, all the good work that community policing is doing gets neutralized.” ([Toronto Star, 2012](#)).

Discussions concerning racial profiling have been on-going and police services around the world have evolved and adopted more progressive philosophies to the betterment of policing as a whole. Relatively new is the approach of ownership of the issue with a focus on resolution and improvement. The reason why this is important is summarized in the OHRC’s inquiry:

*To those who have not experienced racial profiling or do not know someone who has, it may seem to be nothing more than a mere inconvenience. However, racial profiling is much more than a hassle or an annoyance. It has real and direct consequences. Those who experience profiling pay the price emotionally, psychologically, mentally and in some cases even financially and physically (2003).*

### **Risk Management**

In a review of the Department of Justice in the United States, it was suggested police departments engage in a process known as the Early Intervention System, which focuses on reducing inappropriate conduct by officers, improving their performance levels, and flagging potential personal or professional problems that may prohibit an officer from performing properly ([Critical Issues in Policing Series, 2013](#)). Whether this particular system is utilized or not, it is widely acknowledged officers need to be involved in ongoing training that clearly outlines what lawful and appropriate community engagement should look like ([Metropolitan Police Authority, 2011](#)).

A repetitive theme throughout the literature is the importance of supervisors in achieving the desired level of officer performance ([Metropolitan Police Authority, 2011](#); [Critical Issues in Policing Series, 2013](#)). Supervisors must take an active role in observing their officer’s conduct during community engagements in order to maintain a consistent approach and attitude among frontline officers. This will mitigate potential complaints and over time will assist in bolstering police popularity among the public ([Critical Issues in Policing Series, 2013](#)).

Regardless of what steps are taken in order to reduce the risk and manage the social cost of police interactions, top management support and commitment must be evident. Unless change

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efforts are led by the most senior officers in the organization, they are not likely to succeed (Nishii, Gotte, & Raver, 2007; *Critical Issues in Policing Series*, 2013).

One of the most important elements in feeling that procedures are fair is a belief on the part of those involved that they had an opportunity to take part in the decision-making process (Tyler, 2006). This includes having an opportunity to present their arguments, be heard, and have their views considered by the authorities. Those who feel they have had a hand in the decision are typically much more accepting of its outcome, irrespective of what the outcome is (Tyler, 2006).

### *Conclusion*

The literature reviewed herein represents a limited selection and additional publications are available which may oppose the views of those above. The issue at hand, however, is not the existence of racial profiling but rather the reality of the impact it has on both the police and the community. The lived experience of community members represented in the literature above identifies gaps yet to be bridged between police and the community but notes that spanning the divide will go a long way towards increasing public trust and confidence.

The literature explains that the relationship between the community and the police has a direct correlation to the amount of support the police will receive. One way to maintain and improve public trust and confidence in the police is to involve the community in conversations about policing, and work in conjunction with each other in order to improve service delivery.

While allegations of racial profiling are not new, this review focuses on the future of improving police and community relationships. In order to earn the trust and confidence of the whole community, the Service must continue to foster a strong relationship with all segments of society.



## Supporting Research & Analysis

### LEGAL FOUNDATIONS

#### *Legal Issues*

We are facing the same question other jurisdictions are facing:

How do we deliver police services in an effective manner that complies with the Constitution and builds public confidence?”<sup>1</sup>

Policing is a high risk business that depends upon a high degree of public trust and community mobilization. Public safety through prevention, detection and deterrence are its goals. There is always a tension between the need for law enforcement to take steps to ensure collective safety, and the personal legal rights and freedoms of individuals. The balancing of these rights and the operationalization of the balancing is where the legal risk arises in policing and where risk needs to be managed.

There are important legal consequences to improper data collection. There is the social cost which translates into policing costs attributable to practises that serve to alienate sections of the community. Prime among these risks is the allegation of bias in policing. If data collection is biased this may lead to more negative stereotyping of an affected community, and to “over-policing”.

#### *Background*

Legal opinions were sought from three eminent jurists in relation to the legality of, and, proposed best practises for, the collection of personal data from members of the community. Each of these lawyers brought something different and important to their assessment of TPS information collection activities.

#### *Executive Summary*

The three lawyers were unanimous in stating that police officers may, for legitimate policing reasons, approach members of the community and seek their voluntary cooperation in responding to questions seeking personal data and other information collected for law enforcement purposes. There is nothing legally wrong with collecting, using or retaining that data.

The lawyers agreed that the interaction with community members that leads to data collection must be voluntary and should not be biased. These are the basic premises that the Service must work with when approaching the issue of data collection. The circumstances are as varied as the encounters. The encounters are fluid and officers require simple and clear guidelines in their

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<sup>1</sup> Jonathan Smith, DOJ Civil Rights Division Chief, “Civil Rights Investigations of Local Police: Lessons Learned”, *Critical Issues in Policing Series*, Police Executive Research Forum 2013 (at 5).



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## Supporting Research & Analysis

approach, bearing in mind the fundamental need for the information. The community needs a better understanding of their rights in order to build trust.

It is clear that public safety is best-served when police have the information they need to effectively develop crime reduction and prevention strategies. Collection of data and sharing of data obtained through community contacts has always been a means to share information among police officers who may be dealing with the same persons or patrolling the same area. Data collection, including the collection of personal information, is important to present day policing practises and in particular to intelligence led policing. The Service needs to develop an approach that respects the legal risks that arise, maintains public trust, but, does not serve to suppress operational functionality. The service must clearly articulate why it collects and retains this data in the form of a statement of purpose to guide the activities related to data collection.

The lawyers offered perspectives on the legal consequences and risks relating to the manner of collection, use and retention of information. Legal risks may manifest as:

- (i) Charter challenges to the admissibility of evidence where the collection of information devolves into an arrest situation;
- (ii) Human Rights complaints arising from individual interactions;
- (iii) PSA, OCPC, OIPRD complaints about individual and systemic practises; and,
- (iv) the possibility of class actions in relation to Charter breaches.<sup>1</sup>

All of these legal risks may cause reputational harm to individuals and the service. All such enumerated risks are likely to attract high media interest. Some risks may cause financial harm to the organization. All of these risks may cause varying degrees of harm to community relations, and so it can be expected, to our capacity to collect information from disaffected community members. These risks were all canvassed from different angles in the opinions we sought. There was a focus in the legal discussion on guidance designed to reduce legal risks associated to the data collection.

Intelligence led policing requires information to assist for tactical (specific operations) and strategic (crime prevention and public safety reasons). This has been explored elsewhere in the report. It is clear that simple collection of the data is legal. The legal risk arises in relation to the manner in which personal data is collected from individuals. The views bring us to two principles that serve to reduce legal risk.

- (i) Collection must be a neutral/bias-free activity not guided by race; and,
- (ii) Collection must be voluntary- individuals must be free to choose to respond or not respond to questions posed by officers unless they are legally detained or under arrest.

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<sup>1</sup> Ss. 8 (search and seizure), 9 (unlawful detention) and 15 (Equality) are some examples of *Charter* heads of damages

## Supporting Research & Analysis

### *The Issues*

Consultations with the community and the deputations to the TPSB reflect a need for the Service to examine its practises and processes, to be certain that the collection, retention and use of information is free of bias and racism. The lawyers provided comment on how the service might accomplish this. Questions arise in relation to five issues:

1. The legality of collecting the data;
2. The manner of collection;
3. The use of the data and access to data
4. Access to the data: and,
5. The retention of the data.

### *Analysis of the Issues*

#### **Legality of Collection**

Lawyers agreed that it is legal for police services to gather, use and retain information, including personal information, from members of the public – as long as it is gathered for legitimate policing purposes and it is gathered lawfully. There is an expectation that the police will proactively collect the information they need to keep the community safe. Information gathering is a necessary adjunct to the statutory duties to preserve the peace, prevent crime, and protect the public and assist victims<sup>1</sup>. The data collection is designed to collect information that is potentially useful in solving crimes or protecting the community. This is a lawful “law enforcement purpose” in line with the *Municipal Freedom of Information and Protection of Privacy Act*<sup>2</sup> and in keeping with the principle and duties codified in the *Police Services Act*. All information gathering should be undertaken for a clear and lawful policing purpose.

#### **Manner of Collection**

All lawyers consulted agree that the manner of the data collection creates the most legal risk. Data must be collected for a lawful purpose and in a human rights compliant manner. The *Declaration of Principles* to the *Police Services Act* makes it clear that police services are required to conduct their affairs in accordance with the law, having respect for the *Charter of Rights and Freedoms*, and, that their practises and procedures be respectful and free of bias or racism. Ontario also has a *Human Rights Code*<sup>3</sup>. Police services must respect its tenets. There are allegations that some data collection is used as a pretext to investigative detention, and, that the information gathered in these stops is on occasion not voluntary. In these cases, where evidence is in fact uncovered, as distinct from data, the admission of evidence may be challenged and discipline may ensue.

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<sup>1</sup> *Police Services Act*, R.S.O. 1990, c. P-15, s. 42 “Duties of a Police Officer”.

<sup>2</sup> R.S.O. (1990) c. M-56.

<sup>3</sup> R.S.O. 1990, CHAPTER H.19

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The other allegation is that our data collection is not neutral and that young black males are targeted more often. There are in fact two community concerns. One is racial profiling in the statistics and the other is bias in the statistics. Racial profiling occurs when “...race is illegitimately used as a proxy for the criminality or general criminal propensity of an entire racial group.”<sup>1</sup> Racial bias, however, may occur when an officer is not ill-intentioned, but rather engages in discriminatory practises unconsciously.<sup>2</sup> Racial profiling constitutes a disciplinary offence. Racial bias can contribute to damages and case dismissal. What is clear is that both allegations are corrosive to public trust.

### Use of the Data

Data collection is not always for the purpose of a specific investigation, nor is it done because the subject from whom data is being collected is in fact a target of suspicion of wrongdoing. Many members of the community are suspicious of what is collected and what it is used for. At the same time all are agreed that the service cannot do without the data for tactical and strategic planning in relation to crime prevention, detection and deterrence. The actual data collection should not be rewarded based on volume, rather it should be rewarded on the basis of quality. Data collection should not be used as a pretext for investigative detention. Lawyers were clear that there must be adequate grounds to detain a person. Data collection does not permit detention in law. The person subject to the questions is always free to go unless there are separate and articulable legal grounds to detain or arrest. Data collection is just a method of recording an interaction and information received in the interaction.

Lawyers pointed to the fact that further thought will have to be undertaken in relation to the use of this data for employment checks and other matters unrelated to prosecutions or criminal law matters. The prime legal recommendation, as it relates to use of data , is that data collection should be purposive, and that the corresponding use of the data should be consistent with the purpose for which it was accessed- it should be used for a purpose that the person from whom it was collected could reasonably foresee it would be used.

### Access to Data

To the extent possible data collected should be accurate. Members of the community who wish to access personal information kept under the law obtain access to information through the *Municipal Freedom of Information and Privacy Protection Act*. There should be a customer-services approach to access to information that is readily available to the public. The law has recognized that persons may not always access information that is collected for law enforcement purposes. Procedures should be designed to facilitate such access as is legally proper within a client-friendly procedure.

The legislatures have recognized the special place of law enforcement and its need to collect and retain information. Access to that information is subject to exceptions found, for example, in the

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<sup>1</sup> *R v Ferdinand*, [2004] O.J. No. 3209 (SCJ); *R v Reeves* 2009 ONCJ 99 at paras. 72 – 74.

<sup>2</sup> *Supra* ftnte 1 at 6.

## Supporting Research & Analysis

*Privacy Act* (federally), the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Freedom of Information and Protection of Privacy Act*. The legislation clearly provides law enforcement with a number of exceptions to the right of access to information by members of the public. Further access to this information is also subject to the privilege of an ongoing investigation, public interest and common law immunities, and *Criminal Code* provisions sealing information from the public such as warrants and wiretaps, for example.

### Data Retention

Data may be retained, and under the privacy legislation (Privacy Act, FIPPA and MFIPPA), law enforcement information may be detained indefinitely. It is clear, however, that privacy concerns arise where personal information is retained beyond the period of justified legal usefulness. Data needs to be retained in such a manner as to protect the rights of litigants (plaintiffs and complainants need access to information to further their claims). Litigation is extremely complex and lengthy in modern times. As a result it may take years for a matter to be pursued or for the information collected to become part of the legal contest. Therefore lawyers have suggested a period of 7 years to allow for prosecutions and appeals to complete, to allow for limitations periods in civil litigation to expire and to allow complaints and the discipline process to come to their completion. Essentially preserving the note is to preserve individual rights in proceedings for that period in which it may become part of the evidence in a legal matter. Please note that the Law Society, by way for example, recommends a 15 year period. Where the notation has not become the subject of contest in 7 years legal opinion suggests it is safe at this point to do away with the data.

### Receipts

There is agreement that receipts may assist with accountability in providing the identity of the officer, but it will not necessarily give the individuals the information they want which is contained in the note of the data collection.

### Conclusion

One of the purposes in consulting with such diverse members of the Bar was to obtain a spectrum of legal perspective on the legal risks of data collection through personal contact with members of the community. The law in the area is very fluid, a fact which is also reflected in the divergent perspectives of the lawyers consulted. The consultations have shown the TPS openness to outside, thoughtful analysis and to be challenged to re-examine procedures. It also shows the willingness to consider the controversial.

The lawyers were asked to assist us with some practical suggestions as to how legal risk might be reduced, and again and got diverse responses. The consultations gave us a window on legal risk that should allow the Service to take advantage of the different insights and to incorporate some of the thinking into the new procedures- and to use some of the ideas to recognize and reduce the risk posed by gathering information from community members.

## Supporting Research & Analysis

In considering the views of the lawyers, and the law, the areas of review to enable measures to reduce risk of harm occasioned by data collection may be catalogued as follows. There are three main categories: 1. Community Education and Relations; 2. Officer Training Measures; and, 3. Policies and Procedures in connection with data collection, retention, and use:

1. *Community Education and Relations*

- (i) Measures designed to educate the community about the purpose of collection and use of the data;
- (ii) Measures designed to educate the community about the right to refuse to answer when not detained or arrested;
- (iii) Measures designed to improve and create closer relations between officers and the community;

2. *Training for Officers*

- (iv) Specific training on investigative detention (psychological and physical);
- (v) Cultural awareness, anti-racism, and sensitivity training for officers;
- (vi) Education and training in relation to the Charter and Human Rights Code for officers;
- (vii) Specific training in relation to pretext stops;
- (viii) Specific training on voluntary interactions, effective communication and conflict mediation;
- (ix) Training on the grounds for detention and noting the grounds (the standard of reasonable suspicion) where evidence is obtained in an interaction;

3. *Data Use, Collection and Retention Policies [sic] and Procedures*

- (x) More targeted and purposeful collection to reduce the quantity of collection and improve the quality;
- (xi) A review of the use of the data collected to make certain it is used for a consistent purpose and with appropriate safeguards against bias and profiling;
- (xii) A strict review of the use of the data particularly in relation to employment checks and vulnerable sector records checks.
- (xiii) A client services review of practises and procedures in relation to access to information collected in relation to persons.
- (xiv) A principled approach to data collection balancing privacy interests with the need to protect litigation rights.

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## Supporting Research & Analysis

### COMMUNITY CONSULTATIONS

#### *Introduction*

Community consultations and public feedback are essential to identifying current sociological issues and community concerns relating to the practice of carding<sup>1</sup>. In addition to their direct contribution to the review process, these consultations provide opportunities for the Service to build new partnerships and strengthen existing ones, by demonstrating transparency and accountability in its operations and practices.

The Service has a long history of initiating and implementing strategies aimed at building and maintaining the trust of the public. These strategies create opportunities to generate and foster two-way communication and identify and mitigate risks that have an impact on service delivery. The community consultation process, in conjunction with other aspects of this report, is intended to assist in ensuring the Service's community engagement practices are carried out in a lawful, respectful and bias-free manner.

The Team recognized other police agencies were dealing with similar community concerns regarding allegations of differential policing. The Team met with members of the Ottawa Police Service as well as key stakeholders from the community during a town hall meeting. It became quite evident the Ottawa Police Service had spent a considerable amount of time and effort in seeking community input and feedback in their Traffic Stop Race Data Collection Project<sup>2</sup>. Further evidence of this collaboration was apparent by the creation of a Joint Police/Community Advisory Committee<sup>3</sup> aimed at facilitating the dissemination of information on the project internally and externally. This committee will be provided access to progress reports on the initiative on an ongoing basis. In addition, to the immediate objectives of the Traffic Stop Race Data Collection Project, the Ottawa Police Service declared its commitment to ensuring the results will be used to assist in the development and delivery of training aimed at bias-free policing.

The city of Toronto is one of the most diverse cities in North America. While this diversity is generally seen as contributing to its vibrancy, some Toronto residents and community organizations have long expressed concerns of differential treatment by some of its public sector organizations, including the Service. The Team sought out and identified a number of community organizations and individuals who represent and/or advocate on behalf of segments of the community who consider themselves marginalized through the application of individual or systemic biases.

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<sup>1</sup> 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.

<sup>2</sup> Traffic Stop Race Data Collection Project – Ottawa Police Service.

<sup>3</sup> Joint Police/Community Advisory Committee – Ottawa P.S.

## Supporting Research & Analysis

The individuals and organizations listed below were contacted as part of the consultation process for Phase I and/or Phase II.

### Community & Stakeholder Contributors

#### *Academic Institutions & Academics*

Dr Mahzarin Banaji, Harvard Social Ethics Professor	Ryerson University
Dr. Hugh Russell, Community Justice Consultant	Tom Tyler, New York University Professor of Psychology
Hamlin Grange (Diversity Consultant)	University Of Toronto
Queen's University	Weston Collegiate Institute

#### *Community (Based/Support/Advocacy) Organizations & Individuals*

Abdi Aidid (University Student)	For Youth Initiative (FYI) - Youth Members
Action for Neighbourhood Change: Weston-Mount Dennis	For Youth Initiative (FYI) - Youth Workers
Black Action Defence Committee	Jamaican Canadian Association
Centre for Addiction and Mental Health	Justice is not Colour Blind
Chinese Canadian National Council - Toronto Chapter	Northwood Neighbourhood Services
City of Toronto - Community Development	Ontario Council Serving Immigrants
Colour of Change Network	Paisley Rae (Social Media Consultant)
Crime Prevention Association of Toronto (CPAT)	Positive Change (PCTO)
Desmond Cole (Journalist)	Yorktown Child and Family Centre
East Metro Youth Services	Youth Unlimited (Toronto YFC)

#### *Law Firms, Solicitors & Legal Institutions*

Aboriginal Legal Services	Office of the Information & Privacy Commissioner (IPC)
African Canadian Legal Clinic (ACLC)	Ontario Human Rights Commission
Alan Gold (Law Society)	Philip Wright (Law Society, including municipal/police liability)
Anne Morgan (Law Society)	South Asian Legal Clinic
Auditor General City of Toronto	South East Asian Legal Clinic
Metro Toronto Chinese Legal Clinic	Stephen McCammon (Counsel - IPC)
Michelle Chibba (Counsel - IPC)	

#### *Police & Community Partnerships*

Community Consultative Committees (CCC) (TPS)	Toronto Police Service Auxiliary Members (TPS)
Community Police Liaison Committees (CPLC) (TPS)	

#### *Police & Law Enforcement Organizations*

Association of Black Law Enforcers	Metropolitan Police Service (England)
Bermuda Police Service (Bermuda)	National Police (France)
Chicago Police Department (USA)	Ottawa Police Service (Canada)
City of Toronto - By-Laws Department	Peel Regional Police Service (Canada)
Durham Regional Police Service (Canada)	York Regional Police Service (Canada)
Greater Manchester Police (England)	

In preparation for the consultation sessions, the PACER Team prepared a series of questions aimed at orienting the participants to the Field Information Report (FIR) process. These questions, along with a document entitled “Know Your Rights”, by lawyer Paul Copeland, were forwarded in advance to those from the above list consulted for Phase II. A community consultation template was then created to collect and sort information from the sessions, using the headings detailed below.

## Supporting Research & Analysis

- 1) Initial Approach**
  - a) Purpose
  - b) Explanation
  - c) Differential policing
- 2) Community Rights**
  - a) Data collection
  - b) Legal rights
  - c) Corporate Communication
- 3) Records Management**
  - a) Data storage system
  - b) Retention schedule
- 4) Value of Collecting Information vs. Social cost**
  - a) Racial Profiling and Impact
- 5) Toronto Police Service Accountability**
  - a) Training
  - b) Monitoring
  - c) Transparency
- 6) Other Considerations**

The Team conducted a total of nine consultation sessions between May 13<sup>th</sup> and June 28<sup>th</sup>, 2013. These sessions generated wide-ranging discussions, questions and suggestions. The participants in the community consultation sessions used the words “carding” and “card” throughout their discussions. These terms are not ordinarily used in the Service as part of the community engagement vocabulary but were retained in this report to authentically reflect the views of the community.

Several of the organizations and individuals who participated expressed frustration at what they perceived as a lack of genuine will on the part of the Service to effectively address the disproportionate carding of members of racialized communities. To support this assertion, they pointed to various media studies and reports as well as deputations made by community organizations to the Toronto Police Services Board, outlining concerns surrounding the issue. Despite this atmosphere of skepticism, all of the participants agreed the current Review undertaken by the Service represented an approach that suggested a “turning point” in police and community relations pertinent to the contentious carding issue.

In most cases the participants agreed interaction between the police and members of the public was essential to build trust and enhance confidence. In addition to these basic elements of positive relationships, the participants also expressed qualified support for these interactions and for carding in some instances, as being necessary to ensure public safety.

Several accounts with respect to deficiencies in the manner in which police officers approached and spoke to members of the public were expressed. In many cases the encounters were described as “intimidating and disrespectful”. Through the consultation process it became apparent, most members of the public did not understand the reasons why police officers approached and questioned them when they believed they were doing nothing wrong.



## Supporting Research & Analysis

This action coupled with the collection of personal information, and the failure or refusal of the police to explain the purpose and reason, was reported to be a major concern and often led to allegations of civil rights violations. It was also clear from discussions with the participants some communities viewed the apparent arbitrariness of the police actions in their neighborhoods as indicative of racial profiling.

The participants in the consultation process discussed some of the negative implications of carding including the social cost produced by the practice. Many people felt the collection and retention of their personal information on police databases would have a negative effect on their future employment prospects as well as their ability to travel. The lack of trust the practice engendered often caused members of the affected communities to refuse to report crime or to come forward as witnesses. This, the participants asserted, often caused those communities to be vulnerable to continued victimization. They also felt the expression “known to police” had a damaging effect on the individuals as well as on their families, by creating the impression that the person to whom it was applied was a criminal. Most of the participants felt information collected through the carding process should only be kept for a limited period of time, based upon the lawful purpose for which it was collected in the first instance.

In discussing the issuing of receipts, the participants expressed the view it would not have an impact on the behaviour of Officers nor would it add to their accountability. They offered the opinion that the quality of the interaction is vastly more important than the issuing of the receipt. It was widely felt the issuing of receipts would not fix the problem but would instead become a public relations exercise.

Among the participants in this process were young people from mainly lower income communities. Their accounts of frequent stops, questioning and searches by police relayed a very concerning level of frustration, anger and confusion. Their description of the Toronto Anti-Violence Intervention Strategy (TAVIS)<sup>1</sup> operations came in for special criticism. The youth specified their concerns were based on lived experiences in encounters with Officers who they recognized as TAVIS Officers by the scout car markings with the prefix “TAV”. They made it clear they were able to distinguish TAVIS from divisional Officers and their expressed frustrations were specific to TAVIS. In their opinion, TAVIS was not concerned with the safety of their neighborhoods but were instead there to “get the job done” and created in them a feeling they were “guilty until proven innocent”. They expressed the feeling their communities were over-policed by TAVIS and suggested its operations needed to be carefully monitored. It should be noted, several other organizations expressed harsh criticism for the manner in which TAVIS conducts its operations and the impact this has on “community building”.

They expressed an understanding TAVIS operations were designed to remove the “bad guys” and to increase safety. However, they felt TAVIS has gone “too far down that road”. They also questioned the intercultural competence of Officers assigned to TAVIS.

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<sup>1</sup> It should be noted all references to TAVIS were specific to Rapid Response Team operations.

## Supporting Research & Analysis

The participants were very concerned about the apparent disproportionate representation of members of the Black community who are carded and encouraged the Service to utilize analysis tools such as the Geographic Information System (GIS)<sup>1</sup> to determine whether “racial profiling” was evident in the practice of carding. They felt a tracking mechanism must be put in place to determine any individual Officer’s patterns and must take into consideration the demographics of an area where the Officer works. It must be able to identify patterns involving the ages of those stopped to determine whether differential policing is present.

Several participants and groups expressed support for the review process and optimism for meaningful changes that will assist in mending what some described as “dysfunctional” community and police relations. This guarded optimism was contingent upon the Service’s commitment to publish statistics relating to race and demographics, by identifying and correcting Officers who continue to police in a differential matter, and by addressing systemic biases.

The participants were very clear that they were cautious in their expectations. They explained, unless the Service demonstrated transparency by its willingness to monitor the process after its implementation, and to identify and correct Officers who continued to act in a manner that gives rise to concerns of “racial profiling”, the entire review exercise would have been futile. In addition, the participants urged the Service to place more emphasis in the development of cultural competencies in its Members. This, they believed, would equip Officers with a better understanding of the communities they serve and would improve the manner in which they interacted with the public.

In addition to these consultations, the Team hosted a virtual town hall meeting targeting a random cross-section of residents within the city of Toronto. Approximately 85 percent of the 100,000 phone numbers dialled were randomly selected from across the city. The remaining 15 percent were randomly selected from the Priority Neighbourhoods (as identified by the City of Toronto) and priority Toronto Community Housing residential areas with a high concentration of calls for service and police and community contacts. In addition to calling in and discussing various aspects of community engagement, the participants were requested to respond to a series of polling questions. These questions were designed to gauge public response to community engagements and specifically sought feedback on the issue of carding and receipts.

The results of this phone poll revealed a sizeable majority of the approximately 21,000 participants favoured community engagement, the recording of information from those engagements, and the issuing of a receipt to the community member involved.

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<sup>1</sup> GIS - A geographic information system (GIS) integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information.



## Supporting Research & Analysis

### INTERNAL CONSULTATIONS

#### *Introduction*

The purpose of the Member consultations was to garner candid and constructive criticism regarding current business processes and practices surrounding Officers' in-person interactions with the community, specifically in the context of a Community Inquiry Report (CIR). These sessions, encompassing a cross section of all ranks and units within the Service, focused on how the Service can improve internally to better serve the community. A series of questions were designed to help facilitate conversation among Members. During these group consultations, an emphasis was placed on community engagements in the context of Community Inquiries and the associated business processes, practices, training, and other related areas of concern.

#### *Initial Approach*

Having Officers on foot patrol engaging the community in conversation is a necessary component of policing that needs to continue so Officers can get to know community members and vice versa. Integrated deployment of Officers, into the communities they serve, will help strengthen the relationship between the public and the Service and ultimately lead to better interpersonal relationships that will increase public trust and safety.

When a police officer initially approaches a member of the community, the manner in which they do so (their *first contact approach*<sup>1</sup>) determines the person's response, as well as the quality of information and cooperation received. Each interaction should be as positive as possible, thereby resulting in the best exchange of information. To ensure this is the case, the Service needs to focus on customer service including an emphasis on the manner in which Officers engage community members in conversation. The existing training surrounding community engagements should be enriched by the inclusion of role-play based scenarios.

The Service should continue to improve Officers' accessibility to current crime trends and legislation that helps them explain *why* they are doing *what* they are doing *when* they do it. Such articulation is an essential component of effective service delivery. For instance, Officers can use objective data such as crime statistics to understand when crimes are being committed in certain geographical locations. With this information, Officers can better explain their enforcement in those locations in a manner supported by objective evidence and based on their duties as police officers to preserve the peace and prevent crimes or other offences.

Officers should receive enhanced training surrounding their lawful authorities, as related to Community Inquiries, and how to articulate the purpose for the interaction to the individual. Absent such explanation the community member may feel they are being targeted in a discriminatory manner. Providing the person with an explanation creates a two-way exchange of information which may help prevent allegations of bias-based policing.

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<sup>1</sup> *First contact approach* – A best practice based initial method of communication between an Officer and community member.

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The FIR/CIR is purpose driven and is rooted in the duties of a police officer as defined by the *Police Services Act* (PSA). This purpose needs to be clearly communicated to the public so Officers and the public have a better understanding of why the police have decided to speak to an individual and in some circumstances, document that interaction on a FIR/CIR. This will help reduce the public's perception of seemingly arbitrary inquiry practices.

The new interim Community Inquiry Report Receipt (TPS 307), implemented as of July of 2013, has become a topic of concern for frontline Officers, due to the information printed on the back that provides an individual with immediate access to the complaint process. Officers are concerned the information encourages impulsive public complaints, even when they are professional and doing their jobs. Officers believe a community member who was initially not bothered by the stop, after reading the information on the back, may begin to question the interaction and be prompted to file a complaint.

When the interim receipts are being offered by Officers, generally the public's response is one of confusion, and Officers are spending a significant amount of time explaining to each person what the interim receipt is and what it does. Additionally, the information captured on the interim receipt is all written elsewhere, whether on a FIR/CIR, in a memobook, or in an occurrence. Writing out the information again is redundant and affects Officer productivity. A possible solution to consider is the replacement of the interim receipt with a reference number which a community member can then utilize in order to retrieve information, if they so desire.

### *Records Management*

The majority of Members expressed the current business processes surrounding the Community Inquiry Report and the associated interim receipt, are redundant. They believe this could be resolved by eliminating the hardcopy TPS 306 and ensuring information obtained by Officers during a FIR/CIR is recorded in their memobook. This would be consistent with any other situation the Officer encounters and reinforces the idea that the best practice for recording information is still an Officer's memobook. This practice would help re-train Officers to note articulable cause in their memobook and think about the reason for the stop prior to the engagement. Additionally, data transcribed by someone other than the Member themselves is often challenged in court and becomes an additional issue for the Crown to address in order to have the information admitted into evidence.

Members also felt the TPS 307 should be eliminated. If it is necessary for Officers to provide information to a community member it can be done through a business card with the Computer Assisted Dispatch (CAD) event number written on it. An Officer's identification and a specific CAD event number provide information sufficient for a community member to reference the interaction and, if so desired, make a request through the Freedom of Information process, to obtain copies of the FIR/CIR and/or other records in possession of the Service. Furthermore, a two-sided business card design could also be used in a number of other circumstances (occurrences, follow-ups, collision investigations, etc.) and would further the Service's commitment to customer service and enhanced communication with the community.

## Supporting Research & Analysis

The overwhelming majority of Officers consulted believe, since the retention of memobooks is indefinite, the retention of the FIR/CIR should be indefinite as well explaining; since the information on the FIR/CIR is considered an extension of the Officer's notes, the information has been captured in a memobook, and the FIR/CIR is only a trigger identifying the presence of that information. Furthermore, Officers suggested the Service's needs are unique from those of other organizations and highlighted the fact other organizations, with set retention periods, do not have "cold cases" such as unsolved homicide cases that are sometimes decades old. If retention is an issue, a role-based security system could be implemented to create various levels of access to information. This operational structure is commonly used in other organizations that retain personal information. This solution will ensure, after a predetermined period of time, information is available only to a select number of people within the organization. This is often done to help alleviate some of the concerns surrounding data retention, privacy legislation and access to personal information.

### *Value of Collecting Information vs. Social Cost*

The information Officers gather on a daily basis has proven to be useful on an immeasurable number of occasions. However, sometimes the collection of this data is done in a manner that strains the public's relationship with the police. Officers agree they have a mentality that focuses on the importance of gathering this information and often do not consider the potential cost of the manner in which it is obtained. In making Officers aware of the impact of their interactions, the PACER Team focused on using the concept of social cost to help Officers understand how practices surrounding the CIR had created tension between the Service and the community. Moving forward, the Service should consider expanding on this concept in training for Members so that they may fully understand the meaning of the term social cost and the associated impact their actions have on community engagements. Officers need to be reminded that by improving relationships with the community, the community itself will be more inclined to help Officers when they need it (i.e. provide information on criminal activity, come forward as witnesses, etc.).

### *Human Bias*

Most Officers who were consulted agreed all human beings have biases. They also recognized the need to determine what personal biases they themselves hold, in an effort to ensure these do not impact their professional decision making. Officers acknowledged biases can and should be managed prior to engaging a member of the community. In recognising the potential impact a bias can have on an individual, Officers agreed a training tool to help them identify personal or systemic biases would be helpful.

Cultural barriers often make it difficult to understand and communicate with members of different communities. Placing Officers with a good understanding of the needs of a community into that community is an effective way to increase public trust in the police. These Officers should then be asked to educate other Officers on the unique characteristics and requirements of that community and advise them how the police can better serve them. For example, having an Officer who speaks another language communicate with community members in their native dialect will help break down some of the barriers that may be preventing the community from discussing their needs and concerns with the police. Similarly, lateral transfers for Officers (between divisions) will allow Officers to engage in interactions with a variety of community

## Supporting Research & Analysis

members. This will encourage Officers to develop better cultural competencies and an appreciation for the diversity and pluralism that exists in Toronto's communities.

When Officers take the time to explain the reasons for their presence in a specific location to the community members in that area it improves the relationship with that community. Doing so helps decrease the social distance between the public and the police while increasing public confidence in the police. When Officers communicate the reasons for their conduct to a community member, the person walks away from the encounter with a better understanding and perception of what Officers are doing, why they are doing it, and how they are doing it. The more the Service, and its Officers, can demonstrate the non-bias-based nature of their policing, the better the outcome for the individual, the Service, and the community.

### *Racial Profiling*

In recent years there has been a growing discord between the public and the police as a result of allegations and perceptions of racial profiling. This public assessment has resulted in a strained relationship with some communities and negatively impacted the Service's ability to work with them to promote public safety.

The Service has acknowledged racially biased policing does exist. Officers believe the Service needs to better explain the context of this statement and ensure the public understands the acknowledgement refers to isolated incidents and is not a universal condemnation of all Officers. They also believe the community needs to be more informed on how the issue is being addressed. Furthermore, the Service needs to proactively communicate to the community that if there is a problem in the community (i.e. shooting, other violent crime) it will be addressed with additional police resources. This communication to the public will help them understand the purpose for the police being in their neighbourhoods; to help keep them safe. Members want the Service to articulate Officers are in their community out of concern for their safety, not because of the race of the community members that live and/or work there. Additionally, the Service website should be better utilized as an important tool for public communication. Putting information in a press release format, for example, will provide proactive notice of police motivations and intentions. An announcement, such as "TAVIS will be focusing on (*location*) as a result of (*incident*) which occurred on (*date*)", will eliminate guesswork from the community as to the reasons for the deployment of additional police resources.

Many Officers believe when they receive training on racial profiling it is simply the Service fulfilling its own "risk management" agenda and some become defensive because they are professional and not racially biased in their own decision making. This often causes Officers to be less likely to engage in the learning thereby impeding any absorption of the information presented. Given this, the Service should consider presenting this material in a format other than through the In Service Training Program (ISTP) or e-learning because these may not be the most effective formats to facilitate learning surrounding this controversial topic. Training could be delivered throughout the year in various forms; learning modules, training day speakers or presentations, and increased exposure to diversity through regularly scheduled duties at cultural events.

## Supporting Research & Analysis

It should be noted some Officers believe training on racial profiling should only be mandatory for those displaying racially biased behaviours and not for the entire Service. Another suggestion from Members was the Service could decrease racial profiling incidents through the use of effective coach Officers and mentors to assist new recruits in remaining objective and professional in their decision making throughout their career, not just in the first ten weeks.

### *Toronto Police Service Accountability*

#### **Training**

In order to maintain a well-functioning and professional organization, the training of Officers must be an ongoing and consistent component of their policing duties. In regards to FIRs/CIRs, the integral training aspect needs to address Officers' understanding of their lawful authorities and how they are applied in a practical setting. The Service needs to counter-balance current Officer training with training that teaches Officers, in certain situations, that it may be appropriate to strategically disengage and walk away. Officers need to develop the ability to de-personalize a person's refusal to speak with them and understand that refusal to voluntarily participate in a non-obligatory community inquiry is not, in and of itself, grounds to detain an individual.

Officers also highlighted the fact annual ISTP training could be structured to include a component with mock situations that demonstrate a professional first contact approach and require decision making by the Officer in a dynamic scenario.

New recruits are impressionable and eager to learn, and this is when the training process will be the most fully absorbed. Officers believe training that teaches a professional first contact approach needs to begin at this level, as well as teach an awareness that tone and body language "speak" just as loudly as the words an Officer uses. The Service should be finding the best field Officers and using them as mentors for the new recruits. Additionally, it would be valuable to have members of the community present their lived experiences regarding how a negative police interaction, specifically a negative FIR/CIR interaction, has affected their lives and provide suggestions on how it could have had a better outcome.

#### **Officer Development**

Officers expressed their understanding of how exposure and experience to diverse communities improves their cultural competencies and their ability to deliver effective bias-free policing. This can be achieved by periodic deployment to different areas of the city which facilitates exposure to, and engaging with, Toronto's diverse cultures and communities. The Officers expressed their desire to work in a variety of communities across the city and by facilitating this varied work experience the Service and the community would benefit.



## Supporting Research & Analysis

### Performance Management

As with all organizations, Members of the Service are continually monitored in order to maintain a consistent and professional level of service to the public. Current performance measuring practices include a quantitative review of the number of FIRs/CIRs an Officer writes over a five week cycle. This practice is negatively impacting the performance of Officers because some feel pressured to initiate inquiries with community members for the primary purpose of increasing their perceived productivity. This has created a disproportionate focus on quantity instead of quality and may lead to *Charter* violations and other risk management issues. The Officer's evaluation should include a measurement of quality of work, including occurrences and FIRs/CIRs, which means there needs to be a quality control process. This process could include having a supervisor review all FIRs/CIRs and approving them. In addition, Officers who do not have the same amount of time for self-initiated investigation as their colleagues do, such as a SOCO, should not be penalized on their performance review because their "numbers" are inevitably lower than those of their coworkers. Taking the above into consideration, the Service should consider measuring the performance of Officers based on how they are contributing to the desired outcomes of the Service (i.e. public safety), and not solely on their outputs (FIRs/CIRs/Provincial Offences Tickets (POTs)).

Customer service has become an important area that continues to be addressed through training, positive reinforcement and, if necessary, discipline. An Officer's evaluation includes components that measure their level of customer service both internally and externally. Supervisors must continue to take an active role by personally observing the Officer's internal and external interactions as part of the appraisal process. Additionally, any correspondence, emails, or phone calls a member of the public initiates after an encounter with an Officer, whether positive or negative, should be documented and used as part of the evaluation and learning processes.

# Rationale & Recommendations

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## *Introduction*

The Toronto Police Service remains a first-class policing organization that impacts the framework and practices of police services all over the world.

The recommendations in this report were precipitated by the extensive research and consultations that guided this Review. By implementing these recommendations the Service will demonstrate to the community its continued commitment to fostering change that is positive, planned, and pioneering. These recommendations were drafted to ensure they are actionable and measureable as it is crucial the Service is accountable to the public.

Managing change is always a challenge; however, the Service is ready to take on this challenge through great leadership. The Service has recognized there is a need to continually improve the organization and its Officers while continuing to provide effective customer service. This is reflected in the Service's *Vision Statement*, "We take pride in what we do and measure our success by the satisfaction of our members and our communities."

These recommendations are intended to improve the relationship between the police and the community while maintaining public safety, enhancing public trust and reducing the social cost of community engagements.

## Rationale & Recommendations

### SERVICE GOVERNANCE

#### *Rationale – Service Governance*

##### **Introduction – Function & Evolution of Procedures**

The procedures (Procedures) of the Service provide direction and guidance to Service employees (Members), including the Service's sworn police officers (Officers), as to their roles and responsibilities regarding situations encountered during the course of their duties. Over time, the Procedures have been revised repeatedly as the organization has continually evolved.

The Field Information Report Procedure (Procedure 04-14) (Toronto Police Service, 2009) has been reviewed with consideration to continual improvement, best practices, risk management, customer service and public trust. The below recommendations are the distilled content of data analysis, numerous consultations with Member and community stakeholders, as well as meetings with legal professionals including practitioners in the area of privacy laws and counsel for both Crown and defence.

##### **Community Perception of Bias-Based Policing**

An Officer choosing to scrutinize a particular community member must base their decision on sound policing principles, including intelligence information and experience, rather than inappropriate personal bias. The community concerns raised with respect to Officers' reasons for engaging people demonstrates a clear contextual disconnect. While Officers may have access to intelligence information, experience and knowledge upon which they base their decisions, a community member has no such background information and, in the absence of timely explanation by the Officer, may presume the reasons for the interaction are based on subjective bias.

The unfortunate consequence of mainstream media allegations of racial profiling by police, whether or not based in factual analysis, is a potential negative impact on the public's perception of policing. The result has become such that any Officer observed speaking to a member of a racial minority community, in the context of a street level interaction, may be presumed by the individual, and others, to have inappropriately singled out the individual. Officers well-versed in articulating their basis for engaging a community member are better able to mitigate potential public concerns regarding their conduct.

##### **Legal Context – Police Services Act & Supreme Court of Canada (Case Law)**

As required by the *Police Services Act*, Officers have a duty to *preserve the peace* and *prevent crimes or other offences*. This core tenet of proactive policing is the basis for many in-person interactions between an Officer and community member. Ultimately, where others may walk by without intervention or rendering of assistance, a police officer is duty-bound to engage with a person about whom they have an articulable concern. This fundamental component of policing has been repeatedly subjected to judicial review and recognised by the Supreme Court of Canada

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## Rationale & Recommendations

which has clarified a police officer stopping and talking to a community member is not, in and of itself, a violation of the *Charter*.

### Core Values

As identified in the *Literature Review* section of this report, 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 with input from internal and external stakeholders, such as the Diversity Management Unit and the Toronto Police Services Board in collaboration with community representatives, which consists of a concise sentence to be adopted under a new *Core Value* which speaks 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 importance the Service affords the issue of bias-free policing and should be utilized in the rationale section of Procedure 04-14 and all related Service Governance.

### Police & Community Engagements Notes for a Community Safety Purpose

On a daily basis, by mere uniformed presence, Officers engage thousands of people in an informal capacity with no intention of documenting the encounter and for no investigative or enforcement purpose. While the majority of these interactions are non-verbal communications some involve casual conversation. However, throughout the course of all interactions Officers, as is their duty, monitor and make observations of the people in their vicinity with respect to maintaining community safety. Of the hundreds of community members encountered by each Officer daily some people, due to conduct and/or context, specifically draw the attention of police. In order to distinguish between casual encounters and such situations wherein Officers are making inquiry as part of their duties under the *Police Services Act*, it is prudent to define the terms, “Informal Interaction” and “Community Inquiry” as components of community safety and deliver training to Officers with respect to the appropriate use of these terms.

A review of best practices suggests information from such an encounter should be recorded by the Officer making notes directly in their memobook with the Officer being able to articulate how such information serves the purposes of community safety. The memobook notes would then be retained as the Officer’s original notes, for any potential court purposes, with the electronic data submission becoming simply a trigger mechanism to draw the attention of any future investigation. The purpose and mechanism, being the function and form, of this practice is community safety and memobook notes. Thus, the practice and Procedure should be aptly rebranded as a “Community Safety Note”.

### Elimination of Physical (Cardstock) TPS 306

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

## Rationale & Recommendations

Work Station eliminates the need for a hard copy Community Inquiry Report card since the information can be transferred directly from the Officer's notes to the database, without eradicating any value from the process. Elimination of the physical cardstock 306 and training Officers to make notes directly in their memobooks will eliminate duplication while realising monetary savings for the Service in the areas of printing and distribution.

### Supervisory Review

Currently information is submitted directly into the FIR application, the content of which is not subjected to any form of supervisory review. Supervisory review and approval affords greater accountability thereby improving customer service and fostering the public trust. While the pending Integrated Records and Information System (IRIS) implementation of Versadex<sup>®</sup> will afford opportunity for CIRs to be reviewed it is prudent to specifically have supervisors from the GO Review unit examine CIR submissions.

### Recommendations – 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.*

**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.*

**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.*

## Rationale & Recommendations

### COMMUNITY CONSULTATION

#### *Rationale – Community Consultation*

The Community Consultation process produced a vast array of comments, sentiments, and suggestions. This review noted a number of themes and trends which addressed a broad spectrum of community concerns. These include; an Officer's manner of initial approach, an Officer's cultural competence, the social cost of "carding" and the need for transparency and accountability by the Service.

Several of the participants approached the consultation process with varying degrees of skepticism. However, the general feeling expressed was that to effectively address these issues 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.

Furthermore, the participants acknowledged, directly and indirectly, 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.

#### *Recommendations – 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.*

**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.*

## Rationale & Recommendations

### PROFESSIONAL STANDARDS

#### *Rationale – Professional Standards*

##### **Professional Standards Threshold**

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. Additionally, all disposition results of any PRS investigation into an allegation of bias or racial profiling should be recorded in a PRS database in an effort to ensure the most current information is available.

##### **Health & Wellness**

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 health and wellness, especially for those involved in high-risk assignments. Given the grave risks of Post-Traumatic Stress Disorder (PTSD) and cumulative stress that are inherent to 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 of potential health and wellness concerns is an innovative way to proactively address workplace health and wellness. Furthermore, this 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.

##### **Unit and PRS Reviews**

PRS is mandated with numerous responsibilities and tasks including “proactively analyzing and reviewing trends and patterns in relation to high-risk behaviour” ([Toronto Police Service](#)). In addition to this the Service should also proactively design and conduct 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 comparative 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.

##### **Internal and External Complaints Handled by PRS**

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

## Rationale & Recommendations

Service-wide coordination of required resources. To ensure consistent tracking all dispositions should be entered into the Professional Standards Information System (PSIS).

### **Substantiated Allegations of Discrimination to Go to Tribunal**

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.

### **OIPRD and Toronto Police Service Informal Resolution**

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. The Service is currently engaged in participating in the "Customer Review Resolution."

### **In Car Camera System (ICCS)**

The In Car Camera System (ICCS) was implemented starting in select divisions in 2010 and was in place in all frontline police cars by the beginning of 2011. The 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.

### **Body Worn Video (BWV)**

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.

## ***Recommendations – 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.*



## Rationale & Recommendations

**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.*

**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.*

**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.*

**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.*

**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).*

## Rationale & Recommendations

### HUMAN RESOURCES

#### *Rationale – Human Resources*

##### **Introduction**

This section addresses how the Service can improve the hiring, training, developing, evaluating and supervising of Officers.

The Service's most valuable assets are its employees. Given this, it is imperative to ensure Human Resource management is addressing the areas of concern raised during the Member and community consultations conducted. These consultations were completed as part of a gap analysis carried out to determine how the Service can continually improve its service delivery.

#### *Rationale – Hiring*

##### **Screening New Applicants for Bias**

Prior to the hiring of new recruits, the service will continue to screen for individuals who exhibit tendencies or evidence of discriminatory and/or racist behaviour. This will be accomplished by utilising the current practices that are in place in addition to examining the applicant's social media accounts.

This endeavour will ensure that qualitative practices continue to be utilized by the recruiting section and potential candidates will meet the best standards to police in a diverse community.

##### **Use of FIR/CIR Data in Background Screening**

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 original submitting officer. Supervisory oversight is also required to determine the relevance of FIR/CIR data that may be used in 'screening out' a job applicant.

#### *Rationale – Training*

In the context of a pro-active community inquiry, 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 the formal training Officers receive in relation to community engagements.

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 order

## Rationale & Recommendations

to assess the progress towards these goals, a brief review of the training surrounding Human Relations has been conducted. The focus of this was to determine the breadth and depth of the training delivered to Officers.

In this regard, the efforts of the Toronto Police College are commendable as they have developed a variety of training methods that are delivered, using various techniques, to all Officers during their annual In-Service Training Program.

While Officers continue to receive extensive training, the appropriate street-level application and articulation of this training may be improved through the incorporation of scenario-driven learning modules. 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 CSN procedure.

### **Intercultural Development (Service-Wide)**

It is necessary for the Service to ensure Officers have the knowledge, skills, and abilities to effectively and efficiently deliver police services. Given the diversity of Toronto's communities, this can be accomplished by enhancing Officers' intercultural competence. Intercultural competence is the ability to communicate effectively and appropriately with people of other cultures (Messner & Schafer, 2012).

Improving intercultural competence is achievable through various training forums. Training should be developed to help Officers better recognize their own biases in order to improve their decision-making as Police Officers, specifically in the context of a community inquiry. This type of training is available through external providers.

This area is of particular significance for Officers that have been identified through their annual performance appraisal and development plan as "requires additional training and/or support" under the Human Rights section of "respect in the delivery of police services". These Officers should have a remediation program designed to help them better understand the need to value diversity and bias-free service delivery. Additionally, an individualized intercultural development program would be necessary to help them improve and advance their intercultural mindset and improve their ability to deliver police services that are bias-free.

### **Probationary Constable Development**

Although the current probationary constable evaluation is well-rounded, supervisory and senior Officers participating in the Member consultations had several suggestions regarding how the Service could better facilitate the development of Officers' interpersonal skills through structured exposure to varied policing environments.

## Rationale & Recommendations

Probationary constables benefit from an increased period of time in the Community Response Unit at an early stage of their development. It was expressed, the time in the Community Response Unit should be spent “walking the beat” in an effort to develop interpersonal skills and learn about the community in their division. CRU assignments afford exposure to a variety of community-based cultural events and present greater opportunities for Officers to interact with diverse communities.

### Promotions and Service Applicants

An Officer’s intercultural competence should continuously be developed through the use of an intercultural development program as described above. To ensure that Officers aspiring for a supervisory position understand and value the benefits of an intercultural development program, the Service should make participation in such a program a pre-requisite for eligibility in the promotional process. Furthermore, Officers should recognize the importance of participating in this process in order to identify their personal bias, and must be able to articulate how they are working towards an intercultural mindset that values cultural diversity and differences. This demonstrates a desire for self-improvement and is a desirable quality for all supervisors and managers.

Similarly, candidates making application to the Service should also be required to participate in an intercultural development program. This will develop the individual and emphasize the importance of hiring people who have demonstrated awareness and appreciation for intercultural development.

### Recommendations – 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.*

**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.*

## Rationale & Recommendations

**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.*

**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.*

**Recommendation #16:** *That the Service develop and implement an Intercultural Development program.*

**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 an intercultural development program.*

**Recommendation #18:** *That the Service mandate an intercultural development assessment of all persons making application for employment with, or for promotion within, the Service.*

## Rationale & Recommendations

### PERFORMANCE MANAGEMENT

#### *Rationale – Performance Management*

##### **Background**

As the roles and responsibilities of police officers evolve, police services must also change the way they measure an officer's performance. The main purpose of a performance evaluation should be to assess how an Officer is contributing to the desired outcomes of the Service, as identified in the Service Priorities. This evaluation should be a multi-dimensional process that recognizes each Officer has a unique combination of knowledge, skills, and abilities they can utilize to help achieve unit and organizational goals.

Through both Member and community consultations it has become apparent the existing evaluation process can be enhanced to meet the current needs of the Service. Traditional performance management indicators “fail to capture many important contributions that police make to the quality of life” (Alpert & Moore, 1993). The changes required to improve performance management should be designed, developed, and implemented by the new Workplace and Performance Management Unit that was recommended in the Accenture report.

Changes to the Service's performance management system need to ensure they are measuring the correct outputs that will, in the right combination, contribute to the desired outcomes. Furthermore, the areas of performance that are measured should be done so in an objective and fair manner supported by factual evidence that has been collected and documented by the evaluator. This approach to performance management is necessary for the Service to demonstrate that the focus should move away from the quantity of outputs and move towards the quality of identified outcomes. This will help to improve morale within the Service and it will help foster public trust and confidence in the police.

##### **Member and Community Consultations**

Both Member and community consultations identified the need for the Service to make improvements to the current performance management system.

Through community consultations, community members acknowledged their belief officers are not only encouraged to complete FIR/CIRs but that their career advancement (promotion) is actually dependent on how many FIR/CIRs the officer submits. This mainstream discussion of quotas has led to a widespread misinterpretation as to what performance measurement means in policing. The community expressed outrage because this kind of performance management may lead to a slippery slope of officers targeting everyone in a certain neighbourhood in order to try to get their “numbers”.

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### Perceived Pressures Based on an Expectation of Outputs

How an officer spends his or her unstructured time is an important factor in evaluating an Officer's performance. A simple quantitative analysis of an Officer's "numbers" is insufficient. Traditional performance measures have utilized the quantity of outputs an Officer was producing to determine officer performance levels.

The current evaluation system has, at times, encouraged output versus outcome-based enforcement to take place. As an unintended consequence, the community engagement practice has the largest social cost of any one specific police process. Given this, emphasizing the quantity of CIRs produced by an Officer overlooks their other positive contributions. Therefore, a more appropriate performance measurement tool should be created in order to assess an Officer's productivity.

### Going Forward

Diminishing the focus on the simple tally of FIRs/CIRs on the Officer Performance Review requires a more accurate representation of how an Officer is contributing to the desired outcomes of the Service. Rather than focus on quantity, an approach that requires deeper examination on the part of the evaluator will produce better insight into the effectiveness and efficiency of a particular Officer. The Service has repeatedly recognized it is focused on public safety and intelligence led policing, but the majority of FIRs do not directly speak to either issue. There is therefore minimal value in considering these 'numbers' in an Officer's evaluation. The content of an Officer's CIRs, rather than the simple quantitative measurement, should be considered in the context of a more thorough and encompassing performance evaluation.

Oversight will ensure what is submitted is valuable. This can be accomplished by ensuring supervisory review of any FIRs/CIRs submitted. Importantly, this would provide opportunity for supervisors to mentor Officers with respect to improved note-taking, articulation and community engagement.

### Creation and Implementation of Recognition Program

When an Officer makes an exceptional contribution to public safety or to bias-free policing, there should be an informal recognition process in place which would allow a supervisor or investigator to document the officer's efforts ensuring they have not gone unnoticed. An informal recognition program would also serve to notify Officers if a FIR/CIR they submitted resulted in a notable achievement.

Internal consultations included discussions regarding awards and recognition. The existing formal awards process does not always allow for recognition of essential police work as it pertains to quality community engagements. 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

## Rationale & Recommendations

the ability to effectively interact with members of the community while producing positive public safety outcomes. An example of this would be a CSN which produced a positive investigative outcome.

### Conclusion

The systemic pressures experienced by Officers to submit FIRs/CIRs results in a complete focus on quantity, not quality. If the emphasis on numerical tally was diminished with respect to the Officer Performance Review, Officers would be more likely to focus on the quality of their contacts instead of the quantity. The social cost of obtaining a FIR/CIR with little-to-no value to public safety or crime prevention is detrimental to the Service and may contribute to a loss of public confidence and trust. There are significant ways in which an Officer's effectiveness can be measured that can concurrently foster and build public trust and confidence.

### *Recommendations – 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.*

**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.*



## Rationale & Recommendations

### INFORMATION MANAGEMENT

#### *Rationale – Information Management*

##### **Introduction – Scope of Information Management Review**

This Review pertains primarily to the CIR database which remains within the purview of Records Management Services (RMS). Also considered herein are the physical 306, 208 and officer copy of the 307 as well as the electronic FIR database and Crime Analysis System (CAS). For the purpose of this Review the data warehoused in the Crime Analysis System (CAS) will be referred to as the Legacy Data.

From the broader spectrum of *Information Management* the concepts considered within the totality of this Review include, but are not limited to, the following.

- Collection – Gathering of information by frontline Officers
- Content – The information contained with a CIR
- Accumulation of the
  - physical document – Storage of the physical 208/306/Receipt Copy
  - electronic data – Storage of the CIR database
- Dissemination – Secure internal distribution of CIR information to Members
- Access –
  - Use of CIR database in relation to core functions of the Service
  - Data retrieval in response to Freedom of Information (FOI) requests
- Usage – Use of the CIR database in relation to employment with:
  - internally, the Service
  - externally, other organizations (Police Reference Check Program)
- Archiving/Retention – Preservation of the CIR database and Legacy Data
- Role Based Security – Data access correlation to Member assignment
- Isolation – Separation of content such as personal identifiers from aggregate data
- Redaction – Expunging upon internal/external request

While all of the above aspects of *Information Management* are referenced in this section of the Review some are incorporated in other areas and addressed as appropriate.

##### **Community Concerns**

The lack of understanding of the process, the reasons for it and the perceived arbitrariness of the interaction raise community concerns. The apprehension of community members pertains to the three main areas of information content, usage and retention which can essentially be distilled down to three anecdotal questions.

- *What are you writing down?*
- *How do you use it?*
- *How long do you keep it?*

While these three questions are each comprised of several component questions, at its core this Review must be able to address these questions in a framework which enhances public safety while improving public trust.

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### Incorporating Role Based Security Access (RBSA)

The information retention concerns of Members, community members, subject matter legal experts, and legislative requirements can all be satisfied by the implementation of a tiered access system in the form of Role Based Security Access (RBSA) to the CIR database. RBSA is not a new concept to the Service and, while not incorporated in the current databases, is worthy of consideration given the positive outcomes achievable by such implementation. RBSA should be integrated within the existing CIR database, Legacy Data and the impending IRIS implementation. In accordance with the ideal model suggested by counsel from the Office of the Information and Privacy Commissioner of Ontario (IPC), the below list is provided as an example of a RBSA model but, importantly, requires extensive Member and community consultation in order to establish appropriate access and time restrictions prior to any implementation.

Tier 4	- Chief, Professional Standards, DMU <sup>1</sup> , RMS <sup>2</sup>	Perpetual
Tier 3	- Crime Analysts, Detective Services	20 Years
Tier 2	- Investigative Personnel, Supervisors	10 Years
Tier 1	- Frontline Personnel	2 Years

If RBSA cannot be incorporated as part of the November 2013 implementation of Versadex<sup>®</sup>, a reasonable contingency for future incorporation should be identified prior to implementation.

### Incorporate Data Isolation of Personal Identifiers from Aggregate Information

The data in the CIR application and Legacy Data should be severed to create separate information silos for personal identifiers and aggregate data. The ideal model for this incorporates Data Isolation (DI) at point of input with secure links between the personal identifiers and aggregate data which are integrated as part of the RBSA component identified in this section. Such DI alleviates retention and security concerns for the aggregate data while enhancing compliance with privacy legislation for the personal identifier information. DI should be integrated within the existing CIR database, Legacy Data and the impending IRIS implementation. If DI cannot be incorporated as part of the November 2013 implementation of Versadex<sup>®</sup> a reasonable contingency for future incorporation should be identified prior to implementation.

### Incorporate an Access Audit Trail (AAT)

In order to ensure compliance with the last access component of the relevant privacy legislation, the Service should implement an Access Audit Trail (AAT) within the existing CIR database, Legacy Data and the impending IRIS implementation. If an AAT cannot be incorporated as part of the November 2013 implementation of Versadex<sup>®</sup> a reasonable contingency for future incorporation should be identified prior to implementation.

<sup>1</sup> Diversity Management unit

<sup>2</sup> Records Management Services

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### **Interim Contingency Plan - Seven Year Retention of CIR Data**

If the Service is unable or unprepared to incorporate RBSA, DI and AAT in conjunction with the IRIS implementation of Versadex<sup>®</sup>, then an interim retention parameter of seven years from initial data input should be implemented. This should be contingent on the Service establishing a mechanism to ensure redaction after such time does not violate the last access requirements of the relevant privacy legislation. Such a retention period allows for the majority, but not all, of the Service's corporate and operational needs to be satisfied while affording the Service time to acquire appropriate information technology specialists to retroactively incorporate RBSA, DI and AAT as needed. In order to align the CIR database and Legacy Data with this principle, these databases should be uniformly deemed to have an original input date concurrent with the IRIS implementation of Versadex<sup>®</sup> to facilitate the acquisition of the aforementioned information technology specialists. The above data management processes and retention parameters may also serve to alleviate community concerns regarding the long-term implications of information captured in the database.

The implementation of the Information Management recommendation will enhance the Service's legislative compliance thereby mitigating corporate liability and risk management issues. The Service will be able to continue to provide a high calibre of policing while improving public trust through transparency and communication. The inclusion of Role Based Security Access (RBSA), Data Isolation (DI), and Access Audit Trails (AAT) within the Service's databases best addresses the concerns raised by all stakeholders in the CIR process. While possibly implemented as an interim measure, a fixed retention period is the least preferable option and is inconsistent with the IPC's assertion that organizations' record retention requirements must be reviewed on a "case by case" basis and cannot be uniformly designated. In this regard, it should be noted the Service has an obligation to investigate historic matters, commonly referred to as cold cases, including, but not limited to, sexual assaults and homicides.

### ***Recommendations – Information Management Improvements***

**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.*

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### OPERATIONAL IMPROVEMENTS

#### *Rationale – Operational Improvements*

##### **Introduction**

The summer of 2005 was an unusually violent period of time for the city of Toronto, specifically in relation to gun related crimes. More than 50 homicides were attributed to gunfire and 175 gun-related injuries were reported in relation to 246 shootings. While the total number of homicides had increased 22 percent from the previous year (from 64 to 80 deaths), the proportion of those victims who were killed by gunfire increased at an even more alarming rate from 38 percent in 2004 to 67 percent in 2005.<sup>1</sup>

In 2005 due to the escalation of violence, the Toronto Anti-Violence Intervention Strategy (TAVIS) was developed. This support enabled the Service to create centralized Rapid Response Teams (RRTs) that could be deployed quickly to communities across the city that were experiencing heightened levels of violence. This component of the Divisional Policing Support Unit (DPSU) was implemented with the intent to supplement divisional strategies to assist local communities to reduce levels of violence through continued professional service that includes bias-free policing.

The objectives of TAVIS are:

- To reduce violence
- Increase safety in the community
- Improve the quality of life for community members in high-risk neighbourhoods.

This strategy was designed and implemented to achieve the following outcomes:

- To reduce the number of offenders engaged in violent crime
- To reduce the opportunity to commit crime within neighbourhoods identified as being at-risk
- To reduce victimization by violent crime
- To increase the capacity of the community to work independently of the police, to reduce crime and improve community safety

These objectives and outcomes are achieved utilizing a multi-faceted approach which includes Rapid Response Teams (RRTs) and Neighbourhood TAVIS Initiatives (NTIs). As part of the TAVIS initiative, there are additional resources allocated to divisions to address local violent crime concerns.

Rapid Response Teams can be deployed quickly to communities across the city experiencing heightened and disproportional levels of violence. The Teams are intended to support and work

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<sup>1</sup> For consistency purposes, introduction and statistics can be found at the following Service internal TAVIS related link: <http://www.chq.mtp.gov/tavis/abouttavis.htm>.

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in conjunction with the divisions, as well as specialized investigative units such as the Homicide Squad, the Drug Squad, the Gun and Gang Task Force, and Intelligence Division. RRT deployment is intelligence driven and focuses on areas of the community that are plagued by violent crime and gang activity.

Neighbourhood TAVIS Initiatives (NTIs) are concentrated in a pre-determined geographical area. This area is identified through intelligence, crime trends depicting high levels of violent crime, gun-related incidents and/or increased gang and drug activity. A strong component of the NTI is to work in the assigned area where community engagement and fostering public trust and confidence are fundamental objectives.

Each division has its own unique needs that are constantly evolving. To ensure that TAVIS 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 TAVIS Officers are policing in the most effective manner. This will ensure community engagement is aligned to the division's crime management processes, priorities and projects.

Furthermore, the Service must continue to ensure that the methods of deployment are effective and efficient, and as the needs of the Service and community evolve, so will the deployment models. TAVIS initiatives continue to have a positive impact and improve the safety and quality of life for Toronto communities at large, by reducing violent acts, arresting known offenders, and providing high visibility crime deterrence.

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 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.

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 continually seek ways to enhance performance management systems, training, selection, recruitment, and supervision. A comprehensive review will assist in ensuring deployments and strategies are in line with DPC priorities and address community needs. In internal consultations Officers expressed the importance of ensuring DPSU deployments continue to be sensitive to the needs of local communities and in line with divisional crime management initiatives.

During the PACER consultations with the community, it was apparent there was confusion surrounding the purpose of TAVIS RRT, as to whether the community was being "over-policed"

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or “over-protected”. The community feels it is important to understand the purpose of TAVIS and their actions. Without a clear understanding of why an Officer chose to engage an individual, the community felt the engagement was arbitrary. They also expressed that enhanced communication from the Officer and the Service would serve to improve public trust and police legitimacy.

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.

### *Recommendations – 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.*

**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.*

**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.*

**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.*

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### INTELLIGENCE LED POLICING

#### *Rationale – Intelligence Led Policing*

##### **The Future of Communication**

The value of face-to-face contact and the information garnered from such an encounter is indisputable. However, what has become abundantly clear to the Service is there can be a significant social cost associated to these face-to-face encounters. When done inappropriately, they can leave feelings of resentment and suspicion on the part of the community and without proper training and supervision they can leave Officers feeling unsupported and vulnerable. Not only does this report recommend ways to improve these face-to-face contacts but it must also make recommendations on how to create more innovative ways of intelligence-gathering.

Given the influx of new technologies and the increase in social media communications the Service needs to consider other intelligence-gathering methods and the role they can play in supporting the CSN process. This can be facilitated through increased training on leveraging technology to advance investigations. It is important to ensure frontline Officers are aware of the various intelligence gathering and dissemination methods, currently being underutilized by Officers, beyond the CSN process. This includes, but is not limited to, the cultivation and management of confidential sources and how this information is collected, analysed, and disseminated via intelligence 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. Utilising new technologies to improve the intelligence picture serves to complement the value of face-to-face contacts with members of the community.

#### *Recommendations – 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.*

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## Rationale & Recommendations

### CORPORATE COMMUNICATIONS

#### *Rationale – Corporate Communications*

##### **Introduction**

The most common theme in the consultation sessions for the Police and Community Engagement Review (Review) has been a desire for more information. Almost every community member – regardless of age, gender or ethnicity – requested more information from the Service as to why it does things the way it does. Almost every Officer – from Police Constable to Chief of Police – recognizes information-sharing is essential to building and maintaining trust and accountability with the public. While continued improvements to information-sharing and communicating with the public can be found in a number of sections within this report, especially in the areas of training for Officers and community-related feedback, this section will address areas of internal and external corporate communications in a more formal manner i.e. the method by which any organization explains issues, big or small, in a coordinated and strategic manner to internal and external stakeholders.

##### **Background**

Corporate Communications, in general, can address many of the issues that were not only raised in the Member and community consultations but that also arise whenever any organization takes on a project as thorough as the Review. Large-scale projects that affect an organization in its entirety tend to require a communications strategy on an equal scale. Efforts to keep internal and external stakeholders informed and up-to-date are challenged when dealing with an organization and a city as expansive as the Service and Toronto. Historically, people have felt there was not enough information or it was not as forthcoming as it should have been. This is a common complaint from the public and Members alike and, as reflected in the consultation sessions, the Review has proven to be no different in this regard.

##### **Internal Consultations**

Internally, Members commented they want to know how the Service will and can promote good policing. They want to know when and how the Service will offer any balance or correction (when appropriate) to media that tend to view the Community Inquiry Report (going forward, referred to as the Community Safety Note (CSN)) process in a negative light. They want the community to better understand their roles and responsibilities as police officers.

Given the rapid evolution of technology and information accessibility, the Service should provide Officers with greater access to internal communications portals with reliable, up-to-date, and factual information on the updated CSN process. This would be an appropriate way to share literature and resources on topics that helped to inform the Review, such as customer service, bias-based policing, and conflict resolution. The site would also host a library of previously-issued Routine Orders on the topic. In order to maximize the usefulness for the frontline police officer, a two-way communication platform should also be considered so Members could submit



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questions and/or comments to be considered by the Service's subject matter experts. This two-way dialogue is being utilized regularly for external communications with the public but should equally be used for communicating with internal stakeholders, the Members.

### Community Consultations

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.

When evaluating the Service's communication strategies, it is critical to consider feedback from the community regarding not only the content but also the medium by which the information was distributed. By proactively educating the community regarding police and community engagements there is a better chance of fostering a true understanding of the issue. The community will no longer have to rely heavily on the external media for their information, and the Service can control the accuracy of the material the community is receiving. Further, an effort should be made to distribute the desired message to people who do not depend on traditional media for their news and information.

### Utilizing Ethnic Media

The Service often communicates with community and ethnic-based media in response to specific issues. Regular appearances, mentions, or features within the ethnic-based media on any number of general policing issues enhance credibility and develop larger audiences. Many frontline Officers appear regularly in community or ethnic media and this form of community engagement should be expanded across the Service.

### Increased Media Appearances

The Service should continue to ensure the media are provided with all relevant and available information where possible without compromising any investigative integrity. Broader use of media platforms and avenues helps deliver accurate information to the community and mitigates for the typical 30-second sound bite that is too often the default received by the community. Exploring all venues, from editorial boards to call-in shows on television and radio, the Service should participate in opportunities to participate in more fulsome discussions about issues surrounding community engagements. The Service should also consider the benefit of participating in panel discussions about these issues with community members who are as equally invested as the Service.

In addition, there is value in consulting with community representatives, academics, subject matter experts on an ongoing basis, beyond shared media appearances. Similar to the Service's Community Consultation Committees or the Sexual Assault Advisory Committee, the Service

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should duplicate this standard and create a space where these issues of ongoing importance can be discussed in a mutually-respectful and productive way.

Following this, in an effort to explore options beyond media, there should be an effort to maximize opportunities to share information in forums where the community tend to gather. Creating plain language communications available directly to the community makes it easier for the community to educate themselves.

### Utilizing Language Specific to the Audience

There needs to be an appreciation for English as a Second Language and every effort needs to be made to provide information in languages that are relevant and requested by the community.

Likewise, there needs to be appreciation for how young people take in and absorb information. Every effort needs to be taken to work with Toronto's young people to develop and deliver information that speaks directly to their concerns and creates a sense of ownership and awareness for the role they play when dealing with police officers.

In order to ensure a consistent approach to the communications strategy, efforts made to communicate to the public need to be shared consistently within the Service. Not only will this empower police officers to feel confident the corporate message is the same as their message but it gives Members the ability to ensure their concerns are being addressed at a corporate level and endorsed through to the public.

### The Benefits of the Recommendations

There is no end to the possibilities one has when wanting to communicate with the public. The recommendations below are made having used a balanced approach between sound communications strategies and feedback from the community. By adopting these recommendations the community, the Service and the media will be better informed of everyone's rights, roles and responsibilities as they relate to the CSN process. This knowledge will create a well-informed public and a Service better able to articulate its actions to the media and the public. As a result, interactions between the police and the community will be informed, respectful and engaging. Interactions that take place in this vein will enhance trust with the public which, in itself, will lead to better policing and safer communities.

### Demographic Analysis of CSNs

Currently, the Business Intelligence Unit (BIU) produces an Annual Year-End Executive Dashboard report, which features a section devoted to FIRs/CIRs that focuses on; submitting divisions/units, geo-spatial concentrations, and statistics on the number of persons contacted over a three-year term. Extraction and analysis of FIR/CIR (and in the future, CSN) related data benefits the Service. The Service would benefit from a separate report, specific to the CSN database, which could facilitate transparency and accountability to the public, in regards to the procedures and practices surrounding CSNs.

## Rationale & Recommendations

The purpose of such a report and analysis is essentially four-fold:

- 1) To provide a systematic installment, or report, of CSN practices that may be monitored for quality control measures including possibilities of bias and racial profiling.
- 2) To report back to the Chief of Police in a timely fashion on CSN practices.
- 3) To create internal and external transparency and accountability in regards to CSN practices.
- 4) To create a document that contains raw CSN data and an accompanying analysis of that data for the community.

Furthermore, this report should include raw data as well as an in-depth analysis of the CSN information gathered during an interaction. 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 long-term results of the CSN process, in order to demonstrate its success in producing an intended result (i.e. arrests, charges, evidential seizures).

The following should be considered with respect to responsibilities, consultation, publication and ownership of the CSN report and analysis:

- 1) The report should be produced by the Service in consultation with relevant internal units. The Service will be responsible for creating an automated extraction query, specifically for the purposes of this report.
- 2) The report will assume a standardized format in order to maintain continuity and accountability.
- 3) The information will be monitored for data anomalies, outside of normal threshold range, which may suggest any number of emerging socio-economical and/or criminal trends. The opportunity exists within the Versadex<sup>®</sup> application to create study flags with respect to CSNs (known as “Street Checks” in the new reporting system) that have tremendous analytical capabilities at a granular level. In addition to the organization of the data, various types of reports will be automatically generated with respect to CSNs for statistical and qualitative purposes. An automated format within Versadex<sup>®</sup> ensures consistency and accountability, minimizes the labour required to produce the report, is cost efficient, and utilizes the new reporting system to its optimal advantage. Although preliminary reports could be produced in the interim, until Versadex<sup>®</sup> is on-line and fully integrated, it is recommended the final CSN report and analysis operate according to Versadex<sup>®</sup> infrastructure.

The two audiences for dissemination of the CSN Report would be;

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- a) Internal, and
- b) External (for public release).

The CSN Report is intended to be a presentation of simple statistics and an extensive data analysis. Both methods of dissemination could be utilized in regards to the report, in its entirety and/or selected segments of the report. Public release of the report should include making a copy available on the Service website as the optimal public environment to release the report's findings. Although openly publishing and releasing this information could instigate concern from various community groups, publishing the data is also well within the scope of current community requests as well. For this reason, it may be advisable to run the same data extraction for one year prior, to be analysed and presented in the same format as the current report and to be released at the same time as the first report. Data from the previous year may also help to establish trends and provide a benchmark for the community. Providing this demographic analysis to the public demonstrates the Service's unwavering devotion to being transparent and accountable to the community.

The BIU, DMU, Corporate Communications and other units should be consulted with respect to the feasibility and practicality of the implementation for the below recommendations.

### *Recommendations – 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.*

**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.*

## Rationale & Recommendations

### PUBLIC ACCOUNTABILITY

#### *Rationale – Public Accountability*

##### **Background**

The Toronto Police Services Board (Board) directed the Chief, as an interim measure, have Officers issue a receipt to members of the community every time they complete a TPS 208. Under the direction of the Chief, in May and June of 2013, frontline Officers were trained on this new interim process, the Community Inquiry Report Receipt (TPS 307). On July 1, 2013 this interim process was successfully implemented and operationalized.

The purpose of the interim receipt was to ensure Officers are accountable to the public, to improve communication with the public about the reason for the stop, and to reduce the perceived power imbalance between the police and the community (by requiring Officers to offer information about the contact to the community member).

The Board direction for an interim receipt process was initiated in response to deputations made by various persons who attended multiple Board meetings and expressed their opinions on several occasions. It should be noted, the community representatives who suggested the implementation of a receipt, did so based on comparison to jurisdictions outside of Canada with different laws and police practices. The Service recognized although many of these community advocates appeared to have good intentions, they did not accurately reflect the opinions of all Torontonians.

To gain a better understanding of how issues surrounding community engagements are viewed by the wider community, the Service conducted numerous community consultations with over 70 diverse community organizations, police agencies, academic institutions, municipal and federal offices, youth workers, young people and notable professionals within the community. During this process the opinions of the community members consulted were documented and summarized. These summaries were then provided to, and reviewed by, some of the same community members to ensure and verify the Service had in fact accurately captured the information provided during each of the community consultations conducted.

In addition to the focused community consultations facilitated by the community, the Service also conducted a larger community consultation in the form of a virtual town hall, in which 100,000 people were invited to join. This effort was made in order to engage the greatest number of community members and to foster discussion and feedback on the topic of community engagements. This virtual town hall was facilitated by a company that specializes in this medium of communication. It should be noted the Service's virtual town hall had the highest response rate ever reported by the business contracted to co-ordinate it; approximately 21,000 people remained on the line for its duration. This provided an excellent platform for the community to give honest feedback on the topic of community engagements. During this virtual town hall, 66.4 percent of participants indicated that a person should receive a record of contact with the police if the officer decides to record information from that contact. However, Service-wide, the actual acceptance rate for the interim receipt generally hovers around 20 percent. This provides

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clear support that, although the majority of those who responded to the poll indicated they felt it was important to be given a record of the contact, the people actually having contact with police officers do not want the receipt. Therefore, the interim receipt process may not be the best solution to address the issues raised by the community.

Once the interim receipts were implemented, there was a strong and significant response from both the community and media. Various media outlets expressed the receipt was not the correct way to resolve the perceived problems surrounding community engagements. *Share* newspaper published a series of three weekly articles in which it was vocalized the receipt process was a solution that did not appropriately address the community's concerns; but rather, it served only to remind the person they are now entered into a police database. The *Toronto Star* quoted a young Black male as indicating the receipt would only serve to remind him he has been stopped but would not change the circumstances as to why he was stopped in the first place. Both of these examples highlight the fact the interim measure, the receipt, may not be the correct solution for the community.

### Revised Process for Transactional Record

As a result of feedback received during both Member and community 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. The offering of information, by a police officer, helps when a power imbalance is perceived by community members spoken to by the police.

### Transactional Efficiency

The proposed process would allow for a two-way flow of information and promote officer accountability and transparency, while at the same time providing the person with a transactional record of the interaction. As a result of the community feedback on the process of recording community-police interactions, this recommendation addresses the community concerns raised regarding the inconvenient and inadequate nature of the existing interim receipt process.

### *Recommendations – 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.*

## Rationale & Recommendations

### PROJECT MANAGEMENT

#### *Rationale – Project Management*

##### **Introduction**

To properly evaluate the success of the recommendations presented in this report requires a formal and impartial third party to design and oversee the evaluation project. The Key Performance Indicators (KPIs) of the evaluation must be filtered through an objective lens that ensures they accurately assess the outcomes of the recommendations.

Ensuring the recommendations are implemented effectively, and are achieving the desired outcome(s), will require on-going assessment and evaluation. The process of formal oversight and project management should be conducted by an independent third party with experience in managing complex and multifaceted projects. More importantly, the third party must be strategically positioned, and have the capacity, to work with the Service and community stakeholders in order to set clear and achievable goals, deliverables, and timelines.

##### **Methodology**

The approach required to ensure the successful implementation of the recommendations approved for action by the Chief of Police may include considerations of the following methodology:

- 1) Identify the current state (or expected outcomes)
- 2) Determine what will define a “successful” implementation (this should be done from both the police and public perspective)
- 3) Determine the desired state or outcomes and ensure they are measurable (quantitatively or qualitatively)
- 4) Identify the inputs, outputs and outcomes required for each recommendation
- 5) Identify Key Performance Indicators that will be used to evaluate the implementation of each recommendation (ensuring the Key Performance Indicators utilized during the implementation phase identify and determine modifications that may require facilitation to reach the desired state or outcomes).

By creating a continuous process designed to review the implementation of the recommendations, rather than reserving assessment to the end, the evaluators can alter the course of action, as needed, to achieve the desired outcomes. A three year period, commencing January 1 2014 and concluding December 31 2016, allows for adequate time to accurately evaluate the implementation and establish Phase 5 continuous improvement methodology.

## Rationale & Recommendations

### Compliance Audits

There is a need for independent oversight of Procedure 04-14 in order to ensure it is continuously achieving its goal of maintaining Service integrity, transparency and accountability to the public as well as to address operational and compliance issues. This will not only increase public trust and confidence in the process and procedure, it will also add value to the process because it will identify any systemic issues before they become embedded and improve the effectiveness of risk management.

### *Recommendation – 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 1<sup>st</sup>, 2014 to December 31<sup>st</sup>, 2016.*

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





# Glossary & Definitions

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## B

**Bias:** For the purposes of this publication, references to “bias”, “biases” and all related vernacular, shall indicate and be in reference to any or all prohibited grounds protected under the *Ontario Human Rights Code*, which includes race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, record of offences, political or religious affiliation, or economic and social status.

## C

**Community Engagement:** 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* and *Informal Interactions*.

**Community Inquiry:** 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. This does not include *Informal Interactions*.

**Community Inquiry Report (CIR):** A hardcopy form TPS 306 or softcopy Community Inquiry Report (CIR) application submission which, as of July 1<sup>st</sup>, 2013, replaced respectively the hardcopy form TPS 208 and softcopy Field Information Report (FIR) application.

**Community Inquiry Report Receipt:** A hardcopy form TPS 307 prepared by an Officer for issuance to a community member.

**Community Safety Note (CSN):** The Community Safety Note (CSN) is the proposed replacement for the Community Inquiry Report (CIR).

## D

**Divisional Crime Management Team:** Comprised of stakeholders from various key positions at the divisional level, the Divisional Crime Management Team for each of the 17 Divisions works collectively and meets weekly to measure, analyze, evaluate, recommend and implement strategies to effectively address issues of crime, public order and/or traffic safety

**Divisional Policing Support Unit (DPSU):** The Divisional Policing Support Unit (DPSU) was formed in 2011 as an amalgamation of two units, the Toronto Anti-Violence Intervention Strategy (TAVIS) and the Community Mobilization Unit (CMU), and encompasses operations that support the Ontario Association of Chiefs of Police (OACP) Mobilization & Engagement Model of Community Policing as adopted by the Service.

## Glossary & Definitions

### F

**Field Information Report (FIR):** A hardcopy form TPS 208 or softcopy Field Information Report (FIR) application submission which, as of July 1<sup>st</sup>, 2013, were replaced respectively by the hardcopy form TPS 306 and softcopy Community Inquiry Report (CIR) application.

### I

**Informal Interaction:** 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.

**Integrated Records and Information System (IRIS):** The IRIS project encompasses a complete review of the Service’s information management process and incorporates the implementation of Versadex<sup>®</sup> scheduled for November of 2013.

**Intelligence:** Intelligence is information which has been collected, analyzed, refined and assessed to have operational value and can be used to prevent and/or reduce crimes or other forms of disorder.

**Intelligence Led Policing:** The process of utilizing analyzed information to guide the proactive deployment of police resources in order to achieve greater operational effectiveness compared to a traditional reactive deployment model.

### M

**Member:** For the purposes of this publication, *Member* refers to Toronto Police Service employees.

### O

**Officer:** For the purposes of this publication, *Officer* refers specifically to a sworn Toronto Police Service Member (does not include a civilian Member or special constable) while *officer* refers to police officers in general.

### P

**Police and Community Engagement Review:** The Police and Community Engagement Review (PACER) was ordered by Chief Blair to examine current practices and procedures surrounding the way Officers interact with community members and to make recommendations that, when implemented, will result in a vast improvement to police and community relations and will allow for more effective, efficient, and economical bias-free policing.

## Glossary & Definitions

### R

**Racially Biased Policing:** Section 1.10 of the Service Governance stipulates, “Members shall not engage in racially biased policing, which includes racial profiling, and occurs when a member of a police service inappropriately considers race or ethnicity in deciding how and with whom to intervene in an enforcement capacity.”

### S

**Social Cost:** For the purposes of this publication, social cost refers to the loss of public trust and confidence as a result of police behaviour, procedures and practices.

### T

**Toronto Anti-Violence Intervention Strategy (TAVIS):** TAVIS is a Service-wide anti-violence crime strategy supported by every command in the Service. The goals and objectives of TAVIS are to reduce violence, increase safety in the community and improve the quality of life for members of the high-risk communities.

### V

**Versadex<sup>®</sup>:** Scheduled for implementation in November of 2013, Versadex<sup>®</sup> will be the new reporting and records management system for the Toronto Police Service and will incorporate the submission of CIRs/CSNs within a software component pre-labelled, by the software manufacturer, as “Street Checks”.



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