



Race & Identity Based Data Collection Strategy

Understanding Arrests and Arrest Outcomes in
2021

Context & Preliminary data findings

Toronto Police Service

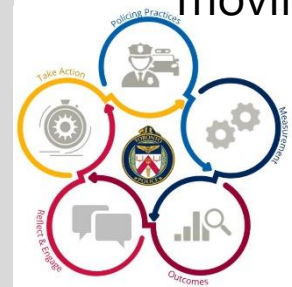


On June 15, 2022, the Toronto Police Service released the findings of Phase 1 of its RBDC Strategy, based on race-based data collected in 2020 in use-of-force and strip searches.

The Service has continued this work by initiating Phase 2 of the RBDC Strategy, which includes more police interactions: arrests and arrest outcomes, mental health apprehensions and youth diversions.

For the past 12 months, the Service has started analyzing the data collected under Phase 2 and continued engaging with the Community Advisory Panel (CAP), communities, stakeholders, and its members along the entire process of data analysis and interpretation to inform concrete solutions moving forward.

Introduction



Continuing to take a phased approach

RBDC Strategy is an **ongoing initiative** and our approach is an iterative **cycle**.

We work with the CAP, our members, and stakeholder contact groups to **ask questions** about the data and try to answer as many as we can. We don't always have the data to support an answer, but we still lean into the conversation to see what change is possible.

We initiated this iterative analysis process for the 2021 arrest data, and will continue using this approach for all other interactions considered under Phase 2.

While the following materials represent only a **preliminary and entry look** into 2021 arrest data, the Service is sharing it as a part of its committed to **greater transparency**.

We want you to follow us throughout the entire journey of data exploration, with regularly shared findings and other RBDC updates on our public website.



Key Concepts
Conditions for arrest & detention

Background of Arrests



Key Concepts

Arrest means the act of restraining the liberty of a person with the intent to detain.

Criminal Offence and Indictable Offence means any offence against an Act of Parliament.

Reasonable Grounds means a set of facts or circumstances that would lead a person of ordinary care and judgement to have a strong belief beyond mere suspicion.

'Criminal Code' and 'Provincial Offences Act' Release refers to the set of circumstances in which an arrested person can be released.

Divisional Cells means cells that may be used for short term detention of a person in custody.

Youth Diversion refers to a process designed to divert youth aged 12-17 away from the criminal justice system.

Referral is when an officer directs an individual to a community program or agency and may only be made with the consent of the person. A referral agency may be designed to offer social supports or to help individuals with patterns of committing offences.

When does a peace officer have authority to arrest?

A peace officer may arrest any person who...

- has committed an **indictable offence**, or a person the officer believes on **reasonable grounds has committed or is about to commit an indictable offence**
- the officer finds committing a **criminal offence**
- the officer believes is **wanted on a warrant of arrest or committal**, which is in force within the territorial jurisdiction where the person is found, or
 - has contravened or is about to contravene the terms of a criminal release
 - has committed an indictable offence while on release for a criminal offence
- is found committing or it is believed on reasonable grounds is about to **commit a breach of the peace**

A warrant of committal is issued against someone who has refused to comply with a court ruling.

Any disorderly or violent conduct that disturbs public peace and order

When does a peace officer have authority to detain?

Strong belief beyond mere suspicion

A detention, or investigative detention, is different from an arrest and generally refers to cases when police hold an individual for a brief period of time.

- Police have the authority to detain when they have **reasonable grounds** to believe a person is connected to a crime which they are investigating
- Individuals who are detained for investigative purposes must be advised, in **clear and simple language**, of the reasons for the detention.
- Phase 2 of the Strategy starts by analyzing **arrest interactions**, not investigative detention.

Background of Police Interactions
Arrests and Different Arrest Outcomes

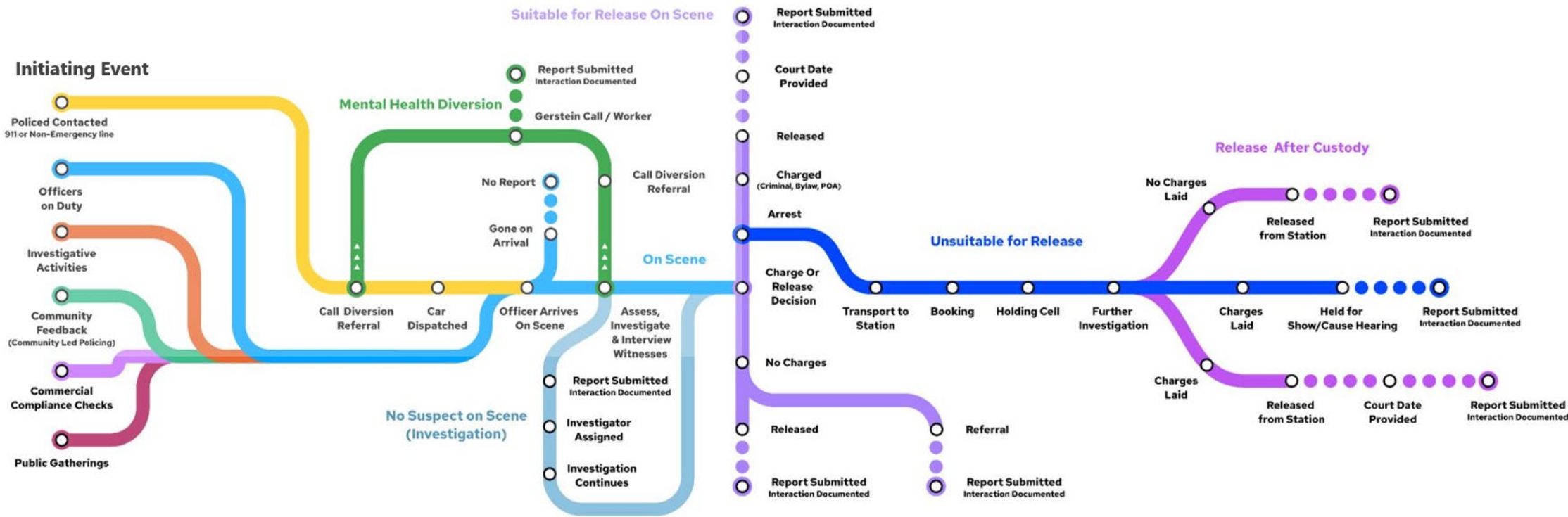
Policing Practices: All Interactions, Arrests and Outcomes



Policing Interactions

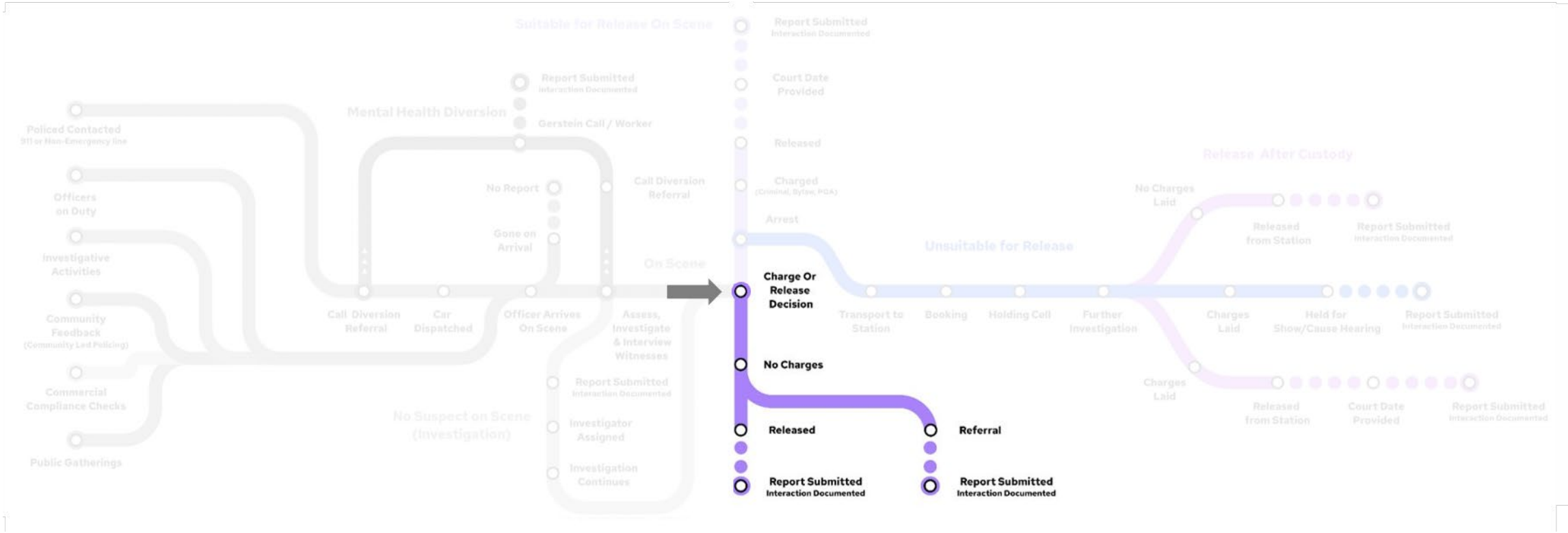
There are many ways an interaction may start: a call to 911 or the non-emergency line, a proactive interaction, investigative activities, community feedback, compliance checks, or public gatherings.

The image below shows the complexity of police interactions, initiating events, and where arrests occur on the interaction map.



What we're exploring

Charge, Release, and Diversion Outcomes



Once a police officer arrives on scene of an event, officers may determine no offence has occurred and release a subject without charges. Additionally, officers may offer to direct a subject to a community program or agency.

What we're exploring

Released at Scene Outcomes



Police officers have discretion over the outcome of an arrest. Depending on operational factors, including public safety concerns and the investigation, an arrested and charged person may be released on the scene of an interaction with a *promise to appear Form 10* or an *appearance notice Form 9* document. This document compels a person to appear at a court date.

What we're exploring

Booking Outcomes and Time in Custody



When a person is unsuitable to be released at scene, they are brought to a Toronto Police division. Depending on the outcome of further investigation, officers have discretion over whether an individual is charged, when they are released, and who they are released to or whether a bail hearing is appropriate or required.

Arrest Reasons

Demographics of arrests

Arrest outcomes:





- Charges & no charges laid
- Association with primary offence
- Booked at station
- Referrals & diversion – challenges with reporting

Contextual Findings

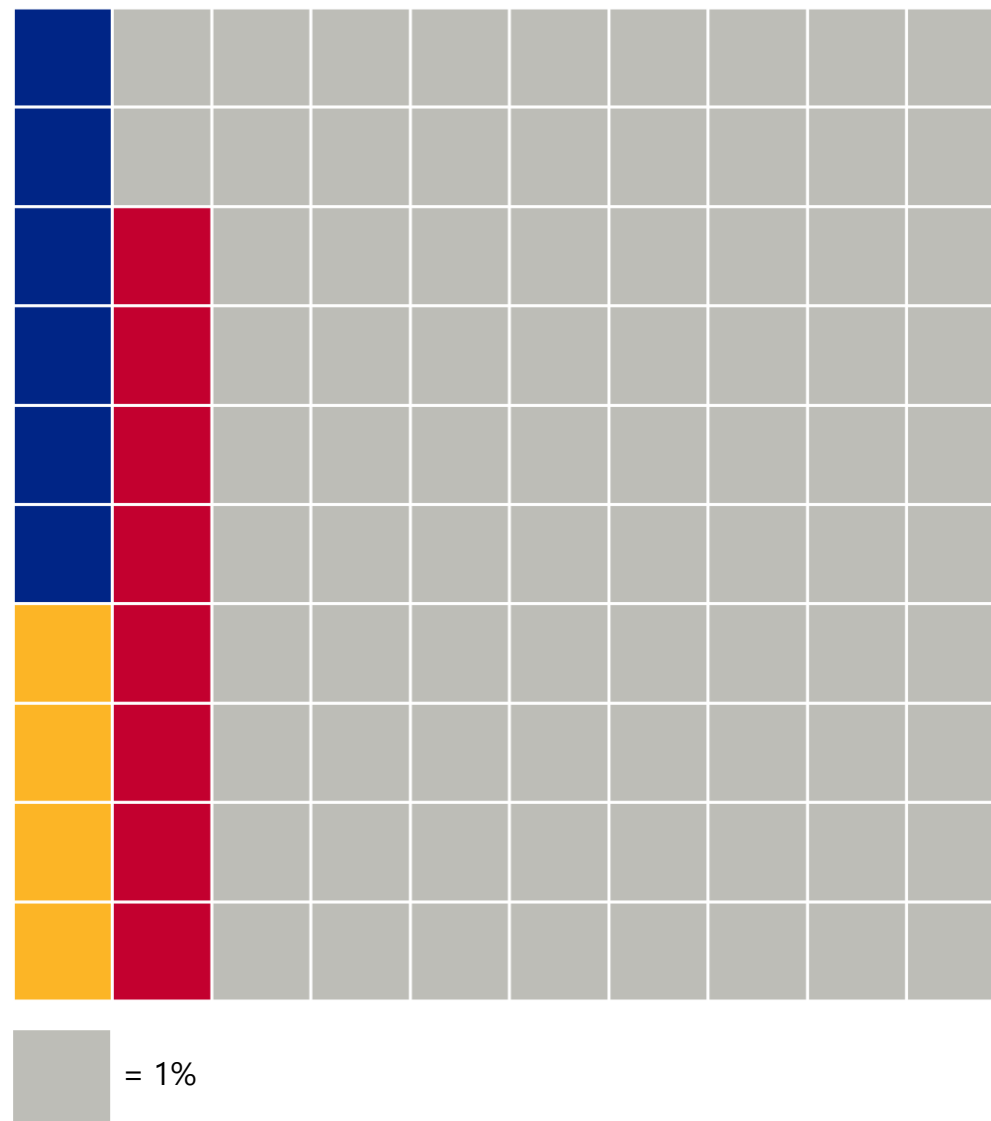


Arrests Reason: By the Numbers

In 2021, there were **106,275** enforcement actions
of which
33,297 were arrests conducted on the reasonable
grounds of a:

-  Criminal Code arrest: **83%** (27,461)
-  Warrant arrest **8%** (2,580)
-  Provincial Offences Act arrest **6%** (2,051)
-  Federal Statute and other **3%** (1,205)

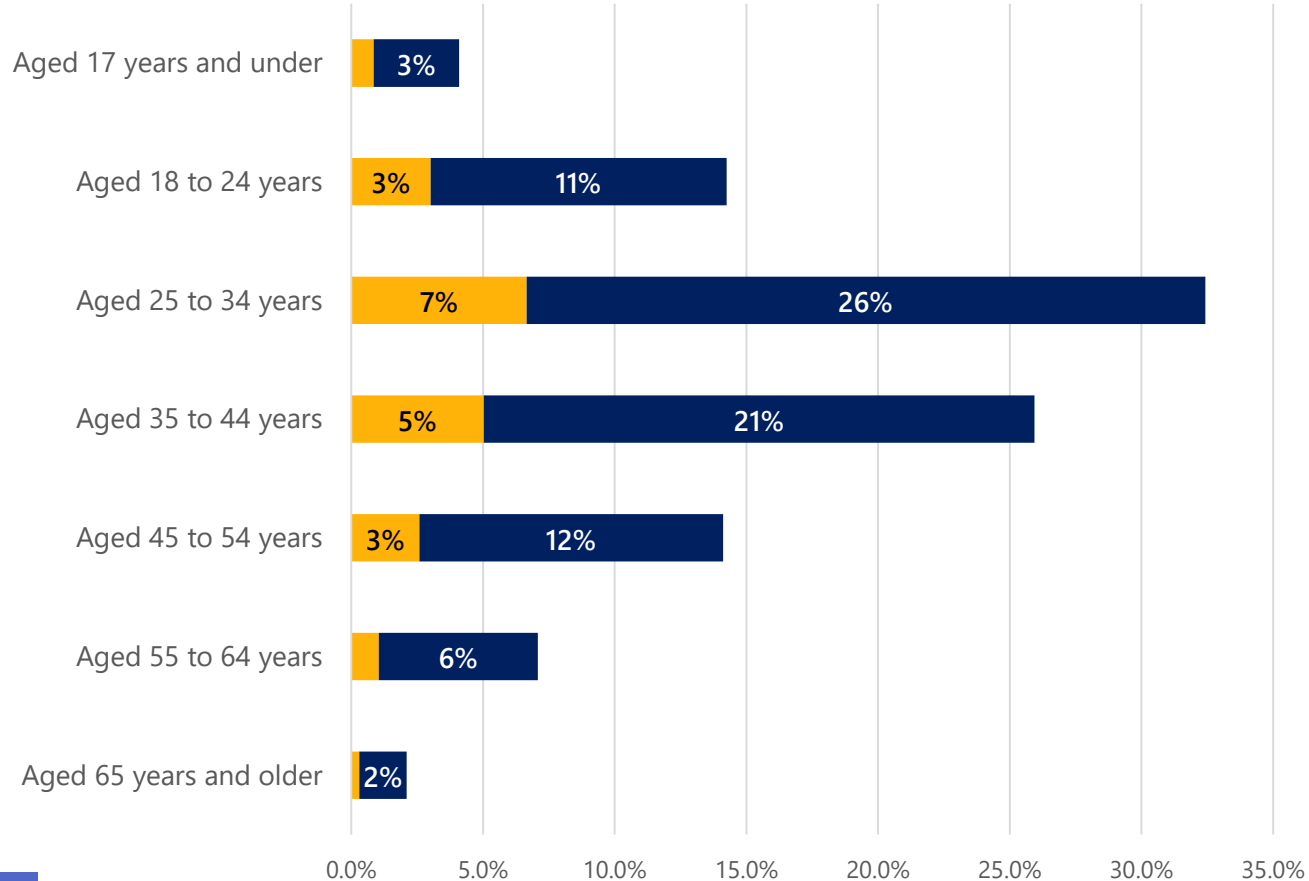
Total Arrests by Arrest Reason (TPS Data, 2021)



*Percentages are rounded to nearest whole number.

Arrests Demographics: By Age and Sex

Persons Aged 25 to 34 were most frequently arrested for both sexes (TPS Data, 2021)



We looked at the age and gender composition of the arrest group population. This helps us better understand the demographics most associated with arrest.

In 2021, 2 out of 10 persons arrested had a recorded sex of female, and 8 out of 10 persons had a recorded sex of male.

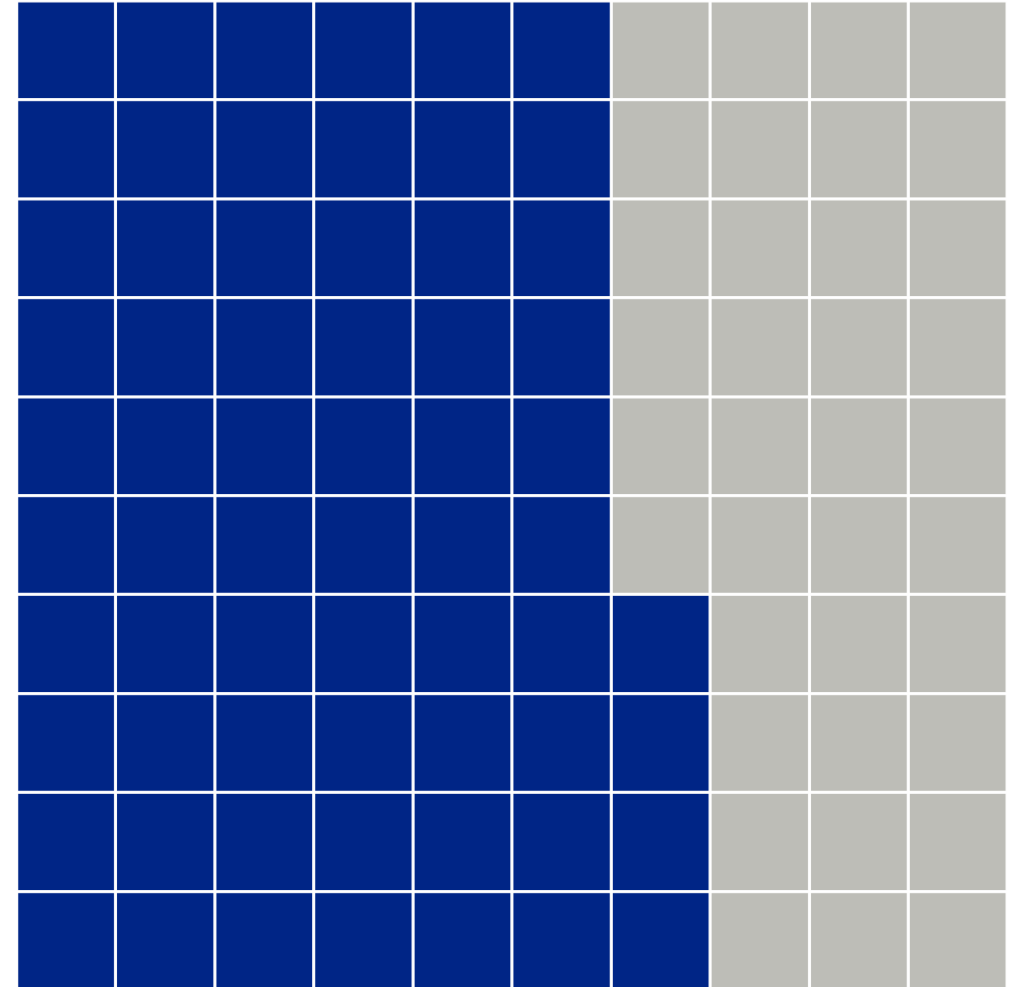
■ = Proportion of Females

■ = Proportion of Males

Arrests: Charges laid outcomes

Peace officers often respond to events and establish grounds to arrest. Subsequent to that arrest, further information may be uncovered that cause the arresting officer to believe that no charges should be laid. **36%** of arrests in 2021 resulted in no charges being laid.

Persons Charged (TPS Data, 2021)



= 1%
 = No Charges Laid
 = Charge Laid

*Percentages are rounded to nearest whole number.

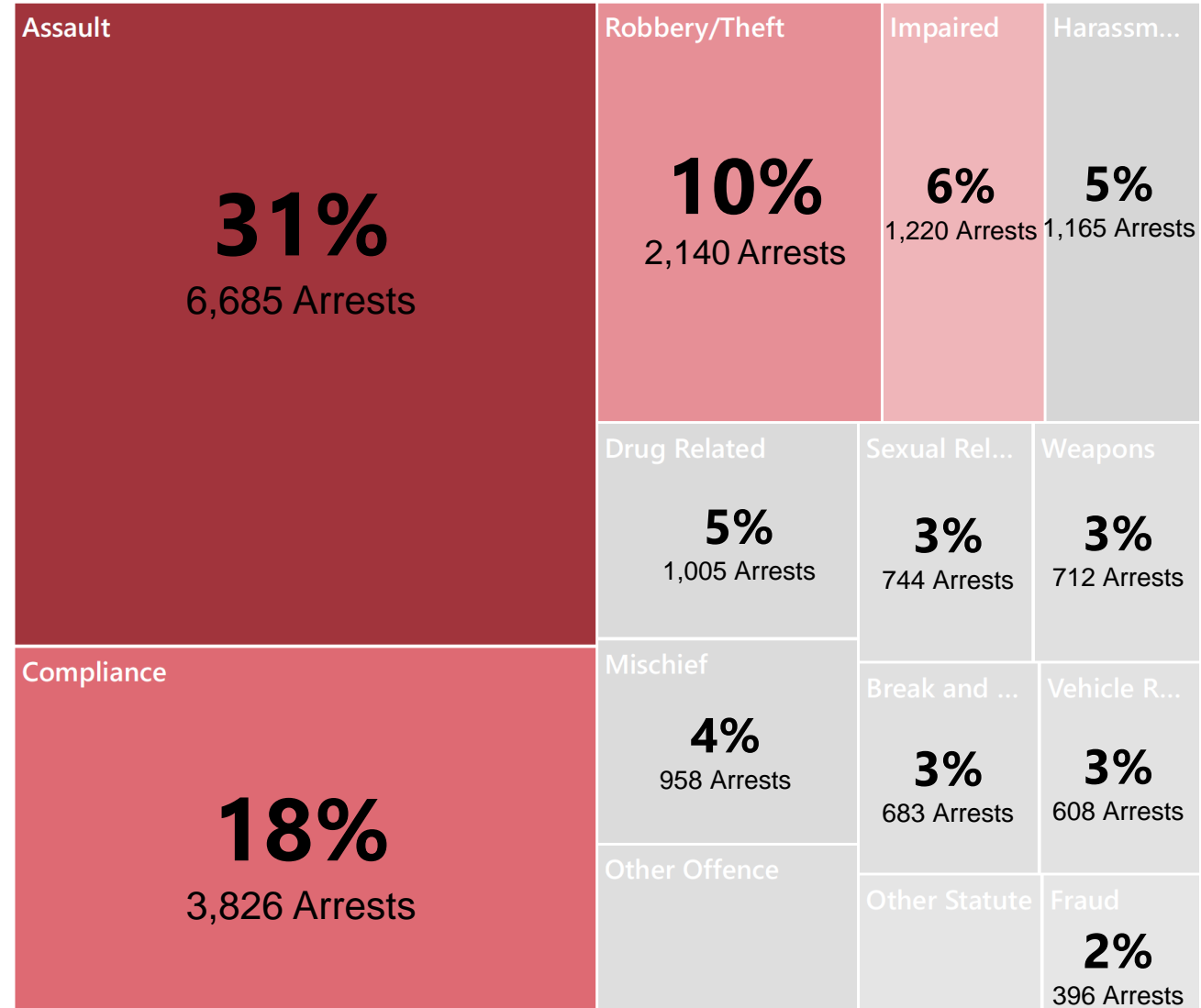
Arrests with Charges Laid: Association to Primary Offence*

Occurrences for **Assault, Compliance, Robbery, and Theft** made up the largest groupings of arrest types.

- Compliance includes:
- *Failure to attend court appearance*
 - *Failure to comply with release order*

*Primary Offence is the description of a general occurrence, as determined by the police officer. Categories are determined based on Uniform Crime Reporting (Statistics Canada) of the most serious offence involved.

Percentages are rounded to nearest whole number.



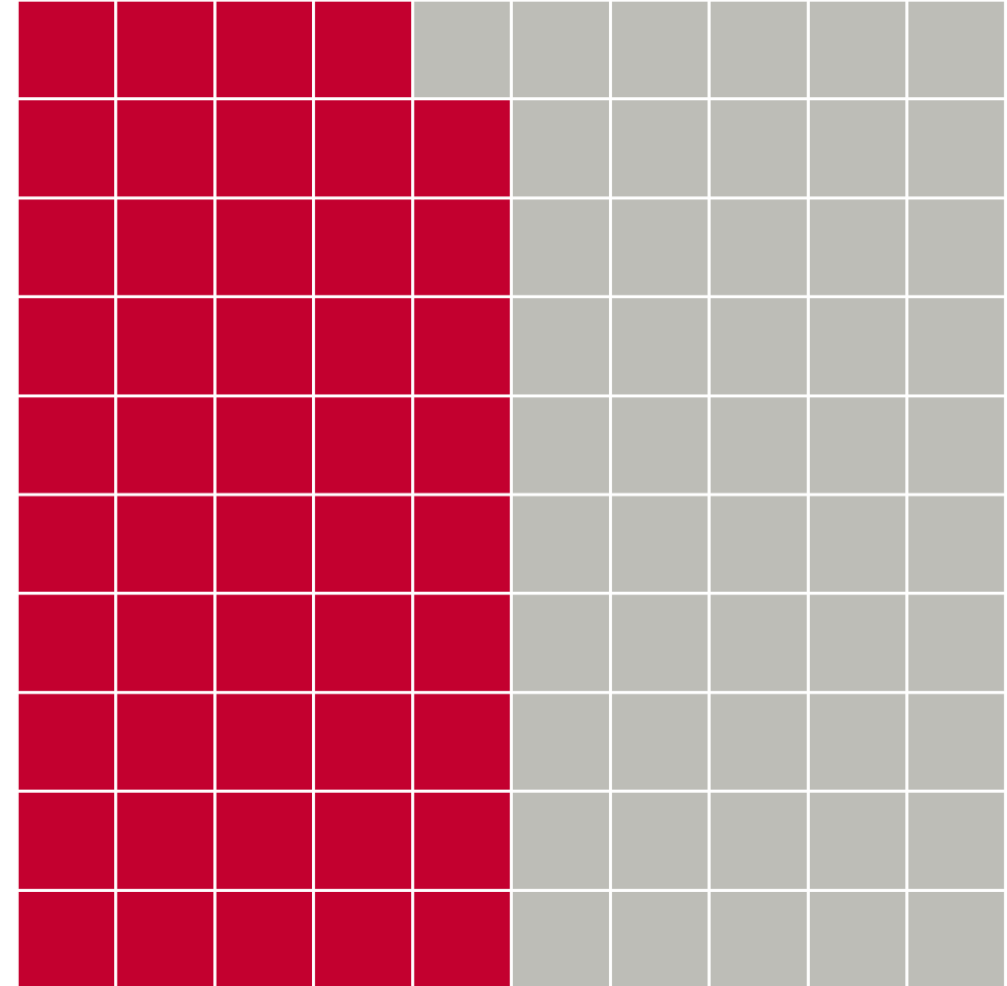
Arrests: Booked at Station outcomes

Under the Bill C-75 amendment to the criminal code, officers are compelled to release arrested persons 'at scene' whenever possible.

When an individual is not released at scene, they are booked at a Toronto Police division. Subsequent to this, the arresting officer may hold or release the individual.

In 2021, **51%** of persons arrested were booked at a division.

Arrest Outcomes (TPS Data, 2021)



= 1%
 = Booked at Station
 = Released at Scene

*Percentages are rounded to nearest whole number.

Referrals & Diversion: Challenges with Reporting

TPS faces challenges on making referrals, collecting referral information, and reporting on referral tracking service-wide, as current practices are not standardized across units and programs.

A police **referral** is when an officer directs an individual to a community program or agency and may only be made with the consent of the person. A referral agency may be designed to offer social supports or to help individuals with patterns of committing offences. Referrals may be offered in multiple scenarios:

- Offering agency support in **non-criminal interactions**
- Offering agency support **subsequent to arrest**

Youth diversion refers to a city-wide pre-charge diversion program; a community-based alternative to addressing less serious incidents of crime reported to police committed by young people 12 to 17.

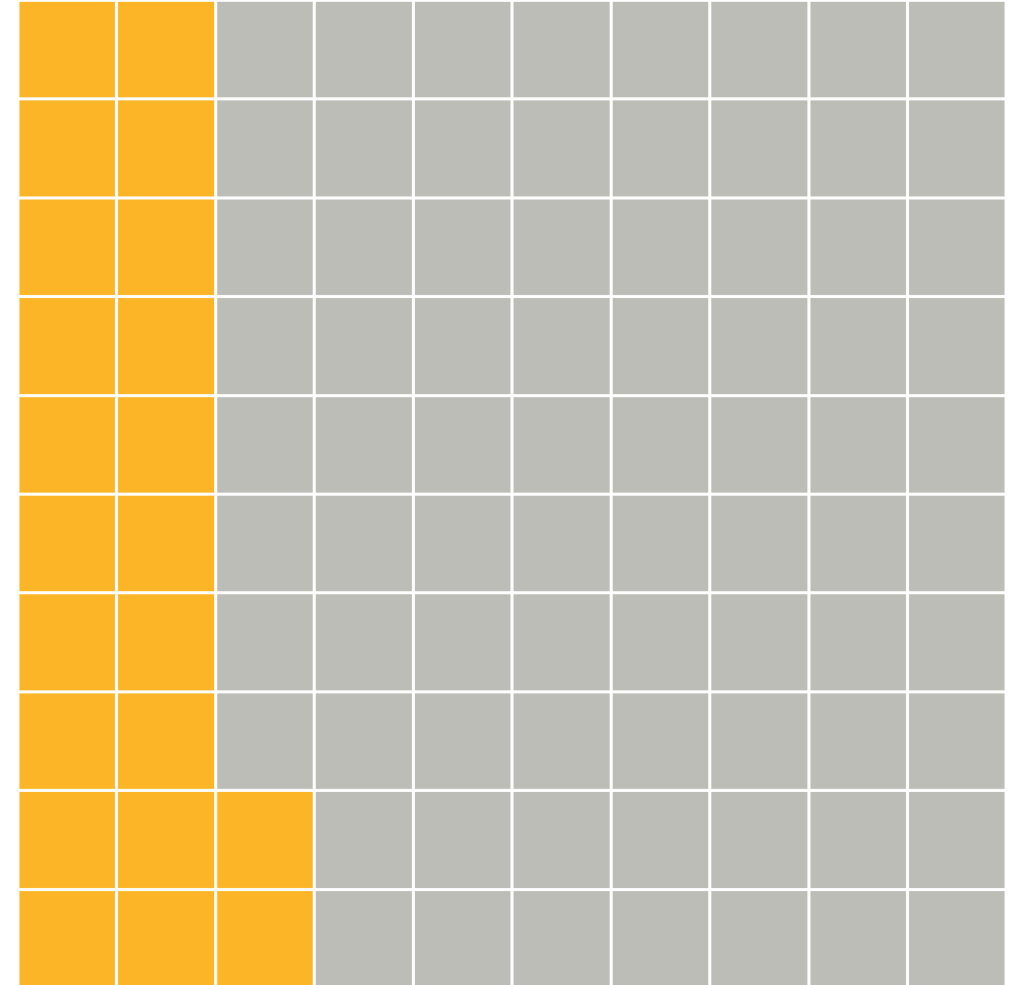
Referrals & Diversion

Youth Arrest Text Template

Under revised procedure 04-41*, officers are **directed to attach a 'Youth Arrest Text Template' to each youth arrest.** In 2021 there were 1,360 youth arrests associated with 992 events.

- Only **22%** of events with a youth arrest have one or more template attached.
- Of the 369 youth arrest templates, **19% (71)** are **missing diversion information.**
- **Data quality issues** limit linking a specific template record to a specific arrest record.

Youth Arrest Events (TPS Data, 2021)



Percentages are rounded to nearest whole number

*<https://www.tps.ca/service-procedures/>

Key concepts

Multiple benchmarks:

- Resident population
- Enforcement actions

Benchmarking



Key Concepts:

Resident population refers to the population of Toronto, broken down by race group, based on 2020 projections by Environics Analytics.

Benchmark refers to a point of reference against which outcomes can be compared, assessed, or measured

Disproportionality means the proportion of a race group that is greater than (over-representation) or is less than (under-representation) their presence in the benchmark population

Enforcement action refers to a population of incident reports of arrests resulting in charges (including released at scene) or released without charges; Provincial Offences Act Part I tickets; Part III summons; cautions; diversions; apprehensions, and those with role type "subject" or "suspect"

Benchmarks

We looked at the resident population of Toronto compared to the number of people involved in enforcement actions. This helps us to see if a group is over or under-represented in police contacts, prior to any potential arrests.

Rationale: A person must first encounter police to be subjected to an arrest; therefore, Enforcement Action is the benchmark used for the analysis of arrests.

Black People were 2.3x
 Indigenous People were 1.6x
 Middle Eastern People were 1.6x

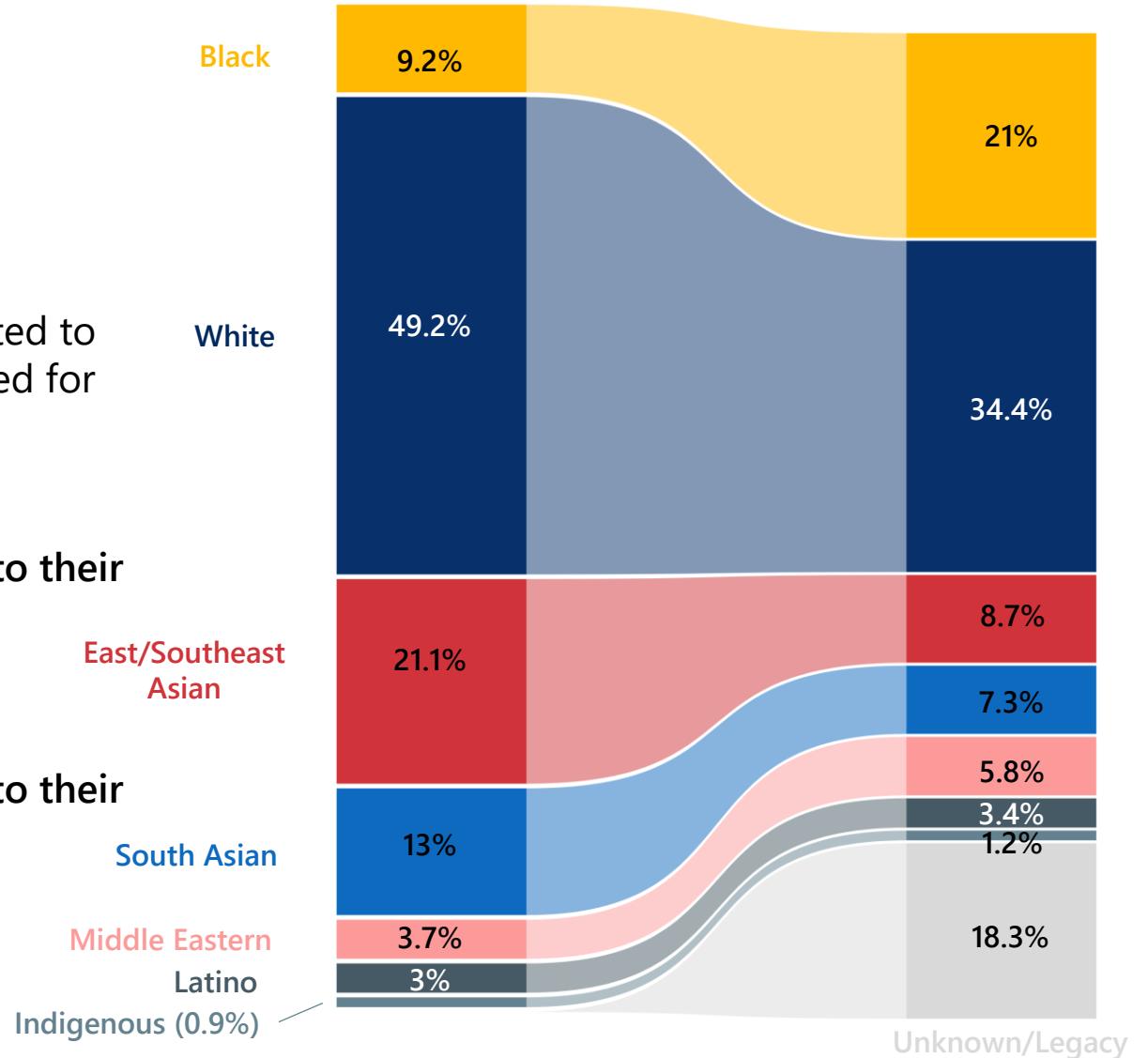
Over-represented in enforcement compared to their presence in Toronto

Under-represented in enforcement compared to their presence in Toronto

White People were 0.7x
 South Asian People were 0.6x
 East/Southeast Asian People were 0.4x

Resident Population
(Population Projection, 2021)

Enforcement Actions
(TPS Data, 2021)



*While a person may experience more than one enforcement action per year, for comparison to resident population, we counted unique individuals, as population counts one person, one time.

- There were differences by race in arrests - Black, Indigenous and White people were over-represented in arrests *compared to their presence in the enforcement action population*.
- There were *slight differences* by race in arrest outcomes such as booked at station and charges laid.

Racial Disparities: Preliminary Findings



Arrests - differences by race

We looked at the number of people arrested compared to the group's enforcement action population. This helps us see if a group is over or under-represented in these, prior to assessing outcomes.

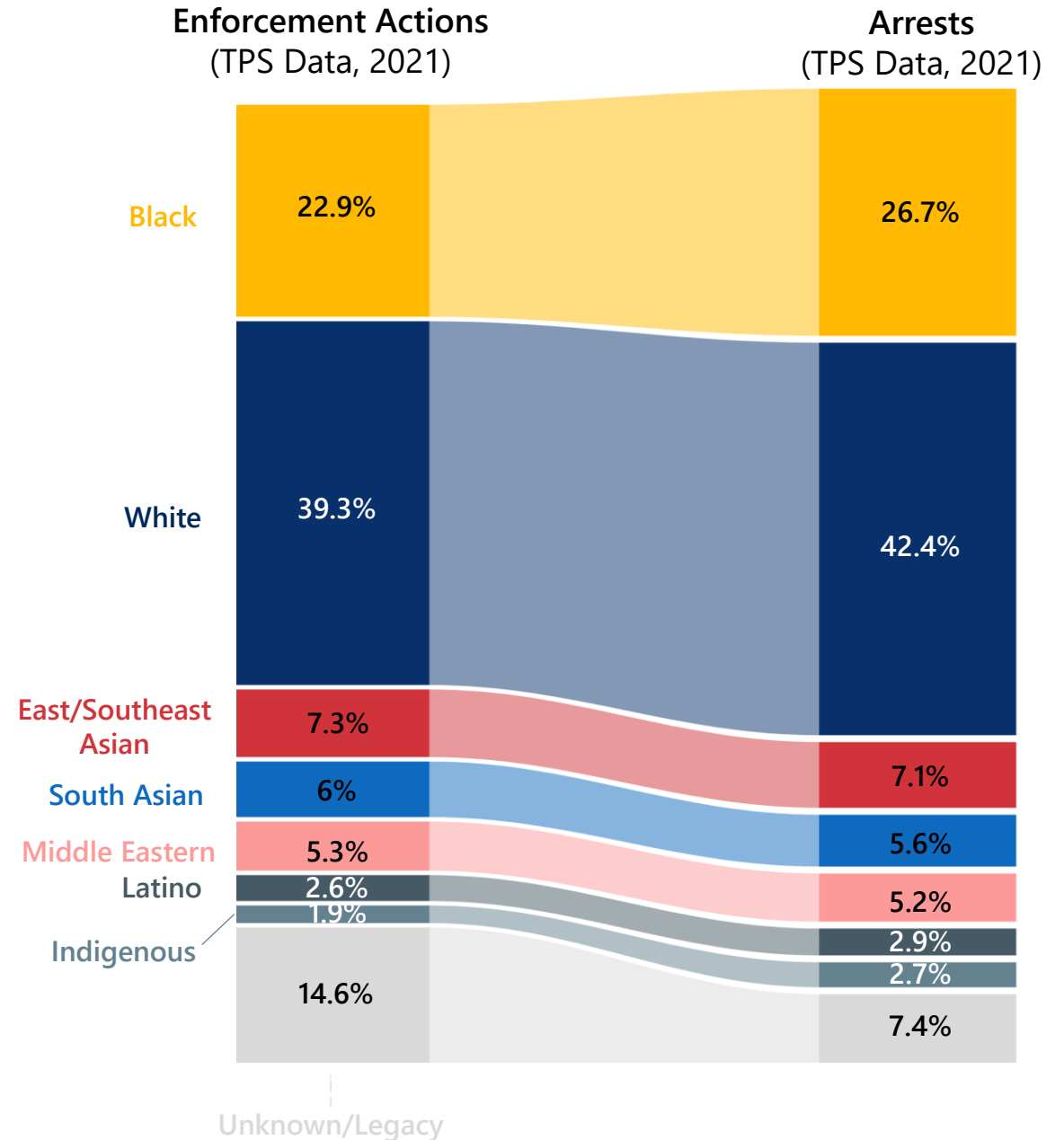
Indigenous People were 1.4x
 Black People were 1.2x
 White People were 1.1x

Over-represented in arrests compared to their presence in enforcement actions

South Asian People were 0.9x

Under-represented in arrests compared to their presence in enforcement actions

*A person may experience **more than** one enforcement action per year and may experience **more than** one arrest. For comparison of enforcement action to arrest, we did not remove duplicate enforcement actions (as was done for the comparison to resident population).



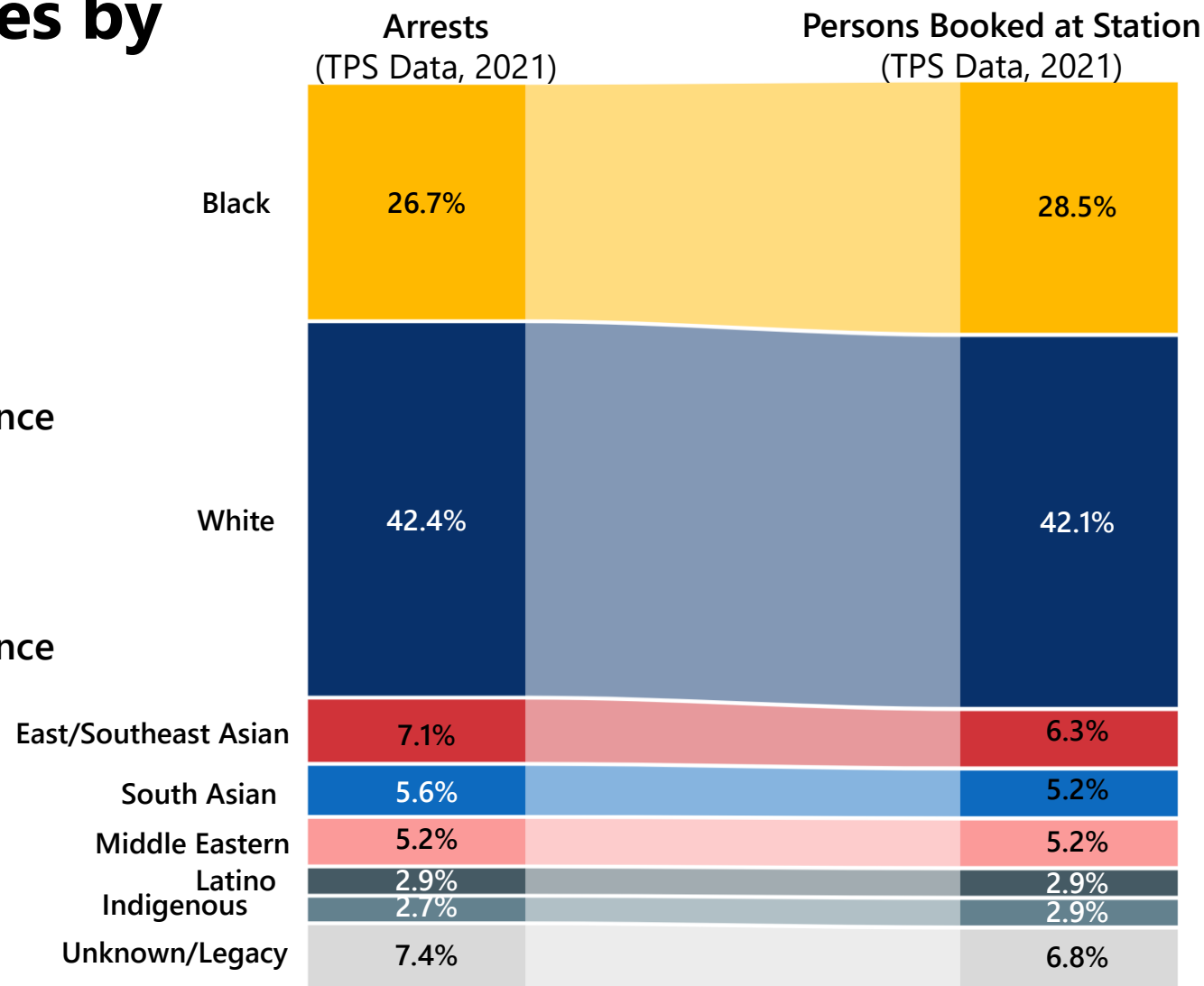
Arrest outcomes: Booked at station – differences by race

Black People were 1.1x
Indigenous People were 1.1x

South Asian People were 0.9x
East/Southeast
People were 0.9x

Over-represented in
booking outcomes
compared to their presence
in the arrest population

Under-represented in
booking outcomes
compared to their presence
in the arrest population



Arrest outcomes: Charges laid – differences by race

East/Southeast People were 1.1x
South Asian People were 1.1x

Indigenous People were 0.9x

Over-represented in charges laid outcomes compared to their presence in the arrest population

Under-represented in charges laid outcomes compared to their presence in the arrest population

