



TORONTO POLICE SERVICE
**RACE-BASED
DATA
COLLECTION
STRATEGY**



Policing Practices

RBDC Video 3 Transcript

Slide 1 – Title Page

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Toronto Police Service
Race-Based Data Collection Strategy

Analysis to Action Model: Roadmap to Equity

Policing Practices

This video walks us through policing practices and the complexity of police interactions. The Service is taking a phased approach to data collection, analyses and reporting so we can learn, improve and expand our efforts in a sustainable way. We began with use of force and strip searches in January 2020 and included arrests, charges, diversions and apprehensions in 2021.

As the Strategy progresses, we will look to incorporate how members of the public Self Identify.

Slide 2 – How Policing Is Thought Of

People often think of policing as a linear process starting with a call for service and ending with an arrest or release, but it is more complex.

Slide 3 – How Policing Is Thought Of (2)

But 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 gathering.

There are several different pathways to police arriving on scene. In some instances, when police are contacted, the call may be diverted to community supports. For other initiating events, once an officer arrives on scene, they assess, investigate & interview witnesses. There are several pathways an interaction may take. These pathways may include a diversion or referral to a community agency or mental health supports. Another pathway could result in charge or release decisions.

Each of these initiating events can be expanded out further

Slide 4 – Police Interactions - Overview

Here we can see the many ways that someone may come into contact with police and lead to an officer arriving on scene, call diversions, police reports, arrests, charges, releases, or charge diversions.

A full version of this interactions map is available on the Race Based Data Collection Story Map on the Public Safety Data Portal and linked on tps.ca

Let's look at where uses of force can occur in this process.

Slide 5 – Police Interactions – Use of Force

A use of force incident can only begin when an officer is on scene.

Slide 6 – Ontario Use of Force Model

The Toronto Police Service places the highest value on the protection of life and the safety of its members and the public, with a greater regard for human life than the protection of property.

The Ontario Use of Force Model is an aid to promote continuous critical assessment and evaluation of every situation, and can assist members to understand and make use of a variety of force options to respond to potentially violent situations. It is not intended to serve as a justification for a member's use of force, nor does it prescribe specific response options appropriate to any given situation. However, the Model does provide a valuable framework for understanding and articulating the events associated with an incident involving a member's use of force.

All police services in Ontario follow the provincial use of force model which trains officers on how to continuously monitor and de-escalate situations and use only the amount of force reasonably necessary to bring a situation under control. It aids to promote a continuous critical assessment and evaluation of every situation to select **most reasonable option** for those circumstances as perceived at that point in time.

The inner-most circle of the model, labelled "SITUATION", contains the "*assess-plan-act*" component which should be visualized as dynamic as an officer's "assessment" of a situation is never-ending. The process of continuous assessment also helps to explain how a behaviour (and response option) can change from co-operative to assaultive (or from communication to lethal force) in a split second without passing through any other behaviour or force options.

The area adjacent to the "SITUATION" contains the various subject behaviour categories including cooperative, resistant, assaultive and serious bodily harm or death.

Perception and Tactical Considerations are interrelated and are therefore contained in the same area, or ring on the model. Factors that the officer brings to the situation, that are unique to the individual officer *interact* with both situational and behavioural factors to determine how an officer may perceive or assess the situation. Further, the officer's perception of a situation may affect their assessment and, in turn their tactical considerations.

The outer area of the model represents the officer's use of force options. These options range from officer presence to communication skills, physical control techniques, intermediate weapons and lethal force. Though officer presence and communication skills are not *physical*



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use of force options, they have been included to illustrate the full range of factors that have an impact on the behaviour of the subject.

For further information on the Toronto Police Service Use of Force procedure 15-01 and the Ontario Use of Force Model, please refer to the Toronto Police Service's Procedures section at tps.ca

Slide 7 – Use of Force Reporting

Officers are required to submit a use of force report, as mandated by the Ministry of the Solicitor General, for every incident in which they:

- Used physical force that results in medical attention from EMS or the hospital;
- Drew, pointed or discharged a firearm, or demonstrated force with or uses a Conducted Energy Weapon – regardless of the level of injuries; and,
- Used a weapon other than a firearm or CEW, that comes in direct contact with a person – again, regardless of the level of injuries.

Slide 8 – Collected Information

Let's take a closer look at the Use of Force Report.

The Use of Force Report captures information about the interaction, including what type of incident officers responded to, the type of force used, if officers perceived a weapon, and the level of injuries.

Starting January 2020, the province revised the Use of Force Report Form to add perceived race and comply with the *Anti-Racism Act* and regulation.

The revised use of force report also enables every police service to securely submit the form to the Ministry electronically under the Police Services Act.

Slide 9 – Use of Force & Weapons

In some situations, use of force may be necessary to protect members of the public and officers in incidents that may involve weapons, including responding to violent calls for service or where officers perceive weapons were present.

A weapon is any thing used, designed to be used, or intended for use in causing death or injury to any person or for the purpose of threatening or intimidating any person. Weapons may include firearms, sharp objects, or blunt instruments.

Slide 10 – Highest Type of Force Used

As we talked about in the Ontario Use of Force Model, use of force incidents are dynamic and officers must use the most reasonable option of force for the circumstances as they perceive at that point in time. This means, officers may use more than one type of force to de-escalate an incident.

For this analysis, we categorized types of force from lowest to highest, across all officers involved in the same incident.

The categories are physical or other type of force which includes aerosol spray, impact weapon, police animal, and empty hand techniques.

Less than lethal force: including a conducted energy weapon or a less lethal shot gun such as a bean bag round, and a handgun drawn.

And Firearm Pointed or discharged.

Slide 11 – Use of Force and Accountability

A question often asked is how are we sure the data is entered properly and accurately. The Use of Force report form goes through several internal check points to ensure the data is recorded correctly and in accordance with legislation. Intentionally falsifying police records constitutes as misconduct.

Once a use of force incident occurs and a report is submitted, the information is checked by divisional supervisors and the Unit Commander. The data is reviewed for completeness and accuracy, and this may be the first place where in car camera or body worn camera footage is reviewed. Following these checks, the information is reviewed by the Training Analyst at the Toronto Police College. The Toronto Police College submits this form to this Ministry of the Solicitor General and then looks at use of force forms for trends to cause for potential change to procedures, or to augment mandatory annual officer training, new cadet training, or individual training at the Toronto Police College.

From the Toronto Police College, the Incident Review Committee reviews aggregate trends from the use of force reporting. Individual forms then go to the Risk Management Unit where the data is entered into the Service's Professional Standards Information System. Through this system the Early Intervention program identifies performance patterns that require intervention before it results in misconduct or degrades a member's health and wellness. The Equity, Inclusion & Human Rights Unit, Wellness Unit, and the Toronto Police College provide support to the Early Intervention Program.

Information from the use of force reports then go to inform four public accountability reports and strategies, such as the Annual Statistical Report, CEW Reporting to the Toronto Police Services Board, the Corporate Risk Management Report, and the Race & Identity Based Data Strategy. For further information on the Early Intervention Program, Accountability, or Use of Force, please refer to the annual Corporate Risk Management reports available at tps.ca.



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Slide 12 – Police Interactions - Overview

Now that we've gone over Uses of Force, Let's return to the Police Interactions map. From Here we can see where searches of persons occur.

Slide 13 – Police Interactions – Search of Persons

The authority to search a person is of paramount importance to the safety of prisoners, members, and all other persons employed within the criminal justice system.

Searches of the person shall not be conducted in an abusive fashion or be conducted to intimidate, ridicule or induce admissions. Regardless of what type of search is undertaken, the dignity and the privacy of a person must always be given consideration.

It is critical that officers make a proper evaluation of the potential risks, ensure that the appropriate type of search is conducted, and they are diligent while searching persons in custody. Toronto Police Service **Procedure 01-02 Search of Persons** governs and outlines possible risk factors for the search of persons; however, the decision as to what type of search is appropriate must be assessed on a case-by-case basis.

Slide 14 – Search of Persons: Types of Searches & Considerations

There are four different levels of searches. The first level, protective search is used generally during Investigative Detention and involves a limited search of a person who has been detained by police when there is reasonable belief the person poses a safety risk. The scope of the search is limited to exterior patting of clothing such as pockets, waistband or areas that may reasonably conceal such items as weapons or implements that may be used as weapons, usually with open hands to maximize the ability to detect weapons through clothing. This search may also be described as a “safety search”, as that is the purpose and objective.

The Second search level, a Frisk Search, is used generally for Search Incident to Arrest and means a more-thorough search that may include emptying and searching pockets as well as removal of clothing, which does not expose a person's undergarments, or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Frisk search. A Frisk search may be commenced in the field and concluded at the station. A Frisk search conducted incident to arrest includes the area within the immediate control of the arrested person.

The third level, strip search includes all steps in the protective and frisk search, and a thorough search of a person's clothing and non-physical search of the body. That will often require removal or rearrangement of some, or all, of the person's clothing to permit a visual inspection of a person's private areas.

Officers contemplating a strip search of a person shall consider all the circumstances, including:

- details of the current arrest
- history of the person
- any items already located on the person during a protective or frisk search
- the demeanour or mental state of the individual
- the risks to the individual, the police, or others, associated with not performing a strip search
- the potential that the person will come into contact with other detainees, creating an opportunity for the person to hand off contraband, weapons, etc. to another prisoner

Heightened safety concerns that are common to all persons held for a Show Cause (or bail) hearing should be considered.

In October of 2020, we updated our Search of Person Procedure. All protective and frisk searches are now captured on **audio and video**, wherever possible, to allow for transparency and accountability. As part of the changes, we developed a robust training module of search of persons including a review of case law. We also require that **all** strip searches are **authorized by a supervisor** and are accurately documented and **audited at a divisional and senior management level**. Information captured includes the reason for the search and items found.

The data analysis for Strip Searches examines data from all of 2020 – this includes before and after the policy changes.

For additional information, please refer to Toronto Police Service Procedure 01-02, Search of Persons and Procedure 16-07 Collection, Analysis and Reporting of Race-Based Data available at [tps.ca](https://www.tps.ca)