



## 16-07 Collection, Analysis and Reporting of Race and Identity-Based Data

**Status:** Amended

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**Replaces:** 2021.12.08

### Rationale

The *Anti-Racism Act, 2017* (ARA) was enacted to address systemic racism and address racial equity in the province of Ontario. The ARA mandates members of the justice sector, including police services, to collect race and identity-based data to measure, monitor, address and eliminate systemic racism through the development and implementation of a standardized framework, the Anti-Racism Data Standards.

The Toronto Police Services Board recognizes that the collection of race and identity-based data is a complex process that must be handled with great respect and care. The new Toronto Police Services Board Policy entitled *Race-Based Data Collection, Analysis and Public Reporting* (TPSB Policy) requires the Toronto Police Service (Service) to collect, analyze and publicly report on data related to the race of those individuals with whom Service members interact.

The collection of race and identity-based data will provide reliable and high-quality race and identity-based statistics, which is intended to contribute to informed public discourse and evidence-based decision making. Specifically, this data collection will identify and monitor racial disparities that may exist in order to eliminate systemic racism and advance racial equity.

The Service has a duty to ensure that this type of data collection, analysis and public reporting is built on a process that is methodologically sound and consistent with legislative requirements including the *Anti-Racism Act*, *Human Rights Code* and the *Municipal Freedom of Information and Protection of Privacy Act*.

This Procedure provides direction to members for the collection, analysis, and public reporting of race-based data collected by the Service.

### Procedure

The Service is committed to providing policing services that are delivered in a professional manner that is free from discrimination, equitable, culturally competent, and inspires confidence in addressing concerns regarding policing with racialized individuals in all communities within the City of Toronto.

The Service has commenced a phased in implementation of the Race and Identity-Based Data Collection (RBDC) Strategy. The initial phase of this implementation required race-based data to be collected by Service members for all instances of:

- Use of Force; and
- Strip Search or Body Cavity Search - Search of Person.

Phase 2 of the RBDC Strategy requires officers to collect race-based data in all instances of:

- Arrests; and
- Apprehensions.

Guided by the constitutional and legal principles of the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, Ontario's *Anti-Racism Act* and TPSB Policy, this process will enable the Service to:

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

Race-based data shall not be used by the Service, under any circumstances, to stigmatize, ascribe criminality to, make value judgments on, or otherwise stereotype any community. Moreover, race-based data shall not be used for performance management or to identify individual Service members; but, rather, as a tool to identify trends that contribute to professional development and organizational improvement.

## Service Members' Perception Data

Collecting perception data of another person's race is a sensitive undertaking. Members shall collect and record perception data with respect to race identification in every case of data collection as outlined above.

Service Members' Perception Data is defined as:

*“the information derived from a member making a determination with respect to the race of an individual by observation, solely on the basis of that member's own perception”.*

Members are reminded when collecting perception data:

- to give their best assessment of the individual, honestly and in good faith; and
- understand that the collection of this information is authorized under the *Anti-Racism Act*, *Municipal Freedom of Information and Privacy Protection Act* and TPSB Policy

## Race Categories

Using race categories that measure and reflect how an individual may be described by others helps to better identify racialized communities' experiences and treatment in society.

The Service shall utilize the following Race Categories outlined in Ontario's *Anti-Racism Data Standards* to ensure consistent, reliable data is collected.

Race Categories	Description/examples
Black	African, Afro-Caribbean, African-Canadian descent
East/Southeast Asian	Chinese, Korean, Japanese, Taiwanese descent Filipino, Vietnamese, Cambodian, Thai, Indonesian, other Southeast Asian descent
Indigenous (First Nations, Metis, Inuk/Inuit)	First Nations, Metis, Inuit descent

Race Categories	Description/examples
Latino	Latin American, Hispanic descent
Middle Eastern	Arab, Persian, West Asian Descent, e.g. Afghan, Egyptian, Iranian, Lebanese, Turkish, Kurdish, etc.
South Asian	South Asian descent, e.g. East Indian, Pakistani, Bangladeshi, Sri Lankan, Indo-Caribbean, etc.
White	European descent

One category should be selected, based on the member's best estimate. Non-response options are not permitted. If a person is perceived to be a mixed race, the member should select the race category that, in their view, the person most resembles.

## Availability of Data

Any analyses or reporting of statistics using race-based data collected by the Service will only

- be conducted by specially trained and designated members of the Service; and
- after personal identifiers are removed to ensure that no individual can be identified.

## Member

1. Members acting in accordance with this Procedure shall have successfully completed the required training.
2. When it is determined that reasonable grounds exist to conduct a Strip Search or Body Cavity Search, shall comply with 01–02.
3. When involved in a Use of Force Incident, shall comply with 15–01.
4. When making an arrest, regardless of the authority used or whether charges are laid, shall comply with 01-01 as applicable.
5. When involved in an interaction with a person in crisis, shall comply with 06-04.
6. When dealing with an apprehension order under ss. 36(1) and 36(2) of the Children's Law Reform Act, shall comply with 06-06.

## Supervisor

7. Upon receipt of a completed Use of Force Report shall comply with 15–01 as required.

## Officer in Charge

8. When consulted to determine whether a Strip Search or Body Cavity Search is appropriate, shall comply with Procedure 01–02.
9. Upon receipt of a completed Use of Force Report shall comply with 15–01 as required.
10. When an arrest has been made shall comply with 01-01 as required.

### Unit Commander

11. When in command of members who, in the course of their duties, are required to collect race-based data in accordance with this Procedure shall ensure
  - members have successfully completed the required training
  - compliance with all applicable Procedure(s)

### Unit Commander – Equity, Inclusion & Human Rights

12. The Unit Commander – Equity, Inclusion & Human Rights shall
  - coordinate the process and framework development required to implement the RBDC Strategy for the Service, including
    - maintaining the race-based data collection to ensure access is limited and personal information is protected;
    - implementing a process for quality assurance;
    - analyzing the information collected in accordance with TPSB Policy; and
    - the release of data and results of analysis to the public
  - utilize the information derived from the analysis and examination of race-based data to
    - better understand racial inequities;
    - inform evidence-based decisions to remove systemic barriers; and
    - advance racial equity.
  - ensure the required action plans are created and maintained to address any issues that arise from the analysis and examination of race-based data
  - regular consultation with the Community Advisory Working Group
  - fulfill the role of manager for the Service who is accountable for oversight and ensuring compliance with the *Anti-Racism Act*, the regulations and the Anti-Racism Data Standards
  - promote and coordinate consistent best practices across the Service
  - monitor and report on any changes or amendments to legislation or Service Governance which may be relevant to training and operational requirements specific to the RBDC Strategy
  - the required analysis of the race-based data is conducted, on a qualitative and quantitative basis
  - the annual report submission relating to race-based data is completed and presented to the Board in a form appropriate for publication

### Unit Commander – Toronto Police College

13. The Unit Commander – Toronto Police College shall ensure
  - all required training is developed and conducted for members acting in accordance with this Procedure, which will include, at a minimum
    - the purpose of the RBDC Strategy;
    - how to carry out race-based data collection in a manner that promotes transparency, accountability, equity, and positive police-community relationship;
    - intersectionality, bias awareness, discrimination and racism and how to avoid it when providing police services;
    - the impact of historical events on police-community relations; and,
    - the general impact of TPSB policy and Service procedure(s) based on the feedback provided by the Community Advisory Working Group.
  - the training content is regularly updated based on emerging best practices and inclusion of the data that is publicly reported on the Public Safety Data Portal

### Unit Commander – Analytics & Innovation

14. The Unit Commander – Analytics & Innovation shall develop and maintain the required processes to ensure
  - race-based data is extracted and provided to the Unit Commander – Equity, Inclusion & Human Rights in a de-identified format
  - the access and use of race-based youth data is undertaken in accordance with
    - the parameters outlined in a valid Ontario Court of Justice – Youth Court Order; and
    - Analytics & Innovation Unit Specific Policy
  - the race-based data collected is included **annually** in the information provided on the Service’s Public Safety Data Portal, in a manner that complies with MFIPPA

### Deputy Chief – Human Resources Command

15. To support and promote anti-racism organizational change the Deputy Chief – Human Resources Command shall ensure
  - regular consultation with the Community Advisory Working Group is maintained
  - the information derived from the analysis and examination of race-based data collected is reviewed and shared with Command to ensure the required Action Plans are developed and implemented by the Service as required to
    - better understand racial inequities;
    - inform evidence-based decisions to remove systemic barriers; and
    - advance racial equity.
  - progress and outcomes are continually monitored and evaluated for the Service to achieve continuous improvement in the policing services that are provided

## Supplementary Information

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### Governing Authorities

**Federal:** Constitution Act, Part I, Canadian Charter of Rights and Freedoms; Criminal Code.

**Provincial:** Anti-Racism Act, 2017; Ontario Human Rights Code; Municipal Freedom of Information and Protection of Privacy Act (MFIPPA); Police Services Act.

**Municipal:** Toronto Municipal Code, Chapter 219, Article 1, Records Retention Schedule.

**Relevant Case Law:** R. v. Dudhi (Ontario Court of Appeal) (2019)

### Associated Governance

**TPSB Policies:** TPSB Policy Regulated Interaction with the Community and the Collection of Identifying Information; TPSB Policy Race-Based Data Collection, Analysis and Public Reporting.

**TPS Procedures:** 01–01 Arrest; 01–02 Search of Persons; 04-18 Appendix F Strategy Management – Analytics & Innovation; 06-04 Persons In Crisis; 06-06 Apprehension Orders; 15–01 Incident Response (Use of Force/De-Escalation); 16–03 Forms Management; 17–01 News Media; 17–02

Information Breaches; 17–03 Requests for Information Made Under the Municipal Freedom of Information and Protection of Privacy Act;

**Other:** 1.9 Standards of Conduct – Fairness, Discrimination and Harassment; 1.10 Standards of Conduct – Racially Biased Policing; 1.12 Standards of Conduct – Confidential Information; 1.13 Standards of Conduct – Release of Service Documents; 1.29 Standards of Conduct – Public Comment; Records Retention Schedule.

## Definitions

For the purposes of this Procedure, the following definitions will apply:

**Intersectionality** in the context of race and Indigenous identity, means recognizing the ways in which people’s experiences of racism or privilege, including within any one group, may vary depending on the individual’s or group’s relationship to additional overlapping or intersecting social identities, like religion, ethnic origin, gender, age, disabilities or citizenship and immigration status.

An intersectional analysis enables better understanding of the impacts of any one particular systemic barrier by considering how that barrier may be interacting with other related factors.

**Racial Disparity** means unequal outcomes in a comparison of one racial group to another racial group.

**Racial Disproportionality** means the over-representation or under-representation of a racial group in a particular program or system, compared with their representation in the reference population.

**Racial Equity** means the systemic fair treatment of all people.

**Racial Inequity** means a disparity in opportunity and treatment that occurs as a result of someone’s race.

**Service Members’ Perception Data** means information derived from a member making a determination with respect to the race of an individual by observation, solely on the basis of that member’s own perception.

**Systemic Racism** consists of organizational culture, policies, directives, practices or procedures that exclude, displace or marginalize some racialized groups or create unfair barriers for them to access valuable benefits and opportunities. This is often the result of institutional biases in organizational culture, policies, directives, practices, and procedures that may appear neutral but have the effect of privileging some groups and disadvantaging others.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our **Service Core Values and Competencies** [here](#)

