

Clause embodied in Report No. 1 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its regular meeting held on February 4, 5 and 6, 2003.

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### **Update - Council Motion on Racial Profiling in Toronto**

*(City Council at its regular meeting held on February 4, 5 and 6, 2003, amended this Clause by adding thereto the following:*

*“It is further recommended that the Chief Administrative Officer, as part of the reporting process, be requested to convene a meeting, such meeting to include the Chief of Police and the Commissioners of Community and Neighbourhood Services and Economic Development, Culture and Tourism, with other senior staff and Commissioners requested to attend.”)*

**The Policy and Finance Committee recommends the adoption of the report (January 10, 2003) from the Chief Administrative Officer subject to amending the Recommendations contained therein to read as follows:**

**“It is recommended:**

- (1) in addition to the directions of Toronto City Council in the Notice of Motion approved at its meeting on October 31, 2002, the Toronto Police Services Board provide City Council with the reports that have been requested on the implementation of the Toronto Police Service race relations initiatives and that the Toronto Police Services Board also be requested to invite the Diversity Advocate, and other Members of Council of the Reference Group on Access and Equity, to attend the Board meeting at which the aforementioned report is considered;**
- (2) the Task Force on Community Safety include race relations issues as part of its consideration of community safety issues and work with the Community Advisory Committee on Race and Ethnic Relations and community organizations as appropriate;**
- (3) the Chief Administrative Officer be requested to maintain a watching brief on the matter of racial profiling and report to Council regularly; and**
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”**

The Policy and Finance Committee reports, for the information of Council, having:

- (1) directed that the “Toronto Youth Profile” and the “Toronto Youth Safety Survey” be submitted to the Toronto Police Services Board, the Task Force on Community Safety and the Interdepartmental Team for information and consideration; and
- (2) received the communication (January 7, 2003) from the City Clerk, Race and Ethnic Relations Committee.

**The Policy and Finance Committee submits the following report (January 10, 2003) from the Chief Administrative Officer:**

Purpose:

To provide an update on the implementation of recommendations by the Toronto Police Service regarding racial profiling .

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) the Toronto Police Services Board provide City Council with the reports that have been requested on the implementation of the Toronto Police Service race relations initiatives and that the Toronto Police Services Board also be requested to invite the Diversity Advocate to attend the Board meeting at which the aforementioned report is considered;
- (2) the Task Force on Community Safety include race relations issues as part of its consideration of community safety issues and work with the Community Advisory Committee on Race and Ethnic Relations and community organizations as appropriate;
- (3) the Chief Administrative Officer be requested to maintain a watching brief on the matter of racial profiling and report to Council as necessary; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting on October 29, 30 and 31, 2002, City Council approved a motion on the principle of zero tolerance of racial profiling for policing in the City of Toronto. Included in the Council motion was a request for several reports.

In addition to requesting the Chief Administrative Officer to report in January 2003, on the status

of implementation of previous reports dating back to 1975, Council also requested the Toronto Auditor General to undertake an updated report similar to the 1992 former Metro Auditor's Report, and the Chair, Toronto Police Services Board, with the cooperation of the Toronto Police Service to report to Council on the degree of compliance with the recommendations of the reports and studies referenced in the Council motion.

At their respective meetings, the Task Force on Community Safety (November 25, 2002) and the Children and Youth Action Committee (December 2, 2002) also considered this matter.

The request by Council and others for the provision of status reports on the implementation of recommendations of reports that cover almost three decades arises from the concern that there is no on-going process for monitoring implementation. The series of reports and the recommendations that have been prepared by various officials, government commissions and by the Toronto Police Service have provided direction for the actions needed to create an environment of trust, respect and responsiveness.

Appendix 1 provides a summary of the motions of City Council, the Task Force on Community Safety and the Children and Youth Action Committee.

#### Comments:

These comments are grouped in four sections:

- (i) Section A - Overview of previous studies and reports;
- (ii) Section B - Response to the status of implementation of recommendations of past reports;
- (iii) Section C - Summary of external initiatives; and
- (iv) Section D - Response to the Task Force on Community Safety.

- (i) Section A – Overview of Studies and Reports:

The studies cited in the Council motion on racial profiling contain just over four hundred recommendations. These reports and studies address a wide range of issues in addition to racial profiling, such as racism, education, youth leadership and unemployment, employment equity, policing, criminal justice, and the civilian oversight of complaints. Summaries of these studies are provided in Appendices II and III and illustrate that these recommendations go well beyond the scope of the central issue of racial profiling addressed in the Council motion.

Appendix II of this report provides a summary of the studies and reports referenced in the Council motion.

Appendix III provides a summary of reports and studies referenced by deputants to the Task Force on Community Safety and reports which have been previously provided to the Toronto Police Services Board and to Council. These reports are:

- (a) "Towards a New Beginning" – The Report and Action Plan of the Four-Level Government/ African Canadian Community Working Group (1992);



- (b) “Ensuring Public Accountability: A Background Report on initiatives of the Metro Toronto Police Services Board regarding Public Complaints against Police Officers.” Report to the Legislation and Licencing Committee of the Metropolitan Toronto Council from the Toronto Police Services Board (1992); and
  - (c) Report of the Metropolitan Toronto Police (1995), “Moving Forward Together: An Integrated Approach to Race Relations.”
- (ii) Section B - Status of Implementation of Recommendations of Previous Studies and Reports:

Council has requested reports from the Toronto Police Services Board, the City Auditor General and the Chief Administrative Officer on the implementation of reports and studies identified in Council’s motion. Preparation of the report requested by Council requires considerable staff resources and time and could not be completed by January 2003 as requested by Council. Staff will assess the necessity for reports on the status of implementation once the studies have been completed by the Toronto Police Services Board and the Toronto Auditor General.

- (iii) Section C - Summary of External Initiatives:

Several initiatives have taken place. They include:

- (1) the summit on racial profiling hosted by the Honourable Lincoln Alexander as Chair of the Canadian Race Relations Foundation;
  - (2) the community consultations undertaken by the Chief of Police and the actions of the Toronto Police Services Board;
  - (3) the announcement made by the Ontario Human Rights Commission to hold an inquiry; and
  - (4) the needs identified by the Coalition of African Canadian Organisations and Leaders.
- (1) Summit – Hon. Lincoln Alexander, Chair, Canadian Race Relations Foundation:

On November 25, 2002, the Hon. Lincoln Alexander, former Lieutenant Governor of Ontario and Chair of the Canadian Race Relations Foundation convened an invitational summit on racial profiling.

Summit participants included the following:

- Hon. Jean Augustine, Secretary of State of Multiculturalism and Status of Women;
- Hon. Bob Runciman, Ontario Minister of Public Safety and Security;

- Mayor Mel Lastman, City of Toronto;
- Norm Gardner, Chair, Toronto Police Services Board;
- Bromley Armstrong, former Ontario Human Rights Commissioner and community leader;
- Julian Fantino, Chief of Police, Toronto Police Services;
- Assistant Commissioner Ken Byrt, R.C.M.P.;
- Commissioner Gwen Boniface, Ontario Provincial Police;
- Chief Thomas Kaye, President of the Ontario Association of Chiefs of Police;
- Craig Bromell, President of the Toronto Police Association; and
- David Mitchell, President, Association of Black Law Enforcers.

Premier Eves was unable to attend the summit but has invited Hon. Alexander to meet with him to review the results and recommendations arising from the summit. A follow-up meeting of summit participants will be held in three months.

The conclusions reached by the summit participants were provided in a public statement issued by the Hon. Alexander and are as follows:

- (a) that the police complaints process needs to be reviewed and improved to increase public awareness and access and to enhance the independent aspects of it;
  - (b) there is a need to review and enhance race relations training for recruits and others on an ongoing basis;
  - (c) the federal and provincial ministers agreed to inform their respective organizations of the need for additional resources to implement the recommendations;
  - (d) all parties have agreed on the importance of community consultation and cooperation; and
  - (e) all parties have agreed to reconvene in approximately three months to report on the progress that has been made and to share this information with all concerned communities.
- (2) Toronto Police Services:

At its meeting of October 24, 2002, the Toronto Police Services Board requested the Chief of Police to provide a report to the Board on all initiatives the Service has developed since 1989 in the following race relations areas of community outreach, recruiting, diversity training and anti-racism training, current policies and procedures, bias in policing, and minority recruitment and hiring.

The Board also requested Board staff “to re-examine the Board policy prohibiting the keeping of race-based statistics and determine what the reasons were for the policy and whether the reasons are still valid today.”

On November 11, 2002, Chief Julian Fantino, Toronto Police Service, met with members of the Black community. The following commitments were made:

- (a) enhance the “diversity” training programs that are presently being provided to all Toronto Police Service (TPS) members;
- (b) enhance the TPS recruit orientation and training programs by arranging face to face meetings with police recruits and members of the Black community prior to their graduation;
- (c) enhance existing TPS youth outreach initiatives and partner with community agencies to conduct outreach programs geared to the vulnerable youth in the Black community;
- (d) enhance the role of the “faith community” in working with the TPS on youth outreach, race relations, minority recruitment and reducing crime in the community;
- (e) enhance public confidence in the Police Complaint System through TPS initiatives to better educate the public about the system and to create new reporting options;
- (f) enhance the existing TPS Human Resource Strategy to increase the recruitment and staff development of Black officers at all levels within the Service;
- (g) review and publicly report on the TPS implementation of past race relations reports and recommendations;
- (h) institute a new TPS policy to ensure that there is zero tolerance for “racially biased policing”;
- (i) coordinate a “Race Relations Conference” in Toronto where the TPS, the Black community and all levels of civil society/government focus on problem solving; and
- (j) enhance TPS efforts at reducing violence in the Black community through proactive initiatives and intelligence led enforcement (i.e. Gun Task Force).

At its meeting of November 21, 2002, the Toronto Police Services Board considered the City Council motions and approved the following motion:

“that the information gathered from the race relations community consultations be forwarded to a joint working group between the Board and the Chief to identify the areas where action may be required and develop draft recommendations for public comment prior to final Board approval.”

On November 21, 2002, The Toronto Police Services Board also had before it the Report of the City Auditor with regard to the Audit of the Toronto Police Services’ Public Complaints Process. In addition to requesting additional information from the City Auditor regarding Recommendation No. 20, which asked the Board to consider the concerns raised by the public with respect to the administration of the complaints process, the Board referred the Auditor’s Report to the Chief of Police for further reports.

The Board also decided to “receive and forward copies of the Auditor’s report and the written submissions provided by the deputants to the Minister of Public Safety and Security and request that they be reviewed with the intention of amending the present complaints system to create a more independent civilian-oriented complaints system.”

During the current public debate, City Council, the Toronto Police Services Board and community organizations have requested status reports on the actions that have been taken to implement recommendations that have been made over the past three decades. In view of these requests and the difference in the perception of various constituencies regarding the relationship between the Toronto Police Service and ethno-racial communities, it would be useful and timely to establish a mechanism for regular public reporting on the progress that is being made as well as for conducting an impact analysis of the race relations initiatives.

(3) Ontario Human Rights Commission:

Chief Commissioner Keith Norton of the Ontario Human Rights Commission has announced an inquiry into the effects of racial profiling on communities across the province of Ontario.

The purpose of the inquiry is not to study racism or conduct an investigation of the police services but it is an opportunity for the Commission to look into the effects of profiling in all its contexts, on individuals, families and communities.

(4) Coalition of African Canadian Organizations and Leaders:

The Coalition of African Canadian Organisations and Leaders is made up of approximately 30 groups and individuals. It has held 3 meetings with members of the African Canadian community and has met with various elected officials and institutions.

The Coalition has stated that racial profiling and racism must be acknowledged. The position of the Coalition is that the Toronto Police Service must develop an Action Plan which addresses racial profiling and outlines the issues, goals, process for

implementation, outcome measures, personnel responsible for the particular action, timelines and resources, and that the Black community agencies be invited to respond to the draft. The Coalition is also seeking financial support to establish an independent mechanism to collect and analyse data on racial profiling.

(iv) Section D - Response to the Task Force on Community Safety:

The Task Force on Community Safety considered a report (November 15, 2002) from the Commissioner of Neighbourhood and Community Services on racial profiling at its meeting of November 25, 2002. The report concluded that there is a connection between racial profiling and community safety. It also concluded that the Task Force on Community Safety may wish to consider ways of working with the African/Black Canadian community and the police to address the community safety implications of racial profiling. To that end, staff have contacted the Urban Alliance on Race Relations to discuss their involvement with the work of the Task Force on Community Safety. It is also recommended that the Task Force on Community Safety include a consideration of race relations as part of its deliberations of community safety.

The November 15, 2002, Report to the Task Force provides a summary of the report of the working group which was established by the four orders of government in response to the disturbances on Yonge Street in May, 1992. This report, "Towards a New Beginning", was significant as it recognised the necessity for all orders of government and their respective agencies to act in concert to respond to the issues faced by African Canadian youth in Toronto.

The recommendations addressed the following themes: Community and Economic Development, Strengthening the Core through culture-specific service delivery models; Education, Policing and Justice; Media, Arts and Entertainment; Positive Measures for Youth (e.g., cultural identity, leadership and heritage development programs); Institutional Change and Monitoring Mechanisms. The implementation of the recommendations of that report was incorporated into the workplan of the former Metro Toronto's Council Committee to Combat Racism.

As part of its motion on racial profiling, Council requested that a report be provided on various youth programs delivered by the City. The Commissioner of Community and Neighbourhood Services will be reporting to the Community Services Committee on youth programs in April 2003.

The other recommendations made by deputants to the Task Force on Community Safety, call for the City to continue to implement recommendations of various reports, to take a leadership and advocacy role with the other orders of government, and to implement a process to follow up on various recommendations.

City Council has already initiated activities regarding its leadership and advocacy role.

Beginning in 1999, Toronto City Council adopted the Report of the Task Force on Community Access and Equity. In April 2001, Council decided to prepare a Plan of Action for the Elimination of Racism and Discrimination and also called upon the Government of Canada to establish a National Plan of Action to respond to the critical issues raised by community organizations during the consultations leading up to the United Nations World Conference Against Racism.

Subsequently, Council considered the results of the City commissioned Ornstein Study on Ethno-racial inequality and the results of the United Nations Conference and established a Council Reference Group to seek community input into the Plan of Action. The report of those consultations, "Just Do It!" was released by the Council Reference Group at the end of November, 2002, and provides the basis for the preparation of the Council Plan of Action for the Elimination of Racism and Discrimination to be submitted in early April, 2003.

**Summary:**

The process initiated by the Hon. Lincoln Alexander and the forthcoming reports from Toronto Police Service and the Toronto Auditor General will provide Council with information on the status of implementation. In addition, the Commissioner of Community and Neighbourhood Services will be reporting in April 2003, on youth programs and the Task Force on Community Safety has initiated discussions on this matter.

The Report on the Status of Implementation of the recommendations of the Task Force on Community Access and Equity has been submitted to the January meeting of the Policy and Finance Committee. "Just Do It!", the Consultation Report of the Council Reference Group on the Plan of Action for the Elimination of Racism was released on November 25, 2002, and provides the framework for the forthcoming report on the Council Plan of Action for the Elimination of Racism and Discrimination, scheduled for April, 2003.

**Conclusion:**

This report and its appendices provide an overview of the key directions of various reports since 1975 and also provides information on various initiatives undertaken since Council adopted its motion in October, 2002.

The Diversity Management and Community Engagement staff of the Chief Administrator's Office will continue to keep a watching brief on this issue at the government and community levels and will provide reports as outlined in the foregoing.

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**List of Attachments:**

- Appendix I Summary of City Council motion on Zero Tolerance adopted at October 2002 Council meeting and the November meetings of the Task Force on Community Safety and the Children and Youth Action Committee;
- Appendix II Summary of Reports identified in the Council Motion of October 29,30, 31, 2002; and
- Appendix III Summary of additional reports concerning racial profiling.

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## Appendix I

### Summary of City Council motion on Zero Tolerance adopted at October 2002

Council meeting and the November meetings of the Task Force on Community Safety and the Children and Youth Action Committee.

At its meeting on October 29, 30 and 31, 2002, City Council approved a motion on the principle of zero tolerance of racial profiling for policing in the City of Toronto. Council requested that the following reports be provided:

- (1) the Auditor undertake an updated report similar to the 1992 former Metro Auditor's Report on police policies, procedures, programs and practices that impact on racial minorities;
- (2) the Chair, Toronto Police Services Board, with the cooperation of the Toronto Police Services report to Council on the degree of compliance with the recommendations of the reports and studies referenced in the Council motion;
- (3) the Chief Administrative Officer report on the outstanding recommendations and steps required to complete implementation of the recommendations of the reports and studies referenced in the Council motion;
- (4) the Chief Administrative Officer report on the current youth programs and on current partnerships with the provincial and federal governments on youth programs;
- (5) the Chief Administrative Officer report on the progress of implementation of the recommendations of the 1999 Report of the Task Force on Community Access and Equity.

In addition to the request for these reports, City Council also took the following actions:

- (6) adopted the principle of zero tolerance of racial profiling for policing within the City of Toronto and requested the Toronto Police Services Board to adopt this principle;
- (7) requested the Toronto Police Services Board to review its practices, guidelines and training to ensure that police officers have the skills and training for policing within a diverse community;
- (8) requested the Toronto Police Services Board to establish a race relations policy advisory committee which reports directly to the board with members of Toronto's diverse communities and Toronto City Council;
- (9) expressed Council's concerns to the Ontario Minister of Public Safety and Security regarding the implementation of the recommendations of the 1995 Commission on Systemic Racism in the Ontario Criminal Justice System;
- (10) requested the Ontario Minister of Public Safety and Security to review and amend legislation regarding civilian complaints regarding police conduct in light of the 2002 report of the City Auditor on the complaints process;
- (11) requested the Toronto Police Services Board and former Lieutenant Governor's Task Force to include in their analysis the education and training of officers in relation to the exercise of discretion;

- (12) requested City Council's representatives on the Toronto Police Services Board to identify the methods being used to achieve a workforce representative of the city's composition; and
- (13) requested that the appointments made by Council to the Toronto Police Services Board reflect the composition of the city.

The Task Force on Community Safety (November 25, 2002) and the Children and Youth Action Committee (December 2, 2002) also considered this matter at their respective meetings.

The Task Force on Community Safety considered a report from the Commissioner on Community and Neighbourhood Services on "Racial Profiling in the City of Toronto" (November 15, 2002). In addition to recommendations regarding adding representation from diverse communities to the membership of the Task Force, the Task Force also referred the report and the recommendations made by the deputants to the Chief Administrative Officer.

The following recommendations were presented by the deputants:

- “(A) the following recommendations submitted by the community in an open letter dated October 30, 2002, addressed to the Honourable Ernie Eves, Premier of Ontario, be endorsed:
  - (1) an Independent Police Complaints and Oversight Body be established to hold police accountable and address community concerns respecting racial profiling;
  - (2) the provincial government work with the federal government to provide adequate resources to the Black Community to develop and implement a community-based documentation project whereby African Canadians can gather the stories and complaints from African Canadians who are victims of racial profiling; and,
  - (3) a process be established to implement the recommendations in the reports on policing, along with an independent audit mechanism to review the effectiveness of this implementation process every two years;
- (B) the City of Toronto:
  - (1) support and implement recommendations from "Towards a New Beginning" report outlining specific actions;
  - (2) support a process to implement the recommendations made in previous reports that fall within the City's mandate;
  - (3) take a leadership role in advocating at senior levels of government for the practice of equitable policing to help ensure community safety for members of the African Canadian communities; and

- (4) convene an interdepartmental committee comprised of community members, politicians, various departments, etc., to review and develop a process to act on recommendations in previous reports where City Departments have responsibility or influence.”

At its meeting of December 2, 2002, the Children and Youth Action Committee requested that an analysis of the recommendations of past reports be assessed by determining those recommendations which can be implemented at no cost, those that can be implemented at minimal cost and those which require significant funding and the participation of senior levels of government and other partners.

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#### Appendix II - Summary of Reports identified in the Council Motion of October 29, 30, 31, 2002.

1975 – Ontario Human Rights Commission. “The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination against Blacks in Metropolitan Toronto.”

Wilson Head was commissioned to examine discrimination in Metro Toronto, in response to concerns about discrimination and tensions between various diverse populations of the city.

The report found that there was a considerable amount of discrimination in Metropolitan Toronto. It concluded that action was required in order to eliminate racial discrimination in Metropolitan Toronto. The report made 34 recommendations, dealing with changes in the school system, media, police and community services, and with community activities to ensure change is made.

1975 – Province of Ontario. “Report to the Metropolitan Toronto Board of Commissioners of Police.”

Arthur Maloney Q.C., was commissioned to examine the Complaint Bureau of the Metropolitan Toronto Police, with reference to its ability to adequately respond to and resolve complaints from the public regarding the conduct of police officers.

The report found that the internal process falls short of public expectation. The report identified concerns with respect to the accountability of the police force to the society and in particular the resolution of complaints by members of the public against individual officers. The report recommended that the complaint process be strengthened to increase public confidence in the process.

1976 – Province of Ontario. “The Royal Commission into Metropolitan Toronto Police Practices.”

Justice Donald Morand was appointed to inquire into allegations made against certain members of the Metropolitan Toronto Police Force concerning mistreatment and the use of excessive force in relation to apprehension, arrest or detention.

The Commission made twenty-eight (28) recommendations to improve and regulate the conduct and procedures of force by police officers.

1977 – Municipality of Metropolitan Toronto. “Now Is Not Too Late.”

Metropolitan Toronto Council commissioned the Task Force on Human Relations chaired by Walter Pitman, to prepare a comprehensive report on racism and violence within Metropolitan Toronto following a series of subway beatings of individuals of South Asian Heritage. The Task Force aimed to assess the reasons for the violence directed against these newly arrived immigrants.

Extensive community consultations were held, and five key areas of concern identified – police, transit, social services, the media and education. The Task Force made forty-one (41) recommendations, eighteen (18) of which dealt with policing issues. The report stressed that there was an urgent need to implement measures to respond to the rapid demographic changes of Metropolitan Toronto.

1979 – Municipality of Metropolitan Toronto. “Report to the Civic Authorities of Metropolitan Toronto and Its Citizens.”

In response to expressions of distress and criticisms of alienation from various communities, the Chair of Metropolitan Toronto commissioned Cardinal G. Emmett Carter to mediate between the Police Commission and community groups. Consultations with the Black, Pakistani, Chinese, Sikh and LGBT communities were conducted to provide an avenue for these communities to express their grievances and concerns to those in government.

The resulting report focused on six key areas of concern: the Police Commission, the complaints process, use of force, media, employment and education. Recommendations were focused on reconciliatory measures to establish harmonious relations between the Police Commission and the various communities.

1980 – Ontario Ministry of the Solicitor General. “Policing in Ontario for the Eighties: Perceptions and Reflections.” Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development.

The Task Force, chaired by Dr. Reva Gerstein, was commissioned to study racial and ethnic implications of police hiring, training, promotion and career development policies, procedures and practices. This was to assist police as they face the challenges of an increasingly complex and pluralistic society.

The report addressed the issues of the credibility of the police to effectively provide fair and just services in their contacts with members of the Black community. The report found that few individuals from racial minority groups were selected during the police recruitment process and that the biggest barrier attracting recruits was the negative perception that minorities have of the police.

The Task Force made twenty-six (26) recommendations, which direct that all police forces institute positive recruitment programs with the purpose of reaching qualified individuals from minority groups.

1989 – Ontario Ministry of the Solicitor General. “The Report of the Race Relations and Policing Task Force.”

In the late 1980’s a number of police shootings of racial minorities triggered rising tensions between the police and various racial minority communities. Clare Lewis was appointed by the Solicitor General of Ontario to chair the Task Force on Race Relations and Policing. The Task Force was to, among other things, inquire into the training of members of police forces, hiring practices and promotional process, and ways to improve the interaction between police and minority communities.

The Task Force report identified systemic barriers within police human resource practices, particularly those dealing with recruitment, hiring and promotion. The report made fifty-seven (57) recommendations that seek to resolve these issues.

1992 – Province of Ontario. “Report on Race Relations.”

Following riots on the streets of Toronto, the Premier of Ontario commissioned Stephen Lewis to engage in a consultative process to assess race relations within the province.

The report identified eight areas of concern: the criminal justice system and policing, employment equity, education, access to trades and professions, the Ontario Training and Adjustment Board, the Ontario Anti-Racism Secretariat, the Cabinet Committee on Race Relations and community development. The report made twenty (20) recommendations, 7 of which related to issues of the criminal justice system and policing. The recommendations were intended to provide the Provincial Government with directions in building an anti-racist framework in Ontario.

1992 – Ontario Ministry of the Solicitor General. “The Report of the Race Relations and Policing Task Force.”

This report was the second submitted by the Task Force on Race Relations and Policing to the Government of Ontario. The Task Force, headed by Clare Lewis, was reconvened as a result of recommendations in the Stephen Lewis Report (1992) which concluded that the initial fifty-seven (57) recommendations had been inadequately implemented.

The report commented that the police have been attempting to comply with employment equity regulations and have initiated in some instances good community relations. However, the primary vehicle for change was race relations training and that did not materialize. “Officers still remain without the tools they need to provide police services in a pluralistic, multiracial and multicultural community.” This Task Force felt that the decision not to implement the Race Relations and Policing Review Board set their previous recommendations adrift.

1992 – Municipality of Metropolitan Toronto. “Review of Race Relations Practices of the Metropolitan Toronto Police Force.”

In April of 1991, the Metropolitan Toronto Police Services Board requested the Metropolitan Auditor, Allan Andrews, to conduct an audit of the policies, procedures, programs and practices that impact on racial minorities and the police race relations climate.

The Review concluded that the Metropolitan Police Services Board needed to take extraordinary measures to implement key changes if racial tensions are to be eliminated. The report detailed seventy-four (74) recommendations, dealing with the issue of training (thirteen (13) recommendations), community relations (6), level of enforcement/use of force (7), board policy on race relations (3), public complaints (6), media relations (1), employment equity (13), access (1), and implementation of recommendations (14).

1995 – Province of Ontario. “Report of the Commission on Systemic Racism in the Ontario Criminal Justice System.”

The Commission on Systematic Racism in the Ontario Criminal System was established by the Government of Ontario in 1992, with the mandate to inquire into and make recommendations on the extent to which criminal justice practices, procedures, and policies reflect systematic racism. Co-chaired by David Cole and Margaret Gittens, the Commission reported on systemic racism and the justice system, with a focus on anti-Black racism. The Commission found that Blacks and Aboriginals were particularly vulnerable to police attention, resulting in their over-representation in the criminal justice system.

The report contains seventy-nine (79) recommendations, which are divided into six areas, namely Imprisonment Before Trial (13); Charge Management (17); Court Dynamics (12); Imprisonment After Conviction (6); Racism Behind Bars (7); Community Policing (9); Systemic Response to Police Shootings (9); and Equality Strategy for Justice (6). The common feature of all the six areas of the recommendations is an emphasis on elimination of “systemic” or “institutional” racism as opposed to individual or overt racism.

1998 – A Research Paper Presented at the International Conference on Criminology and Criminal Justice in the Caribbean, Barbados. “The ‘Probable’ Offender: Police and Crown Discretion and the Over-Representation of Black People in the Ontario Criminal Justice System.”

This paper by Professor Scot Wortley, Centre for Criminology, University of Toronto and Gail Kellough, York University, explored the implications of research findings from two major studies undertaken in the City of Toronto (Commission on Systemic Racism in the Ontario Criminal Justice System and the Attorney General’s sponsored research about the process by which accused persons are granted bail or remanded to custody).

The paper concluded that intensive over-policing of Toronto’s Black population by police contributes to the over-representation of Blacks in the criminal justice system. It also found that racial-bias in the use of police discretion in the early stages of the criminal court process resulted in the harsher treatment of Blacks once they enter the criminal justice system.

1999 – Goldfarb and Associates for the Toronto Star. “Beyond 2000.”

The Toronto Star commissioned Goldfarb and Associates to conduct a poll of Torontonians, as part of a year-long study of Toronto's growing ethnic and cultural mix.

The poll found that Blacks, and Jamaicans in particular, were more likely to be concerned about discrimination in Toronto and were more likely than other ethnic groups to have personally experienced it, including discrimination by Toronto police. Their complaints were supported by the response of other ethnic groups who all said that they believe Blacks were more likely to be targeted for discrimination.

2002 – City of Toronto Audit Services, “Performance Audit: The Public Complaints Process Toronto Police Service.”

At the request of the Police Services Board, the City Auditor, Jeff Griffiths, examined the public complaints process administered by the Toronto Police Service. The scope of this audit focused on conduct related complaints against police officers. The audit was performed within the context of the current legislation.

The Report of the City Auditor states: “An effective public complaints process can help identify problem areas, foster accountability and ultimately contribute to effecting organizational change. This in turn can positively impact the overall culture of police service and the quality of policing provided to the public’.

The Report states that there were two issues raised “from our interviews with various individuals and organizations:

- (i) the investigation of public complaints against police officers by the Chief of Police. Certain individuals and organizations contend that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police; and
- (ii) the current provincial legislation only allows the individual directly affected by the conduct of a police officer to lodge a complaint. Third party witnesses to an event are not permitted to file a complaint against a police officer. A total of 29 third party complaints (3.5 percent) were filed with the Toronto Police service in 2000. The number of potential third party complaints who did not formalize a complaint when informed of the provisions of the legislation is not known.”

The Auditor states that “If members of the public lack confidence in the process, it is unlikely they will file a complaint. The concerns expressed above, which are driven by the current provincial legislation, negatively impacts the ability of the Toronto Police Service to achieve the objectives of its business plan”, one of which is “to attain a high degree of public confidence in the impartiality of the public complaints process.”

The Report also states: “This audit makes a number of recommendations to improve the current public complaints process. The number of recommendations should not be viewed as an indication of significant problems in the Toronto Police Services public complaints process. Rather the recommendations taken collectively represent a series of enhancements which, if

acted upon, will contribute to improving the overall efficiency and effectiveness of the public complaints process.”

The report presented twenty-seven (27) recommendations. The scope of the recommendations seek improvements to further enhance the public complaints process and make it more effective towards achieving the business plan objectives of the police service.

### Appendix III

1992. “Towards a New Beginning – The Report and Action Plan of the Four-Level Government/African Canadian Community Working Group.”

The Four-Level Government/Black Canadian Working Group on Metropolitan Toronto Black Community Concerns was initiated in the wake of the events of May 4, 1992. Its purpose was “to develop an integrated, strategic plan of action to address the urgent concerns of the Black community in Toronto.” The Report noted that there were many concerns, which include issues such as policing, community relations, discrimination in employment and housing, training opportunities for youth as well as inadequacies in mental health and other social service related programs.

Forty-six recommendations were made, 8 addressing issues of policing. With respect to policing and the justice systems, the Working Group concluded that in Toronto these systems must evolve to meet the needs of all members of the society. To achieve this objective, they must reflect the society and be sensitive to its racial and cultural diversity.

1992. “Ensuring Public Accountability: A Background Report on initiatives of the Metro Toronto Police Services Board regarding Public Complaints against Police Officers.” Report to the Legislation and Licencing Committee of the Metropolitan Toronto Council from the Toronto Police Services Board.

The Toronto Police Services Board reported to the Legislation and Licencing Committee of Metro Toronto Council on the initiatives taken by the Board. In addition to providing information on the Special Investigations Unit, the report also provided a comprehensive overview of police complaints legislation between 1974 and 1990. The referenced reports include those addressed in Appendix 1. The report also included a summary of legislative initiatives and noted that in 1980 Metro Council asked the Province to appoint a Public Complaints Commissioner and that Sidney Linden was appointed in 1981 to receive complaints on an informal basis prior to the enactment of legislation which took place in 1984. The chronology notes that in 1990 the Police Services Act extended the public complaints system province wide and was enacted with three party support.

1995 - Metropolitan Toronto Police, “Moving Forward Together: An Integrated Approach to Race Relations.”

The Police Services Board struck a Race Relations Management Committee, chaired by Deputy Chief James Clark, to develop a Race Relations Plan to enhance relations between the police and minority communities. Among other things, the Committee was given the mandate to formulate a precise plan of action in response to all recommendations found in the reports of the Metropolitan Auditor, Equal Opportunity Consultants, and the Task Force on Race Relations and Policing. The purpose of the report was to ensure that all the one hundred and seventy-four (174) recommendations contained in these reports were addressed.

Through extensive community consultations, a model to facilitate the integration of race relations and core policing was developed. Deputy Chief Clark and his colleagues concluded that the Police Services Board establish a unit within Field Command, which would have ongoing, overall responsibility for race relations issues.

**The Policy and Finance Committee also submits the following communication (January 7, 2003) from the City Clerk:**

Recommendation:

The Race and Ethnic Relations Committee, at its meeting held on December 18, 2002, requested:

- (1) that the Policy and Finance Committee be advised that the Race and Ethnic Relations Committee:
  - (a) endorses the action taken by City Council on October 29, 30 and 31, 2002 with respect to the Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto; and
  - (b) considers that sufficient studies and reports have been prepared on the subject of racial profiling and systemic racism over the last 27 years, some of which are listed in the Notice of Motion adopted by City Council on October 29, 30 and 31, 2002, and, based on the recommendations of these various reports, believes that it is now time for action on this important matter;
- (2) the Policy and Finance Committee, when considering the report from the Chief Administrative Officer summarizing the outstanding recommendations of the various studies and reports requested by City Council for submission to its January 23, 2003 meeting, invite groups such as the African Legal Clinic, the Toronto Police Services Board and other stakeholders, as well as members of the Race and Ethnic Relations Committee, to make depositions;
- (3) that the Policy and Finance Committee be advised that it supports amendments to the Police Services Act that would improve the present governance of police complaints and that it also supports the hiring of more visible-minority Police Officers and extensive diversity training for all Police Officers, and that the Toronto Police Services Board be so advised.

The Race and Ethnic Relations Committee reports also having:

- (1) requested Cluster 1 of the Race and Ethnic Relations Committee to monitor the progress of the outstanding report requests with respect to Council's position on the Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto on behalf of the Committee as a whole, and track this matter as it goes forward through Policy and Finance Committee and onto Council;

- (2) referred the following motion to Cluster 1 of the Race and Ethnic Relations Committee for consideration and report back to the Race and Ethnic Relations Committee:

“that representatives from the Toronto Police Service Board, the African Canadian Legal Clinic and the Toronto Star; Scott Wortley from the University of Toronto and other interested stakeholders, be invited to discuss the matter of Racial Profiling with the Race and Ethnic Relations Committee.”;

Background:

The Race and Ethnic Relations Committee, at its meeting held on December 18, 2002, had before it the following communications:

- (November 7, 2002) from the City Clerk forwarding to The Honourable Bob Runciman, Minister of Public Safety and Security, Province of Ontario, a motion moved by Councillor Shaw and seconded by Councillor Balkissoon, titled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, which was adopted, as amended, by City Council at its meeting on October 29-31, 2002;
- Councillor Sherene Shaw submitting the following communications:
  - (November 7, 2002) addressed to Mayor Lastman thanking him for Council’s unanimous support for her motion;
  - (October 21, 2002) addressed to Mayor Lastman expressing concern about the series of articles published by the Toronto Star regarding the analysis of Police Crime data;
  - (October 21, 2002) addressed to Chairman Norman Gardner and Chief Julian Fantino expressing concern about the series of articles published by the Toronto Star regarding the analysis of Police Crime data.;
  - communication (October 27, 2002) from Morley Wolfe e-mail addressed to Tim Rees containing a motion adopted by the North York Committee on Community, Race and Ethnic Relations at its meeting on November 22, 2000;
  - communication (November 5, 2002) from Tim Rees and Ceta Ramkhalawansingh, Chief Administrative Officer’s Office submitting backgrounder notes on Race and Policing prepared for Councillor Sherene Shaw, Diversity Advocate and circulated to all members of Council, Chief Administrative Officer and Commissioners; and
- City of Toronto Press Releases:
  - November 1, 2002 – City Council approves zero tolerance in racial profiling
  - October 21, 2002 – City Councillor responds to racial profiling controversy

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Mr. Kevin Lee, Co-Chair, Ethnic and Race Relations Advisory Committee, and Executive Director, Scadding Court Community Centre, appeared before the Policy and Finance Committee in connection with the foregoing matter.

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The following Members of Council also appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Councillor Brian Ashton, Scarborough Southwest;
- Councillor Olivia Chow, Trinity-Spadina;
- Councillor Doug Holyday, Etobicoke Centre;
- Councillor Joe Mihevc, St. Paul's;
- Councillor David Miller, Parkdale-High Park;

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(Copies of the attachments referred to in the foregoing communication were forwarded to all Members of Council with the January 23, 2003, agenda of the Policy and Finance Committee and copies thereof are also on file in the office of the City Clerk, City Hall)

*(City Council, at its regular meeting on February 4, 5 and 6, 2003, had before it, during consideration of the foregoing Clause, the following communication (January 31, 2003) from Chairman Norman Gardner, Toronto Police Services Board:*

*At the City's Policy and Finance Committee meeting held on January 23, 2003, the Committee considered the above-mentioned report from the Chief Administrative Officer. During the discussion, a Member of Council indicated that I was requested to be in attendance to update the Committee on the status of the Toronto Police Services Board's response to the Council motion. I wish to advise Council that the statement was inaccurate. The October 2002 Council motion indicated that I was to submit a report through Policy and Finance however no specific timeline was attached to the motion.*

*For your information, Toronto Police Services Board will consider a number of reports from the Chief and myself regarding the issue of race relations at its meeting scheduled for February 20, 2003, beginning at 1:30 p.m. It is anticipated that the reports and public submissions will be referred to the Board/Service joint working group with a request that the working group report back to the Board with recommendations at a future Board meeting.*

*I will continue to update Council on the status, progress and initiatives taken to address the issue of race relations.)*