



Toronto Police Services Board

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-8080 FAX (416) 808-8082
www.tpsb.ca



June 1, 2009

Ms Rosemary MacKenzie
Administrator
Audit Committee
City of Toronto

VIA EMAIL

Dear Ms MacKenzie:

Re: City Council report request on Achievement of Access, Equity and Human Rights Goals

The following is provided in response to your letter of April 2, 2009.

Background

During the later part of 2005 and early 2006, the Ontario Human Rights Commission (OHRC) approached the Toronto Police Service (TPS) to include specific public interest remedies as part of the proposed settlement of a number of human rights complaints against the TPS. Specific remedies were proposed covering areas of concern including: policies and procedures; training; human resources; monitoring and accountability and public education.

In response, the TPS and Toronto Police Services Board (TPSB) indicated that organizational change initiatives aimed at protecting and promoting human rights and equity were already underway relating to these areas, and that the specific remedies being sought by the Commission were, in varying degrees, already being implemented.

A committee, composed of representatives of all three parties (OHRC, TPSB and the TPS) met during the spring and summer of 2006 to review change initiatives already underway at the TPS and to discuss possible avenues to resolve outstanding complaints.

It was proposed that a joint working group of the three parties be struck to both support the TPS's change initiatives and to satisfy the OHRC's need to ensure the process for change satisfies its public interest concerns. It was agreed that, although there is no requirement to do so, outstanding complaints may be settled with reference to this initiative.

Purpose

The Human Rights Project aims to provide time limited support to the TPSB and the TPS in their ongoing initiatives aimed at identifying and eliminating any possible discrimination in the hiring and employment of TPS members and in the delivery of services by the TPS. The work required to attain these objectives is described in this document as the "Project". The Project is for a term of no more than three years unless all three parties agree to extend the term beyond the three year term.

This Project Charter details the agreed upon relationship to be established between the three parties to fulfil these aims. It is acknowledged by all three parties that the Project Charter is a joint undertaking to address the issues identified in this Charter and is not an admission of liability as to those issues by either the TPSB or TPS as it relates to any past, present or future complaints or other legal proceedings against the TPS and TPSB

The Project is not intended to resolve individual complaints filed with the Commission. However, the Project will address the issue of public interest remedies in general.

The Project Charter recognizes the primacy of the Human Rights Code and in no way fetters the statutory powers and duties of the OHRC or fetters the responsibilities of the TPSB and the TPS in the exercise of their statutory duties.

Status

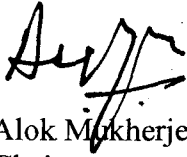
The Board approved the Human Rights Project's Charter in May 2007. The Charter document is appended for your information. The Project has a 3-year time frame and will conclude in May 1010.

The Project has resulted in recommendations in the areas of: public education, recruitment, selection, promotion, accountability and learning.

Among the Project's recommendations is one that pertains to the development of a Human Rights policy, in addition to the Race and Ethno cultural Equity Policy previously adopted by the TPSB (appended). The TPSB is also in the process of drafting an Anti Harassment Policy, an Accommodation Policy and an Accessibility Policy. It is anticipated that the Human Rights Policy will require that the Chief of Police provide an annual report to the Board on the implementation of the policy. This annual report could certainly be provided to City Council, for its information.

These recommendations are currently being implemented in preparation for the conclusion of the Human Rights Project. It is anticipated that the Human Rights policy, Anti Harassment policy, Accommodation policy, and Accessibility policy will be adopted by the Toronto Police Services Board later in 2009 and that annual reporting to the Police Services Board will follow.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alok Mukherjee', with a stylized flourish at the end.

Alok Mukherjee,
Chair

Attach.

**Framework of relationship between
the Ontario Human Rights Commission (OHRC),
the Toronto Police Services Board (TPSB)
and the Toronto Police Service (TPS),**

Human Rights Project Charter

May 17, 2007

Table of Contents

<i>I</i>	<i>Project Charter Sign-off</i>	<i>3</i>
<i>1.</i>	<i>Background</i>	<i>3</i>
<i>2.</i>	<i>Project Objective & Term.....</i>	<i>4</i>
<i>3.</i>	<i>Project Approach.....</i>	<i>4</i>
<i>4.</i>	<i>Reporting.....</i>	<i>6</i>
<i>5.</i>	<i>Indicators of success (as determined by the joint working group)</i>	<i>7</i>
<i>6.</i>	<i>Assumptions & Challenges</i>	<i>8</i>
<i>7.</i>	<i>Project Resources & Organizational Structure.....</i>	<i>8</i>
	<i>Appendix A - TARGET CHANGE OBJECTIVES</i>	<i>10</i>

I Project Charter Sign-off

The signatures below indicate acceptance of this project's charter and agreement to proceed with the implementation of the Project.

Barbara Hall
Chief Commissioner
Ontario Human Rights Commission
PROJECT SPONSOR

Date

William Blair
Chief of Police, Toronto Police Service
PROJECT SPONSOR

Date

Alok Mukherjee
Chair, Toronto Police Services Board
PROJECT SPONSOR

Date

1. Background

During the later part of 2005 and early 2006, the OHRC approached the TPS to include specific public interest remedies as part of the proposed settlement of a number of human rights complaints against the TPS. Specific remedies were proposed covering areas of concern including: policies and procedures; training; human resources; monitoring and accountability and public education.

In response, the TPS and TPSB indicated that organizational change initiatives aimed at protecting and promoting human rights and equity were already underway relating to these areas, and that the specific remedies being sought by the Commission were, in varying degrees, already being implemented.

A committee, composed of representatives of all three parties (OHRC, TPSB and the TPS) met during the spring and summer of 2006 to review change initiatives already underway at the TPS and to discuss possible avenues to resolve outstanding complaints.

It was proposed that a joint working group of the three parties be struck to both support the TPS's change initiatives and to satisfy the OHRC's need to ensure the process for change satisfies its public interest concerns. It was agreed that, although there is no requirement to do so, outstanding complaints may be settled with reference to this initiative.

2. Project Objective & Term

The Human Rights Project aims to provide time limited support to the TPSB and the TPS in their ongoing initiatives aimed at identifying and eliminating any possible discrimination in the hiring and employment of TPS members and in the delivery of services by the TPS. The work required to attain these objectives is described in this document as the "Project". The Project is for a term of no more than three years unless all three parties agree to extend the term beyond the three year term.

This Project Charter details the agreed upon relationship to be established between the three parties to fulfill these aims. It is acknowledged by all three parties that the Project Charter is a joint undertaking to address the issues identified in this Charter and is not an admission of liability as to those issues by either the TPSB or TPS as it relates to any past, present or future complaints or other legal proceedings against the TPS and TPSB

The Project is not intended to resolve individual complaints filed with the Commission. However, the Project will address the issue of public interest remedies in general.

The Project Charter recognizes the primacy of the Human Rights Code and in no way fetters the statutory powers and duties of the OHRC or fetters the responsibilities of the TPSB and the TPS in the exercise of their statutory duties.

3. Project Approach

The Project is supported at the highest levels of the three organizations with the Chief Commissioner of the OHRC, the Chair of the TPSB and the Chief of Police (TPS) acting as Project Sponsors.

The joint working group will attempt to achieve objectives by consensus. If consensus cannot be achieved, the issue will be referred to the Project Sponsors for their consideration. In the event that the Project Sponsors cannot reach consensus, the parties will agree to disagree on the particular issue and carry on with the rest of their work.

It is agreed that the TPSB and TPS are owners of their own change process. Both the TPSB and the TPS have statutory responsibilities that cannot be delegated to another authority and, in particular, the role of the Chair of the TPSB as a Project Sponsor shall not be construed as binding the TPSB.

The OHRC's role will be to provide advice to the TPSB and TPS regarding their ongoing change initiatives, assist in the development of target change objectives, and to report on the progress of the TPSB and the TPS in relation to these initiatives.

An initial list of agreed upon target change objectives is identified as Appendix A to this Charter. Over the course of the Project, amendments to the target change objectives may be appropriate. If all three Project Sponsors agree to a proposed amendment, revised target change objectives will be drafted and added to this Project Charter as Appendices.

The Project will be directed by a Project Sponsor's Committee made up of the OHRC, TPSB and TPS. The Project Sponsor's Committee will meet on a regular basis and will maintain the following features/functions:

- a. Involvement from the OHRC will include the Chief Commissioner and representatives from each of its three branches (i.e. Policy & Education, Mediation & Investigation and Legal)
- b. Involvement from the TPSB will include the Board Chair, a member of the Board, a TPSB staff member and Board Counsel.
- c. Involvement from the TPS will include the Chief of Police and other members as assigned.
- d. Meetings will be convened at least quarterly subject to change by agreement of the Project Sponsors.
- e. The meetings will be held regularly at the TPS headquarters, unless otherwise agreed.
- f. The TPS or TPSB will resource the meetings with staff responsible for meeting logistics and for keeping minutes.
- g. The OHRC, TPSB and the TPS will each assign individuals to a working group responsible for administering the Project. This working group will meet more frequently than the Project Sponsor Committee and will be responsible for identifying issues of concern, generating agendas and preparing background materials.

- h. The OHRC, TPSB and the TPS will each assign one person to facilitate ongoing communication.
- i. The TPSB and/or TPS will provide a formal update of change initiatives for each meeting.
- j. The OHRC will provide feedback and identify concerns related to the update and/or concerns related to human rights complaints at the OHRC and human rights policy concerns.
- k. Committees may be formed when needed. Individuals may also be assigned specific tasks when needed.
- l. The Project Sponsor's Committee will review the need for a continued relationship annually, with the first review to be completed by the end of July 2007.
- m. Given that sensitive matters are likely to be discussed, confidentiality shall be maintained with respect to all matters discussed at the meetings of both the Project Sponsor's Committee and the Working Group unless the parties agree otherwise and are legally entitled to disclose.

4. Reporting

The OHRC, TPSB and TPS will communicate their activities both within their organizations and to the general public.

- a. Detailed minutes will be distributed after each meeting in accordance with the following distribution list.

OHRC	TPS	TPSB
Chief Commissioner Hall	Chief William Blair	Alok Mukherjee, Chair
Senior Management Committee	Senior Management Team	TPSB Members
OHRC Commissioners	Counsel & Ethics and Equity Advisor	Counsel to PSB and Executive Director, PSB
OHRC Staff Representatives	Manager – Diversity Management Unit	

- b. An internal annual report will be developed jointly to review progress of the Project.
- c. The Chief of Police will report on progress to the TPSB annually.
- d. Special issue specific reports will be produced when appropriate.

5. Indicators of success (as determined by the joint working group)

Indicator	How measured?	When?
Human rights issues and concerns at TPS are identified and response plans are detailed and implemented	<ul style="list-style-type: none"> • The Project identifies and reports on issues, responses, and evaluation • Specific measures to be identified 	Progressively over 3 years
Specific human rights issues and concerns are addressed Including those identified in "target change objectives agreement" " appended as Appendix A to this Charter	<ul style="list-style-type: none"> • Specific measures to be determined 	To be determined by Project
Human rights complaints processes are running effectively to address human rights concerns within the TPS	<ul style="list-style-type: none"> • Quantitative and qualitative measures of the effectiveness of the TPS internal and OHRC complaints processes indicate improvement • E.g. Complaints filed are dealt with in a timely and constructive fashion • E.g. Complaints filed indicate improvement in human rights environment • Specific measures to be determined 	Progressively over 3 years

Public confidence is developed in marginalized and alienated communities	<ul style="list-style-type: none"> • Public mood and perception assessments indicate improvements in mood and perception • Specific measures to be determined 	Progressively over 3 years
--	---	----------------------------

6. Assumptions & Challenges

The parties understand the challenges inherent in this Project. For example, change has the potential to create resistance among both internal and external stakeholders. The parties recognize that perceived failure to respond to human rights concerns as a result of this Project has the real potential to further frustrate communities and groups alienated from the TPS.

The Project assumes the following:

- the parties will remain committed to the stated objectives;
- the parties will provide sufficient resources to achieve the Project's goal; and,
- the parties will commit to providing timely responses and approvals when required.

7. Project Resources & Organizational Structure

a. Project Sponsor's Committee members

- Project Sponsors: Chief Commissioner, OHRC
Chair, TPSB
Chief of Police, TPS
- Members: from each organization as assigned

b. Project Sponsor's Committee governance

- The Project Sponsor's Committee will meet quarterly, or as required, for the purpose of making decisions directing the progress of the Project
- Two Project Sponsors must be in attendance to have a quorum
- All parties agree that the use of alternates and/or acting members is discouraged due to the need for speedy decision-making and the sensitive nature of some issues

c. Working Group governance

- The Working Group will meet as frequently as required to provide the necessary information for consideration and decision of the Project Sponsor's Committee.
- The Working Group may seek the expertise of individuals within their respective organizations but outside of the Project Sponsor's Committee to advise on particular issues.

Appendix A - TARGET CHANGE OBJECTIVES

Overall Change Objectives

- The identification and elimination of any discrimination that may exist in employment policies of the Toronto Police Services Board ("TPSB") and the practices of the Toronto Police Service ("TPS") that may be contrary to the *Ontario Human Rights Code*.
- The identification and elimination of any discrimination that may exist in the provision of policing services by the TPS to the residents of the City of Toronto that may be contrary to the *Ontario Human Rights Code*.

Target Objectives

A. Recruitment, Selection, Promotion

Objectives:

- Support the ongoing efforts to recruit and hire qualified individuals reflective of the diversity in the City of Toronto with a respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide policing services equitably.
- Promote qualified individuals within the TPS with the goal of developing a TPS workforce that is reflective and representative, at all levels, of the diversity in the City of Toronto.

Change Initiatives to Include:

- Review of existing recruitment and hiring practices and programs.
- Evaluation of whether existing recruitment and hiring practices and programs are appropriate measures to meet the desired goal of recruiting individuals reflective of the diversity in the City of Toronto with a respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide policing services equitably.
- Where necessary, the further development and implementation of recruiting and hiring initiatives which will meet the desired goal of recruiting individuals reflective of the diversity in the City of Toronto with a

respect for human rights and due regard for the language skills, cultural competencies and community ties necessary to provide policing services equitably.

- Regular monitoring to assess whether recruiting and hiring initiatives are affecting the desired change/outcome. This monitoring will generally take the form of regular public reports to the TPSB by the Chief of Police. The OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations.
- Review of existing criteria, policies and practices with respect to promotion of individuals within the TPS.
- Evaluation of whether existing criteria, policies and practices with respect to promotion encourages, facilitates and provides barrier-free access to advancement within the TPS for all qualified individuals from diverse backgrounds while recognizing their race, ancestry, colour, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same sex partnership status, family status and/or disability.
- Where necessary, the further development and implementation of initiatives that encourage, facilitate and provide barrier-free access to advancement for all qualified individuals without discrimination while recognizing their race, ancestry, colour, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same sex partnership status, family status and/or disability from diverse backgrounds within the TPS.
- Regular monitoring to assess whether the promotional initiatives are affecting the desired change/outcome. This monitoring will generally take the form of regular public reports to the TPSB by the Chief of Police. The OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations.

B. Training

Objectives:

- TPS will continue to provide diversity training and engage in on-going professional development of all members of the Service with the goal of providing members with the skills and knowledge to provide policing services in a manner which is anti-racist, non-discriminatory, professional, respectful, tolerant, inclusive and ethno culturally sensitive.

- Training members of the TPS, to reinforce or enhance their understanding of what constitutes racially biased policing, racial profiling, racial discrimination and harassment, disability discrimination and harassment, or any other violation of the Ontario *Human Rights Code*.

Change Initiatives to Include:

- Review and evaluation of all current training programs, materials and curriculum, provided to both new recruits and to current members of the Service to determine whether issues of equity and diversity are being addressed sufficiently.
- Where necessary, further evaluation of these programs, materials and curriculum as to whether issues of equity and diversity are being sufficiently addressed.
- Development and implementation of training and learning programs for new recruits addressing issues of racially biased policing, racial profiling, racial discrimination and harassment, disability discrimination and harassment.
- Where necessary, further development and implementation of training and learning programs, to be provided on a regular and on-going basis, for current Service members addressing issues of racially biased policing, racial profiling, racial discrimination and harassment, disability discrimination and harassment.
- Regular monitoring of training programs to determine their effectiveness in meeting stated objectives. This monitoring will generally take the form of regular public reports to the TPSB by the Chief of Police. The OHRC will assess the effectiveness of this monitoring regime and make appropriate recommendations.

C. Accountability

Objectives:

- Specific accountability measures to ensure support for the change initiatives by all levels of management of the TPS.

Change Initiatives to Include:

- Identification by management personnel of individual goals and plans to meet the overall change objectives.

- Identification by management personnel of individual goals and plans to be met by members they supervise to meet overall change objectives.
- Development and implementation of specific, measurable and achievable performance indicators for all levels of management to measure support for, and compliance with, change initiatives.

D. Public Education

Objectives:

- To ensure that the public is aware of their rights and responsibilities when interacting with the TPS.

Change Initiatives to Include:

- Review of the TPS website to determine whether additional or further information should be posted on the site to ensure sufficient public awareness of individual rights and responsibilities.
- Consideration of the development and dissemination of a plain-language brochure containing information contained on the TPS website.

TORONTO POLICE SERVICES BOARD

POLICY AND DIRECTIONS

TPSB POL – XXX	Race and Ethnocultural Equity Policy
-----------------------	---

X	New	Board Authority:	Min. No. P115/05, P81/06
	Amended	Board Authority:	
	Reviewed – No Amendments		

BOARD POLICY

Toronto is one of the most diverse cities in the world. It is home to people from nearly every country, religion, racial and ethnocultural background. The Toronto Police Services Board embraces this racial and ethnocultural diversity of the City of Toronto. The Board is committed to ensuring that:

The Toronto Police Service will provide services in partnership with all the communities of the City and in a way that is equitable, respectful, inclusive and culturally competent; and

The Board and the Service will have human resources practices in place which aim to make the Service truly reflective of the City at all levels and enable all its employees and volunteers to work without discrimination or harassment, regardless of race, ethnicity, culture, nationality, religion or language.

To this end, the Board supports the efforts of the Toronto Police Service to achieve racial and ethnocultural equality.

It is the policy of the Toronto Police Services Board that:

1. Discriminatory treatment of members of the public or of the Service based on race, sex, place of origin, sexual orientation, age, disability and socio-economic status will not be tolerated;
2. Practices that may be racist, as well as behaviours that underlie and reinforce such practices, will not be tolerated; and
3. The Chief shall develop procedures to implement this policy. These procedures shall cover, but will not be limited to, the following areas:

- **Service Delivery**

Service delivery includes all those ways in which members of the Toronto Police Service interact with the public. This includes, but is not limited to stops, searches, execution of warrants, response to 911 calls, participation in public events, membership of police-community committees, partnership and outsourcing arrangements.

- **Professional Development**

Professional development includes training programs that address issues of diversity and cultural competencies and promote prevention of actions that are contrary to this policy. These programs shall be evaluated on a continual basis to assess their adequacy and effectiveness in meeting the objectives of this policy.

- **Recruitment, Selection and Promotion**

Recruitment, selection, hiring and promotional practices shall promote and facilitate greater participation in, and greater access to, employment and promotion by members of diverse groups at all levels of the Service.

- **Professional Conduct**

Procedures must reinforce and encourage positive, professional, ethical and ethnoculturally sensitive practices.

- **Supervision and Accountability**

The Chief shall report to the Board annually on the effectiveness and impact of the implementation of this policy. Such reporting should include any procedures developed, an assessment of the impact and effectiveness of such procedures on practices throughout the organization, and should provide details of mechanisms to ensure accountability by all levels of management.

REPORTING REQUIREMENTS:	Annual
--------------------------------	--------

LEGISLATIVE REFERENCE

Act	Regulation	Section
Ontario Human Rights Code	Regulation	
Police Services Act		

BOARD POLICIES:

Number	Name

SERVICE GOVERNANCE/PROCEDURES:

Number	Name