



STAFF REPORT ACTION REQUIRED

Deferral of the Auditor General's Review of the Police Collection of Demographic Data

Date: June 27, 2013
To: Audit Committee, City of Toronto
From: Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the Audit Committee with the Auditor General's report entitled "Deferral of Auditor General's Review of Police Collection of Demographic Data."

RECOMMENDATION

It is recommended that the Audit Committee receive this report for information.

Financial Impact

There are no financial implications arising from the receipt of this report.

ISSUE BACKGROUND

At its meeting held on June 20, 2013, the Toronto Police Services Board was in receipt of the following two reports:

- Street Checks – Interim Receipt Process & Deferral of the Auditor General's Review of the Police Collection of Demographic Data from Marie Moliner, Board Member & Chair of the Street Check Sub-Committee; dated June 7, 2013; and
- Deferral of Auditor General's Review of Police Collection of Demographic Data from Jeff Griffiths, Auditor General, dated June 5, 2013.

COMMENTS

The following persons were in attendance and delivered a presentation to the Board on the interim receipt process:

- Deputy Chief Peter Sloly, Divisional Policing Command;
- Sgt. Aly Virji, FIR Review Team; and
- P.C. Ali Moosvi, FIR Review Team.

A paper copy of the presentation is appended to this report for information.

The following persons were in attendance and delivered deputations to the Board:

- Howard Morton and James Roundell, The Law Union of Ontario *
- Odion Fayalo, Justice is Not Colour Blind *
- John Sewell, Toronto Police Accountability Coalition
- Barbara Hall, Chief Commissioner, Ontario Human Rights Commission
- Roger Love, African Canadian Legal Clinic *

* written submission also provided; copy on file in the Board office.

The Board was also in receipt of the following written submissions:

- June 10, 2013 from Alvin Curling, Strategic Advisor on Youth Opportunities to the Minister of Children and Youth Services
- June 20, 2013 from Noa Mendelsohn Aviv, Equity Program Director, Canadian Civil Liberties Association

Copies of the foregoing written submissions are on file in the Board office.

Following the presentation and the deputations, Chief Blair and Deputy Chief Sloly responded to questions by the Board.

The Board approved the following Motions:

1. THAT the Board receive the deputations and the written submissions and that these be referred to the Board's Street Check Sub-Committee;
2. THAT the Board receive the report from Ms. Moliner;
3. THAT the Board receive the presentation delivered by Deputy Chief Sloly, Sgt. Virji and PC Moosvi; and
4. THAT the Board receive Mr. Griffiths' report and forward a copy to the City of Toronto - Audit Committee for information.

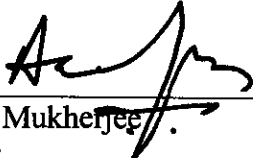
CONCLUSION

A copy of the report prepared by the Auditor General is contained within Minute No. P160/13 and is attached as Appendix "A" to this report.

CONTACT

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SIGNATURE



Alok Mukherjee
Chair

ATTACHMENT

Appendix A – Minute No. P160/13

x: audit report ag deferral demographic data

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 20, 2013**

**#P160. STREET CHECKS – INTERIM RECEIPT PROCESS & DEFERRAL OF
THE AUDITOR GENERAL’S REVIEW OF THE POLICE COLLECTION
OF DEMOGRAPHIC DATA**

The Board was in receipt of the following report June 07, 2013 from Marie Moliner, Board Member & Chair, Street Check Sub-Committee:

Subject: UPDATE - TORONTO POLICE SERVICES BOARD STREET CHECK SUB-COMMITTEE

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

There are no financial implications arising from the Board’s receipt of this report.

Background/Purpose:

In its last update report to the Toronto Police Services Board, the Street Check Sub-Committee proposed a series of recommendations which were adopted, as amended, by the Board as follows:

- a. That, as an interim measure, the Chief implement by no later than July 1, 2013, the use of Form 306, proposed by the Chief at the Board meeting in December 2012, for all stops where a FIR (208) is required to be completed.
- b. If the Form 306 continues to include a reference to “community engagement”, that the Chief provide the Board, for its’ information, a copy of the written instructions to TPS members defining what types of interactions constitute “community engagement”.
- c. That the Chief prepare a public communiqué to be posted on the TPS website and on Divisional web pages, which explains the purpose of the relevant Street Check forms and how they inter-relate. For ease of reference by the public, the current forms being used (208/FIR/306) should be posted to the website as part of this communiqué.
- d. That the Chief provide a report to the Board responding to the deputants’ requests for revisions to Form 208/FIR and to the viability of providing a carbon copy or equivalent record so that individuals are more fully informed of what has resulted from the stop and able to obtain appropriate information.

- e. That the Chief provide, to the Sub-committee, a list and summary of all materials the TPS has gathered on the collection of race-based data on stops.
- f. That, as offered by the Chief at the Board's meeting in December 2012, the Chief produce a standardized quarterly report for the Board on Street Check practices beginning with the first quarter of 2013; including information about the implementation of Form 306, about the age and race of persons stopped and additional information which will enable an analysis of the nature and quality of Street Check activity and its impact on community safety (Min. P271/12 refers).
- g. That the Chief provide a status report at the June 2013 public Board meeting on the implementation of these directions.

The Board also approved a recommendation which requested that the Chief work closely with the Sub-Committee as it works through the various tasks enumerated in the Sub-Committee's draft Terms of Reference (Board Min. P121/13 refers).

Discussion:

Since the last update report the Street Check Sub-Committee has held two meetings.

On May 21, 2013, the Street Check Sub-Committee convened a meeting to which it invited City of Toronto Auditor General Jeff Griffiths and his staff. The Auditor General attended this meeting in light of the Board's 2012 request that he conduct an analysis of TPS community contacts. (Report from Auditor General filed separately)

The Sub-Committee received an update from Deputy Chief Peter Sloly who advised that extensive work is being done within the Toronto Police Service to review and substantially revise the current Field Information Report (FIR) process and to consider the most workable format for an interim receipt. The Sub-Committee was advised as to the complexity of this work and the challenges the Service is facing to complete its Street Check review and develop an appropriate receipt, print and distribute the receipt, and conduct training for Service members prior to the Board-approved July 1, 2013 implementation date.

Given the on-going review and revision process within the Service, the Sub-Committee determined that, with respect to items (a) through (g) in its April 25, 2013 report (cited above) it is reasonable to expect that, while most of the requested items can be addressed by July, items (e) and (f) will not be available to the Board until late 2013, at the earliest.

The Sub-Committee met again on May 28, 2013. At this meeting, the Sub-Committee invited a number of community stakeholders to hear Deputy Sloly and members of his team describe the revisions that are being contemplated to the Street Check process and the challenges presented by the timelines approved by the Board, particularly for the implementation of the receipt.

This Sub-Committee meeting was attended by several individuals, organizations and institutions interested in the issue including Mr. Alvin Curling, co-author of the Roots of Youth Violence Report, Mr. Doug Ewart, Policy Lead, Roots of Youth Violence Report, and a representative of the Jamaican Canadian Association.

The stakeholders were invited to attend because of the impending new developments in the TPS approach to Street Checks and because of the timelines with respect to the work of both the Street Check Sub-Committee and the Chief's internal review on police-community interaction in public places, being led by Deputy Sloly. Deputy Sloly outlined the proposed, revised process for Street Checks and explained the various challenges including those presented by the implementation schedule approved by the Street Check Sub-Committee and the Board.

Sub-Committee members expressed appreciation for the thoughtful input provided by the stakeholders. The Sub-Committee committed to providing the stakeholders with an update prior to the June 20, 2013 Board meeting.

Conclusion:

There has been significant work done over the past 6 weeks by Deputy Chief Peter Sloly and his team. The Street Check Sub-Committee looks forward to the Board's consideration of the report from Chief Blair at the June 20, 2013 Board meeting and to

The Board was also in receipt of the following report June 05, 2013 from Jeff Griffiths, Auditor General, City of Toronto:

SUBJECT: DEFERRAL OF AUDITOR GENERAL'S REVIEW OF POLICE COLLECTION OF DEMOGRAPHIC DATA

SUMMARY

The purpose of this report is to inform the Police Services Board of the deferral of the Auditor General's review of police collection of demographic data. The Auditor General determined that the deferral was necessary and appropriate given the Police Service's plan to implement significant changes to street checks conducted by officers.

In response to the Board's request to conduct a project on police collection of demographic data, the Auditor General assigned staff to begin planning for the requested project. In addition, the Auditor General held four separate meetings in April and May 2013 with the Chair of the Board, the Chief of Police, the Deputy Chief of Police, and the Director of the City's Legal Services Division to discuss the proposed terms of reference for the project.

The Auditor General also attended the Street Check Sub-Committee's May 21, 2013 meeting, and presented his draft project terms of reference to the Sub-Committee. During the meeting, Deputy Chief Sloly advised that the Service has been undertaking an internal review of the street check practice, and would be implementing significant changes that will take effect July 1, 2013. The planned changes, according to the Deputy Police Chief, would substantially alter and improve police policies and procedures, data collection and retention, officer training, and officer performance evaluation relating to street checks.

Conducting any audit when significant changes to policies and procedures are being implemented provides little to no value and results in the inefficient use of audit resources. In view of the latest information from the Police Service, the Auditor General has decided to defer the review until after the Service has implemented the planned changes. A review by the Auditor General may be contemplated after the new policies and procedures have been in effect for at least 12 months.

The decision to defer the Auditor General's review was supported by members of the Street Check Sub-Committee, the Director of the City's Legal Services Division, and the Deputy Police Chief at the Street Check Sub-Committee's May meeting. The Auditor General also consulted the Chair of the Board on the deferral prior to preparing this report.

RECOMMENDATION

The Auditor General recommends that:

This report be forwarded to the City's Audit Committee for information.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its April 5, 2012 meeting, the Toronto Police Services Board approved a report containing the following recommendations:

1. (that) the Board, in order to establish baseline data showing the pattern of contact between the police and members of the community in general, and young people from certain ethno-racial backgrounds in particular, request the City of Toronto Auditor General conduct a project to collect and analyze data related to such contacts between the police and the community; and
2. (that) the Auditor General be requested to report to the Board in public on the results of the project, no later than the December 2013 meeting of the Board.

The Board also approved, *inter alia*, the following Motion:

THAT the Auditor General be requested to meet and consult with the Chief of Police and the Police Services Board in the development of terms of reference for this study and identify any procedural issues that may require the Board's direction.

In response to the Board's request, the Auditor General included in his 2013 Audit Work Plan a review of police collection of demographic data. The 2013 Audit Work Plan was adopted by City Council at its November 2012 meeting. The 2013 Audit Work Plan is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.AU9.4>

COMMENTS

In accordance with the 2013 Audit Work Plan, audit staff began preliminary planning for the requested project in early 2013. Planning activities included reviews of the following information:

- relevant deputations and reports to the Board
- police policies and procedures governing street checks
- the form used to collect street check data
- related newspaper articles and other published studies
- consultation with academics with expertise in police services.

In addition, in accordance with the Board's request and the approved Motion, the Auditor General held separate meetings with the Chair of the Board, the Chief of Police, the Deputy Chief of Police, and the Director of the City Legal Services Division in April and May 2013 to discuss the development of the terms of reference for the requested project.

Based on results of preliminary audit reviews and consultations, the Auditor General decided to broaden the scope of the requested project to include other areas in addition to a quantitative analysis of street check statistics. The expanded scope included other aspects of street checks such as:

- the design and implementation of supervision and monitoring
- data collection and retention
- officer training
- performance evaluation.

A draft audit terms of reference had been developed based on the expanded scope.

The draft terms of reference was presented and discussed at the Street Check Sub-Committee's May 21, 2013 meeting by the Auditor General. During the meeting, Deputy Chief Sloly advised that the Service has been undertaking an extensive internal review of police street checks and would be implementing substantial changes to the practice starting July 1, 2013. The planned changes, according to the Deputy Chief, would significantly improve existing policies and procedures governing street checks, types of information collected, record retention, officer training, and the design of officer performance evaluation in relation to street checks.

After considering the latest information from the Deputy Police Chief, the Auditor General determined that a review should not be conducted during a time when the Service would be introducing significant changes to its street check practice. A review by the Auditor General may be considered after all of the changes have been in effect for at least 12 months.

With support from members of the Street Check Sub-Committee, the Director of the City's Legal Services Division, and the Deputy Police Chief, the Auditor General decided to defer the planned review until a later time when the Police Service has completed the implementation of changes to improve the street check practice. Prior to preparing this report, the Auditor General also consulted with the Chair of the Board on the deferral of the planned review.

CONTACT

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The following persons were in attendance and delivered a presentation to the Board on the interim receipt process:

- **Deputy Chief Peter Sloly, Divisional Policing Command;**
- **Sgt. Aly Virji, FIR Review Team; and**
- **P.C. Ali Moosvi, FIR Review Team.**

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Moved by: M. Moliner