

Changes to Policing in Toronto - Update

Date: September 9, 2020

To: Executive Committee

From: City Manager

Wards: All

SUMMARY

Systemic discrimination in our city deeply impacts the life chances and opportunities of Indigenous, Black, and racialized communities, and leads to disparities in health, social, economic and political outcomes.

For many decades, Indigenous, Black and racialized communities have spoken out about their deep mistrust of public institutions – including our police services. Various reports have underscored this mistrust with evidence of systemic discrimination; disproportionate use of force including deadly force, invasive searches, and greater surveillance and street checks.

Changes are needed to restore community trust, police accountability and equitable effectiveness to policing and the justice system.

At its June 2020 meeting, City Council adopted 36 decisions (CC22.2) related to policing reforms. These decisions covered areas touching on policing, public safety and crisis response. At its meeting on August 18, 2020, the Toronto Police Services Board also adopted 81 decisions on policing reforms, including reforms requested by City Council.

Since the adoption of City Council's decisions in CC22.2, there have been actions by the Toronto Police Services Board and the City to advance policing reforms and engage the public. The following are a few of those actions:

- The Toronto Police Services Board held four full-day town hall meetings on July 9, 10, 15 and 16, 2020. These forums were created in response to the thousands of messages that the Board received in the aftermath of the killing of George Floyd and the death of Regis Korchinski-Paquet, and related protests in Toronto and around the world. The public was invited to give deputations and over 250 spoke or submitted written or recorded submissions to the Board.
- The Mayor, on behalf of City Council, requested the province to immediately implement the reforms recommended by Justice Tulloch, to allow City Council to

have direct oversight over the Police Services Budget, and to make police conduct and accountability changes.

- The City Manager, as directed by City Council, requested the Province to amend legislation to expand the City of Toronto's Auditor General's jurisdiction to include auditing the Toronto Police Service.
- Toronto Police Service posted on its website, its use of force policy, a line-by-line breakdown of the Toronto Police Service's 2020 Budget as well as 5 years of budget summaries.
- To advance City Council decisions on engaging community to support the creation of alternative community response models, staff have established an alternative community safety response accountability table with a first meeting scheduled for early October.
- As per Council's request, staff have drafted Terms of Reference for the implementation of a Confronting Anti-Black Racism Council Advisory Body to assist in further advancing City Council's commitment to addressing anti-Black racism in Toronto.
- A dedicated team of City staff, with engagement from community experts, are developing alternative community response models, recommendations for community investments in critical community and social services that better address the root causes of safety and security, and advancing the tracking and reporting of actions taken on City Council's decisions in CC22.2.

This report provides:

- An update on the status of City Council's directions on policing reforms from its June 2020 meeting,
- Proposed Terms of Reference for establishing a Confronting Anti-Black Racism Council Advisory Body, and;
- Next steps including community engagement plans.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council establish a Confronting Anti-Black Racism Council Advisory Body, in accordance with the Terms of Reference in Attachment 3, for the term ending November 14, 2022 or until their mandate is completed within the 2018 to 2022 term.

FINANCIAL IMPACT

There are no financial impacts in 2020 arising from this report. The resources required to provide meeting management support to the Confronting Anti-Black Racism Advisory Committee in 2021 will be addressed as part of the 2021 Operating Budget submissions along with City Council's other Advisory Bodies.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

EQUITY IMPACT

Community public safety is a benefit for all Torontonians. However, various reports have underscored the mistrust of Indigenous, Black, and Equity-seeking communities in our police services to support community public safety because of systemic discrimination. These reports and community concerns have highlighted the over-policing of these communities, disproportionate use of force, including deadly force, invasive searches, and greater surveillance and street checks, and discrimination in the investigation of missing and murdered Indigenous women as examples. Significant human rights issues experienced by these communities have eroded trust. People are less likely to cooperate with police investigations and provide testimony in court if they have negative perceptions of police, and this has profound consequences for our justice system.

The Changes to Policing Update Report has been analyzed at the definition and planning stage for potential impacts on Indigenous, Black and Equity-seeking groups of Toronto. The creation of a Council Advisory Body to focus on Confronting Anti-Black Racism will have a positive equity impact for Black Torontonians by providing greater opportunities for engagement with civic decision-making.

This report is an initial update on the necessary policing changes required to rebuild community trust and confidence in our police services. Proposed changes in policing will need to continue to ensure reforms are responsive to the experiences of Indigenous, Black and Equity-seeking communities.

DECISION HISTORY

At its August 18, 2020 meeting, Toronto Police Services Board adopted 81 decisions related to policing reforms including items requested by Toronto City Council at its June 29, 2020 meeting. (<https://tpsb.ca/meetings/meetings-past>)

At its June 29, 2020 meeting, City Council adopted 36 decisions related to policing reforms covering areas touching on policing, public safety and crisis response. In addition, Council asked the City Manager to report to City Council with terms of reference for an anti-Black racism council advisory body. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC22.2>)

COMMENTS

Update on Changes to Policing Actions

In order to organize and report back on the 36 decisions adopted by City Council relating to policing reforms, this report identifies common themes and divides them into the 7 categories below. This report provides a status update of the 36 decisions and further details are included in Attachment 1. The Toronto Police Services Board adopted at its August Board meeting, 81 decisions related to policing reforms that include City Council's requests. Details are provided in Attachment 2.

1. *Alternative Community Safety Response Models*
2. *Police Budget and Budgetary Transparency*
3. *Independent Auditing and Police Service Accountability*
4. *Chief Selection Criteria*
5. *Data Sharing and Information Transparency*
6. *Police Conduct Accountability*
7. *Status and Implementation of Recommendations*

1. Alternative Community Safety Response Models

A major theme of City Council's decisions is the need for community-led safety response models that do not require the presence or intervention of the police. This includes alternatives to police response to mental health crisis calls, wellness checks and low-level disputes between community members (e.g., neighbour disputes).

Decisions 1, 5, 18, and 32 - A staff team has been assigned and are working on developing a jurisdictional review of models; engaging stakeholders, Indigenous, Black and racialized communities; organizing community engagements and consultations; and working with the Toronto Police Services Board and Toronto Police Service to identify immediate enhancements to the Mobile Crisis Intervention Teams (MCIT) while a community-led response is developed. A report on these actions is anticipated for January 2021.

Decision 32 - Terms of Reference and proposed membership for a new program advisory body, the Alternative Community Safety Response Models Accountability Table, has been established. The Accountability Table will be composed of representatives of Indigenous, Black, and racialized non-profit serving agencies, mental health and addictions experts, homeless advocates and other equity-seeking groups. This group is expected to meet for the first time in early October.

2. Police Budget and Budgetary Transparency

There has been considerable public interest in the police budget. There are calls by many to reduce or eliminate the budget allocated to police services. In addition, there have been calls for greater accountability and transparency in the police budget process.

Decisions 4 and 7 - These actions have been implemented and work is underway to provide further budgetary accountability on policing. For instance, the Toronto Police Services has posted their 2020 line-by-line budget as requested in CC22.2, decision #4, as well as the past five years' budget summaries. City staff are working on posting this budget information to the City's Open Data portal.

Decisions 8, 9, 22, and 23 - Mayor Tory, on behalf of the City and Council, has communicated to the Province of Ontario, requesting necessary amendments to the Police Services Act granting the City direct oversight over the Toronto Police Services Budget and to expand the City of Toronto's Auditor General's jurisdiction to include the Toronto Police Service. The City is awaiting a provincial response.

3. Independent Auditing and Police Service Accountability

At its June 2020 meeting, Council identified the need for independent auditing of Toronto Police Services.

Decision 10 - At its meeting on August 18, the Toronto Police Services Board approved entering into a Memorandum of Understanding with the City's Auditor General to independently develop a work plan and perform audits of the Toronto Police Service to improve service delivery, identify specific areas of success and specific areas for improvement within the Service, and to find potential areas for savings and redistribution of funding.

Decision 31 - The Police Services Act contains a number of independent accountability mechanisms with various responsibilities. For instance, the Ontario Civilian Policing Commission hears appeals, adjudicates applications, conducts investigations and resolves disputes regarding the oversight and provision of policing services. These accountability mechanisms form the complete system of accountability over policing in Toronto. It has been determined, in consultation with the City Solicitor, that establishing an additional accountability office and agency, contemplated in decision 31 would not be possible in light of the complete accountability and oversight mechanisms already established by the Police Services Act.

4. Chief Selection Criteria

The selection and hiring process associated with the next Chief of Police has garnered considerable public interest. It will be important to make sure there is input from public and community stakeholders, and Indigenous and Black communities on the values, skills and other criteria deemed integral to be successful in the role.

Decision 14 - At its meeting on August 18, the Toronto Police Services Board adopted and included the criteria outlined by this decision.

Decisions 13 and 15 - Toronto Police Services Board has initiated a process to procure an organization to support their community engagement. In addition, City staff are developing community consultation plans to inform the values, skills and other criteria deemed integral for the next Chief of Police. Community engagement, informed by the

City's Confronting Anti-Black Racism Unit and Indigenous Affairs Office, are expected to begin in mid-October.

5. Data Sharing and Information Transparency

Information-sharing and transparency on police services policies and procedures is a good governance practice and critical to maintaining public confidence.

Decisions 6, 16, 17 and 30 - At its meeting on August 18, the Toronto Police Services Board adopted recommendations directing the Toronto Police Service to work with the City to post on the Toronto Police Service's website key policies such as Use of Force, Police Services Board annual reports, and data associated with the police services' race-based data strategy. The use of force policy has been posted on the Toronto Police Services website and staff are working together to ensure this request is fully implemented and expect it to be complete by November 2020.

6. Police Conduct Accountability

Police officer discipline and investigation of conduct is regulated by provincial legislation. Recommendations made by Council in this area require legislative changes.

Decisions 19, 20, 21 and 29 - The Mayor sent correspondence to the Ontario Solicitor General, on behalf of and as directed by City Council, requesting provincial law regarding police discipline be reformed in line with recommendations that were made to the Province in the 2017 Report of the Independent Police Oversight Review by the Honourable Justice Michael H. Tulloch. At its meeting on August 18, the Toronto Police Services Board directed a letter be sent supporting the City's request for changes to the Police Services Act.

Decision 28 - At its meeting on August 18, the Toronto Police Services Board directed the Chair and Executive Director of the Toronto Police Services Board to explore and report on the Board's ability to enact policy directing that all instances of alleged racial profiling and bias be investigated under the Police Services Act, and to make recommendations on how the Board can ensure that all alleged instances of racial profiling and bias are investigated and addressed.

Decision 29 - At its meeting on August 18, the Toronto Police Services Board approved moving forward with the delivery of a Police Service-wide body-worn camera program. Toronto Police Services Board is working on developing a policy to direct the Chief on establishing the procedures for operations use of the cameras, to provide the governance framework for their use, and require minimum penalties for non-compliance. A draft of the policy is expected to be published for public consultations in September, and the finalized policy is expected to be brought before the Board for its approval in its October meeting.

7. Status and Implementation of Recommendations

Members of the public have voiced concern that previous police reform recommendations have not been fully implemented and that this undermines efforts for

effective policing reforms. City staff and the Toronto Police Service are working together to post by mid-October 2020 an on-line tool to assist the public in tracking and monitoring the progress of the implementation of police reform items adopted by City Council and the Toronto Police Services Board.

Decision 24 - At its meeting on August 18, the Toronto Police Services Board directed the Chief of Police to report to the Board by November 2020 on the status of implementation of the Board's Race-Based Data Collection Policy, and where the Policy deviates from or fails to implement the recommendations of the Ontario Human Rights Commission in its written deputation to the Board, to identify the reason for that deviation or failure to implement.

Decision 25 - At its meeting on August 18, the Toronto Police Services Board directed the Chief of Police to report to the Board by November 2020 on the status of implementation of the recommendations made in the Report of the Independent Review of Police Encounters with People in Crisis and, where the Service has deviated from or failed to implement a recommendation, to identify in detail the reason for that deviation or failure to implement.

Decision 26 - The Mayor sent correspondence to the Ontario Solicitor General, on behalf of City Council, requesting the full implementation of requests that were made to the Province in the 2017 Report of the Independent Police Oversight Review by the Honourable Justice Michael H. Tulloch, particularly those reforms focused on enhancing the independence and notifications requirements of the Special Investigations Unit.

Decision 27 - At its meeting on August 18, the Toronto Police Services Board directed the Chief of Police to report by November 2020 on the status of the implementation of the recommendations from the Inquest into the death of Andrew Loku and, where the Service has deviated from or failed to implement an inquest recommendation, to identify in detail the reason for that deviation or failure to implement.

Council Advisory Body on Confronting Anti-Black Racism

The City of Toronto engages the public on policy and program direction through a broad range of methods including advisory bodies. City Council directed the establishment of a Confronting Anti-Black Racism Council Advisory Body in CC22.2 decision #34.

Under Toronto Municipal Code Chapter 27, Council may establish Council Advisory Bodies to provide advice to City Council through a Council Committee, on specific areas of interest and term priorities. The City of Toronto benefits from the engagement of residents and stakeholders through Council Advisory Bodies, including for the development of City programs, policies and advice to Council and staff.

Establishing a Council Advisory Body focused on confronting anti-Black racism can help to further advance the objectives of the Toronto Action Plan to Confronting Anti-Black Racism, adopted by Council in December 2017. The Action Plan contains 80 actions and 22 recommendations for City staff to implement to address anti-Black racism in Toronto. The implementation of the Action Plan is supported at the staff-level by a program advisory body, the Partnership and Accountability Circle, formed in 2018 to

enable consistent community engagement throughout the implementation of the Action Plan. Serving as an advisory body to the Confronting Anti-Black Racism Unit and other City staff, the Partnership and Accountability Circle is informed by African values, principles and practices. Membership of the Circle is comprised of 12 Torontonians of African descent with diverse lived experience, education, professional expertise, and historical knowledge of anti-Black racism in Toronto.

In order to complement the work of the Partnership Accountability Circle, the proposed new Confronting Anti-Black Racism Council Advisory Body can provide advice to Council directly through a Council Committee, and serve as a convening table to advise on inter-government and institutional work on anti-Black racism in sectors such as education, child-welfare, policing and justice system, housing and employment (See proposed Terms of Reference in Attachment 3). In doing so, the Council Advisory Body can further build on the objectives of the Toronto Action Plan to Confront Anti-Black Racism by supporting the implementation of the themes of the United Nations' International Decade for People of African Descent, officially recognized by the City in March 2019. The theme of the International Decade for People of African Descent 2015-2024 is "Recognition, Justice and Development".

This report recommends the establishment of the Confronting Anti-Black Racism Council Advisory Body in accordance with the Terms of Reference in Attachment 3.

Next Steps

Policing reforms require both the City and the Toronto Police Services to meaningfully engage with the experience of people from different fields and communities in an effort to address systemic discrimination that impacts the lives of Indigenous, Black, and racialized communities in Toronto. There is a long history of anti-Black and anti-Indigenous racism, colonialism, discrimination, and marginalization in our city. Systemic racism occurs within policing, as it does in many other public and private systems. Changes are needed to restore community trust, accountability and effectiveness to policing and the justice system.

A comprehensive report back will be developed on the status of the policing reform recommendations, as requested by City Council. In the short term, staff will engage stakeholders and community members through robust consultations.

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ATTACHMENTS

Attachment 1: Changes to Policing Decisions – Status Update
Attachment 2: Adopted Recommendations of Toronto Police Services Board
Attachment 3: Confronting Anti-Black Racism Council Advisory Body Terms of Reference