



TORONTO POLICE SERVICES BOARD

COMMUNITY ENGAGEMENTS

DATE APPROVED	April 24, 2014	Minute No: P102/14
DATE(S) AMENDED		
DATE REVIEWED		
REPORTING REQUIREMENT		
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). Canadian Charter of Rights and Freedoms Ontario Human Rights Code Municipal Freedom of Information and Protection of Privacy Act</i>	
ASSOCIATED POLICIES	Race and Ethnocultural Equity Human Rights Collection, Use and Reporting of Demographic Statistics	
DERIVATION		

Joint Statement of Principles between the Toronto Police Services Board and the Toronto Police Service Concerning Community Engagements

The following statement describes principles shared equally by the Toronto Police Services Board and the Toronto Police Service. The statement recognizes that a police officer in the performance of his or her duties must exercise discretion in a way that reflects the values of fairness, respect, individual dignity and equality.

In exercising the discretion to engage with a member of the community not under arrest or detention for the purpose of initiating, continuing or recording a Community Engagement, the Service member will take into account the following guidelines:

- Service members will not consider race, place of origin, age, colour, ethnic origin, gender identity or gender expression in deciding whether to initiate a community engagement unless one or more of these factors form part of a specific suspect, victim or witness description.
- It is the Service member's responsibility to investigate offences, to prevent offences and to engage in a visible way with the community.
- It is the Service member's responsibility to ensure members of the community are not at risk.
- Supervisors will not measure member performance by quantity of Community Engagements. In other words, there is no quota for Community Engagement.

- In exercising his or her discretion, the Service member shall consider the possibility of psychological detention.
- In exercising his or her discretion, the Service member shall consider the potential value of initiating or recording a contact versus the potential value of the individual's right to be left alone.
- Information from a Community Engagement will lead to the collection of material personal information only.

The TPS shall initiate and maintain a training program on Community Engagement for Service members. One of the purposes of the training program shall be to advance these values, principles and guidelines.

Context

Independent civilian oversight has always been necessary to maintain public trust in the police. The reform of police-community interactions needs to be public, transparent and subject to Board governance and oversight.

The Board does not condone and explicitly condemns any police practice that may have a discriminatory impact on any member or section of the community, including, specifically, racial profiling. This is not only a matter of Board policy but also of law. Policing must be carried out in a manner that fully respects and implements obligations under the Canadian *Charter of Rights and Freedoms* (“the *Charter*”) and the Ontario *Human Rights Code* (“the *Code*”). Practices consistent with this understanding are essential to promote the legitimacy of policing as well as public trust and confidence.

This Policy, therefore, seeks to ensure that there is a proactive rights-based approach to the way in which members of the Toronto Police Service interact with members of the public. Such interaction is fundamental to community-based policing. Service members must get to know the neighbourhoods they serve and they must be able to enter into conversations with residents of these neighbourhoods in order to provide effective service. They must be able also to gather and retain legitimate information. However, they must do so, and be trained and supervised to do so, within a clear framework and in strict accordance with procedures that support this Policy. As a rights-based policy, it also places an obligation to respect community members' rights under the *Charter* and the *Code*. As well, retention and use of information must be consistent with rights under privacy laws.

The Board acknowledges that members of the Service are legally entitled to have conversations with members of the public. The Board recognizes that the way in which some conversations have been conducted and recorded has adversely affected individuals and communities and has had a demonstrated negative impact on public trust.

Public trust in the police is essential to effective policing. Creating a policy that governs interactions between Service and community members will enhance public trust and cooperation with the police. The collection, retention, use and disclosure of information gathered in ways

consistent with this Policy, and for a valid public safety purpose, can be a legitimate and effective policing tool.

Community Engagements

In this Policy, “Community Engagements” are non-detention, non-arrest interactions between Service and community members that involve the eliciting and/or recording of personal information. This policy is not intended to prohibit or guide informal greetings or conversations. “Community Engagement Reports” (“CERs”) are investigative records of information that will be generated by some Community Engagements.

The objectives of this Policy are to:

- Improve police-community interactions and eliminate the collection, retention, use and disclosure of irrelevant personal information;
- Identify the circumstances in which it is appropriate to initiate a Community Engagement or create a CER;
- Eliminate discrimination from Community Engagements;
- Collect, retain, use and disclose information only to:
 - Ensure accountability in the initiation of Community Engagement and the creation of CERs, and
 - Fulfill policing duties under s. 42 of the *Police Services Act*;
- Improve community confidence in the Service’s ability to provide non-biased policing;
- Enhance awareness of human rights and civil liberties under the *Charter*, the *Code* and Board policies;
- Ensure the provision of effective training on how to conduct Community Engagements in a way that promotes community trust; and
- Ensure effective oversight of Community Engagements by the Board through periodic, independent evaluation and public reporting of Engagement-related data.

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

1. The Chief of Police will establish procedures regarding Community Engagements that:
 - a. Minimize the potential negative effects of Community Engagements on the community;
 - b. Reflect the goal of police legitimacy by ensuring Community Engagements are conducted in the spirit of trust building with the community and are directed toward effective policing;
 - c. Ensure compliance with the *Charter* generally and, in particular, the s. 9 protection against arbitrary detention and the s. 15 right to equal treatment under the law;

- d. Ensure compliance with the *Code* generally and, in particular, the s. 1 freedom from discrimination based on race, place of origin, age, colour, ethnic origin, gender identity or gender expression;
 - e. Ensure compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”) generally and, in particular, with Part II of MFIPPA; and
 - f. Equip service members with business cards which may be offered to members of the community with whom the Service members are in contact
2. Service members may only initiate and record Community Engagements that serve a valid public safety purpose.
 3. The Chief will include in procedures guidelines for exercising discretion consistent with this Policy.
 4. The Policy seeks to encourage Community Engagements in which the community member freely participates.

Recording Community Engagements: Data Collection and Retention

5. The Service may record and retain information arising from Community Engagements in compliance with this Policy.
6. The Chief will establish procedures regarding the retention, use and disclosure of personal information arising from Community Engagements to ensure that:
 - a. They only lead to the retention, use or disclosure of material personal information;
 - b. Categories of information in CERs are developed in consultation with the Ontario Human Rights Commissioner and the Office of the Information and Privacy Commissioner;
 - c. Personal information collected during Community Engagements that is not in compliance with this Policy is not retained, used or disclosed for any investigative purpose and is retained in a manner consistent with *MFIPPA*; and
 - d. The retention of information from Community Engagements currently in the investigative database shall be consistent with this Policy. The Chief and the Board will work collaboratively on a retention protocol consistent with this Policy.
7. The Chief, in consultation with the Board, will commit to collecting data about Community Engagements that can be used to evaluate the effectiveness of police services in Toronto. The community’s level of satisfaction with police services will be one measure of effectiveness. Public safety is another measure of effectiveness.

8. The Board and the Service will only use the data collected under this part of the Policy to improve the effectiveness of police services in Toronto.

Training

9. The Chief will ensure that Service members at all levels receive the training necessary to conduct Community Engagements in accordance with the law and Board policy. This training will include instruction about conducting Community Engagements in a manner that maximizes effective policing and enhances community trust.
10. The Chief will ensure that all Service members are familiar with the neighbourhood and the community to which they are assigned and receive any support, training and resources necessary to familiarize themselves with a new assignment.
11. The Chief will provide to the Board copies of all training modules on Community Engagements for review upon request from the Board.

Supervision

12. The Chief will establish procedures regarding Community Engagements to ensure that:
 - a. Service members receive effective supervision related to Community Engagements; and
 - b. Supervisors are trained to ensure compliance with this Policy

Reporting

13. For the purposes of transparency, accountability and assisting the Board in assessing compliance with this Policy, the Chief will submit a public report to the Board in September, 2015 and March, 2016 and in March of each year thereafter containing full data and statistics related to Community Engagements and training.