

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: Race Data Collection in Use of Force

DATE OF ISSUE:	November 28, 2019
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	19-0086
PRIORITY:	High

The *Anti-Racism Act, 2017* (ARA, 2017) creates a legislative framework to combat systemic racism and advance racial equity.

The General Regulation (O. Reg. 267/18) under the ARA, 2017, came into force in April 2018. The regulation authorizes and requires public sector organizations in the justice, education, and child welfare sectors to collect information about Indigenous identity, race, religion and ethnic origin.

Obligations on the Ministry of the Solicitor General

Under O. Reg. 267/18, the Ministry of the Solicitor General (ministry), as a public sector organization, is required (in policing) to collect the Participant Observer Information (POI) (i.e., police service members' perception) regarding the race of individuals in respect of whom a Use of Force Report is completed, and any other information set out in the report that the police service is legally required to provide to the ministry, excluding the individuals' names **by January 1, 2020**.

The Data Standards for the Identification and Monitoring of Systemic Racism, also known as Ontario's Anti-Racism Data Standards, were established to help identify and monitor systemic racism and racial disparities within the public sector.

The Data Standards establish consistent, effective practices for producing reliable information to support evidence-based decision-making and public accountability to help eliminate systemic racism and promote racial equity.

Equipment and Use of Force Regulatory Amendments

To assist the ministry in meeting its obligations under the ARA, 2017, regulatory amendments to the Equipment and Use of Force Regulation (RRO 1990, Reg 926) were filed on November 28, 2019. The revised regulation will be posted on [e-Laws](#) shortly.

The following amendments have been made to RRO 1990, Reg 926:

- Form 1 has been removed;
- Subsection 14.5 (2) requires the use of force report be in the form titled “Use of Force Report” developed by the Ministry of the Solicitor General, dated 2019/10. A copy of the report is publicly available on the government’s Central Forms Repository and the ministry’s [website](#).
- Subsection 14.5 (4) allows the Solicitor General to require “information from a report” instead of a copy of the report.

Effective January 1, 2020, members of a police service are required to use the revised Use of Force Report and fill out all the appropriate fields when the circumstances established in the regulation are met.

Please refer to Attachments 1 and 2 for the English and French versions of the revised Use of Force Report, respectively. The French version of the regulation can also be made available upon request.

Report Submission Process

Pursuant to subsection 14.5 (4) of Regulation 926 of the Revised Regulations of Ontario, 1990 (Equipment and Use of Force), the Solicitor General is requiring chiefs of police and the Commissioner of the Ontario Provincial Police to submit information from all Use of Force Reports effective **January 1, 2020**. The submission of that information must be in accordance with the process outlined below.

Please use the attached version of the report (Attachments 1 and 2) for operational purposes. The publicly available version on the government’s Central Forms Repository and ministry’s website cannot be completed electronically, nor can information from the report be submitted to the ministry automatically.

Once a Use of Force Report has been completed by an officer and reviewed by designated personnel within the police service, the service’s use of force training analyst must submit the report to the ministry via the submit button located on the electronic Use of Force Report.

The training analyst who submits the report must provide their email address to receive a confirmation email of the ministry's receipt of the report.

If you experience challenges in submitting electronic reports through the above process, the ministry's Analytics Unit can assist with alternate formats. Please contact Jeanette Gorzkowski, Manager of the Analytics Unit, at Jeanette.Gorzkowski@ontario.ca for support.

To reduce the potential that a use of force report may identify the individual in respect of whom the report is prepared, the following data fields will be **automatically redacted** when the report is submitted to the ministry electronically. If a paper copy is being used, the following fields **must be redacted** by the police service before the report is submitted to the ministry:

- All fields containing date in Part A and Part B;
- Time Incident Commenced;
- Time Incident Terminated;
- Location Code;
- Narrative; and
- Part B.

We recommend your members, and training analysts in particular, familiarize themselves with the report and test the submission function before January 1, 2020.

Any reports submitted to the ministry before January 1, 2020, will be accepted as test submissions only and deleted from the ministry's system. However, please note that any reports received after January 1, 2020 will be treated as actual operational report submissions.

If you have any questions regarding the content or functionalities within the report, please contact Lisa Sabourin at Lisa.Sabourin@ontario.ca (416-859-9323), or Amanda Fone at Amanda.Fone@ontario.ca (416-212-1497).

Race Data Collection

Consistent with Standard 40 of the Data Standards, the new Use of Force Report includes the following question and race categories:

What race category best describes the subject? (select only one)

- Black
- East/Southeast Asian
- Indigenous
- Latino
- Middle Eastern
- South Asian
- White

The aforementioned categories are the main race categories commonly used as social descriptors in Ontario. They are not based on science or biology but on differences that society has created (i.e., “socially constructed”). A service provider’s perception of another person’s race is based on information that can be readily observed, such as skin colour, hair texture, facial features, and other information that may be used to inform assumptions about a person’s racial background.

This information is being collected for the purpose of identifying and monitoring potential racial bias or profiling in a specific service, program, or function. Individuals providing POI (respondents) are limited to employees, officers, consultants, and agents of public sector organizations.

To identify and monitor the prevalence of racial profiling, it is important to capture the perceptions of persons to assess whether conclusions are being made and acted on based on stereotypes. In this respect, the “actual” racial background of the individual to whom the POI relates is less important to the assessment.

Further, it is important for members of police services to understand they are being asked to give their best assessment of an individual, honestly and in good faith, and that recording their perception of race in the use of force report is mandatory whenever a use of force report must be completed under the Equipment and Use of Force Regulation.

As a reminder, the existing provision under subsection 14.5 (3.4) of the Regulation, which provides that a Use of Force Report would be inadmissible as evidence at any disciplinary hearing under the *Police Services Act* other than a hearing to determine whether a police officer has contravened the requirements relating to the submission of a report, is still applicable.

Educational Materials for Officers

The Ontario Police College has developed a learning aid to assist police officers in understanding the new reporting requirements. This is available on the Ontario Police College Virtual Academy (OPCVA) via the following link:

<https://www.opcva.ca/course/changes-use-force-electronic-report>.

The learning aid includes general instructions for completion of use of force reports by officers and training material for the collection of race information.

I trust this information and the attached materials will assist police services in implementing race data collection in accordance with the Equipment and Use of Force Regulation. Your continued support in this important initiative is appreciated.

Sincerely,

A handwritten signature in black ink, reading "Marc Bedard". The signature is written in a cursive style with a large, stylized 'M' and 'B'.

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments