

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

25 November 2019 / 25 novembre 2019

Submitted by / Soumis par:

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**SUBJECT: OPS RESPONSE TO DIVERSITY AUDIT AND TRAFFIC STOP RACE
BASED DATA COLLECTION REPORT II**

**OBJET: RÉPONSE DU SERVICE DE POLICE D'OTTAWA À LA VÉRIFICATION
SUR LA DIVERSITÉ ET AU DEUXIÈME RAPPORT SUR LA COLLECTE
DE DONNÉES FONDÉES SUR LA RACE AUX CONTRÔLES
ROUTIERS**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receives this report for information

RECOMMANDATIONS DU RAPPORT

**Que la Commission de services policiers d'Ottawa prenne connaissance du
présent rapport à titre d'information.**

BACKGROUND

Due to the length of this report, this "Background" section contains a summary.

Acknowledgement of Findings and Commitment to Action:

The Ottawa Police Service is committed to developing the trust and confidence of the communities it serves by providing responsive, effective, and equitable policing to all residents.

We know that we must continue to address racial profiling and other forms of discrimination that exist in society and can exist in policing. It has no place in either. As protectors of public safety, police must actively stand against discrimination in all its forms.

We must acknowledge that bias and discrimination exist in our society; and, we must raise awareness and confront it when we see it in our institutions, workplaces, and within ourselves.

As policing professionals, it's also important that we continue dialogue with the community. And we must continue to develop partnerships for collective action so that together we can address concerns about bias, racial profiling, and other forms of discrimination.

We have done a lot of good leadership work towards professional and equitable policing – some of it incident based, a lot of firsts in Canadian policing, and much of it done in true partnership with our diverse communities.

We can't ignore the lived experiences of the communities we serve. We also can't ignore the recent reports, such as the OPS workforce Census, first Traffic Stop Race Data Collection Report, Gender Audit, or the foundational report created by the Diversity and Race Relations Section's temporary team called the Outreach Liaison Team.

On November 20th, two new important reports were released – the second Traffic Stop Race Data Collection Report ([add link](#)) and the Diversity Audit Report ([add link](#)).

And while these reports contain some difficult findings, these reports, the data, analysis, and recommendations are about making policing better for everyone – those communities directly impacted and our members, especially front line police members. It helps us hone our policing profession and deliver policing services that are more sophisticated and sensitive to the communities we work with.

Data has helped us understand that some of our leadership decisions and traditional policing practices have actually put our officers in difficult positions with some communities who feel under or over policed. This learning creates better policing services for all, helping us to make better deployment decisions, equip officers with enhanced procedures, and helps increase joint problem solving.

We need to address these concerns head on and act together. Acting together is critical for real change and building trust. OPS will work with police and community stakeholders, like the Community Equity Council, to build on the good work we have already done together to ensure we make more meaningful progress on equity, diversity, and inclusion.

This ongoing partnership journey will culminate in a new multi-year EDI plan by January 2020 that is focused on collective action and measuring progress.

Traffic Stop Race Data Collection Report II:

Race Based Data Collection is here to stay. It is no longer a project or part of a settlement agreement. More than six years later, it has become operational and a way of doing business.

Race based data collection is recognized as an important tool to address concerns about racial profiling and to build trust with communities. There have also been a number of new provincial regulations involving race data collection since the project began. And OPS has been recognized for leading this work – even in the Ontario Human Rights Commission’s recently released Racial Profiling Policy Guidelines for Law Enforcement.

The learning from the first study with respect to traffic deployment and over policing concerns was invaluable and led to improvements in our service delivery including with traffic enforcement and the new community policing neighbourhood teams focused on engagement, outreach, and joint problem solving with communities.

The latest report shows some progress, but there are still high disproportionate rates for Black and Middle Eastern groups. This is unacceptable for the impacted communities and our officers because it prevents effective community policing, intelligence gathering, and erodes trust.

We will continue to show leadership and collect race based data, expand its use, and more importantly, we will continue to work together to act on the findings and improve service to communities.

OPS will take the Research Team’s recommendations seriously and set goals to reduce the disproportionate rates. We need to decrease disproportionate rates in our traffic stops by implementing a bold plan of action that hasn’t been done in policing. This will impact the way we do policing in neighbourhoods. Our new neighbourhood policing teams area already showing signs of success.

In addition to continuing to implement best practices research, we are going to work with the Community Equity Council to create a task force and undertake a pilot that will work with police and community members to create real change. This will start in January 2020.

Diversity Audit

The report highlights many strengths and areas of progress as well as a number of weaknesses and gaps that need to be addressed in key audit areas like leadership and performance, workforce diversity, policies, service delivery and community engagement, and several areas of human resources.

The audit team noted that they saw progress in many areas even in this last year of the audit, and we must build momentum where there is early signs of progress.

There are a large number of recommendations (97) including a few key recommendations that the audit team identifies as critically important for “signaling commitment, creating a foundation for change, and generating momentum at this pivotal time.”

OPS is committed to working with police and community members as well as other stakeholders, including the Community Equity Council, to ensure the list of recommendations are reviewed and prioritized and implemented for meaningful change and progress. The recommendations will be added to the EDI Action plan for tracking and monitoring.

From Recommendations to Action:

We are going to continue to strive for professional and equitable policing. This is an ongoing partnership journey with the communities we serve. We have done some leadership work in this area that is being recognized nationally and provincially. But we need to do more.

We need to make more meaningful progress on equity, diversity, and inclusion. It’s about creating a police service that both our police and community members deserve.

With an engaged community, membership, and Board, we will work together to move from reports and recommendations to greater action and desired outcomes. And together will create a multi-year action plan to ensure these latest recommendations are put into action and measured for progress along the way.

DISCUSSION

The purpose of this report is to provide:

- A. An overview of the Traffic Stop Race Data Collection Report and Recommendations released by the York Research Team on November 20th;
 - B. An overview of the Diversity Audit Report and Recommendations released by the Graybridge Malkam Diversity Audit Team on November 20th; and
 - C. Meaningful acknowledgement and response to these reports including a commitment to drafting a new multi-year EDI Action Plan for 2020 – 2022 that will be built on past work and consultation efforts, recent report recommendations, and focus on measuring results and progress.
- A. Traffic Stop Race Data Collection Report II

About the first Traffic Stop Race Data Collection Report:

As a result of an agreement between the Ontario Human Rights Commission (OHRC) and the Ottawa Police Services Board (Board) that was signed in April 2012, the Ottawa Police Service (OPS) undertook the largest race based data collection project in Canadian policing history.

Called the Traffic Stop Race Data Collection Project (TSRDCP) and built on community-police engagement, the project required Ottawa Police officers to record their perception of the driver's race, by observation only, for traffic stops over a two-year period from June 2013 to June 2015.

The TSRDCP report, presentations, data, and recommendations were released by the York Research Team in October 2016 at a joint press conference. The full package was also released to the public online at ottawapolice.ca/race.

A total of 81,902 records of traffic stops were examined for the correlational study – each record including information on race, sex, and age, along with information on reasons for traffic stops and outcomes. The officers entering the race data reported perceiving the race of the driver prior to the stop in 11.4% of the cases.

Middle Easterner and Black groups are the two race groups with disproportionately high incidences of traffic stops. Middle Easterner Drivers were stopped 3.3 times more than what you would expect based on their population. Black drivers were stopped 2.3 times more than what you would expect based on their population.

The Ontario Human Rights Commission and York Research Team agree that the project has completed, and in many cases exceeded the original requirements set out in the April 2012 Minutes of Settlement. And no further orders were made by the tribunal adjudicator at the final hearing this spring when he delivered his [full decision](#) in June 2019. OPS learned a lot from the project and first report and went beyond implementing the recommendations.

Release of Second Traffic Stop Race Data Report – Need for More Action:

On November 20th, 2020, the York Research Team released the second report (add hyperlink to report) – this time covering three years of traffic stop data from June 2015 to June 2018. While there are some positive findings and modest declines in disproportionate rates since the last report, more work needs to be done to reduce the high disproportionate rates.

The full report and data are available online. Excerpts from the report provide a quick overview of the findings from the York Research Team. The findings of the TSRDCP II report address three sets of issues:

1. **INCIDENCES OF TRAFFIC STOPS** - Are there disproportionately high incidences of traffic stops for drivers of different race groups? Yes, but there have been some modest improvements.

There is a clear pattern across the five years that the Ottawa Police Service are stopping fewer residents for traffic violations. Traffic stops declined by 35% from 2013 – 2018.

- In many racialized communities in Ottawa, initial consultations and outreach by the Traffic Stop Race Data Collection Project found that these communities felt subject to excessive surveillance by the police, exemplified by the report of frequent traffic stops. This finding is significant especially for racialized communities in Ottawa because it means in absolute terms Middle Eastern and Black drivers are being stopped far less in 2018 than they were five years ago.
- This finding is also important because it suggests that the Ottawa Police Service has become less reliant on traffic stops as an instrument to advance community safety.

Middle Eastern and Black drivers continue to experience disproportionately high incidences of traffic stops than you would expect based on their segment of the driving population.

- There has been only a very modest reduction in the overall disproportionality traffic stop rates for Middle Eastern and Black drivers by the Ottawa Police Service compared to the TSRDCP I report findings for 2013-2015.
- 2013 – 2015: Middle Eastern Drivers were stopped 3.3 more times, while Black Drivers were stopped 2.3 more times.
- 2015-2016: Middle Eastern Drivers were stopped 2.9 more times, while Black Drivers were stopped 2.2 more times.
- 2016-2017: Middle Eastern Drivers were stopped 2.9 more times, while Black Drivers were stopped 2.26 more times.
- 2017-2018: Middle Eastern Drivers were stopped 3.18 more times, while Black Drivers were stopped 2.3 more times.
- The reduction of racial disproportionalities in traffic stops requires innovative new approaches to conducting traffic stops that reduces the impact of implicit bias and systemic racism that adversely affect the Middle Eastern and Black communities in Ottawa.

There have been significant reductions since 2013 in the disproportionately high incidences of traffic stops for the two subgroups – Middle Eastern and Black Males aged 16-24 – identified in the 2016 TSRDCP I report as the most adversely affected by traffic stop practices by the Ottawa Police Service.

- The reductions over the five years from 2013 to 2018 averaged 30% for young Middle Eastern Males and 23% for young Black males. However, in 2017-2018, young male Middle Eastern Drivers were still stopped 8.7 times more than what you would expect based on their segment of the driving population while young male Black Drivers were stopped 6.7 times more than what you would expect based on their population.
- Reductions on this scale suggest that at least some of the targeted measures adopted by the Ottawa Police Service during TSRDCP I and TSRDCP II have been impactful and that there are good reasons to be optimistic that the unacceptable high rates of disproportionality for these two sub-groups can be further reduced.

2. REASONS FOR TRAFFIC STOPS - Do racialized minority drivers experience disproportionately high incidences of specific reasons for traffic stops by the Ottawa Police Service.

Police officers did not utilize “provincial and municipal offenses” for traffic stops in a disproportionally manner for any racial minority group. Provincial and municipal offences was the reason for 98% of the traffic stops by the Ottawa Police Service for the three-year period from 2015 to 2018. The findings about reasons for traffic stops in the three years from 2015 to 2018 are very similar to those findings in the 2016 TSRDCP I report regarding the period from 2013 to 2015.

- The consistent finding that Provincial and Municipal Offenses is the cited reason for the traffic stop except in a tiny fraction of circumstances suggests that there is a genuine need in the future to develop a more robust data field that requires officers to identify in more detail the particular provincial or municipal offence at issue for the traffic stop.
- In the three-year period from 2015 to 2018, Black Drivers were at least 3 times more likely to be stopped for both Criminal Offenses and Suspicious Activities than White Drivers. Likewise, Middle Eastern Drivers were at least 2 times more likely to be stopped for both Criminal Offenses and Suspicious Activities than White Drivers. Since the categories of Criminal Offense and Suspicious Activity were cited so infrequently as the reason for the traffic stop, reliable inferences about these racial disproportionalities are difficult to make and reinforce the importance in future data collection to further disaggregate the reasons for stop data field.

3. OUTCOMES OF TRAFFIC STOPS - Do racialized minority drivers experience disproportionately high incidences of specific outcomes for traffic stops by the Ottawa Police Service.

The clear upward trend in the outcomes of traffic stops in the five-year period from 2013 to 2018 is the very significant overall increase in charges. Over the five-year period, there is more than a 30% increase in charges resulting from a traffic stop by the Ottawa Police Service.

- During the same period, there is also a corresponding decrease in drivers receiving warnings. No action outcomes have remained steady across the five years.

- There is no evident disproportionate higher incidences in charges for racialized minority groups in Ottawa when compared with the White group from 2015 to 2018. White Drivers have seen the greatest increases in likelihood of being charged and are the most likely to be charged when stopped.
- There may be a link between the increase in charges resulting from a traffic stop and the declining frequency of traffic stops by the Ottawa Police Service. When officers do engage in a traffic stop, the traffic stop may be more serious and involve a violation of a Provincial or Municipal Offence where the officer does not have the same degree of discretion to issue a warning instead of a charge. This would indicate a trend toward a “deliberative service approach” – involving a more conscientious practice of weighing the merits and ethics of policing action involving enforcement.

OPS Response to Findings and Recommendations: Acknowledgement and Commitment to Greater Action

While there are some positive findings and a modest decline in disproportionate rates is good news, OPS is not pleased with the overall results. It is not acceptable for disproportionate rates to remain high for certain communities, and more must be done to reduce these disproportionate rates. While OPS will continue to operationalize, race based data collection and implement action based on experience and best practices research including ongoing data collection and training, OPS must continue this leadership journey with partners and wade into uncharted territory for real change.

Further action will include working with a task force/advisory panel and the Community Equity Council to:

- Review and implement the recommendations proposed by the York Research Team;
- Explore a pilot in a focused area of the city;
- Conduct additional data analysis and reporting including at the neighborhood level;
- Continuing to examine deployment, service delivery, community-policing, and decision-making models;
- Dissect and amend various policies related to human rights and traffic stop procedures.

As stated throughout the project, the OHRC and the OPS believe that race based data collection is only part of an organizational approach to addressing racial profiling concerns and ensuring bias-neutral policing services. OPS continues to collect race based data more than seven years later and has taken other actions aimed at addressing racial profiling concerns and reducing the disproportionate rates

Race Based Data Collection is here to stay. It is no longer a project or part of a settlement agreement. More than six years later, it has become operational and a way of doing business.

Race based data collection is recognized as an important tool to address concerns about racial profiling and to build trust with communities. There have also been a number of new provincial regulations involving race data collection since the project began. And OPS has been recognized for leading this work – even recently in the Ontario Human Rights Commission’s Racial Profiling Policy Guidelines for Law Enforcement. ([link](#)).

We will continue to show leadership and collect race based data, expand its use, and more importantly, we will continue to work together to act on the findings and improve service to communities. We need to show bold leadership and take immediate collective action to decrease the disproportionate rates in traffic stops. We are in uncharted territory here because the best practices and research only show modest rate of decline.

OPS will take the Research Team’s recommendations seriously and set goals to reduce the disproportionate rates. We need to decrease disproportionate rates in our traffic stops by implementing a bold plan of action that hasn’t been done in policing.

This will impact the way we do policing in neighborhoods. The learning from the first study with respect to traffic deployment and over policing concerns was invaluable and led to improvements in our service delivery including with traffic enforcement and the new community policing teams. In addition to continuing to implement best practices research, we are going to work with the Community Equity Council to create a task force and undertake a pilot experiment that will work with police and community members to create real change. This will start in January 2020.

B. Diversity Audit

The need for a diversity audit came from a few sources – namely the first TSRDCP Report (recommendation #1) and from the Coalition for the Justice for Abdirahman who made a public request for a diversity audit to the Police Services Board in 2017.

A diversity audit [scope of requirements](#) was crafted based on community and police inputs, funding was located, and then the request for proposals was posted via the City of Ottawa procurement process.

In May 2018, Graybridge Malkam was hired as the diversity audit specialist following a competitive selection process – with involvement from police, community, and Board members during the hiring/selection process and throughout the project.

The comprehensive diversity audit builds on the OPS Workforce Census that was conducted in December 2017, uses Global Diversity and Inclusion Benchmarks for benchmark measurements, and includes quantitative and qualitative methods to examine and review organizational culture, including but not limited to these main areas:

- Leadership and Governance: including organizational vision, goals, business planning, communications, and performance measurement;
- Representation of diversity within the OPS workforce to determine if it reflects the diversity of the city we serve;
- Policies and Procedures including human rights and anti-discrimination policies;
- Service Delivery including deployment, community engagement, and partnerships; and

Human Resources including:

- o Outreach and recruitment through to hiring of staff;
- o Career development and promotions;
- o Training;
- o Performance review; and
- o Transfers and retention.

The diversity audit report and recommendations were released by Graybridge Malkam Diversity Audit Team on November 20th, 2019 at Ottawa City Hall – add link to report (note: I won't have the final until Friday Nov15).

The report highlights many strengths and areas of progress as well as a number of weaknesses and gaps that need to be addressed in each of the key areas of review. There are a large number of recommendations (90) including a few key recommendations that the audit team identifies as critically important for “signaling commitment, creating a foundation for change, and generating momentum at this pivotal time.”

- Trustworthy leadership
 - OPS leaders must undertake an individual and collective commitment to providing consistent, visible leadership to Equity, Diversity and Inclusion.
 - Undertake an impactful and bold program for Authentic, Courageous and Inclusive Leadership with senior OPS leaders.
 - Establish clear EDI accountabilities and performance objectives for senior leaders, cascaded to the appropriate organizational level.
- Inclusive hiring
 - Remove systemic barriers in recruitment and hiring, with an immediate priority on the process for background checks.
 - Explore and pilot innovative models for entry-level positions, such as newly designed positions and assignments of two to three years in duration.
- Inclusive careers
 - Explore options for a career development program that would provide diverse members with mentoring, access to sponsors / advocates, and more formalized access to development opportunities.
 - Redefine and modernize promotion criteria to explicitly value the skills that come from a diversity of perspective and experience.
- Equitable workplace accommodation
 - Overhaul the approach to accommodating members who experience health-related restrictions; take a tough stand on any who abuse the system and provide better empathy and dignity to members who are hurting.
- Climate of openness and high standards
 - Equip supervisors with the skills and willingness to call out and address poor performance, including (but not restricted to) gaps in equity, diversity and inclusion behaviours.
 - Senior leadership should create a norm of a 'culture of openness' where people are open to discussing difficult topics, challenging others' thinking, and hearing feedback as part of a "reflective practice".

- Psychological well-being
 - Expand the use of successful approaches to prevent burn-out, stress, PTSD and related challenges to their mental health; including timely support, balanced flexibility and reduced stigma.
- Learning partnerships
 - Explore and pilot various models of partnership with community groups and agencies to focus specifically on equipping OPS members with the knowledge, attitudes and skills required to interact more effectively with the full range of members in Ottawa's communities.

OPS is grateful to the Diversity Audit Team from Graybridge Malkam and wishes to thank police and community partners for helping to guide the audit and provide valuable input.

OPS is committed to working with community members as well as other stakeholders, including the Community Equity Council, to ensure the list of recommendations are implemented for meaningful change and progress. The recommendations will be added to the EDI Action plan for tracking and monitoring.

EDI Action Plan – From Findings to Collective Action

While a substantial amount of work has been accomplished toward professional and equitable policing over the years, recent research, recommendations, and outreach efforts with both community and police members have pointed out that there is much work still to do.

OPS is committed to developing an action plan with significant inputs that have been gathered from police and community partners. It will not only incorporate recommendations from the recent Traffic Stop Race Data Collection and Diversity Audit reports, but also include inputs received through various engagement activities, projects, and reports.

Following the death of Mr. Abdi (summer 2016), a temporary Outreach Liaison Team (OLT) was created to expand the existing efforts of the Community Development and Diversity and Race Relations sections. The five-member team made over one thousand contacts and looked at previous consultation feedback efforts from various sources to identify over 30 issues. The Outreach Liaison Team's reports a critical foundation to building the multi-year EDI action plan.

The development and implementation of the EDI action plan will focus on meaningful change – coordinated action towards professional and equitable policing, building diversity leadership, and promoting a culture that values equity, diversity, and inclusion. A draft framework was developed and presented to the PSB and community stakeholders throughout 2018.

The EDI Office will be working closely with community and police members, and other stakeholders like the Community Equity Council, to create a multi-year strategy and action plan that builds on the previous framework and reports, OLT Report, and recently released TSRDCP and diversity audit reports. The multi-year plan will be the organizational response to these recent reports and be the way forward for achieving meaningful progress on EDI.

EDI Action Plan 2020-2022– Ensuring Meaningful Progress on EDI. This action plan will be released in January 2020 and include organizational acknowledgement and commitment to action that is coordinated, measured, and reported. It will include some key action items already underway and that we're taking on next including:

- Organizational commitment to professional and equitable policing beyond projects to a fully funded EDI Office, staffing, Action plan, EDI lens/toolkit policy and training tools, and ensuring close monitoring and implementation of recommendations.
- Increase equitable work environment work with human rights leadership training focused on ethical leadership, human rights and anti-discrimination in the workplace including duty to accommodate, and Gender Based Analysis Plus (GBA+) training.
- Address racial profiling concerns by expanding race data collection, focusing on new research/best practices, pilot projects with affected communities to improve disproportionate rates, and delivering anti-black racism training.
- Identify and remove barriers to improve outreach recruitment by implementing recommendations from the diversity audit.
- Continuing mental health and wellness work with members and enhance service delivery/training for vulnerable communities.
- Enhance partnerships with indigenous communities and stakeholders and implement new training for all police members.

CONSULTATION

EDI work to date is built on significant consultation with key internal and external stakeholders, and that will continue with the development, implementation, and monitoring of the EDI Action Plan.

There will be opportunities for input including at the Annual Human Rights Learning Forum on December 4th, 2019. .

FINANCIAL IMPLICATIONS

The final costs for the TSRDCP and Diversity Audit will be available following the completion of the Human Rights Learning Forum in December 2019.

The EDI Budget for 2020 has already been submitted as part of the 2020 budget process. The EDI Action Plan will include projected costs for the implementation when it is presented for approval in February

SUPPORTING DOCUMENTATION

Document 1 – Traffic Stop Race Data Collection Report II (Report & Recommendations)

Document 2 – Diversity Audit (Graybridge Malkam Report & Recommendations).

CONCLUSION

We are going to continue to strive for professional and equitable policing. This is an ongoing partnership journey with the communities we serve. We have done some leadership work in this area that is being recognized nationally and provincially. But we need to do more.

We need to make meaningful progress on Equity, Diversity, and Inclusion. It's about creating a police service that both our police and community members deserve.

We have to work together to move from reports and recommendations to greater action and shared outcomes. And we'll draft a multi-year action plan to help guide us there.