

**FINAL REPORT AND RECOMMENDATIONS ON THE COLLECTION OF RACE-
BASED POLICE DATA IN NOVA SCOTIA: SUBMITTED TO THE WORTLEY
REPORT RESEARCH COMMITTEE**

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BACKGROUND AND CONTEXT

On March 27, 2019, the *Halifax, Nova Scotia: Street Checks Report* (the “Wortley Report”) compiled by Dr. Scot Wortley was released. The Wortley Report makes 53 recommendations pertaining to the regulation of, and an ultimate ban on street checks, data collection on police stops, and improving police-community relations. The Wortley Report Research Committee was established to examine models (from other jurisdictions) of data collection, including race-based data, on police stops and to evaluate the applicability of such models to the Nova Scotia context. This literature and list of recommendations are submitted in accordance with recommendation 3.1 of the Wortley Report. This report is divided into five sections: section one provides a review of the existing literature concerning the collection of race-based police data; section two examines recommendations made for the implementation of race-based data collection in Canada; section three examines factors relevant to the collection of police data in Nova Scotia; section four contains a list of recommendations for the implementation of race-based data collection; and section five provides a list of references.

1. LITERATURE REVIEW

INTRODUCTION

The collection of race-based data as a tool to monitor police practice has become a greater area of focus in law enforcement in Canada in the last number of years. Various law enforcement agencies in the United Kingdom (UK) and United States (US), in addition to recent initiatives in Canada, provide examples of methods for collecting race-based policing data. This literature review examines the collection of race-based data in police stop and search practices, beginning with an examination of the UK and US contexts. These sections describe the collection of data and discuss the context and practice of collecting this data. The focus then turns to the Canadian context, with specific attention paid to the current state of race-based data collection; including arguments for and against data collection, an overview of existing race-based data, and findings from analysis. Lastly, this section examines key issues in collecting police data – concentrating on strengths and weaknesses to data collection methods, and problems associated with data validity and reliability.

REVIEW OF RACE BASED DATA COLLECTION METHODS

Police Data Collection in the United Kingdom (UK)

In the UK, official legislation served as the greatest motivator in the collection of race-based data (Neal, 2003; Miller, 2010, Wortley & Owusu-Bempah, 2019). In the UK, section 95 of the Criminal Justice Act requires that the Home Secretary collect, analyze, and publish information on criminal justice outcomes (Wortley & Owusu-Bempah, 2019). Since 1996, the Home Office has mandated that police, as well as criminal courts and corrections, track the ethnic and racial backgrounds of all suspects and offenders. This includes keeping race-based data on major justice related outcomes, including but not limited to police stop and search activities. This data is collected and published annually by the Ministry of Justice (Wortley & Owusu-Bempah, 2019).

The mandatory collection of race-based data under Section 95 can be traced back to the Brixton riots in the early 1980s (Neal, 2003; Wortley & Owusu-Bempah, 2019). It is believed that these riots were triggered by a police initiative, namely *Operation Swamp 81*, which allowed police to stop, search, and often detain residents of Brixton, which led to intense resentment of police by the community (Neal, 2003; Miller, 2010; Wortley & Owusu-Bempah, 2019). Following these events, the UK government called for an investigation, which resulted in the Scarman Report. This report revealed racial bias in the Metropolitan Police, and presented specific recommendations related to police power. It also emphasized the need for data collection in order to assess the effectiveness of anti-racism initiatives (Wortley & Owusu-Bempah, 2019). This inquiry had the goal of initiating social change surrounding racial inequalities through policy recommendations that led to the establishment of the *Police and Criminal Evidence Act* (1984), hereafter PACE (Neal, 2003).

Importantly, the PACE legislation required police officers in the UK to record and report stop and search practices. Demographic information included the ethno-racial background of the individual stopped as well as the time, location, reason, and outcome of the search. In the late 1990s, another significant event occurred in the UK that changed police practice. Following the mishandled murder investigation of Stephen Lawrence, a Black British teenager from Southeast London, an inquiry was launched. From this the Macpherson Report (1999) emerged, also referred to as the Steven Lawrence Inquiry (SLI) (Neal, 2003; Miller, 2010, Wortley & Owusu-Bempah, 2019). The Macpherson Report recommended that UK police collect data on *all* forms of police stops. Specifically, the report called for police agencies to record the reason and outcome of the stop, as well as the self-defined ethnic identity of civilians (Wortley & Owusu-Bempah, 2019). Similar to section 95, the recommendations to collect race-based data was designed to monitor police stop and search practices, what Miller (2010) described as a “low-visibility and high-discretion police tactic” (p. 954). Through these strategies and initiatives, including the collection of race-based data, police stop practices would become fairer and more effective (Miller, 2010).

Both the Scarman and Macpherson reports represent some of the highest profile public inquiries in relation to race and policing in the UK (Neal, 2003). While these reforms were designed to help improve stop and search practices, they have not been entirely successful (Miller, 2010). A 12-year analysis of data from 38 police forces in England, retrieved from government publications dating from 1990s to 2010, revealed that little improvement had been shown in regards to stop and search practices becoming fairer or more effective as hoped. They concluded that after 10 years, there had been no improvement in disproportionality from these national reform efforts (Miller, 2010). In fact, since the 1990s, stops and searches worsened – Black and Asian people were more likely to be stopped and searched by police compared to their white counterparts (Miller, 2010). Recent analysis indicates that after a noted decline in arrests and stops from 2007 – 2014, the number of police stops and searches within the UK has begun to rise, particularly for racial and ethnic minorities (Ministry of Justice, 2019). From 2014 to 2019 for example, stops and searches increased for all minority groups with the largest increases for Black civilians (from 13% to 22%) and Asian civilians (8% to 13%). In contrast, white suspects saw a decrease during this time, from 75% in 2014/15 to 59% in 2018/19 (Ministry of Justice, 2019). Overall, the UK police data provided a method of monitoring police practices that could provide a measure of police action toward racial minority groups. In this particular instance, the data showed that Black and Asian civilians were more likely than white civilians to be stopped and searched by police.

Police Data Collection in the United States (US)

In the United States, many law enforcement agencies collect race-based data on police stop and search practices. Since the mid-1990s, there has been an increase in the number of police agencies collecting race-based data, particularly relating to traffic/vehicle stops (Tillyer, Engel, & Cherkauskas, 2010). In the US, police employ different methods for collecting race-based data. A paper form completed by officers, that is either manually computed into a database or scanned, is the most common approach to collecting official stop data (Tillyer, Engel, & Cherkauskas, 2010). There is a wide variety of different forms and different information categories used in stop and search data collected by police agencies across the US (Pierson, Simoiu, Overgoor, Corbett-Davies, Ramachandran, Phillips, & Goel, 2020). Completing these paper forms generally takes only a small proportion of an officer's time, since forms are completed by checking coded boxes, rather than having to describe the antecedent for the stop (Shiner, Delsol, & Neild, 2020). Another method entails officers directly keying data into a computer following the police stop (Tillyer, Engel, & Cherkauskas, 2010). This type of method is used by the Minneapolis Police Department (MPD), which requires data information to be entered into a computer following any officer interactions with an individual or group (Gorsuch & Rho, 2019). Following a stop, MPD officers enter data into a computer system, including the officer-reported race and gender of the person stopped. Additionally, MPD officers must also record whether the person or vehicle was searched, whether a ticket or citation was issued, location (including precinct, neighborhood, latitude and longitude), and time (Gorsuch & Rho, 2019). This particular option is well positioned to eliminate any delay in reporting information. Finally, some police agencies collect data by reporting it verbally to a dispatcher who then records it through either a paper or electronic format (Tillyer, Engel, & Cherkauskas, 2010).

In the San Diego Police Department (SDPD) for example, officers are required, under agency policy, to complete a 'vehicle stop card' when conducting a traffic stop (Chanin, Welsh, & Nurge, 2018). This includes recording the driver's race, gender, age, residency, date, time, location of, and reason for the stop. In addition, there is also a *post-stop outcomes* field, where officers are expected to note things such as issuing a citation/ticket and or an arrest (Chanin, Welsh, & Nurge, 2018). This approach, however, is but one of many used by law enforcement agencies in the United States, and there currently exists a patchwork of approaches for collecting data. As such, there is presently great variation how and what demographics are collected during police stops (Pierson, et al., 2020).

Court rulings and settlements have also driven efforts to collect race-based policing data in the United States (Tillyer, Engel, & Cherkauskas, 2010; Wortley & Owusu-Bempah, 2019). Courts have required and or mandated that police agencies begin collecting race-based data on police stops. Changes in legislation have also led police agencies to collect race-based data. For example, North Carolina was the first state to implement data collection practices following state legislation (Ramirez, McDevitt, & Farrell, 2000). Court settlements with the American Civil Liberties Union saw both Maryland State Police and the Philadelphia Police Department begin to collect data on police stops (Ramirez, McDevitt, & Farrell, 2000). Data collection efforts were aimed at uncovering racial and ethnic disparities in police stop and search practices (Tillyer, Engel, & Cherkauskas, 2010).

Lastly, in rare circumstances, certain police agencies have begun to collect data on race and ethnicity without prompting (Tillyer, Engel, & Cherkauskas, 2010; Wortley & Owusu-Bempah, 2019). In response to the prospect of race-based data collection legislation in California in the late 1990s, the San Jose Police Department created and implemented a very simple data collection procedure for officers (Ramirez, McDevitt, & Farrell, 2000). Although still considered voluntary, this was done in the hopes that legislators might mimic this process in their proposals, instead of instituting a more time consuming or complicated data collection process (Ramirez, McDevitt, & Farrell, 2000). This proactive action by law enforcement agencies has an added advantage for police, as it allows agencies greater ability to design data collection methods that are relevant to their jurisdiction (Tillyer, Engel, & Cherkauskas, 2010). This proactive action can stall legislation mandates, and police can choose data collection methods that may be best suited for their agencies (Ramirez, McDevitt, & Farrell, 2000; Tillyer, Engel, & Cherkauskas, 2010).

A 2007 review of the US police forces found that 34 state police agencies were collecting race-based data specifically on vehicle stops, with the majority of these states collecting this data as a result of litigation and changes to legislation (Engel et al., 2007 as cited in Wortley & Owusu-Bempah, 2019). Across the US, some states have specific anti-profiling legislation, which also mandate the collection of race-based data on police stops (Wortley & Owusu-Bempah, 2019). In addition, some states also require this data to be analysed and publicly reported. New York City, for example, has a policy that mandates stop and search data is reported on, at minimum, a semi-annual basis (Jones-Brown et al. 2010 as cited in Wortley & Owusu-Bempah, 2019).

Analysis of US police data, similar to UK data, reveals racial disparities in stops and searches by police among African American and Hispanic Americans when compared to whites (Ashby & Tompson, 2017; Chanin, Welsh, & Nurge, 2018; Gorsuch & Rho, 2019; Pierson, et al., 2020; Tillyer, Engel, & Cherkauskas, 2010; Wortley & Owusu-Bempah, 2019). Using race-based traffic stop data collected by the SDPD from 2014 - 2015, Chanin, Welsh, and Nurge (2018) found that Black and Hispanic drivers were subjected to disproportionate stop and post-stop outcomes in comparison to white drivers within San Diego, California (Chanin, Welsh, & Nurge, 2018). They found that differences in SDPD post-stop outcomes were largely attributed to race (Chanin, Welsh, & Nurge, 2018, p. 567). These findings suggest that collection and analysis of race-based police data plays an important role in uncovering racial disparities.

Police Data Collection in Canada

As the above sections show, in both the UK and US there have been official efforts to collect race-based data, which has been a key part of identifying and monitoring police stop practices in order to address concerns about bias (Marshall, 2017; Wortley & Owusu-Bempah, 2019). In contrast to the US and UK where race-based data has been collected in one form or another for some time, little race-based data on policing has been collected and analysed in Canada (Marshall, 2017; Meng, 2017; Wortley & Owusu-Bempah, 2019). Police agencies within Canada are not mandated to record the race or ethnicity of civilians in stop and search practices by provincial or federal legislation. As a result, official police data is often not available when investigating and monitoring racial bias in policing (Wortley & Owusu-Bempah, 2019). Subsequently, Meng (2017) notes that Canadian social science researchers have a much more difficult time accessing and analyzing official police data on race concerning stop and search practices. This has resulted in data sample sizes that are often not large enough to support claims of racial bias (Meng, 2017).

One reason why some believe the collection of race-based data has not been made a priority in Canada is because police tend to believe that there is not a “race problem” to be dealt with (Glasbeek, Alam, & Roots, 2020). Using the US as a point of reference, Canadian police agencies often position themselves as having a different style of policing, particularly one that is colour-blind (Glasbeek, Alam, & Roots, 2020). This works to reinforce discourses that deny systemic racism and contributes to a misguided narrative that claims that Canada is not “plagued by racial, and especially anti-Black, violence” (Glasbeek, Alam, & Roots, 2020, p. 336). If systemic racism does not exist in policing, then there is little need to collect and report race-based data. As such, there has been what some call a pattern of refusal by police agencies to report data on race (Millar & Owusu-Bempah, 2011). The effect has been a dearth of quantitative anti-racism research in Canada (Millar & Owusu-Bempah, 2011).

Analysis of the limited race-based data that does exist in Canada suggests that disparities in policing do occur on the basis of race. Recent research has shown that Black communities are overrepresented in local police stops in Canada. Notably, much of the early analysis of this data was conducted by media outlets rather than law enforcement agencies. In the early 2000s for example, *The Toronto Star* published an analysis of police stops conducted by the Toronto Police Service (TPS) (Marshall, 2017; Wortley & Tanner, 2003). Using data retrieved through a freedom of information request the *Star* conducted an analysis of a TPS arrest database (Marshall, 2017; Wortley & Tanner, 2003). This data contained over 480,000 arrest incidents and over 800,000 criminal charges, stemming from traffic offences between 1996 and 2002 by the TPS. The *Star's* analysis concluded that Black motorists in Toronto were disproportionately more likely to be ticketed for traffic stop violations. In addition, the data collected by TPS allowed the *Star* to discover that, following arrest, Black offenders were more likely to be treated harshly in comparison to white offenders who were more likely to be released at the scene, and that Black Torontonians were overrepresented in specific charge categories.

The collection and analysis of race-based data was particularly impactful in Kingston, where following a series of high-profile community complaints against the Kingston Police Service (KPS), a short-term data collection project was established to track police stops by the KPS (Marshall, 2017). This project sought to provide the data needed to investigate whether police in Kingston had been engaging in racial profiling (Marshall, 2017). The Kingston Police Service data collection project was conducted by Kingston police officers from October 1, 2003 to September 30, 2004 (Marshall, 2017). During this period, KPS officers were required to complete a contact card following each interaction with an individual (Marshall, 2017). These contact cards recorded information including where the stop occurred, name, date of birth, address, and race of individual stopped, as well as justification and outcome of the stop. In addition, there were fields to record sex, complexion, height, weight and hair colour (Marshall, 2017).

Generally speaking, the Kingston project found similar results to other racial profiling studies conducted in the US and UK (Wortley & Owusu-Bempah, 2019). In Kingston, Black residents were overrepresented in police stops and found to be three times more likely to be stopped compared to white residents (Wortley & Owusu-Bempah, 2019). These racial differences in KPS stops could not be explained by differences in age, gender, location or reason for the stop (Marshall, 2017). In addition, these differences could not be explained by observed or suspected criminal activity or traffic violations (Marshall, 2017).

Since the release of the Kingston pilot project, few other Canadian cities have embarked on systematic studies of police stop practices and procedures. One notable exception is in Ottawa where there have been several traffic stop studies conducted for the Ottawa Police Service, the most recent being the Traffic Stop Race Data Collection Project II (TSRDCP II) (Foster & Jacobs, 2019). This project follows the Traffic Stop Race Data Collection Project Report (TSRDCP I), which was a landmark study of race-based data collection in policing in Canada. The TSRDCP II report examines three years' worth of Ottawa Police Service traffic stop data from 2015 to 2018. Data collection from each traffic stop was contained to five data points: officers' perceived race of the driver, sex and age of driver, and reason for and outcome of the stop (Foster & Jacobs, 2019). To record this data, Ottawa police officers used existing in-vehicle computer systems. These computers were upgraded to include the data fields necessary for the TSRDC. This form of computerised data input improved data collection quality by reducing likelihood of data errors (Foster & Jacobs, 2019). In addition to upgrading data collection methods, police officers in Ottawa received thorough training on how to use this new practice. Officers also received supervision, and regular checks of data quality occurred to identify collection errors and mistakes in data (Foster & Jacobs, 2019).

The Wortley Report, the most notable examination of police street check data in Halifax Nova Scotia, found similar disparities in rates of police street checks of Black and white citizens (Wortley, 2019). The report noted that Black people were six times more likely to be the subject of a street check by police, and that among those with no criminal history, Black individuals were street checked at twice the rate of white individuals. These findings were drawn from an analysis of police street check data collected by both the Halifax Regional Police Service and the Royal Canadian Mounted Police from January 1st, 2006, to December 31st, 2017 (Wortley, 2019).¹

Similar to the UK and US, in Canada much debate and discussion has occurred around biased policing, methods to monitor police practice, and methods to collect race-based data. Some claim that progress in addressing racial profiling in policing in Quebec, for example, has been stalled due to lack of police data on race and a lack of comparative benchmarks (Rutland, 2020). The CDPDJ inquiry's (Quebec Commission des droits de la personne et des droits de la jeunesse) final report called for the systematic collection of police data on racialized and ethnic minority groups and for regular analysis and publication of this data (Rutland, 2020).

Continued focus on police practice from activists and academics has most recently resulted in a new mandate in Ontario that police record race during interactions where police use force. Thus far in Canada, this is the only province which has made this mandatory (Singh, Ivany, & Gilchrist, 2020). Since January of 2020, police officers in Ontario must formally report and identify the race of individuals in stops "where they draw or fire a handgun, use a weapon other than a firearm on someone or are involved in a physical altercation with an individual that causes serious injuries requiring medical attention" (Singh, Ivany, & Gilchrist, 2020, para. 17). Ontario will analyze and release data annually, with the first release expected in 2021. The Peel Regional Police Service (PRPS), a large municipal police service located in the Greater Toronto Area, have taken this

¹ In 2021, Dr. Scott Wortley completed the most extensive exploration of the relationship between race and policing in British Columbia. Drawing of police arrest and charging data, mental health incidents, and strip searches across the jurisdictions examined in the report, Black, Indigenous, Hispanic, and Arab/West Asian were significantly over-represented in police data. The bulk of the data used in this analysis was provided by Vancouver, Surrey, Prince George, Duncan/North Cowichan, and Nelson.

mandate further – making a legally binding commitment to address systemic racism with the Ontario’s Human Rights Commission (OHRC). With this, the agency is in the process of organizing how they will collect and analyse race-based data in order to address and understand systemic racism (Miller, 2010). Apart from Ontario, there exist no other province-wide mandates to collect race-based policing data. There are some police agencies who have begun pilot projects, similar to the one conducted in Kingston in 2003 (Singh, Ivany, & Gilchrist, 2020; Marshall, 2017).²

The collection of race-based police data in Canada has been intensely debated. Questions have been raised surrounding how this data will be collected and reported, and whether there is (or will be) manipulation of statistics by police agencies, who fear being accused of racism (Owusu-Bempah & Millar, 2010). There have also been concerns raised over whether data will further marginalise and disadvantage already marginalized and disadvantaged groups (Owusu-Bempah & Millar, 2010). Some have claimed that this may lead to higher rates of offending, social unrest, and increased stereotyping. This could have the adverse effect of creating conflicts between racial and or ethnic communities (Owusu-Bempah & Millar, 2010). There are also fears that this data may be used by police agencies to reinforce and justify increased surveillance, discriminatory practices and over-policing of racialized communities. Other arguments against the collection of race-based statistics relate to concerns that race will be treated as a biological rather than a socially constructed category. Still, many racialized communities advocate for the collection and publication of this data as a method for assessing potential bias in policing (Owusu-Bempah & Millar, 2010). Although race may indeed be a socially constructed category, the effects are very real, particularly for those groups who are racialized. Therefore race must continue to be a matter for research within law enforcement (Owusu-Bempah & Millar, 2010).

ISSUES WITH COLLECTION OF POLICE DATA: COMPLIANCE, METHOD AND QUALITY

The effectiveness of race-based data is dependent on its reliability and the extent to which data is properly recorded by officers and subsequently by law enforcement agencies. Methods for recording race-based data are therefore significant. The most common method for recording race-based data is on a specified form (Shiner, Delsol, & Neild, 2020; Tillyer, Engel, & Cherkauskas, 2010). For example, in the UK, police in England and Wales carry with them a notepad with the paper form, completing it after each stop and search (Shiner, Delsol, & Neild, 2020). The drawback of this is that it requires significant effort to complete and data must later be manually inputted into computer systems (Tillyer, Engel, & Cherkauskas, 2010). While there are some alternatives to fully manually completed forms, such as paper-based scanned forms which save time, they continue to present a challenge for agencies as they still involve paperwork for officers. Other methods include directly keying data information into a computer following stop encounters rather than first recording on paper. This option is particularly useful, as it results in little delay to the

² At least seven major police services in Canada have committed to, or are in the process of, establishing a race-based data collection process. These agencies include the Calgary Police Service, Windsor Police Service, Regina Police Service, and Winnipeg Police Service (City of Calgary, 2022; Windsor Police Service, 2020; Salloum & Deibert, 2020; Scarpelli, 2020). Currently, the Ottawa Police Service, Toronto Police Service, and Hamilton Police Service have implemented a race-based data collection process in some form (Ottawa Police Service, 2013; Toronto Police Services Board, 2022; Polewski, 2020).

input of data and does not involve paperwork for officers. This approach does, however, require a significant monetary cost in order to set up which can be a barrier for implementation (Tillyer, Engel, & Cherkauskas, 2010).

Although less common, another method of data collection involves officers verbally relaying data over radio to a central dispatcher (Tillyer, Engel, & Cherkauskas, 2010). The dispatcher then records this data in either a paper or electronic format. This method is well established in the US; when a stop and search is conducted the officer radios into a control center and verbally provides required information (Shiner, Delsol, & Neild, 2020). This is often a preferred and easier method for officers – however, this method may be limited since it is more difficult to implement in larger jurisdictions with heavy radio traffic (Shiner, Delsol, & Neild, 2020; Tillyer, Engel, & Cherkauskas, 2010).

Accuracy of information can be another challenge (Owusu-Bempah & Millar, 2010). When collecting data, identification of race/ethnicity often relies on the police officer's perception. Tillyer, Engel, and Cherkauskas (2010) note that this is needed because when questions of racial bias are raised, they often stem from officer perceptions of race rather than the way individuals self-identify. While there is logic in recording race or ethnic identity based on officer perception rather than civilian self-identification, this can lead to errors in data collection (Pierson, et al., 2020). For example, the Texas state patrol was found to have incorrectly recorded Hispanic drivers as white motorists when conducting stop and searches (Friberg, Barer, Garza, Hinkle, Sims, Bien, Tolbert & Cross, 2015). The lack of reliable police data can significantly impair analysis of that data and determine the extent to which race plays a role in police stops (Pierson, et al., 2020).

The ease with which data collection methods can be implemented by police can impact the likelihood that officers will adhere to policy. In the SDPD where the process for collecting data is more complex involving multiple forms to cover different policing decisions, the quality of police data has been lacking in part because of police underreporting of racial identity (Chanin, Welsh, & Nurge, 2018). A recent analysis of SDPD traffic stop cards, and survey and interview data with officers, found that the validity of data was compromised by non-compliance (Chanin, Welsh, & Nurge, 2018). Of the 259,569 traffic stop data cards submitted between in 2014 and 2015, nearly 19% had at least one missing required data field (Chanin, Welsh, & Nurge, 2018). This study found that officer non-compliance was a contributing factor towards incorrect and missing police data collection, often taking the form of unrecorded stops and disregard in data collection. When interviewed, officers indicated that they saw data collection mandates as unnecessary. In addition, SDPD officers saw data collection as limiting to their police work – consuming a great deal of time and energy that they felt might be better used elsewhere. As a result, some officers within the SDPD have not complied with data collection mandates – either through incomplete and incorrect data, or a complete lack of data collection altogether (Chanin, Welsh, & Nurge, 2018).

CONCLUSION

The collection of race-based data can provide a useful tool for monitoring police stops and identifying potential areas to improve police practice (Marshall, 2017; Wortley & Owusu-Bempah, 2019). While a number of different methodologies for collecting race-based police data exist, three methods are most common: collecting information using paper forms, entering information directly into police computer systems, or providing information by radio to be entered by other

police staff (Shiner, Delsol, & Neild, 2020; Tillyer, Engel, & Cherkauskas, 2010). Each of these data collection methods is most effective with appropriate supervision and oversight to ensure accuracy and compliance by officers (Tillyer, Engel, & Cherkauskas, 2010). Paper forms are by far the most common method for recording race-based data. While these are often easy to complete and familiar to officers, there can be challenges when inputting information into police databases (Shiner, Delsol, & Neild, 2020; Tillyer, Engel, & Cherkauskas, 2010). Directly inputting data into computer systems is a more efficient method as it does not add to officer's paperwork loads, and provides little delay in reporting following a stop, however, there can be a significant monetary cost for police departments that do not already have these technical capabilities (Tillyer, Engel, & Cherkauskas, 2010). This option is particularly useful, as it entails little delay in officer input of data – and does not involve paperwork for officers (Tillyer, Engel, & Cherkauskas, 2010). Lastly, police officers verbally relaying data over radio is a very easy method for officers to use, but may be less feasible for larger police agencies with heavy radio traffic (Shiner, Delsol, & Neild, 2020; Tillyer, Engel, & Cherkauskas, 2010).

Perhaps the most relevant issue and difficulty that arises in relation to police data collection is the question of reliability and validity of the race data, which applies regardless of data collection method (Owusu-Bempah & Millar, 2010). Police data from across the US has been shown to contain many errors, including mistakes when inputting race of civilians stopped (see Pierson, et al., 2020). These errors may result from the way officers view data reporting as a complicated and time-consuming process. It is therefore important that officers have a clear understanding of the purpose and methods of data collection. Doing so can ensure buy-in by police officers which increases the likelihood that data is reliable and of high quality (Chanin, Welsh, & Nurge, 2018). Canada departs from the UK and US in its efforts to implement police data collection from stop and search practices, finding itself in more beginning stages of police data collection discussions. With the exception of the narrow provincial mandate in Ontario, police agencies in Canada are thus far not mandated to record race or ethnicity of civilians stopped (Wortley & Owusu-Bempah, 2019). As a result, it has limited advancement of Canadian social science researchers' ability to investigate racial profiling and police practices (Wortley & Owusu-Bempah, 2019; Meng, 2017).

Analysis of the limited race-based data that does exist in Canada reveals disparities in policing based on race, showing that Black communities are overrepresented in police stop practices in Canada, similar to the US and UK (Millar & Owusu-Bempah, 2011). An important commonality to note between studies in Canada, are calls for data collection mandates to be created at the national level. Research surrounding this topic call for Canadian police at all levels to begin to collect and analyse race-based data in order to address and understand systemic racism. As previously discussed, one of the most important arguments for collecting race data relates to the ability to better understand the Canadian justice system, and how it is experienced by different groups (Owusu-Bempah & Millar, 2010). The collection of race-based police data can help marginalized and racialized groups by allowing the assessment of whether there is indeed racial discrimination and profiling taking place within the Canadian police system. Steps can then be taken to address racial profiling (Owusu-Bempah & Millar, 2010).

2. REVIEW OF RECOMMENDATIONS ON RACE-BASED DATA COLLECTION IN CANADA

There currently exists no standardized national method for collecting race-based police data; however, more recently frameworks have been developed to assist with this effort. In the last decade, the Ottawa Police Service conducted the largest race-based data collection project in Canadian policing history which required officers to record driver racial identity during traffic stops. The Traffic Stop Race Data Collection Project I and II recorded police officer perceptions of the driver's race, by observation only, during traffic stops that occurred between June 27, 2013 and June 26, 2015. A subsequent project that collected race-based traffic stop data in Ottawa examined a total of 96,436 recorded traffic stops over a three-year period from 2015 to 2018. As with the original ground-breaking report, each traffic stop record includes information on race, sex and age, along with reasons for traffic stops and outcomes. The Traffic Stop Race Data Collection Project II made recommendations in seven key areas: policy creation; targets for the reduction of racial disproportionalities; procedures on racial profiling; tests that examine decision making in traffic stops to reduce implicit bias; using artificial intelligence to monitor traffic stops; and the implementation of body-worn cameras.

Recommendations concerning policy development included: employing independent experts to tabulate, analyze and report on the data; potentially including new data fields including neighbourhood patrol zones, and time-of-day to further contextualize information; the use of more innovative statistical methods; and release to the public of raw and study data collected.

Additionally, recommendations called for greater attention to police decision making which center on interventions to reduce the effects of implicit bias by providing guidance in police decision making, identifying situations that are most likely to be affected by implicit bias, and effectively using data as a teaching tool to help identify situations where officers' decision making could be compromised by personal or situational factors.

Another important area addressed by The Traffic Stop Race Data Collection Project II was officer training. The project recommended the implementation of new training on anti-racism and implicit bias, and calls for the creation of policies and procedures to limit the impact of bias including policies related to officer conduct. The project also distinguishes explicit from implicit bias, and recommended that police officers take human rights, racism, race relations, racial profiling, and unconscious or implicit bias training. Also significant in the report's recommendations is the emphasis on technology, particularly artificial intelligence (AI). AI would assist with capturing and flagging patterns related to racial disproportionalities and disparities in police interactions with civilians including those in which a complaint was made, concerns of a lack of service from the public, all uses of force, stops of civilians, charges and arrests, and in situations involving civil litigation.

More recently in 2019, the Ontario Public Service established the *Data Standards for the Identification and Monitoring of Systemic Racism* (the Standards). The Standards set out requirements for the collection, use, disclosure, de-identification, management, publication and reporting of race-based data. The Standards were designed to help enable public sector organizations (PSOs) to fulfill their obligations under Ontario's *Anti-Racism Act, 2017* (ARA) to identify and monitor racial disparities in order to eliminate systemic racism and advance racial equity. The Standards were guided by six principles including: maintaining the privacy, confidentiality and dignity of individuals whose information is collected; eliminating systemic racism and advancing racial equity; promoting public confidence in efforts to eliminate systemic

racism; ensuring collection, analysis and reporting of quality information; proper use of resources that fulfill the requirements of the Standards; and a commitment to transparency, timeliness and accessibility.

Furthermore, the Standards were organized around seven areas that required the public service to, among other things, assess, plan and prepare for the introduction of new measures. These include: establishing specific organizational objectives for personal information collection based on stakeholder and community input; determining organizational priorities and resources; identifying meaningful policy, program, or service delivery outcomes; identifying training needs; and developing and delivering appropriate training and other resources to support compliance. In addition, the Standards also contain provisions regarding communication about the purpose of the collection of information, and the manner in which that data will be collected; analysis of the information including calculation and interpretation of the information and application of thresholds to interpret whether notable differences exist; and provisions on the release of data including results of racial disproportionalities or disparities in the reports to the public.

Also in 2019, the Toronto Police Service (TPS) approved their own race-based data collection policy. This policy requires TPS to collect, analyze and report on race-based data collected by officers in order to aid in the goal of eliminating racial bias, and promoting equity, fairness and non-discriminatory police service delivery. According to TPS, the tracking, analysis and public reporting of the data was vital to assess the effectiveness of legal, policy and procedural initiatives aimed at reducing bias and to ensure that the TPS race-based data collection initiative would ultimately improve transparency, accountability, and oversight in how police services are delivered and help build community trust.

A notable area of concern addressed in the TPS model has been to ensure public awareness as well as awareness for officers of why race-based data is being collected and for what purpose. The rationale for the collection of race-based police data by TPS aims to make clear that the collection of such data is designed to enhance police practice and encourage equitable service delivery by identifying, monitoring, and eliminating potential systemic racism and bias. The Board's policy states that the Policy and its implementation should not result in the stigmatization or stereotyping of any communities or be used as a performance management tool or to identify individual Service Members.

3. IMPLEMENTATION OF DATA COLLECTION METHODS NOVA SCOTIA

THE CONTEXT OF POLICING IN NOVA SCOTIA

Policing in Nova Scotia is conducted by a variety of law enforcement agencies that police a diverse province with many distinct local communities. Law enforcement agencies range in jurisdictional size, complement of sworn and civilian police personnel, organizational structure, and technical systems. Furthermore, significant demographic and community level differences exist between and in some cases, within the same law enforcement jurisdiction. Differences between more densely populated urban areas and less densely populated rural areas may result in different policing approaches, different police-community dynamics and different community safety challenges. The unique contexts in which policing is conducted may also mean that interactions between police and community members may vary and community members and police may have

very different perceptions of public safety priorities. This may affect the frequency and manner in which residents interact with police and the type of concerns police and community members see as most important, and may result in differences between how law enforcement agencies in one jurisdiction may see broader policing issues.

Community perceptions of police action are equally important, and can significantly impact the degree to which police actions are perceived as meeting their objective. As the Wortley Report documents, policing remains an area of deep concern for some residents. In particular, some residents distrust police and are skeptical about commitments to improve police practice. Some residents have pointed to the long histories of anti-Black policing experienced by African Nova Scotians: what some see as the slow pace of change or hesitancy to implement reforms; a lack of transparency and accountability; concerns about differential policing practices from one area to another; continued prejudicial attitudes from police; targeted policing; and a lack of diversity in police ranks. In the context of police stops, some members of the public not only express concern about the frequency of police stops involving African Nova Scotians, but the tone and manner of those interactions. While perceptions of community members may vary, these perceptions are significant as they indicate that challenges remain with maintaining public trust which is crucial for public buy-in of police initiatives.

DEFINING POLICE STOP

Recommendation 3.2 of the Wortley Report recommended that the Halifax Region Police Services establish a permanent data collection system to record information on all stops of civilians. The data system should record information on both traffic stops and stops involving pedestrians and each record should include: the date of the stop, the time of the stop, the location of the stop, the reason for the stop and the outcome of the stop (no action, warning, ticket, summons, arrest, etc.). Whether the person or vehicle was searched by the police should also be recorded and efforts should be made to distinguish between consent searches, investigative searches and searches that take place after arrest.

For each police stop, it was recommended that the age, gender and racial background of the person stopped be recorded. Ideally the data collection procedure would also record the full name and home address of the individual stopped. Collecting identifying information would assist with the identification of individuals who are stopped multiple times in a given time period, and whether individuals are being stopped in their own neighbourhoods or when they travel to other areas.

Context – Minister’s Directive – Street Checks Ban

For the purpose of the race-based data collection system, a police stop that results in a record being produced must align with the *Minister’s Directive – Street Checks Ban*, effective December 1st, 2021. In accordance with the street checks ban (Article 1 a. to d.), interaction with a person for the purpose of collecting and recording identifying information, *or* the collection and recording of identifying information as the result of an interaction with a person must only occur when:

- the police officer reasonably suspects that the person has recently engaged in, is engaged in, or will engage in unlawful activity, or

- the person has information relevant to the investigation or prevention of unlawful activity or the enforcement of the law.

Further, Article 2 in the Directive notes that a police officer must not record identifying information about an individual based on observation unless, at the time of the observation, the police officer reasonably suspects that the person has a connection to recent prior, ongoing or reasonably probable future unlawful activity.

In essence, a police officer can only collect and record identifying information about an individual if they have reasonable suspicion, and they must not record identifying information about an individual based on observation unless they have reasonable suspicion.

As stated in Article 3 of the Directive, Articles 1 and 2 do not apply to the following police activities, if otherwise lawful:

- responding to calls for service;
- addressing the health and safety of at-risk individuals or those in need of assistance;
- investigations under and enforcement of federal, provincial or municipal laws, including motor vehicle stops under the *Motor Vehicle Act* and the *Criminal Code of Canada*;
- operations in relation to serious and organized crime, or terrorism.

Therefore, police officers can collect and record identifying information about an individual in the above noted four circumstances, in addition to the circumstances of reasonable suspicion earlier described.

Definition of Police Stop

Drawing on the *Minister's Directive* and recommendation 3.2 of the Wortley Report, the following definition of a police stop is recommended with respect to the development of a race-based data collection system. Police stops are:

Police-initiated contact with a member of the public, whether on foot or in a vehicle, in which an individual(s) is detained³ by an officer.

It is critical to note that when an officer stops an individual on foot, unless they are responding to a call for service, addressing the health and safety of an at-risk person, conducting investigations under and enforcement of federal, provincial or municipal laws, or engaged in an operation in relation to serious and organized crime or terrorism, the police officer must have reasonable suspicion as described in article 1 or 2 of the Minister of Justice's ban dated 1 December 2021 in order to collect and record identifying information.

³ For the purposes of this definition, detained is defined in accordance with Section 9 of the Canadian Charter of Rights and Freedoms and the Supreme Court of Canada's ruling in *R. v. Grant* in which detention refers to "a suspension of an individual's liberty interest by a significant physical or psychological restraint. Psychological detention is established either when the individual has a legal obligation to comply with the restrictive request or demand or when a reasonable person would conclude by reason of the state's conduct that they had no choice but to comply".

Police stops that meet the definition should result in a record being produced and should also record, where possible, information specified in recommendation 3.2 of the Wortley Report.⁴ Accordingly, for the purpose of collecting race-based data, a police stop includes but is not limited to:

- police traffic stops;
- stops of citizens on foot when the police have reasonable suspicion to stop the individual;
- arrests;
- incidents involving use of force by police.

This definition of police stop aligns with the *Minister's Directive*, recommendation 3.2, and the need to collect race-based police data as a mechanism to monitor the equitable delivery of policing services identified in the Wortley Report. In doing so, this definition attempts to account for the wide range of response roles performed by law enforcement and the wide range of circumstances in which law enforcement practice occurs. It is meant to focus on police-civilian interactions that are the primary focus as outlined in the Wortley Report.

For the purpose of the race-based data collection system, when police-civilian contact is not initiated by a police officer but by a citizen who requests police assistance, and subsequently does not become the focus of a police investigation, it is not considered a police stop. In addition, police-initiated contacts with a civilian in the context of organized police-community engagement events, or police outreach efforts, are not considered police stops. Police-initiated civilian interactions that are not considered police stops include but are not limited to the following:

- public engagement and community meetings;
- police engagement with individual(s) who have requested service;
- traffic checkpoints (unless a motorist is pulled for further investigation);
- canvassing an area in the context of a police investigation.

4. RECOMMENDATIONS

1 Policy Development

1.1 The collection of race-based data for police stops, as defined in this report, should be mandated by the Department of Justice for all law enforcement agencies in Nova Scotia. Furthermore, law enforcement agencies, led by the Department of Justice, should establish procedures for the collection, analysis and public reporting of data.

1.2 Racial identification should initially be based on officer perceptions. The Department of Justice, in concert with law enforcement agencies, should work with relevant community stakeholders, government bodies, and subject matter experts to devise a plan to include racial self-identification data. Where possible (and if relevant), the framework used to devise racial identification categories should align with categories used by national and

⁴ This information includes: the date of the stop, the time of the stop, the location of the stop, the reason for the stop and the outcome of the stop (no action, warning, ticket, summons, arrest, etc.). Whether the person or vehicle was searched by the police should also be recorded and efforts should be made to distinguish between consent searches, investigative searches and searches that take place after arrest.

provincial government bodies in order to standardize (as much as possible) how racial identity is recorded.

- 1.3 In addition to recording racial identification, other pertinent information pertaining to a police stop as outlined in recommendation 3.2 of the Wortley Report should be recorded where applicable. These include the date of the stop, the time of the stop, the location of the stop, the reason for the stop, the outcome of the stop, and whether the person or vehicle was searched by the police.
- 1.4 In developing these procedures, the Department of Justice and law enforcement agencies should consult relevant subject matter experts to devise procedures for how officers will collect and input race-based data that is specific to police records management systems currently employed by police in Nova Scotia. These procedures should be developed with an aim toward consistency of practice to enable effective cross comparisons between jurisdictions in different areas of the province.
- 1.5 Prior to the implementation of the race-based data collection system, a detailed evaluation plan that examines the specific data collection methods that have been implemented, compliance, data analysis, public release of data, community reception and the availability of resources to maintain and enhance race-based data collection, should be established in order to ensure the initiative is conducted effectively and meets its stated purpose.
- 1.6 All policy and practice relating to the collection of race-based data must align with the *Minister's Directive – Street Checks Ban* effective December 1st, 2021.

2 *Training, Compliance, and Monitoring*

- 2.1 Training programs should be developed for all officers on the accurate collection and recording of race-based data and proper entry of the data into records management systems. Training programs should also reinforce the purpose of the data collection initiative.
- 2.2 Training should be updated regularly in light of emerging best practice, other relevant changes to law enforcement operations, and to ensure that it is current, relevant and effective.
- 2.3 Training should be devised to reflect the unique community and law enforcement contexts that define policing in Nova Scotia, including the unique concerns/perspectives of communities about policing in the province.
- 2.4 Training should be conducted in a manner that reinforces and expands upon police training on human rights, racism, race relations, racial profiling, and unconscious/implicit bias. Law enforcement agencies should enhance and/or introduce training related to human rights, racism, race relations, racial profiling, and unconscious/implicit bias in order to ensure that the aim of this initiative is understood within the broader commitment to bias-free policing.

- 2.5 Measures should be devised to ensure compliance with race-based data collection policy and relevant procedure(s). In doing so, the Department of Justice along with each law enforcement agency should establish a clear organizational structure that identifies levels of responsibility for maintaining the policy and ensuring it is effectively implemented.
- 2.6 Training programs should align with the *Minister's Directive – Street Checks Ban* effective December 1st, 2021.

3 *Communication*

- 3.1 The Department of Justice, in collaboration with relevant stakeholders, should devise a province wide communication strategy that utilizes a broad range of communication methods, to inform the public about the purposes and desired outcomes of the race-based data collection system. Where appropriate, communication strategies should be created to address the specific concerns/perspectives of local communities in order to ensure that messaging is relevant and clear.
- 3.2 Communication strategies should be devised to communicate the purpose and desired outcomes to frontline and senior law enforcement officers to ensure buy-in at all levels. This includes communicating that collection of this data is not to be used as a measure of officer performance but rather as a tool to identify vulnerabilities and address inequities in practice.
- 3.3 Communication strategies geared toward the public and police must make clear how the collection of race-based data aligns with the *Minister's Directive – Street Checks Ban* effective December 1st, 2021.
- 3.4 Communication strategies should make clear how this initiative aligns with, and enhances, the broader commitments to a bias-free policing framework.
- 3.5 Communication strategies should ensure that the public is aware of the limitations of this initiative, methods of data collection, analysis and potential findings of this data.
- 3.6 Communication strategies should be devised in consultation with relevant law enforcement agencies, community stakeholders, and members of the public.

4 *Data Analysis*

- 4.1 A framework for law enforcement agencies to analyze and publicly report race-based data on an annual basis in a consistent manner should be developed and implemented. In developing these procedure(s), the Department of Justice and law enforcement agencies should draw on subject matter experts in the collection, analysis and reporting of race-based data, and involve community perspectives to ensure accurate and contextual understanding of data.

- 4.2 The Department of Justice should ensure the public release of raw de-identified data as well as analysis of data from jurisdictions across the province, on an annual basis in a way that protects confidentiality and privacy.
- 4.3 The Department of Justice and law enforcement agencies should establish internal procedures to review findings of race-based data analysis and establish action plans to adjust policy and/or practice to enhance law enforcement practice.

5 *Evaluation*

- 5.1 The Department of Justice, in collaboration with relevant stakeholders, must develop and implement a detailed plan for evaluating all aspects of the race-based data collection system.
- 5.2 Any evaluation plan must consider the following areas: adequacy of established policy and policy compliance; officer training and familiarity with systems and processes; effectiveness of communication strategies; quality of data analysis that includes contextual understanding of the data; and consideration of further resources needed and the use of resources already allocated.
- 5.3 The evaluation plan must be regularly updated as the race-based data collection system is modified, expanded or changed.
- 5.4 Initial evaluation of race-based data collection should be conducted within the first year of data collection with further evaluation conducted on an annual basis.

6 *Resources*

- 6.1 The Department of Justice and law enforcement agencies should ensure that monetary, human, and other resources required to effectively implement and maintain the race-based data collection system, is continuously available and easy to access.
- 6.2 The Department of Justice and law enforcement agencies should devote monetary, human, and other resources required to expand current police training and initiatives related to human rights, racism, race relations, racial profiling, unconscious/implicit bias and community relations in order to improve understanding of the race-based data collection system.
- 6.3 The Department of Justice and law enforcement agencies should ensure that monetary, human, and other resources required to advance research on race-based data collection and research related to human rights, racism, race relations, racial profiling, unconscious/implicit bias and community relations is made available on an ongoing basis to researchers, experts, and other relevant organizations.

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