Racial Disparity in Arrests and Charges

**An analysis of arrest and charge data
from the Toronto Police Service**

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Part A: Introduction

The arrest or charge decision is one of the most important stages of the Canadian criminal justice system. A criminal charge has many consequences. First, arrest incidents can result in the temporary detention of a civilian while charges are processed. Criminal charges can also result in the curtailment of freedom prior to trial – with respect to pre-trial detention and the application of pre-trial release conditions.[1] Finally, charges can result in conviction and related punishments including fines, probation and incarceration. It is also important to note that charges – even those that do not involve a conviction – result in a criminal record. Both conviction and non-conviction records are included in some security and vulnerable sector checks. Thus, having a criminal record can have serious consequences with respect to future employment, education and volunteer opportunities.

An arrest or charge may also impact subsequent treatment by law enforcement officials and border security agents. People with a charge history are more likely to be treated with heightened suspicion. Clearly, arrests or criminal charges can have a major impact on the lives of accused persons (see Canadian Bar Association 2017).[2] Unfortunately, despite the importance of arrest practices, surprisingly little research has been conducted on the issue – particularly in the Canadian context. Research on the relationship between race and arrest practices in Canada is almost non-existent.

Police discretion

Criminologists and police scholars have long identified that police officers have considerable discretion about how they perform their duties. Scholars also acknowledge that it is easier for officers to exercise discretion with respect to minor rather than major crimes. For example, consider a scenario in which a police officer has pulled over a driver for speeding 30 kilometres over the limit. To deal with this case the officer can choose between a number of different options: 1) they can issue a warning or caution; 2) they can issue a ticket for a lower-speed limit violation (thus reducing the fine); or 3) they can issue a ticket documenting the full extent of the speeding violation.

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[1] In other words, once charged, a person can be held in prison to await trial. Even if released on "bail," the freedom of accused persons can be restricted by pre-trail release conditions (e.g., curfews, area conditions, association conditions, restrictions on alcohol use, etc.).

[2] Since 2015, the Ontario *Police Record Checks Reform Act* governs the types of record checks that can be conducted for screening (for example, non-law enforcement) purposes. Prior to this *Act*, non-conviction charges were often released as part of criminal record checks. Under the new *Act*, non-conviction information cannot be released in criminal record checks or record and judicial matter checks. However, non-conviction information can still be included in vulnerable sector checks and can still be used for law enforcement purposes. The impact of the new *Act* on criminal records and police activity has not yet been researched (see www.mcscs.jus.gov.on.ca/english/police_serv/PoliceRecordsChecks/PS_records_checks.html).

Consider a second scenario. An officer on foot patrol observes two teenagers consuming an illegal drug in a park. As with the speeding example, the officer has several options: 1) they can ignore the violation and walk by; 2) they can confront the youth and informally ask them to desist; 3) they can issue a formal warning or caution; 4) they can apprehend the youth and recommend a pre-charge diversion; and 5) they can level a criminal charge. Officer discretion, however, is much more limited with respect to serious crime. For example, it is highly unlikely that an officer who witnessed an armed robbery would caution rather than arrest the suspect. It is also possible that, due to post-arrest *Charter* protections, racial disparities in outcomes may become smaller as suspects move through the justice system.[3]

Police scholars are interested in how various *legal* (i.e., seriousness of the crime, strength of the evidence, etc.), community (i.e., local crime rate), situational (i.e., reactive vs. proactive policing, presence of witnesses, etc.) and extra-legal factors (i.e., citizen demeanour, age, gender, etc.) impact police discretion (see Goff 2017: 212-213; Regoeczi; Regoeczi and Kent 2013; Alpert and Dunham 2004; Alpert et al 2005; Dunham et al. 2004). The focus of this report is on how race may impact arrest decisions and post-arrest suspect treatment.

Black over-representation in arrest statistics

A growing volume of American and British research has documented that Black people are significantly over-represented in arrest statistics reflecting a wide variety of criminal offences. Black over-representation is particularly high with respect to drug-related offences, gang activity and street-level violence (Unnever et al. 2017; Anderson 2015; Bowling and Phillips 2002). Canadian researchers have begun to document this same pattern including the over-representation of Black people in both provincial and federal corrections (see review in (Owusu-Bempah and Wortley 2013).

Two major explanations have been offered to explain Black over-representation in arrest statistics: 1) the Higher Rate of Offending Thesis; and 2) the Bias Thesis. The Higher Rate of Offending Thesis maintains that Black people engage in criminal activity at a higher level than other racial groups and this fact is accurately reflected in official crime statistics. Criminologists and other social scientists widely acknowledge that higher rates of Black criminality *are not* the result of inherent or genetically based behavioural tendencies. Rather, higher rates of Black offending can be attributed to a complex array of historical and contemporary social factors. Many scholars, for example, argue that current rates of Black offending stem from the negative consequences of centuries of colonialism, slavery

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[3] In other words, the *Charter* may be less effectively applied to the arrest decisions of police officers.

and racial oppression. This historical oppression produced both intergenerational trauma and contemporary economic and social disadvantage. The impact of intergenerational trauma and contemporary social disadvantage, in turn, results in higher rates of Black offending (Unnever et al. 2019; Wortley and Owusu-Bempah 2016).[4]

In contrast to the Higher Rate of Offending Thesis, the Bias Thesis states that Black people are over-represented in police statistics because they are subject to biased or discriminatory treatment by the police and the broader criminal justice system. For example, some argue that due to racial profiling and the aggressive deployment of police within Black communities, Black people are subject to much higher levels of police surveillance than others. Higher police surveillance, it is maintained, renders Black offenders more vulnerable to detection and arrest than White offenders who engage in exactly the same activities. Racial bias may also extend to officer discretion. Critics argue that when faced with evidence of illegal activity, the police are much more likely to arrest Black civilians than White civilians – particularly for minor offences.

Historically, the Higher Offending and Bias explanations have been juxtaposed. Politically, one tended to support one model or the other. However, growing evidence suggests that both explanations have merit. In other words, the over-representation of Black people in arrest statistics may be caused by *both* higher rates of offending and racial bias within the criminal justice system. In fact, higher rates of offending by Black people may be used to justify or reinforce racially biased law enforcement practices.

Previous research

Early American and British studies of police arrest practices suggested that racial minorities were much more likely to be arrested for minor crimes (including drug use, minor assault, vagrancy, etc.) than White people (see extensive reviews in Gabbidon and Greene 2005; Walker et al. 2004; Bowling and Phillips 2002). Nonetheless, more recent evidence suggests that racial bias in police arrest decisions may be declining. For example, contemporary observational studies of police-citizen encounters, conducted in the United States, suggest that, controlling for the seriousness of criminal conduct, race is unrelated to the police decision to arrest (see Delisi and Regoli 1999; Klinger 1997).

However, observational studies have been critiqued because they tend to focus on more serious offending and do not control for the presence of the researcher. Many feel that police officers will behave differently under direct observation than under normal field

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[4] It is important to note that while Black people are over-represented in many common street crimes (robbery, drug trafficking, interpersonal violence, etc.), they are significantly under-represented in several other major crime categories – including white-collar and corporate offences. These racial differences likely reflect racial differences in socio-economic status and differential access to criminal opportunities.

conditions. In addition, a number of recent American studies suggest that it is the race of the victim – not the race of the offender – that may impact the arrest decision. In other words, there is considerable evidence to suggest that the police are more likely to make arrests in cases involving White rather than non-White victims and are especially likely to make arrests when the case involves a White victim and a Black offender (see Parker et al. 2005; Smith et al. 1984; Stolzenberg et al. 2004). Some have argued that this is direct evidence that the police put a higher value on White than racial minority victims and thus devote more effort and resources to solving such crimes (see Mann 1993). These findings are also consistent with the "racial threat" hypothesis which suggests that the police will treat inter-racial crimes involving racial minority offenders and White victims as particularly heinous.

In addition to observational studies, several American meta-analyses have established significant racial differences in police arrest practices. For example, Kochel and his colleagues (2011) conducted a meta-analysis of 27 different datasets. They found that Black people and other racial minorities are 30% more likely to experience an arrest after controlling for time, location and criminal behaviour. In another meta-analysis, Lytle (2014) found that Black people were significantly more likely than White people to be arrested after controlling for offence seriousness, geographic location, suspect characteristics and time of the study. Huizinga and his colleagues (2007) examined the probability of arrest using large, longitudinal datasets from Pittsburgh, Seattle and Rochester. They also found that the over-representation of Black youth in arrest statistics cannot be explained by their level of offending or associated risk factors. Black racial identity still increases the likelihood of arrest after controlling for frequency of offending, seriousness of offending, gender, age, socio-economic status, family characteristics and other risk factors.

Tapia (2012) and Anderson (2015) also found that Black youth were more likely to be arrested than White youth after controlling for gang membership, demographic factors and both past and present criminal behaviour. Interestingly, after controlling for other theoretically relevant factors, Anderson (2015) found that Black youth were more likely to be arrested in both poor and wealthy neighbourhoods. However, they were particularly vulnerable to arrest if they lived in communities that had low rather than high Black populations. A number of other American studies (see Kirk 2008; Unever et al. 2017) have produced similar results.

While the bulk of the American evidence suggests that Black people are more likely to be arrested than White people, a few studies have argued that race does not impact arrest decisions. For example, Beaver et al.'s (2013) analysis of data from the National Longitudinal Study of Adolescent Health found no evidence that African Americans were more likely to be arrested after controlling for lifetime offending, socioeconomic status and other risk factors.

American research further suggests that racial bias with respect to police arrest and charge practices may be most evident with respect to drug possession and other discretionary offences. Indeed, a large number of American studies have firmly established that Black people actually consume marijuana and other illegal drugs at a rate that is similar to – or lower – than White people. However, across every state, Black people are between three and eight times more likely to be arrested and charged with drug possession than their White counterparts (Edwards et al. 2013).

Similarly, the U.S. Department of Justice Civil Rights Division's recent investigation of the Baltimore Police Department (BPD) found that the BPD's disproportionate charging of African Americans for highly discretionary misdemeanour offences including trespassing, disorderly conduct, failing to obey an officer's orders and "impeding" was "suggestive of intentional discrimination." The Division also found that for every discretionary misdemeanor offence that it examined, officials dismissed charges against African Americans at significantly higher rates – indicating that officers applied a lower standard when arresting African Americans for these offences (U.S. Department of Justice 2016: 58-61).

Unfortunately, studies that examine the impact of both offender and victim race on arrest decisions have rarely been conducted in Canada. However, as in the United States, research does suggest that Black people are highly over-represented with respect to certain discretionary offences. For example, an analysis of Toronto police data, from 1996 to early 2002, found that Black people were three times more likely to be charged with simple drug possession than White people, despite survey evidence which suggests that White people have higher rates of drug use than Black people. This finding is consistent with the argument that Black people are more likely to be subjected to racially biased police surveillance tactics – including stop and frisk – that lead to the discovery of small amounts of drugs (Wortley 2005; Wortley and Tanner 2005).

Recent Canadian evidence also suggests that race may influence treatment once an offence has been identified by police. For example, Samuels-Wortley's (2019) research reveals that within the Greater Toronto Area, Black youth with no previous criminal record are more likely to be charged with simple marijuana possession than their White counterparts. By contrast, White youth are more likely to be cautioned or offered diversion. Another study examined over 10,000 drug possession arrests made by the Toronto Police Service (TPS) between 1996 and 2001. The results documented that for single charge cases involving simple drug possession, Black suspects (38%) were much more likely than White suspects (23%) to be taken to the police station for processing. White accused persons, on the other hand, were more likely to be released at the scene.

Once at the police station, Black accused were held overnight for a bail hearing at twice the rate of White accused. These racial disparities in police treatment remain after other relevant factors – including age, criminal history, employment, immigration status and whether or not the person has a permanent home address – have been taken into statistical account (Rankin et al. 2002a). Older studies that examined the treatment of young offenders in Ontario yielded very similar results (Commission on Systemic Racism 1995).

While few Canadian studies have been conducted on racial differences in police arrest and charging practices, the existing research strongly suggests that there is cause for concern. At the very least, more research is required. In the study presented below, we explore Toronto Police charge and arrest data, collected between 2013 and 2017, for select discretionary offences. The study attempts to address the following research questions:

1. Are Black people and other racial minorities over-represented in Toronto Police Service arrest and charge data?
2. Does treatment after arrest vary by race? Do racial differences exist with respect to how suspects are released following the arrest or charge incident?
3. Do case outcomes vary by race? Are Black and racial minority accused more or less likely to be convicted of charges than White accused?

Methodology

In 2017, the Ontario Human Rights Commission (OHRC) made a formal data request to the Toronto Police Service and the Toronto Police Services Board (TPSB). As part of this request, the OHRC sought charge data, from the TPS's Versadex System, pertaining to nine specific types of offences:

1. Failure to comply with a condition, undertaking or recognizance
2. Obstruct justice
3. Assault police
4. Uttering threats against the police
5. Cannabis possession
6. Other (non-cannabis) illegal drug possession
7. Out-of-sight driving offences (including driving without a valid licence, driving without valid insurance, driving while suspended, etc.)
8. Disturbing the peace
9. Trespassing.[5]

For each arrest or charge incident involving these nine charges, the OHRC also requested information on any accompanying charges, offender release details and charge disposition. The OHRC also requested information on the offender's previous criminal history at time of each arrest or charge incident. The exact wording provided in the data request is provided below:

> The OHRC requests that the TPS and/or TPSB produce the following… Data from charges laid and any accompanying arrests made, including form of release/release type and charge disposition where available, between January 1, 2010, and June 30, 2017, for the following charges:
>
> a. Driving while under suspension, contrary to s. 53(1) and s. 53(1.1) of the *Highway Traffic Act*; driving without a valid licence, contrary to s. 32 of the *Highway Traffic Act*; failure to carry a licence and surrender a licence for reasonable inspection, contrary to s. 33(1) and s. 33(2) of the *Highway Traffic Act*; failure to provide reasonable identification on a failure to surrender a licence, contrary to s. 33(3) of the *Highway Traffic Act*; failure to change address or name, contrary to s.9(2) and s. 9(3) of the *Highway Traffic Act*; displaying a licence that has been suspended, altered etc., contrary to s. 35(1) of the *Highway Traffic Act*; driving without a valid permit, contrary to s. 7(1)(a) of the *Highway Traffic Act*; failure to carry a permit, contrary to s. 7(5) of

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[5] It should be noted that the OHRC also requested data on loitering charges (contrary to s. 175(1)(c) of the *Criminal Code).* However, the data that was received indicated that only one loitering charge had been laid by the TPS between 2013 and 2017. This offence category was thus left out of our analysis.

the *Highway Traffic Act*; operating a motor vehicle without insurance, contrary to s. 2(1) of the *Compulsory Automobile Insurance Act*; and failure to carry an insurance card, contrary to s. 3(1) of the *Compulsory Automobile Insurance Act*. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act*, for each of the charges listed above, must also be included.

b. Charges for possession of a substance, contrary to s. 4(1) of the *Controlled Drugs and Substances Act*, broken down by type of substance. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act* must also be included.

c. Resisting or wilfully obstructing a public officer or a peace officer, contrary to s. 129(a) of the *Criminal Code*; assaulting a public officer or a peace officer, contrary to s. 270(1)(a) of the *Criminal Code*; assaulting a person with intent to resist or prevent the lawful arrest or detention of himself or another person, contrary to s. 270(1)(b) of the *Criminal Code*; and uttering threats, contrary to s. 264.1(1) of the *Criminal Code*. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act*, for each of the charges listed above, must also be included.

d. Loitering, contrary to s. 175(1)(c) of the *Criminal Code*, and s.3(a)(3) of chapter 608 (Parks) of the Toronto Municipal Code. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act*, for each of the charges listed above, must also be included.

e. Causing a disturbance, contrary to s. 175(1)(a) of the *Criminal Code*; and disturbing the peace, contrary to s. 175(1)(d) of the *Criminal Code*. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act,* for each of the charges listed above, must also be included.

f. Trespassing, contrary to s. 2(1)(a) and (b) of the *Trespass to Property Act*; and trespassing at night, contrary to s. 177 of the *Criminal Code*. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act*, for each of the charges listed above, must also be included.

g. Failure to comply with a condition of undertaking or recognizance, contrary to s. 145(3) of the *Criminal Code*; and failure to comply with conditions of an undertaking, contrary to s. 145(5.1) of the *Criminal Code*. Data on any accompanying charges laid under the *Criminal Code*, *Controlled Drugs and Substances Act*, and provincial statutes and regulations subject to the *Provincial Offences Act*, for each of the charges listed above, must also be included.

The research team focused on the above charges because previous research – as well as consultations with both defence counsel and community members – suggest that these charges, compared to more serious offences, are more likely to be impacted by either police surveillance practices or police discretion. For example, "out-of-sight" driving offences likely reflect police traffic stop practices. Thus, racial groups subject to frequent traffic stops should be at higher risk of being charged with "out-of-sight" driving violations than groups who are stopped less frequently. Similarly, both failure to comply and drug possession charges may reflect both police surveillance practices and police discretion on whether to charge or let off with a caution.

The TPS provided five different datasets (in ACCESS format) pertaining to the sample of arrest/charge incidents requested. The data received only covers the period from 2013 to 2017.[6]

Dataset One (vdx arrest charge adult): This dataset includes 116,632 cases. Each case represents a distinct charge. It includes the key charges that were part of the original data request (i.e., charges for obstruct justice, marijuana possession, assault police, etc.) plus any accompanying charges associated with the arrest.

Dataset Two (vdx ohrc adult arrests): This dataset has 35,207 cases. It represents each arrest incident associated with the 116,632 charges described above. In other words, 35,207 arrest incidents produced 116,632 charges (or an average of 3.3 charges per arrest incident).

Dataset Three (vdx adult persons charged): This dataset has 24,245 cases. It provides demographic information (age, gender, race, etc.) on each person involved in the charges and arrests described above. In other words, 24,245 persons were involved in 35,207 arrests that led to 116,632 charges (or an average of 4.8 charges per person in the dataset).

Dataset Four (vdx arrest release details adult): This dataset has 7,011 cases. It includes arrest incidents in which the person was released on the street on their own recognizance. In other words, they were not taken to the station for booking. According to this dataset, in 19.9% of all arrest incidents (7,011 of 35,207 cases), the alleged offender was released on the street.

Dataset Five (vdx booked release details adult): This dataset has 25,982 cases. It includes arrest incidents in which the person was taken into custody and transported to the station for "booking." This dataset includes incidents in which the person was

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[6] Although the OHRC requested data from 2010 to 2017, technical challenges prevented an analysis of data from 2010 to 2013.

booked at the station and released by the police as well as cases in which the offender was held in custody for a remand hearing. According to this dataset, 73.8% of all arrest/charge incidents (25,982 of 35,207 cases) resulted in the offender being detained and processed at the station.

Data limitations

Three important data limitations emerged through our analysis. The first limitation involves missing data. For example, suspect race was missing for 4% of the charges in the database (4,660 out of 116,632 cases). Similarly, according to our interpretation of the data, 7,011 arrests involved street releases and 25,982 involved more formal "bookings." However, this amounts to only 32,993 of the 35,207 arrest incidents captured by the data. In other words, there are 2,214 cases (6.3% of the sample) in which information about release type is "missing" or unavailable. Finally, regardless of the measure used, approximately 20% of charge dispositions were not available in the data provided by the TPS. Missing data could have an impact on the racial disparities documented in the analysis below.

A second data limitation concerns the information on type of release. Due to a series of communication issues between the OHRC and the TPS, at the time the report was prepared the researchers were unable to confidently distinguish between cases where the civilian was booked and released by the police from cases where they were detained for a "show cause" hearing. Thus, the analysis below only allows for an analysis of two general release categories: released on the street or detained and booked at the station. The current analysis does not, therefore, distinguish between people booked at the station and released by the police from people held in custody for a remand or "show cause" hearing. The police decision to hold a suspect for a remand hearing represents a major curtailment of freedom. Previous research also suggests that Black people are grossly over-represented in remand populations. The research team is currently working with the TPS to enable an accurate analysis of show cause releases. We are hopeful that this additional analysis will be provided in the near future as an addendum to this report.

The research team also wanted to conduct an analysis of other arrest details including whether the suspect was strip-searched, photographed, fingerprinted or booked into a holding cell. Unfortunately, although fields documenting these types of activities exist in the Versadex system, in almost all cases the data were missing. TPS analysts informed us that this data are missing because the fields are not mandatory. As a result, officers usually do not provide these case processing details.

Finally, the OHRC explicitly requested all information on offender criminal history at the time of each charge or arrest. However, the TPS datasets delivered to the OHRC *did not* contain high-quality information on the suspects' previous criminal history. Indeed, it seems that the TPS only provided charge history information from November 2013

onwards (i.e., from the time the Versadex system came online). In other words, any charges or convictions before November 2013 were not included in the datasets. Furthermore, the TPS only provided information on charges issued by TPS officers. They did not provide information on charges or convictions related to other police services. This renders the criminal history information provided by the TPS useless with respect to conducting an analysis of all factors that may impact post-arrest treatment.

Racial identification

The race of the offenders in the TPS dataset was determined by the Toronto Police officers who laid the specific charges. The TPS data provided the following six racial categories:

- White
- Black
- Asian
- Aboriginal
- Brown
- Unknown.

The "Brown" category" is particularly difficult to interpret. We believe it likely includes people who would self-identify as Asian, Middle-Eastern or Hispanic. However, it is also possible that this category includes individuals who would self-identify as Black. If that is the case, the statistics presented below under-estimate the representation of Black people in TPS arrest statistics.

For the purposes of the current analysis, we have recoded the Asian, Brown and Indigenous categories into a single category labelled "other racial minority." We do this for several reasons. First of all, although we can conclude that the "Brown" category is "non-White," we cannot use it to benchmark a specific racial group. Secondly, the focus of the inquiry is anti-Black racism. Thus, the following analysis focuses on how Black people are treated compared to their White and "other racial minority" counterparts. Finally, a more refined analysis, including the Indigenous, Brown and Asian categories, shows that these groups are either under-represented in TPS arrests (Asians and Brown people) or represented at a level that is equal to their presence in the general population (Indigenous people).[7] Therefore, as the following analysis will reveal, Black people are the only racial group that is significantly over-represented in the charge statistics that are the focus of this inquiry.

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[7] According to the 2016 Canadian Census, Indigenous people represent 1.7% of Toronto's population. They also represent 2.1% of those included in the arrest data provided by the TPS. Thus, Indigenous people are only slightly over-represented in the charges that are the focus of this inquiry (odds ratio = 1.23).

Measuring racial disparity

The analysis below examines the representation of different racial groups in Toronto with their representation in TPS charge statistics for selected offences. Population estimates were derived from the 2016 Canadian Census (Statistics Canada 2016). Estimates for the White population were calculated by taking the total population estimate for Toronto and deducting the total visible minority population and the total Indigenous population.

Odds ratios and case rates were calculated to determine the representation of specific racial groups in charge incidents. Odds ratios were calculated by dividing the percentage of all charges/arrests involving a particular racial group by their percentage representation in the general population. An odds ratio approaching 1.00 indicates that a racial group is neither over- nor under-represented. An odds ratio of less than 1.00 indicates that the group is under-represented in charge statistics. An odds ratio greater than 1.00 indicates that the group is over-represented. For example, an odds ratio of 2.00 indicates that a group is twice as prevalent in charge statistics as they are in the general population. By contrast, an odds ratio of 0.50 indicates that a group is 50% less represented in charge statistics than their proportion of the general population would predict.

There is no set standard for determining when racial disproportionality (i.e., the over- or under-representation of a particular racial group with respect to a specific social outcome) is cause for concern. For example, in the Ottawa Traffic Stop study, the authors used the 20% rule (or an odds ratio of 1.20 or higher) to determine when a group was significantly over-represented with respect to involuntary police contact (Foster et al, 2016). For the purposes of this study we have used a higher threshold of 50%. In other words, for the purposes of the present analysis, an odds ratio of 1.50 or higher will be used to determine whether racial disproportionality is noteworthy or not. Furthermore, at times we will also discuss the notion of "gross" racial disparity. For the purposes of this report, a gross racial disparity exists when the level of over-representation is 200% or greater (i.e., as indicated by an odds ratio of 3.00 or higher). In these cases, a particular racial group would be three times more prevalent in arrest/charge statistics than their presence in the general Toronto population would predict.

A second disparity measure used in the current analysis was the arrest or charge rate. The charge rate (per 100,000) was calculated by dividing the total number of cases per racial group by their population estimate and multiplying that figure by 100,000. The rate indicates the number of people, per 100,000 population, that were involved in a charge or arrest during the study period. This case rate allows us to directly compare the experiences of different racial groups of varying size. For example, if Group A has a charge rate of 10 per 100,000 and Group B has a rate of five per 100,000, we can accurately state that the members of Group A are twice as likely to become involved in a TPS charge incident as the members of Group B.

Part B: Race and charge type

- The OHRC's data request produced a dataset consisting of 111,972 charges in which the race of the alleged offender was known. These 111,972 charges include the nine core offences at the centre of the inquiry – plus all accompanying charges that were laid during the same arrest incident.

- The results suggest that 45.5% of all charges involved White suspects, 32.4% involved Black suspects and 22.2% involved suspects from other racial minority groups (Table B1).

- Black people are grossly over-represented in the overall charge dataset (see Table B1). Although they represent only 8.8% of Toronto's population, Black people represent 32.4% of the charges generated by the data request. In other words, Black people are 3.7 times more likely to appear in the charge dataset than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented in the charge data.

- The Black charge rate (15,122 per 100,000) is 3.9 times greater than the White rate (3,853 per 100,000) and 7.1 times greater than the rate for people from other racial minority groups (2,116 per 100,000).[8]

Failure to comply offences

- During the study period, Black people were grossly over-represented in failure to comply charges (see Table B2). Although they represent only 8.8% of Toronto's population, Black people represent 32.7% of those involved in the failure to comply charges generated by the data request. In other words, Black people are 3.7 times more likely to be charged with a failure to comply offence than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The failure to comply charge rate for Black people (2,013 per 100,000) is 4.1 times greater than the White rate (493 per 100,000) and 6.9 times greater than the rate for people from other racial minority groups (292 per 100,000).

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[8] The other racial minority category includes all non-Black and non-White racial minority groups including Asians, South Asians, Middle-Eastern people and Indigenous people. A disaggregated analysis reveals that all of these groups – with the exception of Indigenous people – are under-represented in TPS charge statistics. Indigenous people were either slightly over-represented in specific charges, or slightly under-represented.

Obstruct justice offences

- During the study period, Black people were grossly over-represented in obstruct justice charges (see Table B3). Although they represent only 8.8% of Toronto's population, Black people represent 42.5% of those involved in the obstruct justice charges generated by the data request. Black people are 4.8 times more likely to be charged with an obstruct justice offence than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The obstruct justice charge rate for Black people (204 per 100,000) is 6.2 times greater than the White rate (33 per 100,000) and 10.2 times greater than the rate for people from other racial minority groups (20 per 100,000).

Assault police

- During the study period, Black people were grossly over-represented in assault police charges (see Table B4). Although they represent only 8.8% of Toronto's population, Black people represent 33.3% of those involved in the assault police charges generated by the data request. In other words, Black people are 3.8 times more likely to be charged with an assault police offence than their representation in the general population would predict. By contrast, the representation of White people in assault police charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The assault police charge rate for Black people (510 per 100,000) is 3.7 times greater than the White rate (139 per 100,000) and 9.8 times greater than the rate for people from other racial minority groups (52 per 100,000).

Uttering threats against police

- During the study period, Black people were grossly over-represented in uttering threats against police charges (see Table B5). Although they represent only 8.8% of Toronto's population, Black people represent 27.1% of those involved in the uttering threats against police charges generated by the data request. In other words, Black people are 3.1 times more likely to be charged with an uttering threats offence than their representation in the general population would predict. By contrast, the representation of White people in uttering threats charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The uttering threats against police charge rate for Black people (1,115 per 100,000) is 3.1 times greater than the White rate (357 per 100,000) and 5.3 times greater than the rate for people from other racial minority groups (211 per 100,000).

Cannabis possession

- During the study period, Black people were grossly over-represented in cannabis possession charges (see Table B6). Although they represent only 8.8% of Toronto's population, Black people represent 37.6% of those involved in the cannabis possession charges generated by the data request. In other words, Black people are 4.3 times more likely to be charged with a cannabis possession offence than their representation in the general population would predict. By contrast, both White people and people from other racial minority groups are under-represented.

- The cannabis possession charge rate for Black people (751 per 100,000) is 5.1 times greater than the White rate (146 per 100,000) and 8.3 times greater than the rate for people from other racial minority groups (91 per 100,000).

"Other" illegal drug possession

- During the study period, Black people were grossly over-represented in "other" drug possession charges (see Table B7). Although they represent only 8.8% of Toronto's population, Black people represent 28.5% of those involved in the other (non-cannabis) drug possession charges generated by the data request. In other words, Black people are 3.2 times more likely to be charged with an "other" drug possession offence than their representation in the general population would predict. The involvement of White people in "other" drug possession charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The "other" drug possession charge rate for Black people (693 per 100,000) is three times greater than the White rate (230 per 100,000) and 7.1 times greater than the rate for people from other racial minority groups (97 per 100,000).

"Out-of-sight" driving offences

- During the study period, Black people were grossly over-represented in "out-of-sight" driving offences (see Table B8). Although they represent only 8.8% of Toronto's population, Black people represent 35.2% of those involved in the "out-of-sight" driving charges generated by the data request. In other words, Black people are four times more likely to be charged with an "out-of-sight" driving offence than their representation in the general population would predict. Both White people and people from other racial minority groups are under-represented.

- The "out-of-sight" driving offence charge rate for Black people (1,194 per 100,000) is 4.9 times greater than the White rate (244 per 100,000) and 6.9 times greater than the rate for people from other racial minority groups (174 per 100,000).

Disturbing the peace offences

- During the study period, Black people were grossly over-represented in disturbing the peace charges (see Table B9). Although they represent only 8.8% of Toronto's population, Black people represent 27.8% of those involved in the disturbing the peace charges generated by the data request. In other words, Black people are 3.2 times more likely to be charged with a disturbing the peace offence than their representation in the general population would predict. The involvement of White people in disturbing the peace charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The disturbing the peace charge rate for Black people (40 per 100,000) is 2.7 times greater than the White rate (15 per 100,000) and eight times greater than the rate for people from other racial minority groups (5 per 100,000).

Trespassing offences

- During the study period, Black people were grossly over-represented in trespassing charges (see Table B10). Although they represent only 8.8% of Toronto's population, Black people represent 28.2% of those involved in the trespassing charges generated by the data request. In other words, Black people are 3.2 times more likely to be charged with a trespassing offence than their representation in the general population would predict. The involvement of White people in trespassing charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The trespassing charge rate for Black people (261 per 100,000) is 2.9 times greater than the White rate (89 per 100,000) and 7.3 times greater than the rate for people from other racial minority groups (36 per 100,000).

The impact of sex

- Additional analysis of the TPS data reveals that, within each racial category, males are charged at a significantly higher rate than females. The data further demonstrate that within each offence category, Black males have much higher charge rates than males from all other racial groups. When it comes to TPS charging practices, the data suggest that Black males are particularly over-represented.

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in almost a third of the charges (29.1%) captured by the OHRC data request (see Table B11). In other words, Black males are 7.3 times more likely to appear in the charge dataset than their representation in the general population would predict.

- White males are also slightly over-represented in the charge data (odds ratio = 1.6). All other gender-race categories are under-represented.

- The overall charge rate for Black males (29,694 per 100,000) is 4.5 times higher than the rate for White males (6,673 per 100,000) and 7.5 times higher than the rate for males from other racial minority backgrounds (3,935 per 100,000).

- The overall charge rate for Black women (2,805 per 100,000) is 2.4 times higher than the rate for White women (1,159 per 100,000) and 6.2 times higher than the rate for women from other racial minority groups (454 per 100,000).

Failure to comply offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 29.9% of failure to comply charges captured by the OHRC data request (see Table B12). In other words, Black males are 7.5 times more likely to be charged with a failure to comply offence than their representation in the general population would predict.

- White males are also slightly over-represented in failure to comply charges (odds ratio = 1.6). The representation of other racial minority males equals their representation in the general population. Women from all racial categories are under-represented compared to their presence in the general population.

- The failure to comply charge rate for Black males (4,020 per 100,000) is 4.8 times higher than the rate for White males (843 per 100,000) and 7.2 times higher than the rate for males from other racial minority backgrounds (557 per 100,000).

- The failure to comply charge rate for Black women (316 per 100,000) is two times higher than the rate for White women (158 per 100,000) and 6.3 times higher than the rate for women from other racial minority groups (50 per 100,000).

Obstruct justice charges

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 37.4% of obstruct justice charges captured by the OHRC data request (see Table B13). In other words, Black males are 9.4 times more likely to be charged with an obstruct justice offence than their representation in the general population would predict.

- White males are also slightly over-represented in failure to comply charges (odds ratio = 1.3). The representation of other racial minority males equals their representation in the general population. Women from all racial categories are under-represented.

- The obstruct justice charge rate for Black males (392 per 100,000) is seven times higher than the rate for White males (56 per 100,000) and 11.2 times higher than the rate for males from other racial minority backgrounds (35 per 100,000).

- The obstruct justice charge rate for Black women (45 per 100,000) is 4.1 times higher than the rate for White women (11 per 100,000) and nine times higher than the rate for women from other racial minority groups (five per 100,000).

Assault police charges

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 27.7% of assault police charges captured by the OHRC data request (see Table B14). In other words, Black males are 6.9 times more likely to be charged with an assault police offence than their representation in the general population would predict.

- White males and Black females are also slightly over-represented in assault police charges (odds ratios of 1.6 and 1.2 respectively). White women, and both males and females from other racial minority groups, are under-represented.

- The assault police charge rate for Black males (925 per 100,000) is 4.2 times higher than the rate for White males (219 per 100,000) and 10.5 times higher than the rate for males from other racial minority backgrounds (88 per 100,000).

- The assault police charge rate for Black women (159 per 100,000) is 2.5 times higher than the rate for White women (63 per 100,000) and 8.4 times higher than the rate for women from other racial minority groups (19 per 100,000).

Uttering threats against police

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 24.1% of uttering threats against police charges captured by the OHRC data request (see Table B15). In other words, Black males are six times more likely to be charged with an uttering threats offence than their representation in the general population would predict.

- White males are also slightly over-represented in assault police charges (odds ratio = 1.8). The representation of males from other racial minority groups equals their presence in the general population. Women from all racial categories are under-represented.

- The uttering threats against police charge rate for Black males (2,161 per 100,000) is 3.3 times higher than the rate for White males (648 per 100,000) and 5.3 times higher than the rate for males from other racial minority backgrounds (405 per 100,000).

- The uttering threats against police charge rate for Black women (230 per 100,000) is 2.9 times higher than the rate for White women (80 per 100,000) and seven times higher than the rate for women from other racial minority groups (33 per 100,000).

Cannabis possession

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 34.8% of the cannabis possession charges captured by the OHRC data request (see Table B16). In other words, Black males are 8.7 times more likely to be charged with a cannabis possession offence than their representation in the general population would predict.

- White males are also slightly over-represented in cannabis possession charges (odds ratio = 1.4). The representation of males from other racial minority groups equals their presence in the general population. Women from all racial categories are under-represented.

- The cannabis possession charge rate for Black males (1,516 per 100,000) is six times higher than the rate for White males (251 per 100,000) and 8.8 times higher than the rate for males from other racial minority backgrounds (172 per 100,000).

- The cannabis possession charge rate for Black women (105 per 100,000) is 2.3 times higher than the rate for White women (46 per 100,000) and 6.2 times higher than the rate for women from other racial minority groups (17 per 100,000).

"Other" illegal drug possession

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 25.7% of "other" (non-cannabis) drug possession charges captured by the OHRC data request (see Table B17). In other words, Black males are 6.4 times more likely to be charged with an "other" drug possession offence than their representation in the general population would predict.

- White males are also over-represented in "other" illegal drug possession charges (odds ratio = 1.7). Other racial minority males and women from all racial categories are under-represented.

- The "other" drug possession charge rate for Black males (1,366 per 100,000) is 3.7 times higher than the rate for White males (372 per 100,000) and 7.7 times higher than the rate for males from other racial minority backgrounds (177 per 100,000).

- The "other" drug possession charge rate for Black women (125 per 100,000) is only slightly higher (1.3 times) than the rate for White women (93 per 100,000). However, the Black female rate is still 5.2 times higher than the rate for women from other racial minority groups (24 per 100,000).

"Out-of-sight driving" offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 30.1% of "out-of-sight" driving offences captured by the OHRC data request (see Table B18). In other words, Black males are 7.5 times more likely to be charged with an "out-of-sight" driving offence than their representation in the general population would predict.

- White males are also slightly over-represented in "out-of-sight" driving offence charges (odds ratio = 1.4). The representation of both Black women and other racial minority males in "out-of-sight" driving offences approximates their representation in the general population. White women and women from other racial minority groups are significantly under-represented.

- The "out-of-sight" driving offence charge rate for Black males (2,224 per 100,000) is 5.2 times higher than the rate for White males (428 per 100,000) and seven times higher than the rate for males from other racial minority backgrounds (319 per 100,000).

- The "out-of-sight" driving offence charge rate for Black women (323 per 100,000) is 4.8 times greater than the rate for White women (68 per 100,000) and 7.9 times higher than the rate for women from other racial minority groups (41 per 100,000).

Disturbing the peace offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 23.3% of disturbing the peace offences captured by the OHRC data request (see Table B19). In other words, Black males are 5.8 times more likely to be charged with a disturbing the peace offence than their representation in the general population would predict.

- White males are also over-represented in disturbing the peace charges (odds ratio = 2.1). The representation of Black women approximates their representation in the general population. Other racial minority men, White women and women from other racial minority groups are significantly under-represented.

- The disturbing the peace charge rate for Black males (73 per 100,000) is 2.8 times higher than the rate for White males (26 per 100,000) and 9.5 times higher than the rate for males from other racial minority backgrounds (eight per 100,000).

- The disturbing the peace charge rate for Black women (12 per 100,000) is four times greater than the rate for White women (three per 100,000) and six times higher than the rate for women from other racial minority groups (two per 100,000).

Trespassing offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 25.4% of the trespassing offences captured by the OHRC data request (see Table B20). In other words, Black males are 6.3 times more likely to be charged with a trespassing offence than their representation in the general population would predict.

- White males are also over-represented in trespassing charges (odds ratio = 1.9). Other racial minority men and women from every racial category are significantly under-represented.

- The trespassing charge rate for Black males (514 per 100,000) is 3.3 times higher than the rate for White males (154 per 100,000) and 7.4 times higher than the rate for males from other racial minority backgrounds (69 per 100,000).

- The trespassing charge rate for Black women (48 per 100,000) is 1.8 times greater than the rate for White women (27 per 100,000) and 6.9 times higher than the rate for women from other racial minority groups (seven per 100,000).

Single charge cases by race

- In this section, we present data on all cases in which the suspect was charged with only one offence. All of these single charge cases involved one of the nine offences that are at the focus of the OHRC inquiry. This analysis enables a further examination of the representation of Black people in these core offences after removing the influence of other types of charges.

- It is important to note that certain types of single charge cases are thought to be probative of racial profiling. For example, single charge "out-of-sight" driving offences are only discovered *after* the police have stopped and questioned the driver. Thus, racial differences in out-of-sight charges may reflect racial differences in police traffic stop activities. This is particularly true when the police have not charged the driver with speeding, running a red light or other "visible" violations that would justify the initial stop. Similarly, single charge drug possession, failure to comply and uttering threats against the police cases may reflect racial bias with respect to police contact or surveillance activities. Racial groups that are more likely to be subject to arbitrary police contacts or street interrogations are also more likely to be "discovered" for committing these offences and subsequently charged (see Wortley and Tanner 2003).

- There are 9,309 arrest incidents in the dataset that involve a single charge – approximately 8% of the total sample. Civilian race was available for 8,841 of these 9,309 single charge cases (95%). It is these cases that are the focus of the analysis in this section of the report.

Total single charge cases

- The results demonstrate that 48.8% of all single charge cases involve White suspects, 28.8% involve Black suspects and 22.6% involve suspects from other racial minority groups (Table B21).

- Black people are grossly over-represented in single charge cases (see Table B21). Although they represent only 8.8% of Toronto's population, Black people represent 28.8% of the single charge cases generated by the data request. In other words, Black people are 3.3 times more likely to appear in single charge cases than their representation in the general population would predict.

- The representation of White people is equivalent to their representation in the general population. People from other racial minority groups are under-represented in single charge cases.

- The Black single charge case rate (1,063 per 100,000) is 3.3 times greater than the White rate (324 per 100,000) and 6.2 times greater than the rate for people from other racial minority groups (171 per 100,000).

Cases involving a single failure to comply charge

- During the study period, Black people were grossly over-represented in cases which involved a single failure to comply charge (see Table B22). Although they represent only 8.8% of Toronto's population, Black people represent 29.2% of those involved in single charge cases involving a failure to comply offence. In other words, Black people are 3.3 times more likely to be involved in cases that involve a single failure to comply offence than their representation in the general population would predict. By contrast, the involvement of White people in such cases is equivalent to their representation in the general population. People from other racial minority groups are under-represented.

- The single charge failure to comply case rate for Black people (466 per 100,000) is 3.4 times greater than the White rate (136 per 100,000) and six times greater than the rate for people from other racial minority groups (78 per 100,000).

Cases involving a single obstruct justice charge

- According to the data, there were only two TPS cases in which a civilian was charged with a single count of obstruct justice. In other words, obstruct justice cases usually involve at least one other charge. As a result, no further analysis is conducted on this charge category.

Cases involving a single charge of assault police

- During the study period, Black people were grossly over-represented in cases that involved a single charge of assault police (see Table B23). Although they represent only 8.8% of Toronto's population, Black people represent 28.5% of those involved in single charge cases involving an assault police offence. In other words, Black people are 3.2 times more likely to be charged with a single count of assault police than their representation in the general population would predict.

- By contrast, the representation of White people in single assault police charges is approximately equal to their representation in the general population. People from other racial minority groups are significantly under-represented.

- The single charge assault police case rate for Black people (31 per 100,000) is 3.1 times greater than the White rate (10 per 100,000) and 7.7 times greater than the rate for people from other racial minority groups (four per 100,000).

Cases involving a single charge of uttering threats against police

- During the study period, Black people were grossly over-represented in cases that involved a single charge of uttering threats against police (see Table B24). Although they represent only 8.8% of Toronto's population, Black people represent 26.9% of those involved in single charge uttering threats cases. In other words, Black people are 3.1 times more likely to be involved in a single charge uttering threats case than their representation in the general population would predict. By contrast, the representation of White people in single charge uttering threats cases is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The single charge uttering threats against police case rate for Black people (102 per 100,000) is 2.9 times greater than the White rate (35 per 100,000) and 5.7 times greater than the rate for people from other racial minority groups (18 per 100,000).

Cases involving a single charge of cannabis possession

- During the study period, Black people were grossly over-represented in cases involving a single charge of cannabis possession (see Table B25). Although they represent only 8.8% of Toronto's population, Black people represent 34.3% of those involved in single charge cannabis possession cases. In other words, Black people are 3.9 times more likely to be involved in a single charge cannabis possession case than their representation in the general population would predict. By contrast, both White people and people from other racial minority groups are under-represented.

- The single charge cannabis possession case rate for Black people (172 per 100,000) is 4.8 times greater than the White rate (36 per 100,000) and 6.4 times greater than the rate for people from other racial minority groups (27 per 100,000).

Cases involving a single charge of "other" illegal drug possession

- During the study period, Black people were over-represented in cases that involved a single charge of "other" drug possession (see Table B26). Although they represent only 8.8% of Toronto's population, Black people represent 21.5% of those involved in cases that involve a single charge of other (non-cannabis) drug possession. In other words, Black people are 2.4 times more likely to be involved in cases that involve a single charge of "other" drug possession than their representation in the general population would predict. White people are also over-represented in these cases – but only slightly (odds ratio = 1.30). People from other racial minority groups are under-represented.

- The single charge "other" drug possession case rate for Black people (87 per 100,000) is 1.9 times greater than the White rate (46 per 100,000) and 6.7 times greater than the rate for people from other racial minority groups (13 per 100,000).

Cases involving a single "out-of-sight" driving offence

- During the study period, Black people were grossly over-represented in cases involving a single "out-of-sight" driving offence (see Table B27). Although they represent only 8.8% of Toronto's population, Black people represent 34.3% of those involved in cases involving a single "out-of-sight" driving offence. In other words, Black people are 3.9 times more likely to be involved in such cases than their representation in the general population would predict. Both White people and people from other racial minority groups are under-represented.

- The single charge "out-of-sight" driving offence case rate for Black people (106 per 100,000) is 4.8 times greater than the White rate (22 per 100,000) and 7.1 times greater than the rate for people from other racial minority groups (15 per 100,000).

Cases involving a single disturbing the peace charge

- During the study period, there were only 48 cases involving a single charge for disturbing the peace. Nonetheless, Black people were over-represented in these cases (see Table B28). Although they represent only 8.8% of Toronto's population, Black people represent 25% of cases that involved a single disturbing the peace charge. In other words, Black people are 2.8 times more likely to be involved in a single charge of disturbing the peace case than their representation in the general population would predict. The involvement of White people in disturbing the peace charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The single charge disturbing the peace case rate for Black people (five per 100,000) is 2.4 times greater than the White rate (2.1 per 100,000) and 7.1 times greater than the rate for people from other racial minority groups (0.7 per 100,000).

Cases involving a single trespassing charge

- During the study period, Black people were over-represented in cases involving a single trespassing charge (see Table B29). Although they represent only 8.8% of Toronto's population, Black people represent 25.6% of those involved in such cases. In other words, Black people are 2.9 times more likely to be involved in a case involving a single trespassing charge than their representation in the general population would predict. The involvement of White people in single charge trespassing cases is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The single charge trespassing case rate for Black people (95 per 100,000) is 2.6 times greater than the White rate (37 per 100,000) and 6.3 times greater than the rate for people from other racial minority groups (15 per 100,000).

Single charge cases: the impact of gender

- Additional analysis of the TPS data reveals that within each racial category, males are significantly more involved in single charge cases than females. The data further demonstrate that within each offence category, Black males are more involved in single charge cases than men or women from other racial groups.

Total single charge cases

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in a quarter of all cases (25.6%) involving a single charge (see Table B30). In other words, Black males are 6.4 times more likely to appear in single charge cases than their representation in the general population would predict.

- White males are also slightly over-represented in single charge cases (odds ratio = 1.7). All other gender-race categories are under-represented.

- The overall single charge case rate for Black males (2,059 per 100,000) is 3.8 times higher than the rate for White males (538 per 100,000) and 6.5 times higher than the rate for males from other racial minority backgrounds (316 per 100,000).

- The overall single charge case rate for Black women (221 per 100,000) is 1.8 times higher than the rate for White women (120 per 100,000) and 5.7 times higher than the rate for women from other racial minority groups (39 per 100,000).

Failure to comply offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 25.9% of single charge failure to comply cases captured by the OHRC data request (see Table B31). In other words, Black males are 6.5 times more likely to be charged with a single count of failure to comply than their representation in the general population would predict.

- White males are also slightly over-represented in single charge failure to comply cases (odds ratio = 1.6). The representation of other racial minority males equals their representation in the general population. Women from all racial categories are under-represented.

- The single charge failure to comply case rate for Black males (902 per 100,000) is 4.1 times higher than the rate for White males (222 per 100,000) and 6.4 times higher than the rate for males from other racial minority backgrounds (141 per 100,000).

- The single charge failure to comply case rate for Black women (97 per 100,000) is 1.8 times higher than the rate for White women (53 per 100,000) and 4.6 times higher than the rate for women from other racial minority groups (21 per 100,000).

Assault police charges

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 21.9% of single charge assault police cases captured by the OHRC data request (see Table B32). In other words, Black males are 5.5 times more likely to be charged with a single charge of assault police than their representation in the general population would predict.

- White males and Black females are also slightly over-represented in single charge assault police cases (odds ratios of 1.45 and 1.35 respectively). White women, and both males and females from other racial minority groups, are under-represented.

- The single charge assault police case rate for Black males (51.9 per 100,000) is 3.8 times higher than the rate for White males (13.8 per 100,000) and 7.9 times higher than the rate for males from other racial minority backgrounds (6.6 per 100,000).

- The single charge assault police case rate for Black women (13.1 per 100,000) is 1.9 times higher than the rate for White women (6.9 per 100,000) and 6.2 times higher than the rate for women from other racial minority groups (2.1 per 100,000).

Uttering threats against police

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 23.7% of single charge uttering threats against police cases captured by the OHRC data request (see Table B33). In other words, Black males are 5.9 times more likely to be charged with a single count of uttering threats against police than their representation in the general population would predict.

- White males are also over-represented in uttering threats against police cases (odds ratio = 1.8). The representation of males from other racial minority groups equals their presence in the general population. Women from all racial categories are under-represented.

- The single charge uttering threats against police case rate for Black males (196.6 per 100,000) is 3.3 times higher than the rate for White males (59.6 per 100,000) and 5.7 times higher than the rate for males from other racial minority backgrounds (34.2 per 100,000).

- The single charge uttering threats against police case rate for Black women (22.3 per 100,000) is 2.1 times higher than the rate for White women (10.5 per 100,000) and 7.2 times higher than the rate for women from other racial minority groups (3.1 per 100,000).

Cannabis possession

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 31.9% of the single charge cannabis possession cases captured by the OHRC data request (see Table B34). In other words, Black males are eight times more likely to be charged with a single count of cannabis possession than their representation in the general population would predict.

- White males and males from other racial minority groups are only slightly over-represented in single charge cannabis possession cases (odds ratios of 1.46 and 1.21 respectively). Women from all racial categories are under-represented.

- The single charge cannabis possession case rate for Black males (348.6 per 100,000) is 5.5 times higher than the rate for White males (63.9 per 100,000) and 6.6 times higher than the rate for males from other racial minority backgrounds (53.1 per 100,000).

- The single charge cannabis possession case rate for Black women (22.3 per 100,000) is 2.4 times higher than the rate for White women (9.2 per 100,000) and 7.7 times higher than the rate for women from other racial minority groups (2.9 per 100,000).

"Other" illegal drug possession

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 19.5% of single charge "other" drug possession cases captured by the OHRC data request (see Table B35). In other words, Black males are 4.9 times more likely to be charged with a single count of "other" drug possession than their representation in the general population would predict.

- White males are also over-represented in single charge "other" illegal drug possession cases (odds ratio = 2.06). Other racial minority males and women from all racial categories are under-represented.

- The single charge "other" drug possession case rate for Black males (171.1 per 100,000) is 2.3 times higher than the rate for White males (72.9 per 100,000) and 7.1 times higher than the rate for males from other racial minority backgrounds (24.2 per 100,000).

- The single charge "other" drug possession case rate for White women (20.1 per 100,000) is 1.3 times higher than the rate for Black women (15.4 per 100,000) and 7.7 times higher than the rate for women from other racial minority groups (2.6 per 100,000).

"Out-of-sight" driving offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 30% of single charge "out-of-sight" driving cases captured by the OHRC data request (see Table B36). In other words, Black males are 7.5 times more likely to be charged with a single count of an "out-of-sight" driving offence than their representation in the general population would predict.

- White males are also slightly over-represented in single charge "out-of-sight" driving offence cases (odds ratio = 1.46). The representation of both Black women and other racial minority males approximates their representation in the general population. White women and women from other racial minority groups are significantly under-represented.

- The single charge "out-of-sight" driving offence case rate for Black males (201.1 per 100,000) is 5.1 times higher than the rate for White males (39.3 per 100,000) and 7.4 times higher than the rate for males from other racial minority backgrounds (27.3 per 100,000).

- The single charge "out-of-sight" driving offence case rate for Black women (24.6 per 100,000) is 3.3 times greater than the rate for White women (7.4 per 100,000) and 5.3 times higher than the rate for women from other racial minority groups (4.6 per 100,000).

Disturbing the peace offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 20.8% of single charge disturbing the peace cases captured by the OHRC data request (see Table B37). In other words, Black males are 5.2 times more likely to be charged with a single count of disturbing the peace than their representation in the general population would predict.

- White males are also over-represented in single charge disturbing the peace cases (odds ratio = 2.21). The representation of Black women approximates their representation in the general population. Other racial minority men, White women and women from other racial minority groups are significantly under-represented.

- The single charge disturbing the peace case rate for Black males (9.1 per 100,000) is 2.3 times higher than the rate for White males (3.9 per 100,000) and 8.3 times higher than the rate for males from other racial minority backgrounds (1.1 per 100,000).

- The single charge disturbing the peace case rate for Black women (1.5 per 100,000) is 3.7 times greater than the rate for White women (0.4 per 100,000) and five times higher than the rate for women from other racial minority groups (0.3 per 100,000).

Trespassing offences

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 21.9% of the single charge trespassing cases captured by the OHRC data request (see Table B38). In other words, Black males are 5.5 times more likely to be charged with a single count of trespassing than their representation in the general population would predict.

- White males are also over-represented in single charge trespassing cases (odds ratio = 1.94). Other racial minority men and women from every racial category are significantly under-represented.

- The single charge trespassing case rate for Black males (177.5 per 100,000) is 2.8 times higher than the rate for White males (65.0 per 100,000) and 6.2 times higher than the rate for males from other racial minority backgrounds (28.7 per 100,000).

- The single charge trespassing case rate for Black women (24.6 per 100,000) is 2.1 times greater than the rate for White women (11.8 per 100,000) and 10.7 times higher than the rate for women from other racial minority groups (2.3 per 100,000).

Number of charges per arrest by race

- Previous research, including that conducted by the 1994 Commission on System Racism in the Ontario Criminal Justice System, identified police "over-charging" as an issue facing the Black community. Compared to their White counterparts, Black civilians are more likely to face additional – often discretionary – charges at the time of arrest. These additional charges, in turn, increase the probability of being remanded to custody before trial increase the likelihood of pre-trial release conditions, impact plea bargaining decisions

- and contribute to the criminalization of the Black community through the creation of non-conviction police records (see Balko 2019; Kellough and Wortley 2002; Wortley and Kellough 2004; Commission on Systemic Racism in the Ontario Criminal Justice System 1994).

- Consistent with over-charging arguments, the data presented in Tables B39 and B40 reveal that, within the OHRC dataset, Black individuals face a higher number of charges per arrest than their White counterparts.

- Table B39 reveals that compared to their representation in the general population, Black people are grossly over-represented in all "number of charge categories." However, the level of Black over-representation increases with the number of charges per arrest.

- For example, while Black people represent only 8.8% of the general population, they represent 28.8% of arrests involving a single charge, 30.5% of arrests involving two to five charges, 33.8% of arrests involving six to nine charges, and 38.9% of arrests involving 10 or more charges.

- In other words, Black people are 3.3 times over-represented in single charge cases, 3.5 times over-represented in cases involving two to five charges, 3.8 times over-represented in cases involving six to nine charges, and 4.3 times over-represented in cases involving 10 or more charges.

- Racial disparities also increase with the number of charges per arrest (Table B39). For example, the Black single charge case rate (1,059 per 100,000) is 3.3 times greater than the White single charge case rate (324 per 100,000). However, when it comes to cases that involve 10 or more charges, the Black rate (205 per 100,000) is 5.4 times higher than the White rate (38 per 100,000).

- Table B40 reveals that compared to their representation in the general male population, the representation of Black males is high in all "number of charge categories." However, the level of Black male over-representation increases with the number of charges per arrest.

- For example, while Black males represent only 4% of the general population, they represent 25.6% of arrests involving a single charge, 26.8% of arrests involving two to five charges, 30.5% of arrests involving six to nine charges, and 36.6% of arrests involving 10 or more charges.

- In other words, Black males are 6.4 times over-represented in single charge cases, 6.7 times over-represented in cases involving two to five charges, 7.6 times over-represented in cases involving six to nine charges, and 9.1 times over-represented in cases involving 10 or more charges.

- Racial disparities among males also increase with the number of charges per arrest (Table B40). For example, the Black male single charge case rate (2,053 per 100,000) is 3.8 times greater than the White male single charge case rate (537 per 100,000). However, when it comes to cases that involve 10 or more charges, the Black male rate (421 per 100,000) is 6.2 times higher than the White rate (68 per 100,000).

- Overall, within the OHRC dataset, Black individuals faced an average of 3.57 charges per arrest, compared to 3.33 charges for individuals from other racial minority groups and 3.29 charges for White people. This racial difference is statistically significant (Table B41).

- Black males, within the OHRC dataset, faced an average of 3.63 charges per arrest, compared to 3.35 charges per arrest for their White and other racial minority counterparts. This difference is statistically significant (see Table B42 and Figure B1).

- Black females, within the OHRC dataset, face an average of 3.15 charges per arrest, compared to 2.99 charges for White women and 3.20 charges for women from other racial backgrounds. However, racial differences in the number of charges per arrest do not reach statistical significance among female suspects (see Table B43).

Table B1: Total charges in study sample, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	50,967	45.5	0.94	3,853.4
Black	239,850	8.8	36,271	32.4	3.68	15,122.4
Other racial minority	1,169,065	42.8	24,734	22.2	0.52	2,115.7
Total	**2,731,571**	**100.0**	**111,972**	**100.0**	**1.00**	**4,099.2**

Table B2: Total charges for failure to comply offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	6,514	44.1	0.91	492.5
Black	239,850	8.8	4,828	32.7	3.71	2,012.9
Other racial minority	1,169,065	42.8	3,417	23.2	0.54	292.3
Total	**2,731,571**	**100.0**	**14,759**	**100.0**	**1.00**	**540.3**

Table B3: Total charges for obstruct justice offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	433	37.6	0.78	32.7
Black	239,850	8.8	489	42.5	4.83	203.9
Other racial minority	1,169,065	42.8	229	19.9	0.46	19.6
Total	**2,731,571**	**100.0**	**1,151**	**100.0**	**1.00**	**42.1**

Table B4: Total charges for assault police, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	1,842	50.2	1.04	139.3
Black	239,850	8.8	1,223	33.3	3.78	509.9
Other racial minority	1,169,065	42.8	607	16.5	**0.38**	51.9
Total	**2,731,571**	**100.0**	**3,672**	**100.0**	**1.00**	**134.4**

Table B5: Total charges for uttering threats against police, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	4,726	47.9	0.99	357.3
Black	239,850	8.8	2,673	27.1	3.08	1,114.5
Other racial minority	1,169,065	42.8	2,462	25.0	0.58	210.6
Total	**2,731,571**	**100.0**	**9,861**	**100.0**	**1.00**	**361.0**

Table B6: Total charges for cannabis possession, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	1,935	40.3	0.83	146.3
Black	239,850	8.8	1,802	37.6	4.27	751.3
Other racial minority	1,169,065	42.8	1,061	22.1	0.52	90.7
Total	**2,731,571**	**100.0**	**4,798**	**100.0**	**1.00**	**175.6**

Table B7: Total charges for "other" illegal drug possession, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	3,037	52.0	1.07	229.6
Black	239,850	8.8	1,663	28.5	3.24	693.3
Other racial minority	1,169,065	42.8	1,139	19.5	0.46	97.4
Total	**2,731,571**	**100.0**	**5,839**	**100.0**	**1.00**	**213.7**

Table B8: Total charges for "out-of-sight" driving offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	3,230	39.7	0.82	244.2
Black	239,850	8.8	2,864	35.2	4.00	1,194.1
Other racial minority	1,169,065	42.8	2,035	25.0	0.58	174.1
Total	**2,731,571**	**100.0**	**8,129**	**100.0**	**1.00**	**297.6**

Table B9: Total charges for disturbing the peace offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	193	55.9	1.15	14.6
Black	239,850	8.8	96	27.8	3.16	40.0
Other racial minority	1,169,065	42.8	56	16.2	0.38	4.8
Total	**2,731,571**	**100.0**	**345**	**100.0**	**1.00**	**12.6**

Table B10: Total charges for trespassing offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White	1,322,656	48.4	1,172	52.7	1.09	88.6
Black	239,850	8.8	627	28.2	3.20	261.4
Other racial minority	1,169,065	42.8	426	19.1	0.45	36.4
Total	**2,731,571**	**100.0**	**2,225**	**100.0**	**1.00**	**81.5**

Table B11: Total charges in study sample, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	43,111	38.5	1.63	6,673.9
White female	676,690	24.8	7,842	7.0	0.28	1,158.9
Black male	109,870	4.0	32,625	29.1	7.27	29,694.2
Black female	129,980	4.8	3,646	3.3	0.69	2,805.1
Other racial minority male	557,760	20.4	21,950	19.6	0.96	3,935.4
Other racial minority female	611,315	22.4	2,774	2.5	0.11	453.8
Total	**2,731,571**	**100.0**	**111,948**	**100.0**	**1.00**	**4,098.3**

Table B12: Total charges for failure to comply offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	5,447	36.9	1.56	843.2
White female	676,690	24.8	1,067	7.2	0.29	157.7
Black male	109,870	4.0	4,417	29.9	7.48	4,020.2
Black female	129,980	4.8	411	2.8	0.58	316.2
Other racial minority male	557,760	20.4	3,109	21.1	1.03	557.4
Other racial minority female	611,315	22.4	304	2.1	0.09	49.7
Total	**2,731,571**	**100.0**	**14,755**	**100.0**	**1.00**	**540.2**

Table B13: Total charges for obstruct justice offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	360	31.3	1.33	55.7
White female	676,690	24.8	73	6.3	0.25	10.8
Black male	109,870	4.0	431	37.4	9.35	392.3
Black female	129,980	4.8	58	5.0	1.04	44.6
Other racial minority male	557,760	20.4	197	17.1	0.84	35.3
Other racial minority female	611,315	22.4	32	2.8	0.13	5.2
Total	**2,731,571**	**100.0**	**1,151**	**100.0**	**1.00**	**42.1**

Table 14: Total charges for assault police, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	1,412	38.5	1.63	218.6
White female	676,690	24.8	430	11.7	0.47	63.5
Black male	109,870	4.0	1,016	27.7	6.93	924.7
Black female	129,980	4.8	207	5.6	1.17	159.3
Other racial minority male	557,760	20.4	492	13.4	0.66	88.2
Other racial minority female	611,315	22.4	115	3.1	0.14	18.8
Total	**2,731,571**	**100.0**	**3,672**	**100.0**	**1.00**	**134.42**

Table B15: Total charges for uttering threats against police, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	4,187	42.5	1.80	648.2
White female	676,690	24.8	539	5.5	0.22	79.7
Black male	109,870	4.0	2,374	24.1	6.03	2,160.7
Black female	129,980	4.8	299	3.0	0.63	230.0
Other racial minority male	557,760	20.4	2,257	22.8	1.12	404.7
Other racial minority female	611,315	22.4	203	2.1	0.09	33.2
Total	**2,731,571**	**100.0**	**9,859**	**100.0**	**1.00**	**360.9**

Table B16: Total charges for cannabis possession, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	1,622	33.8	1.43	251.1
White female	676,690	24.8	312	6.5	0.26	46.1
Black male	109,870	4.0	1,666	34.8	8.70	1,516.3
Black female	129,980	4.8	136	2.8	0.58	104.6
Other racial minority male	557,760	20.4	958	20.0	0.98	171.7
Other racial minority female	611,315	22.4	103	2.1	0.09	16.8
Total	**2,731,571**	**100.0**	**4,797**	**100.0**	**1.00**	**175.6**

Table B17: Total charges for "other" illegal drug possession, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	2,403	41.2	1.75	372.0
White female	676,690	24.8	633	10.8	0.43	93.5
Black male	109,870	4.0	1,501	25.7	6.43	1,366.2
Black female	129,980	4.8	162	2.8	0.58	124.6
Other racial minority male	557,760	20.4	990	17.0	0.83	177.5
Other racial minority female	611,315	22.4	148	2.5	0.11	24.2
Total	**2,731,571**	**100.0**	**5,837**	**100.0**	**1.00**	**213.7**

Table B18: Total charges for "out-of-sight" driving offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	2,766	34.0	1.44	428.2
White female	676,690	24.8	461	5.7	0.23	68.1
Black male	109,870	4.0	2,444	30.1	7.53	2,224.4
Black female	129,980	4.8	420	5.2	1.08	323.1
Other racial minority male	557,760	20.4	1,781	21.9	1.07	319.3
Other racial minority female	611,315	22.4	254	3.1	0.14	41.5
Total	**2,731,571**	**100.0**	**8,126**	**100.0**	**1.00**	**297.5**

Table B19: Total charges for disturbing the peace offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	169	48.9	2.07	26.2
White female	676,690	24.8	24	6.9	0.28	3.5
Black male	109,870	4.0	80	23.3	5.83	72.8
Black female	129,980	4.8	16	4.6	0.96	12.3
Other racial minority male	557,760	20.4	43	12.5	0.61	7.7
Other racial minority female	611,315	22.4	13	3.8	0.17	2.1
Total	**2,731,571**	**100.0**	**345**	**100.0**	**1.00**	**12.6**

Table B20: Total charges for trespassing offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	992	44.6	1.89	153.6
White female	676,690	24.8	180	8.1	0.33	26.6
Black male	109,870	4.0	565	25.4	6.35	514.2
Black female	129,980	4.8	62	2.8	0.58	47.7
Other racial minority male	557,760	20.4	386	17.3	0.85	69.2
Other racial minority female	611,315	22.4	40	1.8	0.08	6.5
Total	**2,731,571**	**100.0**	**2,225**	**100.0**	**1.00**	**81.5**

Table B21: Total single charge cases, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	4,290	48.5	1.00	324.3
Black	239,850	8.8	2,549	28.8	3.27	1,062.7
Other racial minority	1,169,065	42.8	2,002	22.6	0.53	171.2
Total	**2,731,571**	**100.0**	**8,841**	**100.0**	**1.00**	**323.6**

Table B22: Total single charge cases for failure to comply offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	1,794	47.0	0.97	135.6
Black	239,850	8.8	1,117	29.2	3.32	465.7
Other racial minority	1,169,065	42.8	910	23.8	0.56	77.8
Total	**2,731,571**	**100.0**	**3,821**	**100.0**	**1.00**	**139.9**

Table B23: Total single charge cases for assault police, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	136	52.3	1.08	10.3
Black	239,850	8.8	74	28.5	3.24	30.8
Other racial minority	1,169,065	42.8	50	19.2	0.45	4.3
Total	**2,731,571**	**100.0**	**260**	**100.0**	**1.00**	**9.5**

Table B24: Total single charge cases for uttering threats against police, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	456	50.1	1.03	34.5
Black	239,850	8.8	245	26.9	3.06	102.2
Other racial minority	1,169,065	42.8	210	23.1	0.54	18.0
Total	**2,731,571**	**100.0**	**911**	**100.00**	**1.00**	**33.3**

Table B25: Total single charge cases for cannabis possession, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	475	39.6	0.82	35.9
Black	239,850	8.8	412	34.3	3.90	171.8
Other racial minority	1,169,065	42.8	314	26.1	0.61	26.9
Total	**2,731,571**	**100.0**	**1,201**	**100.0**	**1.00**	**44.0**

Table B26: Total single charge cases for "other" illegal drug possession, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	607	62.8	1.30	45.9
Black	239,850	8.8	208	21.5	2.44	86.7
Other racial minority	1,169,065	42.8	151	15.6	0.36	12.9
Total	**2,731,571**	**100.0**	**966**	**100.0**	**1.00**	**35.4**

Table B27: Total single charge cases for "out-of-sight" driving offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	304	41.2	0.85	22.0
Black	239,850	8.8	253	34.3	3.90	105.5
Other racial minority	1,169,065	42.8	180	24.4	0.57	15.4
Total	**2,731,571**	**100.0**	**737**	**100.0**	**1.00**	**26.9**

Table B28: Total single charge cases for disturbing the peace offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	28	58.3	1.20	2.1
Black	239,850	8.8	12	25.0	2.84	5.0
Other racial minority	1,169,065	42.8	8	16.7	0.39	0.7
Total	**2,731,571**	**100.0**	**48**	**100.0**	**1.00**	**1.7**

Table B29: Total single charge cases for trespassing offences, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of cases	Odds ratio	Case rate (per 100,000)
White	1,322,656	48.4	487	54.8	1.13	36.8
Black	239,850	8.8	227	25.6	2.91	94.6
Other racial minority	1,169,065	42.8	174	19.6	0.45	14.9
Total	**2,731,571**	**100.0**	**888**	**100.0**	**1.00**	**32.5**

Table B30: Total single charge cases, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of cases	% of cases	Odds ratio	Case rate (per 100,000)
White male	645,960	23.6	3,478	39.3	1.67	538.4
White female	676,690	24.8	812	9.2	0.37	120.0
Black male	109,870	4.0	2,262	25.6	6.40	2,058.8
Black female	129,980	4.8	287	3.2	0.80	220.8
Other racial minority male	557,760	20.4	1,763	19.9	0.97	316.1
Other racial minority female	611,315	22.4	237	2.7	0.12	38.8
Total	**2,731,571**	**100.0**	**8,839**	**100.0**	**1.00**	**323.6**

Table B31: Total single charges for failure to comply offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of cases	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	1,433	37.5	1.59	221.8
White female	676,690	24.8	361	9.4	0.38	53.3
Black male	109,870	4.0	991	25.9	6.47	902.0
Black female	129,980	4.8	126	3.3	0.69	96.9
Other racial minority male	557,760	20.4	784	20.5	1.00	140.6
Other racial minority female	611,315	22.4	126	3.3	0.15	20.6
Total	**2,731,571**	**100.0**	**3,821**	**100.0**	**1.00**	**139.9**

Table B32: Total single charges for assault police, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	89	34.2	1.45	13.8
White female	676,690	24.8	47	18.1	0.73	6.9
Black male	109,870	4.0	57	21.9	5.47	51.9
Black female	129,980	4.8	17	6.5	1.35	13.1
Other racial minority male	557,760	20.4	37	14.2	0.69	6.6
Other racial minority female	611,315	22.4	13	5.0	0.22	2.1
Total	**2,731,571**	**100.0**	**260**	**100.0**	**1.00**	**9.5**

Table B33: Total single charges for uttering threats against police, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	385	42.3	1.79	59.6
White female	676,690	24.8	71	7.8	0.31	10.5
Black male	109,870	4.0	216	23.7	5.93	196.6
Black female	129,980	4.8	29	3.2	0.67	22.3
Other racial minority male	557,760	20.4	191	20.9	1.02	34.2
Other minority female	611,315	22.4	19	2.1	0.09	3.1
Total	**2,731,571**	**100.0**	**911**	**100.0**	**1.00**	**33.3**

Table B34: Total single charges for Cannabis Possession, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	413	34.4	1.46	63.9
White female	676,690	24.8	62	5.2	0.21	9.2
Black male	109,870	4.0	383	31.9	7.97	348.6
Black female	129,980	4.8	29	2.4	0.50	22.3
Other racial minority male	557,760	20.4	296	24.6	1.21	53.1
Other racial minority female	611,315	22.4	18	1.5	0.07	2.9
Total	**2,731,571**	**100.0**	**1,201**	**100.0**	**1.00**	**44.0**

Table B35: Total single charges for "other" illegal drug possession, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	471	48.7	2.06	72.9
White female	676,690	24.8	136	14.1	0.57	20.1
Black male	109,870	4.0	188	19.5	4.87	171.1
Black female	129,980	4.8	20	2.1	0.44	15.4
Other racial minority male	557,760	20.4	135	14.0	0.69	24.2
Other racial minority female	611,315	22.4	16	1.6	0.07	2.6
Total	**2,731,571**	**100.0**	**966**	**100.0**	**1.00**	**35.4**

Table B36: Total single charges for "out-of-sight" driving offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	254	34.5	1.46	39.3
White female	676,690	24.8	50	6.8	0.27	7.4
Black male	109,870	4.0	221	30.0	7.50	201.1
Black female	129,980	4.8	32	4.3	0.90	24.6
Other racial minority male	557,760	20.4	152	20.6	1.01	27.3
Other racial minority female	611,315	22.4	28	3.8	0.17	4.6
Total	**2,731,571**	**100.0**	**737**	**100.0**	**1.00**	**27.0**

Table B37: Total single charges for disturbing the peace offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	25	52.1	2.21	3.9
White female	676,690	24.8	3	6.3	0.25	0.4
Black male	109,870	4.0	10	20.8	5.20	9.1
Black female	129,980	4.8	2	4.2	0.87	1.5
Other racial minority male	557,760	20.4	6	12.5	0.61	1.1
Other racial minority female	611,315	22.4	2	4.2	0.19	0.3
Total	**2,731,571**	**100.0**	**48**	**100.0**	**1.00**	**1.7**

Table B38: Total single charges for trespassing offences, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of charges	% of charges	Odds ratio	Charge rate (per 100,000)
White male	645,960	23.6	407	45.8	1.94	63.0
White female	676,690	24.8	80	9.0	0.36	11.8
Black male	109,870	4.0	195	21.9	5.47	177.5
Black female	129,980	4.8	32	3.6	0.75	24.6
Other racial minority male	557,760	20.4	160	18.0	0.88	28.7
Other racial minority female	611,315	22.4	14	1.6	0.07	2.3
Total	**2,731,571**	**100.0**	**888**	**100.0**	**1.00**	**32.5**

Table B39: Number of criminal charges per arrest, by racial background, Toronto Police Service, November 5, 2013 – July 31, 2017

Number of charges per arrest	Black civilians				White civilians				Other racial minority civilians			
	Arrest count	% within charge count	Odds ratio	Rate	Arrest count	% within charge count	Odds ratio	Rate	Arrest count	% within charge count	Odds ratio	Rate
1	2,541	28.8	3.3	1,059	4,280	48.6	1.0	324	1,990	22.6	0.5	170
2 – 5	6,111	30.5	3.5	2,547	9,400	46.9	1.0	711	4,521	22.6	0.5	387
6 – 9	1,154	33.8	3.8	481	1,486	43.5	0.9	112	777	22.7	0.5	66
10 plus	492	38.9	4.3	205	507	40.0	0.8	38	267	21.1	0.5	23

Table B40: Number of criminal charges per arrest, by racial background, male civilians only, Toronto Police Service, November 5, 2013 – July 31, 2017

Number of charges per arrest	Black civilians				White civilians				Other racial minority civilians			
	Arrest count	% within charge count	Odds ratio	Rate	Arrest count	% within charge count	Odds ratio	Rate	Arrest count	% within charge count	Odds ratio	Rate
1	2,256	25.6	6.4	2,053	3,470	39.4	1.7	537	1,755	19.9	1.0	321
2 – 5	5,366	26.8	6.7	4,884	7,829	39.1	1.7	1,212	3,958	19.7	1.0	724
6 – 9	1,042	30.5	7.6	948	1,301	38.1	1.6	201	711	20.8	1.0	130
10 plus	463	36.6	9.1	421	441	34.8	1.5	68	241	19.0	0.9	44

Table B41: Mean number of charges per arrest, by race of civilian

Race	Mean number of charges per arrest
Black	3.57
White	3.29
Other	3.33
Total	**3.39**

$F_{(2, 33523)} = 18.57$, $p < .001$

Table B42: Mean number of charges per arrest, by race of civilian, male civilians only

Race	Mean number of charges per arrest
Black	3.63
White	3.35
Other	3.35
Total	**3.44**

$F_{(2, 28830)} = 16.40$, $p < .001$

Table B43: Mean number of charges per arrest, by race of civilian, female civilians only

Race	Mean number of charges per arrest
Black	3.15
White	2.99
Other	3.20
Total	**3.07**

$F_{(2, 4683)} = 1.17$, $p = .177$

**Figure B1: Mean number of charges
per arrest,by race of civilian**
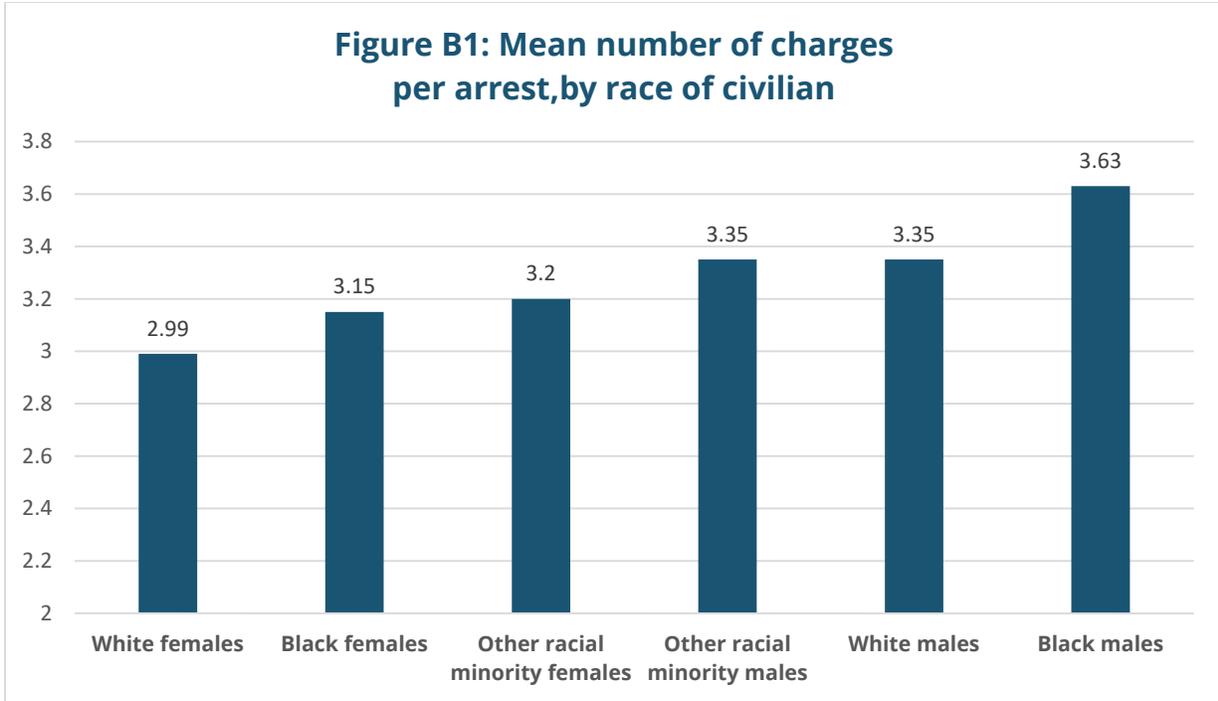
Part C: Type of release

- The OHRC's data request produced a dataset consisting of 31,490 arrests in which the race of the civilian and the release details were known. These arrests include the nine core offences at the centre of the inquiry – plus all accompanying charges that were laid during the same arrest incident.

- At the time of report preparation, the information on the "type of release" available to the researchers was quite limited. Due to a series of communication issues between the OHRC and the TPS, the research team was unable to confidently distinguish between cases where the civilian was booked and released by the police from cases where they were detained for a "show cause" hearing. Thus, the analysis below only provides an examination of two general release categories: released on the street or detained and booked at the station. The current analysis does not distinguish between people booked at the station and released by the police from people held in custody for a remand or "show cause" hearing. Furthermore, we cannot distinguish between civilians who were actually remanded to pre-trial custody from people who were granted pre-trial release (with or without conditions). The research team is currently working with the TPS to enable an accurate analysis of show cause releases. We are hopeful that this additional analysis will be provided in the near future as an addendum to this report.

- The results suggest that during the arrest or charge incident, one out of five civilians (20.6%) were released on the street. According to the data, almost 80% of respondents (79.4%) were detained and transferred to the station for booking (see Table C1).

- The results suggest that, at least with respect to the cases documented by the OHRC data request, race does not have a statistically significant impact on release type (see Table C1). Overall, Black civilians were just as likely to be released on the street (20.7%) as White civilians (20.2%) and civilians from other racial minority groups (21.3%).

Released on the street

- Black people are grossly over-represented in total arrests that resulted in a release on the street (see Table C2). Although they represent only 8.8% of Toronto's population, Black people represent 30.7% of arrests that result in a release on the street. In other words, Black people are 3.5 times more likely to appear in arrests that result in a release on the street than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The Black street release rate (830 per 100,000) is 3.7 times greater than the White rate (224 per 100,000) and 6.3 times greater than the rate for people from other racial minority groups (131 per 100,000).

Booked at the station

- Black people are also grossly over-represented in total arrests that resulted in being booked at the station (see Table C3). Although they represent only 8.8% of Toronto's population, Black people represent 30.5% of arrests that result in a booking at the station. In other words, Black people are 3.5 times more likely to appear in arrests that result in a booking at the station than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The Black booking rate (3,175 per 100,000) is 3.6 times greater than the White rate (886 per 100,000) and 6.5 times greater than the rate for people from other racial minority groups (486 per 100,000).

- The fact that Black people are over-represented among both those released on the street and booked at the station reflects the gross racial disparities in the over-all TPS charge rate documented in Part B.

The impact of sex

Released on the street

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 26.7% of arrests that result in street releases, as captured by the OHRC data request (see Table C4). In other words, Black males are 6.7 times more likely to appear in arrests that result in a street release than their representation in the general population would predict.

- White males are also over-represented in arrests that result in a street release (odds ratio = 1.6). The representation of other racial minority males equals their representation in the general population. Women from all racial categories are under-represented.

- The overall street release rate for Black males (1,574 per 100,000) is four times higher than the rate for White males (385 per 100,000) and 6.5 times higher than the rate for males from other racial minority backgrounds (244 per 100,000).

- The overall street release rate for Black women (201 per 100,000) is 2.8 times higher than the rate for White women (71 per 100,000) and 7.2 times higher than the rate for women from other racial minority groups (28 per 100,000).

Booked at the station

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 27.1% of arrests that result in being booked at the station, as captured by the OHRC data request (see Table C5). In other words, Black males are 6.8 times more likely to appear in arrests that result in a station booking than their representation in the general population would predict.

- White males are also over-represented in arrests that result in being booked at the station (odds ratio = 1.6). The representation of other racial minority males approximately equals their representation in the general population. Women from all racial categories are under-represented.

- The overall station booking rate for Black males (6,166 per 100,000) is 4.1 times higher than the rate for White males (1,503 per 100,000) and 6.9 times higher than the rate for males from other racial minority backgrounds (897 per 100,000).

- The overall station booking rate for Black women (646 per 100,000) is 2.2 times higher than the rate for White women (296 per 100,000) and 5.9 times higher than the rate for women from other racial minority groups (110 per 100,000).

Single charge cases

- In this section, we present release data on all cases in which the suspect was charged with only one offence. All of the single charge arrests involve one of the nine core offences at the centre of the OHRC inquiry. This analysis enables a further examination of the representation of Black people in different release outcomes for these core offences, after removing the influence of other types of charges that are included for an arrest incident.

- There are 9,309 arrest incidents in the dataset that involve only one charge. Both civilian race and release details were available for only 8,226 of these 9,309 single charge cases (88.4%). It is these cases that are the focus of the analysis in this section of the report.

- Overall, the data suggest that 38.1% of single charge cases involved a street release. By contrast, six out of 10 single charge cases (61.9%) involved being detained to be booked at the station.

- Release type varies significantly by type of offence. For example, 98.6% of failure to comply suspects were taken into custody and booked at the station, as were 97.2% of those charged with uttering threats against police and 86.4% charged with assault

police. By contrast, only 1.8% of people charged with an "out-of-sight" traffic offence and 12.1% of those charged with a single count of cannabis possession were taken into custody.

- Overall, the data suggest that race does not have a statistically significant impact on release type for single charge cases (Table C6). Black civilians involved in single charge cases are just as likely to be released on the street (38.8%) as their White (38.2%) and other racial minority counterparts (37.2%).

- Tables C7 through C14 present racial differences in release type, for single charge cases, involving each of the nine charges that are at the focus of the OHRC inquiry. The results suggest that there are no statistically significant racial differences for eight of the nine charge categories. The only exception is "other" (non-cannabis) drug possession (see Table C11). In this case, White civilians are significantly more likely to be released on the street (56.9%) than their Black (46.2%) and other racial minority counterparts (40.4%).

- This finding is consistent with previous Canadian research that examined TPS drug possession arrests from 1996 to 2001. This study found that Black persons accused of simple drug possession (38%) were much more likely than White accused persons (23%) to be taken to the police station for processing. White accused persons were more likely to be released at the scene. Once at the police station, Black accused persons were held overnight, for a bail hearing, at twice the rate of White accused persons. These racial disparities in TPS treatment remained after controlling for other relevant factors, including age and criminal history. These findings suggest that race may influence police behaviour once an arrest is made (Owusu-Bempah and Wortley 2014).

Released on the street

- During the study period, Black people were grossly over-represented in single charge cases that resulted in street releases (see Table C15). Although they represent only 8.8% of Toronto's population, Black people represent 30.8% of single charge cases that result in street releases. In other words, Black people are 3.5 times more likely to appear in single charge cases that result in street releases than their representation in the general population would predict. By contrast, the representation of White people in single charge cases that resulted in street releases is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black street release rate for single charge cases (378 per 100,000) is 3.3 times greater than the White rate (116 per 100,000) and 8.8 times greater than the rate for people from other racial minority groups (43 per 100,000).

Booked at the station

- During the study period, Black people were also grossly over-represented in total single charge arrests that resulted in being booked at the station (see Table C16). Although they represent only 8.8% of Toronto's population, Black people represent 29.8% of single charge cases that result in being booked at the station. In other words, Black people are 3.4 times more likely to appear in single charge cases that result in station bookings than their representation in the general population would predict. By contrast, the representation of White people in single charge cases that resulted in station bookings is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The booked at the station rate for Black people involved in single charge cases (597 per 100,000) is 3.2 times greater than the White rate (187 per 100,000) and 7.8 times greater than the rate for people from other racial minority groups (77 per 100,000).

Table C1: Type of release, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	1,990 (20.7%)	7,615 (79.3%)	9,605 (100%)
White	2,963 (20.2%)	11,713 (79.8%)	14,767 (100%)
Other	1,532 (21.3%)	5,677 (78.7%)	7,209 (100%)
Total	**6,485 (20.6%)**	**25,005 (79.4%)**	**31,490 (100%)**

Chi-Sq = 3.464, p =.177

Table C2: Total arrests released on the street, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests released on the street	% of arrests released on the street	Odds ratio	Released rate (per 100,000)
White	1,322,656	48.4	2,963	45.7	0.94	224.0
Black	239,850	8.8	1,990	30.7	3.49	829.7
Other racial minority	1,169,065	42.8	1,532	23.6	0.55	131.0
Total	**2,731,571**	**100.0**	**6,485**	**100.0**	**1.00**	**237.4**

Table C3: Total arrests booked at the station, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests booked at the station	% of arrests booked at the station	Odds ratio	Booked rate (per 100,000)
White	1,322,656	48.4	11,713	46.8	0.97	885.6
Black	239,850	8.8	7,615	30.5	3.47	3,174.9
Other racial minority	1,169,065	42.8	5,677	22.7	0.53	485.6
Total	**2,731,571**	**100.0**	**25,005**	**100.0**	**1.00**	**915.4**

Table C4: Total arrests released on the street, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests released on the street	% of arrests released on the street	Odds ratio	Released rate (per 100,000)
White male	645,960	23.6	2,485	38.3	1.62	384.7
White female	676,690	24.8	477	7.4	0.30	70.5
Black male	109,870	4.0	1,729	26.7	6.68	1,573.7
Black female	129,980	4.8	261	4.0	0.83	200.8
Other racial minority male	557,760	20.4	1,359	21.0	1.03	243.7
Other racial minority female	611,315	22.4	173	2.7	0.12	28.3
Total	**2,731,571**	**100.0**	**6,484**	**100.0**	**1.00**	**237.4**

Table C5: Total arrests booked at the station, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests booked at the station	% of arrests booked at the station	Odds ratio	Booked rate (per 100,000)
White male	645,960	23.6	9,707	38.8	1.64	1,502.7
White female	676,690	24.8	2,004	8.0	0.32	296.1
Black male	109,870	4.0	6,775	27.1	6.78	6,166.4
Black female	129,980	4.8	840	3.4	0.71	646.3
Other racial minority male	557,760	20.4	5,002	20.0	0.98	896.8
Other racial minority female	611,315	22.4	671	2.7	0.12	109.8
Total	**2,731,571**	**100.0**	**24,999**	**100.0**	**1.00**	**915.2**

Table C6: Type of release, by civilian race, total single charge cases, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	906 (38.8%)	1431 (61.2%)	2,337 (100%)
White	1,528 (38.2%)	2,470 (61.8%)	3,988 (100%)
Other	703 (37.2%)	1,188 (62.8%)	1,891 (100%)
Total	**3,137 (38.1%)**	**5,089 (61.9%)**	**8,226 (100%)**

Chi-Sq = 1.145, p =.564

Table C7: Type of release, by racial group, single charge cases involving failure to comply offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	12 (1.3%)	897 (98.7%)	909 (100%)
White	22 (1.6%)	1,363 (98.4%)	1,385 (100%)
Other	8 (1.1%)	718 (98.9%)	726 (100%)
Total	**42 (1.4%)**	**2,978 (98.6%)**	**3,020 (100%)**

Chi-Sq = .869, p =.647

Table C8: Type of release, by civilian race, single charge cases involving assault police offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	5 (9.8%)	46 (90.2%)	51 (100%)
White	16 (13.9%)	99 (86.1%)	115 (100%)
Other	7 (17.5%)	33 (82.5%)	40 (100%)
Total	**28 (13.6%)**	**178 (86.4%)**	**206 (100%)**

Chi-Sq = 1.153, p = .562

Table C9: Type of release, by civilian race, single charge cases involving uttering threats against police, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	6 (2.8%)	211 (97.2%)	217 (100%)
White	11 (2.5%)	428 (97.5%)	439 (100%)
Other	7 (3.5%)	195 (96.5%)	202 (100%)
Total	**24 (2.8%)**	**834 (97.2%)**	**858 (100%)**

Chi-Sq = .470, p = .791

Table C10: Type of release, by civilian race, single charge cases involving cannabis possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	340 (86.1%)	55 (13.9%)	395 (100%)
White	409 (87.4%)	59 (12.6%)	468 (100%)
Other	283 (91.0%)	28 (9.0%)	311 (100%)
Total	**1,032 (87.9%)**	**142 (12.1%)**	**1,174 (100%)**

Chi-Sq = 4.154, p = .125

Table C11: Type of release, by civilian race, single charge cases involving "other" illegal drug possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	91 (46.2%)	106 (53.8%)	197 (100%)
White	314 (56.9%)	238 (43.1%)	552 (100%)
Other	57 (40.4%)	84 (59.6%)	141 (100%)
Total	**462 (51.9%)**	**428 (48.1%)**	**890 (100%)**

Chi-Sq = 15.500, p<.001

Table C12: Type of release, by civilian race, single charge cases involving "out-of-sight" driving offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	236 (97.5%)	6 (2.5%)	242 (100%)
White	283 (98.3%)	5 (1.7%)	288 (100%)
Other	176 (98.9%)	2 (1.1%)	178 (100%)
Total	**695 (98.2%)**	**13 (1.8%)**	**708 (100%)**

Chi-Sq = 1.073, p=.585

Table C13: Type of release, by civilian race, single charge cases involving disturbing the peace offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	7 (63.6%)	4 (36.4%)	11 (100%)
White	12 (46.4%)	15 (53.6%)	28 (100%)
Other	5 (62.5%)	3 (37.5%)	8 (100%)
Total	**22 (46.8%)**	**25 (53.2%)**	**47 (100%)**

Chi-Sq = 1.275, p = .529

Table C14: Type of release, by civilian race, single charge cases involving trespassing offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Street	Booked	Total
Black	205 (91.5%)	19 (8.5%)	224 (100%)
White	445 (91.9%)	39 (8.1%)	484 (100%)
Other	160 (92.5%)	13 (7.5%)	173 (100%)
Total	**810 (91.9%)**	**71 (8.1%)**	**881 (100%)**

Chi-Sq = .123, p = .940

Table C15: Total single charge cases, released on the street, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests released on the street	% of arrests released on the street	Odds ratio	Released rate (per 100,000)
White	1,322,656	48.4	1,528	52.0	1.07	115.5
Black	239,850	8.8	906	30.8	3.50	377.7
Other racial minority	1,169,065	42.8	505	17.2	0.40	43.2
Total	**2,731,571**	**100.0**	**2,939**	**100.0**	**1.00**	**107.6**

Table C16: Total single charge cases, booked at the station, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests booked at the station	% of arrests booked at the station	Odds ratio	Booked rate (per 100,000)
White	1,322,656	48.4	2,470	51.5	1.06	186.7
Black	239,850	8.8	1,431	29.8	3.39	596.6
Other racial minority	1,169,065	42.8	899	18.7	0.44	76.9
Total	**2,731,571**	**100.0**	**4,800**	**100.0**	**1.00**	**175.7**

Part D: Post-charge police detention

- In addition to information on "street" vs. "station" releases, the dataset received from the TPS contained a variable or field labelled "detained." The data dictionary provided by the TPS describes this variable or field as "an indicator of if the party was booked." The only two response options for this variable are "Y" (yes) and "N" (no).

- As with the release field data, the information provided by the "detained" variable is quite vague. It does not clearly indicate the type of detention, what occurred during the detention, how long the detention lasted, whether the suspect was held in a cell, or whether the suspect was held for a remand hearing.

- Note that there are other variables in the dataset that appear to be designed to capture information on the nature of detention or booking activities (e.g., whether the suspect was searched, photographed, fingerprinted, assigned to a cell, etc.). Unfortunately, for most cases, this information was missing. The TPS told us that this information is usually missing because these fields are not "mandatory" and do not have to be filled out by officers. This missing information severely limits the types of analysis possible.

- The OHRC's data request produced a dataset consisting of 32,483 arrests in which the race of the civilian and overall detainment details were known. These arrests include the nine core offences at the centre of the inquiry – plus all accompanying charges that were laid during the same arrest incident.

- Overall, the data indicated that 80.1% of suspects were detained and booked by police officers, and 19.9% were not detained (Table D1). These figures are consistent with the release type data presented in Section C.

- The results suggest that race does not have a statistically significant impact on whether an accused person was detained by TPS officers (Table D1). Regardless of race, approximately 80% of suspects were detained.

Not detained

- Black people are grossly over-represented in total arrests that did not result in detention (see Table D2). Although they represent only 8.8% of Toronto's population, Black people represent 30.7% of arrests that did not result in detention. In other words, Black people are 3.5 times more likely to appear in arrests that did not result in detainment than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The Black non-detainment rate (826 per 100,000) is 3.7 times greater than the White rate (223 per 100,000) and 6.3 times greater than the rate for people from other racial minority groups (131 per 100,000).

Detained

- Black people are grossly over-represented in total arrests that resulted in detention (see Table D3). Although they represent only 8.8% of Toronto's population, Black people represent 30.5% of arrests that result in detention. In other words, Black people are 3.5 times more likely to appear in arrests that result in detention than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented.

- The Black detention rate (3,309 per 100,000) is 3.6 times greater than the White rate (926 per 100,000) and 6.6 times greater than the rate for people from other racial minority groups (500 per 100,000).

- The fact that Black suspects are grossly over-represented among both those who were and were not detained by the police reflects the gross racial disparities in TPS charge practices documented in Part B of this report.

The impact of race and sex

Not detained

- The data further demonstrate that arrests involving Black males have higher non-detention rates than all other suspects.

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 26.7% of arrests that do not result in detention (see Table D4). In other words, Black males are 6.7 times more likely to appear in arrests that do not result in detention than their representation in the general population would predict.

- White males are also over-represented in arrests that do not result in detention (odds ratio = 1.6). The representation of other racial minority males equals their representation in the general population. Women from all racial categories are under-represented.

- The overall non-detention rate for Black males (1,566 per 100,000) is 4.1 times higher than the rate for White males (383 per 100,000) and 6.4 times higher than the rate for males from other racial minority backgrounds (243 per 100,000).

- The overall non-detention rate for Black women (199 per 100,000) is 2.8 times higher than the rate for White women (70 per 100,000) and 7.1 times higher than the rate for women from other racial minority groups (28 per 100,000).

Detained

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in 27.2% of arrests that result in detainment, as captured by the OHRC data request (see Table D5). In other words, Black males are 6.8 times more likely to appear in arrests that result in detainment than their representation in the general population would predict.

- White males are also over-represented in arrests that result in detainment (odds ratio = 1.7). All other gender-race categories are under-represented.

- The overall detainment rate for Black males (6,432 per 100,000) is 4.1 times higher than the rate for White males (1,574 per 100,000) and seven times higher than the rate for males from other racial minority backgrounds (925 per 100,000).

- The overall detainment rate for Black women (669 per 100,000) is 2.2 times higher than the rate for White women (307 per 100,000) and 5.9 times higher than the rate for women from other racial minority groups (113 per 100,000).

Single charge arrests

- In this section, we present release data on all cases in which the suspect was arrested and charged with only one offence. All of the single charge arrests involve one of the nine core offences at the centre of the OHRC inquiry. This analysis enables a further examination of the representation of Black people in detention outcomes for these core offences, after removing the influence of other types of charges that are included for an arrest incident.

- There are 9,309 arrest incidents in the dataset that involve a single charge – approximately 8% of the total sample. Civilian race information and detainment details were available for 8,537 cases (91.7%) of the 9,309 single charge cases. These cases are the focus of the analysis in this section.

- For single charge cases, the results suggest that there is no statistically significant difference in the likelihood being detained for Black suspects, White suspects, or suspects from other racial minority groups (Table D6).

- Further analysis reveals that race does not impact the likelihood of detention for seven of the nine charges that are the focus of the OHRC inquiry (see Tables D7 to D14). The two exceptions relate to single charge drug possession cases (see Tables D10 and D11). The results indicate that for single charge cannabis possession cases, 17.8% of Black suspects were detained and booked by the TPS officers, compared to 14.3% of White suspects and 10.2% of other racial minority suspects. Similarly, for single charge "other" drug possession cases, 56.3% of Black suspects were detained, compared to 46.6% of White suspects and 61.2% of suspects from other racial minority groups.

Total single charges

- During the study period, Black people were grossly over-represented in single charge arrests that did not result in detainment (see Table D15). Although they represent only 8.8% of Toronto's population, Black people represent 28.8% of single charge arrests that did not result in detainment. In other words, Black people are 3.3 times more likely to appear in single charge arrests that do result in detainment than their representation in the general population would predict. By contrast, the representation of White people in single charge arrests that did not result in detainment is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black non-detainment rate for single charge cases (375 per 100,000) is 3.3 times greater than the White rate (115 per 100,000) and 6.3 times greater than the rate for people from other racial minority groups (60 per 100,000).

Detained

- During the study period, Black people were also grossly over-represented in total single charge arrests that resulted in detainment (see Table D16). Although they represent only 8.8% of Toronto's population, Black people represent 28.6% of single charge arrests that result in detainment. In other words, Black people are 3.3 times more likely to appear in single charge arrests that result in detainment than their representation in the general population would predict. By contrast, the representation of White people in single charge arrests that resulted in detainment is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black detainment rate for single charge cases (647 per 100,000) is 3.3 times greater than the White rate (199 per 100,000) and 6.1 times greater than the rate for people from other racial minority groups (106 per 100,000).

Table D1: Post-charge police detention details, by civilian race, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	1,980 (20.0%)	7,937 (80.0%)	9,917 (100%)
White	2,943 (19.4%)	12,244 (80.6%)	15,187 (100%)
Other	1,529 (20.7%)	5,850 (79.3%)	7,379 (100%)
Total	**6,452 (19.9%)**	**26,031 (80.1%)**	**32,483 (100%)**

Chi-Sq = 5.719, p = 0.57

Table D2: Total charge incidents not involving a police detention, by civilian race, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests not detained	% of arrests not detained	Odds ratio	Not detained rate (per 100,000)
White	1,322,656	48.4	2,943	45.6	0.94	222.5
Black	239,850	8.8	1,980	30.7	3.49	825.5
Other racial minority	1,169,065	42.8	1,529	23.7	0.55	130.8
Total	**2,731,571**	**100.0**	**6,452**	**100.0**	**1.00**	**236.2**

Table D3: Total charge incidents involving a police detention by civilian race, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests detained	% of arrests detained	Odds ratio	Detained rate (per 100,000)
White	1,322,656	48.4	12,244	47.0	0.97	925.7
Black	239,850	8.8	7,937	30.5	3.47	3,309.2
Other racial minority	1,169,065	42.8	5,850	22.5	0.53	500.4
Total	**2,731,571**	**100.0**	**26,031**	**100.0**	**1.00**	**953.0**

Table D4: Total charge incidents not involving a police detention, by civilian race and gender, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests not detained	% of arrests not detained	Odds ratio	Not detained rate (per 100,000)
White male	645,960	23.6	2,472	38.3	1.62	382.7
White female	676,690	24.8	470	7.3	0.29	69.5
Black male	109,870	4.0	1,721	26.7	6.68	1,566.4
Black female	129,980	4.8	259	4.0	0.83	199.3
Other racial minority male	557,760	20.4	1,357	21.0	1.03	243.3
Other racial minority female	611,315	22.4	172	2.7	0.12	28.1
Total	**2,731,571**	**100.0**	**6,451**	**100.0**	**1.00**	**236.2**

Table D5: Total charge incidents involving a police detention, by civilian race and gender, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests detained	% of arrests detained	Odds ratio	Detained rate (per 100,000)
White male	645,960	23.6	10,168	39.1	1.66	1,574.1
White female	676,690	24.8	2,074	8.0	0.32	306.5
Black male	109,870	4.0	7,067	27.2	6.80	6,432.1
Black female	129,980	4.8	870	3.3	0.69	669.3
Other racial minority male	557,760	20.4	5,157	19.8	0.97	924.6
Other racial minority female	611,315	22.4	689	2.6	0.12	112.7
Total	**2,731,571**	**100.0**	**26,025**	**100.0**	**1.00**	**952.7**

Table D6: Post-charge police detention details, by race, single charge arrests, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	899 (36.7%)	1,552 (63.3%)	2,451 (100%)
White	1,517 (36.6%)	2,627 (63.4%)	4,144 (100%)
Other	701 (36.1%)	1,241 (63.9%)	1,942 (100%)
Total	**3,117 (36.5%)**	**5,420 (63.5%)**	**8,537 (100%)**

Chi-Sq = .190, p = .909

Table D7: Post-charge police detention details, single charge cases involving a failure to comply offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	10 (1.0%)	946 (99.0%)	956 (100%)
White	22 (1.5%)	1,448 (98.5%)	1,470 (100%)
Other	7 (0.9%)	750 (99.1%)	757 (100%)
Total	**39 (1.2%)**	**3,144 (98.8%)**	**3,183 (100%)**

Chi-Sq = 1.713, p = .425

Table D8: Post-charge police detention details, single charge cases involving an assault police offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	5 (7.4%)	63 (92.6%)	68 (100%)
White	16 (12.7%)	110 (87.3%)	126 (100%)
Other	7 (15.2%)	39 (84.8%)	46 (100%)
Total	**28 (11.7%)**	**212 (88.3%)**	**240 (100%)**

Chi-Sq = 1.921, p = .383

Table D9: Post-charge police detention details, single charge cases involving uttering threats against police, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	5 (2.1%)	228 (97.9%)	233 (100%)
White	9 (2.0%)	437 (98.0%)	446 (100%)
Other	7 (3.4%)	198 (96.6%)	205 (100%)
Total	**21 (2.4%)**	**863 (97.6%)**	**884 (100%)**

Chi-Sq = 1.253, p = .534

Table D10: Post-charge police detention details, single charge cases involving cannabis possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	337 (82.2%)	73 (17.8%)	410 (100%)
White	406 (85.7%)	68 (14.3%)	474 (100%)
Other	282 (89.8%)	32 (10.2%)	314 (100%)
Total	**1,025 (85.6%)**	**173 (14.4%)**	**1,198 (100%)**

Chi-Sq = 8.349, p = .015

Table D11: Post-charge police detention details, single charge cases involving "other" illegal drug possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	90 (43.7%)	116 (56.3%)	206 (100%)
White	308 (53.4%)	269 (46.6%)	577 (100%)
Other	57 (38.8%)	90 (61.2%)	147 (100%)
Total	**455 (48.9%)**	**475 (51.1%)**	**930 (100%)**

Chi-Sq = 12.902, p = .002

Table D12: Post-charge detention details, single charge cases involving "out-of-sight" driving offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	236 (95.2%)	12 (4.8%)	248 (100%)
White	283 (96.6%)	10 (3.4%)	293 (100%)
Other	176 (98.3%)	3 (1.7%)	179 (100%)
Total	**695 (96.5%)**	**25 (3.5%)**	**720 (100%)**

Chi-Sq = 3.108, p = .211

Table D13: Post-charge police detention details, single charge cases involving disturbing the peace offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	7 (58.3%)	5 (41.7%)	12 (100%)
White	13 (46.4%)	15 (53.6%)	28 (100%)
Other	5 (62.5%)	3 (37.5%)	8 (100%)
Total	**25 (52.1%)**	**23 (47.9%)**	**48 (100%)**

Chi-Sq = .894, p = .639

Table D14: Post-charge police detention details, single charge cases involving trespassing offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Not detained	Detained	Total
Black	205 (90.3%)	22 (9.7%)	227 (100%)
White	445 (91.6%)	41 (8.4%)	48 (100%)
Other	160 (92.0%)	14 (8.0%)	174 (100%)
Total	**810 (91.3%)**	**77 (8.7%)**	**887 (100%)**

Chi-Sq = 1.921, p = .383

Table D15: Total single charge cases, not detained, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests not detained	% of arrests not detained	Odds ratio	Not detained rate (per 100,000)
White	1,322,656	48.4	1,517	48.7	1.00	114.7
Black	239,850	8.8	899	28.8	3.27	374.8
Other racial minority	1,169,065	42.8	701	22.5	0.53	60.0
Total	**2,731,571**	**100.0**	**3,117**	**100.0**	**1.00**	**114.1**

Table D16: Total single charge cases, detained, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of arrests detained	% of arrests detained	Odds ratio	Detained rate (per 100,000)
White	1,322,656	48.4	2,627	48.5	1.00	198.6
Black	239,850	8.8	1,552	28.6	3.25	647.1
Other racial minority	1,169,065	42.8	1,241	22.9	0.54	106.2
Total	**2,731,571**	**100.0**	**5,420**	**100.0**	**1.00**	**198.4**

Part E: Charge disposition

- An examination of the TPS charge-level data, obtained by the OHRC, revealed a variable or field called "disposition." Almost all entries (98%) into this field fell into one of three categories: a) pending (22.9%); b) conviction (19.8%); and c) non-conviction (55.9%). Other entries were eventually recoded into one of these three categories. For example, charges listed as "withdrawn" were recoded into the "non-conviction" category, while charges listed as "guilty plea" were recoded into the "conviction" category.

- The OHRC's data request produced a dataset consisting of 111,750 charges in which both the race of the civilian and the case disposition were known. These 111,750 charges include the nine core offences at the centre of the inquiry – plus all accompanying charges that were laid during the same arrest incident.

- Overall, the results suggest that only 20.1% of all charges resulted in a conviction. By contrast, 56.8% of all charges ended in a non-conviction. An additional 23.1% of charge dispositions were still "pending" at the time of data retrieval (see Table E1).[9]

- The results reveal that race, overall, has a small but statistically significant impact on case dispositions (see Table E1). Regardless of suspect race, almost 60% of all charges end in a non-conviction. However, cases involving White suspects are slightly more likely to end in conviction (22.4%) than cases involving Black (18.1%) or other racial minority suspects (18.3%). This finding is consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality charges with a low probability of conviction. We return to this argument below when we consider aggregate conviction rates.

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[9] Data from Statistics Canada (Miladinovic 2019) reveals that, during 2016/17, the Canadian criminal courts heard 357,642 cases involving 1,227,546 charges (3.4 charges per case). Almost two-thirds of all cases resulted in a conviction (65%). A third of cases (30%) had all charges either withdrawn (21%) or stayed (9%) by the courts. Only 3% resulted in an acquittal. The conviction rate observed by the Statistics Canada court study is likely higher than the conviction rate observed in the current study for the following reasons: 1) Criminal Court data does not consider charges that were withdrawn by the police or the Crown prior to appearing in court; and 2) the Statistics Canada report focuses on case data rather than charge data. A person may face multiple charges per case, but only be convicted of a portion of these charges. In other words, even though a case may lead to a conviction for some charges, in many cases other charges are withdrawn or dismissed. As a result, charge-related conviction rates are likely to be lower than case-related conviction rates. Finally, the conviction rate observed in the current study may be lower than the conviction rate documented by Statistics Canada due to the nature of the discretionary charges under examination. The Statistics Canada report figures, for example, consider all criminal charges including charges for serious violent offences. The current study does not examine such cases.

Failure to comply offences

- Failure to comply charges involving White suspects are slightly more likely to result in conviction (38.2%) than charges involving Black (33.4%) or other racial minority suspects (33%). Charges involving Black and other racial minority suspects, by contrast, are more likely to end in non-conviction or have a "still pending" status. These relatively small racial differences are nonetheless statistically significant (Table E2). This finding is consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality failure to comply charges with a low probability of conviction.

Obstruct justice offences

- Obstruct justice charges involving White suspects are slightly more likely to result in conviction (36.3%) than charges involving Black (32%) or other racial minority suspects (32%). Charges involving Black and other racial minority suspects, by contrast, are more likely to end in non-conviction or have a "still pending" status. These relatively small racial differences are nonetheless statistically significant. This finding is consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality obstruct justice charges with a low probability of conviction (Table E3).

Assault police

- Assault police charges involving White suspects are slightly more likely to result in conviction (29.6%) than charges involving Black (23.8%) or other racial minority suspects (24.4%). Charges involving Black and other racial minority suspects, by contrast, are slightly more likely end in non-conviction or have a "still pending" status. These relatively small differences are nonetheless statistically significant (Table E4). This finding is consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality assault police charges with a low probability of conviction.

- It is important to note that, for suspects of all racial backgrounds, over 60% of assault police charges end in a non-conviction disposition (Table E4). Some critics might argue that this finding provides evidence that, despite the apparent seriousness of the offence, assault police charges are of low quality and have little chance of successful prosecution. It is possible that some assault police charges are consistent with over-charging – a tactic that can be used to coerce guilty pleas.

Uttering threats against police

- Uttering threats against police charges involving White suspects are slightly more likely to result in conviction (23.3%) than charges involving Black (20.9%) or other racial minority suspects (16.7%). Charges involving Black and other racial minority suspects, by contrast, are slightly more likely end in non-conviction or have a "still pending" status. These relatively small differences are nonetheless statistically significant. This finding is consistent with the argument that, due to racial bias, Black and other racial minority suspects are more likely than White people to face low-quality "uttering threats" charges with a low probability of conviction (Table E5).

- It is important to note that, for suspects of all racial backgrounds, over 65% of uttering threats against police charges end in a non-conviction disposition (Table E5). Some critics might argue that this finding provides additional evidence that, despite the apparent seriousness of the offence, uttering threats against police charges are of low quality and have little chance of successful prosecution.

Cannabis possession

- The results suggest that, regardless of suspect race, very few cannabis possession charges result in conviction (Table E6). Furthermore, the conviction rate for Black suspects (5.9%) is similar to the conviction rate for White (5.6%) and other racial minority suspects (6.2%).

- Regardless of race, over 70% of the cannabis possession charges captured by the data end in non-conviction. Nonetheless, charges involving other racial minority suspects are more likely to have a "still pending" status than cannabis possession charges involving Black or White suspects (see Table E6).

- The extremely low conviction rate for cannabis possession charges raises an important question. If the prospects of conviction are so low, why did the TPS lay almost 5,000 cannabis possession charges – disproportionately against Black suspects – between 2014 and 2017? Other than criminalize suspects through the creation of a charge record – what purpose did these possession charges serve?

"Other" illegal drug possession

- The results suggest that, regardless of suspect race, very few "other" (non-cannabis) drug possession charges result in conviction (Table E7). Furthermore, the conviction rate for Black suspects (14%) is only slightly lower than the conviction rate for White (15%) and other racial minority suspects (15.9%).

- Regardless of race, over two-thirds of "other" drug possession charges captured by the data end in non-conviction. Nonetheless, charges involving other racial minority suspects are more likely to have a "still pending" status than "other" drug possession cases involving Black or White suspects (see Table E7).

- As with cannabis possession, the extremely low conviction rate for "other" drug possession charges raises an important question. If the prospects of conviction were so low, why did the TPS lay over 4,000 "other" drug possession charges – disproportionately against Black suspects – between 2014 and 2017? What purpose did these charges serve?

"Out-of-sight" driving offences

- Regardless of race, the disposition status for almost 80% of "out-of-sight" driving charges is listed as" pending" or "missing." We suspect that, as provincial rather than criminal offences, the TPS does not regularly record the final disposition associated for these kind of traffic-related charges (Table E8). Hence, due to the huge volume of missing information, we feel that it is fruitless to pursue an analysis of racial differences in charge disposition for these offences.

Disturbing the peace offences

- Disturbing the peace charges involving White suspects are slightly more likely to result in conviction (30.7%) than charges involving Black (28.1%) or other racial minority suspects (25%). Charges involving Black and other racial minority suspects, by contrast, are more likely to end in non-conviction or have a "still pending" status. These small racial differences do not reach statistical significance (Table E9).

Trespassing offences

- Trespassing charges involving White suspects are slightly more likely to result in conviction (7.4%) than charges involving Black (4.8%) or other racial minority suspects (4.7%). Charges involving Black and other racial minority suspects, by contrast, are more likely to end in non-conviction or have a "still pending" status. These small racial differences are statistically significant (Table E10).

- It is important to note that, regardless of race, the disposition status of over 58% of trespassing charges is listed as "pending" or "missing." As with "out-of-sight" driving offences, we suspect that the TPS may not be as diligent recording the final disposition of trespassing charges as they are the dispositions of other types of offences.

Racial representation by disposition status

- During the study period, Black people were grossly over-represented in charges that resulted in non-convictions (see Table E11). This is true for the overall sample as well as the specific offences that were the focus of the OHRC's Inquiry.

- For example, although they represent only 8.8% of Toronto's population, Black people represent 32.6% of the charges that result in non-convictions. In other words, Black people are 3.7 times more likely to appear in the charges that result in non-convictions than their representation in the general population would predict. By contrast, White people and people from other racial minority groups are under-represented in non-conviction charges.

- The Black non-conviction rate (8,627 per 100,000) is four times greater than the White rate (2,180 per 100,000) and 7.2 times greater than the rate for people from other racial minority groups (1,192 per 100,000).

- During the study period, Black people were also grossly over-represented in total charges that resulted in convictions (see Table E12). Although they represent only 8.8% of Toronto's population, Black people represent 29.2% of the charges that result in convictions. In other words, Black people are 3.3 times more likely to appear in the charges that result in convictions than their representation in the general population would predict. By contrast, the representation of White people in charges that resulted in convictions is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black conviction rate (2,731 per 100,000) is 3.2 times greater than the White rate (861 per 100,000) and 7.1 times greater than the rate for people from other racial minority groups (387 per 100,000).

- It is important to note that the Black non-conviction rate (8,627 per 100,000) is 3.2 times greater than the Black conviction rate (2,731 per 100,000).

- The data further suggest that although Black people are over-represented in all the TPS charges documented by this inquiry, their over-representation is particularly high with respect to charges that did not result in a conviction. For example, although Black people are 3.2 times more likely to be involved in charges that led to a conviction, they are 3.7 times more likely to be involved in charges that led to a non-conviction.

- Racial disparities are also more pronounced for non-conviction than conviction charges. While the Black conviction rate is 3.2 times greater than the White conviction rate, the Black non-conviction rate is four times greater than the White non-conviction rate.

- The over-representation of Black people in both conviction and non-conviction charges reflects the fact that Black people are much more likely to be charged to begin with. Nonetheless, the data also indicates that Black people are four times more likely than White people to face charges that will ultimately be withdrawn or dismissed and result in a non-conviction. The fact that Black people are more vulnerable to low-quality, non-conviction charges is completely consistent with allegations of police bias. Our findings are also consistent with previous American research which demonstrates that, for discretionary offences, prosecutors withdraw a significantly larger proportion of charges against Black than White suspects. American researchers have concluded that this pattern is consistent with the argument that police officers are more likely to arrest African Americans than White Americans on insufficient evidence (U.S. Department of Justice 2016). This point is discussed further in the conclusion.

The impact of sex

- The data reveal that although Black males represent only 4% of Toronto's population, they are involved in almost a third of the charges that result in non-convictions (29.4%). In other words, Black males are 7.4 times more likely to appear in charges that result in non-convictions than their representation in the general population would predict (see Table E13).

- White males are also slightly over-represented in charges that result in non-conviction (odds ratio = 1.6). All other gender-race categories are under-represented.

- The overall non-conviction rate for Black males (16,999 per 100,000) is 4.6 times higher than the rate for White males (3,727 per 100,000) and 7.8 times higher than the rate for males from other racial minority backgrounds (2,189 per 100,000).

- The overall non-conviction rate for Black women (1,550 per 100,000) is 2.2 times higher than the rate for White women (702 per 100,000) and 5.5 times higher than the rate for women from other racial minority groups (283 per 100,000).

- Additional analysis reveals that although Black males represent only 4% of Toronto's population, they are involved in 27% of charges that result in a conviction (see Table E14). In other words, Black males are 6.8 times more likely to appear in charges that result in convictions than their representation in the general population would predict.

- White males are also over-represented in the convictions data (odds ratio = 1.9). All other gender-race categories are under-represented.

- The overall conviction rate for Black males (5,509 per 100,000) is 3.6 times higher than the rate for White males (1,542 per 100,000) and 7.4 times higher than the rate for males from other racial minority backgrounds (742 per 100,000).

- The overall conviction rate for Black women (383 per 100,000) is 1.8 times higher than the rate for White women (211 per 100,000) and 6.1 times higher than the rate for women from other racial minority groups (63 per 100,000).

- It is important to note that the Black male non-conviction rate (16,999 per 100,000) is 3.1 times greater than the Black male conviction rate (5,509 per 100,000).

- The data further suggest that although Black males are over-represented in all the TPS charges documented by this inquiry, their over-representation is particularly high with respect to charges that did not result in a conviction. For example, although Black males are 6.7 times more likely to be involved in charges that led to a conviction, they are 7.4 times more likely to be involved in charges that led to a non-conviction.

- Racial disparities are also more pronounced for non-conviction than conviction charges. While the Black male conviction rate is 3.6 times greater than the White male conviction rate, the Black male non-conviction rate is 4.6 times greater than the White male non-conviction rate.

- The fact that Black males are 4.6 times more likely than White males to face non-conviction charges is particularly noteworthy. This suggests that Black males are more vulnerable to unnecessary, low-quality charges that will eventually be withdrawn or dismissed. This finding is consistent with allegations of police bias.

Case disposition status of single charge cases

- In this section, we present case disposition data on all cases in which the suspect was charged with only one offence. All of the single charge cases involve one of the nine core offences at the centre of the OHRC inquiry. This analysis enables a further examination of the representation of Black people in different case disposition outcomes for these core offences, after removing the influence of other types of charges that are included for an arrest incident.

- There are 9,309 arrest incidents in the dataset that involve a single charge – approximately 8% of the total sample. Civilian race information and case disposition details were available for 8,805 cases (94.6% of the 9,309 single charge cases). These cases are the focus of the analysis in this section.

- The data reveal that 23.3% of all single charge cases result in a conviction and 47.1% result in a non-conviction. A third of all outcomes (29.6%) are still pending or missing.

- The results suggest that, for single charge cases, race has no significant impact on case disposition (Table E15). Black suspects (23.3%) are just as likely to be convicted in single charge cases as White suspects (23.9%) and suspects from other racial minority groups (22%). Similarly, Black suspects are just as likely to experience a non-conviction outcome (46.1%) as their White (47.2%) and other racial minority counterparts (48.2%).

- For each of the nine types of charges, there is no statistically significant racial difference in the likelihood of receiving a conviction or non-conviction disposition (Tables E16 to E23).

Single charge cases: racial representation

- During the study period, Black people were grossly over-represented in single charge cases that resulted in non-convictions (see Table E24). Although they represent only 8.8% of Toronto's population, Black people represent 28.2% of single charge cases that resulted in non-convictions. In other words, Black people are 3.2 times more likely to appear in single charge cases that result in non-convictions than their representation in the general population would predict. By contrast, the representation of White people in single charge cases that resulted in non-convictions is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black non-conviction rate for single charge cases (487 per 100,000) is 3.2 times greater than the White rate (153 per 100,000) and 5.9 times greater than the rate for people from other racial minority groups (82 per 100,000).

- During the study period, Black people were also grossly over-represented in total single charge cases that resulted in convictions (see Table E25). Although they represent only 8.8% of Toronto's population, Black people represent 28.8% of single charge cases that resulted in convictions. In other words, Black people are 3.3 times more likely to appear in single charge cases that result in convictions than their representation in the general population would predict. By contrast, the representation of White people in single charge cases that resulted in convictions is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black conviction rate for single charge cases (246 per 100,000) is 3.2 times greater than the White rate (77 per 100,000) and 6.6 times greater than the rate for people from other racial minority groups (37 per 100,000).

- Note that the Black single charge non-conviction rate (487 per 100,000) is two times greater than the Black single charge conviction rate (246 per 100,000). In other words, not only are Black people grossly over-represented in single charge cases, but also they are twice as likely to be involved in single charge cases that do not result in a conviction than single charge cases that do result in a conviction. This fact suggests that, even within single charge cases, Black people are more vulnerable to low-quality charges that will eventually be withdrawn or dismissed. This finding, in our opinion, is consistent will allegations of police bias.

- Additional analysis reveals that although Black males represent only 4% of Toronto's population, they are involved in a quarter of all single charge cases (24.8%) that resulted in non-convictions (see Table E26). In other words, Black males are 6.2 times more likely to appear in single charge cases that result in non-convictions than their representation in the general population would predict.

- White males are also slightly over-represented in single charge cases that resulted in non-convictions (odds ratio = 1.6). The representation of males from other racial minority groups in single charge cases that resulted in non-convictions is approximately equal to their representation in the general population. All other gender-race categories are under-represented.

- The overall non-conviction rate for single charge cases for Black males (937 per 100,000) is 3.8 times higher than the rate for White males (246 per 100,000) and 6.2 times higher than the rate for males from other racial minority backgrounds (151 per 100,000).

- The overall non-conviction rate for single charge cases for Black women (107 per 100,000) is 1.7 times higher than the rate for White women (64 per 100,000) and 5.6 times higher than the rate for women from other racial minority groups (19 per 100,000).

- Additional analysis reveals that although Black males represent only 4% of Toronto's population, they are involved in 26.3% of single charge cases that resulted in convictions (see Table E27). In other words, Black males are 6.6 times more likely to appear in single charge cases that result in convictions than their representation in the general population would predict.

- White males are also slightly over-represented in single charge cases that resulted in convictions (odds ratio = 1.8). The representation of other racial minority males equals their representation in the general population. Women are under-represented.

- The overall conviction rate for single charge cases for Black males (492 per 100,000) is 3.7 times higher than the rate for White males (132 per 100,000) and seven times higher than the rate for males from other racial minority backgrounds (70 per 100,000).

- The overall conviction rate for single charge cases for Black women (39 per 100,000) is 1.6 times higher than the rate for White women (25 per 100,000) and 5.2 times higher than the rate for women from other racial minority groups (seven per 100,000).

- It should be stressed that the single charge non-conviction rate for Black males (997 per 100,000) is 1.9 times larger than the single charge conviction rate for Black males (492 per 100,000). In other words, not only are Black males grossly over-represented in single charge cases, but also they are twice as likely to be charged with a single offence that results in a non-conviction than a conviction. This fact suggests that Black males are particularly vulnerable to low-quality, single-charge arrests that ultimately lead to a non-conviction result. In our opinion, this result is consistent will allegations of police bias.

Per cent charges, per arrest, that result in non-conviction

- In this section we briefly examine the proportion of charges, per arrest or per case, that result in non-conviction. The results indicate that one out of every two charges levelled during arrest or charge incidents (53.8%) leads to a non-conviction. In other words, one out of every two charges, per arrest, is eventually withdrawn, dismissed or results in an acquittal (see Table E28). This finding is consistent with the argument that the police may engage in "over-charging" (see Kellough and Wortley 2002). In other words, during arrest incidents, the police charge civilians with numerous offences even though there is little chance that all of these charges will result in a conviction. Over-charging may make it easier for the police to justify pre-trial detention or pre-trial conditions. Over-charging may also assist the Crown when it comes to plea bargaining (i.e., civilians may agree to plead guilty to some charges if others are dropped).

- Overall, the results suggest that race does not have a significant impact on non-conviction rates (see Table E28). The proportion of charges dropped per arrest is almost identical for Black, White and other racial minority cases.

- However, small but statistically significant racial differences emerge when we break the data down by gender. Overall, per arrest, a slightly higher proportion of the charges faced by Black males lead to a non-conviction than charges faced by White males (see Table E29).

- However, the situation is reversed among female suspects. Per arrest, a slightly higher proportion of the charges faced by White and other racial minority women lead to non-conviction than charges faced by Black women (see Table E30);

- The data also show that race has a small, but statistically significant, impact on the percentage of charges, per arrest, that result in conviction. Overall, per arrest, 23.2% of the charges faced by White suspects result in conviction, compared to 19.6% of the charges faced by Black and 19.5% of the charges faced by other racial minority suspects (see Table E31). Similar racial differences emerge when we consider male and female suspects in isolation (see Tables E32 and E33). These findings, once again, are consistent with the argument that, due to racial bias, Black suspects are more likely to face low-quality charges that will not result in conviction.

**Table E1: Disposition status, by race, all charges in study sample,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Race	Conviction	Non-conviction	Pending	Total
Black	6,548 (18.1%)	20,692 (57.1%)	8,984 (24.8%)	36,224 (100%)
White	11,385 (22.4%)	28,838 (56.7%)	10,611 (20.9%)	50,834 (100%)
Other	4,528 (18.3%)	13,939 (56.5%)	6,225 (25.2%)	24,692 (100%)
Total	**22,461 (20.1%)**	**63,469 (56.8%)**	**25,820 (23.1%)**	**111,750 (100%)**

Chi-Sq = 448.569, p<.001

**Table E2: Disposition status, by race, all failure to comply offences,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Race	Conviction	Non-conviction	Pending	Total
Black	1,608 (33.4%)	2,631 (54.7%)	573 (11.9%)	4,812 (100%)
White	2,481 (38.2%)	3,392 (52.3%)	614 (9.5%)	6,487 (100%)
Other	1,124 (33.0%)	1,903 (55.8%)	381 (11.2%)	3,408 (100%)
Total	**5,213 (35.4%)**	**7,926 (53.9%)**	**1,568 (10.7%)**	**14,707 (100%)**

Chi-Sq = 48.394, p<.001

**Table E3: Disposition status, by race, all obstruct justice charges,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Race	Conviction	Non-conviction	Pending	Total
Black	155 (32.0%)	264 (54.4%)	66 (13.6%)	485 (100%)
White	157 (36.3%)	241 (55.8%)	34 (7.9%)	432 (100%)
Other	73 (32.0%)	130 (57.0%)	25 (11.0%)	228 (100%)
Total	**385 (33.6%)**	**635 (55.5%)**	**125 (10.9%)**	**1,145 (100%0**

Chi-Sq = 8.616, p = .071

Table E4: Disposition status, by race, all assault police charges, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	291 (23.8%)	746 (61.0%)	186 (15.2%)	1,223 (100%)
White	545 (29.6%)	1,130 (61.4%)	164 (8.9%)	1,839 (100%)
Other	148 (24.4%)	410 (67.5%)	49 (8.1%)	607 (100%)
Total	**984 (26.8%)**	**2,286 (62.3%)**	**399 (10.9%)**	**3,669 (100%)**

Chi-Sq = 46.166, p<.001

Table E5: Disposition status, by race, all uttering threats against police charges, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	558 (20.9%)	1,756 (65.8%)	356 (13.3%)	2,670 (100%)
White	1,098 (23.3%)	3,116 (66.0%)	507 (10.7%)	4,721 (100%)
Other	411 (16.7%)	1,731 (70.3%)	319 (13.0%)	2,461 (100%)
Total	**2,067 (21.0%)**	**6,603 (67.0%)**	**1,182 (12.0%)**	**9,852 (100%)**

Chi-Sq = 50.669, p<.001

Table E6: Disposition status, by race, all cannabis possession charges, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	106 (5.9%)	1,425 (79.2%)	269 (14.9%)	1,800 (100%)
White	108 (5.6%)	1,528 (79.3%)	290 (15.1%)	1,926 (100%)
Other	66 (6.2%)	786 (74.2%)	208 (19.6%)	1,060 (100%)
Total	**280 (5.9%)**	**3,739 (78.1%)**	**767 (16.0%)**	**4,786 (100%)**

Chi-Sq = 14.207, p = .007

Table E7: Disposition status, by race, for all "other" drug possession charges, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	233 (14.0%)	1,221 (73.6%)	206 (12.4%)	1,660 (100%)
White	452 (15.0%)	2,166 (71.8%)	399 (13.2%)	3,017 (100%)
Other	180 (15.9%)	755 (66.7%)	197 (17.4%)	1,132 (100%)
Total	**865 (14.9%)**	**4,142 (71.3%)**	**802 (13.8%)**	**5,809 (100%)**

Chi-Sq = 19.947, p = .001

Table E8: Disposition status, by race, total charges for "out-of-sight" driving offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	116 (4.1%)	503 (17.6%)	2,245 (78.4%)	2,864 (100%)
White	154 (4.8%)	488 (15.1%)	2,583 (80.1%)	3,225 (100%)
Other	103 (5.1%)	306 (15.1%)	1,624 (79.9%)	2,033 (100%)
Total	**373 (4.6%)**	**1,297 (16.0%)**	**6,452 (79.4%)**	**8,122 (100%)**

Chi-Sq = 10.728, p = .030

Table E9: disposition status, by race, all disturbing the peace charges, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	27 (28.1%)	58 (60.4%)	11 (11.5%)	96 (100%)
White	59 (30.7%)	107 (55.7%)	26 (13.5%)	192 (100%)
Other	14 (25.0%)	29 (51.8%)	13 (23.2%)	56 (100%)
Total	**100 (29.1%)**	**194 (56.4%)**	**50 (14.5%)**	**344 (100%)**

Chi-Sq = 4.690, p = .321

Table E10: Disposition status, by race, all charges for trespassing offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	30 (4.8%)	237 (37.9%)	358 (57.3%)	625 (100%)
White	87 (7.4%)	410 (35.0%)	675 (57.6%)	1,172 (100%)
Other	20 (4.7%)	128 (30.2%)	276 (65.1%)	424 (100%)
Total	**137 (6.2%)**	**775 (34.9%)**	**1,309 (58.9%)**	**2, 221 (100%)**

Chi-Sq = 14.047, p = .007

Table E11: Total charges resulting in non-conviction, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of non-convictions	% of non-convictions	Odds ratio	Non-conviction rate (per 100,000)
White	1,322,656	48.4	28,838	45.4	0.93	2,180.3
Black	239,850	8.8	20,692	32.6	3.70	8,627.1
Other racial minority	1,169,065	42.8	13,939	22.0	0.51	1,192.3
Total	**2,731,571**	**100.0**	**63,469**	**100.0**	**1.00**	**2,323.5**

**Table E12: Total charges resulting in conviction, by race of civilian,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White	1,322,656	48.4	11,387	50.7	1.05	860.9
Black	239,850	8.8	6,551	29.2	3.32	2,731.3
Other racial minority	1,169,065	42.8	4,528	20.2	0.47	387.3
Total	**2,731,571**	**100.0**	**22,466**	**100.0**	**1.00**	**822.5**

**Table E13: Total charges resulting in non-conviction, by race and gender
of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of non-convictions	% of non-convictions	Odds ratio	Non-conviction rate (per 100,000)
White male	645,960	23.6	24,077	37.9	1.61	3,727.3
White female	676,690	24.8	4,753	7.5	0.30	702.4
Black male	109,870	4.0	18,677	29.4	7.35	16,999.2
Black female	129,980	4.8	2,015	3.2	0.67	1,550.2
Other racial minority male	557,760	20.4	12,208	19.2	0.94	2,188.8
Other racial minority female	611,315	22.4	1,727	2.7	0.12	282.5
Total	**2,731,571**	**100.0**	**63,457**	**100.0**	**1.00**	**2,323.1**

Table E14: Total charges resulting in conviction, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White male	645,960	23.6	9,960	44.3	1.88	1,541.9
White female	676,690	24.8	1,425	6.3	0.25	210.6
Black male	109,870	4.0	6,053	27.0	6.75	5,509.2
Black female	129,980	4.8	498	2.2	0.46	383.1
Other racial minority male	557,760	20.4	4,141	18.4	0.90	742.4
Other racial minority female	611,315	22.4	382	1.7	0.08	62.5
Total	**2,731,571**	**100.0**	**22,459**	**100.0**	**1.00**	**822.2**

Table E15: Disposition status, by race, single charge cases, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	591 (23.3%)	1,168 (46.1%)	778 (30.7%)	2,536 (100%)
White	1,021 (23.9%)	2,019 (47.2%)	1,236 (28.9%)	4,276 (100%)
Other	438 (22.0%)	961 (48.2%)	594 (29.8%)	1,993 (100%)
Total	**2,050 (23.3%)**	**4,148 (47.1%)**	**2,608 (29.6%)**	**8,805 (100%)**

Chi-Sq = 4.956, p = .292

Table E16: Disposition status, by race, single charge cases involving failure to comply offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	443 (43.3%)	470 (45.9%)	111 (10.8%)	1,024 (100%)
White	712 (45.7%)	665 (42.7%)	181 (11.6%)	1,558 (100%)
Other	349 (43.6%)	376 (46.9%)	76 (9.5%)	801 (100%)
Total	**1,504 (44.5%)**	**1,511 (44.7%)**	**368 (10.9%)**	**3,383 (100%)**

Chi-Sq = 5.867, p = .209

Table E17: Disposition status, by race, single charge cases involving an assault police offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	19 (26.4%)	39 (54.2%)	14 (19.4%)	72 (100%)
White	24 (18.0%)	92 (69.2%)	17 (12.8%)	133 (100%)
Other	8 (17.0%)	33 (70.2%)	6 (12.8%)	47 (100%)
Total	**51 (20.2%)**	**164 (65.1%)**	**37 (14.7%)**	**252 (100%)**

Chi-Sq = 5.309, p = .257

Table E18: Disposition status, by race, single charge cases involving an uttering threats against police offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	55 (22.5%)	164 (67.2%)	25 (10.2%)	244 (100%)
White	97 (21.3%)	320 (70.3%)	38 (8.4%)	455 (100%)
Other	30 (14.3%)	157 (74.8%)	23 (11.0%)	210 (100%)
Total	**182 (20.0%)**	**641 (70.5%)**	**86 (9.5%)**	**909 (100%)**

Chi-Sq = 6.768, p = .149

Table E19: Disposition status, by race, single charge cases involving cannabis possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	11 (2.7%)	277 (67.4%)	123 (29.9%)	411 (100%)
White	11 (2.3%)	343 (72.4%)	120 (25.3%)	474 (100%)
Other	3 (1.0%)	204 (65.2%)	106 (33.9%)	313 (100%)
Total	**25 (2.1%)**	**824 (68.8%)**	**349 (29.1%)**	**1,198 (100%)**

Chi-Sq = 9.174, p = .057

Table E20: Disposition status, by race, single charge cases for "other" Illegal drug possession, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-Conviction	Pending	Total
Black	33 (16.2%)	141 (69.1%)	30 (14.7%)	204 (100%)
White	98 (16.4%)	408 (68.1%)	93 (15.5%)	599 (100%)
Other	17 (11.5%)	109 (73.6%)	22 (14.9%)	148 (100%)
Total	**148 (15.6%)**	**658 (69.2%)**	**145 (15.2%)**	**951 (100%)**

Chi-Sq = 2.484, p = .647

Table E21: Disposition status, by race, single charge cases involving "out-of-sight" driving offences, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	5 (2.0%)	2 (0.8%)	242 (97.2%)	249 (100%)
White	4 (1.4%)	3 (1.0%)	288 (97.6%)	295 (100%)
Other	1 (0.6%)	1 (0.6%)	177 (98.9%)	179 (100%)
Total	**10 (1.4%)**	**6 (0.8%)**	**707 (97.8%)**	**723 (100%)**

Chi-Sq = 1.901, p = .754

Table E22: Disposition status, by race, single charge cases involving a disturbing the peace offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	1 (8.3%)	6 (50.0%)	5 (41.7%)	12 (100%)
White	6 (22.2%)	12 (44.4%)	9 (33.3%)	27 (100%)
Other	0 (0.0%)	3 (37.5%)	5 (62.5%)	8 (100%)
Total	**7 (14.9%)**	**21 (44.7%)**	**19 (40.4%)**	**47 (100%)**

Chi-Sq = 3.985, p = .408

Table E23: Disposition status, by race, single charge cases involving a trespassing offence, Toronto Police Service, November 5, 2013 – July 31, 2017

Race	Conviction	Non-conviction	Pending	Total
Black	2 (0.9%)	15 (6.7%)	207 (92.4%)	224 (100%)
White	11 (2.3%)	17 (3.5%)	457 (94.2%)	485 (100%)
Other	3 (1.7%)	6 (3.4%)	165 (94.8%)	174 (100%)
Total	**16 (1.8%)**	**38 (4.3%)**	**829 (93.9%)**	**883 (100%)**

Chi-Sq = 5.677, p = .225

Table E24: Total single charge cases resulting in non-conviction, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of non-convictions	% of non-convictions	Odds ratio	Non-conviction rate (per 100,000)
White	1,322,656	48.4	2,019	48.7	1.01	152.6
Black	239,850	8.8	1,168	28.2	3.20	487.0
Other racial minority	1,169,065	42.8	961	23.2	0.54	82.2
Total	**2,731,571**	**100.0**	**4,148**	**100.0**	**1.00**	**151.9**

Table E25: Total single charges resulting in conviction, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White	1,322,656	48.4	1,021	49.8	1.03	77.2
Black	239,850	8.8	591	28.8	3.27	246.4
Other racial minority	1,169,065	42.8	438	21.4	0.50	37.5
Total	**2,731,571**	**100.0**	**2,050**	**100.0**	**1.00**	**75.0**

Table E26: Total single charges resulting in non-conviction, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of non-convictions	% of non-convictions	Odds ratio	Non-conviction rate (per 100,000)
White male	645,960	23.6	1,586	38.2	1.62	245.5
White female	676,690	24.8	433	10.4	0.42	64.0
Black male	109,870	4.0	1,029	24.8	6.20	936.6
Black female	129,980	4.8	139	3.4	0.71	106.9
Other racial minority male	557,760	20.4	842	20.3	1.00	151.0
Other racial minority female	611,315	22.4	118	2.8	0.13	19.3
Total	**2,731,571**	**100.0**	**4,147**	**100.0**	**1.00**	**151.8**

Table E27: Total single charges resulting in conviction, by race and gender of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White male	645,960	23.6	853	41.6	1.76	132.1
White female	676,690	24.8	168	8.2	0.33	24.8
Black male	109,870	4.0	540	26.3	6.58	491.5
Black female	129,980	4.8	51	2.5	0.52	39.2
Other racial minority male	557,760	20.4	392	19.1	0.94	70.3
Other racial minority female	611,315	22.4	46	2.2	0.10	7.5
Total	**2,731,571**	**100.0**	**2,050**	**100.0**	**1.00**	**75.0**

Table E28: Proportion of charges per arrest resulting in non-convictions, by race of civilian

Race	% of charges resulting in non-convictions per arrest
Black (N = 10,302)	53.8
White (N = 15,677)	53.4
Other (N = 7,559)	53.8
Total (N = 33,538)	**53.6**

F (2, 33535) = .413, p = .662

Table E29: Proportion of charges resulting in non-convictions per arrest, by race (male suspects only)

Race	% of charges resulting in non-convictions per arrest
Black (N = 9,130)	53.9
White (N = 13,045)	52.5
Other (N = 6,669)	53.2
Total (N = 28,844)	**53.1**

F (2, 28841) = 3.021, p = 0.049
(significant difference between Black and White)

Table E30: Proportion of charges, per arrest, resulting in non-convictions, by race (female suspects only)

Race	% of charges resulting in non-convictions per arrest
Black (N = 1,172)	53.7
White (N = 2,629)	58.1
Other (N = 886)	58.5
Total (N = 4,687)	**57.0**

$F_{(2, 4684)} = 4.646$, $p = 0.01$
(significant difference between Black and White, Black and other)

Table E31: Proportion of charges, per arrest, resulting in conviction, by race of civilian

Race	% of charges resulting in convictions per arrest
Black (N = 10,307)	19.6
White (N = 15,696)	23.2
Other (N = 7,565)	19.5
Total (N = 33,568)	**21.3**

$F_{(2, 33565)} = 54.567$, $p<.001$
(significant differences between Black and White, White and other)

Table E32: Proportion of charges, per arrest, resulting in conviction, by race (male suspects only)

Race	% of charges resulting in convictions per arrest
Black (N = 9,136)	20.2
White (N = 13,060)	23.9
Other (N = 6,674)	20.0
Total (N = 28,870)	**21.8**

$F_{(2, 28867)} = 52.180$, $p<.001$
(significant difference between Black and White, other and White)

**Table E33: Proportion of charges, per arrest,
resulting in conviction, by race (female suspects only)**

Race	% of charges resulting in convictions per arrest
Black (N = 1,171)	15.3
White (N = 2,633)	19.5
Other (N = 887)	15.7
Total (N = 4,691)	**17.7**

$F_{(2, 4684)} = 9.961$, $p<.001$
(significant difference between Black and White, other and White)

Part F: Sentencing outcomes

- The TPS charge data included another variable or field labelled "sentence." TPS data analysts informed us that this variable provided an alternative – and likely superior – measure of the case dispositions associated with each charge included in the OHRC dataset.

- Unfortunately, the "sentence" field on the Versadex system does not have a pull-down menu or a specific set of closed-ended sentencing options. Rather this is a "free text" or "open-ended" field where officers can enter any information they deem relevant in whatever manner they prefer. As a result, the data provided for the "sentence" variable included 19,135 unique entries. These entries included specific information about the sentence received for the charge or whether the charge was withdrawn, dismissed, stayed or resulted in an acquittal.

- It should be stressed that although the police can withdraw a charge after it has been laid, charges can also be withdrawn or dismissed by the Crown or by the court. Thus, although the police are responsible for laying all charges, and often have the discretion to withdraw charges once laid, acquittal, conviction and sentencing decisions are clearly made by the court.

- The nature of the "sentence" variable resulted in a long and tedious process whereby the 19,153 individual entries were individually examined and coded into the following five categories: 1) convicted (as indicated by the punishment received); 2) charge withdrawn; 3) charge dismissed or stayed; 4) acquitted of charge; and 5) outcome still pending or missing. We were not interested in the type or severity of the sentence – only whether the accused person was sentenced for the charge or not.[10]

- Overall, the results suggest that half of all the charges included in the OHRC dataset (49.7%) were eventually withdrawn (see Table F1). An additional 5.7% were dismissed or stayed. Only one out of every five charges laid by the police (20.2%) resulted in a conviction. Interestingly, less than 1% of all charges (0.9%) resulted in an acquittal at court. This suggests that most of the charges in the TPS dataset did not go to trial. Rather, it seems that most of these charges were either settled through a guilty plea, withdrawn by the Crown or dismissed by the Court.

- The results further suggest that charges levelled against White suspects are somewhat more likely to result in conviction (22.8%) than charges levelled against Black (18.4%) or other racial minority suspects (18.8%). These racial differences, though small, are

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[10] The convicted category includes cases in which the offender pled guilty to a charge or was found guilty during a trial. The data did not allow us to distinguish between guilty pleas and guilty verdicts.

nonetheless statistically significant (see Table F2). These findings are also consistent with the argument that, due to racial bias, Black people are more likely to face low-quality charges that will ultimately result in a withdrawal, dismissal or acquittal.

- During the study period, Black people were grossly over-represented in charges that resulted in a withdrawal (see Table F3). Although they represent only 8.8% of Toronto's population, Black people were involved in 32.3% of withdrawn charges. In other words, Black people are 3.7 times more likely to appear in withdrawn charges than their representation in the general population would predict. By contrast, the representation of White people in withdrawn charges is approximately equal to their representation in the general population. People from other racial minority groups are under-represented.

- The Black charges withdrawn rate (7,519 per 100,000) is 3.9 times greater than the White rate (1,948 per 100,000) and 7.3 times greater than the rate for people from other racial minority groups (1,024 per 100,000).

- During the study period, Black people were grossly over-represented in charges that resulted in a dismissal (see Table F4). Although they represent only 8.8% of Toronto's population, Black people were involved in 33.4% of dismissed charges. In other words, Black people are 3.8 times more likely to appear in dismissed charges than their representation in the general population would predict. By contrast, both White people and people from other racial minority groups are under-represented with respect to dismissed charges.

- The Black charges dismissed rate (888 per 100,000) is 4.5 times greater than the White rate (196 per 100,000) and 6.3 times greater than the rate for people from other racial minority groups (141 per 100,000).

- During the study period, Black people were also grossly over-represented in charges that resulted in an acquittal (see Table F5). Although they represent only 8.8% of Toronto's population, Black people were involved in 42.9% of acquitted charges. In other words, Black people are 4.9 times more likely to appear in acquittals than their representation in the general population would predict. By contrast, both White people and people from other racial minority groups are under-represented.

- The Black acquittal rate (170 per 100,000) is 6.5 times greater than the White rate (26 per 100,000) and 10 times greater than the rate for people from other racial minority groups (17 per 100,000).

- Additional analysis reveals that Black people were also grossly over-represented in charges that resulted in a conviction (see Table F6). Although they represent only 8.8% of Toronto's population, Black people were involved in 29.9% of convictions. In other words, Black people are 3.3 times more likely to appear in convictions than their

representation in the general population would predict. By contrast, the representation of White people in the conviction data approximates their presence in the general population. People from other racial minority groups are under-represented.

- The Black conviction rate (2,777 per 100,000) is 3.3 times greater than the White rate (877 per 100,000) and seven times greater than the rate for people from other racial minority groups (398 per 100,000).

- It is important to note that the Black charges withdrawn rate (7,519 per 100,000) is 2.7 times greater than the Black conviction rate (2,777 per 100,000). Furthermore, while Black people are 3.2 times over-represented in convictions, they are 3.7 times over-represented in withdrawn charges, 3.8 times over-represented in dismissals and 4.9 times over-represented in charge acquittals.

- Racial disparities are also more pronounced with respect to non-conviction than conviction charges. For example, the Black conviction rate is 3.2 times greater than the White conviction rate. By contrast, the Black withdrawn charges rate is 3.9 times greater than the White withdrawn charges rate, the Black dismissal rate is 4.5 times greater than the White dismissal rate and the Black acquittal rate is 6.5 times greater than the White acquittal rate.

- These findings suggest that although Black people are grossly over-represented in the TPS charge dataset, they are even more over-represented with respect to charges that did not result in a conviction. Importantly, these findings are consistent with the findings on case disposition presented in Part E of this report.

- As discussed above, Black people are much more likely than White people to be charged with the various offences that are part of the OHRC inquiry. This high overall charge rate may help explain why Black people are also over-represented in charges that lead to conviction. However, it is troubling to find that the Black non-conviction rate – including charge withdrawals, dismissals and acquittals – is much higher than the Black conviction rate. It is also troubling that racial disparities are greater with respect to non-conviction versus conviction rates. These findings are highly consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality charges that ultimately lead to a non-conviction result.

Sentencing outcomes for specific offences

- Tables F7 through F15 present sentencing outcomes, by race, for the nine offences at the core of the OHRC inquiry.

- The results suggest that, compared to their Black and other racial minority counterparts, White people are slightly more likely to be convicted of failure to comply offences (Table F7), obstructing justice (Table F8), assault police (Table F9), uttering threats against the police (Table F10), "other" drug possession (Table F12), and trespassing (Table F15). Although small, these racial differences are statistically significant. These results are also consistent with the argument that Black people are more likely to face low-quality charges that lead to a non-conviction result.

Single charge cases

- In this section, we present sentence outcome data on all cases in which the suspect was charged with only one offence. All single charge cases involve one of the nine core offences at the centre of the OHRC inquiry. This analysis enables a further examination of the representation of Black people in sentence outcomes for these core offences, after removing the influence of other types of charges that may be involved in an arrest incident.

- There are 9,309 arrest incidents in the dataset that involve a single charge – approximately 8% of the total sample. Civilian race and sentence outcome details were available for 8,841 (94.9%) of the 9,309 single charge cases. These cases are the focus of the analysis in this section.

- The results with respect to single charge cases are quite similar to cases involving multiple charges (see Table F15). However, for single charge cases, the proportion involving missing or pending outcomes is slightly higher, as is the proportion of charges that result in a conviction (see Table F16).

- Overall, 42.3% of all single charge cases resulted in a withdrawal and 3.9% resulted in a case dismissal. Less than half a percent (0.4%) involved an acquittal (see Table F16). As with the total sample, it appears that single charge cases rarely go to trial and are most often concluded by a guilty plea or a charge withdrawal.

- Slightly fewer than one-quarter of all single charge cases result in a conviction (see Table F16).

- Almost a third of single charge cases (29.5%) were coded as either "pending" or "missing." Many of the pending/missing cases involve either an "out-of-sight" driving charge or trespassing offence (see Tables F26 and Table F28). For example, 97.8% of

single charge "out-of-sight" driving cases and 93.5% of single charge trespassing cases are listed as pending/missing. We believe that, because these are often provincial as opposed to criminal offences, the TPS may not be as diligent in documenting case outcomes. The amount of missing sentencing information – especially with respect to certain offences – brings into question the quality of the data collected by the TPS.

- Additional analysis reveals that Black people were grossly over-represented in single charge cases that resulted in a conviction (see Table F18). Although they represent only 8.8% of Toronto's population, Black people were involved in 29.2% of single charge convictions. In other words, Black people are 3.3 times more likely to appear in single charge case convictions than their representation in the general population would predict. By contrast, the representation of White people in the single charge conviction data approximates their presence in the general population. People from other racial minority groups are under-represented.

- The Black single charge conviction rate (257 per 100,000) is 3.3 times greater than the White rate (79 per 100,000) and 6.6 times greater than the rate for people from other racial minority groups (39 per 100,000).

- Analysis further reveals that Black people are also grossly over-represented in single charge cases that resulted in a non-conviction (see Table F19). This includes cases where the single charge was withdrawn, dismissed or resulted in an acquittal. Although they represent only 8.8% of Toronto's population, Black people were involved in 28.1% of single charge non-convictions. In other words, Black people are 3.2 times more likely to appear in single charge cases involving a non-conviction than their representation in the general population would predict. By contrast, the representation of White people in the single charge non-conviction data approximates their presence in the general population. People from other racial minority groups are under-represented.

- The Black single charge non-conviction rate (482 per 100,000) is 3.2 times greater than the White rate (152 per 100,000) and 5.9 times greater than the rate for people from other racial minority groups (82 per 100,000).

- It is also important to note that the Black single charge non-conviction rate (482 per 100,000) is 1.9 times greater than the Black single charge conviction rate (257 per 100,000). Thus, although Black people are grossly over-represented in single charge cases, they are even more over-represented in single charge cases that result in a non-conviction.

- As discussed above, Black people are much more likely than White people to be charged with the various offences that are part of the OHRC inquiry. This high overall charge rate may help explain why Black people are also over-represented in single charge cases that lead to conviction. However, it is troubling to find that the Black non-

conviction rate – including charge withdrawals, dismissals and acquittals – for single charge cases is much higher than the Black conviction rate. This finding is highly consistent with the argument that, due to racial bias, Black people are more likely than White people to face low-quality charges that ultimately lead to a non-conviction result.

Sentencing outcomes for specific single charge cases

- Tables F21 through F28 present sentencing outcomes, by race, for the nine offences at the core of the OHRC inquiry.

- The results suggest that, compared to their White and other racial minority counterparts, Black people are slightly more likely to be convicted in both single charge assault police cases (Table F22) and single charge cannabis possession cases (Table F24). In both scenarios, case outcomes involving Black suspects are also more likely to be listed as pending or missing. Although these racial differences are small, they do reach statistical significance. For all other offences, racial differences in the outcomes of single charge cases are not statistically significant.

Table F1: Sentencing outcomes, all charges in sample, Toronto Police Service, November 5, 2013 – July 31, 2017

Sentencing outcome	Frequency	%
Pending/missing	27,377	23.5
Withdrawn	58,006	49.7
Dismissed/stayed	6685	5.7
Acquitted	1008	0.9
Convicted	23556	20.2
Sample	**116,632**	**100.0**

Table F2: Sentencing outcomes, all charges, by race, Toronto Police Service, November 5, 2013 – July 31, 2017

Sentencing outcome	Black	White	Other racial minority
Pending/missing	24.9	20.9	25.3
Withdrawn	49.7	50.5	48.4
Dismissed/stayed	5.9	5.1	6.7
Acquitted	1.1	0.7	0.8
Convicted	18.4	22.8	18.8
Sample	**36,271**	**50,956**	**24,734**

$x^2 = 589.558$; df = 8; p > .001

**Table F3: Total charge withdrawals, by race of civilian,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of withdrawals	% of withdrawals	Odds ratio	Withdrawal rate (per 100,000)
White	1,322,656	48.4	25,762	46.2	0.95	1,947.7
Black	239,850	8.8	18,035	32.3	3.67	7,519.3
Other racial minority	1,169,065	42.8	11,974	21.5	50.2	1,024.2
Total	**2,731,571**	**100.0**	**55,771**	**100.0**	**1.00**	**2,041.7**

**Table F4: Total dismissals or stayed prosecutions, by race of civilian,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of dismissals	% of dismissals	Odds ratio	Dismissal rate (per 100,000)
White	1,322,656	48.4	2,596	40.7	0.84	196.3
Black	239,850	8.8	2,129	33.4	3.79	887.6
Other racial minority	1,169,065	42.8	1,654	25.9	0.61	141.5
Total	**2,731,571**	**100.0**	**6,379**	**100.0**	**1.00**	**233.5**

**Table F5: Total acquittals, by race of civilian,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of acquittals	% of acquittals	Odds ratio	Acquittal rate (per 100,000)
White	1,322,656	48.4	344	36.1	0.75	26.0
Black	239,850	8.8	408	42.9	4.87	170.1
Other racial minority	1,169,065	42.8	200	21.0	0.49	17.1
Total	**2,731,571**	**100.0**	**952**	**100.0**	**1.00**	**34.9**

**Table F6: Total convictions, by race of civilian,
Toronto Police Service, November 5, 2013 – July 31, 2017**

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White	1,322,656	48.4	11,595	50.8	1.05	876.6
Black	239,850	8.8	6,661	29.1	3.31	2,777.1
Other racial minority	1,169,065	42.8	4,654	20.3	0.47	398.1
Total	**2,731,571**	**100.0**	**22,910**	**100.0**	**1.00**	**838.7**

**Table F7: Sentence outcomes, by race,
for total charges for failure to comply offences**

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	577 (12.0%)	2,399 (49.7%)	205 (4.2%)	30 (0.6%)	1,617 (33.5%)	4,828 (100%)
White	617 (9.5%)	3,131 (48.1%)	249 (3.8%)	28 (0.4%)	2,489 (38.2%)	6,514 (100%)
Other	384 (11.2%)	1,704 (49.9%)	182 (5.3%)	7 (0.2%)	1,140 (33.4%)	3,417 (100%)
Total	**1,578 (10.7%)**	**7,234 (49.0%)**	**636 (4.3%)**	**65 (0.4%)**	**5,246 (35.5%)**	**14,759(100%)**

Chi-Sq = 62.392, $p<.001$

Table F8: Sentence outcomes, by race, for total charges for obstructing justice

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	68 (13.9%)	231 (47.2%)	29 (5.9%)	5 (1.0%)	156 (31.9%)	489 (100%)
White	34 (7.9%)	223 (51.5%)	18 (4.2%)	1 (0.2%)	157 (36.3%)	433 (100%)
Other	26 (11.4%)	111 (48.5%)	17 (7.4%)	2 (0.9%)	73 (31.9%)	229 (100%)
Total	**128 (11.1%)**	**565 (49.1%)**	**64 (5.6%)**	**8 (0.7%)**	**386 (33.5%)**	**1,151 (100%)**

Chi-Sq = 15.273, $p = .054$

Table F9: Sentence outcomes, by race, for total charges for assaulting police

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	186 (15.2%)	649 (53.1%)	71 (5.8%)	23 (1.9%)	294 (24.0%)	1,223 (100%)
White	164 (8.9%)	984 (53.4%)	119 (6.5%)	18 (1.0%)	557 (30.2%)	1,842 (100%)
Other	50 (8.2%)	301 (49.6%)	97 (16.0%)	10 (1.6%)	149 (24.5%)	607 (100%)
Total	**400 (10.9%)**	**1,934 (52.7%)**	**287 (7.8%)**	**51 (1.4%)**	**1,000 (27.2%)**	**3,672 (100%)**

Chi-Sq = 112.252, p<.001

Table F10: Sentence outcomes, by race, for total charges for uttering threats against police

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	355 (13.3%)	1,454 (54.4%)	233 (8.7%)	233 (8.7%)	566 (21.2%)	2,673 (100%)
White	507 (10.7%)	2,710 (57.3%)	321 (6.8%)	58 (1.2%)	1,130 (23.9%)	4,726 (100%)
Other	318 (12.9%)	1,415 (57.5%)	241 (9.8%)	50 (2.0%)	438 (17.8%)	2,462 (100%)
Total	**1,180 (12.0%)**	**5,579 (56.6%)**	**795 (8.1%)**	**173 (1.8%)**	**2,134 (21.6%)**	**9,861 (100%)**

Chi-Sq = 78.772, p<.001

Table F11: Sentence outcomes, within-race, for total charges for cannabis possession

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	269 (14.9%)	1,315 (73.0%)	116 (6.4%)	5 (0.3%)	97 (5.4%)	1,802 (100%)
White	295 (15.2%)	1,394 (72.0%)	134 (6.9%)	4 (0.2%)	108 (5.6%)	1,935 (100%)
Other	207 (19.5%)	726 (68.4%)	65 (6.1%)	0 (0.0%)	63 (5.9%)	1,061 (100%)
Total	**771 (16.1%)**	**3,435 (71.6%)**	**315 (6.6%)**	**9 (0.2%)**	**268 (5.6%)**	**4,798 (100%)**

Chi-Sq = 16.026, p = .042

Table F12: Sentence outcomes, within-race, for total charges for "other" illegal drug possession

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	219 (13.2%)	1,071 (64.4%)	128 (7.7%)	10 (0.6%)	235 (14.1%)	1,663 (100%)
White	413 (13.6%)	1,898 (62.5%)	258 (8.5%)	6 (0.2%)	462 (15.2%)	3,037 (100%)
Other	201 (17.6%)	654 (57.4%)	105 (9.2%)	0 (0.0%)	179 (15.7%)	1,139 (100%)
Total	**833 (14.3%)**	**3,623 (62.0%)**	**491 (8.4%)**	**16 (0.3%)**	**876 (15.0%)**	**5,839 (100%)**

Chi-Sq = 30.498, p<.001

Table F13: Sentence outcomes, within-race, for total charges for "out-of-sight" driving offences

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	2,245 (78.4%)	476 (16.6%)	15 (0.5%)	3 (0.1%)	125 (4.4%)	2,864 (100%)
White	2,585 (80.0%)	473 (14.6%)	11 (0.3%)	0 (0.0%)	161 (5.0%)	3,230 (100%)
Other	1,628 (80.0%)	289 (14.2%)	10 (0.5%)	1 (0.0%)	107 (5.3%)	2,035 (100%)
Total	**6,458 (79.4%)**	**1,238 (15.2%)**	**36 (0.4%)**	**4 (0.0%)**	**393 (4.8%)**	**8,129 (100%)**

Chi-Sq = 13.291, p = .102

Table F14: Sentence outcomes, within-race, for total charges for disturbing the peace offences

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	11 (11.5%)	51 (53.1%)	9 (9.4%)	0 (0.0%)	25 (26.0%)	96 (100%)
White	25 (13.0%)	93 (48.2%)	17 (8.8%)	2 (1.0%)	56 (29.0%)	193 (100%)
Other	13 (23.2%)	26 (46.4%)	4 (7.1%)	0 (0.0%)	13 (23.2%)	56 (100%)
Total	**49 (14.2%)**	**170 (49.3%)**	**30 (8.7%)**	**2 (0.6%)**	**94 (27.2%)**	**345 (100%)**

Chi-Sq = 6.742, p = .565

Table F15: Sentence outcomes, within-race, for total charges for trespassing offences

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	357 (56.8%)	215 (34.2%)	22 (3.5%)	0 (0.0%)	34 (5.4%)	628 (100%)
White	674 (57.5%)	394 (33.6%)	13 (1.1%)	3 (0.3%)	89 (7.6%)	1,173 (100%)
Other	276 (64.8%)	106 (24.9%)	21 (4.9%)	0 (0.0%)	23 (5.4%)	426 (100%)
Total	**1,307 (58.7%)**	**715 (32.1%)**	**56 (2.5%)**	**3 (0.1%)**	**146 (6.6%)**	**2,227 (100%)**

Chi-Sq = 40.245, p<.001

Table F16: Sentencing outcomes, all single charge cases, Toronto Police Service, November 5, 2013 – July 31, 2017

Sentencing outcome	Frequency	%
Pending/missing	2,606	29.5
Withdrawn	3,740	42.3
Dismissed/stayed	342	3.9
Acquitted	38	0.4
Convicted	2,115	23.9
Sample	**8,841**	**100.0**

Table F17: Sentencing outcomes, all charges, by race, Toronto Police Service, November 5, 2013 – July 31, 2017

Sentencing outcome	Black	White	Other racial minority
Pending/missing	30.4	28.8	29.7
Withdrawn	41.0	43.0	42.5
Dismissed/stayed	3.9	3.5	4.7
Acquitted	0.4	0.4	0.5
Convicted	24.2	24.4	22.6
Sample	**2,549**	**4,290**	**2,002**

$x^2 = 11.228$; df = 8; p > .189

Table F18: Total convictions, single charge cases, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of convictions	% of convictions	Odds ratio	Conviction rate (per 100,000)
White	1,322,656	48.4	1,046	49.5	1.02	79.1
Black	239,850	8.8	617	29.2	3.32	257.2
Other racial minority	1,169,065	42.8	452	21.3	0.50	38.7
Total	**2,731,571**	**100.0**	**2,115**	**100.0**	**1.00**	**77.4**

Table F19: Total non-convictions (including withdrawals, dismissals and stayed prosecutions), single charge cases, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of non-convictions	% of non-Convictions	Odds ratio	Non-conviction rate (per 100,000)
White	1,322,656	48.4	2,009	48.7	1.01	151.9
Black	239,850	8.8	1,156	28.1	3.19	482.0
Other racial minority	1,169,065	42.8	955	23.2	0.54	81.7
Total	**2,731,571**	**100.0**	**4,120**	**100.0**	**1.00**	**150.8**

Table F20: Total cases still pending or missing, single charge cases, by race of civilian, Toronto Police Service, November 5, 2013 – July 31, 2017

Racial group	Population estimate	% of population	Number of pending cases	% of pending cases	Odds ratio	Pending case rate (per 100,000)
White	1,322,656	48.4	1,235	47.4	0.98	93.4
Black	239,850	8.8	776	29.8	3.40	323.5
Other racial minority	1,169,065	42.8	595	22.8	0.53	50.9
Total	**2,731,571**	**100.0**	**2,606**	**100.0**	**1.00**	**95.4**

Table F21: Sentence outcomes, by race, single charge cases involving a failure to comply offence

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	111 (10.8%)	416 (40.3%)	47 (4.6%)	3 (0.3%)	454 (44.0%)	1,031 (100%)
White	182 (11.6%)	599 (38.3%)	59 (3.8%)	8 (0.5%)	718 (45.8%)	1,566 (100%)
Other	77 (9.5%)	328 (40.6%)	42 (5.2%)	2 (0.2%)	359 (44.4%)	808 (100%)
Total	**370 (10.9%)**	**1,343 (39.4%)**	**148 (4.3%)**	**13 (0.4%)**	**1,531 (45.0%)**	**3,405 (100%)**

Chi-Sq = 7.683, p = .465

Table F22: Sentence outcomes, by race, single charge cases involving an assault police offence

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	14 (19.4%)	32 (44.4%)	4 (5.6%)	2 (2.8%)	20 (27.8%)	72 (100%)
White	17 (12.8%)	74 (55.6%)	13 (9.8%)	0 (0.0%)	29 (21.8%)	133 (100%)
Other	6 (12.8%)	22 (46.8%)	10 (21.3%)	2 (4.3%)	7 (14.9%)	47 (100%)
Total	**37 (14.7%)**	**128 (50.8%)**	**27 (10.7%)**	**4 (1.6%)**	**56 (22.2%)**	**252 (100%)**

Chi-Sq = 16.690, p = .034

Table F23: Sentence outcomes, by race, single charge cases involving uttering threats against police

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	25 (10.2%)	136 (55.7%)	18 (7.4%)	6 (2.5%)	59 (24.2%)	244 (100%)
White	38 (8.4%)	281 (61.8%)	30 (6.6%)	5 (1.1%)	101 (22.2%)	455 (100%)
Other	23 (11.0%)	126 (60.0%)	21 (10.0%)	6 (2.9%)	34 (16.2%)	210 (100%)
Total	**86 (9.5%)**	**543 (59.7%)**	**69 (7.6%)**	**17 (1.9%)**	**194 (21.3%)**	**909 (100%)**

Chi-Sq = 11.110, p = .196

Table F24: Sentence outcomes, by race, single charge cases involving cannabis possession

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	122 (29.6%)	265 (64.3%)	11 (2.7%)	0 (0.0%)	14 (3.4%)	412 (100%)
White	119 (25.1%)	338 (71.2%)	9 (1.9%)	0 (0.0%)	9 (1.9%)	475 (100%)
Other	106 (33.8%)	201 (64.0%)	3 (1.0%)	0 (0.0%)	4 (1.3%)	314 (100%)
Total	**347 (28.9%)**	**804 (66.9%)**	**23 (1.9%)**	**0 (0.0%)**	**27 (2.2%)**	**1,201 (100%)**

Chi-Sq = 13.907, p = .031

Table F25: Sentence outcomes, by race, single charge cases involving "other" illegal drug possession

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	29 (14.1%)	131 (63.6%)	11 (5.3%)	0 (0.0%)	35 (17.0%)	206 (100%)
White	92 (15.3%)	383 (63.6%)	23 (3.8%)	1 (0.2%)	103 (17.1%)	602 (100%)
Other	22 (14.8%)	103 (69.1%)	7 (4.7%)	0 (0.0%)	17 (11.4%)	149 (100%)
Total	143 (14.9%)	617 (64.5%)	41 (4.3%)	1 (0.1%)	155 (16.2%)	957 (100%)

Chi-Sq = 4.731, p = .786

Table F26: Sentence outcomes, by race, single charge cases involving "out-of-sight" driving offences

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	242 (97.2%)	2 (0.8%)	0 (0.0%)	0 (0.0%)	5 (2.0%)	249 (100%)
White	288 (97.6%)	2 (0.7%)	0 (0.0%)	0 (0.0%)	5 (1.7%)	295 (100%)
Other	177 (98.9%)	1 (0.6%)	0 (0.0%)	0 (0.0%)	1 (0.6%)	179 (100%)
Total	707 (97.8%)	5 (0.7%)	0 (0.0%)	0 (0.0%)	11 (1.5%)	723 (100%)

Chi-Sq = 1.660, p = .798

Table F27: Sentence outcomes, by race, single charge charges involving disturbing the peace offences

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	5 (41.7%)	6 (50.0%)	0 (0.0%)	0 (0.0%)	1 (8.3%)	12 (100%)
White	9 (32.1%)	10 (35.7%)	2 (7.1%)	0 (0.0%)	7 (25.0%)	28 (100%)
Other	5 (62.5%)	3 (37.5%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	8 (100%)
Total	19 (39.6%)	19 (39.6%)	2 (4.2%)	0 (0.0%)	8 (16.7%)	48 (100%)

Chi-Sq = 6.338, p = .386

Table F28: Sentence outcomes, by race, single charge cases involving a trespassing offence

Race	Pending	Withdrawn	Dismissed	Acquitted	Convicted	Total
Black	207 (91.2%)	9 (4.0%)	5 (2.2%)	0 (0.0%)	6 (2.6%)	227 (100%)
White	457 (94.0%)	15 (3.1%)	2 (0.4%)	0 (0.0%)	12 (2.5%)	486 (100%)
Other	165 (94.8%)	4 (2.3%)	2 (1.1%)	0 (0.0%)	3 (1.7%)	174 (100%)
Total	829 (93.5%)	28 (3.2%)	9 (1.0%)	0 (0.0%)	21 (2.4%)	887 (100%)

Chi-Sq = 6.389, p = .381

Part F: Conclusion

Our analysis of TPS arrest and charge data, from late 2013 to mid-2017, document that race still matters with respect to select discretionary offences. The results presented in this report are highly consistent with previous American, British and Canadian research. Four findings stand out:

1) Black people are grossly over-represented in the charges that are the focus of the OHRC inquiry.
2) With the exception of drug charges, race appears to have little impact on whether a suspect is released on the street or taken into custody and booked.
3) White suspects are slightly more likely to be convicted of the charges levelled against them than Black suspects.
4) Regardless of race, most charges documented by the TPS data were either withdrawn or dismissed by the prosecution or court.

While the first three general findings apply to cases involving both multiple and single charges, the fourth major finding reveals that, regardless of race, most charges documented by the TPS data were either withdrawn or dismissed by the prosecution or court. This raises questions about the quality of charges being laid by the Toronto police. Furthermore, while the Black conviction rate is three times greater than the White conviction rate, the Black non-conviction rate is four times greater than the White non-conviction rate. This suggests that Black people are particularly vulnerable to unnecessary, low-quality charges that eventually lead to non-conviction.

Over-representation

Table G1 and G2 document the huge over-representation of Black people in the discretionary charges that were the focus of the TPS inquiry. In general, the presence of Black people in the charge dataset is 3.7 times greater than their representation in the general population would predict. With respect to specific offences, the degree of over-representation ranges from a low of 3.1 times for uttering threats against the police to 4.8 times for obstruct justice. The over-representation of Black males is even more striking. Overall, Black males are 7.3 times more likely to appear in the charge dataset than their representation in the general population would predict. With respect to specific offences, the degree of Black male over-representation ranges from 5.8 times for disturbing the peace to 9.3 times for obstruct justice. For each offence, the charge rate for Black males is three to seven times greater than the charge rate for White males. Note that the degree of Black over-representation remains equally high when we only consider cases that involve a single charge (see Table G2).

It is also important to note that compared to their presence in the general population, women from all racial categories are under-represented in the charge dataset. However, the overall charge rate for Black women is 2.4 times greater than the charge rate for White women and 6.2 times greater than the charge rate for women from other racial minority backgrounds. Thus, when we consider female suspects in isolation, Black women are significantly over-represented.

Finally, the data also suggest that, on average, Black suspects face a higher number of charges per incident than their White or other racial minority counterparts. This is particularly true for Black males. This finding is consistent with the allegation that Black people are more vulnerable to police "over-charging."

The data presented in this report expose dramatic racial disparities with respect to TPS charge practices. In the past when faced with such statistics, police services and associations have often argued that disparity does not prove discrimination. However, in our opinion, the gross racial disparities documented by this inquiry strongly support the argument that racial bias exists and must be taken seriously. For example, it is highly unlikely that Black males are six times more likely to use cannabis and 3.6 times more likely to use other drugs than White males. Indeed, both Canadian and American research suggests that Black people use cannabis at approximately the same rate as White people and actually have lower rates of other types of illicit drug use (see Hayley et al. 2018; Wortley and Owusu-Bempah 2016; Evans-Polce et al. 2015; Edwards et al. 2013; Wu et al., 2011).

Why then are Black males so grossly over-represented in drug possession cases – including those that involve a single charge? As discussed in the introduction, this could be related to higher rates of police surveillance. As documented in other areas of the OHRC inquiry, a variety of official and unofficial statistics document that Black males are much more likely to be subject to street checks and police stop, question and search practices than any other demographic group. In addition, socially disadvantaged, high-crime communities often have a greater police presence and are subject to more aggressive, proactive policing strategies. It is these practices that may make Black drug consumers more vulnerable to identification and arrest than White people who engage in exactly the same types of behaviour (see Wortley 2018). Furthermore, other research suggests that when presented with evidence of drug use, the police are more likely to charge Black people than people from other racial backgrounds (see Samuels-Wortley 2019; Johnson et al. 2019). These are the types of racial bias that contribute to the over-representation of Black people – particularly Black males – in drug possession arrests.

The same logic applies to the other offences documented in this study. For example, the data suggest that Black males are 5.2 times more likely to be implicated in single charge cases involving an "out-of-sight" driving offence than White males. Can we simply conclude

that Black males are 5.2 times more likely to drive without a license or insurance than their White counterparts? Note that racial differences in "out-of-sight" driving offences – especially those that do not involve another visible traffic offence (like speeding) – are often considered evidence of racial profiling (Harris 2003; Wortley and Tanner 2003). In other words, consistent with the racial disparities observed in the Toronto street check data, Black people may be over-represented in "random" traffic stops compared to White people (see Foster and Jacobs 2018). This greater exposure to traffic stops is a form of bias that would subsequently increase the likelihood of Black people being identified for an "out-of-sight" driving offence.

Table G1: Degree of Black over-representation in TPS charges, by offence type

Type of offence	Black people	Black males
Failure to comply	3.71	7.48
Obstruct justice	4.83	9.35
Assault police	3.78	6.93
Uttering threats against police	3.08	6.03
Cannabis possession	4.27	8.70
Other drug possession	3.24	6.43
Out of sight driving offences	4.00	7.53
Disturbing the peace	3.16	5.83
Trespassing	3.20	6.35
Total	**3.68**	**7.27**

Table G2: Degree of Black over-representation in single charge TPS cases, by offence type

Type of offence	Black people	Black males
Failure to comply	3.32	6.47
Assault police	3.24	5.47
Uttering threats against police	3.06	5.93
Cannabis possession	3.90	7.97
Other drug possession	2.44	4.87
Out-of-sight driving offences	3.90	7.50
Disturbing the peace	2.84	5.20
Trespassing	2.91	5.47
Total	**3.27**	**6.40**

Type of release

Although Black people are grossly over-represented in the TPS charge/arrest data, there is little evidence to suggest that they are more likely to be taken into custody for booking than their White counterparts. Approximately 20% of suspects, from all racial backgrounds, are released on the street. The other 80% are taken into custody and booked at the station. The only exception seems to be with respect to drug offences. In 2002, Jim Rankin and his colleagues from the *Toronto Star* examined data from over 10,000 Toronto arrests – between 1996 and 2001 – for simple drug possession. They found that Black drug possession suspects (38%) were much more likely than White suspects (23%) to be taken to the police station for processing (Rankin 2002). It appears that little has changed. Our analysis of data from 2013 – 2017 indicates that 54% of Black suspects charged with a single count of (non-cannabis) illegal drug possession were taken into custody and booked at the station, compared to 43% of White suspects. Unfortunately, unlike the original *Star* data, at the time this report was prepared the research team did not have the information necessary to clearly distinguish between people who were released by the police after booking and people who were held for a remand hearing. This is a major limitation of the current study and should be addressed by a forthcoming addendum to the current report.

Charge outcomes

The results suggest that during the study period, the majority of charges included in the TPS dataset did not result in a conviction. The results also suggest that charges against White suspects (22.8%) were slightly more likely to lead to a conviction than charges involving either Black (18.4%) or other racial minority suspects (18.8%). Although small, these racial differences are statistically significant.

It is also important to note that the Black charges withdrawn rate is 2.7 times greater than the Black conviction rate. Furthermore, while Black people are 3.2 times over-represented in convictions, they are 3.7 times over-represented in withdrawn charges, 3.8 times over-represented in dismissals and 4.9 times over-represented in charge acquittals. Racial disparities are also more pronounced with respect to non-conviction than conviction charges. For example, the Black conviction rate is 3.2 times greater than the White conviction rate. By contrast, the Black withdrawn charges rate is 3.9 times greater than the White withdrawn charges rate, the Black dismissal rate is 4.5 times greater than the White dismissal rate and the Black acquittal rate is 6.5 times greater than the White acquittal rate. These findings suggest that, although Black people are grossly over-represented in the TPS charge dataset, they are even more over-represented with respect to charges that did not result in a conviction.

In many ways, the results produced by the current inquiry are highly consistent with the results produced by the U.S. Department of Justice's (DOJ) recent investigation into policing in Baltimore, Maryland. That investigation, as with the current TPS inquiry, found that the

Baltimore Police Department's (BPD) disproportionate charging of African Americans was suggestive of racial bias because racial disparities were highest for offences that involve a high degree of police discretion. Consistent with the results of the current report, the DOJ's investigation also found that:

> The consistent racial disparities in outcomes from BPD's misdemeanour arrests also do not appear to be attributable to non-racial factors. For every misdemeanour offence we examined, supervisors at Central Booking and prosecutors dismissed a significantly larger share of the charges brought against African Americans than others. This consistent pattern suggests that, for these highly discretionary offences, BPD is disproportionately likely to arrest African Americas based on insufficient evidence" (U.S. Department of Justice 2016: 64).

In sum, Black people are much more likely than White people to be charged with the various offences that are part of the OHRC inquiry. This high overall charge rate may help explain why Black people are also over-represented in charges that lead to conviction. However, it is troubling to find that the Black non-conviction rate – including charge withdrawals, dismissals and acquittals – is much higher than the Black conviction rate. It is also troubling that racial disparities are greater with respect to non-conviction versus conviction rates. These findings are highly consistent with the argument that, due to racial bias, Black people are more likely than White people to face unnecessary, low-quality charges that ultimately lead to non-conviction.

Indeed, most of these charges levelled against Black people are ultimately withdrawn, dismissed or subject to acquittal. This suggests that there may not have been sufficient evidence to lay these charges in the first place. Furthermore, whether they led to conviction or not, these charges will remain in police records and further contribute to the criminalization of the Black community. Both conviction and non-conviction charges will have a disproportionally negative impact on the Black community with respect to volunteer, employment and educational opportunities. Both conviction and non-conviction records can also be used to reinforce racially biased practices and justify harsher treatment of the Black community by the police and broader justice system (Canadian Bar Association 2017).

Future research

As discussed in the introduction to this report, three important data limitations emerged through our analysis. The first limitation involves missing data. Many of the key variables in the current analysis contained a high number of missing cases. Furthermore, we excluded other variables from our analysis because almost all the data were missing. We were informed that variables with large amounts of missing data were non-mandatory fields that TPS officers did not have to complete.

A second data limitation concerns the information on type of release. Due to a number of communications issues between the OHRC and the TPS, the research team was only able to conduct an analysis of two general release categories: released on the street or detained and booked at the station. At the time the report was prepared, we did not have the information necessary to clearly distinguish between people booked at the station and released by the police from people held in custody for a remand or "show cause" hearing. The police decision to hold a suspect for a remand hearing represents a major curtailment of freedom. Previous research also suggests that Black people are grossly over-represented in remand populations. The research team is currently working with the TPS to enable an accurate analysis of "show cause" releases. We hope that in the near future, an analysis of "show cause" releases will be possible and provided to the public as an amendment to the current report.

The research team also wanted to conduct an analysis of other arrest details including whether the suspect was strip-searched, photographed, fingerprinted or booked into a holding cell. Unfortunately, although fields documenting these types of activities exist in the Versadex system, in almost all cases the data was missing. We were informed by TPS analysts that this data is missing because the fields are not mandatory. As a result, officers usually do not provide these case processing details.

Finally, the TPS datasets delivered to the OHRC did not contain high-quality information on the suspects' previous criminal history. Indeed, it seems that the TPS only provided charge history information from November 2013 onwards (i.e., from the time the Versadex system came online). In other words, any charges or convictions before November 2013 were not included in the datasets. This renders the criminal history information useless with respect to conducting a multivariate analysis of the factors that may impact post-arrest treatment.

Future research should attempt to address these data weaknesses and produce a more advanced analysis of how suspects are treated post-arrest. However, the opportunity to conduct more advanced analysis will largely depend on the cooperation of the Toronto Police Service. Currently, TPS data systems seem to be constructed for administrative rather than research purposes. Thus, while the data may provide a reasonably accurate depiction of racial disparities in charging practices, the data on the post-charge treatment of civilians has significant limitations. In our opinion, if the service is truly committed to identifying and eliminating racial bias, a system of race-based, research-oriented data collection must be developed. Data from this system should be readily available, not only to internal data analysts, but also to outside academics and community members.

Let us, for example, consider the issue of release type. To conduct an advanced analysis of whether race impacts type of post-charge release we would require detailed information on the following variables:[11]

- Type of release (dependent variable): including street releases, station bookings and releases, holds for remand hearings, show cause releases without pre-trial conditions, show cause releases with pre-trial conditions, and pre-trial detentions
- Number of current charges
- Type of current charges
- Criminal history at time of arrest: including information on previous charges as well as convictions
- Location of arrest: including patrol zone demographics and crime rate
- Civilian characteristics: age, gender, race, immigration status, employment status, residential location, etc.

In the past, police and governments in Canada have not responded well to academic and community requests for data collection and data analysis frameworks that would better address allegations of racial bias. In our opinion, the magnitude of the racial disparities identified in this report justify greater action on the research and data transparency front. As an accountability measure, the TPS should develop a system that can produce high-quality race-based data on arrest practices and other important issues. This data should be made available to internal police researchers, academics, policy-makers and community advocacy groups. The analysis and dissemination of this data should be used to document racial disparities, identify how racial bias may contribute to the over-representation of Black and other racial groups in police statistics, and evaluate the effectiveness of anti-racism initiatives.

A failure to implement such a data collection strategy would demonstrate a lack of commitment to equity and anti-racism efforts. Organizational attempts to prevent or impede race-based data collection would demonstrate that police interests outweigh the interests of the Black community and other racial minority groups. At least in theory, the police work for the public. As such, the police should be transparent. They should both collect and release information that the general public – or groups within the general public – demand. As Kane (2007: 778) argues, police departments sometime unwisely operate as if police-generated records are propriety data. He states that: "The public funds police departments and all dimensions of their coercive activities. The public *owns* all information related to police operations and processes. Police departments should be required not only to collect data on coercive outcomes and processes but also to make them generally available to the public."

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[11] The advanced analysis of other issues – including the likelihood of conviction – is equally complicated.

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