

Classification **PUBLIC**

Meeting: **November 14, 2016**

Agenda Item: **Monitoring Report:
Asset Protection**



Recommended Motion:

THAT the Board finds that all provisions of the *Asset Protection Executive Limitations* policy has been complied with.

ASSET PROTECTION

I hereby submit my monitoring report on your Executive Limitations Policy, "Asset Protection" according to the schedule set out. I certify that the information contained in this report is true.

Signed: _____
Chief of Police

Date: _____

BROADEST POLICY PROVISION:

The Chief of Police will not cause or allow Durham Regional Police Service assets to be unprotected, inadequately maintained or unnecessarily risked.

Interpretation of the Chief of Police:

It is my interpretation that the Board has comprehensively interpreted this policy in its subsequent policy provisions. My interpretations will be attached to those provisions below.

Further, without limiting the scope of the foregoing by the enumeration, the Chief of Police will not:

Policy Provision #1

1. “Unnecessarily expose the organization, its members, the Board or the Regional Municipality of Durham to claims of liability.”

Interpretation of the Chief of Police:

Policing involves activity by our members in which they place themselves in danger as well as our tangible and intangible assets at risk of loss or damage.

I will take all reasonable steps to ensure that the Service is managed and controlled with an attitude, systems and procedures which avoid these outcomes. The Risk Management Committee takes a proactive approach to monitoring and reporting on major risks.

Claims of liability means lawsuits launched by parties who allege that they have been damaged by the actions of our members in the course of their duties.

I interpret unnecessary exposure to such claims to occur when our members knowingly take actions or allow conditions to occur which will likely result in a claim.

Further, in view of the fact that some claims will succeed even if all actions are proper, I will ensure that the insurance arrangements put in place by the Region of Durham provide an adequate level of protection against claims which are made.

Data in Support:

Risk Management Committee

1) Mandate and Definition

“To develop a systematic approach to identifying, monitoring and reducing risks affecting human life and health, reputation and property.”

Our definition of risk management is “the process of looking into the future for things which may go wrong and doing something now to prevent them going wrong or lessen the damage of those things going wrong.”

Our focus is activities which can be examined and improved to lessen unnecessary risks.

2) Committee Membership

The Committee is chaired by the Director of Business Services and is composed of the Unit Leaders or ELT representatives from our Quality Assurance Unit (policies and procedures, risk based audits), Strategic Planning Unit, Professional Standards Unit (police discipline and Special Investigations Unit liaison), Legal Services Unit (civil claims), Police Education and Innovation Centre (training), Superintendent Community Policing and Duty Inspectors' Office (front-line operations and Police Vehicle Operations Committee).

3) Standing Reports

Currently consist of

- Monthly (YTD) Vehicle Collision Report produced by Fleet Management and posted on MediaOne.
- Police Vehicle Operations Committee update produced by the Duty Inspector/Quality Assurance.
- Public and Internal Complaints Report produced by Professional Standards.
- Special Investigations Unit Incident Report produced by Professional Standards.
- Lawsuit Update produced by Legal.
- Use of Force Report produced by the Police Education and Innovation Centre.

Suspect Apprehension Pursuits

We have placed a focus on Suspect Apprehension Pursuits (SAP). It represents a relatively risky activity which is nonetheless necessary to maintain community safety in certain circumstances. The DRPS, in comparison to other police services in Ontario, has the most stringent pursuit guidelines and is considered by the Ministry to be a leader in this field. The service has and continues to provide additional training and guidance as well as management oversight of these activities with the following results:

Suspect Apprehension Pursuits	2014	2015	2015	2016
	Year	Year	Sep YTD	Sep YTD
Number of Pursuits	37	41	23	36
Compliant	30(81%)	36(88%)	19(78%)	31(86%)
Non-Compliant	7(19%)	5(12%)	5(22%)	5(14%)

We have been capturing the data on the number of pursuits since 1996. We have seen the trend on the number of pursuits range from a high of 73 (year 1996) to a low of 32 pursuits (year 2012). To analyze the reasons behind the frequency of pursuits occurring would be nearly impossible as there are many factors that play into when a pursuit occurs.

We can however look retrospectively at our policy non-compliance and begin to target how we can improve on compliance.

In 2014 there were 37 pursuits and 30 of those (81%) were fully compliant. The 7 pursuits that were non-compliant were carefully analyzed for the reasons of non-compliance.

All non-compliant issues are addressed by the debriefing Duty Inspectors and Acting Duty Inspectors to make compliance and non-compliance determinations. Most important is an emphasis on immediate notification to the Communications/911 Unit dispatcher and ultimately, the Duty Inspector and Patrol Sergeant of any strategic following/pursuit by a patrol officer. This priority is being echoed at all SAP debriefs. Communications/911 Unit supervisors are very aware of this priority. Furthermore, Communications/911 Unit dispatchers are cognizant of the need to direct officers to turn on emergency lighting and siren equipment, if they don't hear it when an officer reports a SAP over the radio.

In 2014 officers who engaged in pursuits suffered no personal injuries; one DRPS vehicle was temporarily taken out of service due to damage (approx. \$2,317). In addition to this, one DRPS vehicle was 'written off' resulting directly from a suspect apprehension pursuit.

The top three risks identified after reviewing 2014 non-compliant SAP's were: failing to notify Communications Unit forthwith of becoming engaged in a SAP, failing to update Communications Unit about changing information or conditions, the lack of/or continual use of emergency lights and siren equipment and failing to place more consideration to employ "strategic pursuing" rather than committing to engage in a close pursuit. The term "strategic pursuing" was introduced into the Suspect Apprehension Pursuits directive earlier this year. "Strategic pursuing" in which the officer reduces speed and increases distance from the motorist, provides a false sense to the fleeing motorist that the pursuing officer has either removed themselves from the pursuit, or the suspect can now reduce their vehicle speed or come to a complete stop, abandon their vehicle and flee on foot.

Throughout 2015 the newly named Police Vehicle Operations Committee has been redefining the program to improve our overall compliance to 88%. Of note is one pursuit that occurred on Sunday, December 6th, 2015 (incident # 2015-235512), resulting in pursued vehicle (suspect), colliding with another motorist who had to be extracted from vehicle by attending Whitby Fire Dept. and transported to hospital (suffered serious, but non-life threatening injuries). Special Investigative Unit (SIU) invoked their mandate, investigated incident and submitted their findings to the DRPS mid-October 2016 concluding no grounds to proceed with charges against the DRPS officer.

There is an enhanced focus on accountability through the Regional Duty Inspector's Office and a focus on training and education in collaboration with the Police Education and Innovation Centre.

The Suspect Apprehension Pursuits directive has received a comprehensive review and has been reformatted into the new approved directive format dividing contents into two areas; Policy and Procedure, making the directive more 'user friendly' and understandable without having to question any of its contents.

2016 YTD shows a positive impact of training for Front Line Officers and how members are efficiently managing police pursuits. Frontline officers continue to assess and make good decisions in engaging and not engaging in suspect apprehension pursuits of violators. Pursuit debriefings have had an enormous positive impact on not only the primary officer (operator of police vehicle engaged in pursuit of violator), but also patrol sergeants, other police units and most important, the safety of the community.

2016 also saw an improvement in the GPS / AVL safe arrival initiatives, i.e., incidents were uncovered where the GPS (Global Positioning System), failed to provide data required by the pursuit review officer. The problem has been corrected with a guarantee of no repeat occurrences.

DRPS is the only police service in Canada that records statistics relating to pursuits not engaged by officers. Officers make split second assessments of the violation, the impact on the safety of the community, violator and officer safety and as a result, would disengage from the pursuit and advise dispatch. To date, there have been 16 documented incidents where officers have signaled a violator to pull to the side of the road and stop, but the operator fails to do so, increasing their speed and attempting to flee the police.

Vehicle Collisions

Driving vehicles is the single most risky activity in which police officers engage, based on both its frequency and the negative consequences of collisions.

The Risk Management Committee has helped the service focus on reducing our vehicle collisions and the attendant injuries:

Departmental Collisions Injuries and Expenses	2014	2015	2015	2016
	Year	Year	Sep YTD	Sep YTD
Member Injuries	12	7	5	7
Time Lost in Hours	120	542	420	162
Wages Lost(Straight Time)	\$6,776	\$23,897	\$18,149	\$7,339
WSIB Non-Wage Expenses	\$1,854	\$997	\$680	\$213
# of Collisions	176	200	156	122
# Write-Offs	8	8	7	5
Average Repair Cost	\$2,752	\$2,470	\$2,514	\$3,280
DRPS Collision \$ Value	\$484,318	\$493,906	\$392,133	\$400,198

The high number of hours and dollars in the September 2015 YTD for time lost and wages lost was due to two officers suffering head injuries in collisions.

The increase in the average repair cost in 2016 YTD is due to the fact that the collision damage which occurred was weighted towards newer vehicles with more costly repairs.

Special Investigations Unit

From January 1st 2014 up to and including September 30, 2014, six (6) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The SIU invoked their mandate on three (3) occasions.
- In all three (3) cases the subject officers were cleared of criminal responsibility by the SIU.
- The subject officers were also found not to have committed any offence under the code of conduct of the Police Services Act by the Professional Standards Unit.

From January 1st 2015 up to and including September 30, 2015, six (6) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The SIU invoked their mandate on all (6) occasions.
- In one (1) case the subject officer was cleared of criminal responsibility by the SIU.
- The subject officer was also found not to have committed any offence under the code of conduct of the Police Services Act by the Professional Standards Unit.
- The other five (5) are still pending SIU decisions.

From January 1st 2016 up to and including September 30, 2016, seven (7) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The SIU invoked their mandate on seven (7) occasions.
- One (1) of cases the subject officer was cleared of criminal responsibility by the SIU. The subject officer was also found not to have committed any offence under the code of conduct of the Police Services Act by the Professional Standards Unit.
- In two (2) of the cases the investigation was terminated by the SIU.
- The other four (4) cases are still pending an SIU decision.

Statement of Compliance/Non-Compliance:

I report compliance with this provision

Civil Liability Claims

The following chart provides a breakdown of civil liability claims, by category, for the past two years:

Year	Assault/Excessive Use of Force	Departmental MVC	False Arrest	Improper Search and Arrest	Negligence	Sexual Assault	Erroneous Press Release	Total
2014	4	3	0	1	12	0	0	20
2015	1	3	5	0	7	0	0	16

In comparing civil liability claims received from January 1st to September 30th in 2015 and 2016, the results are as follows:

Year To Date	Assault/Excessive Use of Force	Departmental MVC	False Arrest	Improper Search and Arrest	Negligence	Sexual Assault	Erroneous Press Release	Total
2015	1	3	5	0	6	0	0	15
2016	1	1	0	0	4	0	0	6

Insurance Coverage

The Regional Finance Department's Insurance and Risk Management Division manages the insurance program which provides protection for individuals and assets along with protection against liability. Further protection is provided for claims made against the organization, its members, the Board and the Region. This program includes comprehensive policy wordings with high limits of liability. The Region has assured us that they have developed comprehensive custom solutions that will meet DRPS needs.

Statement of Compliance/Non-Compliance:

I report compliance with this provision.

Policy Provision #2

2. “Fail to report to the Board the details of any claims settled or awarded in the amount of \$250,000 or more, as soon as possible following the settlement or award.

Interpretation of the Chief of Police:

It is my interpretation of the provision that I am to ensure that the Region’s Risk Manager provides the requisite report to the Board.

Data in Support:

This provision was added in June of 2016 and according to the Region’s Risk Manager, one such claim has been settled and the Board will receive the report from the Region at the November 14, 2016 Board Meeting.

Policy Provision #3

3. “Fail to protect intellectual property, information and files from loss, damage or compromise.”

Interpretation of the Chief of Police:

It is my interpretation of the provision that I am to ensure there are effective systems and controls to protect intellectual property and information, and that patents and licensing provisions of electronic information and systems remain secure from breaches, misuse or misappropriation. Furthermore, I have a duty to ensure that the intellectual property licensed by the Service and developed for the Service is protected.

Data in Support:

Human Resources Policies on Intellectual Property Protection

In relation to protecting the development of intellectual property while in the employ of, or on behalf of the Service, Human Resources ensures that all offers of employment clearly identify the proprietary rights of the Service for the intellectual property and products developed on behalf of the Service, during the individual's term of employment (contract or otherwise). There are also directives in place to deal with installation of hardware and software as well as monitoring tools to determine if there is inappropriate software installed on our network.

The Human Resources unit has confirmed that new employees of the Service are required to sign an employment offer letter agreeing to abide by the Service's Intellectual Property policy which reads as follows:

Intellectual Property

All work products including documentation, reports, and intellectual property created or developed by the member for the DRPS during the course of their employment shall belong to and remain with the DRPS.

In relation to protecting the development of intellectual property while in the employ of, or on behalf of the Service, Human Resources ensures that all offers of employment clearly identify the proprietary rights of the Service for the intellectual property and products developed on behalf of the Service, during the individual's term of employment (contract or otherwise). There are also directives in place to deal with installation of hardware and software as well as monitoring tools to determine if there is inappropriate software installed on our network.

Information Technology Policies on Database Security

Directives include:

AO-08-005 "Computer Data Recovery and Data Storage management"

AO-08-001 "Internet Use by Police Service Members"

AO-08-003 "Electronic Messaging (e-mail and VMDT transmissions)"

AO-08-002 "Computer Software and Hardware"

AO-08-006 "Automatic Vehicle Locator"

Computerized data is backed up daily to disk and then onto offsite magnetic storage media.

The IT department regularly checks service computers to ensure that only properly licensed software are being used by our Security IT unit.

The external security infrastructure audit involves the following:

External Penetration Testing is the process of assessing our DRPS network for external vulnerabilities and if any penetration is found, subsequently performing a controlled attack to verify the results.

The Infrastructure security audit looks at our documentation and the records on our configured devices such as firewalls, routers, switches, etc. Thoroughness and organization of the network documentation is reviewed during the assessment. The greater security concern associated with

sensitive documentation is the proper encryption of the data while at rest (storage) and while in transit (over the network). The assessment reviews the following:

- Thoroughness of network documentation including network diagrams.
- Storage location of documentation.
- Encryption of documentation at the disk and network levels.

The best strategy to protect our systems and users against social engineering (defined as the act of manipulating people into performing actions or divulging confidential information, rather than by breaking in or using technical hacking techniques) is awareness of the risk.

End user education focuses on how to identify and protect corporate confidential information. We did this through posting all security awareness documents on Media One under Business Management- Security Awareness tips and as well through numerous What's New Messages, Insider Reports and All messages in 2016.

Our users are much more aware of security vulnerabilities than they have been in the past but even with added security software, vulnerabilities and viruses can still get through our network. It is critical that members are diligent with what they read in email and that they do not open a file that looks suspicious.

There have been no instances that I am aware of where intellectual property, information or files have been lost, damaged or compromised. However, we do conduct reviews on member's emails, MDT's, CCTV private files and GPS records when required by the Professional Standards Unit or senior command relating to a particular incident or case. Unit leaders are requested to fill out the following e-Forms for any non-compliance of our directives that take place.

- CCTV Hide e-Form – DRP 112
- Internet, Email, Secure Folder Audit DRP 209H
- GPS Audit – DRP209F
- Private/Invisible RMS – DRP140

Number of audits conducted in 2016:

- 1) Internet/email - 10 audits were conducted
- 2) GPS Audit- 5 GPS/AVL audits were conducted
- 3) MDT/CPIC Audits- 11 audits were conducted
- 4) Private/Invisible Requests-18 Private/Invisible Requests
- 5) CCTV hidden requests-35 requests

There are also strict provisions that limit the utilization of licensed products (e.g. computer software), which are strictly monitored and managed by our Information Technology Department, including the administrative controls over adding computer programs and the downloading of programs.

As part of the CPIC Reference manual developed by the Canadian Police Information Centre, all agencies need to be in compliance with IT security and conduct both an external and internal security audit every 3 years. We conducted a Maturity Threat Analysis by NCI Cybersecurity consulting in July of 2015 on our security environment, and based on the Industry average of 20% we are at 30%,

which is slightly higher than the Industry average and slightly higher than the majority of police services in Ontario that have conducted this type of maturity threat analysis report. Another maturity threat analysis will be completed in 2017.

Statement of Compliance/Non-Compliance:

Therefore, I report compliance with this provision

Policy Provision # 4

4. “Receive, process or disburse funds and found or seized property under controls that are inconsistent with sections 132, 133 and 134 of the Police Services Act, or insufficient to meet the standards of the auditor appointed by the Regional Municipality of Durham.”

Interpretation of the Chief of Police:

It is my interpretation of this provision that I am to ensure that appropriate directives and procedures are in place to meet the above standards and that they are being complied with. The directive covering these procedures is in place and is called AO-04-001 Seized and Found Property. The Quality Assurance Unit is required to complete a yearly audit as per our internal directives.

Data in Support:

The Quality Assurance Unit completed an Audit of the Property Unit on June, 2016 which found it was in compliance with policy. The audit takes place annually and traces the handling of property to ensure that current DRPS procedures meet adequacy standards. The 2016 Audit of the Property Unit focused on the handling and storage of firearms under our control. The Audit found the Property Unit to have a 99% accuracy rate and was compliant with the AO-04-001 Seized and Found Property directive. The Audit also made several recommendations that were adopted by the DRPS Property Unit regarding the handling and storage of firearms exhibits.

Therefore, I report compliance with this provision.

Policy Provision # 5

5. “Fail to ensure that all monies that accrue from the local sale of unclaimed goods are promptly transferred to the Board’s control.”

Interpretation of the Chief of Police:

It is my interpretation that I shall ensure that all revenue accrued from the sale of unclaimed goods is accounted for, and that all monies from the sale are properly and promptly transferred to the Board.

Data in Support:

The Property unit arranges public auction sales with an independent web-based online auctioneer, pursuant to a formal agreement. Both the Unit and the auctioneer maintain separate records of the sales and funds received.

For the purpose of Records Management Systems (Versadex) and auction follow up, the DRPS is given a computer printout that indicates each item sold, the amount of the bid and it identifies the bidder. The reconciliation of the auction list, property files in Versadex, and the remitted funds sent to the Board occurs monthly as the online auction is continual. The property staff conducts the reconciliation.

There has been monthly remittance from the auctioneer. I am not aware of any identified discrepancies between the sales lists/totals and the total amount remitted to the Police Services Board.

The auctioneer provides the Durham Regional Police Services Board with a cheque for the proceeds minus their commission. The Service has no role in remitting funds other than to act as courier of the cheque to the Board.

The Auctioneer's computer printouts are kept at the Property Unit. Auction records are on file in accordance with retention by-laws.

The Region of Durham's external auditor (Deloitte and Touche) carries out an audit on the Board's account activity and forwards it directly to the Board.

Statement of Compliance/Non-Compliance:

Therefore, I report compliance with this provision.

Policy Provision # 6

6. "Compromise the independence of the Board's audit or other external monitoring or advice. Engaging parties already chosen by the Board as consultants or advisers is unacceptable."

Interpretation of the Chief of Police:

It is my interpretation of this provision that I will not engage parties who are under contract to the Board where a conflict of interest may exist or where it may compromise the independence of the Board's audit or other external monitoring.

Data in Support:

I have been provided a list of these parties by the Executive Director of the Board. I confirm that the Service has not taken any actions with these parties which would compromise the independence of these parties as it relates to providing advice or monitoring to the Board.

The list of parties is as follows:

In 2015: Perley-Robertson, Hill and MacDougall; Deloitte and Touche.

January 1, 2016 up to September 30, 2016: Deloitte and Touche, Ellis Locke and Associates; Perley-Robertson, Hill and Macdougall; Hicks Morley

Therefore, I report compliance with this provision.

Policy Provision # 7

7. “Endanger the organization’s public image, credibility or its ability to accomplish Ends.”

Interpretation of the Chief of Police:

It is my interpretation of this provision that the Service will not perform any action that impacts negatively on the public image or credibility of the Police Service. The Service will not perform any function that is contrary to the achievement of the Board’s Ends.

Data in Support:

The organization's image and credibility remained positive in 2015, with the majority of media coverage being balanced or positive. Media coverage has a direct impact on how the general public perceives the police service.

The Corporate Communications Unit is very active throughout the year sharing positive news stories on a daily basis with the public and the media. In 2015, the Unit issued 702 formal public statements; up slightly from the 691 issued in 2014.

Of the 2,198 original newspaper articles/editorials clipped in 2015 (2,578 were clipped in 2014), a total of 2,017 (2,280 in 2014) were considered balanced (fair), 88 (162) were clearly positive in tone about the police service and 82 (136) were negative in tone.

This means that 95.8 (94.7) per cent of all monitored media coverage was balanced or positive. The issues contributed to a majority of the negative media coverage in 2015:

- Suspended officer Glen Turpin charged and eventually dismissed from the service.
- Off duty officers charged with impaired driving infractions.

Of the media stories clipped last year, 1,784 (1,952) were about crime, 47 (218) were about trials, 153 (115) involved crime prevention and 212 (293) were corporate in nature (e.g. notices of public meetings, budget stories, new assignments, new buildings, etc.).

In 2016, we have measured 1,825 media clippings in the first nine months of the year. A total of 1,273 involved stories about crime; 228 were about crime prevention, 81 involved trials and 215 were corporate in nature. So far in 2016, 1,635 of the clippings are balanced (fair), while 87 were positive and 103 were considered negative.

The DRPS began sharing information on its official Facebook page and through Twitter account in 2012. Last year at this time we had 15,168 followers on Twitter and that number has since more than

doubled to 30,409. Last year at this time we had 9,269 followers on Facebook and this year we have almost doubled that number at 18,116 followers. From January 1st to September 30th 2016 our website has received 8,021 hits.

Therefore, I report compliance with this provision.

Policy Provision # 8

8. “Change the organization’s name or substantially alter its identity in the community.”

Interpretation of the Chief of Police:

It is my interpretation of this provision that there will be no change in the name of the Service or in the role that the Service plays within the community.

Data in Support:

I have neither directed nor allowed any changes in the organization’s name or identity.

Statement of Compliance/Non-Compliance:

Therefore, I report compliance with this provision.

Based on the above proof provided, I report overall compliance with the policy.