

Classification **PUBLIC**

Meeting: **November 14, 2017**

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.**

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#### **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

Ontario Police College '*Suspect Apprehension Pursuit*' workbook supplied for basic constable training at the college begins with the following quote taken from the *Journal of California Law Enforcement 1999*: "Nowhere else in law enforcement will police officers place themselves and the community at such risk of injury based on the unknown."

The Durham Regional Police Service (DRPS), continually reviews Directive LE-10-001 "Suspect Apprehension Pursuits", placing highly restrictive policies and procedures for frontline officers to adhere to and as mentioned numerous times before, has the most stringent pursuit guidelines and is considered by the Ministry to be a leader in this field. The table below outlines the high performance of DRPS officers and their supervisors:

Suspect Apprehension Pursuits	2015	2016	2016	2017
	Year	Year	Sep YTD	Sep YTD
Number of Pursuits	41	45	36	40
Compliant	36(88%)	38 (84%)	31(86%)	35 (88%)
Non-Compliant	5(12%)	7 (16%)	5(14%)	5 (12%)

DRPS has been capturing the data on pursuits since 1996. The Service has seen the trend on the number of pursuits range from a high of 73 (1996) to a low of 32 (2012). There are many factors and observations of situations assessed by officers before engaging in a pursuit. All of which can affect frequency of pursuits occurring during a given year.

Throughout 2015 the restructured Police Vehicle Operations Committee redefined the program to improve pursuit compliance to 88%. There was an enhanced focus on accountability through the Regional Duty Inspector's office focusing on training and education in collaboration with the Police Education and Innovation Centre.

The Suspect Apprehension Pursuits directive received a comprehensive review and 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 members questioning any of its contents.

The year 2016 exhibited a positive impact on training for frontline officers and their acquired training and knowledge whether or not to engage in police pursuits i.e. continually assessing, making good decisions when confronted with motorists resulting in a suspect apprehension pursuits. 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 witnessed 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 was 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 regarding motorists (violators), their impact on safety of the community, violator and officer safety, resulting in disengaging from a pursuit and advising Communications / 911 Unit dispatcher. There were 16 documented incidents where officers signaled violators to pull to the side of the road and stop, only to see them (violators) increase their speed and flee the police.

2017 year to date witnessed seven incidents where officers notified violators to stop only to have them (violators) disobey and flee at a high rate of speed with officers immediately disengaging their vehicle's emergency equipment, maneuvering their vehicle off to the side of the road and notifying their locations to their patrol sergeants for verification of their actions.

In comparing 2017 year to date measures to the pursuit statistics of 2016, it is evident that officers are continually displaying common sense, placing community safety on the forefront and assessing both risk and liability issues every time they encounter an individual operating a motor vehicle in an unsafe manner that possess a high risk to the safety of not only the community but also to the suspects and officers themselves. DRPS continues to be the front runner in community safety when it comes to suspect apprehension pursuit incidents.

## **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:

<b>Departmental Collisions Injuries and Expenses</b>				
	<b>2015</b>	<b>2016</b>	<b>2016</b>	<b>2017</b>
	<b>Year</b>	<b>Year</b>	<b>Sep YTD</b>	<b>Sep YTD</b>
<b>Member Injuries</b>	7	8	7	5
<b>Time Lost in Hours</b>	542	162	162	236
<b>Wages Lost(Straight Time)</b>	\$23,897	\$7,339	\$7,339	\$10,894
<b>WSIB Non-Wage Expenses</b>	\$997	\$2,410	\$213	\$12,974
<b># of Collisions</b>	200	155	122	118
<b># Write-Offs</b>	8	7	5	5
<b>Average Repair Cost</b>	\$2,470	\$3,371	\$3,280	\$2,787
<b>DRPS Collision \$ Value</b>	\$493,906	\$522,546	\$400,198	\$328,907

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.

The cost for 2017 YTD has returned to a lower, more typical historical value.

In 2016 there were only 2 lost time injuries that occurred due to a motor vehicle collision. This was the same for 2017. Within these lost time injuries there was only 1 member each year that lost a significant period of time.

The increase in the WSIB Non-Wage Expenses is due mostly to health care and rehabilitation costs.

### **Special Investigations Unit**

In **2015**, the Special Investigations Unit invoked their mandate on nine (9) incidents involving our members with the following results:

- Six (6) of the 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.
- In three (3) of the cases the investigation was terminated by the SIU.

In **2016**, the Special Investigations Unit invoked their mandate on seven (7) incidents involving our members with the following results:

- Five (5) 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.

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.

From **January 1<sup>st</sup> 2017** up to and including **September 30, 2017**, the Special Investigations Unit invoked their mandate on eight (8) incidents involving our members with the following results:

- In one (1) of the cases the investigation was terminated by the SIU.
- The other seven (7) 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	Total
<b>2015</b>	1	3	5	0	7	<b>16</b>
<b>2016</b>	1	2	0	1	4	<b>8</b>

In comparing civil liability claims received from January 1<sup>st</sup> to September 30<sup>th</sup> in 2016 and 2017, the results are as follows:

Year To Date	Assault/Excessive Use of Force	Departmental MVC	False Arrest	Improper Search and Arrest	Negligence	Total
<b>2016</b>	1	2	0	1	4	<b>8</b>
<b>2017</b>	0	2	0	0	2	<b>4</b>

Each year, the Region of Durham’s Manage of Risk and Insurance and Insurance and Commissioner of Finance attend an in camera meeting to provide the Board with a confidential overview of Risk Management and claims experience as it relates to the Service.

## **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 Managers provide the requisite report to the Board.

### **Data in Support:**

There were no civil settlements or awards exceeding \$250,000 in 2017, as of the date of this report.

### **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.*

**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 from disk to disk and replicated between two tape robots. The Information Technology Unit also has a two data centres replicated in real time for all critical systems which is part of the IT Business Continuity Plan.

The IT department regularly checks service computers to ensure that only properly licensed software are being used by our Security IT unit. This is done automatically with our Track It Auditing tool.

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 2017.

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 2017:**

- 1) Internet/email - 8 audits were conducted
- 2) GPS Audit- 7 GPS/AVL audits were conducted
- 3) MDT/CPIC Audits- 4 audits were conducted
- 4) Private/Invisible Requests-24 Private/Invisible Requests
- 5) CCTV hidden requests-80 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 3-5 years.

We conducted an external penetration test on our DRPS.ca web site in 2017 and from that report it was identified that we had concerns with SQL injections, the need for stronger passwords and possibly the threat to have denial of service attacks (DDoS) on our site.

From that information in the penetration report we purchased a third party service to assist in cybersecurity protection of our website. The service is called Incapsula and it provides an extra layer of protection to our drps.ca site to deal with security threats and vulnerabilities that hit our site daily. It works at scrubbing and processing up to 30 billion attack packets per second. Incapsula also defends our web site against attacks and provides added protection for DDoS attacks. It also conducts IP masking which prevents direct to IP DDoS attacks by hiding the IP from our original server for added security protection.

**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 July, 2017 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 2017 Audit of the Property Unit focused on the handling and storage of securities, specifically monetary items stored in the money vault. The audit was conducted to ensure that the description and location of property items are recorded as per subsection 132 (6) § 1 of the Police Services Act.

**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 2016: Perley-Robertson, Hill and MacDougall; Ellis Locke and Associates; Deloitte and Touche; Hicks Morley.

January 1, 2017 up to September 30, 2017: Deloitte and Touche, 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 2016, 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 2016, the Unit issued 799 formal public statements; up substantially from the 702 issued in 2015. So far in 2017, the Unit has issued 658 media releases, which is slightly behind last year’s pace (670).

Of the 2,544 original newspaper articles/editorials clipped in 2016 (2,198 were clipped in 2015), a total of 2,255 (2,017 in 2015) were considered balanced (fair), 139 (88) were clearly positive in tone about the police service and 150 (82) were negative in tone.

This means that 94.1 (95.8 in 2015) per cent of all monitored media coverage was balanced or positive. The issues contributed to a majority of the negative media coverage in 2016 included:

- Drug charges dropped after judge rules traffic stop was based on racial profiling by police
- Durham cop OK’d to own unlicensed pot shop
- Durham officer faces disciplinary hearing for taking ‘cowering’ kitten from alleged crystal meth user

Of the media stories clipped last year, 1,763 (1,784 in 2015) were about crime, 155 (47) were about trials, 322 (153) involved crime prevention and 296 (221) were corporate in nature (e.g. notices of public meetings, budget stories, new assignments, new buildings, etc.).

In 2017, we have measured 2,578 media clippings in the first eight months of the year. A total of 1,754 involved stories about crime; 336 were about crime prevention, 163 involved trials and 293 were corporate in nature. So far in 2017, 1,981 of the clippings are balanced (fair), while 446 were positive and 152 were considered negative. That means that, so far in 2017, our media coverage has been 94.1 per cent balanced or positive.

The DRPS began sharing information on its official Facebook page and through Twitter account in 2012. Last year at this time we had 33,888 followers on Twitter and that has increased to 49,526. Last year at this time we had 18,116 followers on Facebook and it has grown to 27,417 followers.

**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.**