

Classification **PUBLIC**

Meeting: **November 17, 2020**

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:

Nov 3/20

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 of Policing Operations and Duty Inspectors’ Office (front-line operations and Police Vehicle Operations Safe Arrival Committee).

3) Standing Reports

Currently consist of:

- Monthly (YTD) Vehicle Collision Report produced by Fleet Management and posted on Media One.
- Police Vehicle Operations Safe Arrival 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.

Vehicle Collisions

Driving vehicles is the single riskiest 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				
	2018	2019	2019	2020
	Year	Year	Sep YTD	Sep YTD
Member Injuries	8	17	13	4
Time Lost in Hours	155	10	0	258
Wages Lost(Straight Time)	\$7,315	\$295	0	\$11,110
WSIB Non-Wage Expenses	\$5,025	\$1,406	\$892	\$7,782
# of Collisions	143	151	121	87
# Write-Offs	7	11	9	6
Average Repair Cost	\$2,948	\$5,006	\$4,259	\$6,000
DRPS Collision \$ Value	\$577,814	\$755,845	\$617,521	\$521,958

Suspect Apprehension Pursuits

Suspect apprehension pursuits are governed by the Durham Regional Police Service (DRPS), Directive **LE-10-001 “Suspect Apprehension Pursuits”**. The directive contains stringent policies and procedures for frontline officers to adhere to when during their regular tour of duty, they are confronted by the unlawful actions of a motorist in making a decision to engage in a suspect apprehension pursuit, continue or discontinue the pursuit, and terminate the pursuit. The DRPS policy follows the guidelines provided by the Ministry of the Solicitor General Policing Standards Manual (2000), Law Enforcement Standard # LE-045.

The table below provides the number of suspect apprehension pursuits engaged in by DRPS officers for the full year in 2018 and 2019 and, year-to-date for 2018, 2019 and 2020:

Suspect Apprehension Pursuits	2018	2019	2019	2020
	Year	Year	Sept. YTD	Sept. YTD
Number of Pursuits	71	87	66	95
Compliant	64 (90%)	80(90%)	62(94%)	92(97%)
Non-Compliant	7 (10%)	7(8%)	4 (6%)	3 (3%)

DRPS has been capturing pursuit data since 1996. The Service has seen the trend on the number of pursuits range from a high of 95 (January – September 2020) to a low of 32 (2012). The regulation sets out a **three-part** test that must take place before a police officer may undertake a suspect apprehension pursuit. This directly affects the frequency of pursuits occurring during a given year. The bottom line is public safety which includes not only vehicular and pedestrian traffic, but also occupant(s) of suspect vehicle and the primary officer engaged in the pursuit.

It is worth noting that most pursuits are less than 5km and take less than 2 minutes. Each pursuit is debriefed by the Duty Inspector on duty at the time of the pursuit and officers involved to assess both directive and Ministry compliance.

Compliance with the DRPS suspect apprehension pursuit policy is also closely monitored by the Pursuit Review Officer within the Quality Assurance Unit. The Pursuit Review Officer reviews all material related to a suspect apprehension pursuit as soon as is practicable after the pursuit has been reported. This close scrutiny ensures that any deviations from policy or procedures can be quickly addressed and corrected.

The compliance rate with the pursuit directive has steadily increased due to the training, debriefs and officer actions. The year 2019 witnessed the highest level on record at 92%.

Based on the data, this is an activity in which the risk is being diligently managed with exceptional results.

Special Investigations Unit (SIU) – 2018 to Present

In **2018**, the SIU invoked their mandate on thirteen (13) incidents involving our members with the following results:

- In eight (8) of the cases, the subject officer was cleared of criminal responsibility by the SIU. The subject officer was also found by the Professional Standards Unit not to have committed any offence under the Code of Conduct of the *Police Services Act*.
- In five (5) of the cases, the SIU decided not to proceed and terminated its investigation.

In **2019**, the SIU invoked its mandate on nine (9) incidents involving our members with the following results:

- In one (1) of the cases, the subject officer was cleared of criminal responsibility by the SIU. The subject officer was also found by the Professional Standards Unit not to have committed any offence under the Code of Conduct of the *Police Services Act*.
- In four (4) of the cases, the SIU decided not to proceed and terminated their investigation.
- Four (4) cases are still under investigation by the SIU and a decision has not been rendered.

Comparison

From **January 1st 2019** up to and including **September 30th, 2019**, the SIU invoked its mandate on four (4) incidents involving our members with the following results:

- In three (3) of the cases the SIU decided not to proceed and terminated their investigation.
- The other one (1) case is still under investigation by the SIU and a decision has not been rendered.

From **January 1st 2020** up to and including **September 30th, 2020**, the SIU invoked its mandate on four (4) incidents involving our members with the following results:

- In one (1) of the cases the SIU decided not to proceed and terminated their investigation.
- In one (1) of the cases, the subject officer was cleared of criminal responsibility by the SIU. The subject officer was also found by the Professional Standards Unit not to have committed misconduct as defined by the Code of Conduct of the *Police Services Act*.
- The other two (2) cases are still under investigation by the SIU and a decision has not been rendered.

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	Unlawful Arrest	Improper Search and Arrest	Negligence	Total
2018	0	2	1	0	3	6
2019	0	1	2	0	10	12

The following chart provides the comparison of civil liability claims received from January 1st to September 30th in 2019 and 2020:

Year	Assault/Excessive Use of Force	Departmental MVC	Unlawful Arrest	Improper Search and Arrest	Negligence	Total
2019	0	1	1	0	7	9
2020	1	0	2	0	3	6

Each year, the Region of Durham's Manager of Risk and Insurance and the 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 Service, 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 the Service's 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:

Year	Civil Settlements or Awards exceeding \$250,000
2018	0
2019	0

In comparing civil settlements or awards exceeding \$250,000 from January 1st to September 30th in 2019 and 2020, the results are as follows:

Year	Civil Settlements or Awards exceeding \$250,000
2019	0
2020	0

Statement of Compliance/Non-Compliance: I report compliance with this provision.

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 backup systems. The Information Technology Unit also has 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 member service computers to ensure that only properly licensed software is 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:

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 confidential corporate information. We did this through posting all security awareness documents on Media One under Business Management.

Security Awareness tips, through numerous What's New Messages, Insider Reports and All messages is done on a regular basis with our members. Security Tips can be found on MediaOne under Information Technology Security.

Our users are much more aware of security vulnerabilities then 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 2020:

- 1) Internet/email - 9 audits were conducted
- 2) Total RMS Audits - 63 Private/Invisible Requests
- 3) RMS Private- 58 Reports
- 4) Invisible to all members except authorized- 5 RMS Report
- 5) CCTV hidden requests - 50 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.

The Information Technology unit purchased a third-party service to assist in cybersecurity protection of our DRPS 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:

Directive AO-04-001 Seized and Found Property addresses the management, storage and disposition of personal property, money and firearms, which come into the possession of the police service in accordance with sections 132, 133, and 134 of the Police Services Act. The directive is to be reviewed within three years of the last review date and updated as necessary; it was last reviewed in its entirety in April 2018, with the most recent update made in August 2019, and therefore is compliant with its re-evaluation schedule.

Property audit results are reported to the Board in the Audit Function Monitoring Report each year (M112-20 refers).

Statement of Compliance/Non-Compliance:
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.

The DRPS is provided a record from the auctioneer that details each item sold, the amount of the bid, and the final bidder. As the online auction is continuous, on about a monthly basis Property staff conduct a reconciliation of the auction list and property files, and the remitted funds are sent to the Board. There are no known discrepancies between the records and the amount remitted.

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 records provided by the auctioneer are kept on file in the Property Unit in accordance with retention by-laws.

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 2019: Perley-Robertson, Hill and MacDougall; Deloitte and Touche; Navigator Ltd.

January 1, 2020 up to September 30, 2020: Perley-Robertson, Hill and MacDougall; Deloitte and Touche; Navigator Ltd.

Statement of Compliance/Non-Compliance:
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:

Media coverage has a direct impact on how the general public perceives the police service. The organization's image and reputation remained positive in 2019, based on media measurements done by the Corporate Communications Unit.

The Unit is very active throughout the year sharing positive news stories on a daily basis with the public and the media. It also responds to many inquiries from the media and the public about specific issues that arise.

In 2019, the Unit issued 760 formal media releases; down from the 806 issued in 2018. So far in 2020, the Unit has issued 491 media releases, which is down considerably from the 640 issues at this time last year. That's the direct result of the impact of COVID-19 on crime and collisions. Recognizing Twitter as an important resource for direct communication with the public, so far in 2020, the Corporate Communications Unit has issued 1,255 tweets.

Of the 3,983 original news articles/editorial monitored in 2019 (4,161 were monitored in 2018), a total of 3,654 (3,934 in 2018) were considered balanced (fair), 119 (112) were positive in tone about the police service and 210 (115) were negative in tone. This means that 94.7 per cent of all monitored media coverage in 2019 about the DRPS was balanced/fair or positive.

The issues contributing to a majority of the negative media coverage in 2019 included:

- Racist Facebook posts shared by ex-Durham officers
- Investigating off-duty DRPS officer after alleged assault of child hockey player at girls' tournament
- Ontario Civilian Police Commission (OCPC) complaints and the Administrator overseeing Durham police
- OPP concludes that DRP officer intentionally misled bosses about his unlicensed marijuana dispensary
- Former Deputy Chief accused of sexual harassment
- Trial of Theriault brothers for assault of Whitby male

Of the media stories recorded in 2019, 2,381 (2,520 in 2018) were about crime, 238 (217) were related to trials, 77 (142) involved crime prevention and 234 (224) were corporate in nature (e.g. notices of public meetings, budget stories, new assignments, policy changes, etc.). Additionally, we recorded 38 (39) articles about charitable work, 348 (441) involved community outreach efforts, 74 (19) involved mental health response, 159 (208) news articles about missing persons and 434 (351) were traffic related.

From January to June 2020, we have recorded 1,161 media clippings. The number of clippings is trended down due to the COVID-19 pandemic, which began in March. So far in 2020, 1,068 of the media articles are balanced/fair, while 19 are positive and 74 are considered negative. This means our media coverage in 2020 so far has been 93.6 per cent balanced/fair or positive.

The DRPS began sharing information on its official social media channels in 2012 via Facebook and Twitter. Last year at this time we had 64,101 followers on Twitter and that has increased to 70,607. Last year at this time we had 37,926 followers on Facebook and it has grown to 43,712 followers. Since 2018, the DRPS YouTube channel has surpassed a million views. The channel now has 1,115,834 views and 1,820 subscribers-this time last year there were 752,469 views and 1,320 subscribers. DRPS launched an Instagram account on May 9, 2019 and currently has 6,928 followers and is growing quickly.

Statement of Compliance/Non-Compliance:
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.