

Classification **PUBLIC**

Meeting **March 3, 2008**

Agenda Item **Monitoring Report:
Asset Protection**



Recommended Motion:

THAT the Board find that all provisions of the *Asset Protection* Executive Limitations policy have 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.

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 will likely result in a claim.

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. 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:

According to the inspection carried out by the Policing Services Division in 2004 the Service is in compliance with the Adequacy Regulations of the Police Services Act, many of which deal with procedures to manage risks to the service, its staff and the citizen's it serves.

In 2007 seven (7) incidents involving our members were reported to the Special Investigations Unit with the following results:

The S.I.U. invoked their mandate on five (5) occasions

The officer's actions were justified in every investigation, and reflective of both training and directive compliance. No charges were laid in any of those five (5) investigations

Section 11 Administrative reviews are being conducted by our Service on the five S.I.U. investigations.

In May of 2005, the Risk Management Committee was entrenched into the 2004-2007 Business Plan (Global Ends, Objective A7 "To develop effective strategies that will minimize risk to our members, our service, and the community" for the Police Service). The Committee includes participants from our Quality Assurance Unit (policies and procedures), Professional Standards Unit (police discipline), Legal Services Unit (civil claims), Police Learning Centre (training), Duty Inspectors' Office (front-line operations), Director of Business Services (asset protection and financial procedures), Inspector of Major Crime (SIU liaison officer). The Committee is now chaired by the Law Clerk of the Legal Services Unit and the Deputy Chief of Operational Support sits on the Committee as a liaison to the Executive Leadership Group.

The Committee is responsible for reviewing claims and complaints received by the Police Service for the purpose of identifying trends that may impact upon training and police policies. The Committee reviews operational projects and administrative practices and makes recommendations to senior management with respect to the benefits of each project and the apparent risks associated with the

project. The Committee also ensures that the recommendations are reviewed and tracked until completion.

The Risk Management Committee has delivered the following Initiatives:

- In response to a Ontario Human Rights Complaint and to ensure continued compliance with the Ontario Human Rights Code and its recent amendments (Bill 107), the Police Learning Centre, in cooperation with Legal Services and Human Resources, developed an online E-Learning module that includes training regarding “Respectful Workplaces” “Discrimination and Harassment in the Workplace”, and interactions with Transgendered and Transsexual clients.
- Provided E parade training & clarification of officer practices in relation to Liquor License Act enforcement- particularly arrest and authorities to enter premises.
- Recognized the need to collate indicators of “high risk” officer activities- e.g. Citizen complaints, motor vehicle collisions, pursuits, civil suits, attendance management in an effort to identify high risk individuals, platoons, or divisions and provided required mitigation measures. Management reporting product is in the priority list for consideration by I.T. Joint Management Team.
- Revision of the investigation and review of incidents involving citizens on/in relation to D.R.P.S. property (e.g. medical incidents/slip and fall). The intent is to be fully prepared in anticipation of a claim, and to remediate any identified risk issue(s) in a timely fashion.
- Establishment of the Accident Review Board and associated Directives to ensure accountability and associated risk management for departmental motor vehicle accidents.

In 2007 vehicle accident damage claims were \$379,477 compared to \$423,000 in 2006, \$465,000 in 2005, and \$623,000 in 2004. Over the 4 year period there has been a \$244,000 reduction in annual accident damage value representing a 64 % improvement.

The Regional Finance Department's Insurance and Risk Management Division have confirmed that the Region has an insurance program in place which provides protection for individuals, protection against liability, and protection of assets, along with additional benefits for claims made against the organization, its members, the Board or the Regional Municipality of Durham. 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.

Due to the confidential nature of the claims and their disposition the Region's Risk Manager has offered to provide a verbal In Camera report to the Board if further details are required on our claims experience. Certain liability claims settled in 2007 on favourable terms have reduced the previous rate of growth in premiums charged to police.

Statement of Compliance/Non-Compliance:

I report compliance with this provision.

Policy Provision #2

“2. 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 remains 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:

There have been no instance(s) that I am aware of where intellectual property, information or files have been lost, damaged or compromised.

The Service has recently experienced two (2) instances where our external website has been compromised at the off site service provider, not our system. There was no loss of information. The image of the Service was impacted by these instances, and efforts have been made to ensure that the service provider has enhanced security. The issue was due to what is defined as SQL Injection hack in the code and the code was modified to fix this problem. However, with every update in code there is always the risk of a new hack. The drps.ca website only contains public information and since this data is hosted offsite by an Internet Service Provider it does not impact our internal network.

There are 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.

In relation to protecting the development of intellectual property while in the employ of, or on behalf of the Service I have instructed Human Resources staff to review our current hiring practices, and ensure 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.

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”

The Service is in compliance with the Records Retention By-Law passed by the Board in 2007.

Computerized data is backed up daily onto offsite magnetic storage media.

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

IT Security Systems are currently being audited by an independent third party to ensure that the records are secure from tampering by parties external to the Service.

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. The 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 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

Statement of Compliance/Non-Compliance:

Therefore, I report compliance with this provision.

Policy Provision # 3

- “3. 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.

Data in Support:

The Quality Assurance Unit carries out an annual audit of these procedures described under Directive AO-04-001. An Audit Report was tendered to me in December, 2006. I have reviewed this audit and it indicated that the Service is in compliance with the relevant directives and that recommendations for improvement identified in the 2005 audit have been properly implemented.

A recent review of cash seizures procedures has identified areas for improvement in court ordered dispositions of cash and property and a cooperative arrangement with provincial authorities is expected to provide for a prompt resolution of outstanding dispositions and future dispositions.

Therefore, I report compliance with this provision.

Policy Provision # 4

- “4. 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 auctioneer. 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 after every auction.

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 this account activity and forwards it directly to the Board. It is my recommendation that the Board advise the Region to include this aspect of the auction process in their next independent audit.

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.

Policy Provision # 5

“5. 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:

Deloitte and Touche Chartered Accountants, Hicks Morley Barristers and Solicitors, Perley Robinson Barristers and Solicitors, Heenan Blaikie Barristers and Solicitors, Ellis Associates, Mathews Dinsdale Barristers Solicitors, Medcan Clinic.

During 2007 the service engaged Heenan Blaikie Barristers and Solicitors, in the person of Kevin Inwood, who functioned as legal counsel to the service on a part time basis, while also functioning as Executive Director of the Police Services Board on a part time basis. This was done with full knowledge of the Board and the Chief.

Ellis and Associates was engaged by the service to review the promotional process in 2007. This did not conflict with any Board activities or compromise their independence.

Therefore, I report compliance with this provision.

Policy Provision # 6

“6. 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 remains high. The Corporate Communications Unit measures newspaper coverage as it has a major influence on public perception of the police service. Of the 1,407 newspaper articles/editorials clipped in the first 10 months of 2007, 1,230 were considered balanced (fair), 139 were clearly positive in tone and 38 were negative in tone. This means that less than three per cent of all newspaper coverage was negative and some of that negative coverage was related to DRPA board issues.

Also, the 2007 Pollara public opinion survey confirmed citizens have a high opinion of the police service. Conducted in November 2007, the scientifically-valid survey found 86 per cent of citizens were satisfied with the quality of police service they received.

Therefore, I report compliance with this provision.

7. 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.