

Classification **PUBLIC**

Meeting: **December 10, 2018**

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: DECEMBER 3, 2018

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 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				
	2016	2017	2017	2018
	Year	Year	Sep YTD	Sep YTD
Member Injuries	7	8	5	2
Time Lost in Hours	162	684	236	145
Wages Lost(Straight Time)	\$7,339	\$32,148	\$10,894	\$7,159
WSIB Non-Wage Expenses	\$2,410	\$3,453	\$2,240	\$1,548
# of Collisions	155	150	118	114
# Write-Offs	7	5	5	4
Average Repair Cost	\$3,371	\$2,993	\$2,787	\$3,934
DRPS Collision \$ Value	\$522,546	\$448,991	\$328,907	\$448,485

The increase in the average repair cost in 2018 YTD is due to the fact that the collision damage which occurred was weighted towards newer vehicles with costlier repairs.

Suspect Apprehension Pursuits

Suspect apprehension pursuits are governed by the Durham Regional Police Service directive LE-10-001 "Suspect Apprehension Pursuits". This directive contains stringent policies and procedures for frontline officers to adhere to both when making the determining to engage in a suspect apprehension pursuit, during the pursuit, and following the termination of the pursuit. This policy follows the guidelines provided by the Ministry of Community Safety and Correctional Services Policing Standards Manual.

The table below provides the number of suspect apprehension pursuits engaged in by DRPS officers for the full year in 2016 and 2017, and year –to-date for 2017 and 2018:

Suspect Apprehension Pursuits	2016	2017	2017	2018
	Year	Year	Sep YTD	Sep YTD
Number of Pursuits	45	57	40	45
Compliant	38 (84%)	49 (86%)	35 (88%)	43 (96%)
Non-Compliant	7 (16%)	8 (14%)	5 (12%)	2 (4%)

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. These factors affect frequency of pursuits occurring during a given year.

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 and the officers involved to assess directive 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 and in 2018 has reached it's highest level on record at 96%.

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

Special Investigations Unit (SIU)

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

- In five (5) 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 two (2) of the cases, the SIU decided not to proceed and terminated their investigation.

In **2017**, the Special Investigations Unit invoked their mandate on fourteen (14) incidents involving our members with the following results:

- In three (3) 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.
- The other seven (7) cases are still under investigation by the SIU and a decision has not been rendered.

From **January 1st 2018** up to and including **September 30th, 2018**, the Special Investigations Unit invoked their mandate on ten (10) incidents involving our members with the following results:

- In one (1) of the cases the SIU decided not to proceed and terminated their investigation.
- One (1) of the investigations resulted in charges being laid that are still before the courts.
- One (1) of the investigations resulted in charges being laid that were subsequently withdrawn by the Crown.
- Seven (7) cases are still under investigation by the SIU and a decision has not been rendered.

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
2016	1	2	0	1	4	8
2017	0	2	1	0	3	6

Comparison of civil liability claims received from January 1st to September 30th in 2017 and 2018

Year To Date	Assault/Excessive Use of Force	Departmental MVC	False Arrest	Improper Search and Arrest	Negligence	Total
2017	0	2	0	0	2	4
2018	0	1	1	0	1	3

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 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 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:

Year	Civil Settlements or Awards exceeding \$250,000
2016	1
2017	0

In comparing civil settlements or awards exceeding \$250,000 from January 1st to September 30th in 2017 and 2018, the results are as follows:

Year To Date	Civil Settlements or Awards exceeding \$250,000
2017	0
2018	0

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 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:

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 confidential corporate 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 2018 as well as our security awareness site listed on Media One.

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 2018:

- 1) Internet/email - 51 audits were conducted
- 2) GPS Audit - 23 GPS/AVL audits were conducted

- 3) MDT/CPIC Audits - 23 audits were conducted
- 4) Private/Invisible Requests - 86 Private/Invisible Requests
- 5) CCTV hidden requests - 78 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 conduct internal audits yearly on both licenses and assigned security audits by the Unit leader as described above.

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:

In February 2018, Quality Assurance (QA) conducted an inventory of the Property Warehouse to ensure the accuracy of the records relating to stored property and evidence. More specifically that:

1. The items in the property database are in the warehouse accordingly; and,
2. The items in the warehouse are in the database accordingly.

At the completion of the inventory on March 2, 2018, the accuracy of the approximately 33,200 items stored within the warehouse was estimated at 99.93%. All items in the firearm cage, drug vault, and money vault were accounted for.

Directive AO-04-001 Seized and Found Property was last reviewed in April, 2018.

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 2017: Perley-Robertson, Hill and MacDougall; Deloitte and Touche; Hicks Morley.

January 1, 2018 up to September 30, 2018: Perley-Robertson, Hill and MacDougall; Deloitte and Touche; Hicks Morley; Mungall Consulting; Ellis Locke and Associates

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 2017, 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 2017, the Unit issued 764 formal public statements; down slightly from the 799 issued in 2016. So far in 2018, the Unit has issued 652 media releases, which is ahead of last year’s pace (645).

Of the 2,460 original newspaper articles/editorials clipped in 2017 (2,544 were clipped in 2016), a total of 2,089 (2,255 in 2016) were considered balanced (fair), 179 (139) were clearly positive in tone about the police service and 192 (150) were negative in tone.

This means that 92.1 per cent (94.1 in 2016) of all monitored media coverage was balanced or positive. The issues contributed to a majority of the negative media coverage in 2017 included:

- Public trust in police eroded in aftermath of Whitby altercation
- Two Durham cops charged in drug trafficking probe
- Inquest begins into fatal police shooting of Ajax man Michael MacIsaac

Of the media stories clipped last year, 1,654 (1,763 in 2016) were about crime, 203 (155) were about trials, 273 (322) involved crime prevention and 330 (296) were corporate in nature (e.g. notices of public meetings, budget stories, new assignments, policy changes, etc.).

We revised our media monitoring process in January 2018 to illustrate the diverse nature of police calls. Supplementing the existing four categories (corporate, crime, crime prevention and trials), we are measuring five new categories: charitable, community outreach, mental health response, missing person and traffic. Recognizing Twitter as an important resource for direct communication with the public, DRPS corporate account tweets are also measured using these categorical values.

From January 1, 2017 – September 30, 2017 we measured 1787 media clippings. A total of 1,194 involved stories about crime; 200 were about crime prevention, 159 involved trials and 234 were corporate in nature. 1,497 of the clippings were balanced (fair), while 127 were positive and 163 were considered negative. This means our media coverage was 91 per cent balanced or positive.

From January 1, 2017 – September 30, 2018 we have measured 3,181 media clippings. Nineteen stories were charitable in nature and 310 were about community outreach. A total of 1,993 involved stories about crime; 97 were about crime prevention, 202 involved trials and 171 were corporate in nature. Additionally, 18 stories involved mental health response, 152 were about missing persons and 219 were traffic related. So far in 2018, 2,999 of the clippings are balanced (fair), while 173 were positive and 109 were considered negative. That means that, so far in 2018, our media coverage has been 96.5 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 49,526 followers on Twitter and that has increased to 58,271. Last year at this time we had 27,417 followers on Facebook and it has grown to 31,860 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.