

Classification **PUBLIC**

Meeting: **November 12, 2013**

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



Recommended Motion:

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

ASSET PROTECTION

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

Signed: _____
Chief of Police

Date: _____

BROADEST POLICY PROVISION:

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

Interpretation of the Chief of Police:

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

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

Policy Provision #1

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

Interpretation of the Chief of Police:

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

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

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

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

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

Data in Support:

Risk Management Committee

1) Mandate and Definition

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

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

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

2) Committee Membership

The Committee is chaired by the Director of Business Services and is composed of the Unit Leaders or LG 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 Learning Centre (training), and Duty Inspectors’ Office (front-line operations and Collision/Suspect Apprehension Pursuit Review Committee).

3) Standing Reports

Currently consist of :

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

Suspect Apprehension Pursuits

Another area of focus has been Suspect Apprehension Pursuits. It represents an area of potential risk which is necessary to maintain community safety in certain circumstances. The service has and continues to provide additional training and guidance as well as management oversight of these activities with the following results:

	2005	2011	2012	June 2013 (6 months)
Number of Pursuits	48	37	32	21
Policy Compliant	28(58%)	26 (70%)	27 (84%)	16 (76%)
Non-Compliant	20(42%)	11 (30%)	5 (16%)	5 (24%)

In 2012 there were 32 pursuits and 27 (84%) were fully compliant with policy. The non-compliance for 2012, 5 (16%), continue to be an area the Service is focused on. All non-compliant issues were addressed by the debriefing duty inspectors who felt that no further action was necessary. The DRPS, in comparison to other police services in Ontario, has the most stringent pursuit guidelines and is considered by the Ministry to be a leader in this field. In addition, pursuit debriefings continue to increase understanding of the measurable parameters of pursuits including; ensuring accountability to both community and the Service. Officers engaged in pursuits suffered no personal injuries, with only one DRPS vehicle temporarily taken out of service due to damage (approx. \$11,729.37). In addition to this, there was no reported property damage as a direct result of a suspect apprehension pursuit.

At the time the Service identified the need for more stringent reviews, the number of pursuits was higher than it is currently. Officer behaviour has changed for the better and our risks have been well managed and reduced.

In 2012 the process of flagging specific pursuits was implemented into the pursuit spreadsheet, identifying those members engaged in pursuits later debriefed and classified as non-compliant. Another step taken was the breaking down of non-compliant pursuits into two categories; administrative and operational.

Administrative covers;

1. The timely submissions of correct and signed Fail To Stop Reports by primary officers to their supervisors, reviewed and signed by both supervisors and Divisional Inspectors, and forwarded to the pursuit review officer for review and cataloguing.
2. Suspect Apprehension Pursuit Debriefing reports (i.e. debriefings held within 21 days following a pursuit and submitting these reports immediately thereafter).
3. The pursuit review officer, in conjunction with recommendations made by the pursuit review/collision review board panel to initiate proper training for officer(s) that have failed to comply with the pursuit directive and / or legislation as set out in the Police Services Act.
4. Timely submissions of Fail To Stop Report to the pursuit review officer (Quality Assurance Unit).

Operational includes any violation of procedures / conduct, set out in the Service's directive and Police Services Act.

Vehicle Collisions

Since 2004 the Risk Management Committee has helped the service focus on reducing our vehicle collisions and the attendant injuries with some areas of success as outlined in the following table:

Category	2011	2012	2011 – 2012 change	2013 June YTD
Collisions	209	189	-9.6%	82
Vehicles written off	7	7	0 %	2
Member injuries	14	34	58.8%	0
Lost time (hours)	1636	263	-83.9%	0
Wages (straight time)	\$66,106	\$10,694	-83.8%	\$0
Avg repair cost	\$2312	\$2621	13.4%	\$2312
Total Collision value	\$483,263	\$495,282	2.5%	\$189,622

Special Investigations Unit

In 2012, seven (7) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The SIU invoked their mandate on five (5) occasions;
- In all five (5) cases the subject officers were cleared of criminal responsibility by the SIU;
- In all five (5) cases 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.

Up to and including June 30, 2013, two (2) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The SIU invoked their mandate on one (1) occasion;
- 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.

Civil Liability Claims

In 2012 Durham Regional Police received nine (9) claims of civil liability; one (1) for negligence; three (3) for assault and/or excessive use of force; three (3) for a departmental motor vehicle collision, one (1) sexual assault and one (1) for erroneous press release.

In 2013 (June 30 YTD) Durham Regional Police received seven (7) claims of civil liability; two (2) for negligence; two (2) for assault and/or excessive use of force; one (1) for a departmental motor vehicle collision, one (1) false arrest and one (1) for improper search and arrest.

In October 2012, Sonia Coward, Manager, Risk and Insurance, Region of Durham attended to provide an overview of Risk Management as it relates to the Durham Regional Police Service.

Insurance Coverage

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.

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 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:

The Service conducts reviews on members emails, MDT's, CCTV private files and GPS records as required. Unit leaders are requested to report any non-compliance of our directives that take place.

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.

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.

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"

In addition, computerized data is backed up daily onto offsite storage media and the IT department regularly checks service computers to ensure that only properly licensed software are being used by our Security IT unit.

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 next external audit will take place in 2013 to be complete by Dec 2013. There will be an external and internal security audit each year as part of the budget process for added security.

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

A number of additional Internal Audits were conducted including:

- 1) Internet/email -7 audits were conducted
- 2) GPS Audit- 24 GPS/AVL audits were conducted
- 3) Private/Invisible Requests-28 Private/Invisible Requests
- 4) CCTV hidden requests-83 requests

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 should focus on how to identify and protect corporate confidential information. We did this through numerous What's New Messages, Insider Reports and All messages in 2012 and in 2013. Our users are much more aware of security vulnerabilities as they have in the past and with added security software such as anti-virus software these vulnerabilities are not always getting through our network.

In 2012, there were no cases for discipline of misuse of DRPS email. There was one (1) case of misuse of CPIC that has gone to a Hearing. The matter has been 'held down' pending completion of criminal matter with the same officer.

As of June 30, 2013 there were no cases for discipline of misuse of DRPS email or misuse of CPIC. **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 is currently conducting the annual audit of the property unit. The audit traces the handling of property to ensure that current DRPS procedures meet adequacy standards. The results of this audit will be reported to the Board in the 2014 Audit Function Monitoring report.

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. The property staff conducts the reconciliation.

There were three (3) property auctions in 2012 and one (1) to date in 2013. 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. They audited the 2012 Durham Regional Police Services Board Unclaimed Property Fund in March 2013. The audited statements were presented and approved by the Board in May 2013.

Therefore, I report compliance with this provision.

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:

In 2012; Hicks Morley Barristers and Solicitors; Nexus Actuarial Consultants Ltd.; Deloitte and Touche Auditors; Perley-Robertson Barristers and Solicitors, Hill and MacDougall.

In the first half of 2013; Deloitte and Touche and The Employers Choice.

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, with the vast majority of media coverage being balanced or positive. 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 2012, the Unit issued 813 formal public statements, the highest ever recorded for the organization. Corporate Communications also measures initial media coverage, as it has a major influence on shaping public perception of the police service. Of the 2,591 original newspaper articles/editorials clipped in 2012, a total of 2,380 were considered balanced (fair), 116 were clearly positive in tone about the police service and 94 were negative in tone. This means that only 3.7 percent of all monitored media coverage was negative, resulting in a very positive, overall public perception of the police service. No one issue dominated the negative coverage category in 2012, but the most negative coverage centered on a few incidents in which police officers were charged or accused of wrongdoing.

Of the media stories clipped last year, 1,735 were about crime, 465 were about trials, 123 involved crime prevention and 266 were corporate in nature (e.g. notices of public meetings, budget stories, new assignments, new buildings, etc.) The DRPS also began sharing information on its official Facebook page and through a Twitter account in 2012. Currently, we have 1,542 followers on Facebook and 2,845 followers on Twitter.

Therefore, I report compliance with this provision.

Policy Provision # 7

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.

Therefore, I report compliance with this provision.

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