

Classification **PUBLIC**

Meeting **November 14, 2011**

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 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 Review Board).

### 3) Standing Reports

Currently consist of

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

### Suspect Apprehension Pursuits

Another area of focus has been Suspect Apprehension Pursuits. It represents a relatively risky activity which is necessary to maintain community safety in certain circumstances. The service has provided additional training and guidance as well as management oversight of these activities with the following results:

	<b>2005</b>	<b>2010</b>
<b>Number of Pursuits</b>	<b>48</b>	<b>41</b>
<b>Policy Compliant</b>	<b>28(58%)</b>	<b>32(78%)</b>
<b>Non-Compliant</b>	<b>20(42%)</b>	<b>9(22%)</b>

In 2010 there were 41 pursuits and 32(78 %) were fully compliant with policy. Of the 9 which were not fully compliant all were minor issues. No injuries were sustained and no time was lost.

When compared to 2005, when these new processes were identified as necessary, the number of pursuits was higher, at 48 and the policy compliance rate was much lower, at only 58 %.

That is clear proof that officer behaviour has changed for the better and that our risks have been managed and reduced.

### Vehicle Collisions

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

#### Motor Vehicle Collision Expenses and Premiums

	<b>2004</b>	<b>2010</b>	<b>% Change 2010/2004</b>
<b>\$ Value</b>	\$623,000	\$533,929	<b>-14%</b>
<b># Collisions</b>	208	190	<b>-9%</b>
<b>Average \$ Damage</b>	\$2,995	\$2,810	<b>-6%</b>
<b>Member Injuries</b>	35	19	<b>-46%</b>

In 2011 the procedure for investigating departmental vehicle collisions was changed to require all such collisions to be reviewed independently by the Traffic Services Unit in order to ensure consistency and thoroughness of those investigations.

### **Special Investigations Unit**

In 2010, eight (8) incidents involving our members were reported to the Special Investigations Unit with the following results:

- The S.I.U. invoked their mandate on all eight (8) occasions.
- In all cases the subject officers were cleared of criminal responsibility by the S.I.U.
- In all 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.

### **Civil Liability Claims**

In 2010 Durham Regional Police received 13 claims of civil liability; 2 for unlawful arrest, 3 for Assault; 6 for motor vehicle collisions; 1 for malicious prosecution and 1 for theft of personal property.

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.

### **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.

### **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. However, we do conduct audits on member's emails, MDT's and GPS records when required by the Professional Standards Unit or senior command when asked related to particular incident or case.

We have had numerous cases where GPS logs were requested and email audits were conducted on behalf of Professional Standards in 2010.

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 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.

The Human Resources unit has confirmed that new employees of the Service are now 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"**

The Service is in compliance with the Records Retention By-Law.

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 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 2012.

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 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 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. 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 2010, The Professional Standards unit reports that there were seven (7) cases of discipline for misuse of DRPS email. There were no cases of discipline for misuse of CPIC. (By comparison, in 2009, the Professional Standards Unit reports that there were no cases of discipline involving misuse of DRPS email and there was 1 case of discipline for CPIC breach.)

#### **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:**

Between the period of December 14, 2010 and January 30, 2011, a complete audit of the security vault was completed by Sgt. Don Patrick and Property clerk Jamie Johnston. Three discrepancies were identified and corrected. These discrepancies were recordkeeping based discrepancies, one caused by property staff, the other caused by the officer in charge of the investigation. Both involved participants were advised of the errors.

The Financial Services Manager, Mr. John Rycroft, reports that an annual Financial Services review of the Property Vault was conducted on August 9, 2011 with Property Bureau Sergeant Don Patrick. During this review, random property cash was selected and contents verified and cross-matched back to computerized records. No discrepancies were found in this process. In addition, records were randomly selected from a list of computerized property records and verified to cash on hand. There were no significant discrepancies identified in this process. The few discrepancies were related to individual cases where monies were being remitted to the Receiver General. Funds had been removed from vault, deposited to the Region Account, awaiting distribution by cheque. These records were followed in the system and verified, and also cross-checked to records of deposit to the Region account.

The Property Sergeant conducted a review of the disposal method for monies seized by the Durham Regional Police in 2010. Section 132 and 133 of the Police Services Act address how seized money is to be handled by police services. This authority was applied to the monies seized by the Durham Regional Police Service that met the following conditions: being that all legal matters are concluded in court, there is no disposition order on the money, and 3 months of being in possession of the police services has passed. Monies falling within the parameters stated in the Police Services Act have been deposited into the Police Services Board account per the Police Services Act.

**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 four property auctions in 2010. 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 will audit the 2011 Durham Regional Police Services Board Unclaimed Property Fund in 2012.

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:

Hicks Morley Barristers and Solicitors, Perley Robertson, Hill and McDougall Barristers and Solicitors, Deloitte and Touche Auditors and Mathews Dinsdale Barristers and Solicitors.

**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 4,174 newspaper articles/editorials clipped in 2010, a total of 3,795 were considered balanced (fair), 82 were clearly positive in tone about the police service and only 55 were negative in tone. This means that only 1.3 per cent of all monitored newspaper coverage was negative, resulting in a very positive, overall public perception of the police service. No one issue dominated the negative coverage category, but the most negative coverage centered on a few incidents in which police officers were charged.

Also, our most recent public opinion survey released confirmed citizens have a high opinion of the police service. The survey found 75 per cent of all citizens were satisfied with the quality of police service they received.

**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.

**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.**