

Classification **PUBLIC**

Meeting **February 9, 2009**

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 2008 ten (10), incidents involving our members were reported to the Special Investigations Unit with the following results:

The S.I.U. invoked their mandate on eight (8) 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 eight (8) investigations

Section 11 Administrative reviews are being conducted by our Service on the eight 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 co-chaired by the Director of the Legal Services Unit and Director of Business Services and the Deputy Chief of Operational Support sits on the Committee as a liaison to the Executive Leadership Group.

The Committee reviews 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:

- The Service created a 25-minute WHMIS e-learning program that will be facilitated by the Police Learning Centre. This program is mandatory as per the Occupational Health & Safety Act and Regulations, and all employees were expected to complete the training by October 31, 2008. (WHMIS is the Workplace Hazardous Materials Information System. This system was designed to ensure that workers across Canada know how to safely handle chemicals and other hazardous materials. Legislation requires that all employees in the workplace must receive WHMIS training relating to that workplace.)
- March 2007 - 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. To date 96% of staff have completed the training. The balance are members who are on various leaves, LTD etc.
- Following a precedent setting legal case we have 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. A comprehensive management reporting product is in the priority list for consideration by I.T. Joint Management Team. In the interim we have invoked 2 operational reviews on officers who have come to the attention of the Service by virtue of the “flagging” process. We have implemented a process of operational review for every vehicular pursuit, and produce an annual report that is utilized for educational and operational purposes.
- 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 2008 vehicle accident damages were \$500,658 compared to \$379,477 in 2007, \$423,000 in 2006, \$465,000 in 2005, and \$623,000 in 2004. Over the 5 year period there has been a \$123,000 reduction in annual accident damage value representing a 20 % improvement. The 4 year trend to 2004 was a 64 % improvement but in 2008 accident experience worsened significantly primarily in the summer months. The other months in 2008 were comparable to prior years.

Both the Accident Review Board and the Risk Management Committee are monitoring this closely and will set a goal of significant improvement in 2009 to regain the progress made from 2004 to 2007 and lost in 2008. Objective target reductions will be established for Units/Branches and included in operational measures.

On November 20 2008 the Chief addressed the membership on the accident statistics in his video and the Learning Centre has added a safe driving video to block training.

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.

In 2008 Durham Regional Police received 9 claims of civil liability, 4 for malicious prosecution, 1 for negligent investigation, 1 for unlawful arrest, 1 for a police pursuit, 1 for a motor vehicle accident, and 1 for other causes.

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.

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.

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

Based on the audit that was conducted our biggest area of concern is social engineering where someone outside the agency spoofs an email address at DRPS. The findings concluded that Seventy-seven (77) corporate email addresses were harvested during the discovery phase of which 46 were chosen as targets for social engineering.

The testing team solicited 46 users, using phishing method, of which 2 responded with access credentials. Although eSafe server alerted users of the phishing attack and the spoofed website was blacklisted by DRPS, some users still provided access credentials via email to the testing team.

The best strategy to protect our systems and users against social engineering is awareness. 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.

The Professional Standards Unit reports that there were 5 cases of discipline involving misuse of DRP 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:

The Quality Assurance Unit carried out an audit of these procedures due to the retirement of the Property Sergeant as described under Directive AO-04-001. An Audit Report was tendered to me in May 2008. Subsequent audits on seized guns, money and drugs are conducted on an ongoing basis. I have reviewed all audits and it indicated that the Service complies with the relevant directives.

A spring 2008 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 resolution of outstanding dispositions and future dispositions. A new civilian position has been approved to track and monitor all major seized property items.

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.

There were two property auctions in 2008. 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.

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:

David McKee, Hicks Morley Barristers and Solicitors, Heenan Blaikie Barristers and Solicitors, Jules B. Bloch, OEB Entreprises, Perley Robertson, Hill and McDougall, Deloitte and Touche.

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 2,167 newspaper articles/editorials clipped in 2008, a total of 1,945 were considered balanced (fair), 159 were clearly positive in tone and 66 were negative in tone. This means that only three per

cent of all newspaper coverage was negative, resulting in virtually no negative public perception of the police service. The negative coverage primarily focused on two areas grouped at specific times of the year: the contract dispute with the DRPA and an assault charge against a police officer.

Also, the most recent Pollara public opinion survey released in early 2008 confirmed citizens have a high opinion of the police service. 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.