

Classification **PUBLIC**

Meeting **June 12, 2006**

Agenda Item **Monitoring Report:
Treatment of Residents and Visitors**



Recommended Motion:

THAT the Board find that all provisions of the *Treatment of Residents and Visitors* report have been complied with.

Treatment of Residents and Visitors

I hereby submit my monitoring report on your Executive Limitations Policy, "Treatment of Residents and Visitors" 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:

"With respect to interactions with residents and visitors to Durham region, the Chief of Police will not cause or allow conditions, procedures, or decisions that are unnecessarily unsafe, undignified or intrusive for anyone."

Interpretation of the Chief of Police:

It is my interpretation of this Policy Provision that it is in fact broad based and does speak to issues not necessarily covered in the specific policies set out below. This policy in fact would encompass core values, the need to treat everyone with dignity and respect. It is my further interpretation that our members are authorized by the law to conduct activities such as the Use of Force that are necessary in performance of our duty and to accomplish ends. Therefore use of those authorized tactics is "necessary" and does not contravene this policy.

Data Support:

Many of our documents reflect these values and they are talked about and discussed with our members. These would include our Vision, Oaths of Membership, Annual Report, Business Plan and so on. In addition to those items, our directives relative to police operations and current to the state of the law with respect to searching of persons and other tactics that police officers employ that otherwise might be considered to violate the spirit of this policy. These are supplemented by Information Technology systems in place to keep our information secure.

Policy Provision #1

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

1. *“Elicit information for which there is no clear necessity.”*

Interpretation of the Chief of Police:

It is my interpretation of this policy that it applies to the collection of information from residents and visitors in all transactions conducted by the Durham Regional Police Service. It is my further interpretation that information elicited by members and the Service as a whole in carrying out our duties pursuant to the Police Services Act specifically and all other statutes generally, is deemed to be necessary.

Data Support:

Officers can only make enquiries concerning bonified police functions. Information collected is recorded in appropriate documentation for which there is a monitoring process to ensure standards are achieved when collecting information. Legislation such as the Youth Criminal Justice Act, Municipal Freedom of Information and Protection of Privacy Act, case law regarding disclosure, Adequacy Standards under the Police Services Act, Service directives, CPIC by-laws, Nuclear Safety and Liability Act and the record retention by-law all ensure that data is treated with the requisite degree of security required. Pursuant to the Municipal Freedom of Information and Protection of Privacy Act all non-law enforcement documentation collecting personal information contains a “Notice of Collection” indicating the purpose and legislated authority

There is one civil suit from an incident that began in 1996 that was served on the DRPS in 2005 that is currently ongoing.

Therefore, I report compliance with this provision.

Policy Provision #2

2. *“Use methods of collecting, reviewing, transmitting or storing information that fail to protect against improper access to the material elicited.”*

Interpretation of the Chief of Police:

It is my interpretation of this policy that the Durham Regional Police Service complies with the provisions of all statutes governing this area, including but not limited to the Board’s Records Retention By-law as established under the authority of the Municipal Act, CPIC By-Laws, Nuclear Safety and Liability Act and the requirements of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). That further, the police service will afford all safeguards available to ensure the integrity of the storing of said information is safeguarded.

Data Support:

All members of the DRPS are required to take an Oath of Secrecy. CPIC access standards, password protection and strict operating procedures surround the release and access to confidential information including data related to the Youth Criminal Justice Act. Random audits are conducted on police information systems such as the Virtual Mobile Data Terminals (VMDT), Media One, E-parade, and Microsoft Outlook to ensure the content is professional and appropriate and does not contravene any legislation.

Personal information gathered for non-law enforcement purposes, such as a Criminal Information Request (CIR) application, is permitted as long as a ‘Notice of Collection’ is included on the form so that the individual providing the information is aware of the purpose and legislated authority for the collection of their personal information. The DRPS has a ‘Notice of Collection’ on all non-law enforcement forms used to collect personal information.

Personal information collected by Human Resources regarding employment with the Service is not covered by MFIPPA and is therefore not *required* to have a ‘Notice of Collection’ included, however, in keeping with the spirit of the privacy legislation the DRPS has included this information on the Notice to Collect Personal Information form, completed by all potential employees.

The release of information, whether it is through an FOI request or a routine release to an outside agency, is carefully monitored through the Information Release and Privacy Coordinator.

Transmission of information is done through various mediums, including CPIC, Fax, e-mails and post/courier. The DRPS has a number of Directives covering these methods: Internet Use by Police Service Members; CPIC – Security, Capabilities and Use; and Records Management/Request for Officer Interview.

In 2005 there were 25,290 Criminal Information Requests and 697 Freedom of Information requests.

There has been one complaint regarding Breach of Confidentiality and it was determined to be unsubstantiated. There have been no civil suits or charges relating to this provision.

Therefore, I report compliance with this provision.

Policy Provision # 3

3. *“Fail to operate facilities with appropriate accessibility, privacy, and safety for residents and visitors to Durham Region.”*

Interpretation of the Chief of Police:

It is my interpretation of the policy that our facilities are to meet the Accessibility for Ontarians with Disabilities Act and building code requirements, and further to provide ease of use and a sense of comfort, safety and well being to our customers.

Data Support:

Our buildings, generally, are in good condition and meet the requirements that would provide for appropriate accessibility, privacy and safety. We have issued a survey for all buildings that explores the issues of:

Facilities

- Hours open to the public
- Off hour Access (Hotline)
- Handicap Access

Services available in each Community Police Office (during open hours):

- Criminal Information Requests
- Freedom of Information Requests
- Incident Reports
- Property Reports
- Accident Reports
- Community Room Use
- Vehicle Release
- Public Complaints
- General Inquiries

Two Community Police Offices (CPOs) have 24/7 public access, Oshawa and Ajax Pickering. Whitby is open to the public from 0800 to 2100 and North Durham and Clarington from 0700 to 1700. All CPOs have handicapped access, however, some Satellite Community Policing Centres do not. The new Regional Headquarters facility is open during regular business hours for Criminal Information Requests and Freedom of Information requests. The Service also has numerous Community Policing Centres located in key areas to enhance service to the community during prescribed hours. All facilities have signs on streets and roadways to direct the public to the building, and off-hour access to police services via a hotline. The DRPS reviews the need to expand service availability to the public throughout the communities served.

There have been no complaints, civil suits or charges regarding this provision.

Therefore, I report compliance with this provision.

Policy Provision # 4

4. *“Fail to establish with residents and visitors to Durham Region a clear understanding of what may be expected and what may not be expected from the services provided.”*

Interpretation of the Chief of Police:

It is my interpretation of this policy that we make sincere efforts at informing and educating our citizens and taking into account their feedback over time. It is my further interpretation that the activities described below fulfill this requirement.

Data Support:

The following organizational activities all support our achievement of this policy and are listed below:

- Daily Media Transactions from Corporate Communications
- Community Liaison Committees (e.g. committee on diversity issues)
- Annual Report compilation and distribution
- Business Planning Process
- Monthly Board meetings (public sessions)
- Briefings to Council (Municipal and Regional)
- External Web site (www.drps.ca)
- Community Police Office and Municipal Council Interactions
- Community Speakers, including presentations at recruiting fairs, senior safety presentations etc.
- Building signs and road signs directing public to police facilities
- Interagency Partnerships (e.g. Joint Forces Operations, reciprocal service agreements, school safety presentations), Community Police Offices, satellite Community Policing Centres, and the Police Learning Centre all provide a point of contact for citizens within the Region
- Public Needs Survey

There have been no complaints, civil suits or charges relating to this policy provision.

Therefore, I report compliance with this provision.

Policy Provision # 5

5. *“Fail to provide for the effective handling of calls for service by residents and visitors to Durham Region.”*

Interpretation of the Chief of Police:

It is my reasonable interpretation of this policy that it requires us to maintain a system of call taking, dispatching, responding, investigating and reporting of calls for service that reasonably and efficiently balances the needs of individuals and the community as a whole and the resources available for this function.

Information on this policy provision is also captured under the Emergency Response Boards Ends Policy.

By virtue of the operation of our Communications 911 Centre, our Community Police Offices and other resources, we have in place a prioritized call system. Directives and Community Patrol Plans govern these systems. The Computer Aided Dispatch (CAD) system has been replaced and is beginning to provide data that is currently being utilized for items like workload balancing, response times and call analysis.

Data Support:

There was one Policy/Service complaint relating to call response that was found unsubstantiated and is captured under Policy Provision #6.

There have been no civil suits or charges relating to this policy provision.

Therefore, I report compliance with this provision.

Policy Provision # 6

6. "Fail to provide for the effective handling of complaints from residents and visitors to Durham Region"

Interpretation of the Chief of Police:

It is my reasonable interpretation of this policy that it requires us to process complaints in accordance with Part V of the Police Services Act and to do so in a timely manner.

Data Support:

There were fewer public complaints in 2005 (100 public complaints) than in 2004 (112).

Of the 100 public complaints received by the Professional Standards Unit between January 1 and December 31, 2005, two complaints were related to Policy/Service issues. The remaining 98 complaints were related to Officer Conduct.

Of the 100 received in 2005, complaints, there were 87 resolutions, leaving 13 complaints under investigation. Two of the 13 remaining complaints were addressed at the divisional or unit level- leaving 11 complaints being investigated by the Professional Standards Branch.

There were 5 outstanding OCCPS reviews as of December 31, 2005. These are complaints that were investigated by the Professional Standards Branch and found to be unsubstantiated. The complainant was advised of the investigation outcome and they chose to appeal our decision to OCCPS. OCCPS then reviews the Professional Standards Branch investigation and will render a decision. (Note: The 5 OCCPS reviews are not included in the 13 outstanding complaints at year-end).

There were 2 complaints in the process of a *Police Services Act* hearing, however one of those was resolved early in 2006. (Note: The 2 hearings are not included in the 13 outstanding complaints at year-end).

In 2005, there was one complaint for every 1,867 calls for service.

One of the public complaints that the Professional Standards Unit received regarding a Policy/Service issue was also the subject of a Human Rights Code complaint. The Human Rights Commission adopted the DRPS informal resolution of the Public Complaint.

Of the 112 Public Complaints in 2004, all were resolved by December 31, 2005.

Classification of Complaints

Classification	2004	2005
Discreditable Conduct	62	48
Excessive Force	30	27
Neglect of Duty	21	29
Policy/Service	5	2
Breach of Confidentiality	0	1
Unnecessary Arrest/Exercise of Authority	5	11
Insubordination	1	0
Deceit	2	1
Corrupt Practice	0	1

**Note: More than one allegation may be associated to one public complaint.

Resolution of Complaints

Resolution	2004	2005
Frivolous/vexatious/bad faith	18	17
Unsubstantiated	34	18
Withdrawn	31	35
Time Limit (6 months)	3	1
Third Party	2	5
Informal Resolution	13	7
Disposition w/o hearing	2	0
Policy/Directive Review	2	0
Other	5	3
Hearing	2	1
Total	112	87

Complaints by Branch

Branch	2005 Complaints	Ratio of Complaints/Officers
Policing Operations	80	1:7
Major Crime	09	1:14
Regional Operations	11	1:7

External Comparisons

In relation to the number of public complaints per capita; the Durham Regional Police Service is 5th lowest amongst the comparator services for both 2004 and 2005.

Police Service	2004	2005
	Public Complaints per 100,000 Population	Public Complaints per 100,000 Population
Toronto Police Service	32.81	29.95
Ottawa Police Service	26.40	27.99
Hamilton Police Service	25.97	24.40
Niagara Regional Police Service	22.49	21.16
Durham Regional Police Service	17.39	17.39
Halton Regional Police Service	14.43	12.01
Peel Regional Police Service	13.76	10.84
York Regional Police Service	12.79	8.71
Waterloo Regional Police Service	11.13	3.83

Therefore, I report compliance with this provision.

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