

Classification **PUBLIC**

Meeting **May 11, 2009**

Agenda Item **Monitoring Report:
Adequacy and Effectiveness of Police Services**



Recommended Motion:

THAT the Board finds that all provisions of the Adequacy and Effectiveness of Police Services have been complied with.

Adequacy and Effectiveness of Police Services

I hereby submit my monitoring report on your Executive Limitations Policy, "Adequacy and Effectiveness of Police Services" 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 shall not fail to comply with the following Ontario Regulations:

- *O. Reg. 3/99 "Adequacy and Effectiveness of Police Services",*
- *O. Reg. 546/99 "Suspect Apprehension Pursuits",*
- *O. Reg. 926/90, as amended, "Equipment and Use of Force",*
- *O. Reg. 354/04 "Major Case Management", and*
- *O. Reg. 550/96 "Violent Crime Linkage Analysis System Reports".*

Interpretation of the Chief of Police:

It is my interpretation of this policy provision that the Service must be in compliance with the noted regulations. Given that these regulations govern basically all aspects of police service delivery, and that reporting on each and every aspect would be unreasonable, it is my interpretation that the reporting here needs to be at the highest level.

Data Support:

O. Reg. 3/99 made under the *Police Services Act*

ADEQUACY AND EFFECTIVENESS OF POLICE SERVICES

O. Reg. 3/99 made under the *Police Services Act*

ADEQUACY AND EFFECTIVENESS OF POLICE SERVICES

Interpretation of the Chief of Police:

The February 2009 Adequacy and Effectiveness of Police Services' monitoring report spoke to the 34 recommendations identified within the Ministry of Community Safety and Correctional Services, Policing Services Division; Quality Assurance Unit's inspection report dated June 2008. All recommendations, except for one have been addressed and reported to be compliant. There are two outstanding recommendations that require the chief of police to include into the Service directives. First is; elements of driving while under suspension / disqualified. The second is; elements of unsafe vehicle / equipment including public vehicle / commercial vehicle violations. Both recommendations are currently being drafted into two new directives. Both Directives **LE-09-009 "Driving While Suspended / Disqualified"** and **LE-09-012 "Vehicle Equipment Investigations"** are scheduled to be finalized in June, 2009.

In September, 2008, the Service participated and completed the Ministry's **Conducted Energy Weapons (CEW) Review Survey**. The result of the survey was verification that the DRPS is compliant with **O. Reg. 3/99**.

The Service continues to conduct annual audits through its Quality Assurance Unit, including 14 self-audits and 8 Scorecard assessments, verifying ongoing compliance with **O. Reg. 3/99**. The Ministry, at the time of their inspection in May, 2008, commented on how impressed they were with the implementation of the Scorecard. Directives are subject to annual reviews in a continuing effort to remain current.

I report compliance with **O. Reg. 3/99 "Adequacy and Effectiveness of Police Services"**, **Governance Process** and **Executive Limitations** policies.

O. Reg. 546/99 made under the *Police Services Act*

SUSPECT APPREHENSION PURSUITS

Our Service has Directives, policies and training, for suspect apprehension pursuits in place in accordance with Adequacy Standards. In addition to Adequacy Standards this Service debriefs each pursuit with all involved members. A further review of each pursuit is conducted by a "Pursuit Review Panel" to determine the need, if any, for refresher training and /or changes to the related Directives. The pursuit debriefings and review panel are internal auditing mechanisms used to determine compliance with our Directives and the Regulation. The mechanisms are in place to identify performance, which is not compliant with the Directives and Regulations and to take corrective action to ensure compliance in the future.

In 2008, the Police Learning Centre continued to complement the Service's suspect apprehension pursuit initiatives by constructing and posting a second mandatory e-learning module titled "***In the Pursuit of Excellence II***". Reports indicate that all relevant members have completed the second module. The Police Learning Centre, in conjunction with the Pursuit Review officer, is actively working on completing phase III of the mandatory e-learning pursuit module, scheduled to be available for all Service members in **Q3 2009**.

| Service | Pursuits | Injuries | Property Damage | Compliance |
|----------|----------|------------------------|------------------------|------------|
| Durham | 40 | Police – 0 Subject - 3 | Police – 2 Subject – 4 | yes |
| Halton | | | | |
| Hamilton | | | | |
| Niagara | | | | |
| Ottawa | | | | |
| Peel | | | | |
| Toronto | | | | |
| York | | | | |

All of the components of this Regulation are in place. I therefore report compliance with the O. Reg. 549/99 “Suspect Apprehension Pursuits”.

O. Reg. 926/90 made under the *Police Services Act*
EQUIPMENT AND USE OF FORCE

The Durham Regional Police Service Learning Centre – Use of Force Training Unit is responsible for the issue and maintenance of all use of force options as specified in this Regulation. The Police Learning Centre’s Use of Force Training Unit is compliant with the Policing Standards Manual (2000). Each member of the Use of Force Training Unit and all training provided to members is certified by the Ontario Police College. Our Service has Directives, policies and training, for equipment and use of force in place, in accordance with Adequacy Standards. A reporting structure is in place whenever a member uses force in a situation as specified in this Regulation. The use of force reporting system is an internal mechanism designed to identify and address any areas of non-compliance with our Directives and policies. All members currently issued with use of force options are re-qualified annually in accordance with Adequacy Standards.

Use of Force Statistics

In 2008 the DRPS Learning Centre compiled use of force statistics from the mandatory reports submitted by frontline officers. The number of reports submitted indicates the number of officers who have used force, and not the number of incidents. In other words, one incident involving a number of officers may generate more than one use of force report for that one incident. The reports were then reviewed for follow-up training or emerging trends. The following is a breakdown of the use of force reports for these three years.

Use of Force Option Deployed

| | Discharged | Pointed | Aerosol | Impact Hard | Empty Hard | Other | Canine | TOTAL |
|------|------------|---------|---------|-------------|------------|-------|--------|-------|
| 2006 | 28 | 194 | 22 | 27 | 53 | 50 | 8 | 387 |
| 2007 | 35 | 181 | 26 | 8 | 52 | 50 | 13 | 362 |
| 2008 | 41 | 136 | 16 | 10 | 75 | 38 | 23 | 323 |

Reason for Deployment

| | Officer Safety | Effect Arrest | Destroy Animal | Accidental |
|------|----------------|---------------|----------------|------------|
| 2006 | 316 | 289 | 27 | 0 |
| 2007 | 202 | 202 | 35 | 0 |
| 2008 | 228 | 121 | 39 | 0 |

In 2007 the number of use of force reports was 362. The number submitted in 2008 dropped to 323 or a 10% decrease.

Firearm discharges primarily for the purposes of destroying injured animals remained relatively constant in comparing both years.

The number of incidents where a firearm was displayed without discharging dropped significantly from 181 in 2007 to 136 in 2008. It is possible that the availability of the Electronic Control Device (ECD) contributed to this reduction.

There was one (1) fatal injury in 2008 as a result of the application of a firearm.

The approved OPC-Form 47 Use of Force report does not have a separate section for Electronic Control Device (ECD) usage. It is included in the “other” category. However, in 2008, data collection specific to ECD deployment has been broken down for reporting.

| Reported Deployments | # | Subject Behaviour | # |
|-----------------------------------|-----------|-------------------------------|-----------|
| | | Co-operative | 0 |
| Effective Deployments | 40 | Passive Resistant | 0 |
| Non-effective (clothing/distance) | 2 | Active Resistant | 6 |
| | | Assaultive | 28 |
| Region Wide Total | 42 | Serious Bodily Harm/ Death | 8 |

| Reported Deployments | 2006 | 2007 | 2008 |
|---------------------------------|----------------|-----------|-----------|
| | Q3 and Q4 only | | |
| Effective Deployments | 25 | 44 | 40 |
| Non-effective (poor conduction) | 2 | 2 | 2 |
| Region Wide Total | 27 | 46 | 42 |

As per section 22 of the Policing Standards Manual (2000), use of force reports are “to be collected and used only to identify individual and group training requirements, or organizational use of force policy and procedure requirements.”

O. Reg. 354/04 made under the *Police Services Act*

MAJOR CASE MANAGEMENT

The Durham Regional Police Service started to implement the Ontario Major Case Management Manual in 1998. Our Service currently has over 100 members trained in Major Case Management. The training is ongoing. In 2007 and 2008 our Service was a satellite location for MCM training. Durham Regional Police in co-operation with the Ontario Police College will again host MCM training in 2009. Our service implemented PowerCase, the MCM software, in 2001. Our service has policies and procedures in place by way of Directives (LE-02-001 “Major Case Management System”, and LE-01-023 “Criminal Investigation Management Plan”) in accordance with the Adequacy Standards. The philosophy and teachings of Major Case Management was followed for every major case in 2008. There were no substantiated public complaints, in 2008, in relation to the Major Case Management policies and procedures.

The components of this Regulation are in place. I therefore report that we are compliant with the standards set out in O. Reg. 354/04 “Major Case Management”.

O. Reg. 550/96 made under the *Police Services Act*

VIOLENT CRIME LINKAGE ANALYSIS SYSTEM REPORTS

Our Service has Directives, policies and procedures in place for Violent Crime Linkage Analysis System (ViClas) reports, in accordance with this Regulation. Our ViClas coordinator ensures ViClas booklets are submitted in accordance with our Directives and this Ontario Regulation. The ViClas coordinator checks all occurrences, on a daily basis, for incidents which meet the ViClas reporting criteria. The ViClas coordinator ensures ViClas reports are submitted for the identified criteria incidents. In 2008 a ViClas report was submitted for every incident, totaling 573, meeting the criteria for ViClas submissions. Of those 101 were submitted for non-criteria offences. There was a slippage in compliance for the timely submission of ViClas reports from 78% to 71%. This is under review. The issue of scanning ViClas submissions has yet to be addressed with the manager of the Records Unit. This does not in any way impede the present process.

All of the components of this Regulation are in place. I therefore report that we are compliant with the standards set out in O. Reg. 550/96 “Violent Crime Linkage Analysis System Reports”.

Further, without limiting the scope of the foregoing by this enumeration, they shall not:

Policy Provision #1

Fail to ensure that Durham Regional Police Service provides, within the Regional Municipality of Durham, the full range of legislated police services including, but not limited to:

- a. Crime prevention initiatives; (*Ref. O. Reg. 3/99 section 1(2)*),
- b. Criminal intelligence capacity; (*Ref. O. Reg. 3/99 section 5(1)(b)*),
- c. Crime analysis, call analysis and public disorder analysis capacities; (*Ref. O. Reg. 3/99 section 5(1)(c)*),
- d. Investigative supports, with the exception of behaviour science support from the Ontario Provincial Police; (*Ref. O. Reg. 3/99 section 5(1)(d)*),
- e. Court security; (*Ref. O. Reg. 3/99 section 16 and Police Services Act section 137*),
- f. Public order unit; (*Ref. O. Reg. 3/99 section 18(2)*), and
- g. All types of emergency police services. (*Ref. O. Reg. 3/99 Section 21*).

Interpretation of the Chief of Police:

It is my interpretation of this policy that we provide the services as enumerated.

Data Support:

a. Crime Prevention

The DRPS Community Services Unit consists of two sworn members and one civilian member. In cooperation with the DRPS divisional offices, they continue to work with members and groups within our communities. They participate in crime prevention initiatives involving 30 individual programs. The total audience reached by these programs in 2008 was approximately 347,000, up from 315,800 in 2007. This includes those participating at the Children’s Safety Village, Racing Against Drugs, Neighbourhood Watch and Community events. During 2008 we had 51 dedicated volunteers and are anticipating 5 new members in 2009.

In 2008 we welcomed the new Crime Prevention Trailer that is a fully stocked trailer that can be taken anywhere within the Region. This trailer will allow us to provide a more consistent presence at events in terms of what we bring and supply. The unit is available for anyone to utilize within our service. 2008 was the first year we went literally regional with Crime Prevention Week. Instead of setting up for the week in Pickering Centre, we went on the road and traveled to all parts of the Region. We

setup for 1 day in various locations to better maximize our presence and get the Crime Prevention message to parts of the Region. Police Week remains stationary due to the type of display required.

No complaints in relation to the content or delivery of these programs were received during the year.

b. Criminal Intelligence Capacity

The DRPS Criminal Intelligence Branch is part of Crime Management and is responsible for criminal intelligence services. The Criminal Intelligence Branch is comprised of six investigative units, namely: Drug Enforcement Unit, Gang Enforcement Unit, Surveillance Unit, Technical Services, Joint Forces and General Assignment. Each unit has a criminal intelligence capacity. Our criminal intelligence services are adequate and effective. There have been no substantiated public complaints or civil suits regarding failure to provide criminal intelligence services. Our Service provides criminal intelligence services in accordance with the Regulation.

c. Crime Analysis

The Crime Analysis Unit is responsible for crime analysis, call analysis and public disorder analysis. Our crime analysis, call analysis and public disorder analysis services are adequate and effective. There have not been any public complaints or civil suits regarding failure to provide this service. Our Service has crime analysis, call analysis and public disorder analysis capacities in accordance with the Regulation.

d. Investigative Supports

The Durham Regional Police Service provides investigative support services, which include: Scenes of Crime Officers (SOCO), the Forensic Identification Unit, the Canine Unit, the Traffic Services Branch and the Polygraph Unit. Our investigative support services are adequate and effective. There have not been any public complaints or civil suits regarding failure to provide investigative support services. Our Service provides investigative support services in accordance with the Regulation. The DRPS has a Directive LE-02-012 that advises members of the type of behavioural science services that are available and how to access them. The Ontario Provincial Police (OPP) Behavioural Science Section is mandated to provide training and investigative support services of a psychological and behavioural nature to police services in Ontario. We currently have one member receiving the Threat Assessment training through OPP. This includes: *criminal profiling, geographic profiling, forensic psychiatry, polygraph, ViClas, threat assessment, and sex offender registry.*

e. Court Security

The Court Services Unit is part of the Regional Support Branch. Currently, the unit consists of 1 staff sergeant, 2 sergeants, 10 constable, 29 special constables assigned to Court Services duties. There are 4 Sergeants and 12 special constables assigned to duties in the Central Cellblock at 17 Division. The unit provides court security, conducts bail hearings, assists with finger printing, and coordinates warrants.

Pursuant to the mentioned legislation our Service has a court security plan in place and this is added to as required when dealing with detainees proven or considered to be “high risk” and / or dangerous.

All members of the unit receive appropriate training upon joining the Service and annually attend the mandatory training to maintain the knowledge, skills and abilities required to perform their duties as prescribed by Provincial Regulations and guidelines. In accordance with section 16 of O. Reg. 3/99

there is an established Local Court Security Committee that meets on an annual basis. Discussions are ongoing relating to provisions and procedures for the future Durham Consolidated Court facility.

f. Public Order Unit

Our Service maintains a “part time” Public Order Unit consisting of 51 officers including a unit leader with the rank of Inspector. The use of these part time officers ensures the legislated minimum of 22 is available for deployment within a reasonable time. The Unit conducts local and extended training at C.F.B. Meaford to maintain their skills and their competencies are evaluated annually and found to be within the required standard. The five eight hour training days comply with the Provincial Standard. In addition officers are sent on specific public order and search incident command training courses.

In 2008 the unit was involved in multi-agency training with police services in the GTA, Ottawa and the OPP.

The Public Order Unit has a combined mandate that encompasses crowd management, search and rescue of missing persons, and support of threshold major case management led investigations (major crime) most commonly in support of evidence searches.

g. Emergency Police Services

Our Service maintains a full time Tactical Support Unit (TSU) consisting of two sergeants and 16 constables all of whom are qualified in Hostage Rescue pursuant to legislative requirements. Two members were redeployed in 2008, one to Afghanistan on a peace-keeping mission and one returned to OPG-NSD. Three members of the TSU are also qualified as Explosive Disposal Technicians allowing them to do explosive disposal and explosive forced entry.

Our Service has established an on call Major Incident Command Unit that is the envy of police services throughout the province. This unit consists of on- call teams of officers trained and deployed as commanders and crisis negotiators and civilian scribes to ensure accountability at a scene.

On-duty calls for service increased from 177 in 2007 to 315 in 2008. This reflected positively with the reduction of off-duty callouts from 32 in 2007 to 28 in 2008.

Although an emergency response unit, the officers contribute to community initiatives, hosting “Cops and Kids” and “Youth in Policing” days.

Policy Provision #2:

“Fail to ensure that resources shared with another police service are reciprocated or otherwise compensated.”

Interpretation of the Chief of Police:

It is my interpretation of this policy that agreements are in place for each service that wishes to utilize our resources and that such agreements be reconciled at the end of each calendar year. Where during any such reconciliation it is determined that another police service has utilized our resources to a greater degree than we have utilized theirs, the difference is to be made up during the following year.

Data Support:

Our Service has written “Shared Resources” Agreements with the Cobourg Police Service, the Kawartha Lakes Police Service, the Peterborough Lakefield Police Service, Port Hope Police Service, South Simcoe Police Service, and York Regional Police. These agreements are reviewed and reconciled annually by the Superintendent of Regional Operations to confirm that the value of resources provided were either reciprocated or otherwise compensated.

In 2008, no requests for assistance were received from the police services of Peterborough Lakefield, Port Hope and South Simcoe.

Air 1 was requested and deployed as follows; twice (2) to Toronto Police Service, once (1) Peel Regional Police Service and twice (2) to OPP. The York Regional Police requested and was provided use of Air 1 on five (5) occasions for a total of 9.75 hours. The DRPS utilized their Air 2 nine (9) times totalling 14.59 hours.

TSU was deployed to YRP for one (1) call totalling 67.5 hours (4.5 hours in duration by 15 members). DRPS received services from YRP TSU once (1) totalling 22 hours (2 hours each for 11 officers). TSU was deployed to assist with a Joint Forces Operations (JFO) within City of Kawartha Lakes for a warrant execution with 16 members for a total of 80 hours.

K9 was requested from YRP on one (1) occasion to assist OPG with suspected explosives. K9 has also been deployed to search for OPP on two (2) occasions, totalling 7.5 hours and Toronto Police Service twice (2) for a period totalling 6.25 hours.

We are continuing to negotiate a Shared Resources agreement with the Toronto Police Service that will see equality in the use of each other’s resources, with a provision for billing in the event of inequality in any given year. The Durham Regional Police Service provided Toronto Police a draft Shared Services agreement. Toronto Police Service has reviewed, and amended some portion(s), and then referred it on to the legal services of the Toronto Police Services Board for their consideration, as this is crafted as a Board to Board agreement. I would recommend that Chief to Chief discussions take place to finalize this agreement.

All current signed agreements are under review.

Policy Provision # 3

“3. *Fail to ensure for the appropriate quality of officers’ notebooks.*”

Interpretation of the Chief of Police:

It is my interpretation of this policy that the quality assurance of notebooks is of significant importance and that all procedures for notebooks are reviewed on a regular basis with both frontline officers and their supervisors. Corrective action is initiated in accordance with the ongoing supervisory reviews or audit results.

Data Support:

In 2008 every Division reported that officer’s notebooks were checked on a regular basis by frontline supervisors. Any concerns were immediately addressed, corrected and logged. Furthermore the General Occurrence Audit Unit, reviews all reports and documents including officer’s notes relating to criminal

investigations. Inadequate notes are brought to the attention of the officer and their supervisor for corrective action. Monthly inspections are also conducted by divisional supervisors ensuring correct and complete notebooks. Quality Assurance did not conduct an audit in 2008, however is developing a scorecard for self-auditing purposes. Once implemented, the Scorecard will streamline any audit requirement as well as providing an instant snap shot of memo book compliancy.

I report compliance with the noted Ontario Regulations and Policy Provisions 1, 2 and 3 of the Executive Limitations Policy. I therefore report compliance with this policy.