

Classification **PUBLIC**

Meeting **June 8th, 2015**

Agenda Item **Monitoring Report:**
Police Services Act Regulations



Recommended Motion:

THAT the Board find that all provisions of the *Police Service Act Regulations* have been complied with and that counter-terrorism plans, preparedness, training, mitigation measures, responses, notifications, and recovery, are consistent with federal and provincial plans, regulations and guidelines

I hereby submit my monitoring report on your Executive Limitations Policy, "*Police Service Act Regulations*" and "Response to Terrorism" 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 establish, communicate and operate with procedures that ensure adherence to the following Ontario Regulations:

- *O. Reg. 265/98 “Disclosure of Personal Information”*
- *O. Reg. 546/99 “Suspect Apprehension Pursuits”,*
- *O. Reg. 354/04 “Major Case Management”, and*
- *O. Reg. 550/96 “Violent Crime Linkage Analysis System Reports”.*

And further that the Chief shall not fail to ensure that counter-terrorism plans, preparedness, training, mitigation measures, responses and notifications, and recovery, are consistent with federal and provincial plans, regulations and guidelines

BROADEST POLICY PROVISION:

The Chief of Police shall not fail to comply with all requirements prescribed in the Regulations made under the *Police Services Act*.

Further, without limiting the scope of the foregoing, he or she shall not:

1. Fail to establish, communicate and operate with procedures that ensure adherence to the following Regulations:
 - a. Suspect Apprehension Pursuits Regulation
 - b. Major Case Management Regulation
 - c. Violent Crime Linkage Analysis System Reports Regulation
 - d. Disclosure of Personal Information Regulation

2. Fail to ensure that counter-terrorism plans, preparedness, training, mitigation measures, responses and notifications, and recovery, are consistent with federal and provincial plans, regulations and guidelines, and further that:
 - a. Counter-terrorism plans, preparedness and training identify, evaluate and assess potential targets and associated risks within the community, and establish priorities and procedures for mitigation;
 - b. Counter-terrorism plans are clearly linked to the municipal and other pertinent local emergency plans;
 - c. Terrorism response and notifications serve to protect potential targets within the community; and
 - d. Terrorism recovery addresses community concerns and the prevention of repercussions; and
 - e. Terrorism response, notifications, and recovery serve victims.

Interpretation of the Chief of Police:

It is my interpretation of this policy provision that the Chief and the Service must be in compliance with all of the regulations under the *Police Services Act*, paying specific attention to areas of specific interest to the Board as identified in various Ministry Inspections. 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.

Supporting Data

O. Reg. 265/98 Disclosure of Personal Information

There were two formal Privacy Complaints filed with the Information and Privacy Commissioner (IPC) in 2014 compared to one in 2013. In both cases the IPC commenced a privacy investigation. Following an investigation one of the breaches was determined by the IPC to be unsubstantiated. The second privacy investigation was concluded with the IPC being

satisfied that the DRPS had taken all necessary steps to contain the breach, advised affected parties, and put measures in place to ensure the risk of a future breach is minimized.

In 2014 the FOI unit received 1297 formal FOI requests in addition to processing 224 requests from the Office of the Children's Lawyer. Unfortunately the statistics for the share requests which are processed outside of the formal FOI process were not captured in 2014. These statistics are being tracked commencing in January 2015 and will be included in the 2015 year end statistics.

In addition the FOI Unit received 1 appeal in 2014. This was a reduction from 2013 when the FOI Unit received 5 appeals.

The 2014 the number of FOI requests received increased by 109 from 2013, representing a 9.2 % increase in requests.

O. Reg. 550/96 Violent Crime Linkage Analysis System Reports

The Offender Management Unit (OMU) is part of the Crime Administration Branch. Our Service has a Sex Offender Registry Unit within the OMU which is responsible for the tracking of all sex offenders designated on both the National Sex Offender Registry (NSOR) and the Ontario Sex Offender Registry (OSOR). Both are registration systems for sex offenders who have been released into the community. These offenders are required to report to police every year and within 7 days of an address change among other conditions. During the registration process, the civilian staff interviews, photographs and enters information about these individuals into a database. To ensure compliance all members of the OMU work together and address issues as they arise. Since 2009, the province has conducted registrar site assessments to ensure the OSOR is as complete and accurate as possible. In 2014, we maintained a compliance rate of 100% for our site. This is the third year in a row that our Sex Offender Registry Unit has met this goal.

The OMU strives to ensure that no high-risk offender resides autonomously in Durham Region. Its role is to enhance community safety and prevent crime by liaising with Federal and Provincial Parole/Probation officers in the monitoring and enforcing of conditions for persons on bail, parole, probation or who are registered with the Ontario Sex Offender Registry or the National Sex Offender Registry. Our Offender Management Unit works to gain compliance where offenders fail to comply with the reporting provision of the legislation. The OMU also liaises with the Provincial ROPE Unit where we have a Detective Constable on secondment. The Offender Management Unit is also responsible for the coordination of our High Risk Review Panel, which is a "second pair of eyes" to help review the files of high-risk offenders to determine if public notifications should be made by the Chief of Police. Launched in 2002, the High Risk Offender Review Panel is overseen by the Chief of Police and the Deputy Chief of Operations. The Panel is made up of experts in the field of risk assessment and also includes representatives of the public and separate school systems. The advisory panel has the responsibility to review files of recently released high-risk offenders and make recommendations to the Chief of Police regarding whether a public notification should take place in the interest of community safety. The panel must remain advisory in nature due to existing legislation, which allows only a Chief to disclose certain types of personal information. In 2014, the panel was not required to convene.

Comment [D1]: Darren Nesbitt

O. Reg. 266/10 Suspect Apprehension Pursuits

All Suspect Apprehension Pursuits are documented, reviewed by a supervisor, debriefed by the Duty Inspector and finally reviewed again by the Suspect Apprehension Pursuit Review Panel. This panel is made up of members from Senior Leadership, the Pursuit Review Officer, Fleet Manager, PEIC Use of Force Sergeant and Police Vehicle Operations Trainer. The committee has also recently amalgamated with the Collision Review Committee and is now called the Police Vehicle Operations Committee. It is scheduled to meet four times annually (one month prior to the scheduled Risk Management Committee). Their mandate is to review and provide any additional recommendations addressing Service vehicle collisions and pursuits, regardless of the fact whether a member was engaged in a suspect apprehension pursuit or a motor vehicle collision during their tour of duty.

One of the main priorities is “**directive compliance**”, i.e., are members of the Service conscientiously adhering to current directives. Our Directives flow from the Regulation.

In 2014, Durham Regional Police Service (DRPS), officers were involved in 37 suspect apprehension pursuits of which 7 were deemed to be non-compliant. This compares with 40 pursuits in 2013 of which 6 were deemed to be non-compliant.

Overall, in 2014 there was no evidence that would indicate an improvement in pursuit compliance, i.e., the numbers speak for themselves as shown in the graph below. It should be noted, regardless of the tabulated numbers, there were several pursuits in 2014 that were on the cusp of compliancy and non-compliancy.

YEAR	# of Pursuits	Compliant	Non-Compliant	Percentage Compliant	Percentage Non-Compliant
2015*	8	8	0	100 %	0 %
2014	37	30	7	81 %	19 %
2013	40	34	6	85 %	15 %
2012	32	27	5	84 %	16 %
2011	37	27	10	73 %	27 %
2010	41	32	19	78 %	22 %

* Year to date – May 1st, 2015

In viewing the chart above, you will notice that the number of pursuits to date in **2015** have been included. This has been done to showcase the fact, that our Officers are paying attention to the Service directive as well as community safety.

In the first quarter of 2014, Officers engaged in thirteen separate suspect apprehension pursuits of which 5 were deemed to be non-compliant. Compare this to first quarter of 2015, officers have engaged in a total of eight separate suspect apprehension pursuits. All were deemed compliant. In addition, officers received recognition for their “excellent” judgment, not only from the regional duty inspectors, but also their peers and pursuit review officer.

This positive achievement into 2015 results directly from both Superintendents Kim Bulloch and Greg Mills, continually stressing community safety, accountability, officers' requirement to follow directive guidelines as well as remaining current on operational and legislative updates, both internal and external such as, for example, Ontario Police College .

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. Our front line Officers are second to none when engaging in suspect apprehension pursuits, especially in relation to public safety The service has and continues to provide additional training and guidance as well as management oversight of these activities.

O. Reg. 354/04 Major Case Management

The Durham Regional Police Service (DRPS) Major Case Management Directive LE-02-001 establishes policies in accordance with the Ontario Major Case Management Manual. These policies and procedures ensure there is a common, coordinated case management process for conducting major case investigations. The most recently released version of PowerCase is 5.1, and it is the software used to undertake and manage investigations into major cases as required by the regulation.

Major cases as defined by the Ontario Major Case Management Manual include:

- a) *Homicide and all attempts*
- b) *Sexual Assault and all attempts*
- c) *Non-familial abductions and attempts*
- d) *Missing Persons-foul play suspected*
- e) *Found Human Remains-homicide suspected*
- f) *Criminal Harassment-offender not known*
- g) *Any other case designated as a major case by MCM Executive Board*
- h) *Missing persons, where police have yet to ascertain whether foul play is involved when the individual remains outstanding and unaccounted for 30 days after being reported missing*

In 2008, the Major Case Management Executive Board designated that PowerCase may be used for the offences listed below. The use of PowerCase for these offences is voluntary, and at the discretion of the Police Service. We are steadfast in the use of this program as we have received numerous positive hits in the past that have assisted in some of our major cases. These cases are reviewed to determine whether or not they should be entered into the PowerCase software.

1. *Child Pornography*
2. *Luring Child by means of Computer*
3. *Indecent Act*
4. *Stupefying or overpowering for the purpose of sexual intercourse*
5. *Trespassing at night*
6. *Voyeurism*

Our Directive speaks to staffing on a major case. When a major case investigation is assigned to a qualified investigator, consideration is given to fulfilling all of the responsibilities associated to the function of a Major Case Manager, File Coordinator and Primary Investigator. Depending on the complexity of the investigation, these roles may be assigned to one individual or specific individuals. A major case management team is established and may consist of one or more individuals, as required by the complexity of the investigation. Major case management requires that these functions be performed by the number of persons required to meet the expectations as set out in the Ontario Major Case Management Manual. The detectives who are assigned to the Homicide Unit, as well as officers working in Sexual Assault Unit routinely perform these roles on assigned cases. The Manual also speaks to the role of Multi-Jurisdictional Major Case Manager (MJMCM). Our MJMCM is currently D/Sgt. Leon Lynch from Homicide.

In 2015, our Human Trafficking Unit was recognized for their innovative use of the Major Case Management System. The award reads “Achieving excellence in Major Case Management through the innovative use of technology”. This was initiated as a result of similarities occurring throughout our province and country in investigations involving human trafficking. As a result, we have received several “hits” internally as well as externally in identifying possible links to individuals and criminal organizations involved in this offence.

Other Police Services are in the process of entering their relevant cases which will ultimately result in further positive results and continued sharing of information.

In 2014, there were 88 threshold major case investigations and 242 non-threshold major case investigations in our Region. In comparison, in 2013, there were 69 threshold major case investigations and 303 non-threshold major case investigations. In determining what is a threshold major case investigation, established criteria is used to determine what type of investigative response is given to the major case keeping in mind the broad definition of major case management and the varying degrees of complexity that may be involved. In non-threshold major case investigations only tombstone data information is added to PowerCase, whereas, all investigative information is added to PowerCase for a threshold cases.

O. Reg. 550/96 Violent Crime Linkage Analysis System Reports

Violent Crime Linkage Analysis System (ViCLAS) is a reporting mechanism coordinated by the Ontario Provincial Police at their headquarters in Orillia. Reporting and investigating officers are required to submit an electronic booklet to the Provincial ViCLAS Centre when involved with the following criteria offences:

1. *All homicides or attempt homicides - solved or unsolved;*
2. *All sexual assaults or attempts, solved or unsolved, EXCEPT familial/domestic unless the victim is under 16 years of age or the assault includes unique or significant physical, sexual or verbal behaviour.*
3. *Missing person(s) where foul play is suspected;*
4. *Unidentified human remains where foul play is suspected;*
5. *All non-parental abductions and attempts;*
6. *False allegations of sexual assault or attempted murder;*
7. *All solved, unsolved, or attempted child luring; Regardless of the nature of the investigation, a case may be submitted to ViCLAS, if it is believed that the offender involved (known or unknown) may have been responsible for other violent crimes or has the potential to offend/re-offend.*

Comment [D2]: Mario Lessard

In 2014, our Service submitted 468 booklets to the ViCLAS Centre: 119 books for non-criteria, 349 books for criteria related offences. 5 were submitted for homicides and attempt homicides and 295 for sexual assault incidents. The number of submissions are down from 2013 which had 586 booklets and 2012 required 636 .

Cindy Stewart-Haass is our ViCLAS coordinator. She works within the Sexual Assault Unit and ensures we are compliant with our obligations according to the Regulations. To assist with continued compliance she completes a weekly report, submitted to Chief Paul Martin, D/Chief Chris Fernandes and Supt. Bulloch, that outlines any outstanding ViCLAS submissions. This forms part of the weekly Major Crime Unit report.

The electronic ViCLAS book, that was launched within our Service on January 11th, 2013, has been updated and no longer requires an encrypted and signed email for submission. Officers submit their books via email to the ViCLAS coordinator. Once quality control is complete, the ViCLAS book and corresponding Versadex report are submitted to the Provincial ViCLAS Centre via a secure portal. The Provincial ViCLAS Centre downloads the material from the book onto their national database and reports back to our police service if there is a linkage.

Pursuant to S. 3 (1) of Ontario Regulation 550/96 a report has been prepared and has been submitted to the Solicitor General and Minister of Correctional Services setting out the number of major cases the service investigated in 2014.

Counter Terrorism (Adequacy and Effectiveness of Police Services)

Section 2 of this Executive limitation references one of thirty seven sections of Regulation 33/99 (Adequacy and Effectiveness of Police Services).

The DRPS is compliant with Section 28 of Police Services Act Ontario Regulation 3/99 states: *“Every chief of police shall establish procedures that are consistent with any federal or provincial counter-terrorism plan designated by the Solicitor General”*.

Supporting Data

DRPS Directive CT-01-001 on Terrorism provides officers with direction in dealing with terrorist incidents or threats of terrorist acts. The directive complements the Provincial Counter Terrorism Plan (PCTP) and the National Counter Terrorism Plan (NCTP). This directive was reviewed and amended in the spring of 2015. We are compliant with relevant legislation.

Members are required to be aware of potential terrorist targets located within the Region of Durham as outlined in our directive. Regular awareness instruction and updates are provided to front line officers regarding terrorism concerns and threats. Regular notice is provided to DRPS members through e-parade postings and educational opportunities such as the Terrorism & Extremism symposium that we hosted in February. To date; 4 E-parade messages, 3 'What's New' messages and 1 Chief's message regarding terrorism have been issued. A Counter-Terrorism Information Officer (CTIO) program has been launched with 31 members trained in identifying terrorist activities.

Since 9/11, DRPS has participated within Canada's National Security Framework at both the Federal and Provincial levels. The commitment to the National Security program has been maintained solidly with our participation and involvement in Provincial (OPP Provincial Anti-Terrorism team) and Federal Joint Management Teams (RCMP Integrated National Enforcement Team) and their joint forces units. We have officers seconded to both teams and they report on a monthly basis to the Inspector in charge of Intelligence. Two DRPS officers that previously worked with INSET and held Lead Investigator roles for Project Smooth (VIA Rail conspiracy) and the Toronto 18 investigations were instrumental in the development and delivery of the CTIO program where they currently hold leadership positions. We have also increased our in-house capabilities with a second officer assigned to terrorism/extremism from the Operations Section.