

Classification **PUBLIC**

Meeting **September 11th, 2018**

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



Recommended Motion:

THAT the Board find that all provisions of the *Police Services Act Regulations Executive Limitations Policy* 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*" according to the schedule set out. I certify that the information contained in this report is true.

Signed: _____

Date: _____

Chief of Police

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. *Disclosure of Personal Information*
 - b. *Suspect Apprehension Pursuits*
 - c. *Major Case Management*
 - d. *Violent Crime Linkage Analysis System Reports*
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*, including those regulations explicitly identified by the Board in Provision 1, specifically *O. Reg. 265/98 “Disclosure of Personal Information”*, *O. Reg. 266/10 “Suspect Apprehension Pursuits”*, *O. Reg. 354/04 “Major Case Management”*, and *O. Reg. 550/96 “Violent Crime Linkage Analysis System Reports”*. Furthermore, it is my interpretation of Provision 2 that I shall ensure that counter-terrorism efforts are consistent with any federal and provincial plans, and that they meet the guidelines for police services as set out in the Policing Standards Manual.

Data in Support:

O. Reg. 265/98 Disclosure of Personal Information

Procedures related to the intentional disclosure of personal information are contained within the Media Relations directive. This directive establishes the authorities and procedures for releasing information to the public, including personal information in accordance with *O. Reg. 265/98*, sections 2 and 3. This directive was last reviewed in 2015, and is currently undergoing a content review as per the directive review schedule.

O. Reg. 266/10 Suspect Apprehension Pursuits

Procedures for suspect apprehension pursuits are documented in the Suspect Apprehension Pursuits directive. This is a priority one directive that reflects the criteria specified in *O. Reg. 266/10* and the guidelines in the Policing Standards Manual, including the tactics that may be used, the authorities and responsibilities of members, reporting requirements, and training. The policies and procedures outlined in the Suspect Apprehension Pursuits directive are reviewed each year, with the last review occurring in August 2017.

As with all directives, the policies and procedures outlined in the Suspect Apprehension Pursuits directive are available to all members online via the MediaOne intranet. Additionally, as per the

directive, divisional inspectors are responsible for ensuring that members assigned to their units review the policies and procedures within the directive in January each year.

All Suspect Apprehension Pursuits are documented, reviewed by a supervisor, appropriate divisional inspector, debriefed by a duty inspector and finally reviewed again by the pursuit review officer. The pursuit review officer provides a report to both the Police Vehicle Operations (PVO) Committee and Risk Management Committee on all aspects related to suspect apprehension pursuits. The PVO Committee, chaired by the inspector of West Division, is comprised of members from Senior Leadership, pursuit review officer, Fleet manager, Police Education and Innovation Centre Use of Force sergeant and Police Vehicle Operations trainer. The PVO Committee meets quarterly to review and provide any additional recommendations addressing service vehicle collisions and pursuits. Within the mandate of the PVO Committee is the need to ensure compliance with policies and procedures outlined in the Suspect Apprehension Pursuits directive.

In 2017, Durham Regional Police Service officers engaged in 58 suspect apprehension pursuits, 8 of which were deemed to be non-compliant. This compares with 45 pursuits in 2016 of which 7 were deemed to be non-compliant. The table below provides pursuit figures for the past five years.

Year	# Pursuits	# Compliant	# Non-Compliant	Percentage Compliant
2017	58	50	8	88%
2016	45	38	7	84%
2015	41	35	5	88%
2014	37	30	7	81%
2013	40	34	6	85%

O. Reg. 354/04 Major Case Management

The Major Case Management directive establishes policies in accordance with the Ontario Major Case Management Manual. This is a priority three directive which was last reviewed in June 2016.

The policies and procedures contained within the Major Case Management directive ensure that there is a common, coordinated case management process for conducting major case investigations as outlined in *O. Reg. 354/04*.

The Major Case Management manual lists criteria offences that must be entered into PowerCase. These are serious offences such as murder and sexual assault. These criteria offences are further broken into threshold and non-threshold offences. Threshold offences must be fully entered into PowerCase so the information can be examined for similarities to other PowerCase submitted investigations in the province. In non-threshold offences, only tombstone data information is added to PowerCase and compared to other PowerCase submitted investigations in the province. Any investigative matches are returned to the PowerCase coordinator and routed to the appropriate investigator.

The Major Case Management manual also speaks to the role of Multi-Jurisdictional Major Case Manager (MJMCM). The Durham Regional Police Service currently has three MJMCM's occupying leadership roles in our Service. The MJMCM manager is able to manage multiple Police Services that are investigating a criteria offence that occurs in multiple jurisdictions.

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

Violent Crime Linkage Analysis System (ViCLAS) is a national database for tracking violent offenders and the offenses they commit. This automated case linkage system is designed to capture, collate and compare crimes of violence through the analysis of victimology, offender/suspect description, *modus operandi*, forensic and behavioural data.

Procedures surrounding ViCLAS reporting are documented in the ViCLAS Reporting Procedures directive. This directive outlines those offences that are subject to ViCLAS reporting and sets out the authorities and responsibilities of members to ensure adherence with the regulation.

The Durham Regional Police Service maintains a ViCLAS Coordinator position which is attached to the Sexual Assault Unit within the Major Crime branch. The ViClass Coordinator ensures that we are compliant with our obligations according to *Ontario Regulation 550/96*. Forming part of the weekly Major Crime Unit report is a ViCLAS summary of submissions and outstanding reports. This weekly report is provided to the Chief, Deputy Chief, and Superintendent of Crime Management.

Pursuant to *O. Reg. 550/96*, s.3 (1) a report has been prepared and submitted to the Solicitor General and Minister of Correctional Services setting out the number of major cases the Service investigated in 2017.

Counter-Terrorism (O. Reg. 3/99 s.28 Adequacy and Effectiveness of Police Services)

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

Since September 11th, 2001, the Durham Regional Police Service has participated within Canada’s National Security Framework at both the Federal and Provincial levels. Our commitment to the National Security program has been continuous with our participation and involvement in the Integrated National Security Enforcement Team (INSET) and the Provincial Anti-Terrorism Section (PATS). The RCMP-led INSET team is multi-agency and responsible for investigating all criminal threats related to national security in Canada with teams spread throughout the country. The OPP-led PATS team is made up of specially trained members from the OPP and municipal law enforcement agencies, providing the provincial terrorism response and intelligence gathering. With officers seconded to both teams, critical information is shared seamlessly on strategic incidents.

The Durham Regional Police directive on terrorism (Directive CT-01-001 “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). The directive also covers guidelines from the Policing Standards Manual in areas of terrorism mitigation, preparedness and planning, terrorism response and notifications, and recovery from a terrorism incident.

In 2015, the Criminal Intelligence Branch implemented its own Countering Violent Extremism Information Officer (CVEIO) program that is derived from the RCMP’s frontline program. In addition to information sharing with our members, certain CVEIO officers have been identified as Divisional CVEIO Coordinators, tasked with ensuring there is consistent messaging to the community and our organization. These designates have regular meetings with members of the Intelligence Operations Section to keep abreast of issues and trends.

The Intelligence Operations Section (IOS) has implemented a Countering Violent Extremism Strategy that will provide our organization with a framework and direction on how to approach issues with the goal of mitigating the threat of terrorism and to support national security investigations. In consultation with outside agencies and stakeholders, IOS has established a training program based on terrorism pre-event indicators and prevention of radicalization in order to establish facilitators to deliver this training locally to our organization and our partners in the community.