

Classification **PUBLIC**

Meeting **May 9, 2011**

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



Recommended Motion:

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

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**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 the 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, and 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 bona fide 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 was 1 public complaint pertaining to improper information collection served during 2010. The complaint was classified as policy and was cleared as unsubstantiated.

**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 methods 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.

Periodic 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. Audits on the internet are typically conducted when requested by a unit leader. The last audit was in Feb 2010 to review certain inappropriate MDT messages. Email audits are done periodically as part of investigations authorized by unit leaders. GPS/AVL audits are also authorized by unit leaders as part of investigations.

Personal information gathered for non-law enforcement purposes, such as Criminal Information Request (CIR) applications, 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 2010 there were 30,335 Criminal Information Requests, which is an increase of 13.2% from the previous year. There were 1483 Freedom of Information requests in 2010, an increase of 10 %. There were two privacy complaints in 2010. The allegations in one complaint were determined by the Information & Privacy Commissioner/Ontario to be unfounded. The second complaint is still under investigation.

**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 Ontario Building Code requirements, Accessibility for Ontarians with Disabilities Act 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.

#### **Services available in each Division (during open hours):**

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

#### **Open to the Public**

Two Policing Divisions have 24/7 public access those being Central East Division, 77 Centre Street North, Oshawa, and West Division, 1710 Kingston Road, Pickering. Central West Division, 480 Taunton Road East, Whitby is open to the public weekdays from 08:00 to 21:00 hours. East Division, 1998 Regional Road # 57, Bowmanville is open weekdays from 08:00 to 16:00 hours. North Division, 15765 Highway # 12, Port Perry is open weekdays from 08:00 to 17:00 hours.

Other locations also offer services to the public. On April 4, 2011 the Criminal Information Request Unit opened at the Central West Division and offers their services including while you wait processing and digital fingerprinting to the public weekdays from 07:30 to 17:00 hours. The Regional Headquarters facility is open weekdays from 08:30 to 16:30 for Criminal Information Requests and Freedom of Information requests. The Regional Reporting Centre, 650 Rossland Road East, Whitby is open seven days per week from 07:00 to 21:00 hours providing Incident, Property Reports and general inquiries. Collision reports can be taken at the Collision Reporting Centre at this location from 07:00 to 21:00 hours weekdays and 10:00 to 18:00 on weekends.

### **After- hours Access (Hotlines)**

Emergency telephones that ring directly to Communications/911 are located at the three Divisional buildings which are not open 24 hours, at each of the four Community Police Offices (Beaverton, Uxbridge, Courtice and South Oshawa) and at the Regional Reporting Centre.

### **Accessibility**

All Divisions, Community Policing Centres and the Regional Reporting Centre have barrier free public access. East Division currently has poor accessibility but will be remedied when the new East Division is open in 2014. The Uxbridge Community Police Office does not have a lobby with directly accessible public access. Rather the public must come in through the Youth Centre located at the front of the building.

East Division, West Division, the Regional Reporting Centre and Property Bureau are buildings with either a basement and/or second storey but do not have an elevator. Generally, the lack of elevator affects staff rather than the public.

### **Directional Signage**

All Divisional and Community Policing Centre 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.

### **Safety**

DRPS facilities are operated and maintained in a safe manner. Issues reported to Facilities are addressed promptly. Mandatory inspections of Service facilities are being performed on a monthly basis by members of the Health and Safety Committee.

**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 are to make sincere efforts to inform and educate our citizens and take into account their feedback. 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](http://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 the 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

During 2010, Corporate Communications issued 676 media releases (677 issued in 2009). Our external website [www.drps.ca](http://www.drps.ca) attracted 1.1 million individual visitors who generated 64 million hits in 2010.

**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 / 9-1-1 Centre, our Divisional 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 now providing management data that is currently being utilized for items like workload balancing, response times and call analysis.

#### **Data Support:**

There were a total of 111,637 citizen-generated calls for service in 2010. This equates to 17,962 Citizen-generated calls for service per 100,000 citizens. In 2009 there were a total of 115,841 calls for service. There has been a decrease of 4,204 calls for service in 2010. The Central Alternate Response Unit (CARU) handled 15,461 calls or 13.85% of all Routine calls (Priority 3 and 4), in 2010. In 2009, 16,077 calls were handled by CARU, 616 calls more than in 2010. The unit continues to free up patrol units to ensure quicker response to other calls including Priority 1 and 2 calls. Of these calls for service CARU generated 9187 reports in 2010 compared to 9358 in 2009. General response time for Priority 3 calls was down 16% in 2010.

**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:**

#### **Public Complaints**

The number of Public Complaints received in 2010 was 125, approximately 28% higher than the 2009 complaints which totaled 97.

The Office of the Independent Police Review Director (OIPRD) opened October 19, 2009. Any Public Complaints concerning events that happened after October 19, 2009 are now directed to the OIPRD. Of the 125 Public Complaints made about the conduct, services or policies of the DRPS, 46 were dealt with by the OIPRD; 1 was investigated by the OIPRD and deemed as unsubstantiated. The other 79 complaints were investigated by the Professional Standards Unit.

In 2010 the Durham Regional Police investigated 27 Internal Complaints which is down very slightly from the 29 complaints investigated in 2009. In 2010 the number of complaints that rose to the level of a Chief's Complaint remained relatively constant at 29. There were 28 Chief's Complaints in 2009.

#### ***Six year comparative data:***

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Complaints</b>	100	99	108	97	125
<b>Internal Investigations</b>	50	66	39	29	27
<b>Chief's Complaints</b>	19	25	29	28	29

In 2010, there were two officers subject to criminal prosecution relating to on duty or off duty conduct. Also, there were four members suspended from duty. Two of the four suspensions occurred in 2009 and 2008.

#### **Breakdown of 2010 Complaints**

As of December 31<sup>st</sup>, 2010 the Professional Standards Unit had received 125 Public Complaints. Of the 79 complaints investigation by the Professional Standards unit there were 68 resolutions, leaving 11 complaints under investigation as of December 31, 2010.

#### **Comparing calls for service:**

In 2008, the total calls for service was 121,520, one (1) complaint for every 1125 calls for service. In 2009, the total calls for service was 115,841, one (1) complaint for every 1194 calls for service. In 2010, the total calls for service was 111,637, one (1) complaint for every 893 calls for service.

### Complaint Classifications:

Discreditable Conduct	55
Neglect of Duty	7
Unlawful or Unnecessary Exercise of Authority	19
Corrupt Practice	1
Policy/Service	4

**\*Note:** Complaints dealt with by the OIPRD were not classified.

More than one allegation may be associated with one public complaint.

### Complaint Resolutions:

Frivolous/vexatious/bad faith	4 (incidents occurred pre-Oct 19/09)
Unsubstantiated	25
Withdrawn	32
Time Exceeded (6 month)	9 (incidents occurred pre-Oct 19/09)
Third Party	3 (incidents occurred pre-Oct 19/09)
Informal Resolution	0
Disposition w/o Hearing	3
Policy/Directive Review	0
Other (Officer Resigned)	2
Hearing	0

**\*Note:** More than one resolution may be associated with one public complaint.

Of the 68 resolutions reached, there are currently eight (5) outstanding OCCPS reviews of decisions reached in 2010. There was one (1) outstanding OCCPS decision of reviews in 2009.

### Three year comparison:

Classification	2008	2009	2010
Discreditable Conduct	49	61	55
Unlawful or Unnecessary Exercise of Authority	16	17	19
Neglect of Duty	33	25	7
Policy/Service	8	4	4
Breach of Confidentiality	1	0	0
Insubordination	0	0	0
Deceit	0	1	0
Corrupt Practice	0	0	1



### Resolution of Complaints:

Resolution	2008	2009	2010
Frivolous/vexatious/bad faith	18	18	4
Unsubstantiated	21	20	25
Withdrawn	43	37	32
Time Limit (6 months)	9	6	9
Third Party	3	0	3
Informal Resolution	0	1	0
Disposition w/o hearing	0	2	3
Policy/Directive Review	0	0	0
Other	0	0	2
Hearing	0	1	0

### External Comparisons:

PUBLIC COMPLAINTS RECEIVED BY POLICE SERVICE			
Police Service	Number of Complaints Received	Number of Sworn Officers	Ratio of Officers per Complaint
Waterloo Regional Police	75	734	9.79
Peel Regional Police	200	1895	9.48
York Regional Police Service	154	1433	9.31
Halton Regional Police	86	620	7.21
<b>Durham Regional Police</b>	<b>125</b>	<b>871</b>	<b>6.97</b>
Niagara Regional Police	104	700	6.73
Toronto	862	5674	6.58
Ottawa Police Service	272	1374	5.05

\* Toronto Police statistics do not include 238 G20 related complaints.

In Durham there was one complaint for every 6.97 officers in 2010, compared to one complaint for every 9.32 officers in 2009 which is in the middle of the range of our comparator services.

### Special Investigations Unit (SIU) Section 11

As per the Police Services Act, Ontario Regulation 267/10, the Chief of Police shall cause an investigation to be conducted into any incident to review policies of or services provided and the conduct of the officers, under Section 11.

The SIU invoked their mandate on 8 occasions in 2010, compared to 15 occasions in 2009, and 12 in 2008.

Section 11 Reports have been completed for all SIU Investigations, as required by legislation.

## **Civil Claims**

The Legal Services Unit received thirteen (13) new civil claims in 2010, two (2) from the current year, five (5) from 2009, four (4) from 2008 and two (2) from 2007. A total of 38 claims were open in 2010, stemming back as far as 1999. Within the year, there were four (4) cases concluded, one (1) resulting in cash settlements and three (3) discontinued.

**Therefore, I report compliance with this provision.**

### **Policy Provision # 7**

*7. “Fail to service Criminal Information Requests in accordance with police-sector best practices, in a timely manner.”*

#### **Interpretation of the Chief of Police:**

It is my interpretation of this policy that we will keep abreast of and implement police-sector best practices in the methods we use to provide Criminal Information Requests and that we will also organize our service resources in such a way as to provide a timely response to those requests.

#### **Data Support:**

For the first six months of 2010, CIR’s were consistently responded to within a two week period. In July, however, due to changes in RCMP fingerprint requirement for individuals working within the vulnerable sector, there was a dramatic drop in CIR response times. By the end of the year the public was waiting up to 6 weeks for their CIR, and even longer if fingerprints were required.

Adapting to the new RCMP requirement, and dealing with a sudden surge of individuals needing civil fingerprints became a challenge for Services across Canada, including our comparators.

**Therefore, I report compliance with this provision in relation to CIR’s being processed in accordance with best practices and the DRPS Directive, but non-compliance as it relates to them being responded to in a timely manner.**

**The Service has recently made several changes in order to streamline the CIR process. These changes will be reviewed in the near future to determine impact on response times as well as staffing levels.**

### **Policy Provision # 8**

*7. “Fail to ensure that citizen volunteers involved in approved police service activities are appropriately selected, trained, equipped, supervised and indemnified.”*

## **Interpretation of the Chief of Police:**

It is my interpretation of this policy that we will leverage our existing member resources by encouraging interested and responsible members of our community to help us achieve our service's goals in a structured and properly supervised fashion.

## **Data Support:**

### **Auxiliary:**

The DRP Auxiliary Unit is authorized under the **Police Services Act**. The authorized strength of the Unit is seventy (70). We are currently training 23 new members.

**Selection** – Human Resources takes the lead in the selection process. All applicants apply on-line in the same manner as applicants for police constables. Info night is held for applicants to explain the function and role of the Unit within the DRP. Interviews are conducted and selections made. All recruits go through background checks with references both personal and employers. CPIC, local and Intelligence checks are also completed on each successful recruit. Successful recruit then commence their training.

**Training** – Each member of the Unit must qualify each year in their Use of Force. Training takes place at the Police Learning Centre. Recruits receive four (4) training days (8 hr each) in Use of Force. The training for the recruits takes place over a four month period with over 20 classes. Recruits receive instruction in; Powers of arrest, Criminal Code, Provincial Statutes, Directives, Dress, Traffic Training, Crime Scene Management, Note Taking, and Divisional Tours with history of the DRP. At completion of training the recruits are sworn in as members of the DRP Auxiliary Unit. The original of the Oath of Office and Oath of Secrecy are sent to legal and then sent to the Ministry of Community Safety and Correctional Services.

**Equipment** – Each member of the Auxiliary receives the same issue as police officers except for firearms, ammunition, taser and pepper spray. Members in specialized units such as Search, ATV, Marine, and Bicycle receive both training and are issued the proper equipment for these specialized functions.

**Supervision** – The Unit is comprised of one (1) auxiliary inspector, three (3) auxiliary staff sergeants and ten (10) auxiliary sergeants and fifty-six (56) auxiliary constables. Each of our five divisions is assigned two (2) auxiliary sergeants and at least ten (10) auxiliary constables. The Unit liaison officers oversee the operations of the Unit. Liaison officers are an inspector and sergeant. NCO meetings and Unit meetings are held once each month except in July and August. The NCO meetings are held at DRP HQ on the first Tuesday of each month and the Unit meetings are held the second Wednesday of each month at the south campus of Durham College in Whitby. For all Auxiliary events the name of the sworn officer in charge of the event must be on the DRP form "Request for Auxiliary Officers" (DRP 105C). The auxiliary inspector makes Divisional visits throughout the year and the auxiliary sergeants are encouraged to participate in NCO meetings at the Divisions.

The benefit rate for auxiliary officers should they be injured on duty is set at \$53,546.00 effective January 1<sup>st</sup>, 2011. Effective July 1<sup>st</sup>, 2011 the rate is \$53,878.00. These rates have been confirmed with the Workplace Safety and Insurance Board.

The auxiliary officers are paid mileage at a rate of \$0.52 per kilometer. The auxiliary officers are civilian volunteers who donate their time and service to the DRP and our Region.

The Auxiliary Unit participates in over 160 events throughout the year and spent approx. 10,000 hours in service to the community and the DRP.

## **Community Services**

To date the Police Volunteer Unit operating under the umbrella of the Community Service/Crime Prevention Unit currently has 53 volunteers. The selection process to become a Volunteer consists of an application process, interviews, resume and reference/background checks as well as a successful Criminal Information Request and Drivers License Abstract. Successful Candidates are fingerprinted and photographed as well as DRPS Oath of Secrecy and DRPS Volunteer Agreement forms are filled out and signed. Volunteers are given a DRPS shirt to wear at all events as well as a Volunteer ID tag containing photo as well as expiry date. Each volunteer is given a copy of the Volunteer Directive as well. The Directive covers the complete process of being a Volunteer with rules and regulations they must follow. It also covers the process the DRPS Member(s) seeking their assistance must follow.

Our Police Volunteers are utilized throughout the Community only for Department functions/events and with our direct partnerships we have throughout the Region. Examples of events are Police Week, Crime Prevention Week, Community Days, Durham Regional Police Food and Toy Drive, Law Enforcement Torch Run and Racing Against Drugs Programs. Volunteers are given training as need be for a variety of events. They have direct contact with a member from our Service for all events and are mentored through the Community Service/Crime Prevention Unit. The number of Police Volunteers is carefully monitored to provide a consistent Volunteer/Event ratio. This ensures that the Volunteers are given the opportunity to remain active throughout the year.

**Therefore, I report compliance with this provision.**

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