

Classification **PUBLIC**

Meeting **May 11, 2009**

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.

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, Strategic 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 have no public complaints or civil suits pertaining to improper information collection served during 2008.

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. 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) 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 2008 there were 27,003 Criminal Information Requests, an increase of 808 or 3%. There were 1387 Freedom of Information requests, an increase of 236 or 20%.

There were four (4) privacy complaints, with no dispositions rendered against DRPS. 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 Policing Divisions have 24/7 public access, 17 Division Oshawa and 19 Division Ajax Pickering. 18 Division Whitby is open to the public from 0800 to 2100. Both 15 Division North Durham and 16 Division Clarington are open from 0700 to 1700. The Regional Headquarters facility is open during regular business hours for Criminal Information Requests and Freedom of Information requests.

All Divisions have handicapped access; however, some satellite Community Policing Centres and support buildings do not. 16 Division, 19 Division, Court Services Building and the Property Bureau are multistory buildings without an elevator. Generally the lack of elevator affects staff needs more than public needs.

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.

The Risk Management Committee, in conjunction with the Occupational Health and Safety Committee, has recognized the need for timely reporting and response to incidents where unsafe conditions are identified within Service facilities. As a result a procedure for reporting incidents of this nature or rectifying identified risks has been incorporated into a Service Directive. Mandatory inspections of Service facilities are being performed on a monthly basis by members of the Health and Safety Committee.

15 Division North Durham and 18 Division Whitby have been subject to unresolved Occupational Health and Safety Complaints relating to unsafe seasonal conditions. Ongoing remedies to address ice and snow build-up have proved ineffective. Facilities are working towards correction prior to the next winter season.

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

During 2008 Corporate Communications published 566 Media Releases. An identified security concern resulted in the transition to a new web service provider in July 2008. Within the last half of the year 17.3 million hits were recorded on our external web-site.

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 121,520 citizen-generated calls for service in 2008. This equates to 19,814 Citizen-generated calls for service per 100,000 citizens. The Central Alternate Response Unit (CARU) handled 14,887 calls or 27% of all Priority 3 calls, which frees up patrol units for quicker response to other calls including Priority 1 and 2 calls. Of these calls for service CARU generated 10,454 reports in 2008. General response time for Priority 3 calls has been reduced.

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 2008 was 108 – higher than the three previous years. In 2007 we received 99 Public Complaints and in 2005 and 2006 we received 100 Public Complaints. .

In 2008 the Durham Regional Police investigated 39 internal complaints which is a 59% reduction from the 66 complaints investigated in 2007. Although there was a considerable decrease in the

number of internal complaints investigated in 2008 the number of complaints that rose to the level of a Chief's Complaint remained relatively constant. In 2007 there were 27 Chief's Complaints as opposed to 29 in 2008. In 2005 and 2006 there were 48 and 50 internal investigations, respectively.

Over the past six years, Public Complaints have been relatively steady, ranging between 95-115 per year. Internal investigations increased substantially from 2003 to 2007 however there was a dramatic reduction in internal investigations in 2008.

Six year comparative data:

	2003	2004	2005	2006	2007	2008
Complaints	103	112	100	100	99	109
Internal Investigations	37	38	48	50	66	39

In 2008, there were three 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 2007.

Breakdown of 2008 Complaints

As of December 31st, 2008 the Professional Standards Unit had received 108 Public Complaints. There were 95 resolutions, leaving 13 complaints under investigation.

Comparing calls for service:

In 2006, the total calls for service was 122,656, one (1) complaint for every 1227 calls for service. In 2007, the total calls for service was 123,924, one (1) complaint for every 1252 calls for service. In 2008, the total calls for service was 121,520, one (1) complaint for every 1125 calls for service.

Complaint Classifications:

Discreditable Conduct	49
Excessive Force	16
Neglect of Duty	33
Unnecessary Arrest/Unnecessary Exercise of Authority	7
Breach of Confidentiality	1
Service	8
Insubordination	0
Deceit	0
Corrupt Practice	0

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

Complaint Resolutions:

Frivolous/vexatious/bad faith	18
Unsubstantiated	21
Withdrawn	42
Time Exceeded (6 month)	9
Third Party	3
Informal Resolution	0
Disposition w/o Hearing	0
Policy/Directive Review	0
Other (s. 57(7) PSA)	2
Hearing	0

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

Of the 95 resolutions reached, there is currently one (1) outstanding OCCPS review of decisions reached in 2008.

In terms of complaints there was one complaint for every 9.73 officers in 2007, compared to one complaint for every 9.03 officers in 2008.

Three year comparison:

Classification	2006	2007	2008
Discreditable Conduct	69	74	49
Excessive Force	14	19	16
Neglect of Duty	27	12	33
Policy/Service	3	5	8
Breach of Confidentiality	0	0	1
Unnecessary Arrest/Exercise of Authority	5	14	7
Insubordination	0	0	0
Deceit	0	0	0
Corrupt Practice	0	1	0

Resolution of Complaints:

Resolution	2006	2007	2008
Frivolous/vexatious/bad faith	12	8	18
Unsubstantiated	31	21	21
Withdrawn	51	39	43
Time Limit (6 months)	4	5	9
Third Party	2	3	3
Informal Resolution	3	5	0
Disposition w/o hearing	0	0	0
Policy/Directive Review	0	0	0
Other	0	1	0
Hearing	1	2	0

External Comparisons:

PUBLIC COMPLAINTS RECEIVED BY POLICE SERVICE	
Police Service	Number of Complaints Received
Toronto Police	753
Ottawa Police Service	230
York Regional Police Service	111
Durham Regional Police	108
Niagara Regional Police	83
Peel Regional Police	59
Waterloo Regional Police	77
Halton Regional Police	55

Police Service	Ratio of officers per complaint
Peel Regional	29.27
York Regional	12.41
Halton Regional	10.6
Waterloo Regional	9.31
Durham Regional	9.03
Niagara Regional	7.81
Toronto Police	7.25
Ottawa Police Service	5.77

Special Investigations Unit (SIU) Section 11

As per the Police Services Act, Ontario Regulation 673/98, 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.

Section 11 Reports have been completed, where required on all outstanding matters from 2006, 2007 and 2008. Recommendations from three (3) outstanding 2006 Section 11 Reviews resulted in changes to the Telus communications testing procedures, one incident of a Patrol Supervisor Performance review and one with no action required. The three (3) outstanding 2007 Section 11 Reviews identified no required action, but endorsed the laying of HTA charges against one Subject officer. Four (4) Section 11 Reviews conducted on 2008 incidents identified no areas of concern relating to policy, service or conduct, resulting in no required action.

SIU invoked their mandate on twelve (11) incidents in 2008, compared to seven (7) in 2007 and eight (8) in 2006. Not all incidents require a Section 11 Review.

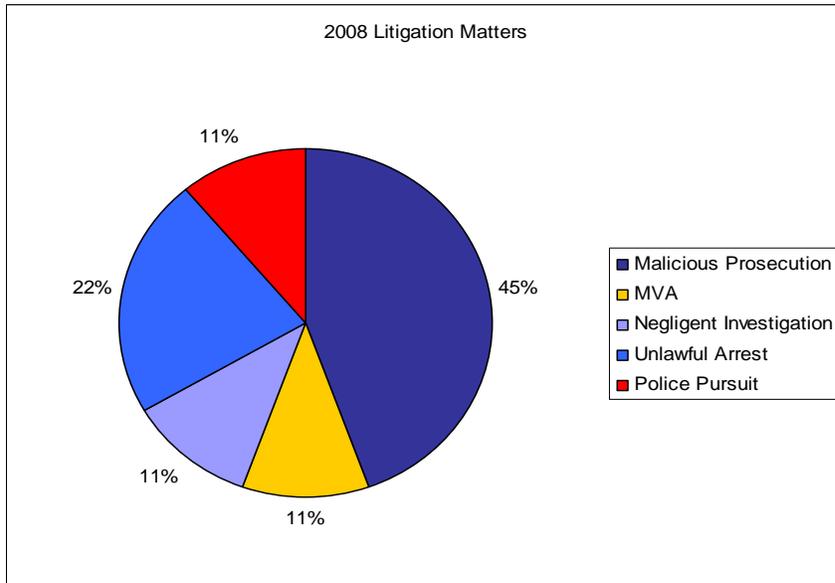
Civil Complaints

For 2008 there are a total of 9 new civil claims, all from previous years, 1 from 2003, 2 from 2005, 3 from 2006, 2 from 2007 and 1 unknown date.

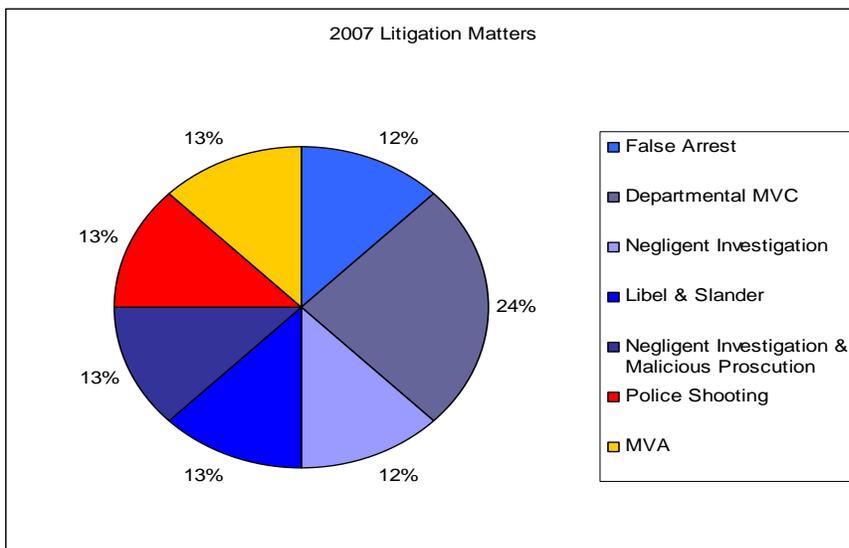
Although previously unreported to the Board, a transparent reported is being employed. Civil claims received within 2007 reflected incidents from 2004, 2005, 2006 and 2007.

Therefore, I report compliance with this provision.

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



Malicious Prosecution	4
MVA	1
Negligent Investigation	1
Unlawful Arrest	2
Police Pursuit	1
TOTAL	9



False Arrest	1
Department MVC	2
Negligent Investigation	1
Libel & Slander	1
Negligent Investigation & Malicious Prosecution	1
Police Shooting	1
MVA	1
TOTAL	8