

Classification **PUBLIC**

Meeting **July 12, 2010**

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, 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 2009.

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 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 2009 there were 26,798 Criminal Information Requests, which is a decrease of less than 1% from the previous year. There were 1349 Freedom of Information requests in 2009, a decrease of 2.7 %.

There were no privacy complaints in 2009.

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, 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. Both East Division, 1998 Regional Road, Bowmanville and North Division, 15765 Highway # 12, Port Perry are open weekdays from 07:00 to 17:00 hours. The Regional Headquarters facility is open weekdays during regular business hours 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.

After- hours Access (Hotlines)

Emergency telephones that ring directly to Communications /911 are located at the three Divisional buildings that 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 have barrier free public access although East Division’s poor accessibility design will be remedied when the new East Division is open in 2013. The Uxbridge Community Police Office does not have a lobby with direct accessible public access. Rather the public must come in through the Youth Centre located at the front of the building.

East Division, West Division, Regional Reporting Centre and Property Bureau are buildings with either a basement and/or second storey but without an elevator. Generally, the lack of elevator affects staff’s requirements 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 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 2009, Corporate Communications issued 677 media releases (up from 566 issued in 2008). Our external website www.drps.ca attracted 1.1 million individual visitors who generated 68 million hits in 2009. In the first four months of 2010, we've had 405,063 individual visitors and 22.3 million hits.

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 115,841 citizen-generated calls for service in 2009. This equates to 18,630 Citizen-generated calls for service per 100,000 citizens. The Central Alternate Response Unit (CARU) handled 16,077 calls or 25% of all Routine calls (Priority 3 and 4), which frees up patrol units for quicker response to other calls including Priority 1 and 2 calls. Of these calls for service CARU generated 9358 reports in 2009. 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 2009 was 97 –slightly lower than 2008 complaints which totaled 108. This was similar to the 99 Public Complaints in 2007 and 100 Public Complaints in 2006.

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. The Professional Standards Unit received four (4) Public Complaints from the OIPRD in 2009. Three (3) of those were forwarded for investigation, one (1) was deemed to be frivolous by the OIPRD. Those four (4) Public Complaints are included in the 97 Public Complaints.

In 2009 the Durham Regional Police investigated 29 Internal Complaints which is down 26 % from the 39 complaints investigated in 2008. Although there was a decrease in the number of Internal Complaints investigated in 2009 the number of complaints that rose to the level of a Chief’s Complaint remained relatively constant. In 2009 there were 28 Chief’s Complaints as opposed to 29 in 2008.

Over the past six years, Public Complaints have been relatively steady, ranging between 99 to 112 per year. Internal investigations increased substantially from 2003 to 2007 however there was a dramatic reduction in internal investigations over the past two years.

Six year comparative data:

	2004	2005	2006	2007	2008	2009
Complaints	112	100	100	99	108	97
Internal Investigations	38	48	50	66	39	29

In 2009, there were four officers subject to criminal prosecution relating to on duty or off duty conduct. Also, there were five members suspended from duty. Three of the five suspensions occurred in 2006, 2007 and 2008.

Breakdown of 2009 Complaints

As of December 31st, 2009 the Professional Standards Unit had received 97 Public Complaints¹. There were 85 resolutions, leaving 12 complaints under investigation.

¹ Includes 3 complaints related to NSD

Comparing 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.

In 2009, the total calls for service was 115,841, one (1) complaint for every 1194 calls for service.

Complaint Classifications:

Discreditable Conduct	61
Excessive Force	17
Neglect of Duty	25
Unnecessary Arrest/Unnecessary Exercise of Authority	8
Breach of Confidentiality	1
Service	4
Insubordination	0
Deceit	1
Corrupt Practice	0

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

Complaint Resolutions:

Frivolous/vexatious/bad faith	18
Unsubstantiated	20
Withdrawn	37
Time Exceeded (6 month)	6
Third Party	0
Informal Resolution	1
Disposition w/o Hearing	2
Policy/Directive Review	0
Other (s. 57(7) PSA)	2
Hearing	1

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

Of the 97 resolutions reached, there are currently eight (8) outstanding OCCPS reviews of decisions reached in 2009. There was (2) outstanding OCCPS decision of reviews in 2009.

In terms of complaints there was one complaint for every 9.03 officers in 2008, compared to one complaint for every 9.32 officers in 2009.

Three year comparison:

Classification	2007	2008	2009
Discreditable Conduct	74	49	61
Excessive Force	19	16	17
Neglect of Duty	12	33	25
Policy/Service	5	8	4
Breach of Confidentiality	0	1	0
Unnecessary Arrest/Exercise of Authority	14	7	8
Insubordination	0	0	0
Deceit	0	0	1
Corrupt Practice	1	0	0

Resolution of Complaints:

Resolution	2007	2008	2009
Frivolous/vexatious/bad faith	8	18	18
Unsubstantiated	21	21	20
Withdrawn	39	43	37
Time Limit (6 months)	5	9	6
Third Party	3	3	0
Informal Resolution	5	0	1
Disposition w/o hearing	0	0	2
Policy/Directive Review	0	0	0
Other	1	0	0
Hearing	2	0	1

External Comparisons:

PUBLIC COMPLAINTS RECEIVED BY POLICE SERVICE	
Police Service	Number of Complaints Received
Toronto Police	712
Ottawa Police Service	155
York Regional Police Service	116
Niagara Regional Police	103
Durham Regional Police	94
Peel Regional Police	79
Waterloo Regional Police	71
Halton Regional Police	70

Police Service	Ratio of officers per complaint
Peel Regional	23.1
York Regional	12.08
Waterloo Regional	10.25
Durham Regional	9.32
Halton Regional	8.9
Ottawa Police Service	8.75
Toronto Police	7.9
Niagara Regional	6.55

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.

SIU was contacted on fifteen (15) incidents in 2009, where they invoked their mandate on twelve (12) occasions, two (2) of which were OPP. This compares to twelve (12) SIU incidents in 2008 and seven (7) in 2007.

Section 11 Reports have been completed for seven (7) 2009 SIU Investigations, as required by legislation. There is one (1) investigation pending SIU decision.

Civil Claims

The Legal Services Unit received nine (9) new civil claims in 2009, five (5) from the current year, two (2) from 2007 and two (2) from 2006. A total of 37 claims were open in 2009, stemming back as far as 1999. Within the year, there were five (5) cases concluded, three (3) resulting in cash settlements and two (2) discontinued.

Therefore, I report compliance with this provision.

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