

Classification **PUBLIC**

Meeting **April 14th, 2008**

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 were no civil litigations received during 2007 that contain allegations with respect to the unlawful collection of personal information by the Police Service.

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) application, 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 2007 there were 26,195 Criminal Information Requests a decrease of 276 or less than 1 % fewer requests than we had in 2006.

There were 1151 Freedom of Information requests in 2007 an increase of 205 or 22 %.

There was one privacy complaint, which was determined to be unfounded.

No privacy regulations were breached as a result of this incident.

There were 3 *Police Service Act* hearings in 2007 that involved misuse of CPIC. Unathourized CPIC Access Investigations concluded that information had not been disseminated but accessed and reviewed for unathourized use.

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, Oshawa (17 Division) and Ajax Pickering (19 Division). Whitby (18 Division) is open to the public from 0800 to 2100 while North Durham (15 Division) and Clarington (16 Division) are open from 0700 to 1700.

All Policing Divisions have handicapped access; however, some Satellite Community Policing Centres and support buildings do not. Clarington (16 Division), Ajax/Pickering (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.

The new Regional Headquarters facility is open during regular business hours for Criminal Information Requests and Freedom of Information requests. The Service also has some Community Policing Centres located in key areas to enhance service to the community during prescribed hours.

All 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 continually 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.

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
- Strategic 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
- Annual Town Hall meetings with Chief
- Monthly TV call in shows with Chief

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 Policing Divisions 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 beginning to provide data that is currently being utilized for items like workload balancing, response times and call analysis.

Data Support:

We continue with the Central Alternate Response Unit (CARU) pilot project. The CARU is currently handling in excess of 30% of all Priority 3 calls, which frees up patrol units for quicker response to other calls including Priority 1 and 2 calls. General response time for Priority 3 calls has been reduced.

There were no new civil suits served in 2007 in relation to this Policy Provision.

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.

*Use of Force – Statistics and Analysis

- Adequacy Standards require the Service to provide annual summary on Use of Force. It is my interpretation that this report should be included in Treatment of Residents and Visitors. Police Learning Centre staff are conducting analysis and synthesizing a report to be included as an addendum for 2008, with inclusion in 2009.

Data Support:

The number of public complaints received in 2007 was **99** – lower than the two previous years. In 2006 we received **100** public complaints. In 2005, we received **100** public complaints.

Of the 99 public complaints received by the Professional Standards Unit between January 1 and December 31, 2007, five complaints were related to a Policy/Service issues. The remaining 94 were regarding Officer Conduct.

As of 31 December 2007, of the 99 complaints, there were 83 resolutions, leaving 16 complaints under investigation. Three of the remaining 16 complaints were addressed at the divisional or unit level, leaving 13 complaints being investigated by the Professional Standards Unit.

As of 31 December 2007, there was one outstanding OCCPS review. This was a complaint investigated by the Professional Standards Unit and found to be made more than six months after the facts on which it is based occurred. The complainant was advised of the investigation outcome and chose to appeal our decision. OCCPS then reviewed the Professional Standards Unit investigation and rendered a decision. OCCPS upheld the decision of the Professional Standards Unit investigator. (Note: The 1 OCCPS review is not included in the 16 outstanding complaints at year-end).

In 2007, there was one complaint for every 1252 calls for service.

Of the five public complaints the Professional Standards Unit received regarding Policy/Service issues, two were withdrawn by the complainant, two were determined to be frivolous and one found to be unsubstantiated.

Of the 100 - 2006 Public Complaints, 99 had been resolved by December 31st, 2007. The one 2006 remaining public complaint was resolved, appealed by the complainant and OCCPS ordered a Hearing regarding the matter. The Hearing was ongoing as of December 31st, 2007. In February 2008, the Hearing was held and the officer was found not guilty.

Classification of Complaints

Classification	2006	2007
Discreditable Conduct	69	74
Excessive Force	14	19
Neglect of Duty	27	12
Policy/Service	3	5
Breach of Confidentiality	0	0
Unnecessary		
Arrest/Exercise of Authority	5	14
Insubordination	0	0
Deceit	0	0

Corrupt Practice	0	1
-------------------------	---	---

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

Resolution of Complaints

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

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

Complaints by Branch

Branch	2007 Complaints	Ratio of Complaints/Officers
Policing Operations	83	1:6
Major Crime	01	1:28
Regional Operations	12	1:6

**** More than one unit may be involved in one public complaint.**

External Comparisons

<i>PUBLIC COMPLAINTS RECEIVED BY POLICE SERVICE</i>	
Police Service	Number of Complaints Received
Toronto Police	686
Ottawa Police Service	247
Hamilton Police Service	141
York Regional Police Service	131
Durham Regional Police	99
Niagara Regional Police	91
Peel Regional Police	83
Waterloo Regional Police	65
Halton Regional Police	59

<i>PUBLIC COMPLAINTS TO OFFICERS</i>		
Police Service	Number of Officers	Ratio of officers per complaint
Peel Regional	1810	21.81
Waterloo Regional	700	10.77
Halton Regional	582	9.86
York Regional	1289	9.84
Durham Regional	963	9.73
Toronto Police	5712	8.33
Niagara Regional	647	7.11
Hamilton Police Service	787	5.58
Ottawa Police Service	1270	5.14

Therefore, I report compliance with this provision.

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