

INTERNAL MONITORING REPORT

ENDS Treatment of Residents and Visitors

Period: January 1 - August 31, 2004

August 31, 2004

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.

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 is in fact broad based and does speak to issues not necessarily covered 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 performance of our duty and to accomplish ends. Therefore use of those authorized tactics is “necessary” and does not contravene this policy.

Data in Support:

Many of our documents reflect these values and they are talked about and discussed with our members. These would include our Vision Boards, 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.

I therefore report compliance with this Executive Limitations Policy.

“Further, without limiting the scope of the foregoing by the enumeration, the Chief of Police will not:”

Policy Provision #1:

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 in Support:

Generally speaking, our directives and practices require the information that members collect in the course of their duties. On the investigation side, much of this data is very personal involving such things as victim impact statements, the exact nature of crimes and so on. The is generally recorded in notebooks and or some form of witness statement such as video, audio or written. All of these form part of investigative files and crown briefs. All of it is sensitive to some degree and some would be appropriately called hypersensitive. For many of these reasons, the Municipal Freedom of Information and Protection of Privacy Act treats law enforcement somewhat differently than other institutions. Notebooks and reports and crown briefs are subject to supervision pursuant to directives. Further, our FOI Unit reports no discovery of information in their work related to this policy.

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 will comply with the provisions of all statutes governing this area, including but not limited to the Boards Records Retention By-law as established under the Municipal Freedom of Information and Protection of Privacy Act.

Data:

As previously reported to the board, the existing CAD RMS system does not have the capability to fully meet this policy provision. Significant issues exist relative to that system and other temporary solutions applied since 1986 to try to keep the organization running. As the board is aware, the current by-law was put in place to legitimize the existing records rather than as part of a proactive records management policy.

To rectify this situation, the following steps are either in the process of being implemented or under discussion:

The new CAD RMS contract is down to final review and will be ready for signature very soon. An implementation team has been struck led by IT Manager Christine Robson. That team will implement the new system in such a manner as to be compliant with this policy. The system requires us to program purge dates that will facilitate this process. Under completion thereof, we are still left with the 18 years of computer and hard copy files in the old system. Operationally we will still need to have some ability to find that data for both old investigations and where the information is relative to new investigations. At the same time we will need to deal with the purge issue. This will require significant computer and personnel resources in 2005 and 2006. We have purchased “SpeedTrack” which will facilitate this work. Some of the interim solutions created to help get the work done, such as the “Direct Entry System” and the “Public” drive also create further records management challenges that are currently being reviewed.

I therefore, report compliance with this provision, while acknowledging the issues as set out.

Policy Provision #3

- 3. “Fail to operate facilities with appropriate accessibility, privacy, and safety for residents and visitors to Durham Region.”

NB The word facilities does not appear in your text. I assume that this is an oversight.

Interpretation of the Chief of Police

It is my interpretation of the policy that our facilities are to meet the building code requirements and further to provide ease of use and a sense of comfort and well being to our customers.

Data:

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 to be completed for all buildings that explores the issues:

FACILITY LOCATION AND NAME
DATE
COMPLETED BY
TOPIC
Wheelchair Accessible
FRONT COUNTER SERVICE AVAILABLE
- PRIVACY TO CONDUCT BUSINESS
- INTERVIEW ROOM(S) AVAILABLE
- CUSTOMER SEPARATION/PRIVACY
- WASHROOMS REASONABLY NEAR
INTERVIEW FACILITIES
- NORMAL INTERVIEW ROOMS
- SOFT INTERVIEW ROOM
- AUDIO VIDEO ROOM
OPERATING HOURS ARE:
HOT LINE PHONE IN SERVICE
HOLDING ROOMS FOR PRISONERS

SEPARATION OF VICTIM FROM ACCUSED
DRIVE IN PRISONER GARAGE

We will have the responses before September 13th and any significant issues identified can be dealt with in the budget process.

I therefore, 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:

The following organizational activities all impact upon achieving this policy. Given that the Board is familiar with all and participates in some, I have simply provided the list at this time.

Daily Media Transactions Dave Selby

Annual Report Compilation and Distribution

Business Planning Process

Monthly Board Meetings

Briefings to Council

www.drps.ca

Community Office and Local Council Interactions

Community Speakers

Building Signs and Road Signs

I therefore 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 balances the needs of individuals and the community as a whole and the resources available for this function.

Data in Support:

By virtue of the operation of our Communications 911 Centre, our Community Offices and other resources, we have in place a system as described. These systems are governed by Directives and Community Patrol Plans. They are managed in aforementioned CAD System, which we are in the process of replacing. The new system will provide significant additional data to judge our response in this area over time and to allow for further policy discussions. Items like workload balancing, response times and call analysis will be much easier. The system will be structured to provide accessible data that is useful in day-to-day operations and in policy discussions on issues like alternative response.

From a pure data perspective, we answered 190,346 calls for service in 2003 and have answered 134,730 to date in 2004. This is obviously the vast majority of our core business. From January 2003 to the end of July 2004, we have had 172 Public Complaints of which only nine have been Policy/Service Delivery. Based on the raw numbers and on the recent External Surveys, it is my conclusion that our citizens are satisfied with the operations of this process.

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 in Support

The following data is provided by Staff Sergeant Ross of the Professional Standards Branch.

EXECUTIVE SUMMARY

The purpose of the report is to update the Durham Regional Police Services Board (the "Board") on the status of the *Police Services Act* complaints up to and including June 30th, 2004

As of June 30th, 2004, the number of Public Complaints received are down to **47** from last year's **55** on June 30th, 2003.

BACKGROUND

Breakdown of 2004 Complaints

As of June 30th, 2004 the Professional Standards Unit has received **47** Public Complaints. There have been **32** resolutions, leaving **15** complaints under investigation, **6** of which are being addressed at the divisional or unit level.

The complaints were classified as:

Discreditable Conduct	32
Excessive Force	12
Neglect of Duty	4
Unnecessary Arrest/ Unnecessary Exercise of Authority	1
Breach of Confidentiality	0
Insubordination	2
Service	2

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

The resolutions were classified as:

Frivolous/vexatious/bad faith	9
Unsubstantiated	4
Withdrawn	10
Time Exceeded (6 month)	2
Third Party	1

Informal Resolution	3
Disposition w/o Hearing	0
Policy/Directive Review	0
Other	3

There are currently **6** outstanding OCCPS reviews of decisions reached in 2004. And there is currently **1** that is in the hearing process.

Comparisons

By June 30th, 2003 there had been 55 Public Complaints received by the Professional Standards Unit, 34 of which had been resolved by that date.

The complaints were classified as follows:

<i>Discreditable Conduct</i>	37
<i>Excessive Force</i>	11
<i>Neglect of Duty</i>	8
<i>Policy/Service</i>	3
<i>Breach of Confidentiality</i>	2
<i>Unnecessary Arrest</i>	7

The resolutions were as follows:

Frivolous/Vexatious/Bad Faith	6
Unsubstantiated	3
Withdrawn	12
Time Exceeded (6 month)	3
Third Party	3
Informal Resolution	7

Of the total **103** Public Complaints received in 2003, **1** is still under investigation.

Kevin McAlpine
Chief of Police