



## DURHAM REGIONAL POLICE SERVICES BOARD

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December 7, 2015

The Honorable Minister Yasir Naqvi  
Minister of Community Safety and Correctional Services  
25 Grosvenor Street -18th Floor  
Toronto ON M7A 1Y6

~~OTTAWA POLICE  
SERVICES BOARD~~

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Dear Minister Naqvi,

I am writing on behalf of the Durham Regional Police Services Board regarding the draft Regulation entitled "Collection of Identifying Information in Certain Circumstances – Prohibition and Duties". Following a detailed review of the Regulation in consultation with our Chief of Police and senior management, we offer the following viewpoints.

1. We wish to express our support for the spirit of Regulation and its intention to eliminate random and arbitrary stops that do not have a clear policing purpose. We share a commitment to enhancing trust in confidence in our police services and to ensuring that they are delivered without bias or discrimination.
2. While we support the principles upon which the Regulation is based, we have concerns in a number of areas where we believe additional clarification and discussion are warranted and Provincial leadership is necessary. Our concerns are articulated below.
  - a) Section 5 of the draft Regulation refers to the duties of officers when attempting to collect identifying information. For example, an officer would be required to inform the individual that he or she can leave and shall inform the individual why the information is being requested. This section of the Regulation also describes the particular circumstances when informing the individual is not required. We are concerned that this section, in its totality, may dissuade police officers from engaging members of the public and be taken advantage of by criminals. For example, by not informing the individual that he or she is not required to remain, an officer may in fact tip off that person, if they are sufficiently informed of the Regulation, that he or she is related to the investigation of a particular offence. It is our position that this section requires further analysis and refinement to ensure that officers are not unintentionally discouraged from interacting with members of the public and that an advantage is not given to criminals that may compromise public safety.
  - b) Section 6 requires, unless unreasonable in the circumstances to do so, that a police officer give the individual a document with the officer's name, badge number, along with date, time, and location of the interaction. The document would also include information about the Office of the Independent Police Review Director (OIPRD) and an explanation about accessing information through our Freedom of Information Unit.

It is our assumption that each Police Service would be responsible for the development and production of this "receipt" document. Given that a central feature of the draft Regulation is to promote consistency and standardization across Ontario, our position is that the Ministry should develop and provide Police Services with a standardized receipt document to be used by all.

- c) Section 8 of the draft Regulation prescribes the requirements for the inclusion of information in police databases. One of the requirements is to restrict information after the fifth anniversary date on which the information was entered into the database. This section could be modified to ensure that data be restricted by December 31<sup>st</sup> of the fifth year after entry. This would be significantly easier to implement while maintaining respect for the overall intent of the Regulation. An additional requirement within this section pertains to accessing information. It does not appear that the Regulation contemplates information sharing between police services, and we therefore believe that this section requires revision.
  - d) Section 13 compels the Chief of Police to establish racialized groups and age groups for the purposes of public reporting. It is our understanding that the rationale for this section is to enable the identification of classes of persons who would be subject to the collection, or the attempted collection, of identifying information. In order to ensure consistency and comparability, both within a jurisdiction over a period of time and across jurisdictions, it is recommended that the Ministry specify within the Regulation, or as an appendix, detailed categories of age groups and racial groups, consistent with categories in the National Household Survey.
  - e) With respect to the reporting requirements, you can also appreciate the inherent difficulty in identifying the approximate age and the proper racialized category of an individual who has chosen not to provide information to the police and disengaged. The validity of the data in the public reports would certainly be questionable, and we therefore suggest that this section requires more thorough consideration. There are additional ambiguities and subjective language in section 13 that may also be problematic. For example, there is no commonly accepted definition of a neighbourhood or an area, and the term "disproportionate" may be assigned different meanings by various police and community groups. It is also worth noting that the most recent data from the National Household Survey is from 2011, close to 5 years ago, and the demographics of our community have changed significantly over this time period.
3. We believe that in order for this Regulation to contribute to building public confidence in policing that it will rely heavily on the quality of training and education provided to our police officers who will be responsible for its practical operationalization. While this initiative has the potential to strengthen cooperation and trust, efforts must be invested to ensure our frontline members, their supervisors and management understand the new rules and procedures with precision. Our position is that it is critical to address any perception that the Regulation will make it more difficult for police officers to fulfill their

responsibilities with comprehensive, consistent and ongoing training and effective communication.

4. As you know, municipal police services continue to struggle with increasing costs and the current initiative will add to the pressures that are burdening the efficient delivery of police services at the local level. There will be costs associated with the implementation of the new Regulation, and we believe that consideration should be given to the Province assuming responsibility for the additional resources that will be required.
5. As next steps are taken to finalize and implement the Regulation, we believe that additional consultation will be necessary and we look forward to contributing to future discussions.

In conclusion, we support the Province's legislative initiative in this matter and believe that with some additional refinement, consultation, and Ministry leadership that the Regulation will achieve its intended objectives.

Yours truly,



Roger Anderson  
Chair

c.c.: Chief Martin  
Mr. Russ Bain, President, Ontario Association of Police Services Boards  
Chairs, Big 12 Police Services Boards