

**Kingston Police**

**Report to the Kingston Police Services Board**

**Pursuant to Section 14 of O.Reg. 58/16**

**Collection of Identifying Information in Certain Circumstances**

**Prohibitions and Duties**

**Semi-Annual Report**

**(December 20, 2018, to July 2, 2019)**



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Quality Assurance / Professional Standards

Regulated Interaction Verifier

July 2019

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## **Purpose**

To examine the collection, attempted collection, reporting, and reviewing of identifying information in certain circumstances by the Kingston Police, to ensure compliance with legislative, regulatory, internal, and Board requirements.

## **Scope**

For the purpose of this report, collections and/or attempted collections of identifying information between December 20, 2018, and July 2, 2019, that triggered the CIICC legislation were examined.

## **Method**

For the purpose of this report, the reporting criteria outlined in the Kingston Police Services Board Policy Manual, Appendix M, Policy under Regulation 58/16 of the *Police Services Act*, was used.

## **Resources**

1. Ontario *Police Services Act* and Regulations
2. Kingston Police Services Board Policy Manual, Appendix M
3. Kingston Police General Order Vol. I-B-100, “Collection of Identifying Information in Certain Circumstances”
4. Kingston Police Records Management System (RMS)
5. Kingston Police Records and Systems Manager, Robert Woolsey (civilian)

## **Overview**

The Collection of Identifying Information in Certain Circumstances—Prohibitions and Duties (CIICC) regulation became effective across Ontario on January 1, 2017. It has been codified as Ontario Regulation 58/16 within the *Police Services Act* of Ontario.

The CIICC outlines the duties and prohibitions imposed upon police officers and chiefs of police when identifying information from the public is collected—or an attempt to collect it is made—for certain purposes. The “purposes” are defined in section 1, subsection 1 of the CIICC.

Identifying information that is collected—or that is attempted to be collected—for one of the prescribed “purposes” makes the interaction between the police officer and the citizen a “regulated interaction.”

To ensure compliance with the CIICC, all regulated interactions where identifying information was collected—or an attempt to collect it was made—is reviewed by the Kingston Police Regulated Interaction Verifier. Currently, Sergeant Melanie Jefferies is the primary Regulated Interaction Verifier.

The RMS software program is used by Kingston Police officers to record identifying information obtained during regulated interactions. The Regulated Interaction Verifier reviews this electronic database on a frequent basis and reviews each regulated interaction for compliance. All regulated interactions must be reviewed within 30 days of the information being entered into the RMS database by police officers.

Regulated interactions that comply with the CIICC and Kingston Police policy are permitted to remain accessible to members of the Kingston Police within the RMS database. Regulated interactions that do not comply with the CIICC and Kingston Police policy are still retained on the database as per legislative requirements; however, access to the identifying information is restricted to the Chief of Police or a person designated by the Chief of Police.

### **Analysis**

An analysis of the regulated interactions captured on the Kingston Police RMS database is contained in Appendix A to this report. The analysis was conducted by Sergeant Melanie Jefferies.

### **Statement**

As per section 14, subsection 2, paragraph 9 of the CIICC, and section J3(h) of Kingston Police General Order Vol. I-B-100, following is the required statement with respect to disproportionate attempted collections / collections of identifying information:

An analysis of the regulated interactions did not reveal any unexpected disproportions based on sex, age, racialized group, or a combination of these factors with respect to attempted collections / collections of identifying information.

### **Conclusion**

The 2017 audit expanded beyond the scope of review and reporting required by legislation, since it was felt that the membership and the Board needed a transition period with “Street Checks” regularly being used for more than intelligence gathering. Following the 2017 audit, the Board agreed that extraneous data would be omitted and subsequent review and reporting requirements would be limited to CIICC regulated interactions.

Between January 1, 2018, and December 19, 2018, there were **213** Street Checks reviewed by the Regulated Interaction Verifier, and no collection and/or attempted collection of identifying information occurred that triggered the CIICC legislation.

During the period of the semi-annual review between December 20, 2018, and July 2, 2019, there were 171 Street Checks reviewed; of these, only 1 triggered the CIICC legislation. On December 19, 2018, a “Street Check” was reviewed by the Regulated Interaction Verifier that was returned to the submitting officer for further clarification of his authorities. It would appear that the individual knew the officer from previous dealings; however, the officer could not recall the individual’s name independently and asked the man for his name. The officer did not provide sufficient articulation within the 30-day review period and did not provide the man with a receipt of the transaction. Therefore, the information collected was “privatized” by the Regulated Interaction Verifier, and access to the identifying information was restricted to the Chief of Police. The officer’s supervisors were advised and subsequently reviewed the legislation with the officer. The only persons permitted access to this restricted information were the Regulated Interaction Verifier and Records and Systems Manager Robert Woolsey to assist in preparing the semi-annual report for the Board.

There were 170 Street Checks conducted between December 20, 2018, and July 2, 2019, that did not trigger the CIICC legislation. This would indicate that the Kingston Police have been compliant with the collection, attempted collection, reporting, and reviewing of identifying information in certain circumstances and continue to ensure compliance with legislative, regulatory, internal, and Board requirements.

As noted in the 2017 audit, there continues to be a select group of officers who regularly submit Street Checks and are very proficient at articulating their authority for the interaction, including but not limited to City of Kingston By-laws, *Highway Traffic Act* offences, and *Criminal Code* offences. This significantly reduces the number of CIICC interactions. Additionally, feedback has been provided to officers by the Regulated Interaction Verifier, thereby reducing the number of Street Checks that fail to comply with the legislation.