



# NIAGARA REGIONAL POLICE SERVICE

## Police Service Board Report

PUBLIC AGENDA

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**Subject:** Annual Report - Collection of Identifying Information in Certain Circumstances - Prohibition and Duties - January 1 to December 31, 2024

**Report To:** Chair and Members, Niagara Police Service Board

**Report Date:** 2025-01-22

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### Recommendation(s)

**That the Niagara Police Service Board (Board) receive this report for information.**

### Key Facts

- The purpose of this report is to inform the Board as to Service compliance with Ontario Regulation 400/23, (Collection of Identifying Information in Certain Circumstances).
- In compliance with the requirements of the Regulation, the Board introduced By-Law 468-2024 and the Niagara Regional Police Service (NRPS) introduced policy to provide direction to its members.
- In 2024, members of the Service did not collect or attempt to collect identifying information from any persons in accordance Regulation 400/23.

### Financial Considerations

There are no financial considerations relating to the recommendations contained within this report.

### Analysis

Regulation 400/23 (formerly O. Reg. 58/16) was developed in response to concerns expressed by the community in relation to the police practice of "*carding*" or "*street checks*" throughout the province and came into force on January 1, 2017.

The Regulation aimed to prevent the arbitrary collection of identifying information from members of the public by police officers and prescribed how the collection of information (COI) was to occur, and under what circumstances. Interactions between the police and members of the public that were otherwise legally justified were not subject to the provisions of the Regulation.

Reporting Category	2024	2023
Number of attempted collections	0	0
Number of attempted collections in which identifying information was collected	0	0
Number of individuals from whom identifying information was collected	0	0
Number of times individuals informed that they were not required to provide identifying information to the officer	0	0
Number of times each of the following provisions were relied upon not to advise the individual of their right that they are not required to provide identifying information to the officer: <ul style="list-style-type: none"> <li>• might compromise the safety of an individual</li> <li>• likely compromise an ongoing investigation</li> <li>• might identify a confidential informant</li> <li>• might disclose the identity of a person, contrary to law including the Youth Criminal Justice Act</li> </ul>	0 0 0 0	0 0 0 0
Number of times individuals were informed of the reason why the officer was attempting to collect identifying information	0	0
Number of times each of the following provisions were relied upon not to advise the individual of their right that they are not required to provide identifying information to the officer: <ul style="list-style-type: none"> <li>• might compromise the safety of an individual</li> <li>• likely compromise an ongoing investigation</li> <li>• might identify a confidential informant might disclose the identity of a person, contrary to law including the Youth Criminal Justice Act</li> </ul>	0 0 0	0 0 0
Number of times an individual was provided a receipt/documentation	0	0
Number of times an individual indicated they did not want a receipt/document	0	0
Number of times each of the following clauses were relied upon not to offer or give a receipt/document: <ul style="list-style-type: none"> <li>• might compromise the safety of an individual</li> <li>• might delay the officer from responding to another matter that should be responded to immediately</li> </ul>	0 0	0 0

Reporting Category	2024	2023
<p>The number of collections from individuals perceived to be within the following groups based upon sex/gender:</p> <ul style="list-style-type: none"> <li>• Male</li> <li>• Female</li> </ul>	<p>0</p> <p>0</p>	<p>0</p> <p>0</p>
<p>Number of attempted collections of identifying information from individuals who were perceived to be within the following age groups:</p> <ul style="list-style-type: none"> <li>• 0 to 10</li> <li>• 11 to 19</li> <li>• 20 to 29</li> <li>• 30 to 39</li> <li>• 40 to 49</li> <li>• 50 to 59</li> <li>• 60 to 69</li> <li>• 70 to 79</li> <li>• 80 to 89</li> <li>• 90 to 99</li> <li>• 100+</li> </ul>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>
<p>Number of attempted collections of identifying information from individuals who were perceived by the police officer to be within the following racial groups:</p> <ul style="list-style-type: none"> <li>• White</li> <li>• Japanese</li> <li>• Korean</li> <li>• Black</li> <li>• Filipino</li> <li>• Aboriginal</li> <li>• Arab (Egyptian, Kuwaiti, Libyan)</li> <li>• Chinese (Chinese, Taiwanese)</li> <li>• Latin American (Chilean, Costa Rican, Mexican)</li> <li>• South Asian (Bangladeshi, Punjabi, Sri Lankan)</li> <li>• Southeast Asian (Vietnamese, Cambodian, Malaysian, Laotian)</li> <li>• West Asian (Afghan, Assyrian, Iranian)</li> <li>• Unknown (not seen and/or apparent racial group (population group) not provided)</li> <li>• Visible Minority (not listed in the above group)</li> <li>• Multiple Visible Minority (belong to a mixture of population groups)</li> </ul>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>	<p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>
Number of Freedom of Information Requests	1	0
Number of Public Complaints	0	0

Reporting Category	2024	2023
Collection of Information that Led to an Arrest	0	0

### Examination for Potential Over-Representation

The By-Law requires that a statement be made, based upon an analysis of the information, as to whether the collections were attempted disproportionately from individuals within a group based upon the sex of the individual, a particular age, racialized group, or a combination of groups and if so, any additional information that the Chief of Police considers relevant to explain the disproportionate number of attempted collections.

In 2024, the Service recorded 0 regulated interactions. This is consistent with 2023 when 0 regulated interactions also were reported. In the absence of any reported regulated interactions an analysis is not possible.

### Neighbourhoods

The By-Law requires that the Service report on the neighbourhoods or areas, where collections were attempted and the number of attempted collections in each neighbourhood or area. No collections were reported for the year 2024.

### Compliance

The Service is required to report upon the determinations made by the Chief of Police (or their designate), as to whether the information entered in the database complied with sections 6 and 10(4)(a) of the Regulation. The Chief's appointed designate for this purpose is the Staff Sergeant in charge of the Central Holding facility.

In relation to process, officers who attempt to collect information under the provisions of this Regulation are required to document information electronically within the Service's Records Management System as a COI (regulated interaction). The information collected remains "invisible" and is not accessible by any officer. The information is routed to the Staff Sergeant in charge of Central Holding who, as the Chief's designate, is responsible to review the information to ensure that the collection complied with the Regulation. Once satisfied that the collection or attempted COI complies with regulatory requirements, the Chief's designate approves the information and it becomes accessible to other officers. If an issue was identified, the Chief's designate would seek additional information from the involved officer in order to make an informed decision. If the collection or attempted collection did not appear to be compliant, access to the information would remain restricted in accordance with the Regulation. Options to address non-compliant attempts to collect information range from additional training/awareness to the application of discipline (dependent upon the seriousness of the situation).

In 2024, no information was collected by officers. Procedurally, the Service remains in compliance with the Regulation. All requirements for the handling and reporting of regulated interactions are in place and are being met.

By Regulation, every police officer who attempts to collect identifying information about an individual from the individual, or who acts as the designate of the Chief of Police under section 10 of the Regulation, must successfully complete the required training within the previous 36 months. In the Fall of 2022, refresher training was provided to sworn officers by way of an e-learning module created and administered by the Ontario Police College (OPC), through their e-Learning portal OPC Virtual Academy. An updated e-learning module is being prepared by the OPC and is expected to be sent to police services in Q1 2025.

### Annual Review

The Regulation, By-Law, and Service policy, all call for an annual review to determine whether it appears that sections 6 (limitations on collection), 7 (duties to inform of rights and reasons before collecting, with exceptions), and 8 (document for individual – receipt/document, with exceptions), were complied with. This review is intended to analyze an appropriately sized random sample of collections of information within the database, within a margin of error of +/- 5% at a 95% confidence level.

Given the absence of a data set for 2024 this review was not possible.

### Access to Restricted Information

The Service is required to report the number of times members were permitted to access identifying information, to which access must be restricted by virtue of one or more of the following:

i. For the purpose of an ongoing police investigation	0
ii. In connection with legal proceedings or anticipated legal proceedings, for the purpose of dealing with a complaint under Part V of the <i>Act</i> or for the purpose of an investigation or inquiry under clause 25(1)(a) of the <i>Act</i> ,	0
iii. In order to prepare the Annual Report or a report required due to disproportionate collection (under section 15 of the Regulation),	0
iv. For the purpose of complying with a legal requirement,	0
v. For the purpose of evaluating an officer's performance	0

### **Alternatives Reviewed**

Not applicable.

## **Relationship to Police Service/Board Strategic Priorities**

To comply with the provisions of the Board By-Laws and to maintain compliance with the Provincial Adequacy Standards Regulations.

## **Relevant Policy Considerations**

- Ontario Regulation 400/23 - The Collection of Identifying Information in Certain Circumstances.
- By-Law 468-2024 - Collection of Identifying Information (COII) in Certain Circumstances.
- NRPS General Order 244.02 - The Collection of Identifying Information – Street Checks.

## **Other Pertinent Reports**

- 8.6 - 2024.02.22 - Collection of Identifying Information in Certain Circumstances - Prohibition and Duties - January 1 to December 31, 2023.
- Report of the Independent Street Checks Review, 2018: The Honourable Michael H. Tulloch.

*This report was prepared by Chris Sirie, Inspector, Court Services/Prisoner Management Unit, in consultation with Laurie Switzer, Manager, Records and Information Management Unit, and Jason Myers, Acting Inspector, Professional Standards Unit. Reviewed by Sandy Staniforth, Superintendent, Operational Support and Projects. Recommended by Sandy Staniforth, Acting Deputy Chief, Support Services.*



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### **Submitted by:**

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Acting Chief of Police

## **Appendices**

Not applicable.