

## HAMILTON POLICE SERVICES BOARD - INFORMATION -

**DATE:** 2018 February 15  
**REPORT TO:** Chair and Members  
Hamilton Police Services Board  
**FROM:** Eric Girt  
Chief of Police  
**SUBJECT:** *2017 Annual Report – Collection of Identifying Information in  
Certain Circumstances – Prohibition and Duties*  
*PSB 18-014*

### **BACKGROUND:**

Please find attached the 2017 Annual Report for the Collection of Identifying Information in Certain Circumstances – Prohibition and Duties (COII). This report is mandated under Section 14 of the legislation. The report provides statistical information on the number of COII interactions as well as the circumstances involved including but not limited to:

- the age, gender and racialized group of the involved individuals,
- information on the Record of Interactions,
- the neighbourhoods where the interactions took place,
- the number of related public complaints and Freedom of Information requests, and
- reviews of the involved circumstances.



Eric Girt  
Chief of Police

EG/N. Goodes-Ritchie

Attachment: *2017 Annual Report – Collection of Identifying Information in Certain Circumstances – Prohibition and Duties*

cc: Jamie Anderson, Acting Deputy Chief, Field Support



# Collection of Identifying Information

2017 Annual Report

Hamilton Police Service

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## **(I) Introduction**

On January 1<sup>st</sup> 2017, the Ontario Regulation 58/16: Collection of Identifying Information in Certain Circumstances – Prohibition and Duties was initiated under the Police Service Act (see: <https://www.ontario.ca/laws/regulation/160058>).

This Regulation applies with respect to an attempt by a police officer to collect identifying information about an individual, from the individual, if that attempt is done for the purpose of,

- a) Inquiring into offences that have been or might be committed
- b) Inquiring into suspicious activities to detect offences
- c) Gathering information for intelligence purposes.

The regulation requires that the Chief prepare an annual report on the Collection of Identifying Information (COII). The following report is an accumulation and summarization of Collection of Identifying Information events by the Hamilton Police Service from January 1<sup>st</sup> 2017 to December 31<sup>st</sup> 2017.



## (II) Reports, Review and Compliance

At the conclusion of 2017, the Hamilton Police Service attempted the Collection of Identifying Information (COII) on 5 occasions. Of these 5 attempts, all resulted in the collection of personal information, resulting in a 100% completion rate (see Figure 1)<sup>1</sup>. Specifically, of these 5 instances of information collection, all 5 were different individuals<sup>2</sup>.

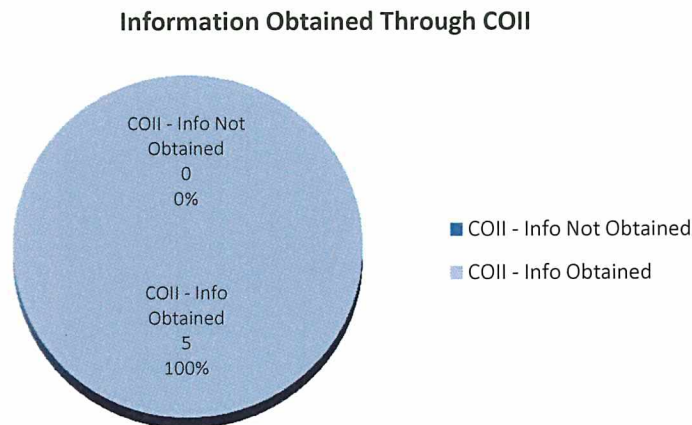


Figure 1 – Information Obtained Through Collection of Identifying Information

The purpose for the initiation of the collection of information was divided into the 3 applicable provisions (see Figure 2).

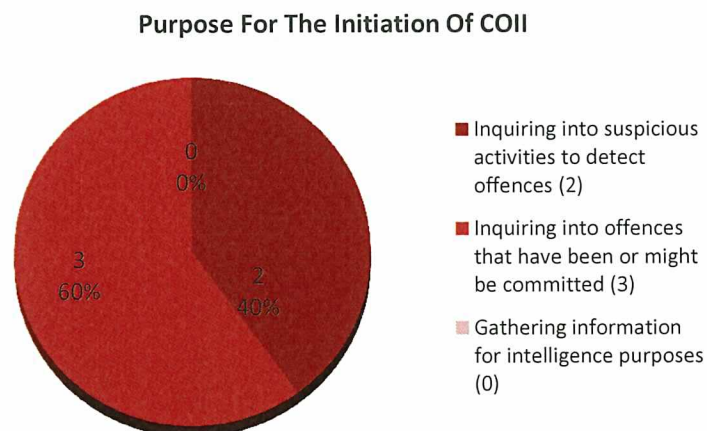


Figure 2 – Purpose for the Initiation of Collection Identifying Information

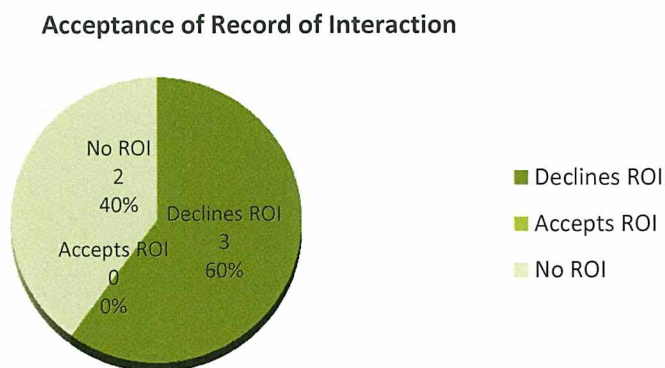
<sup>1</sup> Provision #14(2)(1)

<sup>2</sup> Provision #14(2)(2)

These interactions are voluntary conversations and individuals are not required to provide any identifying information. In certain specified circumstances, an officer may not inform the individual of the ability to refuse to provide their information. In 2017, no officer saw the need to invoke this option. This resulted in the following categories having no impact on the yearly totals:

- I. Reason to believe it might compromise the safety of an individual <sup>3</sup>
- II. Reason to believe it would likely compromise an ongoing police investigation <sup>4</sup>
- III. Reason to believe it might allow a confidential informant to be identified <sup>5</sup>
- IV. Reason to believe it might disclose the identity of a person contrary to law, including the identity of a young person under the Youth Criminal Justice Act <sup>6</sup>

Following each interaction, the individual has the ability to accept a Record of Interaction (ROI) prepared by the officer. Of the 5 collections that took place, 3 individuals did not accept the ROI, 0 individuals accepted the ROI and 2 collections did not include an ROI (see Figure 3)<sup>7</sup>.



**Figure 3 – Acceptance of COII Record Of Interaction**

Depending on the circumstances, the police officer also has the ability to not provide a Record of Interaction of a COII event. As shown above, of the 5 collections that took place there were 2 instances in which the officer did not provide a Record of Interaction. The following circumstances determined the lack of a Record of Interaction:

Reasons For Not Offering A Record of Interaction	Count
Reason to believe it might compromise the safety of an individual <sup>8</sup>	2
Reason to believe it might delay the officer from responding to another matter that should be responded to immediately <sup>9</sup>	0

<sup>3</sup> Provision #14(2)(3)(i)

<sup>4</sup> Provision #14(2)(3)(ii)

<sup>5</sup> Provision #14(2)(3)(iii)

<sup>6</sup> Provision #14(2)(3)(iv)

<sup>7</sup> Provision #14(2)(4)

<sup>8</sup> Provision #14(2)(5)(i)

<sup>9</sup> Provision #14(2)(5)(ii)

Upon the collection of an individual's identifiable information, the police officer must note the following categories in a police report. For each category, the data collected was either identified specifically by the individual or perceived by the police officer.

- I. Sex (Male or Female)
- II. Age Group (predefined by the Hamilton Police Service)
- III. Racialized Group
- IV. Location or Neighbourhood

The chart below (Figure 4) represents the collected sex of the individual(s)<sup>10</sup>:

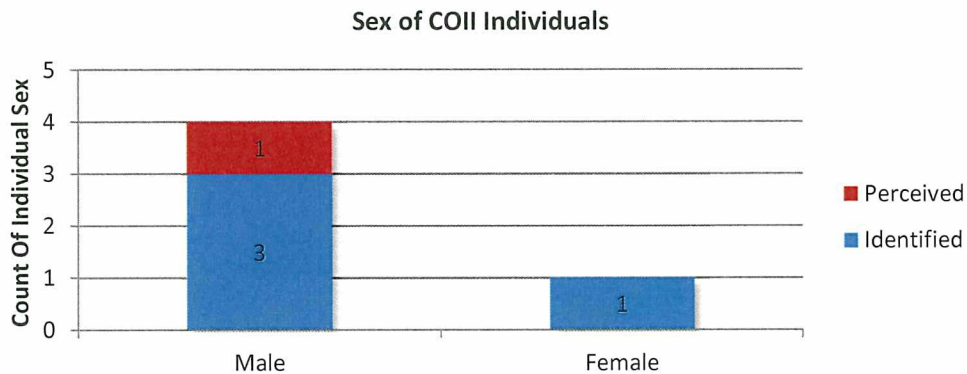


Figure 4 – Sex of Collection of Identifying Information Individuals

The chart below (Figure 5) represents the collected age group of the individual(s)<sup>11</sup>:

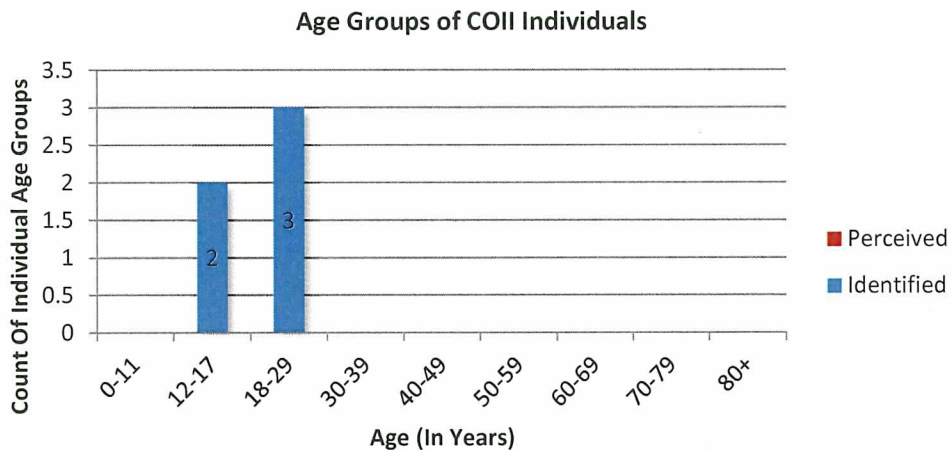


Figure 5 – Age Groups of Collection of Identifying Information Individuals

<sup>10</sup> Provision #14(2)(6)(a) and Provision #14(2)(6)(b)

<sup>11</sup> Provision #14(2)(7)

The chart below (Figure 6) represents the collected racialized groups of the individuals<sup>12</sup>:

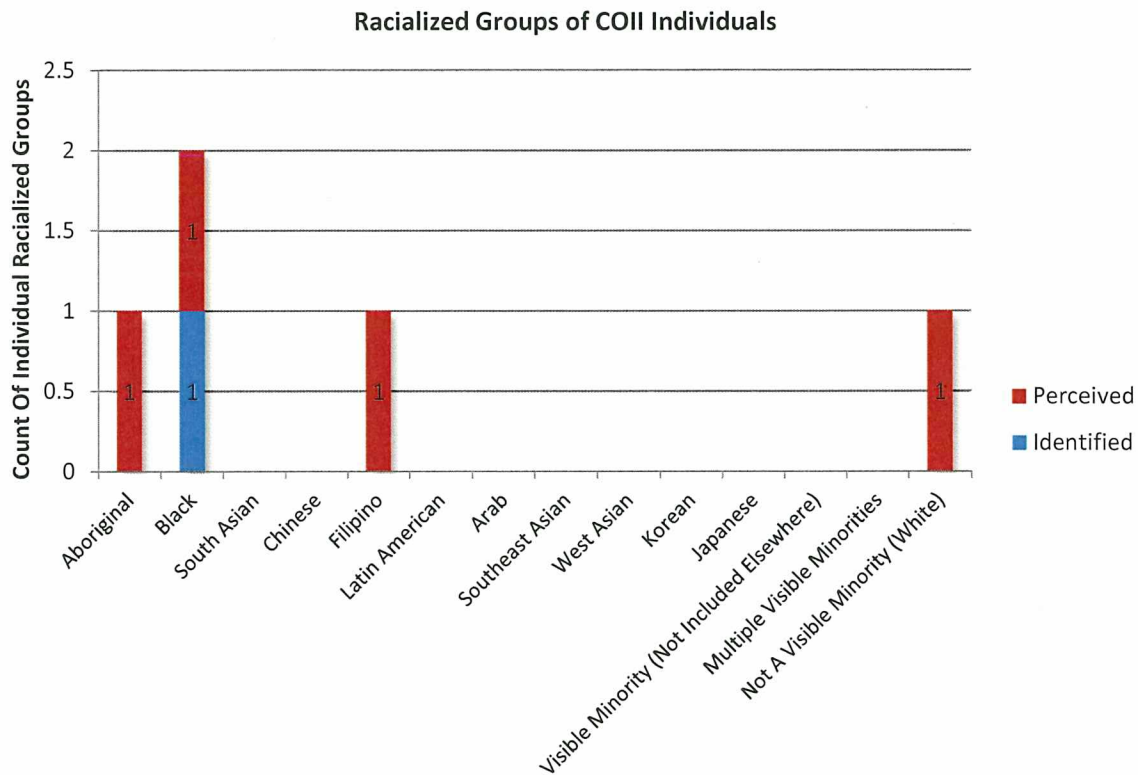


Figure 6 - Racialized Groups of Collection of Identifying Information Individuals

With regards to the location in which the individual was encountered, to assist in keeping the specific location of individuals anonymous, the Hamilton Police Service has broken down the counts by Statistics Canada 2016 Census Tracts<sup>13</sup>. The chart below (Figure 7) is a count in which a Collection of Identifying Information was attempted in each geographical boundary<sup>14</sup>. Also included is a choropleth map (Figure 8) to visualize the locations where these interactions and collections occurred in 2017.

Census Tract ID	Number Of COII Collections At Census Tract Location
5370062.00	1
5370049.00	1
5370021.00	1
5370005.01	1
5370002.06	1

Figure 7 – Census Tract Location Count of COII Events

<sup>12</sup> Provision #14(2)(8)

<sup>13</sup> <http://www12.statcan.gc.ca/census-recensement/2016/ref/dict/geo013-eng.cfm>

<sup>14</sup> Provision #14(2)(10)





When identifying information is attempted or collected by a police officer, there is a strict process to determine if the information is compliant with the legislative requirements. If the interaction is determined to be non-compliant, the record is removed from searchable police databases and access is restricted to that record. In 2017, of the 5 collections of identifying information, three were deemed to be non-compliant. The chart below (Figure 9) represents the potential reasons for a non-compliant report and the actual counts in 2017<sup>15</sup>.

<b>Non-Compliant Reason(s)</b>	<b>Instances In 2017</b>
A Record Deemed "Non-Compliant With Regulation" May Have Multiple Reasons For Being Non-Compliant	
Non-Compliant (Exceeds 30 Day Period)	0
Non-Compliant With Regulation ...	3
<ul style="list-style-type: none"> <li>Any part of the reason was only because the officers perceives the individual to be within a particular racialized group (minus exceptions)</li> </ul>	0
<ul style="list-style-type: none"> <li>The additional information required about an individual did not include more than just the racialized group, sex and age of the individual</li> </ul>	0
<ul style="list-style-type: none"> <li>It was done in an arbitrary way - just because the individual declined to answer a question that they were not legally required to answer</li> </ul>	0
<ul style="list-style-type: none"> <li>It was done in an arbitrary way - just because the individual attempted to discontinue the interaction when they had a legal right to do so</li> </ul>	0
<ul style="list-style-type: none"> <li>It was done in an arbitrary way - it was just because the individual was in a high crime location</li> </ul>	0
<ul style="list-style-type: none"> <li>The officer did not inform the individual they were not required to provide identifying information</li> </ul>	3
<ul style="list-style-type: none"> <li>The officer did not inform the individual why the officer was asking for their identifying information</li> </ul>	3
<ul style="list-style-type: none"> <li>The officer did not indicate the reason why they did not inform an individual that they were not required to provide identifying information or why they were being asked for identifying information</li> </ul>	3
<ul style="list-style-type: none"> <li>The officer did not indicate why they did not offer an individual a Record of Interaction, did not give an individual a Record of Interaction</li> </ul>	3

Figure 9 – Non-Compliant Collection of Identifying Information Reasons

Once an interaction has been deemed non-compliant, access to it is restricted and there are only specific circumstances in which the data can be retrieved. Below is the number of times, if any, members of the police service were permitted to access a non-compliant COII report (Figure 10)<sup>16</sup>.

<b>Reason(s) For Retrieving A Non-Compliant Record</b>	<b>Instances In 2017</b>
Indicates The Number Of Unique Instances That A Single Non-Compliant Record Or Group Of Non-Compliant Records Were Accessed	
It was required for an ongoing police investigation	0
It was in connection with legal proceedings or anticipated legal proceedings	0
It was for the purpose of dealing with a complaint under Part V of the PSA or for the purpose of an investigation or inquiry under S25(1)(a) of the PSA	0
In order to prepare the annual report or a report required due to disproportionate collection	1
For the purpose of complying with a legal requirement	0
For the purpose of evaluating a police officer's performance – assessing compliance with legislation	3

Figure 10 – Reasons for Retrieving A Non-Compliant Collection of Identifying Information Reason

<sup>15</sup> Provision #14(2)(11)

<sup>16</sup> Provision #14(2)(13)

### **(III) Hamilton Police Board Policy Review**

Along with the regulations outlined in Ontario Regulation 58/16: Collection of Identifying Information in Certain Circumstance – Prohibition and Duties, the Hamilton Police Services Board have requested the following information to be a part of the annual report.

The first review is to report on the number of public complaints that were resulting from or relating to information collected pursuant to the Regulation. For the individual interactions collected in 2017, there have been 0 public complaints<sup>17</sup>.

The second review is the number of requests made to the Police Service under the Municipal Freedom of Information and Privacy Act relating to information collected pursuant to the legislation. For the individual interactions collected in 2017, there have been 2 requests through FOI<sup>18</sup>.

### **(IV) Statement of Non-Compliance**

All three interactions which were deemed to be non-compliant were thoroughly reviewed.

No misconduct was identified. Remedial training was provided to each officer and documented.

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<sup>17</sup> Provision – Board Policy

<sup>18</sup> Provision – Board Policy



## **(V) Chief Statement on Disproportionally Collected Data**

### **S(14)(2)(9)**

All 5 COII reports occurred in distinct areas across the city with 4 involving males and 1 involving a female. As it pertains to their age ranges, two were between 12 and 17 and the other three were between 18 and 29. As it pertains to the racialized groups, one individual identified themselves as black. The other four were perceived to be black, aboriginal, filipino and white respectively. The analysis therefore confirms that there were no disproportionate collections of data based on age, racialized group or a combination thereof.

## **(VI) Random Review of COII Entries**

### **S(14)(2)(12)**

At the time of this report, there were only 5 COII reports completed. Therefore the totality of the following information was simply too small to generate a random report and produce an appropriate or reliable comparative. Due to this small sample size, the Hamilton Police Service reviewed all reports individually to gather a full understanding of the Collection of Identifying Information process and results.



## (Appendix A) COII Provisions

Section #	Provision
14(2)(1)	The number of collections of identifying information The number of attempted collections
14(2)(2)	The number of individuals from whom identifying information was collected
14(2)(3)(i)	The number of times an officer did not inform the individual that: a) the person was not required to provide identifying info b) did not tell the individual why the officer was attempting to collect the info because it might compromise the safety of an individual
14(2)(3)(ii)	The number of times an officer did not inform the individual that a) the person was not required to provide identifying info and b) did not tell the individual why the officer was attempting to collect the info because it would likely compromise an ongoing police investigation
14(2)(3)(iii)	The number of times an officer did not inform the individual that a) the person was not required to provide identifying info and b) did not tell the individual why the officer was attempting to collect the info because informing the individual might allow a confidential informant to be identified.
14(2)(3)(iv)	The number of times an officer did not inform the individual that a) the person was not required to provide identifying info and b) did not tell the individual why the officer was attempting to collect the info because informing the individual might disclose the identity of a person contrary to the law, including a young person contrary to the Youth Criminal Justice Act.
14(2)(4)	The number of times an individual was not given a Record of Interaction because the individual did not indicate that they wanted it.
14(2)(5)(i)	The number of times an officer did not provide a Record of Interaction because the officer believed that continuing to interact with the individual might compromise the safety of an individual.
14(2)(5)(ii)	The number of times an officer did not provide a Record of Interaction as the officer believed that continuing to interact with the individual might delay the officer from responding to another matter that should be responded to immediately.
14(2)(6)	The number of collections from individuals who are: a) female b) male
14(2)(7)	The number of collections from individuals who are: a) within the age groups as identified in the COII report
14(2)(8)	The number of collections from individuals who are: a) within the racialized groups as identified in the COII report



<b>14(2)(9)</b>	An analysis of whether the collections or attempted collections were disproportionately based on the sex, age or membership in a racialized group, or a combination of those factors (and if so, the Chief will provide any additional information he considers relevant to explain this)
<b>14(2)(10)</b>	<p>The neighbourhoods where collections were attempted and obtained</p> <p>The number of times the collection or attempted collection was non-compliant, then if non-complaint, because</p> <ol style="list-style-type: none"> <li>any part of the reason was only because the officers perceives the individual to be within a particular racialized group (minus exceptions)</li> <li>the additional information required about an individual did not include more than just the racialized group, sex and age of the individual</li> <li>it was done in an arbitrary way: <ol style="list-style-type: none"> <li>just because the individual declined to answer a question that they were not legally required to answer</li> <li>just because the individual attempted to discontinue the interaction when they had a legal right to do so</li> <li>it was just because the individual was in a high crime location</li> </ol> </li> <li>because the officer did not inform the individual they were not required to provide identifying information</li> <li>because the officer did not inform the individual why the officer was asking for their identifying information</li> <li>because the officer did not indicate the reason why they did not inform an individual that they were not required to provide identifying information or why they were being asked for identifying information</li> <li>because the officer did not indicate why they did not offer an individual a Record of Interaction, did not give an individual a Record of Interaction</li> </ol> <p>A random review of COLL entries must be done to ensure compliance with legislation. When the review is complete, we must be able to estimate, within a margin of error of plus or minus 5 percent, at a 95 percent confidence level, that we are compliant with legislation.</p>
<b>14(2)(11)</b>	
<b>14(2)(12)</b>	
<b>14(2)(13)</b>	<p>The number of times, if any, members of the police service were permitted to access COLL reports which were deemed non-complaint (ACL'd) because:</p> <ol style="list-style-type: none"> <li>it was required for an ongoing police investigation</li> <li>it was in connection with legal proceedings or anticipated legal proceedings</li> <li>it was for the purpose of dealing with a complaint under Part V of the PSA or for the purpose of an investigation or inquiry under S25(1)(a) of the PSA</li> <li>in order to prepare the annual report or a report required due to disproportionate collection</li> <li>for the purpose of complying with a legal requirement</li> <li>for the purpose of evaluating a police officer's performance – assessing compliance with legislation</li> </ol> <p>The number of public complaints</p> <ol style="list-style-type: none"> <li>resulting from or relating to information collected pursuant to the Regulation</li> <li>the number of such complaints which were substantiated</li> </ol>
<b>Board Policy</b>	
<b>Board Policy</b>	The number of requests made to the Police Service under the Municipal Freedom of Information and Privacy Act relating to information collected pursuant to the legislation.