

Classification **PUBLIC**

Meeting **May 11, 2009**

Agenda Item **Monitoring Report:
Treatment of Members**



Recommended Motion:

THAT the Board find that all provisions of the Treatment of Members have been complied with.

I hereby submit my monitoring report on your Executive Limitations Policy "Treatment of Members" according to the schedule set out. I certify that the information contained in this report is true.

Signed: _____ Date: _____
Chief of Police

BROADEST POLICY PROVISION:

"With respect to the treatment of paid and auxiliary members of the Durham Regional Police Service, the Chief of Police will not cause or allow conditions that are unfair, undignified, disorganized or unclear."

Interpretation of the Chief of Police:

It is my interpretation that compliance with the six following policy statements fulfills the total requirements of this provision.

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

Policy Provision #1:

- "Operate without written personnel directives which:*
- a) clarify rules for members;*
 - b) provide for effective handling of grievances, and;*

- c) *protect against prejudicial or preferential treatment of members including as follows:*
- i) *establish procedures on equal opportunity including but not restricted to, recruitment, selection, career development, promotion and separation;*
 - ii) *establish procedures on responding to and preventing discrimination and harassment in the workplace, including stereotyping;*
 - iii) *establish procedures on employment accommodation;*
 - iv) *ensure that no sexist, racist or other offensive or derogatory material is displayed in the workplace, and;*
 - v) *ensure that all officers receive training on race relations, diversity and human rights.”*

Interpretation of the Chief of Police:

It is my interpretation of this policy that it applies to the documentation of all policies and procedures relating to race relations, diversity, human rights, career development, and human resource management.

Data Support:

Policy provision 1 a)- Clarifying rules for members:

Clear rules governing personnel administration have been published in Service Directives, which are available to all members online at every Police Service computer, including patrol vehicles equipped with mobile reporting terminals. All 200 Service Directives conform to a uniform standard.

I therefore report compliance with this provision.

Policy provision 1b) Effective handling of Grievances:

A detailed, step-by-step, procedure for handling grievances is clearly described in the *Senior Officer Collective Agreement*; the *Uniform Collective Agreement* and the *Civilian Collective Agreement*, all of which are available to all members online and in printed versions available in all Service facilities. The Employee Relations Advisor is tasked with tracking and recording all grievances and arbitrations to ensure they are being responded to and acted on appropriately.

I therefore report compliance with this provision.

Policy provision 1 c) i) Protect against preferential or prejudicial treatment of members:

Associated Directive(s)
HR-04-004 Constable Recruitment and Selection Process
LT-05-001 Career and Skills Development
LT-05-007 Skills Augmentation Program
HR-04-002 Job Postings

LT-03-001 through LT-03-003 and LT-04-001 Promotional Process
LT-05-003 Educational Assistance Program
HR-02-009 Workplace Anti-Discrimination and Harassment Policy
HR-02-011 Respect in the Workplace

Detailed standard operating procedures for the effective management of human resources including recruitment, selection, career development, promotion and separation have been compiled in a Human Resources Unit Manual. That we are an equal opportunity employer is embodied in the manual and stated explicitly on the *Careers* page of our external website located at www.drps.ca.

The Service has designated the Strategic Administrative Officer to champion the Service's Diversity Strategy. A significant component of that job focuses on recruiting, and ensuring that the Durham Regional Police Service embraces equality of opportunity in employment. The Diversity Coordinator continues to support the Service's initiatives aimed at increasing diversity awareness both internally and externally. Recruitment, retention, promotion, community outreach issues and the implementation of the DRPS Diversity Strategic Plan are part of the mandate for this position.

Our recruiting efforts in 2008 continued to demonstrate our commitment to be reflective of the communities that we serve. It is recognized within the diversity strategy that our outreach efforts may take some time to show rewards. That said, 2008 was proof that our initiatives are beginning to impact the demographic of our recruit classes, as there was a significant increase in both female and visible minority candidates hired in 2008. Our selection practices have followed the Ontario Association of Chiefs of Police recruitment guidelines.

In 2008 fifty-eight (58) sworn officers were hired; forty-eight (48) new recruits and ten (10) experienced officers. Of the forty-eight (48) new recruits, 21% were female, 12% were visible minorities and the average age was 26.6 years. Of the ten (10) experienced officers hired, 20% were female, 10% was from a visible minority group and the average age was 32.5 years.

There were no formal complaints regarding preferential treatment as result of our hiring practices.

I therefore report compliance with this provision.

Career Development

In 2008 forty-two (42) candidates from both sworn and civilian staff made application for Educational Assistance. All requests that qualified were approved, and those who satisfactorily completed their courses received remuneration in accordance with the Directive. The budget allocation was within target. There were no complaints of preferential or prejudicial treatment as it pertained to career development or educational assistance.

A total of seventy-nine (79) Requests for Learning Opportunity were approved in 2008 (some candidates submitted more than one request) with a total pay out of \$31,275.20.

We continue to promote and enhance our career development plans. We are currently developing the Career Development Program which fosters improvement of the individual skills, knowledge, and

abilities of both sworn and civilian members of the Service in order to successfully meet organizational requirements. It is designed to ensure that all members are developing themselves in ways that link individual effectiveness and satisfaction with the achievement of the Service's strategic objectives.

I therefore report compliance with this provision.

Promotion

There were no instances of preferential / prejudicial treatment towards any members in the 2008/2009 promotional process.

In 2008, we implemented the first phase of Promotional Redesign which incorporated several improvements to make the process more open, transparent and understandable for members. A partial list of the upgrades includes: improved linkage between the performance management tools and the promotional assessment; increased periods of eligibility for promotional components; training and certification of Interview Panel and Review Panel members specific to the DRP supervisory competencies; and evidence-based selection processes with feedback to the candidates.

Notwithstanding all of the proactive measures and policies regarding the effective management and equal treatment of members with regards to promotion, there were two (2) ongoing grievances challenging the promotional process; both were resolved in 2008.

I can report compliance in that the Service has a policy regarding equality of treatment in the area of promotion.

Separation

Separations and retirements were regularly reported to the Board during 2008 through the monthly Human Resources Update reports. There were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*, as result of any separations.

I therefore report compliance with this provision.

1 c) ii) Preventing discrimination and harassment in the workplace:

Associated Directive(s)
HR-02-009 Workplace Anti-Discrimination and Harassment Policy
HR-02-011 Respect in the Workplace

Detailed procedures for responding to and preventing discrimination and harassment in the workplace, including stereotyping, are found in Service Directive HR-02-009 "Workplace Anti-Harassment and Discrimination Policy". This directive guarantees members a workplace that is free from harassment and discrimination and is available to all members online and in printed versions available in all Service facilities.

In 2008 there were six (6) formal complaints and three (3) informal complaints of workplace harassment. Following extensive reviews and Human Resources intervention efforts all complaints were resolved.

I therefore report compliance with this provision.

1 c) iii) Establish procedures on employment accommodation:

Associated Directive(s)
HR-03-007 Disability Management

Procedures relating to workplace accommodation for members who are temporarily or permanently disabled are found in Service Directive HR-03-007 *Disability Management*.

I therefore report compliance with this provision.

1 c) iv) Sexist, derogatory materials in the workplace:

Associated Directive
HR-02-009 Workplace Anti-Harassment and Discrimination Policy
HR-02-011 Respect in the Workplace

In 2008, Human Resources did not receive any complaints of inappropriate materials posted within the workplace.

I therefore report compliance with this provision.

1 c) v) Training on race relations and Diversity:

Associated Directive(s)- N/A

One component of our Diversity Awareness Training has been to incorporate Diversity Training to all new recruits. To this end, all new recruits undergo diversity awareness training via the Devi Mandir in Pickering.

The Police Learning Centre instructional staff has undertaken a review of all of the courses delivered by our staff, and sought out specific opportunities to insert diversity components into each program of study. These courses include Recruit Orientation, a component of which now includes field studies of diverse cultures in the communities of Durham. The Supervisor course and Patrol Training Officer Course both include an element of cultural competence and awareness for the Supervisor or Patrol Training Officer as they deal with new, diverse recruits. Also reinforced in the patrol training course is a problem based learning exercise which focuses on racial tensions.

I therefore report compliance with this provision.

Policy Provision #2:

“Fail to present for Board consent, with supporting data where warranted, all member hires, separations and Board-level responses to grievances.”

Interpretation of the Chief of Police:

It is my interpretation of this policy that I shall submit for Board approval, information and recommendations about retirements, resignations, terminations, and the engagement of new employees as well as responses to employee grievances that have not been resolved before reaching the Board.

Data Support:

Associated directive(s)- N/A

The current system for monthly reporting to the Board, with supporting data where warranted, ensures that all member hires, separations and Board-level responses to grievances are presented for Board consent.

As reported to the Board during 2008, there were fifty-four (54) separations during the year: forty-seven (47) police including twenty-three (23) retirements and twenty-four (24) resignations; and seven (7) civilian resignations. As result of these separations there were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*.

In 2007 there was one Board-level response to a grievance filed by the Senior Officer’s Association (SOA) regarding the development of and selection for a new position within the Service. The response was not satisfactory to the SOA and discussions continued throughout 2008 into 2009. In 2008 there was one (1) Board level grievance regarding the operational review of a sworn member: this matter has proceeded to Step 6 under the collective agreement with an arbitration date set for May 7th, 2009.

I therefore report compliance with this provision.

Policy Provision #3:

“Fail to acquaint members with the written directives set out above in item 1 of this policy.”

Interpretation of the Chief of Police:

It is my interpretation of this policy that I shall ensure that all members are acquainted with Service policies and procedures relating to race relations, diversity, human rights, career development, and human resource management.

Data Support:

Written Service Directives are available to all members online. The Human Resources Unit continues to update and provide computer-based information for new employee orientation which

includes Directives of relevance to new members, and which is distributed in CD form at the time of the new employee's enrolment.

The Police Learning Centre in co-operation with Durham College and the Region of Durham continues to provide electronic learning opportunities. This E-learning program was specifically designed to deliver content of Service directives in an electronic format for our members. Currently modules are in place for workplace discrimination and harassment, pursuits, methadone labs and first Aid/CPR.

As stated previously, classroom instruction in relation to our diversity strategy, policies and procedures are also included in most Service training programs including recruit training, supervisor training, and annual mandatory training for all sworn members.

I therefore report compliance with this provision.

Policy Provision #4:

“Allow members to be unprepared to perform their duties effectively and safely in accordance with legislated and/or commonly accepted performance standards including the Occupational Health and Safety Act (RSO 1990 CHAPTER 0.1.)”

Interpretation of the Chief of Police:

It is my interpretation of this policy that I shall ensure that members are trained, certified, equipped, and supervised to safely perform the duties assigned to them and further that their training, certification, equipment and supervision shall conform to legislation and commonly accepted performance standards.

Associated Directive(s)

LE-10-001 Suspect Apprehension Pursuits

HR-05-002 Occupational Health and Safety

LT-05-002 Police Use of Force

AO-19-003 Police Uniforms-Equipment-Dress and Appearance

Data Support:

The Joint Health & Safety Committee (JHSC), constituted under the Occupational Health and Safety Act is comprised of a core committee consisting of certified management and association representatives who meet monthly to discuss health and safety concerns within the organization. This core committee is responsible to make recommendations to the Chief when warranted.

A full review of our health and safety policies, procedures, committee structure, tracking of recommendations and archiving of minutes has been completed and significant improvements to the process have been implemented. A health and safety manual has been completed and made available to all divisions as well as online as a reference tool for the program. This manual addresses all aspects of the health and safety program.

The Designated Officer program was improved in 2007 and now has 24 trained officers. This program was audited by the Ministry in 2007 and found to be exemplary by their standards. The Ministry requested to use this program as a template for other services that are developing their own program.

Training and certification courses are regularly conducted at the Police Learning Centre, the Canadian Police College, the Ontario Police College and at other training centres to qualify members as Supervisors, Coach Officers, Homicide Investigators, Domestic Violence Investigators, Advanced Collision Investigators and Scenes of Crime Officers to name only a few. Specific health and safety awareness and obligations are included in the curriculum.

Mandatory training and re-certification in the Use of Force and officer safety is conducted every 12 months for all sworn members to ensure they remain qualified under Reg 926, sec 14.2 of the Police Services Act. Training and procedures are in place to ensure that prescribed equipment, materials and protective devices are provided; that they are maintained in good condition; that prescribed measures and procedures are followed and ; that the equipment, materials and personal protective devices provided are used as prescribed.

In 2008, the number one cause of injuries was a result of altercations with accused at eighteen percent (18%). The second leading cause of injuries was slips, trips and falls at sixteen percent (16%). The third leading cause of injuries was TSU/NSU training at twelve percent (12%).

In 2009, a major focus will be on training for supervisors to address prevention of lost time due to stress related incidents.

I report compliance with this provision.

Policy Provision #5:

“Fail to implement and maintain a performance appraisal system for all members.”

Interpretation of the Chief of Police:

It is my interpretation of this policy that the Service shall have a system for evaluating the performance of all police and civilian employees.

Data Support:

Associated Directive(s) - N/A at this time, however, a draft version of a Performance Management Directive exists and will be implemented by end of 2009.

In the last quarter of 2007, the Service implemented a new performance management system to address job requirements and performance of all members. The new system requires both a formal annual assessment and an informal six month review, supported by ongoing coaching sessions throughout the course of the year. This competency based system applies to all members in all ranks

across the Service. Service-wide compliance for performance and development reviews for 2008 was 84%.

I report compliance with this provision.

Policy Provision #6:

“Fail to establish procedures for the legal indemnification of members who are either subject or witness officers, acting in good faith in the performance of their duties, as related to criminal, civil and other tribunals constituted under federal or provincial statute. Such procedures shall:

- a) ensure that legal indemnification procedures and practices are consistent with the Police Services Act, the coverage provided by the Region’s insurer, and the legal indemnification provisions of the collective agreements, as each may be amended from time to time;*
- b) compel members and administrators to comply with published legal indemnification procedures, and:*
- c) ensure that indemnification is not extended to subject officers/members for legal costs arising from:
 - I. grievances or complaints under either Collective Agreement*
 - II. the actions or omissions of members acting in their capacity as private citizens;*
 - III. proceedings and discipline charges under the Police Services Act and regulations, or:*
 - IV. criminal charges for which the member is found guilty (which shall be deemed to have occurred where the member is given an absolute or conditional discharge or where, if as a result of charges laid he/she is subsequently found guilty of, or pleads guilty to, other charges arising out of the same incident or incidents.)**

Interpretation of the Chief of Police:

It is my interpretation of this policy that the Service shall have written procedures for granting coverage or reimbursement to members for reasonable legal costs arising out of the performance of their duties subject to the limitations set out in sub-paragraph (c) above. Further, that I shall ensure compliance with these procedures.

Data Support:

Associated Directive(s)
AO-05-004 Risk Management and Legal Indemnification

Published Service Directive AO-05-004 *Risk Management and Legal Indemnification* establishes clear policies and procedures for the legal indemnification of members that are consistent with the terms and conditions of collective agreements, the *Police Services Act*, and the Regional Municipality of Durham Municipal Insurance Pool.

In 2008, Legal Services approved (4) applications for legal indemnification. Legal indemnification expense at the time of this report is \$16, 465.00. There are six (6) HTA and three (3) Part Five Disciplinary matters for which invoices have not yet been received.

I report compliance with this provision.

Based on the above proof provided, I report overall compliance with the policy.