

Classification **PUBLIC**

Meeting **May 10, 2010**

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: _____
Chief of Police

Date: _____

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 211 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.

In June 2009, the new directive, “Grievance Process – DRPA Members” AO-09-008 was published and made available online to outline the six-step process of grievance management for both civilian and sworn members.

In 2009, the Service received fourteen (14) new grievances. Of these grievances:

- eight (8) were successfully resolved
- six (6) carried forward into 2010. At the time of this report, four (4) out of these six (6) have been resolved.

Three (3) grievances from 2008 were carried forward into 2009 and remain unresolved at the time of this report.

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.

A significant component of the Service's Diversity Strategy focuses on recruiting, and ensuring that the Durham Regional Police Service embraces equality of opportunity in employment. The Diversity Coordinator, who is an active member of the Human Resources Leadership Group, continues to support and engage others in the Service's initiatives aimed at increasing diversity awareness both internally and externally. Recruitment, retention, promotion, community outreach and the ongoing implementation of the DRPS Diversity Strategic Plan are part of the mandate for this position.

Recruiting

In 2009, thirty-eight (38) sworn officers were hired: thirty-four (34) new recruits and four (4) experienced officers. Of the group, thirty (30) constables are male and eight (8) are female which represents a 79:21 male: female ratio.

In 2009, the Service hired six (6) full-time and twenty-three (23) part-time civilian members. In addition, there was one (1) full-time hire to the Senior Association. In this total group of thirty (30), there are thirteen (13) males and seventeen (17) females which correspond to a 43:57 male: female ratio. Civilian hires noted above represent members who were new to the Service in 2009; they do not include summer students or part-time members who re-signed existing contracts (also excluded one individual who transferred status from full-time to part-time availability due to retirement).

Awareness & Outreach

Community outreach and awareness of are often of mutual benefit to the DRPS. For example, in looking for new ways to better serve our community, our Diversity Coordinator distributed language cards to front-line members, and posted the same information in large boards in public areas of our buildings. With 150 languages referenced on these resources, individuals requiring assistance can point to their language group and front-line/Communications staff can follow-up with a translator from Language Line.

Other initiatives in 2009 include; participation in the Toronto Pride Events, the Cultural Flags display, and Outreach Résumé Workshops. The annual Pride Parade celebrates the Lesbian, Gay, Bisexual and Transgender community, and participation and support has increased from all levels in the organization: the Chief, Inspectors, Sergeants, Constables, and a vibrant core of civilian members. The Reception area of Police Headquarters now includes flags representing the countries and cultures of origin of the member who compose the DRP. In order to support new immigrants to Durham Region, a supportive workshop to compose and review résumés and cover letters was offered by Human Resource members to this community on four occasions in 2009.

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

I therefore report compliance with this provision.

Career Development

In 2009 sixty-five (65) candidates from both sworn and civilian staff made application for Educational Assistance. This represents an increase of fourteen percent (14%) from 2008. 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 ninety-three (93) Requests for Learning Opportunity were approved in 2009 (some candidates submitted more than one request) with a total pay out of \$32,034. In comparison to 2008, the total number of requests is up eighteen percent (18%), with a corresponding twenty-four percent (24%) increase in the payout.

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. To achieve this goal, we are promoting two programs: Career Coaching and Mentoring.

Human Resources established a partnership with an external consultant to build the Career Development initiative. In May 2009, twenty-three (23) members participated in two-day Career Coaching workshops to provide guidance to other members in assisting members of the DRPS in working towards their career goals. There are plans to extend this training in 2010 to more members to become trained coaches.

I therefore report compliance with this provision.

Promotion

In 2009, HR continued to improve the promotional processes as recommended through feedback and the plans of the Promotional Redesign Team.

The 2009 /2010 Promotional Process was a busy year with 99 active candidates on the promotional list. Review Panels undertook comprehensive file review and made recommendations in October and November, with the Command Team announcing final selection of: 13 promotions to Sergeant/Detective; 11 promotions to Staff/Detective Sergeant; and 2 successful to the rank of Inspector. Feedback opportunities in a confidential setting with members of the Review Panel were offered to all candidates in the process and conducted through January and February 2010.

There were no instances of preferential / prejudicial treatment towards any members in the 2009/2010 promotional process. The Service received a Step 1 grievance from a member regarding the promotional process, however it was subsequently withdrawn in advance of receiving a response.

I therefore report compliance with this provision.

Separation

The Human Resources Unit administers the employment separation process within the Total Compensation team. During 2009 we had 42 members separate from the DRPS: thirty-two (32) sworn officers, and ten (10) civilians. As seen in the below table, thirteen (14) of the separations were due to retirement, representing 33% of the group; and the remaining twenty-eight (67%) of the separations were as a result of resignation. All separations were objective and non-discriminatory. We did not receive any complaints from these members with respect to the separation process.

Table: Separation Activity in 2009

2009		Retirement	Resignation
1	Civ PT		1
9	Civ FT	5	4
32	Uniform	9	23
42	TOTAL	14	28

Separations and retirements were regularly reported to the Board during 2009 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 (WADHP)

HR-02-011 Respect in the Workplace (RITWP)

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.

Both this, and the “Respect in the Workplace” Directive, which addresses harassment not related to the prohibited grounds under HR-02-011 allow for an informal and formal means of resolution.

In 2009 there were a total of ten (10) complaints received. Four (4) of these were formal complaints of workplace harassment; all of which were successfully resolved.

The remaining six (6) complaints were informal complaints of behaviour that was contrary to Respect in the Workplace:

- Three were resolved formally by Human Resources;
- One was successfully resolved with the assistance of Human Resources as a mediator;
- One was successfully resolved through an informal process at the unit level, without Human Resources’ assistance;
- One carried into 2010.

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 2009, Human Resources received one complaint of inappropriate materials posted within the workplace. These materials were found to be discriminatory based on age, and were removed from the work area.

I therefore report compliance with this provision.

I 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 as part of all new recruit training.

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 incorporate 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 competency and awareness for the Supervisor or Patrol Training Officer as they deal with new, and more frequently, diverse recruits. Also reinforced in the patrol training course is a problem based learning exercise which focuses on racial tensions.

In 2009, the Police Learning Centre developed online training (through the Electronic Learning Module) designed to provide learners with information regarding the Accessibility for Ontarians with Disabilities Act (AODA).

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 2009, there were forty-two (42) separations during the year: thirty-two (32) police including nine (9) retirements and twenty-three (23) resignations; and five (5) civilian retirements and five (5) resignations. As result of these separations there were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*.

As noted earlier in this report, there were fourteen (14) new grievances received from the Durham Regional Police Association in 2009. Of these grievances, nine (9) reached the Board level including one (1) arbitration and three (3) conciliations. The one (1) remaining grievance is scheduled for Arbitration in July 2010.

In 2009 the grievance filed in 2007 by the Senior Officers’ Association (SOA) regarding the development of and selection for a new position within the Service was resolved with the outcome of the position reverting back to the SOA. There were no new grievances filed on behalf of the SOA in 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 provide information at the time of a new member’s enrolment to DRP payroll and benefits. In 2009, all new members attended a personalized orientation session with a member of Human Resources.

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 in accordance with self-directed adult learning principles for our members. Currently modules are in place for workplace discrimination and harassment, accessibility, health & safety orientation, First Aid/CPR, communicable diseases, domestic violence situations, methadone labs: detection and response, and several other policing-specific modules.

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

In partnership with the Police Learning Centre, plans for 2010 include conducting a member survey for self-identification of diversity, assessing the cultural competency of DRP units and increasing cultural competency for all 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 view of our health and safety policies, procedures, committee structure, tracking of recommendations and archiving of minutes has been completed resulting in process improvements including a health and safety manual made available to all divisions as well as online reference tools for the program.

The Designated Officer program has 24 trained officers, all of whom are up-to-date in their training and certification. Training and certification courses are regularly conducted at the Police Learning Centre, the Canadian Police College, the Ontario Police College and at other training centers 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 annually 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 2009, there was a strong focus on pandemic preparedness including the development of processes and training initiatives.

In 2009, Critical Incident Response Training was developed to facilitate frontline officers' understanding of mental illness and their ability to effectively respond to mentally ill individuals in the community. This was one outcome resulting from the formation in 2009 of the Mental Health Steering Committee.

In 2009, there were a total of 162 occupational injuries reported in the DRPS, with the top three occurring accidents:

- Altercation with Accused - 43 incidents (27% of total)
 - Cause Occurrence – 25 incidents (15% of total)*
 - Infectious Disease – 23 incidents (14 % of total)
- * Caused Occurrence is an injury caused by the member suffering from a contusion which results in swelling, twisting, or lacerations to their body parts.

I therefore 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)

HR-03-001 Performance Management Process

In June of 2009, the Performance Management Directive (HR-03-001) applicable to all members of the service, was approved and published. This directive addresses the performance management process, including measures to follow-through on performance that is either exemplary or below standard.

Also in June 2009, the directive for Civilian Discipline Process (AO-09-004) was approved and released. Progressive discipline shall be applied in a fair and consistent manner to improve future behaviour when conduct falls below acceptable standards or when the performance management process has not corrected performance concerns.

2009 marks the second full year of the Service's refreshed performance management system to measure and document performance of job requirements by all members. This 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 is a competency based system, with core and supervisory competencies as applicable to all members across the Service.

This competency-based performance system extends to the Promotional Assessments. In the spring of 2009 seven 1-hour workshops were offered to promotional candidates and their assessors / supervisors to develop greater understanding of the Supervisory Competencies and facilitate more meaningful, demonstrable examples of performance at the rank being sought. Over 82 sworn officers attended these sessions.

Service-wide compliance for performance and development reviews conducted in 2008 (and received in 2009) was 74%. As part of continuous improvement an audit was conducted of Performance Management Reviews (PDRs). Several tools have been implemented by Human Resources to assist proactively with the compliance rate and quality measures for the upcoming 2009 cycle.

I therefore 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 2009, Legal Services approved (19) applications for legal indemnification. Legal indemnification expense at the time of this report is \$38,525.00. There are six matter(s) for which invoices have not yet been received: five (5) under the *Highway Traffic Act* (HTA) and one (1) under Part 5 of the *Police Services Act* (PTV).

I therefore report compliance with this provision.

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