



REPORT TO THE POLICE SERVICES BOARD

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| Author: | A/Director Britton | Date of Report: | June 30, 2020 |
| Subject: | Monitoring Report - Treatment of Members dated June 16, 2020– Correction of Legal Indemnification Statistics | Information or Decision Report | Information |

RECOMMENDATION(S)

That the Board receives this report for information purposes.

Signed:


Chief of Police

Date:

09 JUL 20

EXECUTIVE SUMMARY

On June 16, 2020, the annual monitoring report ‘Treatment of Members’ was presented to the Durham Regional Police Services Board (the “Board”). Regrettably, the report contained incorrect statistics regarding the collective agreements’ provisions of legal indemnification. This report identifies the errors, provides corrected information and notes that the 2020 Treatment of Members report will be amended accordingly.

DISCUSSION

The Durham Regional Police Service (the “Service”) presents a report to the Board annually in response to the Board’s Executive Limitations Policy – Treatment of Members. The Legal Services Unit provides statistics for the report regarding the application of the legal indemnification provisions in our three collective bargaining agreements.

On June 16, 2020, during the public session of the Board’s meeting, the Treatment of Members report was reviewed and accepted by the Board. Regrettably, following the meeting it was determined that portions of the legal indemnification statistics provided were incorrect. Specifically, labour relations-related expenses were incorrectly categorized as senior officer legal indemnification expenses which impacted the total expenditures in each category. The total number of SIU related legal indemnification matters was also miscalculated.

The following excerpt from page 12 of the June 16, 2020 report is impacted as a result of the incorrect calculations. The corrected information is shown below and the previously reported incorrect statistics are italicized in parentheses for ease of reference.

7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS

Article 7 of the CBAs provides reimbursement for legal fees under certain circumstances. The Service’s directive, Risk Management and Legal Indemnification (AO-05-004), sets out established procedures regarding the application of the legal indemnification as

provided for in the CBAs, the regional insurance pool and the *Police Services Act of Ontario*.

In 2019, \$118,629 (\$213,523.85) was paid out in legal indemnification despite the fact that the legal costs may actually have been incurred in prior year(s). The breakdown of the amount paid in 2019 is:

- \$35,954 under section 7.01 - Uniform CBA - for one OIPRD directed hearing
- \$63,119 under section 7.02 - Uniform CBA – for fourteen (*ten*) SIU matters
- \$19,556 (\$114,450.47) under section 7.04 – Senior Officers’ CBA – for four matters

In 2020, as of May 27, \$961 (\$41,863.35) has been paid in legal indemnification as follows:

- \$961 (\$41,863.35) under section 7.04 – Senior Officers’ CBA – for two matters

The Treatment of Members report dated June 16, 2020 will be amended to accurately reflect the legal indemnification statistics noted above.

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