

Classification **PUBLIC**

Meeting **June 13, 2016**

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



Recommended Motion:

THAT the Board finds that all provisions of the *Treatment of Members Executive Limitations Policy* 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.

I report compliance to all provisions of this policy.

Signed: _____
Chief of Police

Date: _____

Board Policy Statement:

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.

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

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.*
2. *Fail to present for Board consent, with supporting data where warranted, all member hires, separations and Board-level responses to grievances.*
 3. *Fail to acquaint members with the written directives set out above in item 1 of this policy.*
 4. *Allow members to be unprepared to perform their duties effectively and safely in accordance with legislated and/or commonly accepted performance standards.*
 5. *Fail to present, for Board information, disclosures and decisions under section 49 of the Police Services Act (secondary activities).*
 6. *Fail to implement and maintain a performance appraisal system for all members.*
 7. *Fail to establish procedures regarding 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 either under 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 (except where specifically provided for in the Senior Officers' Association Collective Agreement); 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).*
 8. *Fail to assess the risk of workplace violence and develop and communicate policies and programs on workplace violence and workplace harassment, as prescribed by law.*
 9. *Fail to ensure measures are in place to address the risk of domestic violence in the workplace.*

Interpretation of the Chief of Police:

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

Further it is my interpretation for provision:

1. That it applies to the documentation of all policies and procedures relating to grievance administration, race relations, diversity, human rights, career development, and human resource management.
2. That I shall submit for Board approval, information and recommendations about new hires, retirements, resignations, and terminations, as well as responses to employee grievances reaching Board level.
3. 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.
4. 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.
5. That the Service shall have a system monitoring and reporting information and infractions regarding secondary activities of members.
6. That the Service shall have a system for evaluating the performance of all police and civilian employees.
7. 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. Further, that I shall ensure compliance with these procedures.
8. That the Service shall have written procedures, assessment of risk related to workplace violence and workplace harassment, and communication to members on this. Further, that I shall ensure compliance with these procedures.
9. That the Service shall have written procedures, and ensure that assessment(s) occur and that safety measures are in place to address the risk of domestic violence in the workplace. Further, that I shall ensure compliance with these procedures.

Data Support:

1. PERSONNEL DIRECTIVES

The Durham Regional Police Service (DRPS) directives are the written orders of the Chief of Police for all members outlining directions, instructions, roles, responsibilities and processes to be followed. The DRPS Directive System (AO-01-001) directive sets out the procedures to be followed for effective policy management including the creation of new directives, revisions, deletions and the like.

Clarifying Rules for Members (Provision 1.a)

There are currently 222 directives, accessible by all members through the intranet, that help members carry out their job by clarifying the rules of the Service. The Service continues to review the directives, starting with the highest priority directives, to ensure that the directive content is current and relevant and that the directives themselves are comprehensible.

Effective Handling of Grievances (Provision 1.b)

The Service’s Grievance Process – DRPA Members (AO-09-008) directive, together with Article 6 of the current collective agreements, sets out the process for the effective handling of grievances.

. The Service received 13 new grievances in 2015 of which:

- 4 are settled
- 9 are active

Historical grievance activity is as follows:

YEAR	NEW GRIEVANCES
2009	14
2010	14
2011	7
2012	5
2013	16
2014	12
2015	13
2016 (as of Apr 29)	5

Protection Against Preferential or Prejudicial Treatment of Members (Provision 1.c)

Procedures on Equal Opportunity (Provision 1.c.i)

RECRUITMENT AND SELECTION

The year 2015 was an active year for new recruit hires, as we continued to attract new constable candidates and were successful in hiring 13 recruits. DRPS attended approximately 37 community events in 2015 to support future recruitment. Representatives of the service attended 12 events in the first quarter of 2016. Attendance at these various events supports community partners and develops relationships, strengthening the candidate pool and the attraction of solid candidates for future hiring. The Service continues to subscribe to the Ontario Association of Chiefs of Police (OACP) Constable Selection System ensuring an efficient and equitable selection process. This process is supported by the Service’s Constable Recruitment and Selection (HR-04-004) directive.

From May 1, 2015 to Dec 31, 2015, the Service hired a total of 1 SOA Manager (male), 1 full-time civilian member and 14 part-time civilian members (12 females and 2 males). There were 148 student hires (74 females and 74 males) in 2015 which includes the Youth in Policing program.

From Jan 1, 2016 through April 30, 2016, 14 constables (7 females and 7 males), 2 full-time civilian members (1 male and 1 female), and 7 part-time civilian members have been hired.

CAREER DEVELOPMENT

The Service supports and promotes self-directed skills development and learning to enhance current job performance, and the pursuit of future aspirations. The directive, Career and Skills Development (LT-05-001), sets out the components of the skills and development plan.

The Service's directive, Educational Assistance Program (LE-05-003), sets out the procedures required for those sworn and civilian members interested enhancing their knowledge, skills and abilities through various educational endeavours. The program offers financial support to members engaging in off duty studies and is managed by the Police Education and Innovation Centre. Specifically, upon successful completion of a pre-approved learning opportunity, members will be reimbursed 75% of the cost to a maximum of \$1,500.00 per member per calendar year. In 2015 the Service also introduced the Under Graduate/Graduate (UGG) program to provide financial assistance for members involved in these courses of study. Furthermore, the Service provided an incentive to both programs which increased the amount of coverage to 90% for members who achieved a grade of A- or higher on their final course mark.

In 2015, 12 members made application for the Educational Assistance Program. Ten of the 12 applications were approved and those who satisfactorily completed their courses received reimbursement in accordance with the Directive. The total payout for approved and completed request for learning opportunities was \$6,786.84.

There were 14 members that utilized the Under Graduate/Graduate program. Thirteen of the 14 applications were approved. The total payout for approved and completed request for learning opportunities was \$11,751.63. The Under Graduate/Graduate program is currently being reviewed to ensure equity and accessibility for all members.

Beginning in 2013, the Service offered a new Leadership Development Program accessible to all members. Areas of study include emotional intelligence, leadership principles, change management, conflict management, team building, strategic planning, and development of a viable innovation to be implemented within the Service. The program continues today and consists of 34 in class hours. In 2015, 15 participants in various ranks and roles across the Service completed the program. The PEIC will be facilitating Leadership Development Courses in the spring and fall of 2016; full enrollment of 30 members is expected.

PROMOTION

Two directives, Promotional Process (LT-03-001) and Promotional Process Inspector – Superintendent (LT-04-001), set out the process for sworn members interested in rank promotion. In 2015, two sworn members were permanently promoted from Inspector to Superintendent. Five sworn members were permanently promoted from Staff Sergeant to Inspector. As of Jan 2016 through April 30, 2016, 15 sworn members were promoted from Sergeant to Staff Sergeant.

SEPARATION

Separations and retirements are regularly reported to the Board through the monthly Human Resources Update reports. Historical activity is as follows:

Separation Activity

	2010	2011	2012	2013	2014	2015 (April 30)	2016 (Apr 30)
RESIGNATIONS							
SOA – Civilian	3	3	1				1
SOA - Sworn							
Uniform	13	10	9	3	4	5	8
Civilian FT / PT	2 / 29	1/6	2 / 10	4 / 17	17	1 / 4	5/11
Students	64	73	81	209	168	74	216
Subtotal	111	93	103	233	185	84	241
RETIREMENTS							
Chief					1		
Deputy Chief			1				
SOA – Civilian	2	2	6		2	3	2
SOA - Sworn							5
Uniform	17	13	12	13	17	6	12
Civilian FT / PT	1 / 0	3	3 / 0	5 / 0	3 / 0	6/0	8/0
Students							
Deceased					*1		1
Subtotal	20	18	22	18	23	15	28
TOTAL	131	111	125	251	208	99	58

**In 2016; the dates utilized are May 1, 2015 through April 30, 2016.

*Deceased member was onLTD.

Procedures on Responding To and Preventing Discrimination and Harassment in the Workplace
(Provision 1.c.ii)

The Service’s directive, Respect in the Workplace [Anti-Harassment and Violence Policy] (HR-02-011), sets out roles and responsibilities for all members in providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It further notes procedures to be followed where allegations of harassment and violence occur. Human Resources was made aware of eight respect in the workplace matters in 2015 alleging personal harassment or bullying (Bill 168). Of the eight:

- Three were addressed formally by way of investigation and five were addressed informally by way of mediation, discussion, etc.

One respect in the workplace matter has been received in 2016 as of April 29. The following table illustrates the number of workplace matters brought to Human Resources since 2010.

Respect in the Workplace Activity

YEAR	NEW COMPLAINTS
2010	9

2011	7
2012	2
2013	9
2014	9
2015	8
2016 (as of Apr 29)	1

Procedures on Employment Accommodation (Provision 1.c.iii)

As per the board policy statement, 1 (c) (iii), *establish procedures on employment accommodation*; the Service has a Disability Management Directive, HR-03-007 and is designed to assist members who have a medical condition and are temporarily or permanently disabled.

In 2015, there were 60 modified work assignments completed to provide temporary disability management and a graduated return to work. The number of temporary work assignments from January 2016 to April 30, 2016 was 16. The number of permanently accommodated sworn members rose from 31 in 2014 to 34 in 2015 and the total number of permanently accommodated civilian members remained at 15 in 2015. Each permanent accommodation continues to be reviewed on an annual basis and updated medical is required.

Sexist, Racist, or Derogatory Material in the Workplace (Provision 1.c.iv)

The Service was not made aware of sexist or derogatory materials posted in the workplace in 2015, nor have any been received this year as of April 30.

Training on Race Relations and Diversity (Provision 1.c.v)

As noted in November 2013's "Community Diversity Monitoring Report to the Board", the Service's Anti-Racial Profiling electronic learning module (ELM) was launched on September 5th, 2012 to educate members on the value and importance of diversity related matters. Compliance as of March 31, 2015 was 96.7%.

The Diversity Report to the Board provides further details on the activities of the Service regarding Training on Race Relations and Diversity. Our most recent and future sworn recruits will undergo race relations, diversity and inclusivity education through the Service's Police Education and Innovation Centre including Recruit Orientation, a component of which continues to feature field studies of diverse cultures in the communities of Durham.

2. MEMBER HIRES, SEPARATIONS, AND BOARD-LEVEL RESPONSES TO GRIEVANCES

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 review, consent and/or direction as appropriate.

3. ACQUAINTANCE WITH WRITTEN DIRECTIVES

As noted in section 1. a above, written Service Directives are available to all members through the Service's intranet. The Human Resources Unit continues to provide relevant information to new members at the time of hire including the review of key directives. Specifically, On-boarding sessions continue and are aimed at providing new members and students with relevant information as they commence their positions with the Service.

4. PREPARATION TO PERFORM DUTIES EFFECTIVELY AND SAFELY

The Service continues to promote safe and effective performance of duties through the following core initiatives:

- The Joint Health & Safety Committee (JHSC), constituted under the Occupational Health and Safety Act;
- The Designated Officer program, ensuring that there are identified sworn members available across the Service who are trained and certified;
- Mandatory training and re-certification regarding Use of Force and officer safety, conducted annually for all sworn members to ensure they remain qualified under Reg. 926, sec 14.2 of the Police Services Act.

Program Highlights of 2015

Wellness programming continues within the Service with a focus on promoting both physical and mental health and well-being. The Healthy Apples Program, originally launched in 2007, aimed at improving the physical and mental health of members who voluntarily enroll in the program, has maintained a steady enrolment rate of 30%. In 2015, 261 members completed the program and 322 members have enrolled for 2016 in this valuable program.

The Service continues to implement, "Mental Health for Leaders", a Morneau Shepell facilitated and Queen's University Certified course for supervisors. As of April 30 of this year, 99% of supervisors have started the certificate and over 90% have completed the three-part module. Resilience training with new recruits under a similar program continues from 2014 and into 2016.

The peer support program PILLAR, is in its' third year and complements DRPS's wellness programs by offering non-clinical mental health support. The program has 22 members from across the Service that support members. Peer supporters were provided with professional development days in 2015.

Additionally, the Service held a mental health symposium for members on November 23, 2015 with Dr. Bobby Smith. Dr. Bobby Smith is a renowned speaker who was a law enforcement officer who suffered PTSD after being shot in the face and blinded while on duty. He recounted his suffering, losses and path to recovery to approximately 150 members.

In the fall of 2015, the Service piloted the LIFE (Learning Interface For Experience) program. It is a program designed specifically for 911 Communicators. Communicators are responsible for prioritizing emergency calls, dispatching appropriate emergency services and responding to those in crisis which requires a high level of mental effort. The program provides Communicators a change

from this environment with a voluntary one-month rotation to the role of Receptionist at Regional Headquarters. The program has pre and post qualitative surveys and has shown results for members that include instilling hope and providing positive workplace experiences.

The Joint Health and Safety Committee meets monthly to discuss relevant issues and the divisional representatives meet quarterly.

2015 Occupational Injuries

There were 239 occupational injuries reported in 2015. The most frequent injury on duty reported was ‘Exposure.’ Out of the 68 Exposures reported, 15 members lost time from work, and 16 sought medical attention. The exposure category includes exposure to communicable disease, smoke, fumes and mental health stress. With the recent passing of Bill 163, Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016, the Exposure category moving forward will include a sub-category of “Operational Stress Injury.”

The following table details all 10 categories of occupational injuries reported over the past five years together with this year’s incidents as of the end of April.

Historical Occupation Injuries

Category	2012	2013	2014	2015	2016 (as of April 30)
Slip Trip or Fall	42 (16.87%)	43 (18.22%)	38 (13.5%)	19 (7.95%)	12 (16.22%)
Over Exertion	39 (15.66%)	32 (13.5%)	24 (8.5%)	34 (14.23%)	7 (9.46%)
Exposure	27 (10.84%)	44 (18.64%)	127 (45%)	68 (28.45%)	19 (25.67%)
Operational Stress Injury	Previously included in exposure	Previously included in exposure	Previously included in exposure	17 (7.11%)	4 (5.41%)
Struck By	33 (13.25%)	34 (14.41%)	6 (2.10%)	12 (5.02%)	0 (0%)
Struck Against or Contact With	43 (17.27%)	40 (16.95%)	41 (14.5%)	52 (21.76%)	19 (25.67%)
Training	36 (14.46%)	23 (9.75%)	17 (6.0%)	18 (7.53%)	3 (4.05%)
Motor Vehicle Collision	18 (7.23%)	11 (4.66%)	14 (5.0%)	10 (4.18%)	4 (5.41%)
Caught in Under or Between	7 (2.81%)	3 (1.27%)	1 (.4%)	1 (0.42%)	0 (0%)
No Injury	0 (0%)	2 (0.85%)	3 (1.1%)	1 (0.42%)	2 (2.7%)
Repetitive Strain	4 (1.61%)	5 (2.12%)	11 (3.9%)	7(2.93%)	4 (5.41%)
Total Incidents Reported	249	237	282*	239	74

*increase can be directly attributed to 1 incident (Fire at a Whitby retirement/Long term care facility) which resulted in 74 claims

Legend

- Struck Against or Contact with includes being struck by an accused with an object; struck against walls, desks, doors etc, or contact with substances, sharp objects, dog bite

- Struck By includes altercation with accused (i.e. a direct hit by accused)
- Caught in, Under or Between includes caught in doors, fences, handcuffs
- Exposure includes loud noise, fumes, blood contaminations, smoke inhalation, stress
- Operational Stress Injury includes Post-Traumatic Stress Disorder, mental health related claims
- No Injury means Non-WSIB compensable
- Training includes PEIC, OPC, work outs in on site gym

5. SECONDARY ACTIVITIES

The Service's directive, Secondary Activities (HR-02-001), together with the *Police Services Act* sets out the procedures to be followed should members wish to engage in same. The policy is also informed by relevant case law which sets the landscape for the management of secondary activity requests. It is important to note that as a result of case law in 2004, the application and notification processes to engage in secondary activities. Specifically, as of 2004, members are not required to disclose secondary activity unless it appears to, or may, conflict with the four restrictions referenced below.

Secondary activities are not prohibited, however, reasonable restrictions are placed on members and in certain circumstances activities must be disclosed to the Chief of Police. Members shall not engage in any activity:

- a) That interferes with or influences adversely the performance of their duties as a member of the police service, or is likely to do so;
- b) That places them in a conflict of interest, or is likely to do so;
- c) That would otherwise constitute full time employment for another person; or
- d) In which the member has an advantage derived from being a member of the Service.

Prior to the change in reporting secondary activities in 2004, members had to request approval to engage in any and all secondary activities, not solely those in conflict with the four elements aforementioned. The Human Resources Unit has received 106 applications to engage in secondary activity since 1998. Given the change in reporting requirements, it is difficult to determine the precise number of members actually engaging in secondary activity at this time.

The Service has declined approximately 16 requests for secondary activity pursuant to the test above, including applications to engage in activities such as bartending, instructing police related training, security, and process serving.

Human Resources has received 10 requests to engage in secondary activities in 2015 and 2 requests as of April 30, 2016.

6. PERFORMANCE APPRAISAL SYSTEM

The Service's directive, Performance Management Process (HR-03-001), sets out procedures to be followed when performance meets, exceeds or falls below acceptable standards.

The new Performance Management Process launched April 2015 based on recommendations within the 2013 KPMG report. As of April 30, 2016, the Service is at a compliance rate of 87%. The

outstanding appraisal number is composed of members who have had changes in leadership due to transfers and/or promotions. The new process was audited in June of 2015 and again in March of 2016 for both compliance and quality. A management action plan was created in response of the audits and also includes follow up of outstanding performance appraisals.

7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS

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 collective agreements, the regional insurance pool and the *Police Services Act* of Ontario.

2015 Activity

In 2015, Legal Services received one formal request for legal indemnification under Article 7.01(criminal/statutory offence) of the DRPA Sworn Collective Agreement. The request pertains to an ongoing HTA matter; approval is pending the outcome of same.

In 2015, legal indemnification totaled \$53, 539 the breakdown is as follows:

- \$ 27, 582 under section 7.01 (criminal/statutory offence)
- \$ 25, 957 under section 7.02 (SIU)

One new request for legal indemnification has been received in 2016 under Article 7 of the SOA Collective Agreement. To-date \$6,055 has been paid in legal indemnification for section 7.02 (SIU).

8. WORKPLACE VIOLENCE AND HARASSMENT

The *Occupational Health and Safety Act* of Ontario sets out roles and responsibilities for employers and employees regarding workplace violence and harassment. The Service's directive, Respect in the Workplace [Anti-Harassment and Violence Policy] HR-02-011, sets out procedures to be followed where allegations of harassment and violence occur.

There were three visits from the Ministry of Labour in 2015. In January 2015, the Service had an announced inspection of the Property unit. Three orders were issued and complied with on the same day. In April 2015, the Ministry of Labour responded to a concern at the Courts building, 150 Bond Street, regarding Durham Police using OPP Special Constables and the level of training the OPP Special Constables had. The Ministry did not issue an order to the Service regarding this incident. The third visit was a result of an injury sustained at the Property Bureau to a member. The Ministry attended to investigate and no orders were issued. There have not been any complaints or visits with the Ministry of Labour as of April 30, 2016.

There were no reports of workplace violence received in 2015, and no reports have been received as of April 30, 2016.

9. DOMESTIC VIOLENCE IN THE WORKPLACE

The *Occupational Health and Safety Act* of Ontario requires employers to take every reasonable precaution to protect employees at risk of physical injury as a result of domestic violence. Together with the Respect in the Workplace directive noted above, the Domestic Violence Occurrences (LE-01-024) directive sets out procedures to address domestic violence and support for members dealing with same. No complaints of domestic violence in the workplace were received in 2015.