

Classification **PUBLIC**

Meeting **September 12, 2011**

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 race relations, diversity, human rights, career development, and human resource management.
2. 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.
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 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 set out in sub-paragraph (c) above. 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. They outline processes, procedures, roles and responsibilities and are available to all members of the service through the DRPS intranet. It is every member's responsibility to know and follow the directives as they relate to the member's position in the service.

Clarifying Rules for Members (Provision 1.a)

Clear rules governing human resources management 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. The 211 Service Directives conform to a uniform standard and are in accordance with Adequacy Standards.

Effective Handling of Grievances (Provision 1.b)

Associated Directive(s):

AO-09-008 GRIEVANCE PROCESS-DRPA MEMBERS

Detailed procedures for handling grievances are clearly described in the *Senior Officer Collective Agreement*, the *Uniform Collective Agreement*, and the *Civilian Collective Agreement*. These agreements are available to all members through the DRPS intranet and print versions are available in all DRPS facilities.

As of the date of this report, six (6) new grievances have been received in 2011. Of these, three are policy grievances. In comparison, a total of 14 new grievances were received in 2010 of which nine were policy grievances.

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

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

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 AND LT-04-001 PROMOTIONAL PROCESS

LT-05-003 EDUCATIONAL ASSISTANCE PROGRAM

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

AO-09-010 DRPS CODE OF PROFESSIONAL CONDUCT

AWARENESS & OUTREACH

Emphasis continues to be placed on community outreach and awareness initiatives. Examples of initiatives undertaken in 2011 include participation in the Durham and Toronto Pride Events celebrating the Lesbian, Gay, Bisexual and Transgender community. There were 48 DRPS members participating in the 2011 parade, including Senior Leadership, NCOs, and a vibrant core of civilian members together with their support people.

This year marked our first participation with the Durham Oshawa Métis Organization. Other notable events included the Hispanic Canadian Alliance's annual event, the Mississauga Scugog Island Pow Wow and several events during Black History month.

A Chaplaincy program focused on increasing representation of religious support for members is nearing completion; launch of this important initiative is expected in the fall of 2011.

RECRUITING

From January 1st 2011 to July 31st 2011, the Service hired one full-time and 18 part-time civilian members to replace departing members. Of this group of 19 hires, 16 are female and three are male. There were 71 student hires (36 female and 35 male). The noted civilian hires represent members who were new to the Service or were successful in part-time to full-time promotions in 2010; they do not include part-time members who re-signed existing contracts.

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

CAREER DEVELOPMENT

As of the date of this report, 40 sworn and civilian staff made application for Educational Assistance. Eight applications were denied, resulting in 32 applications being processed. The total budgeted amount of \$30,000 was accounted for by May. In 2010, the total payout for approved and completed requests for learning opportunity was \$35,962.80.

As of July 31st 2011, 22 Career Coach meetings have taken place and the Career Coach intranet site has received 178 visits. Despite substantial investment, return has not been as robust as hoped. A review of the current coaches and overall effectiveness of the program will commence in Q4.

There were no complaints of preferential or prejudicial treatment as it pertained to career development or educational assistance.

PROMOTION

The 2011 /2012 promotional process has 140 interested candidates:

- 89 at Step 1 (Constable to Sergeant)
- 34 at Step 2 (Sergeant to Staff Sergeant)
- 17 at Step 3 (Staff Sergeant to Inspector)

This is a 46% increase of over last year's process which saw 96 candidates interested in opportunities as follows:

- 69 at Step 1
- 21 at Step 2
- 6 at Step 3

The promotional process continues to employ a competency based, multi-rater, multi-assessment approach to assessing readiness for promotion of all candidates. No instances of preferential or prejudicial treatment towards any members in the promotional process have been reported as of the date of this report.

RETIREMENTS & RESIGNATIONS

Separations and retirements are regularly reported to the Board 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.

Separation Activity

		2009	2010	2011 (to July 31)
Resignations	SOA	0	2	2
	Uniform	23	13	6
	Civilian FT	4	2	1
	Civilian PT	1	29	4
	Students	55	64	0
	Subtotal	83	110	13
Retirements	SOA	0	3	1
	Uniform	9	17	10
	Civilian FT	5	1	2
	Civilian PT	0	0	0
	Students	0	0	0
	Subtotal	14	21	13
Total Resignations & Retirements		97	131	26

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

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

AO-09-010 DRPS CODE OF PROFESSIONAL CONDUCT

From January 1st to July 31st, there were three Respect in the Workplace matters reported. Of these, one was resolved informally, one was investigated and deemed to be unfounded, and the third matter is still under investigation. In comparison, a total of nine matters were recorded for 2010.

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

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*.

From January 1st to July 31st of this year, 57 modified work assignments were completed to provide medical management and a graduated return to work. Of these modified work assignments, 38 resulted in a return to full duties; the remaining 19 assignments are ongoing.

Year to date, three sworn member accommodations with permanent medical restrictions and one new permanent civilian accommodation are confirmed. The total number of accommodated members is

45 (23 sworn and 22 civilian). Each permanent accommodation is reviewed on an annual basis and updated medical is required for both Sworn and Civilian members.

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

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

No reports of sexist or derogatory materials in the workplace have been received this year as of the date of this report.

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

Associated Directive(s)

LE -01-011 ANTI-RACIAL PROFILING (Pending Approval)

The Police Learning Centre instructional staff has reviewed 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 and Patrol Training Officer Courses 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 potential racial tensions.

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 consent.

There were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act* that resulted from these separations.

3. ACQUAINTANCE WITH WRITTEN DIRECTIVES

Written Service Directives are available to all members through the DRPS intranet. The Human Resources Unit continues to provide information at the time of a new member's enrolment to DRPS payroll and benefits. In 2011, all new members attended a personalized orientation session with a member of Human Resources.

The Police Learning Centre continues to provide electronic learning opportunities specifically designed to deliver content of Service directives in accordance with self-directed adult learning principles for our members.

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.

The Diversity Strategic Plan is currently under development in partnership with Graybridge Malkham. A member survey is forthcoming and will focus on self-identification of diversity, assessing the cultural competency of DRPS and increasing diversity competency for all members. Information gleaned from both this survey and previously held focus groups will drive the Service's five year diversity plan.

4. PREPARATION TO PERFORM DUTIES EFFECTIVELY AND SAFELY

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

The Service has robust programs addressing the mental and physical health of its members including:

- 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.

Highlights of 2011 (Jan to July 31st)

- Mental Health Initiative
 - A working group consisting of front line officers, Deputy Chief, Major Crime Detective, Communication member, HR, and PLC representatives have developed a new directive to address critical incident response within the Service to address supervisor duties, communications duties etc . The Mental Health steering committee was reorganized to oversee the projects and assist in moving these to completion.
 - A Peer Support group has been formed to provide immediate assistance to peer officers for trauma and critical incidents.
 - Resiliency training was completed for Traffic Division members; personalized training for the Courts Service branch is currently in the design phase
 - Mindsight, a mental health internal website provided to DRPS from Innovation Centre at UOIT, is in the design phase. We are in the process of adapting to DRPS by incorporation video messages from officers across the Service who will share key messages from their individual experience to demonstrate the importance of addressing mental health.
- Healthy Apples – This year yielded the highest number of participants. Program details were solidified and there is increased tracking and accountability during the program. Member feedback regarding the psychological portion is becoming more positive.
- Continuing partnership with UOIT RN students – Health and Wellness projects completed for 2011 to date included research and development of local area resources providing wellness services for member use which was shared amongst the membership; and “Heart Health” which provided the opportunity for members to be screened for high blood pressure and cholesterol.

- Education sessions provided by our Employee and Family Assistance Program provider included professionalism in the workplace and nutrition for shift workers. An E-learning module is being developed for the latter to ensure that this important information is accessible to all members of the Service.

From January 1st to July 31st 2011, there were 112 occupational injuries reported in the DRPS. The most frequent accident types were:

1. Struck Against / Contact With – 25 incidents (22% of total)
2. Exposure – 25 incidents (22% of total)
3. Slip/Trip/Fall – 18 incidents (16% of total)
4. Training – 16 incidents (14% of total)

Nine overexertion, three repetitive strain, three caught in/under/between, two motor vehicle collision and one incident with no injury comprise the remaining accident types.

5. SECONDARY ACTIVITIES

Associated Directive(s):

HR-02-001 SECONDARY ACTIVITIES

The Police Services Act does not prohibit secondary activities, however, it places some reasonable restrictions on police service members to ensure that their activities conducted outside of regular duty time do not negatively interfere or influence their on-duty performance, or place them in a conflict of interest. In certain circumstances, the Act requires members to disclose their activities to the Chief.

There have been no circumstances of misconduct noted at the time of this report, where a sworn or civilian member engaged in an activity that contravenes section 49 (1) (secondary activities). Human Resources has not received any requests for secondary activities contravening section 49(1) of the Act.

6. PERFORMANCE APPRAISAL SYSTEM

Associated Directive(s):

HR-03-001 PERFORMANCE MANAGEMENT PROCESS

AO- 09-004 CIVILIAN DISCIPLINE PROCESS

As reported in April 2011, Service-wide compliance for performance and development reviews conducted in 2009 (and received in 2010) was 87.4%. Compliance for reviews conducted in 2010 and recorded this year was 86%. In Q3 the Performance Mgmt Steering Committee will review audit results and make recommendations to improvements in this year's cycle to ensure effectiveness of the process for all user groups.

Our competency-based performance system of core and supervisory competencies extends to the Promotional Assessments. Block training of sworn members continues to incorporate specifics on the Supervisory Competencies to develop greater understanding and to facilitate more meaningful, demonstrable examples of performance.

7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS

Associated Directive(s):

AO-05-004 RISK MANAGEMENT AND LEGAL INDEMNIFICATION

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.

As of July 31st, 2011 Legal Services has received six applications for legal indemnification, of which three claims were approved, and three claims are pending submissions of appropriate DRP forms. All six claims are for Highway Traffic Act (HTA) offences. Invoices are yet to be received for any of the approved matters.

The total expenses for outstanding Legal Indemnification paid in 2010 were \$52,889.93 based on eleven applications. Of this, \$50,812.13 was for a criminal code charge for which the accused was acquitted.

8. WORKPLACE VIOLENCE AND HARASSMENT

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

Response to Bill 168 included the creation of the Respect in the Workplace Committee comprising HR and Professional Standards leadership. This joint approach ensures that complaints are reviewed and dealt with in a coordinated effort. Further, the Service developed mandatory training for all members to understand this legislation and the impact in our workplace; at the time of this report, the compliance rate for this e-learning was 94%.

In the first quarter of 2011 the initial risk assessments were completed. By the end of Q3 the full report together with recommendations shall be issued to the Chief of Police for review. Information gleaned from these assessments will result in ongoing improvements to our Respect in the Workplace program.

There has been one incident of workplace violence reported to the Service in 2011; it is currently under investigation.

9. DOMESTIC VIOLENCE IN THE WORKPLACE

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

As part of the active ongoing efforts to ensure compliance with Bill 168, partnership will continue with members of the Domestic Violence unit, and the Respect in the Workplace Committee to address the potential risk of domestic violence in the workplace. As of July 31st, 2011 one incident of domestic violence was reported to Human Resources. The matter was reviewed and resolved expediently without issue.