

Classification **PUBLIC**

Meeting **July 2014**

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:

07 July, 2014

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 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 (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 which conform to a uniform standard, are in accordance with Adequacy Standards and are accessible by all members via the Service’s Intranet. In 2013, the Service set out to implement a system categorizing the directives in four levels of high to low priority. The system will improve accessibility to and knowledge of key policies for members regarding processes, roles and responsibilities. This initiative is in the final approval stages and is anticipated to be in place prior to the end of July 2014.

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 16 new grievances in 2013 of which:

- 10 were settled (9 prior to reaching Board level)
- 4 progressed to the arbitration stage
- 2 are ongoing and continue to be discussed

Historical grievance activity is as follows:

Grievance Activity

YEAR	NEW GRIEVANCES
2009	14
2010	14
2011	7
2012	5
2013	16
2014 (as of June 27th)	7

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

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

RECRUITMENT AND SELECTION

Although not an active year for new recruit hires, DRPS attended approximately 68 community events in 2013 to support future recruitment. As of May 19, 2014 representatives from the Service have attended approximately 28 events. Attendance at these various events supports community partners and develops relationships, strengthening the potential candidate pool that may be required to meet future hiring requirements. 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 January 1 to December 31st 2013, the Service hired a total of 19 part-time civilian members. Of this group 14 were female and 5 were male. There were 238 student hires (107 female and 112 male) in 2013 of which the vast majority participate in the Youth in Policing program.

From January 1 to April 30, 2014, the Service hired a total of three part-time civilian members. Of this group two were female and one was male.

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 in 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 2013, 20 members made application for Educational Assistance, a decrease of 64% from the 56 in 2012. Sixteen of the 20 applications were processed and those who satisfactorily completed their courses received reimbursement in accordance with the Directive. The total payout for approved and completed requests for learning opportunities was \$19, 994.00 which is approximately \$7, 000.00 less than in 2012. There were no complaints of preferential or prejudicial treatment as it pertained to career development or the educational assistance program.

In 2013 the Service offered a new Leadership Development Program accessible to all members. Areas of study include: emotional intelligence; leadership management; conflict management; team building; strategic planning and the like. The program consisted of 34 in class hours and was completed by 12 participants in various ranks and roles across the Service. In 2014, the number of participants has doubled to 24.

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. No promotions were made in 2013 or 2014 to date; temporary supervisors were placed into acting roles where required.

The 2013/2014 promotional list includes the following number of participants at each stage:

- 65 Constables (Step 1 – Constable to Sergeant)
- 29 Sergeants (Step 2 – Sergeant to Staff Sergeant)
- 10 Staff Sergeants (Step 3 – Staff Sergeant to Inspector)

As part to the Continuous Improvement Program and as noted in KPMG's review of the Service's people processes, the promotional process will be refreshed to ensure optimum effectiveness. The Service aims to release the refreshed promotional process by the end of 2014.

SEPARATION

Separations and retirements are regularly reported to the Board through the monthly Human Resources Update reports. Activity in this regard from 2009 to 2014 is as follows:

Separation Activity

	2009	2010	2011	2012	2013	2014 (April 30)
RESIGNATIONS						
SOA		3	3	1		
Uniform	23	13	10	9	3	
Civilian FT / PT	4 / 1	2 / 29	1/6	2 / 10	4 / 17	1 / 3
Students	55	64	73	81	209	78
Subtotal	83	111	93	103	233	82
RETIREMENTS						
Chief						1
Deputy Chief				1		
SOA		2	2	6		2
Uniform	9	17	13	12	13	12
Civilian FT / PT	5 / 0	1 / 0	3	3 / 0	5 / 0	3 / 0
Students						
Subtotal	14	20	18	22	18	18
TOTAL	97	131	111	125	251	100

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 had nine respect in the workplace concerns brought to its attention in 2013. Of the nine:

- Six were addressed formally by way of a formal review and three were addressed informally by way of mediation, discussion, etc.
- One complaint cited allegations of harassment pertaining to a protected ground of the *Human Rights Code* of Ontario; the remaining eight were allegations of personal harassment or bullying (Bill 168).
- Eight matters have been successfully resolved and one is outstanding.

Three workplace matters have been reported between January 1, 2014 and June 15, 2014 of which:

- One complaint was withdrawn after discussing the matter thoroughly with staff;
- One was addressed through a concurrent Professional Standards investigation; and,
- One formal investigation is pending.

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 (June 15)	3

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

Procedures pertaining to employment accommodation are set out in the Service’s directive, Disability Management (HR-03-007). In 2013, there were 60 modified work assignments implemented by the Service. The number of permanently accommodated sworn members rose from 27 in 2012 to 30 in 2013. The total number of permanently accommodated civilian members decreased from 18 in 2012 to 17 in 2013. Each permanent accommodation is reviewed on an annual basis and updated medical is required all members with a need for a permanent accommodation.

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 2013, nor have any been received this year as of June 15.

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 April, 2014 was 93%.

The Service assigned a full time member to fill the vacant role of the Diversity Coordinator in January 2014. Part of this position’s mandate includes educational support to members regarding inclusivity and diversity related matters. A “Diversity Resource Group” was implemented under the tutelage of the Coordinator consisting of representatives from across the Service. The group’s mandate is to increase diversity and inclusivity awareness within the Service in addition to increasing the DRPS’ exposure to the external community.

New members will undergo race relations, diversity and inclusivity education through the Service’s Police Education and Innovation Centre. This training will be included in the Police Recruit Orientation, a component of which features field studies of diverse cultures throughout 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 were held in 2014 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.

Another indicator of compliance for Provision 4, is the tracking of injury on duty reports for members. There were 238 occupational injuries reported in 2013; a 4.4% decrease from 2012's incidents which totaled 249. In 2013, the most frequent injury on duty reported was 'Exposure.' Out of the 44 Exposures reported, 7 members lost time from work, 16 sought medical attention and 21 were reportable events only.

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

Historical Occupation Injuries

Category	2012	2013	2014 (at May 31)
Slip Trip or Fall	42 (16.87%)	43 (18.07%)	24 (32.0%)
Over Exertion	39 (15.66%)	32 (13.45%)	13 (17.33%)
Exposure	27 (10.84%)	45 (18.91%)	6 (8.00%)
Struck By	33 (13.25%)	34 (14.29%)	4 (5.33%)
Struck Against or Contact With	43 (17.27%)	40 (16.81%)	7 (9.33%)
Training	36 (14.46%)	23 (9.66%)	12 (16.00%)
Motor Vehicle Collision	18 (7.23%)	11 (4.62%)	6 (8.00%)
Caught in Under or Between	7 (2.81%)	3 (1.26%)	0

No Injury	0	2 (0.84%)	2 (2.67%)
Repetitive Strain	4 (1.61%)	5 (2.10%)	1 (1.33%)
Total Incidents Reported	249	238	75

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
- **No Injury** means Non-WSIB compensable
- **Training** includes PEIC, OPC, work outs in on site gym

Along with physical safety, the Service also supports mental health and safety by continuing to promote the Healthy Apples Program. The program aims at improving the physical and mental health of members who voluntarily enroll in the program. 2013 was the most successful year since the program’s inception; 217 members enrolled and of those, 182 completed the program. In 2014, 310 members have enrolled in this beneficial program.

Mental health initiatives designed at supporting our members continue to be featured. On May 27, 2013 the Service hosted the “Emotional Survivor Symposium” and UOIT which included Dr. Kevin Gilmartin, a behavioural scientist specializing in law enforcement, together with other notable guest speakers. Over 130 members attended and as a result of the success, another mental health symposium is being pursued for the fall of 2014. In April 2014, “Mental Health for Leaders”, a Morneau Shepell facilitated and Queen’s University Certified course for supervisors, was offered. DRPS was the first police service in the province to offer the program to management staff.

Support for the peer support program, PILLAR, has been maintained. In the last 14 months, 17 volunteer members have assisted over 100 fellow members with personal stress related issues. The Service partnered with Centennial College for the first time in 2014 in their Postgraduate Certificate Program in Workplace Wellness and Health Promotion. The students developed a wellness program consisting of a variety of initiatives that addressed the health and wellness needs of members in the Communications Unit. The program was aimed at improving physical, nutritional and mental well-being and addressed areas of physical activity and weight management, healthy eating and stress management. Based on the results and feedback provided, members appreciated the program initiatives and advised that the program motivated them to be healthier while increasing their self-awareness.

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 changed. 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. Of the 106 applications received, participation in the following type of activities were requested; recreational sports, food service industry, real estate, retail sales industry, and teaching.

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 not received any requests to engage in secondary activities in 2014 as of June 15.

6. PERFORMANCE APPRAISAL SYSTEM

In 2007, the Service launched its competency-based performance management system designed to document the performance of all members. 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.

As the Board is aware, 2013 was a transition year; the timeframe to complete appraisals changed from October - December to the month in which the member's anniversary date of hire falls. In July 2013, the Service reported to the Board a compliance rate of 68% for performance appraisals. After receiving subsequent submissions, the final compliance rate for appraisals rests at 71% for 2013.

As of May 31, 2014, 425 performance appraisals ought to have been completed. Of the 425, 179 have been received resulting in a compliance rate of 42%. A further breakdown is attached at Appendix A.

As part of the Continuous Improvement Program, and more specifically the recommendations contained within the KPMG report, the appraisal process will be reviewed and amended to increase both quantitative and qualitative measures and compliance to same.

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.

2013 Activity

In 2013, Legal Services received four formal requests for legal indemnification, of which none were denied and:

- two claims are pending (both HTA); and
- two claims were approved (both HTA).

As of June 15, 2014, Legal Services Unit has not yet received any invoices for the above noted requests.

In 2013, legal indemnification totaled \$150,211.25 broken down as follows:

- \$38,521.25 for a directed hearing
- \$69,426.57 under section 7.01 (criminal/statutory offence)
- \$22,672.15 under section 7.02 (SIU)

2014 Activity

As of June 25, 2014, Legal Services has received 5 formal requests for legal indemnification, of which none were denied and:

- two (2) claims were approved (one HTA and one SOA)
- three (3) claims are pending (two SOA and one HTA)

Legal fees for legal indemnification as of June 25, 2014 totaled \$28,340.77, broken down as follows:

- \$15,381.65 – under Section 7.01 (criminal/statutory offence)
- \$12,959.13 – under 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.

In December 2013, the Ministry of Labour responded to a complaint made by the Durham Regional Police Association regarding the safety of portable radios. Three meetings were held in early 2014 with representatives from the Ministry, the Association and the Service to address issues with the Motorola R750 and officer safety. As a result of the discussions, the Service implemented a "Radio Battery Inspection Program". The Ministry did not issue an order to the Service regarding this

incident and no further issues were reported by the Joint Health and Safety Committee at future meetings which met as recently in June.

One incident of workplace violence was reported in 2013 stemming from personal conflict which resulted in an allegation of physical taunting. The matter was investigated internally and unsubstantiated. The involved parties were reassigned and no further incidents of conflict have been received.

There have been no reports of workplace violence received as of June 15, 2014.

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 2013.

ATTACHMENTS

Appendix “A” Performance Appraisals – Compliance Details

Compliance Rate
2014 Performance Appraisals
 At May 31, 2014

Division / Unit	Number of Members	Number of Reviews Completed	% Complete
15 Div	20	5	25
16 Div	16	9	56
17 Div	56	48	86
18 Div	43	24	56
19 Div	61	7	12
Business Services	38	30	79
Community Safety	7	6	86
Communications	27	1	4
Education & Innovation Ctr	9	5	56
Executive Staff	9	2	22
Human Resources	4	2	50
Information Technology	7	0	-
Intelligence Unit	22	16	73
Legal Services	1	1	100
Major Crime	29	1	4
Patrol Support	24	12	50
Professional Standards	6	1	17
Quality Assurance	1	0	-
Regional Duty Office	2	0	-
Regional Support	36	9	25
Secondments	4	0	-
Strategic Planning	3	0	-
Grand Total	425	179	42