

INTERNAL MONITORING REPORT

ENDS Treatment of Members

Period: January 1 – August 31, 2004

September 1, 2004

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.

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 four following policy statements fulfills the total requirements of this provision.

I therefore, report compliance with this Executive Limitations Policy.

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

Policy Provision #1:

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:

Clear rules governing personnel administration have been published in Service Directives, which are available to all members online and in printed versions available in all Service facilities. Action Plan A6.1 in the *2005 Business Plan* requires that a committee be established in the first quarter of 2005 to review the current directive system for ease of use, comprehension, and training.

A detailed, step-by-step, procedure for handling grievances is clearly described in the *Uniform Collective Agreement* and the *Civilian Collective Agreement*, both of which are available to all members online and in printed versions available in all Service facilities.

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.

Service Directive LT-05-001 *Career and Skills Development* establishes programs and strategies for the development of member's careers and is linked to thirteen published directives related to career development, including Directive LT-05-007 *Skills Augmentation Program*, Directive HR-04-004 *Constable Recruitment and Selection Process*, Directive HR-04-002 *Job Postings*, and Directives LT-03-001 through LT-03-003 *Promotional Process*. The Inspector of Employee Services will submit a Career Development Program proposal in the fourth quarter of 2004 that incorporates Executive Development and which will attempt to better integrate all aspects of career development currently available in the Service.

Detailed procedures for responding to and preventing discrimination and harassment in the workplace, including stereotyping, are found in Service Directive HR-02-009 *Workplace Harassment*, which was published in March 2000. 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.

Directive HR-02-009 *Workplace Harassment* clearly sets out the responsibilities of all members in ensuring that we maintain a respectful workplace and specifically prohibits the display of offensive material relating to race or sex. Further, a full-time Human Rights Coordinator is employed in the Human Resources Unit to train members in matters relating to Respect in the Workplace and investigate complaints of harassment or discrimination.

Procedures relating to workplace accommodation for members who are temporarily or permanently disabled are found in Service Directive HR-03-007 *Disability Management*. This directive has not been published, as yet, because we are awaiting comment from the Police Association before doing so.

A comprehensive strategic plan for achieving organization-wide effectiveness in the area of race relations and ethnic diversity is under development and will be completed before year-end. The plan will include a program for training on race relations, diversity and human rights that will commence early in 2005. All members have received training in these areas at various times but we are seeking to improve the quality and extent of the training delivered.

I report compliance with this provision.

Policy Provision #2:

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:

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.

I therefore report compliance with this provision.

Policy Provision #3:

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:

Written Service Directives, are available to all members online and in printed versions available in all Service facilities. As mentioned previously in this report, a committee will be established in the first quarter of 2005 to review the current directive system for ease of use, comprehension, and training.

The Police Learning Centre has developed an e-learning program in cooperation with Durham College that specifically addresses Service Directives and which will include modules on race relations, diversity, human rights, and career development.

Electronic Parade (*E-Parade*) is a computer-based, information-sharing platform that was launched in all Divisions in April 2003. Members are briefed daily by their supervisors using a projection system that displays up-to-date information relevant to the performance of their duties. *E-Parade* includes a daily feature called, "Directive of the Day" which highlights important policies and procedures. *E-Parade* has included, and will continue to include, information about workplace harassment, diversity, human rights, and respect in the workplace.

The Local Promotional Examination is based entirely on information found in Service Directives relating to internal policies and procedures, including race relations, diversity, human rights, and career development. More than 100 members of the Service write this examination annually.

The Quality Assurance Unit regularly publishes new Services Directives and amendments to existing Directives on the "What's New" section of Media One – our internal intranet system.

I report compliance with this provision.

Policy Provision #5:

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:

Service Directive HR-01-001 *Performance Management* is an unpublished directive that sets out procedures for the annual evaluation of member performance. Consultation with the Police Association did not result in agreement about some aspects of the process and publication of the Directive has been therefore delayed. Nonetheless, all civilian and police members below the rank of Inspector are currently evaluated using this system. The process takes a developmental approach to member performance and does not include a behavioural anchored rating system (scoring), thus making it difficult to compare the performance of members relative to each other. The Inspector of Employee Services is currently reviewing the matter, in consultation with the Police Association, and will make recommendations for a solution in the first quarter of 2005.

A Senior Management Performance Development Plan, that includes a performance appraisal component, will be implemented in the fourth quarter of 2004. The focus of the Performance Development Plan is on accountability for achieving performance goals and

the ongoing development of manager competencies for job success. The performance of senior civilian managers, Inspectors, and Superintendents will be appraised using this system.

I am not able to report full compliance with this provision at this time.

Policy Provision #6:

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:

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.

With regard to Item 6(c)(iii) above, it should be noted that Article 7 of the Senior Officer's Collective Agreement obliges the Board to indemnify Senior Officer Association members in proceedings and discipline charges under the Police Services Act (and regulations) except in misconduct proceedings which result in a finding of misconduct and a penalty of dismissal or reduction in rank is imposed.

I report compliance with this provision.

Kevin McAlpine
Chief of Police