

Classification **PUBLIC**

Meeting **May 2006**

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



Recommended Motion:

THAT the Board find that all provisions of the Treatment of Members 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.

Signed: _____
Chief of Police

Date: _____

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

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

Policy Provision #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 Support:

Policy provision 1 a)- *Clarifying rules for members:*

Clear rules governing personnel administration 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. In accordance with Action Plan A6.1 (2005 – 2007 Business Plan) a committee was established to review the current directive system for ease of use, comprehension, and training. The Service Directives are being re-formatted to conform to the standards established through the committee. To date 76 directives have been formatted in the new style. There are 121 directives available in the old format, most of which are in some stage of review/reformatting. The Quality Assurance Unit has been downsized, and civilian expertise has been hired to craft the new directives.

I therefore report compliance with this provision.

Policy provision 1b) *Effective handling of Grievances:*

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. The Inspector of Employee

Services is tasked with tracking and recording all grievances and arbitrations to ensure they are being responded to and acted on appropriately.

I therefore report compliance with this provision.

Policy provision 1 c) i) *Protect against preferential or prejudicial treatment of members:*

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 through LT-03-003 Promotional Process

LT-05-003 Educational Assistance Program

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. Recruitment/ Selection.

The Service has designated a Staff Sergeant to champion the Service's Diversity strategy. A significant component of that job focuses on recruiting, and ensuring that the Durham Regional Police Service embraces equality of opportunity in employment. Our recruiting efforts in 2005 attest to our commitment to be reflective of the communities that we serve. It is recognized within the diversity strategy that our outreach efforts may take some time to show rewards. Our selection practices have followed the Ontario Association of Chief's of Police recruitment guidelines. In 2005 forty three (43) sworn officers and twenty eight (28) civilian employees were hired. Of those new hires, twelve (29%) were female, and four (7%) were visible minorities.

Of the several hundred applications received, three (3) enquiries from applicants for constable deemed unsuitable were received. Each file was reviewed and the rationale for disqualifying the applicant was clearly supported. There were no formal complaints regarding prejudicial or preferential treatment as result of our hiring practices.

I therefore report compliance with this provision.

Career Development

The Career Development program is established and readily accessible to all members within the organization through the Human Resources website. The directive has been revised to preclude education focused on secondary employment, post retirement, or post separation employment. In 2005 sixty (60) candidates from both sworn and civilian staff made application for Educational Assistance. All requests that qualified were approved, and those who satisfactorily completed their courses received remuneration in accordance with the Directive. The budget allocation was within

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

I therefore report compliance with this provision.

Promotion

I can report that in 2005 there were three (3) instances where uniform members requested preferential consideration in the current promotional process. In all three (3) instances the officers requested specific consideration that could be perceived as providing preferential treatment to them. In two (2) other instances officers requested extensions of their qualifications for the entire group of candidates.

In order to maintain the precedent of fairness and consistency between candidates, and groups of candidates, all of their requests were declined.

I can report compliance in that the Service has a policy regarding equality of treatment in the area of promotion.

Notwithstanding all of the proactive measures and policies regarding the effective management and equal treatment of members as regards promotion, there were two (2) ongoing grievances challenging the promotional process. At the time of this report the grievances have been resolved.

Separation

Separations and retirements are regularly reported to the Board during 2005 through the Compensation and Benefits reports. There were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*, as result of any separations.

I therefore report compliance with this provision.

1 c) ii) Preventing discrimination and harassment in the workplace:

Associated Directive(s)
HR-02-009 "Respect in the Workplace."

Detailed procedures for responding to and preventing discrimination and harassment in the workplace, including stereotyping, are found in Service Directive HR-02-009 "*Respect in the Workplace*." 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.

In 2005 there was one outstanding formal grievance, the basis for which was Human Rights violation(s). That grievance has been resolved. There was one (1) written complaint and six (6) informal complaints of workplace harassment. Following review and mediation efforts there are no outstanding issues in relation to workplace harassment.

A new Directive focusing on *Member Safety and Personal Security – Threat Assessment in the workplace* has been drafted to deal with threats from both members of the public, and threats from other employees within the workplace. The precursor(s) to workplace violence often include unwanted comments or unwelcome advances, harassing behaviours, and the escalation of aggression towards the victim. Given the incidence of workplace violence and harassment experienced in other organizations it is critical to ensure the service has the capacity to invoke individual safety plans within the workplace, particularly if the threat originates from a co-worker. This Directive provides proactive, timely response to any such incident.

I therefore report compliance with this provision.

1 c) iii) Establish procedures on employment accommodation:

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*. While there are no outstanding issues of improper accommodation, the Service is nearing a point at which undue hardship as defined by the *Ontario Human Rights Code* may need to be considered.

I therefore report compliance with this provision.

1 c) iv) Sexist, derogatory materials in the workplace:

Associated Directive
Directive HR- 02-009 “*Respect in the Workplace*”

Our specialists in Human Resources have not received any complaints of inappropriate materials posted within the workplace, nor have supervisors or Unit Leaders identified any instances of inappropriate materials within our facilities.

I therefore report compliance with this provision.

1 c) v) Training on race relations and Diversity:

Associated Directive(s)- N/A

The Service has designated a Staff Sergeant to champion the Service’s Diversity strategy. One component of implementing our Diversity strategy has been to seek out specific training opportunities. A Diversity training module has been incorporated and delivered into every mandatory training session in 2006. All civilian employees will receive the Diversity training module in June of 2006.

The Police Learning Centre instructional staff has undertaken a review of all of the courses delivered by our staff, and sought out specific opportunities to insert 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 course and Coach Officer training includes an element of cultural competence and awareness for the Supervisor or Coach officer as they deal with new, diverse recruits.

The Service has undertaken to complete its first Internal Demographics survey, to identify the strengths and potential that our current employee group has to offer. A significant educational and awareness messaging plan has been rolled out with the support of our Corporate Communications Branch to advance the collective knowledge and understanding of the importance of diversity to our Service.

I therefore report compliance with this provision.

Policy Provision #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 Support:

Associated directive(s)- N/A

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.

As reported to the Board during 2005, there were twenty-one separations during the year: twelve police and nine civilians. Of the former separations, nine resigned and three retired and, of the latter, six resigned and three retired. As result of these separations there were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*.

As previously mentioned in this report, the one outstanding grievance alleging Human Rights violation(s), and the two grievances in relation to the Promotional system have been resolved.

I therefore report compliance with this provision.

Policy Provision #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 Support:

Written Service Directives, are available to all members online. The Human Resources Unit continues to update and provide a computer-based program for new employee orientation which includes Directives of relevance to new members, and which is distributed in CD form at the time of the new employee's enrolment.

The Police Learning Centre has developed an enterprise learning program in cooperation with Durham College and the Region of Durham that has identified April 24th, 2006 as its launch date. The E-learning program content specifically addresses Service Directives, which will include modules on race relations, diversity, human rights, career development, and human resource management. As stated previously, classroom instruction in relation to our Diversity strategy, policies and procedures are also included in most Service training programs including Recruit Training, Supervisor Training, and annual mandatory training for all sworn members. Specific modules relating to diversity and workplace harassment will also be presented to civilian and auxiliary officers.

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* has included, and will continue to include, information about workplace harassment, diversity, human rights, and respect in the workplace.

Our 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.

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, career development, and human resource management. More than 100 members of the Service write this examination annually.

I therefore report compliance with this provision.

Policy Provision #4:

"Allow members to be unprepared to perform their duties effectively and safely in accordance with legislated and/or commonly accepted performance standards including the Occupational Health and Safety Act (RSO 1990 CHAPTER 0.1.)"

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Associated Directive(s)-

Directive LE-10-001 Suspect Apprehension Pursuits

Directive HR-05-002 Occupational Health and Safety

Directive AO-19-006- Police Use of Handguns/Firearms

Directive AO-19-010- Police use of Shotgun

Directive AO-19-003- Police Uniform Equipment, Dress and Appearance

Directive AO-19-002- Off site Storage and Security of Issue Firearm

Data Support:

The Policing Standards Section of the Ministry of Community Safety and Correctional Services (the Ministry), under the authority of the *Police Services Act*, conducts systematic inspections and reviews of police services to ensure compliance with legislation and policing standards such as the *Occupational Health and Safety Act*, the *Workplace Safety and Insurance Act*, and the *Police Services Act*, including its Regulation on the *Adequacy and Effectiveness of Police Services*.

A clear indicator of our efforts in focusing on safety relates to the attention paid to vehicle pursuits, which are particularly high risk to the community, persons involved, bystanders, and our officers. Directive *LE-10-001 Suspect Apprehension Pursuits* governs the conduct of officers engaged in this high-risk activity. The Quality Assurance unit is tasked with reviewing every incident of pursuit for compliance, including mandatory debriefings, remedial actions, and archiving for retention. By implementing this focus on education, awareness and prevention our pursuits have decreased from sixty-two (62) down to forty-eight (48) in 2005.

The first training module of the new E-learning program is entitled “*In pursuit of Excellence*” and deals with bona fide examples of pursuits that occurred within our Region. This training includes testing for mastery of the written directives, along with situational reviews.

A joint Health and Safety committee, constituted under the *Occupational Health and Safety Act*, and comprised of certified employee and management representatives meets monthly to discuss health and safety concerns, review progress and make recommendations to the Chief. The committee carries out regular monthly inspections of the workplace to identify hazards, working conditions, and procedures that may endanger the health and safety of employees, or visitors within our facilities. The Human Resources Branch has assigned the Assistant manager, who has significant health and safety related experience to assume the role of Committee facilitator. A full review of our health and safety policies, procedures, committee structure, the tracking of recommendations, and archiving of minutes has been completed, and significant improvements to the process have been implemented. The Health and Safety Committee has a workplace audit as one of its goals for 2006.

One area of specific concern being addressed by the Health and Safety Committee relates to the Service's Firearm range. On Wednesday April 5th, 2006 the Ministry Of Labour commenced an inspection of our Range facilities. Our renewed focus on health and safety in relation to this venue and the wellness of our assigned training cadre should factor into the Inspector's findings. On April 12th the Ministry of Labour Inspector attended and provided the Service with a compliance order regarding Lead assessment, due by may 12th 2006. It is our intention to have the assessment completed and to be well on our way to implementing an up to date Lead control program to ensure the safety and well being of all officers, and particularly our Firearms instructors. Specific Health and Safety training for committee members and worker representatives is ongoing, and we currently exceed the Occupational Health and Safety Act requirements in that regard.

A joint Equipment committee comprised of employee and management representatives meets regularly to discuss equipment concerns, review progress and make recommendations concerning the acquisition and use of equipment. The issues presently being reviewed by the Equipment Committee include cruiser ergonomics as they relate to mobile workstations, and alternatives to overloading an officer's duty belt with personal protective equipment and Use of Force options.

In 2005, the average sworn officer received ten (10) days of training to prepare them to perform their duties safely and effectively in accordance with legislation and established standards. Training and certification courses are regularly conducted at the Police Learning Centre, the Canadian Police College, the Ontario Police College, and at other training centres to qualify members as Supervisors, Coach Officers, Homicide Investigators, Domestic Violence Investigators, Advanced Collision Investigators, and Scenes of Crime Officers to name only a few. Specific Health and Safety awareness and obligations are included in most of the curriculum.

Mandatory training and re-certification in the Use of Force and officer safety is conducted annually for all sworn members to ensure they remain qualified under *Reg 926, sec 14.2* of the *Police Services Act*. Training and procedures are in place to ensure that prescribed equipment, materials and protective devices are provided; that they are maintained in good condition; that prescribed measures and procedures are followed, and; that the equipment, materials and personal protective devices provided are used as prescribed.

I report compliance with this provision.

Policy Provision #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 Support:

Associated Directive(s) HR- 01-001 *Performance Management*

The Service has in place a Performance Management system requiring annual assessments. This system had originally been developed primarily for front line officers. It has been modified and maintained by Unit leaders to assess the competencies consistent with specific job requirements.

I report compliance with this provision.

Policy Provision #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 Support:

Associated Directive(s)
AO-05-004 *Risk Management and Legal Indemnification*

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.

From the date of the last Treatment of Members report, seven applications for legal indemnification were approved by the Director of Legal Services. All seven were in compliance with the Police Services Act, applicable Collective Bargaining Agreement and the *Risk Management and Legal Indemnification Directive*. Total legal indemnification expense was \$16,521.00.

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.

Based on the above proof provided, I report overall compliance with the policy.

Attachments:

Addendum 1 – Performance Management

Addendum 2 – Turnover Rate