



INTERNAL MONITORING REPORT

ENDS: TREATMENT OF MEMBERS

Period: September 1, 2004 – December 31, 2004

Date: February 14th, 2005

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 Support:

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. In accordance with Action Plan A6.1 (2005 – 2007 *Business Plan*) a committee has been established to review the current directive system for ease of use, comprehension, and training. An improved system has been identified and will be implemented by April 15, 2005.

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 has submitted a Career Development Program proposal that is designed to better integrate all aspects of career development currently available in the Service. The Deputy Chief – Administration, is currently reviewing the proposal.

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. The directive was recently revised, updated, and renamed, "*Respect in the Workplace.*"

The directive 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*. The Police Association has expressed concern about some provisions in this directive and several meetings have been held with Association representatives in an attempt to resolve the issue. Necessity has required that many of the procedures be implemented notwithstanding that the directive has not been formally brought into effect. A legal opinion supporting the new procedures and their implementation has been obtained.

A draft strategic plan for achieving organization-wide effectiveness in the area of race relations and ethnic diversity has been received from Graybridge-Malkam Consultants, a consulting firm hired to review current programs and policies and make recommendations for improvement. A committee chaired by the Deputy Chief – Administration is reviewing the draft plan and providing requested feedback to the authors. The plan includes a program for training on race relations, diversity and human rights that will commence in 2005. The final version of the plan should be delivered by February March 1, 2005.

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 Support:

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 Support:

Written Service Directives, are available to all members online and in printed versions available in all Service facilities. The Human Resources Unit recently developed 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 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. Classroom instruction in related policy and procedure is also included in most Service

training programs including Recruit Training, Supervisor Training, and Block Training.

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 #4:

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.

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. The 2004 Ministry audit of Durham Regional Police Service confirmed our compliance with legislation and performance standards in the areas inspected.

Durham Regional Police Service Directives governing the training, certification, and supervision of members as well as the type of equipment to be used and its safe operation have been published and are used by all members. Members and supervisors use the Directives as primary tools to assist with their understanding and implementation of related internal policies and procedures as well as such legislation 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*.

The Directives establish policies, procedures and programs, which are designed to ensure that standards and legislation in the delivery of police services are met. They promote professional police practices and include information, advice, and guidelines respecting the safe and effective operation and management of the Service.

A joint health and safety committee, constituted under the *Occupational Health and Safety Act*, and comprised of certified employee and management representatives meets regularly to discuss health and safety concerns, review progress and make recommendations. The committee carries out regular inspections of the workplace to identify hazards, working conditions, and procedures that may endanger the health and safety of employees. In addition, a part-time, certified, Occupational Health and Safety Representative is on the staff of the Human Resources Unit.

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.

24-hour supervision is provided in all work locations by trained and qualified supervisors, all of who undergo annual refresher training aimed at the ongoing development and improvement of supervisory skill, knowledge, and ability.

In 2004, 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.

Mandatory training and re-certification in the Use of Force and officer safety is conducted annually for all sworn members 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 carried

out, and; that the equipment, materials and protective devices provided are used as prescribed.

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 Support:

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, has been implemented. 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 all senior civilian managers, Inspectors, and Superintendents is currently being 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 Support:

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.

Signature: