



REPORT TO THE POLICE SERVICES BOARD

Author: Inspector James Lamothe #691

Date of Report: 10/20/2022

Type of Report: Public

Title: Monitoring Report – Discipline of Members

RECOMMENDED MOTION:

That the Board finds that all provisions of the *Discipline of Members Executive Limitations Policy* has been complied with.

I hereby submit my monitoring report on your *Executive Limitations Policy: Discipline of Members* according to the schedule set out. I certify that the information contained in this report is true.

BOARD POLICY STATEMENT:

High levels of public trust and confidence in the police are essential features of a safe community. In order to achieve high levels of trust and confidence, the police must be held accountable, and be perceived to be held accountable, when they engage in conduct that is contrary to the values and high ethical standards that the DRPS strives to uphold. The handling of discipline within the Police Service by the Chief of Police is therefore demonstrative of the DRPS' commitment to the safety and wellbeing of the community.

POLICY APPLICATION:

The Chief of Police shall be guided by consideration of the following principles in the imposition of disciplinary measures of sworn and civilian members, recognizing that each situation is unique and aggravating or mitigating factors may be present including:

- *The public interest*
- *Fairness to the police member*
- *Consistency (internal and external)*
- *Efficiency*

All disciplinary processes and procedures shall be carried out in accordance with legislated requirements.

REPORTING:

Each quarter, a report shall be prepared and presented to the Board that includes a summary of:

- a) *The type of misconduct or unsatisfactory work performance that occurred*
- b) *The Division and/or Unit that the Member was assigned to when the misconduct occurred*
- c) *The number and type of disciplinary measures imposed*
- d) *A comparison to the previous reporting period's statistics*

INTERPRETATION OF THE CHIEF OF POLICE:

It is my interpretation of this policy that the Police Service shall have written procedures for holding members accountable when their conduct does not meet acceptable standards. Though each situation is unique, I shall ensure that discipline is administered in accordance with legislated requirements and guided by public interest, fairness, consistency, and efficiency.

I shall demonstrate the Police Service's commitment to safety and well-being through the appropriate handling of discipline of its members and by reporting to the Board: the types of misconduct or unsatisfactory work performance that have occurred, the division or unit where the incident(s) occurred, the types and number of disciplinary measures imposed, and a comparison to the previous reporting period. Further, it is my interpretation that providing the foregoing information according to the reporting schedule set out by the Board satisfies the reporting requirements of this policy.

****Please note**** the reporting period has changed from the previous year's report.

DATA SUPPORT:

During this reporting period, three members were investigated and the investigations resulted in the members being disciplined.

1. The type of misconduct or unsatisfactory work performance that occurred.

From May 18th to September 26th, 2022, three members were disciplined as a result of Police Service Act (PSA) investigations. The substantiated misconduct identified included two counts of Discreditable Conduct, two counts of Insubordination and two counts of Neglect of Duty.

2. The Division and/or Unit that the Member was assigned to when the misconduct occurred.

The members worked at Central West, Central East and East Division.

3. The number and type of disciplinary measures imposed.

The three investigations were resolved informally as per the Police Service Act. The following were the dispositions for each file:

- Forfeiture of 12 hours without pay
- Forfeiture of 72 hours without pay
- Forfeiture of 24 hours without pay

4. A comparison to the previous reporting period's statistics.

Please note – the report the Board received in September 2021 was for a reporting period from May 1st, 2021 to August 31st, 2021. The below comparisons are for the period May 18th, 2021 to September 26th, 2021 so that the comparisons would match the same timeframe

By comparison, ten member's investigations were resolved between May 18th to September 26th 2021.

By comparison, the substantiated misconduct resolved between May 18th to September 26th 2021 were nine counts of Discreditable Conduct, one count of Neglect of Duty. One of the matters was a Workplace Harassment investigation involving a civilian member which resulted in misconduct of unsatisfactory work performance. The in camera discipline allegation is not noted here.

By comparison, the Division and/or Unit that the Members were assigned to when the misconduct occurred in 2021 are five members were assigned to Central East Division, two were assigned to West Division, one member was assigned to Communications and one member was assigned to East Division. The in camera discipline work location is not noted here.

By comparison, four investigations were resolved formally within the PSA hearing process. As is required by section 85(8) of the PSA, notification to the Board is required when penalty imposed or actions are taken under section 85, subsections (1), (2), (3) or (7), and accordingly, the matter was reported during the in camera session of the July 2021 Board meeting. The penalty imposed in this file was Held In-Camera and therefore cannot be released. The other three files resolved formally within the PSA hearing process during this time frame, were reported to the board and the penalties imposed for two was termination and the remaining file resulted in a demotion from 1st Class to 2nd Class Constable for a period of 13 months.

The other six investigations were resolved informally by Police Service Act and/or Civilian Discipline process. Forfeiture of 18 hours, 24 hours and 12 hours to be worked without pay was the disposition imposed in three investigations. Written Reprimands were received in three of the other penalties imposed along with one member also receiving workplace harassment training.

In reviewing the dispositions there are no discernible patterns related to members or work locations. It should be noted that five members that received discipline were from Central East Division however, the start of these investigations ranged from 2015 to 2021.

Report Approval Details

Document Title:	Discipline of Members.docx
Attachments:	
Final Approval Date:	Oct 6, 2022

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to be 'Todd Rollauer', with a stylized, overlapping structure.

Todd Rollauer