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Item No. 2
Halifax Board of Police Commissioners
February 27, 2017

TO: Chair and Members of Halifax Board of Police Commissioners

Original signed

SUBMITTED BY:

Chief of Police, Jean-Michel Blais, Halifax Regional Police

DATE: February 22, 2017

SUBJECT: Disclosure or Use of Private Information in Public Statements

INFORMATION REPORT

ORIGIN

At the December 19, 2016 Board of Police Commissioners' meeting, private information in public statements was discussed. As a result of that discussion, a motion was put and passed that a staff report be created. Specifically, it was:

“Moved by Commission Mitchell that the Board of Police Commissioners ask for information about HRP policies and procedures concerning the disclosure or use of private information in public statements. MOTION PUT AND PASSED.”

LEGISLATIVE AUTHORITY

- *HRM Charter*, Section 21 respecting the procedures of Advisory Committees.
- HRM By-Law P-100 Respecting the Board of Police Commissioners for the Halifax Regional Municipality in particular section 8(2)(c): “The Board in accordance with the *Nova Scotia Police Act* and HRM Bylaws may in consultation with the Chief of Police, review priorities, goals, and objectives of the municipal police service.”
- Sub-section 55(3)(e) of the *Police Act* which stipulates that one of the functions of the Board of Police Commissioners is to “(...) act as a conduit between the community and the police service providers.”

BACKGROUND

Halifax Regional Police is a municipal police organization and therefore subject to the *Municipal Government Act (MGA)*, Part XX, concerning the release of personal information. The *MGA* provides for other federal and provincial legislation to be utilized to define when information can be released. The circumstances and the particular legislation at play in a potential release will define the legal parameters in which the personal information may or may not be released.

DISCUSSION

HRP regularly releases information pursuant to Part XX of the *MGA*, the *Youth Criminal Justice Act (YCJA)*, the *Personal Health Information Act (PHIA)*, and the Release of High-Risk Offender Information Protocol. The *Acts* and Protocol can be found at the following pages:

- <http://nslegislature.ca/legc/statutes/municipal%20government.pdf>
- <http://nslegislature.ca/legc/statutes/youthjus.htm>
- http://nslegislature.ca/legc/bills/61st_2nd/3rd_read/b089.htm
- <http://novascotia.ca/just/publications/docs/High-Risk-Offender-Protocol-2012.pdf>

HRP also maintains policy and procedures pertaining to the release of information. These policies are as follows and can also be found in Appendix A:

- Release of Information to the Media - Legal Restrictions
- Release of Personal Information to the Media - Legal Exemptions
- Releasing of Information to the Media – Procedures
- News Releases/Reports
- Evidence and Statistics
- Sexual Offences
- Major/Serious Occurrences
- Media Access
- Release of Information Concerning HRP Personnel
- High Risk Offender Community Notifications
- After Hours Social Media Monitoring
- Release of Information
- Young Offender Information
- Levels of Information
- Eligible Requesters
- Access To Information

Processing applications for HRP works within the confines of these *Acts*, Protocol, and policies and oftentimes works collaboratively with the HRP FOIPOP Coordinator, Deputy Chief William Moore, who has final authority pertaining to the release of all information.

As per the aforementioned *Acts*, Protocols and policies, HRP releases limited information about individuals involved in interactions with police, particularly as it relates to victims. With respect to suspects, and in accordance with section 486(1) of the *MGA*, HRP releases suspect descriptions and/or photos of suspects to help identify the person responsible for a crime. This is typically done when the crime is a matter of public safety. When an individual is charged criminally, HRP proactively releases the accused's name, age, and hometown once the information has been sworn before the courts and is considered public. Additionally, when a person is charged under provincial legislation, HRP will confirm the name of the person involved when requested, however, this information is typically not proactively released (e.g. an individual ticketed under the *Motor Vehicle Act*).

If an individual(s) makes an allegation that brings into question the actions of HRP and/or its employees and has publicly released their own personal information, HRP will research and respond publicly to the allegations. The individual is typically directed to our website regarding the procedure to make a public complaint. HRP's public response typically describes what happened, where it happened and what HRP did in response to the incident, often including where police procedure was or was not followed and/or what changes may have been made as a result of a review of the incident.

HRP is currently reviewing the information release policies to ensure they are current, paying specific attention to issues pertaining to social media and the privacy implications associated with that method of information release and the accompanying public dialogue.

FINANCIAL IMPLICATIONS

No financial implications have been identified.

COMMUNITY ENGAGEMENT

As there is no recommended actions community engagement is not required, however if policies and procedures are deemed insufficient, specific interests of community stakeholders may be useful when making policy amendments.

ATTACHMENTS

Appendix A: Halifax Regional Police Information Release Policies

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by: *Original signed*

Chief Jean-Michel Blais, Halifax Regional Police, 902-490-6500

Appendix A:
Halifax Regional Police Information Release Policies

2.2 RELEASE OF INFORMATION - LEGAL RESTRICTIONS

Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. Governance

1. The release of information to the Media by HRP members is restricted and governed by:
 1. HRP policy.
 2. *Youth Criminal Justice Act (YCJA)*.
 3. *Criminal Code of Canada*.
 4. *Freedom of Information and Protection of Privacy Act (FOIPOP)*.
 5. *Nova Scotia Police Act Regulations*.

B. GENERAL

1. Members should be aware of and guided by the following sections of the *Criminal Code of Canada*:
 - a. Section 298 states:

(a) A defamatory libel is matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or that is designed to insult the person concerning whom it is published

(2) A defamatory libel may be expressed directly or by insinuation or irony

(a) in words legibly marked upon any substance, or;

(b) by any objects signifying a defamatory libel otherwise than by words.
 - b. Section 299 states:

A person publishes a libel when he:

(a) exhibits it in public;

(b) causes it to be read or seen; or

(c) shows or delivers it, or causes it to be shown or delivered, with intent that it should be read or seen by the person whom it defames or by any other person.
 - c. Section 539 restricts publication of evidence at a preliminary inquiry.
2. Section 110 YCJA guarantees the protection of privacy of young persons.

3. Section 5(E) of the *Code of Discipline of the Nova Scotia Police Act Regulations* prohibits the disclosure of information without proper authority.

C. DEFINITION

1. The publication or release of information that could influence a judicial proceeding constitutes contempt of court. Three types of information have been deemed to constitute contempt of court if released by police:
 - a. Criminal record information about:
 - i. an accused;
 - ii. witnesses; or
 - iii. conspirators.
 - b. Statements, confessions, admissions and other relevant case evidence.
 - c. Prejudicial comments or descriptions (i.e., links to the Mafia, gang member associations, etc.).

D. HRP PERSONNEL

1. No HRP sworn or civilian staff member shall release:
 - a. Information that:
 - i. may jeopardize any person's right to a fair hearing or trial;
 - ii. in any way may jeopardize or interfere with an ongoing investigation.
 - b. The identity, address or other personal information of a:
 - i. a young person charged with an offence, pursuant to Section 66 YCJA unless authorized by a Youth Court Judge's order;
 - ii. a victim without his/her consent, with the following exception:
 - after consultation with the investigating officer, it is determined that if not released, may adversely affect the health or safety of any individual;
 - iii. witness(es) and complainant(s) without their consent.
 - c. The particulars of child abuse cases.
 - d. Information pertaining to an accused, including but not limited to:
 - i. personal information with the exception of any information that is a matter of public record and/or is related to a public safety concern;
 - ii. the existence of an alibi, admission, confession or statement;
 - iii. the reputation or character of an accused;

- iv. the criminal record of an accused;
 - v. possible guilt or innocence; or
 - vi. any tests taken by, refused by, or offered to an accused.
- e. Amounts of money stolen during a robbery or theft, except at the discretion of the investigating officer i/c. Information released in this instance should only refer to an undisclosed amount of money stolen.
- f. Race of victims.
- g. Information relating to the issuance of a search warrant, specifically:
- i. the location of the place to be searched, unless obvious from police activity;
 - ii. the identity of any person(s) on the premise or person(s) who may be charged with an offence resulting from a search must not be released unless charges have been laid in relation to this search pursuant to Section 487.2(1) CC;
 - iii. specific information about items seized.
- h. HRP deployment information and statistics without the permission of the Office of the Chief of Police.

2.3 RELEASE OF PERSONAL INFORMATION - LEGAL EXEMPTIONS

Revised by Department Order 46-11, 111215. Originally issued under Order 29-02.

A. POLICY

1. Any decision to release personal information to the Media under an exception to FOIPOP requires consultation with the HRP FOIPOP officer or the Office of the Chief of Police, unless there is an immediate public safety issue at hand.
2. When HRP obtains personal information about a person, the information must be reviewed in light of FOIPOP restrictions and exceptions must be reviewed prior to disclosing such information to the Media. When considering whether personal information may be released, HRP must bear in mind the purpose of FOIPOP set out in Section 473 of the *Municipal Government Act (MGA)* involves:
 - a. Disclosure of as much information as possible while balancing that right of access with the need to protect personal privacy.
 - b. Protection of information if disclosure could reasonably be expected to:
 - i. harm law enforcement;
 - ii. harm an investigation;
 - iii. reveal the identity of a confidential source;
 - iv. endanger the life of a police officer or any other person;

- v. reveal information relating to prosecutorial discretion;
 - vi. deprive a person of a right to a fair trial;
 - vii. reveal a record that has been confiscated;
 - viii. be detrimental to the proper custody, control or supervision of a person under lawful detention;
 - ix. facilitate the commission of an offence;
 - x. harm the security of any property or system;
 - xi. prejudice the defense of Canada or of any foreign state allied to, or associated with Canada.
3. Personal information may be released under *FOI/POP* and pursuant to Section 486 *MGA* under one of the following circumstances:
- a. The release of personal information assists in warning the public about a risk of significant harm to the environment or to the health or safety of the public or a group of people.
 - b. The disclosure of which is, for any other reason, clearly in the public interest.
 - c. Compelling circumstances exist which affect the health or safety of an individual (i.e., a missing person needs medication).
 - d. The individual involved consents to the release of his/her personal information.
 - e. The release will help in locating or contacting next of kin or a friend of a person who has been injured, is ill or deceased.
 - f. The facts or circumstances of an individual case warrant disclosure in the interest of continuing an investigation or promoting public safety.
 - g. Records are available to the public.
 - h. Other factors may result in a decision to disclose (i.e., where the public has a compelling interest in the individual's personal information held by police, the information may be disclosed).
 - i. Attempting to identify a deceased person or person suffering from amnesia.
 - j. When the investigation into a death is completed and the next of kin have been notified.
4. Personal information will not be released by HRP where:
- a. It concerns suicides or sudden deaths by natural causes.
 - b. The investigating officer has requested it not be released.

B PHOTOGRAPHS AND DIGITAL IMAGES

1. Photographs and digital images such as video surveillance footage:
 - a. Taken by HRP pursuant to the *Identification of Criminals Act* may be distributed to the Media only when the person is wanted by HRP and public assistance is required to locate him/her.
 - b. Pursuant to approval for release by the Dangerous Offender/Community Advisory Board or the Chief of Police may be released by HRP to the Media.
 - c. Of HRP members may be provided to the Media at the discretion of the Office of the Chief of Police.
 - d. May be distributed to the Media to potentially identify suspects.
2. There is no control over the use of photographs and archival videotape footage that is property of the news agencies.

C. MEDICAL INFORMATION

1. When releasing medical information, members shall only refer to a person's injuries as life threatening or non-life threatening, unless the circumstances of the case and after consultation with the person's family and/or hospital staff, the release would ensure the health and welfare of the injured person.

2.4 RELEASING OF INFORMATION TO THE MEDIA

Revised by Department Order 46-11, 111215. Originally issued under Order 29-02.

A. UNAUTHORIZED MEMBER

1. When approached by the Media, an unauthorized member shall comply with the procedure below:
 - a. Refer questions and inquiries to an authorized person when an offence is being investigated.
 - b. Prevent the posing or parading of suspects and accused persons for photographing by the Media.
 - c. Other than areas restricted by policing operations:
 - i. do not restrict, prevent or obstruct the Media from videotaping or photographing scenes, people or events within public view or in a public area;
 - ii. allow the photographing and/or videotaping of police officers in the performance of their duties, if in public view or in a public area;
 - iii. Inform the on-scene officer i/c ERT if the Media videotapes or photographs the maneuvers of the ERT Team.
 - iv. Refrain from commenting on the activities of other agencies (i.e., Fire & Emergency Services, Emergency Health Services, Public Works, Health Department, etc.) and advise the Media to speak with the particular agency's spokesperson.

B. WATCH COMMANDER

1. The Watch Commander or designate shall, in the absence of the Media Relations Officer or designate:
 - a. Be responsible for managing all Media inquiries.
 - b. Carry the Media pager (458-9563) and respond to media pages as soon as practicable, keeping in mind news deadlines.
 - c. To ensure continuity:
 - i. prepare the media report at the end of his/her shift and email it to the MEDIA grouping;
 - ii. where practical, inform the lead investigator of the details released for each occurrence mentioned on the media report.
 - d. Provide the MRO an account of all information given to the Media, other than routine occurrences, as soon as possible by way of an electronic mail or phone call.
2. The Watch Commander should note a media report can be issued, if warranted, throughout a shift.

C. AUTHORIZED MEMBERS

1. Upon receipt of an enquiry from a Media representative, or upon becoming aware of an occurrence likely to be of interest to the Media, an authorized member shall:
 - a. Provide information in an impartial, professional manner in accordance with established policy in this section.
 - b. Tell the reporter why he/she cannot provide the information if he/she is unsure of the answer or is prohibited by law or HRP policy. Explanations should be brief and reasonable.
 - c. Explain why information is not forthcoming (i.e., individual in jeopardy, release of information would impede investigation, etc.).
 - d. Attempt to obtain information requested by the Media within the parameters set out in this section.
 - e. Take the Media as close as practical to the scene for a photo opportunity, bearing in mind the sensitivity of the occurrence and the Occupational Health and Safety Act.
- f. Avoid answering a question with, "No comment". The Media will draw an inference from such answers.

2.5 MEDIA RELEASES/REPORTS

Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. POLICY

1. All written news releases will be emailed to the MEDIA group.
2. Information included in a new release shall be set out by the authorized member using discretion and in accordance with established HRP policy in this chapter.
3. A news release reporting an occurrence:
 - a. Shall include the following information:
 - i. nature or type of occurrence;
 - ii. location, if possible. In occurrences involving a residential address, the location shall be restricted to street name and block number only (i.e., 2500 block of Agricola Street). Do not release a civic address, unless obvious from the amount of police activity at location. In occurrences involving a commercial property, the location should include the name and civic address of the business;
 - iii. time of occurrence;
 - iv. limited particulars of the victim(s);
 - v. when known, descriptors of a suspect(s), including but not limited to sex, age, race, height, weight, clothing worn, etc.
 - vi. names of the police units or sections involved in the occurrence.
 - b. May also include information about:
 - i. any weapons used without specifically providing evidentiary information;
 - ii. in cases of theft, items taken (upon the victim's request, this information can be withheld) if the release of information does not endanger its recovery. Do not release the monetary value of property stolen, including currency, securities or bonds as per established policy;
 - iii. the description of persons for the following purposes:
 - warrant issued;
 - interest of public safety;
 - missing persons;
 - iv. if special investigators are involved;
 - v. further police action, if known;
 - vi. when and where additional information may be obtained.

4. In cases where an Information has been sworn before the courts, the following additional information may be released, unless prohibited by the *Youth Criminal Justice Act* and/or *FOIPOP*:
 - a. The particulars of the person arrested, including full name, age and city/town only.
 - b. Charges laid.
 - c. Particulars of the crime and arrest, including time and location of each.
 - d. Name of the investigating unit or section.
 - e. Date and location of court appearance.

B. AUTHORIZED PERSONS

1. Authorized persons releasing information shall comply with the information release prohibitions set out in this chapter regarding:
 - a. Evidence.
 - b. The accused.
 - c. Victim(s).
 - d. Witnesses(es).
 - e. Complainant(s).
 - f. Young Persons.

2.6 EVIDENCE AND STATISTICS

Revised by Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. EVIDENCE

1. The release of any evidentiary information that may prejudice a trial and extreme care must be taken when responding to inquiries from Media.
2. Evidence will not be shown or released, unless it is determined:
 - a. That showing this evidence will not affect the outcome of the case.
 - b. It is in the public's best interest to see the evidence for crime prevention or an educational value.
3. An authorized member wishing to display evidence to the Media shall only do so with the permission of the investigating officer or his/her immediate supervisor and the Media Relations Officer or designate.

B. STATISTICAL INFORMATION

1. All statistical information shall be approved by the Chief of Police or designate before being provided to any outside person, group or agency.

2. Quarterly and annual statistics will not be released until provided to the HRP Board of Police Commissioners.
3. All Media requests for statistical information shall be referred to the Media Relations Officer or designate.
4. All other requests shall be referred to the Divisional Commander assigned to the division from which the request originates.
5. Discretion must be used when releasing statistical information, bearing in mind the following guidelines:
 - a. Security.
 - b. Proper identification of persons requesting the information.
 - c. The availability of the information to the Public.

2.7 SEXUAL OFFENCES

Revised by Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. POLICY

1. Every effort shall be made to:
 - a. Protect the identity of victims of sex offences.
 - b. Treat sexual offence cases with sensitivity, taking into consideration the victim and victim's family.
2. The following information may be released to the Media about sexual offences:
 - a. Type of sexual offence.
 - b. Time and place of offence.
 - c. Whether assailant is known to the victim.
 - d. Description of suspect and/or suspect vehicle.
 - e. Any other information the investigator feels would assist with the investigation.
3. In violent sexual assaults, where the lead investigator feels the general public is not at risk, information regarding the nature of the assault will not be released.

B. LEAD INVESTIGATOR

1. A lead investigator may request through the MRO Media participation for the purpose of gaining information from the public about a particular case.

2.8 MAJOR/SERIOUS OCCURRENCES

Revised by Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. POLICY

1. The release of information involving a major or serious occurrence should be coordinated through the MRO. During such occurrences, the MRO should be given precise and accurate information and kept informed about what information can be released.
2. The MRO shall be apprised if the Emergency Response Team is activated.
3. In the event a community emergency is declared at the municipal or regional level, an on-scene Media spokesperson from EMO will be appointed. Frequently, the HRP MRO will be the on-scene Media spokesperson. All Media enquiries shall be directed to that person.

B. DUTY OFFICER, WATCH COMMANDER OR DESIGNATE

1. The Duty Officer, Watch Commander or designate shall notify the MRO immediately when any major or serious situation occurs that would be of interest to the Media.

C. MRO

1. In the case of a serious or major occurrence, the MRO shall:
 - a. Attend the scene in order to assist the Media.
 - b. Set a staging area in conjunction with the investigating officer i/c.
 - c. Ensure the safety of the Media is considered.
 - d. Keep the Media in control and informed.
 - e. Not release information to the Media unless authorized by the on-scene Situational Commander.

D. OFFICER IN CHARGE OR DESIGNATE

1. The Office in charge or designate shall:
 - a. Advise the Media Relations Office as soon as practical and provide details of the occurrence for an initial news release.
 - b. Specify a possible time for an update or the convening of a news conference.
 - c. Provide information for 'informal' releases by the MRO.
 - d. Be present at any news conference in relation to the occurrence to ensure no misleading or incorrect information is presented.

- e. Ensure any additional queries by the Media are directed to the MRO and not discussed with the Media by the assigned investigators.

E. PUBLIC RELATIONS UNIT

1. If a major/serious occurrence warrants, the Public Relations Unit:
 - a. Should hold a formal news conference as soon as practical.
 - b. Will:
 - i. organize the news conference and
 - ii. be present throughout the conference.
 - c. Shall:
 - i. where needed, arrange for the news conference to be videotaped;
 - ii. inform the Media of the time of the next formal release of information, if required;
 - iii. arrange subsequent conferences, if required, and if possible, schedule them in conjunction with Media deadlines.

F. AUTHORIZED MEMBERS

1. Authorized members approached by the Media prior to a formal news conference shall provide the following information only:
 - a. Acknowledgment of the nature of an occurrence and pending new conference.
 - b. Location and time of an occurrence and pending news conference.
 - c. Name of the HRP MRO to contact for further information.

2.9 MEDIA ACCESS

Revised by Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. POLICY

1. While in HRP buildings, Media personnel shall, where applicable, wear an identification badge and be escorted throughout the building at all times in accordance with standard policy.
2. Media personnel:
 - a. Are prohibited from entering the Specialized Investigations Section and Special Enforcement Section, unless authorization has been obtained from the Chief of Police, Superintendent i/c CID or the Staff Sergeant i/c SIS or SES, whichever is applicable.

- b. Shall, where practical, pre-arrange an appointment to enter the Specialized Investigations Section, and always be accompanied by an authorized member.
3. Media representatives shall be permitted access to the general area of a crime scene and granted access as members of the Public except when:
 - a. Dangerous or hazardous conditions exist.
 - b. Their presence:
 - i. may interfere or obstruct emergency services personnel;
 - ii. poses a danger to victims or others;
 - iii. may disturb evidence or a protected crime scene.
4. When the Media Relations Officer or designate has been summoned to the scene, the Media will be taken to a pre-arranged area for briefings.
5. If it is necessary to restrict the movement of Media, it is important that:
 - a. The reasons be explained without delay. And
 - b. The Media are given the same access to the scene as members of the general public.

2.10 INFORMATION CONCERNING HRP PERSONNEL

Department Order 46-11, 111215. Previously issued under Orders 29-02, 54-97 and 20-96.

A. POLICY

1. Information regarding internal discipline and complaints against police shall be released under the direction of the Chief of Police, Deputy Chief of Police or the Officer i/c Professional Standards.
2. Information about members charged or under investigation by another agency shall not be released by HRP without the approval of the Chief of Police. Media inquiries regarding details or circumstances of the investigation shall be directed to the originating agency.

B. CRIMINAL CHARGES INVOLVING HRP STAFF

1. When a police officer is charged with a criminal offence, the relevant information concerning the offence(s) and the member charged will be pro-actively released after the Information is sworn.
2. Information concerning criminal charges against a civilian member, retiree or volunteer will be pro-actively released if it is of a serious nature and of public interest.

C. INTERNAL DISCIPLINARY MATTERS, POLICE ACT COMPLAINTS AND PUBLIC COMPLAINTS

1. HRP will not confirm or release the name of a police officer being investigated. It will confirm, "Allegations against an officer have been received and they are being investigated."

2. If a police officer is suspended or discharged under the Police Act, the name of the officer may be confirmed to the Media with the approval of the Chief of Police, Deputy Chief or Officer i/c Professional Standards.
3. HRP will not release information on internal discipline involving civilian members.

2.11 HIGH RISK OFFENDER COMMUNITY NOTIFICATIONS

A. DEFINITIONS

Refer to Nova Scotia High Risk Offender Information Protocol

1. The following terms may be used within this section to assist in determining whether HRP should release a High Risk Offender Community Notification and if so, the level and types of information to be released:
 - a. Community Notification: refers to the media release sent out by a police agency advising of the release of an offender deemed to be high risk and who may pose a danger to a community within that agency's jurisdiction. See Community Notification Process below for the different levels of Community Notifications that may be made.
 - b. Community Notification Advisory Committee: consists of individuals representing the following:
 - a. Chairperson appointed by the Minister of Justice and Attorney General of Nova Scotia.
 - b. RCMP.
 - c. NS Public Safety and Security Division.
 - d. Correctional Services of Canada.
 - e. NS Department of Justice, Correctional Services Division.
 - f. Medical or therapeutic practitioner.
 - g. Nova Scotia Barristers' Society.
 - h. 5 regional laypersons appointed by the Nova Scotia Minister of Justice.
 - c. Coordinating Agency: for the purposes of this policy, refers to the Royal Canadian Mounted Police. The RCMP will receive an information package concerning a high risk offender from a correctional agency and determine what police agency will act as the lead agency.
 - d. High Risk Offender: denotes an offender, other than an offender who is on federal parole, who has been convicted of one or more personal injury offences (*def.*), whose presence in the community gives rise to a risk of significant harm and either:
 - i. has had a term of imprisonment imposed related to the offence;

- ii. whose behaviour has been assessed by a police agency as posing a risk of significant harm; or
- iii. is under a provincial community supervision order and has a demonstrated history of breaches of such provincial court orders; or
- iv. upon warrant expiry, an offender's criminal behaviour provides evidence of a certain degree of dangerousness/seriousness (see characterization of dangerousness) and the presence of the offender in the community is, from an objective viewpoint, likely to pose a risk of significant harm (see reasonable apprehension of danger).

Lead agency: for the purposes of this policy, refers to the police agency in whose jurisdiction a high risk offender plans to reside upon release and the agency that is designated to receive the information package.

Personal Injury Offences: for purposes of this section, includes:

- i. Criminal Code violent crime offences against another person or conduct endangering the life or safety of another person or inflicting or likely to inflict severe psychological damage upon another person. These types of crimes would carry a penalty of 10 years or more. and/or
- ii. an offence or attempt to commit an offence under Section 271 (sexual assault with a weapon, threats to a third party or causing bodily harm) or Section 273 (aggravated sexual assault). and/or
- iii. Section 152 (invitation to sexual touching), Section 153 (sexual exploitation) or Section 173(2) (indecent acts or exposure).

B. CHARACTERIZATION OF DANGEROUSNESS

1. An offender's criminal history will meet the characterization of dangerousness for purposes of the term high risk if the behaviour demonstrates one or more of the following:
 - a. A pattern of repetitive behaviour evidencing a failure to restrain harmful conduct which is likely to cause death or injury to other persons, or to inflict severe psychological damage on other person.
 - b. A pattern of persistent aggressive behaviour showing a substantial degree of indifference to the reasonable foreseeable consequences to other persons of his/her behaviour.
 - c. Any behaviour that is of such a brutal nature as to compel the conclusion that future conduct is likely to be inhibited by normal standards of behavioural restraint. OR
 - d. Any conduct in any sexual matter that reveals a failure or inability to control sexual impulses and gives rise to the probability of injuries, pain or other evil to other persons through failure in the future to control his/her sexual impulses.

C. REASONABLE APPREHENSION OF DANGER

1. An offender's reasonable apprehension of danger will classify him as high risk based upon the following list of criteria, including but not limited to:
 - a. The offender's age and health.
 - b. Offence history and pattern (i.e. increased frequency and severity).
 - c. The number of victims.
 - d. The impact of the most recent and past offences upon victims.
 - e. Access to potential victims.
 - f. Participation and response to current or past treatment programs.
 - g. Psychiatric, psychological or social assessments.
 - h. Interpersonal relationships and community support systems.
 - i. Any breaches of conditional release.
 - j. Any other aggravating or mitigating circumstances.

D. POLICY

1. The primary intent of a Community Notification is to enable members of the public to take suitable precautionary measures when offenders deemed to be high risk are being released back into the community after a period of incarceration. The decision to make a Community Notification will be made by the Community Notification Advisory Committee (Committee) upon referral by a lead agency.
2. The Coordinating Agency will be responsible for forwarding an information package to the lead agency in advance of a high risk offender's release. The information package shall contain, at a minimum, the following:
 - a. Offender name, age, date of birth and current photograph, if available.
 - b. A description of the circumstances surrounding the offence for which the offender has been committed to custody.
 - c. A risk assessment report, including a synopsis of the offender's criminal history with patterns of violence noted.
 - d. Copies of available psychiatric/psychological reports relating to detention and assessment of risk.
 - e. Any information with respect to potential victims and any contact that may have been made with actual victims.
 - f. Information regarding the applicability of any publication ban; the risk of prejudice to a fair trial in relation to the potential release of information.

- g. Any other relevant documentation that correctional authorities believe will assist the police.
 - h. A list of possible destinations.
3. If an offender refuses to identify an area s/he plans to reside upon release, the lead agency shall be the agency responsible for the investigation of the offence for which the offender was most recently convicted.
4. The Lead Agency is responsible to initiate steps to consider whether a Community Notification is justified based on the assessed risk to public safety. When a decision is made to release a Community Notification, the lead agency shall, whenever possible, refer the file to the Committee for review prior to making the release.
5. The Lead Agency is responsible to update the Coordinating Agency if the offender moves or reports any changes in his/her status. If the offender moves to an area outside of the lead agency's jurisdiction, the latter shall return the information package to the Coordinating Agency as soon as practical upon learning of the offender's move.
6. Unless exigent circumstances exist, Community Notifications shall be forwarded to and approved by the Committee at the Department of Justice prior to release to the Media.

E. POLICE OFFICER

1. Any HRP police officer who is as a result of an investigation or information provided by a reliable source becomes aware of the presence of a high risk offender residing in or visiting the Halifax Regional Municipality shall submit a General Occurrence (GO) Report and advise the Detective i/c High Risk Enforcement Team (HEAT) as soon as practical. Ensure all known information about the offender is disclosed at the time of notification.
2. Any HRP police officer who in dealing with a high risk offender believes the offender has breached the terms of his/her release shall forward the specifics of the breach and all other known information without delay to the assigned HEAT member for follow-up. The member shall also submit a supplemental text if a GO Report exists pertaining to the high risk offender. In the event of a major incident or new offence, the offender should be arrested and HEAT unit notified.
3. Any other notification which falls outside of the Nova Scotia High Risk Offender Information Protocol will be referred to the Deputy Chief Operations for review prior to any release of information. See *MUNICIPAL GOVERNMENT ACT*

F. HEAT UNIT

1. Upon receipt of an information package or reliable source information concerning the imminent release of a designated high risk offender, a member of HEAT shall be assigned as lead Investigator of the file. That member shall then review the information package to determine if a Community Notification is warranted. The member shall then advise all members as soon as practical of the offender's release.
2. If the HEAT member believes a Community Notification is justified, s/he shall consult with his/her Squad Sergeant and Detective Sergeant about initiating the steps to making a referral to the Committee. Prior to any referral to the Committee, authorization must be obtained from the Superintendent of CID. If approved, see **COMMUNITY NOTIFICATION PROCESS**.

3. When preparing a package for referral to the Committee, the Lead Investigator shall notify the offender in writing on the status of the file and HRP's intention to make a Community Notification at least 7 days before filing notice of its intention to the Committee. The offender may then appeal in writing to the Committee why the Community Notification should not be made in advance of its release.

G. COMMUNITY NOTIFICATION PROCESS

1. Once approval has been received by HRP to make a referral for a Community Notification release to the Committee, the Lead Investigator shall:
 - a. Forward a written referral with all relevant documentation to the Committee. If exigent circumstances prevent the referral from being made prior to the release, forward the latter as soon as possible following the release. The referral shall identify the preferred notification option HRP wishes to make:
 - i. Full Public Notification: a province-wide warning within Nova Scotia, and includes a new release to the Media. It may include any or all of the following items about the offender:
 - photo;
 - physical description; and
 - nature of the offender's past offences;
 - ii. Limited Public Notification: This form of notification includes the same types of information as a Full Public Notification but only releases it to a specific community or group and the media outlets in that area;
 - iii. Targeted Notification: This type of warning is only released to a specific community or group but there is no need to release it to the media in that area. This type of notification may be used for an offender who only targets victims of a certain age or sex or those who live in a remote, isolated community;
 - iv. No Notification: When the Committee decides the offender does not pose a high risk or that in the circumstances, a warning or other action is not needed;
 - v. Other measures: The Committee may recommend the lead agency take other steps to ensure community safety such as surveillance, applying for a court order to keep the offender from contacting children (810 applications) and other appropriate limitations as police see fit.
 - b. Forward a written notice to the offender at his/her last known address within seven (7) calendar days of the referral being made. If exigent circumstances prevent the 7-day notice, the latter shall be sent to the offender's last known address by registered mail as soon as possible following the release.
 - c. Consult with the Media Relations Section to prepare a Media release in accordance with direction from the Committee and related MEDIA policy within this section.
 - d. Once approval for release has been obtained but prior to the official new release, the Lead Investigator shall request CPIC Transcription enter the offender on CPIC under the Special Interest Police (SIP) Category.

2.12 Social Media Monitoring

Original Implementation Date	February 24, 2016	Approved by	Deputy Chief B. Moore
Date of Last Revision	February 24, 2016	Approved by	Chief J.M. Blais
Effective Date of Last Revision	February 24, 2016	Approved by	

1 - Policy Name

Social Media Monitoring

2 - Purpose

Social media helps Halifax Regional Police (HRP) engage with citizens in discussions around public safety, crime prevention and law enforcement in general. It also makes HRP more accessible; those who may be reluctant to call in a question or a concern are much more likely to reach out to us on Twitter or Facebook. HRP no longer needs to rely solely on traditional media to get information to our citizens. We can also monitor social media to learn more about situations and critical incidents as they unfold.

3 - Objectives

To provide officers will policies and procedures to follow when monitoring HRP social media accounts.

4 - Scope

This policy applies to all sworn members who represent HRP on social media.

5 - Definitions

The communication of information by HRP members is restricted and governed by:

- 5.1 **HRP Policy**, particularly 2 Media Relations, 2.2 Release of Information – Legal Restrictions, 2.3 Release of Personal Information – Legal Exemptions, 2.4 Release of Information to the Media, 2.5 Media Releases/Reports, 2.6 Evidence and Statistics, 14 Personal Use of Social Media
- 5.2 **Freedom of Information and Protection of Privacy Act (FOIPOP)**, which provides access to records in the custody and control of police, including electronic records, while ensuring privacy rights of individuals. When using HRM and HRP systems, accounts, and tools, including intranets, RMS, and CAD as means of communication, staff recognize there is no expectation of privacy and all transactions are subject to scrutiny and applications under FOIPOP.
- 5.3 **Nova Scotia Police Act Regulations**, particularly sections 5(1)(a)(v) and 5(1)(e):
 - 5(1) A member of a police force commits a disciplinary default where the member:
 - (a) engages in discreditable conduct by
 - (v) being discourteous or uncivil to any member of the public having regard to all the circumstances;

5(1) A member of a police force commits a disciplinary default where the member:

(e) improperly discloses information by

(i) without proper authority, communicating to any person any information which the member possesses as a member of a police force,

(ii) making an anonymous communication to any police authority or any member of a police force, or

(iii) signing or circulating a petition or statement in respect of a matter concerning the police force, except through the proper official channel of correspondence or established grievance procedure or in the bona fide performance of the member's duties, as a representative of a certified police union, association or federation.

5.4 **Criminal Code**, particularly sections 298, 299, and 539:
Section 298:

(1) A defamatory libel is matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or that is designed to insult the person of or concerning whom it is published.

(2) A defamatory libel may be expressed directly or by insinuation or irony

(a) in words legibly marked upon any substance; or

(b) by any object signifying a defamatory libel otherwise than by words.

Section 299:

(1) A person publishes a libel when he

(a) exhibits it in public;

(b) causes it to be read or seen; or

(c) shows or delivers it, or causes it to be shown or delivered, with intent that it should be read or seen by the person whom it defames or by any other person.

Section 539, which restricts the publication of evidence taken at preliminary inquiry.

6 - Policy Regulations

6.1 All social media will be identifiable and advertised as representative of HRP and the social media monitor shall only use HRP social media accounts for purposes related to the performance of their duties.

6.2 The social media monitor is responsible for the information conveyed in a post or comment and shall be accountable for the accuracy of such information.

6.3 When communicating on the internet, the social media monitor shall be aware that all communication and information, HRP-related or personal, communicated using HRP equipment and technology is subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOI/POP)*, and subject to scrutiny under the related HRP policies and legislative authorities outlined in section 5 above.

6.4 Care shall be taken to ensure that social media content is grammatically correct, including appropriate punctuation and spelling.

- 6.5 While HRP members are entitled to use social media and maintain personal webpages in their private lives, their status as a member of HRP requires that the content of those postings not jeopardize the integrity and reputation of HRP, or the reputation or safety of other persons. See also PERSONAL USE OF SOCIAL MEDIA policy.

7 - Roles and Responsibilities

7.1 The social media monitor shall:

1. Post media releases/police reports within two hours of the Watch Commander's release/report to the HRP website (using the update application) and social media sites.
2. Monitor HRP's social media accounts and address questions, comments, complaints, and reports. These accounts should be checked a minimum of once every two hours when operationally feasible.
 - A. Questions and comments requiring urgency on the part of the social media monitor should be addressed as soon as they are noticed. Examples of questions and comments requiring urgency include contentious information about HRP or an HRP officer, information about a crime that has occurred or is expected to occur, or information about a citizen threatening to harm themselves.
 - B. Questions and comments requiring research on the part of the social media monitor should be acknowledged with the caveat that an answer or response will be provided as soon as possible.
 - C. Complaints about officer conduct (e.g., parking/driving violations) require documenting date, time, and location, and forwarding the complaint to the officer's respective Divisional Commander so they can assign it to the appropriate Sergeant for follow up.
 - D. Serious complaints about officer conduct (e.g., sexual assault, assault) require documenting date, time, and location, and forwarding the complaint to Professional Standards for follow up.
 - E. Reports about quality of life issues (e.g. traffic complaints) require forwarding to the appropriate Divisional Commander for follow up.
3. Post proactive content to HRP's social media accounts where appropriate, and where permission to post has been obtained from the Watch Commander. Where other officers are depicted or acknowledged in proactive content, their permission should also be obtained prior to posting.

8 - Repeal

N/A

9 - Effective Date

February 24, 2016.

10 - Related Policies and Practices

- 2 Media Relations
- 2.2 Release of Information – Legal Restrictions
- 2.3 Release of Personal Information – Legal Exemptions
- 2.4 Release of Information to the Media

2.5 Media Releases/Reports
2.6 Evidence and Statistics
14 Personal Use of Social Media, and the HRP

11 - Policy Review

March 28, 2016

12 - Contact

Policy Coordinator and/or the Executive Officer

3. RELEASE OF INFORMATION

Departmental Order #: 17-99 (Originally issued under order # 61-98)

A. POLICY STATEMENT

1. Section 5 sets out the policies and procedures relating to the release of information held by the Halifax Regional Police.

B. POLICY

1. All information collected and retained in the Halifax Regional Police Records Management System is the property of HRP.
2. Unauthorized release of information held by the Halifax Regional Police by any sworn or civilian member will be considered a breach of the confidentiality agreement and subject to disciplinary action.
3. It must be recognized that information dealing with young offender records which is held by the Halifax Regional Police must be stored, retained and retrieved in accordance with the s. 46(2) YOA and related HRP policies. Refer to Section 5.1 of this chapter on YOUNG OFFENDER INFORMATION.
4. When a Criminal Record file is stamped NON DISCLOSURE, it will contain records of young offenders or sealed documentation relative to persons acquitted, dismissed or where charges have been withdrawn. Absolutely no reference should be made to such a file nor will any photo be used for any reason or purpose.
5. Files stamped NON DISCLOSURE will not be removed from Central Records unless authorized by the Superintendent i/c Administration. Even with authorization of the Superintendent i/c, the removal and release of this information should be in accordance with this policy and legal requirements and only when necessary for official duties.
6. Unless otherwise stated by policy, all requests from persons outside the Halifax Regional Police for information:

(a) Must be in writing on the Application for Access to Information, HRP.079.0, or on the requesting agency's letterhead and contain the following data:

- (i) the applicant's name, address, telephone number (if available) and signature of requester;
 - (ii) where the application is made from an applicant seeking his/her own personal information or third party information pursuant to the *FOIPOP*, refer to Subsection 5.4 of this chapter on ACCESS TO INFORMATION - PROCESSING APPLICATIONS FOR.
- (b) From persons seeking personal information about themselves requires compliance with the procedure in subsection 5.4 of this chapter. Where necessary the applicant may also be asked to supply the following additional personal information:
- (i) date of birth;
 - (ii) proof of positive identification, including at least one photo/signature ID.
7. The receiver of HRP information must clearly understand that the information will not be used for other purposes nor given to another person/agency and must accept liability for properly handling the information and, where applicable, in strict adherence to the legal requirements of the YOA and *FOIPOP Act*.
8. Requests shall be considered and, where applicable, processed subject to the legal requirements of the *FOIPOP Act* and section 46(2) YOA. The type and level of information available to a requester is dependent on the type of application received - third party or personal - and information requested.
9. Disclosure of any information may be further restricted and denied when:
- (a) There is a possibility it might compromise an open investigation, prosecution, or trial (i.e., case before the courts). If a request has been made under these circumstances, the investigating officer should be consulted prior to any release.
 - (b) Disclosure might reveal a sensitive investigative technique.
 - (c) The safety of any person would be jeopardized.
 - (d) Such disclosure would reveal young offender information contrary to the YOA. See subsection 5.1 of this chapter, YOUNG OFFENDER INFORMATION.
 - (e) On the recommendation of the investigating officer and as approved by the Chief of Police.
 - (f) The disclosure falls within one of the exemptions set out in subsection 5.4, B2 of this chapter.
10. No HRP information will be released to an applicant unless the applicant meets the requirements of this policy and any applicable legal requirements of the YOA and *FOIPOP*.
11. Under no circumstances are original reports to be released to any individual, police agency or private agency. Only photocopied reports approved for release by the Superintendent i/c Administration shall be released.
12. Requests for information from a volunteer agency (Level III requester) require the agency to enter into a Memorandum of Understanding with the HRP before any information may be disclosed to it.

C. PROCEDURE FOR RELEASE

1. Refer to subsection 5.4, ACCESS TO INFORMATION - PROCESSING APPLICATIONS FOR, of this chapter for the approved procedure governing the release of personal information under *FOIPOP*.
2. Phone inquiries from other police agencies will only be accepted if:
 - (a) The requesters' identity can be:
 - (i) verified by CPIC narrative; OR
 - (ii) confirmed by a phone call to the police agency employing the person.
 - (b) Where an inquiry relates to an HRP investigation, the requesting police agency must confirm that it is participating in the investigation of an offence where the person in question is suspected of committing the offence or has been arrested or charged. All responses will be directed to approved police personnel.
3. Where a police officer from another agency requests information in person, release of information will be only made if proper identification has been shown and the officer has demonstrated the request is required for an official investigation.
4. Verbal requests from persons other than police officers may be considered if the request is legally sanctioned and one or both of the conditions below is apparent:
 - (a) An emergency exists.
 - (b) An unforeseen incident occurs where time is of the essence.
5. Requests for information involving homicides, vice or large-scale drug trafficking shall be referred to the Superintendent i/c Operational Support for decision.
6. Any approved release of a photocopied report shall be stamped on each page with:

CONFIDENTIAL REPORT NOT TO BE DISSEMINATED WITHOUT THE EXPRESS PERMISSION OF THE HALIFAX REGIONAL POLICE.

D. SUPERVISOR I/C CENTRAL RECORDS

1. Prior to any information or copies of files being forwarded to the Superintendent i/c Administration, the supervisor of Central Records will determine if the case is before the courts. If it is, the Superintendent i/c Administration must determine if the release would be legally authorized. The release would be authorized under specific sections of the following pieces of legislation:
 - (a) Section 98(7) MVA. Such release may be made to insurance companies.
 - (b) Section 44.2(2) YOA authorizes release of this type of information about young offenders to insurance companies.
2. A form letter shall be given to insurance companies, when approved by the Superintendent i/c Administration.

3.1 YOUNG OFFENDER INFORMATION

Departmental Order #: 17-99 (Originally issued under order # 61-98)

A. GENERAL

1. Section 46(1) YOA makes it an offence to provide information or reports (or copies of the same) to any unauthorized persons or in any manner not authorized by statute:

46.(1) Except as authorized by this Act, no record kept pursuant to sections 40 to 43 may be made available for inspection, and no copy, print or negative thereof or information contained therein may be given, to any person where to do so would serve to identify the young person to whom it relates as a young person under this Act. (emphasis added)

2. Section 44.1(1) YOA identifies those persons authorized by the Act and on their request, to have a young offender record made available to them for inspection and includes:

- (a) The young person to whom the record relates.
- (b) Defense Counsel for the young person, or any representative of that counsel.
- (c) The Minister of Justice or Crown Counsel.
- (d) A parent of the young person or any adult assisting the young person.
- (e) Any judge, court or review board.
- (f) Any peace officer investigating an offence allegedly involving the young person.
- (g) Probation officers.
- (h) Parole Boards.
- (i) Any person granting security clearances for the federal or provincial government.
- (j) Employees of Statistics Canada.
- (k) Any person or class of persons who is deemed by a youth court judge to have a valid interest in the record, to extent directed by the judge.
- (l) Any government agency that deals with the employment, health, welfare, education or safety of youth, including any officers or employees of such an agency.
- (m) Anyone authorized in writing by the Deputy Minister or Executive Director of the NS Correctional Services, for the purpose of research.
- (n) Superintendent of Schools.
- (o) Provincial Ombudsman.
- (p) Workers' Compensation Board, including WCB officers and employees.
- (q) Dept. of Community Services including departmental officers and employees.

- (r) Insurance companies only if the information relates to the investigation of a claim arising out of an offence or alleged offence committed by the youth to whom the information relates.

B. POLICY

1. Subsection 5.2 applies to young offender information for:
 - (a) Youths, ages 12 to 17 inclusive, involved or alleged to be involved in violations of a federal statute, including the *Criminal Code of Canada*.
 - (b) Young offender record information for an adult offender.
2. Young offender information pertaining to youths involved in provincial statute violations may be dealt with in the same manner as adults using the procedure as set out in subsection 5.4 of this chapter, ACCESS TO INFORMATION - PROCESSING APPLICATIONS FOR .
3. Under s. 45(1) YOA, no young offender information may be made available for inspection to persons identified in A2 above unless:
 - (a) The youth has been acquitted and:
 - (i) the two-month appeal period has expired;
 - (ii) an appeal has been made and three months have lapsed since the appeal was completed.
 - (b) One year has lapsed since the charge against the youth were dismissed, withdrawn or stayed.
 - (c) Two years have lapsed after the youth consents to participate in the alternative measures program.
 - (d) Three years after the completion of all dispositions where a young person is found guilty of a summary conviction offence, unless he is convicted of a subsequent summary conviction offence before the expiration of that period.
 - (e) Five years after the completion of all dispositions where a young person is found guilty of an indictable offence, unless he is convicted of a subsequent indictable offence before the expiration of that period.
4. All requests for young offender information must be considered and processed in accordance with ss. 46(2) and 44.1 YOA, the legal requirements of *FOIPOP* and this policy.
5. Young offender records shall be made available for inspection only.
6. Police have an absolute discretion as to whether to allow access to young offender records for those persons identified in s. 44.1 YOA.

3.2 LEVELS OF INFORMATION

Departmental Order #: 17-99 (Originally issued under order # 61-98)

A. POLICY

1. The information covered in this subsection is divided into 12 levels. Each level identifies the types of information available for release to persons or groups entitled to access.
2. For a list of those individuals eligible to request information from each level, refer to subsection 5.4, ELIGIBLE REQUESTERS, in this chapter.
3. For a list of the types of information available at each level, refer to table 1 below.
4. In order to view or withdraw information from the Special Enforcement Unit, authorization must be obtained from the NCO i/c CIS.
5. Level II requests must be for use in connection with official duties and/or responsibilities in relation to the execution or administration of the law.
6. Level III information shall be completed on a form letter, where applicable.
7. Requests from victims/complainants or lawyers for documents in civil or criminal proceedings shall only occur upon a court order, signed by a judge, directed to the Superintendent i/c Administration. HRP would oppose through a Claim of Privilege the release of any documents for reasons set out in Section 5 of this chapter.
8. When there is an allegation of criminal activity from a Central Records check under a Level VIII search, no information will be released to any individual or agency without the authorization of the Superintendent i/c Administration.
9. All requests for security clearances must originate with an agency listed as an eligible requester and be signed by the agency head who has been previously identified.
10. Analyst's reports for blood samples will not be released to Level IX requesters.
11. Requests for photocopies of police reports or police notebooks by Level X requesters will only be supplied as a result of a court order.
12. Photographs and Mechanical Inspection Reports will only be released as a result of a court order except when sought by a Level IX requester identified in subsection 5.4 of this chapter, ELIGIBLE REQUESTERS.

B. LEVELS OF INFORMATION

Table 1

Level I	Level II
<p>Name Checks, specifically:</p> <ul style="list-style-type: none"> • field contact cards • Incident Reports <p>Case files include:</p> <ul style="list-style-type: none"> • Supplementary /Follow-Up Reports • Confidential Report to Crown <p>CPIC Criminal Record</p>	<p>Name Checks offer the same access as under Level 1</p> <p>Case files include same information as Level 1</p> <p>CPIC Criminal Record queries for:</p> <ul style="list-style-type: none"> •Criminal purposes - convictions only - including: charges, convictions, stay of proceedings, dismissals, conditional

<ul style="list-style-type: none"> • Hard copy printout restricted to requester 	<p>discharges, absolute discharges</p> <ul style="list-style-type: none"> •Non-Criminal purposes - convictions only and subject to confirmation of identity by fingerprints Criminal purposes - convictions only - including: charges, convictions, stay of proceedings, dismissals, conditional discharges, absolute discharges •Non-Criminal purposes - convictions only and subject to confirmation of identity by fingerprints
<p>Level III</p>	<p>Level IV</p>
<p>Case Summary, including:</p> <ul style="list-style-type: none"> •Complainant's name & address •Accused's name •Date and time •Incident type •Investigator's name •Status of incident, if known •Court date, if available •General statement of items stolen, injuries received, damage sustained 	<p>Occurrence Incident Number Investigating Officer's Name Accused's Name, if charged and is an adult</p>
<p>Level V</p>	<p>Level VI</p>
<p>Investigation Reports only</p>	<p>Case files, PARTICULARS ONLY from:</p> <ul style="list-style-type: none"> •Incident Reports •Supplementary/Follow-up Reports
<p>Level VII</p>	<p>Level VIII</p>
<p>Addresses only for all files</p>	<p>Criminal Record is information restricted to convictions and outstanding charges related an individual and requested by that person. Other Criminal Activity restricted to name checks from Central Records and Court Dispositions and includes:</p> <ul style="list-style-type: none"> •dismissals •absolute discharges •conditional discharges •stay of proceedings •withdrawals •acquittals <p>The fact that an individuals was pardoned shall not, under any circumstances, be released.</p>
<p>Level IX</p>	<p>Level X</p>
<p>Motor Vehicle-related Reports, including:</p> <ul style="list-style-type: none"> •MVA Report •Police comments •Confidential Report to Crown •Mechanical Inspection Reports •Plans and diagrams 	<p>Motor Vehicle Accident Reports where police were in attendance, including:</p> <ul style="list-style-type: none"> •Copy of MVA Report •SOT information such as: accused's name, charges, officer's name, statement of facts excluding opinions and written or oral statements and a copy of a diagram
<p>Level XI</p>	<p>Level XII</p>
<p>Passenger Information from Motor Vehicle Accident Reports, where police were in</p>	<p>Passenger Information from Motor Vehicle Accident Reports, where police did not attend is</p>

attendance, restricted to: <ul style="list-style-type: none"> •names, addresses and phone numbers of involved parties, including witnesses 	limited to: <ul style="list-style-type: none"> •Diver's name and address •License of driver's vehicle
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3.3 ELIGIBLE REQUESTERS

Departmental Order #: 17-99 (Originally issued under order # 61-98)

A. POLICY

1. Refer to table 1 in subsection 5.3 of this chapter, **LEVELS OF INFORMATION**, for the types of information available exclusively at each level.

TABLE 2: ELIGIBLE REQUESTERS

Level I	Level II
<ul style="list-style-type: none"> •Canadian Police Forces •Canadian Correctional Agencies •Justice Department/Crown Counsel, when entitled under the 1994 Ministerial Directive on Disclosure •Provincial Minister of Justice/Crown Counsel, when entitled under the 1994 Ministerial Directive on Disclosure 	<ul style="list-style-type: none"> •Investigative or enforcement bodies of federal or provincial departments •On a reciprocal basis only, investigative or enforcement bodies of foreign government departments. These requests must be approved by the Superintendent i/c Administration. •volunteer agencies that have entered into an MOU with the Halifax Regional Police for volunteer applicants' records clearance. Volunteer agencies are eligible under this level CPIC Record clearance only.
Level III	Level IV
<ul style="list-style-type: none"> •Private insurance companies (claims adjusters) including: •Insurance Crime Prevention Bureau. This agency is restricted information concerning arson, motor vehicle thefts and related offences and possession of stolen property. 	<ul style="list-style-type: none"> •Victims/Complainants •Agent or lawyers acting on behalf of a victim/complainant, private investigators or Criminal Injuries Compensation Board.
Level V	Level V
<ul style="list-style-type: none"> •HRM civil departments only 	<ul style="list-style-type: none"> •Victim/Witness Services only
Level VII	Level VIII
<ul style="list-style-type: none"> •Red Cross Tracing and Reunion Service only. 	<ul style="list-style-type: none"> •Big Brothers/Big Sisters •Foster and Adoptive Parents Agencies •Child Find •Boys and Girls Club •School Boards •Correctional Services •Minister of Justice's Office/Sheriff's Department •An Individual wishing to secure his/her own criminal records •Children's Aid Society
Level IX	Level X

<ul style="list-style-type: none"> •Canadian Police Forces •Federal and provincial Crown Counsel> only. 	<ul style="list-style-type: none"> •Worker's Compensation Board •Private insurance companies •Lawyers acting in a civil suit •Involved parties
Level XI	Level XII
<ul style="list-style-type: none"> •Passengers involved in Motor Vehicle Accidents 	<ul style="list-style-type: none"> •Passengers who have been identified by the driver.

2. Table 2 identifies the persons authorized to access information for each of the 12 levels noted in Table 1 in subsection 5.3 of this chapter, LEVELS OF INFORMATION.
3. All Level II CPIC requests must be approved by the Superintendent i/c Administration. For these requests, the hardcopy printout will only be given out to:
 - (a) RCMP.
 - (b) Other federal Police Forces.
 - (c) Other provincial Police Forces.
 - (d) Municipal Police Forces.
 - (e) Foreign police forces and correctional agencies on a reciprocal basis only. All of these requests
 - (f) Halifax Regional Municipality Legal Services Division when acting as Crown Counsel.
 - (g) When requested by a volunteer agency, directly to the volunteer applicant about whom the request is made.
4. Level V requesters are restricted to information on hazardous situations or damage/theft of HRM property. Where a regional employee is involved, either as a complainant or suspect, the Halifax Regional Police will not forward any information to any regional department except upon a specific request from the HRM Legal Services Division.

B. POLICY - DATA CONVERSION

1. Requests for statistical information will be in writing from all non-police agencies.
2. The release of statistics must be authorized by the Chief of Police.
3. Non-police agencies may be levied a fee for this service.
4. Police personnel wishing statistical data must obtain permission from the Superintendent i/c Administration

3.4 ACCESS TO INFORMATION - PROCESSING APPLICATIONS FOR

Departmental Order #: 17-99

A. DEFINITIONS

1. *Personal Information*: means any recorded information about an identifiable individual, including: the individual's name, address or telephone number; race, national or ethnic origin, colour, or religious/political beliefs or associations; his/her age, sex, sexual orientation, marital/family status; an identifying number, symbol or other particular assigned to the individual; his/her fingerprints, blood type or inheritable characteristics; his/her health-care history, including a physical or mental disability; his/her educational, financial, criminal or employment history; anyone else's opinions about the individual and; his/her personal views or opinions, except if they are about someone else.
2. *Record*: includes documents, drawings, photographs, letters and any other thing on which information is recorded or stored by graphic or electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
3. *Third Party*: means in relation to a request for access to a record or for correction of personal information, any person, group of persons or organization other than: the person who made the request; the municipality to which the request is made; or a municipal body, a majority of the members of which are appointed by, or which is under the authority of, the municipality to which the request is made.

B. GENERAL

1. Every person has a right to access his/her own personal information unless the disclosure of the information falls within one of the exemptions in B2 below.
2. The *FOIPOP* exemptions listed below authorize the HRP to refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to:
 - (a) Harm:
 - (i) law enforcement;
 - (ii) the effectiveness of investigative techniques or procedures currently used, or likely to be used, in law enforcement.
 - (b) Reveal:
 - (i) the identity of a confidential source;
 - (ii) any information relating to, or used in, the exercise of prosecutorial discretion;
 - (iii) a record that has been legally confiscated from a person by a police officer;
 - (iv) information about the history, supervision or release of a person who is in custody or under supervision and the disclosure would reasonably be expected to harm the proper custody or supervision of that person;
 - (v) the substance of meetings held in private, as authorized by law;
 - (vi) advice, recommendations or draft resolutions, policies, by-laws or special regulations

- developed by or for HRP;
 - (vii) information subject to solicitor-client privilege;
 - (viii) personal information about a third party without the third party's written consent.
- (c) Endanger the life or physical safety of a police officer or any other person or threaten the mental safety of the individual about whom the personal information pertains.
 - (d) Deprive a person of his/her right to a fair trial or impartial adjudication.
 - (e) Be detrimental to the proper custody, control or supervision of a person under lawful detention.
 - (f) Expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record.
3. The exemptions listed above may be overridden and personal information about an individual may be released if:
- (a) The release is deemed to be in the greater public interest and involves public safety issues.
 - (b) The individual has consented in writing or requested the disclosure of his/her own personal information.
 - (c) An enactment authorizes the disclosure.

C. POLICY

1. All applications for access to information made pursuant to the *FOIPOP* will be made in writing by the applicant on an HRP.079.0, Application for Access to Information, or in a signed letter and must contain the following information:
 - (a) The applicant's name, current address and telephone number(s) (if available).
 - (b) A description of the material being requested in sufficient detail to allow HRP to locate it.
 - (c) The nature of the access requested - whether a copy is to be provided or whether the applicant wishes to see the information.
2. All *FOIPOP* applications shall be forwarded to the Superintendent i/c Administration as soon as practical upon receipt.
3. Payment of an application fee of \$5.00 (five dollars) is required at the time of each application. However, no application fee will be charged for a request for an applicant's own personal information.
4. No application will be processed:
 - (a) Until the nature of the request is checked to determine whether it meets legal requirements.
 - (b) Unless approved by the Superintendent i/c Administration. AND

- (c) Until full payment of the prescribed fees is received by HRP from the applicant.
- 5. No third party applications will be processed without the written consent of the individual whose personal information has been requested.
- 6. Two working files will be created in addition to the original application. The working copies will be used by personnel involved in processing the application and maintained in the file.
- 7. The time spent on processing each application will be logged on the working copy by personnel involved in processing the application.
- 8. Where information is withheld from the applicant, the following procedure will apply:
 - (a) The reasons for the denial will be printed on one copy indicating the applicable *FOIPOP* section(s). The actual deletions will be made on this copy.
 - (b) A photocopy of the copy containing the deletions will be made and provided to the applicant, where access is granted.
 - (c) For related procedures, refer to PROCEDURES - PROCESSING OF FOIPOP APPLICATIONS in D1 below.
- 9. Where the actual costs for processing a request are less than the fees paid by the applicant, the difference in the fees will be reimbursed to the applicant.
- 10. The original application and any released information will be forwarded to the applicant with the decision.
- 11. If a record(s) requested cannot be located, the applicant will be informed promptly of same.
- 12. Whenever a request is made to a Review Officer for a review concerning a decision or requested time extension, no further action will be taken to process the application until the review process is complete.
- 13. All written communications made to applicants and third parties shall contain the:
 - (a) Names, addresses and telephone numbers of the Superintendent i/c Administration and the Provincial Review Officer.
 - (b) The applicable time limit(s) to:
 - (i) make a response to an application;
 - (ii) make recommendations why access should not be granted; OR
 - (iii) seek a review of a decision.
 - (c) When appropriate, a copy of the applicable provincial form(s) required to be submitted to request a review of a decision.
- 14. A copy of all written communications made to applicants, third parties and/or a Review Officer shall be placed in the applicable file. On every occasion time is spent on an application, the Superintendent i/c shall ensure the Process Control Sheet is updated.

15. Any approved release of information to an applicant shall be stamped on each page with:
CONFIDENTIAL REPORT NOT TO BE DISSEMINATED WITHOUT THE EXPRESS PERMISSION OF THE HALIFAX REGIONAL POLICE.
16. All applicable HRP policy and past practices concerning the collection and storage of information in effect prior to April 1, 1999 will continue in the established manner unless specified by this policy or future directives.

D. PROCEDURES - PROCESSING OF FOIPOP APPLICATIONS

1. The following procedure shall apply when *FOIPOP* applications are received from applicants seeking their own personal information:
 - (a) The member initially receiving the application will date stamp the application and forward it to the Superintendent i/c Administration without delay.
 - (b) The Superintendent i/c shall:
 - (i) assess the application and determine if sufficient detail is provided to locate the record(s);
 - (ii) cause a file to be opened for each application containing the working copies and attach a Process Control Sheet to the file cover to track the application's status and all time spent on the application; AND
 - (iii) notify the applicant in writing as soon as practical that a response will be expected within 30 days of receipt of the application. Where a time extension is approved by a Review Officer, the applicant must be notified of same without delay. Refer to Appendix A of this chapter for a listing of *FOIPOP* time limits.
 - (c) If access is denied or partially denied, the Superintendent i/c will notify the applicant in writing that access is refused or partially refused and:
 - (i) provide the reason(s) for the refusal and cite the section(s) of the Act on which the refusal is made;
 - (ii) inform the applicant of his/her right to seek a review of the decision and the process required;
 - (iii) note on the working copies the applicable section(s) supporting the denial.
 - (d) If access is granted, the Superintendent i/c will:
 - (i) forward the second copy to the Supervisor i/c Central Records or another designated person. He/she will indicate a diary date to receive a cost estimate and the time estimate to process the application;
 - (ii) upon receipt of the estimates, notify the applicant as soon as practical of:
 - (aa) the type of access - full or partial - that is granted;
 - (bb) the estimated prescribed fees required from the applicant before the application will be processed;

- (cc) the manner in which access will be given - whether a copy of the record will be reproduced or where the record cannot be easily reproduced, the date and location the applicant may examine it;
 - (dd) if an extension is required and approved, the revised due date;
 - (ee) the applicant's right to appeal the decision; AND
 - (ff) the name, address and telephone number where the applicant can contact the Superintendent i/c;
 - (iii) where the applicant has paid all prescribed fees, advise the Supervisor i/c Central Records to process the application as per the nature of the request and his/her directions;
 - (iv) upon receipt of the information, review the information to ensure compliance with the Act, notify the applicant in writing advising him/her where and when the record may be picked up/examined.
- (e) The Supervisor i/c Central Records or other designated person shall upon receipt of an application:
- (i) determine the estimated costs and time involved in locating, retrieving and reproducing the information and forward the estimates to the Superintendent i/c Administration without delay;
 - (ii) process the application when advised and make two additional working copies of the information;
 - (iii) delete confidential information from one working copy and cite the applicable *FOIPOP* section(s) next to each deletion made;
 - (iv) photocopy the copy containing the deletions and identify it as the applicant's copy;
 - (v) forward the original and all working copies to the Superintendent i/c as soon as practical.
2. Applicants who receive access to their own personal information have the right to have corrections made to their personal information. Upon receipt of an application for correction of personal information, the Superintendent i/c shall:
- (a) Investigate the matter and if:
 - (i) an error has been made, make the correction or cause it to be made;
 - (ii) no error has been made, attach the objection to the record.
 - (b) Notify:
 - (i) the applicant of the action taken;
 - (ii) any public body or third party who has received the information in the one year prior to the request for correction of the correction or annotation that was made.

3. The procedure in D1 above shall apply when *FOI/POP* applications are received from applicants seeking third party information. However, the following additional obligations must also be performed for third party applications:
- (a) Where an applicant is seeking personal or confidential information about a third party, the Superintendent i/c shall ensure the third party and applicant are notified in writing as soon as possible and on the same date upon receipt of the application. The Superintendent must:
 - (i) advise the third party an applicant is seeking access to information which may affect the third party's interests. The identity of the applicant will not be disclosed to the third party unless the applicant agrees in writing to the disclosure;
 - (ii) describe the contents of the record to the third party unless the disclosure falls within one of the exemptions listed in B2 above;
 - (iii) advise the third party he/she has 14 days in which to respond to the request for access;
 - (iv) advise the applicant the request involved personal information about the third party and the latter is being afforded an opportunity to consent to/deny the request.
 - (b) Where access is denied, the Superintendent i/c shall forward a written notice to the applicant and third party advising them of the decision. The notice to the applicant must state that access to the information requested is being refused and;
 - (i) cite the section(s) of the Act on which the refusal is based;
 - (ii) note the applicant may seek a review of the decision within 60 days of the notice;
 - (iii) provide a summary of the information unless it cannot be done without revealing the identity of the third party.
 - (c) If access is granted, the Superintendent i/c shall ensure the process in D1(d) above is followed. However, in this instance the applicant will be advised in writing that:
 - (i) access to the information will be granted unless the third party requests a review within 20 days of the notice;
 - (ii) access will be contingent upon full payment, in advance, of the prescribed fees.
 - (d) If full access is granted, the third party will be advised by the Superintendent i/c that:
 - (i) the applicant will receive access to the information within 20 days, unless the third party exercises his/her right to seek a review of the request;
 - (ii) inform the applicant of his/her right to seek a review of the decision and the process required.
 - (e) If partial access is granted, the Superintendent i/c shall make or cause to be made a written notice to the applicant and third party.
 - (f) The notice to the applicant in D2(e) above must state that:
 - (i) access to the record will be granted unless the third party request a review within 20 days;

- (ii) access will be contingent on full payment of the prescribed fees;
 - (iii) access to the balance of information requested is being refused and that the applicant may seek a review of the decision;
 - (iv) the refusal is based on the specified section(s) of the Act which are stated in the notice;
 - (v) a summary of the information refused is being provided as required by the Act unless its release falls within one of the exemptions in B2 above.
- (g) The notice to the third party in D2(e) above must state that:
- (i) the applicant will receive partial access to the information within 20 days unless the third party seeks a review of the decision;
 - (ii) inform the third party of his/her right to seek a review of the decision and the process required.
- (h) If a review of a decision to release information is not requested by a third party, the information shall be released as scheduled.