



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 9.1.6**  
**Board of Police Commissioners**  
**December 16, 2019**

**TO:** Chair and Members of the Board of Police Commissioners

**- Original Signed -**

**SUBMITTED BY:**

\_\_\_\_\_  
John Traves, Q.C., Director, Legal, Municipal Clerk & External Affairs

**DATE:** December 6, 2019

**SUBJECT:** Requested Amendments to By-law P-100, Respecting the Board of Police Commissioners

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### INFORMATION REPORT

#### ORIGIN

At the meeting of the Board of Police Commissioners on June 17, 2019 the Board passed the following motion:

**THAT the Board of Police Commissioners request changes to Halifax Regional Municipality ByLaw Number P-100: Respecting the Board Of Police Commissioners, with changes to section 8 (2) (f) that will now read “ensure compliance with Nova Scotia Police Act code of conduct; and the Halifax Regional Police Code of Ethics.”**

#### LEGISLATIVE AUTHORITY

By-law P-100, Respecting the Board of Police Commissioners

*Police Act*, S.N.S. 2004, c. 31, s. 55

#### **Function of board**

55 (1) The function of a board is to provide

- (a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and
- (b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

but the board shall not exercise jurisdiction relating to

- (c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal

- police department;
- (d) a specific prosecution or investigation; or
- (e) the actual day-to-day direction of the police department

### **BACKGROUND**

On June 17, 2019 the Board made a motion requesting an amendment to By-law P-100 to incorporate ensuring compliance with the Halifax Regional Police Code of Ethics into its enumerated powers under section 8.

The matter advanced to Halifax Regional Council on September 24, 2019, where the following motion was passed:

THAT Halifax Regional Council request a staff report examining a requested amendment to Halifax Regional Municipality By-Law Number P-100, Respecting the Board of Police Commissioners, with the requested amendment being to change section 8 (2)(f) to read “ensure compliance with Nova Scotia Police Act code of conduct; and the Halifax Regional Police Code of Ethics.”

This report was prepared by staff and brought before Halifax Regional Council November 26, 2019. Staff recommended that the requested amendment to By-law P-100 not be made. Council accepted staff's recommendation and passed the following motion:

THAT Halifax Regional Council maintain the text of clause 8(2)(f) of By-law P-100, Respecting the Board of Police Commissioners as it is currently written for the reasons outlined in the staff report dated October 25, 2019.

**DISCUSSION**

The rationale for staff not recommending this change be made is fully outlined in the staff reported dated October 25, 2019, attached here as Attachment #1.

To briefly summarize, staff advised that the amendment was unnecessary as the Board already has the jurisdiction under the Police Act and By-law P-100 to provide administrative direction with respect to any Halifax Regional Police policies, including the Code of Ethics.

Staff was also concerned that the proposed amendment could cause some confusion. The amendment could give the false impression that the Board is responsible for enforcing the Code of Ethics directly, by way of discipline against individual officers, which it is precluded from doing by way of s. 55(1)(c) of the Police Act. This power rests with the Chief, subject to the jurisdiction of the Police Review Board.

It was therefore the recommendation of staff that the by-law remain unchanged.

**FINANCIAL IMPLICATIONS**

None.

**COMMUNITY ENGAGEMENT**

None.

**ATTACHMENTS**

Attachment #1: Staff Report to Halifax Regional Council dated October 25, 2019

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Katherine Salsman, Solicitor, 902.490.6024

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# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 15.1.5**  
**Halifax Regional Council**  
**November 26, 2019**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

Jacques Dubé, Chief Administrative Officer

**DATE:** October 25, 2019

**SUBJECT:** Requested Amendment to By-Law P-100, Respecting the Board of Police Commissioners

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## **ORIGIN**

At the meeting of Council on September 24<sup>th</sup>, 2019 Council PUT an PASSED the following motion:

**THAT Halifax Regional Council request a staff report examining a requested amendment to Halifax Regional Municipality By-Law Number P-100, Respecting the Board of Police Commissioners, with the requested amendment being to change section 8 (2)(f) to read “ensure compliance with Nova Scotia Police Act code of conduct; and the Halifax Regional Police Code of Ethics.”**

## **LEGISLATIVE AUTHORITY**

Regarding the Board of Police Commissioners, Section 55 of the *Police Act*, S.N.S. 2004, c. 31 (“the Police Act”) states:

55 (1) The function of a board is to provide

- (a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and
- (b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department [.]

Further, Section 55(3)(c) states that a board must “*ensure that police services are delivered in a manner consistent with community values, needs and expectations*”.

The Board’s mandate is subject to the restrictions, at ss. 55(1)(c) and (e) respectively, that:

[...] the board shall not exercise jurisdiction relating to

**Recommendation on next page**

c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;

(...)

e) the actual day-to-day direction of the police department.

The Board's mandate is further outlined in HRM By-Law P-100, which reads:

**Power**

8. (1) The Board (...) shall carry out an advisory role in respect of police matters within the communities serviced by the Provincial Police Service.

(2) The Board in accordance with the *Police Act* and HRM Bylaws may carry out any of the following roles and responsibilities:

(...)

(b) provide civilian governance on behalf of the Council in relation to enforcement of the law, the maintenance of law and order and the prevention of crime within the municipality;

(...)

(f) ensure compliance with Nova Scotia Police Act code of conduct;

(g) make rules respecting standards, guidelines and policies for the administration of the police service and for the efficient discharge of duties by the employees(.

The Police Regulations made under subsection 97(1) of the *Police Act*, N.S. Reg. 230/2005 as amended ("the Police Regulations") contain three (3) Codes of Conduct, as follows:

- 1) s. 24 - Code of Conduct and Disciplinary Defaults
- 2) s. 79 – Code of conduct for board members
- 3) s. 84 – Code of conduct for advisory board members

The Halifax Regional Police has a number of internal policies and procedures, including a Code of Ethics, attached hereto as Attachment 3.

**RECOMMENDATION**

It is recommended that Halifax Regional Council maintain the text of clause 8(2)(f) of P-100 as it is currently written for the reasons outlined in this report.

## **BACKGROUND**

At the June 17th 2019 meeting of the Board of Police Commissioners (“the Board”), Commissioner Lindell Smith put forward the following motion, which was subsequently passed:

THAT the Board of Police Commissioners request changes to Halifax Regional Municipality By-Law Number P-100: Respecting the Board Of Police Commissioners, with changes to section 8 (2) (f) that will now read “ensure compliance with Nova Scotia Police Act code of conduct; and the Halifax Regional Police Code of Ethics.” (emphasis not in original)

The above request was forwarded to City Council, who at the meeting of Council held September 24<sup>th</sup> 2019, requested a staff report on the proposed amendment (Agenda item 15.2).

## **DISCUSSION**

Outlining the Board's powers, s. 8(2)(f) of P-100 states: *The Board in accordance with the Police Act and HRM Bylaws may carry out any of the following roles and responsibilities: (...) (f) ensure compliance with Nova Scotia Police Act code of conduct.*

Which Code of Conduct? P-100, s. 8(2)(f)

To which code of conduct does 8(2)(f) refer? Confusingly, the body of the Police Act itself does not contain any section with that title; and the Police Regulations contain three (3) Codes of Conduct, two of which are relevant here: s. 24 governing the conduct of police officers, and s. 79 governing police board members.

The Board, however, is only responsible for ensuring compliance with one of these; the Code of Conduct in s. 79, governing the conduct of its own members.

Compliance with the Code of Conduct for police officers (as found in s. 24) is the sole responsibility of the Chief (and thereafter the Police Review Board). This is reflected throughout the Act, including ss. 70-83 (Complaints and Internal Discipline); and s. 55, which states that the Board cannot assert jurisdiction over either “*complaints, discipline or personnel conduct*” or “*the day-to-day direction of the police department*”.

As such, s. 8(2)(f) of P-100 must be read as permitting the Board to ensure compliance of members of the Board with the [...] code of conduct found in s. 79 of the Police Regulations.

### HRP Code of Ethics

The HRP Code of Ethics (Attachment #3 hereto) is a policy of the HRP. It is currently in effect under Departmental Order #06-04, and is a broad, aspirational document which reaffirms HRP’s commitment to unbiased policing.

The HRP Code of Ethics incorporates by explicit reference the Code of Conduct and Discipline found in the Police Regulations; but goes significantly further, discussing bigotry, harassment and other unwanted behaviours; not only with respect to HRP’s interaction with members of the public, but also with other members and in members’ personal lives.

The HRP Code of Ethics (s. 1.1B)) specifically forbids police enforcement (e.g. traffic stops) premised solely on a number of prohibited grounds, which closely mirror *Charter*-protected grounds – race / ancestry, gender, sexual orientation etc.

### Is the Amendment Necessary?

The Board's mandate is to provide civilian governance and administrative direction and policy to the Halifax Regional Police, and as such it is empowered to provide administrative direction with respect to the implementation of the Police Act, the Police Regulations, and HRP policies and procedures, including the Code of Ethics. It is entitled to do so, without any amendment to P-100.

### Would the Amendment Cause Confusion?

Additionally, the proposed wording – that the Board “*may ensure compliance with (the) Nova Scotia Police Act code of conduct and the Halifax Regional Police Code of Ethics*” – has the potential to create the (false) impression that the Board (rather than the Chief and thereafter the Police Review Board) was responsible for ensuring compliance with both the Code of Ethics, and the (s. 24) Code of Conduct governing officers.

For the above reasons, it is recommended that the wording of 8(2)(f) be left as-is. In the alternative, an amendment could be made to remove the existing ambiguity in 8(2)(f) and clarify that the provision applies to the Board, as discussed above.

### **FINANCIAL IMPLICATIONS**

There are no anticipated financial implications with respect to the recommendation. If Council chooses to proceed with the alternative, there are no anticipated financial implications to the proposed change.

### **RISK CONSIDERATION**

We consider this to be a LOW risk amendment, in consideration of the Risk Consideration Guidelines.

### **COMMUNITY ENGAGEMENT**

The amendment was proposed through the Board of Police Commissioners; no separate community engagement contemplated.

### **ENVIRONMENTAL IMPLICATIONS**

There are no anticipated environmental implications to the proposed change.

### **ALTERNATIVE**

S. 8(2)(f) refers to the “*Nova Scotia Police Act code of conduct*”, which is problematic for the reasons given in the discussion section of this report. Council may amend By-law P-100 to remove any ambiguity and make it clear that the Code of Conduct referred to is in fact the Code which governs Board members by giving notice to adopt By-law P-103, as set out in Attachment 2, at the next meeting of Halifax Regional Council.

### **ATTACHMENTS**

Attachment #1 – Showing Proposed Changes to By-Law P-100  
Attachment #2 – Amending By-Law P-103  
Attachment #3 – HRP Code of Ethics

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Duncan Read, Solicitor: 902.490.6024

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**Attachment 1  
(Showing Proposed Changes)**

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER P-100

RESPECTING THE BOARD OF POLICE COMMISSIONERS  
FOR THE HALIFAX REGIONAL MUNICIPALITY

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Police Act, Chapter 28, R.S.N.S., 1989 as follows:

**Short Title**

1. This By-law shall be known as By-law No. P-100 and may be cited as the "Police Board By-law".

**Definitions**

2. In this By-law

(a) "Board" means the Board of Police Commissioners for the Halifax Regional Municipality;

(aa) "CAO" means the Chief Administrative Officer of the Halifax Regional Municipality;

(b) "Council" means the Council of the Halifax Regional Municipality.

(c) "Chief of Police" means the Chief of Police of the Halifax Regional Police;

(d) "Halifax Detachment" means the Halifax District RCMP;

(e) "Halifax Regional Police" means the Chief and members of the municipal police service of Halifax Regional Municipality;

(ee) "HRM" means Halifax Regional Municipality;

(f) "Officer in Charge" means the chief officer of the Halifax District RCMP;

(g) "Provincial Police Service" means collectively the police services provided by the RCMP through contract with the Province of Nova Scotia;

(h) "RCMP" means the Royal Canadian Mounted Police.

### **Board Established**

3. The Council hereby establishes the Board of Police Commissioners for the Halifax Regional Municipality.

### **Membership**

4. (1) The Council shall appoint six members to the Board who shall hold office for such term as Council may direct, not to exceed three years.

(2) The Solicitor General for the Province of Nova Scotia may appoint one additional member to serve on the Board pursuant to Section 19(2) of the Police Act.

(3) Members appointed to the Board may be reappointed at the conclusion of their terms, but may be appointed for no more than three consecutive terms.

(4) Council shall stagger the end dates of appointments to the Board, if possible.

(5) Where Council is appointing or reappointing a member of the Board, Council shall consider:

(a) if the Board reflects the diversity of the community it represents;

(b) if the Board has a member with legal knowledge or knowledge of the justice system; and

(c) if the Board has a member with financial knowledge.

### **Chairman**

5. The Chairman shall preside at all meetings of the Board and in his absence the Vice-Chairman shall preside.

### **Procedure**

6. (1) The Board shall conduct its business according to the procedure established by the Council for the conduct of its business subject to such modifications as may be required to fit the needs of the Board.

(2) The Board shall, by June 1<sup>st</sup> of each year, provide Council with an annual report outlining its achievements in the previous fiscal year, and an overview of its workplan for the coming year.

### **Chief Officer**

7. (1) The Chief of Police shall have the power to appoint, promote, suspend, dismiss and reinstate all members, special constables, bylaw enforcement officers and civilian employees of the Halifax Regional Police.

(2) The Chief of Police shall advise the Board with respect to the provision of efficient, effective and economical municipal police service delivery to the taxpayers of the municipality and may in consultation with the Board undertake in a timely manner, research, strategic planning, policy development and implementation and the reporting of results, in response to inquiries by the Board pertaining to its community governance responsibilities, generally categorized as:

- (a) providing an effective community voice on matters pertaining to policing;
- (b) civilian review of police service delivery;
- (c) ensuring the quality of police service delivery by evaluation processes;
- (d) keeping generally informed of policing operations; and
- (e) insuring police personnel are accountable to civilian authority.

(3) Pursuant to section 38 of the Police Act, the Chief of Police has authority over the actual day-to-day direction of the Halifax Regional Police with respect to enforcement of law and the maintenance of discipline within the department.

(4) The Chief of Police is accountable to the Board with respect to the provision of policing in the Halifax Regional Municipality.

(5) The Chief of Police is accountable to the CAO with respect to the implementation of and compliance with HRM administrative policies and procedures.

#### **Appointment of Chief of Police**

7A. (1) The Board shall oversee any competition for the role of Chief of Police with the assistance of HRM staff.

(2) At the conclusion of a competition for the role of Chief of Police the Board shall prepare a report respecting the results of the competition and a recommendation of a candidate to be appointed Chief of Police.

(3) The final decision with respect to the appointment of a candidate as Chief of Police or the extension of the contract of the Chief of Police shall be made by Council.

(4) The Board shall provide advice to the Council with respect to any decision to renew the contract of the Chief of Police.

#### **Power**

8. (1) The Board shall provide civilian governance in regards to strategic policy planning and policy driven budget planning for police service delivery within the communities serviced by the Halifax Regional Police and shall carry out an advisory role in respect of police matters within the communities serviced by the Provincial Police Service.

(2) The Board in accordance with the *Police Act* and HRM Bylaws may carry out any of the following roles and responsibilities:

- (a) co-ordinate public planning process as it relates to community oriented police response to community issues;
- (b) provide civilian governance on behalf of the Council in relation to enforcement of the law, the maintenance of law and order and the

- prevention of crime within the municipality;
- (c) in consultation with the Chief of Police, review priorities, goals and objectives of the municipal police service;
  - (d) over see and ensure the provisioning of the Halifax Regional Police in the areas of accommodation and material as deemed necessary;
  - (e) prepare and submit in consultation with the Chief of Police and the Chief Administrative Officer or delegate, to Council an annual budget for the municipal police service. The municipal council shall only exercise global budget approval and shall only accept the police service budget submitted to it by the board or refer back to the board with instructions that it be altered upward or downward by a specific dollar amount or percentage;
  - (f) ensure compliance with ~~Nova Scotia Police Act code of conduct~~ the code of conduct governing Board members, as found in the Police Regulations;
  - (g) make rules respecting standards, guidelines and policies for the administration of the police service and for the efficient discharge of duties by the employees;
  - (h) carry out any studies or investigations respecting its civilian governance responsibilities;
  - (i) monitor gender, ethnic and minority group issues and making recommendations concerning these matters to the Chief of Police;
  - (j) ensure that community needs and values are reflected in policing goals and methods;
  - (k) act as a conduit between the community and the police service providers.

(3) The Board in accordance with the *Police Act* and HRM Bylaws may carry out any of the following roles and responsibilities as they relate to the Provincial Police Service:

- (a) by consulting with the Officer in Charge to develop and implement the policing objectives, priorities and goals;
- (b) requiring the Officer in Charge to attend all meetings of the Board, and other meetings as required by the Board, in order to provide information pertaining to operational and administrative status of the Halifax Detachment; such consultation shall occur as and when required but not less than quarterly;
- (c) requiring the Officer in Charge to provide an annual report, by March 31 of each year, on the status of the implementation of HRM's objectives, priorities and goals relating to the Halifax Detachment's

policing responsibilities within its prescribed territorial boundaries in the municipality during the previous fiscal year.

- (d) requiring the Officer in Charge to provide monthly or more frequently if deemed necessary to provide the Board the details of any new or outstanding internal disciplinary matters in respect of those members of the RCMP who carry out policing functions with Halifax Detachment;
- (e) by requesting as required information relating to any policies, directives or practices of the RCMP on matters such as information on organizational initiatives within the RCMP, the public complaint process, the processes dealing with discipline and poor performance of members of the RCMP, recruiting processes in general and as they relate specifically to visible minorities; transfer policies for RCMP members and any other programs that from time to time may be of interest to the Board;
- (f) in consultation or with their delegate consult with the Officer in Charge or his or her delegate, the Attorney General or his or her delegate meet in respect to financial planning having regard to the number of members and support staff required for the Halifax Detachment for the following fiscal year or five year plan.

**Repeal**

9. The following by-laws are repealed:

- (a) City of Dartmouth By-laws P-900, P-901, P-902, P-903, P-904 and P-1000;
  - (b) Town of Bedford By-law No. 22102; and
  - (c) City of Halifax Ordinance No. 169.
- (2) This Section shall have effect on and after April 1, 1996.

Done and passed in Council this 22<sup>nd</sup> day of February, 1996.

Walter R. Fitzgerald  
MAYOR

Vi Carmichael  
MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on February 22<sup>nd</sup>, 1996.

Vi Carmichael  
MUNICIPAL CLERK

BY-LAW P-100

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Notice of Motion:	January 10, 1996
First Reading:	January 31, 1996
Second Reading:	February 14, 1996
Third Reading:	February 22, 1996
Approved by Minister of Municipal Affairs:	March 27, 1996
Effective Date:	April 1, 1996

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No. 1 **By-Law P-101**

Section 2; Section 7 and Section 8 - By-Law P-101

Notice of Motion:	September 21, 1999
First Reading:	October 5, 1999
ANotice of Intent@ Publication:	October 9, 1999
Second Reading:	October 26, 1999
Approval of Minister of Justice:	January, 2000
Effective Date:	March 4, 2000

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No. 2 **By-law P-102**

Sections 2, 4, 6, 7, 7A

Notice of Motion:	October 17, 2017
First Reading:	October 31, 2017
Notice of Second Reading Publication:	November 11, 2017
Second Reading:	November 28, 2017
Approval of Service Nova Scotia and Municipal Relations:	July 3, 2018
Effective Date:	July 7, 2018

**Attachment 2  
(Amending By-law)**

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER P-103

RESPECTING THE BOARD OF POLICE COMMISSIONERS  
FOR THE HALIFAX REGIONAL MUNICIPALITY

BE IT ENACTED by the Council of the Halifax Regional Municipality, that By-law P-100, the Police Board By-law, as amended, is further amended as follows:

1. striking out the words "Nova Scotia Police Act code of conduct" after the word "with" and before the comma at the end of clause 8(2)(f), and
2. adding the words "the code of conduct governing Board members, as found in the Police Regulations" after the word "with" and before the comma at the end of clause 8(2)(f).

Done and passed in Council the    day of                    2019.

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Mayor

\_\_\_\_\_  
Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Motion was passed at a meeting of the Halifax Regional Council held on                    , 2019.

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Kevin Arjoon, Municipal Clerk



## Chapter Five: Discipline

# 1 LAW ENFORCEMENT CODE OF ETHICS

Departmental Order #: 06-04 (Originally issued under Department Order # 37-03)

## A. POLICY STATEMENT

1. This section reaffirms the commitment of the Halifax Regional Police to unbiased policing. Section 1 sets the standard for the Code of Ethics expected of all police officers within HRP. Subsection 1.1 reaffirms the philosophy of the Halifax Regional Police to providing each citizen of the public with whom we have contact dignified treatment and Subsection 1.2 clarifies the circumstances in which officers can consider race/ethnicity when making law enforcement decisions and to enforce procedures that serve to assure the public that HRP is providing service and enforcing laws in an equitable manner.
2. Any sworn member requiring access to the *Nova Scotia Police Act* and *Police Act Regulations* will access them at the Nova Scotia Government website.

## B. CODE OF ETHICS

1. The HRP-accepted Code of Ethics states the following:

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL KEEP MY PRIVATE life unsullied as an example to all and will behave in a manner that does not bring discredit to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favour, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

I KNOW that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I WILL constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...law enforcement.

2. All Halifax Regional Police officers shall comply with the Code of Ethics at all times whether on duty or off duty. Officers deemed to be in contravention of the Code of Ethics will be subject to disciplinary action.

### **C. STANDARD OF CONDUCT**

1. The Code of Conduct and Discipline by which all HRP sworn members must abide is mandated by Part 2 of the *Nova Scotia Police Act Regulations*.

## **1.1 ENTITLEMENT TO DIGNIFIED TREATMENT**

Departmental Order #: 37-03

### **A. POLICY**

1. The Halifax Regional Police has always been concerned about the potential for the exhibition or expression of any form of bigotry, discrimination, prejudice and sexual, racial or workplace harassment by its members. This concern is not only with the manner in which members of the HRP may treat the public but also with the manner in which they may treat one another.
2. It is recognized that each member of the HRP is entitled to his/her own beliefs. However, a member of the HRP cannot allow those personal feelings to enter into contacts with the public or contacts with other members of the HRP.
3. Every member of the HRP:
  - a. Must avoid any expression or display of prejudice, bigotry, discrimination, and sexual or racial harassment.
  - b. Shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the HRP. The appearance of bias or prejudice can be as damaging to the public confidence as would be the actual presence of bias or prejudice. Likewise, such behavior can damage the mutual respect between co-workers and must be avoided to maintain positive working relationships which are vital to a functioning organization.

4. Members of the Halifax Regional Police are conspicuous representatives of the Halifax Regional Municipality and are symbols of stability and authority upon whom the public can rely. As such, members of this force must recognize that individual dignity is vital to a free system of law and that while all persons are subject to the law, each person is equally entitled to dignified treatment by all those involved in law enforcement.
5. Therefore, all members of the HRP must, at all times, whether on duty or off duty, refrain from conduct or remarks which may be interpreted in a way that is detrimental to themselves, the HRP or any other person, department or agency involved in the administration of justice.

## **B. POLICE OFFICER**

1. Each police officer shall regard the discharge of his/her duties as a public trust and recognize his/her responsibilities to treat the public in an impartial manner during all interactions. In doing so, officers shall refrain from actions such as vehicle stops, questioning, searching, detaining or arresting based solely on a person's:
  - a. Race.
  - b. Ancestry.
  - c. Place of origin.
  - d. Ethnic origin.
  - e. Citizenship.
  - f. Creed.
  - g. Gender.
  - h. Sexual orientation.
  - i. Disability.
  - j. Age.
  - k. Marital status.
  - l. Same-sex partnership status.
  - m. Family status.

## **1.2 VALUING RACE RELATIONS & DIVERSITY**

Departmental Order #06-04

### **A. DEFINITION**

1. Racially-biased Policing: occurs when law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity.

### **B. POLICY**

1. Halifax Regional Police is committed to endorsing a police environment which prohibits the practice of racially-biased policing and values the diversity within communities in the Halifax Regional Municipality.
2. All members of this service are obligated, from the first day of their employment, to conduct themselves at all times in a professional, legal and respectful manner and to display a high level of professionalism during any type of contact with members of the public.
3. Officers must be able to determine and articulate they have articulable cause that support their actions prior to conducting any of the following:
  - a. Investigative detentions.
  - b. Traffic stops.
  - c. Arrests.
  - d. Non-consensual searches. And
  - e. Property seizures.
4. Except as provided in A5 below, skin colour, race or ethnicity absent any other factors will be insufficient to justify a stop, search or arrest. Therefore, officers shall not in isolation consider a person's race/ethnicity:
  - a. When establishing articulable cause.
  - b. In deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request to consent to search.
5. Officers may take into account the reported race/ethnicity of a specific suspect(s) when they have been provided with reliable, locally relevant information that links a person(s) of a specific race/ethnicity to a particular unlawful incident(s).

6. The following list includes but is not limited to inappropriate conduct which will not be tolerated by the Halifax Regional Police:
  - a. Targeting motorists for traffic stops based on race.
  - b. Applying discretionary enforcement on the basis of race.
  - c. Tolerating different degrees of disorder and deviance based on race.
  - d. Interfering with citizens' routine activities based on race.
  - e. Assuming someone is dangerous on the basis of race.
  - f. Providing different levels of police patrol and protection on the basis of race, or because of unfounded racial fears.
  - g. Providing different levels of service on the basis of race.
7. Race/ethnicity must never be used as the sole basis for determining articulable cause. Violations of this policy shall result in disciplinary action.
8. Competencies for race and diversity relations shall be embodied within the Competency Assessments, hiring, promotional routines and competitions for transfers. HRP members are evaluated on some of these standards and competencies under the broad headings of Providing Distinguished Service, Valuing diversity and Leadership.

### **C. POLICE OFFICER**

1. HRP seeks to prevent incidents of misinterpreted perceptions of biased law enforcement. To accomplish this objective, each officer shall do the following when conducting pedestrian and vehicle stops:
  - a. Be courteous and professional.
  - b. Introduce him/herself to the citizen (providing name and agency affiliation) and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking for the driver's license and registration.
  - c. Ensure that the detention is no longer than is necessary to take appropriate action for the known or suspected offence and that the citizen understands the purpose of reasonable delays.

- d. Answer any questions the citizen may have, including explaining options for traffic citation disposition, if available.
  - e. Thank them for their patience and/or explain if s/he determines that the reasonable suspicion was unfounded.
  - f. See also **TRAFFIC STOPS** and **CHECKPOINTS AND VEHICLE STOPS**
2. Police officers must:
- a. Unless public interest dictates (i.e., road blocks, routine checks, breathalyzer checkpoints, etc.), make their decisions to engage the public based on the actions or conduct that they observe, on actual witness information and/or on-hand evidence.
  - b. Have articulable cause in order to pursue legitimate law enforcement activities with a member of the public.
3. Any member who witnesses a discreditable act by another member of the HRP shall report it to an NCO/supervisor without delay.

#### **D. NCO/SUPERVISOR**

1. NCOs and supervisors shall consistently demand appropriate behaviour from subordinates. In this regard, NCOs and supervisors are responsible to initiate disciplinary measures against any member who fails to conduct him/herself in a professional manner.

#### **E. PROFESSIONAL STANDARDS**

1. Professional Standards will ensure that:
- a. HRP standards concerning the administration, promotion and support of professionalism (including the practices, conduct, appearance, ethics and integrity of its members) help to strengthen public confidence in and co-operation with the police.
  - b. Appropriate disciplinary action is taken against members who contravene the standards of professionalism expected of them.
2. Professional Standards will provide feedback to SMT about systemic, repeated or ongoing discriminatory issues in order that appropriate corrective measures can be introduced.

## 2 CONDUCT OF EMPLOYEES

Departmental Order #:40-05

### **A. DEFINITIONS**

1. Conflict of Interest: exists when the interest of an employee or of the public in the proper execution of the employee's duties as an employee of the Halifax Regional Municipality conflicts with the employee's interest in his/her private economic affairs.
2. Employee: for the purposes of this section, refers to all paid staff and all non-paid volunteers of the Halifax Regional Police.

### **B. POLICY**

1. To avoid conflict of interest situations, an HRM employee shall not:
  - a. Engage in any business or transaction or have a financial or other interest outside the Region's operations which interferes with the proper discharge of his/her official duties or in which s/he has an advantage derived from his/her employment with the Region.
  - b. Grant any special consideration, treatment or advantage to any citizen, firm or corporation beyond that which is available to every other citizen, firm or corporation.
  - c. Place him/herself in a position where s/he could derive any direct or indirect benefit or interest from any HRM contracts about which s/he can influence decisions.
  - d. Benefit, or appear to benefit, from the use of information acquired during the course of his/her official duties, which is not generally available to the public. < or convenience personal for property materials equipment, vehicles, leased HRM-owned or use the permit>
  - e. Accept from any person, firm or corporation which has dealings with the HRM, any gifts, commission, reward, advantage or benefit of any kind, directly or indirectly, by him/herself or through a member of his/her family or through anyone for his/her benefit, unless s/he has the consent in writing of his/her Department Head or, in the case of a Department Head, the consent in writing of the HRM CAO.