



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

Item No. 3
Halifax Regional Council
September 29, 2020

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Commissioner Natalie Borden, Chair, Board of Police Commissioners

DATE: September 9, 2020

SUBJECT: **Board of Police Commissioners Annual Report – 2019**

INFORMATION REPORT

ORIGIN

A motion passed by Halifax Regional Council on June 13, 2017:

THAT Halifax Regional Council:

.....

f. Require the Board of Police Commissioners to provide an annual report to Council outlining its achievements in the past year and work plan for the coming year.

The Board of Police Commissioners requested that the Legislative Assistant maintain a record of the Board's business annually thereafter.

BACKGROUND

The Board of Police Commissioners is a municipal body required by provincial statute (Police Act, S.N.S. 2004 c. 31) for any municipality in Nova Scotia that establishes a municipal police department. The Halifax Board of Police Commissioners gets its mandate from the Police Act (s. 55(1)), and is responsible for providing civilian governance on behalf of Halifax Regional Council. This civilian governance extends to the enforcement of the law, the maintenance of law and order, and the administrative direction, organization and policy development required to maintain an adequate, effective and efficient police department.

Although the Board is responsible for the creation of the budget for the Halifax Regional Police, it has no power to raise revenue on its own behalf, and the final budget must be approved by Regional Council (s. 53).

In the case of HRM, since Regional Council has elected to share the responsibility for policing within the Municipality between Halifax Regional Police and the Royal Canadian Mounted Police ("RCMP"), the Board has a dual role. First, it acts as a governing board for Halifax Regional Police (the municipal police department) on behalf of Regional Council. Secondly, it acts as an advisory board to the RCMP, Halifax District Detachment, pursuant to s. 57 (1) of the Police Act. As the RCMP is federally regulated, it is not subject to the jurisdiction of HRM and is not subject to civilian governance as provided for through the Municipal Government.

There are seven (7) members on the Board of Police Commissioners: six (6) are appointed by Regional Council and one (1) is appointed by the Nova Scotia Minister of Justice. Of the six (6) appointed by Regional Council, three (3) are Councillors and three (3) are community members. Through this composition, the Board seeks to act as the link between the community and police services in the Municipality. The Halifax Board of Police Commissioners designates a representative to sit on the Nova Scotia Association of Police Governance and a commissioner also represents Nova Scotia on the board of directors of the Canadian Association of Police Governance.

For jurisdictional maps of the areas policed by the Halifax Regional Police as well as the RCMP, Halifax District Detachment, please refer to Attachment 1.

For further information on the legislative authority of the Halifax Board of Police Commissioners, please refer to Attachment 2.

DISCUSSION

In 2019 the Board underwent significant change. Steve Craig resigned as chair as he was elected MLA of Sackville-Cobequid in June 2019. A new chair, Natalie Borden, was appointed in July. Ms. Borden is the first African Nova Scotian chair in the history of the Board. She is employed as a Program Director with the Department of Health and Wellness and has previous experience with boards as a public member of the Nova Scotia Barristers' Society Council. The diversity of the current board reflects the population of HRM, with representation from women, African Nova Scotian and First Nations communities.

The Board was also impacted by the retirement of Chief Jean-Michel Blais of the Halifax Regional Police (HRP) after over six years. A Canada wide search was held for a new Chief of Police. Chief Dan Kinsella was appointed the new Chief of HRP in July 2019. Chief Kinsella came to HRP from the Hamilton Police Service, where he was Deputy Chief of Operations.

Leadership changes also occurred with the Royal Canadian Mounted Police (RCMP). After 2.5 years as the officer in charge of Halifax District, Chief Superintendent Lee Bergerman was promoted to commanding officer of H Division in Nova Scotia, at the rank of Assistant Commissioner. She was replaced in July 2019 by Chief Supt. Janis Gray, who came from British Columbia where she was the director of the RCMP's Canadian Air Carrier Protective Program.

With the changes, the Board continued to work towards its mandate, dealing with many issues and topics throughout the year. The work of the board did not stop, and this is due to the commitment shown by the members of the Board, RCMP and HRP who filled in during the transition period. The Board extends its thanks to all of those who helped ensure a seamless transition.

During 2019, the Board of Police Commissioners met twelve (12) times between January 14, 2019 and December 16, 2019, and the major topics under consideration are outlined below. Additional information on the matters dealt with by the Board of Police Commissioners during 2019, as well as the minutes of Board meetings, can be viewed online at: <https://www.halifax.ca/city-hall/agendas-meetings-reports>.

HALIFAX, NOVA SCOTIA: STREET CHECKS REPORT

Nova Scotia has a long history of issues with race and the criminal justice system, dating back to when the Black Loyalists first came to the province, and including more recently the Marshall Inquiry and the Human Rights Inquiry regarding Kirk Johnson. The Nova Scotia Human Rights Commission engaged Dr. Scott Wortley, University of Toronto Centre for Criminology & Sociolegal Studies, to examine the relationship between race and police street checks in HRM. Commonly known as “The Wortley Report”, it looked at 12 years’ worth of data from HRP and RCMP on street checks in the municipality.

The final report was released in early 2019 and has six parts:

- Introduction
- Community Consultations
- Community Survey
- Police Consultations
- Analysis of the Street Check Data
- Recommendations

The report provided 53 recommendations based on the data, which addressed a complete ban of street checks, regulation of street checks if a ban was not implemented data collection and improving police and community relations. These recommendations actions to be undertaken solely or in collaboration with HRP, RCMP, Department of Justice (DOJ), the NS Human Rights Commission (NSHRC), community members and others.

In response to the report a working group was established by the Minister of Justice to develop an action plan for the recommendations. The group as made up of representation from the Board, HRP, RCMP, DOJ, NSHRC, community members and organizations. Based on the feedback from the working group, the Board sent correspondence to the Nova Scotia Human Rights Commission (NSHRC) requesting an independent legal opinion on street checks. The NSHRC engaged The Hon. Michael MacDonald, former chief justice of the Nova Scotia Court of Appeal, to provide an opinion on the legality of the practice of Street Checks. His opinion was that the practice of street checks was illegal, and an overview of the opinion as presented to the board October 21, 2019. As a result, the Minister of Justice declared a ban on street checks in October 2019.

On November 29, 2019, Chief Kinsella apologized to the Black community for generations of negative experiences with the police and the practice of street checks. This apology was part of his action plan that focuses on the Wortley recommendations and strengthening police community relations. Although the DOJ working group meetings were suspended, the Board, along with HRP and RCMP continued to work on the recommendations and the action plans.

Of the 29 remaining recommendations after the ban on street checks was announced, 17 are led by HRP and RCMP, and 12 are led by DOJ. Of the 17 led by HRP and RCMP, three have been completed and 14 are in progress. Of note on the progress to date:

- The appointment the first Black Deputy Chief of HRP in April 2020.
- The introduction of the RCMP African Canadian Experience Program.
- The request from the Board May 2019 asking the Minister of Justice to change the Police Regulations under subsection 97(1) of the Police Act making the timing of police complaints to be consistent with the one-year national RCMP limitations period for police complaints. This was subsequently approved by the Minister in December 2019.
- The development and implementation of a public awareness campaign about filing a complaint with HRP and the RCMP.
- As many of the recommendations are ongoing, and cannot be defined as completed, and others involve the DOJ, NSHRC and others, the Board will continue to work with HRP, RCMP and these partners on the recommendations. The Chair of the Board continues to meet with the two chiefs monthly to get updates on the progress, and the two chiefs provided regular updates at each

Board meeting. The Board will continue to monitor the progress made towards the recommendations and work in partnership to address issues of systemic racism in policing.

2019/2020 Halifax Regional Police Operating Budget

In accordance with the Board's mandate under Sections 53 and 55 of the Police Act, as well as Section 8 (2)(e) of By-law P-100 Respecting the Board of Commissioners for the Halifax Regional Municipality, the Board of Police Commissioners worked with Chief Kinsella to oversee the development of the 2019/2020 operating budget for the Halifax Regional Police. The Board approved a proposed net operating budget for 2019/2020 to be forwarded to Regional Council for final approval. Regional Council approved the 2019/2020 operating budget of \$89,294,500.

In June 2019, the Board requested that as part of the budget discussions, the Chief of HRP keep the Board informed of any strategic initiatives impacting police services in the HRM but do not fall under the HRP budget; including those that impact significant police operations, projects, and purchases.

2019/2020 Work Plan Deliverables

The Board met in November of 2019 to review the previous year's plan and establish the work plan for the upcoming year. The meeting generated a great deal of discussion about the role of the Board and how it interacts with HRP, RCMP and other stakeholders. Continuing to progress on the action items requires commitment and engagement from each Commissioner in order to be successful.

The 2019 plan tasked the Board with developing an orientation process for new members, recommending additional policies (extra duty and off duty employment for serving officers, board self-evaluation, frequency of community surveys to measure trust and confidence) for the Board's policy manual, working with HRP and RCMP Communications professionals to create and launch an awareness campaign to educate the public about making a complaint against the police and developing a reporting process for both HRP and RCMP to present updates to the Board that align with annual planning by both services.

The workplan for 2020 includes the following items:

Action Plan on Wortley Report

- Develop and document an action plan with RCMP and HRP
- Monitor plan on a regular basis
- Collaborate with other stakeholders as required

Review BOPC Governance, Roles and Responsibilities to identify opportunities

- Review Staff Report resulting from Governance Review
- Review the Police Act and By-Laws
- Review the BOPC budget to determine potential for additional resources/support
- Investigate the use external committees or advice to support the BOPC work
- Determine if the BOPC differs from other HRM council committees managed by the Clerk's office and what the impacts are

Explore increasing public participation in meetings

- Board review of public participation guidelines
- Distribute report regarding regional processes for public participation
- Conduct more meeting in the community
- Develop recommendations for BOPC review
- Manage public expectations for off-site meetings
- Look at opportunities for external BOPC advisory input

Engage with the HRP Foundation

- Assist with member recruitment
- Recommend grant recipients
- Promote the work of the foundation
- BOPC representative participates in foundation meetings

Provide training for BOPC members

- Media training
- Financial literacy
- RCMP African Nova Scotian Experience
- Bias Awareness Training

Determine Evaluation Process for Work Plan Objectives

- Establish a measurement for:
 - Transparency
 - Trust
 - BOPC functions
 - Public education and awareness

Provide ongoing support for Commissioners

- Review the BOPC Policy Framework
- Establish exit interviews
- Implement a transition period for members (i.e., mentorship)

Create awareness of BOPC and its role

- Develop a Communications Plan for the BOPC
- Define collaboration with HRP and RCMP in communications
- Public education on and awareness of the role of the BOPC

See Attachment 3 for the Board of Police Commissioners' Work Plan for 2019/2020.

HRP Cadet Swearing in Ceremony

On October 11, 2019, 23 cadets graduated from the Police Science Program and were sworn-in as members of HRP. These new cadets brought a wealth of experience and enthusiasm for the job and great diversity. The inaugural Chief's Pride Award was presented at the ceremony, which recognized four individuals from training branch who made the Police Science Program possible. Commissioner Borden participated in the ceremony welcoming the new cadets, and many other commissioners attended as well.

HRP Foundation

The Halifax Regional Police Foundation (HRPF) was established in late 2017 with the goal of providing ancillary funding for crime prevention and support initiatives for communities served by Halifax Regional Police (HRP). Aligned with HRP's 10-year strategic plan and informed by Halifax Regional Municipality's Public Safety Strategy, HRPF's areas of focus are supporting youth and encouraging innovation in support of safer, stronger and more inclusive communities.

The Foundation was launched in March 2019, and Commissioner Borden has served as the Board representative on the HRP Foundation since then. The Foundation has met several times to establish its terms of reference and marketing strategy. While that work has been underway the Foundation issued its first grant of \$5,000 to the Dartmouth-based Take Action Society, which supports its priority of empowering youth. The grant will enable a cyber safety program.

The Foundation also approved a grant of \$5,000 for the HRP Youth Program to support their youth camp, but this has been delayed due to COVID-19, so it will be looking for alternative ways to support youth in 2020.

Board Meeting at Mi'kmaw Native Friendship Center

One of the Board's objectives continues to be looking for ways to strengthen relations with community, and to support this looked for ways to hold meetings in community spaces. As a result, on December 16, 2019 the Board held its meeting at the Mi'kmaw Native Friendship Center. The Board will continue to look for venues in other community spaces to be able to interact with more community members.

Information Technology Security Audit

HRP Chief Information Security Officer provided the Board with regular updates on HRP Cybersecurity and the HRP's progress on the KPMG security audit recommendations. The report contained sixty-six recommendations outlined in the report, of which only sixteen had not been started by June of 2019. The focus of work was on the "high impact/high likelihood" recommendations. As a result of this work, objectives are now incorporated into the HRP Strategic Plan. HRP continues to work on the objectives and incorporate new tools to ensure the safety and security of its information and systems.

Changes to Board Statistics Reporting

Work was completed in June 2019 to streamline the reports the Board gets from HRP and RCMP, to ensure the information is relevant, timely, and accessible. The goal was also to ensure the processes to collect the information could be streamlined by the HRP and RCMP. Commissioner Borden led the initiative, presenting recommendations to the board and ensuring that the feedback and suggestions provided by Commissioners and staff were incorporated as well. The new format was approved by the board and implemented for all future meetings.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK CONSIDERATION

There are no risk considerations associated with this report.

COMMUNITY ENGAGEMENT

Meetings of the Board of Police Commissioners are open to the public. The agenda and reports are posted to Halifax.ca in advance of each meeting, and minutes are available online once approved.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

Not applicable.

ATTACHMENTS

Attachment 1 – HRM Policing Jurisdictional Maps – HRP – RCMP

Attachment 2 – Board of Police Commissioners Legislative Authority Overview

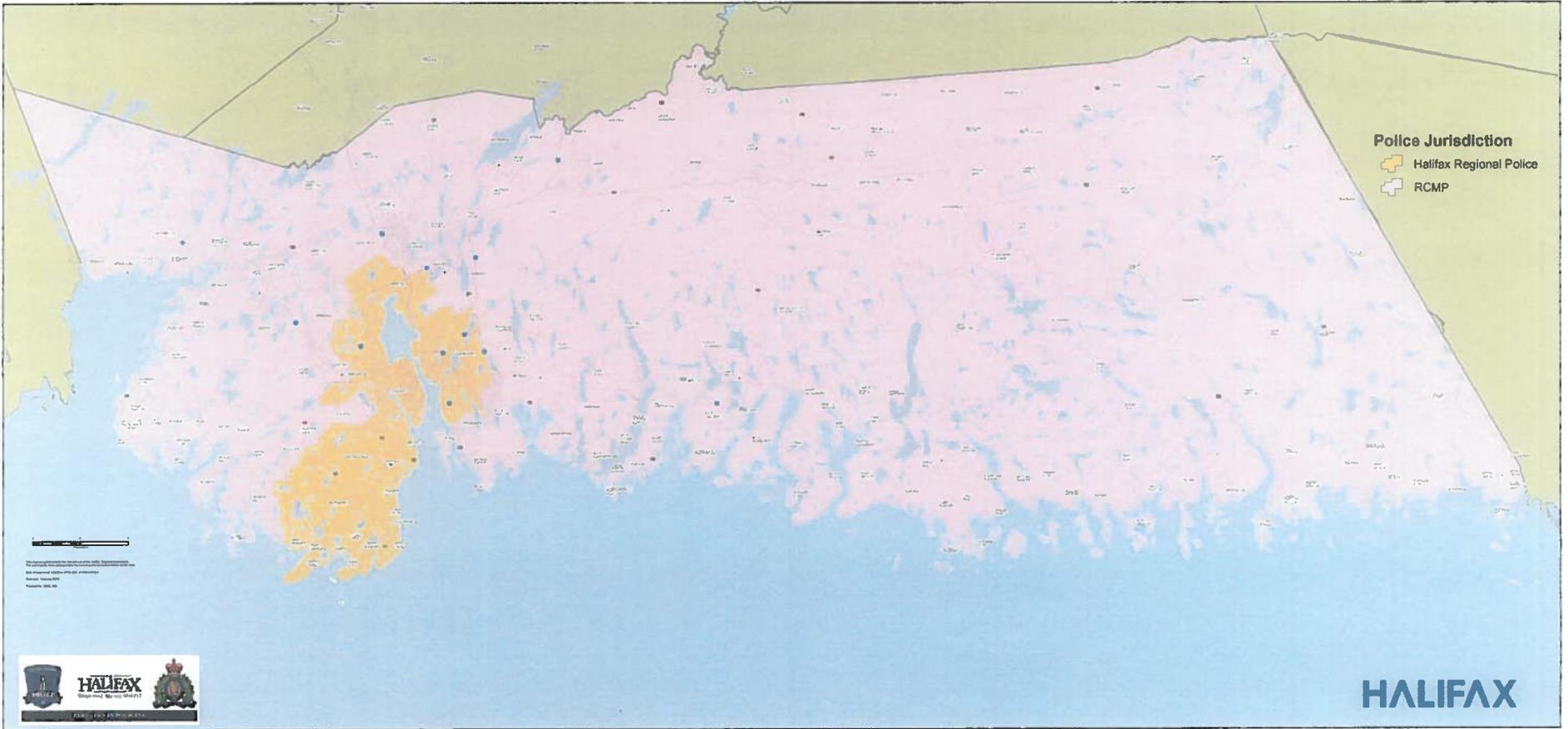
Attachment 3 – Board of Police Commissioners' Work Plan – 2019/2020

A copy of this report can be obtained online at <https://www.halifax.ca/city-hall/agendas-meetings-reports> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

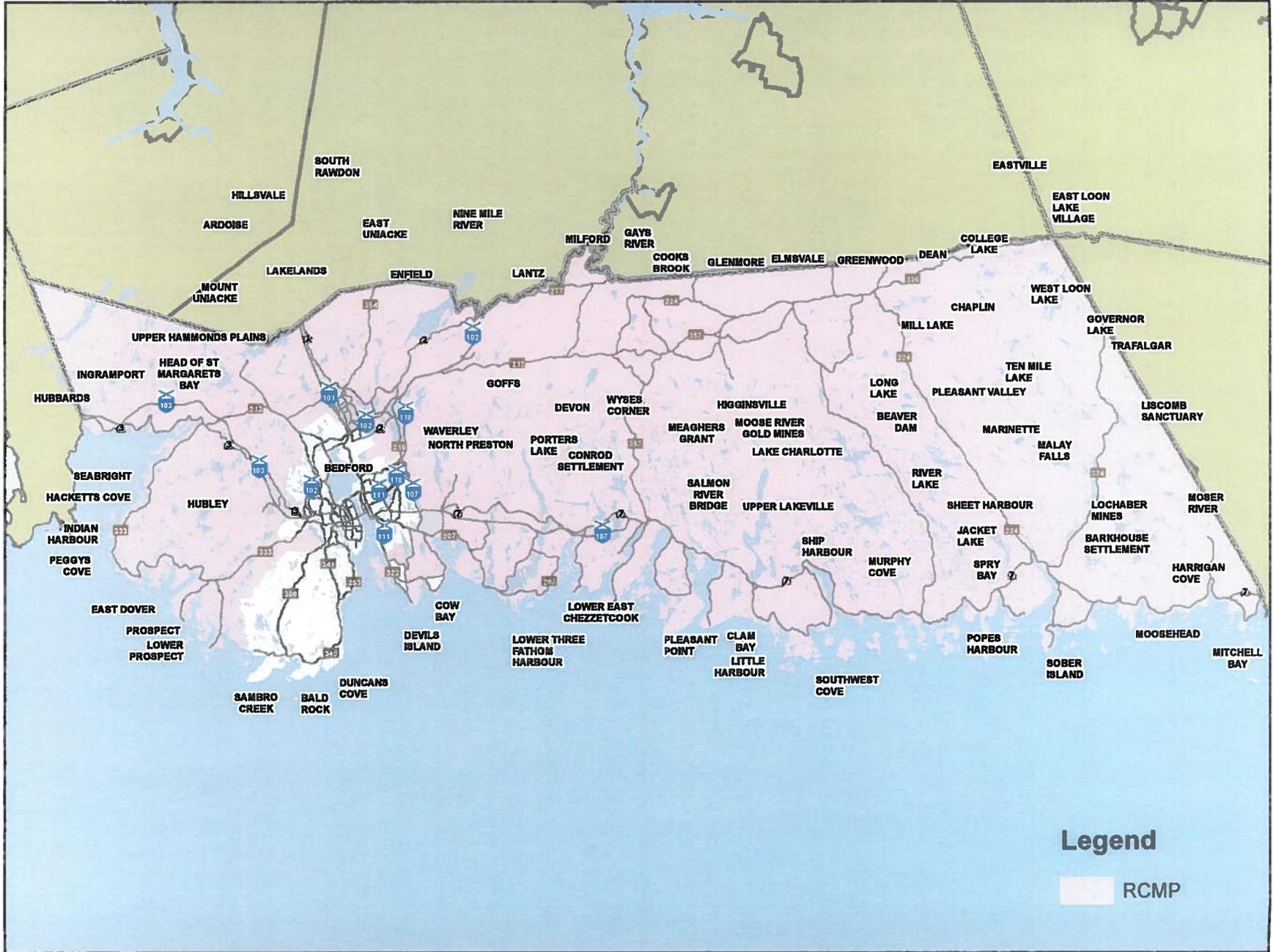
Report Prepared by: Robyn Dean, Legislative Assistant, 902.490.6521

Halifax Regional Police Jurisdiction





RCMP Police Jurisdiction



Halifax Board of Police Commissioners Legislative Authority

The following is an overview of the legislative authority for the Halifax Board of Police Commissioners.

1. Police Act, 2004, c. 31, s. 1.

Requirement for board of police commissioners

44 (1) Every municipality that establishes a municipal police department pursuant to Section 36, 84 or 85 shall, by by-law, provide for a board of police commissioners.

.....

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.

(2) With the approval of the Minister, the council, by by-law, may prescribe

(a) the additional or more specific roles and responsibilities of a board; and

(b) the rules and regulations governing proceedings of a board, and the board has sole jurisdiction over the matters so delegated to it.

(3) Without limiting the generality of subsection (1), a board shall

(a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

(c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;

(d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;

(e) act as a conduit between the community and the police service providers;

- (f) recommend policies, administrative and organizational direction for the effective management of the police department;
- (g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
- (h) ensure a strategic plan and business plan is in place; and
- (i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently. 2004, c. 31, s. 55.

2. Halifax Regional Municipality Charter, 2008, c. 39, s. 1.

Police services

68 (1) The Council may provide police services in the Municipality by a combination of methods authorized pursuant to the *Police Act* and the board of police commissioners of the Municipality has jurisdiction over the provision of the police services, notwithstanding that they are provided by a combination of methods.

(2) The Municipality may contract with the Royal Canadian Mounted Police, the Minister of Justice or another municipality to provide police services. 2008, c. 39, s. 68.

3. By-Law Number P-100: Respecting the Board of Police Commissioners for the Halifax Regional Municipality

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;
- (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.

Complete versions of the above referenced statutes and by-laws can be found at the following links:

Police Act: <https://nslegislature.ca/sites/default/files/legc/statutes/police.pdf>

Halifax Regional Municipality Charter:

<https://nslegislature.ca/sites/default/files/legc/statutes/halifax%20regional%20municipality%20charter.pdf>

By-Law Number P-100: <https://www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/By-lawP-100.pdf>

Halifax Board of Police Commissioners Work Plan - 2019/2020

Action Items			
Objective	Planned Action	Timeframe	Responsible Lead
1	Action Plan on Wortley Report Recommendations		Commissioner Borden, Commissioner Smith Assisted by: Commissioner McDougall
2	Review BOPC Governance, Roles and Responsibilities to identify opportunities		CAO and Municipal Clerk's Office Assisted by: Commissioner McDougall
3	Explore increasing public participation in meetings		Commissioner Smith Assisted by: Commissioner Mancini
4	Engage with the Foundation		Commissioner Borden
5	Provide training for BOPC members:		Commissioner Blackburn

6	Determine Evaluation Process for Objectives	Establish a measurement for <ul style="list-style-type: none"> • Transparency • Trust • BOPC function • Public education and awareness 		
7	Ongoing support for Commissioners	<ul style="list-style-type: none"> • Review the BOPC Policy Framework • Establish exit interviews • Implement a transition period for members (i.e., mentorship) 		Assisted by: Commissioner McDougall
8	Awareness of BOPC and its role	<ul style="list-style-type: none"> • Develop a Communications Plan for the BOPC • Define collaboration with HRP and RCMP in communications • Public education on and awareness of the role of the BOPC 		Assisted by: Commissioner McDougall

Questions		
Question	Response	
1	<p>Can BOPC meet in sessions other than the monthly meetings? Are all meetings required to be accessible to the public unless the topics are In Camera?</p>	<ul style="list-style-type: none"> • The BOPC can arrange special meetings if necessary • The BOPC can meet privately if quorum is not reached
2	<p>How do we keep the communication link with Regional Council when the BOPC Chair is not a Councillor?</p>	<ul style="list-style-type: none"> • The Legislative Assistant will be updated by the Council Coordinator if/when items relevant to the BOPC are discussed at Council, the Legislative Assistant will then pass that information forward to the BOPC
3	<p>How do we ensure continuity/institutional memory when there is staff turnover in the Clerk's office?</p>	<ul style="list-style-type: none"> • The Clerk's Office has an instructional guide prepared for the Legislative Assistant assigned to the BOPC should there be any staff turnover