

Request for Consideration		
<input checked="" type="checkbox"/> Agenda Item (Submitted to Municipal Clerk's Office by Noon at least 5 working days prior to the meeting)	<input type="checkbox"/> Added Item (Submitted to Municipal Clerk's Office by Noon at least one day prior to meeting)	<input type="checkbox"/> Request from the Floor <input type="checkbox"/> Notice of Motion
Council or Committee: Halifax Board of Police Commissioners:		
Date of Meeting: February 28, 2022		
Subject: Special public consultation meeting on policing and gender-based violence		
Motion for Committee to Consider:		
<p>That the Board of Police Commissioners invite subject matter experts in the areas of gender-based violence, family violence, sexual violence, and intimate partner violence (collectively, "gender-based violence") to give presentations to the Board at a special consultation meeting.</p> <p>That the Chair of the Board of the Police Commissioners direct the chief officer of the Halifax Regional Police to, ahead of the special consultation meeting, draft a staff report outlining policies, procedures, statistics and other relevant information relating to the issue of policing and gender-based violence.</p> <p>That the Chair of the Board of the Police Commissioners advise the chief officer of the Halifax District RCMP to do the same.</p> <p>1. Legal authority</p> <p>a. HRP</p> <p>Under subsection 55(1) of the <i>Police Act</i>, the function of a board is to provide (emphasis added):</p> <ul style="list-style-type: none">(a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and <u>the prevention of crime in the municipality</u>; and(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department <p>Without limiting the generality of the functions noted in subsection 55(1), under subsection 55(3) the Board has the following specific duties: ...</p> <ul style="list-style-type: none">(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. <p>Section 52 reads:</p> <p>On behalf of the board, the board chair or the chair's delegate may give advice or direction, in writing, to the chief officer on any matter within the jurisdiction of the board under this Act, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.</p> <p>b. RCMP</p>		

Section 68(1) reads:

68 (1) The function of an advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

Section 68(3) reads in part:

(3) Without limiting the generality of subsection (1), an advisory board shall, subject to the police contract or policing agreement, ...

(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 department;

(f) recommend policies, administrative and organizational direction for the effective management of the police department;

Section 66 reads:

On behalf of the advisory board, the board chair or the chair's delegate may, in accordance with an agreement made pursuant to clause 36(1)(b), give advice in writing to the chief officer, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

2. What is being requested

This is a two part motion. The first part requests that the HRP and RCMP each prepare a staff report. The second part requests that the Board conduct a special consultation meeting.

a. HRP and RCMP staff reports

The staff reports prepared by the HRP and RCMP should include the following information:

- Summaries of policies and procedures relating to the issue of gender-based violence;
- Overview of existing initiatives, programs, and strategies currently in place or in development, including with Victim Services;
- Year-over-year statistics; and
- Any other information that may be relevant to inform the Board's deliberations

The request to first understand current operational realities is consistent with best practices for police board governance. For example, in the 2012 report *Independent Civilian Review into the Matters relating to the G20 Summit*, retired Ontario Court of Appeal Justice John Morden noted that:

[I]t is essential to ensure a mechanism exists for the flow of relevant information between these parties. In the interactions between a police board and chief of police, an information exchange must exist that will encourage the sharing of more information, including operational information ... discussing and debating varying policy approaches, and defining the objectives of both the operation and the applicable policy framework surrounding it. ... A police board cannot be satisfied that it is properly analyzing a policy issue and developing an appropriate policy if it does not see any material that shows what the situation "on the ground" actually is.

b. Special consultation meeting

There is significant expertise regarding policing and gender-based violence in HRM. In the academic sphere, in 2021 Dr. Nancy Ross at the Dalhousie School of Social Work co-authored an influential report entitled "A Review of Pro-Arrest, Pro-Charge and Pro-Prosecution Policies: Redefining Responses to Domestic Violence," which received extensive coverage in the media.¹ Dr. Ross is now also conducting a research project, entitled "Family-Centred and Trauma-Informed Responses to Gender-Based

¹ <https://www.cbc.ca/news/canada/nova-scotia/n-s-justice-system-is-harming-domestic-violence-victims-and-needs-to-change-says-report-author-1.5837643>

Violence-Implications for Transforming Justice and Community Systems Community Partners” together with the Law Reform Commission of Nova Scotia and the Be the Peace Institute.

On the frontlines, a variety of service providers in Halifax also have extensive and highly relevant knowledge, skills, and expertise. For example, the Transition House Association of Nova Scotia (THANS) regularly advocates for progressive policy reform on behalf of transition houses in the province. Likewise, a number of organizations in the city—including Alice House, The Marguerite Centre and YWCA Halifax—together collaborated on the multi-year “Home for Good” project, which, in investigating the barriers women face when trying to access safe, secure and affordable housing, focused heavily on gender-based violence. Finally, there are other organizations and programs, such as the Immigrant Services Association of Nova Scotia and the Creating Communities of Care project (a joint initiative of the Mi’kmaw Legal Support Network, the Association of Black Social Workers, the Mi’kmaw Native Friendship Centre, and the Elizabeth Fry Society of Mainland Nova Scotia) which have experience working with Halifax’s diverse racialized communities.

The Board will have to think carefully about which experts to invite to ensure a broadly representative consultation process. One option to consider would be to offer multiple consultation sessions on discrete sub-issues, such as (1) gender-based violence, (2) sexual violence, and (3) family violence / violence against children. Another option might be to issue an “open call” to service providers and academics in the HRM, which would permit experts to be involved in a consultation meeting as their interest and capacity permits without the need for the Board to specifically invite certain people.

3. Rationale

Holding a special consultation meeting of the Board with subject matter experts in the areas of gender-based violence is consistent with a number of the Board’s duties, including:

- The function of the Board under 55(1)(b) to provide “the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department”
- The Board’s duty under 55(3)(c) to “ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies”
- The Board’s duty under 55(3)(d) to “ensure that police services are delivered in a manner consistent with community values, needs and expectations,” and
- The Board’s duty under 55(3)(e) to “act as a conduit between the community and the police service providers.”

Issues regarding policing and gender-based violence were also raised at the Board’s public consultation meeting regarding the fiscal 22/23 HRP budget proposal on January 31, 2022.

Outcome Sought: The Board of Police Commissioners will hold a special public consultation meeting on the issue of policing and gender-based violence.

Commissioner Harry Critchley