

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: March 21, 2022		
Subject: Staff report on section 51 of the <i>Police Act</i>		
Motion for Committee to Consider:		
<p>That the Board of Police Commissioners request a staff report from HRM Legal Services clarifying the meaning of the phrases "discipline," "personnel conduct," "contract negotiations," and "security of police operations" in section 51 of the <i>Police Act</i> (collectively, the "grounds" for going in camera). The staff report should provide a definition for each of these phrases and explain what evidence is required under each ground before the Board can move in camera.</p>		
1. What is being requested		
<p>This motion is requesting a staff report from HRM Legal Services regarding section 51 of the <i>Police Act</i>, which reads:</p> <p>Meetings of the board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private and, where the matter relates to a complaint against or the discipline of the chief officer, the chair may request that the chief not attend and the chief shall not attend.</p>		
<p>The staff report request will clarify and explain the following:</p> <ul style="list-style-type: none">• Definitions of the various "grounds" under which the Board may move in camera under the <i>Police Act</i> (i.e., "discipline," "personnel conduct," "contract negotiations," and "security of police operations"); and• An explanation regarding the standard to be applied in assessing each ground and what evidence must first be provided to satisfy this standard (i.e., if it is alleged that a matter for discussion at a Board meeting falls under one of the grounds, what evidence, if any, must the Board receive <u>publicly</u> before Board members can be satisfied that the ground is in fact met and the meeting can move in camera?)		
2. Rationale		
<p>Under section 51, meetings of the Board are presumptively open to the public, which is in keeping with the Board's duty under subsection 55(3) to "act as a conduit between the community and the police service providers."</p>		
<p>Public confidence in the Board and its decision-making risks being undermined if there is a lack of clarity regarding the grounds under which the Board may move in camera. A lack of clarity also risks contributing</p>		

to a public perception (whether wrongful or not) that the Board is conducting its meeting in private when it is not entitled to do so. A staff report will help to combat these risks.

Further, if the Board deems it useful, this staff report could at a later date form the basis for a Board policy, which could provide greater clarity to Board members (both new and returning) and inform the Board's meeting procedures going forward.

Outcome Sought: The Board of Police Commissioners will receive a staff report from HRM Legal Services clarifying the meaning of the phrases "discipline," "personnel conduct," "contract negotiations," and "security of police operations" in section 51 of the *Police Act*.

Commissioner Harry Critchley

Submitted March 16, 2022