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Item No.
Halifax Regional Council
August 9, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: _____
Commissioner Lindell Smith, Chair, Board of Police Commissioners

DATE: June 1, 2022

SUBJECT: **Board of Police Commissioners 2021 Annual Report**

INFORMATION REPORT

ORIGIN

June 13, 2017 meeting of Halifax Regional Council, Item 14.1.5.

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.

LEGISLATIVE AUTHORITY

By-Law P-100, the *Board of Police Commissioners By-law*, subsection 6(2) provides:

- 1) The Board [of Police Commissioners] shall, by June 1st 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.

BACKGROUND

The Board of Police Commissioners is a municipal body required by provincial statute (*Police Act*, S.N.S. 2004, c. 31¹) for any municipality in Nova Scotia that establishes a municipal police department. The Board

¹ *Police Act*: <https://nslegislature.ca/sites/default/files/legc/statutes/police.pdf>.

gets its' authorization from the *Police Act* s. 55(1) and is responsible for providing civilian governance and oversight on behalf of Halifax Regional Council. The Board's role and responsibilities are further explained in the Board's terms of reference in By-law P-100, the *Board of Police Commissioners' By-law*². The Board's 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 service delivery reflecting the needs and values of the community. Although the Board is responsible for the creation of the budget for the Halifax Regional Police (HRP), it has no power to raise revenue on its own behalf, and the final budget must be approved by Regional Council (*Police Act*, s. 53).

Further to section 68(2) of the *Halifax Regional Municipality Charter* (S.N.S. 2008, c. 39), Regional Council has elected to share the responsibility for policing within the Municipality between HRP and the Royal Canadian Mounted Police (RCMP). Thus, the Board has a dual role. First, it acts as a governing board for HRP (the municipal police department) on behalf of Regional Council. Secondly, it acts as an advisory board to the Halifax District RCMP (*Police Act*, s. 57(1)). 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 members on the Board of Police Commissioners: six are appointed by Regional Council and one is appointed by the Nova Scotia Minister of Justice. Of the six commissioners appointed by Regional Council, three are Councillors and three are community members. Through this composition, the Board seeks to act as the link between the community and police services in the Municipality. The Board 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.

DISCUSSION

In September 2021 the Board welcomed two new community members as Commissioners; Yemi Akindoju and Harry Critchley. The Board's new commissioners replaced Carlos Beals and Natalie Borden who served the Board for several years. The diversity of the current board reflects the population of HRM, with representation from women, African Nova Scotians and First Nations communities.

Leadership changes occurred with the Halifax District RCMP. After two and half years as the officer in charge of the Halifax District, Chief Superintendent Janis Gray announced their retirement in December 2021. Superintendent Darren Campbell is currently serving as Halifax District RCMP's interim commanding officer and began attending Board meetings in January 2022.

The ability of the Board to meet in-person continued to be hampered by the public health restrictions in place to counter the spread of COVID 19. For most of 2021 the Board met virtually further to the ministerial direction under section 14 of the *Emergency Management Act* (S.N.S. 1990, c. 8). These virtual meetings were live webcasted on Halifax.ca. The Board met virtually thirteen times in 2021. The relaxation of public restrictions in the fall of 2021 allowed the Board to resume meeting in-person for the remainder of 2021 for a total of three meetings, including the Board's 2022 work plan session on December 4, 2021.

During 2021, the Board of Police Commissioners met sixteen times between January 18, 2021 and December 13, 2021, and the major topics under consideration are outlined below. Additional information on the matters dealt with by the Board of Police Commissioners during 2021, as well as the minutes of Board meetings, can be viewed online at: <https://www.halifax.ca/city-hall/agendas-meetings-reports>.

2021/2022 and 2022/23 HRP Operating Budget

² By-law P-100, the Board of Police Commissioners' By-law:
<https://www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/By-lawP-100.pdf>.

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, the *Board Of Police Commissioners By-law*, the Board of Police Commissioners worked with Chief Kinsella to oversee the development of the 2021/2022 operating budget for HRP. On January 28, 2021 the Board approved a proposed net operating budget for 2021/2022 in the amount of \$88,912,000 and that the operating budget be forwarded to Regional Council for final approval.

In January 2022, the Board undertook its' review of HRP's 2022/2023 proposed operating budget. The Board decided to hold a special meeting to provide the public an opportunity to speak regarding the proposed operating budget to fulfill the Board's role and responsibility to act as a conduit between the community and the police (*Police Act*, per s. 55(3)(e) and By-Law P-100, s. 8(2)(k)). A special meeting was held virtually via Zoom on January 31, 2022.

The Board received input and feedback from twenty-four registered speakers as well as several written submissions regarding HRP's 2022/2023 proposed operating budget. The main concerns identified by the public included:

- observations that HRP's budget presentations to the Board on December 13, 2021 and January 17, 2022 did not provide sufficient evidence to justify HRP's request for additional funding;
- requests that the Board approve the Board's Subcommittee to Define Defunding Police report and recommendations;
- requests that the Board refuse HRP's proposed budget 2022/23 proposed budget increases and requests for additional sworn officers;
- requests that the Board support the introduction of civilian run crime prevention programs such as a civilian victim services unit; and
- encouragement for the Board to consider de-tasking of the police such as the reallocation of funds to community social and mental health services.

On January 31, 2022 the Board approved a proposed net operating budget for 2022/2023 in the amount of \$90,876,900 and that the operating budget be forwarded to Regional Council for final approval. Regional Council met on February 25, 2022 as a Budget Committee to consider final approval of HRP's 2022/2023 operating budget. Budget Committee referred HRP's 2022/2023 operating budget back to the Board to reduce HRP's proposed service enhancements to an amount not to exceed \$1,393,850. The Board held a special meeting on March 9, 2022 to consider HRP's proposed service enhancements. The Board approved a \$1,365,000 increase in HRP's full time equivalent (FTE) positions, for a total proposed net operating budget for 2022/2023 of \$89,195,000 be forwarded to Regional Council for final approval.

Subcommittee to Define Defunding the Police

In March 2021 the Board approved the formation and Terms of Reference for the Board of Police Commissioners - Subcommittee to Define Defunding the Police. The role of the Subcommittee was to review relevant research and conduct community engagements to allow citizens to express their views regarding the definition of defunding the police. The Subcommittee conducted community engagement via an online survey, accepting written submissions via the Subcommittee's email and at a public engagement session held virtually on June 19, 2021.

Additional information regarding the Subcommittee, including a video recording the of the public engagement session, can be viewed online at: <https://www.halifax.ca/city-hall/boards-committees-commissions/a-c/board-police-commissioners/board-police-commissioners>.

The Board received the Subcommittee's report "Defunding the Police: Defining the Way Forward for HRM"³ in early January 2022. At the Board's January 17, 2022 meeting the Subcommittee's Chair, El Jones, presented the Board a summary of the Subcommittee's research and public engagement including the

³ See [Board of Police Commissioners, January 17, 2022 – Item 10.2.1](#).

results of the community survey. Jones briefed the Board on the four pillars of defunding identified by the Subcommittee:

- reforms to police practices, oversight and accountability;
- reforms aimed at “detasking” police and “retasking” more appropriate community service providers;
- legislative, regulatory, and policy reforms intended to promote community safety; and
- financial reforms aimed at tying police budgets to clear performance metrics and encouraging public participation in municipal budgeting.

El Jones also provided a brief overview of the thirty-six (36) recommendations that the Subcommittee identified to assist with achieving the four pillars of defunding.⁴

On February 28th, 2022 the BoPC adopted a motion to form a subcommittee, to review the recommendations of the Board of Police Commissioners Subcommittee to Define Defunding Police report. With the formation of this subcommittee the members of the committee will help support a detailed review and future implementation of the Subcommittee’s recommendations.

Wortley Report Two Year Update

In 2019 Dr. Scott Wortley, University of Toronto Centre for Criminology & Sociolegal Studies, submitted a report examining the relationship between race and police street checks in HRM to the Nova Scotia Human Rights Commission (HRC). This report is commonly known as “The Wortley Report” and included an examination of 12 years’ worth of data from HRP and RCMP on street checks in HRM.

In April 2021 the Board decided that it would like to prepare an update summarizing the progress of the Wortley Report recommendations by HRP, RCMP and the provincial Department of Justice (DoJ). The Board released its’ “Two Year Wortley Report Summary”⁵ in September 2021. This two-year update included details regarding the status of the accomplishment of the Wortley Report recommendations, in the following categories:

- Street Check Ban;
- Data Collection; and
- Police Community Relations.

The accomplishment of these recommendations are recorded in the Board’s existing Wortley Report Recommendations Tracking Document. The tracking document lists which organization possesses responsibility for each Wortley Report recommendation (HRP, RCMP, DoJ, Nova Scotia Human Rights Commission (NSHRC), HRM Public or HRM Safety Office) and tracks the progress of each recommendation as “Not Started”, “In Progress” or “Completed”.

The Two Year Wortley Report Summary also included comments from the NSHRC and the African Nova Scotian Decade for People of African Descent. The Board decided at its October 18, 2021 meeting that future reporting regarding the achievement of the Wortley Report recommendations would occur quarterly.

Additional information regarding the Wortley Report, the Two Year Wortley Report Summary and the Wortley Report Recommendations Tracking Document (including updates) can be viewed online at: <https://www.halifax.ca/city-hall/boards-committees-commissions/a-c/board-police-commissioners/wortley-report>.

Auditor General Audit of Halifax Regional Police Information Technology

In February 2021 the Board received a copy of the report which Evangeline Colman-Sadd, HRM Auditor General, submitted to the Audit and Finance Standing Committee regarding their audit of HRP’s information

⁴ See [Board of Police Commissioners, January 17, 2022 – Item 10.2.1 Presentation](#). Reference can also be made to the January 17, 2022 Board of Police Commissioners Video, beginning at 2:42:18.

⁵ See [Board of Police Commissioners, September 20, 2021 – Item 10.1.1](#).

technology⁶. The Auditor General made several public and in camera recommendations for HRP to improve the security of its' information technology. In March 2021 Chief Dan Kinsella provided a verbal briefing to the Board regarding HRP's action plan to accomplish the Auditor General's recommendations. In April 2021 Chief Kinsella submitted the first HRP information technology audit progress report⁷, which included HRP's response to the Auditor General's public and in camera recommendations. After the April 2021 meeting, quarterly progress reports were provided to the Board in September⁸ and December 2021⁹.

Department of Justice Presentation

On January 17, 2022 Hayley Crichton, Executive Director of Public Safety and Security, Public Safety and Security Division, Department of Justice, gave a presentation to the Board¹⁰. This presentation provided the Board with an overview of the role of the Public Safety and Security Division, the RCMP's provincial Police Service Agreement, the factors that are considered in determining the RCMP's provincial budget, the per-officer billing model, the specialized services provided by the RCMP, the Employee and Management Relations Office, the Local Contract Management Committee and the Public Safety and Security Division's oversight role in the management of the RCMP.

This presentation served as an opportunity to open the lines of communication between the Public Safety Division and the Board.

Board of Police Commissioners Work Plan Session

On December 4, 2021 the Board held a special meeting to establish the Board's priorities and to revise its' work plan to reflect these priorities. The work plan session was facilitated by Kathy Jourdain of Worldview Intelligence. Commissioners were guided through brainstorming exercises to determine the Board's values and priorities; a review of the Board's 2020 Work Plan to identify accomplished and incomplete tasks; and a discussion of the Board's future work plan objectives in light of the existing objectives the Board wished to retain from the 2020 Work Plan and the Board's identified priorities.

In February 2022 the Board received Kathy Jourdain's work plan session notes¹¹ which summarized the Board's six priorities:

- clarification of the Board's governance role;
- establishing a communications and public engagement plan;
- creation of committees to assist the Board with accomplishing its' work;
- creation of an independent budget for the Board;
- strengthening police relationship with community; and
- develop an action plan to address upcoming reports to the Board.

The work plan session notes also summarized the objectives and action items the Board can use in drafting its' 2022 work plan. The Board discussed the next steps in finalizing the Board's 2022 work plan, including holding a follow up session to clarify the Board's governance role.

Presentations to the Board of Police Commissioners

The [Board of Police Commissioners Policy Manual](#) policy regarding Delegations/Presentations to the Board¹² provides the Board the opportunity to receive presentations from the public. Presentation topics must relate to police services or policies, affect the community not an individual and relate to the Board's

⁶ See [Audit and Finance Standing Committee, February 11, 2021 – Item 12.1.1.](#)

⁷ See [Board of Police Commissioners, April 19, 2021 – Item 10.1.2.](#)

⁸ See [Board of Police Commissioners, September 20, 2021 – Item 10.1.2.](#)

⁹ See [Board of Police Commissioners, December 13, 2021 – Item 10.1.1.](#)

¹⁰ See [Board of Police Commissioners, January 17, 2022 – Item 8.3.2.](#)

¹¹ See [Board of Police Commissioners, February 28, 2022 – Item 11.1.4.](#)

¹² See [Board of Police Commissioners Policy #4 Role of Chair, Vice Chair, Meetings, Procedures Policy.](#)

oversight role not to day-to-day police operations. In 2021 the Board received one presentation from Bryan Short, representing OpenMedia, regarding how police policy failures lead to privacy abuses.

The Board also may request and receive presentations from staff through their meetings regarding matters pertaining to the board's work. In 2021 the board received presentations regarding Victims Services, [body worn camera technology](#), [HRP](#) and [RCMP](#) Officer Training, [proceeds of crime](#), sobering centres and managed alcohol programs, and hate crimes investigation in addition to the regular and emergent business before the board.

More information regarding individual presentations can be viewed online at: <https://www.halifax.ca/city-hall/agendas-meetings-reports>.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

The Board of Police Commissioners is comprised of four citizen members and three Councillors. Virtual meetings are live webcast on Halifax.ca. The agenda, reports, video of virtual meetings, and minutes of the Board/ Committee are posted on Halifax.ca.

ATTACHMENTS

Attachment 1 - HRM Policing Jurisdictional Maps: HRP and Halifax District RCMP

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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