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Item No. 10.2.1
Board of Police Commissioners
September 6, 2023

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

SUBMITTED BY: **- Original Signed -**

Cathie O'Toole, Chief Administrative Officer

DATE: August 23, 2023

SUBJECT: **Board of Police Commissioners 2022-2023 Annual 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.

RECOMMENDATION

It is recommended that the Board of Police Commissioners:

1. Forward the report dated August 23, 2023 to Regional Council for information; and
2. Form a working group to finalize action items and timeframes associated with strategic priorities

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 Board 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 roles and responsibilities are further explained

in the Board's terms of reference in By-law P-100, the *Board of Police Commissioners' By-law*.

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 2022, the Board welcomed Gavin Giles as a new Commissioner, replacing Carole McDougall, who served on the Board for several years. In January 2023, Commissioner Kent was elected Chair, replacing Commissioner Smith. The diversity of the current board reflects the population of Halifax, with representation from women, newcomers, African Nova Scotians and First Nations communities. The current members of the Board are as follows:

Commissioner Yemi Akindoju
Commissioner Lisa Blackburn
Commissioner Harry Critchley - Vice Chair
Commissioner Gavin Giles
Commissioner Becky Kent - Chair
Commissioner Lindell Smith
Commissioner Anthony Thomas

Leadership changes occurred with the Halifax District RCMP. In December 2022, Jeffrey Christie began serving as Officer in Charge of the Halifax District RCMP, replacing Jeremy Landry, who was serving in an interim capacity. Officer in Charge Christie began attending Board meetings in January 2023. A Board of Police Commissioners Policing Policy Strategist was hired by Halifax Regional Municipality in November 2022 to provide policy support to the Board and began attending Board meetings in December 2022. With the easing of Public Health restrictions, the Board was able to begin meeting in person. By the end of 2022, all the Board's meetings were held in person, apart from a virtual budget meeting held in January 2023 in response to public feedback. In January 2023, the board began meeting at Alderney Landing, which facilitates live streaming of meetings.

In all, the Board met 18 times in the 2022-2023 fiscal year. The major topics under consideration for the fiscal year are outlined below. Additional information, including minutes and archived video of meetings can be viewed online at <https://www.halifax.ca/city-hall/boards-committees-commissions/a-c/board-police-commissioners>

2023-2024 HRP and RCMP 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, the Board Of Police Commissioners By-law, the Board reviewed the HRP's 2023-2024 operating budget. Although not within the Board's statutory mandate, the Board also received a high-level overview of the RCMP's operating budget.

In January 2023, the Board held two special meetings, one in person and one virtual, to provide the public an opportunity to speak regarding the proposed operating budget. These meetings helped 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)).

The Board received input and feedback from 44 registered speakers as well as 91 written submissions regarding HRP's 2023/2024 proposed operating budget. The main themes identified by the public included:

- observations that HRP's budget presentations to the Board on December 14, 2022 and January 16, 2023 did not provide sufficient evidence or information 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 2023/24 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;
- encouragement for the Board to consider de-tasking of the police such as the reallocation of funds to community social and mental health services;
- requests for a virtual option for the public to participate in future meetings; and
- concerns regarding extra-duty police officers in grocery stores

On January 30, the Board approved a proposed net operating budget for 2023-2024 in the amount of \$94,636,000 and requested that the operating budget be forwarded to Regional Council for final approval. At the same meeting, the Board defeated a motion proposing an increase in the composition of the Halifax Regional Police. The Board also approved a motion to recommend that Regional Council approve the Halifax District Royal Canadian Mounted Police resource request for an additional 4 front line uniformed resources in the 2023-2024 fiscal year.

Independent Civilian Review

On May 16th, the Board approved a motion to request an independent legal opinion and a staff report on the jurisdictional authority for the Commission to create a terms of reference for an independent civilian review of the oversight, governance, and policy aspects of the handling of the protests on August 18, 2021.

On June 20th, the Board received a legal opinion and approved a motion to prepare a draft of a mandate and terms of reference for an independent civilian review of the oversight, governance, and policy aspects of the HRP's handling of the protests on August 18, 2021, and to receive the mandate and terms of reference at a future meeting.

Defunding the Police

On June 20th, the Board approved a motion to form a Working Group on Recommendations to Define Defunding the Police and adopted Terms of Reference for the Working Group. The Terms of Reference provided the Working Group with a mandate to identify who is responsible for specific recommendations in the Defund Report, recommend to the Board a course of action to implement these recommendations and

to recommend to the Board Terms of Reference for a subcommittee to work on recommendations.

On November 2nd, the Board received an update on the Working Group's review of the Defund Report's 36 Recommendations. The Working Group advised that a committee of Council be formed to review the report's recommendations.

On November 22nd, Regional Council received a report from the Board and approved a recommendation to request a staff report on forming a committee of Council to work on the recommendations of the Subcommittee on Defunding the Police report on de-tasking police. The role of the Committee would be to review the report recommendations in line with the Working Group's report and determine how each recommendation could be implemented. Membership of the Committee would include:

- Two BoPC members
- Two Regional Councillors
- Two representatives from HRM
- Representative from the Province of Nova Scotia Department of Justice
- Representative from Halifax Regional Police
- Representative from Halifax District RCMP and
- Four members at large from the community with relevant experience.

Policy Subcommittee

On November 2nd, the Board approved a motion to create a policy subcommittee and for the creation of a Terms of Reference for the subcommittee, to be reviewed by the Board. On January 11th, the Board approved the subcommittee's Terms of Reference, which provide the subcommittee with a mandate to identify possible priority areas for policies in need of refresh or development, provide feedback to the Board on existing policy priorities identified by HRP, provide feedback to the Board on proposed policy amendments and new draft policies, and, working with HRP, finalize drafts of new or amended policies for the Board's review.

At its March 9th meeting, the Board appointed Commissioners Critchley, Giles and Smith to serve on the subcommittee. Commissioner Critchley is Chair of the subcommittee.

Budget Process Refresh and Board Policy Update

On March 9th the Board approved a motion requesting a staff report outlining changes to the BoPC's Policy Handbook and By-law P-100 that update and outline a budget process that aligns with BoPC's legislated requirements under the Nova Scotia Police Act. Specifically, the Board sought direction on the presentation of all capital items within HRM's budget that impact the delivery of Policing services, incorporating public consultation into the board budget process, incorporating the two-step budget process that was previously approved, receiving detailed budget breakdown information related to HRP's budget earlier in the budget process and a timeline on when the budget process engagement should begin.

Presentations to the Board of Police Commissioners

The Board of Police Commissioners Policy Manual contains a policy regarding Delegations/Presentations, which 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 oversight role, not to day-to-day police operations. In 2022-2023 the Board received several presentations, including the following:

"Police Trauma and Moral Injury and how it relates to Staffing Issues with Halifax Regional Police", (Dr. Ardath Whynacht, April 25th)

"Violence Against Women Case Review: An Emerging Best Practice in Sexual Assault Investigations", (Sunny Marriner, June 20th)

“Use of Force and Arrest Polices in the Context of Executing Warrants in African Nova Scotian communities”, (Dr. El Jones, October 5th)

“Use of participatory budgeting as a tool to support equitable decision-making around policing and community safety in Halifax Regional Municipality”, (Tari Ajadi, November 2)

“Engaging in the review process with the Office of the Information and Privacy Commissioner” (Tricia Ralph, December 14)

“Plan to purge street check data”, (Dr. El Jones, December 14)

“Halifax Regional Police Extra Duty Police Policy” (Matt Stickland, March 9)

In addition, the Board received a staff presentation on “Understaffing, Long-term Absences and Mental Health Claims at Halifax Regional Police” and updates on Halifax Regional Municipality’s Public Safety Strategy and Police Transformation Study. More information regarding individual presentations can be viewed online at: https://www.halifax.ca/city_hall/agendas-meetings-report

Board of Police Commissioners Work Plan Session

On July 25th and July 27th 2023, the Board held strategic planning sessions to develop strategic priorities and a workplan for the coming year. The sessions were facilitated by Marion MacKenzie and Laura Hopper of Royer Thompson. Commissioners were guided through a brainstorming exercise to determine work plan priorities before receiving presentations from the Chief Officer of the Halifax Regional Police, the Officer in Charge of the RCMP, the Executive Director of the Community Safety Office and the Chief Administrative Officer. Commissioners then reconvened to confirm seven strategic priorities, which fall under four pillars: Develop, Engage, Adapt and Evolve. The seven priorities will involve a series of activities with measurable outcomes, which are still under consideration by Commissioners. As an initial step to finalize its strategy to implement the workplan, it is recommended that a working group be formed. Below is a summary of the pillars and strategic priorities.

Develop

This pillar focuses on developing the Board’s capacity and accountability. Making progress on this pillar will ensure the Board has the supporting staff expertise and experience, resources, and relationships necessary to achieve its mandate and implement its strategy within a changing context.

1. Enhance board capacity: Ensuring the board has the expertise, experience and resources needed.
2. Increase accountability: Ensuring the necessary structures are in place to determine the priorities, objectives and goals of police.

Engage

This pillar focuses on engaging and consulting with community members and stakeholders. The Board is accountable to the public and must reflect the public safety needs and perspectives of the communities it serves.

3. Engage: Developing a communication and engagement plan with community members.
4. Consult: Identifying and developing relationships with stakeholders to encourage collaboration, information sharing, and moving the strategy forward.

Adapt

The Municipality is growing quickly and is facing increased pressures from emergency events; we must adapt to be prepared for large-scale and emergency events. This pillar focuses on ensuring police services have the necessary policies, tools, and resources in place to ensure their health and safety, and the health and safety of the public now and into the future.

5. Enhance policies to adapt to growth and emergency situations: Ensuring our policing services have the necessary policies, tools, and resources in place to adequately respond during events related to large populations (e.g., big gathering), and emergencies.

Evolve

Expectations of police are changing, and the Board must evolve how it works with community, partners and stakeholders within policing. This pillar focuses on 1) evolving police response in critical areas (identified by community, stakeholders, and public safety reports), and 2) strengthening the focus of police service leaders place on attracting, retaining, and developing the people in their services.

6. Review, align, and action findings and recommendations from key reports: Reviewing reports and developing targeted action plans through collaboration with partners.
7. Oversee the development of a people-focused policing strategy: Ensuring our police develop a clear plan (including policies, practices, and systems) that will enable them to attract, retain, and develop the people in their services.

FINANCIAL IMPLICATIONS

There are no immediate financial implications to this report. Any future financial implications arising from implementation of the recommendations will be addressed in staff reports and HRM departmental budgets as required.

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

None

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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