

# Board Roles and Responsibilities

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## **1 - Title**

Board Roles and Responsibilities

## **2 - Purpose**

The policy provides direction to the Halifax Regional Police (HRP) and Royal Canadian Mounted Police Halifax District (RCMP) regarding role and governance functions of the Halifax Board of Police Commissioners.

## **3 - Scope**

The Halifax Board of Police Commissioners is established as an independent authority pursuant to the *Police Act*. The Board has dual roles: provide civilian governance to the Halifax Regional Police (HRP) on behalf of Halifax Regional Council (Council) (s. 55) and function as a Police Advisory Board regarding the Royal Canadian Mounted Police (RCMP) in its role as a contractual policing service with the Halifax Regional Municipality. (s. 68(1)).

## **4 - Definitions**

In the context of this document:

**Police Act** means the *Police Act*, S.N.S. 2004, c. 31 as amended

**Board** means the Halifax Board of Police Commissioners

**Chair** means Chair of the Board of Police Commissioners

**Chief of Police** means the Chief of Halifax Regional Police

**Chief Superintendent** means the Chief Superintendent of the RCMP, Halifax District

**Chiefs** means the Chief of Police of HRP and the Chief Superintendent of the RCMP

**Council** means Halifax Regional Council

**HRM** means the Halifax Regional Municipality

**HRP** means the Halifax Regional Police

**Legislative Assistant** means representative of the Municipal Clerk's Office

**Member(s)** means a member of the Halifax Board of Police Commissioners

**RCMP** means the Royal Canadian Mounted Police Halifax District

## **5 - Distribution**

Policies may be distributed to all Board of Police Commissioners, CAO, Municipal Clerk, HRM Councillors, the Chiefs and their respective departments, Nova Scotia Association of Police Governance and posted on HRM website with link to HRP website. This list may be expanded as required.

## **6 - Roles and Responsibilities**

### **Legislative Authority of the Board**

1. The Halifax Board of Police Commissioners (the Board) is established as an independent authority pursuant to the *Police Act*. The Board has dual roles: to provide civilian governance to the Halifax Regional Police (HRP) on behalf of Halifax Regional Council (Council) (s. 55) and function as a Police Advisory Board regarding the Royal Canadian Mounted Police (RCMP) in its role as a contractual policing service with the Halifax Regional Municipality. (s. 68(1)).
2. The *Police Act* establishes six main governance functions:
  - a. The Board provides, with respect to HRP, 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 provides the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department, and ensures it is implemented. The Board also determines, in consultation with the Chief of Police, priorities, objectives and goals respecting police services in the community.
  - b. The Board, with respect to the RCMP, determines in consultation with the Chief Superintendent, priorities, objectives and goals respecting police services in the community.
  - c. The Board engages with the community to ensure that the goals and strategies of the police services reflect the community values, needs and expectations.
  - d. The Board provides written direction to the Chief of Police by resolution passed by the Board or adoption of policy by the Board.
  - e. The Board is responsible to cause the Chief of Police to prepare a budget for the HRP and for presenting the budget to Regional Council.
  - f. The Board Chair is responsible to evaluate the performance of the Chief of Police in conjunction with board members and in consultation with the Chief Administrative Officer of HRM.
  - g. The Chair may offer to contribute insight regarding the performance of the Chief Superintendent with regards to her/his role, responsibilities and relationship to the Board.
  - h. The Board has an oversight role in responding to complaints, discipline or personal conduct relating to the Chief of Police.

3. Under the *Police Act* (s.55(3)(a)-(g) & 68(3)(a)-(g)) the Board is responsible to provide the following direction to both the HRP and RCMP, specifically to :
  - a. determine, in consultation with the Chief of Police and the Chief Superintendent, or a designate, the priorities, objectives and goals respecting police services in the community;
  - b. ensure the Chiefs establish programs and strategies to implement the priorities, objectives and goals respecting the 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 services;
  - f. recommend policies, administrative and organizational direction for the effective management of the police services;
  - g. review with the Chiefs information provided by the Chiefs respecting complaints and internal discipline; and
  - h. In the case of HRP, pursuant to s. 52 of the *Police Act*, on behalf of the board, the board chair or the chair's delegate may give advice or direction, in writing, to the Chief of Police on any matter within the jurisdiction of the Board under this *Act*, but not to other members of the police service and, for greater certainty, no other member of the board shall give advice or direction to a member of the police services.
  - i. In the case of RCMP, pursuant to s. 66 of the *Police Act*, on behalf of the board, the board chair or the chair's delegate may give advice in writing to the Chief Superintendent, but not to other members of the police service and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.
  
4. With respect to the Halifax Regional Police the Board is responsible for the following (s. 54(1)-(3), s. 55 (1)(b), s. 55 (3)(h)-(i)):
  - a. The Board shall annually cause the Chief of Police to prepare a budget for the Halifax Regional Police; (Board of Police Commissioners Budget Timeline included as Reference 1)
  - b. The budget shall be submitted to Halifax Regional Council by the Board;
  - c. The Board shall provide the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department, subject to the *Police Act* and the municipal Bylaw P-100;
  - d. The Board shall ensure a strategic plan and business plan is in place; and
  - e. The Board shall ensure the department is managed by the Chief of Police according to best practices and that it operates effectively and efficiently.
  
5. With respect to the HRP, the Board shall not exercise jurisdiction relating to (s. 55(1)(c)-(e)):
  - a. complaints, discipline or personnel conduct, except in respect to the Chief of Police;
  - b. a specific prosecution or investigation; or
  - c. the actual day-to-day direction of the police department.

6. With respect to the RCMP, the Board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the RCMP (s. 68(1)).

### **Board Mission, Vision and Guiding Principles**

1. The Board's Mission is to provide independent civilian oversight, governance, and strategic leadership to the HRP and the RCMP within Halifax, reflecting the needs, values and diversity of Halifax's communities.
2. The Board shall review its mission, vision, guiding principles and work plan annually.
3. The Board shall be guided by a work plan which reflects its future goals and objectives and which the Board updates regularly.
4. The Board shall create an annual work plan no later than April 1 of each year.

### **Independence and Jurisdiction Policy of Police Board**

1. The Board's purpose is, in part, to preserve policing independence from political interference while ensuring civilian oversight of the extraordinary powers of the police.
2. The Board of Police Commissioners is an entity that the *Police Act* states must be created by any municipality that establishes a municipal police department. The *Police Act* states a Police Advisory Board must be created by any municipality receiving policing services in whole or in part from the Royal Canadian Mounted Police or the Provincial Police.
3. As Council elects to share responsibility for policing between HRP and the RCMP, the Board has a dual role. Firstly, it acts as a governing board for HRP. Secondly it acts as a Police Advisory Board to the RCMP pursuant to s. 57 (1) of the *Police Act*.
4. The Board has a unique relationship with the municipal council and it exists, in part, to insulate the police services from the political decision making process. The Police Board is responsible for ensuring that the police provide effective and efficient services. The municipal council provides the police department with an annual budget to achieve these objectives.
5. The RCMP follows policy and governance established by the Federal government and is not subject to civilian oversight. Therefore the Board acts primarily in an advisory capacity.
6. The Board ensures the independence of the operation of policing in Halifax, but HRP is also functionally a department of the municipality. The municipality's non-policing policies apply to HRP, such as finance, procurement, and human resources.
7. While the Board recommends to Regional Council the operating budget of HRP, the CAO and the municipality provide and are responsible for day to day financial controls and finance and audit for HRP. HRM, through the Board, is to assure that sufficient resources are provided and/or contracted to provide adequate, effective and efficient police services to HRM.
8. The work of the police services necessitates confidentiality and adherence to security protocols and, to that end, the Board will adopt regulations and procedures to closely restrict access to, and

disclosure of, information under the authority of the police services. Board's independent status is achieved by ensuring accountability for oversight of the police services and their employees.

9. The Board is responsible for ensuring that the security and confidentiality interests of the police services, and the safety interests of the public are protected. Advancing of joint ventures or shared services with municipal council or any other agency can only occur where the Board is satisfied that confidentiality and security issues have been properly addressed.

### **RCMP Budget**

While the Board does not hold the same legislative authority over the RCMP budget as it does over the HRP, it is recommended that the RCMP follow the budget process as outlined in Reference 1.

### **Composition of Board, Selection and Appointments**

1. The *Police Act*, in sections 44(4) & 57(4) requires that the Board consist of seven members: three members of council appointed by resolution of the council; three members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and one member appointed by the Provincial Minister of Justice.
2. The Board will consider the composite skills it requires to meet its responsibilities and maximize its success, and the elements it requests with respect to tenure and the rotation of members, and communicate those to Council as recommendations or requests when vacancies arise on the Board.
3. The Board strives to reflect the diversity and make-up of Halifax and seeks to include members representing diverse communities.

### **Board Governance Style and Commitment**

1. As a statutory governance body, the Board must be and be seen to be:
  - a. operating in all ways mindful of its civic trusteeship obligation to the public and accountability for the governance and/or advising the police services;
  - b. independent of the police service administration and management, political affiliation and interest groups;
  - c. subject to the needs of confidentiality and security, open, transparent, and accessible to both the public and the police services; and
  - d. responsive to the community.
2. The Board shall govern collaboratively and in a way that emphasizes outward vision. It shall encourage strategic leadership rather than administrative detail and shall maintain a clear distinction between Board governance and the Chiefs' roles as chief executive officer or superintendent of the police services.
3. Attendance at all regular meetings by all Commissioners is preferred in order to ensure quorum is met. Commissioners have the obligation to inform the Chair if they are not able to attend a meeting in person.

4. The Chair, Vice Chair and the Chiefs or their designates will meet no later than five (5) days in advance of the regularly scheduled meeting to establish the agenda and confirm the agenda and to plan the upcoming meeting agenda so that agenda setting is established in advance.
5. The Board and Chiefs shall commit to the following guiding principles with respect to their relationship and responsibilities:
  - a. acknowledge the importance of goodwill between each other;
  - b. respect each other's roles, interests and accountabilities;
  - c. give each other the benefit of the doubt, accept honest mistakes and seek explanations before reacting;
  - d. recognize and respect each other's decision-making processes and lines of authority;
  - e. acknowledge that the Board's mandate is summarized as general oversight and setting of policing policy; and
  - f. recognize that the Chiefs are responsible for daily policing and all operational matters.
6. Communications between the Board and Chiefs shall:
  - a. promote common understanding
  - b. promote quick and effective resolution of issues, and
  - c. build stronger relationships; information shall be shared to the fullest extent possible and be undertaken in an atmosphere that promotes clarity, transparency, openness and trust.
7. The Board and its members shall be responsible for excellence in governing. The Board itself shall be an initiator of policy, in addition to responding to policy initiatives from staff. The Board shall use the expertise of individual Board Members to enhance the performance of the Board as a body.
8. The Board shall direct, control and motivate the organization through the careful establishment of broad organizational policies reflecting the community's values.

#### **Delegation to and relations with the Chiefs**

1. The Chiefs have command of their police services, subject to the powers of the Board set out in the *Police Act* and By-law P-100.
2. The Chiefs have general authority to make the operational decisions required to operate the Police Department. The Chief of Police's legislative role and duties are set forth in s. 38 of the *Police Act*.
3. The Board provides direction to the Chief of Police, and advice to the Chief Superintendent, by way of motion and adoption of policy.
4. The Board directs the Chief of Police through approved Board policies, and detailed operational policies are to be developed by the Chief in furtherance of Board policy.
5. Only decisions of the Board acting as a body are binding upon the Chiefs, to the extent authorized by the *Police Act*:

- a. Decisions or instructions of individual Commissioners or committees are not binding on the Chiefs
  - b. In the case of Commissioners requesting information or assistance without Board authorization, the Chief has the option of bringing such requests to the Board if, in the Chief's judgement, a material amount of staff time or funds are required.
6. The Chiefs shall ensure that his/her actions and those of the police services will not compromise the independence of the Board.
7. The Chiefs may delegate authority to the extent that he/she considers appropriate, but remains personally responsible for all activities of the Department to the extent provided by the *Police Act* and By-law P-100.

### **Confidentiality**

1. Notwithstanding the need for Members to make informed decisions on issues before the Board by obtaining input from internal and external sources, Members are to ensure that information that is normally considered confidential (i.e. financial, legal and personnel issues) is not disclosed to any outside person unless authorized.
2. Halifax Regional Police and municipal police commissions and advisory boards in Nova Scotia are subject to the Freedom of Information and Protection of Privacy provisions of the *Municipal Government Act*. Members have a duty to understand the key sections of this *Act* and must avoid disclosing any verbal or written material that is meant to be confidential concerning the HRP or RCMP, its officers, staff members or clients.
3. Members must not disclose or use confidential information gained by virtue of their association with the Board for personal gain, or to benefit friends, relatives or associates.

### **Board Committees, Panels and Liaison Functions**

1. The Board may create committees by resolution and adopt terms of reference. The terms of reference will define membership, extent of public involvement and participation, mandate, scope of activities, and require the committee to make recommendations to the Board.
2. Any Board member may attend a committee meeting and such members shall be allowed to take part in discussion or debate but shall not move or second a motion and shall not vote.
3. The Board may delegate tasks and projects to the committees, including preparing of policy alternatives and implications for Board deliberation.
4. Board committees may not speak or act for the Board.
5. Committee members shall deal directly with the Chair who will liaise with the Chiefs or his/her designate(s), when services are required from a staff member to assist the committee.

6. This policy does not apply to committees formed under the authority of the Chiefs.

### **Board Member Orientation**

1. The Board shall cause a Board orientation toolkit and process to be created and provided to all new members.

### **Travel and Training**

1. Board Members are encouraged to participate in training sessions and conferences of the Nova Scotia Association of Police Governance and Canadian Association of Police Governance, and to take advantage of other training opportunities that will increase their knowledge and capabilities as a Board Member.
2. Board Members are eligible to be reimbursed for all reasonable expenses incurred while on Board business travel or attendance at training sessions, subject to the approval of the Chair in consultation with the CAO and the budget of the Board.
3. Member's expenses are reimbursed as follows:
  - a. Expenses need to receive prior travel approval (Travel Approval forms are available from the Legislative Assistant);
  - b. Air travel and hotel booking may be completed by the travel service that supports HRM;
  - c. Out of Town Travel expense forms (available from the Legislative Assistant) are reimbursed upon the submission of receipts and explanatory expense statements, and must be in accordance with HRM travel policies and submitted to the Legislative Assistant who forwards documents for reimbursement;
  - d. Board members are eligible to receive Advance Payment for expenses if the amounts are listed on the Travel Approval form and then listed as received when claiming additional expenses;
  - e. All forms are submitted to the Legislative Assistant, approved by the CAO and forwarded to HRP Finance for payment.
4. Business or training travel of Board Members is authorized by the Chair if budget amounts allow.

### **External Memberships**

1. The Board supports the purpose of the Nova Scotia Association of Police Governance and Canadian Association of Police Governances, and shall be a member of both organizations. Board membership in organizations requires amendment to add them to this list.

### **Board Assessment Process**

1. The Board recognizes the need to assess the governance functions and performance of the Board. The Board shall establish a board assessment review process to assess the board.

## **7 - Policy Review**

This policy should be reviewed every four years and when the *Act* is amended.



## **8 - Contact**

Office of the Municipal Clerk

## **9 - References**

Reference 1 – Board of Police Commissioners Budget Timeline (Non election years)

Board of Police Commissioners Budget Timeline (Non election years)			
Meeting Date	Group	Event	Event Details
September	HRM Asset Management	Business Plan	Capital Planning assessment and consultation between asset owners and service providers. Identify performance and safety risks, service capacity deficiencies and lifecycle maintenance needs.
	HRP	Business Plan	Generation of the business plan deliverables for the business plan and budget process begins. BoPC engagement on strategic deliverables requiring their input and approval.
	RCMP	Business Plan	begins. BoPC engagement on strategic deliverables requiring their input and approval.
October	HRP	Business Plan	Business plan deliverables presented to BoPC.
	HRP	Operating Budget	Operating Budget - (Framework) Identify specific financial implications including (a) pressures identified as a result of new deliverables/initiatives recently identified; (b) contractual obligations and (c) revenue/recovery decreases and increases
	RCMP	Operating Budget	deliverables as set out by the board and the estimated costs of the resources.
November	Public	Public Participation (1)	Following the presentation of Business Plan and Budget Framework members of the public are invited to present to BoPC.
	HRM Finance	Operating Budget	HRM's Chief Financial Officer provides brief presentation to BoPC on Budget Planning Process and Parameters including a high level overview of HRM's financial situation leading into the upcoming fiscal year.
	HRP	Operating Budget	Draft proposed operating budget presented to Police Board for discussion, approval and include detailed analysis reports using HRM's Business Plan standards.
	RCMP	Operating Budget	Proposed staffing complement recommendation presented to BoPC. Recommendation by BoPC will be forwarded to Budget Committee.
	Public	Public Participation (2)	Following the presentation of the operating budget members of the public are invited to present to BoPC.
December	COW-Budget Committee	Capital Budget	Presentation to Committee of the Whole.
	HRP	Operating Budget	Operating budget approval by Police Board.
January	COW-Budget Committee	Operating Budget	Presentation to Committee of the Whole - Final BoPC approval of Business Plan and Budget Presentation to Budget Committee (for both RCMP and HRP Budget).
February	HRP	Operating Budget	In the event that Committee of the Whole does not approve the recommended budgets and requests either a higher net budget number or a lower net budget number, the entire draft budget will go back to BoPC for further analysis and revisions.