



Item No. 4

Board of Police Commissioners for the Halifax Regional Municipality November 20, 2024

TO: Chair Kent and Commissioners of the Board of Police Commissioners for the Halifax Regional Municipality

DATE: November 5, 2024

SUBJECT: Overview of BoPC Activities

INFORMATION REPORT

ORIGIN

This is s a staff-initiated report.

BACKGROUND

This report is intended to provide a brief overview of some key BoPC activities, as outlined in the Board's workplan.

DISCUSSION

Mass Casualty Commission and Public Safety Report Alignment

In August 2023, the Board received a report that outlined the major factual findings of the MCC Report relevant to the Board's statutory mandate. The Board passed a motion requesting a staff report outlining areas of alignment between recommendations and actions contained in the Wortley Report, Defund Report, Public Safety Strategy, Police Transformation Study and Mass Casualty Commission Final Report, and for these areas of alignment to be incorporated into the Board's workplan.

In June 2024, Regional Council received a report (also received by the Board as an Information Report), which led to Regional Council declaring gender-based, intimate partner, and family violence to be an epidemic, incorporating a modernized version of the "Peelian Principles" into the municipality's new policing bylaw, and letters written to the province regarding the Police Act and the Involuntary Psychiatric Treatment Act.

NEXT STEPS

A staff report is being prepared for Regional Council with respect to the municipality's role in providing a meaningful and sustained society-wide response to gender-based, intimate partner and family violence, including reviewing the municipality's internal policies and identifying any gaps. The HRP and HRD will provide biannual updates to the BoPC on local progress made on recommendations contained in the Mass Casualty Commission Final Report. There is further ongoing work toward the recommendations outlined in each of the reports, including through the implementation of the municipality's Public Safety Strategy.

Board of Police Commissioners' Policy Manual

The Board has provided direction to create and revise several policies contained in the Policy Manual. Specifically, in August 2023 the Board requested a review of policies related to Extra Duty and Off Duty employment and to draft a policy related to the police response to homelessness. In December 2023, the Board provided direction to review the Stakeholder Engagement And Community Survey to Measure Trust policies, and in March 2024, the board provided direction to draft a Use of Force policy.

Extra Duty and Off Duty policies have been drafted and have been posted for public feedback. Work is under way in drafting policies related to policing and homeless policies and use of force policies, which were also recommended in the Independent Review, which is discussed later in this report. A review of the BoPC's communication policies is also underway. In September 2024, the Board formally requested that Regional Council allocate \$25,000 in the board's 2025-2026 budget for the purpose of conducting a monthly independent community survey on policing.

Finally, in March 2024, the Board adopted a revised self-evaluation policy, which is to be completed by all commissioners every second year.

NEXT STEPS

It is anticipated that updated communication policies will be brought forward to the BoPC for consideration in the first quarter of 2025. Pending budget approval by Regional Council, work will begin toward an independent community survey on policing in the second quarter of 2025. Policies related to the Independent Review will be brought forward to the BoPC separately at a later date.

BoPC Workplan and Long Term Strategic Plan

The municipality's new policing bylaw, Bylaw P-104, requires the BoPC to provide Regional Council with a workplan by June 1st of each year. The current workplan contains priorities, actions and outcomes under four strategic pillars: Develop, Engage, Adapt and Evolve. Each outcome contains an estimated timeline and a lead staff person or business unit.

Bylaw P-104 also requires the BoPC to submit to Regional Council not less than once every five years a long term strategic plan, which is to include:

- (a) the vision and mission for the Board;
- (b) the core values of the Board;
- (c) review of the Board's strengths, weaknesses, opportunities and threats;
- (d) discussion of the Board's long term strategic goals and objectives;
- (e) a discussion of how the Board's long term goals align with the municipal community safety, emergency management and policing strategies of Council;
- (f) the Board's proposed action plans and initiatives to achieve the long term goals and objectives; and
- (g) other requirements as directed by Council.

NEXT STEPS

The next strategic planning session is tentatively scheduled for March 2025.

Police Transformation

In April 2023, the Policing Model Transformation Study: Future Policing Model Recommendations (“the Police Transformation Study”), written by PricewaterhouseCoopers, was received by Halifax Regional Council. Regional Council referred the report to the BoPC for their review.

The Police Transformation Study found that despite what might be commonly perceived in the community, the HRP and RCMP do not operate in an integrated policing model. The municipality currently has a dual policing model, meaning two services operating in parallel as discrete service providers. The gap between what stakeholders expect in the policing model and what exists today is vast. Therefore, significant transformation is needed to bridge that gap.

The report recommends that the municipality develop an integrated operating model for police services that is focused on providing consistent and responsive services and integrating with the broader public safety ecosystem.

An integrated operating model requires the implementation of four pillars of transformation:

1. Strengthening governance and reimagining the role of the Board of Police Commissioners.
2. Integrating leadership and strategic functions.
3. Creating municipally led community response capacity.
4. Implementing fully integrated services, through a newly developed (future state) operating model.

NEXT STEPS

A staff report providing an update on progress made toward the recommendations outlined in the Police Transformation Study was received by the BoPC at their May 1 2024 meeting. Further updates will be provided to the BoPC at regularly scheduled meetings by the HRP, HRD and Community Safety.

Independent Review

The Halifax Independent Civilian Review into the August 18 2021 Encampment evictions was announced on May 3rd 2023, following budgetary approval from Regional Council. The Review itself took place between June 1st 2023 and May 31st 2024 and was written by Jonathan Shime and Wayne Cunningham of Cooper Sandler Shime & Schwartzenruber, a law firm based in Toronto.

The topics in the Terms of Reference included:

- The adequacy or appropriateness of the Board’s existing policies and rules;
- The adequacy or appropriateness of HRP’s priorities, objectives and goals, as well as any programs or strategies to address those priorities, objectives and goals, insofar as they may relate to the eviction or potential eviction of unhoused and/or underhoused individuals from public spaces; and
- The adequacy of oversight and governance mechanisms and practices employed by the Board to address related policing activities and to ensure that police services are delivered in a manner consistent with community values, needs and expectations.

The Review was received by the BoPC at their September 2024 meeting and includes 37 recommendations, 13 of which are directed specifically at the Board of Police Commissioners. The BoPC recommendations can be divided into three broad categories:

1) Adopt a more assertive role in overseeing the HRP

Recommendations in this category reference other police governance reports and involve adopting policies consistent with robust oversight policies to ensure greater police governance and accountability. These policies should define what constitutes a “critical point” that would require the Chief of Police to disclose relevant information to the Board for consideration and discussion.

2) Identify BoPC policy gaps

The Reviewers make several recommendations related to the BoPC’s policy development role. For example, the Review recommends that the Board articulate a process by which it transparently identifies Board and HRP policies that require review and how revisions, if any, should be implemented. The Reviewers also recommend that the Board review its own policies to determine if any additional policies for the Board are needed on topics such as policing encampments and the unhoused, human rights, the use of force, and the use of pepper spray.

3) Commit to a human rights-based approach to address the needs of the unhoused and those who live in encampments

The Reviewers recommend that the Board of Police Commissioners public commit to the right of the unhoused and encampment residents to meaningfully participate in the design and implementation of policies and practices that affect them and acknowledge the distinct needs of Indigenous individuals, Black and other racialized individuals, women, 2SLGBTQQIA+ individuals, youth, seniors and people with disabilities, who are unhoused.

The Reviewers also recommend that the Board of Police Commissioners, HRP and HRM provide a public update on the implementation of all 37 recommendations by June 1, 2025.

As stated earlier, prior to receiving the Independent Review, the Board provided direction to develop policies in the areas of use of force and policing and homelessness. Developing these policies is consistent with recommendations contained in the Independent Review.

The HRP, Community Safety Business Unit and BoPC staff are currently reviewing the recommendations and will report back to the Board in the new year.

NEXT STEPS

A working group comprised of the HRP, HRD, Community Safety and board staff has been formed to review the Independent Review’s recommendations and propose next steps. A staff report is anticipated to be prepared for the BoPC during the first quarter of 2025.

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.

LEGISLATIVE AUTHORITY

Police Act, 2004, s. 55 states:

- (1) The function of a board is to provide
 - (a) 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
 - (b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department, but the board shall not exercise jurisdiction relating to
 - (c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;
 - (d) a specific prosecution or investigation; or
 - (e) the actual day-to-day direction of the police department.

- (2) With the approval of the Minister, the council, by by-law, may prescribe
 - (a) the additional or more specific roles and responsibilities of a board; and
 - (b) the rules and regulations governing proceedings of a board, and the board has sole jurisdiction over the matters so delegated to it.

- (3) Without limiting the generality of subsection (1), a board shall
 - (a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
 - (b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting 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 service providers;

Section 8 (2) (h), (i), (j) and (k) of By-law P-100, which provides:

- 8 (2) The Board in accordance with the Police Act and HRM Bylaws may carry out any of the following roles and responsibilities: ...
- (h) carry out any studies or investigations respecting its civilian governance responsibilities;
 - (i) monitor gender, ethnic and minority group issues and making recommendations concerning these matters to the Chief of Police;
 - (j) ensure that community needs and values are reflected in policing goals and methods;
 - (k) act as a conduit between the community and the police service providers.

ATTACHMENTS

None

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