



Item No. 2
Board of Police Commissioners
May 7, 2025

TO: Chair O'Malley and Members of the Board of Police Commissioners

SUBMITTED BY: Cathie O'Toole, Chief Administrative Officer

DATE: April 29, 2025

SUBJECT: **Review of HRP Policy for Alignment with Board Policy on Off Duty Employment**

INFORMATION REPORT

ORIGIN

November 20, 2024 meeting of the Board of Police Commissioners, Item 11.1

It is recommended that the Board of Police Commissioners for the Halifax Regional Municipality:

- (1) Adopt in principle, subject to a period of public comment, the revised extra duty and off duty policies for inclusion in the Board of Police Commissioners' Policy Manual, as outlined in Attachment 1 of this report

BACKGROUND

In accordance with section 56 of the *Police Act*, in December 2024, the Board of Police Commissioners approved an Off Duty Employment policy for inclusion in its policy manual. In March 2025, the HRP published a revised Off Duty Employment/Activities policy on its website.

DISCUSSION

HRP's Off Duty Employment/Activities policy has been reviewed and is determined to be in alignment with the policy approved by the BoPC. Below is a table outlining key principles contained in the board policy and HRP's alignment with those principles.

Board Policy	HRP Policy
6.3 Off duty employment is prohibited unless authorized by the chief officer.	APPLICATION PROCESS J. No member shall begin or continue to perform off- duty employment/activities unless and until the member has applied (Appendix A) and received the consent of the Chief of Police.
6.4 The chief officer will prohibit sworn members from being in uniform while engaged in off duty employment.	RESTRICTIONS ON APPROVED ACTIVITIES v. Wear any articles of the issued HRP uniform while engaged in off duty employment/activities.
6.5 The chief officer will prohibit sworn members from engaging in off duty employment when on duty.	RESTRICTIONS ON APPROVED ACTIVITIES viii. While on duty or while identifiable as a member of the HRP and off duty, solicit, entice or encourage any member of the public or any other HRP member to join or become involved in their off-duty employment/activities.
6.6 The chief officer will prohibit the use of HRP equipment, facilities, materials or any other public property toward off duty employment.	RESTRICTIONS ON APPROVED ACTIVITIES iii. Under any circumstances, use any HRP resources to assist them in carrying out any function related to an approved off -duty employment/activity. This prohibition includes but is not limited to the use of HRP computer equipment, photocopiers, electronic system and/or database, telephones, fax machines, pagers and vehicles.
6.7 The chief officer will ensure that no information obtained as a sworn officer will be used in off duty employment.	RESTRICTIONS ON APPROVED ACTIVITIES ix. Use any information to which they are privy because of their employment as a member of Halifax Regional Police including policies and procedures, lesson plans, materials, pamphlets, information and instructions developed by the Service, without written consent of the Chief
6.8 The chief officer will develop a list of prohibited off duty employment activities, and this list shall include the engagement in the business of serving civil process documents or in the private investigator or private guard business.	G. The following are prohibited as off-duty employment/activities: i. bill collector ii. security guard or other security work iii. taxi, limousine or ride-sharing driver (Uber, Lyft), or the owner or operator of a taxi, limousine or ride-sharing service iv. owner, operator or employee of an establishment in which alcohol is consumed and/or in which gambling occurs v. cannabis industry vi. insurance adjuster or investigator vii. private investigator including skip tracer viii. escort, as an employee of an escort agency ix. process server x. armored car driver or guard xi. Bodyguard xii. any occupation which requires the member to be armed except when police officers who are members of the Canadian Forces Reserves actively engaged in

	<p>military training or performing a peacekeeping role are covered by the HRP policy on Military Leave.</p> <p>xiii. offering a service, advice or consultative direction including crime prevention/intervention. home security and/or business/personal security.</p> <p>xiv. weapons manufacturing or sales</p> <p>xv. employment in any establishment that purports to be a place of adult entertainment</p> <p>xvi. lawyer, paralegal or Commissioner of Oaths outside the work of Halifax Regional Police</p>
6.11 The chief officer will ensure that any request for off duty employment is contingent on a member being and continuing to be in good standing.	<p>SCOPE OF POLICY</p> <p>C. Members who are off duty due to sickness or injury, subject to an accommodation or absence management plan or program are prohibited from engaging in off- duty employment except with special permission of the Chief.</p>
6.12 The chief officer will ensure that when applying for permission to engage in off duty employment, the applicant will describe the nature of the work, a statement that no conflict of interest is anticipated, and an estimate of the anticipated number of hours per week that the member will be engaged in off duty employment	<p>DECISION-MAKING</p> <p>O. The Chief may rescind approval for off -duty employment/activity if it is determined that a conflict of interest exists, or the performance of the member's duties is adversely affected. Where an order is made rescinding an approval of off duty</p> <p>APPLICATION PROCESS</p> <p>K. Applications to engage in off- duty employment/activities shall include full particulars of the employment/activity including but not limited to:</p> <p>i. Name, address, employer and business owner if the off-duty employment/activity is as an employee.</p> <p>ii. If the employee is involved in a partnership, business venture or company and/or as an officer or shareholder. If advising of the latter, all shareholders' names and dates of birth.</p> <p>Administration Chapter 10, Section 12 Off Duty Employment/Activities</p> <p>iii. Nature and location of the employment/activity, including if the employment/activity is as an outside contractor.</p> <p>iv. Expected hours of work. If an independent contractor, the manner of obtaining work and the expectations of the work commitments on an annual basis.</p> <p>v. Any additional information to assist the Chief of Police with this decision.</p>

	vi. Where a partnership, business venture or company is involved, the list of all clients and current contracts. Any new client relationship/contract secured following approval of an application/renewal will promptly require subsequent disclosure be made to the Office of the Chief of Police.
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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 section 56 states:

...

- (2) Every board shall establish a written policy respecting off duty employment by members of its police department and the policy shall
- define off-duty employment;
 - set policy guidelines regarding permitted and prohibited off-duty employment;
 - prohibit a member of the police department from engaging in the business of serving civil process documents or in the private investigator or private guard business; and
 - prohibit a member of the police department from being in uniform while engaged in off-duty employment.
- (3) The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.

ATTACHMENTS

Attachment 1 – Off Duty Employment (BoPC policy)
Attachment 2 – Off Duty Employment/Activities (HRP policy)

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.

Report Prepared by: Joshua Bates, Policing Policy Strategist, Office of the Public Safety Commissioner, 902-478-2032

Off Duty Employment

Original Implementation Date	March 2020	Approved by	BOPC
Date of Last Revision	November 20, 2024	Approved by	BOPC
Effective Date of Last Revision	November 21, 2024	Approved by	BOPC

1 - Title

Off duty employment

2 - Purpose

The Halifax Board of Police Commissioners is committed to overseeing the delivery of fair, effective, efficient, equitable and accountable policing services in keeping with community values, needs, and expectations of all community members.

The Nova Scotia *Police Act* states that “The Board shall adopt policy regarding extra-duty and off-duty employment as per s. 56 of the *Police Act* and the Chief of Police shall cause that policy to be posted as an HRP Departmental Order to all sworn and unsworn members.”

3 – Scope

This policy applies to all sworn and unsworn members of HRP as outlined in the Department Order #: 04-09 and to the Chief of HRP.

4 - Definitions

In the context of this document:

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

Off duty employment, also known as secondary employment/activities means any activity, business, undertaking or calling in which a member participates while not on duty whether or not it involves financial gain or other benefit or consideration. An extra duty assignment is not considered to be off duty employment.

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

General

- 6.1 The chief officer will establish an operational policy with respect to the off duty employment of HRP's sworn members.

Mission, Vision and Values

- 6.2 The chief officer will ensure that HRP's off duty employment policy aligns with the mission, vision and values, as outlined in HRP's Strategic Plan, and the Principles of Policing, as outlined in the Police Board By-law.

Criteria for Off Duty Employment

- 6.3 Off duty employment is prohibited unless authorized by the chief officer.
- 6.4 The chief officer will prohibit sworn members from being in uniform while engaged in off duty employment.
- 6.5 The chief officer will prohibit sworn members from engaging in off duty employment when on duty.
- 6.6 The chief officer will prohibit the use of HRP equipment, facilities, materials or any other public property toward off duty employment.
- 6.7 The chief officer will ensure that no information obtained as a sworn officer will be used in off duty employment.

- 6.8 The chief officer will develop a list of prohibited off duty employment activities, and this list shall include the engagement in the business of serving civil process documents or in the private investigator or private guard business.
- 6.9 The chief officer will prohibit sworn members from engaging in off duty employment that creates or is likely to create a conflict of interest with their duties as a peace officer.
- 6.10 The chief officer will prohibit sworn members from participating in off duty employment that is obtained as a result of being employed as a member of the HRP.

Member Eligibility

- 6.11 The chief officer will ensure that any request for off duty employment is contingent on a member being and continuing to be in good standing.
- 6.12 The chief officer will ensure that when applying for permission to engage in off duty employment, the applicant will describe the nature of the work, a statement that no conflict of interest is anticipated, and an estimate of the anticipated number of hours per week that the member will be engaged in off duty employment

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

None

OFF DUTY EMPLOYMENT/ACTIVITIES

1. GENERAL

- A. A member's primary responsibility is to the Halifax Regional Police Service. The public have a right to expect that its police officers are in optimal physical and mental condition to carry out their duties, that they are always available for emergency service and that they do not engage in activities that create an appearance of impropriety. Ensuring that members are only engaged in approved off- duty employment is important to maintaining public trust.
- B. The purpose of this policy is to set out a process for approval of off- duty employment, to advise members of the restrictions placed on off- duty employment by Section 56(2) of the *Police Act*, and their responsibilities when such activities are considered.

2. POLICY

- A. Section 56 of the *Police Act* provides:
 - (2) Every board shall establish a written policy respecting off duty employment by members of its police department and the policy shall:
 - 1. define off-duty employment.
 - 2. set policy guidelines regarding permitted and prohibited off-duty employment.
 - 3. prohibit a member of the police department from engaging in the business of serving civil process documents or in the private investigator or private guard business; and
 - 4. prohibit a member of the police department from being in uniform while engaged in off-duty employment.
 - (3) The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.
- B. Additionally, the HRM Code of Conduct for Municipal Employees states:
 - i. Outside employment or activities:
 - 1. Employees must avoid accepting employment or volunteer work for private interests when:
 - a. Such employment or services are incompatible with the performance of their official duties.
 - b. Such employment or services are related to the employee's position with the Municipality, which could impact, or be seen as impacting, their judgement and objectivity; or
 - c. Such employment or services puts the employee in competition with services provided by the Municipality; or the employee has an advantage resulting from their employment with the Municipality that is not available to other interested parties.

SCOPE OF POLICY

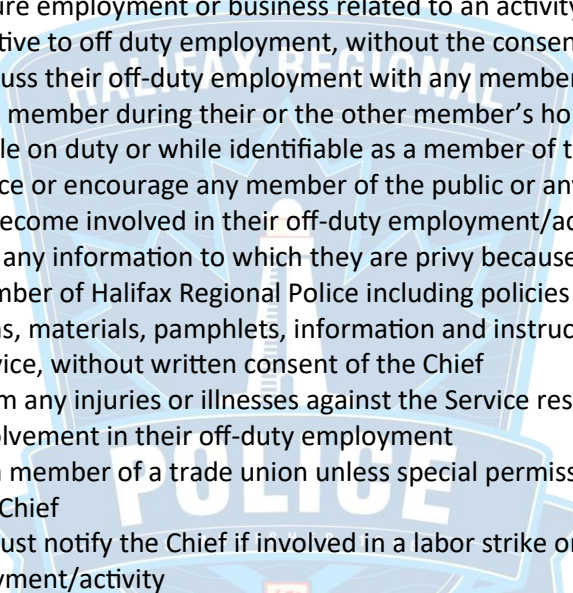
- C. Members who are off duty due to sickness or injury, subject to an accommodation or absence management plan or program are prohibited from engaging in off- duty employment except with special permission of the Chief.
- D. A member who has been suspended with or without pay is subject to this policy. A member who is suspended **with** pay shall report all monetary benefits earned from the off-duty employment during the period of suspension to the Inspector of Support. Such earnings will be deducted from pay received during the period of suspension.
- E. Off Duty Employment/Activities that are outside the scope of this policy include but are not limited to:
 - i. Volunteering or participating in charitable or community activities
 - ii. Assisting a friend or relative on a limited, emergency or seasonal basis
 - iii. Hobbies that are undertaken primarily for pleasure
 - iv. Extra Duty employment arranged by Halifax Regional Police
- F. Members of the Canadian Forces Reserves do not need to apply for approval of Reserves employment but will instead provide annual written notice to the Chief of their membership, responsibilities, and the time commitment involved.

PROHIBITED EMPLOYMENT

- G. The following are prohibited as off-duty employment/activities:
 - i. bill collector
 - ii. security guard or other security work
 - iii. taxi, limousine or ride-sharing driver (Uber, Lyft), or the owner or operator of a taxi, limousine or ride-sharing service
 - iv. owner, operator or employee of an establishment in which alcohol is consumed and/or in which gambling occurs
 - v. cannabis industry
 - vi. insurance adjustor or investigator
 - vii. private investigator including skip tracer
 - viii. escort, as an employee of an escort agency
 - ix. process server
 - x. armored car driver or guard
 - xi. Bodyguard
 - xii. any occupation which requires the member to be armed except when police officers who are members of the Canadian Forces Reserves actively engaged in military training or performing a peacekeeping role are covered by the HRP policy on **Military Leave**.
 - xiii. offering a service, advice or consultative direction including crime prevention/intervention. home security and/or business/personal security.
 - xiv. weapons manufacturing or sales
 - xv. employment in any establishment that purports to be a place of adult entertainment
 - xvi. lawyer, paralegal or Commissioner of Oaths outside the work of Halifax Regional Police

RESTRICTIONS ON APPROVED ACTIVITIES

- H. While engaging in an approved off duty employment/activity, members cannot:
 - i. Bid on and/or accept any HRM contracts for services

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- ii. Receive, accept or make telephone calls or other communications, including pager messages, related to off duty employment/activities during hours of work for the HRP.
 - iii. Under any circumstances, use any HRP resources to assist them in carrying out any function related to an approved off -duty employment/activity. This prohibition includes but is not limited to the use of HRP computer equipment, photocopiers, electronic system and/or database, telephones, fax machines, pagers and vehicles.
 - iv. Advertise off duty employment/activities on any police uniform, on the member's person or in HRP buildings at any time.
 - v. Wear any articles of the issued HRP uniform while engaged in off duty employment/activities.
 - vi. Identify themselves through words or images as a police officer while engaging in any business related to off duty employment/activities or attempting to secure employment or business related to an activity, or while advertising relative to off duty employment, without the consent of the Chief of Police.
 - vii. Discuss their off-duty employment with any member of the public or any other HRP member during their or the other member's hours of work for the HRP.
 - viii. While on duty or while identifiable as a member of the HRP and off duty, solicit, entice or encourage any member of the public or any other HRP member to join or become involved in their off-duty employment/activities.
 - ix. Use any information to which they are privy because of their employment as a member of Halifax Regional Police including policies and procedures, lesson plans, materials, pamphlets, information and instructions developed by the Service, without written consent of the Chief
 - x. Claim any injuries or illnesses against the Service resulting from their involvement in their off-duty employment
 - xi. Be a member of a trade union unless special permission has been granted by the Chief
- I. Members must notify the Chief if involved in a labor strike or lawsuit related to the off-duty employment/activity

APPLICATION PROCESS

- J. No member shall begin or continue to perform off- duty employment/activities unless and until the member has applied (Appendix A) and received the consent of the Chief of Police. Applications for off- duty employment/activities shall be submitted in writing by the requesting member to the Office of the Chief of Police via his/her Divisional Commander/Section NCO.
- K. Applications to engage in off- duty employment/activities shall include full particulars of the employment/activity including but not limited to:
 - i. Name, address, employer and business owner if the off-duty employment/activity is as an employee.
 - ii. If the employee is involved in a partnership, business venture or company and/or as an officer or shareholder. If advising of the latter, all shareholders' names and dates of birth.

- iii. Nature and location of the employment/activity, including if the employment/activity is as an outside contractor.
- iv. Expected hours of work. If an independent contractor, the manner of obtaining work and the expectations of the work commitments on an annual basis.
- v. Any additional information to assist the Chief of Police with this decision.
- vi. Where a partnership, business venture or company is involved, the list of all clients and current contracts. Any new client relationship/contract secured following approval of an application/renewal will promptly require subsequent disclosure be made to the Office of the Chief of Police.

DECISION-MAKING

- L. The Chief may approve or deny the application or approve the application with such restrictions as are deemed appropriate so that such off-duty employment/activity does not adversely affect the performance of the member in the discharge of their duties.
- M. Any decision by the Chief pursuant to this policy shall be made in writing to the member and shall be included in the member's Personnel file (Appendix B).
- N. Approvals may be granted where:
 - i. The member is in good standing
 - ii. Participation does not create a conflict of interest with the member's duties as a peace officer
 - iii. Participation in the business, venture or employment is not obtained because of being employed as a member of the HRP.
 - iv. The member's effectiveness and performance as a peace officer is not adversely affected.
 - v. The member's position as a peace officer is not demeaned.
 - vi. Participation does not constitute full-time employment.
 - vii. The employment/activity is not otherwise in contravention of this policy or *Police Act* and its regulations.
- O. The Chief may rescind approval for off-duty employment/activity if it is determined that a conflict of interest exists, or the performance of the member's duties is adversely affected. Where an order is made rescinding an approval of off duty employment/activity, the Chief shall allow the member sufficient time for the efficient withdrawal from the off-duty employment/activity.
- P. All off-duty employment/activities approved by the Chief must be renewed annually on January 1 of each calendar year
- Q. Any changes between renewals to the ownership or nature of a member's off-duty employment/activities shall be reported promptly to the Office of the Chief of Police in writing. The Chief may then continue or rescind the authorization. Failure to make this notification may result in cancellation of the original approval and/or disciplinary action.

3. DEFINITIONS

- A. **“Off Duty Employment/Activities”** means any activity, business, undertaking, or calling in which a member participates while not on duty whether or not it involves financial gain or other benefit or consideration.
- B. **“Conflict of Interest”** means a conflict between an officer’s personal and/or business interests and their responsibility and/or duty as an officer of HRP and includes actual or perceived conflicts, and those situations which have potential to be actual or perceived conflicts, those which will bring discredit on the reputation of HRP or undermine the public confidence in same. A conflict of interest can exist whether or not a member is receiving direct salary, financial compensation or a benefit.

4. APPENDICES

Appendix A Application form

Appendix B Consent of Chief of Police

Effective Date of Last Revision	March 10, 2025
Policy Owner	Inspector Ron Legere

By Order Of:

Original Signed

Don MacLean
Chief of Police