



Item No. 10.2.3
Board of Police Commissioners for the Halifax Regional Municipality
May 7, 2025

TO: Chair O'Malley and Commissioners of the Board of Police Commissioners for the Halifax Regional Municipality

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: April 29, 2025

SUBJECT: Matters of Immediate Strategic Significance (Critical Point)

ORIGIN

September 4, 2024 Board of Police Commissioners for the Halifax Regional Municipality motion
10.2.1 Halifax Independent Civilian Review Into August 18, 2021 Encampment Evictions

MOVED by Commissioner Blackburn, seconded by Commissioner Smith

THAT the Board of Police Commissioners for Halifax Regional Municipality:

1. Request the Halifax Regional Police (HRP) prepare a staff report to address the Halifax Independent Civilian Review's recommendations pertaining to HRP and develop an action plan and report back to the Board;
2. Refer the Halifax Independent Civilian Review's report to Regional Council and recommend that Regional Council request the CAO to prepare a staff report to review the Independent Civilian Review's recommendations pertaining to Halifax Regional Municipality, develop an action plan and report back to Council; and
3. Create a working group comprised of three Board members, including the Chair, to review the Halifax Independent Civilian Review's recommendations pertaining to the Board of Police Commissioners and to report back to the Board.

MOTION PUT AND PASSED

RECOMMENDATION ON PAGE 2

RECOMMENDATION

It is recommended that the Board of Police Commissioners for the Halifax Regional Municipality adopt in principle, subject to a period of public comment, the policy entitled Matters of Immediate Strategic Significance (Critical Point), for inclusion in the Board of Police Commissioners' Policy Manual, as outlined in Attachment 1 of this report.

BACKGROUND

On August 18, 2021, the Halifax Regional Municipality and Halifax Regional Police (HRP) closed four encampments in Halifax parks, including a high-profile site near the Memorial Library on Spring Garden Road. These encampments were established by individuals experiencing homelessness due to a severe shortage of affordable and supportive housing. The encampment evictions escalated into confrontations between municipal staff, law enforcement, and members of the public, resulting in several arrests and widespread criticism of the authorities' actions.

In response to these events, the Board of Police Commissioners (BoPC), on May 3, 2023, engaged Cooper, Sandler, Shime & Schwartzentruber LLP to conduct an independent civilian review ("the Independent Review"). This work culminated in a report released on August 12, 2024, with 37 recommendations to address the issues identified.

DISCUSSION

Thirteen of the Independent Review's 37 recommendations are directed specifically at the BoPC. Of these 13 recommendations, 5 reference, either directly or indirectly, what's known as a "critical point" policy (recommendations 1-3 & 10-11).

The concept of "critical points" was originally proposed by The Honourable John Morden in his 2012 Independent Civilian Review into Matters Relating to the G20 Summit in Toronto, which along with other reports, is cited in the Independent Review. Justice Morden's report defines a "critical point" as "a policing operation, event, or organizationally significant issue for which advance planning and approval at the Toronto Police Service's command level is required". The importance of police boards being informed of "critical points" is also highlighted in the Mass Casualty Commission final report (Volume 5, p. 537).

Information sharing between HRP, HRD and the BoPC is foundational to the effective execution of its oversight responsibilities. In particular, information sharing is crucial during times of elevated organizational risk, such as when facing large-scale events. Staff are therefore recommending that the BoPC adopt a policy on Matters of Immediate Strategic Significance, which satisfies the 5 critical point recommendations cited in the Independent Review.

While policing in each province operates under separate Police Acts, police boards across the country have adopted similar policies under various names, including "Major Events Policy" (Calgary, Ottawa), "Major Policing Events" (Edmonton), "Major Incident Command" (Peel), "Critical Points" (Toronto) and "Matters of Immediate Strategic Significance" (Halton).

Staff are recommending that the BoPC use the term "Matters of Immediate Strategic Significance" because this terminology more clearly conveys the policy's content and objectives. The proposed policy builds on the policy adopted by the Halton Policy Board, adapts to the unique provisions in Nova Scotia's *Police Act*, and aligns with the key principles as outlined in the Independent Review's recommendations.

The proposed policy defines a Matter of Immediate Strategic Significance as "a major issue that rapidly elevates the operational, financial, reputational or other enterprise risk to Halifax Regional Police, and

therefore calls for the Board's immediate attention and/or preparedness to take action prior to the next regularly scheduled meeting", satisfying the objective of Recommendation 2. This language provides the chief officer with the necessary guidance to identify the elements identified in the Independent Review (including the reports cited by the reviewers). The proposed policy also includes a non-exhaustive list of potential matters of immediate strategic significance.

The proposed policy requires "the chief officer or designate to notify the board chair, or designate, of the pertinent information as soon as practicable, either verbally or in writing, and provide updates as available and necessary." This clause formalizes an informal existing protocol by which the Chief makes the Chair aware of certain developments regarding critical incident and meets the objective of Recommendation 3.

The notification requirements set out in the policy are subject to certain qualifications as determined by the Chief on the basis of security or other operational concerns. In instances where information is withheld, the Chief is required to notify the Board of the pertinent information once the security or operational concerns no longer exist. The obligation to share information also excludes any information protected by privacy legislation.

Consistent with s. 52 of the *Police Act*, once this information is received, the board chair "may give advice, in writing, to the chief officer or designate on any Matter of Immediate Strategic Significance within jurisdiction of the board." However, once this advice is received, consistent with s. 38 of the *Police Act*, the chief officer maintains their autonomy to make and execute operational decisions.

In accordance with Recommendations 10 & 11, the proposed policy also requires, where appropriate, the chief officer to hold a debriefing following any Matter of Immediate Strategic Significance, and to report the content of the debriefing and lessons learned to the BoPC. This requirement is also subject to security or operational concerns. Finally, the proposed policy requests HRD to review the policy for alignment and integration.

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. Staff are recommending that the proposed policy be posted on the BoPC's website for a period of public comment.

LEGISLATIVE AUTHORITY

Police Act 2004 section 55 states:

The function of a board is to provide

...

(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department

ATTACHMENTS

Attachment 1 – Matters of Immediate Strategic Significance (Critical Point)

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

Report Approved by William (Bill) Moore, Commissioner of Public Safety, 902943.0207

Matters of Immediate Strategic Significance (Critical Point)

Original Implementation Date		Approved by	
Date of Last Revision		Approved by	
Effective Date of Last Revision		Approved by	

1 - Title

Matters of Immediate Strategic Significance (Critical Point)

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 timely and accurate receipt of such information positions the Board to respond to public, and/or media inquiries and demands, and helps to inform the Board's assessment of the Matter of Immediate Strategic Significance, as well as any Board decisions that follow from that assessment.

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

Matter of Immediate Strategic Significance means a major issue that rapidly elevates the operational, financial, reputational or other enterprise risk to Halifax Regional Police, and therefore calls for the Board's immediate attention and/or preparedness to take action prior to the next regularly scheduled meeting.

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 timely and accurate receipt of information regarding Matters of Immediate Strategic Significance positions the Board to respond to public, and/or media inquiries and demands, and helps to inform the Board's assessment of the Matter of Immediate Strategic Significance, as well as any Board decisions that follow from that assessment.
- 6.2 Examples of Matters of Immediate Strategic Significance include but are not limited to:
 - a. Major incidents resulting in mass casualties;
 - b. Incidents where the Serious Incident Response Team (SiRT) has invoked its mandate in response to a death or life-threatening injuries;
 - c. Incidents involving senior police officers or civilian directors, board members or senior public officials that are likely to draw significant media attention;
 - d. In the event that HRP becomes aware of a cyber security incident impacting a police information system, including any loss, destruction, theft, unauthorized or unlawful access, use or modification of, or unauthorized or unlawful disclosure of, any confidential information;
 - e. Any incident that warrants a special media conference involving the chief officer or designate.
 - f. Any incident that places or is likely to place a significant and abnormal strain on police resources.

- 6.3 The chief officer or designate shall ensure that, to the extent possible, policies are in place relating to incidents or operations with a greater potential of becoming a Matter of Immediate Strategic Significance, including, but not limited to, the deployment of the Public Safety Unit, and major incidents.

Mission, Vision and Values

- 6.4 The chief officer shall ensure that the policies of Halifax Regional Police regarding potential matters of immediate strategic significance align 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.

Notification Requirements for Matters of Immediate Strategic Significance

- 6.5 Any written electronic communication regarding a Matter of Immediate Strategic Significance shall be transmitted and received using HRM enterprise email services.
- 6.6 The chief officer will notify the Board Chair or designate of Matters of Immediate Strategic Significance as soon as practicable, either verbally or in writing, and provide updates as the chief officer deems necessary, subject to the following qualifications as determined by the chief officer on the basis of security or other operational concerns:
- a. The timing of the provision of information;
 - b. The level of that information;
 - c. The security level of that information;
 - d. The forum or method in which the information is provided;
 - e. The extent of the distribution of the information to Board members or the public;
 - f. The exclusion of any information protected by privacy legislation; and
 - g. The possibility that no information can be provided due to security or other operational concerns
- 6.7 In instances where information is withheld due to security or other operational concerns, the chief officer will notify the Board of the information, once, as determined by the chief officer, those security or other operational concerns are determined to no longer exist
- 6.8 Upon notification from the chief officer or designate, the Board Chair or designate may, following consultation with the chief officer, as appropriate, consult with the majority of the members of the Board of Police Commissioners.
- 6.9 On behalf of the Board, the Board Chair or designate may give advice, in writing, to the chief officer or designate on any Matter of Immediate Strategic Significance within jurisdiction of the board.
- 6.10 Notwithstanding any advice or guidance provided to the chief officer by the Board Chair, the chief officer maintains autonomy to make and execute operational decisions.

Formal Debriefing Following a Matter of Immediate Strategic Significance

- 6.11 Following a Matter of Immediate Strategic Significance and where appropriate, the chief officer shall ensure that a formal debriefing is held.
- a. The debriefing shall be led by senior officers and provide an opportunity for attendees to openly discuss the events in question.
 - b. The chief officer shall ensure that officers are given the opportunity to provide input in the event anonymously.
 - c. Subject to security or operational concerns, the chief officer shall report the content of the debriefing and lessons learned to the Board of Police Commissioners.
 - d. Subject to s. 51 of the *Police Act*, the report on debriefings may be held in camera.
 - e. Following any debriefing, the Board of Police Commissioners shall review its policies, procedures and practices and determine if any changes are necessary.

Halifax Regional Detachment

- 6.12 The Halifax Regional Detachment shall review this policy for alignment and integration.

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