

# HALIFAX

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**Item No.**  
**Halifax Regional Council**  
**August 17, 2021**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** *-Original Signed-*  
\_\_\_\_\_  
Commissioner Lindell Smith, Chair, Board of Police Commissioners

**DATE:** July 15, 2021

**SUBJECT:** **Board of Police Commissioners Annual Report – 2020**

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## INFORMATION REPORT

### ORIGIN

A motion passed by Halifax Regional Council on June 13, 2017:

**THAT Halifax Regional Council:**

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**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.

### 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 mandate from the *Police Act* (s. 55(1)) and is responsible for providing civilian governance and oversight on behalf of Halifax Regional Council. This 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.N.S. 2004, c. 31, s. 53).

In the case of HRM, since Regional Council has elected to share the responsibility for policing within the Municipality between HRP and the Royal Canadian Mounted Police (RCMP), 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 RCMP, Halifax District Detachment (*Police Act*, S.N.S. 2004, c. 31, 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 (7) members on the Board of Police Commissioners: six (6) are appointed by Regional Council and one (1) is appointed by the Nova Scotia Minister of Justice. Of the six (6) appointed by Regional Council, three (3) are Councillors and three (3) 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.

Please refer to Attachment 1 for jurisdictional maps of the areas policed by HRP as well as the RCMP, Halifax District Detachment.

please refer to Attachment 2 for further information on the legislative authority of the Halifax Board of Police Commissioners.

## **DISCUSSION**

In 2020 and January 2021 the Board experienced a change in membership. In December 2020 Commissioner Becky Kent replaced Councillor Tony Mancini as one of the three Councillors who serve as Commissioners on the Board of Police Commissioners. Commissioner Natalie Borden resigned as chair due to the upcoming expiration of their term at the end of March 2021. A new chair, Councillor Lindell Smith, was appointed in January 2021. Councillor Smith is the second African Nova Scotian chair in the history of the Board. The diversity of the current board reflects the population of HRM, with representation from women, African Nova Scotian and First Nations communities.

The ability of the Board to meet in person after its March 9, 2020 meeting was severely impacted by the COVID 19 pandemic as all in person meetings were prohibited by provincial public health orders. Prior to COVID 19 the Board met five (5) times. Direction from the Minister of Municipal Affairs and Housing under section 14 of the *Emergency Management Act* (S.N.S. 1990, c. 8) allowed the Board to hold special meetings virtually via Microsoft Teams. These virtual meetings were also live webcasted on Halifax.ca. The COVID 19 pandemic also meant that the Board was called upon to review and consider a revised 2020/2021 HRP Operating budget. The Board met virtually nine (9) times in 2020.

In late May 2020 the death of George Floyd resulted in public demonstrations calling upon all levels of government to address anti-black racism by police and within our larger society. In recognition of the seriousness of these protests and to address the numerous requests which the Board received from HRM citizens to defund the police the Board began to investigate how to define defunding the police.

During 2020, the Board of Police Commissioners met 14 times between January 9, 2020 and December 14, 2020, and the major topics under consideration are outlined below. Additional information on the matters dealt with by the Board of Police Commissioners during 2020, as well as the minutes of Board meetings, can be viewed online at: <https://www.halifax.ca/city-hall/agendas-meetings-reports>.

### **2020/2021 HRP 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 Respecting the Board of Commissioners for the Halifax Regional Municipality*, the Board of Police Commissioners worked with Chief Kinsella to oversee the development of the 2020/2021

operating budget for HRP. In February 2020 the Board approved a proposed net operating budget for 2020/2021 in the amount of \$89,776,000 to be forwarded to Regional Council for final approval.

However, the COVID 19 pandemic prompted Regional Council to request that all HRM business units, including HRP, recast their operating budgets due to the potential negative financial impacts that COVID 19. The Board held three (3) special meetings in May 2020 to oversee the development of the revised 2020/2021 operating budget for the Halifax Regional Police. The Board approved a reduction to the operating budget for 2020/2021 to be forwarded to Regional Council for final approval. Regional Council approved a \$3.5 million reduction to the 2020/2021 operating budget, for a 2020/2021 net operating budget of \$86,276,000.

### **Subcommittee to Define Defunding the Police**

On July 9, 2020 the Board received a staff presentation from Amy Siciliano, HRM Public Safety Advisor, and DeRico Symonds former Manager of HRM's Youth Advocate Program entitled "Reimagine Public Safety", see Attachment 3. The Board requested this presentation to gain a better understanding of the calls from HRM citizens to defund the police because of the public engagement and demonstrations that followed the death of George Floyd. During the Board's discussion of the presentation it was noted that defunding the police needs to be adequately defined to provide a basis for the Board to make decisions relating to policing functions and the reallocation of resources for community supports.

At its August 17, 2020 meeting the Board approved the appointment of a Community Advisory Committee to assist in adopting a definition of defunding the police. The Board indicated that the definition of defunding the police should be based on the following:

- Police performing core policing functions;
- Allocating appropriate resources to perform non-police functions; and,
- Investing in resources that have been proven to support community risks and promote crime prevention.

On September 21, 2020 the Board appointed El Jones to develop a proposal for the development of this Community Advisory Committee. On November 16, 2020 the Board received a presentation from El Jones entitled "Halifax Board of Police Commissioners 'Defunding Committee' – Terms of Reference", see Attachment 4. The Board adopted the proposed Committee in principle and struck a working group comprised of Commissioners Carole McDougall and Councillor Lisa Blackburn to address specific issues such as the proposed Committee's budget and Terms of Reference.

On December 14, 2020 the Board allocated up to \$9,000 from the Board's budget to fund the formation of the proposed Committee. On March 8, 2021 the Board established the Board of Police Commissioners – Subcommittee to Define Defunding the Police and approved the Subcommittee's terms of reference. The Subcommittee will submit a written report to the Board in summer 2021 that includes a review of relevant research and a summary of community engagements regarding the definition of defunding the police.

### **Wortley Report Tracking Document**

In 2019 Dr. Scott Wortley, University of Toronto Centre for Criminology & Sociolegal Studies, submitted a report examining the relationship between race and police street checks in HRM to the Nova Scotia Human Rights Commission (HRC). This report is commonly known as "The Wortley Report" and included an examination of 12 years' worth of data from HRP and RCMP on street checks in HRM.

On November 29, 2019, Chief Kinsella apologized to the African Nova Scotian community for generations of negative experiences with the police and the practice of street checks. After Chief Kinsella's 2019 apology HRP and RCMP, Halifax District Detachment continued work on completing 17 of the 29 remaining Wortley Report recommendations that are led by HRP and RCMP. The remaining 12 recommendations are led by the provincial Department of Justice (DoJ).

Over 2020, Commissioner Borden, as Chair of the Board, developed a HRM Wortley Report Recommendations Tracking Document with Chief Dan Kinsella, HRP and Chief Superintendent Janis Gray, RCMP, Halifax District Detachment.

The purpose of the Tracking Document was to provide a written record of the progress of HRP and RCMP are making in the completion of their Wortley Report recommendations, in the following categories:

- Street Check Ban;
- Data Collection; and
- Police Community Relations.

The Tracking Document is shared with the Board and with the public as it is posted on the Board's monthly agenda webpage when the Tracking Document is submitted for Board review, and can be viewed online at: <https://www.halifax.ca/city-hall/agendas-meetings-reports>.

The Tracking Document lists which organization possesses responsibility for each Wortley Report recommendation (HRP, RCMP, DoJ, HRC, HRM Public or HRM Safety Office) and tracks the progress of each recommendation as "Not Started", "In Progress" or "Completed". The Tracking Document was first submitted to the Board at their August 17, 2020 meeting. The last 2020 Tracking Document update was submitted at the Board's November 16, 2020 meeting indicating that three (3) recommendations have been completed and 14 are in progress, see Attachment 5.

### **Board of Police Commissioners Policy Manual**

The legislated mandate and responsibilities of the Board of Police Commissioners is established by the Province and set out in the *Police Act* (S.N.S. 2004, c. 31). The Board of Police Commissioners Policy Manual provides the foundation for fulfilling the Board's mandate to provide civilian governance and oversight of police services provided within HRM.

In 2020 the Board developed and approved the addition of four (4) new policies to be included as part of the [Board of Police Commissioners Policy Manual](#):

- Community Survey to Measure Trust and Confidence Policy
- Extra-Duty and Off-Duty Employment Policy
- Board Self-Evaluation Policy
- Complaints Against HRP Chief of Police Policy

### **Recurring Agenda Item List**

In March 2020 staff worked with Commissioner Borden, former Chair of the Board, to develop a list of recurring agenda items which was intended to assist with agenda and material preparation for future meetings. This list includes the following regularly occurring agenda items:

- HRP and RCMP crime statistics
- BOPC Work Plan and annual work planning session
- HRP and RCMP financial reporting
- HRP and RCMP quarterly business plans
- HRP and RCMP budget planning
- BOPC Annual Report

Please refer to Attachment 5 for the Board of Police Commissioners' Recurring Agenda Items (2020).

### **2019/2020 Work Plan Deliverables**

The Board reviewed the progress of the 2019/2020 Work Plan during their February and July meetings. The annual review of the work plan typically scheduled for November was delayed until the appointment of new Commissioners in 2021 as the terms for two (2) members of the Board are due to expire at the

end of March 2021. Continuing to progress on the action items requires commitment and engagement from each Commissioner to be successful.

In 2020 the Board was able to complete several Work Plan (Attachment 6) items. The development of the Wortley Report tracking document provides for regular monitoring of the progression of HRP and RCMP achievement of the Wortley Report action plan. The Board also approved four (4) new policies for the Board policy manual (extra duty and off duty employment for serving officers, board self-evaluation, frequency of community surveys to measure trust and confidence and the filing a complaint against the Chief of HRP).

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK CONSIDERATION**

There are no risk considerations associated with this report.

### **COMMUNITY ENGAGEMENT**

Section 14 of the *Emergency Management Act* (S.N.S. 1990, c. 8) was implemented by the Minister of Municipal Affairs and Housing on March 22, 2020.

In accordance with the July 29, 2020 direction of the Minister of Municipal Affairs and Housing under section 14 of the *Emergency Management Act* (S.N.S. 1990, c. 8), Board of Police Commissioner meetings are being held virtually.

Board of Police Commissioners virtual meetings held during 2020 were live streamed and video recordings are available at Halifax.ca.

The agenda and reports of the Board of Police Commissioners are posted on Halifax.ca, and draft minutes of the meeting will be made available on Halifax.ca.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **ALTERNATIVES**

Not applicable.

### **ATTACHMENTS**

Attachment 1 – HRM Policing Jurisdictional Maps – HRP – RCMP

Attachment 2 – Board of Police Commissioners Legislative Authority Overview

Attachment 3 - "Reimagine Public Safety" presentation dated July 9, 2020

Attachment 4 - "Halifax Board of Police Commissioners 'Defunding Committee' – Terms of Reference" presentation dated November 16, 2020

Attachment 5 – “Recurring Agenda Items (2020)”

Attachment 6 - Board of Police Commissioners' Work Plan – 2019/2020

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A copy of this report can be obtained online at <https://www.halifax.ca/city-hall/agendas-meetings-reports> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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