

Request for Halifax Board of Police Commissioners Consideration

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| <input type="checkbox"/> Agenda Item
(Submitted to Municipal Clerk's Office by Noon at least 5 working days prior to the meeting) | <input checked="" type="checkbox"/> Added Item
(Submitted to Municipal Clerk's Office by Noon at least one working day prior to meeting) | <input type="checkbox"/> Request from the Floor |
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Date of Meeting: September 7th, 2022

Subject: Board Policy Respecting Extra-Duty Employment

Motion for Halifax Board of Police Commissioners to Consider:

That the Board of Police Commissioners direct the Chief of Police to present to the Board proposed written policies respecting extra-duty employment and off-duty employment by members of the Halifax Regional Police for review and adoption by the Halifax Board of Police Commissioners as Board policies.

Reason:

Section 56 of the Police Act requires that Police Commissions establish a written policy for extra-duty employment and off-duty employment by police officers:

56 (1) Every board shall establish a written policy respecting extra-duty employment by members of its police department and the policy shall

- a) define extra-duty employment;
- b) provide that requests for a member of the police department to be employed on extra duty be made to the chief officer;
- c) require that a member of the police department engaged in extra-duty employment be in uniform except where the chief officer determines that plain clothes are required; and
- d) require that at all times while on extra duty the member of the police department is under the orders of the police department and no one else.

(2) Every board shall establish a written policy respecting off-duty employment by members of its police department and the policy shall

- a) define off-duty employment;
- b) set policy guidelines regarding permitted and prohibited off-duty employment;
- c) 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
- d) prohibit a member of the police department from being in uniform while engaged in off-duty employment.

Extra-duty employment involves officers in uniform assigned duties pursuant to a contractual arrangement between the Regional Police and a private business. Duties are usually performed at the property of the business and are paid for by the business in accordance with the contract. Officers are in turn paid by the Regional Police for this additional service. Officers remain under the command of their supervisors as opposed to the direction of the private business and exercise their authority as peace officers using their discretion.

The practice of extra-duty and off-duty employment by Halifax Regional Police officers is longstanding, but as of recent has become an issue of public interest. The Department has its own policies regulating such employment, however it is the legislative responsibility of the Board to establish and maintain policies for both extra-duty and off-duty employment. Extra Duty Off Duty Employment Section 6 of Halifax Board of Police Commissioners Policy Manual states:

1. 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.
2. Comprehensive and detailed guidelines have been adopted by HRP (Department Order #: 04-09 Previously issued under #s 39-07 and 31-02) to clearly state the kinds of extra-duty and off-duty employment that is acceptable for sworn and unsworn members.
3. The BOPC believes this policy, which is updated periodically, should be endorsed by the board.
4. The BOPC will continue to approve any extra-duty and off-duty employment of the Chief of HRP when requested.

Understanding the public interest with the extra-duty and off-duty employment program and HRP's current work to update their Policy's it's imperative that the board also update this policy as well.

Outcome Sought:

The development of Board approved policies governing extra-duty and off-duty employment which can be applied by the Chief. and adoption by the Board as Board policies.

Commissioner
Lindell Smith