



Item No. 10.2.1
Board of Police Commissioners for the Halifax Regional Municipality
March 4, 2024

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

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: February 22, 2024

SUBJECT: **Amendments to the Board of Police Commissioners' Policy Manual**

ORIGIN

Action under the Board of Police Commissioners' 2024-2025 Workplan:

Regularly review and refresh policies contained in the BoPC Policy Manual

Recommendation P.61(d) in the Mass Casualty Commission Final Report (March 2023) states:

Municipalities and the Province of Nova Scotia should ensure that police boards and police advisory boards are fully staffed and performing their governance function.

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

RECOMMENDATION

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

1. Adopt the revised board self-evaluation for inclusion in the Board of Police Commissioners' Policy Manual, as outlined in Attachment 1 of this report.
2. Adopt the revised attendance policy for inclusion in the Board of Police Commissioners' Policy Manual, as outlined in Attachment 2 of this report.
3. Work with the Halifax Regional Police to develop a revised Use of Force Policy for inclusion in the Board of Police Commissioners' Policy Manual.

BACKGROUND

A Board Self Evaluation is currently one of 9 policies included in the board's Policy Manual. The current self-evaluation consists of 14 basic questions. While the intent was to conduct the evaluation regularly, there is no record of this having been done through the Clerk's Office. Many police boards across the country conduct regular self-evaluations. Revising the current board self-evaluation is included as an outcome in the board's 2024-2025 workplan.

A proposed attendance policy was brought forward for the BoPC's consideration at its December meeting. Some concerns were raised by Commissioners that the proposed policy provided too much discretion.

Halifax Regional Police's Use of Force Policy was originally adopted in 1996 and was released publicly in August 2023.

DISCUSSION

Board self-evaluation

Conducting a regular self-evaluation is widely recognized as good board governance practice, including by the Canadian Association of Police Governance. An effective self-evaluation provides important information about how members view and understand their roles, how they assess their functioning as individuals and as a team (including those who support them), as well as their relationship with the organization that they are governing. As such, the proposed self-evaluation includes the following sections:

Board Composition, Structure and Effectiveness
Meeting Management & External Communication
Governance & Financial Oversight
Personnel Functions
Role of the Chief
Role of the Chair
Board Member Performance

The purpose of the proposed self-evaluation is to ensure that the Board functions well and in accordance with the Police Act. It will also identify strengths to build on and areas for improvement. The responses may also be used to identify required skills and expertise when recruiting new members and for overall succession planning. It is not to assess the police services, nor it is not an external accountability document. As such, it is for internal planning use by the Board members themselves and those who support them.

Attendance

Recognizing that what constitutes a satisfactory reason for missing a meeting is subjective, and that it's ultimately outside the board's authority to remove a member, staff are recommending the following language for inclusion in the board's Policy Manual:

Attendance Policy

Commissioners are expected to attend all meetings of the Board of Police Commissioners. In the event of a Commissioner who, without leave of the Board of Police Commissioners, is absent from three consecutive regular meetings, the Chair, after consulting with the Commissioner and the Board, may inform the person or body who made the appointment and may request that the appointment of a new Commissioner be considered, if circumstances warrant

This language maintains the board's discretion, while setting expectations for attendance and requiring consultation with the board and the member themselves. This language is also consistent with the Mass Casualty Commission Final Report, which states that "where a...board member is not attending meetings, that failure must be addressed in no more than the span of two meetings.

Use of Force

Use of Force is referenced in both the Defund report and the Mass Casualty Commission Final Report. Specifically, Recommendation 4 in the Defund report states that "The Police Board should conduct a comprehensive review of all use of force techniques currently employed by the HRP and RCMP with an eye toward establishing policies intended to minimize all types of use of force incidents." Recommendation P.57 in the Mass Casualty Commission Final Report states that "The Government of Canada and the RCMP should replace the existing use of force provision in the RCMP *Code of Conduct* with the principles set out in sections 2 to 9 of the Finnish *Police Act*." A revised Use of Force policy would also inform the Board of Police Commissioners' Homelessness policy, currently under development.

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.

ALTERNATIVES

Commissioners may wish to consider keeping the current board self evaluation and/or attendance policy, or removing a self evaluation and/or attendance policy from the Policy Manual. These options are not recommended.

ATTACHMENTS

Attachment 1 – Halifax Board of Police Commissioners Self Evaluation
Attachment 2 – Role of Chair, Vice Chair, Meetings, Procedures 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, Legal & Legislative Services, 902-478-2032

Board Self Evaluation

Original Implementation Date	March 2020	Approved by	BOPC
Date of Last Revision	March 4, 2024	Approved by	BOPC
Effective Date of Last Revision	March 5, 2024	Approved by	BOPC

1 - Title

Board of Police Commissioners (BOPC) Self Evaluation

2 - Purpose

This policy is created to allow the BOPC to regularly review its performance as board members. It also gives the Chair, and the Legislative Assistant and the Policing Policy Strategist the opportunity to respond to the needs of the members as they perform their duties.

3 - Scope

This policy applies to all seven BOPC members.

4 - Definitions

In the context of this document:

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

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

1. The Board is created by the *Police Act*, S.N.S. 2004, c. 31 as amended
2. All Board members are volunteers with varied personal, professional or community experience
3. The Board has support from the Municipal Clerk's office in the role of a Legislative Assistants who provides minutes, organizes meeting space, coordinates correspondence for the Chair and distributes meeting materials in advance of meetings.
4. Board members completing the annual self-evaluation identify potential gaps that the Chair, ~~and~~ the Legislative Assistant and the Policing Policy Strategist can address to improve the volunteer experience for all Board members.

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

Board self evaluation

Halifax Board of Police Commissioners Self-Assessment

Please complete the questions with ratings as follows:

1. Unsatisfactory
2. Satisfactory
3. Agree
4. Strongly agree

If the following questions raise other items not addressed, please include your comments in the space provided.

1	I have a copy of the Nova Scotia <i>Police Act</i> .	1	2	3	4
2	I have read the Nova Scotia <i>Police Act</i> .	1	2	3	4
3	I have a copy of HRM bylaw P-100	1	2	3	4
4	I have read HRM bylaw P-100	1	2	3	4
5	I understand the role of the RCMP in policing HRM.	1	2	3	4
6	I have an understanding of the governance role of the BoPC	1	2	3	4
7	My background and skills enable me to make a useful contribution to the board discussion.	1	2	3	4
8	I am able to attend regularly scheduled meetings.	1	2	3	4

9	I receive background materials and agendas with enough time to prepare for the meeting.	1	2	3	4
10	I am willing to be accountable and bound by board decisions.	1	2	3	4
11	I can be available when required to participate in unscheduled meetings or calls.	1	2	3	4
12	I'm able to express my opinion and contribute to the discussions.	1	2	3	4
13	I understand the roles and contributions of HRP, RCMP, the CAO, Legislative Assistant, Legal Services and Finance at meetings.	1	2	3	4
14	I have a clear understanding and can participate in budget discussions.	1	2	3	4

Please add additional comments for items not covered in the questions above.

Comments

Please provide any comments you may have regarding board composition, structure and effectiveness

Please provide any comments you may have regarding meeting management and external communications

Please provide any comments you may have regarding governance & financial oversight

Personnel Functions

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't Know
27. Board members foster a productive working relationship with the Chief, Deputy Chiefs and Senior Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Annually, the board revises expectations, sets measurable objectives and evaluates the performance of the Chief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. The Board monitors employee morale and turnover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Board members foster a productive working relationship with staff who support the board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. The Board effectively monitors the performance of the Chief.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. The Board receives adequate staff support to meet its legislated obligations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide any comments you may have regarding personnel functions

Role of Chair, Vice Chair, Meetings, Procedures Policy

Original Implementation Date	April 2018	Approved by	BOPC
Date of Last Revision	March 4, 2024	Approved by	BOPC
Effective Date of Last Revision	March 5, 2024	Approved by	BOPC

1 - Title

Role of Chair, Vice Chair, Meetings, Procedures Policy

2 - Purpose

This policy describes the way meetings will be conducted, explains the role and responsibilities of the Chair and Vice Chair as well as the selection and conduct of board members.

3 - Scope

The Halifax Board of Police Commissioners is established as an independent authority pursuant to the *Police Act*. The Board has dual roles: provide civilian governance to the Halifax Regional Police (HRP) on behalf of Halifax Regional Council (Council) (s. 55) and function as a Police Advisory Board regarding the Royal Canadian Mounted Police (RCMP) in its role as a contractual policing service with the Halifax Regional Municipality. (s. 68(1))

4 - Definitions

In the context of this document:

The Police Act means the *Police Act* (NS) 2007 as amended

Board means the Halifax Board of Police Commissioners

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Chief Superintendent means the Chief Superintendent of the RCMP, Halifax District

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5 - Distribution

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6 - Roles and Responsibilities

Role of Chair at Board meetings

1. The Chair of the Board presides over meetings of the Board. Should the Chair not be present, or vacate the chair temporarily or permanently, the Vice-Chair will act in the Chair's place.
2. Should neither Chair or Vice-Chair be present or available, and if quorum is otherwise obtained, the Board shall elect an Acting Chair for the meeting until such time the Chair or Vice-Chair is available.
3. The duties of the Chair with respect to the Board meetings shall include:
 - a. calling the meeting to order;
 - b. announcing items of business;
 - c. deciding, subject to appeal, all questions of order and procedure; and preserving order and decorum;
 - d. developing the Board meeting agenda, in consultation with the Vice Chair and the Chiefs;
 - e. managing difficult issues in Board meetings to ensure consensus;
 - f. chairing the meeting in accordance with Administrative Policy One, the Board's administrative policy.
4. The Board shall conduct its business in accordance with Administrative Policy One. A copy of Administrative Policy One is attached to this policy.
5. The Chair's primary roles are to:
 - a. Chair the Board meetings and manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the board are appropriately implemented;
 - b. Develop an operations and policy manual that will assist in the orientation of new appointees and direct acting board members regarding their roles and responsibilities;
 - c. Ensure that board members are informed of matters within the board's jurisdiction;

- d. Act as the sole spokesperson for the board;
 - e. Evaluate the performance of the Chief of Police (HRP) on a yearly basis (preceding sections a-e from *Police Act Regulations s 78*) in consultation with the CAO and in conjunction with board members;
 - f. Work closely with the Chief of Police and the Chief Superintendent to ensure effective relations and communications with Board members, the police services, the municipality and the public.
6. The Chair is an ex-officio member of committees where the Chair is not appointed as a full member.
 7. When the Chair is unavailable or absent the Vice-Chair, shall act in his or her place until such time as the Chair returns and is able to resume his/her responsibilities.
 8. While presiding over a meeting of the Board or acting during an absence of the Chair, the Vice-Chair has and may exercise all the same rights, powers, and authority of the Chair.
 9. Per Administrative Policy One, the annual regular meeting schedule, agenda, minutes and reports shall be available on the Board website.
 10. The Board may hold some of its meetings in community locations, which will be determined by the Board when setting the annual meeting schedule.

Election of Chair and Vice Chair

1. The Chair and Vice Chair are elected from the floor at the first meeting in January.
2. The Chair will contact all Board members in December to notify that elections for the positions will take place in January.
3. The Chair may also indicate her/his interest in continuing as Chair at this time.
4. The Chair will also invite Board members to indicate their interest in standing for election. The Chair will provide information about the positions if additional information is requested.
5. At the start of the January meeting the Legislative Assistant will call for nominations for the position as Chair. Once nominations close, Board members will vote. The successful candidate will take Chair and call for nominations for Vice Chair. Once nominations close, Board members will vote. The Vice Chair will assume her/his role after votes are cast.

Delegations/Presentations to the Board

1. No Delegation shall address the Board more than twice in a calendar year without prior approval of the Board.
2. Any person or persons (a “delegation”), not being a Member or employee of the Board, wishing to address a regular Meeting of the Board, shall make a request to the Clerk’s Office in writing by

noon, one week in advance of the Board meeting, and include the topic that the delegation is speaking to. There may be no more than four delegations scheduled to appear at a given Board meeting and all speaking topics must meet the criteria in this policy.

3. To ensure meaningful and effective use of the Delegation time, the following criteria shall apply to ascertain appropriate speaking topics. The topic should:
 - a. Relate to police services or policies;
 - b. Affect a segment of the community, as opposed to a single individual;
 - c. Relate to a strategy of policing, as opposed to a single action by an officer(s);
 - d. Relate to the Board's oversight mandate, as opposed to day-to-day police operations;
 - e. Not relate to a conduct complaint within the jurisdiction of the Office of the Police Complaints Commissioner;
 - f. Not be a substantial repeat of information presented by the delegate to the Board within the past 6 months.
4. The Chair shall monitor any delegation that does not adhere to its topic.
5. Speaking time for a delegation shall be limited to a maximum of five minutes. A time extension may be given by agreement of the Board.
6. A written submission by the delegation and a list of persons attending, wherever possible, shall be filed with the Clerk's Office for distribution with the meeting agenda.
7. Board members shall not enter into debate with the delegation upon the completion of their presentation. Board members should only ask questions for clarification and obtaining additional, relevant information.
8. No delegation at either a regular Meeting or Special Meeting of the Board shall: (1) speak disrespectfully of any person; (2) use offensive words or unparliamentary language; (3) speak on any subject other than the subject for which they have received approval to address the Board; or (4) disobey the rules of procedure or a decision of the Chair.
9. The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the delegation shall immediately withdraw.
10. The Board will not hear any delegation concerning a conduct complaint against officers of the police service, but will refer the delegation to the appropriate oversight body, which is the Office of the Police Complaints Commissioner.

Private meetings

- 1) The board will meet in private to conduct matters relating to discipline, personnel conduct, contract negotiations and security of police operations.

- 2) Notwithstanding the above, at the outset of meetings where such matters are on the agenda, the board may decide to meet in public in respect of such matters.

Board member selection process

1. The *Police Act* regulations states:
 - s. 76 The selection process used by a council in appointing a community member to a vacancy on the board, except a board member appointed by the Minister under clause 44(3)(c) of the *Act*, must include all of the following:
 - a. the board vacancy must be advertised and applications must be solicited for the vacancy;
 - b. each application must be reviewed by a panel established by the council.
2. The Board shall provide advice and recommendations to Council and the Province with the aim that recruitment of new board members considers the following: necessary skill sets, broad advertising of the position, proactive recruitment, interview process and questions, make-up of the selection committee, appointment process, staggered timelines of appointments, and opportunity for outgoing members to train and orient new members.

Board member qualifications

The *Police Act* regulations states:

- s77. (1) To be a candidate for appointment as a Board member under Section 76, a person must demonstrate all of the following qualifications to the satisfaction of the council:
 - a. residence in the municipality served by the Board;
 - b. knowledge of community issues;
 - c. a good character;
 - d. the skills and abilities to make the commitment of time and effort required to carry out board responsibilities.
- (2) To be a candidate for appointment as a Board member under Section 76, a person must consent to criminal and background checks.
- (3) A person must not be appointed as a board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as a board member or on the board generally.
- (4) New and prospective Board members will be prepared to participate in at least one three hour Board meeting each month, an additional two hour committee meeting per month, as well as significant reading and preparation for meetings.

Code of conduct for Board members

The *Police Act* regulations states in S 79. (1) A Board member is responsible to:

- a. uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board;
 - b. unless they have a reasonable excuse, attend every board meeting;
 - c. not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
 - d. keep confidential any information disclosed or discussed at a board meeting;
 - e. not claim to speak on behalf of the Board unless authorized by the Chair to do so;
 - f. discharge their duties loyally, faithfully, impartially and according to the *Act*, any other *Act* and any regulation, rule or by-law;
 - g. discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the [Canadian] Charter of Rights and Freedoms (Canada);
 - h. not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;
 - i. immediately resign from the Board if applying for employment with a police department, including employment on contract or on fee for service;
 - j. refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the Board or the police department;
 - k. if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all Board activities and duties as a member of the Board until the completion of the investigation or inquiry.
- (2) If the chair or the majority of the Board determines that a Board member has breached the code of conduct for Board members, the Board must record that determination in its minutes.
- (3) On determining that a Board member has breached the code of conduct for Board members, the board may take one or more of the following actions:
- a. issue a reprimand to the Board member;
 - b. order a period of suspension for the Board member;
 - c. recommend to the Minister or the council that the Board member be dismissed under subsection 44(7) of the *Act*.

~~Attendance policy~~

~~In the event of a Commissioner who, without leave of the Board of Police Commissioners, is absent from three consecutive regular meetings, the Chair, with the approval of the Board, may inform the person or body who made the appointment and may request that the appointment of a new Commissioner be considered if circumstances warrant.~~

Attendance Policy

Commissioners are expected to attend all meetings of the Board of Police Commissioners. In the event of a Commissioner who, without leave of the Board of Police Commissioners, is absent from three consecutive regular meetings, the Chair, after consulting with the Commissioner and the Board, may inform the person or body who made the appointment and may request that the appointment of a new

Commissioner be considered, if circumstances warrant

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

Administrative Policy One