

WHEREAS s. 55(1) of the *Police Act* S.N.S. 2004, c. 31, as amended (the “Act”) states that the function of a board of police commissioners is to provide (a) civilian governance on behalf of the council of a municipality in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the community, and (b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department;

AND WHEREAS s. 55(2) of the Act states that, without limiting the generality of s. 55(1), a board shall, among other things, determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community, and ensure the chief officer establishes programs and strategies to implement those priorities, objectives and goals; further, a board shall ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies, and that police services are delivered in a manner consistent with community values, needs and expectations;

AND WHEREAS s. 8 of the Halifax Regional Municipality By-law P-100 states, in part, that the Halifax Board of Police Commissioners (the “Board”) shall provide civilian governance in regards to strategic planning and policy driven budget planning for police service delivery within the communities serviced by the Halifax Regional Police (the “HRP”), and pursuant to s. 8(2)(h), may carry out any studies or investigations regarding its civilian governance responsibilities;

AND WHEREAS s. 8 of the said Bylaw also permits the Board to make rules respecting standards, guidelines and policies for the administration of the police service and for the efficient discharge of duties by the employees;

AND WHEREAS s. 55(1) of the Act also states that the Board shall not exercise jurisdiction relating to (a) complaints, discipline or personal conduct except in relation to the chief officer (the “Chief of Police” or the “Chief”); (b) a specific prosecution or investigation; or the actual day-to-day direction of the police department;

AND WHEREAS concerns have been expressed about the role and involvement of the HRP in the eviction of unhoused and/or underhoused individuals on August 18, 2021 and in its handling of the related protests;

AND WHEREAS on June 20, 2022, the Board adopted the following motion:

THAT the Board of Commissioners prepare a draft of a mandate and terms of reference for an independent civilian review of the oversight, governance and policy aspects of the HRP’s handling of the protests on August 18, 2021, which mandate and terms of reference will be received and reviewed by the Board at a future meeting;

AND WHEREAS the Board believes it would be in the public interest, as well as beneficial and of importance to it in carrying out its responsibilities set out above, to direct an independent civilian review in accordance with the mandate and terms of reference set out below.

THEREFORE

The Board is appointing a Reviewer to conduct an independent civilian review (the “Review”) of the issues relating to the Board’s oversight, governance and policy responsibilities that arise out of the HRP’s role and involvement in the eviction of unhoused and/or underhoused individuals from various public spaces on August 18, 2021 and in its handling of the related protests;

For greater specificity, the subject matter of the Review will be:

1. A review of the adequacy or appropriateness of Board policies and rules, and the adequacy or appropriateness of HRP’s priorities, objectives and goals, as well as any programs or strategies to address those priorities, objectives and goals, insofar as such policies, rules, priorities, objectives, goals, programs or strategies may relate to the eviction or potential eviction of unhoused and/or underhoused individuals from public spaces or the handling of protests by the HRP;
2. A review of the adequacy of oversight and governance mechanisms and practices employed by the Board to address related policing activities and to ensure that police services are delivered in a manner consistent with community values, needs and expectations;
3. To address the subject matter of the Review, the Reviewer may consider, among other issues, the following:
 - (a) The existing or appropriate interplay between the HRP, the Board and the Halifax Regional Municipality, including communication strategies and decision-making relating to potential evictions of unhoused and/or underhoused individuals from public spaces, and enforcement action related thereto, including ticketing such individuals for trespassing;
 - (b) The existing or appropriate communication, engagement or consultation strategies of the HRP and/or the Board in relation to community organizations, service providers, other stakeholders and the public, as they relate to relevant policing activities before, during and/or after such activities take place;
 - (c) The adequacy of existing policies, standards, strategies or practices to ensure that officers involved in policing activities involving the public are identifiable;
 - (d) The adequacy of existing policies, standards, strategies or practices to ensure that the media’s ability to report on policing activities is preserved, to the fullest extent possible;
 - (e) The adequacy of existing policies, standards, strategies or practices to de-escalate potentially confrontational situations relevant to this Review, while appropriately addressing public safety, including the safety of those in crisis shelters;
 - (f) The adequacy of existing policies, standards, strategies or practices to address the use of force (including the use of pepper spray) and/or to prevent any disproportionate use of force in relation to the types of police activities relevant to this Review;

- (g) The adequacy of existing transparency and accountability mechanisms to address the types of police activities relevant to this Review; and
- (h) The adequacy of existing HRP strategies, programs, and competencies to build and maintain positive relationships with marginalized or vulnerable community members who are unhoused and/or underhoused, recognizing the principle of “intersectionality”, that is, that unhoused and/or underhoused community members may be marginalized or vulnerable for multiple reasons (for example, as members of Indigenous, Black and/or LGBTQ2S+ communities);

AND to conduct the Review, the Reviewer shall be provided with such resources as are required, and is authorized by the Board to engage lawyers, experts, advisors, researchers and other staff as the Reviewer deems necessary;

AND the Chief of Police will cooperate fully with the Reviewer in conducting the Review and will instruct all members employed by the HRP to cooperate fully with the Reviewer in conducting the Review;

AND the Chair, the Vice-Chair and the members of the Board will cooperate fully with the Reviewer in conducting the Review and instruct all personnel employed by the Board to cooperate fully with the Reviewer in conducting the Review;

AND the Reviewer may request any person, organization, the Chief of Police, members of the Board, and any member employed by the Board or the HRP to provide relevant information or documents to the Review, whether electronic or hard-copy, including video recordings, where the Reviewer believes that person or organization has such information or documents in his or her or their or its possession or control;

AND the Reviewer may hold such public or private meetings, interviews and consultations, and make such procedural decisions in relation thereto, as the Reviewer deems advisable, in the exercise of the Reviewer’s independent discretion, in the course of the Review;

AND the Reviewer will consult with affected community groups or organizations, stakeholders and community members in a variety of ways that maximize their participation in the process, and that ensure that their participation takes place in a safe environment, with accommodations where appropriate;

And the Reviewer may establish and maintain a website and may use other technology to promote accessibility and transparency to the public;

AND the Reviewer shall conduct the Review and prepare a report to the Board without expressing any conclusions or recommendations regarding the civil, criminal, regulatory or disciplinary liability of any person or organization and without interfering in any ongoing criminal, civil, or other legal proceedings;

AND the report shall be prepared in a form appropriate for release to the public, pursuant to any applicable freedom of information and protection of privacy legislation;

AND this mandate and terms of reference shall be interpreted in a manner consistent with the jurisdiction of the Board, and the desirability for a comprehensive, thorough report;

AND the Reviewer's final report shall be provided to the Board on or before [INSERT DATE] or such other date as the Board may subsequently decide upon, on the recommendation of the Reviewer.

AND the report shall contain such findings and recommendations as the Reviewer believes are necessary to address the issues identified herein, and ultimately so as to enable the Board to discharge its responsibilities under the Act and pursuant to By-law P-100.

Approved at Halifax, on [INSERT DATE]
