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Item No. 10.4.1
Board of Police Commissioners
July 12, 2023

TO: Chair Kent and Members of the Board of Police Commissioners

SUBMITTED BY: - Original Signed-

Cathie O'Toole, Chief Administrative Officer

DATE: June 7, 2023

SUBJECT: **Board of Police Commissioners Policy Subcommittee Priorities**

ORIGIN

November 2, 2023, Board of Police Commissioners motion (Item 10.3.3):

MOVED by Commissioner Critchley, seconded by Commissioner Kent

THAT the Board of Police Commissioners:

1. Create a policy subcommittee (the "Subcommittee") composed of no more than three (3) members of the Board of Police Commissioners, no fewer than one (1) of whom will be a Member of the Halifax Regional Council, as well as any number of members of the Halifax Regional Police, HRM, and the public as the Subcommittee deems necessary; and
2. That the Chair of the Board of Police Commissioners direct that the Subcommittee prepare a Terms of Reference governing its work to be reviewed by the Board of Police Commissioners at a future meeting.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Police Act 2004 section 55(3) states:

Without limiting the generality of subsection (1), a board shall

- (f) recommend policies, administrative and organizational direction for the effective management of the police department

Police Act 2004 section 56 states:

- (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.
- (3) The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.

RECOMMENDATION

It is recommended that the Board of Police Commissioners (BoPC) direct the Policy Subcommittee to adopt the following as its first two areas of focus:

1. Review Halifax Regional Police's policies related to Extra Duty and Off Duty employment, and in consultation with the Chief, draft recommended changes and additions for the BoPC's consideration; and
2. In consultation with the Chief, draft a Board of Police Commissioners policy related to policing and homelessness for the BoPC's consideration.

BACKGROUND

In March 2020, the Board of Police Commissioners (BoPC) adopted a policy related to Extra Duty and Off Duty employment. This policy was last revised in January 2021.

At its September 7, 2022 meeting, the BoPC requested the Halifax Regional Police (HRP) to bring forward its policies related to Extra Duty and Off Duty employment at its next meeting. Having reviewed the policies, the HRP confirmed that while they have not yet been updated as part of their ongoing policy manual refresh, the content of the policies does not require redactions prior to being publicly released. The policies were released prior to the BoPC's October 5, 2022 meeting.

At its September 7, 2022 meeting, the BoPC received an Information Report indicating that while the HRP does not have a specific policy relating to homeless encampments under the Protection of Property Act, consistent direction has been provided to Patrol supervisors and frontline staff through watch commanders to reinforce the following points:

- Officers will respond to reports of criminal violations or any public safety concerns and ensure public safety and investigate any criminal offences. Individuals are not to be removed for the act of

- camping in a park for housing purposes.
- Watch Commanders are to be advised so that appropriate supports and communication with the municipal staff can be facilitated.

The BoPC does not have a policy relating specifically to homelessness.

DISCUSSION

Off duty and extra duty employment are the only two policies that the BoPC is specifically required to establish under the *Police Act*. The BoPC's policy manual states that its Off Duty and Extra Duty Employment policy "is updated periodically". Moreover, the report *Understaffing, Long-term Absences and Mental Health Claims at Halifax Regional Police*, received by the BoPC at its March 9, 2023 meeting, references Extra Duty employment. Some elements of the subcommittee's review would be dependent upon further analysis of extra duty data, as outlined in the report's recommendations.

Police interactions with the homeless community is becoming an increasingly important issue in cities across the country and around the world. The BoPC recently announced an independent review of police actions toward tent encampments in various parks, making this an even more pertinent issue.

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.

RISK CONSIDERATION

No risk considerations were identified.

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.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ATTACHMENTS

None

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.

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