



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1.2

Board of Police Commissioners
June 19, 2017

TO: Chair and Members of Board of Police Commissioners

SUBMITTED BY: *Original signed*

Chief Jean-Michel Blais, Halifax Regional Police

DATE: June 15, 2017

SUBJECT: Discussion on Police Checks

INFORMATION REPORT

ORIGIN

The following motion was approved at the April 24, 2017, meeting with regards to agenda item 9.1.3. – Correspondence from the Nova Scotia Human Rights Commission on Street Checks

MOVED by Commissioner Mason, seconded by Commissioner Mancini:

THAT the Halifax Regional Municipality Board of Police Commissioners support the offer from the Nova Scotia Human Rights Commission to have the Halifax Regional Police participate in a collaborative effort to open a discussion on the use of street checks and direct staff to return with a report on the scope of the collaboration and any other details concerning an approach regarding street checks.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

- **Nova Scotia *Police Act* paragraph 55(3)(c)** which states: “The Board shall ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies.”
- HRM Board of Police Commissioners Terms of Reference, **By-Law P-100** Respecting the Board of Police Commissioners for the Halifax Regional Municipality, section 8(2)(c) which states: “The Board in accordance with the *Police Act* and HRM Bylaws may in consultation with the Chief of Police, review priorities, goals and objectives of the municipal police service (...).”

BACKGROUND

HRP committed to a robust analysis of its street check data and examination of its street check policy and practices following a preliminary analysis released and presented to the Board of Police Commissioners in early January, which showed that:

- some visible minorities, particularly black people, are overrepresented, as are young people and males;
- most street check records involve people who have a criminal record or were with someone at the time of the check who has been charged with a crime;
- the number of street check records increases as the number of charges increases; and
- certain geographic locations have a much higher number of checks.

At the April 24, 2017, meeting of the Board of Police Commissioners, the motion cited above was passed and the Board sought a report on the scope of the collaboration with the Nova Scotia Human Rights Commission (NSHRC) and any other details concerning HRP's approach to street checks.

In consideration of the offer from the NSHRC to collaborate on the analysis, HRP paused the analysis until details of the collaboration could be determined. Meanwhile, HRP continued to examine its street check policy and practices and, based on this work, has identified several next steps.

DISCUSSION

Street check data analysis

Following the motion of the Board of Police Commissioners to accept HRP's recommendation to work collaboratively with the NSHRC on the street check data analysis, it was determined that an independent third party will work with Dr. Chris Giacomantonio to examine and interpret the data. Dr. Giacomantonio has supplied the names of two individuals and suggested appropriate qualifications such as advanced statistical capabilities and a working knowledge of the criminal justice system. Such qualifications are deemed necessary for both an objective and credible process. The NSHRC will appoint the third-party researcher; none has yet been named.

Next steps

HRP considered several factors to determine its next steps concerning street checks. including. Each of these considerations is outlined in summary below.

Preliminary analysis: Along with the preliminary findings highlighted above in the Background section, Dr. Giacomantonio reviewed the street check data to establish: (a) whether the data could be used to quantitatively determine how often street check records were used in criminal investigations and prosecution; (b) qualitatively, how street check records were used to support policing operations, and; (c) the degree to which street check records derived from observation only, compared to what proportion involved interpersonal contact.

In brief, his review found that (a) the data was not suitable for quantitative analysis of the levels of use of street check records in investigations and prosecutions; (b) qualitative analysis would be best conducted through discussions with internal stakeholders, and; (c) approximately 30-45% of street check records derived from observation only; this modifies our earlier figure of approximately 23% of street check records being visual contact only from the January 2017 report.

Internal stakeholder discussions: Dr. Giacomantonio conducted discussions with crime analysts and other stakeholders in HRP to determine how street check records were used. Two key conclusions arose from this process. First, the crime analysts were unanimous in their estimation that street check records form a vital part of their overall intelligence picture, and claim to use the records in virtually every investigation process. Second, the quality of street check records is highly variable, and many are entered into Versadex (the joint HRP-Halifax District RCMP records management system) with little or no information of probative value. The former conclusion suggests that street check records are likely a central rather than just incidental component to effective police operations in HRP; the latter conclusion suggests a need for improvement in the street check Quality Assurance (QA) process.

External stakeholder discussions: Representatives of HRP reached out to and/or attended meetings with representatives of the African Nova Scotian community, the African Diaspora community, and local West Asian community groups as each of these groups were over-represented in the street check data. The West Asian community representatives did not indicate that they believed street checks were a major concern in their community. However, the African Diaspora and African Nova Scotian community expressed consistent and substantial concerns about their experiences with street checks, traffic stops, and, more generally, the quality of interactions with police and privacy.

Correspondence with the Nova Scotia Human Rights Commission: As noted above, following receipt of a letter from the NSHRC, HRP and the Board have agreed to take part in a process involving appointment of an independent expert to take part in analysis of the data on street checks. Further details on how this process will proceed are unknown at this time, and HRP have offered suggestions regarding selection of the expert or experts.

Presentation of the Information & Privacy Commissioner: The Office of the Information & Privacy Commissioner (OIPC) met with the Board to discuss its role and to aid in the carrying out of a Privacy Impact Assessment on street checks. At the regular meeting of the Board on May 15, 2017, a presentation by the OIPC was made.

Presentation by Mr. Robert Wright: On May 24, 2017, one of the authors of a letter to the NSHRC requesting a review of street checks was invited to present to the management teams of HRP and Halifax District RCMP. Mr. Wright presented on the history and socialisation that informs society's understanding of African Nova Scotians and the nature of the conflicts they experience with police. Mr. Wright brought an insightful approach that discussed multigenerational trauma, cultural competencies and the safety of front-line police officers; recognising that the roles of police and the aspirations of the community are oftentimes in opposition to one another by virtue of background, responsibilities and expectations. Furthermore, the simple presence of police can sometimes be interpreted as an affront or an insult by some community members who view police as occupiers. He further recognised the charged debate around the issue of street checks, conceding that no one can defend against an accusation of racism. He did offer suggestions around training and the importance of police participating in an active project in community justice that attempts to recognise and unravel systemic racism.

Legislation in Ontario: In 2016, because of the public outcry around the police practice of carding, provincial regulations were adopted to determine police practices involving carding and street checks (see Appendix A). The Ontario government also recently named the Honourable Michael Tulloch of the Ontario Court of Appeal to carry out a first-year review of the efficacy of the regulations. Several Ontario police leaders have advised the undersigned that because of these regulations, significant funds have been spent on training and very few in-person street checks have been carried out by members for fear of being labelled racist.

Having considered the above, HRP will undertake several actions that aim to improve our street check practices, citizens' experiences with police and our service to our communities. Deputy Chief Robin McNeil will oversee that HRP:

- undertakes a privacy impact assessment (PIA) and policy review. Independent of the PIA, HRP management believes that our current retention practice for street check records is too long and will determine applicable policy around same;
- continues the ongoing and eventually collaborative analysis by Dr. Giacomantonio and a yet-to-be-named academic;
- delivers a training module on fair & impartial policing during the 2018 block training season (January to May) and explore the development of procedural justice training;
- improves quality assurance procedures for street check records;
- continues discussions with other community stakeholders to enhance community relationships and to develop community education related to citizen's rights during interactions with police.

FINANCIAL IMPLICATIONS

None identified at this point.

RISK CONSIDERATION

None identified at this point.

COMMUNITY ENGAGEMENT

As indicated above.

ENVIRONMENTAL IMPLICATIONS

None identified at this point.

ALTERNATIVES

None identified at this point.

ATTACHMENTS

Appendix A: The Final Regulations Regarding Police Street Checks (Ontario) dated March 22, 2016.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared and Approved by: Chief JM Blais, Halifax Regional Police 902-490-6500

Appendix A

**Ontario Regulation 58/16
made under the
Police Services Act
Made: March 21, 2016
Filed: March 21, 2016
Published on e-Laws: March 22, 2016
Printed in The Ontario Gazette: April 9, 2016**

Part I

Application and Interpretation

Application — attempts to collect

1. (1) This Regulation applies with respect to an attempt by a police officer to collect identifying information about an individual from the individual, if that attempt is done for the purpose of,

- (a) inquiring into offences that have been or might be committed;
- (b) inquiring into suspicious activities to detect offences; or
- (c) gathering information for intelligence purposes.

(2) Despite subsection (1), this Regulation does not apply with respect to an attempted collection made by a police officer for the purpose of investigating an offence the officer reasonably suspects has been or will be committed.

(3) Despite subsection (1), this Regulation does not apply with respect to an attempt by a police officer to collect identifying information from an individual if,

- (a) the individual is legally required to provide the information to a police officer;
- (b) the individual is under arrest or is being detained;
- (c) the officer is engaged in a covert operation;
- (d) the officer is executing a warrant, acting pursuant to a court order or performing related duties; or

(e) the individual from whom the officer attempts to collect information is employed in the administration of justice or is carrying out duties or providing services that are otherwise relevant to the carrying out of the officer's duties.

Application — information collected

2. (1) This Regulation applies with respect to identifying information collected on or after January 1, 2017 as a result of an attempt to collect to which this Regulation applies.

(2) This Regulation applies with respect to identifying information that was collected before January 1, 2017 only as provided under paragraph 5 of subsection 12 (1) and under subsection 13 (1) in relation to that paragraph.

Non-application — person appointed under the Interprovincial Policing Act, 2009

3. This Regulation does not apply with respect to attempts to collect information by a person appointed as a police officer under the Interprovincial Policing Act, 2009 or with respect to information collected by such a person.

Interpretation — attempt to collect identifying information

4. For the purposes of this Regulation, "attempt to collect identifying information about an individual from the individual" means attempt to collect identifying information by asking the individual, in a face-to-face encounter, to identify himself or herself or to provide information for the purpose of identifying the individual and includes such an attempt whether or not identifying information is collected.

Part II

Prohibition — Certain Collections Of Information

Limitations on collection of certain information

5. (1) A police officer shall not attempt to collect identifying information about an individual from the individual if,

(a) any part of the reason for the attempted collection is that the officer perceives the individual to be within a particular racialized group unless,

(i) the officer is seeking a particular individual,

(ii) being within the racialized group forms part of a description of the particular individual or is evident from a visual representation of the particular individual, and

(iii) the officer has additional information, in addition to information about the particular individual being in a racialized group, that may help to identify the individual or narrow the description of the individual; or

(b) the attempted collection is done in an arbitrary way.

(2) Without limiting what might constitute the additional information required under subclause (1) (a) (iii), such information may consist of information about,

(a) the appearance of the individual, including information about the individual's clothing, height, weight, eye colour, hair colour or hair style;

(b) the location where the individual might be found;

(c) the type of vehicle the individual might be found in;

(d) the associates the individual might be found with; or

(e) the behaviour of the individual.

(3) The additional information required under subclause (1) (a) (iii) may not consist only of the sex of the individual, the approximate age of the individual or both.

(4) For the purpose of clause (1) (b), an attempted collection by a police officer from an individual is done in an arbitrary way unless the officer has a reason that the officer can articulate that complies with all of the following:

1. The reason includes details about the individual that cause the officer to reasonably suspect that identifying the individual may contribute to or assist in an inquiry described in clause 1 (1) (a) or (b) or the gathering of information described in clause 1 (1) (c).

2. The reason does not include either of the following:

i. that the individual has declined to answer a question from the officer which the individual is not legally required to answer, or

ii. that the individual has attempted or is attempting to discontinue interaction with the officer in circumstances in which the individual has the legal right to do so.

3. The reason is not only that the individual is present in a high crime location.

Part III

Duties Relating to Collections of Information

Officer Duties

Duties to inform before attempting to collect information

6. (1) A police officer shall not attempt to collect identifying information about an individual from the individual unless the police officer, in accordance with the procedures developed under section 13,

(a) has informed the individual that he or she is not required to provide identifying information to the officer; and

(b) has informed the individual why the police officer is attempting to collect identifying information about the individual.

(2) A police officer is not required to inform the individual under clause (1) (a) or (b) if the officer has a reason to believe that informing the individual under that clause might compromise the safety of an individual.

(3) A police officer is not required to inform the individual under clause (1) (b) if the officer has a reason to believe that informing the individual under that clause,

(a) would likely compromise an ongoing police investigation;

(b) might allow a confidential informant to be identified; or

(c) might disclose the identity of a person contrary to the law, including disclose the identity of a young person contrary to the Youth Criminal Justice Act (Canada).

(4) A reason required under subsection (2) or (3) must be a reason the police officer can articulate and must include details relating to the particular circumstances.

Document for individual

7. (1) A police officer who attempts to collect identifying information about an individual from the individual shall,

(a) offer to give the individual a document that provides a record of the attempt; and

(b) give the individual such a document if the individual indicates that he or she wants it.

(2) A police officer is not required to comply with subsection (1) if the officer has a reason to believe that continuing to interact with the individual,

(a) might compromise the safety of an individual; or

(b) might delay the officer from responding to another matter that should be responded to immediately.

(3) A reason required under subsection (2) must be a reason the police officer can articulate and must include details relating to the particular circumstances.

(4) The document required under subsection (1) shall contain at least the following information:

1. The officer's name and officer identification number and the date, time and location of the attempted collection.

2. Information about how to contact the Independent Police Review Director.

3. An explanation that the individual can request access to information about himself or herself that is in the custody or under the control of a police force, under the Municipal Freedom of Information and Protection of Privacy Act in the case of a municipal police force, or under the Freedom of Information and Protection of Privacy Act in the case of the Ontario Provincial Police, and information about how to contact persons to whom such a request may be given.

Police officer must record reason and other information

8. A police officer who attempts to collect identifying information about an individual from the individual shall record the following:

1. The officer's reason for the attempted collection, including the details referred to in paragraph 1 of subsection 5 (4).

2. Whether the individual was informed as required under clauses 6 (1) (a) and (b) or, if informing the individual under one of those clauses was not required under subsection 6 (2) or (3), the reason why that was not required.

3. Whether the individual was offered the document as required under clause 7 (1) (a) or, if offering the document was not required under subsection 7 (2), the reason why that was not required.

4. Whether the individual was given the document offered under clause 7 (1) (a) or, if giving the document was not required under clause 7 (1) (b) or subsection 7 (2), the reason why that was not required.

5. Such other information as the chief of police requires the officer to record.

Inclusion of Collected Information in Police Databases

Collected information in police databases

9. (1) This section applies with respect to the inclusion, in databases under the control of a police force, of identifying information about an individual collected by a police officer from the individual.

(2) The chief of police shall ensure that the requirements under this section are complied with.

(3) Access to identifying information shall be restricted in accordance with subsection (10) unless the information may be included in a database, under this section, without limiting the access of members of the police force.

(4) Identifying information may be included in a database without limiting the access of members of the police force if,

(a) the police officer who collected the information,

(i) has indicated that the attempted collection complied with section 5,

(ii) has indicated that the individual was informed as required under clauses 6 (1) (a) and (b) or, if informing the individual under one of those clauses was not required under subsection 6 (2) or (3), has indicated the reason why that was not required,

(iii) has indicated that the individual was offered the document as required under clause 7 (1) (a) or, if offering the document was not required under subsection 7 (2), has indicated the reason why that was not required, and

(iv) has indicated that the individual was given the document offered under clause 7 (1) (a) or, if giving the document was not required under clause 7 (1) (b) or subsection 7 (2), has indicated the reason why that was not required; and

(b) either,

(i) the chief of police or a person designated by the chief of police has determined, after considering the officer's reasons for the attempted collection, including the details referred to in paragraph 1 of subsection 5 (4), that it appears that section 5 was complied with and has ensured that clause (a) has been complied with, or

(ii) the database indicates that what is required under subclause (i) has not yet been done.

(5) The following apply if what is required under subclause (4) (b) (i) was not done when the identifying information was included in the database:

1. The chief of police or a person designated by the chief of police shall conduct a review, within 30 days after the information was first entered into a database under the control of the police force, to determine, after considering the officer's reasons for the attempted collection, including the details referred to in paragraph 1 of subsection 5 (4), whether it appears that section 5 was complied with and whether clause (4) (a) has been complied with.

2. If it is determined that it appears that section 5 was complied with and that clause (4) (a) has been complied with, the indication required under subclause (4) (b) (ii) may be removed.

3. If it is not determined, before the end of the 30-day period described in paragraph 1, that it appears that section 5 was complied with and that clause (4) (a) has been complied with, the identifying information shall be retained, subject to the procedures developed under section 13 in relation to paragraph 4 of subsection 12 (1), in a database under the control of the police force but access to such retained information shall be restricted in accordance with subsection (10).

(6) At least once a year, the chief of police or a person designated by the chief of police shall conduct detailed reviews of an appropriately sized random sample of the entries of identifying information included in a database under subsection (4) to estimate, within a margin of error of plus or minus 5 per cent, at a 95 per cent confidence level, whether it appears that sections 5, 6 and 7 were complied with.

(7) If, as a result of a detailed review under subsection (6), it is determined, with respect to identifying information included in a database under subsection (4), that section 5, 6 or 7 was not complied with, the identifying information shall be retained, subject to the procedures developed under section 13 in relation to paragraph 4 of subsection 12 (1), in a database under the control of the police force but access to such retained information shall be restricted in accordance with subsection (10).

(8) The chief of police shall consider the results of the detailed reviews under subsection (6) and take such actions as the chief of police considers appropriate.

(9) Access to identifying information shall be restricted in accordance with subsection (10) after the fifth anniversary of the date on which the information was first entered into a database under the control of the police force.

(10) The following apply with respect to identifying information to which access must be restricted:

1. No person may access the information without the permission of the chief of police or a person designated by the chief of police.

2. A member of the police force may be permitted to access the information only if the chief of police or a person designated by the chief of police is satisfied that access is needed,

i. for the purpose of an ongoing police investigation,
ii. in connection with legal proceedings or anticipated legal proceedings,
iii. for the purpose of dealing with a complaint under Part V of the Act or for the purpose of an investigation or inquiry under clause 25 (1) (a) of the Act,

iv. in order to prepare the annual report described in subsection 14 (1) or the report required under section 15,

v. for the purpose of complying with a legal requirement, or

vi. for the purpose of evaluating a police officer's performance.

Restrictions on Performance Targets

Performance targets not to be used in evaluating work performance

10. A chief of police shall ensure that no performance target based on any of the following factors is used to evaluate the work performance of a police officer on his or her force:

1. The number of times, within a particular period, that the officer collects or attempts to collect identifying information about individuals from the individuals.

2. The number of individuals from whom the officer collects or attempts to collect identifying information within a particular period.

Part IV

Other Matters

Training

Chiefs of police must ensure training

11. (1) A chief of police shall ensure that every police officer on his or her police force who attempts to collect identifying information about an individual from the individual, or who acts as the designate of the chief of police under section 9, has successfully completed the training required under this section within the previous 36 months.

(2) The training referred to in subsection (1) shall include training on the following topics:

1. The right of an individual not to provide information to a police officer, the limitations on this right and how to ensure that this right is respected.

2. The right of an individual to discontinue an interaction with a police officer, the limitations on this right and how to avoid unlawfully psychologically detaining an individual.

3. Bias awareness, discrimination and racism and how to avoid bias, discrimination and racism when providing police services.

4. The rights that individuals have to access information about themselves that is in the custody, or under the control, of a police force.

5. The initiation of interactions with members of the public.

6. This Regulation and its application.

(3) The training referred to in subsection (1) shall be provided at the Ontario Police College or by a trainer who has been trained, at the Ontario Police College, to provide the training referred to in subsection (1).

(4) The training referred to in subsection (1) shall be based on a curriculum approved by the Director of the Ontario Police College.

Policies and Procedures

Boards and Minister must develop policies

12. (1) A board shall develop policies regarding the following matters:

1. The document to be given to individuals under section 7.

2. The contents, in relation to matters to which this Regulation applies, of the annual report described in subsection 14 (1).

3. The report required under section 15.

4. The retention of, access to, and disclosure of identifying information collected on or after January 1, 2017, including the retention of identifying information collected contrary to this Regulation.

5. The retention of, access to, and disclosure of identifying information collected before January 1, 2017 with respect to which this Regulation would have applied had the collection taken place on January 1, 2017.

(2) The policy developed under paragraph 4 of subsection (1) shall provide that identifying information collected contrary to this Regulation shall not be retained longer than is reasonably necessary to ensure the information is available in the circumstances in which access may be permitted under paragraph 2 of subsection 9 (10).

(3) The duties imposed by subsections (1) and (2) on boards in relation to municipal police forces apply to the Minister of Community Safety and Correctional Services in relation to the Ontario Provincial Police.

(4) The policies developed under this section shall be consistent with this Regulation.

Chiefs of police must develop procedures

13. (1) A chief of police shall develop procedures regarding the matters set out in subsection 12 (1).

(2) The procedures developed under subsection (1) shall be consistent with this Regulation and the relevant policies developed under section 12.

Reports, Reviews and Compliance

Annual report

14. (1) This section applies to,

(a) an annual report provided by a municipal chief of police to a board under section 31 of Ontario Regulation 3/99 (Adequacy and Effectiveness of Police Services) made under the Act; and

(b) the annual report provided by the Commissioner under subsection 17 (4) of the Act.

(2) A chief of police shall ensure that his or her annual report includes the following information in relation to attempted collections of identifying information:

1. The number of attempted collections and the number of attempted collections in which identifying information was collected.

2. The number of individuals from whom identifying information was collected.

3. The number of times each of the following provisions was relied upon to not do something that would otherwise be required under subsection 6 (1):

- i. subsection 6 (2),
 - ii. clause 6 (3) (a),
 - iii. clause 6 (3) (b), and
 - iv. clause 6 (3) (c).
4. The number of times an individual was not given a document under clause 7 (1) (b) because the individual did not indicate that they wanted it.
5. The number of times each of the following clauses was relied upon to not do something that would otherwise be required under subsection 7 (1):
- i. clause 7 (2) (a), and
 - ii. clause 7 (2) (b).
6. The number of attempted collections from individuals who are perceived, by a police officer, to be within the following groups based on the sex of the individual:
- i. male individuals, and
 - ii. female individuals.
7. For each age group established by the chief of police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that age group.
8. For each racialized group established by the chief of police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that racialized group.
9. A statement, based on an analysis of the information provided under this subsection, as to whether the collections were attempted disproportionately from individuals within a group based on the sex of the individual, a particular age or racialized group, or a combination of groups and if so, any additional information that the chief of police considers relevant to explain the disproportionate attempted collections.
10. The neighbourhoods or areas where collections were attempted and the number of attempted collections in each neighbourhood or area.
11. The number of determinations, referred to in subsection 9 (5), that section 5 or clause 9 (4) (a) was not complied with.
12. The number of determinations, referred to in subsections 9 (6) and (7), that section 5, 6 or 7 was not complied with.
13. The number of times members of the police force were permitted under subsection 9 (10) to access identifying information to which access must be restricted.
- (3) A chief of police shall establish age groups for the purpose of paragraph 7 of subsection (2).
- (4) A chief of police shall establish racialized groups for the purpose of paragraph 8 of subsection (2) and shall do so in a way that allows the information required by subsection (2) relating to the racialized groups to be comparable to the data referred to in the following paragraphs, as released by the Government of Canada on the basis of its most recent National Household Survey preceding the period covered by the chief of police's annual report:
1. For each derived visible minority group set out in the National Household Survey, the number of individuals who identified themselves as being within that group.
 2. The number of individuals who claimed Aboriginal identity.
- (5) This section does not require the inclusion of information about anything that occurred before January 1, 2017.
- Chiefs of police must review practices and report
15. (1) If an annual report referred to in section 14 reveals that identifying information was attempted to be collected disproportionately from individuals perceived to be within a group or combination of groups, the chief of police shall review the practices of his or her police force

and shall prepare a report setting out the results of the review and his or her proposals, if any, to address the disproportionate attempted collection of information.

(2) A municipal chief of police shall provide his or her report to the relevant board, and the Commissioner shall provide his or her report to the Minister of Community Safety and Correctional Services.

(3) When a board receives a report from a municipal chief of police under subsection (2), and when the Minister of Community Safety and Correctional Services receives a report from the Commissioner under subsection (2), the board or the Minister, as the case may be,

(a) shall publish the report on the Internet in a manner that makes it available to the public free of charge and may make the report available to the public free of charge in any other manner that the board or the Minister, as the case may be, considers appropriate; and

(b) shall consider the report and the proposals, if any, set out in the report and consider, in the case of a board, whether to give directions under clause 31 (1) (e) of the Act or, in the case of the Minister, whether to give directions to which the Commissioner would be subject under subsection 17 (2) of the Act.

Chiefs of police must make records available

16. (1) For the purpose of carrying out a duty, or exercising a power, under clause 3 (2) (b), (d), (e) or (h) of the Act, in relation to matters to which this Regulation applies, the Minister of Community Safety and Correctional Services may request a chief of police to provide any relevant information that is in the possession or under the control of the chief of police's police force.

(2) A chief of police shall comply with a request made under subsection (1) and shall do so in the manner specified by the Minister.

Review of Regulation

17. (1) The Minister of Community Safety and Correctional Services shall ensure that a review of this Regulation is conducted and that a report on the findings of the review is published no later than January 1, 2019.

Review not by a government employee

(2) The Minister shall ensure that the person who conducts the review is not a public servant within the meaning of the Public Service of Ontario Act, 2006 and is not employed in the Office of the Premier or in the office of a minister.

Consultation with Minister Responsible for Anti-Racism

(3) The Minister shall ensure that the person who conducts the review consults with the Minister Responsible for Anti-Racism.

Part V

Commencement

18. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Sections 1 to 4, 10, 12 and 13 come into force on July 1, 2016.

(3) Sections 5 to 9, 11 and 14 to 17 come into force on January 1, 2017.