



**BOARD OF POLICE COMMISSIONERS
MINUTES
May 13, 2019**

PRESENT: Commissioner Steve Craig, Chair
Commissioner Carole McDougall, Vice-Chair
Commissioner Tony Mancini
Commissioner Natalie Borden
Commissioner Lindell Smith
Commissioner Carlos Beals

REGRETS: Commissioner Anthony Thomas

STAFF: Jacques Dubé, Chief Administrative Officer
Acting Chief Robin McNeil, HRP
Superintendent Colleen Kelly, HRP
Inspector Robert Doyle, Halifax District Detachment, RCMP
Amy Siciliano, HRP Public Safety Advisory
Martin Ward, Solicitor
David Perusse, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*The agenda, supporting documents, and information items circulated to the Board are available online:
www.halifax.ca*

The meeting was called to order at 12:36 p.m. and moved In Camera (In Private) at 2:18 p.m. The Board reconvened in public session at 2:45 p.m. and adjourned at 2:47 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 12:36 p.m.

The Chair introduced Chief-Designate Dan Kinsella. Kinsella provided brief introductory remarks, and noted that they look forward to serving in Halifax, as well as working with the Board.

2. APPROVAL OF MINUTES – April 15, 2019

MOVED by Commissioner Borden, seconded by Commissioner Mancini

THAT the minutes of April 15, 2019 be approved as presented.

MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

10.1 Legality of Street Checks

Commissioner Mancini requested that information item 3. Information Memo - Armoured Rescue Vehicle (ARV), be added as item 10.2 for discussion.

MOVED by Commissioner Mancini, seconded by Commissioner McDougall

THAT the agenda be approved as amended.

Two-thirds majority required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

6. CONSIDERATION OF DEFERRED BUSINESS - NONE

7. CORRESPONDENCE, PETITIONS & DELEGATIONS

7.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to item 9.2.1. This correspondence was circulated to the Board.

For a detailed list of correspondence received, refer to the specific item.

7.1.1 Recommendation to Suspend Street Checks and Joint Apology – Board of Police Commissioners

The following was before the Board:

- Correspondence from the Chair of the Board of Police Commissioners to the Halifax Regional Police dated April 15, 2019

- Correspondence from the Chair of the Board of Police Commissioners to the RCMP, Halifax District Detachment dated April 15, 2019
- Correspondence from Acting Chief Robin McNeil, HRP, dated April 18, 2019
- Correspondence from Inspector Robert Doyle, RCMP, Halifax District Detachment, dated May 1, 2019

The Chair noted that correspondence was published regarding the Board's request to the HRP and RCMP, Halifax District, to suspend street checks pending the receipt and adoption of a policy respecting street checks, as well as the Board's request that both police services formally apologize to the African Nova Scotia Community for the disproportionate impact of street checks. The response from both police services were also published.

Acting Chief Robin McNeil, HRP, and Inspector Robert Doyle, Acting Officer In Charge, Halifax District Detachment, RCMP, noted that both police services recognize the work that needs to be done to address the issues highlights in the Wortley Report. They noted that both organizations are committed to finding long-term solutions to address these issues; however, they noted that a formal apology at this point would be disingenuous.

7.2 Petitions - None

7.3 Presentations - None

8. INFORMATION ITEMS BROUGHT FORWARD - NONE

9. REPORTS

9.1 STAFF

9.1.1 HRM Police Services Review – Update

Jacques Dubé, Chief Administrative Officer, provided the Board with an update on the Police Services Review, noting Perivale & Taylor Consulting are currently undertaking an allocated time analysis, as well as examining other police services across Canada. They noted that it is anticipated that there will be a draft report towards the end of May, with a finalized report going to Regional Council mid-summer.

Responding to questions from members of the Board, Dubé noted that the Board will have an opportunity to review this report, but only after it has gone through Regional Council.

The Chair thanked Dubé for the update.

9.2 MEMBERS OF BOARD OF POLICE COMMISSIONERS

9.2.1 Wortley Report – Update

The following was before the Board:

- Correspondence submitted by Zso Michele, and Alan Joyce

The Chair asked Acting Chief Robin McNeil, HRP, and Inspector Robert Doyle, Acting Officer-In-Charge, Halifax District Detachment, RCMP, to provide the Board with an update on the steps taken by both police services since the release of the Wortley Report, as well as the Ministerial Directive provided by the NS Minister of Justice.

Inspector Doyle noted that RCMP members across the Province has been provided with the Ministerial directive, the Wortley Report, the *Charter of Rights and Freedom*, and RCMP policies on street checks as well as bias free policing. Members have all been asked to review these materials. Inspector Doyle additionally noted that that the RCMP is seeking ways to increase diversity in leadership through a Diversity Working Group.

Acting Chief McNeil noted that community outreach and diversity training are key aspects of the Police Sciences Program. HRP staff are currently reviewing the Wortley Report recommendations to see what additional training can be developed. Additionally, HRP are exploring who has access to street checks data in their records management system.

Responding to questions from members of the Board, Acting Chief McNeil and Inspector Doyle noted that a key undertaking following the Ministerial Directive on street checks has been to ensure that all officers understand what the Directive means from an operational and practical point of view. They further noted that a key goal moving forward will be developing a shared definition of street checks.

Commissioner Borden noted that the Board needs to develop a wholistic approach on how it intends to work towards addressing the recommendations set out in the Wortley Report. They also suggested that the Board should examine what steps it can take while staying within its mandate.

Commissioner McDougall suggested that the Board consider holding a regular Board meeting in the community.

The Chair thanked Acting Chief McNeil and Inspector Doyle for the update.

9.2.2 Police Services Data Retention Policy

MOVED by Commissioner McDougall, seconded by Commissioner Smith

THAT the Board of Police Commissioners request that staff prepare a report for the next regular meeting of the Board of Police Commissioners detailing the intended steps for retention and removal of street check records currently held in the Versadex system, indicating:

- **an appropriate timeline for retention and removal of records;**
- **which police staff will have access to existing street check records;**
- **whether, if and how anonymous data from the street check records will be maintained after removal from the records management system; and**
- **how members of the public can request access to street check records pertaining to them prior to removal from the records management system.**

MOTION PUT AND PASSED.

9.2.3 Request for Amendments for Police Complaints under the *Police Act*

MOVED by Commissioner Beals, seconded by Commissioner McDougall

THAT the Board of Police Commissioners request the Province of Nova Scotia Minister of Justice change the Police Regulations made under subsection 97(1) of the *Police Act* to align and be consistent with the longer national RCMP limitations period for police complaints.

Martin Ward, Solicitor, spoke to the Board about the limitations period for police complaints, noting that in addition to the time set out in the *Act*, there is also the legal doctrine of discoverability which affects the limitations period for bringing complaints.

Commissioner Borden expressed concerns with the motion, questioning whether the motion is premature, as the Board may subsequently come forward with additional requests as it develops a more wholistic approach to addressing the recommendations in the Wortley Report.

MOTION PUT AND PASSED.

9.3 COMMISSIONER UPDATES

9.3.1 Management Employee Relations Committee - NONE

9.3.2 Canadian Association of Police Governance Board - NONE

9.3.3 Nova Scotia Association of Police Governance Board

Commissioner McDougall provided the Board with an update on the Nova Scotia Association of Police Governance Board, noting that the Board held a meeting in Truro in the first week of May. At the meeting, legal council from the NS Department of Justice presented on the *Police Act*. The Board discussed police governance issues and the role of Police Advisory Boards across the Province. An additional meeting has been scheduled to continue these discussions.

The Chair thanked Commissioner McDougall for the update.

9.3.4 Canadian Association of Police Governance Annual Conference Calgary, August 8-11, 2019

Commissioner McDougall provided the Board with an update on the Canadian Association of Police Governance Annual Conference, noting that it will take place in Calgary from August 8 to 11, 2019. They noted that several Commissioners were able to attend the previous year's conference, and encouraged interested Commissioners to attend.

Commissioner Craig noted that the Board will be able to send any Commissioner who is interested in attending.

The Chair thanked Commissioner McDougall for the update.

9.3.5 Board of Police Commissioners' Annual Work Plan

Commissioner McDougall provided the Board with an update on the Board of Police Commissioners' Annual Work Plan, noting that the Board held a special meeting in the previous year to review items for the upcoming year, and to develop a work plan. Commissioner McDougall suggested that the Board do the same for the current year.

The Chair thanked Commissioner McDougall for the update.

9.3.6 Board of Police Commissioners' Annual Report to Regional Council

The Legislative Assistant provided the Board with an update on the Board of Police Commissioners' Annual Report to Regional Council, noting the Board is expecting to receive the report for approval at their June 17, 2019 meeting.

The Chair thanked the Legislative Assistant for the update.

9.4 HRP/RCMP CHIEF UPDATES

Inspector Doyle provided the Board with an update on several senior staffing changes for the RCMP, Halifax District. They noted that Janice Grey has been selected as the next Officer In Charge (OIC), and that they should be taking on the role this summer. Doyle additionally noted that they have accepted a position as Administrative Personnel Officer, and will be moving to divisional headquarters. However, they will assist with the onboarding of the new OIC.

Acting Chief McNeil provided the Board with an update on an increase in robberies reflected in the HRM Policing Services 2019 Statistical Overview 1st Quarter. They noted that the increase is related to a change in how these statistics are being reported to StatsCan.

The Chair thanked Acting Chief McNeil and Inspector Doyle for the updates.

10. ADDED ITEMS

Commissioner McDougall took the Chair at 1:48 p.m.

10.1 Legality of Street Checks

MOVED by Commissioner Craig, seconded by Commissioner Mancini

THAT the Board of Police Commissioners request from the Nova Scotia Human Rights Commission any legal opinion concerning the legality of street checks as outlined in recommendation 2.1 of the Wortley Report on Street Checks.

Commissioner Craig noted that the community has expressed an interest in the question of whether street checks are legal to begin with. They added that the Wortley Report notes that the legality of street checks is still an area of legal uncertainty. Additionally, there is a need to have greater certainty about what a street check is, and what it is not.

Commissioner Beals expressed reservations about the motion, questioning whether a new legal opinion would undermine the findings of the Wortley Report.

MOTION PUT AND PASSED.

Commissioner Craig took the Chair at 2:07 p.m.

10.2. Information Memo – Armoured Rescue Vehicles (ARV)

The following was before the Board:

- Information memorandum from Robin McNeil, Acting-Chief of the Halifax Regional Police, dated May 10, 2019.

Commissioner Mancini noted that there has been a lot of discussion on this item since the last meeting of the Board. They noted that the timing of how this item came forward was unfortunate, as it paralleled the release of the Wortley Report. They asked Acting Chief McNeil to briefly speak to the memorandum that was provided to the Board concerning ARVs.

Acting Chief McNeil noted that the request for an ARV was in response to an operational gap in the HRP's ability to appropriately respond to serious incidents. They noted that this is a responsibility that falls on the Halifax Regional Police, rather than the Canadian Armed Forces or another entity, and that the HRP has a duty to ensure its ability to respond to serious incidents efficiently and safely for both the public and members of the HRP.

The Chair thanked Acting Chief McNeil for the overview.

11. IN CAMERA (In Private)

The Board of Police Commissioners may rise and go into a private In Camera (In Private) session, in accordance with Section 51 of the Nova Scotia Police Act for the purposes of dealing with the following;

11.1 Personnel Matter

A matter pertaining to an identifiable individual or group.

The following item was dealt with by the Board In Camera (In Private), and no further action was required.

12. ITEMS FOR FUTURE BOARD CONSIDERATION - NONE

13. NOTICES OF MOTION
13.1 Commissioner Smith

“TAKE NOTICE that, at the next regular meeting of the Board of Police Commissioners, I intend to move the following motion:

THAT the Board of Police Commissioners request changes to Halifax Regional Municipality By-Law Number P-100: Respecting The Board Of Police Commissioners, with changes to section (2) (f) that will now read “ensure compliance with Nova Scotia Police Act code of conduct; and the Halifax Regional Police Code of Ethics”

13.2 Commissioner Smith

“TAKE NOTICE that, at the next regular meeting of the Board of Police Commissioners, I intend to move the following motion:

THAT the Board of Police Commissioners request that the Chief of Police prepare a community communication strategy that clearly and straightforwardly communicates what a citizen’s rights are in situations where Police interact with residents and community by;

1. Creating an easy to read “know your rights” information pamphlet or guide that outlines an Officers and citizens obligations when conducting a stop, interaction, or investigation. This information will also be available on HRM and HRP’s website.
2. Create community engagement strategies delivered by officers and community members that educates the public on their rights, and the roles and responsibilities of an officer.
3. Engage with the minority communities in partnership with the Board of Police Commissioners to hold scheduled Town Halls in community, in order for the Board and Police service to understand community needs in order to enhance the effectiveness of the police service.
4. Having all officers communicate - in accordance with the Minister of Justice direction regarding street checks – when coming in contact with the public adhere to all practices within the HRP Code of Ethics.”

13.3 Commissioner Smith

“TAKE NOTICE that, at the next regular meeting of the Board of Police Commissioners, I intend to move the following motion:

THAT the Board of Police Commissioners request that the Chief of Police when submitting future budgets bring both operating and capital budgets for consideration and approval by the Board; including any items within Halifax Regional Municipality’s budget that impact Police operations, projects, and purchases.”

14. DATE OF NEXT MEETING

- June 17, 2019
- July 17, 2019

15. ADJOURNMENT

The meeting adjourned at 2:47 p.m.

David Perusse
Legislative Assistant