



**BOARD OF POLICE COMMISSIONERS
DRAFT MINUTES
December 14, 2022**

PRESENT: Commissioner Lindell Smith, Chair
Commissioner Harry Critchley, Vice Chair
Commissioner Becky Kent
Commissioner Lisa Blackburn
Commissioner Yemi Akindoju
Commissioner Gavin Giles
Commissioner Anthony Thomas

STAFF: Josh Bates, Policy Advisor, Board of Police Commissioners, Government Relations & External Affairs
Chief Dan Kinsella, Halifax Regional Police
Chief Superintendent Jeffrey Christie, District Policing Officer, Halifax District Royal Canadian Mounted Police
Martin Ward, Solicitor
Iain MacLean, Municipal Clerk
Catie Campbell, Legislative Assistant

These minutes are considered draft and will require approval by the Commission at a future meeting.

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

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The meeting was called to order at 4:36 p.m., and recessed at 6:36 p.m. The Board reconvened at 6:42 p.m. The Board moved into an In Camera (In Private) session at 8:50 p.m. and reconvened at 9:37 p.m. The Board adjourned at 9:40 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 4:36 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. COMMUNITY ANNOUNCEMENTS – NONE

3. APPROVAL OF MINUTES – October 28, 2022 and November 2, 2022

MOVED by Commissioner Blackburn, seconded by Commissioner Akindoju

THAT the minutes of October 28, 2022 and November 2, 2022 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions:

- IN CAMERA Item 13.4 Personnel Conduct – Private and Confidential Report

Deletions: None

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Commissioner Critchley requested that Item 8.3.1 Engaging in the review process with the Office of the Information and Privacy Commissioner be considered prior to item 7.2.

MOVED by Commissioner Kent, seconded by Commissioner Blackburn

THAT the order of business be approved as amended.

MOTION PUT AND PASSED.

Later in the meeting, it was MOVED by Commissioner Akindoju, seconded by Commissioner Thomas

THAT the following item be deferred to the January 11, 2023 meeting of Board of Police Commissioners:

- **Item 10.2.2 Halifax District Royal Canadian Mounted Police Multi-Year Funding Request for Resources 2023-2026**

MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Presentation to Carole McDougall, former Commissioner of the Board of Police Commissioners

Chief Dan Kinsella, Halifax Regional Police, Inspector Jeremie Landry, Operations Officer (West), Halifax District Royal Canadian Mounted Police and the Chair recognized Carole McDougall for their service on

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the Board of Police Commissioners. McDougall served on the Board for five years and represented the Board at the municipal, provincial and federal level.

7.2 Commissioner Critchley – Response to recommendations from the Office of the Information and Privacy Commissioner for Nova Scotia

The following was before the Board:

- Request for Consideration form from Commissioner Critchley

MOVED by Commissioner Critchley, seconded by Commissioner Blackburn

THAT the Chair of the Board of Police Commissioners recommend that the Chief Administrative Officer, in consultation to the extent necessary with the Chief Officer of the Halifax Regional Police, to prepare a staff report responding to and providing reasons for either accepting or rejecting recommendations #5 and #6 of the Office of the Information and Privacy Commissioner for Nova Scotia Review Report 22-12, dated July 14, 2022. If either or all of the recommendations are accepted, the staff report should also provide a plan for implementing these recommendations.

Martin Ward, Solicitor spoke to the municipality's privacy legislation and highlighted that the Chief Administrative Officer (CAO) was the designated privacy officer for the municipality. The CAO was able to delegate the authority which has been assigned to Halifax Regional Police's Information Management Officer and to the Access and Privacy Officer. Ward responded to questions of clarification from the Commission.

Chief Dan Kinsella, Halifax Regional Police provided clarification on the request and noted that it was an ongoing investigation. Kinsella highlighted how there are capacity issues and requests are being handled on a priority basis. As well, Halifax Regional Police was working with legal staff to ensure all information was being released properly to protect personal information.

The Board requested a representative from the CAO's office provide an update on the request.

MOTION PUT AND PASSED.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence – None

8.2 Petitions – None

8.3 Presentation

8.3.1 Engaging in the review process with the Office of the Information and Privacy Commissioner

The following was before the Board:

- Presentation dated December 14, 2022

Tricia Ralph, Privacy Commissioner of Nova Scotia (OIPC) gave a presentation and responded to questions of clarification from the Commission. Ralph explained that when requesting records, it was unlikely to get the full record. The record would come back redacted to protect personal information. However, a municipal body was required to produce the redacted and non-redacted version to OIPC. OIPC does not have authority to make a municipal body follow OIPC's recommendations, leaving the decision to release the information with the municipal body. The municipal body has 30 days to respond to a request before the information was considered public. Applicants are entitled to appeal the decision with the Supreme Court of Nova Scotia. Ralph spoke briefly to the federal jurisdiction, highlighting how federal bodies, such as the Royal Canadian Mounted Police, would not be subject to OIPC's policies.

8.3.2 Plan to purge street check data

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The following was before the Board:

- Presentation request from El Jones dated December 7, 2022
- Presentation dated December 14, 2022

El Jones, African Nova Scotian Decade for People of African Descent Coalition gave a presentation and responded to questions of clarification. Jones provided a brief timeline of the data purging process in Nova Scotia and highlighted how losing the data would result in data not being available to individuals, academics and others. Jones referenced the Wortley Report and Bryan Report Recommendations. As well, Jones noted how there is a state of miscommunication between police, RCMP and stakeholders and a clear data management plan would be an asset.

MOVED by Commissioner Critchley, seconded by Commissioner Blackburn

THAT, pursuant to sections 68(3)(c) through 68(3)(f) of the *Police Act*, SNS 2004, c 31, the Chair of the Board of Police Commissioners write a letter to the District Commander of the Halifax District RCMP, copying senior officials within the RCMP Information Management Branch as necessary, recommending that any street check data and/or records held by the RCMP or any other policing agency, including in the Halifax Regional Police Versadex data management system, not be purged after December 31, 2022, in keeping with recommendation 1.5 of the Wortley Report.

Chief Superintendent Jeffrey Christie, District Policing Officer, Halifax District Royal Canadian Mounted Police (Halifax District RCMP) highlighted the RCMP had structures to maintain data, within a computerized system. Christie encouraged individuals to come forward and collect their data through the proper mechanisms. As well, Christie ensured that the RCMP data would not disappear after December 31, 2022.

Chief Kinsella, Halifax Regional Police (HRP) provided an overview on HRP's work on two recommendations surrounding data in the Wortley Report, noting, that further engagement with the Board and community would be required. HRP was holding onto the data and would do appropriate disposition as necessary. Kinsella noted a review of the data required extensive work. Kinsella highlighted that there were various privacy implications regarding transferring the data to a third-party system, and a privacy assessment would be required.

Martin Ward, Solicitor provided clarification on the motion and advised that it focused on whether or not the data should be purged. Ward noted that HRP were the holders of the data on behalf of the RCMP.

Christie provided clarification that a project team may be required to look at the data before investigating a third-party agency. As well, different types of data had retention periods based on its nature.

Commissioner Kent proposed removing copying senior officials within the RCMP Information Management Branch and replacing with copying Chief Dan Kinsella of the Halifax Regional Police. As provided for in section 53 (2) of Administrative Order One, *Respecting the Procedures of the Council*, the amendment was accepted as friendly.

The motion now read:

MOVED by Commissioner Critchley, seconded by Blackburn

THAT, pursuant to sections 68(3)(c) through 68(3)(f) of the *Police Act*, SNS 2004, c 31, the Chair of the Board of Police Commissioners write a letter to the District Commander of the Halifax District RCMP, copying Chief Dan Kinsella of the Halifax Regional Police, recommending that any street check data and/or records held by the RCMP or any other policing agency, including in the

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Halifax Regional Police Versadex data management system, not be purged after December 31, 2022, in keeping with recommendation 1.5 of the Wortley Report.

MOTION PUT AND PASSED.

9. INFORMATION ITEMS BROUGHT FORWARD – NONE

10. REPORTS/DISCUSSION

10.1 HALIFAX REGIONAL POLICE/ROYAL CANADIAN MOUNTED POLICE CHIEF UPDATES

Chief Dan Kinsella, Halifax Regional Police gave an update on recruitment, a summary of key operational activities and recent and upcoming HRP initiatives. Kinsella responded to questions of clarification from the Board. Kinsella noted that regarding Bill C5 that they were following direction from Public Safety Canada's 2020 recommendation, providing continued training for officers and stated their continued assurance that all appropriate steps were being taken.

Inspector Jeremie Landry, Operations Officer (West), Halifax District Royal Canadian Mounted Police (Halifax District RCMP) gave an update on staff announcements, a summary of key operational activities and recent and upcoming Halifax District RCMP initiatives. Landry responded to questions of clarification from the Board. Landry noted that regarding Bill C5 that further direction would be provided by Criminal Operations and that discretion was being exercised by officers. Landry referenced the Criminal Code and its impact on their work and that there were jurisdictional variations.

As set out in section 34 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was required to extend the time of the meeting.

MOVED by Commissioner Critchley, seconded by Commissioner Blackburn

THAT the Board of Police Commissioners extend their meeting time past 7:30 p.m.

Iain MacLean, Municipal Clerk responded to questions of clarification from the Board.

MOTION PUT AND PASSED.

10.2 STAFF

10.2.1 Halifax Regional Police 2023/2024 Business Plan and Budget

The following was before the Board:

- Staff presentation dated December 14, 2022

Chief Dan Kinsella, Halifax Regional Police gave a presentation and responded to questions of clarification from the Board.

Commissioner Smith provided an overview of the budget process, noting that on January 16, 2023 the Board would be holding a public engagement session. On February 1, 2023 Halifax Regional Police and Halifax District Royal Canadian Mounted Police (Halifax District RCMP) would present their budget to Halifax Regional Council.

Jerry Blackwood, Executive Director, Finance & Asset Management/CFO provided an overview of the budget process and timelines. Blackwood noted that there was a built in "if needed" date on March 3, 2023 for Halifax Regional Police and Halifax District RCMP to present their budgets. As well, Blackwood noted that staff proposed an 8% tax increase to Regional Council but have been directed by Regional Council to conduct a budget reduction exercise aiming for a 4% tax increase, meaning a reduction of \$25

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million. Blackwood provided insight into capital items. Capital items would not fall within the Halifax Regional Police operational budget, but within the corporate capital budget.

Kinsella noted that with the direction from Regional Council, the envelope would need to change based on final tax increase numbers. Kinsella highlighted that budget was focused on deliverable items and was focusing seven years out.

The Board noted that Regional Council needed to accept the entire budget. If not accepted, the entire budget would need to be reconfigured and presented again.

Inspector Greg Robertson, Halifax Regional Police spoke to the Records Managements Optimization Program that would result in less paper copies and allow for more efficient records request.

10.2.2 Halifax District Royal Canadian Mounted Police Multi-Year Funding Request for Resources 2023-2026

The following was before the Board:

- Staff information report dated December 14, 2022

This matter was deferred during the approval of the Order of Business.

10.2.3 Proposed 2023 Meeting Schedule

The following was before the Board:

- Staff memorandum dated December 14, 2022

MOVED by Commissioner Blackburn, seconded by Commissioner Kent

THAT the Board of Police Commissioners approve the proposed 2023 Board of Police Commissioners meeting schedule as presented.

Iain MacLean, Municipal Clerk provided an overview on hybrid meeting options and meeting types and responded to questions of clarification.

After the meeting Municipal Clerk's Office staff noted a typographical error in the 2023 meeting schedule, the November meeting date was correctly updated to November 1, 2023.

MOTION PUT AND PASSED.

10.3 MEMBERS OF BOARD OF POLICE COMMISSIONERS

10.3.1 Commissioner Giles – Funding of Ad Hoc Independent Legal Counsel

The following was before the Board:

- Request for Consideration form from Commissioner Giles

MOVED by Commissioner Giles, seconded by Commissioner Blackburn

Whereas the Board at its meeting on April 19th, 2021 considered the advisability of occasional access to independent legal counsel in addition to, or as alternative to, advice provided by legal staff of the Halifax Regional Municipality

And Whereas the Board, having considered the matter, passed the following motion authorizing the retention of independent counsel on an ad hoc basis:

MOVED by Commissioner Kent, seconded by Commissioner McDougall

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THAT the Board of Police Commissioners endorse the use of occasional ad hoc independent legal advice as required, by way of a motion at a meeting where the need arises. This may be requested of either the Municipal Solicitor, CAO or Regional Council depending on the need for funding and/or budget approval.

MOTION PUT AND PASSED.

And Whereas the Board would like to contract directly for the ad hoc retention of independent legal counsel as authorized by s.48 of the Police Act and establish certainty in the source of funding for the such retention through inclusion of provision for the same within its operating budget

Upon Motion,

MOVED by Commissioner Giles, seconded by Commissioner Blackburn

THAT the Board of Police Commissioners request, Halifax Regional Council include in its 2023-2024 Operating Budget such funding as might reasonably be required by the Board for the purpose of its acquisition, from time-to-time, of such independent legal advice and counsel as it may deem necessary, to a maximum of \$100,000 annually, unless otherwise increased by Halifax Regional Council on an ad hoc basis, in keeping with the Board's motion on independent legal counsel dated April 19th, 2021 and as recommended in the April 19th, 2021 Staff Report to the Board on the same subject.

Martin Ward, Solicitor provided an overview on the Board's ability to hire legal personnel on an ad hoc basis and provided insight surrounding the benefits of having independent legal counsel.

The Board highlighted the benefit of having the funding and noted it should be integrated within the Board's mandate, leaving the Board responsible for the allocation of money and allow the Board to act more efficiently.

Iain MacLean, Municipal Clerk provided an overview on the responsibility and the delegation of work for the Board of Police Commissioners' Policy Advisor, as well, clear communication through the Policy Advisor. MacLean noted how non-legal funds were not outlined in the motion.

Jerry Blackwood, Executive Director, Finance and Asset Management/CFO sought clarification on what business unit would be responsible for the budget, considering time constraints for the 2023/24 budget process. Blackwood highlighted that throughout the budget process, Councillors were able to make an ask for an item to be considered.

MOTION PUT AND PASSED.

10.4 COMMISSIONER UPDATES

10.4.1 Commissioner Smith – 2022 Board of Police Commissioners Work Plan

Commissioner Smith provided an overview on the connections the Board was making in the community to help further the Board's work and knowledge of governance. Smith noted this was an ongoing initiative. As well, it was highlighted how a jurisdictional scan of similar boards could be an asset in furthering governance initiatives.

11. ADDED ITEMS – NONE

12. ITEMS FOR FUTURE CONSIDERATION – NONE

13. IN CAMERA (IN PRIVATE)

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13.1 In Camera (In Private) Minutes – October 28, 2022 and November 2, 2022

MOVED by Commissioner Akindoju, seconded by Commissioner Kent

THAT the In Camera (In Private) minutes of October 28, 2022 and November 2, 2022 be approved as circulated.

MOTION PUT AND PASSED.

MOVED by Commissioner Blackburn, seconded by Commissioner Akindoju

THAT the Board of Police Commissioners convene In Camera to discuss Item 13.2 SECURITY MATTER, Item 13.3 PERSONNEL CONDUCT MATTER and Item 13.4 PERSONNEL CONDUCT MATTER.

MOTION PUT AND PASSED.

13.2 SECURITY MATTER – Private and Confidential

This matter was dealt with In Camera (In Private).

13.3 PERSONNEL CONDUCT MATTER – Private and Confidential Report

This matter was dealt with In Camera (In Private) and ratified in public as follows:

The following was before the Board:

- Private and confidential report dated November 26, 2022

MOVED by Commissioner Critchley, seconded by Commissioner Giles

THAT the Board of Police Commissioners:

1. **Adopt the motion passed during their In Camera session; and**
2. **Direct that the private and confidential report dated November 26, 2022 be maintained private and confidential.**

MOTION PUT AND PASSED.

13.4 PERSONNEL CONDUCT – Private and Confidential Report

This matter was dealt with In Camera (In Private) and ratified in public as follows:

The following was before the Board:

- Private and confidential report dated December 12, 2022

MOVED by Commissioner Critchley, seconded by Commissioner Blackburn

THAT the Board of Police Commissioners:

1. **Adopt the motion passed during their In Camera session; and**
2. **Direct that the private and confidential report dated December 12, 2022 be maintained private and confidential.**

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MOTION PUT AND PASSED.

Private and Confidential Information Items

1. Private and Confidential In Camera (In Private) Information Report – re: SECURITY MATTER

14. NOTICES OF MOTION – NONE

15. DATE OF NEXT MEETING – January 11, 2023

16. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Catie Campbell
Legislative Assistant