



Nova Scotia Policing Policy Working Group

July 8, 2020

Commissioner Natalie Borden
Chair, Halifax Board of Police Commissioners
Halifax City Hall
1841 Argyle Street
Halifax, NS B3J 3A5

Dear Commissioner Borden,

Re: Persistent concerns regarding the governance and operations of the Halifax Board of Police Commissioners

We are writing as the steering committee for the Nova Scotia Policing Policy Working Group (“NS PPWG”), a coalition of organizations and citizens concerned with advancing legislative and policy reforms relevant to policing in the province.

This letter represents a follow-up to our earlier letter, dated June 14, 2020, which identified a number of recommended changes to the format of and procedures for meetings of the Halifax Board of Police Commissioners (“HBPC,” “the Board”). The NS PPWG provided those recommendations in service of ensuring that, going forward, the Board is better positioned to fulfill its role as the civilian oversight body for the Halifax Regional Police (“HRP”) and to discharge its statutory duties under the *Police Act*.¹ In particular, many of our recommendations were aimed specifically at improving the openness and transparency of the Board and at providing more and better opportunities for public engagement in the Board’s work.

With this in mind, members of the NS PPWG were concerned to learn that the Board’s upcoming meeting on July 9, 2020 would not be open for public participation. We were especially surprised by this development in light of the fact that the HRM had already managed to hold a virtual hearing, with members of the public participating by phone, for a special meeting of the Harbour East Marine-Drive Community Council on June 30, 2020.² At a time when thousands are taking to the streets to demand greater police accountability and dramatic changes to the allocation of municipal funds, the fact that the HRM has opted not to facilitate public participation at the Board’s upcoming meeting, despite clearly having the technical

¹ *Police Act*, SNS 2004, c 31, ss 55(3).

² <https://www.halifax.ca/city-hall/community-councils/june-30-2020-harbour-east-marine-drive-community-council-special>

capabilities to do so, is disheartening. In particular, it speaks to the work that still needs to be done in order to ensure that the Board is fully accountable to the public in the manner contemplated by the *Police Act*.³

Having been provided with no opportunity to give input at the Board's actual meeting, this letter represents the NW PPWG's effort to participate in its decision making processes from afar. Had the Board made an effort to facilitate public participation in its upcoming meeting on July 9, 2020, members of the NS PPWG were prepared to speak to the following issues.

Body cameras

We are deeply concerned by Commissioner Mancini's proposed motion, which reads:

That the Halifax Board of Police Commissioners requests a report detailing the feasibility of a body worn video pilot program for Halifax Regional Police and Halifax District RCMP patrol officers that addresses costs, benefits and technological requirements.⁴

Although the introduction of police-worn body cameras has been presented by many as a means to ensure greater police accountability and to combat systemic racism in the provision of policing services, there is very little evidence to support their use.⁵

For example, in 2019, researchers from George Mason University conducted the most comprehensive literature review to date of the research evidence base for body-worn cameras ("BWCs"), examining 70 empirical studies of BWCs covering the impact of cameras on officer behavior, officer perceptions, citizen behavior, citizen perceptions, police investigations, and police organizations.⁶ Summarizing their findings, Lum et al. note that:

Although officers and citizens are generally supportive of BWC use, BWCs have not had statistically significant or consistent effects on most measures of officer and citizen behavior or citizens' views of police. Expectations and concerns surrounding BWCs among police leaders and citizens have not yet been realized by and large in the ways anticipated by each.⁷

Similarly, an 18-month randomized control trial, which analyzed data from over 2,000 police officers from the Washington, D.C. Metropolitan Police Department who wore BWCs, also found that the BWCs "did not meaningfully affect police behavior on a range of outcomes, including complaints and use of force."⁸ A six-month study by Western Australia Police Force in 2016 actually found a small increase in use-of-force incidents when officers wore BWCs.⁹

³ *Supra* note 1, ss 55(3)(c), s 55(3)(e) ("A board shall ... ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies [and] act as a conduit between the community and the police service providers").

⁴ <https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/200709bopc1021.pdf>

⁵ <https://www.cbc.ca/news/politics/rcmp-body-camera-1.5603030>.

⁶ Cynthia Lum, Megan Stoltz, Christopher S. Koper, & J. Amber Scherer, "Research on body-worn cameras: What we know, what we need to know" (2019) 18 (1) *Criminology & Public Policy* 1 at 4-5.

⁷ *Ibid* at 1 [emphasis added].

⁸ David Yokum, Anita Ravishankar & Alexander Coppock, "A randomized control trial evaluating the effects of police body-worn cameras" (2019) 116 (21) *Proceedings of the National Academy of Sciences* 10329 at 10329.

⁹ Joseph Clare, Darren Henstock, Christine McComb, & Roy Newland, "The results of a randomized controlled trial of police body-worn video in Australia" (2019) *Journal of Experimental Criminology* 1 at 7.

Closer to home, BWC pilot projects have been conducted in Edmonton, Fredericton, Montreal, Toronto, and Thunder Bay, amongst other jurisdictions. Currently, Calgary is the only large police force in Canada that has adopted BWCs on a permanent basis for front-line officers. The pilot study conducted in Montreal found that BWCs had little impact on police interventions and that there were significant logistical and financial challenges associated with their use.¹⁰ A final report into an Edmonton pilot project, which ran from 2011 to 2014, also found that there was no evidence to suggest that BWCs had an impact on police complaints, and no statistically significant evidence that BWCs reduced police use-of-force.¹¹

As the researchers in the George Mason study noted, “[p]olicy implications from available evidence are not clear-cut, but most likely BWCs will not be an easy panacea for improving police performance, accountability, and relationships with citizens.”¹² Accordingly, it is disheartening to see Commissioners gravitate toward precisely these sort of “quick fixes,” rather than doing the difficult work of engaging with the public for the purpose of promoting public safety through evidence-based policymaking.

Access to HRP policies

We applaud Commissioner Blackburn’s motion, which reads:

That Halifax Regional Police make available to the public, via the website, their policies including but not limited to: information on Conduct of Service Members, Conflict of Interest, Complaints and Use of Force policies.¹³

Commissioner Blackburn noted that the reason for the motion “is to have a single location where the public can access HRP policies similar to the Toronto Police Services Board website (<https://www.tpsb.ca/policies-by-laws/board-policies>).”¹⁴

Commissioner Blackburn’s motion is in keeping with the fifth recommendation provided in the NS PPWG’s letter to the HBPC on June 14, 2020. As we noted in that letter, providing for public access to the HRP’s policies and procedures will better enable members of the public to provide informed feedback to the Board both through presentations and other means, so as to better enable the Board to fulfill its responsibility under s 55(3)(d) of the *Police Act* of “[ensuring] that police services are delivered in a manner consistent with community values, needs and expectations.”¹⁵ For this reason, we commend Commissioner Blackburn in her efforts to improve the accountability and transparency of the HRP.

However, for greater clarity, the fifth recommendation provided in the NS PPWG’s letter to the HBPC on June 14, 2020 is that the HBPC direct the HRP to provide the public with access to all

¹⁰ Service de police de la Ville de Montréal, *Projet Pilote des Caméras Portatives du SPVM: Expérience et Analyse* (2019) Montreal, QC.

¹¹ Edmonton Police Service, *Body Worn Video (BWV): Considering the Evidence, Final Report of the Edmonton Police Service Body Worn Video Pilot Project* (2015) Edmonton, AB.

¹² *Supra* note 6 at 1.

¹³ https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/200709bopc1024_0.pdf

¹⁴ *Ibid.*

¹⁵ *Supra* note 1.

of their operational policies and procedures currently in force. In this respect, a comparison to the Vancouver Police Department (“VPD”) would be more appropriate, as that department provides the public with access to its full Regulations and Procedure Manual, with the exception of “a limited number of sections [that] have been vetted to ensure confidentiality regarding specific operational deployment strategies and investigative techniques.”¹⁶

By contrast, the policies available on the Toronto Police Service Board website are not those of the Toronto Police Service, but instead those established by the Board itself pursuant to s 31(1)(c) of the *Police Services Act*, which provides that the Board shall “establish policies for the effective management of the police force.”¹⁷ The Board’s policies “set out a context or framework within which police operations take place,” but do not touch on all aspects of policing services.¹⁸ In this respect, they are much more general than the operational “procedures and processes” that the chief officer of the Toronto Police Service is permitted to establish, and which, in practice, govern how officers conduct themselves on a day-to-day basis.¹⁹

We acknowledge that the HRP may similarly have some policies and procedures that fit under the discretionary exemptions related to law enforcement enumerated in s 475 of the *Municipal Government Act*.²⁰ However, as with the VPD, we expect that these exemptions will apply to a very limited number of policies and procedures and that proper reasons will be given in respect of each exempted section.

Next steps

Going forward, the NS PPWG calls on the Board, together with the HRM Regional Council, to engage in much more robust community consultation regarding systemic racism and the future of policing in Halifax.

In this respect, we think that the recent efforts of the Edmonton City Council provide a valuable model for how such consultation could be conducted.²¹ Between June 15 and 24, the Council conducted five days of virtual public hearings, followed by three days of debate, concerning racism and policing in the city. These hearings saw 142 Edmontonians testify, including many members of Edmonton’s Black and Indigenous communities. Many spoke to experiences of victimization and brutality at the hands of Edmonton Police Service officers.²² Additionally, presenters provided the Council with a myriad of proposals aimed at reforming police practices, improving police accountability, and redistributing funds from the police budget to support civilian-led social services that are better equipped to respond to marginalized communities.²³

¹⁶ <https://vancouver.ca/police/organization/planning-research-audit/regulations-procedures-manual.html>

¹⁷ RSO 1990, c P.15.

¹⁸ John Morden, *Independent Civilian Review into Matters relating to the G20 Summit* (2012) Toronto, ON at 54.

¹⁹ *Adequacy and Effectiveness of Police Services*, O Reg 3/99, ss 3, 4(3), 10(b), 13(1), 14(1), 15.

²⁰ SNS 1998, c 18.

²¹ <https://globalnews.ca/news/7057528/virtual-public-hearing-systemic-racism-edmonton-police-policies/>

²² <https://edmontonjournal.com/news/local-news/edmonton-city-council-holds-first-day-of-virtual-public-hearings-on-racism>

²³ *Ibid.*

As a result of these hearings, the Council ultimately approved 20 actions to reform policing, including cutting the police budget by \$11 million over two years and creating a citizen-led, community safety and well-being task force to recommend a new community safety structure.²⁴ Work is already underway to form this task force, which will craft recommendations, expected in early 2021, on what the future of policing and community safety should look like in Edmonton.²⁵ The task force will also make recommendations in fall 2020 regarding where police budget funds should be reallocated, with a focus on supportive housing grants to end homelessness and other social services. Split over two years, the \$11 million funding cut represents under three per cent of the \$388.8-million Edmonton Police Service operating budget in 2021.²⁶

The HRM Regional Council has already demonstrated its ability to engage in bold and ambitious planning on significant, inter-jurisdictional issues such as climate change.²⁷ With this in mind, there is no reason why the HBPC, together with the HRM Regional Council, would not be able to replicate the success of the Edmonton City Council’s virtual hearings on racism and policing.

Indeed, doing so would be in keeping with commitments that Halifax’s elected municipal representatives have already made. For instance, in a recent blog post, Sam Austin, City Councillor for District 5 Dartmouth Centre, provided the following rationale for not supporting a larger cut to the HRP budget:

Council wasn’t comfortable in reducing the police budget by more than \$3.5 million as many emails were asking us to do without a plan as to what we would do instead. Shifting resources or allocating more to social programs will take time to properly plan. There will be motions to come at Council and at the Police Commission. The bigger conversation isn’t going away.²⁸

Now is the time to have this “bigger conversation” for the purpose of formulating this “plan.” Given the limits on social gatherings currently necessitated by the COVID-19 pandemic, a virtual public hearing is the ideal forum in which to do so.

As with our last letter, we ask that you provide written reply detailing an action plan in respect of our proposal no later than two (2) weeks after Thursday’s meeting.

We continue to look forward to cultivating a productive working relationship with the Board going forward.

Sincerely,

Harry Critchley
Vice-Chair, East Coast Prison Justice Society
Chair, Advocacy Committee, Elizabeth Fry Society of Mainland Nova Scotia

²⁴ https://www.edmonton.ca/city_government/documents/meetings/FinalMotionEPC.pdf

²⁵ <https://edmontonjournal.com/news/local-news/edmonton-city-council-approves-20-actions-for-police-service-reform-including-11m-budget-cut-over-two-years>

²⁶ *Ibid.*

²⁷ <https://www.thecoast.ca/halifax/halifax-approves-ambitious-and-unprecedented-climate-plan/Content?oid=24301063>

²⁸ <https://samaustin.ca/council-update-budget-policing-transit-more/> [emphasis added].

El Jones
Board Member, East Coast Prison Justice Society

Martha Paynter RN
Chair, Women's Wellness Within
PhD Candidate, Dalhousie University School of Nursing
Research Scholar, Health Law Institute

Tari Ajadi
Board Member, Health Association of African Canadians
PhD Candidate, Dalhousie University Department of Political Science

cc. Commissioner Carole McDougall, Vice-Chair
Commissioner Carlos Beals
Commissioner Tony Mancini
Commissioner Anthony Thomas
Commissioner Lindell Smith
Commissioner Lisa Blackburn