



Nova Scotia Policing Policy Working Group

July 9, 2020

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

Dear Commissioner Borden,

**Re: Concerns with newly introduced motion intending to adopt a definition of “defunding the police”**

We write yet again 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.

Only yesterday, we sent the Halifax Board of Police Commissioners a letter entitled “**Persistent concerns regarding the governance and operations of the Halifax Board of Police Commissioners.**” This letter outlined in detail the failures of the Board to allow public consultation and the lack of public input at today’s meeting despite the technical capabilities to do so. In our previous communications with the Board, dated June 14, 2020, we raised alarms about the Board’s historic and ongoing failure to adequately inform or include the public and we have made policy suggestions in order to facilitate better transparency and accountability for public submissions.

It is therefore disheartening to see that, just this morning, the Board has added a last-minute item to the agenda. There is no indication who proposed this motion. This amendment directly violates the rules governing the proceedings of the Board.

Under s 4(1) of *Administrative Order One: The Procedure of the Council Administrative Order* (“Order One”), “the proceedings of the Council, Community Council, and committees of the Council shall be governed by this Administrative Order unless an Administrative Order, by-law or provincial enactment provides otherwise.” The Board of Police Commissioners is included on

the [HRM Board & Committee Organizational Chart](#) provided on the HRM's website. In particular, it is pictured as being under the general "umbrella" of the Regional Council. Further, the Board is not included on the Organizational Chart's list of "External Boards" that presumably do not relate in the same way to the Regional Council. Additionally, though the Police Board is governed by By-law P-100 *Respecting The Board Of Police Commissioners For The Halifax Regional Municipality*, this By-law does not include any provisions dealing with the proceedings for Board meetings, such that it cannot be considered to "provide otherwise" for the purpose of s 4(1) of Order One. In light of these facts, it seems clear that the Board of Police Commissioners is considered to be a "committee of the Council," at least for the purposes of Order One, such that this Order governs its proceedings.

Order One includes the following two provisions regarding the addition of an item to an agenda:

#### Added Items to Agenda

15. (1) If a Member wishes to have an item placed on the Council agenda, the Member shall submit the request in writing to the Office of the Clerk no later than 12:00 noon on the Thursday prior to the Council meeting at which the item is to be considered.

(2) The request shall include an explanation of the issues and a copy of a draft motion requesting a staff report which the Council will be requested to consider.

(3) If subsections (1) and (2) are complied with, the Clerk shall add the Member's item to the agenda.

#### Late Additions to Agenda

16. (1) If a Member wishes to have an item placed on the Council agenda following the deadline prescribed by section 15, the Member shall submit the request in writing to Office of the Clerk by noon on the Monday immediately preceding the Council meeting.

(2) The request shall include an explanation of the issues and a copy of a draft motion requesting a staff report which the Council will be requested to consider.

(3) The Mayor and the CAO shall review all requests that comply with subsections (1) and (2) and decide whether or not to place the item on the agenda.

In this case, however, the Board has complied with none of these requirements. Clearly, the motion was not added to the agenda pursuant to s 15, as it only appeared on the agenda on the morning on July 9, 2020. The introduction of this motion at this time also precludes it having been introduced under s 16, as this requires that a request in respect of the motion be submitted in writing no later than noon on the Monday immediately preceding the meeting.

Once an item is added to an agenda pursuant to either ss 15 or 16, s 17 of Order One governs the ability of a committee of the Council to vote on a motion arising out of that item:

#### Items Added by Council

17. The Council shall not vote on a motion arising out of an item added to the agenda by a Member until a staff report and recommendation is received from the CAO in respect of the subject matter of the motion, and a motion so made shall be deemed to be deferred until such report and recommendation is received by the Council, but the Council shall not be bound to adopt such recommendations.

This requirement is then repeated nearly verbatim in s 89:

Voting On A Motion Arising From An Added Item or A Presentation

89. The Council shall not vote on a motion arising out of a presentation made at the Council, until a staff report and recommendation is received from the CAO in respect of the subject matter of the motion, and a motion so made shall be deemed to be deferred until such report and recommendation is received by the Council, but the Council, shall not be bound to adopt such recommendations.

The Board clearly intends to vote on the motion so proposed at today's meeting. However, the presentation that will be provided immediately preceding the Motion, titled "Defunding the Police – Presentation from the Office of Public Safety," should not be considered to be a staff report for the purpose of Order One. Although Order One does not provide a definition of a "staff report," it seems clear from the provisions dealing with staff reports (e.g., ss 17, 58, 59(1)(a), 68, 89) that such reports must include one or more recommendations for Council. However, the presentation from the Office of Public Safety includes no such recommendations. Accordingly, it should not be considered a staff report, such that, were the Board to vote on the proposed motion at today's meeting, it would not be in compliance with the requirements set out in ss 17 and 89.

Admittedly, s 45(4B) permits a Member of the Police Board to move a motion on a matter arising from a presentation, and s 45(4C) dispenses with the notice requirement normally provided for under s 48 for such motions. However, compliance with these provisions would require that the motion be introduced in the meeting itself by a particular Member. In this case, the motion does not include the name of the mover and has been provided ahead of time with the agenda—both clear violations of Order One.

We again reiterate to the Board that without transparency, there can be no meaningful oversight. In addition to the contravention of the normal rules governing the procedures of meetings, we are deeply alarmed at the content of the motion. It reads:

Motion:

That the Halifax Board of Police Commissioners adopt a definition of defunding the police that supports a role for policing in HRM that includes:

- Police performing policing functions
- Appropriate resources to perform non-police functions
- Investment in resources that have been proven to support community risks and promote crime prevention.

We are unclear from where the Board of Police Commissioners derived this definition as there is no citation offered, but it does not match any definition of defunding police currently being used by experts in the field. We refer the Board to the work of Robyn Maynard, author of *Policing Black Lives* ([1](#), [2](#), [3](#)), [Mariame Kaba](#), and Desmond Cole, author of *The Skin We're In* ([1](#), [2](#)) to

give just a few examples of the usage of this term in the public sphere. In every discussion of “defunding the police,” it is clear this includes:

- The decriminalization of unnecessary and harmful laws and by-laws that criminalize Black, Indigenous, and poor communities.<sup>1</sup>
- An end to “broken windows” models of police surveillance and harassment that have been debunked as a way to improve community safety.<sup>2</sup>
- The demilitarization & disarmament of police units to prevent the use of force that has been increasingly levied on Black and Indigenous peoples in Canada.<sup>3</sup>
- *The redirection of funds currently used to support policing into initiatives that support community safety, provide safe and secure housing for all, and offer mental health and addictions services.*

In particular, we seek clarity around the phrase “Police performing policing functions.” This is a circular definition: by nature, any function performed by the police becomes a “policing function.” It is also unclear how “support[ing] a role in policing that includes...investment in resources” is in any way defunding: by the structure of the motion, this definition in fact appears to support further resources for policing.

When made aware of this motion by members of the NS PPWG, Maynard, the foremost scholar on police abolition in Canada, said the following:

This is an appropriation of a term, of a movement toward defunding that is being led by communities most profoundly impacted by police violence that was meant to reduce policing in scale and scope. This proposal is nothing of the sort, and twists the demand to make it nearly unrecognizable.

We can make little sense of this definition as written. We offer to the Board the firm suggestion that this is why public consultation is crucial. It is worrisome that this definition—which, if passed, will be used to set the parameters of discussion at the Board—could be passed with no input from experts in the field, and without questions from the public about its implications.

We are disturbed by this motion to officially install an inaccurate and misleading definition of this important term. Using this definition does nothing to clarify public debate on these important matters. In fact, it could make debate impossible as this proposed definition runs far afield of agreed-upon meanings for this term. We suggest this definition represents a bad-faith engagement with the current public discussion and debate and should be rejected.

It is crucial for public engagement that the language used is clear, matches consensus around language usage, and that it engages current research and public discourse. It is also crucial that the Board demonstrate a commitment to democratic processes, at the very least by following your own procedures around submitting agenda items.

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<sup>1</sup> <https://defundthepolice.org/decriminalization/>

<sup>2</sup> <https://www.annualreviews.org/doi/10.1146/annurev-criminol-011518-024638>

<sup>3</sup> <https://academic-oup-com.ezproxy.library.dal.ca/policing/article/13/4/470/4569010>

We submit that this letter be given urgent priority by the Board of the Police Commissioners, and that this definition be rejected. We further submit that the Board does not table further motions on defunding without the public consultation proposed in our previous letter.

Sincerely,

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

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