



Background

Under Section 35 of the Nova Scotia Police Act (the Act), every municipality is responsible for policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.

The Municipality of East Hants is policed by the Royal Canadian Mounted Police 'H' Division per Section 36 of the Act.

Under Section 57 of the Act, the Municipality of East Hants first established a Police Advisory Board in 2008. The Board played a role in determining changes to the command structure, whether Council should approve additional resources, considered establishment of new programs such as the False Alarm program.

In 2015, East Hants Municipal Council proposed an alternative form of governance under Section 57(8) of the Act that was approved by the Nova Scotia Minister of Justice for a two-year pilot and subsequently permanently approved in 2018. This alternative form of governance related to the composition of a Police Advisory Committee (replacing the board model), while respecting the remaining sections of the Act.

(Please refer to Appendix A for legislative excerpts)

Purpose

The Police Advisory Committee shall function as an advisory committee to provide advice to Council in relation to the enforcement of law, the maintenance of law and order, and the prevention of crime in the municipality. The Committee may make recommendations to Council.

The Committee shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the RCMP.

The Police Advisory Committee, in accordance with the police contract or policing agreement between the Province of NS and the Royal Canadian Mounted Police (RCMP) may, in consultation with the RCMP Chief Officer; *(reflects Section 55 of the Act)*

- Determine priorities, objectives and goals respecting policing services

- Ensure the RCMP Chief Officer establishes programs and strategies to implement the priorities, objectives and goals respecting policing services
- Ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies
- Ensure that police services are delivered in a manner consistent with community values, needs and expectations
- Act as a conduit between the community and the RCMP
- Make recommendations to Council regarding policing resource member numbers in consultation with the RCMP Chief Officer

The Police Advisory Committee, including the Chair and Vice-Chair, shall not make decisions or direct the RCMP Chief Officer or members in any way.

Membership

The Police Advisory Committee shall consist of;

- Three voting members of the public appointed by Council serving three-year terms (preferably one representative from the rural area, one representative from the urban area and a third member undesignated).
- One voting member of the public appointed by the Province serving a three-year term
- All members of Council serving the four-year term of Council

Each member of the Committee shall take an oath of office (Form 4) per the Police Regulations and is subject to a Criminal Records' Check.

Where a committee member is unable to carry out the member's duties by reason of illness, absence or any other reason, Council may appoint some other person to act as a member in place or stead of the absent member until the appointment term expires or the member resumes duties.

Public members shall be remunerated at a rate of \$50 per meeting plus mileage at the municipal mileage rate. Mileage will not be paid for meetings held virtually.

A member shall undergo any training that may be provided for members or required by the Minister or by regulation.

Members must comply with the Code of Conduct as outlined in Section 84(1) of the Police Regulations.

Public Member Selection Process

In compliance with Section 82(1) of the Police Regulations made under subsection 97(1) of the Police Act (the Regulations), the selection process used by Council in appointing Police Advisory Committee public members to a vacancy must include all of the following:

- The vacancy must be advertised and applications must be solicited for the vacancy (the Province is responsible for advertising and appointing their member)
- An applicant must be required to go through a screening process, including an interview, conducted by a panel established by Council (Nominating Committee)
- Each applicant must be notified of the outcome of the selection process
- Council must consider each candidate's education and work experience

Qualifications

In compliance with Section 83(1) of the Regulations, to be a candidate for an appointment to the Police Advisory Committee under Section 82, a person must demonstrate all of the following qualifications to the satisfaction of Council:

- Resident of the Municipality or considerable interest in serving on the committee
- Considerable knowledge of community issues and an understanding of policing values and governance
- Be of good character
- Willingness to make the commitment of time and effort required to carry out the responsibilities

A person must not be appointed if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the Council, would reasonably be expected to have a negative impact on their acting as a member.

Chair and Vice Chair

A Councillor shall serve as Chair and a Councillor shall serve as Vice-Chair, responsible for back-up duties of Chair as required. The Chair and Vice-Chair shall be selected by the members of the committee at the first meeting of the Committee term following the municipal election.

Under Section 3.1.4 of the Council Procedural Policy, all Chair and Vice-Chair appointments shall be for two years.

The Chair shall represent the municipality on the Nova Scotia Police Governance Board.

Quorum

A majority of the members of the Committee constitutes a quorum.

Conflicts of Interest

Members shall declare possible conflicts of interest before agenda items are presented and not participate in the meeting or part of the meeting during which the matter is under consideration.

Meetings

Meetings shall be held four times a year as part of the Executive Committee meeting of Council and shall be open to the public.

The Committee may go in camera to deal with matters as outlined in Section 65 of the Police Act or Section 22 of the Municipal Government Act.

Role and Responsibility of East Hants Staff

Staff shall provide administrative support to the Police Advisory Committee. This includes, but is not limited to, the preparation and distribution of agendas and reports.

Following each meeting, a report will be prepared with any recommendations to Council to be presented by the Committee Chair at the next Regular Meeting of Council.

RELATED DOCUMENTATION

Related forms, processes, procedures and other documents that support the policy.

Document Name	Document ID	Document Type
Nova Scotia Police Act		Legislation
Nova Scotia Municipal Government Act		Legislation
Council Procedural Policy		Policy
Police Regulations made under subsection 97(1) of the Police Act (the Regulations)		Regulations
Form 4 of the Police Regulations		Form

VERSION LOG

Version Number	Amendment Description	Editor	Owner	Approver	Approval Date
1	Formalization of the Terms of Reference for the Police Advisory Committee	Assistant Municipal Clerk	Chief Administrative Officer	Council	September 23, 2020

CERTIFICATION

I, Kim Ramsay, Municipal Clerk for the Municipality of East Hants, hereby certify that these Terms of Reference were duly approved.



Kim Ramsay
Municipal Clerk

Appendix A

*(Related legislative excerpts subject to change from time-to-time.
Please refer to the most up-to-date versions online)*

Nova Scotia Police Act

<https://nslegislature.ca/sites/default/files/legc/statutes/police.pdf>

Responsibility for policing in municipality

35 (1) Every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police department at its expense in accordance with its needs.

(2) In providing an adequate, efficient and effective police department for the purpose of subsection (1), a municipality is responsible for providing all the necessary infrastructure and administration.

(3) For the purpose of subsection (1), the service provided by a police department shall include

- (a) crime prevention;
- (b) law enforcement;
- (c) assistance to victims of crime;
- (d) emergency and enhanced services; and
- (e) public order maintenance.

Methods for discharge of responsibility

36 (1) The obligation of a municipality to provide policing services pursuant to Section 35 may be discharged by

- (a) the establishment of a municipal police department pursuant to this Act;
- (b) entering into an agreement with the Province, the Government of Canada or another municipality for the use or employment of an established police department or any portion of an established police department;
- (c) entering into an agreement with another municipality pursuant to Section 84 or 85; or
- (d) any other means approved by the Minister.

(2) An agreement entered into pursuant to subsection (1) may contain such terms and conditions, including financial arrangements, as may be agreed upon and the municipality and the Minister have authority to enter into, perform and carry out the agreement.

(3) Any amounts received by the Province pursuant to an agreement authorized by subsection (2) shall be paid into the Consolidated Fund of the Province.

(4) Any amount owed to the Province pursuant to an agreement authorized by subsection (2), where not collected by other means, may be recovered by court action, with costs, as a debt due to the Province and may be deducted from any grant payable to the municipality out of Provincial funds.

(5) A municipality may not abolish a municipal police department without the approval of the Minister.

(6) A municipality shall provide the Minister with immediate notice of a decision to change the manner in which it provides policing services pursuant to subsection (1) and the decision shall not be implemented without the approval of the Minister.

(7) The Minister may refuse to approve the change in policing services if the Minister is satisfied that the alternate method of service delivery is not sufficient to maintain an adequate and effective level of policing.

Establishment and composition of police advisory boards

57 (1) A municipality receiving policing services in whole or in part from the Royal Canadian Mounted Police or the Provincial Police shall establish a police advisory board.

(2) An advisory board consists of five or seven members.

(3) A five-member advisory board consists of

(a) two members of council appointed by resolution of the council;

(b) two members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

(4) A seven-member advisory board consists of

(a) three members of council appointed by resolution of the council;

(b) three members appointed by resolution of the council, who are neither members of council nor employees of the municipality; and

(c) one member appointed by the Minister.

Function of board

55 (1) The function of a board is to provide

(a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and

(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department, but the board shall not exercise jurisdiction relating to

(c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;

(d) a specific prosecution or investigation; or

(e) the actual day-to-day direction of the police department.

(2) With the approval of the Minister, the council, by by-law, may prescribe

(a) the additional or more specific roles and responsibilities of a board; and

(b) the rules and regulations governing proceedings of a board, and the board has sole jurisdiction over the matters so delegated to it.

(3) Without limiting the generality of subsection (1), a board shall

(a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

(c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;

(d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;

(e) act as a conduit between the community and the police service providers;

(f) recommend policies, administrative and organizational direction for the effective management of the police department;

(g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;

- (h) ensure a strategic plan and business plan is in place; and
- (i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.

Nova Scotia Police Regulations *(made under subsection 97(1) of the Police Act)*

<https://novascotia.ca/just/regulations/regs/polregs.htm>

Advisory board member selection process

82 (1) The selection process used by a council in appointing an advisory board member to a vacancy on the advisory board, except an advisory board member appointed by the Minister under clause 57(3)(c) of the Act, must include all of the following:

- (a) the advisory board vacancy must be advertised and applications must be solicited for the vacancy;
- (b) an applicant must be required to go through a screening process, including an interview, conducted by a panel established by the council;
- (c) each applicant must be notified of the outcome of the selection process.

(2) In the process of selecting an advisory board member, the council must consider each candidate's education and work experience.

Advisory board member qualifications

83 (1) To be a candidate for appointment as an advisory board member under Section 82, a person must demonstrate all of the following qualifications to the satisfaction of the council:

- (a) residence in the municipality served by the board, or considerable interest in serving on the advisory board;
- (b) considerable knowledge of community issues and an understanding of policing values and governance;
- (c) a good character;
- (d) willingness to make the commitment of time and effort required to carry out advisory board responsibilities.

(2) To be a candidate for appointment as an advisory board member under Section 82, a person must consent to criminal and background checks.

(3) A person must not be appointed as an advisory board member if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the council, would reasonably be expected to have a negative impact on their acting as an advisory board member or on the advisory board generally.

Code of conduct for advisory board members

84 (1) An advisory board member must do all of the following:

(a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the advisory board;

(b) unless they have a reasonable excuse, attend every advisory board meeting;

(c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;

(d) keep confidential any information disclosed or discussed at an advisory board meeting;

(e) not claim to speak on behalf of the advisory board unless authorized by the chair of the advisory board to do so;

(f) if publicly disagreeing with a decision of the advisory board, make it clear that they are expressing a personal opinion;

(g) discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law;

(h) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the Human Rights Act and the [Canadian] Charter of Rights and Freedoms (Canada);

(i) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;

(j) immediately resign from the advisory board if applying for employment with a police department, including employment on contract or on fee for service;

(k) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the advisory board or the police department;

(l) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all advisory board activities and duties as a member of the advisory board until the completion of the investigation or inquiry.

(2) If the chair or the majority of the advisory board determines that an advisory board member has breached the code of conduct for advisory board members, the advisory board must record that determination in its minutes.

(3) On determining that an advisory board member has breached the code of conduct for advisory board members, the advisory board may take one or more of the following actions:

- (a) issue a reprimand to the advisory board member;
- (b) order a period of suspension for the advisory board member;
- (c) recommend to the Minister or the council that the [advisory] board member be dismissed under subsection 57(7) of the Act.