

**SPECIAL COMMITTEE OF THE WHOLE**  
**June 2, 2010**

Present: Mayor Phil Roberts, Councillors Sherman Hudson, Doug Shaffner, Pat Power, and Kathie Fearon, Police Commission Chair Jim McGinis, Director of Finance Melony Robinson, Executive Assistant Jackie Longmire, and Amery Boyer as recording secretary. Also in attendance were George Lahey and Fred Sanford from the Department of Justice.

Regrets: Councillor Holger Mueller-Sparenberg, Jane DeWolfe, Board of Police Commissioners (provincial appointee)

A special committee of the whole was convened to discuss respective roles and responsibilities of the Council, Board of Police Commissioners, the CAO and Town staff with respect to the Police Department.

The attached document was reviewed in detail.

Fred Sanford stated that they (he and George Lahey) cannot provide legal advice to a Council. What they can offer is interpretation based on their experience. The Council must rely on its own legal Council with respect to any legal interpretation. Some parts of the Police Act are not clear and are open to interpretation.

Anything to do with policing rests with the Board of Police Commissioners to remove any political considerations. Anything of an operational or decision-making nature is at the Chief's level.

Councillors cannot direct a police officer to go and investigate anything, whether it is traffic offences and/or deployment of police vehicles.

Civilian governance includes budget matters and disciplinary matters relating to the Chief of Police (not the members). The Board provides governance on behalf of Council.

In Halifax, the annual plan and crime prevention program are devised by the Chief; this gets approved by the Board. The Chief then advises the Council of the planning process, including the business planning process. Bridgewater Police Service has a very good Police Board policy which might well be adapted to meet our own needs.

Ministerial approval is required to decrease levels of Police service (hours). A case would have to be made and a recommendation would have to go from the Board of Police Commissioners to Council. If hours were moved due to operational requirements to provide coverage where it is needed, that would be an operational decision that would be reviewed by the Board.

Administrative direction relates to budget, organizational structure, size of police department, resources available, etc.

Members of the Board of Police Commissioners cannot go into the office and review police files, for example. Whether or not the files are being managed properly is reviewed by periodic audits. This hasn't been done for quite some time. For the Board and for the benefit of the new Chief, an audit can be requested by the Minister. In Halifax, if there are complaints about lack of responsiveness, the Chief will report on this and offer an explanation to the Board. It was suggested that an audit could be requested to see where the Department stands (the last one was conducted in 2005).

The role of Council and the CAO in performance appraisal is not defined in the Police Act. Practice across the Province varies. In some cases, the performance appraisal for the Police Chief is done by the CAO; in other cases, it is done by the Board of Police Commissioners. George Lahey said that it is the responsibility of the Board to administer the probation period and to conduct an annual performance appraisal. In most police boards, the CAO is an integral member (non-voting) of the Board.

The role of Council to provide administration under Section 35(2) of the Act was discussed. The Mayor brought up the example of administrative support staff. Fred Sanford stated that this would be part of it, just as dispatch services would be.

***Moved by Kathie Fearon, seconded by Doug Shaffner that a recommendation be made to Council that Jackie Longmire be retained to provide administrative support to the Police Department until such time as one or more officers are trained at the RBAC level. Motion carried.***

The Chief of Police reports only to the Board of Police Commissioners. If the Board is not satisfied, the Board reports to Council.

Invoices within budget are dealt with by the Police Chief and Town staff. Anything over budget would have to go to the Board.

George Lahey said that it would be good for the CAO to attend all Board meetings.

Expense claims should be approved by the CAO. The Chief's vacation should be discussed with the Board and a request for leave should be submitted.

The Police Department is considered a line department of the Town.

The Board of Police Commissioners reports to Town Council.

Moved by Councillor Pat Power, seconded by Councillor Sherman Hudson that the meeting go *in camera* to discuss personnel issues.

The meeting was adjourned at 7:00 p.m., moved by Councillor Pat Power.

<b><i>1Action:</i></b>	<b><i>Date</i></b>	<b><i>Signature</i></b>
Reviewed by Mayor Roberts		
Changes made by Administrative Assistant Lynn Moar		
Approved for website by CAO		
Sent to webmaster		