

## Public Hearing

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### **Commissioners / Commissaires**

The Honourable / L'honorable J. Michael MacDonald,  
Chair / Président

Leanne J. Fitch (Ret. Police Chief, M.O.M)

Dr. Kim Stanton

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Halifax, Nova Scotia

--- Upon commencing on Thursday, September 8, 2022 at 9:33 a.m.

**COMMISSIONER FITCH:** Good morning. Bonjour et bienvenue.  
Hello and welcome.

We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

Please join us in remembering those whose lives were taken, those who were harmed, their families, and all those affected by the April 2020 mass casualty in Nova Scotia.

The roundtable today will focus on the structure of policing in Nova Scotia. We will be joined by a number of researchers and people with relevant experience who will discuss and evaluate the present structure and history of policing in Nova Scotia and potential approaches for reform or restructuring policing in this province. Roundtables like this are just one of a number of different kind of public proceedings and activities happening this month during our third and final phase.

This work is focused on developing recommendations that build on everything we have learned about the events of the mass casualty and its causes, context and circumstances.

I will now ask Dr. Emma Cunliffe, the Commission's Research and Policy Director, to begin for today.

Thank you.

**--- ROUNDTABLE: STRUCTURE OF POLICING IN NOVA SCOTIA:**

**DR. EMMA CUNLIFFE:** Thank you, Commissioners. Good morning.

As Commissioner Fitch has indicated, my name is Emma Cunliffe and I have the honour of serving as the Director of Research and Policy for the Mass Casualty Commission.

Today we are convening the second in a series of three Phase 3

1 roundtables about policing and specifically focused on recommendations that the  
2 Commission may make with respect to policing.

3                   Today, in particular, we'll explore some of the key issues related to  
4 how police services are delivered in Nova Scotia. The core themes we will consider  
5 include the structure of policing service delivery throughout the province, how police  
6 services are received by the communities in which they're delivered, particularly those  
7 that we refer to in the Commission as differentially impacted communities, which  
8 includes, for example, Indigenous Nova Scotian communities and African-Nova Scotian  
9 communities, and how policing services are regulated and overseen in Nova Scotia.  
10 Within each of these topics, we'll invite roundtable members to help us understand how  
11 we got to where we are today, how well the current arrangement is working and some of  
12 the options that may exist for reform or transformation of policing services.

13                   Police services are delivered in Nova Scotia by a range of policing  
14 agencies. The RCMP holds the provincial policing services contract and also provides  
15 federal policing services in the province. The RCMP also hold several municipal  
16 policing contracts, which means that it contracts with municipalities to deliver municipal  
17 policing services as well.

18                   In addition, Nova Scotia has several grown in Nova Scotia  
19 municipal policing service agencies which vary widely in their size and in the size of the  
20 communities they serve, from Annapolis Royal on the small end to Halifax on the larger  
21 end.

22                   In some areas, particularly Halifax Regional Municipality, police  
23 services are delivered both by a municipal police service and by the RCMP in a  
24 somewhat integrated way. In others, the boundaries of RCMP policing areas are  
25 immediately adjacent with municipal agencies.

26                   The picture is further complicated when one considers Indigenous  
27 policing services, which in Nova Scotia are largely governed by a tripartite model  
28 involving the Federal, Provincial, and First Nations Governments.

1                   So, for example, in the Truro and Millbrook area, the Truro Police  
2 Service, RCMP provincial and municipal services provided from Bible Hill detachment,  
3 and Indigenous police services provided by RCMP at Millbrook First Nation exist in a  
4 relatively small geographic area. Each of these police services operates under a  
5 slightly different contract or regulatory regime. Until recently, the RCMP's Operational  
6 Communications Centre was also located in the Town of Truro. It has now been  
7 relocated to Dartmouth, with the result that RCMP and Halifax's OCCs are both located  
8 in the metropolitan core of Nova Scotia.

9                   The RCMP supplies specialized services, such as forensics and  
10 ERT, to many but not all municipal agencies. Under the applicable legislation and  
11 contracts, the governance and accountability mechanisms for the RCMP and municipal  
12 services is somewhat different from one another.

13                   In short, the delivery of police services in Nova Scotia is a  
14 complicated geographic, demographic, cultural, and legal picture that, to a certain  
15 extent, reflects the complexity of Nova Scotia itself. To a certain extent, the complexity  
16 also reflects a history of reform to the delivery of policing services in Nova Scotia. For  
17 example, the transition of many municipal police services to the RCMP in the 1990s,  
18 and the legacy of reforms to the *Police Act*.

19                   As we heard at yesterday's roundtable, the picture becomes even  
20 more complex when we consider policing services in the context of the delivery of other  
21 essential community safety services, such as mental health crisis services, services to  
22 women who have experienced gender-based or intimate partner violence, and so on.

23                   In order to seek to understand the present picture, the Commission  
24 has interviewed police chiefs, many senior members of H-Division of the RCMP, and  
25 representatives of the Nova Scotia Government, as well as service providers,  
26 community safety service providers, in order to better understand how these  
27 arrangements work in practice, and these interviews form part of the Commission's  
28 record. Today, we will build on these interviews and on other aspects of the

1 Commission's work, to consider the history, the present, and potential future structures  
2 of policing in Nova Scotia.

3 As facilitator of this roundtable, I will be directing the questions,  
4 asking follow ups, and moderating the dialogue. I would particularly like to acknowledge  
5 the contributions made by Research & Policy team members Krista Smith, Nichole  
6 Elizabeth, Selena Henderson, and Laura McAnany to the preparations for this  
7 roundtable.

8 To those roundtable members who are joining us for the first time  
9 today, I would ask you, please, to speak slowly for the benefit of our accessibility  
10 partners. As you know, roundtable discussions will form part of the Commission record.  
11 They are being live streamed now and will be publicly available on the Commission's  
12 website. The Commissioners may choose to pose a question or ask for clarification at  
13 any point.

14 Today's roundtable will last the full day of proceedings, and this  
15 afternoon the roundtable members will be joined by representatives nominated by the  
16 Participants in our process, and so our group will grow larger. This afternoon will  
17 explore many of the same themes we unpack this morning, but will also explore some  
18 new questions.

19 And so to get us started with the day, I am going to ask each of the  
20 roundtable members to introduce yourselves and the ways in which your work connects  
21 to the issues we'll be discussing today.

22 If I can begin, please, with you, Jane.

23 **DR. L. JANE McMILLAN:** Thank you, Emma. Good morning.  
24 Good morning, Commissioners.

25 My name's Jane McMillan. I am a Professor and Chair of the  
26 Department of Anthropology at St. Francis Xavier University. I'm a legal anthropologist,  
27 who has worked with the Mi'kmaq Nation for the last close to 30 years examining the  
28 impacts of the Marshall Inquiry and its recommendations and uptakes, the challenges of



1 developing an Indigenous justice system that truly reflects the cultural practices and  
2 beliefs of the Mi'kmaq Nation, and also working around treaty rights and treaty rights  
3 implementation and Indigenous rights and resource management. I'm also a member of  
4 the Mass Casualty Commission Research Advisory Board, and it's -- we've conducted a  
5 lot of research on the Marshall Inquiry, but also on First Nations policing. Thank you.

6 **DR. EMMA CUNLIFFE:** Jane, thank you so much for joining us  
7 today, and for your many contributions to the work of the Commission.

8 Harry, if I can turn to you next, please.

9 **MR. HARRY CRITCHLEY:** Thank you so much, Emma. Good  
10 morning, roundtable members and Commissioners, it's a real honour to be here.

11 My name is Harry Critchley. I'm an Articled Clerk at Nova Scotia  
12 Legal Aid in the Dartmouth Criminal Office. I had a career before then as an educator  
13 and a researcher, and most recently I worked at the Access to Justice and Law Reform  
14 Institute of Nova Scotia where I was the coordinator of the Talk Justice Project, a project  
15 I know was very near and dear to Commissioner MacDonald. I'm also the Vice-Board of  
16 the Board of the Directors for the Elizabeth Fry Society of Mainland Nova Scotia.

17 I'd like to speak in a little bit more detail about kind of two aspects  
18 of my experience that are perhaps most relevant to the roundtable. So I'm currently the  
19 Co-Chair, together with Professor Sheila Wildeman, of the East Coast Prison Justice  
20 Society, which is a participant in a coalition together with B.C. Civil Liberties. East  
21 Coast Prison Justice is an advocacy-based organisation which works to advance the  
22 rights and interests of criminalised Nova Scotians, and in particular, focussed on three  
23 areas. So the first being conditions of confinement for people in provincial custody; the  
24 second being policing practices, evidence, and accountability; and the third being  
25 deaths in custody in Nova Scotia and fatality inquiries.

26 I first became involved in police related advocacy after working with  
27 the family of Cory Rogers for several years. And as many people know, Cory Rogers  
28 died in the drunk tank in Halifax in 2016. From there, I was the cofounder of the Nova

1 Scotia Policing Policy Working Group in 2020, a subcommittee of East Coast Prison  
2 Justice. We worked on a variety of advocacy projects I'll hopefully touch on a little bit  
3 later.

4                   And then finally, based on some of this advocacy, Dr. El Jones, as  
5 many people know, was asked by the Board of Police Commissioners to oversee a  
6 consultation and research process that ultimately led to the drafting of the Defunding the  
7 Police report for the Board of Police Commissioners, and I was a lead author on this  
8 report, with a particular focus on Chapters 2, 5 and 7.

9                   And finally, I am -- after having completed this report or the report, I  
10 am now a member of the Halifax Board of Police Commissioners. I was appointed in  
11 September 2021. And since my appointment I've tried to push for the board to take on  
12 a stronger role in keeping with the statutory mandate. I've pushed to conduct an  
13 independent civilian review of the HR Police role in the eviction of unhoused persons on  
14 August 18th, 2021, and in particular, drafted a legal memo outlining our jurisdiction to do  
15 that. I initiated the board's first ever public consultation session on the annual budget. I  
16 pushed for -- successfully for the board to hire a full-time research staff. I initiated an  
17 HR study regarding mental health concerns and understaffing concerns in HRP. I  
18 brought Sunny Mariner to Halifax and initiated a process to work towards implementing  
19 the Violence Against Women Advocate Case Review model in Halifax. And finally, I  
20 brought a successful motion to conduct the special expert consultation meeting on  
21 intimate partner violence and gender-based violence with the Halifax board, which will  
22 occur in fall 2022.

23                   Again, I want to thank the Commissioners for the invitation to  
24 present today, and of course, to be here with the other roundtable members is a real  
25 honour.

26                   **DR. EMMA CUNLIFFE:** Harry, thank you very much indeed for  
27 joining us today.

28                   Scot, if I can please turn to you next. Welcome.

1                   **DR. SCOT WORTLEY:** Thank you, and first of all thank you for the  
2 invitation and the privilege of presenting in front of the roundtable and the  
3 Commissioners this morning.

4                   My name's Scot Wortley. I'm a Professor at the Centre for  
5 Criminology and Social-Legal Studies at the University of Toronto. Throughout my  
6 career, I've had a variety of research interests ranging from studies of youth violence,  
7 victimisation, and street gangs, and gun violence, but also looking at issues of policing,  
8 police accountability, racial bias within the criminal justice system, and police oversight  
9 systems.

10                  Recently, I have led a number of inquiries into policing racialized  
11 communities for the Nova Scotia Human Rights Commission, the Ontario Human Rights  
12 Commission, and the British Columbia Human Rights Commission. We're also  
13 conducting other major investigations into particular police roles, including school  
14 resource officers in Alberta.

15                  I started this journey particularly examining issues of race, crime  
16 and policing with the Ontario Commission on Systemic Racism way back in 1994 when I  
17 was a doctoral student, so it's been an interest over the last 25 years, and hope to be  
18 able to discuss those experiences over the course of the day.

19                  **DR. EMMA CUNLIFFE:** Thank you for joining us today, Scot.

20                  Heidi, if I can turn to you? And thank you very much for joining us  
21 today.

22                  **MS. HEIDI MARSHALL:** Good morning. Good morning,  
23 Commissioners. I just want to thank everyone for the invite today.

24                  My experience stems back about 30 years as well. I was involved  
25 in one -- in the first negotiation of the Unama'ki Tribal Police along with Elder Danny and  
26 Senator Dan Christmas. So that was a really long struggle. So I kind of understand  
27 that process and how that worked and how those agreements worked. And I know that  
28 there are great concerns and there still is today.

1 I'm also a professor at Cape Breton University. I actually have a  
2 class today, this afternoon on our lunch. And I teach Indigenous studies. I teach  
3 governance and Aboriginal and Treaty Rights. I also have a law degree. And I was one  
4 of the first graduates of the Indigenous Blacks and Mi'kmaq Program back in 1992, I  
5 think it was. So I've been involved for a while.

6 My particular interest is advocating for Indigenous women and  
7 Indigenous women's rights, which I've been doing for over 30 years as well. And I'm  
8 one of the founding members and the main founder, actually, of the Jane Paul  
9 Indigenous Women's Resource Centre in Sydney, a centre for high risk and vulnerable  
10 First Nations women. And most of our clients are involved in human trafficking and drug  
11 abuse and alcohol. And so -- and the centre is there to keep them safe and to provide  
12 them with culturally wholistic programming and services.

13 And that's just about it, I guess, for me. Thank you.

14 **DR. EMMA CUNLIFFE:** Heidi, thank you so much for making time  
15 to join us in this first week of classes. And while I know you've also stepped back into  
16 an active role at the Jane Paul Centre, ---

17 **MS. HEIDI MARSHALL:** Yeah.

18 **DR. EMMA CUNLIFFE:** --- and so I know you've got many things  
19 on your plate, and we're really grateful to have some of your time today.

20 Jim, if I could please turn to you next? And welcome.

21 **CHIEF JIM BUTLER:** Good morning, everyone. And again, thank  
22 you to the Commission for the invitation. I'm very much looking forward to discussions  
23 today.

24 I'm an over 30-year police officer in the Province of Nova Scotia. I  
25 started my career in Kentville, Nova Scotia for a short period before enjoying a 28-year  
26 career in Halifax Regional Police.

27 In my current Halifax, early days certainly were frontline patrol and  
28 criminal investigations, and then later in my career, in senior management involved in

1 many aspects of administrative and operational aspects.

2 I retired as Deputy Chief of Support a little less than two years ago.

3 Since then, I went to Kentville as a constable on frontline for about  
4 nine months, and just over a year now I've been the Chief of Police in Kentville. So I  
5 have a different perspective from a small town, as well as a large municipality in policing  
6 in Nova Scotia. So I'm very much looking forward to it. Thank you.

7 **DR. EMMA CUNLIFFE:** Jim, thank you so much for joining us  
8 today.

9 Bill, if I can turn to you now? And welcome.

10 **MR. BILL MOORE:** Good morning, Commissioners, and to the  
11 panelists.

12 My name is Bill Moore. I'm presently the Public Safety Project  
13 Lead for the Halifax Regional Municipality managing a policing transformation project.

14 Prior to that, I was a police officer in Nova Scotia for 31 years with  
15 the Dartmouth Police and then through the amalgamation to the Halifax Regional  
16 Police, retiring in 2017 as the Deputy Chief.

17 I was also an active member of the Nova Scotia Chiefs of Police,  
18 serving as secretary and vice president.

19 I went on to become the executive director of the Canadian  
20 Association of Chiefs of Police in Ottawa for just a short of three years, looking at policy  
21 and operational issues nationally and internationally.

22 In addition to my operational work, I also went back to school and I  
23 have a Masters Degree in Criminology.

24 So I've been involved with the Commission. I've been on previous  
25 panels and interviews and I'm looking forward to these conversations.

26 Thank you.

27 **DR. EMMA CUNLIFFE:** Thank you very much indeed, Bill.

28 And I'll just speak up and add one thing to the experience and

1 projects that you shared, which is that you also conducted, I believe, a review of  
2 community preferences with respect to policing needs in Colchester County, which we'll  
3 pick up on a little bit today. Thank you.

4 And Hayley, welcome back. You've been tremendously generous  
5 with your time with the Commission in the last little while. Please go ahead and  
6 introduce yourself.

7 **MS. HAYLEY CRICHTON:** Thank you very much. And again,  
8 thank you to yourself and the Commissioners for inviting me again to participate in  
9 today's roundtable.

10 So my name is Hayley Crichton. I currently serve as the Executive  
11 Director of Public Safety and Security Division for the Nova Scotia Department of  
12 Justice. Part of our mandate within that office is oversight over policing, and that  
13 includes RCMP and independent municipal police across Nova Scotia.

14 So my own experience stems beginning back in academia,  
15 research in the areas of corrections and then moving towards policing, and work as a  
16 civil servant in two Atlantic Canadian provinces as well.

17 So I joined the Nova Scotia Department of Justice about two years  
18 ago and am very, very happy to be here today and hope to learn as much from this  
19 conversation as I can provide, thanks.

20 **DR. EMMA CUNLIFFE:** Thank you so much again, Hayley. So  
21 let's turn first to a deeper conversation about how police services are presently  
22 delivered in Nova Scotia.

23 I'll admit that my introduction was quick and complicated, and in  
24 part, that was a rhetorical device to demonstrate the complexity of the policing  
25 landscape in Nova Scotia and the challenges of understanding the mix of jurisdictions of  
26 regulatory and oversight regimes and the complexity of the history to the present that  
27 we now have with respect to police services in Nova Scotia.

28 But Bill, you've been involved with policing in this jurisdiction for

1 longer than I have. I wonder if you could share on the basis both of your experience as  
2 a police officer, but also the policy-oriented work that you've been doing since your  
3 retirement from HRP?

4                   What insights would you share about the nature of the current  
5 structure of policing in Nova Scotia, both in terms of your -- the description you would  
6 offer of that structure, but also any insights you'd like to share about the places where it  
7 works well and the places where it has shown some strain?

8                   **MR. BILL MOORE:** Thank you for the question. I would describe  
9 our present situation as being in flux. Nova Scotia's policing history, I think you did a  
10 very good job of describing the complexities that were present. I think most know,  
11 policing is a municipal responsibility in Nova Scotia, thereby putting municipalities in the  
12 position to provide and make a decision on what type of policing service they want to  
13 have for their communities. There's a lot of levers in that. Some are economic. Some  
14 of them are service based. So each municipality makes a decision. But that is  
15 overseen, obviously, by the Province of Nova Scotia. The Minister of Justice under the  
16 *Police Act* ultimately has the ability to make sure that there's efficient and effective  
17 policing in the Province of Nova Scotia. And then we laid another layer on that by  
18 providing our federal force, the Royal Canadian Mounted Police, as the provincial police  
19 force, which brings with them a great amount of resources and expertise, but also a  
20 different level of government, I'll call it bureaucracy. So it makes for a very interesting  
21 mix.

22                   Within the Province of Nova Scotia, I would say, was quite a  
23 collegial kind of approach. There was not a lot of formality in relation to interoperability  
24 between agencies. Most was done by, you know, a smile and a handshake. Some  
25 even said some decisions were made on the golf course.

26                   But what we're seeing now is, I think, a move to examining a  
27 number of assumptions that were used for a number of years around services, how  
28 things were being paid, who was doing what. That's coupled with a deeper and more

1 meaningful interaction being requested by Board's Police Commissioners, by citizens.

2           The -- I would call it the spotlight placed on policing locally, but also  
3 nationally and internationally has created an environment where a lot of assumptions  
4 that have been used for many, many years are now being questioned, and in some  
5 cases, found to be really not based on a lot of actual legal or contractual -- and  
6 unfortunately, in some cases, that has created some angst, where some have basically  
7 built a lot of their ideology on policing along those assumptions. So when you -- the  
8 fundamental foundational assumptions are now in question, it kind of makes it very  
9 interesting to be able to look at how we've been doing things. And we can't use those  
10 same paradigms that we've used on it before.

11           So there's been some major changes in policing. I would say that  
12 the amalgamation in Halifax in 1996, with the bringing together of the Halifax Police, the  
13 Bedford Town Police, and Dartmouth City Police, together to form a regional force, that  
14 was a forced union, provincially mandated amalgamation. That brought with it a  
15 number of issues and growth that I think we're probably just coming out of 20 plus years  
16 later.

17           The Cape Breton work, you know, that was a -- I would put that in  
18 the category of a -- it was amalgamation, but it brought with it a lot of emotion. And then  
19 as you rightly showed me was that there's been some changes in smaller police  
20 agencies being removed or shut down. So it's -- the nice thing I think of what Nova  
21 Scotia is, that we're a small province and we're very, very close, but also, the problem is  
22 that we're a small province, we're very, very close. So the collegial aspect may have  
23 gotten a little bit in the way of more formality. And so I think as we look to the future,  
24 there's going to be, I believe, a lot more questioning of those previous assumptions, and  
25 people will have to start understanding that they are -- the decisions of the future cannot  
26 be made on the assumptions of the past. So I think that's -- I would offer that and I'll  
27 just leave it at that.

28           **DR. EMMA CUNLIFFE:** That's tremendously helpful, Bill. I wonder



1 if I can invite you to reflect a little further on that experience, which, of course you lived  
2 through, of the amalgamation of the police services in the Halifax area. Why did it take  
3 20 years for that process to settle in? What were the kind of challenges and the phases  
4 and the process of integration, what did that look like?

5 **RET. D/C WILLIAM MOORE:** Yes, so I would say the biggest  
6 issue was -- would be culture. The -- for three police agencies in a relatively small  
7 geographical area, separated -- we basically surrounded the harbour. But if I could  
8 characterize each of them differently, Halifax I would say was a very command control  
9 type of organization. Dartmouth was a little bit looser. There was more latitude for  
10 people to do things. And Bedford was -- I don't really use the word boutique in a  
11 negative way, but was -- Bedford had a very strong tax base and the citizens wanted a  
12 certain level of service that was -- they were prepared to pay for and have delivered. So  
13 when you bring together three different -- all we're this police patch, their fundamental  
14 outlook to the way they provided services were different. And so when you bring them  
15 together, you have different outlooks and procedures and it was -- at that time, we were  
16 on a shared records management system, and we were differentiated by having an H  
17 number for Halifax, a D number for Dartmouth, and a B number for Bedford. And we  
18 used to joke early on that that -- this would never, ever smooth out until there was no  
19 longer any of those numbers left in the organization, because even to the point where  
20 new people coming into the organization that were never, ever there previous, because  
21 they've worked with people from the organization, they talked about the past as if they  
22 lived it. And it just took a while to work through.

23 And then, you know, the practical parts of creating a new standard  
24 operating procedure, single operating procedure, standardizing equipment. And so it  
25 was -- you know, we worked through it. Some things were easier than others, but there  
26 were many that never, ever -- I've used Tuckman's example of forming, storming,  
27 norming and performing a lot of times. There was a number of individuals that just  
28 stayed in storming. They could not get to the point of moving on and because that

1 would require, in some cases, them to change their underlying outlook and their identity  
2 and, unfortunately, a number of people left in very unhappy circumstances during that  
3 time period.

4                   So I think it's just a natural evolution of organizations. In hindsight,  
5 there are probably things from a leadership perspective that could have been, you  
6 know, put in place earlier to help the organization move through those phases to get to  
7 a performing. But in reality, that's where I attempt to go back to that structure in a  
8 number of organizations, you know, in the void. Sometimes it'll just happen organically,  
9 but unfortunately, a number of times, you need to add energy into that system to be  
10 able to move it through and get by some of those I would call them very difficult  
11 conversations that have to be had, but they have to be had if you want move forward. If  
12 not, you'll just stay in a position of flux and so I would leave it at that.

13                   **DR. EMMA CUNLIFFE:** Yeah, Bill, that's really helpful. Thank you.  
14 And certainly, the use of the forming, storming and norming metaphor is a helpful one to  
15 help us understand that the theme of the importance of having difficult conversations  
16 despite the fact that it can be difficult is one that we heard yesterday as well. And I think  
17 it's implicit in the answer that you just gave me that one of the things that leadership  
18 could have done to move the organization through that process perhaps a little better  
19 might have been to have some of those difficult conversations. I guess my question is,  
20 first of all, am I right to interpret your remarks that way, and secondly, what are the other  
21 things you think leadership could have done that may have made a difference?

22                   **RET. D/C WILLIAM MOORE:** Yeah, so, I mean, I would  
23 characterize that that issue was -- permeated the organization from bottom to the top.  
24 So I'm not suggesting that the forming, storming -- the storming was just in the worker  
25 part of the organization, it's occurring all the way through. And, you know, in hindsight,  
26 there were times where decisions were still being made based on previous thought  
27 processes. And, you know, I think there just need to be a stronger management team  
28 cohesion, if I could use that term. That may have -- because there was certainly

1 indicative that the lack of cohesion showed through in the process. So there was not a  
2 consistent outlook from the senior management team. And because there was not a  
3 consistent outlook, those that prescribe to different outlooks were allowed to continue to  
4 keep those outlooks in the organization.

5           And I think that's probably -- I mean, it's very easy to armchair this  
6 from now looking back, but I looked at it and that's -- I would go back to my earlier  
7 comment to say I think from a leadership perspective, adding the energy and getting the  
8 collective -- and this would include, you know, the board of police commissioners and  
9 the oversight, being able to set direction and the city or the -- I guess it's called the  
10 government through the police commission to be able to set strong direction, be able to  
11 provide a framework that says this is how we want our police service to work. That  
12 would -- could, could have helped form that operational cadence, I guess I would say,  
13 inside the organization, to bring the organization in line. In the void of that, there was a  
14 lot of people doing what they wanted to do with -- and not moving in a single direction.

15           That being said, a lot of great work was done. You know, at the  
16 end of the day, the task cohesion of the organization coming together, even with other  
17 police agencies in the province, when it came time to do the work, a lot of that went to  
18 the side. Task cohesion became the focus, to do the work, keep Nova Scotians safe, all  
19 those types of things. So but there is another piece on the side of this around the  
20 governance and the organizational structure and organizational development that  
21 probably could have used a little bit more focus and probably even some help from the  
22 outside. You know, putting people that don't agree in a room and just letting them kind  
23 of duke it out may work for a little while, but, you know, maybe the option of a mediator  
24 or someone else to help them bring them along, and maybe even discover that they're  
25 in violent agreement in some cases, and use that as a basis to start to build, you know,  
26 a better organizational structure on top of that. People can get mired in their positions  
27 and it doesn't make for very good negotiations.

28           **DR. EMMA CUNLIFFE:** Thank you so much for sharing your

1 reflections on that time, Bill. It's very much appreciated.

2 I'm going to move on, Hayley, to you if I can. Bill, we'll loop back to  
3 some of the themes that you've discussed as we proceed through the morning, but,  
4 Hayley, for now, one of the things I'd really like to surface at the outset of our  
5 conversation today is the role that's played by the province in policing services in Nova  
6 Scotia. And let me begin by asking you about the role that the province plays in  
7 ensuring that adequate policing services are provided to Nova Scotians.

8 **MS. HAYLEY CRICHTON:** Certainly. So as Bill began to discuss,  
9 the decision on service provider for policing in the province of Nova Scotia is made by  
10 the municipalities based on the *Police Act* that we have. So municipalities can make a  
11 decision on who they prefer to be their service provider. The province's responsibility is  
12 more overarching with respect to governance and accountability and the assurance of  
13 adequacy. So despite the choices made by the municipality, ultimately, the approval for  
14 that model of policing has to be approved by the Minister of Justice before it can move  
15 forward, so that's an important step in the decision making undertaken by municipalities.  
16 So that certainly is a role we have to play.

17 We also have a role with respect to setting standards for policing in  
18 the province. And I really appreciated Bill's comments of decisions of the future cannot  
19 be based on assumptions of the past because that's really work that we're moving  
20 through at this time, is understanding the context of policing historically to help move us  
21 forward in a way that supports systems of governance and accountability and  
22 formalization to support understanding adequacy of policing in Nova Scotia.

23 And I think I said -- sorry, I just want to add -- in a previous  
24 roundtable that the word "adequacy" is challenging. It's a challenging word to define  
25 because it means different things to different people. And so moving through this work,  
26 that will be one thing that we're certainly looking at, is how do we define adequacy,  
27 adequate for whom, and how do we continue to evaluate that over time so that that  
28 definition doesn't stay stagnant.

1                   **DR. EMMA CUNLIFFE:** Thank you, Hayley.

2                   And so for the value of the record, really, section 5(1) of the *Nova*  
3 *Scotia Police Act* provides that the Minister of Justice shall ensure that an adequate and  
4 effective level of policing is maintained throughout the province.

5                   And so Hayley, I just wanted to sort of ask you to clarify a little,  
6 while the -- a large portion of the paying for policing services is the responsibility of  
7 municipalities and they have, as you say, freedom to contract as they see appropriate,  
8 subject to a certain amount of scrutiny, how has your department interpreted that  
9 language of the Minister's responsibility with respect to adequacy and effectiveness until  
10 now?

11                   **MS. HAYLEY CRICHTON:** So we work quite closely with our  
12 policing partners across the province, so that's both the RCMP as contract management  
13 for the PPSA, but also with independent municipal police forces as well, to ensure that  
14 the coverage received across the province remains adequate, that members of the  
15 public are receiving a specific level of service. And that includes both frontline policing,  
16 but also specialized services as well, is a part of those considerations.

17                   **DR. EMMA CUNLIFFE:** Thank you.

18                   And is that level of service articulated through policing standards or  
19 in some other way?

20                   **MS. HAYLEY CRICHTON:** So they are -- so we are in the process  
21 of developing our provincial policing standards, and if I may, I can take a little bit of time  
22 to discuss that work now.

23                   Okay, great.

24                   **DR. EMMA CUNLIFFE:** Absolutely. Thanks, Hayley.

25                   **MS. HAYLEY CRICHTON:** Yeah. So I think throughout the work  
26 of this Commission, we've been talking about policing standards, but we've been talking  
27 about them quite in the abstract, so I really appreciate this opportunity to kind of discuss  
28 in more detail to get into the granular details of how that work is moving forward.

1                   So standards that a base minimum requirement for police agencies  
2 in Nova Scotia and they will serve as the fundamental starting place for police  
3 modernization. That is our belief, is to set the stage for how we can move forward we  
4 need to have proper systems of governance and accountability.

5                   So they lay out the fundamental principles and guidelines to which  
6 government can hold police accountable as one component of the metrics used to  
7 determine police adequacy. So meeting the base minimum requirements will certainly  
8 be one measurement, but there will be other metrics used to determine adequacy of  
9 policing as well, including how those standards are received by members of the public  
10 and how to evaluate that moving forward.

11                   They also serve to situate the Department of Justice as an  
12 appropriate governance and overarching oversight body that has the authority to drive  
13 change if an agency is non-compliant. And I think that this is important to note in the  
14 context of Nova Scotia given the complexities of the policing model as we previously  
15 discussed where there's the municipal police services, the RCMP as provincial and  
16 municipal, First Nations policing contracts as well, so it really does set up to be the  
17 appropriate governance body with some authorities there.

18                   And regardless of the policing model, these standards would apply,  
19 so regardless of number of agencies or how it's organized, each agency still must meet  
20 our base minimum.

21                   So they're not prescriptive regarding police operations, but rather,  
22 they provide what we would consider to be assertive stewardship over policing, so we're  
23 trying to take an active role, rather, one that is passive. And they'll cover all areas of  
24 policing in Nova Scotia from police organization to use of force to police investigations  
25 and high-risk incident responses.

26                   And so just to provide kind of an example of a standard just so we  
27 can, again, take it from the abstract and put it into a more kind of understandable  
28 framework, one example of a standard could be -- a potential standard could be police

1 dogs. So the standard for K9 Services won't dictate what policies will say. That will be  
2 dependent on each agency, but rather, it will state police agencies in Nova Scotia that  
3 have K9 Units have to meet specific standards, so they have to have certain policies in  
4 place, they have to meet minimum training requirements, they have to meet minimum  
5 reporting requirements, et cetera.

6 And so it will also state, however, though, that police agencies in  
7 Nova Scotia that do not have that service will have to show evidence of formalized  
8 access to that service. And what that does is it allows government to ensure a  
9 consistent level of service provision across Nova Scotia regardless of the size of the  
10 police agency. So you can be a smaller police agency without these services, but still  
11 provide evidence that you have formalized your access to those services that will assist  
12 us in our role as governance and oversight.

13 So it does provide a flexibility in the model of policing in Nova  
14 Scotia. We wanted to ensure that was included there. But it also ensures a level of  
15 service that's consistent from Yarmouth all the way to Sydney.

16 So -- and just to clarify as well, they will apply to all police agencies  
17 in Nova Scotia. That's inclusive of the RCMP as our provincial police force and all the  
18 independent municipal police agencies as well.

19 So that work remains ongoing.

20 **DR. EMMA CUNLIFFE:** Thank you so much for providing more  
21 explanation of that work than you've had the opportunity to do until now, Hayley.

22 I wonder -- if I can take us back to the *Nova Scotia Police Act* and  
23 the duties of the Minister of Justice, section 5(2) provides that the Minister shall promote  
24 the preservation of peace, the prevention of crime, the efficiency of police services and  
25 the improvement of police relationships with communities within the province.

26 I wonder if you can speak to what work has been done in the recent  
27 past and is being done pursuant to section 5(2).

28 **MS. HAYLEY CRICHTON:** Certainly.

1                   So the work of the Department of Justice in this arena is dynamic.  
2 It's multi-faceted. It includes a number of different divisions, so Public Safety and  
3 Security Division is certainly one division in the Department of Justice that has kind of  
4 work in this area. But I want to certainly preface this by saying that work is dynamic,  
5 and so it's not one particular project or initiative. It's ongoing work that's continuing to  
6 change based on societal need and societal context changes.

7                   So to be specific about the work that we are doing, so we support a  
8 number of community-based programs that include participation of community members  
9 and police agencies across Nova Scotia. We also support municipalities to have  
10 discussions about policing efficiencies with respect to cost, and that's specific to the  
11 RCMP as our provincial police service, and we engage in a large number of different  
12 projects.

13                   So I'm sorry that that's a bit of a nebulous answer, but the work is  
14 so dynamic and far-reaching that it's difficult to define within this kind of framework.

15                   **DR. EMMA CUNLIFFE:** Thanks, Hayley.

16                   I do appreciate that. It's a quite diverse list, not least within section  
17 5(2).

18                   I wonder if I can pick up on one aspect of the work that you alluded  
19 to, and that is the provincial Department of Justice support for community programs.  
20 Are they largely supported through core ongoing funding, or does that tend to be a  
21 project or grant-based model of support?

22                   **MS. HAYLEY CRICHTON:** So there are some initiatives that are  
23 core funding, so those are initiatives that are led outside Public Safety and Security  
24 Division, but there are a number of programs from the Public Safety and Security  
25 Division that are program based, they are grant-based programs.

26                   So one is a community grant program where we provide about 18  
27 different small community organizations with a grant on an annual basis. We also  
28 provide funding to the mobile mental health unit in Halifax, IMOVE, which is an arts



1 program. There's quite a number of programs that we provide support and funding to.

2 But yes, you are correct that those are program-based and grant  
3 funded.

4 **DR. EMMA CUNLIFFE:** And to the extent that you can, and you  
5 may not be able to, I wonder, has that been a deliberate policy choice, to have the two  
6 somewhat different models of funding for these two aspects of the Minister's  
7 responsibilities or is it sort of a historical legacy?

8 **MS. HAYLEY CRICHTON:** My understanding is that it's a  
9 historical legacy, so I can't speak to how those decisions were made, but when I came  
10 to the Department of Justice, that certainly has been the organization since I've been  
11 there.

12 **DR. EMMA CUNLIFFE:** Thank you so much for sharing -- sharing  
13 your sense of the history of it and your sense of how it's presently working.

14 If I can turn now specifically to RCMP contract policing, could you  
15 please explain what roles the province, municipal governments and the federal  
16 government each play with respect to negotiating PPSAs and MPSAs and then  
17 subsequently with ensuring that the terms of those agreements are implemented?

18 **MS. HAYLEY CRICHTON:** Certainly.

19 So they're quite different arrangements when you're looking at the  
20 different policing services provided by the RCMP in Nova Scotia, so I'll try and be brief  
21 and concise despite the complexities of the different levels of service and also how they  
22 inter-relate.

23 So perhaps the easiest to parse out is the federal policing services  
24 that are provided by the RCMP. So these are services that are separate from our  
25 provincial contract. They are still co-located in the Dartmouth headquarters, however,  
26 they operate on the federal mandate, so they work specifically to meet the federal  
27 mandate and programs and operations move forward that way.

28 The next organization is the provincial policing contract, and this is

1 really the bulk of policing in Nova Scotia. So the PPSA is -- there are 40 -- at least 40  
2 municipalities currently under the Provincial Policing Service in Nova Scotia, so that  
3 means that there are 40 municipalities that are represented by the province to have the  
4 RCMP as their service provider.

5 So essentially, municipalities under the PPSA delegate their  
6 negotiating ability to the province -- I apologize.

7 **DR. EMMA CUNLIFFE:** Please don't worry, Hayley. Thank you  
8 again for all the time you're sharing with us.

9 **MS. HAYLEY CRICHTON:** Okay. My apologies again.

10 So those delegate their negotiating ability to the province when  
11 we're talking about our conversations with our contract partner, who's the federal  
12 government. So Nova Scotia is responsible for 70 percent of the cost share of the  
13 RCMP as a provincial police and the federal government is responsible for the  
14 remaining 30.

15 There are five municipalities in Nova Scotia that also are under  
16 what we call a Municipal Police Service Agreement, so an MPSA, and those  
17 municipalities direct contract with the Government of Canada for policing services. So  
18 it's still the RCMP as a service provider. However, they contract directly.

19 So they pay either 70 percent or 90 percent based on their  
20 population, and the federal government pays the remaining 30 percent or 10 percent.

21 **DR. EMMA CUNLIFFE:** And I wonder -- it's a question I've  
22 wondered about, I have to admit. What might prompt a municipality, to the extent that  
23 you can speak to it, to either work through the province and the PPSA or, alternatively,  
24 to choose to enter into a separate MPSA? Why might that choice be made?

25 **MS. HAYLEY CRICHTON:** So there are different reasons why that  
26 choice are made.

27 The main one, quite frankly, is population size. So there is a  
28 population threshold within the PPSA after which it is -- it is incumbent upon a

1 municipality to enter into that direct contract. So PPSA policing is largely for rural  
2 policing models. However, in the context of Nova Scotia, again because we like to add  
3 layers of complexity and differentiation, Halifax Regional Municipality was grandfathered  
4 into the PPSA, so while they are certainly not rural to the same extent that other areas  
5 are in the PPSA and have well surpassed that threshold, they were grandfathered into  
6 the original agreements, so they do remain under the PPSA.

7 **DR. EMMA CUNLIFFE:** And one more question and then I'll give  
8 you a break.

9 So can you help me, please, to understand, given that the *Police*  
10 *Act* says adequacy and effectiveness in general terms assigned to the Minister, but  
11 delivery assigned to municipalities and given that the PPSA and the MPSAs have  
12 provisions, do I understand you correctly to say that, notwithstanding the sort of -- the  
13 differing contractual arrangements that may exist, policing services delivered by --  
14 ultimately by the municipalities or at least kind of by the RCMP as a municipal  
15 responsibility, that the province itself doesn't see a role for itself in the delivery of police  
16 services in the present arrangement simply in the overseeing of the delivery? Is that a  
17 fair characterization?

18 **MS. HAYLEY CRICHTON:** So I would say it is not, so thank you  
19 for the opportunity to clarify that.

20 And perhaps I'll take a moment here to discuss the cost  
21 arrangement because that's really where the kind of nuts and bolts are there.

22 The province has an absolutely active role to play in the contract  
23 management for the RCMP, ensuring that services are provided across Nova Scotia in  
24 a way that meets the needs of communities. We are in constant contact with our  
25 municipal partners. We have an RCMP liaison to the Department of Justice who's  
26 dedicated to receiving those calls from CAOs, Mayors and other officials in  
27 municipalities to discuss their policing services. So we certainly have an active,  
28 engaged and ongoing role to play in the overseeing of the RCMP in the Province of

1 Nova Scotia.

2                   The RCMP is also required to meet the priorities of the provincial  
3 Minister of Justice, so the Minister of Justice sets provincial policing priorities for the  
4 RCMP and, at the end of the year, the RCMP is required to report to the Minister of  
5 Justice how they've met or exceeded those priorities and the various factors that are  
6 incumbent there.

7                   But with respect to the complexities of municipal engagement, if I  
8 will -- and this might take a moment, but I think it's very important for the  
9 Commissioners to have this information.

10                   So there's really two areas of cost organization for policing that I  
11 think are really vital to discuss as it pertains to our policing model, and they're inter-  
12 related. And the first is RCMP cost mechanisms for our municipalities under the PPSA,  
13 but secondly, there's something called service exchange, which I think is vitally  
14 important to consider as we move this conversation forward.

15                   So with respect to the RCMP, for right now I'm just going to discuss  
16 detachment level policing because there are other layers that I think that that's where  
17 the focus should be at this time.

18                   So there are currently 40 municipalities, as I said, in Nova Scotia  
19 that the RCMP is their policing service provider under the Provincial Policing Service  
20 Agreement, the PPSA. So pursuant to the *Nova Scotia Police Act*, policing and the  
21 costs associated with policing are the responsibility of the municipality, so that's where  
22 you get the kind of delineation of duty and responsibility.

23                   So the RCMP bills the province for their services for our 70 percent  
24 cost share. The province then pays the RCMP based on our budget that's allocated,  
25 but then we actually go and cost recovery for those services provided to municipalities,  
26 and we do that based on how many officers are allocated to that municipality.

27                   So we commonly refer to this as the "per officer" billing model, so  
28 we take the totality of policing costs, that's including fuel, vehicles, salary, benefit,

1 shared services, records management, all of that, we divide it by the number of human  
2 resources, so the number of police officers, and that's how we get our per officer billing  
3 rate.

4                   So for example, if I'm town X and I have six police officers, my per  
5 officer billing rate is six times that amount to get the amount that we cost recover for  
6 policing services.

7                   And so oversight -- so because policing is a municipal  
8 responsibility, and I mean the administration of policing. Obviously, oversight is the  
9 responsibility of the province, but the addition or subtraction of officers, the number of  
10 officers, must begin with a motion by Council in the municipality and then, after that  
11 process has concluded, the province will adjust our billing based on how many officers  
12 they add or remove.

13                   So I can't speak to why this per officer billing model was  
14 established, but it is what is in place in Nova Scotia. There are many different models  
15 across Canada that do not use this model, and the reason why I'm going down what  
16 seems like a garden path on billing model is because of the effect that it has.

17                   So first, because policing is not broken out into budget lines or  
18 billed as a police service, the only way that a municipality under the PPSA can seek  
19 efficiencies in policing costs is to look at the number of police officers that they have  
20 servicing their area. So we're receiving a lot of requests to review policing services, to  
21 review costs and, really, one of the only opportunities we have is looking at the number  
22 of police officers. However, as the overarching responsibility for adequacy of policing,  
23 we're unable to suggest the removal of officers for, you know -- for the sake of costs.  
24 We need to balance public safety with the costs of policing.

25                   And secondly, you know, there's been a lot of discussions in this  
26 process about municipal borders and how this model affects municipal borders. And I'll  
27 give an example is town X and town Y are beside each other. They're both policed  
28 under the PPSA. They both have six officers allocated to their municipalities, but town

1 X has a wave of illness, and so three of the officers go off sick. What this model  
2 disallows is flexibility for coverage because town Y will say, but I pay for six officers.  
3 And so while, of course, we work very closely with the RCMP and we've been  
4 responsive in looking for pathways of flexibility and operational coverage, it does make  
5 it more challenging when we're also having to have conversations with municipalities  
6 about what flexibility needs to take place in order to ensure coverage.

7 So that I think is important kind of baseline knowledge. And  
8 secondly, that the cost organization for policing in Nova Scotia is not independently  
9 made by the Department of Justice. So we work with our colleagues in Municipal  
10 Affairs and Housing on something that is called service exchange. So what that is, is a  
11 delineation of responsibility for payment of services where the province is responsible  
12 for certain areas and the municipality is responsible for other areas. So in September  
13 2021, the Minister of Municipal Affairs and Housing has actually received his mandate  
14 letter, and part of his mandate is to prioritize the renegotiation of that cost arrangement.  
15 So that work is ongoing. Policing is one part of it, but it means we can't parse policing  
16 out specifically. It has to be seen in this broader context of work being done.

17 **DR. EMMA CUNLIFFE:** Thank you, Hayley. And the cost sharing  
18 and service exchange is something that we'll pick up actually a little later in the morning,  
19 so but thank you for giving us that rundown now. And before I move away from it, I'll  
20 redo my facilitation guide slightly. But one of the questions I want to ask based on your  
21 example of town's X and Y where town X has three officers go off duty sick and town Y  
22 has a full complement -- the full complement it's paying for, it's my understanding that  
23 under the RCMP policing model, when three members go off sick, even for an extended  
24 period of time, that those positions are not replaced rapidly, so that the complement, the  
25 active complement will remain three while those three officers are off duty sick. There  
26 won't be, you know, a transfer from Ottawa or from some other place. Is that  
27 understanding correct?

28 **MS. HAYLEY CRICHTON:** That is correct. So the model currently

1 employed by the RCMP is that backfill for those positions is more informal. There's not  
2 a formal mechanism to one-to-one replace an officer, because the person who's off sick  
3 still holds that position. It's what we call a soft vacancy. So that position is still owned  
4 by the individual who's off sick, and then there are more informal mechanisms for  
5 overtime and backfill to ensure coverage is put in place.

6 **DR. EMMA CUNLIFFE:** Okay. Thank you.

7 And, Commissioners, the environmental scan documents that that  
8 practice has been the subject of comment and recommendation in a number of past  
9 reports including the Brown Task Force and Bastarache.

10 Thanks very much, Hayley.

11 I'm now going to step us back into municipal policing and then  
12 municipal police agencies for a few minutes. Jim, if I can turn to you, and you've had  
13 experience as a senior officer in a couple of municipal police services as you mentioned  
14 in your introduction. The first question that I want to ask you relates to your experience  
15 as Chief of Police for Kentville and as a senior officer in HRP with the board process.  
16 So can you describe how police boards operate with respect to municipal police  
17 services and what your experience of that process has been?

18 **CHIEF JIM BUTLER:** So in Halifax, certainly my experience has  
19 been as someone who would go and give presentations. The chief obviously would be  
20 the first contact. So my Halifax board experience is limited to presentations and  
21 watching. The Halifax board is a much more formal structure for sure than the Kentville  
22 board in the sense that the discussions are more strategic in nature than they are in  
23 Kentville.

24 You know, Bill mentioned things about everything being in flux at  
25 the current state. My experience has been policing's been in flux my whole career. I  
26 think we've, you know -- when we talk -- and I'll go back to the boards in a second, but I  
27 think when you talk about the culture in Halifax, I think Bill did an excellent job of in a  
28 very personalized assessment of it and I agree a hundred percent with his assessment

1 of it. And I think what's happened with, you know, in policing, certainly in metro, you  
2 have the amalgamation of three municipalities, excuse me, and they all have different  
3 views on how the policing should work and community standards were different,  
4 depending on the community. And then so you had three cultures, for lack of a better  
5 term, trying to come together, and then you add eight years later an integration with the  
6 RCMP, and you have a fourth culture with multilayered views with, you know, municipal,  
7 provincial and federal layers on that. And then, of course, your governance body is your  
8 police board.

9                   And I think, you know, and I know I speak for Bill, and I think -- I  
10 know I speak for all chiefs, and the importance of the police board and what we as  
11 chiefs want from them. You know, we'll get into the police elect later and I'm sure Harry  
12 will be much more detailed in it, but as a chief, you want to have strategic governance  
13 and community input and how you want us to police. You know, we talk about the  
14 delineation between day-to-day operations or the role of the chief, and there's some  
15 discussions in Harry's paper about that, but strategically and as a community contact,  
16 what you want from your boards is, you know, give me broad strokes of priorities of  
17 communities, things that I wouldn't get because my lens is a police lens and I'm looking  
18 at operations and I'm looking from a police perspective. I'm looking for, certainly,  
19 strategic governance and guidance on priorities and policies, for that matter. So that's  
20 what I find different with the boards.

21                   You know, certainly in Kentville, I find I have a very positive  
22 relationship with my board, and I find them supportive, but we definitely deal with more  
23 granular day-to-day matters as it relates because it's a smaller community. So those  
24 issues come to those councillors and to the community members directly, and they are  
25 very focussed on the day-to-day issues, where I think my experience in Halifax has  
26 been more strategic and larger project type initiatives. So it's a bit of a different  
27 experience for sure.

28                   **DR. EMMA CUNLIFFE:** Thank you. And appreciating that as you



1 quite rightly say, you're in a slightly different role in Halifax than you are now in Kentville,  
2 what reflections can you share about that more formalized structure that you  
3 experienced in Halifax and what was good about it and what was challenging about it,  
4 from your perspective?

5 **CHIEF JIM BUTLER:** So, I mean, I think certainly there's clear  
6 priorities came out of the Halifax board, and I find them, you know, the board members  
7 were engaged for sure, and they all have a variety of perspectives. I think the struggle  
8 with that I would find is the discussions were much more formalized and clinical and not  
9 as free flowing. At least in my experience it's been that way. Now Bill could probably  
10 talk to that more and this afternoon Chief Kinsella can certainly talk to it in his  
11 experience, but it's a much more formal process; whereas, you know, my discussions  
12 certainly in Halifax are very fluid. And I find at the end of the day, you know, you have  
13 more of a clear understanding of what's expected, where I think it's more of a reporting  
14 relationship with the chief to the board, and, you know, going away, coming back with  
15 information to assist the board in making strategic decisions.

16 I know there's going to be some more discussion on the role of the  
17 board later and what that means, and I don't think you'll find any chiefs, you know,  
18 disagreeing with revisiting what the role of the board is, because at the end of the day,  
19 we serve the public. So if it helps serving our communities with more information from  
20 the boards, we're all for that.

21 **DR. EMMA CUNLIFFE:** Thanks so much, Jim. And just to clarify  
22 one thing you said, I just want to confirm that your experience in Kentville has been  
23 more fluid than in Halifax; have I got that correct?

24 **CHIEF JIM BUTLER:** Currently, yes.

25 **DR. EMMA CUNLIFFE:** Yes.

26 **CHIEF JIM BUTLER:** More fluid conversation and a much more of  
27 a conversational style than a, like, a round table style.

28 **DR. EMMA CUNLIFFE:** That's great. Thank you.

1                   And then if I can pick up, thank you for sharing your reflections on  
2 Bill's remarks about the growing pains of Halifax Regional Police's integration. I do  
3 want to pick up on your comment about then the addition of the RCMP into the mix and  
4 as you said, you know, the introduction of a fourth culture in certain respects. Can you  
5 please describe for the benefit of the Commissioners and the Participants how  
6 integration works in Halifax Regional Municipality? Let's begin with that.

7                   **CHIEF JIM BUTLER:** Sure. Now I have to qualify this, as I  
8 mentioned earlier, I'm two years removed from Halifax, so there could be nuances that  
9 are different today, although I understand they're very similar. So as Bill mentioned, you  
10 know, there is the Halifax Regional Police, primary policing Halifax, Dartmouth, Bedford  
11 and the RCMP patrolling the former County of Halifax. So in 2004 roughly, I can be  
12 corrected by Bill on that date, but roughly 2004, the decision was made to explore  
13 integration of various units and functions. So I think there was some officer exchange  
14 programs with different detachments versus divisions, but ultimately settled on the  
15 criminal investigation division was integrated and some support units like the court unit  
16 records and the summary offence ticket office. It's kind of a process-oriented phase.

17                   So my experience in Halifax certainly has been on both ends. I  
18 was a staff sergeant in three of the four sections in integration, so I would supervise  
19 RCMP sergeants and report to an RCMP inspector. And, you know, I would suggest,  
20 despite some of the formalities of agreements, certainly in the earlier years, integration  
21 went well. You know, Bill talked about, you know, collegial relationships and  
22 informalities in Nova Scotia. And I think he's right, we need more formality. But I think  
23 that's also one of the strengths in a small province and small policing community, is  
24 people get the work done, regardless of sometimes the distractions that may occur at a  
25 senior level. The folks that are responsible for public safety on an operational level  
26 absolutely got their work done.

27                   So my -- certainly my experience and integration, and from the  
28 investigation division, I would say, as a staff sergeant, it was very positive and it was a

1 very, I think, fluid and just get the job done type of relationship.

2                   Also with the support side, for example, you know, there's RCMP  
3 officers assigned to the records unit, to the court unit, and summary offence tickets, and  
4 everybody took care of business. So if someone was off, the business still got done.

5                   I think the struggles happen, as Bill had pointed out, and I know  
6 Hayley can attest to, when you start having disagreements on what policy you follow,  
7 who is ultimately in charge, I think is what some of the struggles come to. You know,  
8 when you look at, you know, a Chief of Police in one roll, and the Chief Superintendent  
9 and Assistant Commissioner in another role, sometimes those discussions happen and  
10 how things go sometimes end up with a disagreement with the senior leaders.

11                   I do think it's important to say to the Board or the Commission  
12 though, there's been a lot of discussion on, you know, RCMP versus municipal  
13 agencies and disagreements. And I think, you know, I welcome any other opinion. My  
14 experience has been -- in my career currently today, there's -- you know, I think there's  
15 still an excellent relationship between municipal police and RCMP. We disagree on  
16 issues sometimes. Sometimes it will involve funding. It'll be -- sometimes we may  
17 disagree on specific incidents. And I think they're sometimes often personality-based  
18 disagreements. But I -- you know, I have no illusions that if I call the RCMP for  
19 assistance tomorrow, they're going to come and they're in the same boat. You know,  
20 we actually assist each other daily on an operational level, and even when it comes to  
21 specialized services.

22                   So I had to mention that, because I know there's a lot of discussion  
23 on, you know, a fracture in the relationship. And, you know, it may be certainly at some  
24 aspects.

25                   I know from talking to my colleagues in the RCMP and other chiefs,  
26 we're absolutely optimistic that the relationship will only approve and Nova Scotians  
27 need not worry that we're not going to show up to help each other when the time  
28 comes, because we will.

1                   But I had to inject that because I know Bill talked about culture and  
2 some of the differences and Hayley talked about the, you know, discussions on the  
3 future role of policing. It's important to know that I don't think it's as fractured as people  
4 may be led to believe based on some of the discussions with the Commission.

5                   **DR. EMMA CUNLIFFE:** Thank you for sharing that perspective.  
6 It's very helpful to hear that from you, Jim. And I infer from what you've just said that  
7 that remains as true in Kentville, as your experience in Halifax?

8                   **CHIEF JIM BUTLER:** Absolutely. You know, it's -- I had received  
9 a call from a senior RCMP officer today offering some assistance on something that  
10 was unsolicited. Now, that's based on relationships, I believe, other than, you know,  
11 function. But, you know, I know in Kentville, day in and day out, you know, the Kings  
12 District RCMP and the Kentville Police work together, as I have constant contact with  
13 the inspector and the superintendent in that area. So I really don't have any concerns.  
14 I think any of the issues really come from a future state, what is policing going to look  
15 like in the future, who is going to pay for it, how is it going to be paid for, and who is  
16 going to be in what roles?

17                   And I think when you talk about those discussions, it's certainly  
18 normal for an agency like the size of Kentville to wonder, "Will we exist 10 years from  
19 now?" or, "Should we exist 10 years from now?" So I think that translates into the  
20 smaller agencies. So I think some of the struggles happen with trying to envision future  
21 state, which is something that obviously we welcome the conversation.

22                   **DR. EMMA CUNLIFFE:** Indeed. I think that's a very insightful  
23 remark. And thank you for sharing it.

24                   Bill, if I can just sort of interrupt my facilitation guide for a moment  
25 to turn back to you? I just wonder if there's anything that you would like to add to agree  
26 with or disagree with with respect to what Jim has just shared about the RCMP  
27 integration in HRM, your experience of that?

28                   **MR. BILL MOORE:** Thank you. Jim was correct. In 2002, Halifax

1 Regional Municipality undertook a policing study. They hired Perivale + Taylor as a  
2 consulting firm. And as a result of that, there was, I believe, either 81 or 83  
3 recommendations on how two police agencies in one city could work together more  
4 closely.

5 I was actually seconded out of the police department and sent to  
6 City Hall as a project manager in that first policing study to be managed. And coming  
7 out of that was the integrated criminal investigation, but also a number of other things.  
8 One of the things was the RCMP came on to a records management system for HRM,  
9 the CAD, Computer-integrated Dispatch System, was a common CAD for police and fire  
10 in the city. So the decision was made to have the emergency services for HRM being  
11 able to be interoperable on a computer in a dispatch platform.

12 There was also a discussion around, prior to that, RCMP and the  
13 county were being dispatched by their OCC operational communications centre. They  
14 then came in under a single dispatch system for HRM, again, police being both HRP  
15 and RCMP, and fire services, and also the consolidation of 9-1-1 for all of HRM.

16 So a number of the recommendations were implemented. There  
17 was some MOUs put in place earlier on. Some of the issues were looked at and it was  
18 decided that they could not be done. One, for instance, was around forensic services.  
19 The decision was made not to amalgamate forensic services. So HRP continued to  
20 upgrade their own identification section. And if an event occurred in the RCMP primary  
21 jurisdiction, then the provincial resources for forensics work would be done that way.

22 So operationally, you know, it is -- it worked. It was a little clunky at  
23 times, because you ended up having two different units, depending on the location of  
24 the crime, responding. But those were worked out and it was -- again, there was a good  
25 level of work being done in those areas.

26 So -- and then as the years progressed, some things, for instance,  
27 Jim mentioned the officer exchange for various reasons. Some being -- one of the  
28 reasons that officer exchange kind of went by the wayside, that was connected to

1 integrated traffic, where then because there was no exchanges, members removed the  
2 practice. So it really was not integrated any longer and just kind of evolved over the  
3 years.

4 I would say too, in the fact that we probably -- well, not probably.  
5 We did not keep up on a formalized -- and I agree with Jim's comments on the  
6 collegiality, but I would say that that was fine with the changeover of staff, when you  
7 bring new people in to manage those areas, they have different outlooks. And so what  
8 was the assumed practice was now being challenged and therefore began to evolve.

9 So I think that was one of the issues of not keeping up with some  
10 kind of a mechanism to be able to describe how things were going to continue to  
11 operate and so that when new people arrived, they at least had something to be able to  
12 say this is the standardized process, as opposed to looking at it and going, "No, I don't  
13 think I like that. I'm going to make this arbitrary change."

14 So that's just the comments I would add on the integration. Thank  
15 you.

16 **DR. EMMA CUNLIFFE:** Yeah, thank you for sharing those  
17 reflections, Bill. They're very helpful.

18 I was about to turn to Harry and to a conversation about your  
19 experience as a board member and your work on governance as well, but in fact,  
20 Commissioners, I'm going to suggest that we take a break now and return at 11:00  
21 a.m., subject to your agreement. Thank you, yes. We'll see you at 11:00 Atlantic.  
22 Thanks, all.

23 --- Upon adjourning at 10:45 a.m.

24 --- Upon resuming at 11:02 a.m.

25 **DR. EMMA CUNLIFFE:** Good morning, everybody, and welcome  
26 back.

27 Before the break, we were discussing some aspects of the *Nova*  
28 *Scotia Police Act* and the complexity of arrangements that govern the delivery of police

1 services in Nova Scotia, and we'd begun to touch on questions of governance, and I'd  
2 like to turn to those in more detail at this point.

3                   And so Harry, I'll begin with you if I can. You're a member of the  
4 board that governs the Halifax Regional Police and acts in an advisory capacity to the  
5 RCMP in Halifax. Of course, you've also researched and written about police  
6 governance. In the paper that you -- we have shared in today's roundtable package,  
7 you describe a democratic deficit in policing in Nova Scotia. Could you please start by  
8 explaining the concept of democratic policing and the ways in which you feel that Nova  
9 Scotia's present governance arrangements fall short?

10                   **MR. HARRY CRITCHLEY:** Yes. Thank you, Emma, I'm happy to  
11 do that.

12                   So I'm going to just give a brief roadmap of what I'm going to do.  
13 So I'm going to first provide an understanding of what democratic policing is, then I'm  
14 going to talk about what it is that boards do, you know, what the statutory framework for  
15 boards; I'll talk a little bit about the history of the statutory framework and history of  
16 boards, if that's all right; and then if it's appropriate I can then talk about my own  
17 experiences as it relates to the democratic deficit.

18                   **DR. EMMA CUNLIFFE:** You anticipated all the nested questions I  
19 had for you, Harry, so please go ahead.

20                   **MR. HARRY CRITCHLEY:** Excellent. Well, I appreciate that.

21                   So democratic policing is a paradigm of policing of police  
22 government relations, really, that has been identified by a number of commissions of  
23 inquiry and Scholars, including Kent Roach, as really the kind of most appropriate  
24 model of police government relations in Canada given our constitutional structure. And  
25 so, for example, in the Ipperwash Inquiry, if you'll allow me one second here, democratic  
26 policing was described as promoting democratic participation by encouraging policing  
27 policy to be debated, evaluated, and established in a transparent and accountable  
28 manner.

1                   And Kent Roach has also written that democratic policing entails a  
2 balance:

3                                   "...between respecting the independence of the police  
4 to make law enforcement decisions in individual  
5 cases while [also] allowing...many other forms of  
6 legitimate political direction of the police."

7                   So that's the general paradigm of democratic policing, and I would  
8 suggest that the model of civilian oversight of police, and in particular, municipal police  
9 boards, is in keeping with this model and paradigm of democratic policing.

10                   So to give a little bit of background about the statutory framework  
11 for the board. So under the *Police Act* of 2004, a police -- a board of police  
12 commissioners must be created by every municipal -- municipality that establishes a  
13 municipal police department, the municipality establishes the board, and sets its rules  
14 and regulations.

15                   Fifty-five sub one of the *Act* sets out that the board is required to  
16 serve the two-fold functions of, one, providing civilian governance on behalf of Council;  
17 and (b):

18                                   "...the administrative direction, organization, and  
19 policy required to maintain an adequate, effective and  
20 efficient police department."

21                   Fifty-five sub one, sub (c) through (e), lists the prohibitions on the  
22 board's jurisdiction.

23                   And I think it's important that I speak at some length about those  
24 prohibitions because they're often misunderstood. And in particular, I -- I've heard today  
25 kind of many references to what is often referred to as a distinction between policy and  
26 operations, this idea that operational matters are the purview of the chief, and policy  
27 matters are the purview of the board.

28                   And in keeping with Justice John Morden in his report, the Morden



1 Report, I would suggest that it's important to keep in mind that this language of  
2 distinction between policy and operations is actually not present in our *Police Act*, it's  
3 not what the prohibition reads, and it's important that we adhere closely to the words of  
4 the legislation.

5 So under sub (c), the board has no jurisdiction with respect to:

6 "...complaints, discipline or personnel conduct except  
7 in respect of the chief officer..."

8 That was change that was implemented with the 1989 *Police Act*,  
9 and before this time all complaints were first forwarded to the board for review.

10 Sub (d) requires that the board not exercise jurisdiction with respect  
11 to:

12 "...a specific prosecution or investigation."

13 And I would suggest that this prohibition is in keeping with the  
14 Supreme Court of Canada's decision in *Campbell and Shirose* from 1999, where it said  
15 that police independence in respect of decision-making regarding criminal investigations  
16 is a principal that underpins the rule of law. So that would be the rationale for sub (d).

17 And sub (d) -- sub (e), the most important one, is the actual  
18 day-to-day direction of the police department. So again, there's no mention there of  
19 operations, but it's direction with respect to day-to-day matters.

20 And notwithstanding those prohibitions, 55 (3) sets out a list of  
21 statutory duties that the board must fulfill, and I think these can really be distilled down  
22 to two, the first in sub (d), a requirement that the board:

23 "...ensure that police services are delivered in a  
24 manner consistent with community values, needs and  
25 expectations..."

26 And in sub (e), a requirement that the board:

27 "...act as a conduit between the community and the  
28 police service [provider]..."

1                   And as you noted, Emma, the Halifax board is unique in Canada in  
2 that it also serves the joint function as an advisory board for the RCMP. This -- as you  
3 indicated, this means we only act in an advisory capacity, we can't make binding  
4 direction with respect to the RCMP, but we can recommend policies for instance.

5                   So there's fundamentally two functions on the police board. So the  
6 first is, and this is language that I've taken here from Justice John Morden. So the first  
7 is what Justice Morden calls the "governance function". And Justice Sinclair, actually, in  
8 his review of the work of the Thunder Bay Police Board argued that police boards have  
9 expansive authority in terms of policy development and implementation.

10                  And this was a point that was confirmed by the Supreme Court of  
11 Canada in 2003 in *Odhavji Estate and Woodhouse*, where the Supreme Court  
12 confirmed that police boards have:

13                                 "...broad discretion to determine what objectives and  
14                                 priorities to pursue or what policies to enact..."

15                  And Morden refers to this as the governance component of civilian  
16 oversight, and it's a proactive, forward-thinking process in which the board makes  
17 policies for the adequate and effective operation of the service, which create the arena  
18 in which all aspects of a police service is statutory and common law responsibilities are  
19 carried out.

20                  And so together with the governance function is the oversight  
21 function, and having implemented policies and provided direction to the chief, police  
22 boards are required to effectively monitor compliance with those policies and directions,  
23 and this is what Morden refers to as the accountability component of civilian oversight.  
24 And that's, in his words, the process by which actions and activities already carried out  
25 by the police service are evaluated to ensure they are consistent with existing policies in  
26 order to ensure that decisions which have been taken can be evaluated and addressed  
27 in a transparent manner and that lessons learned can be applied to future decisions.

28                  So I've provided that kind of overview of the statutory framework. I

1 want to provide a little bit of background regarding the history of Police Boards, and  
2 particularly the history in Nova Scotia.

3                   So Police Boards are not unique to Nova Scotia and, in fact, they  
4 actually pre-date our country's foundation. The first Board of Police Commissioners  
5 was established in Upper Canada in the 1850s in the model of a civilian board to  
6 oversee municipal services, the mostly practised form of police governance in Canada.  
7 It's used in virtually every province where there are municipal police services, with some  
8 exceptions. And similar models are applied in a number of common law jurisdictions  
9 internationally.

10                   And I would note that in Nova Scotia, unfortunately, there's been  
11 fairly long-standing concerns regarding the effectiveness of Police Boards. So a 1981  
12 review of the provincial *Police Act* by then Chief Provincial Judge Nathan Green made  
13 several recommendations intended to address what he referred to as the inertia of  
14 municipal police commissions.

15                   And I would note that Boards actually only became mandatory for  
16 the first time in the 1989 *Police Act*.

17                   Bill has already referenced the 2002 study by Perivale and Taylor,  
18 and that study also found the Halifax Police Board was not meeting its legislated  
19 obligations in part because the Board did not know three things.

20                   First, what questions to ask the Chief, second, how to assess the  
21 veracity of these -- the responses received, and third, what to do with this information.  
22 And as a result, the report made several recommendations relating to Board member  
23 qualifications and training which largely went unheeded.

24                   And major amendments to the *Police Act* came in force in 2006,  
25 which for the first time identified the Board's functions and duties. And before this time,  
26 Boards only had those duties that Municipal Counties gave to them. And the Marshall  
27 Commission noted that this arrangement allowed municipalities to tailor the role of the --  
28 of its Board to its choosing, "granting it as little autonomy with respect to its police force

1 as it chooses”.

2                   And while these amendments were first proposed -- when these  
3 amendments were first proposed in 2003, the Halifax Board Chair at the time stated  
4 that, “The Board does not have the resources or the time for the more in-depth  
5 involvement proposed in the new Act.” No plan was put in place to implement the  
6 changes included in the new statute such that a period of uncertainty, misunderstanding  
7 and “functional drift” resulted.

8                   And there I’m quoting from a self-study that was done by two  
9 former Board members, Fred Honsberger and Mike Morash, in 2016, and that’s a  
10 document that BCCLA and East Coast Prison Justice have provided to the Commission  
11 for its consideration.

12                   And notably, in 2013, the outgoing Chair of the Board  
13 acknowledged the Board’s public image as “a coffee and lunch club”. Notably, during  
14 this time, Board meetings occurred at HRP Headquarters such that they were not easily  
15 accessible to the public.

16                   And actually, I spoke to Mike Morash yesterday, who was a Board  
17 member from 2011 to 2015, and he indicated that before the change was made to have  
18 the meetings at city hall, there was never once a member of the public attending a  
19 meeting. Members of the media would sometimes attend, but members of the public  
20 were effectively barred.

21                   And I would note that as recently as 2015, solicitors for the HRM  
22 claimed that the drafting of policies was beyond the scope of the Board’s authority and  
23 jurisdiction under the Act.

24                   And finally, as I’ve noted already, a 2016 self-study of the Board by  
25 the two former Board members concluded that, “The Halifax Board of Police  
26 Commissioners has failed to meet its legislated governance requirements under the  
27 *Police Act* for the past 10 years”, a failure which the reviewers attributed to “long-  
28 standing systemic flaws in the framework and support network of the Board.”

1 For example, the self-study found that as of 2016, the Board  
2 provides no policy to the police, approves no existing police policy and does not assess  
3 police compliance with policy. And unfortunately, this is a state of affairs that has  
4 continued to today and this is despite the fact that, in a legal opinion provided to the  
5 Board in 2017, a solicitor for the HRM confirmed that the Board's duties go beyond  
6 merely recommendation of policies and, in fact, that the Board can prescribe and direct  
7 the police to implement certain policies so long as it doesn't butt up against or override  
8 its jurisdictional prohibitions.

9 **DR. EMMA CUNLIFFE:** Harry, if I can just jump in.

10 Thank you for providing those -- that history to the Commission. As  
11 you say, it has been shared by East Coast Prison Justice and BC Civil Liberties, and  
12 we're grateful for it.

13 Conscious of time today, I wonder if you would mind fast-forwarding  
14 to your experience as a Board member and your reflections on the differences in the  
15 governance structure between the Board role that you play with respect to HRP and the  
16 advisory role with respect to RCMP.

17 **MR. HARRY CRICHTLEY:** Sure. Well, I think the main distinction  
18 is that, you know, the Board has really only, as I've mentioned, an advisory and  
19 recommendatory role in respect of the RCMP. You know, it's not able to provide  
20 direction. It plays very little role whatsoever in the setting of the budget and the review  
21 of policies, the determination of priorities for the RCMP.

22 And I think although the Board, on paper, and under the terms of  
23 the *Police Act*, has more power as it relates to the municipal police, I think there's  
24 effectively kind of four major areas, if it's the right -- and I will go through those -- that  
25 kind of undermine the effective significance of the Board's role.

26 And so the first of these is a lack of understanding regarding the  
27 Board's jurisdiction and what the Board is allowed to do. And I've already touched in  
28 some detail about what those prohibitions and the Board's jurisdiction are.

1                   And you know, this is something that's been discussed at length in  
2 the Morden report and discussed by Justice Sinclair that this is a fairly common issue  
3 with Police Boards around Canada, a lack of understanding regarding the Board's  
4 jurisdiction.

5                   And I think there's two recent examples that really speak to this.

6                   So for instance, after the receipt of the Morden report at its April 15,  
7 2019 meeting, the Board received a legal opinion from its solicitors that, first, that street  
8 checks were legal and authorized by the common law, and second, that the Board's  
9 "authority is largely limited to policy directions" such that its ability to act on the  
10 recommendations in the report was limited to "forwarding the recommendations".

11                  And I would suggest that this is incorrect. A prohibition on street  
12 checks is clearly a policy matter and something that the Board, if it had a proper  
13 understanding of its jurisdiction, could have enacted if it so chose without overriding its  
14 jurisdiction. And I would also identify some conflict that arose with respect to the  
15 Board's jurisdiction to initiate an independent civilian review of the handling of the  
16 August 18th protests.

17                  So in that case, I wrote a fairly lengthy legal memo outlining based,  
18 in large part, on Justice Morden's interpretation of the *Police Act*, the view that the  
19 Board was authorized to initiate an independent civilian review.

20                  You know, this was -- there was some disagreement between  
21 myself and solicitors for the HRM about whether this was allowed, but ultimately, an  
22 independent legal opinion that the Board obtained confirmed that the Board did have  
23 the authority to do this and that, in fact, the Board's enumerated duties under 55(3)  
24 provided a stronger basis for initiating an independent civilian review than was the case  
25 in Ontario.

26                  Second, I would speak to the issue around information sharing.  
27 And this is, again, a point that Justice Sinclair and Justice Morden have touched on  
28 extensively, you know. And to that point, Justice Morden, he recommends the creation

1 of clear information-sharing protocols between a Board and the Chief, keeping in mind  
2 that the Board can't ask questions about information that it doesn't have. And in fact,  
3 Justice Morden recommended -- and Justice Epstein, in her 2022 review conducted by  
4 Toronto Police Review -- Toronto Police Board confirmed this recommendation that the  
5 Board should really be receiving information about everything that Justice Morden  
6 referred to as a critical point. So it's any kind of police operation or plan that engages  
7 senior management in some respect, right.

8                   The Board should be given a briefing either before or afterwards  
9 because of the possibility that, you know, this plan or operation might give rise to policy  
10 concerns.

11                   And I want to suggest that this has been a major area of issue and  
12 of concern for the Board, and I would note that at its work planning session in February  
13 2017, the Board at that time committed to creating a policy on the flow of information  
14 from HRP to the Board. However, this was never done.

15                   And I would suggest that there are some fairly longstanding  
16 concerns with respect to transparency and information sharing, and I would -- I would  
17 note, for instance, and I'm happy to speak about this in more detail a little later on, that  
18 HRP is second behind only the Department of Justice in refusing to accept  
19 recommendations of the Privacy Commissioner to release information requested under  
20 the *FOIPOP Act*. And this is, you know, a longstanding concern going back to 2003.

21                   **DR. EMMA CUNLIFFE:** Harry, I'm going to jump in again and just  
22 remind you of the mandate of the Commission and the particular focus, I think, that we  
23 have on the kind of structures of Board governance and so on on the day to day with  
24 respect to Board governance of HRP.

25                   I wonder if you would mind sharing just your third and fourth points  
26 somewhat briefly so that we can move forward.

27                   **MR. HARRY CRICHTLEY:** Okay, understandable.

28                   Yeah. The third point would be an issue with respect to support

1 from the municipality. So the Board's budget up until this year before the hiring of the  
2 staff was under \$14,000, and it had been that way for the longest period of time. You  
3 know, all the members of the Board who are civilians are volunteers.

4 As a result of the lack of staffing, the Board has effectively no  
5 research capacity so, you know, it may be difficult of fulfil its policy mandate, and in  
6 effect, requiring to rely on the Police Services to do research for it.

7 And I would also suggest that Justice Morden has raised that the  
8 arrangement whereby municipal solicitors would provide advice to the City, the Police  
9 Service, and the Board is also raises concerns, and it's one that's impressive.

10 And then finally I would speak to support from and engagement  
11 with the Province and the provincial Department of Justice. And there, you know,  
12 there's concerns with respect to the timely appointment of members. So I would note,  
13 for instance, that of the 30 advisory boards in the province, there's currently 18  
14 provincial appointees outstanding.

15 I would note that under section 54 and 67, members of boards and  
16 advisory committees can be mandated to complete training as provided by the  
17 Department of Justice, but that there is no such training that's been prescribed under  
18 the regulations. And that there's otherwise fairly limited engagement or consultation  
19 between, at least the Halifax Board and the Province. So we had a meeting yesterday  
20 and it was discussed that no current member of the Board has been involved in the  
21 ongoing policing standards review, but there is some involvement from police chiefs and  
22 the Chief Superintendent.

23 **DR. EMMA CUNLIFFE:** Thank you so much, Harry, much  
24 appreciated.

25 Scot, I'm going to turn to you; and Harry's alluded, of course, to  
26 your report in 2019 on the practice of street checks in Halifax.

27 I'm going to ask you a few questions about your report and about  
28 the work you did at that time. And I wonder if I can begin by inviting you to provide a



1 brief explanation of the methodology you used for that study.

2 **DR. SCOT WORTLEY:** We tried to, first of all, employ a  
3 multimethod strategy involving both qualitative and quantitative approaches to this issue  
4 and our research questions. Of course, we did receive over 10 years of street check  
5 data that had been collected by the -- both the RCMP and the Halifax Regional Police  
6 Service documenting street checks.

7 And we also merged that with -- eventually, through a number of  
8 requests, with data from General Occurrence Reports in order to capture some of the  
9 histories of the individuals involved in street checks because we wanted to explore the  
10 hypothesis that many people involved in street checks were also known offenders who  
11 were just being monitored by the police and the community.

12 We also eventually received a small sample of the narratives from  
13 street checks. There had been a lot of talk about the basic demographic information  
14 about street checks; reasons for street checks; the age, gender, and racial background  
15 of those checked. But we wanted to also analyze the narratives that officers were  
16 writing. You know, the intelligence purpose; that took a great deal of effort because a  
17 lot of information had to be redacted before we were allowed to look at it.

18 At the same time, we were also interested in how the public was  
19 perceiving the street check issue, so we conducted a large number of interviews with  
20 leaders within Nova Scotia's Black community. We conducted a number of focus  
21 groups and community meetings in various locations in the Halifax Region, including  
22 many of the traditional Black communities, and neighbourhoods with high Black  
23 populations within Halifax itself.

24 We did a number of consultations with Black leaders, you know,  
25 and captured their views. And, importantly, we also consulted with police officers  
26 themselves, so we had a number of interviews and focus groups with officers at various  
27 -- holding various types of positions, within both the RCMP and the HRP.

28 We also conducted a survey, an internet survey. You know, in

1 many ways I would question the methodology there. What we wanted to do, and what  
2 the Commission was very concerned with, is that people who couldn't show up at  
3 community meetings had an opportunity to voice their opinions on these issues as well.  
4 Methodologically, it wasn't a, you know, a random sample of the population, like a lot of  
5 the other work that we've conducted over the last 20 years, but it did produce results  
6 that were largely consistent with both the quantitative data and what we were hearing  
7 from the communities.

8 **DR. EMMA CUNLIFFE:** Thank you so much for sharing that, Scot.

9 And just to back up a little bit -- and this is on me -- of course the  
10 context in which you were commissioned by the Human Rights Commission to do this  
11 work was a growing concern about the practice of street checks disproportionately  
12 targeting African Nova Scotian community members in Halifax, and Black community  
13 members. And, in particular, part of that history was a recommendation having been  
14 made by the Human Rights Tribunal in 2003 that a study of this kind be done, and that  
15 recommendation not having been taken up.

16 So just to give people the kind of back story and the context in  
17 which the Human Rights Commission ultimately decided to commission you to do this  
18 work.

19 Now, ---

20 **DR. SCOT WORTLEY:** If I could comment? Sorry.

21 **DR. EMMA CUNLIFFE:** Yeah, go for it, please.

22 **DR. SCOT WORTLEY:** If I could comment a little bit?

23 I mean, I think this is one of the issues that emerged and probably  
24 didn't receive as much discussion as it should have, was, you know, a Tribunal  
25 recommendation stemming from a 1999 case, Kirk Johnson, to study the issues of  
26 police stops. The language of "street checks" had not been coined or widely used; it's a  
27 term within the Versadex software program that has been adopted by many police  
28 services in North America.

1                   The study was supposed to focus on police stops, not necessarily  
2 street checks. A recommendation was done in 2003. In 2004, I was brought out from  
3 the University of Toronto; had a four-day trip where I consulted with both RCMP and  
4 Halifax Regional Police Service officials on how a study might look like.

5                   So it was not a study itself; it was kind of a consultation on how you  
6 would study these issues and fulfil the obligation of the recommendations from the  
7 Tribunal.

8                   After leaving that trip, it was -- you know, it was an interesting trip, I  
9 learned a lot about policing and Nova Scotia. Returned to Toronto, and never heard  
10 anything back. And it was only until a CBC reporter 15 years later contacted me and  
11 said, "What about your study that you were supposed to do in 2003? Were those  
12 results ever released?" And I said, "I don't know what you're talking about. I was never  
13 commissioned to conduct a study. I figured the police services in question were  
14 conducting their own study or gone with other consultants."

15                   And I think that led to an inquiry with the CBC with respect to what  
16 happened with that recommendation, which ultimately led to the release of the street  
17 check information to begin with, and the inquiry.

18                   So there was a large, long gap between that recommendation and  
19 the study actually being conducted.

20                   **DR. EMMA CUNLIFFE:** Yeah, it's very helpful history for you to  
21 share, in terms of the sort of dynamics of how these things happen. So thank you, Scot,  
22 for adding that piece.

23                   One of the -- your report does a lot of important things, and I regret  
24 that today we can only focus on a very small portion of it.

25                   One of the things that you report as a finding that came through a  
26 number of those methodologies that you adopted, is that the question of civilian  
27 oversight and police complaints was raised by participants in several forums, including  
28 your interviews, community meetings, and survey responses. You note that these

1 questions were particularly likely to be raised by African Nova Scotian community  
2 members, although some White survey respondents also raised the question. But you  
3 also note the police participants and officials didn't raise the question of civilian  
4 oversight or police complaints at all in your consultations with them.

5                   What did you hear from community members about the role of  
6 civilian oversight, and their sense of the accountability mechanisms that were then in  
7 place in Nova Scotia?

8                   **DR. SCOT WORTLEY:** Community responses expressed a great  
9 deal of cynicism that the system was performative, window dressing, public relations to  
10 give the appearance of a civilian oversight without, in a word, having any teeth. That,  
11 you know, complaints were always going to be investigated, for instance, by the police,  
12 and therefore the odds of a complaint being successful and leading to any kind of  
13 disciplinary action were very slim. Which led to an apathy, I think, for many in the  
14 African Nova Scotian community particularly, but also among some of the White  
15 community members that we talked about; that it was a waste of time to complain, that it  
16 was going to just be an exercise of frustration, if not mark you as a malcontent within  
17 the community that the police would know with respect to future interactions.

18                   So there was a very strong, you know, sense that the current  
19 system wasn't working, that the current system needed to be reformed, and a great  
20 level of distrust towards the mechanisms that had been established.

21                   **DR. EMMA CUNLIFFE:** Thank you. And so I imagine in response  
22 to what you're hearing, your recommendation 4.11 at page 177 of your report suggests  
23 the formation of a committee that included -- or that includes community members,  
24 police officials, and government stakeholders to study the strength and integrity of  
25 current police complaints processes both for HRP and for the RCMP.

26                   And in the course of setting out that recommendation, you  
27 summarized the concerns you heard from community that you feel should be examined  
28 by a committee of the kind that you envisage, and that recommendations should be

1 made for improving the current public complaints system and increasing community  
2 confidence in those processes.

3 To the best of your knowledge, did that ever happen?

4 **DR. SCOT WORTLEY:** To the best of my knowledge, I haven't  
5 been privy to kind of internal conversations, but I don't think major changes have taken  
6 place. Perhaps consultations have taken place, but I'm not aware of whether they led to  
7 direct action.

8 **DR. EMMA CUNLIFFE:** Thank you.

9 **MR. HARRY CRITCHLEY:** Harry, I'm just going to pick up on that  
10 and ask whether you, from your vantage as a member of the board, know whether that  
11 committee was ever struck and whether progress has been made on that front?

12 Thank you. And apologies, Emma, for sort of rattling on there a  
13 little too long before.

14 I -- my understanding is -- I'm just going to pull up the two-year  
15 Wortley Summary that was published by our board, because our board does have a  
16 supervisor authority over -- sorry, not supervisor authority, but it does oversee the  
17 implementation recommendations, at least to the extent of our jurisdiction.

18 And so here I'm looking at what's included under 4.11. There's  
19 references to changes to the police regulations, a concession that the exact actions in  
20 this recommendation have not been actioned, but other steps have been taken.

21 So I guess my short answer would be that, no, there's not a  
22 committee at this time that's sort of studying this issue.

23 **DR. EMMA CUNLIFFE:** Thank you. That's very helpful.

24 I'm going to move on. Scot, thank you so much for sharing your  
25 experience with the Wortley Report. And we'll loop back to some of your work in a little  
26 while.

27 But for now, I wanted to observe, and indeed Harry's remarks have  
28 made clear in other ways that the Wortley Report is far from being the first to

1 recommend reform to the delivery of policing services in Nova Scotia.

2 Jane, if I can turn to you, in 1989, the Commission of Inquiry into  
3 the Wrongful Conviction of Mi'kmaq Man Donald Marshall Jr. envisaged a  
4 transformative approach to criminal justice in Nova Scotia for the Mi'kmaq.

5 Police-focused recommendations included increased attention to  
6 the recruitment and hiring of Indigenous police members, a review of the delivery of  
7 police services across municipal agencies and the RCMP, the need to maintain the  
8 independence of the police commissioners, or now called the Boards, and the  
9 implementation of minimum standards for policing.

10 Jane, what can you share about the implementation of the Marshall  
11 Inquiry recommendations?

12 **DR. L. JANE McMILLAN:** From an administration of justice  
13 perspective, there are a lot of boxes ticked. There was a good deal of energy put into  
14 making the low hanging fruit get picked and eaten. The longer more systemic changes  
15 that the Mi'kmaq would certainly prefer to see were very sporadic, uneven, and largely  
16 unfulfilled.

17 There were efforts to recruit, and significant efforts to recruit  
18 Indigenous members into police services, and there were programs that were  
19 successful in doing that. And particularly those programs that gave close attention to  
20 mentoring and the constable program. There was, I think it was called the Aboriginal  
21 Cadet Program, which is no longer in operation. But it had -- it was led by Indigenous  
22 members, did a good job of recruiting. But over time, the recruitment focus was diluted  
23 by other factors and people were not being successfully recruited into the ranks. And  
24 then I think within the system, within various police services, there were a lot of  
25 challenges that people were facing internally, and then it became more difficult for them  
26 to be mentoring in terms of recruitment.

27 The standards of what was required in order to qualify, and the  
28 testing, and the way -- the approach, right, from polygraph testing to the standardized

1 tests of determining eligibility and meeting those criteria I think all had cultural biases  
2 that remain today problematic.

3 Did you want me, Emma, to focus more on the policing aspect or  
4 do you want me to speak to those recommendations that came from Mi'kmaq and the  
5 criminal justice system?

6 **DR. EMMA CUNLIFFE:** Thank you for the question, Jane. I think  
7 for the time being, it would be very helpful if you focus particularly, as your remarks  
8 have done already, on those recommendations that focus on policing.

9 But I wonder if we can shift the conversation over so slightly,  
10 because I think you've given us a flavour of the approach that has been taken and the  
11 things that have been implemented, and to a certain extent, a pattern of partial  
12 implementation and perhaps moving away from implementation. But please tell me if  
13 that's not a fair characterization of what you just shared.

14 But I was hoping to invite you to pick up on that portion of your  
15 book about Donald Marshall Jr., *Truth and Conviction*, in which you relate the history of  
16 the Unama'ki Tribal Police Service. And I wonder if you could please share a little bit  
17 about the origins and the experience of this police service?

18 **DR. L. JANE McMILLAN:** Well not an explicit recommendation of  
19 the Marshall Inquiry, 82 recommendations, the Mi'kmaq took the totality of the Marshall  
20 Inquiry and used it, I think with great political acumen, to leverage and get their voice,  
21 because the idea was let's not just Indigenize the Canadian justice system. Let's make  
22 sure that we use the Marshall Inquiry to produce the justice system the Mi'kmaq people  
23 want. So they didn't really want to be consumed anymore, while they saw that as an  
24 important step, it wasn't the only road forward because they knew very clearly that just  
25 by Indigenizing the Canadian justice system, you're not going to really alter those  
26 colonial oppressive structures that impede people's experiences of justice.

27 And because the idea of policing their own communities and having  
28 the trust issues that certainly were completely destroyed, not only because of Marshall's

1 wrongful conviction, but because of the centuries of police interaction with racism, and  
2 sexualization, residential schools, all of those factors needed to be addressed.

3           The chiefs came together and I think it was also something -- Heidi  
4 can probably speak to this with greater detail, but the coming together between the  
5 province and the federal governments, and the Mi'kmaq leadership to put forth an  
6 Unama'ki Tribal Police that was to represent and serve the jurisdiction of the five  
7 communities -- Mi'kmaq communities in member to. And this was a very exciting  
8 welcomed opportunity for people to return to policing in a style and a manner that really  
9 reflected community, community needs, and community dispute management, and build  
10 that trust, and response times, and you knew what you were going to get. The  
11 community expectations, they thought were going to be met by the services, Mi'kmaq  
12 speaking officers, Mi'kmaq people with the cultural understanding, Mi'kmaq people who  
13 were not going to judge the ways of living, which was always a huge perception  
14 amongst Mi'kmaq members.

15           And it took a lot of negotiation, and challenging ones, and by the  
16 time that it was established, it had very few members, serving at an extensive  
17 jurisdiction, and it was unclear what the jurisdictional boundaries were. The  
18 relationships with other police services were never formalized or not very clearly, and  
19 there was a sense that this police service was just set up to fail, that it was something  
20 that was going to be -- and that failure would be put on the backs of the Mi'kmaw, not on  
21 the lack of resources, not on the, you know, lack of formal relationships, not on the lack  
22 of others, but that deficit was put on the Mi'kmaw. And so it was tragically closed within  
23 five years of its establishment.

24           But the success of the program was indicated that the call rate to  
25 police for help, for services went through the roof. And so people really, really were  
26 wanting, wanting that service to happen, and because it was just so sparsely populated,  
27 it was unable to do that. And then, of course, you fall very quickly into community  
28 criticism of the service.



1                   **DR. EMMA CUNLIFFE:** Thank you so much, Jane, for relating I  
2 think that very important history, and, you know, a really innovative reform of, as you  
3 say, hard negotiated and hard-fought reform that perhaps was set up to fail.

4                   And, Heid, I would like to turn to you now and you mentioned in  
5 your introduction that you participated in the negotiations ---

6                   **MS. HEIDI MARSHALL:** Yeah.

7                   **DR. EMMA CUNLIFFE:** --- as a very -- a relatively young lawyer  
8 and as a member of Membertou First Nation representative. What can you add to what  
9 Jane has shared and what are your perspectives on that whole experience?

10                  **MS. HEIDI MARSHALL:** I think Jane shared a very, very great  
11 picture in history of how that happened and exactly what happened. You know, and  
12 then being at that table, it was like -- I mean, when -- like, when we were at the table  
13 with, you know, with people like Senator Dan Christmas was very humble and quiet, in  
14 comparison with late Captain Alec Denny, you know. And so those were, like, my  
15 mentors back in the day, and just that experience of that negotiation process and how --  
16 I just -- one thing that always stuck to my head is -- in my head and still does today is  
17 that the policing service at the airport had more funding than the tribal police. So that,  
18 to me, was an indication of how much effort and how much resources and how much  
19 even care that, you know, that the -- like, the government of Canada and the province  
20 and how much they invested in our communities, you know. And to me, like, we faced  
21 obstacles right at the beginning, underfunding, overworked staff, jurisdictional issues,  
22 like, Jane mentioned, was the biggest one as well, you know. And also, people didn't  
23 realize that the trauma that our people would face while policing their own communities.  
24 We bring that trauma home with us every single day because you know who it is, you  
25 know. Being at the Jane Paul Centre just reminds me of that. Like, funding -- like, you  
26 know, like, we still have no funding for the Jane Paul Centre, you know, like, despite  
27 MMIWG Report, despite all the recommendations of that report, there is no funding, you  
28 know. So we've been struggling right now for eight years, and despite no funding, we

1 kept the doors open. Like, you know, like, and then that's -- and that needs to stop.

2                   You know, like, I know I'm getting off topic a little bit, you know, but  
3 I know that, you know, like, while we're still trying to improve community safety and  
4 public safety, but we still have all these issues and obstacles that are put in our way.  
5 Like, so we need to take into account in order to develop and change any policing  
6 structures and, like, or policing in communities, we need to take into account culture, the  
7 different governance structures in each community, and then who are they accountable  
8 to. That's the biggest issue when you look at all police commissions and boards, and  
9 when you look at the *Indian Act*. Like, you know, like, there's no accountability to our  
10 people. It's all embedded, it's all accountable to the Minister.

11                   So those ---

12                   **DR. EMMA CUNLIFFE:** Heidi, I'm just going to jump in and say ---

13                   **MS. HEIDI MARSHALL:** Sorry.

14                   **DR. EMMA CUNLIFFE:** --- far from getting off track, it's fabulous to  
15 hear from you and I hope you don't mind if I ---

16                   **MS. HEIDI MARSHALL:** No, you can cut me off.

17                   **DR. EMMA CUNLIFFE:** --- just jump in and say -- no, no -- well, I  
18 have cut you off. That's fair. I would love it and I think the Commissioners would be  
19 very grateful to hear a little more about the Jane Paul Centre ---

20                   **MS. HEIDI MARSHALL:** Okay.

21                   **DR. EMMA CUNLIFFE:** --- about its origins and the work you did  
22 to set it up, the services that you delivered, the women that you serve through that work,  
23 and say a little bit more about the funding environment that you're operating in. I think  
24 all of that's very important part of this conversation.

25                   **MS. HEIDI MARSHALL:** So right now, I was one of the founding  
26 members of the Jane Paul Indigenous Women's Centre in Sydney. And that was --  
27 there was a bust called the "John Be Gone" in Cape Breton where 60 something johns  
28 were charged, and I think 98 or 99 percent of the street workers were indigenous,

1 Mi'kmaw women from the Cape Breton regional area. So there was a police task force  
2 formed -- no, a chief's task force. I was on that task force and participated in several  
3 meetings but then the task force kind of just didn't happen anymore. And then I was  
4 working for the Nova Scotia Native Women's Association on a different levels and just  
5 doing my consulting business, and I get a call from a youth health nurse and a medical  
6 worker that a 13-year-old girl that was one of her clients at the Youth Health Centre was  
7 working the streets. So I went to go meet with them and, you know, we tried to figure  
8 out a strategy, but, you know, and I just said, "Well, we'll open a resource centre for our  
9 women, you know." And I know that there was already women on the streets and stuff,  
10 and then -- and we had strong advocates, like, Bernadette Marshall now who was the  
11 president of Nova Scotia Native Women's Association. You know, and so we had  
12 advocates in that regard.

13                   So we started with no funding, absolutely none, like, not even a  
14 penny, you know. And so things just kind of fell into place. I had to volunteer for two  
15 years, you know. We -- and it was just kind of burn out because, you know, like, we had  
16 nothing. We kind of just opened up with nothing. And so we got a little office on  
17 George Street. We just had, like, probably, like, a little, tiny room as big as my trailer  
18 here probably right now I'm sitting in. And we just started, you know, along and  
19 becoming, because these women have been -- lost their homes on the reserves, were  
20 involved in street prostitution, like, street work, some are being trafficked. It was -- you  
21 know, like, when you look at the definition of trafficking, the police still didn't consider  
22 that human trafficking because of the colonial *Criminal Code* definition of what human  
23 trafficking is, you know. And so it's not -- you know, like, so we need a more cultural  
24 indigenous definition of that. That's still pretty hard to, you know, really do. So  
25 according to police in Cape Breton, our women aren't being trafficked. That's always  
26 what I hear from human trafficking police and from the police. Oh, are you sure they're  
27 being trafficked, and things like that.

28                   So those are -- and so a lot of our women are still living -- are on

1 the streets, they're homeless, they're addicted to drugs, they're involved in, like,  
2 probably heavy drug use, you know, you know, and involved in trafficking,  
3 homelessness issues, just all kinds of issues like that. And so our women at the centre  
4 lost faith in all the systems, not only on the reserve, but off the reserve. They have no  
5 faith in the leadership, in policing, in Mi'kmaw legal support. They don't trust any of  
6 those systems because they're all colonialized. You know, we all have to agree to  
7 some type of funding agreement, some type of model, and we all have to report. You  
8 know, and so we need to -- and sometimes people, like, don't think out of that box and  
9 things like that. So we still accompany people to court, even though we don't have a  
10 court worker program at the Jane Paul Centre, you know. So a lot of -- so we have a  
11 crisis navigator right now and we're just hiring the housing support person. We just  
12 hired a new director. So I've been getting called back in, like, over the eight years  
13 because it's really hard to maintain a director, because we take that trauma home with  
14 us every single day. We get calls at three in the morning. We get calls of women being  
15 stuck somewhere in New Waterford, at risk, you know. And so just things like that  
16 happen a lot.

17                   So we -- and so it's really difficult, so we have a high turnover of  
18 staff, as in all -- like, all frontline work, you know, like, there is a high turnover of staff,  
19 more so in our area, like, at the Jane Paul Centre because right now I think we're going  
20 through probably the third crisis navigator this year. And I don't expect this one to last  
21 as well. You know, you can already know the fits. You can tell the fits when they're  
22 there; right? And it's really difficult to run -- to administer and run a centre -- like, the  
23 Nova Scotia Native Women's Association administers the Jane Paul Centre because  
24 the funding issues, we have no funding whatever. And so it's really difficult to be  
25 administered by, like, an agency in Truro and you're trying to make decisions to save  
26 someone's life that particular moment, no matter what time, you know. And so those  
27 are things that are really difficult.

28                   So even when you look at policing, those are things that probably

1 happened with the tribal police. You know, things as such that, you know, we're dealing  
2 with right now at the Jane Paul Centre, you know, and that. But and we're -- and  
3 saying, like that's 30 years later, these problems are still here today, you know, and  
4 people don't realise.

5 So we have to establish those relationships with police. It's not just  
6 an Indigenous responsibility, it's not just a Mi'kmaq responsibility, you know. Like,  
7 everyone has a vested interest of -- in this, like, you know, like the Cape Breton  
8 Regional Municipality does, the police do, we all do.

9 Even with "John Be Gone", like removing the women from the  
10 streets and they're going to back alleys now, and like, you know, like, having, you know,  
11 just doing, like, sex trafficking over the phone, via the internet, in dark alleys, it has -- it  
12 has put them at higher risk. So there are times even when I'm not at the centre working,  
13 I still drive the back alleys in Sydney to make sure our women are safe. You know, and  
14 why do I have to do that?

15 **DR. EMMA CUNLIFFE:** Absolutely, Heidi. Thank you for -- thank  
16 you for sharing those insights.

17 **MS. HEIDI MARSHALL:** I could say much more.

18 **DR. EMMA CUNLIFFE:** I'm sure you could, and one of the things I  
19 want to make sure we capture for the record is that you shared with me that the Jane  
20 Paul Centre offers a housing support worker, a counselling worker, a child and youth  
21 space to support the children and youth of the women that you're working with, food  
22 security services, and all of this with no, as I understand it, stable core funding, but on  
23 the basis of grant and project funding, and as you quite rightly said, you know, despite  
24 the recommendations of the Murdered and Missing Indigenous Women Inquiry and the  
25 Truth and Reconciliation Commission.

26 **MS. HEIDI MARSHALL:** Yeah. And I -- and I think that we need to  
27 -- that needs to be advocated, not only at the Nova Scotia Women's Association level,  
28 but at the higher levels, and not only of the Assembly of Nova Scotia Chiefs, it has to be

1 at a national and provincial level at a high end negotiation, and we need to begin that  
2 process right away, and we need to start developing partnerships.

3                   And I really appreciate Jane's expertise. I think her and I talked  
4 about this. Like, we need to ensure that this doesn't... You know, like -- you know,  
5 because we accept the women where they're at in their lives, whether they're on the  
6 road to recovery or whether they're not, you know.

7                   So I'm just in negotiations right now, and I'm going to be gone so I  
8 hope those negotiations continue, I'm just negotiating right now with -- on the Nova  
9 Scotia Health Authority to get a nurse practitioner and a RN there. So hopefully after  
10 I'm gone, like next week or the 21st, that that continues. Because I -- you know, so it's  
11 really difficult when you keep changing directors because people know me, and they --  
12 you know, so it's a lot different when it's someone that's been involved for like 10 years  
13 or 20 years or 30 years, and so someone new, they don't get that, you know, those  
14 quick conversations happening right away, like I do, you know. And so those are things  
15 that I think are important to make those relationships, you know.

16                   And I know that you wanted us to share with about the centre, I  
17 said, no, we need an Indigenous nurse. We need someone Indigenous to work with  
18 these women, you know, it's because we have women that are working on the street  
19 that are still trafficking and they're still doing street work that are pregnant and they're  
20 living on the streets too, you know. We have -- we have a client in the hospital now, we  
21 have a client, you know, where their husband just was missing and he, you know, he  
22 was just found, and we have clients like that at the centre, you know.

23                   And in saying that, and I'll wrap up now, is that in saying that, we  
24 need something for the men as well. Even far more desperate I would say because  
25 because our men are being excluded from all this. I'm feeding the men outside, you  
26 know, because they can't get access to centre. They're hanging outside because  
27 they're hungry. I'm giving them blankets, you know, in the winter to sleep, you know,  
28 because -- you know. And so I have to -- and I know for a fact that we can't let the men

1 in. I know some people were prior, and when I'm gone sometimes, but I have to tell  
2 them you can't because it triggers our women, and if -- and when someone starts they  
3 shut down again, and -- you know.

4 But we do need a men, like 100 percent, a free space, and I think  
5 that -- you know, like, I'm, like, we need to meet with your MP and with your municipality  
6 to find a space for the men and to start something similar as the Jane Paul Centre  
7 because they have no place to go right now, none at all in Sydney.

8 **DR. EMMA CUNLIFFE:** Thank you so much, Heidi. And ---

9 **MS. HEIDI MARSHALL:** You're welcome.

10 **DR. EMMA CUNLIFFE:** --- if think if I can just amplify and make  
11 sure I heard correctly a couple of the things you've shared with us.

12 The first is I think your very important observation, that the Jane  
13 Paul Centre is now filling part of the gap that was left when the Unama'ki Tribal Service  
14 broke down, that the kind of culturally competent community safety services that the  
15 Unama'ki was imagined to deliver are now being delivered by Jane Paul. And the  
16 second is your observation that what -- why are you the one who's driving the back  
17 alleys of Sydney at night to make sure that women are safe? That these are functions  
18 that others might imagine might be performed by police services, but part of what I'm  
19 hearing you say is that there's a -- there's a trust and relationship element to this. That  
20 your capacity to work with the women you're working with depends on -- depends on  
21 relationships.

22 Is that a fair encapsulation of some of what you shared with us?

23 **MS. HEIDI MARSHALL:** One hundred percent. Just like I said,  
24 like, I know that the work that our community is doing is excellent. Like, with MLSN, I've  
25 worked with them quite a bit, you know, with victims services, with, you know, the health  
26 centres, but it's that -- it's that feeling of trust. Like they had a hard time trusting me.

27 Like prior to me coming back to the centre, and because of COVID  
28 as well, but we had no clients coming in. Once I was back and I started, you know,

1 recruiting people and letting them know, we probably have like 40 people a day. Our  
2 foodbank is empty, and, like, and we don't have even money to maintain that foodbank,  
3 you know -- and but we are, you know, because we're probably... And maybe we don't  
4 qualify for something like Feed Nova Scotia because it's a whole process in itself, you  
5 know, and so, you know, and so we're probably spending \$3,000 to \$4,000 a month just  
6 to stock that foodbank, and there's no funding for it. You know, so we rely on donations,  
7 we rely on just, you know, on the Nova Scotia Native Women's Association, like, their,  
8 you know, their general services, and their, you know, general accounting, like, they're  
9 just funding it based on, like, their extra -- you know, their admin dollars, and plus we're  
10 funding projects and stuff like that. I'm just applying for funding all over the place.

11 And partnerships are so important to, you know, to provide those  
12 types of services; right? Yeah, partnerships ---

13 **DR. EMMA CUNLIFFE:** Absolutely, yeah.

14 **MS. HEIDI MARSHALL:** Yeah. And I think that we need too, the  
15 building trust, assessing issues, engage in community, and to develop, like, some  
16 planning. Those are so important, you know. We need to engage everyone, you know.  
17 And lived experience is so important because we can't continue to assume that we  
18 know what's best for them, you know, and so I think that's so important.

19 And it's similar to policing. Like, we can't assume, like, you know,  
20 that we know what's best for our -- you know, that the community that we police,  
21 especially when you're only interaction with the community is always like a -- like a -- not  
22 a -- not a good experience based on violence, based on crime, you know, that's their  
23 only interaction. So that needs to change, you know, in all aspects, not only with  
24 women's issues or not only with policing, but all levels, at all levels.

25 **DR. EMMA CUNLIFFE:** Thank you so much, Heidi.

26 **MS. HEIDI MARSHALL:** You're welcome.

27 **DR. EMMA CUNLIFFE:** I'm very moved by what you've shared  
28 today, and I suspect I'm not the only one.



1                   **MS. HEIDI MARSHALL:** I may have to leave around 11 -- 12:15  
2 because I'm -- I stayed in my trailer last night. I meant to go home, but -- and so I'm a --  
3 I'm a little bit -- I'm about 15 minutes out of my -- usually I'm like an extra 15 minutes on.  
4 So I want to get to my class, like, by one, and then -- I'm not going to stay in there too. I  
5 mean, we have lunch from 12:30 to 1:30, so it'll be perfect, I'll only miss 15 minutes. I  
6 have to pick up my course syllabus at the university and stuff like that as well, so I have  
7 to get there, like, by about quarter to one.

8                   **DR. EMMA CUNLIFFE:** Of course, Heidi. We're so grateful to you  
9 for ---

10                  **MS. HEIDI MARSHALL:** Just let me know -- okay.

11                  **DR. EMMA CUNLIFFE:** No, thank you for fitting us in in this, you  
12 know, huge first week of school, and we do appreciate ---

13                  **MS. HEIDI MARSHALL:** I'll be on for -- on 12:15 just in case ---

14                  **DR. EMMA CUNLIFFE:** That's great.

15                  **MS. HEIDI MARSHALL:** --- you have any questions or anything  
16 like that, and if there's any questions this afternoon as well.

17                  **DR. EMMA CUNLIFFE:** Thank you so much, we really do  
18 appreciate it.

19                  **MS. HEIDI MARSHALL:** No problem.

20                  **DR. EMMA CUNLIFFE:** Jane, I wonder if I can just turn briefly  
21 back to you. And you've already alluded, I think, to the ways in which the Unama'ki  
22 Tribal Police Service was arguably set up to fail from the outset, and I think we've heard  
23 that from Heidi and we've heard that from you, with respect to the resourcing that was  
24 devoted to it, that the lack of clarity of jurisdiction and questions of relationships with  
25 other police services. But you've also alluded, and I'm just going to invite you to expand  
26 on, you do a lovely job of this in Truth and Conviction, to the ways in which even starting  
27 from that base to a certain extent the Unama'ki Tribal Police Service was a victim of its  
28 own success. That the trust relationships that they were able to build initially became

1 the basis for a demand for services that overwhelmed the resources that were available.

2                   And we talked a little bit in yesterday's roundtable about the  
3 challenges of measuring police efficiency or police performance based on things like  
4 call rates or arrest rates or crime rates in a given community. And I wonder if you would  
5 mind expanding a little further on the ways in which the, arguably successes, of cultural  
6 successes of the Unama'ki tribal police service actually led to greater challenges in  
7 some respects, in some important respects that arguably contributed to its demise.

8                   **DR. L. JANE McMILLAN:** Thank you. I think a key success was  
9 the availability of officers who spoke Mi'kmaw and could engage in very tense moments  
10 and de-escalate very easily. And so people, when they saw that happening, said, you  
11 know, it's safer to call, rather than when an officer comes in and it escalates the  
12 situation. There are also, I think, a lot more opportunities for Mi'kmaw officers to  
13 negotiate and to help people work through, so some dispute management that would  
14 occur right there on the ground.

15                   And, I mean, you're seeing those relationships build and the officers  
16 were in the communities, when they could be, when they weren't on the highways and  
17 moving from because the territory in which they were responsible was really significant.  
18 From one community to the next, it's the -- at minimum a half an hour drive. And if  
19 you've only got five officers, if your complement is super small, it becomes a huge  
20 challenge.

21                   When the -- the call rate did go up. The arrest rate I don't think was  
22 something that was significant to the community to measure. They didn't want people  
23 being arrested. They didn't want people being removed from their community. They  
24 wanted the matters resolved by somebody getting a ride, removing somebody from their  
25 house for a temporary period of time. They weren't really interested in lockups or things  
26 like that either, and when those jails did come into -- or lockups did come on community,  
27 I think that there were some challenges with that.

28                   Major crimes were happening in the communities, and it was

1 expected by the communities that tribal police would be able to solve those. But those  
2 investigations were hampered by the lack of resources, the lack of equipment, the lack  
3 of training, the lack of formal agreements that I hear people are talking about now  
4 between services and being able to stop gaps because, of course, no tribal organization  
5 in those days was ever established with the full set of resources that you'd need to do  
6 for forensic investigations, for example.

7                   And then there is that culture of don't talk to the police, because no  
8 matter though they're tribal police, they are still a police service, and that threat doesn't  
9 ever go away, ultimately. And the consequences of an arrest are going to lead  
10 somebody to the same system that wrongfully convicted Donald Marshall, that has  
11 oppressed indigenous peoples for a very long time.

12                   The -- it was very difficult for the leadership, so the police chiefs.  
13 There were I forget how many turnovers of police in the short history of the Unama'ki  
14 tribal, but those chiefs were burning out just from the demand from the complexity of  
15 policing their own communities. The -- soon the accusations of favoritism, nepotism,  
16 turning the other cheek when families are committing wrongs and trying to negotiate  
17 that presence, the question of independence becomes particularly challenging when  
18 you're policing your own.

19                   Even now, when we talk with Mi'kmaw RCMP officers, for example,  
20 they say that the level of burnout is much higher when you police your own. Your  
21 sustainability, your stamina is undermined because it's just, as Heidi was alluding to, the  
22 extra of weight that you have to carry. So services really need -- and Mi'kmaw,  
23 Unama'ki tribe police did not have -- they had a trauma-informed sensibility, but not  
24 necessarily anything to support those officers to work through their own PTSD and so  
25 on.

26                   Does that get sort of to where you wanted to go?

27                   **DR. EMMA CUNLIFFE:** It absolutely does. Thank you, Jane. And  
28 before I turn back to Bill and Hayley, I think the last question I'd like to ask you for the

1 time being, Jane, is what are the lessons that we should learn from your studies of the  
2 Marshall Inquiry and its implementation, the life and demise of the Unama'ki tribal police  
3 service as we're considering making recommendations for police reform in Nova  
4 Scotia?

5 **DR. L. JANE McMILLAN:** The challenges of implementation are  
6 many, and creating recommendations is one thing. It's very important and very difficult  
7 to create good recommendations that are going to resonate, but you definitely need to  
8 have champions for that. So many of the recommendations of the Marshall Inquiry,  
9 while early on taken up with great fanfare and optically had to be done by the province  
10 and Department of Justice and police and so on, then just sort of went into this static  
11 moment, and people thought one and done. And the Mi'kmaw community members  
12 were, you know, former Unama'ki tribal police members, Walter Denny, for example, for  
13 many, many years were saying we need a review of the Marshall Inquiry  
14 recommendations. We need a review. We need a review. And it took the deaths of  
15 John Simon, a police involved shooting in his home in Wagatmcook community. It took  
16 the death of Victoria Paul and how it related with Truro Police. It took the advocacy of  
17 Cheryl Maloney at the Tripartite Forum Table and many others to mobilize a full  
18 investigation, a full assessment or evaluation, if you will, of the Marshall Inquiry  
19 recommendations many years on. So my advice would be to build in the champions  
20 right at the beginning. That accountability piece is not something that's actually really  
21 written into the Marshal Inquiry recommendations.

22 The Tripartite Forum, which was a recommendation of the Marshall  
23 Inquiry, which brought together the province, the federal government and the Mi'kmaw  
24 leadership to address matters of concern to the Mi'kmaw is and remains an important,  
25 effective tool for those accountability processes to be implemented and sustained and  
26 enhanced. But those have to be the right people at the table. If you've got people that  
27 can't make decisions or don't have any authority or not good networks, you know,  
28 people that come to the Tripartite Table to get their indigenous education, step

1 everything back a million years and we can't move forward. So there's that -- the  
2 significance of the dynamic set of recommendations, something that aren't static is  
3 critical.

4           The -- it's also a matter of patience. And what the Marshall  
5 recommendations I think would have benefited from some timeline goals and have an  
6 accountability mechanism that would force people to check in and regularly check in,  
7 and those sorts of things would have helped advance the advocacy. But that advocacy,  
8 we met so much resistance from both the federal and provincial governments on doing  
9 that evaluation because they thought they were doing everything that they needed to  
10 do, but they were certainly falling short of Mi'kmaw expectations, and we're still seeing  
11 this today. And we're seeing it in the project funding for the Mi'kmaw legal support  
12 network, and the key things that should be in place to implement those  
13 recommendations are -- from Mi'kmaw perspectives are being marginalized.

14           **DR. EMMA CUNLIFFE:** Thank you for sharing your tremendous  
15 experience and insights with us, Jane.

16           And, Commissioners, for the value, the benefit of the record, the  
17 evaluation that Jane is referring to is an evaluation of the implementation and efficacy of  
18 the Marshall Inquiry recommendations in Nova Scotia, which has been tendered as part  
19 of the round table package today. And the John Simon and Victoria Paul Inquiries that  
20 Jane referred to, as well as of course the Marshall Inquiry, all form part of our  
21 environmental scan and so are available in that way.

22           Jane, thank you very much.

23           If I can please turn now to Bill. Bill, having listened to Heidi and  
24 Jane's reflections, I'm very interested to hear your sense of how Marshall and the other  
25 inquiries that Heidi alluded to, such as Murdered and Missing Indigenous Women and  
26 Girls, the Truth and Reconciliation Commission are shaping the landscape and the  
27 understanding of the reform of police services today in Nova Scotia and how they have  
28 historically shaped that landscape.

1                   **RET. D/C WILLIAM MOORE:** Thank you. Certainly, in relation to  
2 the Missing and Murdered Indigenous Women and Girls that was -- CCP actually had  
3 standing. So I attended a number of the sessions and was there for the closing  
4 remarks.

5                   So I think it has brought a recognition that this is not just an  
6 Indigenous issue. I think this is -- it's all of our issues. And it was alluded to in some of  
7 the comments earlier.

8                   One of the things I would suggest is not only in these inquiries, but  
9 something we were having a discussion about just the other day, is a mechanism that  
10 when these inquiries and recommendations are coming forward, that there is an  
11 accountability mechanism. I think Heidi mentioned this. That there is a means that,  
12 number one, that the recommendations are brought to the attention -- it should not be a  
13 hope and a wish that a police service decides to download recommendations, reads the  
14 recommendations. You know, that shouldn't be the process. We should be -- have a  
15 bit more of a formalized mechanism to be able to identify, go through if they're  
16 applicable, then what is the implementation process, with timelines. These are  
17 generally good goal setting approaches. You know, be specific, have it measurable,  
18 have checks on it, checks and balances. And I think that that is one of the pieces that  
19 would really assist in a broader policing ecosystem, is a systematic way of having these  
20 things brought in.

21                   In the world of recommendations, not every recommendation can or  
22 should be implemented. But if you're not going to do something about it, let's be  
23 purpose built to be able to say, "This is the rationale for not doing this," so at least  
24 there's a clarity and there's a closure of the issue.

25                   Having them floating out there just to, you know, have them be  
26 brought up multiple years later with another issue, and then we look back and we've not  
27 learned from our previous, I won't say mistakes, but let's be -- well, let's say mistakes  
28 for the use of the word. Not learning from our previous mistakes and doing it over

1 again, it just -- that doesn't -- it doesn't work -- it reduces our legitimacy, it causes more  
2 trauma in the community. And so I think while the CCP did some work the First Nations  
3 Chief of Police Association, one of their representatives was on our board, and we did a  
4 lot of work, and one of the things that we talked about in a lot of meetings was doing it  
5 with the First Nations communities, not doing it to them.

6 And I think one of the things is we need to have a stronger  
7 Indigenous voice in the creation of operational plans and strategy for policing as we  
8 move forward. It's not their issue. It's our collective issue. And that has to be brought, I  
9 think, a little bit more to the forward.

10 You know, in my Halifax time, we had the Native Friendship Centre,  
11 but really, that was our one connection. We had no reserve in the Halifax Regional  
12 Policing area. So I believe that a lot of people thought that this was not a -- "Well, we  
13 don't have a reserve here. You know, but when we look at it, we have many people  
14 living off reserve in our areas." But it wasn't really, I will call it a high focus, to be quite  
15 honest with you. But I think that is a focus of the past, and this is becoming more and  
16 more of an issue. The simple fact that there's a -- we've been, in the Canadian context,  
17 talking about residential schools, talking about missing and murdered, talking about  
18 truth and reconciliation, these are consistently being in the conversation now, which is  
19 positive, but I think there's a lot more room for us to actually understand those --  
20 understand the intergenerational trauma and how it affects our policing responses.  
21 Those are the conversations that I think we have the ability to do much more work on  
22 now and into the future.

23 **DR. EMMA CUNLIFFE:** Thank you, Bill.

24 Hayley, if can turn the same question to you? How has this history  
25 of recommendations from Marshall, from the National Inquiry on Murdered and Missing  
26 Indigenous Women and Girls TRC Report shaped Nova Scotia's approach to police  
27 reform, including the current policing standards process?

28 **MS. HAYLEY CRICHTON:** Certainly. I can say as well, Public

1 Safety and Security Division, its original iteration actually came out of the Marshall  
2 Inquiry. So the reason that this division in government exists is in part in response to  
3 that inquiry.

4 And I think one area that is of utmost importance that we continue  
5 to develop moving forward, keeping that in mind, is the police audit program.

6 So we've talked quite a bit about standards this morning, but also  
7 what came out of that inquiry was the importance of holding police accountable to the  
8 recommendations made. And we're operationalizing that through the police audit  
9 program, where members of the Department of Justice, our division, actually go out and  
10 audit police agencies for compliance with the provincial policing standards being  
11 developed. And I think that that process and the modernization of that program that  
12 we're currently going through now is of the utmost importance because setting  
13 standards is one thing, but ensuring accountability to those standards and reporting on  
14 how they're meeting those standards is just as crucial as we move forward, and then  
15 identifying what gaps exist, and then how we serve to close those gaps in service  
16 provision.

17 More broadly, I think there is certainly an effort to ensure that we  
18 are engaging with broader groups of stakeholders as we work through community-  
19 based programming plans, policing strategy plans, frameworks for addressing certain  
20 challenges. We're recognizing that the ripple effect or the groups of stakeholders that  
21 we need to have at the table needs to be expanded quite a bit to ensure diverse  
22 perspectives are taken into consideration and we're understanding that we all come  
23 from our perspective, but we have to learn from other people's. And that's certainly how  
24 we're approaching our work.

25 **DR. EMMA CUNLIFFE:** Thank you so much for sharing those  
26 insights.

27 Harry, if I can turn this question to you, what is the Halifax Board  
28 doing in this regard with respect to the implementation of Commission



1 recommendations?

2 **MR. HARRY CRICHTLEY:** Thank you, Emma.

3 So I would say that perhaps -- I would echo some points that were  
4 raised by Bill, that there's no clear mechanism in place at the Board level to act on  
5 recommendations.

6 And I would kind of go back, you know, obviously I'm here in my  
7 personal capacity speaking just privately, but something that -- some work that I did  
8 before being on the Board, so in 2020, I was part of the Policing Policy Working Group.  
9 We circulated a survey to all municipal candidates who were running in the municipal  
10 election. And we asked questions regarding what candidates' views are regarding the  
11 implementation of the Wortley Report and the MMIWG Report. And we found that 96  
12 percent of the 50 candidates who responded to the question supported implementing  
13 these reports.

14 And I think one that's kind of close to home for me, and it's been an  
15 area of focus for me in my time on the Board is Victim Services. So Victim Services is  
16 contemplated under Call for Justice, 5.6, where it's recommended that Victim Services  
17 must be independent from prosecution services and police services. That's currently  
18 not the case in -- in HR -- Victim Services is a unique thing in HRP. It's obviously made  
19 up of civilians. This is a concern that I've raised, and I hope to -- we did receive a  
20 presentation from Victim Services. So there are some ongoing discuss what it might  
21 look like to consider moving to non-core policing units from outside of HRP into the  
22 Public Safety Office. You know, and I know Dr. Siciliano was here yesterday.

23 And, you know, Victim Services is probably top of mind for me, but  
24 there's other ones, like the Youth Advocate Program, and even the school crossing  
25 guards, that are within the purview of the HRP budget, and, you know, I think really  
26 could be placed more appropriately within a public safety strategy.

27 But I would say the kind of discussions around Victim Services are  
28 so very, very preliminary. But beyond that one recommendation, that 85.6, I would say

1 that there isn't currently, you know, any plan in place to look at implementing other  
2 recommendations at a Board level.

3 **DR. EMMA CUNLIFFE:** Thank you so much for sharing your  
4 insights, Harry.

5 Commissioners, I'm conscious that we've got about 10 minutes left  
6 until the lunch break, and so I'll turn it over to you for any questions that you have at this  
7 time.

8 **COMMISSIONER FITCH:** Thank you, Emma. Do we still have Ms.  
9 Marshall with us?

10 **DR. EMMA CUNLIFFE:** No, she had to leave.

11 **COMMISSIONER FITCH:** We lost her. Okay.

12 **DR. EMMA CUNLIFFE:** She will return this afternoon, so I'll make  
13 sure that when does, I turn back to you, Commissioner Fitch.

14 **COMMISSIONER FITCH:** Okay. I will go back -- I have, I think,  
15 three questions, so I'll try to make them quick.

16 One is to Hayley. And we've covered this in other discussions, I  
17 believe, but my question is what happens when a national policy conflicts with the  
18 provincial policing standards with respect to the RCMP? Which policy is adhered to?  
19 And I recognize that they're not detailed, they're more overarching, but what happens?

20 And specifically related to our mandate, I would use the example of  
21 police standards in Nova Scotia with respect to intimate partner violence.

22 **MS. HAYLEY CRICHTON:** Thank you very much for the  
23 opportunity to speak to this question.

24 So as the provincial police force, so contracted under the PPSA,  
25 the RCMP are required to meet or exceed any standard implemented by the Province of  
26 Nova Scotia.

27 That being said, there is a parallel process of consultation that is  
28 ongoing through our standards development process, whereby we consult with National

1 Headquarters as well to ensure that they have awareness of the standards that we're  
2 looking to develop.

3                   So at this time, we have not come to a place of any conflict  
4 between what our standards state and what National Headquarters' policy states.  
5 We've been quite directed in our work, and yet that conflict has not taken place thus far.  
6 And so if it does come to a place where there's a discrepancy between a policy at the  
7 national level and our provincial policing standard, that would be a negotiation process  
8 between the province and National Headquarters Policy Centre to work through a way  
9 in which we can ensure our standards are maintained, but respect the national policy as  
10 well.

11                   **COMMISSIONER FITCH:** Thank you. And my second question is  
12 for you as well. You were talking about the PPSA formula for costing and billing for  
13 officer rates. You mentioned that part of the formula may relate to equipment, obviously  
14 salary. Can you confirm whether or not in that per officer billing rate, is things such as  
15 medical benefits and pension contributions are included? Is that absorbed in part by the  
16 Province and municipalities?

17                   **MS. HAYLEY CRICHTON:** Thank you. Yes, I can confirm that  
18 salary and benefits are a part of the cost breakdown for officer.

19                   I'd like to also take this opportunity, very quickly, to clarify. So  
20 when I said the organization of police costs, including that core officer billing funnel is  
21 not independently established by DOJ, I'd also like to say it's not independently  
22 established by the Province. It's actually through a negotiation process with municipal  
23 government. So the two levels of government come to an agreement on that  
24 arrangement.

25                   **COMMISSIONER FITCH:** Thank you. The reason I asked for that  
26 was for clarification for our Inquiry records. I believe that one of our former participant  
27 roundtable members talked about cost savings in terms of such things with respect to  
28 the PPSA agreement. So thank you for clarifying that for the record.

1                   **COMMISSIONER MacDONALD:** Just wanted to thank you,  
2 Emma, for the wonderful facilitation so far. I have no questions, but I do -- we'll have a  
3 chance to speak later, no doubt. But just want to state how very helpful, and how much  
4 I'm learning here this morning. Very much appreciated. Thank you.

5                   **COMMISSIONER STANTON:** Thanks. I wondered if Jim or Bill  
6 could comment on some of the aspects of Harry's contribution with respect to police  
7 boards. The assertion that police boards are kind of cleaving to this operational policy  
8 dichotomy when perhaps they could be more engaged as -- in terms of operations in --  
9 while respecting the prohibitions in the Act first, and also the notion of the annual  
10 engagement with the budget that could be happening, but doesn't sound like it is  
11 necessarily happening in some municipalities, and just to get a sense from you of your  
12 thoughts with respect to the submissions that he's made? Thank you.

13                   **MR. BILL MOORE:** I'll --

14                   **COMMISSIONER STANTON:** Go ahead, Bill.

15                   **MR. BILL MOORE:** Okay. Thank you. I wasn't sure who was  
16 going to speak first.

17                   Just going back, I think it was when we talked about the Perivale  
18 and Taylor report in 2002 referenced by Harry, there was one of the recommendations,  
19 there was a whole training program put together, actually. I was -- I put it together for  
20 the Board that was actually used to talk about what was done, but the problem was it  
21 was never sustained.

22                   So what I would say in relation to the Board, it -- I've used this  
23 analogy before in policing, I see it as a triangle, with the Chief of Police on one, the city  
24 administration as two, and the Board as three.

25                   Each one of those entities has roles and responsibilities and in a  
26 well-functioning system, they know their responsibilities and power does not reside or  
27 flow to any one of those three any more than the other.

28                   My observation would be is over the years, there has been changes

1 in that triangle, in some cases there had been times where there's been a strong city  
2 administration that has taken and maybe reduced the power of the Board, and there's  
3 been a time when Mr. Morash and Mr. Honsberger, they did a very good job, in my  
4 opinion, in writing the report, but very shortly thereafter, they were removed from the  
5 Board.

6                   So my question -- sorry, my response is, there is a role, certainly,  
7 for the Board in relation to this. I think Harry's comments in relation to the Board  
8 understanding it, the Board then -- actively moving forward, the Board has been, over  
9 my experience, have had -- been very -- been very, very involved with the budget at  
10 some points, and in other cases, due to the circumstances, have not been very involved  
11 with the budget.

12                   So there's not been consistency in relation to the Board's impact.

13                   And I just -- on the integrated side on this is that there's also been a  
14 different way of approaching business planning. Early on in the integration of HRM, the  
15 regional -- or RCMP and HRP did join business planning together, and we presented  
16 those together. But as we move forward, there was direction given that that not  
17 continue by senior leadership at the time for whatever reason that was done. So as a  
18 result, we ended up moving apart in relation to the direction.

19                   So my comment really is is that it has changed depending on who  
20 was in leadership positions, which again goes back to the personality pieces and the  
21 like. But there is still strong -- I believe there is -- the Board has to be, has to be,  
22 involved in setting the direction.

23                   The policies and operations piece, I don't see that as an issue. I  
24 think that if there is a good set of board governance -- I've been on a number of not-for-  
25 profit boards. I chaired the HRM Pension Committee. And we used a Carver model of  
26 governance, in which the Board sets the parameters, the means, and the instatements,  
27 basically creating the walls or the box, if you will, to allow operations to occur.

28                   As long as there's no violations of those policies, then the lead or

1 the Chief of Police has the ability to direct operations. But they still have constraints by  
2 the Board and then there's a reporting mechanism back, much like it was mentioned in  
3 Morden in relation to being able to say, "Are those operational decisions consistent with  
4 the policy direction provided by the Board?"

5 So I know there's been a lot of discussion lately about what's  
6 operations and what's policy, but I don't see it as a huge issue. I think that the Board  
7 has the ability to set the strategic direction, provide the policy framework, and then it's  
8 up to the police leadership then to work within that policy framework, and if there's a  
9 clash, then that's the time when you go back to the Board and have a discussion around  
10 do we either loosen this, or tighten it, or change it? But I don't fundamentally see it as a  
11 huge issue. It becomes one of practically and people actually doing it.

12 **DR. EMMA CUNLIFFE:** Thanks very much.

13 Over to you, Jim.

14 **MR. JIM BUTLER:** So I agree with Bill's assessment on the kind of  
15 three pillars of governance piece. I know in Kentville, for example, the CAO kind of  
16 manages the administrative policies for the town, certainly how the budgets are spent  
17 from, you know, a procurement type of perspective.

18 I view the Board as a strategic governance role in my role as  
19 operations. I know Harry disagrees. I would actually like to have more discussions to  
20 understand how that functionally would happen on an operational level. You know, my  
21 Board will attest I vigorously defend my role as a Chief when it comes to operations,  
22 probably much to their dismay, but that's certainly been my perspective and my  
23 understanding.

24 Certainly welcome to new understandings of the Act and the  
25 interpretations of the Act, for sure.

26 From a budget perspective, we talk about budget every month. I  
27 provide a monthly report to the Board so there's no surprises from a budget perspective  
28 within Kentville. They know exactly how much has been spent in which cost centres

1 every month, so the ask and the budget preparation piece is never a surprise.

2 **COMMISSIONER STANTON:** Thank you.

3 And it sounds as though, in a sense, going back to what you said,  
4 Bill, the -- with respect to if the structures are in place, then the personalities are less  
5 germane to the equation and so to another point of Harry's, if there's no capacity for the  
6 Board to, for example, do research and to be -- to know which questions to be asking  
7 and so on, then you have a collision of both potentially a matter of who is in the chair as  
8 well as a lack of capacity, which can cause accountability issues, so strengthening  
9 some of the structures of the Boards and so that they have a better footing upon which  
10 to provide that civilian oversight and accountability, it may be an area of focus. And of  
11 course, it would be uneven as between forces.

12 I mean, Jim, I think your circumstance in Kentville is obviously  
13 different from some of the other municipalities and forces' relationship with Boards. And  
14 of course, I have all kinds more questions, including with respect to the degree to which  
15 Nova Scotian police forces have taken on board Senator Sinclair's review of the  
16 Thunder Bay police, but I see that once again I am the Commissioner between  
17 everyone and their lunch, and so I will turn it back over to Dr. Cunliffe.

18 Thank you.

19 **DR. EMMA CUNLIFFE:** Thank you so much, Commissioners.

20 So I propose that we take the lunch break now and that we  
21 reconvene at 1:30.

22 Thank you all very much for the morning.

23 --- Upon breaking at 12:32 p.m.

24 --- Upon resuming at 1:32 p.m.

25 **DR. EMMA CUNLIFFE:** Good afternoon, and welcome back to the  
26 afternoon session of our roundtable today on the structure of policing in Nova Scotia.

27 This afternoon, we will be joined by a larger group of Participant  
28 representatives in addition to those who participated in the morning roundtable.

1                   Given that our numbers have been increased, a couple of  
2 introductory remarks and then I will invite you to reintroduce yourselves relatively briefly.

3                   The first is that, as you may be able to see from the Hollywood  
4 Squares on your Zoom screen, we're now quite a large group this afternoon. And so for  
5 that reason, I'll invite you, please, to keep your remarks short in response to my  
6 questions and prompts today in order to ensure that everybody can have a fair  
7 opportunity to participate in the conversation.

8                   Second, please don't aim for brevity by speeding up. We do have  
9 accessibility partners who are responsible for a variety of simultaneous translation and  
10 ensuring that our proceedings are subtitled, translated into sign language, and it makes  
11 their job far more difficult if you speak quickly, so I'd ask you, please, to aim for  
12 concision rather than speed.

13                   And the third note that I wanted to share before we turn to  
14 introducing our new participants and reintroducing those who joined us this morning is  
15 just a reminder about the facilitation approach, that I will moderate the conversation as  
16 facilitator of today's discussion. I have a discussion guide in mind. If, at any point,  
17 you'd like to weigh in on a point which is being discussed, please use the "chat" function  
18 in your Zoom interface to let me know that you'd like to be added to the speaker's list  
19 and I will gladly do so.

20                   So with the administration out of the way, let me please welcome  
21 those of you who are joining us for the first time this afternoon and extend a particular  
22 thanks to those of you who joined us this morning for the very significant contribution in  
23 time and expertise that you're making over the course of today's roundtable.

24                   I will begin by inviting those who are joining us for the first time this  
25 afternoon to introduce themselves briefly before turning to the roundtable members from  
26 this morning and inviting you to reintroduce yourselves, similarly briefly at this stage.

27                   And so Emma, if I can please begin with you.

28                   **MS. EMMA ARNOLD:** Yes, thank you. And thank you for having



1 me.

2 My name is Emma Arnold, and I am currently an articulated clerk that  
3 deals with Elizabeth Fry Society of Mainland Nova Scotia, although I've worked with  
4 them in the past in varying roles. I was nominated also by the Elizabeth Fry Society and  
5 it is an organization that works with women and gender-diverse persons who are  
6 currently navigating the criminal justice system. And it's through this work that I have  
7 had the opportunity to engage with and work with varying police officers.

8 **DR. EMMA CUNLIFFE:** Thank you so much, Emma, and welcome  
9 to the conversation today.

10 Darren, welcome, and please introduce yourself.

11 Okay. It may be that Darren is still in the process of joining us, and  
12 so I'll turn, then, to Danielle, please.

13 **MS. DANIELLE DESJARDINS:** Hello, I'm Danielle Desjardins. I'm  
14 with the RCMP in H-Division, specifically the Strategic Planning and Client Services  
15 Unit. So a focus here would be on contracts, analysis, so perhaps like things that we'll  
16 be touching on this afternoon.

17 **DR. EMMA CUNLIFFE:** Many thanks, Danielle, and welcome.  
18 We're very pleased that you can join us today.

19 Dawn, welcome back. It's really lovely to see you again today, and  
20 thank you for taking another half-day out of your time. Please introduce yourself.

21 **MS. DAWN FERRIS:** Thank you. Dawn Ferris, Executive Director  
22 of the Cumberland County Transition House Association in Amherst, Nova Scotia, and  
23 representing THANS, the Transition House Association of Nova Scotia and our coalition  
24 with Be the Peace Institute Nova Scotia and Women's Shelter Canada. Thank you.

25 **DR. EMMA CUNLIFFE:** Thank you so much, Dawn.

26 Kristina Fifield, if you could please go next.

27 **MS. KRISTINA FIFIELD:** Hi, I'm Kristina Fifield from Avalon  
28 Sexual Assault Centre. I'm a trauma therapist, and I'm in a coalition -- Avalon's in a

1 coalition with Wellness Within and LEAF.

2 **DR. EMMA CUNLIFFE:** Thank you so much, Kristina.

3 Brian Carter, welcome, and please go ahead and introduce  
4 yourself.

5 **MR. BRIAN CARTER:** Yeah, thank you. Good afternoon,  
6 everyone. I'm representing Steve Graham this afternoon. Steve was supposed to be  
7 here. So what I'll be talking about is from Steve's research into policing capacity into a  
8 comparison between different departments across the country, as well as responsibility,  
9 whose responsibility policing is in the province.

10 **DR. EMMA CUNLIFFE:** Thank you so much, Brian. It's nice to see  
11 you again today.

12 Chief Mark Kane, welcome back. Please go ahead and introduce  
13 yourself.

14 **CHIEF MARK KANE:** Yeah, Chief Mark Kane, Annapolis Royal  
15 Police Department, and I am here nominated by Nova Scotia Chiefs of Police as well.

16 **DR. EMMA CUNLIFFE:** Thank you very much, indeed, and it's  
17 nice to see you again today as well.

18 Chief Daniel Kinsella, welcome.

19 **CHIEF DANIEL KINSELLA:** Good afternoon, everyone, and thank  
20 you for the opportunity to participate today. My name is Dan Kinsella, and I am the  
21 Chief of the Halifax Regional Police.

22 **DR. EMMA CUNLIFFE:** Thank you. Welcome. Thanks very  
23 much, Daniel.

24 Professor Benjamin Perryman.

25 **PROF. BENJAMIN PERRYMAN:** Good afternoon, my name is  
26 Benjamin Perryman, and I'm an Assistant Professor at the University of New Brunswick,  
27 Faculty of Law. I was nominated by the coalition of B.C. Civil Liberties Association and  
28 East Coast Prison Justice Society.

1                   **DR. EMMA CUNLIFFE:** Thank you, Ben, and welcome today.  
2                   Superintendent Dustine Rodier, welcome.

3                   **SUPT. DUSTINE RODIER:** Good afternoon, everybody. I'm  
4                   Dustine Rodier. I'm the Administration and Personnel Officer for the H-Division RCMP.

5                   **DR. EMMA CUNLIFFE:** Welcome, Dustine. Thank you for joining  
6                   us today.

7                   Mr. Rob Stone.

8                   **MR. ROB STONE:** Yeah. Good afternoon, everybody. I'm Rob  
9                   Stone. I work with the Contract and Indigenous Policing Section with the RCMP here in  
10                  Ottawa. I've got two areas that I think are of interest to the Commission. First, the  
11                  management of the police service agreements, and as well, the GDPRM model, which  
12                  have been discussed throughout the meetings. So I look forward to participating today.

13                  **DR. EMMA CUNLIFFE:** Thanks so much, Rob, we're glad to have  
14                  you with us today.

15                  Mr. Marc Taschereau.

16                  **MR. MARC TASCHEREAU:** Yes, good afternoon. Marc  
17                  Taschereau. I'm the Manager of Contract Policing at Public Safety where I've been  
18                  since 2001.

19                  **DR. EMMA CUNLIFFE:** Thank you, Marc. We're glad to have you  
20                  with us today as well.

21                  And Julie Thompson.

22                  **MS. JULIE THOMPSON:** Good morning, I'm Julie Thompson, or  
23                  good afternoon, I'm Julie Thompson. I'm the Director General of Policing Policy  
24                  Directorate with Public Safety Canada. Newly minted in the position, so relying on Marc  
25                  for a lot of advice. Thank you.

26                  **DR. EMMA CUNLIFFE:** Thank you for joining us today, Julie.

27                  And Darren, I understand that you've rejoined us. Welcome.

28                  **C/SUPT. DARREN CAMPBELL:** Yes. Good afternoon, everyone.

1 Darren Campbell from the RCMP, and sorry I was having technical difficulties with my  
2 audio. It's a pleasure to be here again.

3 **DR. EMMA CUNLIFFE:** Thank you for joining us today, Darren.  
4 It's good to see you.

5 And if I can now please turn to the members who joined us this  
6 morning. Jane, starting with you, please.

7 **DR. L. JANE McMILLAN:** Good afternoon. Jane McMillan,  
8 St. Francis Xavier University.

9 **DR. EMMA CUNLIFFE:** Thank you for joining us again this  
10 afternoon, Jane.

11 Harry Critchley.

12 **MR. HARRY CRITCHLEY:** Good afternoon. My name is Harry  
13 Critchley. I'm here solely in my private capacity, but I am an Articled Clerk with Nova  
14 Scotia Legal Aid, member of the Halifax Board of Police Commission and the Advisory  
15 Board for the Halifax District RCMP, and a Co-Chair of the Nova Scotia Prison Justice  
16 Society.

17 **DR. EMMA CUNLIFFE:** Thank you very much, Harry. It's great to  
18 have you back with us this afternoon.

19 Scot Wortley, welcome back.

20 **DR. SCOT WORTLEY:** Thank you. Scot Wortley, Centre for  
21 Criminology and Sociolegal Studies, University of Toronto.

22 **DR. EMMA CUNLIFFE:** Thank you so much for rejoining us, Scot.  
23 It's nice to see you again.

24 I believe that Heidi Marshall hasn't yet been able to rejoin us.  
25 Those of you who were with us this morning will have heard that she's starting a class  
26 today, but has promised to rejoin us when she can. And so for now, I'll turn to Jim  
27 Butler.

28 **CHIEF JIM BUTLER:** Good afternoon, everyone. I'm Jim Butler.

1 I'm the current Chief of Kentville Police. I've been in this role for just over -- under a  
2 year after a 20-year career with the Halifax Regional Police.

3 **DR. EMMA CUNLIFFE:** Welcome back, Jim, and thank you again  
4 for joining us.

5 Bill Moore, welcome back.

6 **RETIRED D/C WILLIAM MOORE:** Good afternoon, all. I'm Bill  
7 Moore. I'm presently the Public Safety Project Lead at the Halifax Regional  
8 Municipality. Prior to that, I was the Executive Director of the Canadian Association of  
9 Chiefs of Police, and prior to that, I completed a 31-year policing career in Halifax,  
10 retiring as Deputy Chief.

11 **DR. EMMA CUNLIFFE:** Thanks so much, Bill. Welcome back.  
12 And Hayley, welcome back.

13 **MS. HAYLEY CRICHTON:** Thank you. Hayley Crichton,  
14 Executive Director for Public Sector and Security Division with the Nova Scotia  
15 Department of Justice.

16 **DR. EMMA CUNLIFFE:** Great. And just because our list for this  
17 afternoon has been a bit of a moving theme, so I'm just going to pause and ask is there  
18 anybody that I haven't yet invited to introduce themselves. I just want to make sure I  
19 don't overlook anyone.

20 Okay. Well, thank you to the team who helped me get that list right.  
21 It's much appreciated.

22 Let's turn, then, to the substance of today's -- this afternoon's  
23 conversation. This morning, we had a very robust conversation about the structures of  
24 policing in Nova Scotia as they presently exist, including the ways in which the *Nova*  
25 *Scotia Police Act* governs certain aspects of both the civilian governance with the  
26 respect to the operation of police boards with respect to municipal police services, but  
27 also the police advisory boards that are set up with respect to RCMP.

28 We looked at the patchwork of police services and of regulatory

1 regimes under which that patchwork is delivered between provincial policing services,  
2 municipal policing services, federal policing services, and the policing services that are  
3 delivered on -- in Indigenous communities in Nova Scotia.

4 We also explored the theme of past recommendations from past  
5 commissions of inquiry, most notably the Marshall Inquiry, but also, past inquiries that  
6 have touched on topics such as police governance and oversight, so commissions of  
7 inquiry such as the Morden Inquiry into the G20 in Toronto, the Thunder Bay Policing  
8 Inquiry, as well as past inquiries that have considered relations between Indigenous  
9 people and police services in Canada, such as the National Inquiry into Missing and  
10 Murdered Indigenous Women and Girls.

11 The roundtable members shared on the basis of their expertise and  
12 experience a mix of perspectives on questions of governance, of oversight, of the  
13 implementation of police reforms and the criteria and conditions necessary for  
14 successful police reform. And so I hope to pick up on those conversations with this  
15 broader group today.

16 Before I turn to a set of new questions for the group, for this  
17 enlarged group, Scot, I would like to pick up on a question that I've really been hoping to  
18 ask you before lunch today, and it builds on the conversation we were having at the  
19 very end of this morning's session in a couple of ways. It also ties into your work on  
20 street checks and race-based data.

21 And so, as you'll recall, we heard from a number of roundtable  
22 members today about some of the challenges of implementation of past  
23 recommendations and the role that various agencies had to play with respect to  
24 ensuring recommendations are implemented or accountability when implementation  
25 doesn't take place. We also heard this morning from Harry some of the history of  
26 implementation or challenges in implementation of the recommendations you made in  
27 the street checks report in 2019.

28 I'm conscious that you have spent your career thinking about

1 questions of data collection and transparency and effective oversight of police  
2 discretionary decision-making, and I'm going to invite you to weigh-in on those topics  
3 now before we -- before we turn to some other issues.

4 **DR. SCOT WORTLEY:** As was mentioned earlier today, you know,  
5 one of the keystones of a democratic policing is transparency and access to data. And  
6 these are issues that I've grappled with, you know, since 1994 when I was a PhD  
7 student and a researcher with the Commission on systemic racism in the Ontario  
8 Criminal Justice System and the profound resistance that you would receive from police  
9 services with respect to access to data in general, not the least of which would be, you  
10 know, data on the race of individuals involved with the police interactions. That has  
11 continued, I think, quite consistently for the past 20 years, despite increasing calls from  
12 community members for the release of such data. And although there still is, I think,  
13 resistance, I've seen much more movement, you know, with respect to the collection  
14 and dissemination of this data over the last 2, 3 years than I have in the previous 25.  
15 So there is some optimism or good news in terms of the final release.

16 I want to stress that I think that this data is not only important with  
17 respect to research and pure research exercises, but also, it's a form of police  
18 accountability to monitor trends, to see if recommendations are working or not. And one  
19 of the other keystones of democratic policing is evaluation. And I think that evaluation is  
20 very selective, particularly when it comes to certain topics, including racial disparities  
21 within policing, police community relations. And I think that, you know, hopefully, as an  
22 evaluative framework and increased transparency emerges, we'll start to see programs  
23 develop that are actually making an impact.

24 And final point, we've been monitoring public perceptions of the  
25 police in Ontario for the last 25 years with various surveys. Surveys cover a wide range  
26 of issues, but one of them are perceptions of racial bias within policing, looking at  
27 different populations, black, Asian and white populations. And what we found is that the  
28 perception of bias in policing among Ontario's black community, and I saw very strong

1 sentiments expressed as part of the street check inquiry as well, have not changed over  
2 the last 25 years. And 1994, we found that about 80 percent of the black community felt  
3 that police in Ontario were biased against black people. We found that 82 percent felt  
4 this in 2020. Not very much movement at all.

5                   Where we are seeing change is an awareness among the general  
6 population that these are issues, so the proportion of the white population, for instance,  
7 that is perceiving bias as a problem has increased significantly over 25 years, which  
8 may be one of the reasons why it's garnering more attention and more support because  
9 a higher proportion of the population is concerned about these issues.

10                   So this is an example of, you know, over the last 25 years, there's  
11 been numerous attempts to try to build trust with communities, to try to increase  
12 confidence, various community policing initiatives, various forms of civilian oversight,  
13 various community consultative processes, and very importantly, you know, a huge  
14 array of anti-bias, antiracism training initiatives that have been implemented, everything  
15 from conscious to implicit bias. But when you look at the data, it has done very little to  
16 actually improve confidence at the community level. And we've got to be worried about  
17 that. Are these initiatives, why aren't they working and what do we need to do to  
18 improve the situation and trust in the police and hold police and law enforcement  
19 accountable.

20                   **DR. EMMA CUNLIFFE:** Thank you so much for sharing your  
21 reflections in that respect, Scot, and I have a follow-up question for you, which will also  
22 seed a conversation I hope to seed with the broader table. And that is to ask you what  
23 a police culture that is open to research, open to evaluation, open to hearing community  
24 concerns and responding to them would look like.

25                   **DR. SCOT WORTLEY:** I think the culture would have to change to  
26 give access to all researchers and community members who are interested in  
27 participating in the process. I mean, with all, you know, due privacy concerns  
28 addressed, obviously. I think we have to stick with ethical -- standard ethical



1 procedures with respect to reducing the impact that research has on individuals and  
2 communities.

3 I have found that the history of Canadian policing, including  
4 evidence-based policing, is selecting, you know, researchers who are, you know, for  
5 want of a better term, police friendly, entering research contracts where, you know, the  
6 police can pull out of a project or demand that findings not be released if they're not  
7 happy with the findings. And that is against the spirit of transparency. I think in order to  
8 ensure accountability, not only do police services boards and the police themselves  
9 have to release data on various topics -- you know, I'm not restricting this to issues  
10 related to, you know, racialized communities. I think this must exist to a broad range of  
11 issues ranging from police complaints to police use of force to community relations.

12 I found historically that police agencies tend to view this data as  
13 intelligence. It's data that could hurt their image or hurt their efforts, and this is how it's  
14 viewed, so everything is a potential risk. Very risk adverse when it comes to research in  
15 general and evaluation. And therefore, want to take the safe route with respect to  
16 exploring these issues, including research contracts that give the police the final say on  
17 whether data is released or not, and I think that those are the types of stipulations that  
18 need to be overcome if we're going to achieve true transparency and accountability with  
19 respect to what the police are doing. And that's basically an overall observation. I can  
20 give detailed examples of this if required.

21 **DR. EMMA CUNLIFFE:** Thank you. The overall observation is  
22 really helpful, Scot. I appreciate it.

23 Kristina, if I may turn to you, what would a police culture of  
24 transparency and accountability in civilian responsiveness look like in Nova Scotia?

25 **MS. KRISTINA FIFIELD:** So I want to point on something from the  
26 Defunding the Police Report in chapter 5, and it's about openness and transparency,  
27 and recommendation 4.3, about HRP and RCMP deliver new policies to address police  
28 code of silence empowers officers to change the illegal or unprofessional activities of

1 the colleague so that they make sure that there's proper training and accountability  
2 attached to this. And from the conversations this morning that were taking place around  
3 governance and accountability at the different models of policing, right, like, for  
4 instance, RCMP, municipal policing, and then the board and who's taking what on;  
5 right? And I would say that I think that what creates safety and the importance of  
6 transparency around this is that because of the culture that -- of policing, the institutional  
7 violence that has been built into policing, you know, RCMP, HRP and policing overall,  
8 that for the province of Nova Scotia that are dealing with different individuals, you know,  
9 different oversight around accountability and different governance, I believe that there  
10 truly needs to be a consistent message regardless if you're working with municipal HRP  
11 or RCMP around these issues.

12                   And I think that creating safety for individuals that are needing to  
13 reach out to police or creating trust is there needs to be transparency and openness to  
14 that, and that needs to be a consistent message of accountability. And I do believe that  
15 these recommendations have been seen in all kinds of different reports, inquiries, police  
16 reports, and through this defunding the police, and there should be clear pathways of  
17 where this accountability lies, who's overseeing that, and that there's clear messages  
18 around that, and that is reflective in training, ongoing training, and that there's  
19 accountability to that. So can't stress that enough, and I believe that for individuals that  
20 I work with and individuals that are needing to reach out to police, survivors and victims  
21 of violence, that this is, like, essentially and vitally important for them, and that we need  
22 to make sure that that code of silence does not exist in police, and that these, you know  
23 -- that violence, there is accountability to that.

24                   **DR. EMMA CUNLIFFE:** Thank you so much for sharing your  
25 perspective.

26                   If I can turn to Chief Mark Kane, as the Chief of a small-town  
27 municipal police service, to whom do you consider yourself accountable? And how do  
28 you ensure transparency?

1                   **CHIEF MARK KANE:** I think like any other chief, you're  
2 accountable to your board, you're accountable to the public that you serve, and also,  
3 you're accountable to the province. So, you know, the *Police Act* very clearly states that  
4 we have to provide all this information to them.

5                   So as the chief of a small town, I think it resonates even more  
6 because the public have easier access to come in and speak to the police in a small  
7 town. And of course, we know mostly everyone in the town. So for me, the  
8 accountability is always to the public. How do we do that? I would agree that certain  
9 information has to be released, but I'm also cautious about certain information that has  
10 to remain inside just for, you know, continuous operations on other parts.

11                   But yeah, I would say certainly the public is always going to be my  
12 number one.

13                   **DR. EMMA CUNLIFFE:** Thank you, Mark. And I think I'm  
14 interested in part in sort of the tangible mechanisms in which you ensure that, for  
15 example, a civilian who has questions is able to ask them, that a researcher who might  
16 have interest in thinking about the work that you're doing has access to data, as you  
17 say, with appropriate constraints. What does that look like, in practice?

18                   **CHIEF MARK KANE:** I think as, you know, as we have, you know,  
19 police board meetings, we certainly produce facts and figures that we put out to the  
20 public each month through our board meetings. But certainly, you know, there's -- we  
21 also get the FOIP requests and we get information granted that way.

22                   But you know, I think moving forward, it's a bigger discussion to be  
23 had, rather than just, you know, by myself. But, you know, I'm certainly open to how do  
24 we make that work, how do we make that happen? I think with all the police partners  
25 around the room as well, and the public, is coming to that consensus along with  
26 government.

27                   So -- but right now, I'd certainly say we produce information each  
28 month for the police board on what we're doing, stats and figures like that, and we

1 certainly get people come in and ask through a FOIP request, and we follow the  
2 legislation, and if there's information we can provide, we will, but we're always cautious  
3 about keeping identities safe and keeping information safe that could be a detriment to  
4 a person. So.

5 **DR. EMMA CUNLIFFE:** Thank you very much.

6 Danielle, if I may turn to you, I think one of the important themes of  
7 this morning's discussion, and it's arisen elsewhere in our proceedings as well, is the  
8 complexities of federalism and jurisdiction as they play out with respect to RCMP  
9 policing in Nova Scotia.

10 And as you and your colleagues will be well aware, that means that  
11 lines of accountability and lines of governance look different for the RCMP than they do  
12 for municipal agencies in Nova Scotia.

13 And so if I can ask you, what does transparency and accountability  
14 to the Nova Scotia public look like for the RCMP in light of your provincial policing and  
15 NPSA roles?

16 **MS. DANIELLE DESJARDINS:** I do think, similar to some other  
17 comments that were made, you know, we're accountable on a local level to the  
18 members of the public in a particular detachment area, be it through priority planning,  
19 getting information on -- yeah, on local priorities that's managed at a district or  
20 detachment level. Provincially, we get priorities from the province and we report to  
21 them on that, along with a lot of other reporting, be it financial, resource level. There  
22 may be analysis there as well.

23 And even within the Division itself, we also have national priorities  
24 that come down too.

25 So generally speaking, they would all align, but allow us to focus on  
26 things that are, you know, more specific to each province and each community, but still  
27 addressing those national priorities as well.

28 **DR. EMMA CUNLIFFE:** Thank you. And you may not be the right

1 person for me to put this question to, and if so, please feel free to put it to one of your  
2 colleagues.

3 What's the role the police advisory boards play in the ecosystem  
4 you've described?

5 **MS. DANIELLE DESJARDINS:** I can speak to that one as well.

6 So our police advisory boards, of course every RCMP detachment  
7 would have them. Some of them would be -- would have multiple members, if you will,  
8 depending on the makeup of a particular detachment. There may be more than one  
9 funding partner. However, the detachment commander would be the lead on those,  
10 generally providing statistics, information, be a sounding board. Not unlike many other  
11 police advisory boards and police commissioners.

12 **DR. EMMA CUNLIFFE:** Thank you. And does the RCMP have  
13 policies and procedures with respect to the role that police advisory boards can play,  
14 the data that they can request, the ways in which a detachment commander should be  
15 working? And if so, can you give us sort of a general sense of those?

16 **MS. DANIELLE DESJARDINS:** I'd have to look into that one.  
17 Generally speaking, I believe it's tailored to each individual board's needs. Some may  
18 be more in the weeds, some less, but definitely I can say that in contrast between the  
19 provincial contract and the municipal contract, with the municipal contracts, the RCMP  
20 would be providing a lot more financial information, whereas that falls on the Province to  
21 do that under the provincial contract.

22 **DR. EMMA CUNLIFFE:** That's helpful. Thank you. And I'll just  
23 pause and invite any of your colleagues who might wish to weigh in on this topic to do  
24 so before I move on.

25 Okay. In that case, Brian, I'd like to turn to you, if I can. How do  
26 you think, moving forward, the RCMP should be accountable to the Nova Scotia public  
27 and ensure transparency?

28 **MR. BRIAN CARTER:** Yeah, from what we looked at from the

1 research that has been done by the RCMP vets on this topic, we've done quite a bit of  
2 things on it. So accountability, as Scot said, it goes beyond just accountability of the  
3 police, but it goes to the accountability of police boards and police commissions that are  
4 looking after the advisory boards. So they're accountable as well.

5           As an example, we've noted that the Colchester Advisory Board  
6 hasn't met in two years for a period of time, and under the law, they're supposed to  
7 meet four times. So there's some problems with the system with respect to that.

8           As well, I certainly agree that all police agencies, including the  
9 RCMP for sure, are accountable to the public. And if the police advisory boards are the  
10 way that we do it in this province, it's not really effective. We have to look at some other  
11 methods. And that is only one measure. The other measure is through communication  
12 and other things.

13           But policies have to change, absolutely, to make it better. And I  
14 think there's some good recommendations from Dr. Chris Murphy in his research that  
15 lists a ton of recommendations, and some of them point directly to this.

16           And -- but definitely accountable to the people we serve, in the -- in  
17 our case as veterans, who we used to serve, and it's a complicated situation and the  
18 more pieces of the puzzle, the harder it is to solve. So if you have -- in Nova Scotia's  
19 case, we have the policing services were delivered to municipalities from the province,  
20 which has complicated it a great deal because you now have a whole bunch of groups  
21 you have to deal with for accountability, versus dealing with the province itself.

22           **DR. EMMA CUNLIFFE:** Thank you so much for sharing those  
23 reflections, Brian, and I appreciate that you've been attentive to the process throughout  
24 and are able to kind of reflect on the process throughout.

25           If I may turn now to Benjamin, Benjamin, from your perspective,  
26 what might transparency and accountability in Nova Scotia look like in the wake of this  
27 inquiry?

28           **PROF. BENJAMIN PERRYMAN:** I think to your question of a

1 culture of openness and transparency, it's one of those things where practice makes  
2 perfect and that cultururation takes time and repeated behaviour, both for our legal  
3 systems and elsewhere.

4                   And I wanted to start with a positive example, which was the Halifax  
5 Regional Police's development of this training module called Journey to Change that  
6 they developed recently.

7                   And what was different about this module is that it was not  
8 developed strictly in house. It was the first training module, in my understanding, that  
9 the Halifax Police actually went to the community, in this case the African Nova Scotian  
10 community, and said, "What do our officers need to learn? What do they need to be  
11 taught? What needs to be in that training module?" And through that community  
12 consultation process, developed this new training module that is now being  
13 implemented. There is challenges to implementation. It's in early stages. But it's an  
14 example of a police service being willing to engage community community in this  
15 important project of training police and looking for that expertise elsewhere and then  
16 incorporating that within training of its own officers. I think that type of example is  
17 commendable and is something worth exploring.

18                   Touching on the effectiveness of police boards, one of the reasons  
19 why I think this is critical to this Commission's work is that it's going to be one of the  
20 institutions through which the Commission's recommendations are implemented. And  
21 just to give some context, my -- you know, my bottom-line point is that these boards are  
22 funded to fail in Nova Scotia. And to give some comparison, a Nova Scotia Utility  
23 Review Board, which is responsible for public utilities in this province, receives two  
24 million dollars of funding from the province and a further four million dollars per annum  
25 from other sources. It has a full-time staff complement of 40 people. The Nova Scotia  
26 Human Rights Commission has a program budget of 2.7 million per annum, has a full-  
27 time staff equivalent of 23 to 25 people. And then building on what Harry shared this  
28 morning, they have a \$14,000 budget. They have zero full-time equivalent staff. Their

1 board is comprised of seven people, four of those are civilians who are effectively  
2 volunteers, three of those are municipal councillors who would be paid through the city  
3 but have other responsibilities.

4                   And one of the things we've heard in the past couple days,  
5 including today, from police representatives, is that policing is becoming more complex,  
6 and the governance structure that exists to provide civilian governance oversight is not  
7 comparable to the task at hand. It's not comparable to the size of police budgets and  
8 municipal budgets, and it's not even remotely close to the type of operating budgets that  
9 other administrative review bodies have in this province. So it's effectively it's funded to  
10 fail, despite people's best efforts and intentions. And we're not talking about huge  
11 amounts of money when we look to Utility and Review Board of 2 million or we look to  
12 Human Rights Commission of \$2.7 million, but here we have this budget for Nova  
13 Scotia's largest municipality of 14,000. It's moving up to \$140,000, and it's, frankly, far  
14 too low to provide any effective or meaningful oversight.

15                   And I guess my final point, and coming back to my comment about  
16 the HRP's willingness to engage community members in the development of this  
17 journey to change a program, when I think of community involvement or engagement in  
18 governance, I think of a spectrum between no or almost performative oversight to what  
19 Dr. Jones talked about yesterday of community control where decision making is  
20 delegated to community members or somewhere in between. I think most of our  
21 governance is at that left end of the spectrum of no engagement or no involvement, and  
22 we rarely get to the right end of the spectrum. And so our culture exists at the minimal  
23 engagement. We're not used to it on either ends of the spectrum. It's something that  
24 we need to change and do.

25                   We've heard about the development of policing standards. That's  
26 fantastic. We've also heard that there has not been much community engagement at  
27 the early stages of the development of those standards. The people invited to the table  
28 are police chiefs. They should definitely be there. And some select board



1 commissioners, but we see no engagement with civil society. We see no engagement  
2 with communities that are directly affected by policing.

3 So the -- you know, the status quo is about limited community  
4 engagement and minimal governance. And if we want to move that towards a more  
5 thick understanding of democracy where community is engaged, then we need to be  
6 willing to fund police boards to do their job, and we need to be more accustomed to  
7 inviting other folks to sit at these governance tables early on in the process.

8 **DR. EMMA CUNLIFFE:** Benjamin, thank you for sharing those  
9 reflections and for alluding to the conversations we're having this morning and  
10 yesterday as well. It's much appreciated.

11 Daniel, given that you've just been praised, I think this is a good  
12 moment to turn to you. What does transparency and accountability look like to you as  
13 Chief of Halifax Regional Police?

14 **CHIEF DANIEL KINSELLA:** Well, thank you for that and my  
15 thanks also to Benjamin for highlighting the journey to change. You know, we have to  
16 be accountable, we have to be transparent, we have to maintain the contact with the  
17 community. I'll get to the journey to change piece a little bit further into the discussion.  
18 But everybody knows trust building isn't something that happens overnight. We also  
19 know that we can lose trust fairly quickly. We also know that there's going to be  
20 obstacles. There's going to be setbacks and there's going to be things that do occur.

21 For the Halifax Regional Police, you know, we have to stay  
22 engaged, maintain and we have to continue to keep the conduit of information sharing  
23 and accessibility of that information sharing open. And I firmly believe it needs to  
24 happen at all levels of the organization. So, you know we work on that, and we will  
25 always have to work on that because that's, you know, something that, you know, falters  
26 from time to time. So we need to be consistent, we need to be persistent, and we need  
27 to stay with it. When we do, that helps the community see that we are committed and  
28 that builds, in my view, public trust and confidence as you go along and also helps us to

1 rebuild, because there always is a need to make sure we are rebuilding. We also have  
2 to have mechanisms and follow through to make sure that we are, you know, evaluating  
3 that. We're making sure that if we're missing something, then we're going to close the  
4 gap and we're going to make ourselves available.

5           Part of that is the community's ability to come forward, and it was  
6 mentioned earlier as having a safe environment for the community to come forward.  
7 And, you know, it's always safe for the community to come forward, or generally when,  
8 you know, there's some good news coming in. What we need to be more in tune with  
9 as police organizations is when the information coming in or the examples coming in is  
10 something that we need to look at and maybe is not as flattering as we would like. That  
11 takes us a little bit to culture, and within culture, it's been talked about quite a bit through  
12 the Commission a little bit here today, for the part that I've been sitting in on, it is the  
13 single most hardest thing to change. And we have to maintain that ability and the  
14 openness of that conversation and, you know, we have to recognize that there's going  
15 to be challenges and there's going to be things that occur that we have to overcome,  
16 that we have to, you know, keep moving forward, and have an understanding that, you  
17 know, there's, in my view, always areas for improvement that we have to look at.

18           And the other piece I would say is about data and the sharing of  
19 data. It's exceedingly important to share the data. We need to and I think we're headed  
20 in the right direction with a lot of the work that's being done, get to accurate and  
21 standardized collection of data. I know through the Wortley Committee that we struck  
22 that is -- has multi stakeholders from a number of people on screen, the organizations,  
23 and Dr. Brian in his report that recently came out. So we are, in my view, definitely  
24 heading in the right direction. We're thrilled to participate. One of my deputies sat as a  
25 co-chair of that particular committee. And then we need to make it available while at the  
26 same time protecting investigative integrity, protecting, you know, whatever other safety  
27 mechanisms need to be protected, privacy issues, and they've all been raised, and we  
28 have to pay attention to those. But fundamentally, we have to find a way to get the data

1 out so informed decisions can be made by, you know the people that are participating  
2 here today, Dr. Wortley, Mr. Critchley, others that are coming to the table with a  
3 genuine, you know, here's how we can help, but you need to help us, and that's the  
4 team portion of it.

5           As far as just going back to culture change for a minute and then I'll  
6 sum up, and Ben talked about the journey to change. The journey to change came from  
7 community. The journey to change came from consultations, many, many, many  
8 consultations with community. And, you know, I'm still grateful to this day that the  
9 community was willing to guide us, to inform us, to spend that time with us, to share that  
10 information, to try to share that lived experience and then, beyond that and through the  
11 conversations that we were able to have, that course is facilitated by members of the  
12 community who are willing to step up and participate and share their experience, share  
13 their information. And there's a lot of great learning that's been done from that. And I  
14 can tell you, I try to be -- I try to open every course and close every course. I see a  
15 demonstrative change in people's attitudes that have the opportunity to attend the  
16 course. And the beauty of that is they bring that forward within the organization, within  
17 the community, and we are headed in the right direction. Still lots and lots of work to do,  
18 still going to be times when the perception or the reality is that transparency isn't there.

19           We also rely on our boards to assist us, to direct us, to provide, you  
20 know, information and guidance on what we might be missing. And we as police  
21 leaders need to be open to that.

22           So I'll end it at that. And thank you.

23           **DR. EMMA CUNLIFFE:** Thank you very much, Daniel. And I've  
24 got a couple of follow-ups for you, if you don't mind responding briefly to them, as I'm  
25 conscious of time.

26           The first is a question that came through to me from the chat, and  
27 the it's about the Journey to Change training. How is it evaluated? How is the  
28 effectiveness of it evaluated?

1                   **CHIEF DANIEL KINSELLA:** So one of the ways that we do --  
2 certainly there's the participation piece, there's feedback throughout the course after  
3 presentation in regards to participant feedback. There's also feedback that is gathered  
4 from the facilitators, presenters, because they really are the ones that get a sense of  
5 how people are engaging. So that's part of it.

6                   The other part of it is the growth of the course and the interest in  
7 the course. And we started out and continue because we can't provide it quick enough  
8 internally. And our goal is to get every member of the service trained, volunteer civilians  
9 sworn, and we've also had inquiries externally from other agencies, you know, "Could  
10 we get some spots on the course?"

11                   So that part of it is the feedback of participants, the feedback of the  
12 facilitators.

13                   And I can tell you that on occasion, it takes a little while for some of  
14 the participants to, you know, fully understand and make that transformation, as it were,  
15 to understand where this lived experience comes from, to understand 200 years of  
16 trauma, to understand the impact and affect of the street checks that had been  
17 occurring.

18                   So that's the evaluation piece. So we have some documentation  
19 on it, we have facilitator feedback, and we continue to monitor that very closely and  
20 adapt and adjust as required.

21                   **DR. EMMA CUNLIFFE:** Thank you. And then my second  
22 question. You referred in your response to the Wortley Committee. I wonder if you  
23 could explain what the Wortley Committee is and what it's been charged to do?

24                   **CHIEF DANIEL KINSELLA:** So we formed a committee that is co-  
25 chaired by one of my deputies, Deputy Chief Don MacLean and Ms. Kymberly Franklin  
26 from the Human Rights Commission. And it is basically a research committee that got  
27 together based on a recommendation from Dr. Wortley's report to talk about street  
28 checks, the collection of race-based data, what is a police stop. And I think Dr. Wortley

1 mentioned that earlier, particularly about police stops.

2                   And he's right. This is about police stops and police interactions.

3                   So that committee came together with two co chairs. We had  
4 participation from all of our law enforcement partners, the NSCPA, the RCMP,  
5 community members, and they came together with Dr. Brian to have that dialogue, to  
6 identify some definitions, to move forward on some recommendations, how we can  
7 better, in my view, be accountable, collect the appropriate data, and make sure that we  
8 do something with it.

9                   And, you know, they took the time to make sure that they got the  
10 input. And as we all know, the report recently came out and, you know, it needs to now  
11 be put into place. And we've got a lot of talk, I'm not going to get into it, I mentioned it  
12 on the 25<sup>th</sup> of August, about how we can try to get recommendations done. But now we  
13 have to move forward with the accountability mechanisms to put those important  
14 recommendations into place.

15                   **DR. EMMA CUNLIFFE:** Thank you. And just one more follow-up  
16 and then I'll give you a break.

17                   I don't know if you were able to monitor this morning's proceedings,  
18 but we touched on recommendation 4.11 of the Wortley Report, which suggested the  
19 implementation of a consultation committee to consider oversight and review  
20 mechanisms. And the evidence that we heard from Professor Wortley and from Harry  
21 Critchley was that at this stage, that recommendation didn't seem to have been  
22 implemented in the form in which Professor Wortley imagined it. I just wanted to touch  
23 base and confirm that that's your understanding as well? Or if there's some initiative  
24 going on there that those speakers weren't aware of?

25                   **CHIEF DANIEL KINSELLA:** Well I'll start by saying I wasn't able  
26 to monitor this morning, so I don't know the exact gist of the conversation.

27                   But what I can tell you is that in my view, we can do better with the  
28 recommendations that are in Dr. Wortley's report. We have been working on it.

1                   A lot of the recommendations require the input of multiple  
2 stakeholders, and that's why I believe that the committee that was formed, you know,  
3 specifically for some things but we're, you know, I'm sure talking about many other  
4 things around the table. And, you know, is there more work to be done? There  
5 absolutely is. Is there more people that need to come to the table to provide input?  
6 There certainly is. And we have to, you know, be more collaborative and put that  
7 together.

8                   The other piece is all of this takes times, because we've got -- and  
9 I'll just share a very quick example. The Know Your Rights campaign that the  
10 Department of Justice, and I won't speak for Hayley, but the Department of Justice has  
11 taken the lead on, we've come to the conclusion, and that has come from Dr. Wortley's  
12 report as well, among other things, to say a Know Your Rights campaign shouldn't, in  
13 my view, be put together by the police. It should be put together by input from the  
14 police, and the community, and the Department of Justice, and our academics, and all  
15 of those people that might be affected, because fundamentally, if you're going to be  
16 stopped and encounter the police anywhere in Nova Scotia, and quite frankly anywhere  
17 in Canada, the rights should be the same. So if you're stopped in Halifax or you're  
18 stopped in Antigonish, or wherever that might be, the interaction and result should be  
19 the same. And to get there, it can't be just a decision that was made in HRM by HRP  
20 and RCMP. We need consultation across the board from not only the policing partners,  
21 but the community.

22                   And all communities are a little bit different. Policing is fairly similar,  
23 but communities are a little bit different, and communities have different expectations.  
24 So we have to take that into account.

25                   And we also have, as someone said to the point earlier about who  
26 is going to look after the implementation. And I commend the Department of Justice to  
27 take this on, to say, "Yeah, we're going to look into this. We'd like everybody to  
28 contribute." And we are. Unfortunately it's not moving as quickly as we would like and

1 there are ways that we can move quicker. And hopefully we'll get there through some  
2 recommendations from the work of the Mass Casualty Commission, ---

3 **DR. EMMA CUNLIFFE:** Thank you, Daniel.

4 **CHIEF DANIEL KINSELLA:** -- and the work of everybody in  
5 consultation ---

6 **DR. EMMA CUNLIFFE:** I'm going to jump in there. Thank you so  
7 much for sharing those examples and insights. I will keep moving as I'm conscious of  
8 the size of the table and the number of things we have to get through today.

9 Dawn, if I could please turn to you? What does a transparent and  
10 accountable police service look like, from your vantage?

11 **MS. DAWN FERRIS:** I think I agree with all the points raised so  
12 far. So I just want to add another layer to that, just to be, you know, somewhat not  
13 repetitive.

14 I believe it looks like taking the pulse of the public that is served.  
15 We have -- we are talking about the fact that -- and we keep hearing through yesterday  
16 and today that there is mistrust, distrust, and there's a belief of the lack of  
17 accountability. We have lots and lots of examples that we could go through as to the  
18 reasons why people still don't feel there's an ability to trust the change. And we  
19 acknowledge that it's hard. It's a culture that's been hard to implement change and  
20 have that change both be recognized and implemented and move forward.

21 So personally I know that in 2007, the Chebucto Road, the decision  
22 to widen the Chebucto Road led to a bunch of those people living on that street to  
23 protest and some police brutality, the lack of who was wearing the uniforms and the  
24 masks led to the decision to say that police officers should wear badges. Except when  
25 the policies were put in place, which I think took a couple of years, there was a loop  
26 hole that said "except for extenuating circumstances", that weren't really explained as to  
27 what those circumstances might be.

28 And so I was shocked earlier this year even to read in the Halifax

1 Examiner that there was still ongoing issues with Halifax Regional Police being  
2 identified during a peaceful protest when people were being pepper sprayed by people  
3 wearing face masks and uniforms.

4                   And so thinking about how we could change that is that lots of  
5 organizations do internal temperature checks on -- so doctors' organizations. We get  
6 MSI random selected people who went to their doctors to do the report card check, "It  
7 says that you went here for this day for this reason. What was the outcome? Did that  
8 happen?" And then that's sent back to be looked at. I'd like to see us implement a  
9 means of getting back random selected people who've had interactions with the police  
10 to actually see and hear a report card produced every year as to those things. Because  
11 I think, you know, we have a process in place, clearly, that people -- the civilian  
12 population can lodge a complaint. There's the Nova Scotia Government's website that  
13 says how to do that. But how do we report back so that everybody's aware of what's  
14 going on and what's being reported on.

15                   And then the HR component of that is that if we have members who  
16 are unwilling or unable to make the changes needed, or are given the training and still  
17 don't make the changes, there's specific consequences that came up in the roundtable  
18 discussions a couple of weeks ago about serious consequences. And I think that those  
19 things -- it's a long road to get to but I think that we can build that trust when there's  
20 more transparency and accountability from those being served by police forces.

21                   Thank you.

22                   **DR. EMMA CUNLIFFE:** Thank you so much for sharing your  
23 insights, Dawn; it's tremendously helpful.

24                   Emma, I'm going to turn to you, if I can. From your vantage, what  
25 would transparency and accountability look like for E. Fry, and particularly for the  
26 women that you serve?

27                   **MS. EMMA ARNOLD:** Yeah, so transparency and accountability  
28 are so connected, and right now I think one of the major concerns is that it's hard to



1 hold police agencies accountable to be transparent. So there's no real way -- so, for  
2 example, we tried to request a policy about Victim Services intake procedures, and  
3 were told that we could not have it because it -- there was reason to expect it would  
4 harm law enforcement, and there's no way to hold them accountable to explain why that  
5 is.

6           There is a legal test; the Supreme Court has indicated a legal test.  
7 Our Office for Information and the Privacy Commission has reiterated the test, but  
8 there's no way to hold them accountable. Technically, you could go to the office to ask  
9 them to review it, but they're still reviewing complaints from 2017 as of February this  
10 year. And the only other option would be to go to the court system and judicially review  
11 the decision, which is an inaccessible means for many people.

12           So to not be able to access the policies means we don't know what  
13 we can hold them accountable for, and there's no way for us to put a gendered lens or a  
14 racialized lens or intersectional lens on any of the policies to see if they will actually  
15 benefit the community, and if they are the best they could be, or if they need changes  
16 and need restructuring and have that input from community members and community  
17 organizations to ensure that the policies are the best they can be. But right now, there's  
18 no way for us to analyze these, to review them, and even for citizens to know what their  
19 rights are, as provided by the policies.

20           So the big concern I have is the idea that transparency is so key in  
21 creating a trusting relationship between the public and the police agencies, yet at the  
22 same time, there's no way to achieve or no way to hold them accountable to achieve  
23 that transparency. And the Defund the Police Report did say or one of the  
24 recommendations was to get the Police Board to direct HRP to make the policies and  
25 procedures publicly available online, and potentially that is a route to go and a  
26 recommendation that I believe should be followed, but again, it's a complex procedure  
27 when really we should be able to access these policies to see exactly what treatment  
28 we're owed and to be able to judge them and say, "No, this policy isn't right, it should

1 change," before something bad happens.

2 Another just brief example is we worked with a client who had a  
3 police complaint against the RCMP, and she -- as her resolution; there was an informal  
4 resolution that was promised there would be amendments to certain policies.

5 After they gave time and said the policies are amended, she asked  
6 to see them, to see the amendments to make sure that the informal resolution was  
7 completed. But, again, they denied her access to see the amended policies. And that  
8 is -- there is no transparency in that to even see if what they promised they would do  
9 was actually fulfilled.

10 So, really, again it's the accountability, as it ties to transparency, I  
11 think is key in creating that trusting relationship between the police and the community.

12 **DR. EMMA CUNLIFFE:** Thank you so much, Emma, and thank  
13 you for sharing those very helpful examples.

14 Rob, if I can turn to you; we've heard some examples of concerns  
15 at times about transparency and accountability within the context of the contract policing  
16 services provided by RCMP in Nova Scotia. What's your perspective on how the RCMP  
17 presently ensures transparency and accountability, and how it might address some of  
18 the concerns we've heard at the table today, and throughout our process.

19 **MR. ROB STONE:** Yeah, thank you.

20 I did have one -- you know, thought that -- during this discussion,  
21 more along the lines of transparency, and I know that just recently the RCMP began  
22 active release of mental health and wellness check reporting across the country. So I  
23 think that's -- to me, I view that as a positive first step in transparency of data reporting  
24 from the RCMP. I know that we're also currently working on a new race base data  
25 information reporting to come from the RCMP. So, to me, those are positive steps  
26 forward from a national organization to be releasing that information and it's, as I said, a  
27 proactive release of that data.

28 **DR. EMMA CUNLIFFE:** Thank you. And if I can pick up again on

1 an aspect of my question that I haven't heard you address yet, and that's the particular  
2 concerns that have arisen in Nova Scotia, and in the context of contract policing in Nova  
3 Scotia; what is it, if anything, that you're thinking about with respect to ensuring that  
4 transparency and accountability is present for the Province of Nova Scotia and those  
5 who live here?

6 **MR. ROB STONE:** Well, again, in terms of a Nova Scotia  
7 perspective, it would be included in that release. Again, difficult to -- it's a bit of a  
8 double-edged sword, I guess. As a Federal organization we have -- you know, we  
9 release this information, it's generally with a national lens, which means we would be  
10 releasing information in Nova Scotia. Again, I can't think of a particular example for  
11 Nova Scotia but, you know, what I can say is I believe a model of contract policing and  
12 the breadth of program, I think while it's large, I think sometimes it lends itself to be  
13 flexible to other areas. And earlier this morning there was discussion about  
14 harmonization of policing policy or policing standards between them, and while that  
15 discussion was happening I was thinking of the Clare's law, for example in Saskatchewan  
16 where at first it, you know, contradicted a bit of the *Privacy Act*, but the RCMP was able  
17 to work through that and now, because of that, we're in a position where the Nova  
18 Scotia and some other provinces have adopted similar laws to Clare's Law. We are  
19 now, you know, prepared to participate in those types of release.

20 **DR. EMMA CUNLIFFE:** Thank you for sharing that example.  
21 Marc and Julie, if I can turn to you and the perspective from Public  
22 Safety Canada, and your responsibilities with respect to contracting and the PPS  
23 process and the MPSA process. What -- I recognize, and I acknowledge, the  
24 complexity of the *RCMP Act* and then the questions of contracting kind of sitting within  
25 that, but from your perspective, from a policy perspective, is there more to be done with  
26 respect to ensuring transparency and accountability on the part of the RCMP to its  
27 contracting partners and the residents of the provinces where they provide police  
28 services; and if so, what work are you doing in that regard?

1                   **MS. JULIE THOMPSON:** Maybe I'll start, and I'll let Marc add as  
2 we go.

3                   It's a bit of a difficult question to unpack, I think, in the context of the  
4 contract. So I think Hayley did a really good job this morning describing that policing  
5 priorities are set at the provincial level for policing services that are provided within  
6 contract jurisdictions. But I would note, for the purposes of the conversation -- because  
7 it's been very rich, and I very much appreciated the perspectives and views of  
8 participants around the table -- that I do know the RCMP is working very hard at a  
9 national level on a number of initiatives that are underway to think about transparency,  
10 accountability, and improvement of the service. And, for me, I look to the Vision 150  
11 document that the RCMP is actively working on that lays out a number of activities  
12 inside the organization that sort of get to this point as well.

13                   I don't know if that was a very helpful interjection, but it is -- it is  
14 something that does catch my attention. I'll just look to Marc to see if he's got anything  
15 additional to add on this particular front.

16                   **MR. MARC TASCHEREAU:** No, I don't think so, Julie.

17                   I mean, it's an ongoing dialogue and process and improvement is  
18 strived to be made on a daily basis.

19                   I mean, clearly the RCMP works not just at the provincial level, but  
20 with a number of municipalities across the country, and you know, the attempt to be as  
21 responsive as possible to those needs, to those priorities and to have those open and  
22 frank discussions to improve on transparency and trust are needed. It's an ongoing  
23 process, but they're definitely committed to that process.

24                   **DR. EMMA CUNLIFFE:** Thank you.

25                   Scot, this conversation started with you and I'm going to loop back  
26 to you now and then give other members of the morning roundtable an opportunity to  
27 weigh in.

28                   What reflections, if any, would you like to share about what you've

1 heard in the conversation the last little while?

2 **DR. SCOT WORTLEY:** Just a couple of comments.

3 I mean, as a university professor and instructor, I have a high  
4 regard for training and education and how that might improve relations and provide new  
5 skills and cultural capital with respect to the policing role.

6 I do have a couple of concerns about training. You know, it has  
7 always, since the nineties, been the go-to, like a recommendation that is often  
8 immediately adopted by police services when facing crises over race relations. Police  
9 associations often quickly accept it as something that they will encourage their  
10 members to engage in, but historically there's been very little evaluation and, until  
11 recently, I think a lot of it has been window dressing. Sounds good, we're doing  
12 training, everybody's getting training.

13 One of the big weaknesses with training, however, is although it  
14 may be made mandatory, there's no need to prove competency. So these are courses  
15 that you often have to take, boxes that you have to tick, but it does not necessarily  
16 mean that those ticking the courses are engaged or trying to acquire new knowledges.  
17 So it would almost be like you having a university stats class but saying, "All you have to  
18 do is show up. You don't have to write a test".

19 And I think this sends a message to organizations, policing  
20 organizations, about what is important and what is not important.

21 The Ontario Police College candidates, new recruits, have to swim  
22 two lengths of its swimming pool in order to pass and become a police officer. They  
23 only have to attend kind of race relations, anti-bias training programs.

24 So I think that if we are really going to improve the impact that  
25 these training sessions has, there has to be some kind of measure or testing of  
26 competency to ensure that those attending are taking it seriously and not seeing it as a  
27 box that they have to check.

28 Data, I mean, I think it's -- for instance, you know, there were some

1 comments in the chat and some comments made on Canada about evaluation  
2 techniques being employed with respect to training and other issues.

3                   One of the important things is whether that is actually being  
4 reported. I know that a couple of years ago, the big rage with respect to training in  
5 North American policing was implicit bias training. There were some rather expensive  
6 programs that were developed. I believe that the Halifax Regional Police Service  
7 adopted that training, and I actually think they were conducting an internal evaluation of  
8 it, but it's often not reported, right, you know, where is -- what was the results of those  
9 findings. It might be internal evaluations, they're assessed by police leadership without  
10 it actually being disseminated to the public so that they know whether this training is  
11 working or not and whether the money was well spent or not.

12                   And I think that that's happening quite a bit with respect to internal  
13 evaluations, internal data collection that is never, you know, transparently reported to  
14 the public.

15                   I do think that, you know, with respect to training and some of the  
16 community consultative activities that have been taking place they sound great, but  
17 ultimately, we want to know what the bigger picture is and whether they're achieving  
18 their objectives. So if you look at something like training and community consultative  
19 work, we want to know if these efforts are going to improve relations, improve overall  
20 confidence in the police. And often, you know -- so getting feedback from officers,  
21 getting feedback from the trainers, if that is all positive, that's an important part of a well-  
22 rounded evaluation technique. But also, in the long run, is this improving relations or  
23 not.

24                   And part of what we're finding out now is that negative interactions  
25 with the police have a much more powerful impact on public perceptions of the police  
26 than positive interactions.

27                   Study after study is demonstrating that, you know, trying to offset  
28 aggressive policing tactics by having some positive interactions, positive ticketing,

1 community events doesn't necessarily work.

2 We recently did an evaluation of Edmonton Catholic School Board's  
3 school resource officer program, and it was a very positive evaluation. The youth that  
4 we talked to, the parents, the officers themselves all loved the program, a very positive  
5 review, but what we also found was that while the youth, particularly minority youth,  
6 really loved and respected their SRO officers, it wasn't changing their opinion of policing  
7 in general. And many youth in our interviews would comment that, you know, the  
8 SRO's great, but the real police are the officers that I deal with after 10 o'clock in my  
9 community and they're a very different breed.

10 So the overall objectives of the SRO was to improve police-youth  
11 relations. Positive relationships were being formed, but it wasn't necessarily achieving  
12 that larger goal of increasing confidence.

13 And I'll be quiet now.

14 **DR. EMMA CUNLIFFE:** That's great. Thank you very much, Scot.  
15 That was very helpful.

16 I'm going to turn a little selectively now to a couple of members of  
17 the morning roundtable and then move on to the next set of questions, given the time.

18 Jane, I think I'll begin with you, if I can. And you've been engaged  
19 in a process of many years of work of seeking to build a more transparent and  
20 accountable approach to policing of indigenous communities and evaluating those  
21 processes that have been put into place.

22 Do you have any comments that you wish to share based on the  
23 conversation that we've heard so far?

24 **DR. L. JANE McMILLAN:** Thank you, Emma.

25 Indeed, community engagement is hard work. It's costly in terms of  
26 time resources, and I think Chief Kinsella was pointing to that, but it's absolutely  
27 essential for it to happen if there's going to be any meaningful systemic change that  
28 really characterizes and brings forward indigenous perspectives.

1                   So I think that piece is vitally important, and I don't think it can just  
2 be at a Board level because we haven't seen indigenous participation at Board levels  
3 translating to good community dialogue, good community participation. It stays  
4 elevated at a place where it's not approachable, it's not accessible.

5                   The issues around access, I was astonished that one can't even  
6 access a policy about victim services intake. That, to me, is an absurdity, that must be  
7 addressed immediately.

8                   And I agree entirely with Scot's comment regarding training and its  
9 value. We are very interested in indigenous perceptions training and its outcomes. It  
10 looks good optically, but again, is it really driving the change that is needed on the  
11 ground and in those community relations? So it's one, but very small step forward.

12                   Thank you.

13                   **DR. EMMA CUNLIFFE:** Thank you so much, Jane.

14                   Bill, and if I can turn briefly to you. We haven't had, actually, much  
15 of an opportunity to talk about the work you're doing in the Transforming Policing  
16 Project, and this may or may not be part of it, but would you like to share any  
17 reflections?

18                   Again, I'd invite you to do so briefly, if you don't mind, on the  
19 conversation we've been having about transparency and accountability.

20                   **MR. BILL MOORE:** Certainly.

21                   Working very closely with Dr. Siciliano while on the policing public  
22 safety renewal, conversations -- and in the Transformation Project, we did some  
23 community consultations, but what we heard loud and clear from community members  
24 was, you've asked us a lot of things a lot of times what we want. And that has been well  
25 documented in a number of consultation reports, certainly the funding report by the  
26 Commission and the like.

27                   But what we're hearing is the community wants to be involved.  
28 They want to be part of the solution. They have strong opinions in relation to who



1 should be delivering the service, and I think something that hasn't really come up with  
2 today is conversation around should police really be doing some of the things that police  
3 are doing.

4                   And I understand how we achieve this -- how we got to this point  
5 and the fact that police were there and, you know, they were the only ones that open at  
6 two in the morning and, you know, for some reason they took it on. But there's a strong  
7 conversation around having a hard look at whether police should be involved. And I'll  
8 use, for instance, mental health crisis response. There was work done in creating a  
9 mental health crisis team, like, but there's a great deal of discussion now around should  
10 police even be in -- the primary responder. And in our conversations with community,  
11 there was a strong voice to say police should not be involved at all. But when we talked  
12 it through, there was a recognition that, yes, police are probably going to have to be part  
13 of a solution for a small percentage of those interactions. So we moved that needle.  
14 But what we decided was that police maybe are not the first, second, might be the  
15 fourth or the fifth spot to visit on the way down. So I think in those discussions what  
16 we're talking about is maybe police taking a step back from these roles. It can't be just  
17 as a switch. We need to do a gradual -- because we're talking about some of the most  
18 marginalized MOs to risk -- or, sorry, increased harm potential for individuals, so we  
19 don't want to have any more people falling in the cracks. So through this  
20 transformation, what we're really seeing is that there's a stronger move to provide the  
21 right services, provided by the right individuals to those in need, but to have those  
22 individuals be involved in a conversation of how they want to be treated, as opposed to I  
23 think I mentioned it this morning, this concept of doing it to them as opposed to doing it  
24 with them. And I think that's probably one of the biggest things that came through.

25                   **DR. EMMA CUNLIFFE:** Thank you so much for sharing those  
26 insights, Bill.

27                   Darren and Dustine, I'm very conscious that you come to today's  
28 conversation with a unique perspective on the work of this Commission. And I would

1 like to begin by thanking you for your courage and the integrity that you're showing by  
2 coming to this conversation, which is focussed today on recommendations. And I'd like  
3 to invite you, if you wish to do so, but with no obligation, to reflect on transparency and  
4 accountability to the people of Nova Scotia as you now understand it today and as you  
5 hope it might look in the future.

6 **C/SUPT. DARREN CAMPBELL:** Well, I don't really want to jump  
7 in and cut Dustine off, so I want to make sure that I'm very brief here to allow Dustine to  
8 add her views as well.

9 Notwithstanding the formal accountability mechanisms that would  
10 exist within police accountability, I think more importantly is the informal and most  
11 important aspect, which is police are accountable to the public. And in order to do that,  
12 what we have to have is trust with the public, and that trust is I think only accomplished  
13 through connection. And for us to be able to have that connection, that's the heart of  
14 community policing because I can say this as a member of the RCMP, whatever  
15 community that I've ever served in, I saw that as my community, even though I wasn't  
16 necessarily from that community. And I have, luckily, been able to go back and do  
17 some policing within the communities that I would consider home to be. But I can tell  
18 you that our members do many things to connect with a community, not just in their  
19 work, their daily work, but also in their personal lives as well. They do see their postings  
20 as their new home. And I want to be able to say that.

21 In terms of accomplishing that connectivity and that trust, there's a  
22 number of things that are very important for us to do. We talk a lot about consultative  
23 groups. One of the things that was mentioned by I believe it was a professor of law  
24 from UNB, he was talking about a course which is very similar. When I arrived actually  
25 in Nova Scotia, there's a course called the Ace course, the African Canadian  
26 Experience. That was developed well before my arrival in Nova Scotia, and it's -- it was  
27 actually developed in consultation with the African Nova Scotia Committee as well as a  
28 number of our officers who are actually from that community that are actually posted

1 here to Nova Scotia. A number of initiatives through that. In fact, that course was  
2 delivered to many of our officers in Nova Scotia. We offered that to the Department of  
3 Justice in Nova Scotia, other police agencies. We shared our course training material  
4 and standards to other agencies. In fact, we're providing that course nationally as well.

5           There was a -- Dr. Wortley had asked about how we measure the  
6 success of that course. Much like what Chief Kinsella had mentioned, the  
7 measurement of the success or the impact of that course largely comes from the  
8 participants. And I've seen much of their feedback, and those participants are not just,  
9 you know, members of the RCMP, but they're other agencies as well that do speak  
10 specifically to the impact that that material had on our officers, including the facilitators  
11 as well. Very positive feedback coming back from that.

12           Just further to that, Dr. Wortley also mentioned, and it's very  
13 important is the sharing of data. In order for us to be able to connect and for us to be  
14 able to understand the challenges of others, I think it's a two-way street in terms of  
15 others understanding the challenges of policing.

16           And data is one way for us to be able to give some concrete  
17 evidence in terms of the work that we do, the challenges that we face. We do have to  
18 find much better ways of being open and transparent in terms of data, not just from a  
19 internal assessment perspective, but also from I think importantly external assessment  
20 perspectives as well. The challenges that we face often are things like legislation  
21 privacy laws, you know, being able to protect integrity investigations. There is an  
22 element of intelligence within that. But I think one of the challenges that we face as  
23 well, and I know this has been something I've spoken about in my testimony to MCC is  
24 just the resourcing challenges. For every time that there's a request for data, there is a  
25 -- I don't want to call it a burden, but there is a requirement for the police to be able to  
26 pull that data, vet that data. And, you know, much like FOIPOP or ATIP requests, that  
27 is a labour-intensive process. I don't think that it's often cultural issue for police not  
28 wanting to share that data, it just becomes very challenging sometimes to be able to

1 share that. So I just wanted to speak to that.

2 In terms of other community connections, it's not just the African  
3 Nova Scotia community. I think that it's a very important community obviously for Nova  
4 Scotia, but also, nationally, there's also our indigenous communities, and a number of  
5 the courses that -- and community outreach programs, blank exercises, indigenous  
6 policing members, we have indigenous policing liaison member, there are a number of  
7 initiatives within Nova Scotia. In fact, what we have is a briefing note cycle. When  
8 there are issues that affect indigenous communities in Nova Scotia, we actually send  
9 out briefing notes to indigenous chiefs across the province to make them aware of some  
10 of the challenges or the issues that are unfolding within the province. We have  
11 community cultural training as well.

12 I'll just stop there because I just -- I don't want to take too much  
13 time. I want to give Dustine an opportunity because training actually falls under Dustine  
14 now as the administration personnel officer.

15 **DR. EMMA CUNLIFFE:** Thank you very much indeed, Darren.  
16 Dustine, what would you like to add to Darren's reply today?

17 **SUPT. DUSTINE RODIER:** Darren actually covered, as eloquently  
18 as he always does, quite a few of the things that I was going to mention. But I just  
19 wanted to expand a little bit on the race-based data piece. So we were -- we're happy  
20 to take part, or and have been happy to take part in the work that Dr. Brian's doing with -  
21 - along with HRP. But over and above that, the RCMP is doing their own race-based  
22 data project, and the Halifax district has actually been identified as a pilot site for that.  
23 So in talking with their executive, the national advisor of that project, I thought it was  
24 really important that we connect her team with Dr. Brian's team. So I'm happy to say  
25 that that's happened. They can share the information. We also let the national team  
26 know that it's critically important that if this is going to happen that they need the input  
27 from the communities here in Nova Scotia, and they've assured us that that's going to  
28 take place. So not just our, you know, fellow agency stakeholders, but also, you know,

1 the public and community groups, that kind of thing.

2                   So just on the training piece, I think it was discussed earlier in the  
3 Mass Casualty Commission proceedings, but I did want to highlight that we have a  
4 memorandum of understanding with our training academy in Regina if any recruits are  
5 recruited out of Nova Scotia from African Nova Scotian communities or indigenous  
6 communities, they can come straight back to the province, and we've seen that happen.  
7 And there's also been a new Recruitment and Retention Taskforce struck nationally,  
8 and they're going to be looking at everything related to RCMP recruitment and retention.  
9 So overcoming barriers, looking at the recruitment process and how can we -- how can  
10 we make it more -- more streamlined, more attractive to -- to members that may not  
11 necessarily have an interest in policing.

12                   So those are just a couple of things that I just wanted to highlight. I  
13 know that on the recruitment retention piece, that's more of like a broader national  
14 discussion, but we are taking it to heart here in the province as well, and we're happy to  
15 discuss that further, so I'll just leave it there. Thank you.

16                   **DR. EMMA CUNLIFFE:** Thank you so much for sharing the  
17 information about those initiatives, Dustine.

18                   And just to remind all who are listening, the national initiative with  
19 respect to retention and recruitment is something that Superintendent Dan Morrow  
20 spoke to in our Rural Policing roundtable, which I think from memory was the 30th of  
21 June.

22                   So Heidi, welcome back. I'm not sure quite how much of the  
23 conversation you were able to catch, but we've been talking about transparency and  
24 accountability of the delivery of policing services, and in particular, accountability to the  
25 communities who are served by police.

26                   And I wonder if you can share your reflections on what  
27 transparency and accountability looks like from your vantage as an Elder in the  
28 Membertou First Nation, and your perspective on what we've heard from others. I'm

1 sorry, Heidi, I think you may be on mute.

2 **MS. HEIDI MARSHALL:** Goodness, sorry about that. Yeah, I think  
3 we talked because I have some notes also from this morning, and I've been kind of --  
4 kind of reflecting on this anyway.

5 So I think, first of all, accountability means transparency, you know,  
6 and I think that putting an Aboriginal person as a token on a board or a commission is  
7 not accountability. You know? Knowing -- you need -- like, people -- like the police  
8 need to have a understanding of the -- like the lives -- like the local realities of each First  
9 Nation. Membertou looked like a beautiful, beautiful First Nation that's economically  
10 viable, we have a lot of business, but then we're close to the city. We have -- we have  
11 issues of trafficking, we have issues of drug abuse. We just had a suicide where the  
12 guy was missing for 19 days, you know, so we have issues -- and he was a fisherman.  
13 You know? People have -- like there's so many issues in our communities.

14 And our -- and, you know, the only interaction the police with our  
15 community is negative; judges, the whole justice system. You know, and so when you  
16 look at victims services, well, like, I work closely with MLSN, and then -- and I work with  
17 the most vulnerable Indigenous population in Nova Scotia, both on and off Reserve. So  
18 can say that in all honesty that it's the most vulnerable population I have ever worked  
19 with in my life; you know? I have, like, four degrees, and I've learned more from them  
20 than I did in any institution, any policing conference, any law conference, you know, as  
21 far as what it's really like and what the realities of our people are.

22 So we don't -- so from my perspective, if we're going to be  
23 engaging Indigenous people and be accountable to Indigenous people you're not only  
24 accountable to their leadership, the leadership is accountable to us also, but we're  
25 accountable, too, to people, like, within the community.

26 For instance, you know, when you look at the -- like, one example  
27 that I always have and I always give people, like, when you look at the matrimonial real  
28 property legislation on Reserve. The police aren't even -- like, don't even understand or

1 grasp the concept of looking at the different jurisdictional issues on Reserve, and the  
2 whole EPO process is different, so -- like, under the *Family Homes on Reserve Act*.  
3 And so -- you know, so when you're dealing with that we have -- like, you know, like a  
4 police officer needs to understand, like, when they come to a door to look at it, like, to  
5 give an EPO, it's a whole difference process on the Reserve as far as length and time  
6 and things like that, right.

7                   So police officers need to be trained, not only in cultural, you know,  
8 like culturally, but also, legally within the -- like, within -- with respect to the jurisdictional  
9 issues, we're looking at the different laws on Reserve, looking at, like, even, like, some  
10 of the -- like there's so much conflict. Like, you know, even the guy that was just found,  
11 like, you know, like he's Edmond Christmas, his son, Robbie, is a police officer that had  
12 to be involved in the investigation. You know, so those are things that we're involved  
13 with, and he polices our community.

14                   So what's the, you know, so what -- so people don't understand,  
15 like, that -- that, like, we bring that trauma home every single day, and then to be  
16 accountable to us means more than just putting one -- like a person on the commission,  
17 that doesn't help us. It may help, like, as far as, like, one person, like, to understand,  
18 but then, like, how do we give that information to community members? Like, how do  
19 we allow...

20                   Like, you know, like, I think that this morning Jane really talked  
21 about the accountability mechanisms in any inquiries, like in particular, the Marshall  
22 Inquiry, and I look at those inquiries, like more importantly, like the MMIWG, Marshall,  
23 Ipperwash, Manitoba Justice, they all did the same thing. So we're spending billions  
24 and billions of dollars on that -- on the inquiries just to say the same thing. You know,  
25 so who is it for? Us or them?

26                   Anyways, I speak bluntly. Sorry.

27                   **DR. EMMA CUNLIFFE:** We very much appreciate it, and I am  
28 hesitant to step in after that mic drop off, Heidi, to be perfectly honest, but ---

1 **MS. HEIDI MARSHALL:** I'll mute myself.

2 **DR. EMMA CUNLIFFE:** --- fools rush in, as they say, and so I will.

3 In fact, what I would like to do is I know that Commissioner Fitch  
4 had a question for you after your contributions this morning, and so I'd just like to take a  
5 moment to loop back to that if we can.

6 **COMMISSIONER FITCH:** Thank you very much.

7 Welcome back, Heidi. And for you or -- and/or Jane, if you would. I  
8 understand in Membertou there is a quadripartite agreement with First Nations, federal  
9 government, provincial government, and Cape Breton Regional, there's a similar  
10 quadripartite agreement in Fredericton, New Brunswick as well, and I think there's only  
11 two or three of such agreements in Canada. And I'm just wondering if you can share  
12 your thoughts on how effective that blending of policing arrangement is in Nova Scotia.  
13 I have my own experiences from the Province of New Brunswick, but I'd be interested to  
14 hear from you on that.

15 **MS. HEIDI MARSHALL:** I would -- Jane may have a little more  
16 perspective like -- in like -- in a different way than I do. I have more lived experience.  
17 So maybe Jane can go first, and I'll jump in because I think a lived experiencing is very  
18 important as well. Like, I understand the dynamics as well, but I just think that, you  
19 know, like, you know, like, I know the needs of the community, so maybe Jane can kind  
20 of answer that first and I'll step in.

21 **COMMISSIONER FITCH:** Super, thank you.

22 **MS. HEIDI MARSHALL:** If you don't mind, Jane.

23 **DR. L. JANE McMILLAN:** Sure. Thanks, Heidi.

24 There are times when the relationship is very positive and  
25 productive and times when it's not. There were concerns within the community about  
26 getting their dollar for value in their contract, and times when the services were  
27 inadequate to the community expectations. Indeed, I think the efforts they have around  
28 community policing, they are -- the dialogue is open more, and I think that the Cape



1 Breton Regional is able to better respond to the community needs than it has been in  
2 the past. So there is some -- there is some positive moves happening there.

3                   Although the moves still underlying would be a greater  
4 independence of police services that Indigenous communities and Membertou as well  
5 wanting to have a greater control, greater community control, and definitely making sure  
6 that they're getting value for money.

7                   That's just a very simplistic look at what is actually quite a complex  
8 relationship, and historically a fascinating story.

9                   But Heidi, over to you.

10                   **MS. HEIDI MARSHALL:** From a community perspective, I'm not  
11 involved with the law a lot, but you know, as far as, like, on that side of it anyway, but it's  
12 like I think that there are issues of -- just like any other communities with respect to  
13 non-Indigenous policing, you know, like, non-Indigenous -- a lack of understanding of  
14 our communities and our way of life and people thinking that Membertou -- that there's  
15 no -- that there's no crime in Membertou or there's no this in Membertou, and  
16 everyone's wealthy and well-off, but that's not the -- that's not the problem. And I think  
17 there is still, like, some lack -- you know, like we still have those issues that other First  
18 Nations face, like, within all of Canada and all of Nova Scotia with respect to policing.  
19 We still have that, you know, the institutionalized racism. You still have that. That's still  
20 here. No matter -- even though you can have the best, nicest police officer, just like the  
21 human trafficking police, I have a really good relationship with them, but it's the  
22 institution itself. They can't change that.

23                   You know, so I think that we need -- so they need a better  
24 understanding. Like, we need a more wholistic approach. Just like, "Yeah, I know I've  
25 got some stuff on mental health and on this." We need a more wholistic approach.  
26 Like, how do you -- and so I think that that's the issue that's missing, that cultural part of  
27 our way of life and how you look at -- like, there are times -- one example, for instance,  
28 like, if your child -- and I mean, like, you know, like, because a lot of our children are in

1 care, and if your son or daughter has a criminal record and they live with you and that's  
2 their parent, you have to choose between your child and your grandchild. That's not our  
3 way of thinking. You know what I mean?

4                   So those things have to change a lot, you know? And so I think the  
5 police need more knowledge on how to handle an emergency protection order on  
6 reserve if the community is in a family -- like, has their own MRP law, their own  
7 matrimonial property. They don't understand it and they don't need to -- and they  
8 realize, like, if it's -- say if it's a non-Indigenous woman, that they come to the door that's  
9 being -- you know, that has a protective order against her husband her husband -- she's  
10 alone in the community and her husband has all the support from his family members  
11 living in the community. Those are things that people don't know. You know what I  
12 mean? So there's still issues.

13                   I don't know if I'm answering the question, but I'm just kind of  
14 alluding to just some examples that we have to deal with, that we have to look -- you  
15 know, like, for instance, I have a neighbour that the police are there a lot. They're going  
16 to find her some day, because I don't think they take her calls seriously, you know,  
17 because we have issues of alcoholism, of drugs, because we're so close to the city.

18                   You know, and so I think those are issues that we need to  
19 understand.

20                   Just like the racism, I think I was talking to -- I know we're short of  
21 time, I'll just give you one example. I was talking to Emma yesterday just about I have  
22 an Indigenous -- for the people that don't know, I was one of the founding members of  
23 the Jane Paul Indigenous Women's Resource Centre and I'm currently the interim  
24 executive director. I'm director until another couple of weeks. I'm looking forward to  
25 that time.

26                   But anyways, we had a girl that was taken into custody for breach,  
27 was sent out to Sackville. And so I get a call from the social worker in Sackville and  
28 say, "Do you think that you can provide transportation back to Sydney for this client?"

1 And I said, "I don't think that's our responsibility. I think that's your responsibility." I'm  
2 not going to put our client more at risk, where she's already working the streets, and  
3 they expect me to transport her home and she's already on breach and she's already  
4 said she wants to go to New Glasgow, and not to Sydney, where she was supposed to  
5 be taken to?

6 So I -- and I was in the middle of a conference. And, you know,  
7 and so the sheriff weren't going to bring her home. They expect me to buy her a bus  
8 ticket and send her on her own. And I just said that's absolutely -- "No," I said.

9 So I called E. Fry, we work together, and we ended up having her  
10 come home on, like ended up transporting her.

11 But that's what we have to deal with everyday. That type of -- you  
12 know? You know, I said, "You guys took her there," you know?

13 So those are things that we -- so on a whole, that's how the system  
14 treats Indigenous people, especially when they think they can't advocate for  
15 themselves, especially when they think they have no one there to advocate for them.  
16 And that's why it's so important, like I said, with the Jane Paul Centre, we're their only  
17 advocates right now. You know, like they don't trust -- like, you know, they don't trust  
18 our systems and the non-Indigenous systems.

19 So in -- like, just in an answering the question more, there still  
20 needs to be work at the higher level. We can have the best -- we can be best of friends  
21 with, like, -- like, there's three police officers that are Indigenous that work in  
22 Membertou. Tamara Christmas, Rodney Christmas, and I think it's Lawrence Doucette.  
23 Those are the three officers that come to Membertou. There's three of them. But  
24 they're placed all over the place as well, you know, not just Membertou.

25 And so it's a trying process. You know, and I -- but, you know, I  
26 think we still need to be -- like, there still needs to be more accountability and there  
27 needs to be more understanding of the local realities of each community and don't  
28 make assumptions.

1                   That's all. Thank you.

2                   **DR. EMMA CUNLIFFE:** Thank you so much, Heidi.

3                   Commissioners, I'm conscious we've been going some time without  
4 a break. Can I suggest that we take 10 minutes and reconvene at 20 past 3:00  
5 Atlantic?

6 --- Upon breaking at 3:10 p.m.

7 --- Upon breaking at 3:22 p.m.

8                   **DR. EMMA CUNLIFFE:** Good afternoon and welcome back.

9                   Recognizing the time and our goal to end today's session by 4:00  
10 p.m. Atlantic, our final round of questions is one for which I'll give everybody fair  
11 warning, I will hold you strictly to a two-minute rule with respect to your responses. And  
12 so I'd be very grateful if you could please help me with that, as that as that will ensure  
13 that we have -- we give everybody an opportunity to weigh in.

14                   Before I ask this question, I do want to remind everybody,  
15 participants and the public who may be observing the proceedings today, the media,  
16 that we have commissioned a very comprehensive report about police resources in  
17 Nova Scotia. And so the Report on Structure of Policing in Nova Scotia by Barry  
18 McKnight, which was tended very early in our public proceedings, the report itself is  
19 lengthy and it contains a series of significant appendices, all of the major documents  
20 that touch on, for example, where RCMP detachments are located, where municipal  
21 police services are located, where integrated services are provided. The total is about  
22 1,500 pages, which is a bit overwhelming. But the narrative portion of it is well over 100  
23 pages. And so I just refer people to that if you do have questions about specifics about  
24 the size of Kentville Police or what happened with respect to Canine Services.

25                   But for now, I'd like to continue our focus today on broader policy  
26 questions. And the question that I will pose at the outset, and I'll remind you, of course,  
27 or put it in the chat if it feels like people are losing sight of it, we have heard a great deal  
28 of evidence in our proceeding about challenges that presently exist in the relationships

1 between the RCMP, the Province, and the municipal police services. And we've heard  
2 differing accounts of the nature of those challenges and their impacts. But certainly I  
3 think it's clear that service exchange is a pain point of municipal police services and has  
4 been a source of consternation. It's equally clear that there have been times when the  
5 difficulties in the relationship have, notwithstanding my appreciation for Chief Butler's  
6 remarks this morning, that on the whole, the working relationship remains good, and I'm  
7 very pleased to hear that, there have been moments where challenges in the  
8 relationship have caused a regression from a collaborative model. And so I'm thinking  
9 here particularly of the evidence that we've heard with respect to the HRP and RCMP  
10 integrated model of Major Crime Unit and the fact that that is no longer an integrated  
11 unit.

12                   So I'm not asking you to comment directly on that evidence, just to  
13 be perfectly clear.

14                   However, in light of that evidence, I think there are questions that  
15 might arise about whether there might be structural changes that can be made or  
16 should be made to the structure of policing in Nova Scotia to ensure that police services  
17 are delivered in a manner that doesn't give rise to those sorts of concerns.

18                   We've heard evidence, and perhaps the clearest example of this is  
19 in the commissioned report prepared by Cal Corley and Chris Murphy, about which we  
20 heard yesterday, that there may be a range of possible options for the future of policing  
21 in Nova Scotia. The present model is a mix of RCMP detachment policing with a model  
22 of relatively large detachments for the most part servicing relatively large rural and  
23 small-town areas, combined with municipal police services, some of which service very  
24 small towns, some of which service larger towns like Halifax.

25                   We could -- it's possible that the future of Nova Scotia policing  
26 could move to a regionalized model, so a model of regionalized police services being  
27 delivered, where there are numerous regions within Nova Scotia and police services  
28 being delivered in that way. Or alternatively, Nova Scotia could choose to follow the

1 approach recently embraced by B.C. and consider moving towards a provincial policing  
2 service.

3                   There may well be other options on the table than those I've  
4 elucidated.

5                   And so my question for each of you is what do you think the future  
6 structure of policing services in Nova Scotia can or should look like, in light of the  
7 evidence and in light of the conversations that we've had today?

8                   And I recognize it's a big question. And so for that reason, Scot, it  
9 feels of those who are at the table today, to a certain extent, you're a little outside of the  
10 kind of Nova Scotia context, and so I'm going to invite you to weigh in first, and perhaps  
11 on principle basis.

12                   And again, two minutes and then I'll turn to the next person.

13                   **DR. SCOT WORTLEY:** I mean, these are really difficult questions.  
14 When we look at the broader literature related to large outside police services providing  
15 local level policing, there's definitely, you know, strengths and weaknesses, the  
16 strengths being that, you know, training and recruiting responsibilities can be  
17 downloaded onto the larger agency, which already have, you know, well-established  
18 entities for engaging in those activities.

19                   You can also provide -- the larger agencies can also provide  
20 specific services when crisis emerges. So small towns, for instance, often don't need a  
21 homicide unit, or forensics unit, or an organized crime unit. But these problems might  
22 emerge where the large agency can provide expertise in these areas.

23                   I mean the biggest issue, and this is what emerged in my own  
24 research, was the feeling that the larger agency like the RCMP consists of outsiders.  
25 So you risk the kind of occupying army type of analogy.

26                   This is a big issue, even in large urban police services across North  
27 America. In Toronto, a recent study indicated that over 90 percent of Toronto police  
28 officers do not actually reside in Toronto. They reside outside, often because of the

1 affordability of real estate within the Toronto area.

2                   There was some mixed models. You know, whether that is moving  
3 to a more provincial model to provide municipal services where there may be a little bit  
4 more community understanding, everything from the geography of a specific place to  
5 understanding the individuals who reside there.

6                   I think you can also look to some of the -- I'll talk about one thing  
7 that I was pretty impressed with.

8                   **DR. EMMA CUNLIFFE:** Actually, Scott, I'm going to call your two  
9 minutes. Thank you very much for what ---

10                   **DR. SCOT WORTLEY:** No, no problem.

11                   **DR. EMMA CUNLIFFE:** --- you shared.

12                   **DR. SCOT WORTLEY:** I understand.

13                   **DR. EMMA CUNLIFFE:** Much appreciated.

14 Benjamin.

15                   **DR. SCOT WORTLEY:** It's actually been, I think, a positive.

16                   **DR. EMMA CUNLIFFE:** Benjamin, if we could turn to you next,  
17 please?

18                   **PROF. BENJAMIN PERRYMAN:** It's a big question. I think the  
19 record before the Commission raises real concerns of whether the RCMP, particularly  
20 the H Division, is capable of change within the time frame that the public expects. That  
21 is something that needs to be addressed. And there are also questions of the amount  
22 of money that is spent on policing, this is not a comment about the RCMP per say, with  
23 minimal evaluation or analysis that the public is getting a return on its investment in  
24 terms of public safety.

25                   And I think I'm going to leave my comments there.

26                   **DR. EMMA CUNLIFFE:** Thank you so much for being so concise,  
27 Benjamin.

28                   Dawn, if I could turn to you next?

1                   **MS. DAWN FERRIS:** Thank you. I guess representing a coalition,  
2 and we had not had this topic or question discussed as a group, I would only be able to  
3 give my personal opinion about what I would like personally.

4                   So acknowledging that I might be speaking at an opposite type of  
5 view for the coalition itself, I feel strongly that a provincial organization of policing  
6 throughout the entire province on an equitable basis, and I say that coming from  
7 Cumberland, where everybody says we know that the province seems to end at the  
8 Cobequid pass, and so the fear would be that our area would be somehow diminished  
9 in having representation in the area might actually happen.

10                  So I guess I'll just leave it at that and say thank you very much for  
11 being able to participate.

12                  **DR. EMMA CUNLIFFE:** Dawn, thank you so much for sharing your  
13 perspective. And just to reassure you, of course the coalition as a participant will have  
14 an opportunity to make submissions on this question, among others. And so we  
15 appreciate you sharing your personal view and we also appreciate your brevity.

16                  Emma Arnold, if I could turn to you next, please?

17                  **MS. EMMA ARNOLD:** Yes, thank you. It's been mentioned a lot  
18 today that each different community has its uniqueness, and I think this should largely  
19 influence whatever decision is made, or the structure of policing.

20                  But I also believe that it really depends on ultimately what services  
21 the police intend to provide and what they are going to provide.

22                  Again, if we trust community organizations or give responsibility  
23 and funding to community organizations to take care of some the responsibilities, like  
24 attending mental health calls, then it may be a different system than what it would be if  
25 they continued doing the responsibilities they have right now. And that needs to be at  
26 the forefront, kind of the end goal of what we want to happen and every decision made  
27 should be with the purpose of getting to that end goal. So if we want the community to  
28 have more engagement, they might be able to do the tasks that complement the



1 uniqueness of the smalltown communities or the local communities, or having a larger  
2 police force to do the kind of bigger picture scales, or potentially moving to a system  
3 where it largely is dependent on the community and the police are kind of the second  
4 option instead.

5 **DR. EMMA CUNLIFFE:** Thank you so much, Emma. That's a  
6 really nice summation, I think, of much of what we've heard in the last couple of days,  
7 and in very good time, which is much appreciated.

8 Jim, if I could turn to you? What's your perspective on this  
9 question?

10 **CHIEF JIM BUTLER:** Sure. So obviously it's a very complicated  
11 question that many of us talk about a fair bit. I think before we even decide the model,  
12 we actually have to decide the role of the police. And I think Bill alluded to that earlier.  
13 What is the actual role of the police in communities, recognizing that municipalities  
14 should decide for themselves, I guess, what service they have.

15 I do believe in the short term that these resources are there, and I  
16 think if we actually went to a bit of a hybrid model and really stopped talking about  
17 agencies but about requirements, we could actually rationalize the resources we have,  
18 whether they're -- like, front line patrol in communities already existing, but specialized  
19 services, what level do they exist now? And maybe have district models including  
20 municipalities that have their own town police or city police in those, kind of, RCMP  
21 center district models. I think we could actually look at a short-term model once you  
22 rationalize was current resources and meet the needs, as opposed to changing  
23 wholesale.

24 **DR. EMMA CUNLIFFE:** Thank you so much for sharing those  
25 insights, Jim. It's much appreciated.

26 Brian, if I can turn to you next, please?

27 **MR. BRIAN CARTER:** Yeah, from a veteran standpoint, we would  
28 simply say look at the Quebec model of policing because it covers the things that we've

1 been discussing. It allows you to have one single set of standards, one single set of  
2 training, it increases your training to a three-year program, not six months. It does so  
3 many things. It gives you all the resources you need for everything. It's broken into  
4 tiers based on your population. As one example, if you don't have 50,000 people, you  
5 don't have a police department. If you have a hundred thousand, you only do basic type  
6 policing. If you have half a million, you're allowed to have an ERT team. But  
7 everything's under the provincial body. The problem with that system for us is we  
8 cannot afford a provincial police force in Nova Scotia and supply all the equipment,  
9 personnel and everything else that we need. It would cost us billions of dollars. The  
10 only way we could do it is through a contract agreement.

11 **DR. EMMA CUNLIFFE:** Thank you so much for sharing those  
12 insights, Brian. It's much appreciated.

13 Danielle, if I can turn to you next.

14 **MS. DANIELLE DESJARDINS:** You know, we already talked  
15 about service exchange and hopefully that will address some of the cost issues that  
16 may prevent the necessary resources that are needed in some communities, whether it  
17 be for frontline policing or specialized policing units. I think with a provincial/regional  
18 model, you know, you're still going to have to have that presence, a physical building, a  
19 detachment. So, you know, if those go away, you know, that just increases the issues  
20 in terms of visibility or lack thereof and community engagement.

21 I think really one of the biggest things that we can do is remove  
22 non-policing tasks from police officers. You know, we've seen that through the GPRMs  
23 and resourcing studies that were done that there's just a -- way too much time being  
24 spent on things such as, like, mental health calls, leading to less time for proactive  
25 policing duties and burnout there. So I think that's really a way forward. What that will  
26 land on in terms of a model per se, you know, I think definitely a provincial/regional  
27 model will probably be the way there. This fractured policing structure that we have  
28 now, I don't think is sustainable long term.

1                   **DR. EMMA CUNLIFFE:** Danielle, thank you for sharing your  
2 insights.

3                   Daniel, if I can turn to you next, please?

4                   **C/SUPT. DARREN CAMPBELL:** Sorry, was that for Darren?

5                   **DR. EMMA CUNLIFFE:** No, actually, it was ---

6                   **C/SUPT. DARREN CAMPBELL:** Okay.

7                   **DR. EMMA CUNLIFFE:** --- Daniel. My apologies. My Aussie  
8 accent gets me again.

9                   **CHIEF DANIEL KINSELLA:** All right. Thank you and I will be  
10 brief. So what I would say is that I'm going to speak strictly from a policing perspective,  
11 and we need a model that basically recognizes three things. Number one, we've got to  
12 have roots in the community. We've got to make sure that anything that we look at,  
13 whether it be regional hubs, regionalization or provincial policing, looks at, you know,  
14 has a sincere dialogue around that. And to Chief Butler's point, what are the needs and  
15 what are the requirements. And once we have that sincere dialogue on what is needed,  
16 we need to recognize community expectations, and we also have to make sure that we  
17 have a plan that, number one, let's us get back to our core function, and number two,  
18 provides for the ability to respond to critical incidents. Thank you.

19                   **DR. EMMA CUNLIFFE:** Thank you very much indeed, Daniel.  
20 Darren, why don't we turn to you now?

21                   **C/SUPT. DARREN CAMPBELL:** Sorry about jumping in there.  
22 No, I agree with what Chief Kinsella just had to say. I think that what we all have to  
23 recognize is that whether you're within a policing community or outside within the public  
24 or special groups, we all want the same thing. We all want to be trusted and we all want  
25 to be safe. And we're at this crossroads right now of diverging expectations and Chief  
26 Kinsella mentioned that. You know, we want -- we need the softer side. We need the  
27 connections. But at the same time, we need that harder side, the ability to respond to  
28 emerging threats, and that's difficult. And I think that the only way for Nova Scotia or

1 any province really to be able to balance those is through efficiencies, and efficiencies  
2 are created through integrated policing models. And there are many examples of I think  
3 efficient and effective integrated policing models across the country. I would encourage  
4 the Commission to look at those. The Vet's Association did talk about a tiered policing  
5 model in Quebec. I'm interested in that.

6 I also mentioned in my testimony the integrated policing model  
7 within the lower mainland of British Columbia. This is all about the efficiencies created  
8 through that, but also opportunities for connections between agencies, joint  
9 management teams identifying priorities, those integrated units providing opportunities  
10 for other officers to contribute together on shared priorities and all those expectations of  
11 the public. So I'll leave it there. There's so much more than can be said on this topic  
12 and I'm hoping that there'll be further consultation for some written documentation from  
13 all the Participants on the matter here. Thanks.

14 **DR. EMMA CUNLIFFE:** Thank you very much indeed, Darren,  
15 and, of course, our consultation and our process is ongoing and documents relevant to  
16 this conversation are welcome and will be gratefully received, the sooner the better,  
17 given the passing of time. And there will be an opportunity to make submissions about  
18 this for those who have Participant status.

19 Marc Taschereau, if I can turn to you next?

20 **MR. MARC TASCHEREAU:** So this will be brief as well, and we  
21 recognize that the administration of justice, including policing rests with the province.  
22 So, I mean, ultimately, how best to, you know, police Nova Scotia really falls to the  
23 province to determine.

24 **DR. EMMA CUNLIFFE:** Thank you.

25 If I can turn then to Rob Stone, please.

26 **MR. ROB STONE:** Sure. Thank you. So I recognize, you know, I  
27 obviously have a certain lens working for the RCMP and managing a police service, but  
28 I'm sitting here sort of putting myself in the shoes of a citizen of Nova Scotia. I would --

1 you know, I would say that there's probably kinks in our model and the patchwork of  
2 police services we have, but sitting in my chair at the RCMP, I often take a look at the  
3 pros and cons of our model and, you know, oftentimes, we hear about turnover in  
4 officers, but at the same time, that turnover means officers are getting access to  
5 operational experience that they may not receive in a small municipal department 20  
6 years that they can receive elsewhere in the RCMP and bring to your local community.  
7 So there is some of those turnkey aspects to the RCMP model that I think are positive,  
8 but for me, it's about -- as Marc mentioned, it's up to the government of Nova Scotia and  
9 local governments to decide. But it's really that increasing flexibility, whether it be in the  
10 service exchange model, finding ways to get around that example that Hayley gave this  
11 morning of six and six and three off sick, and also perhaps with the RCMP model. Are  
12 there ways to work with the federal government to have the RCMP be a bit more  
13 flexible.

14 **DR. EMMA CUNLIFFE:** Thank you very much indeed for sharing  
15 those reflections, Rob.

16 Dustine, if I can please turn to you?

17 **SUPT. DUSTINE RODIER:** I agree with a lot of the comments that  
18 are -- have been made already, specifically with respect to integration. I think it was Dr.  
19 Wortley made it a point that one of the downsides of having the RCMP in policing is that  
20 they are sometimes outsiders. I actually see that as a positive in that there's, you know,  
21 opportunities where we have -- many of us have worked in agencies or in locations  
22 where there is true integration and it's the efficiencies Darren talked about. Multiagency  
23 integration brings training, equipment, cost sharing, experience, standards, and  
24 oversight from a joint management team perspective. So I think there is opportunity to  
25 do that here, and I think the provincial standards that Hayley is working on so hard is a  
26 great first step. And I think that that's going to bring a lot of positivity to the division and  
27 -- or pardon me, to Nova Scotia. And from a division's perspective, we are absolutely  
28 open and looking forward to continuing to work with our partner agencies on that.

1                   **DR. EMMA CUNLIFFE:** Thank you very much indeed, Dustine.  
2                   Kristina, if I can please turn to you?

3                   **MS. KRISTINA FIFIELD:** Yeah, I think from hearing all of the  
4 conversations, especially this morning, that -- and again, I can't speak for my entire  
5 coalition, so I'm going to speak myself working at Avalon, but there needs to be  
6 definitely standards policy, and I do believe that needs to happen provincially, and I  
7 think that it needs to be equitable policing service for individuals and when -- and that  
8 creates safety. And from what was said this morning, there seems to be where does --  
9 how is accountability, what does accountability look like. And right now, I think there's  
10 so much mistrust or distrust because things have -- we don't know where to put things  
11 at; right? We don't know -- people don't know what that accountability looks like, and I  
12 do believe there needs to be standard policing and standards, however, it does need to  
13 meet the unique needs of our marginalised and vulnerable communities across our  
14 province. Thank you.

15                   **DR. EMMA CUNLIFFE:** Thank you very much, indeed.  
16                   Chief Mark Kane.

17                   **CHIEF MARK KANE:** I'll keep it brief as well. I would agree with  
18 the point that we have to look at it from, first and foremost, (inaudible), which is the  
19 public to make sure that they're getting service that they demand, but also, I agree with  
20 the comment that there's a lot of good already done throughout the country in regards to  
21 Alberta, look at Saskatchewan. And I also look at the recent paper that was done on  
22 the *Police Act* in Manitoba that talks about tiered policing and how that model could  
23 work. But more importantly, I think we have to look at the combined response times to  
24 an incident, and I think that's something that we have to be careful that jurisdictional  
25 boundaries shouldn't matter in an event of an emergency. So I'll leave it there.

26                   **DR. EMMA CUNLIFFE:** Thank you so much, Mark, for sharing  
27 those reflections.

28                   If I can turn now to Harry.

1                   **MR. HARRY CRITCHLEY:** Thank you, Emma, and I'm going to try  
2 and be as brief as possible.

3                   I don't necessarily feel qualified to assess the relative merits of  
4 maintaining the RCMP or moving to a provincial model. I would echo the points made  
5 that first and foremost we need to begin with an assessment of the proper roles of the  
6 police, what falls squarely within core policing functions and what does not. I would say  
7 the very next question has to be how will -- whatever the police force is how that will be  
8 governed and overseen.

9                   And I would suggest, kind of echoing a point that was raised by the  
10 B.C. Civil Liberties Association in their submissions to the special legislative committee  
11 in B.C. on the *Police Act*, that there's a need for a single unified oversight body for all  
12 policing in Nova Scotia. They commented there on the fact that having, you know,  
13 disparate oversight bodies is ineffective, it's confusing, it leads to barriers. And in  
14 particular, I would suggest, in keeping with the B.C. Civil Liberties recommendation,  
15 there is a need to, if the RCMP are going to remain in the province, to look at acquiring  
16 federal/provincial agreements that would allow the RCMP to be governed under the  
17 oversight frameworks of the *Nova Scotia Police Act*, and by that I mean allowing an  
18 advisory board to the RCMP to have exactly the same power as a municipal police  
19 force.

20                   You know, I've identified lots of flaws and shortcomings of  
21 municipal boards, but I think ultimately it's a far superior model to the advisory boards,  
22 which have no directive-making power, and I would suggest that a federal/provincial  
23 agreement could allow that in the same way that has been done with the same  
24 jurisdiction in things like SiRT.

25                   And then from there, there is a need to make legislative  
26 amendments. So I -- you know, I'd commend the Commissioners to look at changes  
27 that were made to the *Comprehensive Police Service Act* in Ontario, mandating  
28 strategic planning and consultation at board levels.

1                   And also, one point that I'd hoped to raise all day, and unfortunately  
2 I did not, would be a shift as well, as part of the oversight kind of ecosystem for the  
3 police, a change in the *Fatality Investigations Act*. So Nova Scotia and the provinces of  
4 Atlantic Canada are the sole provinces in Canada where coroner's inquests where an  
5 individual dies in police custody or as a result of police use of force are discretionary,  
6 they're at the discretion of the Minister or the Chief Medical Examiner, a provincial  
7 appointment, and as a result, we do not do them in this province. There has been two  
8 since 2008. Comparatively, in most other provinces it would be mandatory, it would be  
9 automatic. And there's been a large of number of police involved deaths unfortunately  
10 in this province that aren't being meaningfully examined and...

11                   So I would leave it at that, if that's all right.

12                   **DR. EMMA CUNLIFFE:** Thank you, Harry. Yeah, you are over  
13 time, but I did want to make sure that you had the opportunity to speak to your point  
14 with respect to fatality investigations.

15                   Hayley, if I can please turn to you next.

16                   **MS. HAYLEY CRICHTON:** Sure. Thank you. And I just want to  
17 make four quick points. The first is I think what would be important moving forward is to  
18 ensure that the Department of Justice maintains an active role in police oversight and  
19 develop a robust system and metrics of accountability and reporting regardless of the  
20 end state model. So whatever that looks like, ensuring that those structures are in  
21 place.

22                   Further, two comments made earlier today, I think it's important,  
23 too, that we move away or shift away from a reliance in Nova Scotia on informality, and  
24 that a formalisation means that regardless of HR transition, it doesn't impact  
25 relationships through those formal arrangements.

26                   Next, I think -- I'm very cognisant that we speak about the ideal  
27 state, so where one represents where we are, the global "we", and then our final state,  
28 but a lot of focus really should be paid on steps two to nine. I think that's where all the



1 crunchy work really takes place.

2                   And so, for example, when we're talking about mental health calls  
3 for service, I'm cognisant that there is consensus on what our ideal state is; however, in  
4 the interim the police remain the primary responder to those calls, so I think it's  
5 important that we are also cognisant of that crunchy works that needs to take place  
6 there too.

7                   And my final comment is just that I acknowledge, even from my  
8 own seat, I think that sometimes we're risk averse to being vulnerable, and I think it's  
9 important for people to recognise, you know, I don't know what I don't know, and  
10 therefore, we need to build in mechanisms to consult with individuals to ensure that we  
11 are learning what it is that we don't know and then moving towards mitigating that  
12 challenge.

13                   **DR. EMMA CUNLIFFE:** Thank you so much, Hayley.

14                   Bill, if I can invite you to weigh-in on this.

15                   **RETIRED D/C BILL MOORE:** Thank you. I mean, certainly  
16 policing is going to remain a provincial responsibility, so whether it's a hybrid or a  
17 federated model I think that's the details, but I think from a principled approach we  
18 should be looking at that all Nova Scotians have access to the same services. They  
19 may be delivered in a slightly different fashion, but they should all have access to the  
20 same services.

21                   I see that through a shared services model that would actually  
22 increase efficiency. There's no need to have multiples of the same thing if you're only  
23 using it every once in a while. It should be standardised through MOUs. The model  
24 needs to be flexible enough, not only to be able to handle major events, but also, be  
25 reflective of local community needs. It should be requirements based, and that would  
26 mean that those requirements would be audited on a regular basis. Need to be  
27 consistently able to leverage other service providers. Those need to be fitted into the  
28 system, and they shouldn't be necessarily different between one place and another.

1 And the last thing would be a clear governance model of accountability and oversight  
2 across the board. People shouldn't have to go to multiple places to get what they need  
3 out of our services. So those are my comments.

4 **DR. EMMA CUNLIFFE:** Thank you very much for share those --  
5 sharing those principles, Bill.

6 Heidi, if I can please invite you to weigh-in.

7 **MS. HEIDI MARSHALL:** Yes, for sure. Well, I'm speaking, you  
8 know, like, not for the Aboriginal community, but from, you know, from being in and  
9 looking at the justice system and working in Aboriginal communities for many, many  
10 years. I just think that anything -- any restructuring model or future structure of police  
11 service should have a really -- mechanism with engaging the Indigenous community, in  
12 particular, leadership and also the women's groups and also all the advocacy  
13 community members, people that are -- you know. So -- and we also need to be, like,  
14 accountable. And we need to have, like, looking at some sort of arrangement with  
15 respect to the type of agreement we're going to have with the Indigenous communities  
16 because as I say, it really can't be how it's -- like how that's been happening.

17 So we need to build trust, we need to assess those needs, we need  
18 to do more community engagement in developing some type of plan on how to move  
19 forward with Indigenous people in policing. Maybe it's going to have to be a legislative  
20 change, similar what -- similar to what they're doing with the child welfare legislation,  
21 and I think that those things are really important to discuss when looking at some of the  
22 obstacles and funding mechanisms. Thank you.

23 **DR. EMMA CUNLIFFE:** Thank you so much, Heidi.

24 And Jane, the last word on this question goes to you.

25 **DR. L. JANE McMILLAN:** Thank you. Whatever model is selected  
26 and going into the future, it obviously has to be systemic in the changes that need -- are  
27 needed, and it needs to be visible, but it certainly has to include First Nations policing as  
28 an essential service. And that co-drafting of the legislation that's undergoing -- being

1 undertaken this fall, what constitutes essential service may be a question we all need to  
2 ask and respond to and inform the Commission on. I agree entirely that we have to see  
3 the alignment of community expectations with roles and needs, and I hope that that can  
4 happen in a very transparent and clearly articulated, dependable, reliable and  
5 consistent way. Thanks.

6 **DR. EMMA CUNLIFFE:** Thank you very much indeed, Jane.  
7 Commissioners, over to you.

8 **COMMISSIONER MacDONALD:** Yes, thank you all very much for  
9 a -- for a excellent presentation, and again, I've learned a lot. I just have one question,  
10 and maybe I could get two or three of you to very briefly respond.

11 It was pretty clear yesterday, and ratified today, that although we're  
12 concentrating on policing and yesterday community policing, we're really talking about  
13 community safety, and there seems to be a lot of consensus around the fact that we  
14 have to have a good hard look at the remit for policing these days in Nova Scotia and  
15 Canada, and whether they are doing things they ought not -- they ought not do.

16 And I was struck by the presence of Dr. Amy Siciliano, who is the  
17 Public Safety Advisor for HRM, and, if I understand it correctly, that's what they're  
18 looking at in terms of public safety, and policing, of course, is a tremendously important  
19 aspect of public safety. It's not exclusively about policing, and it's about integrating  
20 other services.

21 So my question would be for you, Bill, and we can use first names,  
22 and Chief Kinsella, if he has time, because it's, of course -- involves the HRM, just how  
23 promising is that, and where are you in your work, Bill? And what do you -- what do you  
24 feel about the public safety initiatives, Chief Kinsella? So first to you, Bill, and then to  
25 Chief Kinsella if there's time.

26 Emma?

27 **RETIRED D/C BILL MOORE:** Thank you, Commissioner. I would  
28 say that since I have left the HRM, and I'll qualify this, I was gone for about five years

1 and coming back, I see that there is actually a great traction in relation to the potential --  
2 the direction from Council to Dr. Siciliano. To renew the public safety strategy is really a  
3 direction to reimagine what can be done differently. So things like how we're dealing  
4 with homelessness issues, how we're dealing with people in crisis, things like the  
5 sobering centre, those are all very valid.

6 Now, at the same time, we're taking a -- and I'm working very, very  
7 closely with her in relation to this, but we're taking a very slow approach in the fact that  
8 we can't do everything all at once, so they want to be able to, in the implementation  
9 phase, really work to make sure that these things are going to work, and as I mentioned  
10 earlier, that people aren't going to fall between the cracks. So it is very optimistic, I  
11 would say, to answer your question directly.

12 **COMMISSIONER MacDONALD:** Thank you.

13 **DR. EMMA CUNLIFFE:** Daniel, I wonder if you'd like to weigh-in  
14 on this?

15 **CHIEF DANIEL KINSELLA:** Yes. Thank you. Appreciate the  
16 opportunity, Commissioner.

17 And you know, this dialogue has been going on for a long time in  
18 policing, and are we going to do the things that we should go to, and should someone  
19 else attend as a first responder? And in many situations the answer is yes. And what  
20 we do have to remember is that systems are built and have been built over a period of  
21 time to meet those public safety needs as they work, but we are evolving and we need  
22 to evolve. We need to change the way that we respond, and it is a evolution.

23 And while the system change is considered, we have to look at the  
24 reimagining of what does that look like, and how do we respond to mental health and  
25 crisis calls? Are there other opportunities for civilian-led initiatives as a response to  
26 policing? I mentioned earlier, our core policing function, we have gotten a long, long  
27 way away from that over the years. A lot of it to do is because we're a 24/7 business,  
28 as we know. So we need to look at that.

1                   We need to ensure that the proper dialogue is taking, and that while  
2 we're having this dialogue and alternate responses, we have to always keep in front and  
3 foremost public safety and ensuring that we are keeping the community safe. That is  
4 our primarily -- our primary responsibility, and collectively we can get there, but the  
5 dialogue needs to continue.

6                   And certainly, the work that Dr. Siciliano is doing, and her group  
7 with the public safety, we are in regular contact with them and working with them. So I  
8 think we're going to be able to make strides moving forward, but we've got to do it  
9 together.

10                   **COMMISSIONER STANTON:** Thanks all of you very much. It's a  
11 very helpful discussion, and of course, always, it's too abbreviated in many senses  
12 because I know many of you would have more to say.

13                   I do really appreciate the guidance, Jim, about deciding on the role  
14 of police and communities first, and then looking at the model. And it really does seem  
15 that many of you are really thinking about that role of police in the communities.

16                   And this broader model that Dr. Siciliano is engaged in in terms of  
17 the overall public safety approach is important, especially in light of what we've heard  
18 from various service providers, including Dawn and others, of -- and in fact from Hayley  
19 this morning with respect to, as an example, when responding to a question about the  
20 *Police Act* requiring the Minister to promote, among other things, prevention of crime,  
21 giving the example of the mobile mental health units, but that they are under the sort of  
22 support for community program. They're program based, they're grant funded, and  
23 many of these services, the service providers that are -- that are in fact really qualified  
24 to do some of the tasks that are being discussed in terms of de-tasking of the police, the  
25 service providers that are providing those don't have the funding, the core funding to do  
26 them.

27                   And we hear from Professor Marshall the kind of struggles that the  
28 centre that she has worked with have faced on that front when they're providing

1 services, that we heard from first responders yesterday would be people they would call  
2 right away because they would be the people to assist them with the folks that they're  
3 dealing with.

4 So there's a lot of layers to this, and it's always challenging  
5 because people have, as we heard, kind of as a legacy continued to view certain  
6 services as core funded and others as grant funded, rather than making that as a  
7 conscious policy decision, necessarily, but at some point it is a policy decision. Just  
8 because it's always been done that way doesn't mean it always needs to be done that  
9 way.

10 And what I'm really struck by is that everyone does have this  
11 combined, a shared goal of community safety, and figuring out how to -- how to get  
12 there from different ends of the spectrum in some senses. So it's really encouraging  
13 that all of you are so committed from whatever chair you're sitting in to that common  
14 goal, and I think that finding a way to move us forward that respects that each of you  
15 come to it differently and for different reasons but with the same spirit is going to be a  
16 challenge for us that we'll have to -- that we'll have to manage.

17 But Dr. Cunliffe, do you have anything to -- in closing, or shall I  
18 close?

19 **DR. EMMA CUNLIFFE:** Only to say thank you, and I'm sure that  
20 Commissioner Stanton will expand upon that. But thank you to all who have contributed  
21 today. It's been a very rich discussion.

22 **COMMISSIONER STANTON:** It really has. And we -- we've  
23 learned so much today with respect to the challenges and the ongoing dedication of all  
24 of you, with respect to this discussion on the structure of policing in Nova Scotia, how  
25 the province got here, how policing can be made stronger in the future.

26 We really do want to thank all of you for taking the time to be  
27 involved in the roundtable today. We know it's been a long day. We really appreciate  
28 all of you taking the time. All of you have very busy schedules, and it's much

1 appreciated by us. You bring different perspectives and experience and expertise.

2 Thank you so much to Dr. Cunliffe and to the Research & Policy  
3 Team for making these roundtables possible. It's an enormous amount of work to do  
4 the research to be able to bring the people to the table that we do need to hear from  
5 and to know what are the foundational questions to ask of you, and it's really  
6 appreciated.

7 Tomorrow, the proceedings will continue to be virtual. We'll hear  
8 from RCMP Deputy Commissioner Brian Brennan.

9 So thank you all very much, and we'll see you tomorrow.

10 --- Upon adjourning at 4:03 p.m.

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### CERTIFICATION

13

14 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing  
15 pages to be an accurate transcription of my notes/records to the best of my skill and  
16 ability, and I so swear.

17

18 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts  
19 sont une transcription conforme de mes notes/enregistrements au meilleur de mes  
20 capacités, et je le jure.

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22



23 Sandrine Marineau-Lupien

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