



**BOARD OF POLICE COMMISSIONERS
MINUTES**

SPECIAL MEETING

June 30, 2016

PRESENT: Commissioner Russell Walker, Chair
Commissioner Steve Graham, Vice-Chair
Commissioner Stephen Adams
Commissioner Steve Craig
Commissioner Jeff Mitchell
Commissioner Ed MacMaster
Commissioner Sylvia Parris

STAFF: Chief Jean-Michel Blais, HRP
Chief Superintendent Lee Bergerman, RCMP
Deputy Chief Bill Moore, HRP
Mr. John Traves, Acting Chief Administrative Officer
Mr. Martin Ward, Acting Director of Legal Services/Solicitor
Mr. Liam MacSween, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*The agenda, supporting documents, and information items circulated to the Board are available online:
<http://www.halifax.ca/boardscom/bpc/160630bopc-agenda.php>*

The meeting was called to order at 2:31 p.m. and adjourned at 4:41 p.m.

1. CALL TO ORDER

Commissioner Russell Walker, Chair called the meeting to order in Halifax Hall, 2nd Floor City Hall, 1841 Argyle Street.

2. APPROVAL OF MINUTES – None

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

5.1 Commissioner MacMaster – Motion – Request for Audits and Administrative Reviews

5.2 Commissioner Walker – Ongoing Procedure

In response to questions from members of the Board Commission, Mr. Martin Ward, Solicitor commented that if the Board's discussion moves in the direction of ongoing prosecutions, personnel matters, or investigative techniques than there will be a requirement for the Board to convene an In Camera (In Private) session to continue the discussion.

Chief Blais advised that the presentation prepared can be delivered in public. He noted that any information with respect to personnel or ongoing investigations would need to be dealt with In Camera.

The Board agreed by consensus to hold the meeting in a public forum and will convene to an In Camera (In private) session only if required on the advice of the Solicitor.

MOVED by Commissioner Adams, seconded by Councillor Parris

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. IN CAMERA (IN PRIVATE)

4.1 Personnel Matter – Police Investigative Techniques 2015 Drug Exhibit Audit

This matter was not discussed by the Board.

MOTION PUT AND PASSED.

5. Presentation – 2015 Drug Exhibit Audit Findings (Public Session)

The following documentation was before the Board:

- *A copy of the internal Drug Exhibit Audit dated June 22, 2016*
- *A staff presentation dated June 30, 2016 pertaining to the Drug Exhibit Audit*

Chief Blais provided a presentation with respect to the Origin of the Drug Exhibit Audit. Commissioner Walker thanked Chief Blais for the presentation and requested questions of clarification from the Board.

In response to questions from the Board, Chief Jean- Michel Blais, HRP provided the following commentary:

- The Versatex system has an adequate level of access and management.
- Upgrades to the ventilation system within the CID building have taken place to address excess moisture.
- HRP has begun the discussion on building a new facility to address many of the access and infrastructure issues noted in the Audit.
- Superintendent Jim Perrin directed the Audit to take place initially in May of 2015 to analyze current practice and procedure for HRP drug exhibits currently stored at HRP Headquarters (HQ) and the HRP CID building and compares those to industry best practices.

In response to a follow up question, Deputy Chief Bill Moore, HRP advised that a review of the CID facility, procedures and practices was conducted in 2007 which is standard procedure. He further noted that the onsite Audit was conducted on June 21, 2015 and completed on May 18, 2016 and finalized and approved by senior management on June 21, 2016.

Deputy Chief Moore provided further commentary with respect to Freedom of Information and Protection of Privacy (FOIPOP) processes. He advised that the original FOIPOP request for the Audit was received in January of 2016 and that a draft copy of the document was released at that time as a result of that request.

Commissioner Adams advised that providing more time/resources for HRP officers to process evidence would be beneficial and should be considered as part of the recommendations.

In response to a question from Commissioner Graham pertaining to deficiencies in managerial oversight of the chain of custody, Chief Blais noted that HRP has taken stop gap measures in the meantime to address some of the oversight issues and are currently looking at a longer term solution.

Commissioner Graham commented that a regular and scheduled review of the procedures and process of the CID unit would be beneficial.

In response to a follow up question, Deputy Chief Moore advised that the audit has identified the inappropriate use of community system tracking for drug exhibits. He noted that inappropriate training on the Versadex system likely has caused a great deal of issues and advised that this will be an area of focus going forward.

In response to a follow up question from Commissioner Graham, Deputy Chief Moore advised that a custodian for the entire Versadex system could be a potential solution. He noted that any new policy or procedure implemented will be brought back to the Board.

Superintendent Jim Perrin, HRP provided further commentary with respect to the procedures and processes for securing and properly recording evidence control bags.

In response to a question from Commissioner Parris, Chief Blais commented that the Audit draws on methodology and best practices established by the IAPE (International Association of Property and Evidence), Nova Scotia Department of Justice (DOJ) directives, Health Canada Drug Analysis Service (DAS) Client Manual, ASIS Security Surveys and other police agency external audits.

In response to a question from Commissioner Craig, Chief Blais advised that there are three physical locations where evidence can be stored or sent which are outlined in the presentation. He commented that other potential locations for evidence could include exhibits sent off for qualitative analysis, the courts, or the investigators desk with that person being present.

In response to a follow up question from Commissioner Craig, Chief Blais commented that the integrated CID unit with the RCMP use the same Versadex system. He advised that RCMP operations were not part of the audit before the Board.

Deputy Chief Moore provided further commentary with respect to the integration of evidence systems within the RCMP and HRP.

In response to a question from Commissioner Mitchell, Chief Blais advised that monthly meetings take place with the Chair of the Board of Police Commissioners to determine the agenda items to be brought to the Board. He advised that there have been ongoing discussions to bring the Board more proactive reports and to gain input with respect to administrative oversight and audit planning. He noted the Audit report was not finalized until June 21 after which the Chair was briefed orally on its contents.

In response to a question from Commissioner Adams, Superintendent Jim Perrin advised that HRP has assembled a team track down missing or misplaced evidence exhibits. He advised that court administration buildings will be included in the search.

In response to a follow up question, Chief Blais commented that on occasion the Versadex software can be very difficult to enter information in to accurately and interpret given that there are many drop down menus to choose from.

Superintendent Colleen Kelly, HRP advised that all Police Officers with access to the program and in a Supervisory capacity would have gone through Versadex training, and are required to take refresher training.

In response to a follow up question from Commissioner Adams, Chief Blais commented that HRM's Auditor General would not be able to provide the audit as very robust background checks, including a high security level that would need to be obtained.

In response to a question from Commissioner Mitchell, Chief Blais advised that both HRP and the Board will have a better picture of what evidence is missing after the team has completed their work in this regard.

In response to a question from Commissioner MacMaster, Chief Blais commented that it was felt that it would be inappropriate to share the audit findings with the Board until all of the work had been complete.

In response to a follow up question from Commissioner MacMaster, Chief Blais noted that the supervisory culture within HRP is improving and advised that HRP has restarted Sargent School which provides comprehensive training in relation to policy adherence and quality assurance for members that are promoted to Supervisory positions. He advised that further information in this regard and on the subject of Leadership will be provided to the Board in the fall.

In response to a question of from Commissioner Adams, Chief Blais advised that the Chief Administrative Officer was made aware of the Audit and results after the Chair was informed.

Further discussion ensued.

5.1 Commissioner MacMaster – Motion – Request for Audits and Administrative Reviews

MOVED by Commissioner MacMaster, seconded by Commissioner Adams

THAT the Board of Police Commissioners request a complete list of all audits and administrative reviews completed or ongoing over the past ten years to be provided for information.

MOTION PUT AND PASSED.

5.2 Commissioner Walker – Ongoing Procedure

Commissioner Walker commented that he would like feedback from Board members to ensure that the Board is receiving information in a timely manner and is being engaged in a manner which is consistent with its mandate.

Discussion amongst the Commissioners ensued with the following matters being identified:

- The expectation of being informed of all matters pertaining to the Board's legislative responsibilities under the Police Act, particularly in the area of performance management processes to provide the necessary civilian oversight expected of the Commission.
- A review of the Board's roles and responsibilities under the Police Act, By-law P-100 and the Memorandum of Understanding between HRM/RCMP and the Halifax Regional Police.
- The Possibility of an independent third party legal interpretation of the Board's Roles and Responsibilities under the current Legislative framework.

Mr. Martin Ward, Solicitor advised that the Police Act it was not written in anticipation of the situation that was before the Board. He provided commentary with respect some gaps and internal conflict within the Police Act that will likely not be solved by an independent legal opinion. He commented that he will look in to the matter and report back to the Board.

6. DATE OF NEXT MEETING – July 25, 2016

7. ADJOURNMENT

The meeting adjourned at 4:41 p.m.

Liam MacSween
Legislative Assistant