

*The mission of the Bridgewater Police Department  
is to provide and promote a safe community  
by quality police service.*

**BRIDGEWATER BOARD OF POLICE  
COMMISSIONERS  
POLICY AND PROCEDURES MANUAL**



This Manual contains the policies and procedures of the Bridgewater Board of Police Commissioners adopted 14 June 2005. This manual repeals and replaces any previous policy respecting the Bridgewater Board of Police Commissioners and its governance over the Bridgewater Police Department.

## Definitions

<b>Chief, Chief of Police</b>	Chief Constable of the Bridgewater Police Department
<b>Town</b>	Town of Bridgewater, a municipal corporation in Nova Scotia
<b>Bridgewater Board of Police Commission</b>	Bridgewater Board of Police Commissioners, a statutory body created under the <i>Police Act</i> of Nova Scotia and Bridgewater Board of Police Commissioners Bylaw
<b>Council</b>	The elected council of the Town of Bridgewater
<b>Member</b>	Member of the Police Commission, appointed by Bridgewater Town Council or N.S. Minister of Justice
<b>Police Department</b>	Bridgewater Police Department, BPD
<b>Police Act</b>	<i>Nova Scotia Police Act</i>
<b>Sworn member</b>	Police officer employed by the Bridgewater Police Department

### **Part I      Bridgewater Board of Police Commissioners Policies for the Governance and General Supervision of the Bridgewater Police Department.**

*Guidelines, policies and directions for the Bridgewater Police Department provision of maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police service to the people of Bridgewater.*

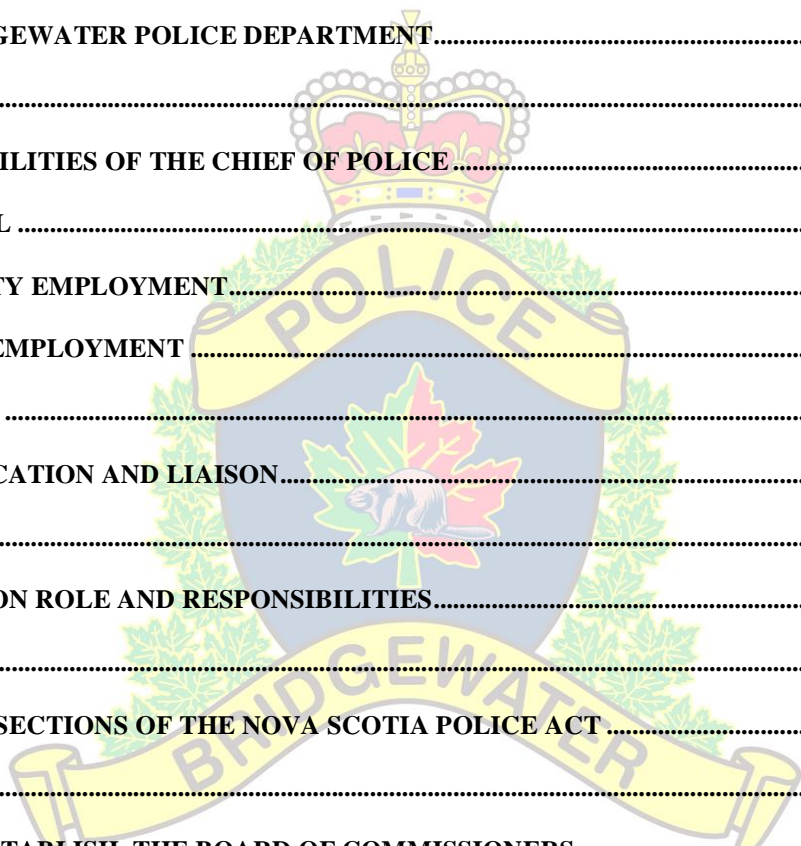
### **Part II      Policies and Procedures of the Bridgewater Board of Police Commissioners**

*Policies adopted by the Commission, to govern its members, relationships, staff, activities and guidelines used by members and staff of the Bridgewater Board of Police Commissioners in carrying out the Commission's responsibilities and obligations under the Police Act, S.N.S.2004, C31 , and Town of Bridgewater Bylaws to establish the Bridgewater Board of Police Commissioners.*

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## Introduction

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The Bridgewater Board of Police Commissioners is the civilian body to which the Bridgewater Police Department is accountable. The Commission is a statutory body created by the *Police Act of Nova Scotia and Town of Bridgewater Bylaw to establish the Bridgewater Board of Police Commissioners* to oversee policing in the town. Bridgewater Town Council appoints six members of the Police Commission, three council members and three civilian appointees. The N.S. Minister of Justice appoints one representative to the Bridgewater Board of Police Commissioners.

The Police Commission is a link between the community and the police with a mandate to balance the requirements of public accountability with those of police independence. The Commission acts as an intermediary between the police and elected officials. The Commission's authority of general supervision of the Bridgewater Police Department derives from the *Police Act of Nova Scotia and the Town of Bridgewater Bylaw to establish the Bridgewater Board of Police Commissioners*. The members of the Police Commission make decisions and issue instructions as a statutory body.

Under the *Police Act* Council is responsible to appoint the Chief of Police, the Commission establishes policing priorities and policies, and annually recommends a capital and operational budget to Town Council. The Police Commission issues directions to the Police Service through the Chief of Police and those instructions must be consistent with the statutory duties and responsibilities of the Chief of Police under the *Police Act*. The Chief is responsible for the day-to-day operations of the Police Service.

The *Police Act* preserves the Chief's independence to: uphold the law; provide police service to the community; and to manage the police service while making the Chief accountable to the Commission for the operation of the police service, the manner in which the Chief's responsibilities are carried out and the administration of finances.

## Part I

### A. Policies for Governance and General Supervision of the Bridgewater Police Department

*The Board is responsible for guidelines, policies and directions for the Bridgewater Police Department, for the provision of maintenance of law and order in the municipality and for providing and maintaining an adequate, efficient and effective police services to the people of Bridgewater. This shall include the following services:*

- a) *Crime Prevention;*
- b) *Law enforcement;*
- c) *Assistance to victims of crime;*
- d) *Emergency and enhanced services; and*
- e) *Public order maintenance*

### B. General

The Bridgewater Board of Police Commissioners endorses a community-based approach to policing and adopts the following definition:

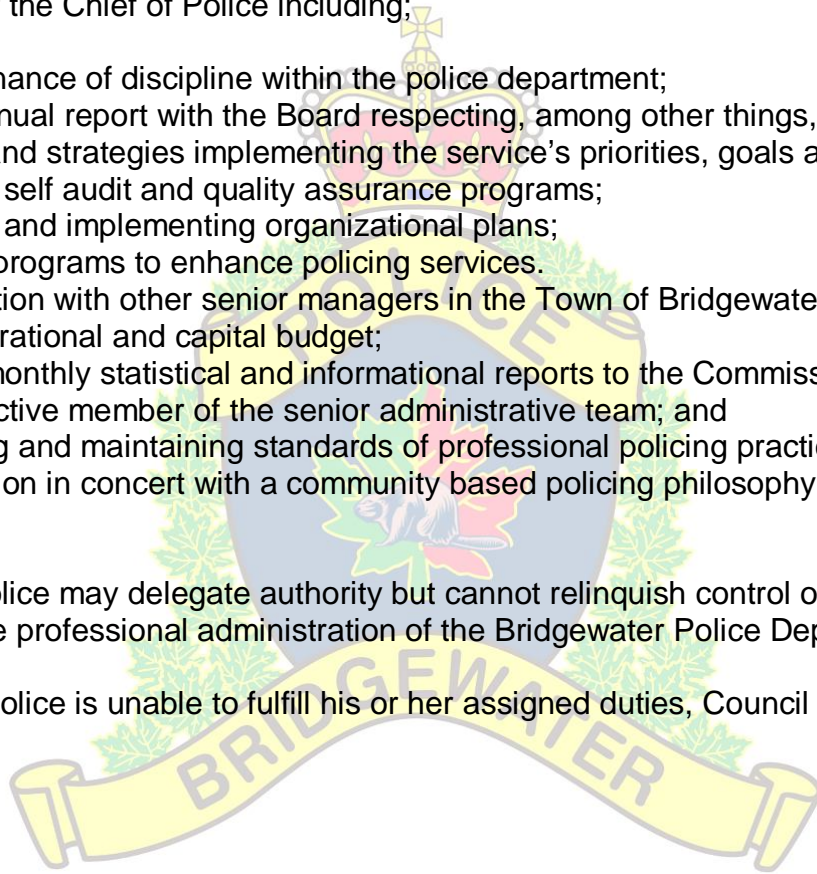
*“Community-based policing is a philosophy, management style and organizational strategy which promotes a strong partnership between the community and its police. It fosters a partnership in which the community has both the right and the responsibility to assist in the development of efficient and effective policing policies, priorities and practices. The Police Department and the Board of Police Commissioners have the responsibility to ensure that departmental policies are in place to meet the needs of the people of Bridgewater.”*

The Chief of Police must manage the Bridgewater Police Department in a manner that upholds the Commission's commitment to community-based policing.

The Chief of Police has command of the Bridgewater Police Department subject to the policies and general supervision of the Board of Police Commissioners.

## **c. Responsibilities of the Chief of Police**

1. The management, administration and operation of the police department are the direct responsibility of the Chief of Police including;
  - a) the maintenance of discipline within the police department;
  - b) filing an annual report with the Board respecting, among other things, the initiation of programs and strategies implementing the service's priorities, goals and objectives;
  - c) conducting self audit and quality assurance programs;
  - d) developing and implementing organizational plans;
  - e) promoting programs to enhance policing services.
  - f) in consultation with other senior managers in the Town of Bridgewater preparing an annual operational and capital budget;
  - g) providing monthly statistical and informational reports to the Commission and Council. Being an active member of the senior administrative team; and
  - h) establishing and maintaining standards of professional policing practices, core values and a mission in concert with a community based policing philosophy.
2. The Chief of Police may delegate authority but cannot relinquish control or cease to be responsible for the professional administration of the Bridgewater Police Department.
3. If the Chief of Police is unable to fulfill his or her assigned duties, Council will appoint an Interim Chief.



## **D. Personnel**

1. The Bridgewater Board of Police Commissioners delegates to the Chief of Police the authority to appoint sworn members and civilian employees to the Bridgewater Police Department, below the rank of Sergeant.
2. The Chief of Police is responsible to ensure that:
  - a. Appropriate policy and procedures are established to redress workplace discrimination and harassment;
  - b. All reasonable measures are taken to educate members of the Police Department regarding a positive, professional and ethical work environment;
  - c. All reasonable measures are taken to promote the fair and equitable treatment of all individuals in recruiting, hiring, training, evaluations, work assignments, transfers and promotions; and
  - d. Equal opportunity for employment is extended to all candidates and employees without regard to race, colour, place of origin, ancestry, gender, age, marital status, family status, economic status, sexual orientation, religious beliefs or disability.
3. The Chief must direct that police recruitment procedures are designed to attract and select those qualified candidates who possess the intelligence, education, ethical judgment reflective of the police department's core values and physical fitness to perform effectively as police officers and who reflect the diversity of the Bridgewater community.
  - a. Selection criteria must be job-related and non-discriminatory and qualifications must be based on actual knowledge, skills and abilities required to perform effectively as a police officer.
  - b. The Chief presents for approval to the Commission, the minimum qualifications, and amendments as required, that a candidate must meet to be considered for appointment as a police officer.
4. On an on-going basis, the Chief of Police will provide training and educational opportunities for members and employees to ensure the officers and staff possess the requisite skills to perform their duties.

5. The Chief must develop and maintain guidelines for the conduct of sworn members, civilian employees and volunteers with specific reference to the following:

- a. The Police Department's core values: integrity, honesty, respect, ethics, compassion, courage, fairness and commitment;
- b. Awareness that the prime function of the Police Service is to serve the people of, and visitors to, the Town of Bridgewater;
- c. Respect for the confidentiality of information obtained in the course of duty;
- d. Commitment to avoid situations that could present a conflict of interest, or the appearance of a conflict of interest, and situations which could affect their ability to act objectively;
- e. Awareness that all Police Department employees, including the Chief, must adhere to the guidelines in the policy governing personal and corporate gifts;
- f. Awareness that personal values, beliefs, and attitudes may influence activities and thoughts, and application of that awareness to ensure accuracy and impartiality; and
- g. Respect for the rights of others guaranteed by the *Canadian Charter of Rights and Freedoms*, all relevant human rights legislation, and the *Police Act of Nova Scotia*.

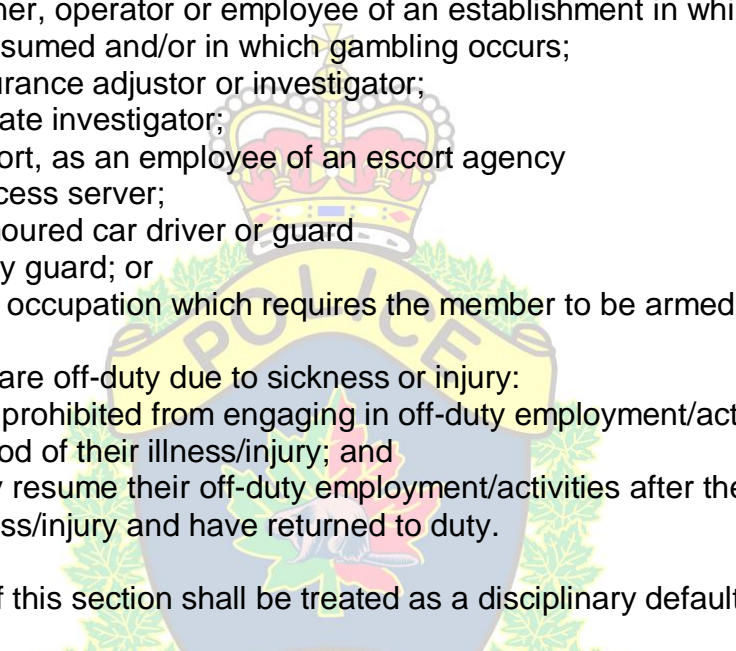
## **E. Extra-duty Employment**

1. Extra-duty employment shall mean all police-related duty, sanctioned by the Chief of Police, other than that normally provided for by the Bridgewater Police Department.
2. All requests for extra-duty police service should be directed to the Chief of Police. The request must be compatible and consistent with the duties of a police officer as governed by the *Nova Scotia Police Act*.
3. Payment to the member performing the extra duty will be through the usual pay process. The organization requesting the extra duty will be invoiced by the Town of Bridgewater for the number of hours worked and recorded on the member's compensation form. Such compensation shall be at the rate of 1½ times that of a senior constable's hourly wage with a minimum of four hours claimed. There will be a 15% administrative charge levied as well.

4. When on extra duty, a member of the Bridgewater Police Department is under the orders of the Chief of Police and must be in uniform.

## F. Off duty Employment

1. No member can begin or continue to engage in off-duty employment activities until the member has submitted an application and receives the consent of the Chief of Police.
2. Applications to engage in off-duty employment/activities shall include the following information:
  - a) Name of the proposed employer if the off duty employment/activity is as an employee.
  - b) If the employee is involved in a partnership, business venture of company and/or as an officer or shareholder. If advising of the latter, all shareholders' names and dates of birth shall be provided.
  - c) Nature and location of the employment/activity, including if the employment/activity is as an outside contractor.
  - d) Expected hours of work. If an independent contractor, the manner of obtaining work and the expectations of the work commitments on an annual basis; and
  - e) Any and all additional information to assist the Chief of Police with this decision.
3. When the issue of conflict of interest arises as a result of a member's off-duty employment/activities, the matter shall be referred to the Chief of Police for review and resolution.
4. Subject to the consent of the Chief of Police, a member may invest in a business or venture other than those prohibited, and may accept off-duty employment in an occupation other than those prohibited, providing the member's:
  - a) Participation does not create a conflict of interest with his/her duties as a peace officer or is likely to do so;
  - b) Participation in the business, venture or employment is not obtained as a result of being employed as a member of the BPD.
  - c) Effectiveness and performance as a peace officer is not adversely affected; and
  - d) Position as a peace officer is not demeaned.
5. BPD members will not:
  - a) Invest in any of the following businesses or ventures or accept employment in any of the following occupations:

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- i. Bill collector;
  - ii. Security guard or other security work;
  - iii. Taxi or limousine driver, or the owner or operator of a taxi or limousine service;
  - iv. Owner, operator or employee of an establishment in which alcohol is consumed and/or in which gambling occurs;
  - v. Insurance adjustor or investigator;
  - vi. Private investigator;
  - vii. Escort, as an employee of an escort agency
  - viii. Process server;
  - ix. Armoured car driver or guard
  - x. Body guard; or
  - xi. Any occupation which requires the member to be armed
- b) Members who are off-duty due to sickness or injury:
- i. Are prohibited from engaging in off-duty employment/activities during the period of their illness/injury; and
  - ii. May resume their off-duty employment/activities after the period of their illness/injury and have returned to duty.
- c) Any violation of this section shall be treated as a disciplinary default and dealt with accordingly.

## 6. Member

- a) Any member who, at the time this policy becomes effective:
- i. Is engaged in off-duty employment/activities or is involved in a business or other venture which has not received consent of the Chief of Police or which is prohibited by this policy shall terminate employment or dispose of their investment within 12 months of the effective date of this policy; or
  - ii. Received approval prior to the effective date of this policy, must review their current circumstances to ensure they continue to comply with the requirements of this policy and regulations set out in the Code of Conduct and Discipline of the Nova Scotia Police Act Regulations. Where a member has any doubt whatsoever, it is incumbent on him/her to seek clarification from the Chief of Police.
- b) Any member who wishes to continue to work at or to begin off-duty employment or activities on or after the effective date of this policy, shall make an application o the Chief of Police as required in this section.
- c) No member of the BPD shall engage in any activity which will directly or indirectly:

- i. interfere with or adversely influences the performance of their duties as a member of the BPD or is likely to do so;
- ii. place the member in a position of conflict of interest or is likely to do so;
- iii. provide the member with an advantage derived from employment as a member of the BPD; and
- iv. place the member in violation of any section of the Code of Conduct and Discipline in Part 2 of the Police Act Regulations.

7. A member shall not:

- a) Receive, accept or make telephone call or other communications, including pager messages, related to off-duty employment/activities during working hours for the BPD;
- b) Under any circumstances, use any BPD resources to assist them in carrying out any function related to an approved off-duty employment/activity. This prohibition includes but is not limited to the use of BPD computer equipment, photocopiers, telephones, fax machines, pagers and vehicles;
- c) Wear any articles of the issued BPD uniform while engaged in off-duty employment/activities;
- d) Identify themselves through words or images as a police officer while engaging in any business related to off-duty employment/activities, or while advertising relative to off-duty employment, without the consent of the Chief of Police;
- e) Discuss their off-duty employment with any member of the public or any other BPD member during their or the other member's hours of work for the BPD; and
- f) While on duty or while identifiable as a member of the BPD and off-duty, solicit, entice or encourage any member of the public or any other BPD member to join or become involved in their off-duty employment/activities.

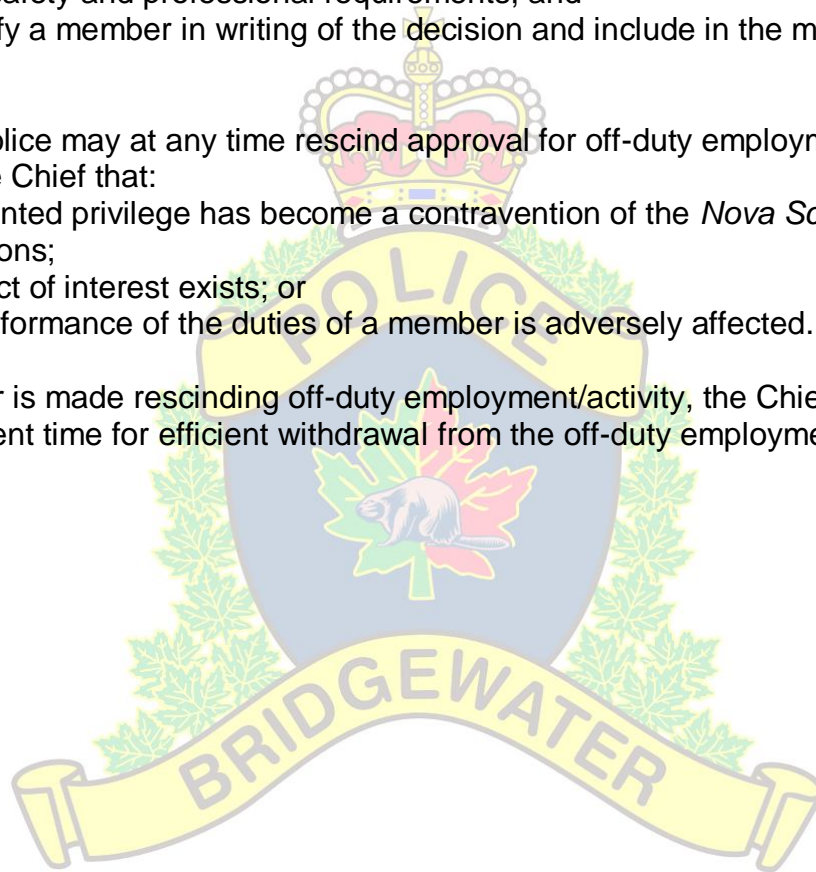
8. Members are responsible to ensure:

- a) That no conflict of interest exists at any time as a result of their participation in off-duty employment/activities; and
- b) They notify the Chief of Police immediately in writing of any changes to the information supplied in their application for off-duty employment/activities or the development of any potential conflict of interest. Failure to make this notification may result in cancellation of the original approval and/or disciplinary action.

9. Chief of Police

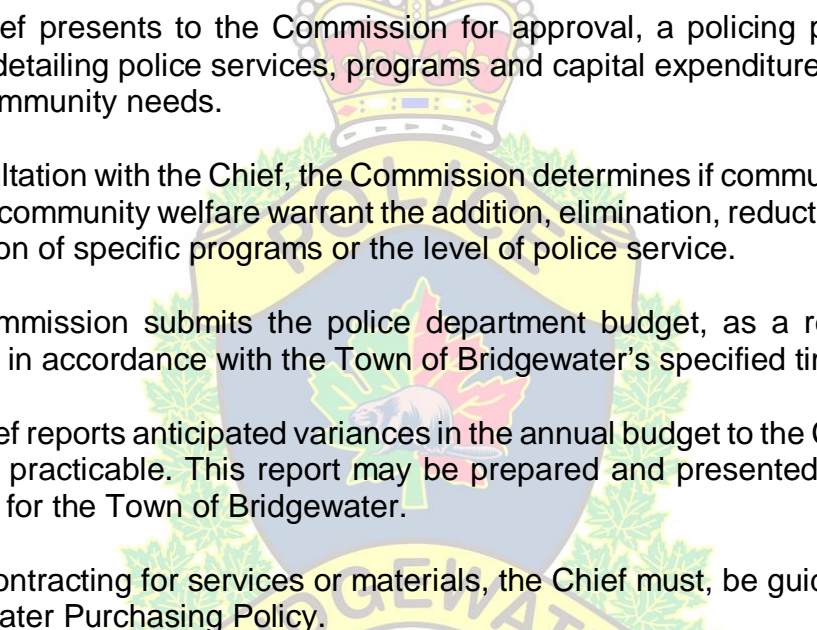
- a) Consider an application from a member to engage in off-duty employment/activities and shall either:
  - i. Approve or deny the application; or
  - ii. Approve the application with such restrictions as are deemed appropriate in order that such off duty employment/activity does not adversely affect the performance of the member in the discharge of his/her duties as a member of the BPD.

- b) Not authorize off-duty employment/activity:
  - i. Likely to bring discredit upon the member and/or the BPD;
  - ii. Which, by its very nature, could diminish the member's physical and/or mental ability to discharge his/her duty responsibly, safely and efficiently in keeping with officer safety and professional requirements; and
  - iii. Notify a member in writing of the decision and include in the member's personnel file.
- 2. The Chief of Police may at any time rescind approval for off-duty employment/activities if it is deemed by the Chief that:
  - a) The granted privilege has become a contravention of the *Nova Scotia Police Act* or regulations;
  - b) A conflict of interest exists; or
  - c) The performance of the duties of a member is adversely affected.
- 3. Where an order is made rescinding off-duty employment/activity, the Chief shall allow the member sufficient time for efficient withdrawal from the off-duty employment/activity.



## **g. Financial**

1. Annually, the Commission, in consultation with the Chief of Police, prepares a yearly plan specifying the level of police services and programs to be provided to meet the needs of the people of the Town Bridgewater.

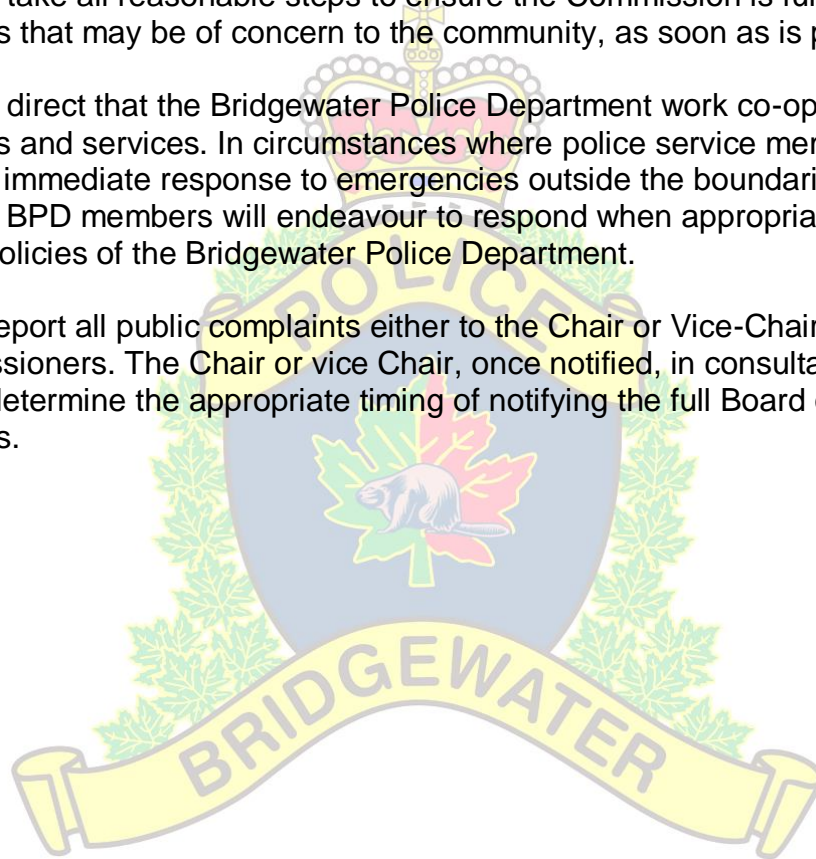
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- a) The Chief presents to the Commission for approval, a policing plan and proposed budget detailing police services, programs and capital expenditures designed to best meet community needs.
  - b) In consultation with the Chief, the Commission determines if community conditions and general community welfare warrant the addition, elimination, reduction, continuation or expansion of specific programs or the level of police service.
  - c) The Commission submits the police department budget, as a recommendation to Council, in accordance with the Town of Bridgewater's specified timetable.
  - d) The Chief reports anticipated variances in the annual budget to the Commission and as soon as practicable. This report may be prepared and presented by the Director of Finance for the Town of Bridgewater.
  - e) When contracting for services or materials, the Chief must, be guided by the Town of Bridgewater Purchasing Policy.

2. Corporate and individual donations to the Bridgewater Police Department.

- a) No donation will be accepted which compromises or brings into question police impartiality.
- b) Donations must be used for policing and crime prevention programs for which provision has been made in the yearly business plan of the Police Service.
- c) The Office of the Chief must ensure that a written acknowledgement of the donation is directed to the attention of each donor and that a receipt is provided.

## H. Communication and Liaison

1. The Chief attends all regularly scheduled meetings of the Commission.
2. The Chief must take all reasonable steps to ensure the Commission is fully informed about all major issues that may be of concern to the community, as soon as is practicable.
3. The Chief must direct that the Bridgewater Police Department work co-operatively with other police agencies and services. In circumstances where police service members are able to provide a more immediate response to emergencies outside the boundaries of the Town of Bridgewater, BPD members will endeavour to respond when appropriate, and will be subject to the policies of the Bridgewater Police Department.
4. The Chief will report all public complaints either to the Chair or Vice-Chair of the Board of Police Commissioners. The Chair or vice Chair, once notified, in consultation with the Chief of Police, will determine the appropriate timing of notifying the full Board of Police Commissioners.



## Part II

### Policies and Procedures of the Bridgewater Board of Police Commissioners

*Policies, adopted by the Commission, to govern its members, relationships, staff and activities and guidelines used by members and staff of the Bridgewater Board of Police Commissioners in carrying out the Commission's responsibilities and obligations under the Police Act and the Town of Bridgewater Bylaw to establish the Bridgewater Police Commission.*

#### A. Commission Role and Responsibilities

##### 1. Civilian Oversight

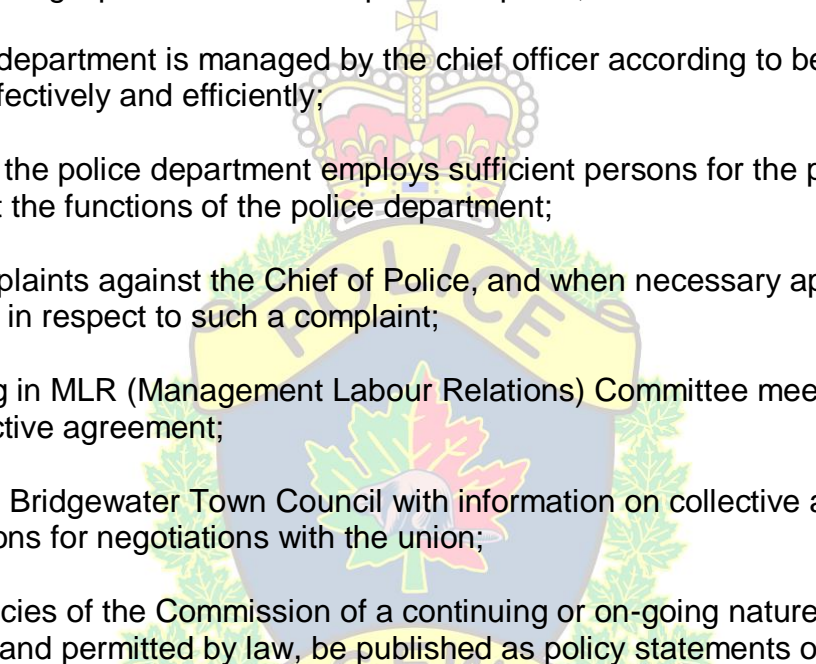
Under the *Police Act*, the Commission oversees the police Department, including the following responsibilities:

- a) provide civilian governance on behalf of Council in relation to the enforcement of law, the maintenance of law and the order and prevention of crime in the municipality;
- b) provide the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department;
- c) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
- d) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- e) ensure that the community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
- f) ensure that police services are delivered in a manner consistent with community values, needs and expectations; and
- g) act as a conduit between the community and the police service providers;

##### 2. Policy Development

Recommend policies, administrative and organizational direction for the effective management of the police department:

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- a) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
  - b) ensure a strategic plan and business plan is in place;
  - c) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently;
  - d) ensure that the police department employs sufficient persons for the purposes of carrying out the functions of the police department;
  - e) review complaints against the Chief of Police, and when necessary appointing an investigator in respect to such a complaint;
  - f) participating in MLR (Management Labour Relations) Committee meetings as outlined in the collective agreement;
  - g) providing to Bridgewater Town Council with information on collective agreement considerations for negotiations with the union;
  - h) general policies of the Commission of a continuing or on-going nature may, where practicable and permitted by law, be published as policy statements of the Commission.

### **3. Composition of the Board**

- a) The Commission elects a Chairperson and one Vice Chairperson, each year, during the first meeting.
  - b) A member of a board may be dismissed;
    - i. By the minister, where the minister appointed the member; or
    - ii. By resolution of municipal council, where council appointed the member.
  - c) The Commission may establish standing or ad hoc Committees as required.
  - d) The Commission determines committee membership;
  - e) The Commission may delegate tasks and projects to Committees;
  - f) All committees make recommendations to the Commission; and
  - g) Only the chairperson of the Commission speaks to the media regarding deliberations of
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the Commission.

- h. Meetings of the board shall be open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private meetings; and, where the matter relates to a complaint against or discipline of the chief officer, the Chair may request that the chief not attend and the chief shall not attend.
- i. On behalf of the Board, the Board Chair or the Chair's delegate may give advice or direction, in writing, to the chief officer on any matter referred to in section 52 of the Nova Scotia Police Act but not to any other members of the police department, and for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

#### **4. Public Perception of the Commission**

The Bridgewater Board of Police Commissioners shall be:

- a) Independent of police service administration and management, political affiliation and interest groups;
- b) Accessible to both the public and the police service;
- c) Publicly accountable for the governance of the police service; and
- d) Responsive to the community.

#### **5. Duties of the Commission**

- a) An initiator of policies that reflect community need and enhances both the effectiveness of the police and the welfare of the community.
- b) A liaison body that considers both the community and police viewpoints and needs. The Commission is an important communication link to enhance the understanding and working relationships among the Police Department, the public it serves and their elected representatives on Council.
- c) The monitor of the police service to ensure efficient and effective policing and compliance with legislation and policies.
- d) The commission shall ensure each member receives appropriate training in order to fulfill their responsibilities and mandate.

## 6. Conduct of Commission Members

- a) Members of the Commission must exercise their official duties and functions and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the Commission are conserved and enhanced.
- b) It is recognized that elected officials who are appointed to serve on the Commission may, in making decision or taking actions as a member of the Commission, take into account the broader interests of their constituents, stakeholders and the municipal corporation as a whole.
- c) Commission members must adhere to the guidelines in the policy of the Town of Bridgewater governing expenses as well as personal and corporate gifts.

## 7. Conflict of Interest

- a) Conflict of interest means a conflict between a member's personal and or business interests and the member's responsibility as a Police Commissioner.
- b) Commissioners must declare all potential or perceived conflicts of interest and the Commission then determines whether the member will be excluded from voting or discussion on the matter.
- c) All declarations of conflict of interest are entered into the minutes.
- d) A conflict may exist whether or not a financial advantage has been, or may be, conferred on the member.
- e) A member of the Commission has a conflict of interest when the member exercises an official authority, or performs an official duty or function in the execution of the member's office while knowing that in doing so there is the opportunity to further the member's own interest.
- f) A member of the Commission has an apparent conflict of interest where there is a perception, which a reasonably well-informed person could properly have, that a member's ability to exercise official power or perform an official duty must have been affected by the member's private interest.

- g) Members of the Commission representing clients or aligned with other interests must ensure any conflict of interest, as defined above, is fully disclosed and the members exclude themselves from all activities relative to matters that fall within the definition.
- h) Members concerned that another member may have a conflict of interest must bring the matter to the attention of the Chairperson as soon as is practicable.
- i) Conflicts brought to the attention of the Chairperson must be resolved in a manner that conserves and enhances public confidence and trust in the integrity, objectivity and impartiality of the Commission.

## 8. Public Complaints

- a) The *Police Act* provides for the procedure to be followed respecting members of the Police Department.
- b) The procedure to be followed when a public complaint is made concerning the Chief of Police is laid out in detail in the *Nova Scotia Police Act*.

## 9. Communication

- a) The Chairperson of the Commission is the official spokesman for the Commission and represents the Commission in all matters before: Town Council; Committees of Town Council; Federal Minister of Justice and or Attorney General of Canada; Provincial Minister of Justice and Attorney General; and other external agencies or stakeholders as required.
- b) All correspondence addressed to the Chairperson or the Commission, that is not a public complaint under the *Police Act*, is processed by the Chairperson.
- c) All correspondence sent or received directly by the Chairperson or Commission members is forwarded to the members of the Commission for response and filing.
- d) Commission media releases and information to media is to be done by the Chairperson as directed by the Commission and by no other member of the Commission. The Commission must speak as one voice.
- e) Formal communication between the police department and the Commission is conducted through the Chairperson and the Office of the Chief.
- f) Formal communication between the Commission and the Council and administration of the Town of Bridgewater, is conducted through the Chairperson.



## Part III

### Applicable sections of the Nova Scotia Police Act

(sections 44-56 inclusive)



MUNICIPAL BOARD OF  
POLICE COMMISSIONERS

44 (1) Every municipality that establishes a municipal police department pursuant to Section 36, 84 or 85 shall, by by-law, provide for a board of police commissioners.

(2) Where a municipal police department is established pursuant to Section 36, the board consists of five or seven members.

(3) A five-member board appointed pursuant to subsection (2) consists of

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

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

(c) one member appointed by the Minister.

(4) A seven-member board appointed pursuant to subsection (1) consists of

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

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

(c) one member appointed by the Minister.

(5) Where a municipal police department is established pursuant to Section 84 or 85, unless provided otherwise in the agreement, the board consists of

(a) two members from each municipal council appointed by resolution of that council;

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

(c) one member appointed by the Minister.

(6) The chief officer and the chief administrative officer of the municipality must receive notice of the meetings of the board and are entitled to attend such meetings but not to vote.

(7) A member of a board may be dismissed by

(a) the Minister, if the Minister appointed the member; or

(b) resolution of municipal council, if the council appointed the member.

45 (1) Each member of a board shall take an oath of office or affirmation as prescribed by regulation and adhere to a code of conduct prescribed by regulation.

(2) A Chair and Vice-Chair of the board shall be chosen by the members of the board at the first meeting in each year.

(3) Where a member of a board is unable to carry out the member's duties by reason of illness, absence or any other reason, the person or the body that made the initial appointment may appoint some other person to act as, or be a member of, the board in place or stead of the absent member.

46 The council may provide for the payment of a reasonable remuneration to the members of the board who are not members of the council.

47 No action or other proceeding for damages shall be instituted against a member of a board for any act done in good faith in the execution or intended execution of the member's duty or for any alleged neglect or default in the execution in good faith of that duty.

48 A board may contract and may sue and be sued in its own name, and the members of the board are not personally liable under any contract made by the board.

49 The board must hold a board meeting at least every three months.

50 A majority of the members of the board constitutes a quorum.

51 Meetings of the board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private and, where the matter relates to a complaint against or the discipline of the chief officer, the Chair may request that the chief not attend and the chief shall not attend.

52 On behalf of the board, the board Chair or the Chair's delegate may give advice or direction, in writing, to the chief officer on any matter within the jurisdiction of the board under this *Act*, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

53 (1) The board shall annually cause the chief officer to prepare a budget for the police department.

(2) The board shall ensure that the budget prepared pursuant to subsection (1) is consistent with those matters referred to in subsection 55(3).

(3) The budget prepared pursuant to this Section shall be submitted to council by the board for approval.

54 The members of a board shall undergo any training that may be provided for members of the board or required by the Minister or by the regulations.

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

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

(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

but the board shall not exercise jurisdiction relating to

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

(d) a specific prosecution or investigation; or

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

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

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

(b) the rules and regulations governing proceedings of a board,

and the board has sole jurisdiction over the matters so delegated to it.

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

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

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

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

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

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

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

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

(h) ensure a strategic plan and business plan is in place; and

(i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.

56 (1) Every board shall establish a written policy respecting extra-duty employment by members of its police department and the policy shall

(a) define extra-duty employment;

(b) provide that requests for a member of the police department to be employed on extra duty be made to the chief officer;

(c) require that a member of the police department engaged in extra-duty employment be in uniform except where the chief officer determines that plain clothes are required; and

(d) require that at all times while on extra duty the member of the police department is under the orders of the police department and no one else.

(2) Every board shall establish a written policy respecting off-duty employment by members of its police department and the policy shall

(a) define off-duty employment;

(b) set policy guidelines regarding permitted and prohibited off-duty employment;

(c) prohibit a member of the police department from engaging in the business of serving civil process documents or in the private investigator or private guard business; and

(d) prohibit a member of the police department from being in uniform while engaged in off-duty employment.

(3) The chief officer shall determine whether employment is extra-duty employment or off-duty employment and whether a particular kind of off-duty employment is permitted or prohibited within the off-duty police policy.



## Part IV

### Bylaw to establish the Board of Commissioners

1. (a) The Town Council of Bridgewater, hereinafter called the "Council", shall, at its first regular meeting in the year 1977 following approval of this by-law, and at its first regular meeting in each year following, appoint three persons, the majority of whom shall be Councillors, who, together with the Mayor and a person to be appointed by the Attorney General of Nova Scotia, shall be and form the Board of Police Commissioners of the Town of Bridgewater (hereinafter called "the Board") having all of the powers and duties of such a Board established pursuant to the provisions of Chapter 9, Nova Scotia Statutes of 1974, The Police Act, and the Regulations made under the Police Act, as amended, and as set forth thereunder.

(b) Where a vacancy occurs on the Board by reason of the death of a member appointed by the Council, or where such a member is unable to carry out his duties as a member of the Board by reason of illness or absence, the Council shall, at its first regular meeting following such event, appoint another of its members to be a member of the Board in place or stead of the deceased, ill or absent member.

2. The Board shall, at its first meeting of each year, choose its Chairman and Vice-Chairman.

Approved  
May 29/79

3. (a) Regular public meetings of the Board shall be held at the Council Chambers on the second Tuesday of each of the months, commencing at 7:00 o'clock in the afternoon, or special meetings at such other time or place as the Board shall determine, provided that the date, time and place of special public meetings shall be advertised.

(b) The Board may meet in-camera at any time on 24 hours notice by the Chairman or any two members, or at any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of police operations.

(c) The Chief of Police or Deputy Chief of Police shall, whenever requested by the Chairman, attend all meetings of the Board, whether public or in-camera.

Approved  
May 19/89

(d) The Town Manager, or his appointee, shall be the secretary to the Board and shall have charge of all accounting procedures to be followed and maintained by the Board.

(e) A majority of the members of the Board shall constitute a quorum.

4. (a) The Board shall, each year, not later than the last day of January, submit to the Council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members and staff of the police force and to pay for the accommodations, arms and equipment and other things for the use and maintenance of the force.

(b) The Board shall submit to the Council all proposed union or collective agreements for the Council's approval of all financial matters contained therein prior to the execution thereof by the Board.

(c) All capital equipment proposed to be purchased by the Board, not provided for in its budget as approved by Council, shall be submitted to the Council together with the recommendation of the Board for purchase consideration.

Approved  
May 19/89

(d) The Town Manager and the Chief of Police shall be members of any committee appointed for the purpose of negotiating a collective agreement with any union representing members of the Town police force.

5. (a) The Board shall, subject to clause "c" of this section, have jurisdiction without interference by the Council over all matters relating to police work in the enforcement of all criminal law, federal statutes, provincial statutes and Town by-laws and ordinances.

(b) The Board shall, subject to clause "c" of this section, further have jurisdiction over all matters relating to the enforcement of provincial statutes having local effect and Town by-laws and ordinances, but the Council shall have the right to request the enforcement of such statutes or by-laws as may be required for the proper administration thereof within the town.

(c) Notwithstanding the foregoing, the function of the Board, on behalf of the Council, shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force and shall not interfere with the power normally exercised by law officers of the province or federal government of Canada.

6. (a) The positions of Deputy Chief and Sergeant(s) shall be appointed, promoted, suspended, dismissed, or reinstated by the Board. The officers and other employees of the police force, below the rank of Sergeant, shall be appointed, promoted, suspended, dismissed or reinstated by the Chief of Police.

(b) The Chief of Police shall be appointed by the Council, and following a year's period of probation, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, he shall have the right to appeal, within fifteen days of such disciplinary action, to the Chairman of the Nova Scotia Police Commission. The Commission shall conduct a hearing therein and may confirm, overrule, or modify such action and its decision therein, shall be final.

(c) The Chief of Police, or his Deputy, shall be in charge of the management, direction and control of the day-to-day operation of the police force, including the enforcement of law and the maintenance of discipline within the force.

(d) The Chief of Police, or his Deputy, shall give all necessary orders, directions and instructions to the police force, and no Board member, except when communicating a decision of the Board, shall issue any order, directive, or instruction to any member of the police force relative to his duties as a member of the force.

7. (a) Any complaint respecting a member of the police force shall be considered by the Board, if it is in writing, and signed by the complainant, and any oral complaints respecting a member of the police force may be considered by the Board.

(b) Upon the receipt of the Board of any complaint, it shall be forwarded to the Chief of Police for investigation and report, unless the Chief of Police is the subject of the complaint, in which case, it shall be dealt with by the Board.

(c) The Chief of Police, or in the case of a complaint against the Chief of Police, the Board may investigate the conduct of any members of the police force, either of its own motion or in connection with a complaint, and the person against whom the complaint, if made, shall be entitled to be represented by counsel upon being informed of such complaint, and during any investigation and hearing in respect of such complaint.

(d) The procedures used in dealing with complaints, internal discipline, and investigations shall be in accordance with the Regulations made under the Police Act.