

An Introduction to the Nova Scotia Policing Policy Working Group

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INTRODUCTION

The Nova Scotia Policing Policy Working Group came together in June 2020, shortly after Minneapolis police officer Derek Chauvin murdered George Floyd (East Coast Prison Justice, n.d.). This tragedy reinvigorated movements for racial and social justice across North America and beyond, including the movement to defund the police. Nova Scotia was no exception to this surge in activism.

El Jones and Harry Critchley, board members of the East Coast Prison Justice Society, established the Working Group in coalition with Wellness Within and the Elizabeth Fry Society of Mainland Nova Scotia. The Working Group currently operates as a subcommittee of the East Coast Prison Justice Society. The Working Group's goal is to advocate for legislative and policy reform relevant to policing in Nova Scotia, with a focus on the Halifax Regional Municipality.

PERSONAL REFLECTIONS

I am a lawyer at a corporate law firm, where I mostly work on civil litigation matters. But I have a longstanding interest in criminal law, particularly the law of police powers. In 2019, I had the privilege of exploring this issue again when Michael MacDonald and I co-wrote the independent legal opinion on street checks for the Nova Scotia Human Rights Commission (MacDonald and Taylor, 2019).

After the murder of George Floyd in 2020, I like many others knew I needed to do more on the issue of police violence and policing in general. This felt like an ethical obligation for me as a lawyer, as well as a feminist obligation – although I had not yet connected the dots between abolition and my ongoing advocacy on abortion access (another area of passionate interest).

What attracted me to this particular group was that it seemed academic and policy-focused (as the name suggests). Speaking for myself, I am more likely to be found drafting press releases than on the front lines of a protest.

Perhaps the broader point, and a big lesson of the past two years, is that there is a place in abolitionist work for everyone.

This article will highlight five projects of the Working Group over the past couple of years while situating these projects in relation to current literature on defunding the police. Furthermore, this article will discuss the *Defunding the Police: Defining the Way Forward for HRM* report that the Working Group collaborated on.

MUNICIPAL ELECTION SURVEY

In Nova Scotia, 2020 was a municipal election year. One of the Working Group's first big projects was a survey of municipal election candidates in HRM (Nova Scotia Policing Policy Working Group, 2020). The working Group developed the survey over the summer of 2020 and circulated it in September ahead of the municipal election in October. The survey asked questions on:

- Implementing the Wortley Report on street checks (Wortley, 2019) and the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019);
- Scrutinizing the Halifax Regional Police (HRP) budget;
- Moving non-core policing responsibilities out of HRP;
- Applying a gender-based lens to policing;
- Examining the current policing arrangement in HRP, where policing services are provided jointly between HRP and the RCMP;
- Working with the province to repeal section 15(c) of the Municipal Elections Act, which provides that “a person serving a sentence in a penal or reform institution” is not entitled to vote in a municipal election; and
- Defunding the police.

The Working Group received a response rate of 71% for Council candidates, as well as a late response from Mike Savage (who ended up being re-elected as Mayor). The report outlining the questionnaire results was released on 7 October 2020 (10 days before the election), with promotion on social media and coverage in traditional media outlets.

While the elected councilors have not been as progressive in practice as they were in their survey responses, this survey continues to be an important accountability tool. We now have this set of data that we can go back to when we want to hold particular councillors accountable on policing-related issues.

MUNICIPAL ELECTIONS ACT ADVOCACY

As mentioned, section 15(c) of the Nova Scotia Municipal Elections Act bans incarcerated people from voting in municipal elections. The ban is only supposed to apply to those “serving a sentence in a penal or reform institution” but we have anecdotal information that it was applied during the 2020 election to people on remand.

Since the 2020 municipal elections, the Working Group has continued our advocacy on repealing this ban. We met with representatives of the Nova Scotia Federation of Municipalities and the Association of Municipal Administrators of NS in early 2021. While both organizations were supportive of the ban being repealed, and keen to continue discussions with the Working Group, there were political constraints and a perceived lack of urgency, as the next municipal election cycle is not until 2024.

The Working Group also consulted with the NDP on a potential bill. In April 2021, NDP MLA Claudia Chender put forward a private member’s bill, Bill 84, to repeal the ban and provide the infrastructure to enable incarcerated people to vote in municipal elections. The proposed bill would allow individuals serving a sentence in a penal or reform institution to be registered on the list of electors and to vote in municipal elections, as well as require that a polling station be accessible in every correctional facility (Bill 84, 2021). Unfortunately, this bill did not make it past First Reading and was not put forward in the most recent session.

BODY-WORN CAMERAS

Body-worn cameras have been another focus area for the Working Group. The Working Group has tried to dispel the notion that body-worn cameras are a good idea or a way to hold police accountable. As we know, the Minneapolis police officers who killed George Floyd were wearing body-worn cameras. The cameras did not prevent the murder from happening. According to findings from Lum and colleagues (2019), body-worn cameras have not had

statistically significant or consistent influences on most areas of police officers and citizens behaviour, or on citizens perceptions of the police.

In December 2020, the Working Group issued a press release about the Halifax Regional Police plan to request over \$3.7M in 2021-2022 for the study and implementation of body-worn cameras (Nova Scotia Advocate, 2020). Our release included a Q&A with Dr. Christopher Schneider (Brandon University) and Erick Laming (University of Toronto) about their research on body-worn cameras, which in the Working Groups view disproved the claims that HRP was making.

In January, the Board of Police Commissioners put the HRP's \$3.7M budget request on hold for this fiscal year, but accepted the request in principle and planned a rollout in fiscal year 2022-2023. Even after the bigger request was paused, there was still an \$85,000 budget request on the table. This amount would fund a position for someone to study body-worn cameras. As Working Group member Tari Ajadi emphasized in his presentation to the HRM Budget Committee, the police budget should not be increasing at a time when the Municipality was studying the role of police and the Board of Police Commissioners had appointed a committee to look into defunding the police. In April 2021, the Budget Committee approved the extra \$85,000 for the position. To the Working Group's knowledge, the HRP was not able to fill the position.

The Working Group's scrutiny of the HRP budget continues. By the time of publication, the Board of Police Commissioners will have held a special meeting (scheduled for 31 January 2022) to receive public input on the HRP's 2022/23 budget request. The HRP has requested an additional \$2M but, since that request was made, an arbitration panel determined that HRP officers are entitled to a 10% pay increase, totaling \$5.7M (Woodford, 2022). It remains unclear how this additional \$5.7M amount will impact the HRP's budget request for 2022/23.

AUGUST 18 EVICTIONS AND THE ONGOING HOUSING CRISIS

There are many organizations working on the substance of the housing crisis, and the Working Group is in solidarity with them. The Working Group's focus has been trying to figure out how the 18 August 2021 forced evictions of people living in public parks turned into a violent police

operation that resulted in the police donning riot gear and pepper spraying children. Cobbina-Dungy and Jones-Brown (2021) discuss warrior-style policing and the harmful impacts it has on minority groups. Warrior-style policing utilizes military tactics and training to warrant extreme use of force by police officers, even in non-threatening encounters with civilians. Under warrior-style policing, officers are trained to constantly feel threatened by the world and individuals around them. Police officer's continuous state of hostility and combativeness are further exacerbated when working with BIPOC or individuals with lower socio-economic status due to both the individual officer's pre-existing biases as well as biases within the broader policing and legal systems. In the United States many independent training companies that serve police officers also train military members, offering the same tactics and use of force techniques for both groups. While a substantial amount of research and attention focuses on the militarization of police officers within the United States, the issue is not limited to borders and is a growing problem across Canada. Canadian police forces are becoming increasingly militarized through the use of military equipment, training and police paramilitary units (Roziere and Walby, 2018). The violent actions of the HRM police on August 18 2021 and their access to extravagant riot equipment are proof that HRM police are becoming increasingly militarized alongside the rest of police officers in Canada. The HRM police spent a total of \$49,127.11 on August 18 to send 64 police officers to terrorize people experiencing homelessness and peaceful protestors (NDP, 2021). The amount of money spent in one day by HRM police to violently displace people experiencing homelessness clearly shows the dire need to reallocate police funds to services such as housing that could offer actual solutions to homelessness.

In order to understand how the police have reached the point of utilizing military force to approach the issue of homelessness in HRM, we must first examine the original purpose of the police system. Contrary to popular and false beliefs that the police were created to protect everyone within society from harm, policing was actually created to reinforce slavery and protect the power and capital of the ruling class. Modern day policing can be traced back to the creation of slave patrols, which were used surveil and punish Black individuals in an effort to deter them from resisting slavery (Brucato, 2020). After so-called "emancipation", police were tasked with enforcing racially targeted laws such as vagrancy laws. The goal of the police and these laws

were to re-enslave Black and Indigenous people in prisons where they would be exploited and forced to perform labour to benefit the government or private owners of prisons (Steinmetz et al., 2017). Policing and prisons continue to play an essential role in upholding colonialism within Canada. Rather than viewing colonialism as a past occurrence, colonialism should be thought of as a continuing process which is represented in the disproportionate rates of incarcerated Black and Indigenous people within Canada (Chartrand, 2019). Modern day policing is merely an extension of colonialism that embodies the same goals of oppressing and exploiting minority groups through acts of direct and indirect violence (Steinmetz et al., 2017).

Following the August 18 raid on people experiencing homelessness, the Working Group issued a press release the next day, calling on the Board of Police Commissioners to launch a full and independent review of the police actions (Nova Scotia Advocate, 2021). This was followed by a change.org petition, which received over 4,450 signatures.

The Working Group sent the petition to the Board, and it was presented at the Board's meeting on September 20. The Commissioners decided that they needed more time to study the materials. They considered it again at their October 18 meeting. The municipal lawyer who was advising the Board suggested that the Board might not have jurisdiction to order this review. Some of the Commissioners pushed back on this, but in the end, the Board agreed to ask for a report from HRM staff, as well as an independent legal opinion, on the jurisdictional issue.

It may be a few months before the Board actually decides whether to order the review. While the delay is concerning (if par for the course), the Working Group is optimistic that the independent legal advice will support the group's position on the Board's jurisdiction and that a review will eventually be conducted. More recent media reports on materials received through freedom-of-information requests only prove how badly a review is needed.

THE DEFUNDING REPORT

In September 2020, the Board of Police Commissioners appointed Dr. El Jones as Chair of the Subcommittee to Define Defunding the Police. The Subcommittee that Dr. Jones put together had a broad and diverse membership and was supported by a smaller team working on the research and writing for the report.

The term defunding the police has been a source of confusion for many people as it has been used interchangeably to refer to different actions and outcomes (Cobbina-Dungy et al., 2022). The report, *Defunding the Police: Defining the Way Forward for HRM*, was finally released on 14 January 2022, and presented to the Board on 17 January 2022. The report clearly defines what defunding the HRM police entails while offering insight into current issues within police practices and oversight as well as how to better address the needs of community members through refunding and retasking appropriate services.

The Subcommittee had multiple engagement strategies, including an online survey which received 2,351 unique survey responses. The Subcommittee also held a virtual public engagement session on June 19, which was live-streamed on YouTube (Halifax Regional Municipality, 2021). Interestingly, 56.8% of survey participants indicated support for the idea of defunding the police, while 43.2% of respondents did not. Based on a variety of feedback from public consultation with activists, organizations, and community members, the report highlights key areas that HRM police funds should be reallocated to (Jones et al., 2022). One of the most commonly identified areas in need of funding was social services supports, with a specific emphasis on mental health and substance use along with affordable housing. Additional areas identified included childcare, arts and recreation, education, food programs, libraries, and transit.

The original task for the Subcommittee was to define defunding, as opposed to telling the Board how HRM could go about defunding the police in a line-by-line kind of way. The final report talks about how defining “defunding” is more complex than it may sound. The definition requires a critical examination of what roles belong to the police, and what exists to replace police services, as well as varying ideas of safety and risk. The definition of defunding the police often gets confused with similar propositions to addressing issues within policing such as abolition. Cobbina-Dungy and colleagues (2022) explain key differences between defunding/reforming the police and abolishing the police. Reform is closely associated with defunding the police and involves retraining, and in some cases disbanding police departments as well as attempting to fix current issues within the structure of policing. Defunding and reforming the police also involves shifting funds and responsibilities away from the police to appropriate community and health services. Abolishing the police goes a

step further than defunding and recognizes that slavery and white supremacy are the foundation of policing and that the core purpose of policing is to reinforce racial, gendered, and class divides; therefore, policing cannot be reformed and the entire system must be dismantled. Although defunding the police and abolition are two different concepts, both movements argue for the reallocation of funds to more appropriate services.

The *Defunding the Police: Defining the Way Forward for HRM* report essentially follows the definition of defunding from the Edmonton Community Safety and Well-Being Task Force, which released a report earlier in 2021 saying that “defunding the police” means “to allocate money in preventive and community-building ways, rather than in reactive and militaristic ways”.

With this in mind, the Subcommittee’s recommendations on “defunding the police” are based on 4 pillars:

- Pillar #1: Reforms to police practices, oversight, and accountability.
- Pillar #2: Reforms aimed at “detasking” police and “retasking” more appropriate community service providers.
- Pillar #3: Legislative, regulatory, and policy reforms intended to promote community safety.
- Pillar #4: Financial reforms aimed at tying police budgets to clear performance metrics and encouraging public participation in municipal budgeting, with the ultimate intention of decreasing budgetary allocations to police and increasing allocations to community-based social services. (Jones et al., 2022)

The report contains 36 total recommendations under all four pillars, mostly directed to the Board but also to HRM Regional Council.

In terms of detasking, the Subcommittee makes three robust proposals for detasking, related to: mental health crisis response; traffic enforcement and traffic safety; and third-party sexual assault reporting. The Subcommittee also calls on HRM Council, through its ongoing “Alternatives to Policing” review, to consider detasking in the following areas of police response:

- incidents involving unhoused persons;
- incidents involving young persons;
- gender-based and intimate-partner violence;

- overdoses; and
- noise complaints.

Over the coming months, the Working Group will be pushing for the Board and Council to adopt the recommendations from the report and will continue engaging the public on this topic. As indicated in the report, defunding the HRM police is a necessary step towards ensuring safety and reinvesting in community-based services that aim to meet the needs of community members.

CONCLUSION

Since June 2020, I have been finding synergies everywhere between advocacy on abortion access and advocacy on abolition. In fact, I have come to realize they are completely connected. They are about removing state violence and working towards liberation. They are about real justice, not just the throwaway kind of justice that lawyers like me often talk about. Most importantly, these concepts are about love and compassion for our communities – the best motivation of all.

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