

Law Amendment Appearance Chief Beazley  
Bill No. 72 – A Bill to Establish Serious Incident Response Team  
Dennis Building-November 23, 2010–1600 hrs  
Speaking Notes

Good afternoon, my name is Chief Frank Beazley and I am the Chief of the Halifax Regional Police.

I am pleased to appear before you today to express my support for this legislation. Over the last decade I have witnessed a growing lack of public confidence regarding the transparency of police officers investigating serious incidents involving fellow police officers. Although we have made efforts, such as using outside investigators to conduct such investigations, the public perception regarding transparency remains.

Public confidence is paramount to effective law enforcement. Police are not immune from the public's increasing demand that public officials be accountable. The establishment of an independent investigative unit is part of the natural evolution of police accountability when police are directly involved in serious incidents. The independent process not only provides the public with confidence of a more arms-length, independent process, but assures police officers that matters will be investigated in a professional and independent manner. I would like to highlight one concern I have regarding the proposed Bill.

Investigations of critical incidents have three components: a criminal investigation to determine if criminal charges are appropriate; a Code of Conduct or *Police Act* probe to determine if disciplinary charges are in order; and finally, a review of administrative procedures to determine if any procedure or policy may have contributed to the incident. Bill 72 deals with the criminal investigation involving these incidents only. The current provisions of the Police Act provide a complete process for handling the disciplinary aspects including an independent review of any decision.

The Chief of Police is responsible to conduct the Code of Conduct (discipline) investigations and the administrative review of the same incident. Today, the majority of evidence collected in the criminal investigation would be analyzed as part of the discipline investigation and the administrative review. In the future, access to the complete investigative report of the Serious Incident Response Team will be critical to any discipline investigation and administrative review. Without it, a complete separate investigation would be required, which all acknowledge would be fraught with difficulties. To address this concern the following provision was included in Bill 72:

“26 (L) Upon the conclusion of an investigation by the Serious Incident Response Team under clause 26(I)(3)(a), where the Director believes that a disciplinary default or breach of the Code of Conduct set out in the Police Regulations may have occurred, the Director may disclose the investigative file of the Team to the disciplinary authority for the agency in which the police officer under investigation is employed.”

Unfortunately, subsection 26(L) falls short and does not adequately address the need to disclose the report. It provides the Director with discretion to disclose the SIRT investigative report where he/she believes a violation of the Code of Conduct has occurred. This provision is too limiting and fails to understand the *Police Act* disciplinary process. Regardless of the Director's decision pursuant to 26(L), Chiefs will be required to review the circumstances and determine if disciplinary allegations are appropriate. A more appropriate provision would eliminate the discretion and ensure that it is disclosed to the appropriate police agency. HRP has provided the Department of Justice with a more detailed analysis of subsection 26(L) and I would be happy to leave that with you.

Finally, in closing, I would urge you to move quickly to pass Bill 72, and I urge Minister Landry to expedite the implementation of the Serious Incident Response Team. The public are expecting a more transparent process because of Bill 72. The officers who must investigate these incidents, in the meantime, will find themselves in an untenable position, regardless of the quality of their investigation.

Thank you for your time.