
Part 4 Summary of Recommendations

Righting the Wrong: Dealing with the Wrongfully Convicted

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| 1.
Review body | We recommend that the provincial Attorney General commence discussions with the federal Minister of Justice and the other provincial Attorneys General with a view to constituting an independent review mechanism - an individual or a body - to facilitate the reinvestigation of alleged cases of wrongful conviction. |
| 2.
Powers of review body | We recommend that this review body have investigative power so it may have complete and full access to any and all documents and material required in any particular case, and that it have coercive power so witnesses can be compelled to provide information. |
| 3.
Judicial Inquiry to consider compensation claims | We recommend that when a person is found to have been wrongfully convicted, a judicial inquiry be constituted to consider any claim for compensation. The person or persons appointed to this inquiry should be completely independent of any involvement with the administration of justice in the province which gave rise to the wrongful conviction. |
| 4.
No limit on compensation amount | We recommend that there be no pre-set limit on the amounts recoverable with respect to any particular claim or any particular aspect of a claim. |
| 5.
Factors to be considered | We recommend that any judicial inquiry be entitled to consider any and all factors which may have given rise to the wrongful conviction, imprisonment or the continuation of that imprisonment. |
| 6.
Legal fees and disbursements | We recommend that appropriate legal fees and disbursements incurred by or on behalf of the wrongfully convicted person be paid as part of the inquiry's expenses. |
| 7.
Report to be public | We recommend that the inquiry report become a public document. |

8.
Marshall compensation

We recommend that Government reconvass the adequacy of the compensation paid to Marshall in light of what we have found to be factors contributing to his wrongful conviction and continued incarceration.

Visible Minorities in the Criminal Justice System

9.
Policy on Race Relations

We recommend that the Departments of the Attorney General and Solicitor General adopt and publicize a Policy on Race Relations that has as its basis a commitment to employment equity and the elimination of inequalities, based on race, in these Departments and their agencies and the reduction of racial tensions between these Departments and the communities with which they interact.

10.
Cabinet Committee on Race Relations

We recommend that a Cabinet Committee on Race Relations be established which would include the Attorney General and Solicitor General. This Committee should meet regularly with representatives of visible minority groups in order to assure the input of these groups in matters of criminal justice.

11.
Dalhousie Law School's minority admissions program

We recommend that the Dalhousie Law School's minority admissions program for Micmacs and indigenous Blacks receive the financial support of the Governments of Canada and Nova Scotia, and the Nova Scotia Bar.

12.
Appointment of judges and board members

We recommend that Governments consider the needs of visible minorities by appointing qualified visible minority judges and administrative board members whenever possible.

13.
Programs for law students, lawyers, judges

We recommend that the Dalhousie Law School, the Nova Scotia Barristers Society and the Judicial Councils support courses and programs dealing with legal issues facing visible minorities, and encourage sensitivity to minority concerns for law students, lawyers and judges.

14.
Programs for Crown prosecutors

We recommend that the Attorney General establish continuing professional education programs for Crown prosecutors, which would include:

- (a) an exposure to materials explaining the nature of systemic discrimination toward Black and Native peoples in Nova Scotia in the criminal justice system; and
- (b) an exploration of means by which Crown prosecutors can carry out their functions so as to reduce the effects of systemic discrimination in the Nova Scotia criminal justice system.

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- 15.**
Police training
- We recommend that training for all police officers, both at the intake level and as continuing education, include content on police/minority concerns and sensitivity to visible minority issues.
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- 16.**
Public Legal Education programs and funding
- We recommend that the Public Legal Education Society consult and work with Native and Black groups to develop and provide legal materials and services for minority users. These initiatives cannot be undertaken without specific funding. This should be provided where necessary by Government.
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- 17.**
Alternative Penalty Act
- We recommend that the Government immediately proclaim the *Alternative Penalty Act*, S.N.S. 1989, c.2, and that regulations which address the particular needs of Native and Black offenders be enacted.
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- 18.**
Diversion programs
- We recommend that the Province, in close cooperation with the Native and Black communities, formulate proposals for the establishment of appropriate diversion programs for Natives and Blacks, and that the Province actively recommend such programs to the Federal Government with proposals for any necessary amendments to the *Criminal Code*.
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- 19.**
Correctional programs
- We recommend that the Department of the Solicitor General of Nova Scotia take steps to, and urge the federal correctional authorities to take steps to:
- (a) immediately implement programs to recruit and hire more Natives and Blacks in professional and non-professional positions in the correctional service;
 - (b) implement ongoing education and training programs designed to sensitize correctional workers at all levels to the particular needs of Native and Black offenders based on their racial and cultural background;
 - (c) indicate to all correctional workers that discriminatory conduct (including racial slurs) against Natives and Blacks will not be tolerated and may result in adverse employment consequences;
 - (d) offer institutional programs emphasizing the educational, cultural and religious needs of Native and Black offenders in institutions where a significant number of Natives and Blacks are incarcerated; and
 - (e) support rehabilitation programs for Native and Black inmates and former inmates which take into account their background and needs.

Nova Scotia Micmac and the Criminal Justice System

20.

Native Criminal Court

We recommend that a community-controlled Native Criminal Court be established in Nova Scotia, initially as a five-year pilot project, incorporating the following elements:

- (a) a Native Justice of the Peace appointed under Section 107 of the *Indian Act* with jurisdiction to hear cases involving summary conviction offences committed on a reserve;
- (b) diversion and mediation services to encourage resolution of disputes without resort to the criminal courts;
- (c) community work projects on the reserve to provide alternatives to fines and imprisonment;
- (d) aftercare services on the reserve;
- (e) community input in sentencing, where appropriate; and
- (f) court worker services.

21.

Native Justice Institute

We recommend that a Native Justice Institute be established with Provincial and Federal Government funding to do, among other things, the following:

- (a) channel and coordinate community needs and concerns into the Native Criminal Court;
- (b) undertake research on Native customary law to determine the extent to which it should be incorporated into the criminal and civil law as it applies to Native people;
- (c) train court workers and other personnel employed by the Native Criminal Court and the regular courts;
- (d) consult with Government on Native justice issues;
- (e) work with the Nova Scotia Barristers Society, the Public Legal Education Society and other groups concerned with the legal information needs of Native people; and
- (f) monitor the existence of discriminatory treatment against Native people in the criminal justice system.

22.

Tripartite forum on Native issues

We recommend that a tripartite forum (Micmac/ Provincial/Federal Government) similar to the Ontario Indian Commission be established to mediate and resolve outstanding issues between the Micmac and Government, including Native justice issues.

23.

Micmac interpreters

We recommend that all courts in Nova Scotia have the services of an on-call Micmac interpreter for use at the request of Micmac witnesses or accused.

<p>24. Native court workers</p>	<p>We recommend that the Provincial and Federal Governments, in consultation with Native communities, work together to establish a Native court worker program, as an immediate first step in making the criminal justice system more accessible to Native people.</p>
<p>25. Sittings of Provincial Courts on reserves</p>	<p>We recommend that the Chief Judge of the Provincial Court take steps to establish regular sittings of the Provincial Courts on Nova Scotia reserves.</p>
<p>26. Legal Aid funding</p>	<p>We recommend that Nova Scotia Legal Aid be funded to permit them to:</p> <ul style="list-style-type: none"> (a) specifically assign lawyers to work with Native clients to develop a specialization with respect to the concerns of Native people; and (b) hire a Native social worker/counsellor to, among other things, act as a liaison between Native people and the Legal Aid service.
<p>27. Liaison with bar</p>	<p>We recommend that a program of ongoing liaison between the bar - prosecutors, private defence and legal aid - and Native people, both on and off reserve, be established through the Nova Scotia Barristers Society. The Society must also educate its members concerning the special needs of Native clients.</p>
<p>28. Native constables</p>	<p>We recommend that the RCMP and municipal police forces, where applicable, take immediate steps to recruit and hire Native constables.</p>
<p>29. Native Justice Committee</p>	<p>We recommend that the advice of leaders chosen by the Native community and sitting as a Native Justice Committee be sought by judges in sentencing Natives, where possible.</p>
<p>30. Probation and aftercare</p>	<p>We recommend that the Provincial and Federal Governments facilitate and finance mechanisms by which Native people can have more control over the treatment of Natives convicted of an offence, such as establishing a probation officer capability and community-based aftercare services on-reserve.</p>

Blacks in the Criminal Justice System

31.
Amendments to
Human Rights Act

We recommend that the Nova Scotia *Human Rights Act* be amended:

- (a) to require that an annual report of the Commission's activities be submitted to the Minister who shall place the report before the Legislative Assembly;
- (b) to specifically state that those parts of the justice system under provincial jurisdiction are included in the Act's coverage;
- (c) to provide that where the Commission is unable to settle a complaint, and where the Commission recommends the appointment of a Board, it shall report to the Minister who shall appoint a Board of Inquiry (Section 25 now gives the Minister a discretion as to whether a Board should be appointed); and
- (d) to establish within the Commission a Race Relations Division reporting to the Commission through one or more members, at least one of whom shall be full time and designated as Race Relations Commissioner.

32.
Funding for Human Rights
Commission

We recommend that the Human Rights Commission be provided with sufficient resources to enable it to effectively carry out its present mandate and further responsibilities added by our recommendations, and in particular to enable it:

- (a) to retain independent legal counsel; and
- (b) to engage in an active public awareness program, particularly in the area of Native and Black concerns.

33.
Responsibility of Chief Judges

We recommend that the Chief Justices and the Chief Judges of each court in Nova Scotia exercise leadership within his or her area of responsibility to ensure fair treatment of visible minorities in the criminal justice system.

34.
Legal Aid funding for Black
clients

We recommend that, because of the dependence of Black clients on legal aid services, the funding of legal aid in Nova Scotia be re-examined to ensure that there are sufficient counsel to properly serve minority clients and to engage in proactive programs in minority communities.

Administration of Criminal Justice

35.
Director of Public Prosecutions

We recommend that:

- (a) there be created by statute the office of Director of Public Prosecutions, and that the holder of this office:
 - (i) be a member of the bar of Nova Scotia (or equivalent) for a minimum of ten years;

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- (ii) be appointed by the Governor in Council after consultation with the officers of the Nova Scotia Barristers Society and with the two Chief Justices of the Superior Courts in Nova Scotia, for a term of ten years, with eligibility for re-appointment;
 - (iii) be removable for cause by the Governor in Council only after a resolution from the provincial legislature approving such action;
 - (iv) be paid and given employment benefits not less than those of a judge of the County Court of Nova Scotia, and have the status of a departmental “deputy head”;
 - (b) the duties and responsibilities of the Director of Public Prosecutions include:
 - (i) the exercise of all of the functions of the Attorney General as agent and deputy of the Attorney General in relation to the administration of criminal justice in the province, subject to paragraph (c) below; and in particular;
 - (ii) regular consultation with the Attorney General concerning all aspects of public prosecution and the administration of the prosecution service;
 - (iii) the direction of the prosecution service of the province, including supervision of those functions presently exercised by the Director (Prosecutions) and the Director (Criminal);
 - (iv) the presentation of an annual report to the Attorney General on the conduct of public prosecutions in the province, which shall describe, among other matters, any personal interventions by the Attorney General pursuant to paragraph (c)(i);
 - (c) the Attorney General continue to exercise the duties and responsibilities traditionally accorded to that office in relation to the administration of criminal justice, subject only to the limitations which follow:
 - (i) where he or she deems it necessary, the Attorney General may intervene in a prosecution contrary to the advice of the Director of Public Prosecutions but only through the use of written instructions which shall be published within 30 days of their issuance in the *Royal Gazette*, or following expiry of the appeal period, whichever is later;
 - (ii) the Attorney General shall, after consultation with the Director of Public Prosecutions, issue guidelines for the exercise of prosecutorial discretion which shall be tabled in the provincial legislature as soon as is practicable after their issuance; and
 - (iii) the Attorney General shall table in the provincial legislature as soon as is practicable the annual report received from the Director of Public Prosecutions pursuant to paragraph (b)(iv).

36.

Policy statement on the role of police

We recommend that the following policy statement be included in the Crown Prosecutors' Manual:

- (a) in the investigation of offences prior to the laying of charges, it is understood that the police officers are to carry out their duties in accordance with the law and general standards, practices and policies established by the Solicitor General, but in consultation with the appropriate Crown prosecutor where necessary; and
- (b) after the laying of charges, police shall carry out any investigations in accordance with the instructions of the Attorney General or appropriate prosecutor with a view to preparation of the case for presentation in court.

37.

Laying of charges

We recommend that:

- (a) police officers be informed in general instructions from the Solicitor General that they have the ultimate right and duty to determine the form and content of charges to be laid in any particular case according to their best judgment, subject to the Crown's right to withdraw or stay the charges after they have been laid;
- (b) within each police force there be a clear written policy on resolving disagreements between police and Crown over the laying of charges, and that such policy provides that no charge shall be laid contrary to the advice of the Crown unless and until discussions have been held between the highest levels of police and Crown;
- (c) within each police force and within the Department of Attorney General there be a clear written directive requiring absolute confidentiality and secrecy of the identity of persons being investigated other than on a need to know basis within the police force and the Department;
- (d) prosecutors be informed in general instructions from the Attorney General that police officers have the right and the duty to determine the form and content of charges to be laid in any particular case, subject to the Crown's right to withdraw or stay the charges after they have been laid;
- (e) police officers and Crown prosecutors be informed by their respective departmental superiors that police are encouraged to consult with the appropriate prosecutor concerning the drafting of informations, where such consultation might be thought useful; and
- (f) the Attorney General institute a system of post-charge screening in appropriate locations in the province (initially as a pilot project) to ensure that no charges which are not strictly necessary in accordance with the evidence and the public interest shall go forward.

38.

Factors to be considered when stopping prosecutions

We recommend that:

- (a) the Attorney General promulgate a clearly stated policy concerning the public interest factors which should, and should not, be considered in deciding whether to undertake or stop a prosecution even in the face of evidence which could sustain a conviction;

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- (b)** the factors which might arise for consideration in determining whether the public interest requires a prosecution, include:
- (i)** the triviality of the alleged offence or that it is of a “technical” nature only;
 - (ii)** the age, physical health, mental health or special infirmity of an alleged offender or witness;
 - (iii)** the staleness of the alleged offence;
 - (iv)** the degree of culpability of the alleged offender (particularly in relation to other alleged parties to the offence);
 - (v)** the likely effect of a prosecution on public order and morale;
 - (vi)** the obsolescence or obscurity of the law;
 - (vii)** whether the prosecution would be perceived as counter-productive (such as by making a “martyr” of an alleged offender or by providing publicity to an alleged hate propagandist);
 - (viii)** the availability or efficacy of any alternatives to prosecution in the light of the purposes of the criminal sanction;
 - (ix)** the prevalence of the alleged offence and any related need for deterrence;
 - (x)** whether the consequences of any resulting conviction would be unduly harsh or oppressive;
 - (xi)** any entitlement of the State or other person to compensation, reparation or forfeiture if prosecution action is successful;
 - (xii)** the attitude of the victim of the alleged offence to a prosecution;
 - (xiii)** the likely length and expense of a trial;
 - (xiv)** whether the alleged offender is willing to cooperate in the investigation or prosecution of others, or the extent to which he or she has already done so;
 - (xv)** the likely outcome in the event of a finding of guilt, having regard to the sentencing options available to the court;
 - (xvi)** the necessity for the maintenance of public confidence in legislatures, courts and the administration of justice;
- (c)** the factors which are to be excluded from consideration in determining whether the public interest requires a prosecution, include:
- (i)** the alleged offender’s race, religion, sex, national origin, political associations, or beliefs;
 - (ii)** the prosecutor’s personal feelings concerning the victim or the alleged offender;
 - (iii)** any partisan political advantage or disadvantage which might flow from the decision to undertake or stop a prosecution;
or
 - (iv)** the possible effect on the personal or professional circumstances of those responsible for the prosecution decision;
- (d)** where the prosecutor decides not to undertake or to stop a prosecution by reason of a public interest factor such as those mentioned in (b), a notation of this decision be placed in the file relating to the case in question;

(e) the Solicitor General bring the foregoing public interest factors relevant to the prosecution of offences to the attention of police forces operating within the province.

39.
Disclosure by Crown

We recommend that the Department of Attorney General of Nova Scotia urge the Federal Government to implement amendments to the *Criminal Code* of Canada as follows:

1. A justice shall not proceed with a criminal prosecution unless he is satisfied:

- (a) that the accused has been given a copy of the information or indictment reciting the charge or charges against him in that prosecution; and
- (b) that the accused has been advised of his right to disclosure.

2(1) Without request, the accused is entitled, before being called upon to elect the mode of trial or to plead to the charge of an indictable offence, whichever comes first, and thereafter:

- (a) to receive a copy of his criminal record;
- (b) to receive a copy of any statement made by him to a person in authority and recorded in writing or to inspect such a statement if it has been recorded by electronic means; and to be informed of the nature and content of any verbal statement alleged to have been made by the accused to a person in authority and to be supplied with any memoranda in existence pertaining thereto;
- (c) to inspect anything that the prosecutor proposes to introduce as an exhibit and, where practicable, receive copies thereof;
- (d) to receive a copy of any statement made by a person whom the prosecutor proposes to call as a witness or anyone who may be called as a witness, and recorded in writing or, in the absence of a statement, a written summary of the anticipated testimony of the proposed witness, or anyone who may be called as a witness;
- (e) to receive any other material or information known to the Crown and which tends to mitigate or negate the defendant's guilt as to the offence charged, or which would tend to reduce his punishment therefor, notwithstanding that the Crown does not intend to introduce such material or information as evidence;
- (f) to inspect the electronic recording of any statement made by a person whom the prosecutor proposes to call as a witness;
- (g) to receive a copy of the criminal record of any proposed witness; and
- (h) to receive, where not protected from disclosure by the law, the name and address of any other person who may have information useful to the accused, or other details enabling that person to be identified.

2(2) The disclosure contemplated in subsection (1), paragraphs (d), (e) and (h) shall be provided by the Crown and may be limited only

where, upon an *inter partes* application by the prosecutor, supported by evidence showing a likelihood that such disclosure will endanger the life or safety of such person or interfere with the administration of justice, a justice having jurisdiction in the matter deems it just and proper.

2(3) Subsection (1) imposes a continuing obligation on the prosecutor to disclose the items as above provided.

2(4) A statement referred to in sub-paragraph (b), (d) or (f) of subsection (1) does not include a communication that is governed by the “Invasion of Privacy” provisions of the *Criminal Code*.

3. Where a justice having jurisdiction in the matter is satisfied that there has not been compliance with the provisions of subsections 2(1) and 2(2) above, he shall, at the accused’s request, adjourn the proceedings until, in his opinion, there has been compliance, and he may make such other order as he considers appropriate in the circumstances.

40.
Application to limit disclosure

We recommend that no application to limit disclosure be made without the prior written approval of the Director of Public Prosecutions or a Deputy Attorney General.

41.
Interim policy on disclosure

We recommend that until the proposed statutory amendments to the *Criminal Code* are effected, the Attorney General adopt and implement as a matter of policy the duties of disclosure reflected in the preceding recommendation.

42.
Police duty to disclose

We recommend that:

- (a) the Solicitor General inform police forces operating within the province of the Attorney General’s directive on disclosure and require compliance with its principles in relations between police and prosecutors;
- (b) the Solicitor General ensure that continuing police training includes information on the necessity of compliance with disclosure policy.

43.
Plea discussions and agreements

We recommend that the existing policy directive on plea discussions and plea agreements be revised to clearly set out the basis for the exercise of discretion by Crown prosecutors in this area, and that such directive in particular set out the governing principles of openness, voluntariness, accuracy, appropriateness and equality.

44.
Summaries to trial judges

We recommend the abolition of summaries to trial judges and the abolition of the practice of providing trial judges with copies of preliminary inquiry transcripts.

45.
Regional prosecuting officers

We recommend that a system of chief prosecuting officers for each region be adopted in order to create an effective middle level of management in Nova Scotia's prosecution service.

Police and Policing

46.
Police Commission resources and staffing

We recommend that the Police Commission be provided with sufficient resources to enable it to fulfill properly the leadership, training, information and assessment roles that constitute its mandate. Such resources should include funding for:

- (a) restoring the position of Chairman of the Police Commission to a full time position;
- (b) the appointment of four part time Commissioners who are broadly representative of community and public interest in policing;
- (c) the appointment of an experienced Executive Director whose responsibilities will include Research, Information and Statistics; Training and Personnel Development; Advisory Services; and Security.

47.
Assessment of municipal police departments

We recommend that the Police Commission conduct regular assessments of the operations of each municipal police department in accordance with the provisions of the *Police Act*.

48.
RCMP input to Police Commission

We recommend that the Solicitor General require the RCMP to provide information concerning RCMP operations in the province to the Police Commission on an ongoing basis so the Commission can develop and plan rational policing policy and an adequate police information system in the province.

49.
Funding for policing

We recommend that the Police Commission develop and maintain close liaison with officials in the Department of Municipal Affairs and the Executive of the Union of Nova Scotia Municipalities with a view to developing a more rational basis for provincial financial assistance for municipal policing services.

50.
Independence of Police Commission

We recommend that the Police Commission not be absorbed into the mainline structure of the Solicitor General's Department to keep it relatively independent of political considerations and to better reflect the municipal-provincial partnership that characterizes the Nova Scotia organization of policing services.

<p>51. Executive Director (Policing)</p>	<p>We recommend the establishment within the Solicitor General's Department of an Executive Director (Policing) to reflect its increasing role in policing in the province.</p>
<p>52. Liaison with boards of police commissioners</p>	<p>We recommend that a regular annual meeting be held by the Police Commission with the chairs of all Nova Scotia boards of police commissioners. The purpose would be to provide a forum for information exchange, program development and possible collaboration among municipal police departments in various matters, from equipment to crime prevention.</p>
<p>53. Independence of Police Review Board</p>	<p>We recommend that the Chairman of the Nova Scotia Police Commission not act as the Registrar of the Police Review Board, and that the Nova Scotia Police Commission not provide investigative services to the Police Review Board.</p>
<p>54. Independence of police forces</p>	<p>We recommend that the <i>Police Act</i> be amended to make it clear that it is unlawful for anyone other than a police officer of the same force to issue any order, direction or instruction to any member of a police force relative to his/her duties as a member of the force, except when communicating a decision of the force's lawful governing authority, and that a governing authority shall only issue such order, direction or instruction to the Chief or someone who is acting in his or her stead.</p>
<p>55. Minority recruitment</p>	<p>We recommend that the recruitment of visible minority group members be actively encouraged by both police and governing authorities. Both the RCMP and municipal police departments in the province should establish specific recruitment targets which reflect the distribution of the visible minority groups in the population.</p>
<p>56. Outreach recruitment</p>	<p>We recommend that particular attention be given to using outreach recruitment methods (for example, having visible minority officers involved in recruitment; building up contact with minority communities to facilitate recruitment). The guidelines prepared by the Greater Toronto Region Working Group on Policing in Multicultural, Multiracial Urban Groups on the recruitment and selection of visible minority police officers should be circulated to all relevant police organizations in the province.</p>
<p>57. Minorities in management positions</p>	<p>We recommend that action be taken to get members of visible minorities into police management positions.</p>

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- 58.**
Minority/police relations
- We recommend that the Nova Scotia Police Commission take a strong leadership role in police/visible minority relations by providing useful materials to departments (comparable in quality to those now made available to its officers by the RCMP), arranging imaginative in-service training in conjunction with the Atlantic Police Academy or similar bodies, and assisting departments in the setting up of race relations liaison officers or committees.
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- 59.**
Access of minorities to police
- We recommend that, together with the Nova Scotia Police Commission, municipal police departments and local boards of police commissioners develop imaginative outreach programs and liaison roles in order to provide visible minorities with greater access to and more positive interaction with the police.
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- 60.**
Discrimination in police departments
- We recommend that municipal police departments adopt as an objective the eradication in police departments of racial slurs and stereotyping, and in pursuit of this objective promulgate official policies and guidelines on stereotyping similar to those currently employed by the RCMP (RCMP Administration Manual 111.9) or the Metropolitan Toronto Police Force (standing order number 24).
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- 61.**
Training
- We recommend that special attention be given to more intensive training for cadets whose first assignment will be in areas of high visible minority concentration. In addition, detachments and municipal police departments located in areas of high visible minority concentration should allocate proportionally more of their resources to multicultural and race relations training. The Police Commission should monitor detachment and municipal police department performance in this area.
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- 62.**
Sensitivity to minority concerns
- We recommend that education and sensitivity training with respect to visible minorities be more pronounced in the cadet training curriculum and should be a component of regular in-service training.
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- 63.**
Atlantic Police Academy programs
- We recommend that the Atlantic Police Academy be encouraged to continue to develop in-service programs and imaginative experimental initiatives for police/visible minority interaction.
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- 64.**
Guidelines on other than full time personnel
- We recommend that guidelines be developed by the Police Commission with respect to the use by municipal police departments of part time, volunteer and auxiliary personnel.

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- 65.**
Promotion guidelines
- We recommend that routine promotion guidelines be established in all municipal police departments. In all but the largest municipal police departments the involvement of the Police Commission and/or outside consultants should be required.
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- 66.**
Selection of chief of police
- We recommend that in all but the largest municipal police departments the involvement of the Police Commission and/or outside consultants be required in the selection of the chief of police.
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- 67.**
Supervisory and management training
- We recommend that more training be provided for those promoted to supervisory and management positions in the municipal police departments. Training in courses on supervision and executive development should accompany such promotion.
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- 68.**
Monitoring of training
- We recommend that the Solicitor General's Task Force on Municipal Police Training, as well as the data collected as part of the Police Study for this Report, be used to establish an ongoing system for monitoring levels of training in the province. The system should be maintained by the Police Commission or equivalent body and should incorporate clear definitions of the types of training appropriate for the needs of particular members, departments and detachments.
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- 69.**
Assessment of police officers
- We recommend that periodic assessment of municipal police department officers be carried out as in Nova Scotia's recently announced "force continuum program" which deals with the use of firearms and mace. Common standards should be developed for certification in these areas and consideration should be given to the inclusion of physical fitness and basic response/preliminary investigation imperatives.
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- 70.**
Investigative skills
- We recommend that all constables be required to have basic investigative skills such as would be required to secure the crime scene and carry out proper preliminary recording and investigation.
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- 71.**
Guidelines for investigations
- We recommend that municipal police departments cooperate with the Police Commission to produce a uniform set of guidelines for investigative work.

72.
Evaluation of investigative
capabilities in police departments

We recommend that the Police Commission undertake a systematic evaluation of the investigative capacities available in all municipal police departments in the province. This evaluation should be coordinated with periodic reviews of the municipal police departments.

73.
Directive on investigation of
murder/attempted murder

We recommend that the current standing directive on municipal police department responsibilities for the investigation of murder and attempted murder be regarded as a flexible directive which may change to reflect alterations in municipal police department investigative capacities. This may involve broadening the scope of exemptions, or it may lead to the inclusion of other serious crimes in the list of offences which some municipal police departments may not be able to handle.

74.
Interviewing juveniles and the
mentally unstable

We recommend that in cases where suspects and/or witnesses are juveniles or mentally unstable, investigating officers make special efforts to ensure they are treated fairly. Supportive persons from the witness/suspect viewpoint should be present during interviews.

75.
Recording police interviews

We recommend that audio-visual recording of police interviews of chief suspects and witnesses in serious crimes such as murder, and of juveniles and other interviewees who may be easily influenced, be encouraged.

76.
Internal review of investigations

We recommend that it be standard practice in all police departments for superiors to review, with investigators, the progress of investigations of all serious offenses.

77.
Delivery of policing services

We recommend that a joint task force be established by the Solicitor General and the Minister of Municipal Affairs, with representation from the other relevant bodies, to examine the organization and delivery of policing services within the province, and in particular, to consider and review the desirability and feasibility of some regionalization of existing municipal policing services in the province, and to make recommendations to the Government on these matters. Such a review should also examine other less comprehensive collaborative arrangements which might beneficially be established or further developed between existing municipal police forces and the RCMP to improve the quality and efficacy of the delivery of policing services in the province.

<p>78. Minimum standards for policing</p>	<p>We recommend that all municipal police departments be able to deliver police services according to a set of minimum standards for policing in Nova Scotia. This set of standards should be developed by the Police Commission with appropriate input from both provincial (Solicitor General) and municipal (local police commissions) governing authorities. Recognizing that the primary responsibility for delivery of police services is with the municipalities and that it may be beyond the financial capability of some to upgrade their municipal police department according to these minimum standards, the Province must ensure that the municipal police departments have the resources to meet the prescribed standards.</p>
<p>79. Departmental plans</p>	<p>We recommend that municipal police departments establish departmental plans which include a clear definition of departmental goals and priorities, and appraisal systems for evaluating job performances.</p>
<p>80. Management systems</p>	<p>We recommend that priority be given to improving police management systems among the municipal police departments, focussing on greater communication, feedback and accountability among departmental members.</p>
<p>81. Code of ethics</p>	<p>We recommend that municipal police departments be encouraged to develop a code of ethics as positive guidelines for behavior. For purposes of continuity and consistency and for minimum standardization, such codes should be developed in consultation with the Atlantic Police Academy and the Police Commission.</p>
<p>82. Reinvestigations</p>	<p>We recommend that guidelines be developed by the Solicitor General and Attorney General Departments detailing procedures to be followed where it is necessary for there to be a reinvestigation of the work of a police force. Any such reinvestigation of the work of a municipal police department should be conducted by the RCMP, with out-of-province assistance if required. All reinvestigations should be thoroughly reviewed by the Department of Attorney General.</p>

