

TOWN OF BERWICK BYLAW

BERWICK POLICE COMMISSION

1. (a) The Town Council shall at its first regular meeting in the year 1977 following approval of this by-law, and at its first regular meeting in the month of November, appoint two of its members, one of whom shall be the Mayor, one member of Council and two citizens of the Town of Berwick appointed by Council, who, together with 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 Berwick (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 on 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 members of the Board appointed by Council shall serve without remuneration.
3. The Board shall, at its first meeting of each year, choose its chairman and vice-chairman.
1. (a) Regular public meetings of the Board shall be held at the Council Chambers on the first Monday of each of the months of January, April, July, and October of each year, commencing at 7:00 o'clock in the afternoon, or at such other time or place as the Board shall determine, provide that there shall be at least one such public meeting every three months and the date, time and place of the 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 practicable, attend all meetings of the Board, whether public or in camera.
- (d) The Town Clerk 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 accommodation, 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 shall be placed in the yearly budget or approved by the Town Council.
- 5.
- (a) The Board shall have jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes and town by-laws and ordinances.
 - (b) The Board shall 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.
- 6.
- (a) The officers, assistants and civilian employees of the Police Force, other than the chief, shall be appointed, promoted, suspended, dismissed or reinstated by the Board.
 - (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. The Board shall not engage or enter into an employment contract with any person, corporation, partnership or agency whereby municipal police officers or services shall be provided.

8. (a) Any complaint respecting a member of the police force shall be considered by the Board only if it is made in writing and signed by the complainant.
- (b) Upon the receipt by the Board of any complaint in writing 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 member of the police force either of its own motion or in connection with a complaint and the person against whom the complaint is 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.

History of this Bylaw:

Enacted - March 22, 1977

Repealed - November 9, 1999