

Minister's Directive

**Appointment of Security Police Officers
and
Extra-Jurisdictional Police Officers**

***Police Act* and Regulations**

**Prince Edward Island
Department of Environment, Labour and Justice**

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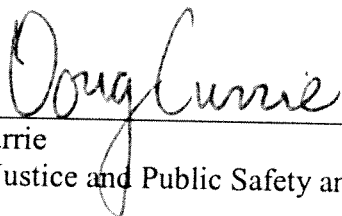
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Pursuant to section 3(3)(e) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby issue the attached Minister's Directive concerning the appointment of security police officers employed by the University of Prince Edward Island and extra-jurisdictional police officers. This Directive will come into effect on December 1, 2010.

Dated at Charlottetown in the Province of Prince Edward Island this 1st day of December 2010.



Doug W. Currie
Minister of Justice and Public Safety and Attorney General

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Amendments to the Minister's Directive

The Minister's Directive on Appointment of Security Police Officers and Extra-Jurisdictional Police Officers is amended as follows:

- Substituting "Environment, Labour and Justice" for "Justice and Public Safety" as required throughout the Directive;
- Substituting "Director of Community Safety and Justice Policy" for "Director of Policy, Policing and Crime Prevention" in sections 3.5.2 and 3.6.1, and in Form 5A;
- Substituting "Dated this _____ day of _____ 20____ at _____ in the province of _____." for "Dated this _____ day of _____ 20____ at _____ in the province of Prince Edward Island." in Form 3A.
- Insertion of section 4.0 as follows:

4.0 Review of appointment procedures

- 4.1 The Policing Services Manager shall meet annually with each chief of police or his/her designate and shall review compliance with this directive.
- 4.2 The Policing Services Manager shall meet annually with the Director of Facilities Management, University of Prince Edward Island or his/her designate and shall review compliance with this directive.
- 4.3 The Policing Services Manager shall meet annually with the Commanding Officer of RCMP "L" Division or his/her designate and shall review compliance with this directive.

Pursuant to section 3(3)(e) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby issue the above amendments to the Minister's Directive concerning the appointment of security police officers and extra-jurisdictional police officers.

Dated at Charlottetown in the Province of Prince Edward Island this *04* day of *July* 2012.


Honourable Janice Sherry
Minister of Environment, Labour and Justice and Attorney General

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1.0 APPOINTMENTS OF SECURITY POLICE OFFICERS

1.1 Definitions

In this Directive

1.1.1 “*Act*” means the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 and Regulations;

1.1.2 “appointee” means a security police officer appointed under the *Act*;

1.1.3 “employing authority” means the Director responsible for the Security Services Division of the University of Prince Edward Island;

1.1.4 “extra-jurisdictional commander” means
(i) the commanding officer, director general or commissioner of the provincial or territorial police force of another province or territory of Canada, or his or her designate, but does not include the Royal Canadian Mounted Police, or
(ii) the chief of police of a municipal or regional police force in another province or territory of Canada, or his or her designate;

1.1.5 “extra-jurisdictional police officer” means a police officer appointed and employed under the laws of another province or territory in Canada, but does not include a member of the Royal Canadian Mounted Police;

1.1.6 “local commander” means
(i) a chief of police appointed under the *Act* or his/her designate;
(ii) a commanding officer or a district commander of the RCMP or his/her designate.

1.1.7 “Manager” means Manager of Policing Services, Department of Environment, Labour and Justice, province of Prince Edward Island;

1.1.8 “Minister” means the Minister of Environment, Labour and Justice and Attorney General of Prince Edward Island;

1.1.9 “police service” means
(i) the Provincial Police Service, where the Provincial Police Service is established under section 6(1) of the *Act*,
(ii) the Royal Canadian Mounted Police, where an agreement entered into under section 8(1) of the *Act* is in force, or
(iii) a police department recognized under the *Act*;

1.1.10 “security police officer” means a person appointed under section 46 of the *Act*.

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1.2 Authority

Police Act

- section 46 provides for appointment as a security police officer.

General Regulations

- section 5(3) sets out the provisions for an identification card;
- section 11 sets out the qualifications for a security police officer employed by the Security Services Division of the University of Prince Edward Island;
- section 15 sets out the Oath or Solemn Affirmation of Office.

Training Regulations

- section 3 prescribes the training requirements for a security police officer.

1.3 Purpose

The purpose of this Directive is to ensure:

- timely and consistent response to requests, under section 46 of the *Act*, for appointments of security police officers at the University of Prince Edward Island and for appointments of extra-jurisdictional police officers as security police officers;
- timely assistance and supervision is provided to extra-jurisdictional police officer(s) appointed under the *Act*.

1.4 Principles

This Directive gives effect to the following principles:

- appointees shall be in compliance with the requirements of the *Act*;
- the Minister needs to know:
 - (i) the purpose and the nature of the work carried out by appointees while conducting their duties under the *Act*, and
 - (ii) the risk to public safety as a result of appointees carrying out their duties;
- extra-jurisdictional police officers shall meet the appointment requirements of the jurisdiction of their employer;
- providing timely assistance to an extra-jurisdictional police officer is an essential component of ensuring public safety and the effective administration of justice;
- extra-jurisdictional police officer(s) shall be supervised by a local commander or his/her designate while conducting duties in Prince Edward Island.

2.0 Procedure for Appointment of Security Police Officers at the University of Prince Edward Island

2.1 The employing authority shall:

- (i) certify in Form 1A (Appendix 1) that the person who is requested to be appointed under the *Act*

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complies with section 46(3) of the *Act* and section 11 of the General Regulations; and
(ii) submit Form 1A to the Manager.

- 2.2 Upon the receipt of Form 1A from the employing authority, the Manager shall forthwith cause it to be presented to the Minister for consideration, pursuant to section 46(3)(a) of the *Act*. If the Minister, after due consideration, is not satisfied that the requested appointment is appropriate, notice of the decision shall be provided to the employing authority.
- 2.3 Upon appointment by the Minister and prior to commencement of the appointee's duties, the Manager shall forthwith provide Form 2A (Appendix 2) to the employing authority with a copy to the appointee.
- 2.4 The employing authority shall:
- (i) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 2A to the Commissioner of Oaths; and
 - (b) take the oath or solemn affirmation prescribed in section 15 of the General Regulations (Appendix 6);
 - (ii) request an identification card for the appointee in accordance with the section 46(6) of the *Act*; and
 - (iii) provide the appointee with a copy of the *Act* and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee:
 - (a) is provided a copy of and understands the Code of Professional Conduct and Discipline and the adopted Use of Force Model; and
 - (b) is compliant with section 3 of the Training Regulations and the Minister's Directive on Police Training.
- 2.5 Upon suspension or termination of employment as a security police officer, the employing authority shall forthwith inform the Manager, in writing, of:
- (i) the duration and cause of the suspension and the expected date of reinstatement, or
 - (ii) the effective date of termination of employment.
- 3.0 Procedure for Appointment of an Extra-Jurisdictional Police Officer as a Security Police Officer**
- 3.1 Upon a local commander receiving a request from an extra-jurisdictional commander or his/her designate for appointment of an officer under the *Act*, the local commander shall:
- (i) request the extra-jurisdictional police commander to provide the following information:
 - (a) name and rank of the officer to be appointed;
 - (b) the duration of the requested appointment;
 - (c) name, telephone number (s) and email address of the immediate supervisor of the officer to be appointed;
 - (d) if authorization of use of restricted or prohibited weapons is being

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- requested, confirmation that all certifications and training levels required for use of such weapons are current;
- (e) the law or statute which is being investigated;
 - (f) a general description of the officer's proposed duties in Prince Edward Island;
 - (g) an assessment of the risks associated with the officer's duties, including the possibility of firearms being used;
 - (h) a completed Undertaking of an Extra-Jurisdictional Police Officer (Appendix 3);
 - (i) location where the duties are to be carried out in Prince Edward Island;
 - (j) in the case of an operation or investigation, the name of each target of the operation or investigation, if known;
 - (k) whether the duties might require a designation to be made under section 25.1 of the *Criminal Code* or a certification made under section 55(2.1) of the *Controlled Drugs and Substances Act*; and
 - (l) any other information which may be required to evaluate the request.
- (ii) evaluate the merit of the request and if he/she decides an appointment under the Act
- (a) is not warranted, inform the extra-jurisdictional commander of the decision, or,
 - (b) is warranted, as soon as practicable (at least 7 calendar days is optimal) before an appointment is required, submit to the Manager a written report including the following information:
 - a. the information collected as per section 3.1(i)(a – l) herein;
 - b. recommendations regarding:
 - i. use of restricted or prohibited weapons;
 - ii. whether the extra-jurisdictional police officer(s) should be escorted by a police officer while carrying out his/her duties;
 - c. name, rank , and, police service of person who will be providing overall supervision of the extra-jurisdictional police officer during the term of the appointment;
 - d. confirmation that the local commander(s), where the extra-jurisdictional police officer will be carrying out his/her duties, are aware and in agreement with the proposed activity in their jurisdiction(s);
 - e. confirmation that the duties cannot be reasonably carried out without an appointment under the *Act*;
 - f. any other information related to the request which the Minister should consider.

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- 3.2 Upon the receipt of a completed written report from the local commander, the Manager shall forthwith cause it to be presented to the Minister for consideration, pursuant to section 46(3)(b) of the *Act*. The Minister after due consideration:
- (i) if not satisfied that the requested appointment is appropriate, shall ensure notice of the decision is provided to the local commander; or
 - (ii) will appoint the extra-jurisdictional police officer using Form 4A (Appendix 4)
- 3.3 Upon receiving notice of the appointment, the local commander or his/her designate shall:
- (i) inform the extra-jurisdictional commander of the decision;
 - (ii) oversee the transfer of weapons in and out of Prince Edward Island's jurisdiction as required;
 - (iii) arrange for the appointee upon arrival to be escorted by a police officer to present before a Commissioner of Oaths and take the oath or solemn affirmation pursuant to section 46(5) of the *Act* and prescribed in section 15 of the General Regulations (copy in Appendix 6);
 - (iv) take reasonable steps to ensure the appointee understands the terms, conditions and restrictions of his/her appointment under the *Act*;
 - (v) inform the appointee of the relevant sections of the *Act* and Regulations, including:
 - (a) the Code of Professional Conduct and Discipline, and
 - (b) adopted Use of Force Model;
 - (vi) supervise and provide appropriate direction to the appointee regarding carrying out his/her duties;
 - (vii) ensure other local commanders are notified and provide authorization immediately prior to the commencement of duties in their jurisdictions. If it is impractical to obtain authorization in advance, the appointee should do so as soon as reasonably possible after the first duty is performed;
 - (viii) ensure the appointee has available his/her letter of appointment at all times while conducting duties and produces the letter of appointment and his/her identification card, issued by his/her employer, as per the intent of section 46(8) of the *Act*;
 - (ix) provide direction respecting how duties are to be carried out;
 - (x) notify the Manager, in writing, of the conclusion of duties under the appointment and notify of any instances where the appointee was required to use force in the exercise of his/her duties while appointed under the *Act*; and
 - (xi) provide to the Minister, as soon as practicable, an investigation report regarding any incidents of use of force during the period of appointment, in which the appointee was involved.
- 3.4 The appointee shall:
- (i) comply with the *Act*;
 - (ii) comply with the direction of the local commander;
 - (iii) notify the local commander when duties are completed or appointment is no longer required; and
 - (iv) provide a written report forthwith to the local commander regarding any incidents of use of force while appointed under the *Act*.

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3.5 **Revocation of Appointment**

- 3.5.1 Pursuant to section 46(4) of the Act, the local commander shall describe forthwith, in writing, the reason(s) and request the Manager to arrange for the Minister to revoke an appointment at an earlier date if the appointee:
- (i) fails to comply with direction given by the local commander;
 - (ii) fails to comply with the Act;
 - (iii) fails to comply with a condition imposed on the appointment; or
 - (iv) it is no longer appropriate in the circumstances for the appointee to have powers and responsibilities under the Act.
- 3.5.2 Pursuant to section 3(4) of the Act, in exigent circumstances, the Minister hereby delegates the authority to revoke an extra-jurisdictional police officer appointment to any of the following department employees:
- Deputy Minister of Environment, Labour and Justice ;
 - Director of Community Safety and Justice Policy; or
 - Policing Services Manager
- 3.5.3 In exigent circumstances, upon a local commander providing to a delegated department employee sufficient cause to revoke an appointment, the delegated department employee shall revoke the appointment and provide written notice to the appointee and provide a copy of the notice to the extra-jurisdictional commander, the local commander and the other department employees listed in section 3.5.2 herein.

3.6 **Appointment in exigent circumstances**

- 3.6.1 Pursuant to section 3(4) of the Act, in exigent circumstances, the Minister hereby delegates the authority to appoint an extra-jurisdictional police officer to any of the following department employees:
- Deputy Minister of Environment, Labour and Justice ;
 - Director of Community Safety and Justice Policy; or
 - Policing Services Manager
- 3.6.2 The local commander requesting the appointment shall:
- (i) comply with section 3.1 herein;
 - (ii) include, in the report specified in section 3.1(ii) (b) herein, a general description of the exigent circumstances requiring the appointment; and
 - (iii) present the written report to any of the Minister's delegates listed in section 3.6.1 herein.
- 3.6.3 The Minister's delegate, after due consideration shall:
- (i) if not satisfied that the requested appointment is appropriate, ensure notice of the decision is provided to the local commander; or
 - (ii) appoint the extra-jurisdictional police officer using Form 5A (Appendix 5) and provide

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a copy of the appointment to the other department employees listed in 3.6.1.

- 3.6.4 The local commander upon receiving notice of the appointment in Form 5A (Appendix 5) shall comply with sections 3.3 and 3.5 herein.
- 3.6.5 The appointee shall comply with section 3.4 herein.

4.0 Review of appointment procedures

- 4.1 The Policing Services Manager shall meet annually with each chief of police or his/her designate and shall review compliance with this directive.
- 4.2 The Policing Services Manager shall meet annually with the Director of Facilities Management, University of Prince Edward Island or his/her designate and shall review compliance with this directive.
- 4.3 The Policing Services Manager shall meet annually with the Commanding Officer of RCMP "L" Division or his/her designate and shall review compliance with this directive.

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APPENDIX 1**FORM 1A****Request for Appointment of a Security Police Officer (University of Prince Edward Island)
pursuant to section 46 of the *Police Act***

I certify that the following person:

[given names and surname of appointee] [appointee date of birth] [appointee service number]

1. is employed by the Security Services Division of the University of Prince Edward Island; and
2. meets the requirements of section 46(3)(a) of the *Police Act* and section 8(1) of the General Regulations;

I request the noted person(s) be appointed as a security police officer effective_____.

Dated at Charlottetown in the Province of Prince Edward Island this _____day of
_____20__.

Director, Facilities Management, University of Prince Edward Island

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APPENDIX 2**FORM 2A****Appointment****Security Police Officer
(University of Prince Edward Island)**

Pursuant to section 46(1), (2), and (3)(a) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby appoint the following person to exercise all of the the authority, responsibility and duty of a security police officer as set out in section 46(9) of the *Police Act*:

Name: - Date of Birth: - Service Number

The aforementioned appointee is permitted to carry the following restricted and/or prohibited weapons as defined by the *Criminal Code*: oleoresin capsicum spray.

The appointment is in effect from [date] until his/her employment as a security police officer is suspended, employment as a security police officer with the University of Prince Edward Island is terminated or the appointment is revoked by the Minister.

Dated at Charlottetown in the Province of Prince Edward Island this _____ day of _____, 20__.

Minister of Environment, Labour and Justice and Attorney General
Province of Prince Edward Island

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APPENDIX 3**FORM 3A****Undertaking of an Extra-Jurisdictional Police Officer**

I, [name, rank, DOB], am a peace officer and member of the [name police service] Police Service. I have been a peace officer for the past years. My immediate supervisor is: [name and rank] telephone: e-mail: . I have received all the required training and security clearances required by my employer.

I undertake to:

1. report to [name of the local commander (or his/her designate) responsible for overall supervision of myself while conducting my duties in Prince Edward Island]; and
 - a. comply with his/her directions; and
 - b. notify him/her when my duties are concluded.
2. conduct my duties in compliance with the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1; and
3. provide forthwith a written report to , the local commander, regarding any incident when I was required to use force in conducting my duties while appointed under the *Police Act*.

I undertake to notify , local commander, of my date of departure from Prince Edward Island and/or the completion of my duties.

I acknowledge that failure to comply with the direction of the Minister of Environment, Labour and Justice and Attorney General, Province of Prince Edward Island, while I am conducting my duties in Prince Edward Island, will result in a revocation of the appointment and notification of my supervisor at my place of employment.

Dated this day of 20 at in the Province of .

Witness

Extra -Jurisdictional Police Officer

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APPENDIX 4**FORM 4A****Appointment****Security Police Officer
(Extra-Jurisdictional Police Officer)**

Pursuant to section 46(1),(2), and (3)(b) of the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1, I hereby appoint the following person to exercise all of the authority, responsibility and duty of a security police officer as set out in section 46(9) of the *Police Act*:

Name: - Date of Birth: - Service Number:

The appointee is a sworn peace officer with the [xxx] Police Department, [city/town], [province]

The appointee will conduct the following duties: [description of duties as per report of the local commander]

The appointee is not permitted to use restricted and/or prohibited weapons as defined by the *Criminal Code*.

OR

The appointee is permitted to use the following restricted and/or prohibited weapons as defined by the *Criminal Code*:

Prior to commencing duties in Prince Edward Island, the appointee is directed to report in person to (name of the local commander supervising the appointee), who will supervise the appointee, and the appointee shall comply with the local commander's direction during the term of the appointment.

The appointee shall comply with the *Police Act* and Regulations.

Unless otherwise revoked, the appointment as a security police officer will be in effect from [date to date].

Dated at Charlottetown in the Province of Prince Edward Island this ____ day of _____ 20__.

Minister of Environment, Labour and Justice and Attorney General
Province of Prince Edward Island

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APPENDIX 5**FORM 5A****Exigent Appointment****Security Police Officer
(Extra-Jurisdictional Police Officer)**

As authorized by the Minister pursuant to section 3(4) of the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1, I hereby appoint the following person to exercise all of the authority, responsibility and duties of a security police officer as set out in section 46(9) of the *Police Act*:

Name: - Date of Birth: - Service Number:

The appointee is a sworn peace officer with the [xxx] Police Department, [city/town], [province]

The appointee will conduct the following duties: [description of duties as per report of the local commander]

The appointee is not permitted to use restricted and/or prohibited weapons as defined by the *Criminal Code*.

OR

The appointee is permitted to use the following restricted and/or prohibited weapons as defined by the *Criminal Code*:

Prior to commencing duties in Prince Edward Island, the appointee is directed to report in person to [name of the local commander supervising the appointee], who will supervise the appointee, and the appointee shall comply with the local commander's direction during the term of the appointment.

The appointee shall comply with the *Police Act* and Regulations.

The appointment as a security police officer will be in effect from [(time and date) to (time and date)].

Dated at _____ in the Province of Prince Edward Island this __day of _____ 20__.

[Deputy Minister / Director, Community Safety
and Justice Policy / Policing Services Manager]
Department of Environment, Labour and Justice
Province of Prince Edward Island

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APPENDIX 6**Oath or Affirmation of Office****C A N A D A****PROVINCE OF PRINCE EDWARD ISLAND****COUNTY OF _____****(CITY/TOWN) OF _____**

I, _____, born _____ (date),
 having been appointed as a _____ (chief officer,
 police officer, security police officer, auxiliary constable, director,
 instructing officer, police cadet, or civilian instructor) of the
 _____ (name of police service or agency) do solemnly
 swear/affirm (*select one*) that I will diligently, faithfully, and impartially
 perform all the duties of my appointment according to law and I will not,
 except in the discharge of my duties, disclose to any person any matter of
 evidence that may come to my notice during this appointment, so help
 me God/I so affirm (*select one*).

Appointee

SWORN BEFORE ME AT _____
IN THE COUNTY OF _____, PROVINCE OF
PRINCE EDWARD ISLAND,
THIS _____, DAY OF _____ 20____

Commissioner of Oaths