



# **BILL NO. 146**

*Government Bill*

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*1st Session, 59th General Assembly  
Nova Scotia  
54 Elizabeth II, 2005*

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## **An Act to Facilitate Interjurisdictional Policing in Certain Circumstances**

CHAPTER 4  
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
MAY 19, 2005**

The Honourable Michael G. Baker, Q.C.  
*Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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# **An Act to Facilitate Interjurisdictional Policing in Certain Circumstances**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Cross-border Policing Act*.

## PART I

### INTERPRETATION

- 2 In this Act,
- (a) “appointing official” means a person designated under Section 35;
  - (b) “extra-provincial commander” means
    - (i) the commanding officer, director general or commissioner of the provincial police force of another province of Canada, or his or her designate, or
    - (ii) the chief of police of a municipal or regional police force from another province of Canada, or the chief’s designate;
  - (c) “extra-provincial police officer” means a police officer appointed or employed under the law of another province of Canada, but does not include a member of the Royal Canadian Mounted Police;
  - (d) “local commander” means
    - (i) the chief officer of a municipal police department,
    - (ii) the senior officer of any local detachment or other division of the Nova Scotia Provincial Police,
    - (iii) the senior officer of a local RCMP detachment,
    - (iv) the commanding officer of a law enforcement body designated by regulation as a Nova Scotia police force, or
    - (v) any other person designated as a local commander by regulation;
  - (e) “local RCMP detachment” means a detachment of the Royal Canadian Mounted Police that is responsible for providing policing services to a specified area of the Province;
  - (f) “Minister” means the Minister of Justice;
  - (g) “Nova Scotia police force” means
    - (i) a municipal police department in the Province,
    - (ii) the Nova Scotia Provincial Police, or
    - (iii) a law enforcement body designated as a Nova Scotia police force by regulation;

(h) “Nova Scotia police officer” means a police officer appointed to, or employed by, a Nova Scotia police force.

## PART II

### STANDARD APPOINTMENT PROCEDURE

**3** An appointing official may appoint an extra-provincial police officer as a police officer in the Province for a period of not more than one year in accordance with this Part.

**4 (1)** An extra-provincial commander may request that a police officer under his or her command be appointed as a police officer in the Province so that the officer has the powers and protections of a police officer while performing police duties in the Province.

**(2)** A request must be made in writing to an appointing official.

**(3)** A request must include the following information:

(a) the name, rank and police force of the officer to be appointed;

(b) the duration of the requested appointment;

(c) the name, rank, police force and telephone number of the immediate supervisor of the officer to be appointed;

(d) a general description of the duties that are to be carried out by the officer in the Province and, in the case of an operation or investigation, the name, full address and date of birth of each person who is a subject of the operation or investigation, if known;

(e) where the officer is expected to perform the duties;

(f) an assessment of the risks associated with the officer’s duties in the Province, including the possibility of firearms or other weapons being used; and

(g) whether the duties might require a designation to be made under section 25.1 of the *Criminal Code* (Canada) or certification made under subsection 55(2.1) of the *Controlled Drugs and Substances Act* (Canada).

**5** An appointing official may ask the extra-provincial commander for any additional information about the request that the appointing official considers necessary, and may deny the request if the information is not provided.

**6** Before deciding whether to make the requested appointment, an appointing official shall review the request with the local commander of any Nova Scotia police force or local RCMP detachment that the appointing official believes would be affected if the appointment were made.

**7** Within seven days after receiving a request, an appointing official shall either make the requested appointment or advise the extra-provincial commander, in writing, that the request has been denied.

**8 (1)** An appointing official may make the requested appointment if the official is of the opinion that it is appropriate in the circumstances.

**(2)** An appointment must be made in a form approved by the Minister.

**(3)** An appointing official may impose conditions on an appointment, which conditions must be set out on the appointment form.

**9** As soon as reasonably possible, but no later than five days after making an appointment, the appointing official shall provide a copy of the appointment form to the appointee and the appointee's extra-provincial commander.

**10** An appointment is not effective until the appointee receives a copy of the appointment form from the appointing official.

**11 (1)** As soon as reasonably possible, but no later than five days after making an appointment, the appointing official shall provide the Minister with written notice of the appointment.

**(2)** The notice must contain the following information:

(a) the name and rank of the appointee and the name and address of the appointee's police force;

(b) the duration of the appointment; and

(c) the reason for the appointment.

### PART III

#### APPOINTMENT IN URGENT CIRCUMSTANCES

**12** A local commander may appoint an extra-provincial police officer as a police officer in the Province for a period of not more than seventy-two hours in accordance with this Part.

**13 (1)** An extra-provincial police officer may request appointment as a police officer in the Province if the officer

(a) wishes to have the powers and protections of a police officer while participating in an operation or investigation in the Province; and

(b) believes that the operation or investigation could be compromised by the delay that would result from requiring the request to be made under Part II.

**(2)** Where it is impractical for the extra-provincial police officer to make the request, the officer's immediate supervisor may request the appointment on behalf of the officer.

**(3)** A request must be made to the local commander of the Nova Scotia police force or local RCMP detachment providing policing services in the area where the investigation or operation is expected to be conducted and may be made orally or in writing.

**(4)** A request must include the information required under subsection 4(3) and an explanation of how the operation or investigation could be compromised by the delay that would result from requiring the request to be made under Part II.

**14** A local commander may ask an extra-provincial police officer and the officer's immediate supervisor for any additional information about the request that the local commander considers necessary, and may deny the request if the information is not provided.

**15** As soon as reasonably possible but not later than twenty-four hours after receiving a request, a local commander shall either make the requested appointment or advise the requesting officer that the request has been denied.

**16 (1)** A local commander may make the requested appointment if the local commander is of the opinion that

- (a) it is appropriate in the circumstances for the appointment to be made; and
- (b) the delay that would result from requiring a request to be made under Part II could compromise the operation or investigation.

**(2)** An appointment must be made in a form approved by the Minister.

**(3)** The local commander may impose conditions on the appointment, which conditions must be set out on the appointment form.

**17** As soon as reasonably possible after making an appointment, the local commander shall provide a copy of the appointment form to the appointee.

**18** Subject to Section 19, an appointment is not effective until the appointee receives a copy of the appointment form from the appointing official.

**19 (1)** A local commander who is of the opinion that it is impractical to provide the appointee with a copy of the appointment form before the appointee requires the powers and protection of a police officer in the Province may make the appointment effective immediately by

- (a) indicating on the appointment form
  - (i) that the appointment is effective immediately, and
  - (ii) the time when the appointment is made; and
- (b) giving oral confirmation of the appointment to the appointee, including the times when the appointment is effective and expires, and any conditions imposed on it.

**(2)** Where a request for appointment was made under subsection 13(2), oral confirmation of the appointment may be given to the appointee's immediate supervisor.

**20** Within three days after making an appointment under Section 12, the local commander shall provide an appointing official with a copy of the appointment form and all information provided to the commander in support of the request for the appointment.

**21** As soon as reasonably possible after receiving a copy of the appointment form under Section 20, the appointing official shall

- (a) provide the appointee's extra-provincial commander with a copy of the appointment form; and
- (b) provide the Minister with written notice of the appointment that meets the requirements of subsection 11(2).

**22 (1)** At the request of the appointee or the appointee's immediate supervisor, the local commander may renew an appointment made under this Part for a period of not more than seventy-two hours if

- (a) a request for an appointment under Part II has been made in respect of the appointee; and
- (b) a decision to approve or deny that request has not been made.

**(2)** Sections 13 to 21 apply to the renewal of an appointment made under this Part, with necessary changes.

**(3)** An appointment made under this Part may be renewed more than once, as long as the conditions in subsection (1) are satisfied.

## PART IV

### APPOINTEE'S DUTIES AND STATUS

**23 (1)** Before performing any police duties in an area of the Province, an appointee shall give notice to the local commander of the Nova Scotia police force or local RCMP detachment that provides policing services to that area, unless the duties are of a routine nature that are unlikely to affect the policing services provided by the force or detachment.

**(2)** The notice referred to in subsection (1) must include a general description of the duties that are to be carried out by the appointee and all conditions imposed on the appointment.

**(3)** Where it is impractical for the appointee to give notice to the local commander before performing duties in the area, the appointee shall do so as soon as practical after starting to perform the duties.

**24** An appointee shall comply with any direction from a local commander respecting how the appointee is to perform duties while in the area in which the commander's force or detachment provides policing services.

**25 (1)** An appointing official may terminate an appointment before it expires if the appointing official is of the opinion that

- (a) the appointee has failed to
  - (i) comply with this Act,
  - (ii) comply with a condition imposed on the appointment, or

- (iii) act in a professional manner at any time while in the Province; or
  - (b) it is no longer appropriate in the circumstances for the appointee to have the powers and protections of a police officer in the Province.
- (2) An appointing official shall provide written notice of termination of an appointment to
- (a) the appointee;
  - (b) the appointee's extra-provincial commander; and
  - (c) the Minister.
- (3) An appointment is terminated when the appointee receives a copy of the notice of termination.
- (4) Where an appointing official terminates an appointment pursuant to clause (1)(a), the appointing official shall notify the Attorney General or Minister of Justice for the province of Canada in which the appointee is employed or appointed as a police officer of the termination of the appointment and the reason for the termination.
- (5) Where it is impractical for an appointing official to give notice of termination of an appointment to the appointee pursuant to clause (2)(a), the appointing official may advise the appointee's extra-provincial commander that it is impractical and may provide that notice to the appointee's extra-provincial commander and, notwithstanding subsection (3), the appointment is terminated when the appointee's extra-provincial commander advises the appointee that the appointment is terminated.

**26 (1)** An appointee who ceases to require the powers and protections of a police officer in the Province before the appointee's appointment expires shall surrender the appointment by written notice to an appointing official.

**(2)** The appointing official who receives written notice of surrender of an appointment shall provide the Minister with a copy of the notice.

**27** While an appointment is in effect, the appointee has, throughout the Province, all the powers and protections that a Nova Scotia police officer has under the *Police Act*, subject to any conditions imposed on the appointment.

## PART V

### OVERSIGHT OF NOVA SCOTIA POLICE OFFICERS IN OTHER JURISDICTIONS

**28** This Part applies to a Nova Scotia police officer who has been appointed as a police officer or peace officer in another province of Canada.

**29** Where an investigation, hearing or inquest is held under authority of a statute in another province of Canada to examine



- (a) the conduct of a Nova Scotia police officer who was appointed as a police officer or peace officer in the other jurisdiction; or
- (b) the operation or investigation that led the officer to be appointed as a police officer or peace officer in the other jurisdiction,

the officer shall co-operate with an investigator and appear before any inquest or hearing, subject to the rights and privileges that a police officer from the other jurisdiction would have in the same situation.

**30** Where a Nova Scotia police officer is involved in an investigation, hearing or inquest referred to in Section 29, the Nova Scotia police force of which the officer is a member shall disclose and provide to the investigator, inquest or hearing any relevant documents in its possession, subject to any rights and privileges that a police force from that other jurisdiction would have in the same situation.

**31** A Nova Scotia police officer who has been appointed as a police officer or peace officer in another province of Canada is subject to investigation and discipline in the Province under the *Police Act* with respect to the officer's conduct in the other jurisdiction, as if the conduct took place in the Province, even if an investigation, hearing or inquest referred to in Section 29 has been held in the other jurisdiction.

**32** No statement or evidence given by a Nova Scotia police officer in an investigation, hearing or inquest referred to in Section 29 is admissible without the officer's consent in

- (a) an investigation or hearing of a complaint under the *Police Act*; or
- (b) internal disciplinary proceedings conducted by the officer's Nova Scotia police force.

## PART VI

### INDEMNIFICATION

**33** Subject to an agreement under clause 34(a), a Nova Scotia police force shall indemnify a police force from another province of Canada against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred in respect of a civil, criminal or administrative action or proceeding if

- (a) the police force from that other jurisdiction is a party to the action or proceeding; and
- (b) the action or proceeding arises out of the actions of a member of the Nova Scotia police force while the member was appointed as a police officer or peace officer in that other jurisdiction.

**34** A Nova Scotia police force may enter into an agreement regarding indemnification for costs arising out of

- (a) the appointment of a Nova Scotia police officer as a police officer or peace officer in another province of Canada;

(b) the appointment of an extra-provincial police officer as a police officer in the Province.

## PART VII

### GENERAL

**35** The Minister may designate a local commander to act as an appointing official.

**36** A local commander may delegate the commander's powers under this Act to a police officer under his or her command.

**37** Nothing in this Act affects the common law regarding hot pursuit.

**38** Nothing in this Act limits or affects the power to appoint peace officers or special constables under another Act.

**39 (1)** The Governor in Council may make regulations

(a) designating a person as a local commander for the purpose of subclause 2(d)(v);

(b) designating a law enforcement body as a Nova Scotia police force for the purpose of subclause 2(g)(iii);

(c) defining any word or expression used but not defined in this Act;

(d) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**40** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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