



BILL NO. 1

Government Bill

*3rd Session, 63rd General Assembly
Nova Scotia
70 Elizabeth II, 2021*

An Act Respecting the Management of Police Identity to Prevent Unlawful Activity

CHAPTER 8
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 19, 2021**

The Honourable Randy Delorey
Minister of Justice

*Halifax, Nova Scotia
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An Act Respecting the Management of Police Identity to Prevent Unlawful Activity

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Police Identity Management Act*.

2 The purpose of this Act is to increase public safety by preventing the use, possession, sale and fabrication of police articles, police uniforms, police-vehicle markings and police-vehicle equipment to further unlawful activity.

3 In this Act,

(a) “Minister” means the Minister of Justice;

(b) “police agency” includes

(i) an “agency” as defined in the *Police Act*, and

(ii) an equivalent agency of another province of Canada;

(c) “police article” means a crest, badge, emblem, design or other distinguishing article currently used by a police agency, and includes such other items as may be prescribed that are used, worn or carried by a member of a police agency to identify an individual as a police officer;

(d) “police officer” means a peace officer who is a member of a police agency;

(e) “police uniform” means distinctive clothing or equipment that

(i) is issued by a police agency to be worn by a police officer while on duty,

(ii) has a colour scheme, pattern or style that makes the person wearing it readily identifiable as a police officer, and

(iii) is currently used by a police agency,

but does not include a ceremonial uniform;

(f) “police-vehicle equipment” includes prisoner partitions, police-vehicle computers and associated audiovisual components and other interior and exterior equipment used only by a police agency for its vehicles;

(g) “police-vehicle marking” means the marking, signage, decals and blue lightbar placed on a vehicle that identifies the vehicle as a marked police vehicle;

(h) “prescribed” means prescribed by the regulations;

(i) “sell” includes offer for sale, expose for sale, have in possession for sale, distribute, give, transfer, lend, send or otherwise dispose of, whether or not for consideration;

(j) “unserviceable” means permanently altered such that a police article or police uniform could not reasonably be confused with a police article or police uniform;

(k) “vehicle” means a vehicle that is driven otherwise than by muscular power and includes a motor-driven cycle, regardless of whether the motor is engaged.

4 (1) No person, other than

- (a) a police officer; or
- (b) a person who has permission from the chief officer of the police agency,

shall use a police article, police uniform or police-vehicle marking or police-vehicle equipment.

(2) Subsection (1) does not apply if the use of a police article, police uniform or vehicle with police-vehicle marking or police-vehicle equipment is only for the purpose of

- (a) a museum collection or exhibit;
- (b) a dramatic work;
- (c) vehicle repair by an authorized mechanic;
- (d) the decommissioning of a police vehicle; or
- (e) a prescribed use.

5 No person shall display the word “police” either alone, as part of a word or in conjunction with any other words, on a uniform, an article of clothing, an insignia or a vehicle or another sign or symbol if the display of the word “police” might mislead the public or a member of the public into believing that the person displaying the word or causing the word to be displayed is a police officer or is empowered to exercise the powers of a police officer or powers that are similar to the powers of a police officer unless the person is a member of a police agency.

6 (1) Subject to subsections (2) to (4), no person shall possess police articles or police uniforms.

(2) The following persons may possess police articles or police uniforms:

- (a) a police officer;
- (b) a police cadet training to be a police officer and acting in the course of the cadet’s duties;
- (c) a police academy;
- (d) an auxiliary police officer in the course of that officer’s duties as authorized under the *Police Act*;
- (e) a business that fabricates, sells or distributes police articles or police uniforms;
- (f) civilian employees of police agencies who manage the purchase, issuance and collection of police articles and police uniforms; and
- (g) such persons as may be prescribed.

(3) A person who is in possession of police articles or police uniforms at the time this Act comes into force may continue to possess the articles or uniforms only if they have been rendered unserviceable in accordance with Section 11.

(4) A person may possess police articles and police uniforms if the possession is for the purpose of a museum collection or exhibit or a dramatic work and the possession is only for the duration of the collection, exhibition or work.

(5) When an exemption in subsection (2) ceases to apply, a person who is in possession of police articles or police uniforms shall return such articles or uniforms to their source of origin if that source of origin is still authorized to possess them pursuant to subsection (2) or present them to a police agency within 14 days for disposal or destruction.

(6) Where a person authorized to possess police articles or police uniforms becomes aware that the articles or uniforms are lost or stolen, that person shall report the loss or theft to a police agency within 14 days of becoming aware of the loss or theft.

7 (1) Subject to subsection (2), no person, other than

(a) a police officer;

(b) a business that fabricates, sells or distributes police-vehicle markings or police-vehicle equipment;

(c) a business that decommissions police vehicles; or

(d) such other persons as may be prescribed,

shall possess police-vehicle markings or police-vehicle equipment.

(2) A person may possess police-vehicle markings or police-vehicle equipment where the possession is for a purpose described in subsection 4(2) and the possession is only for the duration of that purpose.

8 (1) No person shall sell police articles, police uniforms, police-vehicle markings or police-vehicle equipment unless the purchaser is authorized to possess the article, uniform or vehicle markings or equipment pursuant to subsection 6(2) or (4) or Section 7.

(2) A purchaser of a police article, police uniform, police-vehicle marking or police-vehicle equipment shall provide evidence satisfactory to the seller that the purchaser is authorized to use or possess the article, uniform or vehicle marking or equipment pursuant to this Act.

9 (1) No person shall fabricate, directly or indirectly, by any means, police articles, police uniforms, police-vehicle markings or police-vehicle equipment unless the person is authorized pursuant to this Act and fabrication is done to sell the articles, uniforms or vehicle markings or equipment for consideration to a purchaser authorized to use or possess the article, uniform or vehicle marking or equipment pursuant this Act.

(2) Subsection (1) does not apply to the fabrication of a police article, police uniform, police-vehicle marking or police-vehicle equipment if the fabrication is for the purpose of a dramatic work.

10 (1) Subject to subsection (2), a police agency may not sell a police vehicle until

(a) all police-vehicle markings have been removed and any remaining imprint has been removed or distorted; and

(b) all police-vehicle equipment has been removed.

(2) A police agency may sell or donate a police vehicle with police-vehicle markings or police-vehicle equipment to a police academy for training purposes.

(3) Items removed from a police vehicle under subsection (1) may only be sold as permitted by subsection 8(1).

11 (1) Every police agency must have an asset management and disposal policy for police articles, police uniforms, police-vehicle markings and police-vehicle equipment that includes

(a) for articles and uniforms,

(i) the process for tracking issued articles and uniforms and lost, stolen and damaged items,

(ii) the name of the individual responsible for managing articles and uniforms, and

(iii) the process and requirements for issuing articles or uniforms to former police officers; and

(b) for vehicle markings and equipment,

(i) the process for tracking vehicle markings and equipment, including their re-use and the destruction of obsolete or redundant items, and

(ii) the name of the individual responsible for managing vehicle markings and equipment.

(2) The asset management and disposal policy prepared for the purpose of subclause (1)(a)(iii) must

(a) require police articles and police uniforms issued to former police officers to be rendered unserviceable unless otherwise prescribed;

(b) include a process for anyone in possession of police articles or police uniforms at the coming into force of this Act to forfeit the articles or uniforms or to have the articles or uniforms rendered unserviceable.

12 A police officer may, in accordance with the *Summary Proceedings Act*, obtain a warrant in the exercise of any of the powers under this Act.

13 Where

(a) a police officer has reasonable grounds to believe that a person is using, in possession of, fabricating or selling police articles, a police uniform, police-vehicle markings or police-vehicle equipment; and

(b) on request of the police officer, the person is unable to satisfy the police officer that the person is authorized to use, possess, fabricate or sell police articles, police uniforms, police-vehicle markings or police-vehicle equipment,

the police officer may, without a warrant, search that person including any personal property in the person's possession and seize any articles, uniforms, vehicle markings or equipment found.

14 (1) Where a police officer has seized police articles, a police uniform, police-vehicle markings or police-vehicle equipment in accordance with Section 12 or 13 the police officer may issue a notice of violation to that person.

(2) A notice of violation must include

- (a) the offence for which the notice is issued;
- (b) the date, time and location of the offence;
- (c) the name and identifying information of the person issued the violation;
- (d) a description of the items being forfeited; and
- (e) any other prescribed information.

(3) When a notice of violation is issued under subsection (1), the police officer shall inform the person named in the notice that

- (a) the person has the option of immediately forfeiting the police articles, police uniform, police-vehicle markings or police-vehicle equipment to Her Majesty in right of the Province by allowing the police officer to take possession of the articles, uniform, vehicle markings or equipment and those articles, uniforms, vehicle markings or equipment must be disposed of or otherwise dealt with as the Minister directs; and
- (b) upon forfeiting the police articles, police uniform, police-vehicle markings or police-vehicle equipment they are deemed seized by the police officer.

(4) Where a notice of violation is issued and the police articles, police uniform, police-vehicle markings or police-vehicle equipment is forfeited under subsection (3), no prosecution may be commenced respecting the matter referred to in the notice.

15 (1) Where the person named in an issued notice of violation has forfeited the police articles, police uniform, police-vehicle markings or police-vehicle equipment under subsection 14(3), that person may, within 30 days of the forfeiture, revoke the forfeiture by providing a written notice with the prescribed content.

(2) Notwithstanding the making of a revocation pursuant to subsection (1), the police officer who seized the police articles, police uniform, police-vehicle markings or police-vehicle equipment at the time of the forfeiture retains possession of the articles, uniform, vehicle markings or equipment.

(3) Where, anytime on or before the expiry of 30 days from the date of forfeiture, no revocation has been made in accordance with subsection (1), and a person is able to satisfy a police officer that the person is authorized to possess the police articles, police uniform, police-vehicle markings or police-vehicle equipment, the police officer shall without delay return the articles, uniform, vehicle markings or equipment to that person.

(4) Where a notice of violation is issued and police articles, a police uniform, police-vehicle markings or police-vehicle equipment is not forfeited under subsection 14(3), or a person gives notice of revocation under subsection (1), a police officer shall retain the seized articles, uniform, vehicle markings or equipment and the person may be prosecuted in accordance with this Act in the same manner as if the notice had not been issued.

16 (1) Where, within six months of a seizure under subsection 15(4), no person is charged with an offence under this Act or the regulations, a police officer shall make an application to a justice for an order that the police articles, police uniform, police-vehicle markings or police-vehicle equipment be forfeited to Her Majesty in right of the Province, to be disposed of or otherwise dealt with as the Minister directs.

(2) Notice of the application under subsection (1) must be given to the person from whom the police articles, police uniform, police-vehicle markings or police-vehicle equipment were seized and to the person authorized to possess the articles, uniform or vehicle markings or equipment, if that person exists and is known, not fewer than 30 days before the application is heard and in accordance with the regulations.

(3) Where, any time before the hearing of the application under subsection (2), a person is able to satisfy a police officer that the person is authorized to possess the seized police articles, police uniform, police-vehicle markings or police-vehicle equipment, the police officer shall without delay return the articles, uniform or vehicle markings or equipment to that person.

(4) Where a person has been charged with an offence under this Act or the regulations and

- (a) no conviction results from that charge;
- (b) all appeals have been exhausted or the time limit for appeals has expired, without an appeal having been taken; and
- (c) the person cannot be found or has not come to collect any police articles, police uniform, police-vehicle markings or police-vehicle equipment that have been seized from the person,

a police officer shall make an application to a justice for an order that the articles, uniform, vehicle markings or equipment be forfeited to Her Majesty in right of the Province, to be disposed of or otherwise dealt with as the Minister directs.

(5) Notice of an application made under subsection (4) must be given to the person from whom the police articles, police uniform, police-vehicle markings or police-vehicle equipment was seized and to the person authorized to possess the articles, uniform or vehicle markings or equipment, if that person exists and is known, not fewer than 30 days before the application is heard and in accordance with the regulations.

(6) Subject to subsection (7), where a person is convicted of an offence under this Act or the regulations, a justice shall order that any police articles, police uniforms, police-vehicle markings or police-vehicle equipment seized under this Act, in addition to any other penalty provided for by this Act, are forfeited to Her Majesty in right of the Province and disposed of or otherwise dealt with as the Minister directs, unless the person who is authorized to possess the articles, uniform or vehicle markings or equipment exists and is known in which case the justice may order the articles, uniform or vehicle markings or equipment be returned to that person.

(7) Where a person is convicted by way of summary offence ticket under the *Summary Proceedings Act* by payment of a fine in relation to a contravention of this Act or the regulations, any police articles, police uniform, police-vehicle markings or police-vehicle equipment seized under this Act must be forfeited to Her Majesty in right of the Province to be disposed of or otherwise dealt with as the Minister directs.

17 (1) A police officer who has seized police articles, a police uniform, police-vehicle markings or police-vehicle equipment with or without a warrant in accordance with Section 12 or 13 shall report the circumstances to a justice within 10 days after the seizure.

(2) A report in accordance with subsection (1) is not required if a person named in a notice of violation has forfeited the seized police articles, police uniform, police-vehicle markings or police-vehicle equipment to Her Majesty in right of the Province.

18 For greater certainty, nothing in this Act requires a police officer to issue a notice of violation before initiating a prosecution under this Act.

19 No action lies or proceedings may be brought against a police officer or any other person acting under the authority of this Act for any loss or damage suffered by a person because of an act or omission done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act.

20 No person shall provide false information to or obstruct a police officer who is exercising powers under this Act or a warrant issued for the purpose of enforcing this Act.

21 (1) An individual who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or imprisonment for not more than three months, or to both fine and imprisonment.

(2) A corporation that contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000.

(3) Where a corporation contravenes this Act or the regulations, a director or officer of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalties set out in subsection (1), whether or not the corporation has been prosecuted or convicted.

22 (1) The Minister may make regulations

(a) prescribing

(i) persons or classes who, and

(ii) events and situations in which persons or classes,

are permitted to possess or use police articles, police uniforms, police-vehicle markings or police-vehicle equipment;

(b) prescribing

(i) persons who, and

- (ii) situations in which persons,
 - are permitted to fabricate or sell police articles, police uniforms, police-vehicle markings or police-vehicle equipment;
 - (c) prescribing police articles, police uniforms, police-vehicle markings or police-vehicle equipment that are prohibited from use, possession, sale or fabrication;
 - (d) prescribing police articles, police uniforms, police-vehicle markings or police-vehicle equipment that are permitted to be used, possessed, sold or fabricated;
 - (e) prescribing the process for forfeiture and for rendering police articles and police uniforms unserviceable;
 - (f) exempting certain police articles, police uniforms, police-vehicle markings or police-vehicle equipment from the operation of this Act;
 - (g) respecting the form and content of notices;
 - (h) defining any word or expression used, but not defined in this Act;
 - (i) respecting any matter or thing the Minister considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

23 Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, is amended by adding immediately after Section 180, the following Section:

- 180A (1) The Governor in Council may
- (a) prescribe rules and regulations respecting the use, possession, sale and design of exterior vehicle equipment; and
 - (b) define any word or expression used in clause (a).

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

24 Section 69 of Chapter 31 of the Acts of 2004, the *Police Act*, is repealed.

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