

Extra-provincial Police Jurisdiction

Presented to:

Canadian Association for Civilian
Oversight of Law Enforcement

(Banff, Alberta – August 7th, 2003)

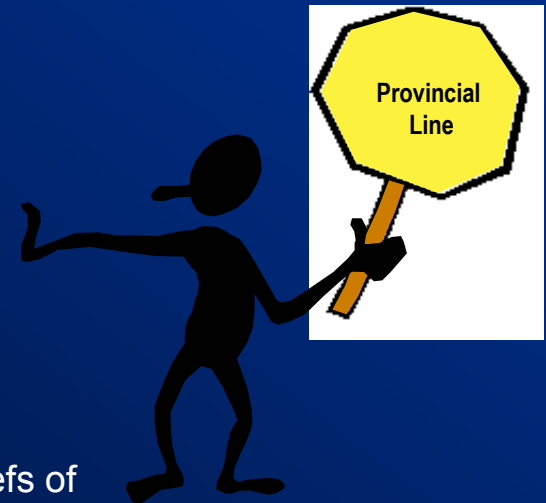
Presented by:

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Law Amendments Committee

Remember the old 1920's black and white movies showing the police car skidding to a stop in mid chase as the bad guys crossed the state line?

Although this scene is pure Hollywood, the issue has recently arisen with some significance in Canada.



The Issue

- Municipal and provincial police officers do not have the lawful authority to act as police officers outside of their province of appointment

History of the Issue

- First raised by Manitoba in 1998
- CACP to Minister of Justice in 1999
- Unclear whether Federal issue
- Research by Unified Law Conference of Canada
- ULCC charged with developing solution

Interprovincial Police Situations

- Administrative travel
- General police duties:
 - ◆ Investigations
 - ◆ Organized Crime/OMG
 - ◆ Terrorism cases
- Urgent cases
- Ongoing provincial border situations

Corrective Options

- Federal legislation
- Existing provincial legislation
- Administrative practices
- RCMP Supernumerary Constables
- Status quo
- Reciprocal provincial legislation

Proposed Solution

- Develop reciprocal “model” provincial legislation
- Present to Federal / Provincial / Territorial process
- Legislative Implementation
- Analogous to international treaty with individual state ratification

Process

- **2002/3 : Drafting by:**
 - CPPA
 - CACP
 - CAPB
 - CACOLE
 - Unified Law Conference of Canada
 - Justice Canada
 - Solicitor General of Canada
- **August 2003: Approved By ULCC**
- **Fall 2003: FPT process**

Overview of Draft Legislation

- Three subject areas:
- A mechanism to confer “police officer” status for out of province officers
- Civilian oversight of the extra jurisdictional officer
- Indemnification between police services

Draft Legislation: Topics

- Part 1: Definitions
- Part 2: Standard Appointment Process
- Part 3: Appointment in Urgent Circumstances
- Part 4: Appointee's Duties & Status
- Part 5: Police Oversight/Discipline
- Part 6: Indemnification
- Part 7: General Provisions

Application Process

Who:

- To an provincial appointing official
- By “police officer”
 - Currently appointed under federal, provincial or territorial law
 - Acting under the authority of his/her chief of police or commissioner

What:

- police officer status within the enacting province

When:

- One (1) Year / Renewals
- Decision mandatory within 7 days

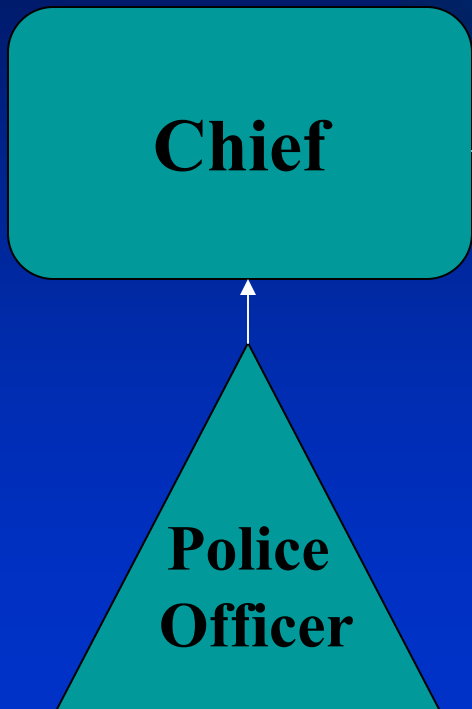
Application Contents

- Application must include:
 - ◆ Names of officer(s)
 - ◆ Duration of appointment
 - ◆ Name of supervisor
 - ◆ General description of the duties and target
 - ◆ Location(s) of the investigation
 - ◆ Assessment of risk
 - ◆ Intended use of section 25.1 designation
- **Appointing official must consider terms & conditions & report to Provincial Minister**

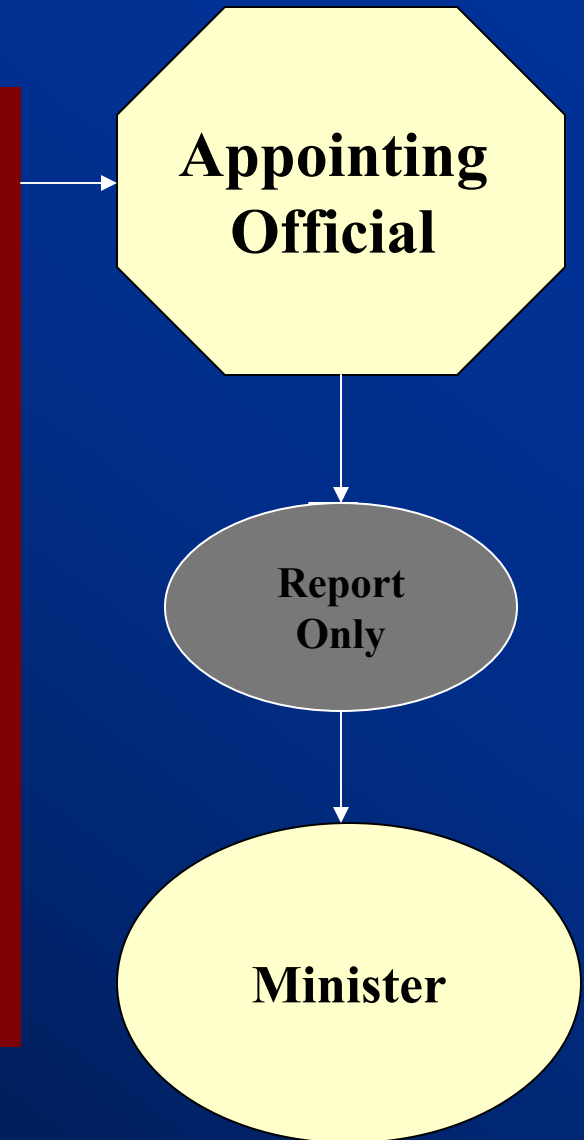
Home Province

Application

Host Province



- ◆ Names of officer
- ◆ Duration of the appointment
- ◆ Name of supervisor
- ◆ General description of duties and target
- ◆ Location(s) of the investigation
- ◆ Assessment of risk
- ◆ Intended use of section 25.1 designation



Urgent Circumstances

- Verbal application by police officer or supervisor to “local commander”
- Explanation for urgency
- Designation for up to 72 hours
- Imposition of conditions

Appointee's Responsibilities

- All powers and protections of a “police officer”
- Applies throughout the jurisdiction
- Requirement to notify local commander of nature of investigation, unless duties are routine
- Requirement to comply with local commander's requests

Oversight

- Appointee:
 - ◆ is subject to discipline only under the provincial oversight legislation in home province
 - ◆ Must cooperate with investigation and hearing in relation to conduct
- Investigation to be conducted by host police service

Civil Liability

- Agreement between police services
- Indemnification of the enacting police service by the extra jurisdictional police service

Hot Pursuit

- Not to be addressed in legislation
- Existing common law to remain

Work Plan

- **August 2003:** Brief all of the police organizations, CPPA, CACP, CAPB, CACOLE
- **Fall 2003:** Brief provincial officials and seek support from FPT process
- **2004:** Move towards the introduction of draft legislation in provincial legislatures.