



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

POLICE ACT CODE OF PROFESSIONAL CONDUCT AND DISCIPLINE REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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POLICE ACT
Chapter P-11.1

CODE OF PROFESSIONAL CONDUCT AND DISCIPLINE REGULATIONS

Pursuant to section 58 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council made the following regulations:

1. Definitions

- (1) In these regulations,
- (a) “**Act**” means the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;
 - (b) “**discipline authority**” means,
 - (i) in relation to a police officer of a police department, the chief officer of the police department, the municipal council responsible for the police department or its designate, or the Police Commissioner,
 - (i.1) in relation to a police officer appointed under subsection 14.4(1) of the Act, the chief officer appointed under subsection 14.4(2) of the Act or the Police Commissioner,
 - (i.2) in relation to the chief officer appointed under subsection 14.4(2) of the Act, the Police Commissioner,
 - (ii) in relation to an instructing officer, the Director of the Atlantic Police Academy or the Police Commissioner,
 - (iii) in relation to a security police officer employed by the University of Prince Edward Island, the person responsible for the management and supervision of the Security Services Division or his or her designate, or the Police Commissioner,
 - (iv) in relation to a chief officer of a police department, the municipal council responsible for the police department or its designate, or the Police Commissioner, and
 - (v) in relation to the Director, the President of Holland College or his or her designate or the Police Commissioner;
 - (c) “**police agency**” means a police department, the Atlantic Police Academy, or the Security Services Division of the University of Prince Edward Island;
 - (d) “**police officer**” means a member of a police department, a chief officer or police officer appointed under subsection 14.4 of the Act, an instructing officer of the Atlantic Police Academy, or the Director of the Atlantic Police Academy;

- (e) “**security police officer**” means a security police officer who is employed by the University of Prince Edward Island.

Code

- (2) For greater certainty, a reference in the Act or in these or other regulations made under the Act to the “Code of Professional Conduct and Discipline”, or to the “Code”, is a reference to these regulations. (EC142/10; 235/19)

STANDARDS OF CONDUCT

2. Standards of conduct

Every police officer and security police officer shall

- (a) respect the rights of all persons;
- (b) maintain the integrity of the law, law enforcement and the administration of justice;
- (c) perform his or her duties promptly, impartially and diligently, in accordance with the law and without abusing his or her authority;
- (d) avoid any actual, apparent or potential conflict of interest;
- (e) ensure that any improper or unlawful conduct of any police officer or security police officer is not concealed or permitted to continue;
- (f) be incorruptible, never accepting or seeking special privilege in the performance of his or her duties or otherwise placing himself or herself under any obligation that may prejudice the proper performance of his or her duties;
- (g) act at all times in a manner that will not bring discredit on his or her role as a police officer or security police officer; and
- (h) treat all persons or classes of persons equally, regardless of age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation or source of income. (EC142/10)

BREACHES OF THE CODE

3. Breach of the Code

A police officer or security police officer commits a breach of the Code if he or she does any of the following:

- (a) engages in discreditable conduct as described in section 4;
- (b) neglects his or her duties as described in section 5;
- (c) engages in deceitful behaviour as described in section 6;
- (d) improperly discloses information as described in section 7;
- (e) commits corrupt practice as described in section 8;
- (f) abuses his or her authority as described in section 9;
- (g) improperly uses and cares for a firearm as described in section 10;
- (h) damages police agency property as described in section 11;
- (i) misuses intoxicating liquor or drugs in a manner prejudicial to duty as described in section 12;
- (j) is convicted of an offence as described in section 13;
- (k) engages in insubordinate behaviour as described in section 14;



- (l) is a party to a breach of the Code as described in section 15; or
- (m) engages in workplace harassment as described in the Schedule. (EC142/10)

4. Discreditable conduct

- (1) A police officer or security police officer of a police agency engages in discreditable conduct if
 - (a) the police officer or security police officer, while on duty, acts in a manner that is
 - (i) prejudicial to the maintenance of discipline in the police agency, or
 - (ii) likely to bring the reputation of the police agency into disrepute;
 - (b) the police officer or security police officer, while on duty, is oppressive or abusive to any person;
 - (c) the police officer or security police officer, while off duty, asserts or purports to assert authority as a police officer or security police officer and does an act that would constitute a breach of the Code if done while the police officer or security police officer is on duty;
 - (d) the police officer or security police officer, while on or off duty,
 - (i) contravenes a provision of
 - (A) the Act,
 - (B) the Code or any other regulations made under the Act, or
 - (C) a standard, guideline or directive made under the Act,
 - (ii) withholds or suppresses a complaint or a report concerning a complaint,
 - (iii) fails to report to a police officer or security police officer whose duty it is to receive the report, or to a Crown Attorney, any information or evidence, either for or against any prisoner or defendant, that is material to an alleged offence under an Act of the Legislature, an Act of another province or territory of Canada or an Act of the Parliament of Canada,
 - (iv) tampers with information that is material to a proceeding or potential proceeding under Part VII or Part VIII of the Act, or
 - (v) fails to disclose
 - (A) to an investigator or a chief officer, as the case may be, information that is material to a proceeding or a potential proceeding under Part VII of the Act, or
 - (B) to an investigator or the Police Commissioner, as the case may be, information that is material to a proceeding or a potential proceeding under Part VIII of the Act.

Exception *re* conduct as a representative of union or association

- (2) Notwithstanding clause (1)(a), a police officer or security police officer does not engage in discreditable conduct if he or she engages in the conduct in the bona fide execution of the police officer's or security police officer's role as a representative of a certified police union, association or federation.

Exception *re* conduct as representative of officer

- (3) Notwithstanding subclause (1)(d)(v), a police officer or security police officer who is being investigated or who acts as a representative of a police officer or security police officer who is being investigated does not engage in discreditable conduct if he or she fails to provide an investigator with any information or assistance requested by the investigator. (EC142/10)

5. Neglect of duty

A police officer or security police officer neglects his or her duties if

- (a) the police officer or security police officer, without lawful excuse, fails to promptly and diligently
 - (i) obey or carry out any lawful order from a superior officer, or
 - (ii) perform his or her duties as a police officer or security police officer;
- (b) the police officer or security police officer fails to work in accordance with the policies and procedures of the police agency with which he or she is employed;
- (c) the police officer or security police officer leaves an area, detail or other place of duty without due permission or sufficient cause or, having left an area, detail or other place of duty with due permission or sufficient cause, fails to return promptly; or
- (d) the police officer or security police officer is absent from or late for duty without reasonable excuse. (EC142/10)

6. Deceitful behaviour

A police officer or security police officer engages in deceitful behaviour if the police officer or security police officer, with intent to deceive, falsify or mislead,

- (a) destroys, mutilates, conceals, alters, expunges or adds to all or any part of an official document, record or report; or
- (b) makes a false, misleading or inaccurate statement pertaining to his or her duties. (EC142/10)

7. Improper disclosure of information

(1) A police officer or security police officer improperly discloses information if the police officer or security police officer

- (a) except as required in the performance of his or her duties, as authorized by his or her supervisor or as required by due process of law,
 - (i) discloses information that is acquired by the police officer or security police officer in the course of his or her duties,
 - (ii) gives notice directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or
 - (iii) removes or copies an official document, record or report of any police agency; or
- (b) makes, signs or circulates a petition or statement, in respect of a matter concerning any police agency,
 - (i) knowing that all or any part of the petition or statement is false, or
 - (ii) having reckless disregard as to the truth of the petition or statement.

Idem

(2) Notwithstanding subclause (1)(a)(i), a police officer or security police officer does not improperly disclose information if, during the course of an investigation into a complaint under Part VII or Part VIII of the Act, the police officer or security police officer provides the investigator with any information and assistance requested by the investigator. (EC142/10)



8. Corrupt practice

A police officer or security police officer commits corrupt practice if

- (a) the police officer or security police officer fails to properly account for, or to make a prompt and true return of, any money or property received by the police officer or security police officer in the course of his or her duties;
- (b) without adequate reason, the police officer or security police officer uses or attempts to use his or her position as a police officer or security police officer for personal advantage;
- (c) the police officer or security police officer accepts a bribe;
- (d) the police officer or security police officer agrees to be under a pecuniary or other obligation to any person in a manner that might affect the proper performance of his or her duties; or
- (e) the police officer or security police officer directly or indirectly solicits or receives a gratuity, gift, benefit or testimonial that might affect the proper performance of his or her duties. (EC142/10)

9. Abuse of authority

A police officer or security police officer abuses his or her authority if the police officer or security police officer

- (a) without lawful authority, detains, arrests or searches a person;
- (b) uses unnecessary force on a person;
- (c) while on duty, uses language or acts in a manner that is discourteous, uncivil, abusive or insulting to a person or that tends to demean or show disrespect to a person on the basis of that person's age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation or source of income;
- (d) harasses, intimidates or retaliates against a complainant. (EC142/10)

10. Improper use and care of firearms

A police officer or security police officer of a police agency improperly uses and cares for a firearm if the police officer or security police officer

- (a) when on duty, has in his or her possession any firearm other than one that is issued by the police agency to the police officer or security police officer;
- (b) when on duty, other than when on a firearm training exercise, discharges a firearm, whether intentionally or by accident, and does not report to a superior officer the discharge of the firearm as soon as is practicable; or
- (c) fails to exercise sound judgment and restraint in respect of the use and care of a firearm. (EC142/10)

11. Damage to police agency property

A police officer or security police officer of a police agency damages police agency property if the police officer or security police officer

- (a) without reasonable excuse, loses, destroys or causes any damage to
 - (i) any police agency property, or
 - (ii) any property the care of which has been entrusted to the police officer or security police officer in the course of his or her duties; or

- (b) fails to report to a superior officer any loss or destruction of or any damage to any property referred to in clause (a), however caused. *(EC142/10)*

12. Misuse of intoxicating liquor or drugs in a manner prejudicial to duty

A police officer or security police officer misuses intoxicating liquor or drugs in a manner prejudicial to duty if

- (a) the police officer or security police officer, on reporting for or while on duty, is unfit for duty as a result of drinking intoxicating liquor, using a drug for non-medical purposes or misusing a prescription drug; or
- (b) the police officer or security police officer, without proper authority, makes any use of, or receives from any other person, an intoxicating liquor or a non-medical drug while on duty. *(EC142/10)*

13. Conduct constituting an offence

A police officer or security police officer of a police agency is guilty of a breach of this Code if the police officer or security police officer is convicted of an offence under an Act of the Legislature, an Act of another province or territory of Canada or an Act of the Parliament of Canada that renders the police officer or security police officer unfit to perform his or her duties or that is likely to bring the reputation of the police agency into disrepute. *(EC142/10)*

14. Insubordination

A police officer or security police officer engages in insubordinate behaviour if the police officer or security police officer

- (a) is insubordinate by word, act or demeanour to a superior officer; or
- (b) without lawful excuse, disobeys, omits or neglects to carry out any lawful order. *(EC142/10)*

15. Party to a breach of the Code

A police officer or security police officer is a party to a breach of the Code if the police officer or security police officer aids, abets, counsels or procures another police officer or security police officer to commit a breach of the Code or is an accessory after the fact to a breach of the Code. *(EC142/10)*

DISCIPLINARY AND CORRECTIVE MEASURES

16. Principles of discipline and correction

If a disciplinary authority considers that one or more disciplinary or corrective measures are necessary in respect of the conduct of a police officer or security officer, the disciplinary authority shall impose on the police officer or security officer a disciplinary or corrective measure listed in section 17 that seeks to correct or educate the police officer or security police officer rather than one that seeks to blame and punish, unless the imposition of a disciplinary or corrective measure that seeks to correct or educate the officer is unworkable or would bring the administration of police discipline into disrepute. *(EC142/10)*



17. Disciplinary and corrective measures

A disciplinary authority may impose any one or more of the following disciplinary and corrective measures on a police officer or security officer:

- (a) a verbal caution, which shall not be recorded in the record of discipline and shall not form part of the record of discipline;
- (b) a verbal reprimand;
- (c) a written reprimand;
- (d) a direction to undertake professional counselling or a treatment program at no direct cost to the police officer or security police officer;
- (e) a direction to undertake special training or retraining at no direct cost to the police officer or the security police officer;
- (f) a direction to work under close supervision;
- (g) a suspension without pay for a specified period of time not exceeding 160 working hours;
- (h) a reduction in rank;
- (i) dismissal;
- (j) any other disciplinary or corrective measure that may be agreed upon between the disciplinary authority and the police officer or the security police officer. (EC142/10)

18. Right to Representation

Throughout the disciplinary process, including an internal disciplinary process and a disciplinary process resulting from a public complaint, a police officer or security police officer who is alleged to have committed a breach of the Code, has the right to the advice and assistance of

- (a) a fellow police officer or a fellow security police officer, as the case may be;
- (b) an association representative, if the officer is a member of the Prince Edward Island Police Association;
- (c) a union representative, if the officer belongs to a union; or
- (d) legal counsel. (EC142/10)

19. Service records of discipline

- (1) If an entry is made in the record of discipline of a police officer or security police officer concerning the imposition on the officer of a disciplinary or corrective measure referred to in section 17, the discipline authority shall cause the entry to be removed from the record of discipline two years after it was made.

Idem

- (2) Once expunged, the entry and the information pertaining to the entry shall not be used against the police officer or security police officer in any manner or form in any matter or proceeding.

Idem

- (3) The record of discipline of a police officer or security police officer of a police agency shall be maintained by the police agency in a secure location separate from the personnel file of the police officer or security police officer for as long as the police agency determines necessary.

Right to inspect records

- (4) A police officer or security police officer or former police officer or former security police officer has the right to inspect his or her record of discipline.

Idem

- (5) On the request of a police officer or security police officer, or a former police officer or former security police officer, of a police agency to inspect his or her record of discipline, the police agency shall furnish access to the record of discipline within 10 days after the request.
(EC142/10)



SCHEDULE

WORKPLACE HARASSMENT

1. Workplace

- (1) The workplace includes but is not limited to the physical worksite, washrooms, cafeterias, training sessions, business travel, conferences, work-related social gatherings, locker rooms and vehicles.
- (2) It also includes any place where actions of a police officer or security police officer, whether on duty or not, will have such serious repercussions on the work environment as to seriously affect relationships between police officers or security police officers of a police agency or other employees within a police agency.

2. Protected grounds

Protected grounds are age, colour, creed, ethnic or national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation, or source of income.

3. Application

- (1) This Schedule applies to the conduct of a police officer or security police officer of a police agency that is directed toward
 - (a) another police officer or security police officer or group of police officers or security police officers; or
 - (b) an employee within a police agency or group of employees within a police agency.
- (2) Managers and supervisors are responsible for taking appropriate action to halt workplace harassment of which they become aware.

4. Workplace harassment

Workplace harassment includes personal and sexual harassment, poisoned work environment, abuse of authority and discrimination.

5. Personal harassment

Personal harassment means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome and includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment.

6. Sexual harassment

Sexual harassment means any conduct, comment, gesture, or contact of a sexual nature

- (a) that might reasonably be expected to cause offence or humiliation; or
- (b) that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion.

7. Poisoned work environment

A poisoned work environment is characterized by any activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. A poisoned work environment can exist even if employees agree to participate in demeaning behaviour or voice no objections.

8. Abuse of authority

Harassment also includes abuse of authority where a person improperly uses the power and authority inherent in a position to endanger another person's job, undermine the performance of that job, threaten another person's economic livelihood or in any way interfere with or influence another person's career.

9. Discrimination

(1) Discrimination includes but is not limited to

- (a) differential treatment having an adverse impact on a person on the basis of any of the protected grounds;
- (b) any action or policy that has an adverse impact on a person based on any of the protected grounds; and
- (c) use of stereotyped images or language, including jokes and anecdotes, which suggest that all or most employees of a particular group of people are the same, thereby denying their individuality as persons, where such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

(2) Clauses 6(4)(a) and (b) and section 11 of the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12 apply to clauses (1)(a) and (b).

(EC142/10)

