

Amherst Police Department

STANDING ORDER 2024-002
AUXILLARY POLICING PROGRAM

DATE: 2024-XX-XX

1) **SUBJECT**

This Standing Order outlines the formation, administration and operation of the Amherst Police Department Auxiliary Police Program. Auxiliary Police Officers are volunteers from the community of jurisdiction who provide support to Amherst Police Department members during the course of their duties and provide support and resources for policing and crime prevention programs. A regular member is defined as a police officer with the Amherst Police Department who is at the rank of Constable or higher. An Auxiliary Police Officer means an Auxiliary Police Officer appointed under s.91 of the Nova Scotia Police Act and in accordance with the Town of Amherst Auxiliary Police Officer By-Law

2) **GENERAL**

- a) The authority to appoint Auxiliary Police Officers is contained in Section 91 of the Nova Scotia Police Act. The Nova Scotia Police Act Regulations provide parameters for policy and accountability for this program. (See Appendix A & B);
- b) The provisions for the appointment of Auxiliary Police Officers are set out in the Nova Scotia Police Act Regulations and in accordance with the Town of Amherst Auxiliary Police Officer By-Law;
- c) A municipality or police service for which an Auxiliary Police Officer is appointed must maintain third party liability insurance in respect of the performance of the Auxiliary Police Officer's duties and must maintain documentation of the insurance for review by the Minister;
- d) The Amherst Police Department Auxiliary Policing Program was established in 20XX.

- e) The Auxiliary Policing Program will be supervised by the Staff Sergeant/Inspector who, along with the Deputy Chief of Police will monitor and retain all records of activities, training and yearly assessments of the service's Auxiliary Police Officers;
- f) Auxiliary Police Officers shall not be used to replace regular members nor will they be used to cover shifts;
- g) Auxiliary Police Officers may be used during long term emergency situations, crime scene security, and additional members for events such as the parade, exhibition, and other large events. The auxiliary police officers, while working, shall be under the direct supervision of a regular member of the Amherst Police Department. Some duties may include but are not limited to:
 - (a) regular patrol
 - (b) traffic stops/check points
 - (c) crime scene security
 - (d) attend court to provide evidence
- h) The Auxiliary Police Officers will only act when accompanied and under the direct supervision of the regular member of the Amherst Police Department to which they are assigned for each shift;
- i) The regular member assigned to supervise an Auxiliary Police Officer during a regular shift is the ultimate decision-maker of the situations where an Auxiliary Police Officer can participate;
- j) Persons being appointed as Auxiliary Police Officers must undergo criminal and background checks and cannot be appointed if such an appointment could create a conflict of interest with their business operations or employment;
- k) A person must not be appointed as an Auxiliary Police Officer if criminal and background checks show that the person has been convicted of any criminal offence or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as an Auxiliary Police Officer, or on the policing profession generally;

- l) Auxiliary Police Officers are expected to meet the Standards of Conduct as outlined in the Nova Scotia Police Act and its Regulations. As provided for in the Nova Scotia Police Act Regulations, if a complaint is made against an Auxiliary Police Officer, the Chief of Police will have an investigation completed within 30 days.

3) ADMINISTRATION

- a) Auxiliary Police Officers appointed to the Amherst Police Department will report to and operate under the general supervision of Staff Sergeant Brian Gairns and overseen by the Deputy Chief of Police. Staff Sergeant Gairns will maintain a record each month of the number of hours worked by each Auxiliary Police Officer;
- b) A copy of the Oath of Office in Form 3 shall be maintained in the Auxiliary Police Officer's personnel file;
- c) Auxiliary Police Officers are not authorized to operate a police vehicle unless it is an emergency resulting from a regular member not being able to operate the said vehicle;
- d) The Board of Police Commissioners has authorized a modest stipend for each Auxiliary Police Officer who has met the duty requirements of 100 hours for the previous calendar year. (BW Policy)

4) QUALIFICATIONS

- a) To be a candidate for appointment as an Auxiliary Police Officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:
 - i) of good character;
 - ii) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act* (Canada);
 - iii) completion of Grade 12 or the equivalent;
 - iv) the ability to meet the minimum training standards established by the Minister in a standard operating procedure;
 - v) the ability to carry out the services required of them as an Auxiliary Police Officer;
 - vi) any qualifications prescribed by the Minister in addition to those specified in clauses (i) to (vi).

5) ROLES OF EMPLOYEE

- a) the Auxiliary Police Officer program is on a volunteer basis requiring members to provide a minimum of 100 volunteer hours annually;
- b) the Auxiliary members shall be governed by the same policy and procedures as a regular member through the provisions of the Nova Scotia Police Act;
- c) the Auxiliary compliment shall consist of a maximum of 2 members working in uniform;
- d) each new Auxiliary Police Officer shall be on a 50-hour probationary period;
- e) each Auxiliary Police Officer will be required to complete the developed training and orientation program by the Amherst Police Department.

6) TRAINING

- a) Training shall include, but shall not be limited to:
 - i) Amherst Police Department Orientation**
 - (1) Policies, procedures and standing orders
 - (2) Care of prisoners/guard training
 - (3) APD equipment and use
 - ii) Criminal Code**
 - (1) Arrest without warrant by any person 494(1) (2) CC
 - (2) Arrest without warrant by peace officer 495(1) (2) (3) CC
 - (3) Protection of persons acting under authority - Sections 25 (1),(2),(3),(4),(5)
 - iii) Summary Proceedings:**
 - (1) **Motor Vehicle Act**
 - (a) Arrest without warrant - 261(1)(2)
 - (2) **Protection of Property Act:**
 - (a) Arrest without warrant 6(1)
 - (3) **Liquor Control Act:**
 - (a) Arrest without warrant 111(1)
 - iv) Persons under 12 years of age**
 - (1) Discuss issues regarding persons under 12;

v) Authority to search persons and vehicles

- (1) Re: Criminal Code (incidental to arrest, officer safety, warrant)

vi) Nova Scotia Police Act

vii) Crime Scene Security

viii) Note taking

- (1) Instructions for note taking
- (2) Descriptions
- (3) Persons
- (4) Vehicles
- (5) incidents (who, what, when, where, and if known why)

ix) Court Testimony and Procedures

- (1) Deportment
- (2) Giving evidence
- (3) Referring to your notes

x) Officer Safety Training and Use of Force

- (1) Handcuffing (tactical and speed cuffing)
- (2) Oleo capsicum (pepper spray)
- (3) Baton
- (4) Conducted Energy Weapon (Taser)
- (5) Firearms

Appendix A

Section 91 - Nova Scotia Police Act

Auxiliary Police Officers

- 91** **(1)** A chief officer in accordance with a by-law made by a municipality for that purpose or the officer in charge of the Provincial Police or that officer's delegate may, in accordance with the regulations, appoint persons as auxiliary police officers to assist the police department in the performance of its duties.
- (2)** An auxiliary police officer
- (a) has the powers, authority, privileges, rights and immunities of a peace officer;
 - (b) shall act only when accompanied by and under the direct supervision of a police officer other than an auxiliary police officer; and
 - (c) shall not be used to replace or reduce police positions.
- (3)** Every auxiliary police officer shall take an oath of office or affirmation as prescribed by the regulations.
- (3A)** No auxiliary police officer is liable for damage caused by an act or omission of the auxiliary police officer if
- (a) the auxiliary police officer was acting within the scope of the auxiliary police officer's responsibilities at the time of the act or omission; and
 - (b) the auxiliary police officer was properly certified and authorized, if required by law, by the appropriate authorities for the activities or practices undertaken by the auxiliary police officer at the time the damage occurred,
- but the limitations of the liability of the auxiliary police officer under this Act do not apply if
- (c) the damage was caused by wilful, reckless or criminal misconduct or gross negligence by the auxiliary police officer;
 - (d) the damage was caused by the auxiliary police officer while operating a motor vehicle or other vehicle for which the owner is required by law to maintain insurance;
 - (e) the act or omission that caused the damage constitutes an offence; or
 - (f) the auxiliary police officer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission that caused the damage.

(4) The municipality or police department for which an auxiliary police officer is appointed is liable in respect of a tort committed by the auxiliary police officer in the performance of that person's duties. 2004, c. 31, s. 91; 2014, c. 55,s. 4.

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Appendix B

Nova Scotia Police Act Regulations

Auxiliary Police Officers

Auxiliary Police Officer Qualifications

11 (1) To be a candidate for appointment as an Auxiliary Police Officer, a person must be at least 19 years old and must demonstrate all of the following qualifications to the satisfaction of the chief officer:

- (a) a good character;
- (b) Canadian citizenship with residence in Canada, or permanent residence as defined by the *Immigration and Refugee Protection Act* (Canada);
- (c) completion of Grade 12 or the equivalent;
- (d) the ability to meet the minimum training standards established by the Minister in a standard operating procedure;
- (e) the ability to carry out the services required of them as an auxiliary police officer;
- (f) any qualifications prescribed by the Minister in addition to those specified in clauses (a) to (e).

(2) To be a candidate for appointment as an Auxiliary Police Officer, a person must consent to criminal and background checks.

(3) A person must not be appointed as an Auxiliary Police Officer if criminal and background checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the chief officer, would reasonably be expected to have a negative impact on their acting as an auxiliary police officer, or on the policing profession generally.

Conflict of interest

12 A person must not be appointed as an Auxiliary Police Officer if acting as an Auxiliary Police Officer would create a conflict of interest with their business operations or employment.

Liability insurance

13 A municipality or police department for which an Auxiliary Police Officer is appointed must maintain third party liability insurance in respect of the performance of the auxiliary police officer's duties and must maintain documentation of the insurance for review by the Minister.

Record of appointments of auxiliary police officers

14 Each municipality must maintain a record of all of its appointments of Auxiliary Police Officers, and must provide the record to the Minister on request.

Policies and procedures

15 (1) A person appointing an Auxiliary Police Officer must provide policies and procedures for all of the following in writing to the Minister, for the Minister's approval:

- (a) the Auxiliary Police Officer carrying out their authority, responsibility and duty;
- (b) the standard of conduct to be met by the Auxiliary Police Officer;
- (c) disciplining the Auxiliary Police Officer;
- (d) subject to subsection (2), the handling of any complaint that is made against the Auxiliary Police Officer.

(2) If a complaint is made against an Auxiliary Police Officer, the person who appointed the Auxiliary Police Officer must investigate the complaint no later than 30 days after the date that the complaint is received.

Oaths of Office

Oath of office for Auxiliary Police Officer

18 The oath of office or affirmation required for an Auxiliary Police Officer is prescribed as Form 3.

Must take oath before assuming duties

19 A person referred to in Section 16, 17 or 18 must make their oath or affirmation before assuming their duties in the position for which the oath or affirmation is required.

Appendix C

Form 3 - Oath of Office for Auxiliary Police Officer *Section 18 of the Police Regulations*

I, _____ do solemnly (*select one*) swear/affirm that I will faithfully, diligently and impartially execute and perform the duties required of me as an auxiliary police officer in and for the (*insert name of municipality*) _____, and will well and truly obey and perform all lawful orders and instructions that I receive as an auxiliary police officer, without fear, favour and affection of or toward any person, (*select one*) so help me God/I so affirm.

Sworn to/Affirmed at
in the County of _____
Province of Nova Scotia, on
_____, 20____,
before me,

A Commissioner of Oaths in and for
the Province of Nova Scotia