

Special Constables		Inspection and Enforcement New Brunswick	1.3.8
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1. Appointment of a Special Constable:

Inspection and Enforcement Officers are appointed Special Constables by the Minister of Public Safety under the authority of Section 14.1(1) of the *Police Act* of New Brunswick. The appointed Special Constables, while discharging their duty and mandates are Peace Officers as per subsection 14.1(6) of the *Police Act*, section 2 of the *Criminal Code of Canada* and section 3 of the *Aviation Security Regulation of the Aeronautics Act (Canada)* and are entitled to the protection and powers to which Peace Officers are authorized pursuant to the *Criminal Code of Canada*.

2. Purpose of the Appointment

The purpose of the appointment is to provide Inspection and Enforcement Officers additional authority in the completion of their duty and primary mandates, and to entitle them to the protection and powers to which Peace Officers are authorized pursuant to the *Criminal Code of Canada*.

3. Prescribed Authority

Additional duties and responsibilities prescribed by the Minister of Public Safety may include, but are not limited to the following:

A. *Criminal Code of Canada*:

Breach of the Peace

- i. Section 31(1) and (2)

Corruption and disobedience

- i. Obstructing a Peace Officer
 - a. Sections 129(a) and (b)

Disorderly Houses, Gaming and Betting

- i. From Section 197(1) to Section 209 Inclusive

Motor Vehicles, Vessels, and Aircraft

- i. Dangerous Operation of Motor Vehicles, Vessels, and Aircrafts
 - a. Section 320.13

Impaired Driving

- i. Section 320.14

Assault

- i. Assault Peace Officer
 - a. Sections 270(1)(a) and (b)

Tampering with Vehicle Identification Number

- i. Section 353.1(1) and (2)

Possession and Trafficking

- i. Possession of property obtained by crime
 - a. Sections 354(1) to 354(4) inclusive

Identity Fraud

- i. Sections 402.2(1) to 403(3) inclusive

Identity Documents

- i. Sections 56.1(1) to 56.1(4)(a) and (b) inclusive

Mischief

- i. Sections 430(1) to 430(8) inclusive

Use Offences

- i. In respect to Firearms
 - a. Sections 86 to 97 inclusive
 - b. Sections 99 and 100
 - c. Sections 102 to 111 inclusive
 - d. From Section 117.01(1) to Section 117.05 inclusive

Arson and Other Fires

- i. Arson - Disregard to human life
 - a. Section 433
- ii. Arson - Damage to property
 - a. Section 434
- iii. Arson-own property
 - a. Section 434.1
- iv. Arson by negligence
 - a. Section 436(1)
- v. Non-compliance with prevention laws
 - a. Section 436(2)

Tobacco

- i. Section 121.1

B. *Cannabis Act*

- i. Criminal Activities
 - a. Sections 8 to Section 14 inclusive

C. *Firearms Act*

- i. Storage, Display, Handling and Transportation of Firearms by Individuals Regulations
 - a. Sections 5 to 15 inclusive

D. *Controlled Drugs and Substances Act*

- i. Possession of substance
 - a. Section 4(1)
- ii. Trafficking in substance
 - a. Section 5(1)
- iii. Possession for purpose of trafficking
 - a. Section 5(2)
- iv. Production of substance
 - a. Section 7(1)

4. Peace Officer's Power of Arrest

While executing their duty and mandates, Inspection and Enforcement Officers, by virtue of the appointment of Special Constables, have the power and authority of a Peace Officer to arrest under Section 31(1) and (2) and Section 495 of the *Criminal Code of Canada* and Section 119 of the *Provincial Offences Procedures Act* and are listed below:

Criminal Code of Canada:

Section 31:

- (1) Every peace officer who witnesses a breach of the peace and everyone who lawfully assists the peace officer is justified in arresting any person whom he finds committing the breach of the peace or who, on reasonable grounds, he believes is about to join in or renew the breach of the peace.
- (2) Every peace officer is justified in receiving into custody any person who is given into his charge as having been a party to a breach of the peace by one who has, or who on reasonable grounds the peace officer believes has, witnessed the breach of the peace.

Section 495:

- (1) A Peace Officer may arrest without warrant
 - (a) a person who has committed an indictable offence or who, on reasonable grounds, he believes has committed or is about to commit an indictable offence;
 - (b) a person whom he finds committing a criminal offence; or
 - (c) a person in respect of whom he has reasonable grounds to believe that a warrant of arrest or committal, in any form set out in Part XXVIII in relation thereto, is in force within the territorial jurisdiction in which the person is found.

- (2) A Peace Officer shall not arrest a person without warrant for
 - (a) an indictable offence mentioned in section 553,
 - (b) an offence for which the person may be prosecuted by indictment or for which he is punishable on summary conviction, or
 - (c) an offence punishable on summary conviction,

In any case where:

 - (d) he believes on reasonable grounds that the public interest, having regard to all the circumstances including the need to:
 - (i) establish the identity of the person,
 - (ii) secure or preserve evidence of or relating to the offence, or
 - (iii) prevent the continuation or repetition of the offence or the commission of another offence, may be satisfied without so arresting the person, and
 - (e) he has no reasonable grounds to believe that, if he does not so arrest the person, the person will fail to attend court in order to be dealt with according to law.

- (3) Notwithstanding Subsection (2), a Peace Officer acting under Subsection (1) is deemed to be acting lawfully and in the execution of his duty for the purposes of
 - (a) any proceedings under this or any other Act of Parliament; and
 - (b) any other proceedings, unless in any such proceedings it is alleged and established by the person making the allegation that the Peace Officer did not comply with the requirements of Subsection (2).

Provincial Offences Procedures Act

Section 119(1) A Peace Officer who has reasonable and probable grounds to believe that a person is committing or has committed an offence may arrest that person without warrant if the Peace Officer has reasonable and probable grounds to believe that the arrest of the person is necessary in the public interest.

Section 119(2) The Peace Officer, when considering whether it is necessary in the public interest to arrest a person, shall consider all of the circumstances, including the need to

- (a) establish the identity of the person,
- (b) secure or preserve evidence of or relating to the offence,
- (c) prevent the continuation or repetition of the offence or the commission of another offence, or
- (d) prevent the person from evading, by leaving the Province or otherwise, the jurisdiction of the court, whether in relation to the prosecution of the offence or the enforcement of sentence.

5. Notification of Police Agency of Jurisdiction

- A. An Inspection and Enforcement Officer who is discharging the responsibilities or exercising the powers of a Peace Officer in respect of the *Criminal Code of Canada, Firearms Act, Cannabis Act and Controlled Drugs and Substances Act* in a particular municipality, region or area shall, as soon as practicable, notify the police agency of jurisdiction.
- B. Upon notifying the police agency of jurisdiction, officers are required to assist in the matter until such time that it is turned over to the police agency of jurisdiction.
- C. In the event the police agency of jurisdiction does not assume responsibility for a matter, it may be pursued by the Inspection and Enforcement Officer. The Inspection and Enforcement Officer shall then determine if the offence falls within the additional enforcement duties prescribed by the Minister, and it meets the prior approval of the Chief. Prior approval includes offences previously authorized by the Chief.
- D. Offences that have not been approved by the Chief require authorization. Officers shall gather all pertinent information regarding the file and forward it to the Chief through the chain of command. The Chief shall then examine the request to determine if approval will be granted.

6. Joint Operations with Agency of Jurisdiction

Inspection and Enforcement Officers, if approved by the Chief, are authorized to commence investigations of alleged *Criminal Code of Canada*, *Controlled Drugs and Substances Act*, *Cannabis Act* or *Firearms Act* offences, while conducting joint operations with the police agency of jurisdiction.

7. Exempted Persons Under Section 117.07(1) and (2)(a) of the *Criminal Code of Canada*

Under the authority of Section 117.07(1) and (2)(a) of the *Criminal Code of Canada*, Inspection and Enforcement Officers may possess a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition, or an explosive substance in the course of or for the purpose of the Inspection and Enforcement Officers duty or mandates.

8. Training Requirements

As per Subsection 14.1(3) of the New Brunswick *Police Act*, Inspection and Enforcement Officers must successfully complete the required training established by the employer and approved by the Minister to qualify the officer as a Special Constable. The training requirements for Special Constables are as follows:

- A. Atlantic Police Academy certified "Special Constable" course or equivalent;
- B. Use of Force Training;
- C. Firearms Training; (For those Inspection and Enforcement Officers who are issued firearms);
- D. Oleoresin Capsicum (OC Spray) Training. (For those Inspection and Enforcement Officers who are issued OC Spray)
- E. Baton Training (For those Inspection and Enforcement Officers who are issued batons);
- F. Hand Cuff Training (For those Inspection and Enforcement Officers who are issued hand cuffs);and
- G. Conducted Energy Weapon (CEW) Training (For those Inspection and Enforcement Officers who are issued CEW's)

Note: Atlantic Police Academy (Cadet) Training/Conservation (Cadet) Training, or equivalent, meets the training requirements.

9. Discipline

With respect to discipline, Section 14.1 (4) (a) & (b) *Police Act* of New Brunswick, the employer of a Special Constable is responsible for the discipline of the Special Constable and ensuring that the Special Constable discharges the responsibilities and exercises the powers of a Special Constable in a proper manner.

It is expected that each officer appointed as a Special Constable is to uphold a high standard of professional conduct; therefore, each officer is required to follow the Inspection and Enforcement Code of Conduct.