

Minister's Directive

Appointments of a:

Chief Officer

Police Officer

Auxiliary Constable

Director of the Atlantic Police Academy

Instructing Officer

Police Cadet

Civilian Instructor

Police Act and Regulations

Prince Edward Island

Department of Justice and Public Safety

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Pursuant to Section 3(3)(e) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby issue the attached Minister's Directive concerning the appointment of chief officers, police officers, auxiliary constables, the Director of the Atlantic Police Academy, instructional officers, police cadets and civilian instructors. This Directive will come into effect on August 15, 2011.

Dated at Charlottetown in the Province of Prince Edward Island this *2nd* day of *August* 2011.



Doug W. Currie
Minister of Justice and Public Safety and Attorney General

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APPOINTMENTS OF CHIEF OFFICERS, POLICE OFFICERS, AUXILIARY CONSTABLES, THE DIRECTOR OF THE ATLANTIC POLICE ACADEMY, INSTRUCTING OFFICERS, POLICE CADETS AND CIVILIAN INSTRUCTORS

1.0 Definitions

In this Directive

- 1.1.1 “Act” means the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 and Regulations;
- 1.1.2 “chief officer” means, in respect of a police service, the chief officer, or the commanding officer, of the police service;
- 1.1.3 “civilian instructor” means a person who is appointed as a civilian instructor at the Atlantic Police Academy under Section 51(1) of the Act;
- 1.1.4 “Director” means the Director of the Atlantic Police Academy who is appointed under Section 47 of the Act;
- 1.1.5 “Instructing Officer” means a person who is appointed as an instructing officer at the Atlantic Police Academy under Section 48(1) of the Act, and does not include the Director;
- 1.1.6 “Minister” means the Minister of Justice and Public Safety and Attorney General of Prince Edward Island;
- 1.1.7 “police cadet” means a person who is appointed as a police cadet under Section 50(1) of the Act;
- 1.1.8 “police officer” means a person who is appointed as a police officer under Section 10(1)(a) of the Act;
- 1.1.9 “police service” means a police department recognized under the *Act*;

1.2 Authority

Police Act

- Section 9 provides for appointment as a chief officer of a police service;
- Section 10(1)(a) provides for appointment as a police officer;
- Section 45(1) provides for appointment as an auxiliary constable;
- Section 47 provides for appointment as a Director of the Atlantic Police Academy;
- Section 48(1) provides for appointment as an instructing officer;
- Section 50(1) provides for appointment as a police cadet;
- Section 51(1) provides for appointment as a civilian instructor

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General Regulations

- Section 5 sets out the requirements for an identification card;
- Section 7(1) sets out the qualifications for appointment as a chief officer;
- Section 7 (2) sets out the qualifications for appointment as a Director of the Atlantic Police Academy;
- Section 8 sets out the qualifications for appointment as a police officer;
- Section 10 sets out the qualifications for appointment as an auxiliary constable;
- Section 12 sets out the qualifications for appointment as an instructing officer;
- Section 13 sets out the qualifications for appointment as a police cadet;
- Section 14 sets out the qualifications for appointment as a civilian instructor;
- Section 15 sets out the Oath or Solemn Affirmation of Office.

1.3 Purpose

The purpose of this Directive is to ensure:

- a timely and province wide procedure for making appointments pursuant to the *Act*;
- a province wide procedure for documenting appointments made pursuant to the *Act*.

1.4 Principles

This Directive gives effect to the following principles:

- rigorous administrative standards for the sections of the *Act* related to appointments are essential for the effective administration and protection of the men and women conducting duties pursuant to the *Act* and for the public they serve;
- chief officers, the Director, councils of municipalities and the President of Holland College having been delegated powers to make appointments pursuant to the *Act* have an obligation to ensure that :
 - the appointments are made according to the law; and
 - appropriate and timely records of individual appointments are maintained;
- appointments must be reported to the Minister in the manner prescribed by the *Act*;
- appointments are not transferrable; an appointment is required in each instance where there is a change of employer or a change of function. (Functions include: chief officer, police officer, auxiliary officer, security police officer, Director of the Atlantic Police Academy, police cadet, civilian instructor and instructing officer).

2.0 Procedure for the Appointment of Chief Officers

The chief administrative officer or a community administrator, on the direction of the council of the municipality, upon determining the candidate for appointment as chief officer of a police service of their municipality fulfills the requirements set out in Section 9 of the *Act* and Section 7

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of the General Regulations shall:

- (i) Prepare a Form 1B (see Appendix 1);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 1B to the Commissioner of Oaths; and
 - (b) take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is provided a copy and reasonable steps are taken to ensure the appointee understands the provisions of the:
 - (a) Code of Professional Conduct and Discipline;
 - (b) adopted Use of Force Model; and
 - (c) Minister's Directives.

3.0 Procedure for the Appointment of Police Officers

3.1 The chief officer upon determining the candidate for appointment as a police officer fulfills the requirements set out in Section 11 of the Act and Section 8 of the General Regulations shall:

- (i) Prepare a Form 2B (see Appendix 2);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 2B to the Commissioner of Oaths; and
 - (b) pursuant to Section 10 (2) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with Section 10(3) of the *Act* and the Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is provided a copy and reasonable steps are taken to ensure the appointee understands the provisions of the:
 - (a) Code of Professional Conduct and Discipline;
 - (b) adopted Use of Force Model; and
 - (c) Minister's Directives.

3.2 Upon appointment or the suspension, reinstatement or revocation of the appointment of a police officer, the chief officer shall forthwith cause the Register (see Appendix 9) to be revised to reflect the:

- (i) date of the appointment and the section of the General Regulations which reflects the

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candidates qualifications at the time of appointment (either Section 8(1), 8(2) or 8(3) of the General Regulations);

- (ii) date of suspension;
- (iii) date of reinstatement, or
- (iv) date of revocation of the appointment.

4.0 Procedure for the Appointment of Auxiliary Constables

4.1 The chief officer upon determining the candidate for appointment as an auxiliary constable fulfills the requirements set out in Section 45(3) of the Act and Section 10(1) of the General Regulations and, pursuant to Section 45(14), confirms that the appointment is not used to replace any members of the police department or reduce the number of positions occupied by members of the police department shall:

- (i) Prepare a Form 3B (see Appendix 3);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 3B to the Commissioner of Oaths; and
 - (b) pursuant to Section 45(5) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with Section 45(6) of the *Act* and the Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular ensure the appointee:
 - (a) is provided a copy of the Code of Professional Conduct and Discipline and the adopted Use of Force Model and that reasonable steps have been taken to confirm he/she has reviewed and understands the provisions therein;
 - (b) is directed not to act as an auxiliary constable unless accompanied by and under the direct supervision of a member of the police service that the auxiliary constable is appointed to assist; and
 - (c) pursuant to Section 10(2) of the General Regulations is directed not to:
 - 1) carry a firearm;
 - 2) carry a prohibited or restricted weapon or device as defined in Section 84 *Criminal Code* unless the prescribed training in the use of that weapon or device has been successfully completed;
 - or
 - 3) identify himself or herself as a police officer.

4.2 Upon the appointment or the suspension, reinstatement or revocation of the appointment as an auxiliary constable, the chief officer shall forthwith cause the Register (see Appendix 9) to be revised to reflect the:

- (i) date of the appointment and the section of the General Regulations which reflects the

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candidates qualifications at the time of appointment (Section 10 of the General Regulations);

- (ii) date of suspension;
- (iii) date of reinstatement;
- (iv) date of revocation of the appointment; and
- (v) restrictions (Section 45(11) of the *Act* and Section 10(2) General Regulations)

5.0 Procedure for the Appointment of the Director of the Atlantic Police Academy

5.1 The President of Holland College upon determining the candidate for appointment as the Director of the Atlantic Police Academy fulfills the requirements set out in Section 47(1) of the Act and Section 7(2) of the General Regulations shall:

- (i) prepare a Form 4B (see Appendix 4);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 4B to the Commissioner of Oaths; and
 - (b) pursuant to Section 47(2) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with the Minister's Directive on Identifications Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is provided a copy and reasonable steps are taken to ensure the appointee understands the provisions of the:
 - (a) Code of Professional Conduct and Discipline;
 - (b) adopted Use of Force Model; and
 - (c) Minister's Directives.

6.0 Procedure for the Appointment of an Instructing Officer

6.1 The Director upon determining the candidate for appointment as an instructing officer fulfills the requirements set out in Section 48(3) of the Act and Section 12 of the General Regulations shall:

- (i) Prepare a Form 5B (see Appendix 5);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 5 to the Commissioner of Oaths; and
 - (b) pursuant to Section 48(4) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with Section 48(5) of the *Act* and the Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is provided a copy and reasonable steps are taken to ensure the

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appointee understands the provisions of the:

- (a) Code of Professional Conduct and Discipline;
- (b) adopted Use of Force Model; and
- (c) Minister's Directives.

6.2 Upon the appointment or the suspension, reinstatement or revocation of the appointment as an instructing officer, the Director shall forthwith cause the Register (see Appendix 9) to be revised to reflect the:

- (i) date of the appointment and the section of the General Regulations which reflects the candidates qualifications at the time of appointment (Section 12 of the General Regulations);
- (ii) date of suspension;
- (iii) date of reinstatement, or
- (iv) date of revocation of the appointment.

7.0 Procedure for the Appointment of a Police Cadet

7.1 The Director upon determining the candidate for appointment as a police cadet fulfills the requirements set out in Section 50(3) of the Act and Section 13 of the General Regulations shall:

- (i) Prepare a Form 6B (see Appendix 6);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 6B to the Commissioner of Oaths; and
 - (b) pursuant to Section 50(5) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with the Section 50(6) of the *Act* and the Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is:
 - (a) provided a copy of the Code of Professional Conduct and Discipline and the adopted Use of Force Model and that reasonable steps have been taken to confirm he/she has reviewed and understands the provisions therein;
 - (b) informed he or she may assist and participate in training programs with members of a police service; and
 - (c) directed not to act as a police cadet unless accompanied by and under the direct supervision of a member of a police service, or an instructing officer, or the Director.

7.2 Upon the appointment or the suspension, reinstatement or revocation of the appointment as a police cadet, the Director shall forthwith cause the Register (see Appendix 9) to be revised to reflect the:

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- (i) date of the appointment and the section of the General Regulations which reflects the candidates qualifications at the time of appointment (Section 13 of the General Regulations);
- (ii) date of suspension;
- (iii) date of reinstatement;
- (iv) date of revocation of the appointment; and
- (v) restrictions (Section 50(10 and 11) of the *Act*);

8.0 Procedure for the Appointment of a Civilian Instructor

8.1 The Director upon determining the candidate for appointment as a civilian instructor fulfills the requirements set out in Section 51(3) of the Act and Section 14 of the General Regulations shall:

- (i) Prepare a Form 7B (see Appendix 7);
- (ii) arrange for the appointee to present before a Commissioner of Oaths whereupon the appointee shall:
 - (a) present Form 7B to the Commissioner of Oaths; and
 - (b) pursuant to Section 51(5) of the *Act*, take the oath or solemn affirmation prescribed in Section 15 of the General Regulations (see Appendix 8);
- (iii) request an identification card for the appointee in accordance with Section 51(6) of the *Act* and the Minister's Directive on Identification Cards; and
- (iv) provide the appointee with a copy of the *Act* and Regulations and take reasonable steps to confirm the appointee has reviewed and understands the provisions, and, in particular, ensure the appointee is:
 - (a) is provided a copy of the Code of Professional Conduct and Discipline and the adopted Use of Force Model and that reasonable steps have been taken to confirm he/she has reviewed and understands the provisions therein;
 - (b) informed he or she may assist members of a police service; and
 - (c) directed not to act as a civilian instructor unless accompanied by and under the direct supervision of a member of a police service, or an instructing officer, or the Director.

8.2 Upon the appointment or the suspension, reinstatement or termination of employment as a civilian instructor, the Director shall forthwith cause the Register (see Appendix 9) to be revised to reflect the:

- (i) date of the appointment and the section of the General Regulations which reflects the candidates qualifications at the time of appointment (i.e. Section 14 of the General Regulations);
- (ii) date of suspension;
- (iii) date of reinstatement;
- (iv) date of revocation of the appointment; and
- (v) restrictions (i.e. Section 51(10 and 11) of the *Act*);

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9.0 Review of appointment records

- 9.1 The Policing Services Manager shall meet annually with each chief officer and shall review the chief officer's records of appointments made pursuant to the *Act*.
- 9.2 The Policing Services Manager shall meet annually with the Director and shall review the Director's records of appointments made pursuant to the *Act*.
- 9.3 The Policing Services Manager shall meet with the President of Holland College and shall review the records of appointments made pursuant to the *Act*.
- 9.4 The Policing Services Manager shall meet with the chief administrative officers of cities or towns or the senior community administrator and shall review the records of appointments made pursuant to the *Act*.

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APPENDIX 1

FORM 1B

Appointment

Chief Officer of a Police Service

Pursuant to Section 9 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby appoint the following person to exercise all of the authority, responsibility and duties of a chief officer of the [] Police Service(s) as set out in Section 10 of the *Police Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] until his/her employment as a chief officer is suspended or employment as a chief officer of [] Police Service(s) is terminated.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

 [Chief Administrative Officer/Community Administrator]
 [City/Town/Community] of []
 Province of Prince Edward Island

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APPENDIX 2**FORM 2B****Appointment****Police Officer of a Police Service**

Pursuant to Section 10 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, I hereby appoint the following person as a police officer of the [] Police Services to exercise all of the authority, responsibility and duties of a police officer employed with the [] Police Service(s) as set out in Section 10 of the *Police Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] until his/her employment as a police officer with the [] Police Service(s) is suspended or employment as a police officer with the [] Police Service(s) is terminated.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

Chief Officer
[] Police Service(s)
Province of Prince Edward Island

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APPENDIX 3**FORM 3B****Appointment****Auxiliary Constable of a Police Service**

Pursuant to Section 45 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 (*Act*), I hereby appoint the following person to exercise all of the authority, responsibility and duties of an auxiliary constable with the [] Police Service(s) or Royal Canadian Mounted Police] as set out in Section 45 of the *Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] and expires on [date] unless revoked by the chief officer at an earlier date.

The appointment is subject to the following restrictions:

- 1) pursuant to Section 45(10) of the Act , the auxiliary constable shall not to act as an auxiliary constable unless accompanied by and under the direct supervision of a member of the police service that the auxiliary constable is appointed to assist; and
- 2) pursuant to Section 10(2) of the General Regulations the auxiliary constable is not authorized to:
 - a) carry a firearm;
 - b) carry a prohibited or restricted weapon or device as defined in Section 84 *Criminal Code* unless the prescribed training in the use of that weapon or device has been successfully completed; or
 - c) identify yourself as a police officer.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

Chief Officer
[] Police Service(s)
Province of Prince Edward Island

OR

Commanding Officer
Royal Canadian Mounted Police
L Division
Province of Prince Edward Island

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APPENDIX 4

FORM 4B

Appointment

Director of the Atlantic Police Academy

I hereby appoint the following person to exercise all of the authority, responsibility and duties of the Director of the Atlantic Police Academy as prescribed in Sections 48, 49, 50, 51 and 52 of the *Police Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] until his/her employment as the Director of the Atlantic Police Academy is suspended or employment as the Director of the Atlantic Police Academy is terminated.

Dated at [City] in the Province of Prince Edward Island this _____ day of _____, 20__.

President
Holland College
Charlottetown, Prince Edward Island

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APPENDIX 5**FORM 5B****Appointment****Instructing Officer of the Atlantic Police Academy**

Pursuant to Section 48 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 (*Act*), I hereby appoint the following person to exercise all of the authority, responsibility and duties of an instructing officer at the Atlantic Police Academy as prescribed in Section 49 of the Act.

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] and expires upon termination of employment with the Atlantic Police Academy unless revoked by the Director of the Atlantic Police Academy at an earlier date.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

Director
Atlantic Police Academy

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APPENDIX 6**FORM 6B****Appointment****Police Cadet of the Atlantic Police Academy**

Pursuant to Section 50 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 (*Act*), I hereby appoint the following person to exercise all of the authority, responsibility and duties of a police cadet at the Atlantic Police Academy as prescribed in Section 50 (9,10 and 11) of the *Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] and expires on [date] unless revoked by the Director of the Atlantic Police Academy at an earlier date.

The appointment of the police cadet is subject to the following restrictions:

- a. The police cadet is authorized to assist and participate in training programs with members of a police service; and
- b. The police cadet is not authorized to act as a police cadet unless accompanied by and under the direct supervision of a member of a police service, or an instructing officer, or the Director of the Atlantic Police Academy.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

Director
Atlantic Police Academy

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APPENDIX 7

FORM 7B

Appointment

Civilian Instructor of the Atlantic Police Academy

Pursuant to Section 51 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1 (*Act*), I hereby appoint the following person to exercise all of the authority, responsibility and duties of a civilian instructor at the Atlantic Police Academy as prescribed in Section 51 (9, 10 and 11) of the *Act*:

[Name]

Date of Birth: []

Service Number: []

The appointment is in effect from [date] and expires upon termination of employment with the Atlantic Police Academy unless revoked by the Director of the Atlantic Police Academy at an earlier date.

This appointment of the civilian instructor is subject to the following restrictions:

- (a) The civilian instructor is authorized to assist members of a police service; and
- (b) The civilian instructor is not authorized to act as a civilian instructor unless accompanied by and under the direct supervision of a member of a police service, or an instructing officer, or the Director of the Atlantic Police Academy.

Dated at [City/Town/Community] in the Province of Prince Edward Island this _____ day of _____, 20__.

Director
Atlantic Police Academy

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APPENDIX 8

Oath or Affirmation of Office

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

COUNTY OF _____

(CITY/TOWN) OF _____

I, _____, born _____ (date),
having been appointed as a _____ (chief officer,
police officer, security police officer, auxiliary constable, director,
instructing officer, police cadet, or civilian instructor) of the
_____ (name of police service or agency) do solemnly
swear/affirm (*select one*) that I will diligently, faithfully, and impartially
perform all the duties of my appointment according to law and I will not,
except in the discharge of my duties, disclose to any person any matter of
evidence that may come to my notice during this appointment, so help
me God/I so affirm (*select one*).

Appointee

**SWORN BEFORE ME AT _____
IN THE COUNTY OF _____, PROVINCE OF
PRINCE EDWARD ISLAND,
THIS _____, DAY OF _____ 20__**

Commissioner of Oaths

